

**17<sup>th</sup> December 2015**  
**Abuja, Nigeria**

## **JOINT CIVIL SOCIETY DEMANDS ON THE PROPOSED REVISION ON THE WORLD BANK'S ENVIRONMENTAL & SOCIAL FRAMEWORK (ESF)**

We, the representatives of civil society working with World Bank project-affected communities and working at the intersection of human rights and development in Nigeria, at the close of our strategy meeting held on 17<sup>th</sup> December 2015 in Abuja, FCT, Nigeria do hereby adopt the following demands vis-à-vis the proposed revision to the World Bank Environmental & Social Framework (ESF).

Our paramount concern is that the new framework fails to require respect for human rights or robust due diligence to ensure protection of human rights within World Bank-financed activities. We fear that, if adopted as is, the draft ESF will significantly increase development-related human rights violations.

*Accordingly, we raise the following critical concerns and make the corresponding demands:*

### **1. World Bank MUST uphold and ensure respect for human rights**

**WE ARE DEEPLY CONCERNED** that the World Bank's draft ESF does not contain a commitment to respect human rights or ensure that Bank-financed projects do not contravene borrowers' international legal obligations. The only mention of human rights is located within the vision statement rather than the operational section of the ESF and characterizes human rights as merely aspirational.

**WE FIRMLY REJECT** the World Bank Management's "firm view that it should refrain from proposing that Borrower human rights compliance be a standard requirement within the ESF" and the notion that Management "cannot enforce Borrowers' fulfillment under [the Universal Declaration of Human Rights] and other international instruments."

**WE DEMAND** that the ESF include a binding requirement that Bank-financed activities respect human rights and that the Bank and Borrower take all measures necessary to ensure that Bank-financed activities do not cause, contribute to, or exacerbate human rights violations or contravene Borrowers' obligations under international law.

### **2. World Bank MUST Close Broad Loopholes in ESF**

**WE ARE GRAVELY CONCERNED** that the proposed draft ESF erodes the effectiveness of the safeguards as a safety net by establishing several major loopholes. For example, where a project is financed through financial intermediaries or co-financing, or where the Bank decides to rely on a Borrower's national laws and regulations, or where an activity is characterized as a sub-project, safeguard protections may not apply.

**WE DEMAND** that Management must close these loopholes in the draft ESF and ensure that safeguards serve as a minimum protection floor. Where a borrowing country's laws or other alternatives differ from the safeguards, the more protective standard **MUST** apply.

### **3. World Bank MUST NOT Delegate its Due Diligence Responsibilities**

**WE ARE CONCERNED** that the draft ESF abrogates Bank responsibility to supervise projects and ensure that Bank-financed activities do not lead to harm, by weakening due diligence requirements around assessment of risks and impacts, shifting responsibility to self-reporting and monitoring by the Borrower. Projects not categorized as "high risk" are left with insufficient supervision and monitoring.

**WE DEMAND** that the ESF maintains clear Bank responsibility for due diligence, supervision, monitoring, and evaluation. High risk and substantial risk activities should be excluded from any deferral of risk appraisal or management. The Bank must ensure that risk/impact assessment involves participation of affected communities and that the Bank takes necessary steps to verify information provided by the Borrower. The Bank must require third-party or community-based monitoring for high and substantial risk projects.

**WE FURTHER DEMAND** that there be clear requirements for mid-term participatory assessment and publication of project impacts to ensure transparency in the due diligence process. The World Bank **CANNOT** delegate its due diligence obligations under the UN Guiding Principles on Business and Human Rights to the borrower.

### **4. World Bank MUST Strengthen NOT Weaken Protections against Forced Eviction**

**WE ARE CONCERNED** that the proposed resettlement policy in the draft ESF does not ensure that physical or economic displacement only be permitted where a project has demonstrated a legitimate public interest/purpose and no viable alternatives exist. The draft removes critical requirements around resettlement planning and has problematic loopholes for sub-projects or displacement caused by land use regulation, natural resource management, or impacts that are not a direct result of land acquisition. This is of particular concern given the Bank's recent trend toward financing development policy reforms and other projects that have indirect impacts in areas such as the housing sector in Nigeria.

**WE DEMAND** that the new ESF must ensure that displacement is used **ONLY** as a last resort, and **ONLY** where it has met a "general welfare" threshold. Resettlement plans and budgets must be publicly disclosed prior to project approval. The Bank must ensure the resettlement safeguard applies to all project-related physical and economic displacement. It must also strengthen measures to support livelihood restoration and, most importantly, ensure that the policy continues to provide protection for those without formal title.

### **5. World Bank MUST Restore & Strengthen Public Participation and Access to Information**

**WE ARE GRAVELY CONCERNED** that the draft ESF eliminates procedural requirements critical for meaningful disclosure and consultation, including requirements for public disclosure of impact assessments and resettlement plans prior to project approval.

**WE DEMAND** that the ESF must ensure full and effective participation by potentially affected communities, marginalized groups, and civil society in project design, assessment, implementation, and monitoring, consistent with international law.

**WE FURTHER DEMAND** that all necessary information be disclosed at least 120 days prior to project approval and made available in a form and language accessible to potentially affected communities, including through publication in national and local dailies, on radio broadcasting in various local languages, and posting of notices around all potentially affected areas. Consultation must be genuine and ensure broad and diverse participation, within undue restriction on time or number of voices to be heard.

**WE EMPHASIZE** that consultation with local chiefs / traditional leadership structures and CDAs may not be sufficient to guarantee participation of all community stakeholders; consultation must be open to all interested parties, include CSOs, religious leaders, etc.

**6. World Bank MUST Ensure Access to Effective Remedy and Real Accountability**

**WE ARE HIGHLY CONCERNED** that the draft ESF lacks sufficient detail to ensure that project-affected persons have access to independent grievance mechanisms and thereby effective remedy.

**WE DEMAND** that the new ESF must include requirements for the design of grievance mechanisms to ensure accessibility, transparency, and independence, security of complainants and witness, and ensure access to effective remedy. Mechanisms must be designed with input from potential users. Under no circumstances should a complainant's use of a grievance mechanism impede access to the World Bank Inspection Panel.

**WE FURTHER DEMAND**, in order to make the above possible, that the World Bank must establish a victim redress fund to assist victims in accessing legal advice and representation. Moreover, the first money released in any project should go to support independent CSOs to sensitize and build the capacity of project-affected communities.

**7. World Bank MUST Mainstream Gender into the New ESF**

**WE ARE HIGHLY CONCERNED** that the new ESF neither includes a specific gender safeguard, nor mainstreams gender concerns. The framework fails to require respect for the rights of women and girls, or ensure that impacts on women and girls are adequately assessed and addressed.

**WE DEMAND** that the new ESF includes a gender safeguard that requires respect for the rights of women and girls, consistent with the UN Convention on the Elimination of All Forms of Discrimination Against Women. Gender issues must be systematically integrated throughout the safeguards, including measures to ensure the full participation of women and girls and the prevention of gender discrimination in Bank-financed activities.

## **8. World Bank MUST Ensure Provisions on Security are in Line with International Law**

WE ARE CONCERNED that the draft ESF provisions regarding security personnel are not consistent with international law or best practice and do not clearly cover both private and public security forces. It falls short of requiring Borrowers to disclose security arrangements or take necessary measures to prevent excessive force. The latest draft removes a reference to the United Nations' Code of Conduct for Law Enforcement Officials, and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. There is no reference to the Voluntary Principles on Security and Human Rights.

**WE DEMAND that the ESF strengthen the provisions on security to prevent excessive use of force in connection with Bank-financed activities. Borrowers MUST disclose security agreements, ensure that such agreements include clear references to human rights obligations and the above-mentioned international standards on security and human rights, and take all necessary measures to prevent, investigate, report, prosecute, and remedy human rights violations by public or private security forces connected with Bank-financed activities, including access to project-level grievance mechanisms equipped to address security-related complaints from affected communities.**

**WE FURTHER DEMAND that the ESF recognize and reinforce the critical role of national oversight bodies and grievance mechanisms such as the National Human Rights Commission with responsibility for handling security-related complaints.**

**SIGNED this 17<sup>th</sup> of December 2015 at Abuja, FCT, Nigeria**

***FOR & ON BEHALF OF ALL ATTENDEES OF OUR CIVIL SOCIETY STRATEGY MEETING:***

- **AFRICAN LAW FOUNDATION (AFRILAW)**
- **COMMUNITY POLICING PARTNERS (COMPPART)**
- **JUSTICE & EMPOWERMENT INITIATIVES – NIGERIA (JEI-NIGERIA)**
- **GLOBAL RIGHTS: ADVOCATES FOR SUSTAINABLE JUSTICE**
- **NIGERIAN SLUM / INFORMAL SETTLEMENT FEDERATION**