

June 1, 2020

Via Electronic Mail

Antoanela Pavlova
HRO, HRTD at OHCHR
Office of the United Nations High Commissioner for Human Rights
apavlova@ohchr.org

Re: Financing for Development - Special Rapporteur on the Right to Development

Dear Ms. Pavlova:

We are writing in consultation regarding the Special Rapporteur's forthcoming thematic report on financing for development. Please review these important considerations based on our experience in this field as you prepare your report.

[Accountability Counsel](#) amplifies the voices of communities around the world to protect their human rights and environment. As advocates for people harmed by internationally financed projects, we employ community driven and policy level strategies to access justice. We pay particular attention to the rights of [women, girls, and other marginalized groups](#). [Our vision](#) is that communities take part in decisions that affect them and secure remedy to realize rights; effective and robust accountability systems deter abuses; and international institutions and corporations respect communities and prevent abuses.

From our decade of experience, we have seen how well-intentioned development projects can undermine the right to development when not designed or implemented properly. Negative project impacts, including those related to [unfair labor conditions](#), [extreme noise pollution](#), or [water contamination](#), can devastate already vulnerable communities and can undermine the sustainability of development projects. These negative impacts usually implicate a top-down approach to development where communities lack robust access to information, are not consulted throughout the project cycle, or are otherwise limited in their ability to express their desires or concerns related to development projects that impact them.

We help [communities](#) access accountability and remedy for negative project impacts through navigating the complaint processes at [independent accountability offices](#), which are found at most multilateral development banks and other development finance institutions. These offices can provide efficient, flexible, and cost-effective means of addressing and resolving grievances and disputes. For example, through a dispute resolution process facilitated by the

International Finance Corporation's accountability office, known as the Compliance Advisor Ombudsman, [Mongolian herders](#) were able to successfully negotiate a set of agreements with mining giant Rio Tinto and the Mongolian government to address negative impacts from the IFC-financed Oyu Tolgoi mine. The agreements include provisions to restore the herders' livelihoods, address challenges with access to water and pasture, and improve monitoring of the mine's impacts. Accountability offices can also provide useful lessons to institutions and investors for the prevention of harm.

Independent accountability offices are vital to fully effectuate the right to development. Institutions that currently have accountability offices must ensure that the offices are [accessible and effective](#), and must ensure that communities receive [meaningful remedy](#) to address grievances and restore livelihoods. Unfortunately, many development actors and financial institutions lack accountability offices, which restricts communities' ability to access accountability and justice for harm caused by projects and likewise restricts the ability for these actors to receive important feedback on the impacts of their projects. [Chinese financial institutions](#), [impact investors](#), and [private banks](#), among other actors, should address this accountability gap as soon as possible. Addressing this accountability gap is even [more important now](#) as institutions and investors respond to the short-term and long-term development needs caused by the COVID-19 crisis, which is causing some projects to be [fast-tracked](#) without the standard due diligence processes and without the benefit of in-person consultations.

In addition to ensuring that accountability and meaningful remedy are available when development goes wrong, development institutions and other investors should ensure that they are engaging the very communities that their projects intend to benefit, beginning before a project is implemented and continuing throughout its duration. As mentioned above, many communities lack robust information about projects that could potentially affect their lives, and therefore lack the ability to meaningfully engage with decision makers on those projects. Institutions and investors should ensure that timely and comprehensive project information is publicly available, including in languages and formats that are accessible to affected communities. We recommend that you review the work of the [International Accountability Project](#) (IAP) and the [Early Warning System](#) (a joint project of IAP and the [Center for International Environmental Law](#)), which aims to address these access to information and community participation gaps.

Likewise, institutions and investors should ensure that they are conducting robust consultations with communities on project plans and communities' overall development desires. Out of all eligible complaints filed to independent accountability offices, inadequate consultation is one of the [top issues](#) raised by communities (as documented on the [Accountability Console](#)). Many communities that raise challenges to development projects are labeled as

“anti-development,” when in fact, they often have other development priorities that better suit their needs and context, which should be taken seriously and supported by development actors. Financing for development starts to fail when those whose development is sought are not at the initiation point of decisions.

For example, Karen communities in the Tanintharyi region of [Myanmar](#) filed a complaint to the United Nations Development Programme’s (UNDP) accountability office about the “Ridge to Reef” conservation project, which has received funding from UNDP and the Global Environment Facility. The communities assert that the project was established in a top-down fashion without the Free Prior Informed Consent (FPIC) of Indigenous communities in the area. Communities fear the project would result in harm to their lives and livelihoods, including restriction of access to traditionally managed lands and forests, the foreclosure of the rights of refugees to return to their lands, and an exacerbation of political tensions between the Karen National Union and Myanmar government. Instead of the Ridge to Reef project, the communities have [proposed](#) an alternative in its place – an Indigenous-led conservation plan, called [Landscape of Life](#), that both protects the rich biodiversity of the Tanintharyi region and respects local peoples’ knowledge and rights. The communities are calling on international donors to support the *Landscape of Life* plan and advance sustainable and effective conservation in the region.

We thank you for the opportunity to provide comments for the Special Rapporteur’s report. We look forward to ongoing engagement with your team and reading the final report.

Sincerely,



Natalie Bridgeman Fields
Founder & Executive Director
Accountability Counsel