

BY E-MAIL

May 22, 2023

Professor/Dr. Surya Deva
United Nations
Special Rapporteur on the Right to Development

Dear Dr. Deva:

**Re: **Congratulations; Looking forward to working with you on Public
Development Banks and the Right to Development****

Congratulations on your appointment as the United Nations (UN) Special Rapporteur on the Right to Development.

We, the undersigned organizations and networks, come from over 35 different countries from Asia, Africa, Latin America, North America and Europe. Together, we are working towards human right-based and community-led development, which is by the people, for the people, and prioritizes grassroots communities' visions of development. We collaborate with local communities, Indigenous Peoples and human rights defenders affected by international investments and public development finance, engaging in campaigns, advocacy and policy work from the grassroots to the global level.

Many of us had the opportunity to collaborate with you in your previous role on the UN Working Group on Business and Human Rights, and we appreciated your important work on issues related to public development finance, national action plans on business and human rights, and corporate accountability. We welcome you to your new role and we hope to work more closely with you on leveraging Public Development Banks (PDBs) to advance your mandate.

PDBs have a prolific impact on Right to Development issues. In 2022, they represented approximately \$2.7 Trillion of new financing or 12% of global investment.¹ As one of the largest sources of public finance for international development, PDBs should be accountable to people and should be working to advance the Right to Development. Additionally, PDBs are being pushed by influential shareholders to prioritize and dramatically increase their 'climate finance', thus greatly influencing how States will respond to the climate crisis. Recognizing the significant push to increase the quantity of financing mobilized, governed and disbursed by PDBs, we want to work with you to expand the conversation on impacts of PDBs to ensure a just and equitable transformation under the Right to Development.

¹ Finance in Common, Public Development Banks at Glance, last accessed online May 2023 at: <https://financeincommon.org/#pddb-database>

Public development finance should serve as a resource that communities in the Global South can use to address rising inequality, lack of a social safety net, social instability, corporate capture, growing authoritarianism, climate change, ecological crisis, and risks of pandemics.

Unfortunately, PDBs act in a way that is inconsistent with and violates the Right to Development. They primarily work with governing and economic elites to implement development in a top-down manner without the meaningful participation of grassroots communities and their allies. The focus on economic growth (as measured through gross domestic product) and trickle down economics justifies projects and policies that are geared towards international markets, rather than demonstrably locally-led development pathways and priorities.

Communities in the Global South and their allies have documented how – in the name of development – PDB-supported projects lead to environmental degradation and human rights violations. For example, large hydro-dams are forcing Indigenous, Afro-descendant and traditional peoples off their lands, and mega-mines to support the energy transition are destroying ecosystems. Too often local communities find out about PDB-supported projects only when the bulldozer shows up at their door.²

PDB activities have also eroded State's financial capacities to fulfill international human rights obligations by increasing debt burdens, and enabling tax avoidance.³ They have supported financialization and privatization of the commons through public-private partnerships for essential services,⁴ encouraging deregulation,⁵ and formalization of public lands as a transferable asset for States to privatize.⁶ Additionally, in a context of growing authoritarianism and closing civic space across the world, we have documented how PDBs partner with State and non-State actors who violate human rights and restrict public participation and dissent.⁷

We want to work with you to transform development finance so it is human rights-based and community-led, and plays a positive role to advance the Right to Development.

² See for e.g., International Consortium of Investigative Journalists, *Evicted and Abandoned: The World Bank's broken promise to the poor* (ICIJ, 2015), available online at:

<https://www.icij.org/investigations/world-bank/>

³ Oxfam, *The World Bank has a Tax Havens Problem* (March 2020), available online at

<https://politicsofpoverty.oxfamamerica.org/the-world-bank-has-a-tax-havens-problem/>

⁴ See for e.g., Eurodad, *History RePPPeated II - Why Public-Private Partnerships are not the solution* (December 2022), available online at:

https://www.eurodad.org/new_report_exposes_failure_of_public_private_partnerships_ppps_newsletter

⁵ See for e.g., Bretton Woods Project, *Death of Doing Business Report greatly exaggerated as World Bank announces rebranding plans* (Observer, December 2021), available online at:

<https://www.brettonwoodsproject.org/2021/12/death-of-doing-business-report-greatly-exaggerated-as-bank-announces-rebranding-plans/>

⁶ See for e.g., Oakland Institute, *The Highest Bidder Takes It All: The World Bank's Scheme to Privatize the Commons* (January 2019), available online at:

<https://www.oaklandinstitute.org/highest-bidder-takes-all-world-banks-scheme-privatize-commons>

⁷ See for e.g., Coalition for Human Rights in Development et. al., *Uncalculated Risks* (May 2019), available online at: <https://rightsinddevelopment.org/uncalculatedrisks/>

As cornerstones of such an approach, PDBs should adopt and promote:

- Community-led development as a model to realize the Right to Development;
- Rights based approaches that allow human rights defenders and environmental defenders to operate in a safe and enabling environment free from fear of reprisals;
- Gender-responsive frameworks that acknowledge the gendered impact of PDBs on women and LGBTQ+ populations;
- Commitments to comply with the Free, Prior and Informed Consent of Indigenous Peoples and other communities who have similar rights; and
- Holistic strategies to include voices of excluded and systemically marginalized communities in environment and natural resources related decision making.

We would appreciate your support to push PDBs to adopt human rights policies rooted in the recognition of their obligations under international human rights law. Their human rights policies and practice reforms must include:

- Human Rights Due Diligence framework for project and policy interventions;
- Human Rights based remedy and accountability frameworks;
- Human Rights based development indicators in accordance with the Right to Development; and
- Greater transparency from PDBs and their partner States and corporations.

We believe you are in a strong position to push PDBs to accept their responsibility under international law, and to drive them to ensure all of their lending, policies and programmes support – rather than hinder – State capacity to meet their international human rights obligations. We also want to work with you to leverage PDBs to:

- implement recommendations from the Intergovernmental Panel on Climate Change to shift development pathways towards sustainability, with attention to equity and broad and meaningful participation to build social trust, and deepen and widen support for transformative changes;⁸ and
- scale up investments in SDG16+ at all levels, including through additional support for critical voices from civil society and grassroots communities.

In addition, we would welcome your support to advocate for governance reforms within PDBs,⁹ and ongoing efforts to strengthen the democratic legitimacy and governance of the international financial architecture – including PDBs, the International Monetary Fund,¹⁰ and other mechanisms and actors – by ensuring the primacy of the UN system. Within this context, we

⁸ Intergovernmental Panel on Climate Change, Climate Change 2022 - Mitigation of Climate Change - Summary for Policymakers (2022), available online at

https://www.ipcc.ch/report/ar6/wg3/downloads/report/IPCC_AR6_WGIII_SPM.pdf

⁹ Coalition for Human Rights in Development Steering Committee, "Democratic deficit in World Bank presidential appointment: Where is the evolution?" (Bretton Woods Project Observer, April 2023), available online at:

www.brettonwoodsproject.org/2023/04/democratic-deficit-in-world-bank-presidential-appointment-where-is-the-evolution/

¹⁰ See for e.g., CSO Letter to Mr. Volker Türk United Nations High Commissioner for Human Rights (December 2022), available online at: <https://arabwatchcoalition.org/2022/12/12/new-letter/>

want to work with you to ensure that PDB responsibility is covered within the scope of a legally binding instrument on the Right to Development, as well as a binding treaty on business and human rights.

We also support broader calls from the economic justice movement for a sovereign debt workout mechanism under the UN, a UN Convention on Tax, and calls for universal social protection, living wages and support for meaningful livelihoods. These will help create crucial sources of funds for communities to advance their own development pathways and priorities, in tandem with frameworks of participation, remedy and accountability at an intergovernmental level.

We hope you are open to meet with us and our partners to discuss your mandate on the Right to Development, your plans for work on development finance, and your goals to instrumentalise and implement the Right to Development. We would welcome the opportunity to meet with you and welcome you to many of our countries to meet the local communities whose Right to Development is being violated in the name of development.

Thank you,

AbibiNsroma Foundation, Ghana
Accountability Counsel, United States/International
Africa Network for Environment and Economic Justice (ANEEJ), Nigeria
African Law Foundation (AFRILAW), Nigeria
African Resources Watch (AFREWATCH), République Démocratique du Congo
ALTSEAN-Burma, Burma/Myanmar
AMAN Maluku, Indonesia
Appui aux Initiatives Communautaire de Conservation de l'Environnement et de Développement Durable, AICED , République démocratique du Congo
Asian Forum for Human Rights and Development (FORUM-ASIA), Thailand
Asociación Unión de Talleres 11 de Septiembre, Bolivia
Bond UK, United Kingdom
Both ENDS, Netherlands
BRICS Feminist Watch, Global
BRICS Policy Center, Brazil
Centre de Défense des Droits de l'Homme et Democratie (CDHD), République Démocratique du Congo
Centre de Formation Pour l'Entraide et le Développement (CFEDEC), Haiti
Centre for Community Mobilization and Support NGO, Armenia
Coalition for Human Rights in Development, Global
Committee for Peace and Development Advocacy, COPDA , Liberia
Community Empowerment and Social Justice Network (CEMSOJ), Nepal
Community Initiative Action Group Kenya, Kenya
Community Organizers Multiversity, Philippines
Community Resource Centre, Thailand

Endorois Welfare Council, Kenya
Environics Trust, India
European Network on Debt and Development (Eurodad), Europe
Federazione degli organismi di volontariato internazionale di ispirazione cristiana (FOCSIV), Italy
Freedom from Debt Coalition, Philippines
Gender Action, United States of America
Global Advocacy Team on Community-led Development Planning, Global
Green Advocates International, Liberia
Inclusive Development International , United States
Initiative for Right View(IRV), Khulna, Bangladesh, Bangladesh
Insiza Women in Mining Trust, Zimbabwe
Instituto de Estudos Socioeconômicos - Inesc, Brazil
Integrated Social Development Effort (ISDE), Bangladesh
International Accountability Project (IAP), Global
Jamaa Resource Initiatives, Kenya
Just Ground, United States
KRuHA (Koalisi Rakyat untuk Hak atas air / The People's Coalition for The Rights to Water), Indonesia
Lumière Synergie pour le Développement, Senegal
Narasha Community Development Group, Kenya
New Apostolic Centre for Development, Nigeria
Observatoire d'Etudes et d'Appui à la Responsabilité Sociale et Environnementale (OEARSE), République Démocratique du Congo
Oyu Tolgoi Watch, Mongolia
Pain aux Indigents et Appui à l'auto-Promotion/PIAP, République Démocratique du Congo
PakAid, Pakistan
Pakistan FisherFolk Forum, Pakistan
Peace Point Development Foundation-PPDF, Nigeria
Protection International (PI), Belgium / Global
Public Interest Law Center, Tchad
Reality of Aid-Asia Pacific, Asia-Pacific
Réseau Camerounais des Organisations des Droits de l'Homme (RECODH) / Cameroon
Network of Human Rights Organizations (CNHRO), Cameroon
Recourse, Netherlands
Red de Managua, Nicaragua
Research Voice Tanzania (RVT), Tanzania
Rivers without Boundaries Coalition, Eurasia
Sustainable Holistic Development Foundation (SUHODE), Tanzania
Sustentarse, Chile
Swedwatch, Sweden
The Bretton Woods Project, United Kingdom
Twerwaneho Listeners' Club, Uganda
Uganda Consortium on Corporate Accountability, Uganda

Urgewald, Germany

Witness Radio, Uganda

Women Participation Promotion Organization, Afghanistan

World Economy, Ecology & Development (WEED), Germany

Youth for Promotion of Development (YPD) , Cameroon

Zo Indigenous Forum, India