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February 2, 2015

Mr. Makhtar Diop  
Vice President for Africa  
World Bank  
1818 H Street, NW  
Washington, DC 20433 USA

Cc: Mr. Guang Z. Chen, Country Director for Ethiopia  
Greg Toulmin, Country Program Coordinator, Ethiopia

## Re: PBS (II-AF) and PBS (II) Ethiopia Action Plan

Dear Vice President Diop,

As you are aware, Human Rights Watch has researched and documented human rights violations that the government of Ethiopia has committed in the course of its “villagization” program in both Gambella and in the Lower Omo valley. We have also reported on the links between villagization and the various iterations of the World Bank’s Promoting/Protection of Basic Services projects. With this in mind, I write to you as your staff are working to prepare an action plan responding to the Inspection Panel’s findings of non-compliance in its Ethiopia investigation.

We urge you to ensure that World Bank management responds to the Inspection Panel findings comprehensively in its action plan. Human Rights Watch has been profoundly disappointed by the lack of constructive engagement of World Bank management on the problems of villagization in Ethiopia and its unwillingness to work to address a range of human rights risks in its programming. The concerns raised in the Investigation Panel’s report are an opportunity to adjust management’s course on its Ethiopia programming and address these issues.

We believe the Action Plan should include a commitment to:

## **1. Enhance Management's High Level Dialogue with the Ethiopian Government**

Whenever World Bank staff, particularly you or President Kim, meet with the Ethiopian government, we urge you to raise the continuing negative impact that several Ethiopian government policies and practices are having on development efforts.

First, forced evictions and development-related displacement continues to have serious negative effects on communities in various parts of the country, well beyond Gambella. While the government has officially finished its villagization program, it continues to forcibly evict people, including indigenous peoples, from their land ostensibly for development projects, including large-scale agriculture, including for sugar plantation development in the Lower Omo Valley. Bank staff should work with other donors to highlight problems with ongoing practices, as well as pointing to key standards (which should include the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, and standards and jurisprudence of the African regional human rights institutions). While we recognize bank management has discussed some concerns about villagization before and supported the development of standards for involuntary resettlement, relying on the Bank's safeguards, dialogue needs to recognize the problems with the existing practices and advise on how to address them.

Second, it is crucial that the Bank asserts the importance of civic participation and social accountability for effective development. This means consistently raising concerns, and urging reforms of the Ethiopian government's Charities and Societies Proclamation and Anti-Terrorism Proclamation, which have had such a devastating impact on the ability of Ethiopians to exercise their rights to freedom of expression, association and assembly. It is also crucial that the Bank and other donors press the Ethiopian government to reverse the practices of arbitrary arrest and detention, and politically motivated prosecutions of independent journalists, activists, and opposition party members including media reporting on problematic "development" initiatives. Independent nongovernmental organizations and media are essential for accountability, and these repressive policies undermine both civic participation and social accountability.

Third, you should raise concerns over discriminatory practices in the country, both on the basis of ethnic background and political opinion. President Kim has spoken passionately about the scourge of discrimination. This should translate into a dialogue with the government not only about how discrimination is wrong, but how it undermines development. Human Rights Watch and others have documented discriminatory practices against individuals not supporting the ruling party in the distribution of the benefits of

development, including access to agricultural inputs like seeds and fertilizers, micro-credit loans and job opportunities. In this context, bank management should highlight these ongoing discriminatory practices, including against those who do not support the ruling party and against indigenous groups in areas where villagization occurred including Gambella and the Lower Omo valley.

Finally, it is essential that Ethiopia respect and protect the rights of indigenous peoples. You may want to consider the work of the African Commission on Human and Peoples' Rights, which has on several occasions discussed indigenous rights within the African context. The African Commission's Working Group on Indigenous Populations/Communities has suggested that, in determining whether groups fall within the definition of indigenous peoples, the:

focus should be on ... self-definition as indigenous and distinctly different from other groups within a state; on a special attachment to and use of their traditional land whereby their ancestral land and territory has a fundamental importance for their collective physical and cultural survival as peoples; on an experience of subjugation, marginalization, dispossession, exclusion or discrimination because these people have different cultures, ways of life or modes of production than the national hegemonic and dominant model.<sup>1</sup>

The Commission has helpfully addressed common misconceptions regarding indigenous peoples in Africa, paraphrased in attachment 1.

## **2. Address Risks at the Project Level**

The report of the Inspection Panel shows that the World Bank needs to have systems in place to analyze and avoid or mitigate the above and other human rights risks linked to its projects in Ethiopia. The Bank should acknowledge that the repressive environment in Ethiopia requires an entirely different approach to participation and social accountability. It should work with other donors to develop creative methods for participation that avoid risks of reprisals against those who express dissent and to encourage fearful individuals to use mechanisms and institutions that ensure participation and accountability, free of intimidation and fear. In recognition of the difficulties of ensuring participation and effective, secure avenues for accountability, the Bank should routinely identify security

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<sup>1</sup> Report of the African Commission's Working Group on Indigenous Populations/Communities, adopted by the African Commission on Human and Peoples' Rights at its 34th Ordinary Session (Nov. 6-20, 2003). See also ACHPR, "276/03 Center for Minority Rights Development (Kenya and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya," May 2009, paras. 147-162.

risks for project-affected persons including the risk of reprisal if individuals criticize a project or oppose resettlement.

Considering the high-risk environment, World Bank management should explicitly report to the board on how it has analyzed and addressed all risks of social and human rights impacts in each project in Ethiopia at least annually. Such a report should outline how management has addressed security risks, risks of all forms of discrimination, potential obstacles to participation and accountability, and risks related to land rights or forced evictions, as well as any other potential adverse social or human rights impact.

The World Bank should also ensure that it comprehensively complies with its Indigenous Peoples' policy in all projects in which indigenous peoples stand to be impacted, directly or indirectly. Compliance needs to go beyond consulting with indigenous peoples in the course of undertaking a social impact assessment, and instead involve comprehensive participation of indigenous peoples in all bank-projects that affect them beginning at the project proposal stage and throughout the entire project cycle. The World Bank should only proceed with projects that affect indigenous peoples with their free, prior, and informed consent as provided by international law.

Furthermore, the bank should require independent third party monitoring and independent grievance redress mechanisms for all of its projects in Ethiopia. Until the environment for independent organizations, including nongovernmental organizations and the media, improves substantially, there is little opportunity for individuals to report problems with World Bank projects. Many of the existing grievance redress mechanisms lack independence from the government or, equally important, are perceived to lack independence.

While the bank has championed its "social accountability mechanisms" in Ethiopia, we question the effectiveness of these mechanisms within the current repressive environment. Statements from the requesters indicate that they would never utilize such mechanisms because of government involvement, and the Bank should heed these concerns. Unfortunately, to date, the bank does not appear to have addressed the question of how these mechanisms can be effective within the current repressive environment. The World Bank needs to find alternative, effective mechanisms to supervise its projects and permit people to safely complain about grievances.

Finally, in accordance with the World Bank's commitment to and expertise regarding fiscal transparency and accountability, management should only support projects for which funds can be tracked. Tracking the funding is necessary for tracking the full impacts of a

World Bank-financed project. It is also particularly relevant considering the bank's decision not to provide direct budget support to Ethiopia because of the high-risk environment. The Inspection Panel pointed to the challenge of tracking PBS' financing, in particular, because the government did not share key financial information. This is immensely problematic and should be promptly remedied.

### **3. Provide the Requesters with a Remedy**

The requesters have proposed measures to remedy the problems they highlighted in their complaint and a strong Action Plan is needed to address these concerns, which Human Rights Watch supports. I attach their letter for ease of reference.

The Action Plan should provide effective development and much-needed basic services to the people of Gambella, free of the requirement to be supportive of the ruling party. As indigenous people, the requesters should be partners in the World Bank's development initiatives, which includes the right to be meaningfully consulted and for development projects to only go forward with their consent, free of any intimidation.

Given the climate of fear and repression that exists in Ethiopia, it is unlikely that many requesters will feel safe to return home to Gambella. In light of this, the Action Plan should address some of the most urgent needs of the requesters in the refugee communities including the lack of education and livelihood opportunities.

Finally, we urge the World Bank management to present the final Action Plan to the requesters in person in Kenya and South Sudan, comprehensively explaining it and responding to the requestors' letter.

Thank you for considering our recommendations. I would be most happy to discuss them with you or your staff further and can be reached at +1 917 930 7763 or [evansj@hrw.org](mailto:evansj@hrw.org). I look forward to your response.

Sincerely,



Jessica Evans  
Senior Advocate on International Financial Institutions  
Business and Human Rights Division  
Human Rights Watch

## Annex 1

### **The African Commission's Working Group on Indigenous Populations / Communities has debunked several misconceptions regarding indigenous peoples in Africa:**

*Misconception 1: To protect the rights of indigenous peoples gives special rights to some ethnic groups over and above the rights of all other groups.*

Certain groups face discrimination because of their particular culture, mode of production, and marginalized position within the state. The protection of their rights is a legitimate call to alleviate this particular form of discrimination. It is not about special rights.

*Misconception 2: Indigenous is not applicable in Africa as "all Africans are indigenous."*

There is no question that Africans are indigenous to Africa in the sense that they were there before the European colonialists arrived and that they were subject to subordination during colonialism. When some particular marginalized groups use the term "indigenous" to describe themselves, they use the modern analytical form (which does not merely focus on aboriginality) in an attempt to draw attention to and alleviate the particular form of discrimination they suffer from. They do not use the term in order to deny other Africans their legitimate claim to belong to Africa and identify as such.

*Misconception 3: Talking about indigenous rights will lead to tribalism and ethnic conflicts.*

Giving recognition to all groups, respecting their differences and allowing them all to flourish does not lead to conflict, it prevents conflict. What creates conflict is when certain dominant groups force a contrived "unity" that only reflects perspectives and interests of powerful groups within a given state, and which seeks to prevent weaker marginal groups from voicing their unique concerns and perspectives. Conflicts do not arise because people demand their rights but because their rights are violated. Protecting the human rights of particularly discriminated groups should not be seen as tribalism and disruption of national unity. On the contrary, it should be welcomed as an interesting and much needed opportunity in the African human rights arena to discuss ways of developing African multicultural democracies based on the respect and contribution of all ethnic groups.

*Source: Paraphrased from Report of the African Commission's Working Group on Indigenous Populations/Communities, Adopted by the African Commission on Human and Peoples' Rights at its 34th Ordinary Session, November 6-20, 2003.*