



ROBERT F. KENNEDY MEMORIAL

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Mr. Paul Wolfowitz
President, World Bank Group
1818 H Street
Washington, D.C. 20433

December 20, 2005

Dear President Wolfowitz,

In light of the Chadian government's recent attempts to amend the revenue management law, I am writing to commend your serious concerns with the government's actions and to implore you to take further decisive action to ensure that the law remains intact and respected. (World Bank Press Release No: 2006/194/AFR). The elimination of the "future generations" provision or any other amendment to the law would not only put the success of the pipeline project into jeopardy, it would also violate Chad's human rights obligations.

As a State Party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the government of Chad is obligated to improve the respect of these rights and to demonstrate this improvement. Article 2 of the Covenant outlines the full legal obligations of parties to the treaty: "Each State Party to the present Covenant *undertakes to take steps . . . to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means. . .*" (ICESCR, Art. 2) This language obligates State parties to demonstrate measurable improvements in the educational and health sectors.

Chad's core minimum obligation, to assure the economic and social rights of its citizens, is frustrated, in some part, by a deficiency of resources. This situation is changing, to some degree, as a result of the oil revenues. The enactment of Law 001/99 demonstrates Chad's potential for fulfilling this commitment. However, if Chad successfully dissects the law so as to avoid the allocation of revenues to the priority sectors, further deterioration in the human rights situation in Chad would result. Law 001/99 should be read in light of these treaty obligations; the attempt to amend the law is a direct violation of the Covenant.

Chad's international legal obligations can be used to buttress the Bank's argument that Chad must adhere to the provisions of the law. This is not a matter of a sovereign power choosing how to spend their own revenues. Chad is already obligated to spend them improving the human rights of the people of Chad, as is their obligation under the International Covenant. As long as it is a State Party to the Covenant and other related legal instruments, such as the Convention on the Rights of the Child, Chad is obligated to use the revenues in a certain way. Given the participation of civil society, the original revenue law was drafted with an understanding of this.

The Chadian government should not only follow the oil revenue management law because it is good policy but because it is their legal obligation to do so. We would like to encourage you and the World Bank to utilize this legal framework as leverage in your interactions with the Chadian government. The World

Bank's policy and goals should be examined through a lens of human rights, because eradicating poverty and development are intrinsically about human rights.

The Bank has been instrumental in moving the Chad/Cameroon Oil & Pipeline Project forward and bringing in these hundreds of millions of dollars into Chad. As a responsible party, the World Bank should ensure that the government of Chad is conforming to their obligations, not simply sending money without reference to its legal framework. Any changes must conform to its legal obligations and the proposed changes would not. If the money is used to eradicate poverty, this would be in accordance with these obligations. In reality, Law 001/99 was in conformity on paper, but not in practice with Chad's human rights obligations. For Chad to be in compliance, the law must not be changed and significant visible steps toward accountability must be taken.

You have stressed the importance of accountability and transparency in the Pipeline Project, and we agree that this is of the utmost importance for a successful development project and for poverty reduction. It is also extremely important that the World Bank uses its influence and leverage to ensure that these principles are respected internally within the Bank and in the governments of the countries with which the Bank partners.

Also of paramount importance is that civil society organizations in Chad are equipped with the information to counterbalance the internal power divide within Chad between the government and the people. If the citizens of Chad knew in detail about the incoming revenues, the projects approved and the projects implemented, the government would be more apt to adhere to the law. To that end, there should be an institutionalized civil society monitoring component to the Chad project. Again, this is not just good policy, this is the law - given Chad must show measurable improvement in the human rights situation given its additional revenues, but neither it nor civil society has the capacity to measure these changes.

The 2004 RFK Human Rights Award winner, Delphine Djiraibe, is an attorney in Chad who has been advocating for governmental transparency and for the human rights of Chadian people since the inception of the Pipeline project. Although Delphine was glad to hear of your concerns with the government's recent actions, she shares our view that the World Bank has to take further action to stop any more violations of international law.

Thank you for your time and attention. Delphine and I would welcome the opportunity to speak with you and your staff about the Chad project and the necessary steps to ensure it is a success and a model for future development projects. We share a common objective: to reduce poverty and to improve the human rights situation in Chad, and I welcome our future collaboration toward realizing this goal.

Sincerely,



Todd Howland
Director, Center for Human Rights