FINDINGS OF THE JURY

INDEPENDENT PEOPLE'S TRIBUNAL ON THE WORLD BANK IN INDIA

11 SEPTEMBER 2008

VERDICT FROM THE INDEPENDENT PEOPLE'S TRIBUNAL
HELD AT JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI, INDIA 21 – 24 SEPTEMBER 2007

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CONTENT

WHY A TRIBUNAL ON THE WORLD BANK IN INDIA?

Over the past few years, several groups have come together to monitor the World Bank's functioning in India, especially with regard to its Country Assistance Strategy; its review of its social and environmental standards; its proposal of using Country Systems in lowering regulatory standards, etc. As part of this process, it was considered important to undertake a broad-spectrum enquiry into the World Bank and the functioning of its allies and to review their impacts nationally. This is the origin of the Independent People's Tribunal on the World Bank Group in India. The purpose behind the Tribunal was to provide a just and unbiased forum for people who have faced the impact of projects and policies funded or promoted by the World Bank Group. The Tribunal was an opportunity to express their grievances and propose alternatives.

Given what seemed to be the record of projects funded and promoted by the World Bank in terms of human rights violations and environmental degradation; the feeble response of this agency and the Indian government to proposals and appeals by the people of India to reconsider its projects and approaches, it was time to examine and judge their claims to serving the wider public interest. The chief focus of this exercise was to study the impact of the World Bank's policies and projects as it is increasing its influence in all directions encompassing the country's economy as well as its educational, social and cultural fabric.

THE TRIBUNAL PROCESS

At the National Consultation on 'Housing and the Urban Poor' held in Mumbai in October 2005, where over two hundred groups participated, a call was issued to take forward this process. Thereafter, in order to formalise the process, over 50 consultations were done with groups, individuals and organisations in various parts of the country. State consultations were held in the two-year preparatory period, primarily in states where the World Bank has played or is playing an active role such as Uttar Pradesh, Orissa, Maharashtra, Karnataka, Andhra Pradesh, Tamil Nadu and Kerala.

The Tribunal was discussed in many national forums and conventions: the Indian Social Forum (Delhi, November 2006), Jan Swasthya Abhiyan (Bhopal, March 2007) and the National Right to Food Convention (Gaya, April 2007). A meeting with like-minded groups was also organised by the Bank Information Centre in June 2006 in Washington, D.C., followed by meetings with individuals and groups who have been tracking the Bank's activities for the last few decades. Finally, two national preparatory and strategy meetings were held in Delhi in September 2006 and June 2007, with groups and movements from all around the country to formalise the scope and structure of the Tribunal.

The Tribunal itself was held from 21-24 September 2007 at Jawaharlal Nehru University, in New Delhi India in collaboration with the JNU Students' Union and the Teacher's Association. Over 150 deponents presented testimonies, 200 students volunteered their time to make the event happen, 13 individuals sat on the Jury, and over 700 people attended. The Tribunal process quickly inspired similar processes in The Hague, Netherlands and in Dhaka, Bangladesh.

The Tribunal on the World Bank Group and its allies was visualised as a collective process that was guided by key organisations and groups from across the country. The Tribunal had the following structure:

- **Jury**– Distinguished individuals from within and outside of India jointly selected by the conveners, advisers and secretariat. They listened to the testimonies and collectively rendered a final judgement.
- **Conveners** – Played the most critical role in the process. They are key groups/ grassroots' organisations and movements who were responsible for a theme,

sector or region of investigation. They assisted the participant groups in mobilising people to testify and attend, putting together the depositions and in selecting the projects to be profiled.

- **Advisers** – Individuals with expertise in the field, who guided research and the direction the Tribunal would take.
- **Endorsing/Participating Organisations** – Large spectrum of groups/grassroots organisations who endorsed and supported the process.
- **Secretariat** – Comprised of researchers and organisers, who facilitated the process, reached out to the various groups and acted as the bridge between the panel, conveners and advisers. The secretariat also provided administrative and logistic support to the process and assisted with research.

As part of the Tribunal process over 60 invitations were sent to all the relevant governmental departments and ministries such as the Ministry of Economic Affairs, the Finance Ministry and the Planning Commission. Invitations were also sent to the World Bank's headquarters and to its country office in Delhi. However, none of the government representatives chose to participate in spite of the event being held in the capital where all the departments are situated. The World Bank initially agreed to attend one session on the final day to give a response. The Bank requested the secretariat to provide the evidence that was presented to enable them to structure their response. A daily dossier of all the testimonies, expert presentations and overview papers were given to the Bank's India office. However, the World Bank at the last moment chose not to participate and published a rebuttal to the event on their website. The Delhi office of the World Bank also quickly organised meetings with a dozen civil society organisations in order to demonstrate their openness to consultation, despite their refusal to engage with the groups associated with the Tribunal process.

THE FOCUS OF THE TRIBUNAL

This Tribunal focused upon the actions of the World Bank Group because it is the most active and influential of the International Financial Institutes (IFIs) in India. The Tribunal attempted to expose the nature and degree of coordination between the World Bank Group and other IFIs, as they often act in concert. This was the first people's Tribunal of its kind nationally and internationally which looked at the:

1. Sectoral as well as regional impact of the World Bank projects in India; especially on vulnerable communities, including women, children, dalits, minorities, adivasis, workers, fisher folk, and farmers
2. Impact of World Bank loan conditionalities on the sovereignty and democratic processes of the country
3. "Revolving door" which links the World Bank, government agencies and consultants
4. Influence of the Bank emanating from its role as a knowledge provider
5. Extent of the World Bank's involvement in India's policymaking and legislations
6. And the resultant financial indebtedness and loan conditionalities' effects on social sectors (food, water, health and education), particularly in terms of poverty alleviation and reduction of inequality

The Tribunal undertook a broad-spectrum enquiry into almost all the areas of World Bank engagement. Groups presented evidence regarding the impacts of the World Bank within sectors such as water, health, education, agriculture, urban development, and the environment. State-wise depositions were presented where the Bank has directed structural adjustment programmes, such as Andhra Pradesh and Karnataka.

ABOUT THE WORLD BANK GROUP IN INDIA

The World Bank Group is a global, inter-governmental organisation whose stated purpose is poverty alleviation. In its 60 years of operations, it has disbursed approximately US $525 billion to developing nations, mostly in the form of loans. India has long been one of its primary clients; currently, it ranks among the top four (with China, Russia and Indonesia). The World Bank loans money to national governments for projects (such as infrastructure development) and for macroeconomic policy "reform". It also has an extensive research arm. The World Bank is made up of 185 member countries including India. To be a member of the World Bank a country has to also be a member of the International Monetary Fund.

The World Bank is best known for its financing of large infrastructure projects, such as big dams (Sardar Sarovar is the classic example), power plants, highways, etc. However, in recent years, the World Bank in India has moved to a much more powerful policy-based role, influencing macroeconomic policies as well as policies in sectors such as urban development and agriculture.

The World Bank Group consists of:

1. The International Bank of Reconstruction and Development (IBRD)
2. The International Development Association (IDA)
3. International Finance Corporation (IFC)
4. Multilateral Investment Guarantee Agency (MIGA)
5. International Centre for Settlement of Investment Disputes (ICSID)

IBRD makes loans to governments for profit. IDA offers long-term loans to its poorest member governments with a low service fee. The IFC provides both equity and loan capital to the private sector. MIGA provides political risk insurance to private investors and ICSID provides mediation services between foreign investors and governments. India is a member of all the institutions of the World Bank Group except ICSID.

The IBRD and IDA have loaned India US$ 69.7 billion as of July 2007.

IFC has invested in 199 companies in India at this printing, having provided nearly $5.35 billion in financing. India is IFC's third largest country of operations with lending commitments of $1.05 billion in 2007 alone. Indian companies the IFC has invested in include Allain Duhangan Hydro Power, Petronet, Tata Iron and Steel, ICICI Bank, HDFC Bank, Dabur Pharma, Bharat Biotech, Bharti Telecom, and Jet Airways.

Voting rights within the World Bank Group are based on financial contribution. Historically, the United States has had the largest share of voting power within the Bank. As of June 2008, US held 16.38% of votes in the IBRD and 12.67 % in IDA. In MIGA and IFC, US share is 23.63 %.

India's voting power in the IBRD is 2.78%, in the IDA it is 2.82%. In MIGA and IFC, India's share is 3.39%.

The World Bank, in its latest Country Report for India, set out its plan for the years 2005-2008. It mentioned three areas in which it will do substantial lending:

1. Infrastructure (road, transport, power, water supply and sanitation, irrigation, and urban development)
2. Human development (education, health, social protection)
3. Rural livelihoods, with an emphasis on community-driven approaches

Particular regional focus is on the states of Bihar, Jharkhand, Orissa, and Uttar Pradesh.

Many civil society groups protested the Country Assistance Strategy in 2004 for linking financial support with conditionalities such as reform and privatisation of key sectors, ignoring past project and policy failures, and the re-introduction of lending for large dams. The document was also condemned for the lack of transparent and inclusive process in its creation.

The consultation process for India's next Country Assistance Strategy is near completion.

STATEMENT OF FINDINGS

Jury, Independent People's Tribunal on the World Bank in India

11 September 2008

We, the thirteen jury members, have listened for four days to the testimonies and depositions from 150 affected people, experts and academics from some 60 grassroots, civil society groups and communities from all over India. The presentations covered 26 different aspects of economic and social development, ranging in scope from the macro-economic policies and their impacts to testimony from representatives of communities affected by specific World Bank financed projects. Our members include former justices of the Indian Supreme Court and High Courts, writers, scientists, economists, religious leaders, social workers, and former Indian government officials. We note that the World Bank Delhi office received an invitation to attend the Tribunal two weeks in advance, but did not participate in the proceedings.

We draw attention to the fact that the World Bank tends to legitimise its action through its self-proclaimed mandate of poverty reduction and development. While in reality, its actions exclude the poor in the best of cases, and hurt and worsen their situation in most other cases. And yet the poor in India excluded and hurt by the World Bank are not marginal in numbers, constituting 27.5% of the population while three-fourths of the entire population live below Rs. 20 (purchasing power) or $2 per day. To exclude and hurt the majority of Indian citizens in the name of development and poverty alleviation is not merely callous, it verges on a social crime.

CHARGES AGAINST THE OPERATIONS OF THE WORLD BANK IN INDIA

POVERTY

CHARGE 1: The World Bank has not reduced poverty in India.

Instead, their policies are directly contributing to the concentration of wealth and a growing disparity between the rich and the poor. The testimony has shown that the rate of poverty reduction slowed down under Bank imposed structural adjustment programmes and subsequent poverty reduction strategies. The World Bank's package of economic liberalisation and reduction of public expenditure has only increased the burden of poverty. India and the international community must jointly hold the World Bank accountable for instituting polices that directly contradict its mandate for poverty alleviation, as set out in the Tenth plan of the Indian government and the Millennium Development Goals.

CHARGE 2: The World Bank deliberately miscalculates poverty.

The World Bank and the Government of India seem to have collaborated in the production of poverty estimates that obscure the ground reality and the suffering of millions of people. This became clear from ground level, micro evidences that indicate the macro state of affairs regarding poverty.

FOOD SECURITY AND AGRICULTURE

CHARGE 3: World Bank policies have increased hunger in India.

The World Bank is responsible for an economic policy framework which has exacerbated poverty levels and dismantled government safety nets which were created to soften the hardships of acute poverty. By discouraging public spending in the name of liberalisation, market-oriented reform and public-private partnership, the World Bank's actions have contributed directly to growing hunger and even starvation in both rural and urban India. The World Bank helped to change the Public Distribution System from a universal system to a targeted system in 1997. The Abhijit Sen Committee Report documents the severe decline in both availability and off-take of the food stock in the Public Distribution System between 1997-2001. And yet, undeterred the Bank is actively trying to do the same with the Integrated Child Development Services contrary to the Supreme Court Orders under the Right to

Food case. These policies are criminal in a country where acute child malnutrition has remained constant at 46% over the past eight years.

CHARGE 4: The World Bank contributes to India's agricultural depression and farmers' suicides.

In a country where nearly 70% of the population depends directly or indirectly on agriculture, the World Bank has consistently advised refashioning of the agrarian sector to generate corporate profits. Policies aiming to achieve its objectives include:

- Privatisation of seeds, particularly through the 1988 National Seeds Project (III). It has opened India to multinational seed corporations which has increased the financial burden of small farmers.
- Trade liberalising conditionalities of the World Bank in 1991,1994 and in 1997 eliminated non-tariff barriers on edible oil imports and removed them from the Essential Commodities Act. These measures have impacted adversely on the livelihoods of millions of farmers and have reversed India's previous rates of high production and near self-sufficiency in this sector.
- World Bank policies and programmes have promoted the cultivation of cash crops such as tobacco, cotton, and castor seed. This has exposed small farmers to price volatility against which they have no insurance or defence.
- Finally, the removal of the minimum support price and various procurement machineries have reduced the income of farmers. The suicides by Maharashtra cotton farmers have demonstrated this most dramatically.

By the Indian government's own admission, at least 150,000 farmers have committed suicide in the country since 1993. The ground reality is far more cruel. These small farmers have been unable to survive World Bank mandated trade liberalisation, financial liberalisation, the privatisation of the seed sector, the reduction of public expenditures, closure of agricultural extension centres, the introduction of new technologies and the privatisation of healthcare. Increased costs of fertilisers, pesticides, seeds, and healthcare have pushed small farmers into a burden of debt from which they cannot escape. These suicides are happening particularly in Karnataka, Andhra Pradesh, Maharasthra, Punjab and Kerala, that is, states where cash crops and economic liberalisation have been pushed and sustainable agriculture dismantled. The government estimates show that 40% of the suicides have taken place in Karnataka alone, where power tariff hikes, withdrawal of agricultural subsidies, and reduction in food subsidies under the Bank's Karnataka Economic Restructuring Loans I and II pushed farmers into greater debt and distress. And yet, the World Bank has criminally neglected to face these issues. In addition, the Bank has been supporting the WTO (Agreement on Agriculture) paradigm on world agricultural trade and production to the detriment of small and marginal peasantry.

MACRO ECONOMIC POLICIES

CHARGE 5: World Bank led development has not improved employment levels in India.

From the data presented, the period of World Bank-led economic reform appears devastating from the point of view of labour. It was argued that reducing the economic activity of the government in line with the World Bank's views slowed down the rate of employment growth and lowered the quality of employment. An actual decline in real wages by some 50% in some of the country's districts in the 1990s was reported. The World Bank and India's policy makers have made much of the aggregate growth in India's economy yet it is a jobless growth that holds out no hope for the poor through expanding employment opportunities. In Karnataka, nearly 200,000 permanent employees were forced to take voluntary retirement under the state restructuring package, and the majority of them were unable to find new jobs.

CHARGE 6: The World Bank, through policies of financial liberalisation, has reduced credit to India's rural poor, particularly dalits and adivasis.

World Bank – led financial liberalisation has reversed the advances made during the period of the nationalisation of Indian banks, which started to improve the delivery of rural credit to the poor. Bank-led financial liberalisation, which began via conditionalities in the 1991 Structural Adjustment Loan Agreement, has destroyed that framework for directing credit to poor areas and the marginalised population. In the name of efficient allocation of credit, the World Bank has pushed for deregulation of finance resulting in the reorientation of credit in the rural areas from small producers to large agricultural borrowers, and diversion of agricultural land in ways that destroy the livelihoods of the rural poor.

CHARGE 7: World Bank micro-credit programmes legitimise financial liberalisation while undermining local women's movements.

World Bank micro-finance programmes undermine the women's movement by claiming that the introduction of markets and new financial instruments will solve poverty and gender inequality without the need for looking at other aspects of social practices. The micro-credit testimonies regarding the Velugu/Indira Kranti Padam programme in Andhra Pradesh illustrate how these programmes subvert the rights of women at the grassroots level by restricting women's rights to the economic activities of savings, credit and repayment of loans, but isolating women from political participation and from larger social movements. This has resulted in aggravating existing social bias. Leadership in these programmes has been concentrated even more in the hands of women from dominant castes, and patriarchic tendencies in Indian society have been strengthened.

ESSENTIAL SERVICES

CHARGE 8: World Bank programmes have increased deprivation by taking essential services away from the poor.

The World Bank is responsible for making essential services less accessible to the majority of poverty-stricken Indians by systematically dismantling government institutions and services meant for that purpose. Instead, the Bank has repeatedly funded projects for privatising power, water, education, and health. The introduction of user fees has made all these services largely unaffordable for India's poor, deepening deprivation among them.

CHARGE 9: World Bank power sector reform projects have failed.

Testimonies demonstrated how World Bank funded reform programmes in the power sector, mostly directed at distributional activities have been handed over to private companies for making easy profit. On the other hand, areas requiring large initial investment (such as generation) are left to public control. Testimonies revealed that World Bank funded power programmes obstructed public scrutiny, enriched private corporations, and created increased costs for regular consumers. Without increased availability, the poor have not benefited in anyway through this marketisation process but corporate profits have increased.

- Orissa, the first state to implement the Bank-led reforms, was an unambiguous failure admitted by both government and World Bank reports. The private companies failed to bring capital or expertise to Orissa, efficiency did not improve, and transmission and distribution losses did not decline.
- The removal of subsidies in Orissa has resulted in the slowdown in rural electrification and the elimination of access to the disadvantaged who need elec-

tricity to increase especially agricultural productivity. The poor were never consulted, their need never considered in the reform process. All this happened despite the Bank's claim to focus on poverty reduction.

- Of the six states which reformed along the World Bank line (Orissa, Haryana, Andhra Pradesh, Uttar Pradesh, Karnataka, and Rajasthan) only two were considered satisfactory by World Bank's own assessment. One of these, Andhra Pradesh, chose to reject several of World Bank conditions in the face of Orissa's failures and large protests regarding tariff hikes.
- While three billion rupees were paid to external consultants in designing the Orissa power project, the World Bank revealed its lack of accountability by putting the blame of project failure entirely on the Government of Orissa.
- Orissa's reform model was conducted without public debate or participation, in a hasty fashion and manufactured consensus on a pre-determined set of policies.

CHARGE 10: World Bank water reforms and privatisation programmes turn the most basic right absolutely essential to being alive into a commodity.

World Bank projects to privatise water supplies are particularly dangerous for the survival of the poor. Community testimonies from Bangalore, Mumbai, Bhopal, and Delhi have indicated that the privatisation, commercialisation and commodification of urban and other water resources, instead of ensuring universal distribution, cut off people from this essential need, while its ruthless marketisation policies benefit monetarily private corporations.

- In Karnataka, water supply operation and maintenance in the cities of Belgaum, Gulbarga, Hubli, and Dharwar have been handed over to the largest private water company in the world, Veolia, under a World Bank sponsored programme. Interestingly, it neither pays for ground water, which is paid for by the State, nor has made any initial investment. It only makes profit!
- The Greater Bangalore Water and Sanitation Project, financed by the World Bank, does not contain a single pro-poor policy, and yet 50% of people in the area are urban poor.
- In an attempt to show that the poor are willing to pay for water, the World Bank has spent 45 million rupees on information, education and communications mostly paid to consultants, to convince slum dwellers in Bangalore that they should pay for water.
- In Bangalore, the very poor are increasingly becoming disconnected from

existing public water supply systems. A policy of no free water supply with 100% metering has been implemented and 3500 public taps have been closed so far.

- The World Bank was shown to have evaded deliberately public scrutiny and practiced corrupt procurement policies in its plan to privatise Delhi's water supply in concert with some high placed government officials.
- Testimonies showed that the Delhi privatisation plans would have increased water tariffs by almost six times, would have increased management costs due to the high management fees paid to private companies, and would not have delivered free or subsidised water to the poor.
- Amazingly, despite documented failures in the power sector, the same reform package is now being implemented again under World Bank funding in the water sector in Madhya Pradesh, Maharashtra and Karnataka.
- Under the World Bank Water reform programme in Madhya Pradesh, irrigation is slated to be privatised with irrigation rates already higher by 20%.
- The World Bank chose as the pilot project K-East ward, one of the most efficient and profitable wards in Mumbai, to justify plans for the privatisation of Mumbai's water supply.

CHARGE 11: The World Bank has undermined the elementary education system in India.

The Indian people's Constitutional right to eight years of elementary education is being subverted by World Bank policies and projects.

- Public expenditure on the entire education sector (roughly half of which would have gone to elementary education) as a percentage of GDP has been declining steadily since 1990 except for a two-year period from 1999-2001. This is despite the levying of 2% educational tax by the UPA government and almost one-third of the finance for the government's elementary school programme, Sarva Shiksha Abhiyan (SSA), coming from international financing agencies, including the World Bank.
- Bank-funded programmes District Primary Education Programme (DPEP) and SSA have targeted primary education of five years or less as the desired objective for the children of the masses as opposed to eight years, guaranteed under the Constitution.
- Bank-funded programmes DPEP and SSA have introduced for the children of the poor inferior quality multi-track parallel and non-formal schemes. The

Bank has endorsed multi-grade teaching by which a single teacher teaches simultaneously five grades in a single room. It has encouraged the use of poorly paid, under-qualified and un-trained para-teachers appointed on short-term contracts, thereby handicapping children from poor backgrounds. All this amounts to the dilution of norms approved under the National Policy on Education-1986 (as modified in 1992) passed by the Parliment.

- These programmes have been unable to significantly reverse the trend of high dropout rates at the elementry level. More than half of the children continue to dropout before reaching Class VIII, the figure being much higher in the case of Scheduled Castes (57%) and Scheduled Tribes (66%). A recent census figure shows that 43.5% of children between the ages of five and nine are not in school.
- Under the World Bank paradigm, only those whose families can afford to pay the cost of education shall be allowed to proceed beyond primary education. For the rest, access will be confined to vocational skills.

CHARGE 12: World Bank health care programmes have failed the poor in India.

The World Bank has systematically dismantled the vision of social responsibility within healthcare planning since the 1970s. Under the World Bank's guidance the Government of India has moved away from providing universal health care to targeted health care and immunisation. India has moved from a view of public health as an outcome of social justice and development to one of targeted medical interventions within a cost recovery system. This narrowing of the view of public health has made overall healthcare unaffordable to the majority of India's citizens. Because the poorer and vulnerable groups are denied affordable health care, the poor are forced to seek care in more advanced stages of illness and yet become more impoverished.

- World Bank Health Systems Development Projects (HSDPs) have implemented user fees across all secondary and tertiary hospitals, have increased the proportion of pay ward beds, and have increased user fees for out-patient services.
- While HSDPs were committed to maintaining proportional allocation to health in the state budget, in six HSDPs, allocation to health as a percentage of state budgets remained well below 5% in all six states and it decreased in most states. In Karnataka (6.0 to 4.3) and Punjab (6.0 to 3.8) it decreased dramatically while user fee revenue increased several-fold.
- The World Bank has failed in all six of its completed statewide HSDPs to track information on stated or salient indicators, such as equity or quality of

care, in order to assess project outcomes. For example, West Bengal, Punjab and Karnataka do not report on proportion of Below Poverty Line (BPL) population or SC/ST population among inpatients or outpatients despite these being stated project objectives. Even when data are presented, it is neither specified how these were collected nor the period and sample that they pertain to, an unacceptable lack of transparency in projects of such scale.

- In West Bengal, the process of gaining exemption from user fees has proven increasingly complex and unattainable for almost all poor patients, barring the poor from access to health care services.
- Despite talk of safety nets, the emphasis in World Bank funded health programmes is focused on a single disease project (HIV/AIDS), which is occupying about 70-80 percent of the total expenditure in all disease control programmes of this country. This ignores the significance of other serious diseases such as Tuberculosis and Malaria.

LAND ACQUISITION AND DISPLACEMENT

CHARGE 13: World Bank urban development programmes benefit developers at the cost of the urban poor and are detrimental to the environment.

The World Bank funded urban re-development scheme, the Jawaharlal Nehru National Urban Renewal Mission (JNNURM), proposes to remodel over 63 Indian cities in a capital and energy intensive fashion. This project is directly based on World Bank policy recommendations via Analytical Advisory Assistance (AAA). It represents a drive to turn massive quantities of urban land over to the private sector and forms the basis of structural adjustment of the cities. The adverse impacts on the poor were described vividly by individuals who came from affected communities in Mumbai, Bangalore, Kolkata, Delhi, Bhopal, Lucknow, Chennai and Hyderabad.

- The urban development program of the World Bank puts conditionalities on states that blatantly benefit multinationals and private corporate players. This includes the removal of the Urban Ceiling Act and the reduction in Stamp Duty.
- In spite of pro-poor rhetoric, many hundreds of thousands of people continue to be dispossessed and displaced in the cities under JNNURM and previous World Bank Urban Development projects with unacceptable rehabilitation or none at all.
- Under the ongoing Tamil Nadu Urban Development Project and the JNNURM programme, 350,000 people are planned to be displaced in Chennai.

CHARGE 14: World Bank coal mining projects have caused grave and ongoing harm to India's tribal communities.

In Jharkhand, the World Bank funded Parej East coal mining project has taken the lands and destroyed the livelihoods of nearly 2000 people at last count. This case represents only one of many similar episodes from the coal mining area in Jharkhand, funded under the same or previous projects. Although the Bank's own Inspection Panel found the rehabilitation process grossly flawed in 2003, little has been done for the people of Parej East. The World Bank has failed to ensure compensation to many displaced and dispossessed by its projects.

CHARGE 15: The World Bank Tsunami relief effort has served as a pretext for grabbing land.

The World Bank acted as a broker for the private sector, which used the Tsunami of 2004 as an opportunity to displace local residents from high-value land resources. It was also a pretext to privatise the fishing industry. This has ruined many small-scale fishermen and peasants. The World Bank's Emergency Tsunami Recovery Project works in unison with the existing World Bank Tamil Nadu Urban Development Project in appropriating coastal lands for private land developers. These projects continue to result in massive dispossession and displacement of people.

- The impact has been hardest for those in the urban and semi-urban districts of Chennai and Thiruvallur due to the high value of real-estate.
- In these districts 7432 families have been relocated and another 29,909 families are planned to be relocated, many of whom are dalit, minorities, and tribals.
- The displaced live in absolute poverty with extremely limited access to education, housing, and under terrible conditions of sanitation.
- Women in these communities have been hit the hardest. In order to survive many resort to selling their hair and organs, or to sex work.

CHARGE 16: The World Bank has displaced thousands in the name of eco-tourism without democratic process or consultation.

The World Bank's financed projects, as evidenced in its India Eco-development Project of 1995, have resulted in forced displacement of thousands of people from their traditional forestlands, while simultaneously opening these areas for the private sector. Eco-tourism projects, if they are to be pursued, must first of all protect the forest. As importantly, the relocation of people must be on the basis of land for land, and with the full and prior consent of the communities involved. The World Bank has neither consulted the adivasi or other village communities in the design for the eco-development programmes nor has it worked out schemes for the protection of the environment and the settlement of the displaced persons.

- The eco-development project displaced people from seven of the country's national parks (Buxa, Pench, Ranthambore, Periyar, Nagarahole, Palamau, and Gir) without consultation. In addition, the implementation of the project failed in its objective of the protecting the forest.

ENVIRONMENT

CHARGE 17: The World Bank's carbon trading approach creates a subsidised private market out of green-house gas emissions which in practice is doing nothing to reduce them.

The World Bank created a framework of Carbon Credits in 2000 through the Prototype Carbon Fund. Testimonies show that the World Bank continues to expand these dubious trading regimes through the setting up of new carbon funds, as well as developing new financial carbon trading instruments. At the same time the World Bank Group has accelerated its lending for large coal fired power plants in India and elsewhere. While its own lending portfolio finances increased greenhouse gas emissions the World Bank Group is propagating a government-established so-called market-based, solution to the climate change problem while greenhouse gas emissions form both industrialised and developing nations have accelerated during the past eight years. Under current conditions, the Bank's carbon trading approach moves 'credits' for climate change pollution around, particularly from the North to the South, while doing nothing to actually reduce this pollution.

- In India, the World Bank is supporting its "Improving Rural Livelihoods through Carbon Sequestration" Project via the Bio Carbon Fund. In practice, in the name of poverty alleviation through carbon revenues and the removal of greenhouse gas emissions, this Bank programme is creating monoculture plantations to serve the paper industry while destroying pastoral areas that local communities depend upon.

CHARGE 18: The World Bank has played an active role in diluting Indian environmental law and policy to the benefit of large corporate players.

The World Bank is responsible for reorienting the national environmental policy, the Environment Impact Assessment (EIA) and the Coastal Regulation Zone amendments. It has undermined even existing standards by moving India away from a 'do no harm approach' to a 'polluter pays' approach. Testimony showed how the Bank's influence has been instrumental in removing the right of public hearing under the EIA process, thereby disempowering affected communities and indigenous people in the face of projects devastating their heritage and livelihood. World Bank environmental policy advice appears to have been crafted to ensure large corporations and multinationals access to natural resources and land for profit while dispossessing and displacing tribal and rural communities.

CHARGE 19: World Bank projects use toxic materials and obsolete technology in India.

The Bank has deliberately financed the transfer of outdated and environmentally dangerous technology to India including certain fertilisers, pesticides and waste treatment facilities. Evidence was presented to show that the Malaria Control Project promoted the use of toxic pesticides, despite the availability of non-toxic alternatives. Interestingly, 51% of the loan proceeds under this project went straight to multinational companies for the purchase of pesticides. In particular, one Right to Information application found that 4.3 billion Indian rupees were spent on buying a third generation insecticide called synthetic parathroid from large chemical companies. Similar findings are available in the agricultural sector. And yet, there already exists ample evidence and scientific studies to prove their toxicity and danger to public health. These technologies have been discarded in the West, but have found a market in India under World Bank programmes.

KNOWLEDGE PRODUCTION

CHARGE 20: The World Bank creates biased knowledge to promote pre-determined economic policies.

Case studies presented across multiple sectors including health, agriculture, water, environment and technology have shown that the World Bank has directed its resources to create and promote a body of knowledge to support an agenda of liberalisation, privatisation, and globalisation. Specific evidence presented at this Tribunal has shown that in various reports important facts have been deliberately suppressed, and others handpicked to support plans for large dams and the privatisation of water. Testimony also demonstrated that information produced by the World Bank excludes local people and local knowledge but generates highly lucrative contracts for international consultants. Two specific examples of studies produced under the rubric of the Bank's Analytical and Advisory Activities in India showed the flawed and biased nature of the Bank's information production.

- The World Bank concealed its own research showing the negative effects of tradable water rights when proposing this concept to the Indian government. While the World Bank touted its international experience to justify the idea of tradable water rights in its 1998 Review of India's Water sector, in the same report it concealed evidence from the Chilean experience revealing serious problems with the proposal.
- In the 2005 strategy paper entitled "India's Water Economy: Bracing for a Turbulent Future", the Bank used an unpublished study it had commissioned on India's Bhakra Dam to justify a dramatic increase in large dam construction. This study is still unavailable. Indian policy makers are expected to take the Bank's claims at face value without access to information presumably available with the World Bank.

GOVERNANCE

CHARGE 21: The World Bank exerts enormous influence in Indian policy making through posting current and former staff in key positions in the Indian bureaucracy.

Detailed evidence was presented to show how former World Bank staff have occupied the key positions within the Indian Finance Ministry, the Reserve Bank and Planning Commission for the past few decades, particularly since the early 1990s. The World Bank routinely gives lucrative consultancies and other honoraria to government policy-makers to influence policies. This creates serious conflict of interest and compromises the ability of government officials to take decisions contrary to the economic position of the World Bank. This system creates instead incentives for policy-makers to pursue policies which produce future contracts and employment with the World Bank. The World Bank has very carefully nurtured India's policy elite who owes more to this international institution than to the Indian people.

CHARGE 22: World Bank conditionalities directly defy India's economic sovereignty, a right recognised by the UN Economic and Social Council.

The World Bank has spuriously claimed immunity from prosecution by way of its membership in the UN System. Yet it is well known that it has tied lending to mandatory economic reforms in India which violate the UN Charter and the Charter of Economic Rights and Duties of States. With the help of a policy elite it has carefully nurtured, the World Bank has undermined India's sovereignty by imposing harsh and mandatory economic reforms. For instance,

- The 1991 Structural Adjustment loan to India forced India to make changes in Industrial policy, import-export policy, and foreign investment regulations.
- In the state of Karnataka, the Karnataka Economic Restructuring Loans I and II mandated the withdrawal of subsidies and other public expenditure cutbacks, reduction in government employment, reducing pensions and widening of disparities through wage structures, and disinvestment of the public sector.
- In the Andhra Pradesh Economic Reform Loan I, mandatory conditions spanned fiscal budgetary reform, reduction of public expenditure, financial management reforms and governance and regulatory reforms, amounting to a bias in favour of the private and against the public sector.

CHARGE 23: The 'good governance' agenda of the World Bank has undermined the sovereignty of the Indian State while having little impact on reducing corruption.

The 'good governance' loans given by the World Bank have provided new opportunities to impose changes on the Indian government, in the name of correcting past deficiencies in policy implementations. The Bank invariably blames these failures on India's poor governance structures, without ever considering its own failures, especially its negligence in carrying out its fiduciary duty to ascertain and ensure that the funds its lends are used for the purposes intended. It has changed government institutions under the pretext of rectifying problems of corruption, misguided resource allocation, and interference with the private sector. Examples given from Karnataka and Andhra Pradesh include 'reforming' the budgetary process, downsizing the civil service staff, decentralising health and water services through downsizing public action, and even changing Indian laws.

CHARGE 24: The World Bank has undermined democratic functioning in India.

Bypassing Parliament, other elected bodies, and public debate, the World Bank's interventions at various levels of government have weakened India's democratic processes. Examples and testimonies from various sectors showed that the World Bank had wilfully sought to undermine government authority at the state, municipal, and panchayat levels.

- World Bank loans to the central government routinely bypass Parliament.
- There is strong evidence based on World Bank documents that the Bank had strong influence in the management of and the legal status of India's coasts. It wielded this influence without the knowledge of the Parliament, let alone its consent.
- World Bank programmes have forced the state governments to implement

land and tax reforms without taking the public into confidence in any way.

- The World Bank has created extra-governmental organisations to open markets in water and micro-finance at the community level. In Andhra Pradesh, these water user associations have been dominated by wealthy landowners and members of the upper-castes without encouraging democratic functioning. Women's self-help groups in the state have faced similar problems.

These programmes indicate the power and reach that the World Bank and its army of private sector stakeholders are having over the collective body from the central government, to the state and down to and bypassing the panchayat levels of decision-making. When inconvenient, panchayat level or local self-government decisions are simply bypassed.

CHARGE 25: The World Bank's so-called 'good governance' measures, by focusing exclusively on government conduct, have completely ignored issues of private sector corruption, and indeed encouraged them via deregulatory policies.

Data has clearly shown the degree to which the black economy is operating in India. The World Bank, by its unwavering championship of the private sector only contributes to this corruption. Although there is no evidence to suggest that the private sector is less corrupt than the government sector, even evidence to suggest the opposite, the Bank has turned a blind eye to these issues and contributed to sustaining and increasing the black economy. Deregulation of the private sector and the downsizing of government at the Centre, and in the states of Andhra Pradesh, Himachal Pradesh, Karnataka and Tamil Nadu has strengthened the corruption operating between the private sector, bureaucrats, and politicians.

CHARGE 26: The World Bank operates in a secretive manner, contradicting its own rhetoric of 'good governance'.

The World Bank turned out to be a highly secretive organisation with a disclosure policy that is below international standards and India's own Right to Information Act. It reports to no national or international body and its own redressal procedures have repeatedly been shown to be inadequate for correcting failed policies and disastrous projects. Testimonies from Jharkhand and Himachal Pradesh have shown that neither the Inspection Panel nor the International Finance Corporation's (IFC) Compliance Adviser Ombudsman (CAO) can be relied upon provide reasonable checks on World Bank functioning.

- The World Bank refused to hand over documents concerned with the water privatisation project in Delhi, quoting limitations in the Bank's disclosure policy. These documents were available under Indian law, which reveal the Bank's retrogressive position on transparency and disclosure.

- Similar problems were encountered with the Inspection Panel in Jharkhand. No orders have been taken and the affected people of the Allain Duhangan (Hydropower) Project have received no redressal from the CAO office of the IFC for severe social and environmental outcomes of the project.

NEGATIVE NET TRANSFERS

CHARGE 27: For too many years India has been a net provider of funds to the World Bank: the flow of money between the World Bank and India is in favour of the World Bank.

The net financial transfers from the World Bank to India are negative. Between 1996-2002, financial transfers were positive in only 2001, with $340 million in net aid. In 2002, India paid the World Bank $2.4 billion more than what it received that year from the Bank. So in addition to the failed projects, loss of jobs and land, aggrandizement of the private sector, undermining of democratic decision making at all levels, the World Bank does a lucrative business with India. The Indian public is still paying. How can an international public institution that justifies itself by claiming to help poor people in poor countries take more funds out of India annually than it provides?

WORLD BANK ECONOMIC PHILOSOPHY: RHETORIC VERSUS PRACTICE

CHARGE 28. World Bank activities subvert and undermine people-centred movements for real and equitable social change.

The Bank has continuously proven itself to be unaccountable to public criticism and incapable of internal reform. It has repeatedly ignored protests from communities who have suffered under its programs. Beyond its failures in self-governance, the Bank's choice of partners, its refusal to listen to criticism, its efforts to roll back social welfare programs, and its latest schemes to push privatisation at the lowest levels of governance indicate that it is wilfully undermining movements for just social change. It stands against and not for the ordinary citizens, the majority of poor in this country, despite all its pro-poor rhetoric.

CONCLUSION

Our conclusion based on these testimonies is that the majority of World Bank sponsored projects do not serve their stated purpose, nor do they benefit the poor of India. Instead in many cases, they have caused grievous and irreversible damage to those they intend to serve. The evidence we have heard adds up to a disturbing picture of the World Bank's underlying agenda and operations, as it benefits those privileged with capital but pushes to despair the already vulnerable. We recommend that the World Bank should compensate those it has harmed gravely through its policies, projects, and neglect in carrying out its own environmental and social safeguards. Unless there are instituted clear and transparent mechanisms through which World Bank activities and policies can be independently monitored and audited, it would be better for the World Bank to quit operations in India.

From the testimonies a pattern became visible. The World Bank does not act in isolation. It has worked in collaboration with the other international financial institutions, as well as with the private sector agendas from powerful nations, in perpetuating an economic system that has benefited these stakeholders disproportionately, almost invariably at the cost of the poor.

Additionally, we find the Indian government an equally responsible party in perpetrating this state of affairs. It became apparent in the course of these deliberations that in India now there is little difference between the thinking of its policy makers and the World Bank. We hold the Indian government equally responsible and call for a reversal of its policies.

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Bruce Rich
Aruna Roy
Arundhati Roy

Justice P B Sawant
S P Shukla
Sulak Sivaraska
Justice H Suresh
Romila Thapar
Justice K K Usha

**Please see the 'Note of Qualification' which follows.*

*A NOTE OF QUALIFICATION

by Ramaswamy R. Iyer

I am neither an apologist for the World Bank nor a believer in neo-liberal economic philosophy. I have no disagreement with the Report on its findings of serious adverse effects on the country, and in particular on the poor, of various economic policies and programmes. However, I find it necessary to qualify my endorsement of the report with the following observations.

First, I do not see why we should ask the World Bank to quit. It is as much our bank as any other country's. India has contributed to its funds. If we feel that it is too much under American control, we must try to fight that control rather than let go of the WB.

Secondly, the policies that all of us criticise – SEZ, alienation of good agricultural land, gifting of large areas of land to the corporates, agricultural policies that lead to farmers' suicides, development policies that marginalise the poor further, urban renewal policies that drive the poor out of their homes and livelihoods, dam projects that displace large numbers of people, the privatisation of utilities and water, the dilution of environmental clearance processes or coastal zone policies in the interest of domestic and foreign industrial/commercial investment, and so on – are the policies of our elected governments, Central and State, including 'communist' governments such as West Bengal. They have adopted those policies not necessarily at the bidding of the World Bank, but because they – and many in academia, the media and the intelligentsia – subscribe to neo-liberal economic thinking. There are many who sincerely believe that this is the right path, and that those who oppose it are wrong. That is where the fight – a difficult one – lies.

I am aware that the World Bank and IMF have been criticised even by some of their own former officials for prescribing standard Structural Adjustment Programmes to a number of hapless countries and causing all kinds of problems. India, however, is not a weak or small country that can be bullied by the WB or IMF. If the Government of India adopts certain policies, it cannot be allowed to say that it did so under the pressure of the World Bank; it must take the responsibility for its decisions.

Thirdly, capitalism (including its neo-liberal form), was not invented by the World Bank. It is the dominant economic philosophy of the world today. Not merely America but even China and Russia subscribe to that philosophy. Globalisation, liberalisation, privatisation - these are the widely proclaimed slogans of today. Challenging that philosophy, and not just demonising the World Bank, is what we need to do.

I am not saying that the WB should be absolved of all guilt. It can be criticised if it goes beyond the call of duty in promoting its official philosophy and tries to arm-twist a member country into adopting certain policies or taking certain actions against its inclinations. It can also be criticised if individual officials of the World Bank throw their weight about or hector and bully the officials or politicians of a member country. For instance, the World Bank's advocacy of the privatisation of water services often amounts to pressure; and its Delhi office certainly seemed to show undue interest in seeing Price Waterhouse Cooper selected as consultant to the Delhi Jal Board for the reorganisation of its water-supply activities. There is also reason to believe that in 2000-01 the World Bank worked actively to sabotage the Report of the World Commission on Dams. In other words, we can blame the WB not for making certain recommendations or advocating certain policies, or even for stipulating certain conditions, but for carrying its 'persuasion' too far, applying pressure and arm-twisting. That distinction is not adequately made in the Report.

September 9, 2008 Ramaswamy R Iyer

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Mr. Rich is an attorney in Washington D.C. He has testified in many Congressional hearings concerning the World Bank's performance and was awarded the United Nations Global 500 Award for environmental achievement. He is the author of "Mortgaging The Earth: The World Bank, Environmental Impoverishment, and the Crisis of Development" (Beacon Press, 1994) and "To Uphold the World" (Penguin India, 2008)

ARUNA ROY

A social activist, she was instrumental in the passing of the Indian Right to Information Act in 2005. Aruna Roy is co-founder of the Mazdoor Kisan Shakti Sangathan (Workers'-Farmers' Unity Union) in 1990 and a recipient of the Magsaysay award for community leadership and international understanding.

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Former Justice in the Supreme Court of India, Justice Sawant was the Chairperson of the Press Council of India from 1995-2001 and the President of the World Association of Press Council from 1996-2003.

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