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16th April 2020

Mr David Malpass
President
The World Bank
1818 H Street
Washington DC, NW 20433

Dear Mr Malpass,

Guyana Petroleum Resources Governance and Management Project (P166730)

We the individuals referenced below (and copied by covering email) agree to the contents of this letter. We are citizens of Guyana. The International Development Association is providing funding for the petroleum sector in Guyana through the above project.

We enclose a Legal Advice from Ms Melinda Janki, an international lawyer and attorney-at-law in Guyana, which advises us of the following serious issues:

(i) No legitimate Borrower:

On 21st December 2018 the APNU AFC Coalition government was defeated in Parliament on a no-confidence motion. Constitutionally they ceased to be a full government and became a 'caretaker' government with limited powers. By operation of law the President and all Ministers resigned

From 21st December 2018 Guyana did not have a government who could approve the Guyana Project or a Minister of Finance who could sign the Financing Agreement.

The 'caretaker' government was legally required to hold elections by 18th September 2019. They did not. They ceased to be a legitimate government.

From 18th September 2019 the 'caretaker' government became an unconstitutional *de facto* administration.

(ii) IDA repeatedly breached the duty of good faith under international law by proceeding with the Guyana Project:

This duty of good faith is set out in the Vienna Convention on the Law of Treaties which applies to IDA's Articles of Agreement.

(iii) Breaches of the World Bank Procurement Regulations 3:16 and 3:17

These breaches include conflict of interest and bias. IDA has approved or overlooked the hiring of ExxonMobil's preferred law firm Hunton Andrews Kurth to draft legislation and policies for Guyana's petroleum sector. ExxonMobil is the major player in Guyana's nascent petroleum sector.

The World Bank itself has a close relationship with Hunton Andrews Kurth who boast that

*"The London-based journal Legal Week concluded that "[w]hen The World Bank seeks international legal advice for African governments, it most often turns to the US firm "Hunton & Williams." That reputation still stands."*¹

We therefore request that you immediately

- (i) Order a full independent investigation of the Guyana Project and the issues raised in this letter;
- (i) Halt the Guyana Project including stopping all disbursements and work;
- (ii) Inform the unconstitutional *de facto* administration in Guyana that the Guyana Project has been halted.

Guyana held elections on 2nd March 2020. The results still have not been declared. Supporters of the unconstitutional *de facto* APNU AFC administration have called for the destruction of the ballot boxes and the scrapping of the election results.²

Guyana has no ministers at present and no legitimate government. We would therefore request that the World Bank does not permit the unconstitutional APNU AFC administration to present itself as the legitimate government of Guyana during the World Bank Spring Meetings or at any other time.

Yours sincerely,

Ramon Gaskin

Anand Goolsarran FCCA, MBA, DBA, LL.M (IBL)

Former Auditor General of Guyana

Nigel Hinds

Certified Public Accountant; Auditor

¹ <https://www.huntonak.com/en/regions/africa.html>

² <https://www.kaieteurnews.com/2020/04/05/scrapping-the-election-and-install-an-interim-government/>