

Congress of the United States
Washington, DC 20515

January 7, 2020

David R. Malpass
President
World Bank Group
1818 H Street, NW
Washington, DC, 20433

Dear Mr. Malpass:

We write to express our deep concern over certain hiring practices with respect to employment of persons from Taiwan that may be inconsistent with the World Bank Group Code of Conduct. While we understand that the World Bank Group (WBG) and other international financial institutions maintain a hiring preference for applicants from member states, we are concerned that formalizing this preference as a condition of employment, or applying it differently toward certain nationals, would constitute discrimination based on nationality.

Several recent incidents have come to our attention in which the WBG Human Resources department informed WBG staff, contractors, and consultants holding Taiwan passports that their employment at the WBG was contingent on their ability to produce a passport from the People's Republic of China (PRC). In some such cases, these individuals had been employed with the WBG in various capacities for years, with no requirement to possess a PRC passport. We are not aware of any formal written policy by the WBG regarding the employment of persons from Taiwan. In seeking to clarify and resolve these matters, we were told that affected individuals received contradictory advice from hiring managers and from Human Resources, leading some of them to leave the WBG.

Requirements regarding nationality do not appear in the Articles of Agreement, nor is there mention of nationality-related eligibility requirements in the WBG's staff manual. However, the WBG does have a commitment to non-discrimination as detailed in the World Bank Group Code of Conduct. This policy prohibits discrimination, including access to employment opportunities, based on "political or other opinion" and "national or social origin."

We understand that the Vice President for Human Resources has been working since last summer to clarify these policies and to address the confusion caused by the seemingly sudden application of new "guidance" or "policy" requiring PRC passports for employees of the WBG

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from Taiwan. Given the Articles of Agreement and the Code of Conduct, we believe it is critical to the integrity of the WBG and the WBG mission that it not make national origin a condition of employment. Such action would violate the WBG longstanding tradition of seeking the best talent wherever it may be found – including in the hiring of stateless persons or persons with refugee status.

For us to better understand and evaluate the WBG's policies on hiring eligibility as it relates to nationality, we request the WBG provide us with written responses to the following questions within two weeks of the date of this letter:

- 1) Does WBG policy or practice establish that nationality be considered as part of the hiring process or as a condition of employment?
- 2) When was this policy or practice, if any, established, and has this policy or practice been formally adopted by the senior management of the WBG? If yes, when and by whom?
- 3) How has this policy or practice been implemented over the past 20 years? For example, how has the WBG advised hiring managers of this policy, and informed current employees and internal and external applicants who may be affected by the policy?
- 4) Does the WBG have any recent formal, written guidance indicating that “staff who are not nationals of a member country or territories where the WBG operates will retain their current employment status”? If yes, does this guidance apply to individuals holding Republic of China, Taiwan passports who are renewing their contracts, changing roles, being considered for promotion, or being hired at any and all levels within the WBG?
- 5) Under this guidance, would individuals holding Republic of China, Taiwan passports who have departed because the WBG did not renew their contracts without a PRC passport be eligible to return to their positions? Will individuals holding Republic of China, Taiwan passports not formally employed by the WBG in the past be eligible to compete and be hired at any and all levels of the WBG in the future?
- 6) What steps are you, along with the senior leadership of the WBG, taking to ensure that hiring practices, including any exceptions to a preference for hiring from member

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states, are applied in a way that does not violate the WBG commitment to non-discrimination on the basis of national origin?

Our interest in this issue stems from a broader concern: that the PRC government continues to assert its view in international organizations that Taiwan is a part of China. However, this view is inconsistent with United Nations General Assembly Resolution 2758, which is silent on the question of China's claim that Taiwan is part of China. In addition, it is not a consensus view among all UN member states that Taiwan is part of the PRC. Thus, the appropriateness of excluding Taiwan and persons holding Republic of China, Taiwan passports from meaningful participation in or employment at international organizations is similarly not a consensus view and should not be assumed to be such by the WBG or any other international organization.

We believe any efforts to formalize the use of nationality as a criterion for hiring or condition of employment at the WBG will have a deleterious impact on the WBG and exclude otherwise qualified candidates from employment at the WBG in the future. Furthermore, the discriminatory application of a preference for hiring from member states towards persons from Taiwan appears to violate the WBG's own commitment to excellence and non-discrimination.

We thank you for your attention to these matters and look forward to your response.

Sincerely,



ELIOT L. ENGEL
Chairman
House Committee on Foreign Affairs



JAMES RISCH
Chairman
Senate Committee on Foreign Relations



MICHAEL T. McCAUL
Ranking Member
House Committee on Foreign Affairs



ROBERT MENENDEZ
Ranking Member
Senate Committee on Foreign Relations

CC: Vice President of Human Resources; Vice President Legal; U.S. Executive Director