HOW TO COMPLAIN ABOUT A PROJECT FUNDED BY THE IFC OR MIGA?

A Guide to the Compliance Advisor Ombudsman (CAO)

If the IFC or MIGA have funded or supported the project that is causing you harm, you may be able to file a complaint with their accountability mechanism, the Office of the Compliance Advisor Ombudsman (CAO).

Understanding the IFC, MIGA and CAO

WHAT IS THE IFC/MIGA?

The World Bank Group is a multilateral development bank headquartered in Washington, D.C., that provides financing to both the public and private sector. It is made up of 189 member countries and consists of five different institutions, including the International Finance Corporation (**IFC**) and Multilateral Investment Guarantee Agency (**MIGA**). The IFC is the largest global development bank focused exclusively on financing the private sector in developing countries and MIGA provides political risk insurance to private corporations investing in developing countries.

If the project causing you harm relates to a World Bank **public sector investment** (i.e. where the World Bank is providing funds to a Government department or agency, rather than a private company), you can find information about how to file a complaint on the World Bank's Accountability Mechanism page (which includes the Inspection Panel and Dispute Resolution Service).

IFC

> The International Finance Corporation (**IFC**) is the largest global development bank focused exclusively on financing the private sector in developing countries. The IFC was established in 1956, and provides loans, equity investments and advisory services to private corporations. Its largest shareholder is the United States, and its stated mission is to reduce poverty and promote sustainable development around the world.

MIGA

> The Multilateral Investment Guarantee Agency (**MIGA**) provides political risk insurance to private corporations investing in developing countries to protect against risks such as expropriation, political unrest, and breach of contract. MIGA was established in 1988, and its stated mission is to promote foreign direct investment into developing countries to support economic growth, reduce poverty and improve lives.

WHAT IS THE CAO?

The IFC and MIGA share an independent accountability mechanism: the Office of the Compliance Advisor Ombudsman (also known as CAO). The CAO receives complaints related to the environmental and social impacts of IFC/MIGA-supported projects. **If you are affected by an IFC/MIGA-supported project, you can file a complaint with the CAO.**

To file a complaint, you need to provide specific information about the issue you are experiencing, as outlined in the “How to file a complaint” section.

If your complaint is found to be eligible, the CAO has two functions to try to resolve the complaint: **dispute resolution** or **compliance review**. You can decide which process you would like your complaint to enter if found eligible. If you want to try both dispute resolution and compliance review, you are required to try dispute resolution first. You can learn more about the difference between dispute resolution and compliance review, and which option is better for your complaint, on the homepage of this guide.

DISPUTE RESOLUTION

At the CAO, the voluntary dispute resolution process is called "**dispute resolution**". During the dispute resolution phase, the CAO team will facilitate dialogue and negotiations between the affected communities and the IFC/MIGA’s client with the goal of reaching a mutually agreeable solution. You can learn more about this phase below.

COMPLIANCE REVIEW

At the CAO, the fact-finding investigation process is called “**compliance**”. During the compliance phase, the CAO investigates whether IFC/MIGA have complied with their environmental and social policies, and whether any non-compliance has caused harm to the community. The CAO then prepares an investigation report that includes its findings and recommendations for IFC/MIGA. You can learn more about this phase below.

How to file a complaint

CAN YOU COMPLAIN TO CAO?

Before filing a complaint, ask yourself the following questions. If your answer is **yes** to all of the questions, then you can complain to the CAO.

Project: Is the project actively supported by the IFC/MIGA?

> CAO accepts complaints about all IFC/MIGA projects approved by the Board, for which an IFC/MIGA exit has not yet occurred. You should be able to find this information on the relevant project page on the IFC and MIGA websites. If not, you could also submit an access to information request (for the IFC here, and for MIGA here), or reach out to CAO directly to ask for help.
>
> **Important:** The CAO cannot process complaints about projects that have not yet been approved by the Board of the World Bank Group. Complaints received about projects pre-approval are sent to the Board and Management.

Exception: In exceptional circumstances, CAO may accept a complaint up to 15 months after IFC or MIGA's exit from a project if:

- There are compelling reasons why the complaint could not be filed earlier;
- The complaint meets all other eligibility criteria; and
- After consulting with Management, CAO determines that accepting the complaint aligns with its mandate.

Impact on community: Is the project causing harm (or is it anticipated to cause harm) to someone in the community?

Important: Your complaint cannot be anonymous, but you can request confidentiality regarding your identity or other information you submit to CAO. If you are facing reprisals or fear retaliation be sure to tell the CAO to discuss how you can move forward to address the risk of reprisals.

Duly appointed representatives can represent affected communities.

Harm: Is the harm related to environmental and social impacts caused by the project?

Any material negative environmental and social effect on people or the environment resulting directly or indirectly from an IFC/MIGA supported project or sub-project. Harm may be actual or reasonably likely to occur in the future.

MODEL COMPLAINT LETTER

We have developed a model complaint letter tailored for the CAO. This template provides a practical starting point for your complaint, designed to help you effectively convey your concerns. Once submitted, the CAO will acknowledge receipt of your complaint.
Download complaint letter

COMPLAINT FILING CHECKLIST

Download checklist

- ☐ **Format:** File the complaint in writing. There is no specific format required.
- ☐ **Complainant details:** Include the name of each person complaining, and contact details for key community representatives. If you have a representative, include signed written authorization giving them authority to represent you.
- ☐ **Confidentiality:** If you need confidentiality due to fear of reprisals or for other reasons, explain why.
- ☐ **Project details:** Provide a description and location of the project. Include any other details you know (e.g. sector, company name, or project number). You can find information about projects on the relevant project page on the IFC and MIGA websites, by submitting an access to information request (for the IFC here, and for MIGA here), or through the DeBIT tool or Early Warning System (databases you can search).

- [ ] **Description of harm:** Describe the harm you are experiencing or believe you may suffer in the future because of the project. Include as many facts, details and evidence as possible.
- [ ] **Optional:**

  Including the following can strengthen your complaint:

  - Describe any steps you have taken to contact IFC, MIGA, the client, sub-client, or host government to try to resolve the issue. Include any replies you received, and evidence of communication (even if unanswered).
  - Specify which IFC or MIGA policies, guidelines, or procedures you believe were not followed (if known).
  - State your preferred outcomes or remedy.
  - Provide any other relevant information, documents, or materials.

STRENGTHEN YOUR COMPLAINT BY REFERENCING IFC/MIGA POLICIES

When filing your complaint to the CAO, you may want to reference bank policies that were violated. Environmental and social safeguard policies play an important role in your complaint. These safeguards are rules and policies designed to identify and mitigate risks associated with bank activities, with an overarching goal of preventing environmental and social harms. Understanding these safeguards is essential for anyone seeking to hold banks accountable for harms associated with their investments.

The CAO receives complaints related to environmental and social safeguards and information disclosure policies, which can be found below.

Including this information is **optional** but can strengthen your complaint by identifying clear grounds for IFC and/or MIGA's accountability.

IFC POLICIES

IFC Performance Standards on Environmental and Social Sustainability Effective January 1, 2012

> The IFC requires its projects to meet the following performance standards:
>
> **Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts**
>
> This standard requires IFC’s client (the borrower) to assess and manage environmental and social risks of projects and performance throughout the project, take precautions to reduce negative impacts, encourage better environmental and social practices, address complaints, and involve and inform people affected by the projects.
>
> **Performance Standard 2: Labor and Working Conditions**

This standard protects workers rights, promotes fair treatment, non-discrimination, compliance with laws and safe working conditions. It prohibits child labor and forced labor, promotes freedom of association and provides effective channels to address workplace concerns.

Performance Standard 3: Resource Efficiency and Pollution Prevention

This standard safeguards human health and the environment by promoting sustainable use of resources, reducing pollution from project activities, minimizing project-related emissions and waste generation, and managing pesticide risks.

Performance Standard 4: Community Health, Safety and Security

This standard aims to avoid and minimize adverse impacts on the health, safety and security of project-affected people and the project itself, including from natural hazards and climate change.

Performance Standard 5: Land Acquisition and Involuntary Resettlement

This standard aims to avoid or minimize displacement, forced eviction and adverse social and economic impacts from land acquisition by compensating for lost assets and ensuring appropriate disclosure of information and consultation. It also aims to improve or restore the livelihoods and living standards of displaced persons and provide secure housing at resettlement sites.

Performance Standard 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources

This standard aims to avoid impacts on biodiversity and ecosystem services, and where unavoidable, implement measures to minimize impacts and restore biodiversity and ecosystem services.

Performance Standard 7: Indigenous Peoples

This standard safeguards the rights, dignity, culture and natural resources of indigenous peoples in the development process, by avoiding or minimizing adverse impacts, promoting sustainable development, establishing ongoing relationships based on Informed Consultation and Participation with indigenous people, ensuring Free, Prior and Informed Consent (FPIC), and preserving indigenous peoples' culture, knowledge and practices.

Performance Standard 8: Cultural Heritage

This standard safeguards cultural heritage from project activities and promotes fair sharing of benefits derived from its use.

IFC's Policy on Environmental and Social Sustainability
Effective January 1, 2012

The IFC assumes various roles and responsibilities based on the nature and scope of the proposed investment or advisory activity. The IFC conducts environmental and social due diligence for all its investment activities, considers risks and impacts, and requires clients to comply with applicable standards.

IFC's Access to Information Policy
Effective January 1, 2012

The IFC has implemented a policy to provide access to information regarding its operations (with exceptions), and procedures for processing requests and reviewing decisions.

MIGA POLICIES

MIGA Performance Standards on Environmental and Social Sustainability Effective October 1, 2013

MIGA requires its projects to meet the following performance standards:

Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts

This standard requires MIGA's client to assess and manage environmental and social risks of projects and performance throughout the project, take precautions to reduce negative impacts, encourage better environmental and social practices, address complaints, and involve and inform people affected by the projects.

Performance Standard 2: Labor and Working Conditions

This standard protects workers rights, ensures fair treatment, non-discrimination, compliance with laws and safe working conditions. It prohibits child labor and forced labor, promotes freedom of association and provides effective channels to address workplace concerns.

Performance Standard 3: Resource Efficiency and Pollution Prevention

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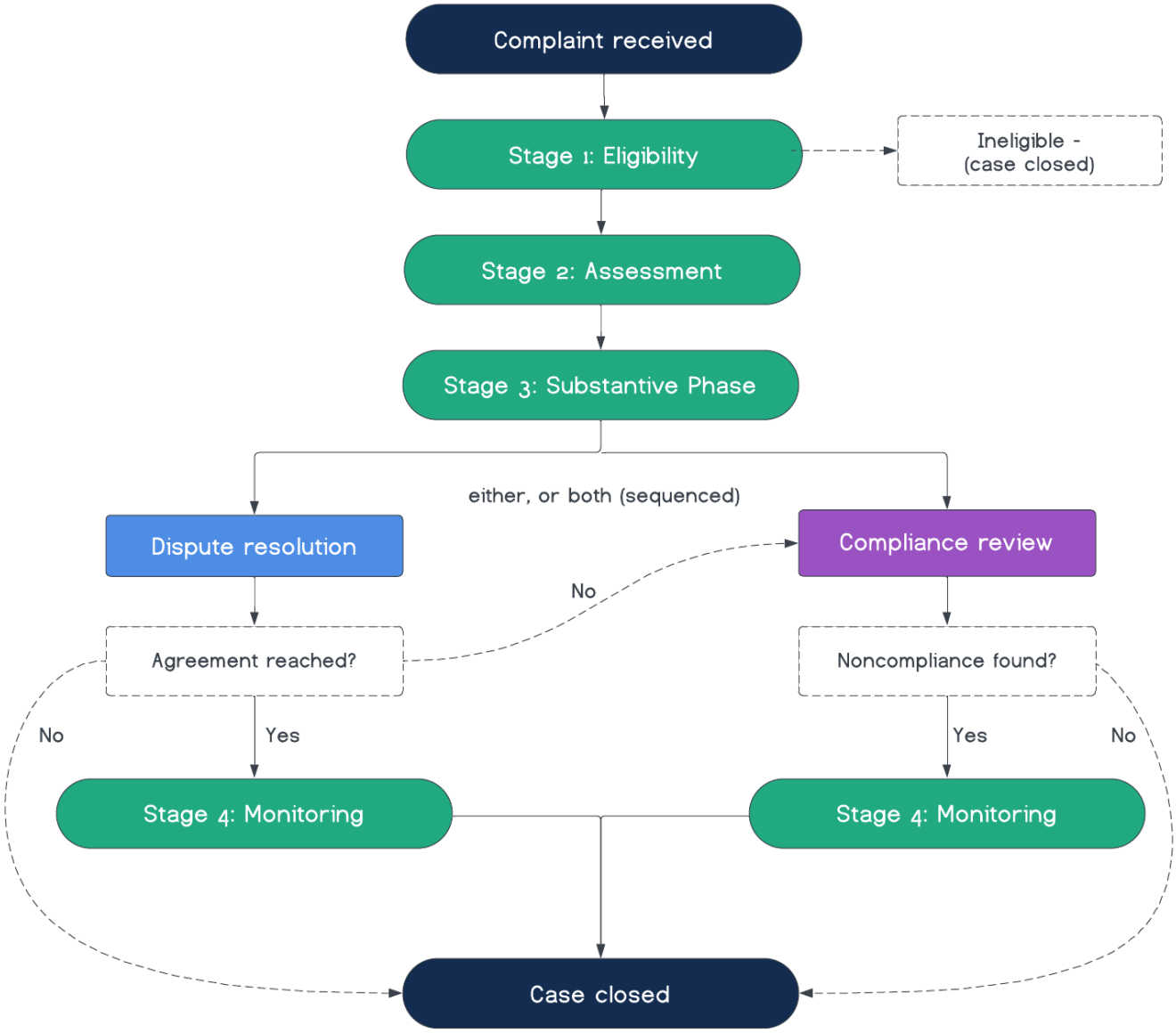
MIGA's Policy on Environmental and Social Sustainability
Effective October 1, 2013

> MIGA assumes various roles and responsibilities based on the nature of the guarantee it provides. MIGA conducts environmental and social due diligence for its investment activities, considers risks and impacts, and requires clients to comply with applicable standards. MIGA evaluates third-party risks and collaborates with clients to ensure adherence.

MIGA's Access to Information Policy
Updated December 2013

> MIGA has implemented a policy to provide access to information regarding its operations (with exceptions), and procedures for processing requests and reviewing decisions.

What happens after you file a complaint?



Stage 1: Eligibility

After filing your complaint, the CAO will review it to determine whether it meets their eligibility criteria:

1. **Project:** The complaint must be related to a project in which the IFC/MIGA is involved.
2. **Harm:** The complaint must relate to environmental and/or social harm caused or likely to be caused by the approved IFC/MIGA project.
3. **Impact on Community:** The community is currently or may potentially be affected by the environmental and/or social impacts described in the complaint.

The CAO makes the final decision on eligibility. If your complaint is found to be eligible, it will proceed to the next stage, which is the assessment stage. Once your complaint is determined to be eligible, it will be announced on the CAO website.

If your complaint is found ineligible, the CAO will close the complaint file and inform you in writing about this decision. The CAO will also record your complaint on its website, along with an explanation for why it is ineligible. Complaints that relate to a project that has not yet been approved by the Board will be found ineligible for a CAO process, but will be sent to the Board and Management.

Stage 2: Assessment

All eligible complaints will then enter an assessment phase. In this stage, the CAO will develop its understanding of the complaint, engage with the parties, identify local communities and stakeholders, and decide how it will try to solve the issues raised by the complaint. This stage does not include any decision on the substance of the complaint.

Assessments at the CAO are flexible, and can include a review of IFC/MIGA files, meeting interested parties, visiting the project site, and holding public meetings in the project area. The CAO will communicate its plans with you during this stage.

The aim of the assessment phase is to summarize all the information the CAO has gathered, and provide parties with the choice to enter either dispute resolution or compliance:

- If the parties agree to undertake dispute resolution, the complaint will enter that stage next. At the CAO, parties can also choose to enter compliance **after** a dispute resolution if: (1) no agreement is reached; (2) if the agreement does not address all of the issues raised by the complaint, or (3) if the agreement is not implemented.
- If the parties do **not** agree to a dispute resolution process, the complaint will enter compliance.

The CAO will speak to you about which option you prefer.

This stage will end with an assessment report, which will summarize the information gathered and note whether parties have agreed to a dispute resolution or if the complaint will be entering compliance.

Stage 3: Substantive phase

All eligible complaints should then enter a substantive phase. As mentioned, at the CAO you have the option to choose either “dispute resolution” or “compliance” as the next step.

DISPUTE RESOLUTION

As mentioned above, “dispute resolution” is a voluntary process where the CAO acts as the facilitator between the community and the IFC/MIGA’s client. This process can involve dialogue, joint fact-finding, mediation, negotiation, and facilitation, and this process can and should be designed and implemented by the parties together. The aim of a dispute resolution is to reach an agreement between all the parties, and find a mutually agreeable solution to your concerns.

Since dispute resolution is voluntary, any party can choose not to participate. If at any stage of this process a party no longer wants to continue with dispute resolution, the case is transferred to compliance.

If parties agree to participate, communities can share their concerns about the project directly with the IFC/MIGA’s client, and advocate for specific solutions to their concerns. If the parties agree on solutions, the CAO will help them to formalize those solutions in a signed agreement. If no agreement is reached, or if an agreement is not implemented, the case will be transferred to compliance. Upon completion of this phase, the CAO will prepare a report on the results of the dispute resolution.

If you would like to know more about what a dispute resolution process involves, see the case study for the Oyu Tolgoi Project below or the CAO Policy.

COMPLIANCE REVIEW

The compliance phase consists of two steps:

Step 1: **Compliance Appraisal:**

The CAO conducts a compliance appraisal to determine if an investigation is necessary. The CAO looks for evidence/indications of significant environmental and/or social harm, non-compliance with IFC/MIGA policies, and failures to provide adequate environmental and social protection. The appraisal stage is not a full investigation, but rather an assessment of whether the issues are serious enough to warrant an investigation.

If an investigation is not warranted, an appraisal report is released and the case is closed.

Step 2: **Compliance Investigation**

If an investigation is warranted, the CAO conducts a compliance investigation. As mentioned above, this is the compliance review phase, which is a fact-finding process where the CAO investigates whether the IFC/MIGA has complied with its environmental and social policies, and whether such non-compliance has caused harm to the community.

After investigating, the CAO prepares an investigation report with its findings and recommendations. IFC/MIGA Management then have a specified period to respond to the report and the actions they will take to address the concerns raised (Management Action Plan). Upon approval by the Board the report and Management Action Plan are shared on the CAO’s website.

If you would like to know more about what a compliance process involves, see the CAO Policy.

Stage 4: Monitoring

If your complaint goes through a dispute resolution process and results in an agreement, or goes through a compliance review and a Management Action Plan is published, then the complaint will enter a monitoring phase.

DISPUTE RESOLUTION

If an agreement is reached, the CAO will help the parties by monitoring the implementation of the agreement. Monitoring can be achieved by setting a program, timelines and outcome indicators within the agreement. The CAO will monitor whether the agreement was implemented and publicly disclose the outcomes on CAO's website. When a complaint is closed, the CAO will release a Conclusion Report.

COMPLIANCE REVIEW

If the IFC/MIGA are found to be in compliance, the CAO will close the investigation.

If the IFC/MIGA are found to be non-compliant, the CAO will monitor implementation of the Management Action Plan until it believes IFC/MIGA have addressed the non-compliance. CAO will then close the investigation.

Real stories from communities who have filed complaints



Oyu Tolgoi, Mongolia

DISPUTE RESOLUTION

Assessing the CAO's performance

COMPARISON TO BEST PRACTICE

✓

Independence: CAO's reporting line is independent from bank management; it reports to the Board of the World Bank Group. CAO has its own full-time staff.

✓

Transparency: CAO makes complaints, eligibility reports for both compliance and dispute resolution, final compliance reports, dispute resolution reports, and monitoring reports public.

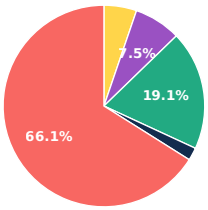
✓

Remedy: CAO can make recommendations for corrective measures to address areas of non-compliance, and explicitly has a mandate to recommend remedy for communities.

A LOOK AT THE DATA

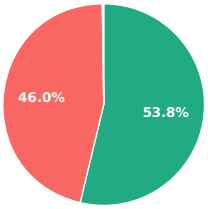
We have brought together some charts, based on the latest data available in the Complaint Dashboard, to offer a deep dive into the IFC, MIGA and CAO's performance.

Complaint Outcomes



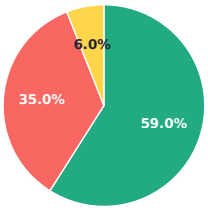
Active	23	5.2%
Monitoring	33	7.5%
Closed With Outputs	84	19.1%
Closed With Outputs Outside Process	9	2.1%
Closed Without Outputs	290	66.1%

Eligibility



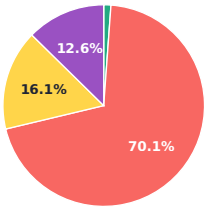
Eligible	236	53.8%
Ineligible	202	46.0%
In Progress	0	0.0%
Not Undertaken	1	0.2%

Dispute Resolution Outcomes (when undertaken)



Successful	59	59.0%
Unsuccessful	35	35.0%
In Progress	6	6.0%

Compliance Review Findings (when undertaken)



Compliant	1	1.1%
Non-Compliant	61	70.1%
In Progress	14	16.1%
No Output	11	12.6%

Complaint issues

Unknown	179
Consultation and disclosure	91
Displacement (physical and/or economic)	89
Due diligence	88
Livelihoods	84
Community health and safety	78
Pollution	76

Complaint sectors

Infrastructure	100
Extractives (oil, gas, mining)	87
Energy	53
Manufacturing	37
Agribusiness	29
Education	16
Financing	11

Figures are numbers of complaints recorded in the Accountability Console for this mechanism, as of the download date.

RECOMMENDATIONS TO IMPROVE THE CAO

To strengthen its ability to prevent harm, the CAO should be able to accept complaints about projects before they are approved by the Board. (GPP 30)

The CAO's policy should require it to publicly disclose compliance review reports as soon as they are finalized. Currently, the CAO has to wait to disclose its reports until IFC management has produced an action plan in response to the recommendations, which causes harmful delays and limits complainants' ability to comment on proposed remedial actions. (GPP 53)

Currently, the Director of the CAO is allowed to have been employed by the World Bank Group in the past. To strengthen CAO's independence, former members of World Bank Group management and the Board should be barred from leading the CAO. (GPP 11)

Contact CAO

Compliance Advisor Ombudsman (CAO): https://www.cao-ombudsman.org/

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+1 (202) 522-7400
To send complaints:

CAO@worldbankgroup.org
WhatsApp:

+1 (202) 361-7091
2121 Pennsylvania Avenue, NW Washington, DC 20433, USA

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