



# MAPPING ACCOUNTABILITY

*A Regional Look at Complaints in Development Finance*



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## GLOSSARY OF TERMS

**Community-based complainants:** The term ‘community-based complainants’ serves as an umbrella classification for all complaints that were filed or supported exclusively by individuals, communities and/or local community-based organizations, without support from national or international civil society organizations (CSOs). Since most IAMs require complaints to be filed by or on behalf of project-affected people, most complaints involving CSOs also involved community-based complainants.

**Concluded complaints:** Concluded complaints are those that were either closed or in monitoring as of 31 December 2015. The pool of complaints analyzed in the report is often limited to the 749 concluded complaints so as to avoid inaccuracies resulting from the inclusion of active cases that have not had a chance to reach certain phases of a complaint process.

**CSO involvement:** A CSO is considered to be involved in a case if it either filed the complaint – solely or jointly with community-based complainants – or provided other support to complainants regarding the complaint process. While some of the information on supporting organizations is publicly available, much of it is not. Therefore, the data collected regarding supporting organizations relied heavily on self-reporting from CSOs themselves. This is the only aspect of this analysis that did not rely exclusively on publicly available information.

**Result:** A complaint process that has produced a result is one in which there has been a settlement reached in problem-solving and/or a publicly disclosed compliance review report. Since researchers did not follow up with complainants to determine their perspective, it is important to note that recording a case as achieving a ‘result’ does not entail a judgment on the quality or acceptability of any settlements reached, nor an assessment of whether a compliance report produced any tangible results for complainants. Settlements that concerned only procedural agreements regarding the conduct of the dialogue process or minor agreements about interim issues were not considered ‘results.’

**Substantive phase:** A ‘substantive phase’ of a complaint process refers to either problem-solving or compliance review. A complaint ‘reached a substantive phase’ if a dialogue process or a full compliance investigation was initiated, without regard to whether the complaint reached the end of the dialogue process or compliance investigation. Complaints deemed by a mechanism to have entered a problem-solving or compliance review process, but where the process ended prior to the initiation of a dialogue or full compliance investigation, were not counted as reaching a substantive phase. For example, complaints that ended at the appraisal stage of a compliance review process were not counted as having reached compliance review.



# INTRODUCTION



Development finance institutions (DFIs) invest over US\$700 billion each year in development projects. While these projects are intended to alleviate poverty and improve living conditions, many are also associated with serious environmental and human rights impacts for nearby communities. Many communities facing these impacts, which can include forced displacement, lost livelihoods and polluted environments, turn to independent accountability mechanisms (IAMs): offices established to hear complaints from people affected by these projects. While exceptions exist, in many cases IAMs are the only available forum in which project-affected people can seek justice for these abuses.

The World Bank created the first IAM – the Inspection Panel – in 1993. Since then, DFIs worldwide have established their own IAMs to hold themselves accountable to their own social and environmental policies and to provide access to remedy for project-affected people.

In recent years, we have begun to collect and analyze data on IAM complaints to better understand the types of complaints being filed and what is happening to these complaints when they are received by IAMs. In doing so, we hope to contribute to a growing conversation about IAM policies and practices, and ultimately to help make IAMs more effective for the communities who use them. While recognizing that each IAM is unique in its procedures and institutional context, comparisons can nonetheless provide a useful starting point for understanding each complaint office and gaining insight into the field as a whole.

Previous analysis has focused on worldwide trends among IAMs. This report contributes to existing research by taking a regional focus. Our goal in analyzing IAM complaints through a regional lens is twofold. First, we aim to identify and examine any regional differences in the types of complaints filed and their progress through IAM processes. Second, we aim to highlight similarities and variations between IAMs while controlling for any influence the regional context may have.

For the purposes of this study, we have divided IAM complaints into four regions – Africa & the Middle East, Europe & Central Asia, Latin America & the Caribbean, and South & East Asia – based on the geographic local of the project generating the complaint. The boundaries of these regions were selected in part to capture the areas in which regional IAMs operate and to allow for a useful comparison.

## SUMMARY OF KEY FINDINGS:

- There are discernible patterns across complaints filed to IAMs in the four world regions on a number of factors, with some notable exceptions.
  - The number of complaints filed from Europe & Central Asia, Latin America & the Caribbean, and South & East Asia are very similar, with 198, 195, and 187 cases respectively. Africa & the Middle East has about 70 fewer complaints than the other three regions.
  - The typical regional caseload for an IAM is between 1 and 5 cases from a given region per year. Notable exceptions are MICI, which averaged 15.5 complaints annually from Latin America & the Caribbean, and the EIB CM, which averaged 10.4 complaints annually from Europe & Central Asia.
  - Across all regions, infrastructure projects generate the most complaints, ranging from 39% of complaints in Latin America & the Caribbean to 73% of complaints in Europe & Central Asia.
  - The percentage of concluded complaints (complaints closed or in monitoring) that achieved results is similar across all four regions. At 18%, South & East Asia has the lowest percentage of concluded cases that achieved results, while Africa & the Middle East and Europe & Central Asia both have the highest at 24%.
  - Overall and by region, cases involving CSOs have a higher results rate than those without CSO support. Notable exceptions exist, however, at the AfDB IRM in Africa & the Middle East and at the EIB CM, CAO, and Inspection Panel in Europe & Central Asia.

● **Although similar percentages of concluded complaints achieved results across regions, the progression of complaints through the various complaint processes varies significantly.**

- In Latin America & the Caribbean and South & East Asia, a lower percentage of complaints have been found eligible (44% and 31% respectively) as compared to Africa & the Middle East and Europe & Central Asia (56% and 67%).
- Europe & Central Asia has the lowest proportion of complaints in a substantive phase that went on to achieve results (48%), as compared to Africa & the Middle East (69%), Latin America & the Caribbean (82%) and South & East Asia (86%). This is largely due to the EIB CM's low rate of compliance review cases producing a public compliance report.

● **At the two mechanisms with complaints in all regions, there is considerable variation in the progression of complaints by region.**

- At the CAO, there is variation in the eligibility and results rates between regions, with cases in Africa & the Middle East and South & East Asia being found eligible and reaching results considerably less often than those in Europe & Central Asia and Latin America & the Caribbean.
- At the Inspection Panel, there is very little variation at any stage of the complaints process between Africa & the Middle East, Latin America & the Caribbean, and South & East Asia. However, in Europe & Central Asia, only 14% of Inspection Panel complaints achieved results, while the other regions have results rates of between 30% and 42%. The lower results rate in Europe & Central Asia was primarily due to the large proportion of eligible complaints that failed to reach a substantive phase.

## LIST OF IAMS

As with previous reports, the analysis that follows is drawn from a database compiled by the authors containing all publicly available information on all reported complaints filed with IAMS through 31 December 2015<sup>1</sup>. The database contains information on complaints filed to the following 12 IAMS:

- The Independent Review Mechanism (IRM) of the African Development Bank (AfDB);
- The Accountability Mechanism (AM) of the Asian Development Bank (ADB);
- The Canadian Office of the Extractive Sector Corporate Social Responsibility Counsellor (CSR Counsellor)
- The Independent Complaints Mechanism (ICM) of the Dutch Development Bank (FMO) and German Development Bank (DEG);
- The Project Complaint Mechanism (PCM) of the European Bank for Reconstruction and Development (EBRD);<sup>2</sup>
- The Complaints Mechanism (CM) of the European Investment Bank (EIB);
- The Independent Consultation and Investigation Mechanism (MICI) of the Inter-American Development Bank (IDB);
- The Compliance Advisor Ombudsman (CAO) of the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA);
- The Examiners for the Guidelines of the Japan Bank for International Cooperation (JBIC) and Japan International Cooperation Agency (JICA);
- The Social and Environmental Compliance Review and Stakeholder Response Mechanism (AM) of the United Nations Development Programme (UNDP);
- The Office of Accountability (OA) of the U.S. Overseas Private Investment Corporation (OPIC); and
- The Inspection Panel of the World Bank (WB).

Case information was collected from the mechanisms' websites and annual reports or similar publications produced by the mechanisms.<sup>3</sup>

<sup>1</sup> The report builds on *Glass Half Full (Glass Half Full? The State of Accountability in Development Finance*, Various Authors, 2016) and *Recent Trends in Accountability (Recent Trends in Accountability: Charting the Course of Complaint Offices*, Accountability Counsel, 2014).

<sup>2</sup> The database also includes complaints filed to the EBRD's earlier mechanism, the Independent Recourse Mechanism (IRM).

<sup>3</sup> Because the database is limited to publicly available information, the report excludes IAMS that have not made public any information about complaints received or that had not received any complaints as of 31 December 2015. These include the Ombudsperson of the Brazilian Development Bank, the Compliance Officer of Export Development Canada, the Examiner of Nippon Export and Investment Insurance, the Complaints Mechanism of the Australian Export Finance and Insurance Corporation and the Complaint Office of the West African Development Bank.

# REGIONAL OVERVIEW

*This section provides an overview of all IAMs while comparing complaints originating from four defined geographic regions: Africa & the Middle East, Europe & Central Asia, Latin America & the Caribbean, and South & East Asia.*



## REGIONAL DISTRIBUTION OF CASES

**Figure 1** illustrates the number of cases filed per year in each region. As a whole, there has been a substantial increase in the number of complaints filed to IAMs over the last two decades. In particular, the annual number of complaints increased significantly from 2008 to 2013. During this time, caseloads from Europe & Central Asia, Latin America & the Caribbean, and South & East Asia demonstrated similar growth trends. In contrast, however, the number of cases filed annually from Africa & the Middle East shrank during this period, with growth slowing in 2009 and then declining after 2010.

**FIGURE 1 | COMPLAINTS FILED PER YEAR**

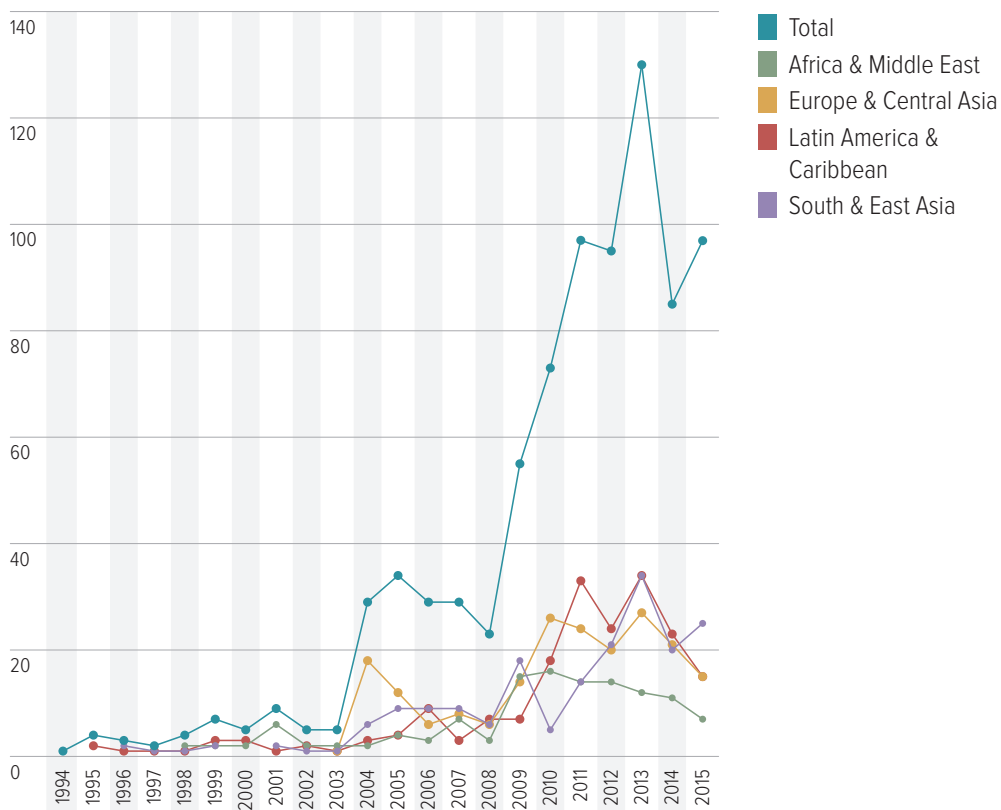


Figure 1 also shows a distinct spike in complaint filings in 2013, followed by a brief decline in complaints in 2014. In *Glass Half Full*, which analyzed complaints filed through 30 June 2015, the authors speculated about whether this decrease reflected a temporary decline or a broader trend.<sup>4</sup> During the later half of 2015, 29 additional cases were filed for which the region is known: 18 in South & East Asia, 8 in Latin America & the Caribbean, 2 in Europe & Central Asia, and 1 in Africa & the Middle East. Because some mechanisms report little to no information on cases that are not registered or found eligible, an additional 35 cases were filed in 2015 for which the region and, in many cases, the exact date of filing, are unknown. In total, 97 complaints were filed in 2015, compared to 85 in 2014, 130 in 2013 and 95 and 97 in the two prior years.

These numbers indicate that the 2014 decline in case filings was temporary, and that complaint filing rates are gradually stabilizing since 2011. However, looking only at cases for which the region is known, there is a continuing downward trend in case filings in all regions other than South & East Asia.

## FIGURE 2 | WHERE COMPLAINTS COME FROM

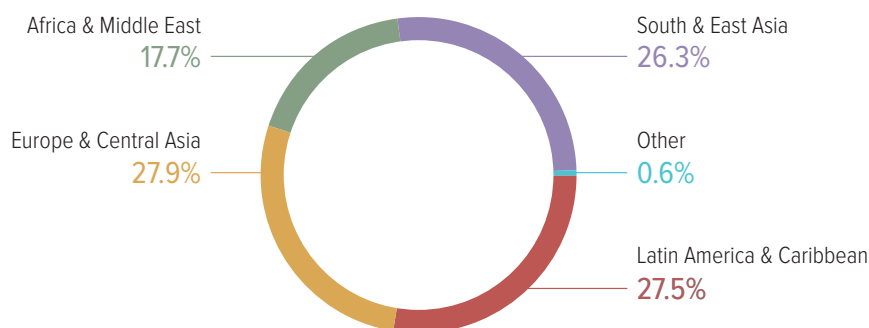


Figure 2 shows the proportion of complaints filed from each region. Interestingly, Europe & Central Asia, Latin America & the Caribbean, and South & East Asia all had a similar number of cases (198, 195, and 187 respectively), each accounting for between 26-28% of total complaints. Africa & the Middle East, on the other hand, had 126 cases, or about 18% of total complaints. As illustrated in Figure 1, this regional discrepancy in caseload appears to begin after 2009, when the increase in complaints filed annually from the other regions started to significantly outpace those from Africa & the Middle East.

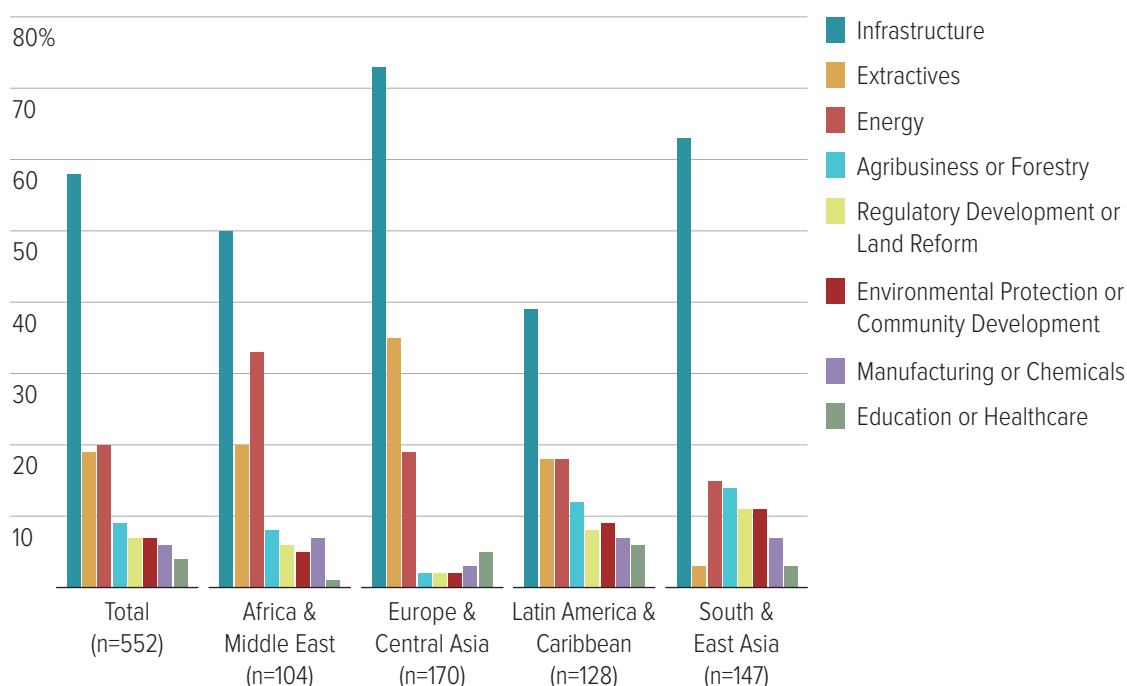
An important caveat to keep in mind when interpreting this data is that some IAMs disclose the region of origin of all complaints – even those that are not registered – whereas other IAMs do not. Thus, in regions where prominent IAMs do not provide such information for unregistered complaints (for example, as discussed in more detail below, the PCM in Europe & Central Asia), these figures may underrepresent the number of complaints filed.

## TYPES OF PROJECTS THAT LEAD TO COMPLAINTS

In addition to examining where complaints originate, it is interesting to note variation in the types of projects that generate complaints in each region.

**Figure 3** displays the project sectors about which complaints have been filed, based on the 575 cases for which such information was available. Many complaints were filed about projects relating to more than one sector, in which case the complaint is counted in all relevant sectors.

**FIGURE 3 | COMPLAINTS BY SECTOR**





Across all four regions, infrastructure projects generate by far the most complaints. After infrastructure, extractives and energy are the most common sectors, typically comprising the second and third highest proportion of complaints. The extractives sector in South & East Asia is an exception, generating a significantly smaller portion of complaints in that region.

## PROGRESSION THROUGH THE COMPLAINT PROCESS

One of the most important indicators of how an accountability mechanism operates is the progress of cases through its complaint process. **Figure 4** tracks the progress of concluded complaints from each region through the various IAM processes by measuring the percent of concluded complaints found eligible, the percent reaching a substantive phase, and the percent achieving results. Throughout this analysis, the term attrition refers to cases that do not proceed from one stage of a complaint process to the next.

When looking at all 749 concluded cases, there is substantial attrition of complaints between each stage of the process: 58% of all concluded complaints were found ineligible, 33% of eligible cases did not reach a substantive phase, and 34% of cases reaching a substantive phase did not achieve results.<sup>5</sup>

As illustrated in *Figure 4*, there is considerable variation between regions in the percent of cases found ineligible and the proportion of eligible cases not reaching a substantive phase. The South & East Asia region had the highest rate of ineligibility, with 69% of concluded cases deemed ineligible, while Europe & Central Asia had the lowest rate of ineligibility at 33%.

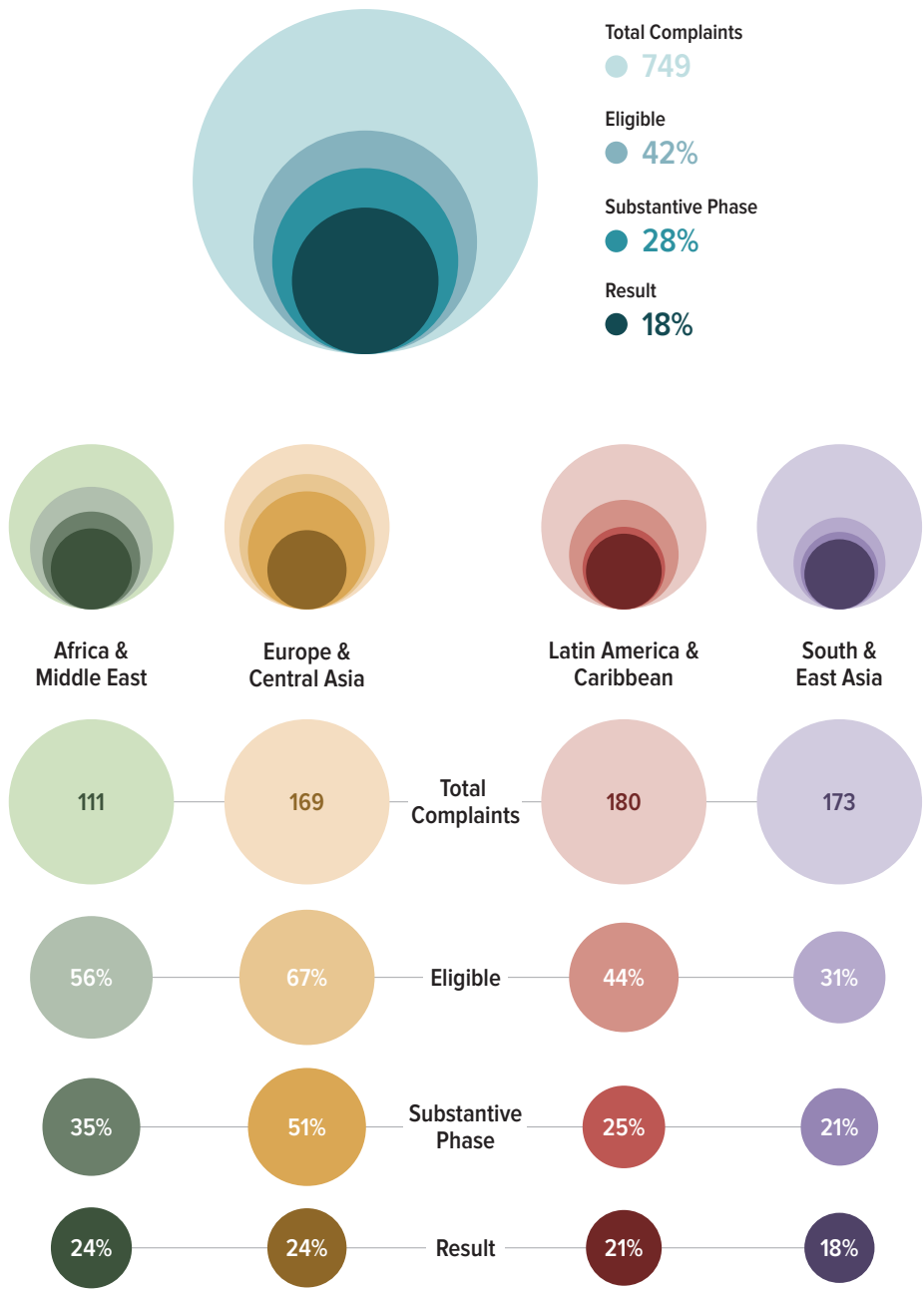
At the next phase of the process, Latin America & the Caribbean had the highest attrition rate, with 43% of eligible cases not reaching a substantive phase, while Europe & Central Asia again had the lowest rate at 24%.

At the results phase, Europe & Central Asia had the highest attrition rate, with 52% of cases that reached a substantive phase not achieving results. South & East Asia had the lowest rate of attrition between cases reaching a substantive phase and cases achieving results, at 14%, followed by Latin America & the Caribbean at 18%. In other words, a lower percentage of complaints from Latin America & the Caribbean and South & East Asia reached a substantive phase as compared to Europe & Central Asia. But, a greater percentage of complaints from those two regions that reached a substantive phase went on to achieve results.

<sup>5</sup> The 749 concluded complaints used in this analysis include 65 additional cases that were not considered in the *Glass Half Full* analysis of complaint progress.



FIGURE 4 | COMPLAINT PROGRESS



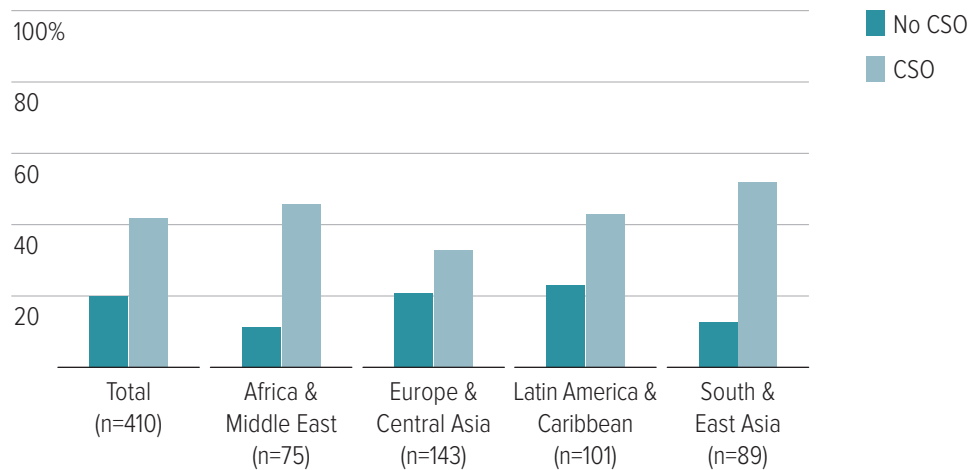
The most striking aspect of *Figure 4* is that, despite differences in attrition rates at all three stages of the IAMS process, the proportion of all concluded cases that ultimately achieved results is remarkably similar for each region: 24% of cases achieved results in both Africa & the Middle East and Europe & Central Asia, 21% in Latin America & the Caribbean, and 18% in South & East Asia. The second half of this report provides more detail about these findings by comparing the progress of concluded cases at each of the most active mechanisms within each region.

## THE ROLE OF CIVIL SOCIETY ORGANIZATIONS

**Figure 5** examines the proportion of complaints achieving results based on whether a CSO was involved in the complaint process. These statistics are calculated from the 410 concluded cases in which presence or absence of CSO involvement is known. Of these 410 cases, 55% involved CSOs and 45% were filed by community-based complainants without any CSO support.

Overall, the proportion of CSO-supported complaints that achieved results was over double that of complaints filed without any CSO involvement. Specifically, 43% of cases involving CSOs achieved results, whereas only 20% of cases involving only community-based complainants achieved results.<sup>6</sup>

FIGURE 5 | RESULTS RATE BY CSO INVOLVEMENT



<sup>6</sup> Of course, since much of this data is based on CSO self-reporting, it is possible that CSOs are not consistently reporting involvement in unsuccessful cases. It is likely that the database does not capture all instances of CSO involvement. Additionally, CSOs may be selective about the cases in which they get involved, choosing to focus on complaints they believe have a greater likelihood of achieving results.

This correlation between CSO involvement and achieving results holds true in every region, with some variations. The disparity between the results rates of complaints filed by community-based complainants only and those involving CSOs is greatest in South & East Asia, with 16% of cases without any CSO involvement achieving results, in contrast to 52% of cases supported by CSOs achieving results. In Europe & Central Asia, on the other hand, the results rates differ by only 13 percentage points based on CSO involvement, with 21% of complaints filed without CSOs and 34% of cases involving CSOs achieving results. Latin America & the Caribbean and Africa & the Middle East fall in the middle. Complaints from Latin America & the Caribbean have results rates of 23% without CSO involvement and 43% for cases supported by CSOs, and complaints from Africa & the Middle East have result rates of 15% without CSO involvement and 47% for cases supported by CSOs.

This data raises important questions about whether there are barriers that may make IAMS less accessible and less likely to achieve results for community-based complainants working without CSO support.



# A CLOSER LOOK AT EACH REGION



**T**his section looks at IAMs within each of the four major regions generating complaints, focusing on case progress within the IAMs that have a strong presence, in terms of numbers of complaints received, in each region. Building on the regional differences highlighted in the previous section, we examine trends and variances in complaints filed to mechanisms within each region. This provides the opportunity for a mechanism-specific examination of complaints while controlling for any regional factors that may influence case filings and the progress of cases through the complaint process.

For example, the previous section found noticeable differences in the way that CSO involvement in cases correlates with the rate of results achieved. In South & East Asia, there was a difference of 36 percentage points in the results rates of cases with CSO support compared to cases without CSO support. In the Europe & Central Asia region, in contrast, results rates differed by only 13 percentage points. The following section aims to provide more information on how trends like this are distributed between mechanisms within each region.



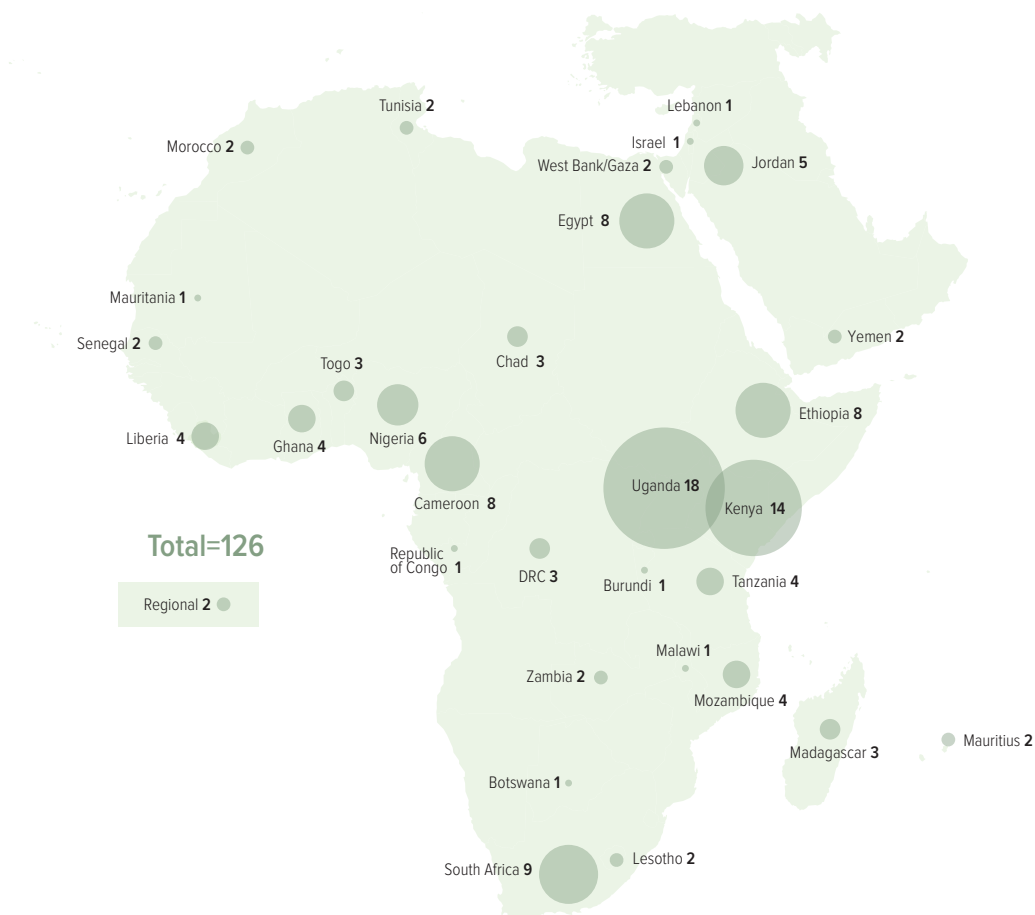
# Africa & the Middle East

As of 31 December 2015, 126 complaints had been filed from Africa & the Middle East, 111 of which were concluded by the end of 2015.

## COMPLAINTS BY COUNTRY AND MECHANISM

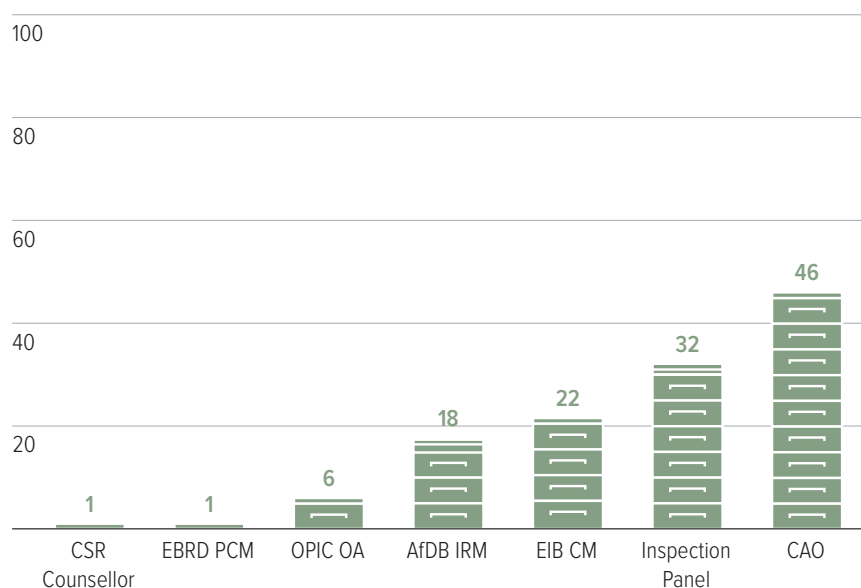
**Figure 6** illustrates the origin of complaints by country. The vast majority of complaints, 103 out of 126, originated in Sub-Saharan Africa, while only 23 complaints were filed from North Africa and the Middle East. Uganda had the most cases with 18 complaints, followed by Kenya with 14, South Africa with 9, and Cameroon, Egypt, and Ethiopia, each with 8.

**FIGURE 6 | ORIGIN OF COMPLAINTS BY COUNTRY**



**Figure 7** shows the distribution of complaints by mechanism in Africa & the Middle East. The Inspection Panel received the first two complaints filed from this region in 1995, and averaged 1.5 cases annually during the following twenty years. In 2000, the CAO was the second IAM to receive a case from the region and has had an average of 2.9 cases per year through the end of 2015. In recent years, the CAO's caseload from Africa & the Middle East has grown, reaching an average of 4.3 complaints per year from 2010 to 2015, despite receiving zero complaints from the region in 2014. The AfDB IRM, the only IAM with its primary operations in the region, received its first complaint in 2007 and has averaged 2.0 cases per year. The EIB CM received its first case from the region in 2008 and has had an annual average of 2.9 cases.<sup>7</sup> The OPIC OA, CSR Counsellor, and EBRD PCM have each received a small number of complaints from the Africa & the Middle East region as well.

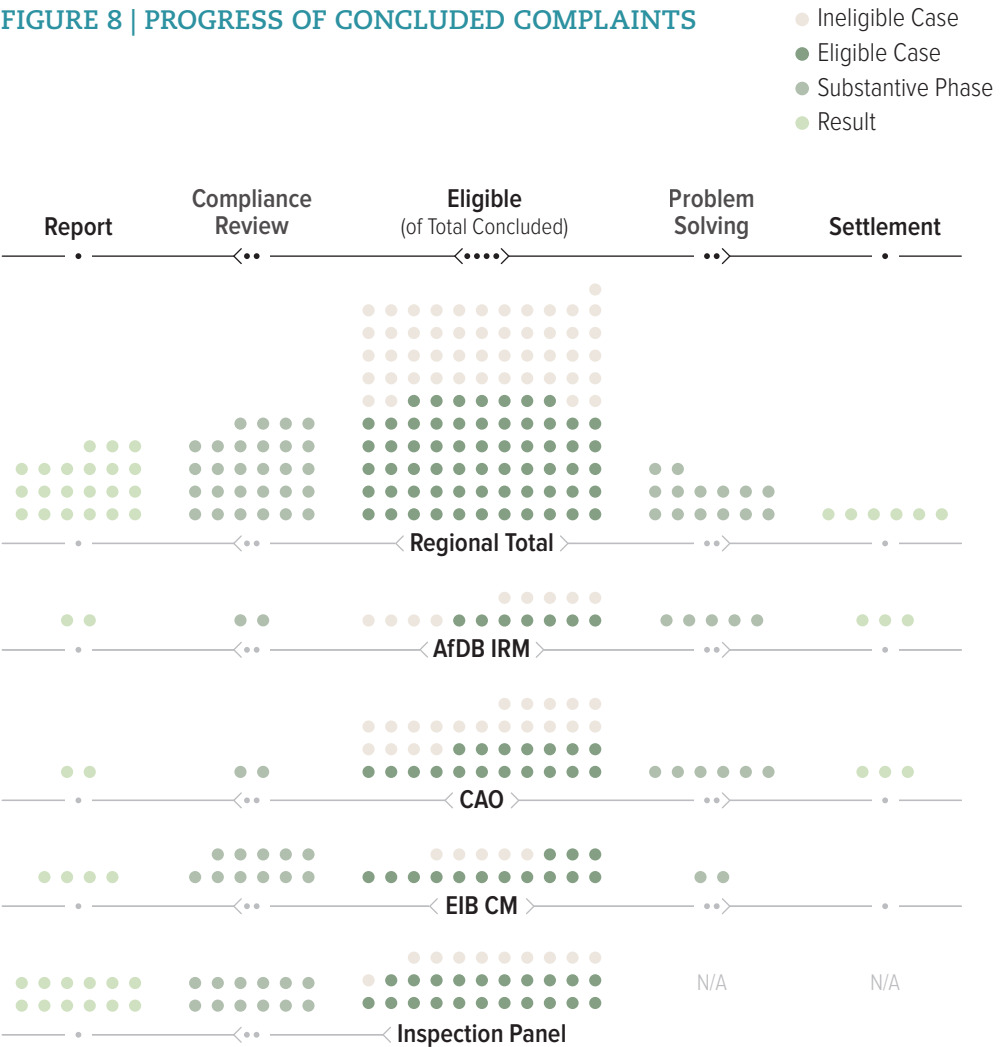
**FIGURE 7 | COMPLAINTS RECEIVED BY MECHANISM**



<sup>7</sup> Methodological note regarding the EIB CM: Many of the EIB CM's cases are not included in this analysis because the EIB CM's mandate is much larger than other IAMs. It accepts cases related to procurement and other issues raised by bank clients, in addition to cases related to project impacts on communities. For the purposes of this analysis, many of the EIB CM's cases were excluded to make the EIB CM more comparable to other mechanisms. Only cases relating to social or environmental issues, as well as a subset of those relating to disclosure, were included in this dataset. Complaints related to governance, procurement, human resources and customer and investor relations were not included because these generally do not relate to the impacts of EIB projects of local affected people.

## PROGRESSION THROUGH THE COMPLAINT PROCESS

**Figures 8** provides a detailed illustration of the progress of all concluded complaints from Africa & the Middle East filed to the four IAMs that received a significant number of eligible complaints from the region. This visual provides more detail on the substantive phase and results stages of the complaints process, showing the number of cases that reached problem-solving and compliance review and the number that went on to achieve results.





**Table 1** clarifies the information illustrated in *Figure 8* by presenting complaint attrition at each phase of the complaint process. The first row shows the percent of all concluded complaints that were found eligible (total numbers are shown in gray below each percentage). The second row shows the percent of eligible concluded complaints that reached a substantive phase. Finally, the third row shows the percent of concluded cases reaching a substantive phase that achieved results.

**TABLE 1: ATTRITION OF CONCLUDED COMPLAINTS**

	Regional Total	EBRD PCM	EIB CM	CAO	Inspection Panel
% Cases Filed that were Found Eligible	56% 62/111	44% 7/16	74% 14/19	47% 18/38	68% 21/31
% Cases Found Eligible that Reached a Substantive Phase	63% 39/62	100% 7/7	79% 11/14	39% 7/18	57% 12/21
% Cases Reaching a Substantive Phase that Achieved Results	69% 27/39	71% 5/7	36% 4/11	71% 5/7	100% 12/12

While a significant percent of AfDB IRM cases drop out at the eligibility phase, its attrition rates at the substantive phase and results stages are among the lowest. As seen in *Figure 8*, a compliance report was published for both of the complaints for which a compliance review was initiated, and a settlement was reached in 60% of cases that went to problem-solving. Due to the relatively high percent of cases progressing from eligibility to a substantive phase and from a substantive phase to results, the AfDB IRM has the second highest proportion of total concluded complaints achieving results in the region, despite the low percent of complaints that are found eligible.

The EIB CM, on the other hand, has the lowest attrition rate at the eligibility stage, with 74% of complaints found eligible. The proportion of complaints reaching a substantive phase is also well above the regional total at 79%. While neither of the 2 complaints that went to problem-solving reached a settlement, both of those complaints then went on to compliance review. However, only 36% of cases reaching compliance review achieved a result. As discussed in more detail below in the Europe & Central Asia section, this low proportion of published compliance reports is in stark contrast with most other mechanisms, where publishing a compliance report is generally standard practice.

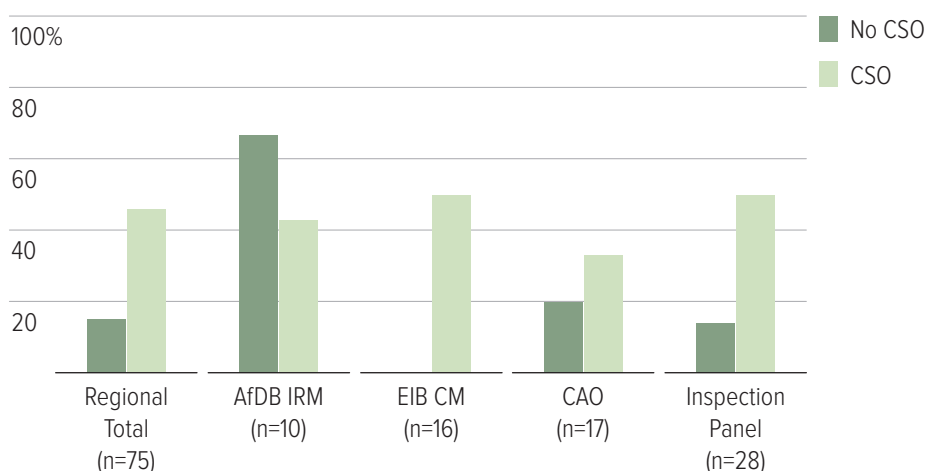
With only 13% of cases filed achieving results, the CAO has the lowest percent of results in the region, with much of the case attrition taking place prior to cases reaching a substantive phase. The proportion of concluded cases found eligible and the proportion of eligible cases reaching a substantive phase are both below the regional total, with eligibility 9 percentage points below and substantive phase 24 percentage points below. In contrast, the percent of cases reaching a substantive phase that went on to achieve results is slightly above the regional total. As shown in *Figure 8*, 50% of CAO complaints in problem-solving reached a settlement, and 100% of cases in compliance review resulted in a published compliance report, including one complaint that was sent to compliance review after failing to achieve a settlement in problem-solving.

The Inspection Panel, on the other hand, had the highest percent of cases filed achieving results for the Africa & Middle East region, at 39%. In part, this high mark stems from the fact that the proportion of total concluded complaints found eligible by the Inspection Panel is 12 percentage points greater than the regional total. However, the elevated percent of complaints achieving results is mostly attributable to the fact that 100% of complaints reaching a substantive phase went on to achieve results. This high results rate in part reflects the Inspection Panel's procedures, which do not include a problem-solving phase and therefore remove from the complaint process the many uncontrolled variables involved in achieving a result through problem-solving.

## THE ROLE OF CIVIL SOCIETY ORGANIZATIONS

**Figure 9** demonstrates the correlation between CSO involvement and the proportion of complaints that achieved results at each of the four IAMs with significant operations in Africa & the Middle East. This data comes from the 75 concluded cases in the region for which CSO involvement is known. Of these, 35% involved only community-based complainants and 65% were supported by CSOs.

**FIGURE 9 | RESULTS BY CSO INVOLVEMENT**



As illustrated in *Figure 9*, for Africa & the Middle East, the total percentage of complaints involving CSOs that achieved results is over three times greater than that of complaints filed by community-based complainants alone. Complaints at the EIB CM, CAO, and Inspection Panel follow this trend. The most dramatic example is the EIB CM, where although the number of complaints filed by each group was equal, none of the community-based complaints were successful, while half of the cases involving CSOs achieved results. The Inspection Panel also has a considerable disparity in results rates by CSO involvement, with 14% of complaints not supported by CSOs and 52% of cases involving CSOs achieving results. The difference in results rates is smaller for CAO cases from this region, with 20% of complaints filed without CSO support and 33% of cases involving CSOs achieving results.

The AfDB IRM is the only mechanism in the region at which complaints filed without CSO support had a higher results rate than those involving CSOs. The proportion of AfDB IRM cases from community-based complainants alone that achieved results is 24 percentage points higher than complaints supported by CSOs.

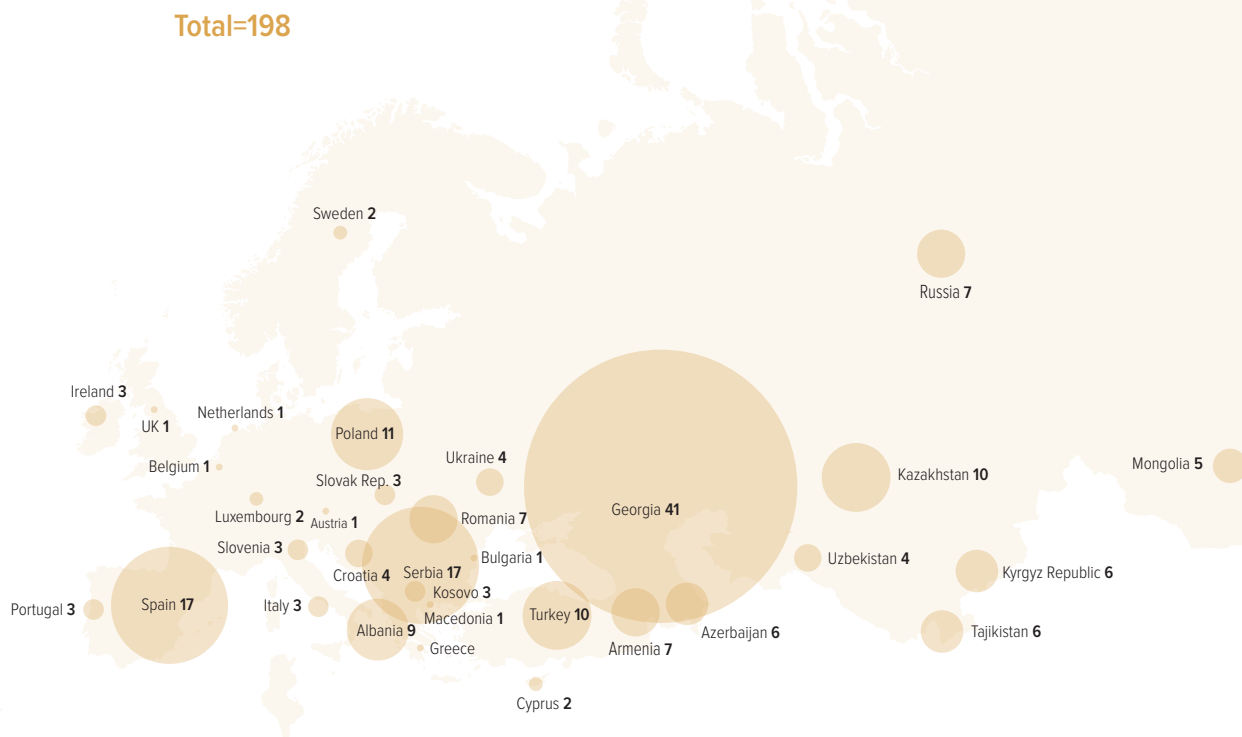
## Europe & Central Asia

As of 31 December 2015, there have been 198 complaints filed from Europe & Central Asia, of which 169 were concluded within that timeframe.

### COMPLAINTS BY COUNTRY AND MECHANISM

**Figure 10** illustrates how many complaints were filed per country. Georgia has by far the most cases with 41 complaints (the majority of which were complaints filed to the CAO regarding the Baku-Tbilisi-Ceyhan (BTC) oil and gas pipeline), followed by Serbia with 17, Poland with 11, and Kazakhstan and Turkey with 10.

FIGURE 10 | ORIGIN OF COMPLAINTS BY COUNTRY

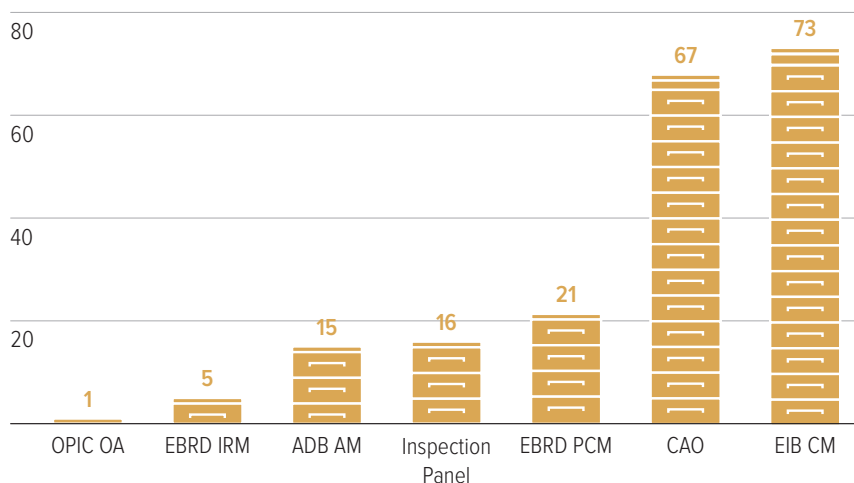


**Figure 11** shows the distribution of complaints from Europe & Central Asia by IAM. As illustrated in *Figure 1*, there were no complaints filed from the region until 2003, nine years after the first IAM began accepting complaints in the region. The CAO received this first complaint in 2003, and then received 18 cases the following year in 2004. Following this irregularly high number of complaints, the CAO averaged 4.4 cases annually from the region between 2005 and 2015. The EBRD IRM, that institution's first accountability office, was the next mechanism to receive a case from Europe & Central Asia in 2005. In 2010, the PCM replaced the IRM, which only received 5 complaints during its tenure. Between 2010 and 2015, the PCM averaged 3.5 complaints per year from the region.

The EIB CM began receiving complaints from the region in 2009, receiving 9 in that first year. The EIB CM has consistently continued to receive a large number of cases, averaging 10.4 complaints from the region annually. The EIB CM's substantial caseload each year is the main reason that, despite the first complaint from the region not being filed until 2003, Europe & Central Asia has the second highest number of complaints among the four regions considered in this report. The operations of both the EBRD's mechanisms and EIB CM are concentrated in the Europe & Central Asia region, although, as was apparent in the previous section, the EIB CM also has a significant number of cases from Africa & the Middle East.

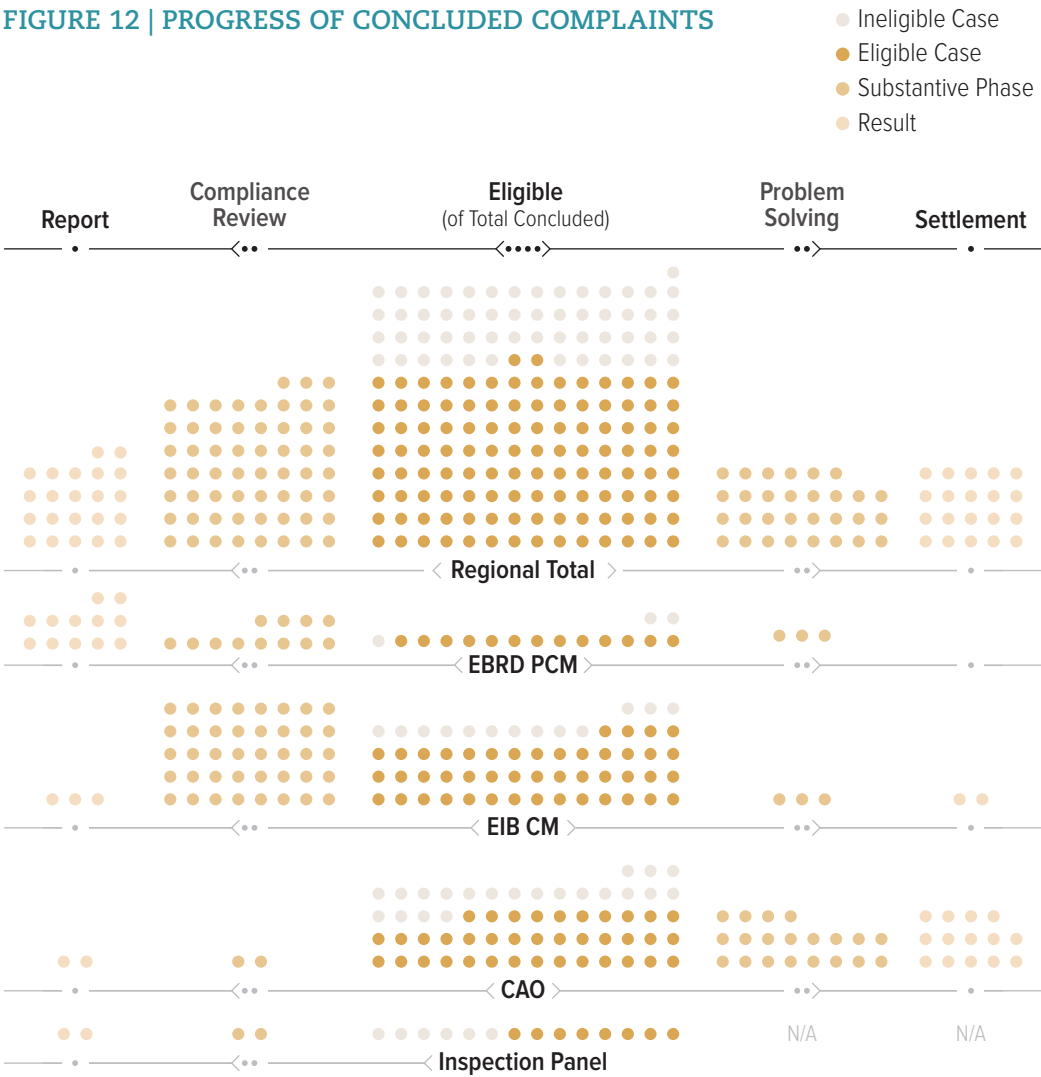
The Inspection Panel received its first complaint from the region in 2006 and has averaged 1.6 cases per year for a total of 16 complaints. The ADB AM received 15 cases from Europe & Central Asia.

**FIGURE 11 | COMPLAINTS RECEIVED BY MECHANISM**



## PROGRESSION THROUGH THE COMPLAINT PROCESS

**Figure 12** illustrates how complaints have progressed through each of the four IAMs with significant caseloads in Europe & Central Asia.<sup>8</sup> As noted in *Figure 4*, the region has above average rates of complaints found eligible and proceeding to substantive phases, followed by a lower proportion of complaints moving from a substantive phase to results as compared to other regions.



<sup>8</sup> Although the ADB AM received nearly as many complaints as the Inspection Panel, only 3 of the ADB AM's concluded cases were found eligible. This is too small of a sample size to use in a meaningful study of the complaint process.

**Table 2** clarifies the information illustrated in *Figure 12* by presenting the attrition of complaints at each step of the complaint process. Similar to *Table 1*, the first row shows the percent of all concluded complaints that were found eligible, as well as providing the number of complaints in gray below the percentages. The second row shows the percent of eligible concluded complaints that reached a substantive phase. Finally, the third row shows the percent of concluded cases reaching a substantive phase that achieved results.

**TABLE 2: ATTRITION OF CONCLUDED COMPLAINTS**

	Regional Total	EBRD PCM	EIB CM	CAO	Inspection Panel
% Cases Filed that were Found Eligible	67% 114/169	81% 13/16	78% 46/59	64% 38/59	57% 8/14
% Cases Found Eligible that Reached a Substantive Phase	75% 86/114	100% 13/13	93% 43/46	58% 22/38	25% 2/8
% Cases Reaching a Substantive Phase that Achieved Results	48% 41/86	92% 12/13	11% 5/43	73% 16/22	100% 2/2

The most striking statistic shown in these figures is the large proportion of total cases filed that achieved results at the EBRD PCM. At 75%, the PCM's results rate is nearly three times higher than any other IAM in Europe & Central Asia. The PCM has low attrition at every stage of the complaints process: every one of their eligible complaints reached a substantive phase, of which 23% went to problem-solving and 92% went to compliance review (including two cases that also went to problem-solving). However, these apparently low attrition rates are influenced by the PCM's Rules of Procedure, which limit the public reporting of unregistered complaints. In contrast to the practice of many other mechanisms, the PCM has reported receiving 77 unregistered complaints, but provided little additional information about them. Without information on a case's region of origin, these complaints were not included in this analysis. If we assume that the unregistered complaints were all filed from the Europe & Central Asia region – as were the vast majority of the PCM's registered complaints – and include them in this analysis, the proportion of concluded cases found eligible at the PCM would drop to 14% and the percent of concluded cases that achieve results would fall to 13%.

The EIB CM has similarly high proportions of concluded complaints found eligible and eligible complaints reaching a substantive phase, but shows the lowest percentage of concluded cases that achieved results. In contrast to the EBRD PCM's statistic of 92% of complaints that reached a substantive phase going on to achieve results, only 11% of the EIB CM's complaints that reached a substantive phase went on to achieve results. As shown in *Figure 12*, 93% of the EIB CM complaints that reached a substantive phase went to compliance review. Although there are relatively few barriers to a mechanism publishing a compliance report, the EIB CM published compliance reports for only 8% of cases that went to compliance review.<sup>9</sup> This high level of attrition between initiating compliance review and publishing a report was also seen in the EIB CM's cases from other regions, suggesting mechanism-wide issues around complaint process transparency.

In contrast, the Inspection Panel published reports for 100% of complaints reaching compliance review. However, only 25% of eligible Inspection Panel complaints from the region reached a substantive phase. Thus, despite showing no attrition between substantive phase and results, the overall percent of Inspection Panel cases from the region achieving results was only 14%.

*Figure 12* also shows that at the CAO, 9% of cases that reached a substantive phase went to compliance review, while 91% went to problem-solving. 73% of the cases reaching either compliance review or problem-solving achieved results, and 27% of all concluded cases achieved results.

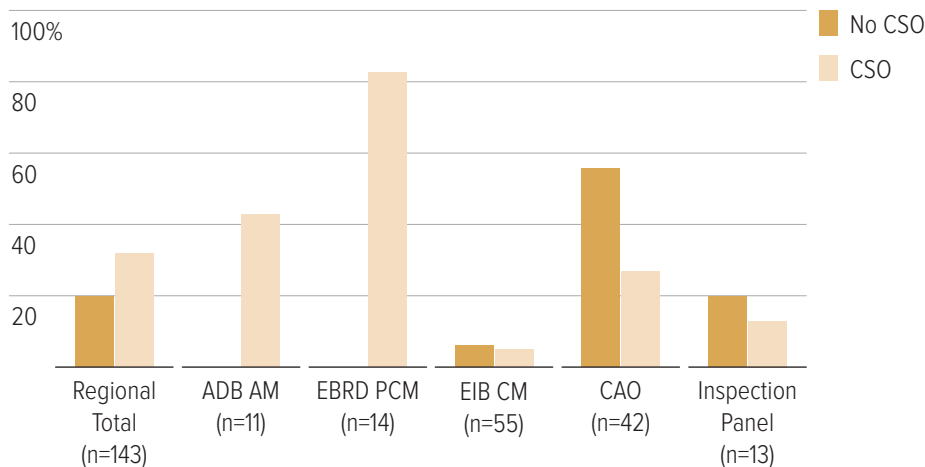
<sup>9</sup> The EIB CM's 2013 policy indicates that reports produced at the conclusion of a compliance review process will be publicly disclosed on the mechanism's website.



## THE ROLE OF CIVIL SOCIETY ORGANIZATIONS

**Figure 13** breaks down the percent of cases in Europe & Central Asia achieving results by CSO involvement, based on the 143 concluded cases in the region for which presence or absence of CSO involvement is known. Of these 143 complaints, 54% involved CSOs, and 46% were filed by community-based complainants alone.

**FIGURE 13 | RESULTS BY CSO INVOLVEMENT**



Although the regional totals show a higher results rate for cases involving CSOs than those filed without any CSO involvement, ADB AM and EBRD PCM are the only IAMs in the region that follow this pattern. None of the 4 ADB AM cases that did not involve CSOs achieved results, while 43% of those that were supported by CSOs achieved results. At the PCM, neither of the 2 complaints that were filed by only community-based complainants achieved results, while 86% of complaints supported by CSOs achieved results. This difference in results rates is the largest of any mechanism within a region by 31 percentage points, although the small number of PCM complaints that do not involve CSOs may make this statistic unreliable.

The results rates for cases filed at the EIB CM, CAO, and Inspection Panel by community-based complainants alone are higher than the rates of cases supported by CSOs. Most dramatically, the results rate for CAO complaints filed without CSO involvement is 29 percentage points higher, a statistic that is likely related to the significant number of individual complaints filed to the CAO regarding the BTC oil and gas pipeline, many of which resulted in settlements.

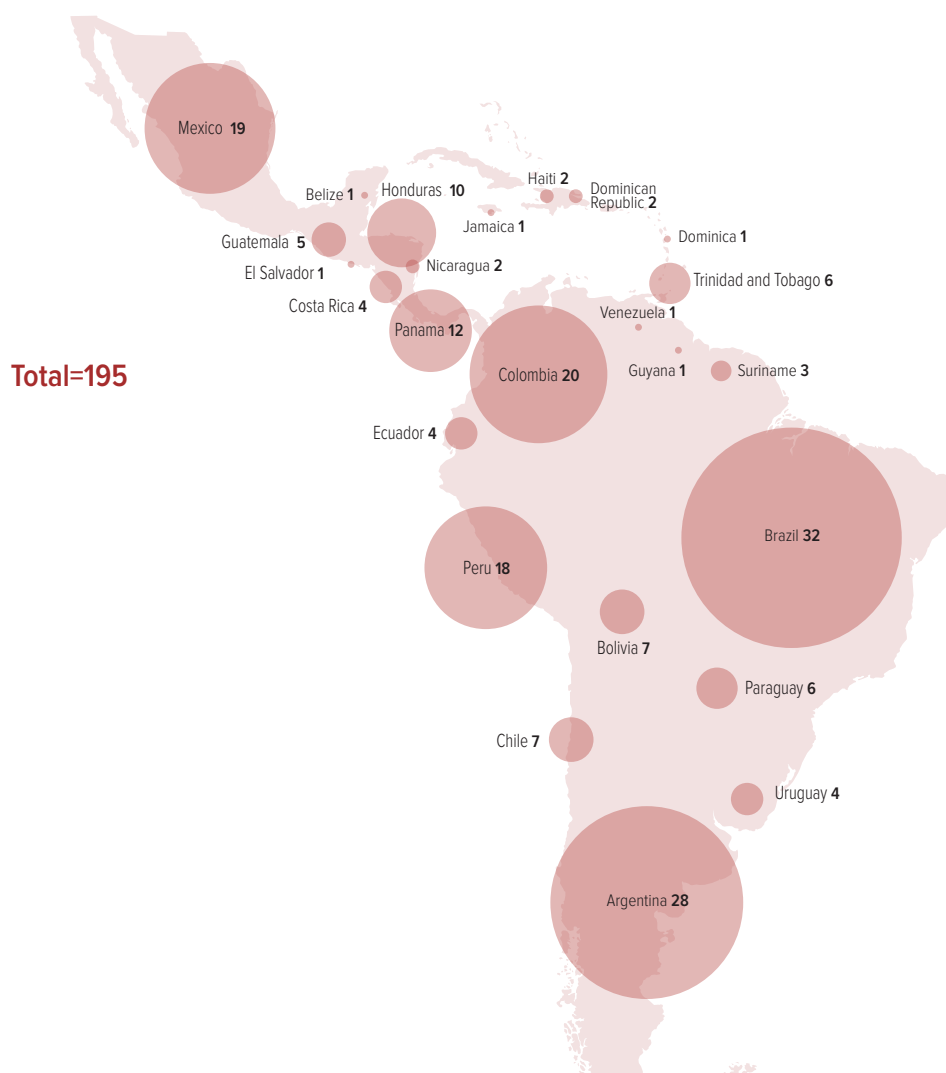
# Latin America & the Caribbean

As of 31 December 2015, there were 195 complaints filed from Latin America & the Caribbean, of which 180 were concluded within that timeframe.

## COMPLAINTS BY COUNTRY AND MECHANISM

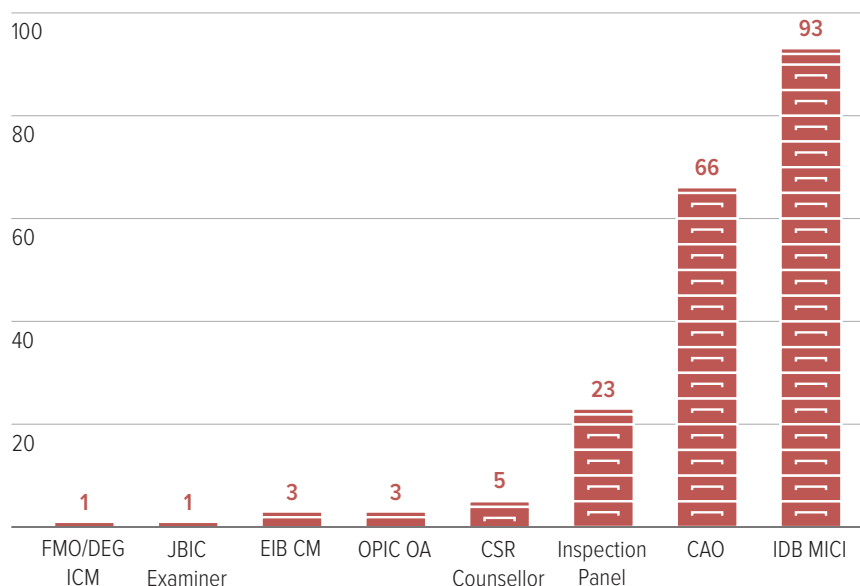
**Figure 14** illustrates how many complaints were filed per country. With 32 cases, Brazil housed the most complaints in the region, followed by Argentina with 28, Colombia with 20, Mexico with 19, and Peru with 18.

**FIGURE 14 | ORIGIN OF COMPLAINTS BY COUNTRY**



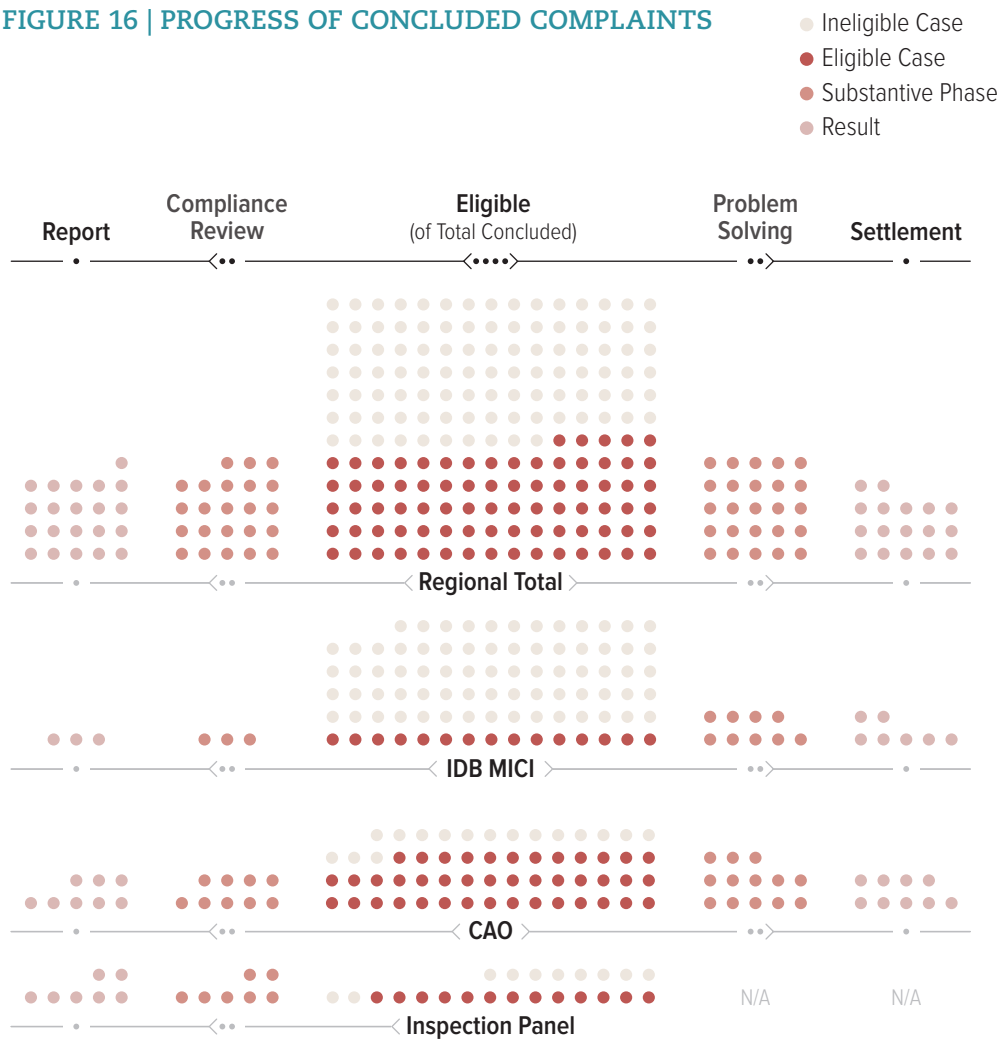
**Figure 15** shows the distribution of complaints from Latin America & the Caribbean by mechanism. The Inspection Panel received the first complaint from the region in 1995 and has an annual average caseload of 1.1 complaints. Five years later, the CAO received its first three complaints from Latin America & the Caribbean. Between 2000 and 2015, the CAO averaged 4.1 cases per year from the region. This number is greatly influenced by abnormally high case filings from the region in 2013 and 2014, when it received 11 and 13 cases respectively. The IDB MICI began receiving complaints in 2010. Despite its short existence, MICI has had a significant caseload, handling an average of 15.5 complaints per year and accounting for 48% of all complaints from Latin America & the Caribbean. The CSR Counsellor, EIB CM, FMO/DEG ICM, JBIC Examiner, and OPIC OA have also received complaints from the region.

**FIGURE 15 | COMPLAINTS RECEIVED BY MECHANISM**



## PROGRESSION THROUGH THE COMPLAINT PROCESS

**Figure 16** illustrates how complaints have progressed through each of the three IAMs with significant caseloads in Latin America & the Caribbean.



**Table 3** clarifies the information illustrated in *Figure 16* by presenting the attrition of complaints at each step of the complaint process. Similar to *Tables 1 and 2*, the three rows show the percent of concluded complaints that were found eligible; the percent of eligible concluded complaints that reached a substantive phase; and the percent of concluded cases reaching a substantive phase that achieved results.

**TABLE 3: ATTRITION OF CONCLUDED COMPLAINTS**

	Regional Total	IDB MICI	CAO	Inspection Panel
% Cases Filed that were Found Eligible	44% 80/180	17% 15/87	72% 42/58	57% 13/23
% Cases Found Eligible that Reached a Substantive Phase	56% 45/80	73% 11/15	50% 21/42	54% 7/13
% Cases Reaching a Substantive Phase that Achieved Results	82% 37/45	91% 10/11	76% 16/21	100% 7/7

One of the most notable statistics in *Figure 16* and *Table 3* is the low number of MICI cases found eligible: only 17%.<sup>10</sup> On the other hand, MICI's rate of eligible cases reaching a substantive phase is considerably above the regional total. As shown in *Figure 16*, 82% of MICI complaints reaching a substantive phase went to problem-solving and 27% went to compliance review (including one complaint that failed to reach a settlement in problem-solving). Of the cases that went to problem-solving, 78% resulted in a settlement, and MICI published a compliance report for 100% of complaints that reached compliance review. Despite having high proportions of eligible complaints reaching a substantive phase and of complaints in a substantive phase achieving results, MICI's low eligibility rate led to only 11% of all filed cases achieving results. This overall results rate is more than 15 percentage points lower than the proportion of complaints achieving results at the other mechanisms in the region.

<sup>10</sup> While this statistic is likely influenced by MICI's policy of disclosing information about unregistered cases – a level of transparency that exceeds that of some IAMS – this does not explain MICI's low eligibility rate as compared to the Inspection Panel and the CAO, which typically also disclose information about unregistered complaints.

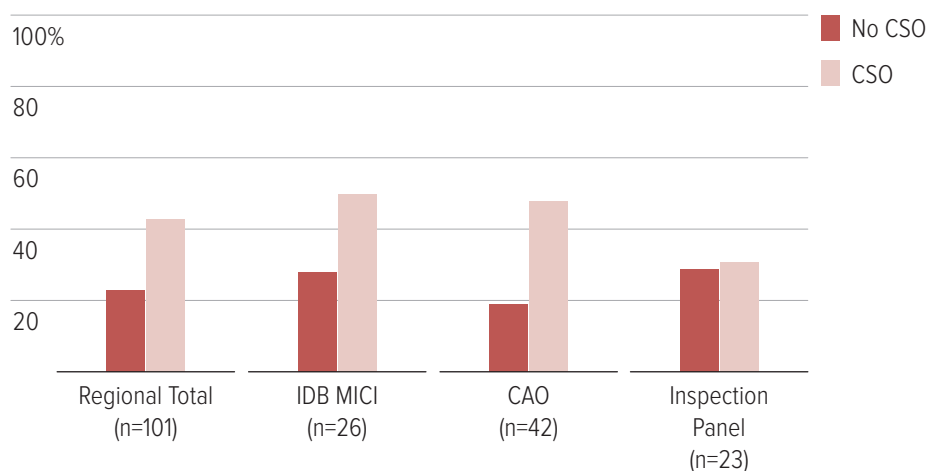
The progress of the CAO's and the Inspection Panel's complaints from Latin America & the Caribbean are more consistent with the regional totals. Of the CAO complaints that reached a substantive phase, 62% went to problem-solving and 43% went to compliance review (including one complaint that originally went through problem-solving). Of the CAO complaints that went to problem-solving, 69% produced settlements, and the CAO published a compliance report for 89% of cases in compliance review.<sup>11</sup> *Table 3* shows that 54% of eligible Inspection Panel complaints proceeded to compliance review, and the Panel published a compliance report for all of these complaints. Overall, 28% and 30% of cases filed at the CAO and Inspection Panel, respectively, achieved results. It is notable that the CAO maintained a relatively high rate of results despite having 62% of cases in a substantive phase going to problem solving, a phase over which the mechanism has less control with regard to whether results will be achieved, given the number of uncontrolled variables associated with problem solving.

<sup>11</sup> Out of all CAO cases worldwide, there is the only complaint, originating in Peru, that went through a full compliance investigation but for which there is no published compliance report on the CAO's website.

## THE ROLE OF CIVIL SOCIETY ORGANIZATIONS

**Figure 17** shows the percent of concluded complaints in Latin America & the Caribbean that achieved results based on CSO involvement, using the 101 concluded cases in the region for which presence or absence of CSO involvement is known. Of these cases, 48% were filed by community-based complainants alone, and 52% were supported by CSOs.

**FIGURE 17 | RESULTS BY CSO INVOLVEMENT**



The difference in results rates is relatively consistent between most mechanisms in Latin America & the Caribbean. For the whole region, the proportion of non-CSO cases achieving results was 20 percentage points less than that of cases supported by CSOs. Complaints at MICI and the CAO had similar differences in results rates based on CSO involvement, varying by 22 percentage points at MICI and 29 percentage points at the CAO. Interestingly, 69% of MICI cases were filed by community-based complainants alone – the highest percentage in any region. The Inspection Panel deviates from the regional pattern, with only a 2 percentage point difference in results rates between cases filed with and without CSO support.

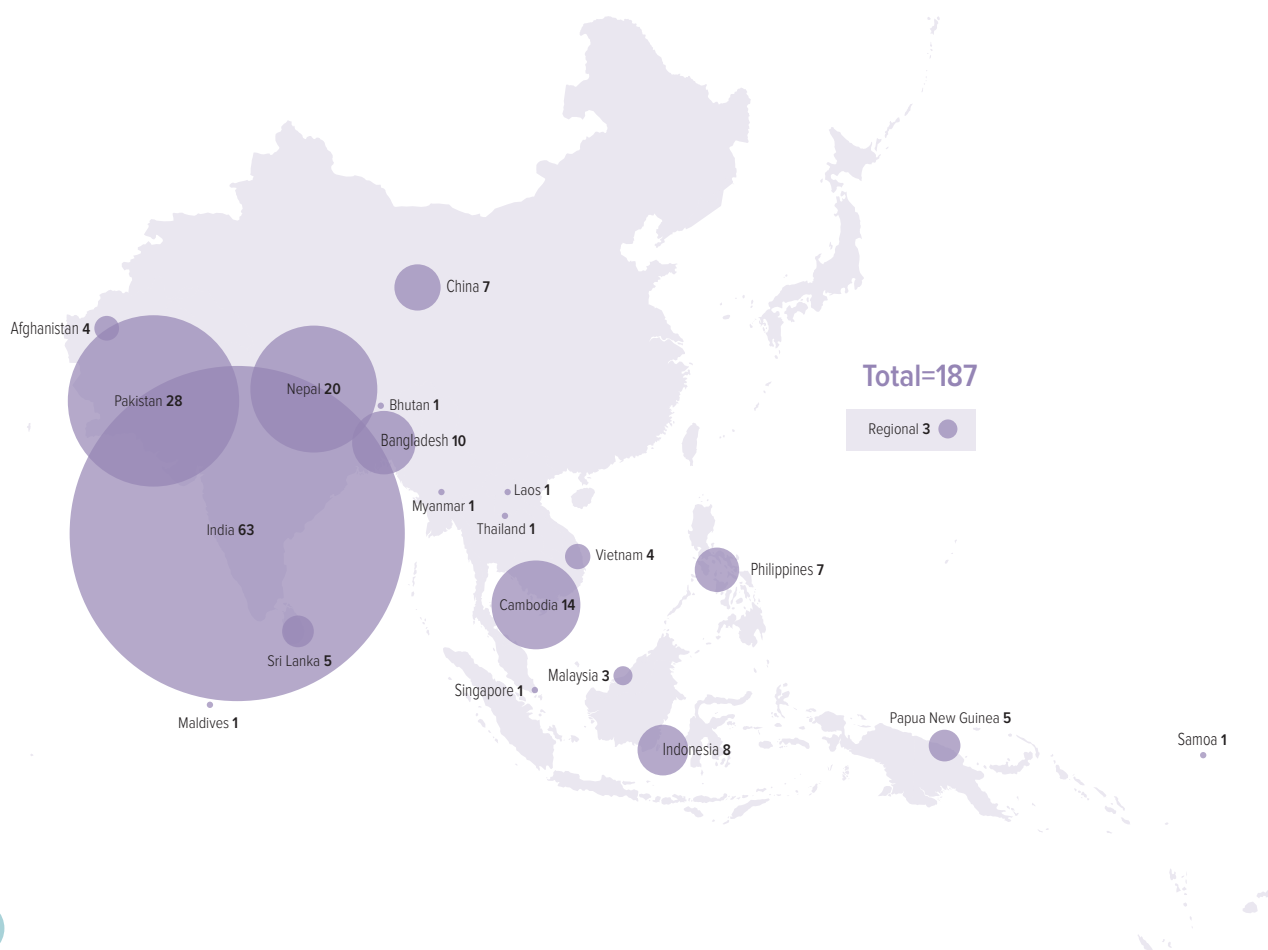
## South & East Asia

As of 31 December 2015, there have been 187 complaints filed from South & East Asia, of which 173 are concluded.

### COMPLAINTS BY COUNTRY AND MECHANISM

**Figure 18** illustrates how many complaints have been filed per country in South & East Asia. With 63 cases, India has generated over twice as many complaints as any other country in the region. Pakistan has the second most complaints at 28, followed by Nepal with 20, and Cambodia with 14.

**FIGURE 18 | ORIGIN OF COMPLAINTS BY COUNTRY**

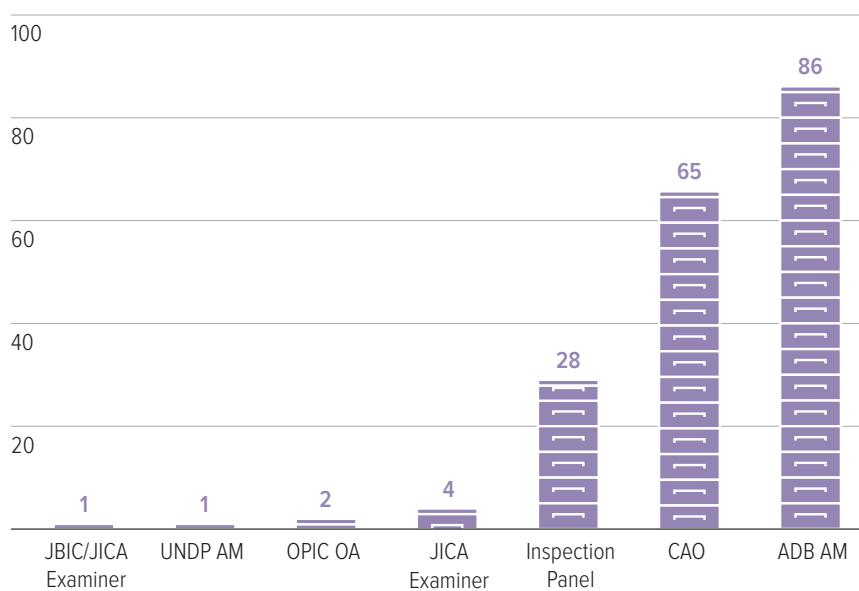




**Figure 19** shows the distribution of complaints from South & East Asia by IAM.

The Inspection Panel received the first complaint from the region in 1994 and has an annual average caseload of 1.3 complaints. Eight years later, the CAO received its first complaint from South & East Asia and has received an average of 4.6 cases per year. ADB AM, the main regional IAM operating in South & East Asia, began receiving cases in 2004 and has averaged 7.2 complaints annually. The JBIC/JICA Examiners, UNDP AM and OPIC OA have also received a small number of complaints from South & East Asia.

**FIGURE 19 | COMPLAINTS RECEIVED BY MECHANISM**

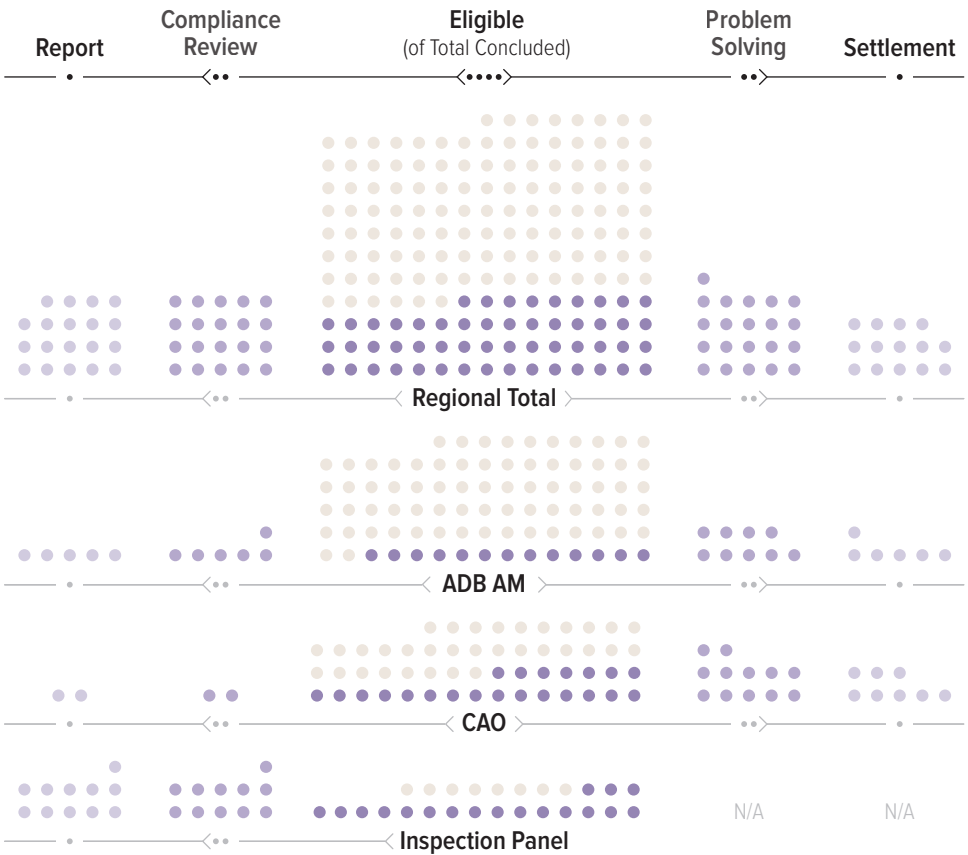


## PROGRESSION THROUGH THE COMPLAINT PROCESS

**Figure 20** illustrates how complaints have progressed through each of the three IAMs with significant caseloads in South & East Asia. As a whole, the region has the lowest percentages of cases progressing at every stage of the complaint process. In particular, the proportion of complaints found eligible is notably smaller than that of the other regions.

**FIGURE 20 | PROGRESS OF CONCLUDED COMPLAINTS**

- Ineligible Case
- Eligible Case
- Substantive Phase
- Result



**Table 4** clarifies the information illustrated in *Figure 20* by presenting the attrition of complaints at each step of the complaint process. The three rows show the percent of all concluded complaints that were found eligible; the percent of eligible concluded complaints that reached a substantive phase; and the percent of concluded cases reaching a substantive phase that achieved results.

**TABLE 4: ATTRITION OF CONCLUDED COMPLAINTS**

	Regional Total	ADB AM	CAO	Inspection Panel
% Cases Filed that were Found Eligible	31% 54/173	15% 13/85	40% 22/25	69% 18/26
% Cases Found Eligible that Reached a Substantive Phase	67% 36/54	85% 11/13	59% 13/22	61% 11/18
% Cases Reaching a Substantive Phase that Achieved Results	86% 31/36	91% 10/11	69% 9/13	100% 11/11

The vast majority of attrition at the ADB AM occurs during the eligibility phase, where 85% of complaints are found ineligible.<sup>12</sup> In contrast, the substantive phase and results stages of the complaint process have some of the lowest attrition rates of any IAM, with 85% of eligible complaints reaching a substantive phase and 91% of complaints in a substantive phase achieving results. As demonstrated in *Figure 20*, 69% of complaints reaching a substantive phase went to problem-solving and 46% went to compliance review (including four cases that started the process in problem-solving). 60% of cases in problem-solving reached a settlement, including one complaint that also achieved results in compliance review. The ADB AM published a compliance report for 83% of complaints in compliance review.<sup>13</sup>

<sup>12</sup> While this statistic is likely influenced by the ADB AM's policy of disclosing information about unregistered cases – a level of transparency that exceeds that of some IAMs – this does not explain the ADB AM's low eligibility rate as compared to the Inspection Panel and the CAO, which typically also disclose information about unregistered complaints.

<sup>13</sup> The ADB AM has only one complaint worldwide, originating in China, in which mechanism initiated a full compliance investigation, but failed to publish a compliance report. In this case, the mechanism curtailed its compliance investigation because the Compliance Review Panel was not given permission to conduct a site visit, and the mechanism believed it could not complete its compliance investigation without doing so.

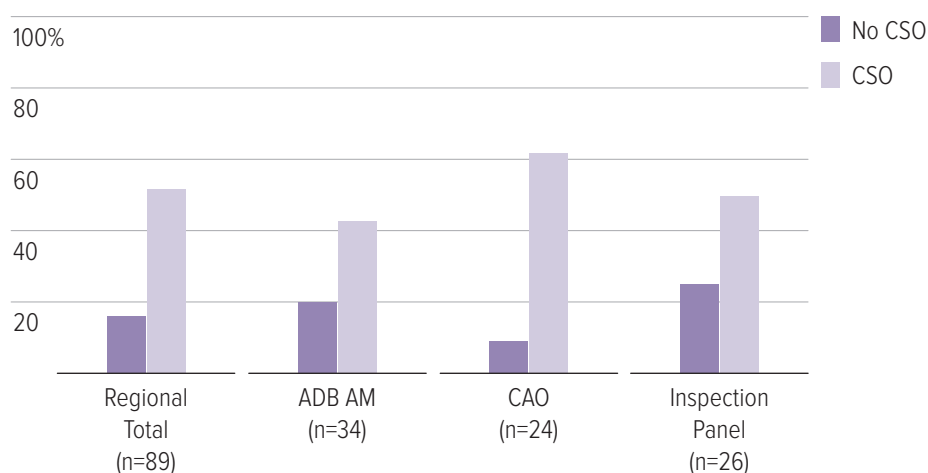
Most of the attrition in the CAO's South & East Asia complaints also occurs at the eligibility stage, with only 40% of complaints filed found eligible. This is the lowest eligibility percent for the CAO in any of the four regions analyzed in this report. *Figure 20* shows that of the CAO complaints that reached a substantive phase, 92% went to problem-solving, of which 67% reached a settlement, and 15% went to compliance review (two complaints, of which one also went to problem-solving). A report was published for both of the complaints that went to compliance review.

With 42% of cases filed achieving results, the Inspection Panel has the highest results rate in the region. A total of 61% of eligible Inspection Panel complaints reached a substantive phase (compliance review), and the Panel published a report for all of these complaints.

## THE ROLE OF CIVIL SOCIETY ORGANIZATIONS

**Figure 21** breaks down the percent of cases in South & East Asia achieving results by CSO involvement, based on the 89 concluded cases in the region for which presence or absence of CSO involvement is known. Of these 89 complaints, 48% were filed by community-based complainants alone, and 52% were supported by CSOs.

**FIGURE 21 | RESULTS BY CSO INVOLVEMENT**



The difference in results rates varied by 36 percentage points depending on the involvement of CSOs, the largest variance of any region. The proportion of complaints involving CSOs that achieved results is at least double that of complaints filed without CSO support in each mechanism in the region. The gap in results rates is particularly large at the CAO, where the proportion of CSO-supported cases that achieved results is 52 percentage points higher than that of complaints filed by community-based complainants alone. At the ADB AM, 20% of cases that were filed without any CSO support and 43% of complaints involving CSOs achieved results, and at the Inspection Panel, 25% of cases filed without CSO support and 50% of cases that involved CSOs achieved results.



# CONCLUSION

Over the past two decades, IAMs have proliferated widely, offering a necessary forum for access to remedy for individuals and communities harmed by development projects. The establishment of mechanisms at regional DFIs in Africa & the Middle East, Europe & Central Asia, Latin America & the Caribbean, and South & East Asia has contributed considerably to the growing size and visibility of the worldwide network of IAMs.

In addition to comparing the complaints of IAMs within a region, it is interesting to observe the regional variation in the operations of the Inspection Panel and CAO, both of which are active in all four regions. At the CAO, there is variation in the eligibility and results rates between regions, with cases in Africa & the Middle East and South & East Asia being found eligible and reaching results considerably less often than those in Europe & Central Asia and Latin America & the Caribbean. At the Inspection Panel, cases from Europe & Central Asia stand out as having a considerably lower results rate than in any of the other regions.

Across all IAMs worldwide, while it is encouraging to see that the percent of concluded cases that achieve results is relatively uniform across regions, it is worrying that high attrition rates are common throughout the complaint process in each region and that complaints supported by CSOs have considerably higher results rates than those filed by community-based complainants alone. IAMs should continue to strive to become more accessible in order to ensure that communities and individuals have access to redress when they are harmed by internationally-financed development projects.





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