

CODE Committee  
2121 Pennsylvania Avenue, NW  
Washington, DC 20433

August 16, 2023  
Washington, DC

Dear CODE Members,

As members of civil society, we represent one group of stakeholders who engaged in the consultation process on IFC/MIGA's proposed Approach to Remedial Action and Responsible Exit Principles. Since the draft Approach was released, we have participated in various phases of the public consultation to voice our concerns, including by attending consultation meetings and submitting written comments.

**However, we are not alone in our concerns with the proposed Approach.** Based on a review of the published summaries of the consultation meetings held by IFC/MIGA, it is clear that despite our distinct roles and perspectives in the world of development finance, **the Bank's four key stakeholder groups — DFIs, IFC clients, IAMs, and civil society — share many of the same concerns, questions, and recommendations.** In fact, all stakeholder groups agreed that the remedial Approach completely missed its mark: "Participants from all stakeholder groups commented that the External Review created expectations that IFC/MIGA would respond to shortcomings identified by the Compliance Advisor Ombudsman (CAO) around IFC/MIGA and their clients' non-compliance. It was widely commented that the Approach does not fulfill the task set by the External Review."<sup>1</sup> The Summary of Formal Public Consultations reflects the disapproval of the IFC/MIGA proposal by the four key stakeholder groups, which serves as a clear condemnation of the Approach and a call for significant modifications and improvements by IFC.

Our expectation is that IFC/MIGA will incorporate all of the feedback received during consultations into a new and improved remedial Approach and that the Board will ask for IFC/MIGA to demonstrate as much. To the extent that feedback conflicts, we expect that IFC/MIGA will prioritize protecting and respecting the rights of people impacted by their projects. Where feedback is universal or mostly in alignment, it makes IFC/MIGA's job easier. To help make sure that IFC/MIGA at minimum address and incorporate the questions, concerns,

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<sup>1</sup> [Summary of Formal Public Consultations from February 21 – April 20, 2023 and Feedback on the proposed IFC/MIGA Approach to Remedial Action and draft IFC Responsible Exit Principles](#), page 7 (hereafter "Summary of Formal Public Consultations").

and recommendations shared by all stakeholder groups, we have compiled quotations from the summary reports that indicate alignment among IFC clients, DFIs, IAMs, and civil society.

**Comments from IFC client, DFI, IAM, and civil society stakeholders reveal agreement on the following:**

- The proposed Approach contains very few new commitments. The majority of the proposed Approach is already required by the IFC's Sustainability Framework, and the few new enhancements lack clarity.
- The proposed Approach is unclear and difficult to understand. The framework does not provide enough clarity about how the IFC will guarantee remedy, where the roles and responsibility lie to provide remedy, or how to finance and implement remedial actions.
- Not providing or ensuring remedy creates risk. IFC/MIGA should better consider risk to project-affected people.
- IFC/MIGA should take a more active role in remediating harm. They should be explicit about their obligations and expectations.
- IFC/MIGA's remedial Approach should align with international human rights standards.
- The IFC's leadership role and influence mean it has both the obligation and ability to ensure and provide remedy.
- IFC/MIGA should better calculate the cost of and ensure funds are available for remedy.
- All stakeholder groups made recommendations for ways that IFC/MIGA could better implement remedial obligations.
- Consultation and stakeholder engagement regarding remedial actions should be improved.
- Responsible exit is critically important and stakeholder groups sought more information from IFC/MIGA about exits and made recommendations for better managing exits.
- It is also notable what *isn't* in the summaries. The fear of litigation as conveyed and represented by IFC was not expressed once by any stakeholder — either client, DFI, IAM, or civil society — in any of the consultation meeting reports. No one objected to the idea of the IFC/MIGA establishing a remedy fund either.

## Comments indicating that the proposed Approach does not include new ideas

- “Several participants expressed the view that they saw nothing new in the proposed Approach.” — [Facilitators’ Summary Report from Clients’ consultation session, Online meeting 05 April 2023](#), page 1 (hereafter “**Client** summary”)
- “One participant enquired how IFC/MIGA see the Approach creating an ‘enhanced process’ over and above what already exists.” — [Facilitators’ Summary Report from Development Finance Institutions \(DFIs\) consultation session, Online meeting 7 March 2023](#), page 2 (hereafter “**DFI** summary”)
- “Participants said that the Approach lacks emphasis on implementation.” — **DFI** summary, page 2
- “Participants commented that the Approach fails to meet the expectations of participants and participants both in its lack of detail and scope. Some participants expressed disappointment and outrage and stated that it is a complete failure and there is nothing new proposed in the document that IFC/MIGA is not already supposed to be doing.” — [Facilitators’ Summary Report from Multi-stakeholder consultation session, Hybrid meeting March 3, 2023](#), page 2 (hereafter “**Multi-stakeholder** summary from 3/3”) (also reflected in [Facilitator’s Summary Report from Civil Society Organisations \(CSOs\) consultation session, Online meeting 23 March 2023](#) (hereafter “**CSO** summary from 3/23”)
- “Participants expressed disappointment on reading the Approach. One participant remarked that they were looking for something new but could only see that IFC/MIGA are proposing what they are supposed to be doing already, such as capacity building with clients.” — [Facilitators’ Summary Report from Civil Society Organisations’ \(CSOs\) consultation session, Online meeting 30 March 2023](#), page 1 (hereafter “**CSO** summary from 3/30”) (also reflected in **CSO** summary from 3/23)

## Comments indicating that the proposed Approach is unclear

- “A participant commented that it was not clear from the Approach how IFC/MIGA propose to manage cases already lodged with the Compliance Advisor Ombudsman (CAO). Another participant commented that the Approach does not explain any mitigation or action plan for handling compliance in the future.” — **Client** summary, page 2
- “Concerns were expressed by several participants around unclear roles and responsibilities in financing remedy; and the changes that may need to be made in relation to costing.” — **Client** summary, page 2

- “A participant commented that they were not able to understand from the Approach who might take on the responsibility, upon signing of an agreement, for creating estimates or calculations of resources needed to implement remedial action.” — **Client** summary, page 2
- “A separate comment was made by a participant seeking clarity around who would take on the additional cost of remedy implementation.” — **Client** summary, page 2
- “Several participants asked for more information regarding the process of exit itself.” — **Client** summary, page 3
- “Concerns were expressed by several participants around unclear roles and responsibilities in financing remedy; and the changes that may need to be made in relation to costing.” — **Client** summary, page 2
- “A participant commented that they were not able to understand from the Approach who might take on the responsibility, upon signing of an agreement, for creating estimates or calculations of resources needed to implement remedial action.” — **Client** summary, page 2
- “A separate comment was made by a participant seeking clarity around who would take on the additional cost of remedy implementation.” — **Client** summary, page 2
- “Participants recommended that the Responsible Exit Principles provide more guidance in terms of E&S staffing, and how they may engage with stakeholders during exit.” — **DFI** summary, page 5
- “A participant, whose clients are governments, ministries, and other government agencies asked that responsibilities be broken down in more detail and defined, with attention also to be given to the roles and responsibilities of contractors and subcontractors.” — **DFI** summary, page 2
- “A participant commented that DFIs may see themselves as intermediaries and asked whether “facilitate” suggests that they stand behind their clients and are not accountable themselves. It was underscored that positioning is important, so wording in the Approach should be clear on these issues.” — **DFI** summary, page 3
- “A participant commented that IFC/MIGA should provide more information around what additional actions they plan to take to strengthen the capacity both in-house and with the clients to facilitate and support remedial action. According to the participant there is nothing new proposed in the Approach.” — **DFI** summary, page 4
- “Development Finance Institution (DFI) responsibility: A participant suggested that there is an opportunity in the remedy ecosystem for IFC/MIGA to be specific about the roles of institutions. IFC/MIGA has a pivotal role among DFIs and investors that needs to be

explained. IFC/MIGA should clarify their own roles and responsibilities and what tools they will apply in cases where a client may be unwilling to or cannot apply remedial actions, or has responded inadequately. Participants felt that the current language in the document suggests that the institution is distancing itself from responsibility. Countries take on responsibility for remedy, as do sectors including the private sector, so DFIs also need to be required to take on this responsibility.” — [Facilitators’ Summary Report from Independent Accountability Mechanisms \(IAMs\) consultation session, Online meeting 8 March 2023](#), page 3 (hereafter “**IAM** summary”)

- “Participants expressed the view that Enhancements need to be applied to all projects, not just in “exceptional circumstances”; and that the Approach should provide more guidance on the thresholds for “special circumstances”.” — **IAM** summary, page 3
- “Several participants remarked that references in the Approach to legal theories and the risk of liability as reasons for not establishing a fund for provision of remedy need to be explained and the legal theories declared in subsequent documents.” — **Summary of Formal Public Consultations**, page 7
- “Stakeholders generally found the Approach lacking in clarity, including lacking in definitions of and consistency in the use of key words and concepts, and called for IFC/MIGA to define “remedy,” and a number remarked that they were unable to comment on a document so lacking in substance.” — **Summary of Formal Public Consultations**, page 8
- “According to the Approach, the client is responsible for providing remedial mechanisms, but the document lacks clarity on what this would actually look like in terms of both process and outcomes.” — **Multi-stakeholder** summary from 3/3, page 3
- “Participants commented that the Approach is too vague and inadequately defines roles and responsibilities, and needs to delineate these more clearly. IFC/MIGA should provide examples of current roles and responsibilities in projects and show how these have enabled remedy and, if remedial action has not been provided, the Approach should be revised in response to this gap.” — **Multi-stakeholder** summary from 3/3, page 3
- “A participant commented that there is a lack of clarity on what IFC/MIGA mean by access to remediation and the criteria, as well as the circumstances, in which they will implement this remediation. The participant suggested that the Approach clarify the type of remediation that will be applied, and how its effectiveness will be measured.” — [Facilitators’ Summary Report from Civil Society Organisations \(CSOs\) consultation session, Online meeting 4 April 2023](#), page 4 (hereafter **CSO** summary from 4/4)
- “A participant described the Responsible Exit Principles as very vague. According to the participant, the Responsible Exit Principles do not provide the sufficient detail for meaningful consultation. The participant would like a greater emphasis on the disclosure of

information to communities, and a clear exclusion of cases where there are active CAO complaints or where there are existing complaints from exit.” — [Facilitators’ Summary Report from Civil Society Organisations \(CSOs\) consultation session, Online meeting 28 March 2023](#), page 4 (hereafter “**CSO** summary from 3/28”)

## Comments articulating the risk of not providing remedy

- “Assessing risk: Participants commented that IFC/MIGA should concern itself not only with risks to IFC/MIGA and/or their clients, but also with risks to affected people and the environment. Mitigating litigation risk, as referenced in paragraph 31, only speaks to risks of increased litigation from the framework; it does not address the litigation risks emerging from not providing remedy. Risks need to be assessed consistently across different actors.” — **IAM** summary, page 3
- “Concerns were shared that IFC/MIGA are not giving adequate attention to assessing the risk to project-affected people and the environment, as well as to themselves and their clients and to the risk of litigation arising from not providing remedy.” — **Summary of Formal Public Consultations**, page 8
- “Several participants said that the idea that remedial action would apply only to new and future projects was not acceptable. They proposed that a second draft should at minimum include a strong commitment to remedy, provision of remedy in CAO “legacy” cases, and it should commit clients and/or IFC/MIGA to implementing agreements made after CAO dispute resolution. They emphasized that not addressing legacy harms would not only be unacceptable to stakeholders, but also create reputational risk for IFC/MIGA.” — **Summary of Formal Public Consultations**, page 9
- “The participant commented that any delay in implementing remedy causes or exacerbates actual harm on the ground.” — **CSO** summary from 3/28, page 2
- “It was also raised that IFC/MIGA not let risks of litigation stand in the way of its responsibilities for remedial action, as this in itself risks IFC/MIGA liability.” — **Multi-stakeholder** summary from 3/3, page 5
- “Not addressing legacy harms is considered not only unacceptable but a reputational risk for IFC/MIGA.” — **Multi-stakeholder** summary from 3/3, page 5

## Comments supporting IFC/MIGA taking a more active role in remediating harm

- “A participant suggested, on IFC relinquishing financing of a project to another Development Finance Institution or developer, that a key contact point in the new management be identified or else there is no motivation for any of the actors remaining on site to provide remedy.” — **Client** summary, page 4
- “Concerns were reported and voiced about specific language which suggests that IFC/MIGA does not consider it has any responsibility in addressing harm e.g.: “we are going to facilitate clients to feel accountable” and “we are going to facilitate clients to take action.” A participant suggested specific wording in the Approach to Remedial Action such as: “we see our role in ... as ...” and asked IFC/MIGA to explain their attitude towards their actual role.” — **DFI** summary, page 2
- “There were comments that IFC/MIGA does not state upfront when/where they would contribute to remedy although nothing would seem to preclude them from stepping in.” — **DFI** summary, page 2
- “Development Finance Institution (DFI) responsibility: A participant suggested that there is an opportunity in the remedy ecosystem for IFC/MIGA to be specific about the roles of institutions. IFC/MIGA has a pivotal role among DFIs and investors that needs to be explained. IFC/MIGA should clarify their own roles and responsibilities and what tools they will apply in cases where a client may be unwilling to or cannot apply remedial actions, or has responded inadequately. Participants felt that the current language in the document suggests that the institution is distancing itself from responsibility. Countries take on responsibility for remedy, as do sectors including the private sector, so DFIs also need to be required to take on this responsibility.” — **IAM** summary, page 3
- “A number of participants commented on IFC responsibility for remedial action where it contributed to harm. They argue that non-compliance with Performance Standards can contribute to harm, therefore IFC bears responsibility or becomes a contributor to harm and must take responsibility. IFC cannot push these responsibilities onto clients. IFC/MIGA should be the guarantor of compliance with the PS and thus provide remedy whenever the client is unable to do so. Two scenarios were cited as typical of a number of cases: where clients take no action, wrongly guided by the IFC/MIGA; and when clients fail to comply with the PS, and IFC/MIGA does not provide effective supervision. IFC/MIGA’s failure in this regard contributes to harm, so it has a responsibility to contribute to remedy as recommended by the External Review.” — **Multi-stakeholder** summary from 3/3, page 3
- “The view was expressed that IFC/MIGA is best placed to take remedial action, and that these institutions already have all the legal powers they need to enforce remedy but do not use them.” — **Multi-stakeholder** summary from 3/3, page 5

- “Further comments referred to the need for IFC/MIGA to be clear that they will share the responsibility for remedying any harm flowing from a project in which they have invested, pointing out that there is a legal principle at play: whoever contributed to harm should contribute to remedy. Whether through grants, loans or investment, the IFC is a contributor to the project and should therefore do more than merely act in an advisory role to clients. When contributing to the harm, IFC/MIGA must contribute directly to remedy.” — **CSO** summary from 3/30, page 3 (also reflected in **CSO** summary from 4/4)
- “Another participant made the point that because IFC profits from the projects, that they must also take responsibility for addressing the problems that arise from those projects. Thus, IFC needs to contribute to remedial action.” — **CSO** summary from 3/30, page 3

## Comments related to aligning with international human rights standards

- “A participant asked to what degree IFC took into consideration the Office of the High Commissioner for Human Rights (OHCHR) study on Remedy in Development Finance, and how the Responsible Exit Principles measure up to principles laid out by the OHCHR.” — **DFI** summary, page 5
- “Another participant stated that it is essential to implement the United Nations Guiding Principles on Business and Human Rights, based on protection, respect and remediation, paying special attention to retaliation through the persecution and criminalization of leaders, especially women who are community leaders.” — **CSO** summary from 4/4, page 2-3
- “Several participants pointed out that the document lacks a human rights approach, which is reflected in the language and understanding of the issues. They stressed that human rights approach should be at the basis of the Approach to Remedial Action.” — **CSO** summary from 4/4, page 2

## Comments highlighting the IFC’s leadership role and position of influence

- “Participants expressed the view that IFC/MIGA set the bar for DFIs and should therefore play a leading role in Remedial Action as its policies are seen as a ‘baseline’ or ‘yardstick’ for other DFIs.” — **DFI** summary, page 2
- “A participant suggested that IFC/MIGA could take more of a leading role, rather than seeing itself as an intermediary facilitating remedial action.” — **DFI** summary, page 2



- “Participants agreed on the importance of IFC/MIGA exercising influence and enabling remedial activities.” — **DFI** summary, page 2
- “Development Finance Institution (DFI) responsibility: A participant suggested that there is an opportunity in the remedy ecosystem for IFC/MIGA to be specific about the roles of institutions. IFC/MIGA has a pivotal role among DFIs and investors that needs to be explained. IFC/MIGA should clarify their own roles and responsibilities and what tools they will apply in cases where a client may be unwilling to or cannot apply remedial actions, or has responded inadequately. Participants felt that the current language in the document suggests that the institution is distancing itself from responsibility. Countries take on responsibility for remedy, as do sectors including the private sector, so DFIs also need to be required to take on this responsibility.” — **IAM** summary, page 3

## Comments stating that IFC/MIGA should better calculate the cost of and ensure funds are available for remedy

- “It was further suggested by a participant that the Approach include a proposal that the World Bank set up a trust fund for various exigencies in the development context, including climate resilience, that could be capped and would help to deliver on some of the remedial actions. There was a suggestion that clients could also tap into existing MIGA/IFC trust funds to cover the costs of some assessments for extreme risk scenarios.” — **Client** summary, page 3
- “Several participants raised the issue of costing remedial action. One made a clear recommendation that the costing of a remedial action should be included in an ESAP, which would help clients in gaining certainty when addressing risk. One participant commented that the costs of their substantial risk planning and remedial action have to date been punitive. The participant explained that they have had multiple experiences of ESAPs where there is a clear requirement for a costing, but the developer is never sure how much to calculate. It would be helpful if IFC/MIGA could assist in budgeting for risk mitigation.” — **Client** summary, page 2
- “Participants recommended that IFC/MIGA elaborate on the complexities of it stepping in and paying non-compliance costs directly.” — **DFI** summary, page 3
- “Clients: When an IFI is found to be non-compliant, only exceptionally does the Approach propose anything other than placing the cost and burden of remedy on the client, not the IFI. Participants commented that the Approach must specify the role of the client and the role of the IFI. In terms of E&S compliance capacity, the Approach requires that the client institution is evaluated on a

case-by-case basis, and yet there is no systematic approach to ensuring that all clients have the tools to comply with all E&S standards.”

— **IAM** summary, page 4

- “Several participants further commented that the Approach needs to define how IFC/MIGA is going to contribute to remedy, not only by influence and enabling activities, but with a fund or some other mechanism.” — **CSO** summary from 4/4, page 3
- “Several participants recommended the establishment of a fund for remedial action.” — **Multi-stakeholder** summary from 3/3, page 4 (also reflected in **CSO** summary from 3/30)
- “It was proposed in strong terms by a participant that the Approach needs to incorporate the creation of a contingency fund as there is no time to raise funds on a case-by-case basis, or in “exceptional cases.” — **CSO** summary from 4/4, page 5

## Comments recommending ways to better implement remedial obligations

- “A separate comment was made by a participant seeking clarity around who would take on the additional cost of remedy implementation.” — **Client** summary, page 2
- “Participants said that the Approach lacks emphasis on implementation.” — **DFI** summary, page 2
- “Several participants commented that communication and engagement with stakeholders should be strengthened in both Remedy and Exit; and that the document needs to flesh out how enhanced stakeholder engagement will be embedded in associated processes, whether through additional grievance mechanisms or enhanced enabling activities.” — **DFI** summary, page 2
- “A comment was made that the Approach gives a lot of time to prevention, but is less detailed on response.” — **DFI** summary, page 3
- “Some participants stressed the importance of having a remedy fund.” — **DFI** summary, page 3
- “Funds: A participant proposed that the private sector be required (by lenders) to set aside funds in case there are E&S issues to address. It was noted that many private companies are already setting aside funds for remedy, and several countries are introducing laws to require the private sector to set aside such funds. This participant commented that this responsibility lies with stakeholder institutions i.e., lenders.” — **IAM** summary, page 4
- “Several participants commented that the idea that Remedial Action would only apply to new and future projects was not acceptable. They proposed that a second draft should at minimum include a strong commitment to remedy, provision of remedy in Compliance

Advisor Ombudsman (CAO) “legacy” cases (37 cases) and should commit clients and/or IFC/MIGA to implementing these agreements.” — **CSO** summary from 3/28, page 2

- “Another participant referred to the breadth of ways to remedy harm that need to be taken into consideration, if they can be more easily accessed, for example: that an apology can bring relief.” — **CSO** summary from 3/30, page 3

## Comments related to improving public and stakeholder participation

- “Several participants commented that communication and engagement with stakeholders should be strengthened in both Remedy and Exit; and that the document needs to flesh out how enhanced stakeholder engagement will be embedded in associated processes, whether through additional grievance mechanisms or enhanced enabling activities.” — **DFI** summary, page 2
- “Second draft and consultation: There were several requests from participants that the IAMs be given the opportunity for further engagement with IFC/MIGA in considering the next draft of the Approach.” — **IAM** summary, page 6
- “Many participants across all the stakeholder groups requested more substance and detail on the Approach in a second draft, and the opportunity to participate in its review.” — **Summary of Formal Public Consultations**, page 8
- “Many participants called for the Approach to address and 11 expand a critical role for affected communities to be engaged in discussion, planning and decision-making and thereby minimize potential risks created often by lack of information around a project.” — **Summary of Formal Public Consultations**, pages 10-11
- “Participants commented that the Approach does not provide sufficient guidance on ensuring meaningful engagement with people who are potentially or actually impacted and lacks detail on how community engagement will be supported by clients or IFC, or verified by IFC.” — **CSO** summary from 3/28, page 3
- “A participant raised issues in relation to disclosure of information to project affected communities. They commented that locals who are project affected do not get any project information and cannot access that information. Because communities are not adequately informed about projects they are unable to access the potential benefits of a project or potential Remedy.” — **CSO** summary from 3/28, page 3
- “Comments were made about risk to communities, and that communities should enjoy the same protection from risk as do IFC clients. It was recommended that the community should be involved in remedy planning in all cases. Communities should be given a

seat at the table in the contracting phase and should be recognised as having third party beneficiary rights. The Approach should address in detail when and how communities are to be involved in discussion and planning.” — **Multi-stakeholder** summary from 3/3, page 4

## Comments related to the importance of responsible exit

- “Several participants asked for more information regarding the process of exit itself.” — **Client** summary, page 3
- “A participant suggested, on IFC relinquishing financing of a project to another Development Finance Institution or developer, that a key contact point in the new management be identified or else there is no motivation for any of the actors remaining on site to provide remedy.” — **Client** summary, page 4
- “A participant commented that, in the event of an exit from equity, IFC assumes a lot of goodwill from the new project owner who may not have any connection with IFC in the context of the particular project.” — **Client** summary, page 4
- “A participant commented that there is neither a time frame nor guidance provided for “Passive Exit”, nor is there reference to how this may sit alongside E&S requirements.” — **Client** summary, page 3
- “Participants asked specifically for detail around the background to what is meant by and expected of E&S performance in the context of responsible exit. Specifically, it is not clear how this applies at the corporate level where IFC is holding equity, and how it may all be assessed for responsible exit in terms of overall sustainability.” — **Client** summary, page 4
- “Participants commented that DFIs have witnessed high risk to CSOs and communities post exit.” — **DFI** summary, page 5
- “Participants recommended that the Responsible Exit Principles provide more guidance in terms of E&S staffing, and how they may engage with stakeholders during exit.” — **DFI** summary, page 5
- “A participant enquired how responsible exit would actually work with projects with longer-term horizons and what a “fixed period of time” would mean for IFC clients. “A fixed period of time” does not explain what that time actually means, nor how the cut-off time would be handled, nor whether IFC would retain any obligations after the cut-off time.” — **DFI** summary, page 5
- “Participants recommended that IFC define “responsible exit” in both the Responsible Exit Principles and the Approach.” — **DFI** summary, page 5

- “A participant commented that responsible exit is a new concept for all MDBs, which generates interest in the methodology and research that went into the document, which warrants detailed review and discussion.” — **DFI** summary, page 5
- “A participant recommended that the Responsible Exit Principles provide more detail on how stakeholder engagement will be enhanced and embedded throughout the responsible exit process.” — **DFI** summary, page 5
- “Several participants commented that the Responsible Exit Principles should expand on the risk of reprisals.” — **DFI** summary, page 5
- “Exit During DR: Participants proposed that the Responsible Exit Principles should explain how they will apply in cases where the IFC is engaged in exit during an ongoing Dispute Resolution or Compliance process and how IFC would retain influence/leverage in such active cases. CAO’s ability to provide access to certain kinds of remedy is restricted by leverage limitations. A participant said that the Principles do not explain how CAO can continue to have leverage and influence during and after a responsible exit process.” — **IAM** summary, page 7
- “Threats and Risks of Reprisal: Several comments were made that the risk or threat of reprisal against stakeholders or communities should be taken seriously and considered in the Responsible Exit Principles both at exit and post exit.” — **IAM** summary, page 7
- “Active and Passive Exit: Participants urged IFC to clarify the distinction between active and passive exits and to consider each context. A number of views were expressed around the application of the Responsible Exit Principles: one being that the Principles seem to relate to active exit only. According to a participant, a pre-payment at the client’s initiative could be defined in the legal agreements as an active exit. The Responsible Exit Principles should, in this participant’s view, be applied to passive as well as to active exits, regardless of whether exit was initiated by the IFC or the client.” — **IAM** summary, page 6
- “A participant commented that Remedy and Responsible Exit cannot be considered separately as they are interlinked, and that it is not possible to have Responsible Exit without a robust remedial approach. A holistic approach is required.” — **CSO** summary from 3/28, page 4
- “A participant commented that the type of exit (passive or active) does not matter for the community when there is environmental and social harm or human rights violations. The participant stressed that this is a perspective that needs to be taken into account.” — **CSO** summary 4/4, page 7
- “A participant pointed out that a responsible exit should leave people with peace of mind, and balance in the community, and reparation of all the harms, which is not the case at the present moment where there are reprisals and the harms are still being experienced.” — **CSO** summary from 4/4, page 7

**This compilation was prepared by the Center for International Environmental Law (CIEL), Accountability Counsel, Bank Information Center (BIC), and Arab Watch Coalition and is endorsed by the following organizations:**

Recourse	Oxfam
Urgewald	Just Ground
Green Advocates	Peace Point Development Foundation-PPDF, Nigeria
Friends of the Earth U.S.	Gender Action
EarthRights International	Rivers without Boundaries Coalition Mongolia
Initiative for Right View (IRV)	Oyu Tolgoi Watch (Mongolia)
Inclusive Development International (IDI)	

**Contacts:**

Aubrey Manahan  
Campaigner, People, Land & Resources, CIEL  
[amanahan@ciel.org](mailto:amanahan@ciel.org)

Carla García Zendejas  
Director, People, Land & Resources, CIEL  
[cgarcia@ciel.org](mailto:cgarcia@ciel.org)

Margaux Day  
Policy Director, Accountability Counsel  
[margaux@accountabilitycounsel.org](mailto:margaux@accountabilitycounsel.org)