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Recent Trends in Accountability: Charting the Course of Complaint Offices



Introduction and Methodology

Since the first independent accountability mechanism (IAM), the World Bank Inspection Panel, began operations in 1994, the field has grown and expanded quickly. Many new mechanisms have been established and communities are increasingly learning about IAMs and turning to them as a tool to seek redress of harms resulting from international projects.

The following data examines the cases that are being filed with IAMs at public financial institutions and export credit agencies and the treatment of these cases within each mechanism. This data, which is limited to the quantitative, is intended as an initial step towards exploring the impact that IAM processes have for communities that are affected by international projects.

Data was collected on complaints filed to the following mechanisms:

- African Development Bank (AfDB) Independent Review Mechanism (IRM);
- Asian Development Bank (ADB) Accountability Mechanism (AM);
- Canadian Office of the Extractive Sector’s Corporate Social Responsibility Counsellor (Canadian CSR Counsellor);
- European Bank for Reconstruction and Development (EBRD) Project Complaint Mechanism (PCM);
- European Investment Bank (EIB) Complaints Mechanism (CM);
- Inter-American Development Bank (IADB) Independent Consultation and Investigation Mechanism (ICIM);
- International Finance Corporation (IFC) Compliance Advisor Ombudsman (CAO);
- Japan Bank for International Cooperation (JBIC) Examiner for Environmental Guidelines (EEG);
- Japan International Cooperation Agency (JICA) EEG;
- Overseas Private Investment Corporation (OPIC) Office of Accountability (OA); and
- World Bank (WB) Inspection Panel.¹

Data was drawn from public information published by IAMs. Where IAMs have not published complete information about all cases, inaccuracies may result. There is also variability as to whether IAMs publicly report all complaints filed. For example, if a complaint is clearly outside the IAM’s scope of practice (i.e. complaints regarding procurement issues), mechanism practice varies as to whether to report that a complaint was filed. In addition, where mechanisms have received only a small number of cases, data should be interpreted with caution as the small sample size may produce misleading results. Data was collected on each IAM from its inception through June 2014.

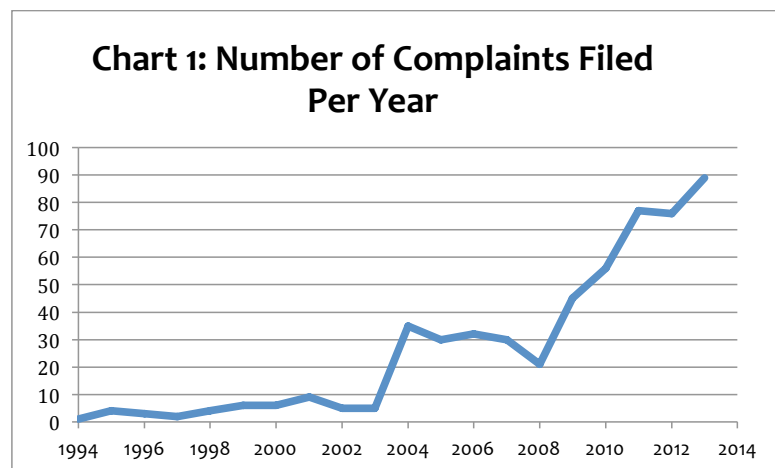
Key Findings

- Only 19% of cases reached problem solving before they were closed.
- In 19% of eligible complaints for which problem solving was requested yet never initiated, the reason given was that the mechanism independently determined that problem solving was unnecessary or inappropriate.
- Only 13% of cases reached compliance review before they were closed.
- Approximately 20% of eligible complaints to IAMs never reached either the problem solving or compliance review stages of the IAM process.
- Approximately 74% of all complaints filed never reached either the problem solving or compliance review stages of the IAM process.
- A significantly higher percent of complaints filed with assistance from an NGO, and especially an international NGO, were found eligible and reached the compliance review stage compared to complaints filed without any assistance from an NGO. However, a lower percent of complaints filed with assistance from an international NGO went to problem solving.

¹In addition to the above listed institutions, the Brazilian Development Bank Ombudsperson, Export Development Canada’s Compliance Officer, the Nippon Export and Investment Insurance Examiner (NEXI), and Australian Export Finance and Insurance Corporation were also included in this study; however, because these IAMs either have not made complaints public or have not received any complaints yet, no data on these IAMs was available.

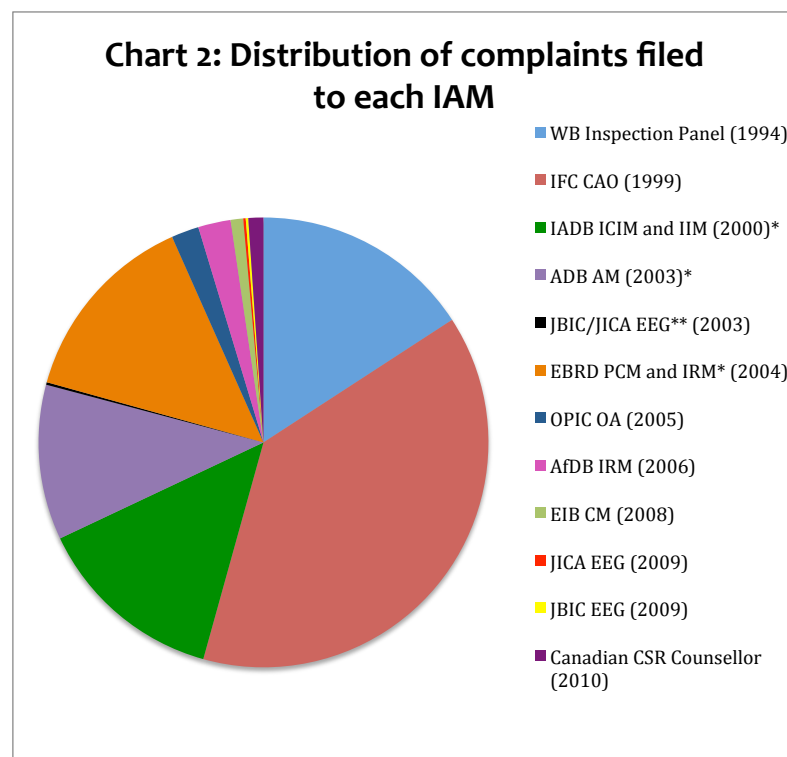
Complaints Over Time

Chart 1 shows that there has been a steady increase in the number of complaints brought to IAMs since the first IAM began operations in 1994. Recently, the number of complaints submitted to IAMs has increased more dramatically. This increase is in part tied to the establishment of additional IAMs in recent years.



Where Are Complaints Being Filed?

Chart 2 shows the percentage of complaints that were filed to each IAM between 1994 and June 2014, out of the total number of complaints filed.



* For mechanisms with a predecessor, data regarding both the current and previous mechanism is analyzed together. The data in parentheses indicates the year that the first mechanism began operations.

** Complaint filed before JBIC and JICA began processing complaints separately.

When Do Complaints Reach Substantive Stages?

The following tables track how complaints proceed through the eligibility, problem solving (“PS”) and compliance review (“CR”) stages of a typical IAM complaint process (the “substantive stages”). Only data about closed cases is included in order to provide a more accurate picture of how far complaints proceed through the IAM process before they are closed. Closed complaints represent 82.55 percent of all complaints filed through June 2014.

Chart 3 shows the percentage of all closed complaints that were found eligible across IAMs.

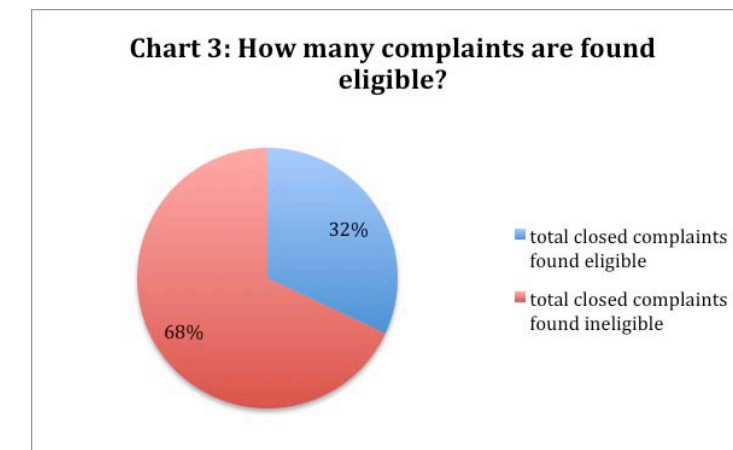
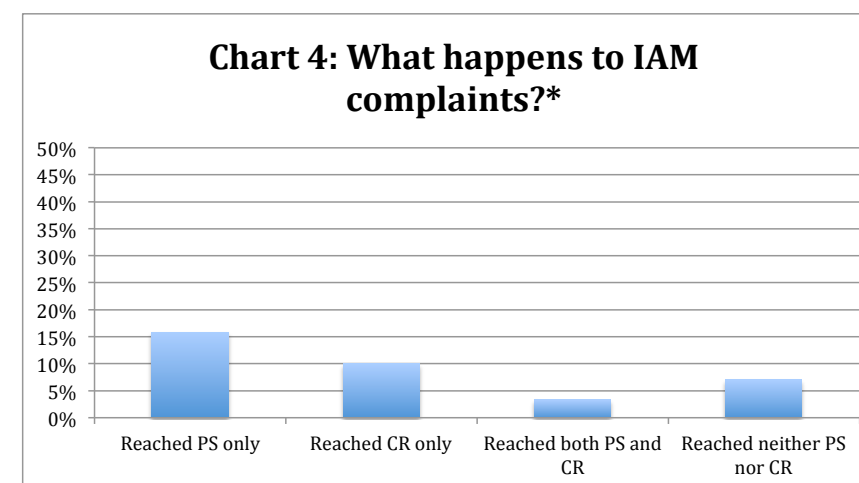


Chart 4 shows the percentage of closed complaints that reach each substantive stage of an IAM process.

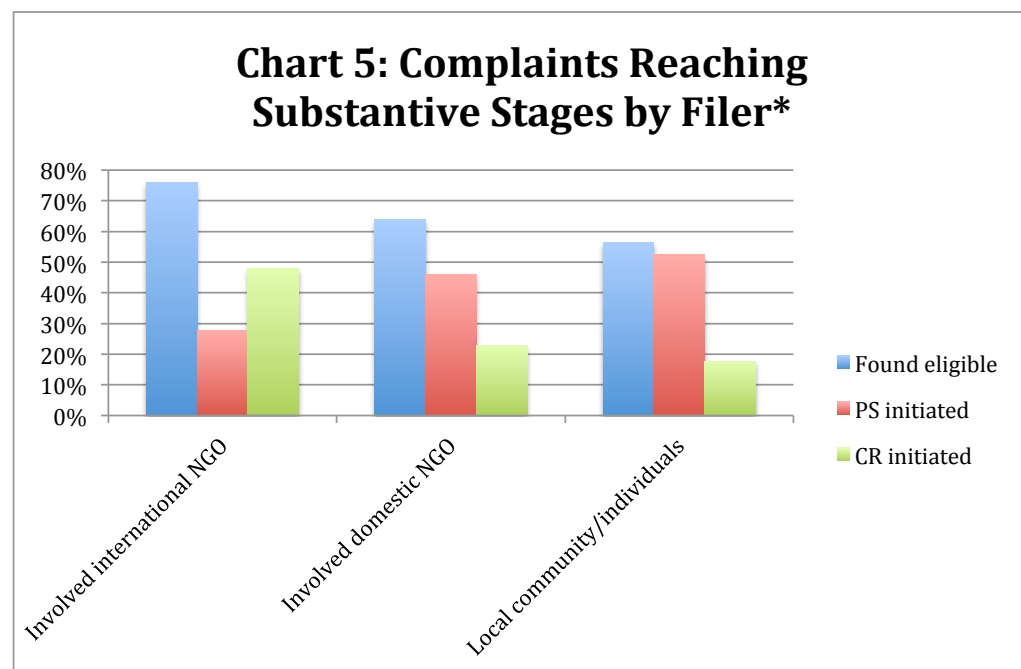
Complaints do not always proceed to problem solving, even when requesters ask for it and the complaint is found eligible. This may happen because one of the parties does not consent to a problem solving process, or for other reasons. In 19% of eligible complaints for which problem solving was requested yet never initiated, the reason given was that the mechanism independently determined that problem solving was unnecessary or inappropriate.



* The percentages regarding cases in which problem solving was initiated do not include Inspection Panel cases, as problem solving is not available at that mechanism.

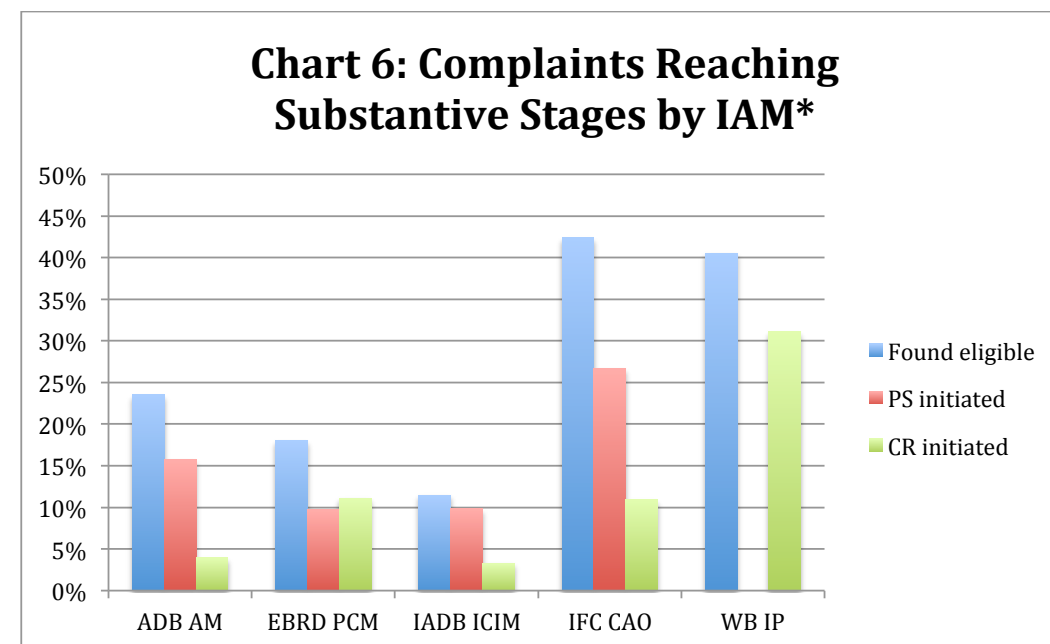
Chart 5 shows the percentage of complaints that have progressed to substantive stages of the IAM process according to the type of complaint filer. Only complaints for which the filer has been publicly listed are included in the chart.

As the chart shows, a significantly higher percent of complaints filed with assistance from a non-governmental organization (NGO), and especially an international NGO, are found eligible and reach the compliance review stage than those filed without any assistance from an NGO.



* Data is derived from closed cases. This chart double counts complaints where problem solving and compliance review were both initiated in one complaint. The percentages regarding cases in which problem solving was initiated do not include Inspection Panel cases, as problem solving is not available at that mechanism.

Chart 6 shows significant variation in the percentage of complaints that are deemed eligible and then reach problem solving and/or compliance review at each IAM.



* This chart compares only those IAMs that have received and closed at least 50 complaints. Other IAMs are not shown due to the misleading nature of data collected from a very small sample size. Where problem solving and compliance review were both initiated in one complaint, the complaint is counted in both relevant columns.