



accountability  
mimicounsel

# A DECADE OF ACCOUNTABILITY

2018-2019 Annual Report

“After having been involved in the movement that created the first of the world’s accountability offices, it’s a joy to come full circle today as a member of Accountability Counsel’s board, where I’ve been astounded at the sheer volume and quality of work this team puts out to support communities to be heard.”

*David Hunter, Accountability Counsel Board Member  
& Professor of Law, American University Washington  
College of Law*



“As a supporter of Accountability Counsel for much of the last decade, it has been exciting to see the organization grow in size and reach. The level of innovation and sensitivity that this team of attorneys, researchers, and advocates brings to all their work has not only helped communities achieve historic results, but has also moved the field of accountability forward.”

*Tom Lee, Senior Program Officer, Sigrid Rausing Trust*

# What We Do

Accountability Counsel amplifies the voices of communities around the world to protect their human rights and environment. As advocates for people harmed by internationally financed projects, we employ community driven and policy level strategies to access justice.

The impact we seek through our theory of change is that: communities take part in decisions that affect them and secure remedy to realize rights; effective and robust accountability systems deter abuses; and international institutions and corporations respect communities and prevent abuses.



## Communities

direct legal advocacy support at the request of local people



## Policy Advocacy

advocacy for a more just and accountable system of global finance



## Research

data and tools that expose patterns in the accountability system and improve transparency and access to information



AC's Megumi Tsutsui (center) interviewing a herder with local partners.

# Launching Our Second Decade With Vision, Urgency, and Joy

In a decade of Accountability Counsel, we've worked to create strong systems that allow communities to be heard. We've experienced stunning successes, many long struggles, and throughout it all, deep learning. At ten years, we are eager to share this learning as we enter the next chapter of advancing our still relatively new and growing field.

Some of our teachers in this learning include brilliant advocates we've worked alongside from Colombia, Haiti, India, Liberia, Mexico, Mongolia, and Nepal, who joined us recently in Washington, D.C. to share their stories. Our collective work alongside these community leaders shows the solidarity that sustains us and why the vision forward is both clear and urgent. Behind each of these stories in communities where we work is anguish that is both needless and avoidable. Also behind each of these stories are organized communities using their agency to provide hope for a path forward.

For the millions of people threatened by projects every year, we need to scale the accountability systems that exist to prevent and remedy this abuse, and the civil society ecosystems and capacity that make their struggles for justice possible. Our next decade is dedicated to achieving this vision.

## Charting Our Course for the Next 10 Years

We are making progress working with allies to strengthen accountability systems through each of our cases, run out of our Communities



program. These cases cause positive ripple effects regionally — through inspiring local action, building strong accountability offices to provide a forum to redress harm, and by engaging decision makers at financial institutions and companies to prevent harm. Over the next five years, our vision is to scale up regional offices, building off our growing Asia and Africa teams, that will enable our Communities program to grow our solidarity with local and regional leaders at the forefront of movements to challenge abuses in international finance.

As we reflect on our success in translating our deep study of and expertise on accountability offices into policy change, in the next decade, our Policy team will double down on our commitment to keeping existing accountability offices strong and effective. This work toward

a strong and effective system will focus particularly on the first accountability office ever created at the World Bank Group, which are both currently under review. We'll continue this work with our focused attention that has been critical to the value we bring to policy-makers, accountability office professionals, and the communities we serve. Closing accountability gaps is central to our long-term vision, and our next decade will continue our focus on two key financial flows touching countless people and places: Chinese finance and impact investment.

Lastly, our Research program plays an increasingly impactful role in building accountability ecosystems. Our small, but mighty team of researchers brings our broader community information, technical tools, and qualitative research that is often determinative in our own case and policy work. In addition to case tools that we share with our networks, our Research team just launched the Accountability Console, a database that is the first of its kind with information and analysis of every complaint ever filed with every accountability

office. This tool will help all actors in our global accountability ecosystem prevent harm, seek remedy, and understand patterns to inform policy. This is only the start of the impact we believe our Research program can have on our organization's own work and in our field.

### Growing A Shared Vision

With a proven decade of achievements, equipped with learning from our challenges, and running with a strong team and clear vision, we are ready to shift power in the decade to come. We've shared the vision, you see the urgency; the joy comes in the human connections where people across cultures, and from unimaginably different circumstances, can find common cause in building a movement for communities to be heard. Thank you for being a part of it.



**Natalie Bridgeman Fields**  
Founder & Executive Director



# Learning That Informs the Decade Ahead

## Proximity Enabling Tailored Support

“Our regional presence in Asia for the last six years has allowed us to intensively and comprehensively assist local communities and their partners to navigate technical and lengthy complaint processes, and to participate in local networks focused on development accountability and business and human rights.

This proximity has provided us with a deep understanding of local context, including the risks and challenges of working on land and natural resource disputes in Asia. Our cases and trainings in India, Sri Lanka, Nepal, Bangladesh, and Myanmar have brought us to communities at great risk of retaliation, including those in conflict and post-conflict settings, who risk state surveillance, intimidation, physical abuse, criminal sanction, and even death for speaking out. As development finance institutions seek to increase their investments in fragile and conflict-affected areas, we are learning to tailor every aspect of our support to communities, including through confidential support where necessary. We are also working to ensure that complaint offices innovate their processes to mitigate the risk of reprisals.”

*Anirudha Nagar, Communities Co-Director*



## Translating the Challenge of the Last Mile into Remedy Fund Advocacy

“We have seen in our Communities program, in cases from India, Nepal, Mongolia, and Haiti, how challenging it can be to get from a victory for communities on paper to the actual provision of remedy that supports livelihood restoration, changes to a project, or other solutions. That learning inspired our Policy team’s deep research into structural changes we are recommending to ensure that where remedy is required, it will reach local people.”

*Stephanie Amoako, Acting Policy Director*

## Lawyers Honing our Model of Community Support

“Community lawyering means ensuring that community voices are heard and respected at all levels, including in our own work. Our lawyers continually adapt in response to the varying needs of the diverse communities with whom we partner. The core of our Communities Program is these long-term partnerships, accompanying communities through all stages of a complaint process, from early community organizing efforts to dispute resolution and compliance investigations and beyond. Our long-standing cases in Mongolia, Haiti, and India have taught us that it is at this final stage, when “victory” in the form of a historic agreement or a damning compliance investigation is in hand, that our continued efforts are critical to ensure that paper victories translate into tangible and lasting change on the ground.

Over the past decade, we have developed unique expertise about what it really takes to support communities in effectively using non-judicial accountability offices. And we know that no matter how many lawyers we hire, we can’t partner with all of the vulnerable communities around the world who need access to these tools. So we are also committed to building the field by sharing our knowledge with a variety of audiences, from local advocates who attend regional trainings to budding law students who attend our talks. Our lawyers reserve a portion of their time to providing advice and targeted assistance to communities and advocates who contact us, even when we don’t have the capacity to provide in-depth support. We also foster peer learning through the International Advocates’ Working Group, a global network we founded in 2013 to provide a dedicated space to share and learn lessons from our incredible colleagues at other organizations. Together, we’re building an accountability ecosystem for the decades to come.”

*Sarah Singh, Communities Co-Director*



## Seeing the System to Know How to Change It

“While the accountability system has existed for 25 years now, there was no way to understand what the system as a whole was teaching us, so we created the Accountability Console. We can now look across sector, country, region, funding institution,

or type of harm to see patterns and make comparisons that control for policy differences in a sophisticated way. We learned what was needed by having a team of superusers in-house whose daily work informs and contextualizes what this data needs to be, and who are already using that information in their advocacy. It is the experience of our team of Communities lawyers and Policy advocates who have helped us shape how the data is presented in a way that makes it both meaningful and actionable.”

*Samer Araabi, Research Director*

# Making Space for Indigenous Voices in Myanmar

Naw Ehhtee Wah lives in Dawei, a city in south eastern Myanmar, and the capital of the pristine Tanintharyi Region. Enduring decades of civil war, the rich biodiversity around Naw Ehhtee Wah is gradually eroding from corporate extraction and development. Top-down efforts intended to protect the forests and natural resources in the Tanintharyi Region have instead paved the way for further extraction while undermining a delicate peace process in this conflict zone and the ability of refugees and internally displaced persons to return to their lands.

Naw Ehhtee Wah is fighting alongside other Karen community organizations in the Tanintharyi Region, organized as Conservation Alliance Tanawthari, to reverse this top-down approach to conservation that is violating their human rights and threatening their livelihoods and culture. Accountability Counsel's Communities team is supporting Naw Ehhtee Wah and CAT to ensure one of these harmful projects, the UN Development Programme's "Ridge to Reef" project, upholds the right to Free, Prior and Informed Consent (FPIC) through a complaint strategy tied to UNDP's accountability office.

“This project is being developed with a top-down approach to conservation that puts Indigenous Karen communities at risk. We are calling on the government and UNDP to recognize and respect the customary lands and conservation practices of Indigenous communities. Until these are recognized in full, this project should not go ahead.”

*Naw Ehhtee Wah, Coordinator of CAT*



# Strengthening Mechanisms That Communities Are Now Using to Be Heard

In 2011, Accountability Counsel's founder Natalie Bridgeman Fields and current board member David Hunter supported the initial draft concept for UNDP's accountability office. The following year, our Policy team, working closely with civil society partners, fed lessons learned from our cases and our analysis on best practices to UNDP to ensure that as the accountability office was being established, it would be independent, fair, transparent, professional, accessible, and effective. Many of those recommendations were adopted and are reflected in the governing document, ensuring access to the accountability office that Naw Ehhtee Wah and CAT are now using to defend their rights. This is an example of envisioning the system communities need access to in order to seek justice, advocating for its creation, and then supporting communities to use it.



# Shifting Power to Deliver Remedy in Haiti

Ilina St. Jean's family farmed land in Northeast Haiti for generations. Since her land was taken in 2011 to make way for the Caracol Industrial Park, Ilina has struggled to support her nine children with one meal a day. After two years of delays, the cash compensation finally provided was insufficient to restore her family's living conditions. As she recognized that others were in a similar situation, Ilina began to organize alongside hundreds of other displaced farmers and their families, representing nearly 4,000 people.

With our support and that of AREDE and ActionAid Haiti, Ilina and her community used the Inter-American Development Bank's accountability office, called MICI, to reach an agreement with the Bank and the Haitian government in December 2018 to address much of the harm caused by her displacement. The livelihood support in this agreement provides each affected household with an employment opportunity at the Park, as well as the option of land (limited to the 100 families most in need), agricultural equipment and training, support for micro-enterprise focused on women and the most vulnerable members of the community, or vocational training scholarships. Today, our Communities lawyers and Research team are collaborating to help advance implementation of the agreement so that Ilina may rebuild her life and provide for her family again—based on her own agency in the negotiation process. While her struggle continues, the farmers, Accountability Counsel, and our partners AREDE and ActionAid Haiti are here through the last mile to turn commitments on paper into meaningful change.





“The economic situation is hard for us, we can’t feed ourselves because we have lost everything ... I hope things said in the agreement will be implemented ... Me, I will choose the small business option. From the small business, I could have income ... I think this would be a benefit for my family.”

*Ilina St. Jean, Affected Farmer*

## Innovating Methods of Community Engagement

In this case, lawyers, software engineers, Haitian farmers, and organizers worked together to gather data and share information across language, literacy, and geographic barriers. Alongside extensive community surveying, our Research team developed an innovative communications tool, Zwazo, that is bolstering access to information and mobilization through mass voice messaging in Creole. With support of the lawyers in our Communities team, Haitian community leaders are now using Zwazo to share critical details about agreement implementation with hundreds of farmers in order to keep implementation of the agreement commitments moving forward.

# Going *From Paper to Progress* in Mongolia

Camel herding has been the primary livelihood in Mongolia's South Gobi Desert for generations. This traditional way of life in a harsh desert environment was upended when one of the world's largest copper and gold mines, the Oyu Tolgoi mine, began construction in the herders' prime pastureland. Together with our Mongolian partner OT Watch, we have supported the herders to protect their way of life and livelihoods while living in the shadow of this mine. In 2017, they reached historic agreements with the mining company and local government to help protect their traditional livelihoods and support new endeavors. This achievement was only made possible through strong facilitation from the IFC's Compliance Advisor Ombudsman, an accountability office tied to one of the mine's major international investors.

In a situation as imbalanced as a voluntary negotiation between nomadic herders and a mining giant, it is easy to assume that reaching an agreement is 90% of the battle. But in a scenario this complex, with commitments this ambitious, the agreements were just the beginning. Two years later, the agreements have sown real benefits, including 37 university scholarships provided to herder children, 114 new compensation packages approved for households that were displaced by the mine, 10 herder wells furnished with solar pumps, and more. Yet it remains far from clear whether the agreements will fulfill their promise of supporting herders to continue their traditional way of life while living next to a world class mine. We are continuing work to ensure that the agreements translate to a sustainable future for local herders.

"I am very satisfied with the agreement. We were not included in the 2004 program, but we are covered this time. It is very helpful to us herders. We will have monetary support and we are very happy about that."

*Dorjkhanda Bataa, Affected Herder*



# A New Model for Tracking the Last Mile

Our Research and Communities teams are collaborating to track progress on agreement implementation and keep international attention on this case until remedy is achieved. In February 2019, we launched an interactive report, *From Paper to Progress*, to track implementation in the first 18 months after the agreements were signed.

Based on over 25 hours of interviews with affected herders and other key actors, the report found that only 29% of agreement commitments had been achieved, while 53% were behind schedule. Progress has been more swift on commitments to provide individual compensation, while bigger projects like a herder's market and slaughterhouse, meant to benefit the whole community, were severely delayed. Visit [TPCprogress.com](https://tpcprogress.com) to view the full progress report, and check back for future updates.



# Financials & Growth

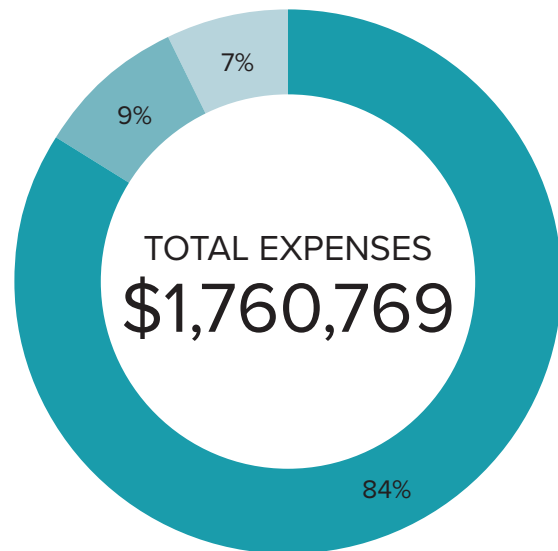
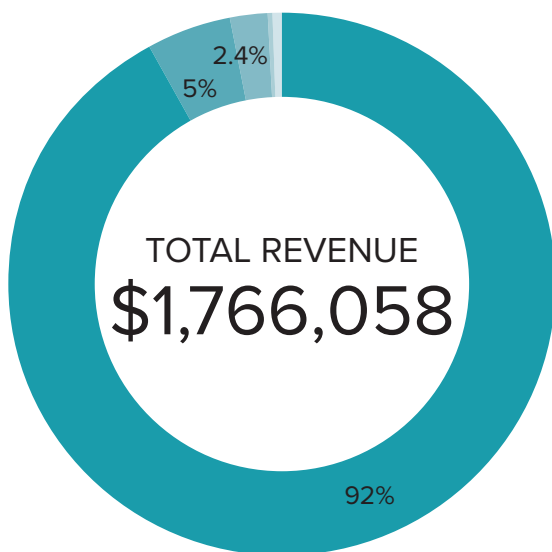
Our passion for this work has moved us from an organization of one in 2009, with Echoing Green support and a \$30,000 first-year budget, to the \$2 million budget supporting the global team that we are today—in large part thanks to support from our committed foundation funders and individual donors. Our scaling plan envisions a \$6 million organization of around 50 people, operating from a number of locations around the world. We aim to sustain our impact through a combination of philanthropic funding, in kind support, and earned revenue.

## FY 18/19 Expenses

<b>Total Program</b>	<b>\$1,477,695</b>
Communities	\$707,643
Policy Advocacy	\$444,614
Research	\$325,438
<b>Administration</b>	<b>\$160,455</b>
Fundraising	122,619

## FY 18/19 Revenue

<b>Total Donations</b>	<b>\$1,754,353</b>
Foundation Grants	\$1,626,124
Individual Donations	\$86,625
Corporate Contributions	\$41,604
<b>In-Kind Support</b>	<b>\$4,979</b>
Earned & Other Income	\$6,726



# Donors

Our work over the past fiscal year was made possible thanks to the generous support of the following donors:

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Seliana Marcelus, farmer and  
community leader in Haiti.