Read-Me File for

‘Claims Submitted to the Multilateral Development Bank Accountability Mechanisms –

1994-2016’

Version 1.0 – data compiled between April 2016 and August 2017

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1. Abbreviations and Acronyms

ADB Asian Development Bank

AfDB African Development Bank

AM Accountability Mechanism

BETF Bank Executed Trust Fund

BP Bank Procedure

CAO Compliance Advisor Ombudsman

CRP Compliance Review Panel

EBRD European Bank for Reconstruction and Development

IDB Inter-American Development Bank

IF Inspection Function

IFC International Finance Corporation of the World Bank Group

IIM Independent Investigation Mechanism

IP Inspection Panel

IRM (EBRD) Independent Recourse Mechanism

IRM (AfDB) Independent Review Mechanism

MDB Multilateral Development Bank

MICI Independent Consultation and Investigation Mechanism (ICIM/MICI in Spanish)

MIGA Multilateral Investment Guarantee Agency of the World Bank Group

OD Operational Directive

OM Operations Manual

OMS Operational Manual Statement

OP Operational Policy

OSPF Office of the Special Project Facilitator

PAI Project Administration Instructions

PCM Project Complaint Mechanism

PPAH Pollution Prevention and Abatement Handbook

PR Performance Requirement

PS Performance Standard

WB World Bank (International Bank for Reconstruction and Development/International Development Association)

WBG World Bank Group (comprised of the IFC and MIGA)

2. General Information

The dataset represents a summary depiction of grievance cases brought to the Accountability Mechanisms (AMs) of the six Multilateral Development Banks (MDBs) from 1994 to 2016: The Asian Development Bank, the African Development Bank, the Inter-American Development Bank, the European Bank for Reconstruction and Development, the World Bank (IBRD/IDA) and the World Bank Group (IFC and MIGA). These Accountability Mechanisms were created to enable people adversely or potentially adversely affected by a project or program financed by the MDBs to take their concerns to the Banks for recourse. The Accountability Mechanisms generally do not stop the project or provide material reparations. They seek to stop or prevent harm and mitigate the negative aspects of a development project.

The objective of the database is to be able to garner a quick qualitative snapshot of any given case, as well as to be able to aggregate quantitative data for each AM as a whole and to identify trends over time. Each of the grievance mechanisms has a specific name, which may have changed over time. It may also be comprised of more than one office with separate functions (i.e. consulting with affected people versus a compliance investigation). Most of the Accountability Mechanisms now have separate functions, with the consultation process also called problem solving. The compliance phase is to investigate whether the MDBs have complied with their environmental and social policies and whether this has led to harm. The Accountability Mechanisms are detailed below.

The dataset includes cases received by the AMs from the beginning of each mechanism until 31st December 2016. The last update for cases is 30th June 2017.

***2.1. The Banks and their Mechanisms***

Each bank and its mechanism(s) is depicted on a separate tab of the spreadsheet. Mechanisms denoted as historic may have less data available:

* African Development Bank (AfDB)

Independent Review Mechanism (IRM (AfDB))– this mechanism undertakes problem-solving and compliance investigations

*operational from 2007 – present*

* Asian Development Bank (ADB)

Inspection Function – Historic (IF)– this mechanism only undertook compliance investigation

*operational from 1998 – 2003*

The Accountability Mechanism (AM) – is comprised of two offices

*Operational 2004-present*

Office of the Special Project Facilitator (OSPF) *­*– this is the ‘problem solving phase’

*operational from 2004 – present*

Compliance Review Panel (CRP)- this is the compliance investigation phase

*operational from 2004 – present*

* European Bank for Reconstruction and Development (EBRD)

Independent Recourse Mechanism – Historic (IRM (EBRD)) – both problem solving and compliance investigation

*operational from 2005 – 2007*

Project Complaint Mechanism (PCM) - both problem solving and compliance investigation

*operational from 2010 – present*

* Inter-American Development Bank (IDB)

Independent Investigation Mechanism – Historic (IIM) - compliance investigation only

*operational from 1997 – 2009*

Independent Consultation and Investigation Mechanism (MICI) - both problem solving and compliance investigation

*operational from 2010 – present*

* International Finance Corporation (IFC)

Compliance Advisor Ombudsman (CAO) both problem solving, compliance investigation and advisory powers

*operational from 2000 – present*

* World Bank (WB)

Inspection Panel (IP) – compliance investigation only

*operational from 1994 – present*

***2.2. The Process***

When a case is received by an AM, it makes a decision about whether the case has a prima facie basis that warrants registration. If a case is registered, a more detailed assessment is then conducted to determine whether or not it is eligible for the consultation phase or the investigation phase, according to various exclusion criteria as outlined further below.

For each AM apart from the WB, a Request can either be found eligible for a Consultation Phase, an Investigation Phase, or both, or neither. If the case is determined eligible, it then begins to move through the stages of the relevant phase. Each of the mechanisms have updated their rules of procedure over time. Some may have required claimants to first go through the consultation phase first before going to a compliance investigation. Most now enable claimants to choose if they want consultation or compliance investigation. This is detailed for each AM under the heading ‘Processing Procedure’.

The coloured columns in each sheet represent a left-to-right timeline of the case as it progresses; the green columns depict a case moving through the consultation phase, and the blue columns depict a case moving through the compliance investigation phase. The seven possible stages and the corresponding colours[[1]](#footnote-1) are based on the timeline given on the IFC website for CAO cases, with the exception of the ‘Under Audit’ column, which has been renamed ‘Investigation’ for simplicity. For CAO cases, this has been replicated exactly as each timeline appears on the website; the cases for the other AMs have been adapted to this same timeline by looking at the documents and making an assessment of how far the case progressed. The IDB website for MICI cases has a similar but longer timeline, which has been condensed down to the seven stages of the CAO version.

Blank cells indicate that a particular case did not involve that particular stage of the mechanism. A right arrow (****) indicates that it progressed to the next stage of the relevant phase. A downward arrow (****) indicates that the case is ongoing and currently remains in that stage.

Every column can be filtered to select specific criteria in that column and the case count at the bottom will update when a column or columns are filtered. In this way, users can quickly count all unregistered cases, or all cases found ineligible for a specific reason, or all cases that involved a specific policy violation, or all cases found ineligible for the consultation phase but still went to the compliance investigation Phase (two column search). See further details on usage in Section 2.6.

Cases with an asterisk at the end of the name in the ‘Project’ column are still ongoing. The user can search for all ongoing cases by clicking on the drop down menu in the ‘Project’ column and typing ~\* into the search box.

The World Bank is depicted differently to all the others, as it does not have a consultation phase. This is outlined further in Section 8 of this document.

***2.3. Column Headings***

*The following column headings are for all AMs apart from the Inspection Panel (WB).*

Year – Calendar year that the case was received by the AM

Country – Country where the project is based

Case No. – Case number (this is discussed individually for each bank in the following sections)

Project – Name of the project (an asterisk after the project name indicates a case that was still ongoing as at 30th June 2017)

Eligible – A right arrow (****) indicates it was determined eligible for consultation and moved onto the next stage of the consultation phase; a number shows it stopped at this stage with the reason(s) corresponding to those indicated in Section 2.4; a downward arrow (****) indicates that the case is ongoing and currently remains in this stage. ‘Not Registered’ indicates the case was not registered with the reason(s) corresponding to those indicated in Section 2.4.

Assessment Period – A right arrow (****) indicates it moved onto the next stage of the consultation phase; a number shows it stopped at this stage with the reason(s) corresponding to those indicated in Section 2.4; a downward arrow (****) indicates that the case is ongoing and currently remains in this stage.

Facilitating Settlement – A right arrow (****) indicates it moved onto the next stage of the consultation phase; a number shows it stopped at this stage with the reason(s) corresponding to those indicated in Section 2.4; a downward arrow (****) indicates that the case is ongoing and currently remains in this stage.

Monitoring/Close-out – The number shows why the case was closed, with the reason(s) corresponding to those indicated in Section 2.4; a downward arrow (****) indicates that the case is ongoing and currently remains in this stage.

Under Appraisal – A right arrow (****) indicates it was determined eligible for compliance investigation and moved onto the next stage of the investigation phase; a number shows it stopped at this stage with the reason(s) corresponding to those indicated in Section 2.4; a downward arrow (****) indicates that the case is ongoing and currently remains in this stage.

Investigation – Shows the instances of non-compliance found in the investigation, corresponding to those indicated in Section 2.5; a downward arrow (****) indicates that the case is ongoing and currently remains in this stage.

Monitoring – The number of monitoring reports that were published publicly after the investigation report to assess whether the Bank had become policy compliant; a downward arrow (****) indicates that the case is ongoing and currently remains in this stage.

***2.4. Reasons for Non-Registration and Non-Investigation***

The reasons for either not registering a case as valid or for not investigating the case are detailed below. These were derived from the reasons given by the six AMs according to publicly available data. They were categorised into the following 23 reasons by the author in order to assist with analysing the decisions made by the AMs.

|  |  |
| --- | --- |
| **No.** | **Reason** |
| 1 | Insufficient evidence of harm/harm not caused by the Project/harm not caused by violation of policies. |
| 2 | Actions are underway/have been completed to adequately address the issues. |
| 3 | Parties indicated lack of willingness to engage/continue in a collaborative consultation process (3b=Borrowers were not willing, 3r=Requestors were not willing, 3br=neither party was willing). |
| 4 | Not within the mandate of the mechanism (and/or relates to fraud, ethics, corruption, personnel matters, or procurement). |
| 5 | Bank is not/not yet/no longer financing the Project. |
| 6 | Investigation would yield limited information and/or be of limited value/the project has not identified issues of systemic importance/raised substantial concerns regarding environmental and social outcomes that would warrant an investigation. |
| 7 | Requestors have not raised the issue(s) with Management |
| 8 | Parties reached a settlement agreement. |
| 9 | AM does not believe it could play any further useful role and/or unable to help the parties reach full agreement (i.e. this includes cases where partial agreement was reached by the parties). |
| 10 | Loan has already been disbursed beyond the threshold for complaint (note this threshold varies from bank to bank). |
| 11 | Requestors indicated satisfaction with the outcome/withdrew the request/ requested that the AM close the case. |
| 12 | The matter is already being reviewed/has already been reviewed pursuant to the Mechanism or its predecessor; and/or matter consolidated with another case on the same subject. |
| 13 | Request was determined eligible but the Board did not approve the recommendation for an Investigation. |
| 14 | Request raises issues under arbitral or judicial review by national, supranational or similar bodies; or is related to a decision by such a body. |
| 15 | Request was deemed inactive. |
| 16 | Request could not be verified. |
| 17 | Request was made by a single individual. |
| 18 | Recommendations made. (*CAO only)* |
| 19 | Local consultation mechanism was set up, which was then phased over to local operation. (*CAO only)* |
| 20 | Vice President requested the case be transferred to Compliance Phase. *(CAO only)* |
| 21 | Dealt with using a Pilot approach for early solutions. *(World Bank only)* |
| 22 | Financed through a Bank Executed Trust Fund (BETF). *(World Bank only)* |
| 23 | Could not determine as documents are not publicly available |

***2.5. Non-Compliance Found in the Investigation***

The following is not an exhaustive list of all policies that exist for MDBs; rather it is a list of all policies that have been triggered in any cases covered by this analysis. The policy violations have been grouped into 17 categories, which cover all of the policies across all of the banks. The policy violations have been categorised to capture ‘like’ policy violations within banks. The full list of policies included in each of the categories is listed below. Note that where applicable, policy numbers have been listed alongside the policy but where multiple numbers for the same policy have been used over time, the author has noted only the most recent policy number. Further note that the World Bank is not included here as it is depicted differently (see Section 8).

|  |  |
| --- | --- |
| **No.** | **Reason** |
| A | **Umbrella/Generic Social and Environmental Policies – includes:**  African Development Bank:  *- Policy on the Environment*  *- Environmental and Social Assessment Procedures for Public Sector Operations*  *- Environmental Review Procedures for Private Sector Operations*  *- Integrated Environment and Social Impact Assessment Guidelines*  *- Environmental Assessment Guidelines*  Asian Development Bank  *- Environmental Considerations in Bank Operations*  *- C3: Incorporation of Social Dimensions in ADB Operations*  *- Environment Policy (2002)*  *- Safeguard Policy Statement (2009)*  European Bank for Reconstruction and Development  *- PR1: Assessment and Management of Environmental and Social Impacts and Issues*  *- Environmental Policy (2003)*  *- Environmental and Social Policy (2008, updated 2014)*  Inter-American Development Bank  *- OP-703: Environmental and Safeguards Compliance Policy*  *- PR-204: Environmental and Social Impact Aspects of Operations Processing*  International Finance Corporation  *- OP-4.01: Environmental Assessment (1998, updated 2006)*  *- Policy on Social and Environmental Sustainability*  *- PS1: Assessment and Management of Environmental and Social Risks and Impacts* |
| B | **Involuntary Resettlement**  African Development Bank:  *- Policy on Involuntary Resettlement*  Asian Development Bank  *- Involuntary Resettlement*  European Bank for Reconstruction and Development  *- PR5: Land Acquisition, Involuntary Resettlement and Economic Displacement*  Inter-American Development Bank  *- OP-710 Involuntary Resettlement*  International Finance Corporation  *- PS5: Land Acquisition and Involuntary Resettlement* |
| C | **Indigenous Peoples**  Asian Development Bank  *- Socioeconomic and Cultural Impacts (Relevant Staff Instructions of 1986)*  European Bank for Reconstruction and Development  *- PR7: Indigenous Peoples*  Inter-American Development Bank  *- OP-765 Indigenous Peoples*  International Finance Corporation  *- PS7: Indigenous Peoples* |
| D | **Gender and Development**  African Development Bank:  *- C2: Gender Policy*  Asian Development Bank  *- C2: Gender and Development in Bank Operations* |
| E | **Physical Cultural Resources**  European Bank for Reconstruction and Development  *- PR8: Cultural Heritage*  International Finance Corporation  *- PS8: Cultural Heritage* |
| F | **Natural Habitats**  European Bank for Reconstruction and Development  *- PR6: Biodiversity Conservation and Sustainable Management of Living Natural Resources*  International Finance Corporation  *- PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources* |
| G | **Water Resource Management**  African Development Bank:  *- Integrated Water Resource Management Policy* |
| H | **Poverty Reduction**  African Development Bank:  *- Policy on Poverty Reduction* |
| I | **Public Consultation/Access to Information/Disclosure of Information**  African Development Bank:  *- Handbook on Stakeholder Consultation and Participation in AfDB Operations*  Asian Development Bank  *- L3: Public Communications*  European Bank for Reconstruction and Development   * *PR10: Information Disclosure and Stakeholder Engagement* * *Public Information Policy (2014)*   Inter-American Development Bank  *- OP-102: Disclosure of Information Policy (2006) and Access to Information Policy (2010)*  International Finance Corporation  *- Disclosure Policy*  ***Note that non-compliance with disclosure/access to information requirements are often found as a violation of Umbrella/Generic Social and Environmental Policies (Category A) instead or as well as Category I.*** |
| J | **Energy Sector**  African Development Bank:  *- Energy Sector Policy*  Asian Development Bank  *- Energy Policy (2009)* |
| K | **Resource Efficiency and Pollution Prevention**  Asian Development Bank  *- Pollution Prevention and Abatement Handbook – World Bank (PPAH)*  European Bank for Reconstruction and Development  *- PR3: Resource Efficiency and Pollution Prevention and Control*  International Finance Corporation  *- PS3: Resource Efficiency and Pollution Prevention*  *- Pollution Prevention and Abatement Handbook – World Bank* |
| L | **Labour Standards/Conditions**  European Bank for Reconstruction and Development  *- PR2: Labour and Working Conditions*  International Finance Corporation  *- PS2: Labor and Working Conditions* |
| M | **Community Health, Safety, and Security**  European Bank for Reconstruction and Development  *- PR4: Health and Safety*  International Finance Corporation  *- PS4: Community Health, Safety, and Security* |
| N | **Disaster Risk Management**  Inter-American Development Bank  *- OP-704 Disaster Risk Management Policy* |
| O | **Operational Procedural Violations**  African Development Bank:  *- Policy on Good Governance*  *- Economic Evaluation of Investment Operations (OM 600)*  Asian Development Bank  *- Supplementary Financing of Cost Overruns on Bank-Financed Projects*  *- Benefit Monitoring and Evaluation*  *- Bank’s Operations Missions*  *- J4: Formulation and Implementation of Loan Covenants*  *- C4: Good Governance*  *- PAI No. 5.04: Change in Project Scope or Implementation Arrangements*  European Bank for Reconstruction and Development  *- PR9: Financial Intermediaries*  Inter-American Development Bank  *- OP-302: Project Preparation, Evaluation and Approval Policy*  *- OP-304: Operations Administration Policy* |
| P | **Project found to be in compliance with relevant policies in the Investigation.** |
| Q | **The Investigation had no explicit findings of compliance or non-compliance on specific policies.** |

***2.6. Intended Usage and Functionality***

Every column in the spreadsheet can be filtered to select specific criteria the user would like to see. Any combination of data can be selected and an updated case count will appear at the bottom of the spreadsheet.

Examples:

* To see all cases from one year or a range of years, make the relevant selection(s) in the ‘Year’ column.
* To see all cases from one country or a number of countries, make the relevant selection(s) in the ‘Country’ column.
* To see a specific case, select the relevant number in the ‘Case No.’ column; or select the relevant name in the ‘Project’ column. The search bar in the filter menu can also be used to bring up multiple cases on the same project.
* To see all unregistered cases, select the ‘Not Registered’ cases in the ‘Eligible’ column.
* To see all registered cases, deselect the ‘Not Registered’ cases in the ‘Eligible’ column.
* To see all cases that were determined ineligible for the consultation phase but still went to the investigation phase, deselect ‘Not Registered’, right arrow (****), and ‘Blanks’ in the ‘Eligible column, and deselect ‘Blanks’ in the ‘Under Appraisal’ column.
* To see all cases that stopped at any given stage, go to the relevant column and deselect ‘Blanks’ and right arrow (****).
* To see all cases that stopped during mediation because the Requestors were no longer willing to continue in the Consultation Process, go to the ‘Facilitating Settlement’ column and select options containing ‘3r’. Note that there may be multiple reasons that a case was stopped, no matter which stage of the consultation phase or investigation phase it happened in.
* To see all cases that went to the investigation phase, deselect ‘Blanks’ in the ‘Under Appraisal’ column.
* To see all cases that went straight to the investigation phase without a consultation phase, select ‘Blanks’ in the ‘Eligible’ column.
* To see all cases that have been/are being investigated, deselect ‘Blanks’ in the ‘Investigation’ column.
* To see all cases where the investigation found non-compliance with Umbrella/Generic Social and Environmental Policies, select all cases that include ‘A’ in the ‘Investigation’ column. This can also be done using the search bar in the filter menu.

*There are countless permutations and combinations available to the user; these examples are only designed to give a sample of the functionality.*

3. African Development Bank

* Information has been collated from the case documents and annual reports on the publicly accessible IRM (AfDB) website of the AfDB.
* All project names, case numbers, countries, and years are taken directly as they appear from the website or other relevant documents.
* The AfDb has only published data on unregistered requests from 2009 – 2015, available as a separate document on the IRM (AfDB) website titled *African Development Bank – Register of Unregistered Requests*.
* It is unclear whether there have been other unregistered requests outside this time period. There are no case numbers given for unregistered cases – this missing information is represented by a question mark (?).

***3.1. Processing Procedure***

Under the IRM (AfDB) Requestors can indicate their preference for either problem solving or a compliance investigation and these would be undertaken separately.

4. Asian Development Bank

* The OSPF and the CRP are together referred to as the ADB Accountability Mechanism.
* Information has been collated from the case documents and annual reports on the publicly accessible OSPF and CRP websites of the ADB.
* Some data has also been collated from historical case documents and annual reports that were previously publicly available but are no longer online.
* All project names, case numbers, countries, and years are taken directly as they appear from the website or other relevant documents.
* For the ADB, the OSPF handles the consultation phase and the CRP handles the investigation phase. The Inspection Function (Historic) only had an investigation phase.
* Inspection Function (Historic), OSPF, and CRP have all been combined into the same spreadsheet.
* The case numbering is as follows:
  + Inspection Function (Historic) has no case numbers so cases have been numbered sequentially by the author.
  + OSPF case numbers are in green
  + CRP case numbers are in blue
  + Case numbers in black come from a document titled *Asian Development Bank Accountability Mechanism Complaint Receiving Officer’s Complaints Registry.*
  + Some cases will have more than one number listed, as the numbering from the bank is not consistent across these sources.
* Cases that went from OSPF to CRP are listed as if they were one case (i.e. on the same row) but the green case number indicates OSPF (consultation phase) and the blue case number indicates CRP (compliance investigation Phase).
* The ADB has only published data on unregistered cases back to 1st June 2012.

***4.1. Data Discrepancies***

OSPF Case 2/2014 (CRP Case 2016/2) in Samoa on the project ‘TAs 8481 and 7387 (SAM): Promoting Economic Use of Customary Land and Grant No. 0392 (SAM): Samoa Agribusiness Support Project’ is duplicated in the *Asian Development Bank Accountability Mechanism Complaint Receiving Officer’s Complaints Registry.* It is listed once in 2014 when it was first received (01-09-2014) and again when Requestors returned it in order to take their case to the Compliance Review Phase (15/2016). For ease, it is only listed once in the spreadsheet (as it is the same case). However, this means there is a gap in the spreadsheet between case 14/2016 and case 16/2016.

Note that policies have changed numbers over time and even been amalgamated with other policies. ADB has published a conversion table that details how its Operations Manual has changed over time. This can be found when searching for ADB Operations Manual using an Internet search engine.

***4.2. Processing Procedure***

Under the Inspection Function there was no problem solving phase. Under the new AM (2003 Policy) Requestors had to first go through the consultation phase before they could request a compliance investigation. Under the revised 2012 policy, Requestors can choose either the consultation phase or the compliance investigation phase. If a case is rejected for consultation, Requestors may still choose whether they want it assessed for compliance.

5. European Bank for Reconstruction and Development

* Information has been collated from the case documents and annual reports on the publicly accessible PCM website of the EBRD.
* This website includes documents from cases process under the historic IRM (EBRD).
* All project names, case numbers, countries, and years are taken directly as they appear from the website or other relevant documents.
* The EBRD has only published limited quantitative data on unregistered cases for both the IRM (EBRD) and PCM.
* Data on unregistered cases from the IRM (EBRD) era is compiled from Annual Reports between 2005 and 2008. The number of unregistered cases per year is listed but no further information is provided. This missing information is represented by a question mark (?).
* Data on unregistered cases from the PCM era is provided in the 2010-2016 Annual Reports. The number of unregistered cases per year for the period 2010-2016 is listed and there is sometimes a sentence about reasons for rejection. Missing information is represented by a question mark (?).

***5.1. Data Discrepancies***

Under the IRM (EBRD) 2009 (and 2014) Rules of Procedure, a Request may be suspended for further processing in cases where the Requestor has not made previous attempts to raise their concerns with Management. The PCM Officer can waive this requirement if such efforts would be harmful to the Requestor or futile.

Due to the ability of the PCM to suspend cases, the count of cases per year varies across the Annual Reports as a suspended case from a previous year might be closed without it being registered or officially included as non-registered. Annual reports from 2013 onwards include a case count for each year since the beginning of the PCM. The variation in figures of registered (R) and non-registered (NR) cases is given in the table below.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 2010 | | 2011 | | 2012 | | 2013 | | 2014 | | 2015 | | 2016 | |
| R | NR | R | NR | R | NR | R | NR | R | NR | R | NR | R | NR |
| 2010 Annual Report | 1 | 7 |  |  |  |  |  |  |  |  |  |  |  |  |
| 2011 Annual Report |  |  | 6 | 10 |  |  |  |  |  |  |  |  |  |  |
| 2012 Annual Report |  |  |  |  | 4 | 14 |  |  |  |  |  |  |  |  |
| 2013 Annual Report | 1 | 7 | 6 | 10 | 4 | 14 | 3 | 19 |  |  |  |  |  |  |
| 2014 Annual Report | 1 | 7 | 6 | 8 | 4 | 14 | 3 | 16 | 5 | 9 |  |  |  |  |
| 2015 Annual Report | 1 | 7 | 6 | 8 | 4 | 14 | 4 | 16 | 5 | 9 | 3 | 18 |  |  |
| 2016 Annual Report | 1 | 7 | 6 | 10 | 4 | 14 | 4 | 14 | 5 | 9 | 3 | 16 | 1 | 25 |

For accuracy and consistency, the tally included in the data spreadsheet by the author is the first listing for each year – i.e. for 2013, the tally given in the 2013 Annual Report; for 2014, the tally given in the 2014 Annual Report, etc. This ensures that all Requests, including those that were suspended then closed, are properly included in the tally.

***5.2. Processing Procedure***

Under both the IRM (EBRD) and the PCM, Requestors could indicate their preference for either problem solving or for a compliance investigation and these could run concurrently by separate experts working for the AM.

6. Inter-American Development Bank

* Information has been collated from the case documents and annual reports on the publicly accessible MICI website of the IDB.
* Some data has also been collated from historical case documents and annual reports that were previously publicly available but are no longer online.
* All project names, case numbers, countries, and years are taken directly as they appear from the website or other relevant documents. The exception is case numbers for the IIM (Historic), which had no case numbers so have been numbered sequentially by the author.
* In 2014, the Operational Guidelines changed so from case MICI-CO-2015-0091 onwards, the eligibility findings are not specific to the consultation phase or the investigation phase; it is just found eligible or ineligible. Where cases are found ineligible from this point on, the reason is recorded in both the consultation phase (‘Eligible’ column) and the investigation phase (‘Under Appraisal’ column).
* Some documents were only available in Spanish or only available in Portugese.

***6.1. Data Discrepancies***

The Development of the Industry of Products of the Vegetable Sponge is listed twice; once under the IIM (IIM 13) and again under MICI (MICI-PR-2010-001). When MICI was created, this was the only open case under the IIM and so it was transferred. This means it is counted twice in the overall case count, even though it is the same case.

The consultation phase (green) timeline from the website is inconsistent with the reality for case MICI-CR-2010-010. The consultation phase report states that 'the consultation phase ended without proceeding to dialogue' (p. 9) but the timeline shows it as having gone to monitoring. The author has changed it to reflect that the consultation phase in fact closed in the Assessment Period.

***6.2. Processing Procedure***

From 2010 until 2014 Requestors had to first go through the consultation phase before they could request a compliance investigation. From 2015 Requestors can choose either. If a case is rejected for consultation, Requestors may still choose whether they want it assessed for compliance.

7. International Finance Corporation

* Information has been collated from the case documents and annual reports on the publicly accessible CAO website of the IFC and MIGA (collectively comprising the World Bank Group).
* All project names, countries, and years are taken directly as they appear from the website or other relevant documents.
* CAO cases do not have a case number on the website. As such, the author has assigned them with a case number corresponding to the date listed under ‘Date Filed’ on the website in the format yyyy/mm/dd. This was done to follow the format of other AMs and ensure the cases were easier to list chronologically as the website lists them only geographically. As a result, some cases have the same number as other cases as they have the same date listed on the website.
* Case 2011/04/01 – Financial Intermediaries-01/CAO Vice President Request – is not listed with other cases on the CAO website but is available publicly here:

<http://www.cao-ombudsman.org/newsroom/documents/FIAUDIT.htm>

* Case 2011/08/25 (Republic of Kosovo) is not listed on the website with the rest of the cases but the case documents are publicly available by putting the project name in an Internet search engine.
* The IFC published a list of all cases (registered and unregistered) in its 2014 Annual Report but therefore data on unregistered cases is only available from the beginning of the mechanism until June 2014.
* The date given in the Annual Report for unregistered cases only includes a month and a year. As such, the Case Number for these has been created in the same yyyy/mm/dd format by using the first day of the month (01).

***7.1. Data Discrepancies***

There is sometimes a discrepancy between the date on the Request and the date listed under ‘Date Filed’ on the website. Where there are discrepancies, the ‘Date Filed’ entry is what has been used to create the case number. This is because the website date is often the only one available; i.e. where there are no case documents.

The Mahindra Farm Services-01 to -04 cases are exceptions because there is one date listed on the website for all the Requests but there are four different dates in each of the four Requests and they span the years 2006 and 2007.

The Russkiy Mir II-03/Taman case is an exception because the Request is dated 17th September 2008 but the date on the website under ‘Date Filed’ is 1st March 2009. Given that this impacts the year in which it is counted, the author has chosen the former date.

Using the ‘Date Filed’ date does result in some cases being out of sequence.

* BTC Pipeline-09/TetriTskaro (11251) is listed as 29th May on the website and has been given case number 2004/05/29 but BTC Pipeline-10 and -11 are listed as 21st May and have both been given case number 2004/05/21. BTC Pipeline-12 is listed as 28th May on the website and has been given case number 2004/05/28.
* BTC Pipeline-17/Tadzrisi (11251) is listed as 10th December on the website and has been given case number 2004/12/10 but BTC Pipeline-18 is listed as 1st December and has been given case number 2004/12/01.

***7.2. Processing Procedure***

From 2000 until 2006 Requestors had to first go through the consultation phase before progressing to the compliance phase. A Compliance audit could stem either from a consultation process or arise independently of it. From 2007 an unsuccessful mediation would automatically trigger a compliance audit. Under the revised Operational Guidelines (2013) claimants can now request either mediation or compliance investigation. If consultation does not succeed, the case is automatically transferred for a compliance audit.

Additionally, from 2000 until 2003, and from 2007 until present, the Ombudsman has also been able to trigger a compliance review. The World Bank Group President, IFC Management, and MIGA Management have had the power to trigger a compliance review from the beginning of the mechanism.

8. World Bank

The World Bank spreadsheet is set out differently to the others as it does not have a consultation phase and therefore has a different timeline of how cases progress. Furthermore, Inspection Panel cases often involve far more alleged and actual policy violations than other banks and this format allows that data to be better searched and aggregated. Lastly, during initial research it became apparent that policies were not necessarily consistently tracking through the documents for each case (i.e. the Request listed ten alleged violations, the Notice of Registration listed seven and the Investigation at the end only involved five). This format allows the user to readily see for any specific case whether or not policies being investigated are dropping off as the case progresses.

***8.1. Column Headings and Spreadsheet Layout***

Case No., Project, Year, Country – Taken directly from the publicly available IP website of the WB and based on the equivalent column headings described in Section 2.3.

Some cases entail multiple Requests – the author has followed the case numbering on the Inspection Panel website.

Investigation – Describes what stage the case progressed to from the following options:

* Not registered – Determined ineligible for Registration.
* No – Case was not investigated.
* Yes – Case has been/is being investigated.
* Awaiting EAR – Case is pending, awaiting the Eligibility Assessment Report to determine whether or not it is eligible for Investigation.

Reason OR Status OR Response – For any case that was not investigated (i.e. not registered or determined not eligible for Investigation) this column has the reason why, corresponding to the reasons detailed in Section 2.4.

For cases that are in the process of being investigated, it states ‘Awaiting Investigation Report’.

For cases that have already been investigated, it outlines Management follow up:

* No Management Response
* Management Response, no Action Plan
* Management Response with Action Plan
* Number of follow up reports after Action Plan (with Panel Review stated if there was one)

*Note that these outcomes are mutually exclusive, which is why they have been combined into one column. Either a case was not investigated so it will have a ‘Reason’; or it is in the process of being investigated so it will have a ‘Status’; or it has already been investigated so it will have a ‘Response’.*

Document – Information is drawn from up to four different documents throughout the case, as well as from the publicly available Annual Reports/15 Years of the Inspection Panel Report. These can be used in conjunction with relevant policies in the columns that follow to see which documents mention which policies and how policies progress through the Investigation:

* Request – the letter sent by the person or people making the complaint.
* Notice of Registration, etc. – Notice of Registration/Non-Registration or Summary of Decision not to Register indicating whether the case was progressed for eligibility assessment.
* Eligibility Assessment Report – Report determining whether the Request was eligible for Investigation.
* Investigation Report – Report of the IP to determine whether the WB adversely affected people through non-compliance with its own policies.

Operational Policies – This amalgamation of columns has all the policies that have appeared in case documents and/or the Annual Reports since the beginning of the IP. Each policy has its own column denoting the policy number, the type of policy (OP, BP, OD, OMS), and the full name of the policy. Policy numbers have changed over the years but the numbers refer to the most recent one in use at the time of publication. The first column under ‘Policies’ is titled ‘Not Specified’ and is to denote some cases where no policies have been mentioned anywhere throughout any of the documents.

To indicate whether a policy appears in a specific document for a specific case, the following notation has been used for the relevant row (note that not marking any policies in a row may mean either that no policies were listed in the document or that the document was not publicly available):

R = Policy appears in the Request

NoR = Policy appears in the Notice of Registration, Notice of Non-Registration, or Summary of Decision not to Register.

EAR = Policy appears in the Eligibility Assessment Report

✓ = Policy appears in the Investigation Report and was found compliant.

X = Policy appears in the Investigation Report and was found non-compliant.

✓/X = Policy appears in the Investigation Report with findings of both compliance and non-compliance.

IR = Policy appears in the Investigation Report but no explicit findings on compliance or non-compliance.

15Y = Policy appears in the 15 Years of Inspection Panel Report or Annual Report. (From Case 95 onwards, the Annual Report does not list which specific policies are covered in each case.)

Findings of compliance/partial findings of compliance sometimes have nothing to do with the issues raised in the original Request. For example, in Case 31, the IP has two findings of compliance with OP 4.01 in relation to the classification of the project as a Category A project and about the stage in the project cycle in which the Environmental Assessment was done. However the Request itself did not say anything about these issues. This potentially leads to an overinflated number of findings of compliance and partial compliance.

Count – The number of policies referred to in the document listed on that row.

Comments – Additional information about document discrepancies, cases that have been amalgamated, etc.

Colour Code - The case details in the sheet are colour coded to reflect the status of the case:

Red background – not registered/closed with no Investigation

Green background – Investigation underway/completed

Purple background – awaiting determination on eligibility

The Documents and Policies areas are similarly coded where green demonstrates that the case progressed to that stage and red demonstrating that it did not.

This colour coding allows the user to have a quick visual snapshot of the trend regarding how many cases progress to Investigation over time.

***8.2. Intended Usage and Functionality***

Every column in the spreadsheet can be filtered to select specific criteria the user would like to see. Any combination of data can be selected and an updated case count will appear at the bottom of the spreadsheet.

Examples:

* To see a specific case, select the relevant number in the ‘Case No.’ column. Note that selecting the name in the ‘Project’ column in order to see a specific case instead, will result in limited functional information being displayed.
* To see all cases from one year or a range of years, make the relevant selection(s) in the ‘Year’ column.
* To see all cases from one country or a number of countries, make the relevant selection(s) in the ‘Country’ column.
* To see all cases that have been/are being investigated, select ‘Yes’ in the ‘Investigation’ column.
* To see all cases that didn’t go to Investigation because the Requestors had not yet raised the issues with Management, select options containing ‘7’ in the ‘Reason’ column. Note that there may be multiple reasons that a case was stopped, no matter which stage it happened in.
* To see all cases that were not registered because there was insufficient evidence of harm/harm was not caused by the Project/harm was not caused by violation of policies, select ‘Not Registered’ in the ‘Investigation’ column and select options containing ‘1’ in the ‘Reason’ column. To see all cases that were registered but determined not eligible for Investigation for the same reason, select ‘No’ in the ‘Investigation’ column and select options containing ‘1’ in the ‘Reason’ column.
* To get a count of all cases that involved the Indigenous Peoples policy, go to that policy’s column and deselect ‘Blanks’ (leaving everything else selected).
* To get a count of all cases that involved the Indigenous Peoples policy in the Request specifically, go to that policy’s column and select ‘R’.
* To get a count of all cases where non-compliance or only partial compliance were found with regards to the Indigenous Peoples policy, go to that policy’s column and select ‘X’ and ‘✓/X’.

*Note that the above three options give an accurate count but result in limited functional information being displayed. However if you select any given cell in the first six columns, the information is still there to be seen.*

*There are countless permutations and combinations available to the user; these examples are only designed to give a sample of the functionality.*

1. Efforts have been made to select shades of colours that are easily viewable for users with colour blindness disabilities. [↑](#footnote-ref-1)