IFC/MIGA Compliance Advisor Ombudsman Complaint Template

This template has been created by Accountability Counsel to make it easier for communities or individuals harmed by an International Finance Corporation (IFC) or Multilateral Investment Guarantee Agency (MIGA) project to file a complaint with its Compliance Advisor Ombudsman (CAO). Fill in each section as completely as possible. If you need help, reach out to an advisor or organization you trust, or to Accountability Counsel at [accountabilitycounsel.org/advice](http://accountabilitycounsel.org/advice).

[insert date]

**Compliance Advisor Ombudsman**

International Finance Corporation

2121 Pennsylvania Avenue, NW Washington, DC 20433, USA

Email: CAO@worldbankgroup.org

Phone/text/WhatsApp: +1 202-650-2627

### **Complaint Against International Finance Corporation/Multilateral Investment Guarantee Agency Project**

### We write to you to submit a formal complaint against an International Finance Corporation (IFC)/ Multilateral Investment Guarantee Agency (MIGA) project causing or threatening environmental and social harm to communities or other impacted groups.

### **The Complainants & the Impacted Group/Communities**

We are: *[check the box that applies]*

* Members of an impacted group/community
* Advisors and/or representatives of an impacted group/community. We have included evidence of our authority to file this complaint on behalf of the impacted group/community at the end of this complaint. *[Complete Annex 1 & Section 2 below]*

**List of complainants:** *(at least two are required. If there are more, add additional rows or annex your own list. There is an opportunity to request confidentiality later in this document)*

| **Name** | **Email** | **Phone** | **Country of Residence** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |

**Why we are filing this complaint:**

| *Explain here, in summary, why you are filing this complaint (more details can be provided in the sections that follow):* |
| --- |

**Who is represented by this complaint:**

| *[Optional] If this complaint is being filed on behalf of a broader community, village, or other group of impacted people, please provide information about this broader group. Where are they located? How do they identify themselves (i.e. as Indigenous, tribe name, Afro-descendent, caste, fisherfolk, rural, urban, youth, etc.)? Include any other information that seems relevant for you. If possible, please identify or estimate the number of people that are represented by/included within this complaint.* |
| --- |

### **Advisors & Representatives**

We are filing this complaint with support from advisors and/or representatives, such as a non-governmental organization, community group, or another person who is not themselves directly impacted by the IFC/MIGA project: (select one)

* Yes, we are filing this complaint with support from advisors and/or representatives
* No, we do not have advisors and/or representatives

If yes, please: (i) provide the information below, and (ii) complete Annex 1 to confirm that you have authorized your representative to engage with the CAO.

List of advisors/representatives:

| **Name** | **Email** | **Phone** | **Country of Residence** |
| --- | --- | --- | --- |
|  |  |  |  |
|  |  |  |  |

| *[Optional] If you wish, please share more information about any advisors/representatives or other organizations involved in preparing this complaint, including their connection to a group or community impacted by this project:* |
| --- |

### **The Project**

The IFC/MIGA project that we are concerned about is:

| *Describe the IFC/MIGA project, location, and why you believe that the IFC/MIGA is involved. If unsure, say so and describe why you suspect IFC/MIGA involvement. You can also mention if the IFC/MIGA project is linked to other projects in the area that are causing harm, whether or not those other projects are financed by the IFC/MIGA.**You can find information about projects on the IFC’s website. There are separate project databases for IFC (*[*https://disclosures.ifc.org/*](https://disclosures.ifc.org/)*) and MIGA (*[*https://www.miga.org/projects*](https://www.miga.org/projects)*).**You can also search the DeBIT tool (*[*https://debit.datascience.uchicago.edu/database*](https://debit.datascience.uchicago.edu/database)*) or the Early Warning System (*[*https://ews.rightsindevelopment.org/*](https://ews.rightsindevelopment.org/)*).**You can also submit an Access to Information request for information about the project at* [*https://disclosures.ifc.org/inquiries*](https://disclosures.ifc.org/inquiries) *(for IFC) and by emailing* *migainquiry@worldbank.org* *(for MIGA).* |
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### **The Harm**

We are concerned that the IFC/MIGAproject has caused or will cause substantial environmental and social harm to the impacted group/community/communities. We are specifically worried about: *[check any/all that apply]*

* A lack of meaningful and inclusive consultation
* People being forced to leave their homes, shelter, or land (including problems with compensation)
* People losing their jobs or their livelihoods
* Pollution (air, soil, or water)
* Reduced access to, or availability of, water
* Harm to forests, plants, or animals
* Climate change impacts
* Other harm to the environment
* Impacts on peoples’ health and safety, or movement
* Reduced access to education
* Harm to Indigenous peoples
* Damage to cultural heritage
* Labor violations, including problematic workplace conditions, workplace injuries or deaths, exploitative or unsafe child labor, or forced labor
* Private property damage
* Public property damage
* Violence against the community (actual or feared), by security forces or others acting in the interests of the project
* Retaliation for raising concerns about this project (actual or feared)
* Gender-based or sexual violence, exclusion, or discrimination

*Note: The boxes below provide an opportunity to provide additional details about any of the harm identified above. This is also a good opportunity to identify any relevant documents that support your concerns, or to incorporate direct testimony (retelling of events witnessed) from impacted community members, workers, or other witnesses.*

| ***If relevant:*** *please add more details of any failure to meaningfully consult communities on the project here, including any failure to disclose project information in a format or language that is accessible to communities:* |
| --- |

| ***If relevant:*** *please add more details of any loss of shelter, homes, or land, compensation concerns, or other impacts on livelihoods* ***and how the project caused this****:*  |
| --- |

| ***If relevant:*** *please add more details of any environmental concerns here (such as air, soil, or water pollution, harm to forests, plants, or animals, climate change impacts, or other harm to the natural environment)* ***and how the project caused this****:* |
| --- |

| ***If relevant:*** *please add more details of any impacts on community health and safety, access to education or healthcare, or movement of people* ***and how the project caused this****:* |
| --- |

| ***If relevant:*** *please add more details of any private or public property damage* ***and how the project caused this****:* |
| --- |

| ***If relevant:*** *please add more details of any impacts on Indigenous peoples or cultural heritage* ***and how the project caused this****:* |
| --- |

| ***If relevant:*** *please add more details of any impacts on specific impacts on women, girls, and sexual and gender minorities* ***and how the project caused this****:* |
| --- |

| ***If relevant:*** *please add more details of any impacts on specific impacts on project workers:* |
| --- |

| ***If relevant:*** *please add more details of any violence, intimidation, or retaliation towards impacted groups/communities* ***and how the project caused this****:* |
| --- |

| *Please add anything else you’d like the AM to know about the harm that impacted groups/communities are experiencing and/or fear and how the project caused this:* |
| --- |

**Prioritization of issues *[optional]***

Of the impacts/types of harm we have described above, the following are our **highest priorities** for resolution: *[we recommend that you list up to three, but you can add more if they are highly important to you and the communities or groups you represent]*

| 1.
2.
 |
| --- |

### **IFC’s/MIGA’s Contribution to the Harm**

We believe that the IFC/MIGA has contributed to this harm by not following its environmental and social safeguards. The following is a non-exclusive list of our concerns about the project.

| *Explain, as best you can, what you think went wrong with this project. What did the IFC do wrong, or fail to do?* |
| --- |

***[The rest of section 5 is optional. You may delete it and continue with section 6. Or, if you need help using it, reach out to an advisor or organization you trust, or to Accountability Counsel at*** [***accountabilitycounsel.org/advice***](http://accountabilitycounsel.org/advice)***]***

Although it is not required by the CAO policy, below we have identified some of the ways in which the IFC/MIGA has violated its environmental and social safeguards:[[1]](#footnote-0) *[check all that apply]*

**Due diligence**

* The project should never have been approved because it involves activities on the IFC/MIGA [Exclusion List](https://www.ifc.org/exclusionlist), it is inconsistent with IFC & MIGA’s commitments to address the challenges of climate change and promote sustainability, and/or because it was unclear, at the time of project approval, that the project could comply with the PS in a timely way (IFC Sustainability Policy; MIGA Sustainability Policy)
* The project’s environmental and social assessments were incorrect or incomplete (IFC Sustainability Policy; MIGA Sustainability Policy; PS 1)
* The project does not comply with national and international law (PS 1)
* The project violates internationally recognized human rights standards and/or fails to address risks to and impacts on the human rights of workers, local communities, and other impacted groups (IFC Sustainability Policy; MIGA Sustainability Policy; PS 1)

**Consultation & information disclosure**

* Relevant project information was not disclosed in a timely way, and in a manner (format, language, location) that is culturally appropriate and accessible to impacted group/community/communities (PS 1)
* Impacted groups/communities were not inclusively and meaningfully consulted before or during the project (IFC Sustainability Policy; MIGA Sustainability Policy; PS 1)
* The project lacks Broad Community Support (IFC Sustainability Policy, para. 30; MIGA Sustainability Policy, para. 28)

**Labor**

* The project fails to respect and protect labor rights and otherwise provide safe, healthy, and non-discriminatory work conditions (PS 2 and the EHSG)
* The project (and/or its supply chain) is employing exploitative or unsafe child labor (PS 2)
* The project (and/or its supply chain) is employing forced labor (PS 2)

**Environment**

* The project is causing environmental pollution and waste (PS 1, 3, 4 and the EHSG)
* The project unsustainably consumes energy, water, as well as other resources (such as water, forests, pasture, and fisheries) (PS 1, 3, and 6)
* The project is contributing, and/or increasing our vulnerability, to climate change (PS 1, 3, 4, 5, and 7 and the EHSG)
* The project fails to safeguard natural habitats, ecosystems, and biodiversity (PS 1, 4, 6)
* The project fails to manage risks of, and/or increases vulnerability to, natural hazards or disasters (PS 1, 4, and 5 and the EHSG)

**Displacement**

* Displacement has not been avoided or minimized, and is being carried out in a way that it is unfair, unsafe, and reducing community members’ standard of living (PS 1, 5, and 7)

**Community health & safety & other social impacts**

* The project is causing social impacts (including impacts on peoples’ movement, health, safety, and access to healthcare and education) (PS 1, 4 and the EHSG)
* The project is causing damage to private or public property (PS 1, 4, and 5)
* The project fails to protect and respect cultural heritage (PS 7 and 8)

**Impacts on Indigenous Peoples, women, & other vulnerable or marginalized groups**

* The project is violating the specific rights and interests of Indigenous Peoples (PS 1, 7, and 8), including the right of Indigenous peoples to give or withhold Free, Prior, and Informed Consent (PS 7)
* The project is causing gender-related risks and impacts, and reinforcing or exacerbating existing gender inequalities (PS 1)
* The project contributed to the exclusion of, discrimination against, or disproportionate impacts on vulnerable groups (PS 1, 4, 10 and 2 and 7 if relevant).

**Violence & retaliation**

* The project failed to protect communities from violence, retaliation, intimidation and/or coercion perpetrated by security forces or other entities or individuals acting in the interests of the project (PS 1, 4; [IFC Position Statement on Retaliation Against Civil Society and Project Stakeholders](https://www.ifc.org/content/dam/ifc/doc/2023/201810-ifc-position-statement-on-reprisals-en.pdf))

**Benefit-sharing**

* The project failed to provide opportunities for the impacted community to equitably share in the benefits of the project (PS 1, 5, 7, 8)

**Supervision & monitoring**

* The project does not have a functioning, safe, accessible, and effective project-level grievance mechanism and/or grievances raised are not responded to or managed appropriately (PS 1, 2, 5, 7)
* The IFC/MIGA failed to properly monitor the project and supervise its client, including by responding appropriately to any issues or concerns that are raised about the environmental and social impacts of the project, and remedying any harm caused (IFC Sustainability Policy; MIGA Sustainability Policy; PS 1)

### **Previous Attempts to Resolve These Concerns**

We understand that CAO’s policy does not require us to engage with IFC/MIGA before filing a complaint, however it is optional. In our case: *[check the box that applies]*

* We have previously contacted IFC/MIGA Management and they did not respond or we are dissatisfied with their response.
* We have not yet reached out to IFC/MIGA Management because we fear retaliation/reprisals.
* We have not yet reached out to IFC/MIGA Management for other reasons and do not wish to in advance of the CAO process. We would prefer to engage with them through the CAO process.

*Note: if you need help to identify email addresses for IFC staff, please see here:* [*https://www.ifc.org/en/contact-directory*](https://www.ifc.org/en/contact-directory)*. If you do wish to engage IFC Management before filing a complaint, we recommend that you send your concerns to the relevant country office, at a minimum.*

**Evidence of prior efforts:**

| *If you have previously contacted the IFC/MIGA, please describe who you contacted, when, and the response. You can attach copies of that communication to the complaint, if you wish. Note that even a single email or phone call is relevant, even if they did not respond.* |
| --- |

| ***Optional -*** *If you have previously contacted the project company, the government, or other authorities about the project**(rather than the IFC), please add details here. Who did you contact, when, and how did they respond? Note that even a single email or phone call is relevant, even if they did not respond.* |
| --- |

**Barriers to communication:**

| *If you have not contacted the IFC/MIGA or the project company/client, please explain why. Include any information about fears of retaliation or safety risks, any barriers to communicating with the IFC/MIGA (such as distance from their offices, lack of access to phones or the internet, or language barriers), any urgency around the complaint filing, and/or any bad experiences engaging with project stakeholders in the past.* |
| --- |

**Previous complaints about the same project (if known):**

| *If you are aware of a previous complaint to CAO about the same project, please explain why this further complaint process is needed:* |
| --- |

### **Security concerns and confidentiality**

We: *[check the box that applies]*

* **REQUIRE** that our identities or other details contained in the complaint are kept confidential during this process. If you check this box, the CAO will not share your identity (or any other details that you identify as confidential) with anyone else outside the CAO (such as with bank management, the government, or the project company), unless you want them to.
* **DO NOT REQUIRE** that our identities or other details contained in the complaint are kept confidential during this process

| *If you require confidentiality, please explain what information should be kept confidential:* |
| --- |

| *Please share any security concerns or fears of retaliation that you want to share with CAO:* |
| --- |

### **What We Want to Achieve**

We are bringing this complaint because we want: *[check all that apply]*

* Disclosure of project information
* Meaningful and inclusive consultation
* A Free, Prior, and Informed Consent process for Indigenous communities
* Independent studies to confirm the harm (or not)
* Investigation into whether the bank’s policies were met (or not)
* Changes to the project to avoid future harm
* Pausing or stopping the project
* Fair, safe, and dignified resettlement
* Fair compensation for land, assets, or resources lost
* Support to improve livelihoods
* Other forms of social support (such as support for health, education, infrastructure, sanitation, safety, etc)
* Remedying environmental harm (such as addressing water or soil pollution)
* Better monitoring of project impacts
* Establishment of, or improvements to, a project-level grievance mechanism
* Changes to employment conditions
* Compensation for workplace injuries
* An opportunity to equitably share in the benefits of this project (such as access to water, power, or revenue from the project)
* Measures to restore or protect cultural heritage
* Recognition of our individual or community rights (such as recognition of our land rights)
* An apology
* Changes to bank policies or practices to avoid similar harm in the future
* Other: explain

*Note: this is a tentative list intended to provide you with an indication of our goals. It may change as the complaint process progresses, if our circumstances change, or if we obtain additional information or advice. We understand that outcomes differ case-to-case and depend on a range of factors.*

### **Complaint Pathway**

We are: *[check all that apply]*

* Interested in a mediation or dispute resolution process facilitated by CAO, that brings the community, the company or government implementing the project, and/or the bank together in a facilitated discussion, to find solutions that everyone can agree on
* Interested in an investigation into whether the IFC/MIGA has complied with its environmental and social rules (known as compliance review)
* Interested in both dispute resolution and compliance review
* Unsure what is the best complaint pathway for us and would like further advice before deciding.

| *Please share any other information you wish to share about your preferences for how this complaint is handled, including any urgency* |
| --- |

We look forward to your prompt registration of this complaint, and to receiving more information about the eligibility process.

Sincerely

| *Insert names and signatures of the complainants:* |
| --- |

**Annex 1: Representation Authority**

*Only fill out if you are filing this complaint as representatives of an impacted group/community/communities, rather than as directly impacted people.*

We are directly impacted by [insert name of the project causing harm].

We hereby authorize [names of representatives] to act as our advisers and representatives in this complaint to CAO about that project. We grant permission to CAO to communicate with us through our advisers/representatives.

This representation agreement shall continue until the complaint to CAO has been resolved, or at any time that either party terminates the representation in writing.

**Signed by the directly impacted group/community/communities:**

| Name:Date:  |
| --- |
| Name:Date:  |

**Additional names can be added below, if desired:**

1. The list describes “the project’s” failures in accordance with the logic that observed non-compliance at the project level is indicative of IFC/MIGA breaches of their due diligence and supervision obligations under their respective Sustainability Policies and Performance Standards. It also refers to the IFC’s and MIGA’s overarching commitment that they will only finance investment activities or provide guarantees “that are expected to meet the requirements of the Performance Standards within a reasonable period of time ” (IFC Sustainability Policy para. 22; MIGA Sustainability Policy para. 19) and to exercise remedies to ensure compliance (IFC Sustainability Policy, para. 24; MIGA Sustainability Policy para. 22). [↑](#footnote-ref-0)