

GENDER JUSTICE

A CITIZEN'S GUIDE TO
GENDER ACCOUNTABILITY
AT INTERNATIONAL
FINANCIAL INSTITUTIONS

Written by:

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Table of Contents

Executive Summary v

Introduction 1

 The International Financial Institutions 1

 International Financial Institution Gender Safeguard Policies & Accountability Mechanisms 1

Part I. Description of Policies and Accountability Mechanisms 2

 1. World Bank 2

 1.1 Gender Policy, Strategy, and Action Plan 2

 1.2 Inspection Panel 3

 2. International Finance Corporation and Multilateral Investment Guarantee Agency 4

 2.1 Gender Initiatives 4

 2.2 IFC, MIGA Compliance Advisor/Ombudsman 4

 3. International Monetary Fund 5

 3.1 Gender Inclusion at the IMF 5

 3.2 IMF Independent Evaluation Office 6

 4. African Development Bank 6

 4.1 Gender Policy and Plan of Action 6

 4.2 Independent Review Mechanism 6

 5. Asian Development Bank 7

 5.1 Gender Policies 7

 5.2 ADB Accountability Mechanism 7

 6. European Bank for Reconstruction and Development 8

 6.1 Gender Inclusion at the EBRD 8

 6.2 EBRD Independent Recourse Mechanism 8

 7. European Investment Bank 8

 7.1 Gender Inclusion at the EIB 8

 7.2 Ombudsman of the European Communities—1994 8

 8. Inter-American Development Bank 8

 8.1 Women in Development Policy and Gender Action Plan 9

 8.2 IDB Independent Investigation Mechanism 9

Part II. Comparative Analysis of Policies and Accountability Mechanisms at Each Institution 9

 Gender Policies 10

 Accountability Mechanisms - Comparative Analysis of Usefulness 10

 Which Accountability Mechanisms are Best Suited to Hear Claims on the Basis of Gender? 11

References Cited 12

 Annex 1. International Financial Institution Gender Guidelines and Accountability Mechanisms 15

 Annex 2. Comparative Analysis of International Financial Institution Gender Guidelines 16

 Annex 3. Accountability Mechanisms 26

 Annex 4. How to File a Claim a Gender Discrimination Claim with the IFIs 30

 Annex 5. Sample Requests for Intervention 43

List of Acronyms

ADB	Asian Development Bank	IMF	International Monetary Fund
AfDB	African Development Bank	IP	Inspection Panel (WB)
AM	Accountability Mechanism (ADB)	IPSA	Initial Poverty and Social Assessment (ADB)
BP	Bank Procedures/Bank Policies	IRM	Independent Recourse Mechanism (EBRD)
CAO	Compliance Advisor/Ombudsman (IFC, MIGA)	IRvM	Independent Review Mechanism (AfDB)
CAP	Country Assistance Plan (ADB)	MCGP	Multi-Sector Country Gender Profiles (AfDB)
CAS	Country Assistance Strategy (WB)	MDB	Multilateral Development Bank
CCO	Chief Compliance Officer (EBRD)	MIGA	Multilateral Investment Guarantee Agency
CPP	Country Programming Paper (IDB)	OM	Operational Manual
CRMU	Compliance Review and Mediation Unit (AfDB)	OP	Operational Policy
CRP	Compliance Review Panel (ADB)	OP	Operational Procedures (ADB)
CSP	Country Strategy Program (ADB, AfDB)	PRGF	Poverty Reduction Growth Facility (IMF)
EBRD	European Bank for Reconstruction and Development	PRSC	Poverty Reduction Support Credit (WB)
EC	European Community	PRSP	Poverty Reduction Strategy Paper
EIB	European Investment Bank	PSD-Gender	Private Sector Development- Gender (IFC)
GAD	Gender and Development	PSDU	Sustainable Development and Poverty Reduction Unit (AfDB)
GAP	Gender Action Plan (ADB, WB)	RSDD	Regional and Sustainable Development Department (ADB)
GCS	Country Gender Strategy (ADB)	SDS/GED	Sustainable Development/Gender Equality in Development Unit (IDB)
GEM	Gender Entrepreneurship Markets (IFC)	SDS/WID	Sustainable Development/Women in Development Program Unit (IDB)
GPOA	Gender Plan of Action (AfDB)	SPF	Special Project Facilitator (ADB)
IDB	Inter-American Development Bank	WB	World Bank
IEO	Independent Evaluation Office (of the IMF)	WID	Women in Development
IFC	International Finance Corporation		
IFI	International Financial Institutions		
IIM	Independent Investigation Mechanism (IDB)		

Executive Summary

Although publicly-funded International Financial Institutions (IFIs) have missions to reduce poverty and promote economic growth, IFI projects often ignore gender inequality and increase poverty, prostitution, and HIV/AIDS, particularly among women and girls.

Most IFIs have taken inadequate steps to try to address these concerns, although nearly all have committed to promoting gender equality. Half of the eight IFIs we reviewed have policies to integrate gender into their work. However, these policies tend to be weak, are poorly resourced and understaffed. Gender experts comprise less than one percent of staff at all the IFIs, and the average is .3 percent.

In response to pressure from civil society, most IFIs have established accountability mechanisms pursuant to which people harmed by IFI projects can raise their concerns. These IFI accountability mechanisms are made up of semi-independent experts who assess IFI compliance with IFI policies and procedures. Some mechanisms also accept complaints on issues that are not included in IFI policies or procedures.

This Guide compares IFI accountability mechanisms and gender policies to facilitate efforts by locally-impacted and other concerned individuals to raise gender-related concerns and to seek redress for gender-related impacts resulting from IFI operations.

We find that the African Development Bank (AfDB) and Asian Development Bank (ADB) accountability mechanisms are potentially the most receptive to receiving complaints on the basis of gender. Both have strong gender policies with tools to address gender issues in projects, and recognize that economic reforms imposed as loan conditions on borrower countries often exacerbate gender inequality. The AfDB also has highly gender sensitive non-gender policies, although it

is not clear that these policies are mandatory. The ADB fails to include gender issues in its operations manual that guides staff. Both the AfDB and the ADB accountability mechanisms will hear a broad range of complaints.

It may be difficult to obtain remedy for violations of World Bank or Inter-American Development Bank (IDB) gender policies. The World Bank states that it aims to promote gender equality in projects. However, it specifically excludes policy-based loans, which often require countries to implement socioeconomically harmful reforms such as privatization of water, education and healthcare. This exclusion is unjustified and must be removed. The 1987 IDB policy on women is weak and outdated, and the IDB accountability mechanism is highly criticized for lack of transparency, timeliness and resources. During the current revisions of its policies, the IDB should develop a new gender policy and strengthen its accountability mechanism.

The International Finance Corporation and Multilateral Investment Guarantee Agency—both part of the World Bank Group—do not have gender policies. However, it may be possible to gain some relief for gender-related impacts of projects because their accountability mechanism does not require that a complaint be based on a violation of policy or procedure. It also allows for harm indirectly caused by IFC and MIGA operations.

Lacking gender policies and having limited accountability mechanisms, the European Bank for Reconstruction and Development, European Investment Bank, and International Monetary Fund provide inadequate opportunities for remedying harm resulting from gender discrimination. These IFIs must develop strong gender policies and accountability mechanisms.



Introduction

The government-funded International Financial Institutions (IFIs) finance most of the world's largest development investments. The stated mission of most IFIs is to reduce poverty and promote sustainable economic growth. However, IFI loans—both project and policy-based loans—often degrade the environment and increase poverty among women and men. When IFI loans ignore gender inequality and otherwise fail to account for impacts of projects on women, these loans can increase poverty, malnutrition, prostitution, physical abuse and HIV/AIDS, particularly among women and girls.

Projects funded by IFIs often facilitate the degradation of water and air quality and other natural resources, disrupt the livelihoods and well-being of marginalized populations, and discount the rights of those impacted to participate in development processes. The marginalized status of women and girls in many developing countries puts them in close proximity to risks associated with development projects. For example, the huge influx of young, male construction workers building the IFI-funded Baku-Tbilisi-Ceyhan pipeline in Azerbaijan and Georgia has increased prostitution and spread HIV/AIDS in local communities (Bacheva et al. 2006).

Policy-based loans that support economic reforms also often significantly harm women and girls (Tsikata and Kerr 2000; Çagatay Elson and Grown 1995:1828). These loans include World Bank Poverty Reduction Support Credits (PRSCs) and International Monetary Fund (IMF) Poverty Reduction Growth Facilities (PRGFs). Women are often the first to be fired and the last to be re-hired during IFI-mandated public sector downsizing (Elson and Çagatay 2000:1355) in response to budget cut-backs. Women must increase household income by working longer hours (ibid:1356), and girls are the first to be pulled out of schools when the family needs to increase their income (Sparr 2002:7). Falling income and decreased economic opportunities can lead women and girls to prostitution and exposure to HIV/AIDS. Yet as our analysis below shows, the World Bank applies its Gender Policy only to project-based lending—not policy-based lending—and accountability mechanisms are set up primarily to address harms resulting from projects, not policy reforms.

The IFIs

The IFIs include the World Bank¹, the International Finance Corporation (IFC) and Multilateral Guarantee Agency (MIGA) (which are part of the World Bank Group), the IMF

¹ The World Bank Group is composed of: the International Bank for Reconstruction (IBRD), which provides loans and grants to middle-income and low-income countries with a good credit rating; International Development Association (IDA), which provides concessional lending to low income countries; International Finance Corporation (IFC), the private sector lending arm; International Centre for Settlement of Investment Disputes, which settles disputes between national governments and private investors; and the Multilateral Investment Guarantee Agency (MIGA), which insures private corporations against losses due to specific actions by host governments of IFI projects (50 Years Is Enough, 2005:13-17). When we refer to the World Bank we are referring to IBRD and IDA.

and the regional development banks, including the African Development Bank (AfDB), Asian Development Bank (ADB), European Bank for Reconstruction and Development (EBRD), the European Investment Bank, and the Inter-American Development Bank (IDB). The World Bank and most of the regional development banks, including the ADB, the AfDB, the EBRD, and the IDB, provide mainly loans and small grants for development projects and policy reforms supposedly intended to reduce poverty and foster economic growth in lower-income countries. The IMF primarily provides loans to member States to help them overcome short-term balance-of-payments difficulties, but only after recipients have agreed to policy reforms.

The IFC—the private sector financing arm of the World Bank—and the European Investment Bank (EIB) loan money to finance projects and buy shares of private corporations. The Multilateral Investment Guarantee Agency (MIGA), which is also part of the World Bank Group, provides project insurance to investors.

IFI Gender Safeguard Policies & Accountability Mechanisms

Increasingly, due in large part to pressure from civil society, IFIs have developed and committed themselves to implementing policies to address many of the environmental and social impacts of projects they fund or insure. And all the IFIs have committed, at least verbally, to promote gender equality (MDB/IMF 2003).

Unfortunately, there is a considerable gap between the rhetoric and reality of IFI operations when it comes to gender. Only half of the eight IFIs under review have gender policies at all. Existing policies tend to be weak, are poorly resourced, understaffed, and lack incentives for staff to engender their work. As you can see from Table 1 (above), gender experts—or IFI staff who work on gender issues—comprise less than 1 percent at all the IFIs, and the average is .3 percent.

Other issues that cut across all sectors of IFI work have received considerably more attention than gender. For example, environmental experts constitute an estimated seven percent of World Bank staff (Zuckerman and Qing 2005:11).

Additionally, in response to pressure by civil society, most of these Banks have established accountability mechanisms through which people affected by a project² can raise concerns before these institutions and have them

² The accountability mechanisms generally are designed to hear grievances based on projects and not policy-based lending. Although policy-based loans, such as sectoral and structural adjustment loans, may not exactly fit project-oriented safeguard policies, they must be subject to appropriate policies and review by accountability mechanisms.

The marginalized status of women and girls in many developing countries puts them in close proximity to risks associated with development projects and policy-based loans.

Table 1. Gender Specialists As a Percentage of All Staff by IFI

IFI	Gender Specialists (# full-time)	Total IFI Staff	Percentage Gender Staff
ADB	10 ¹	2,000 ³	.5
AfDB	7 ⁴	1,012 ⁵	.7
EBRD	1 ⁶	1,203 ⁷	.1
EIB	0	1,325 ⁸	0
IDB	12 ⁹	1,852 ¹⁰	.7
IFC	8 ¹¹	2,433 ¹²	.3
IMF	0	2,633 ¹³	0
MIGA	0	?	0
WB	115 ¹⁴	15,000 ¹⁵	.8

¹ Tornieri 2006.; ² ADB No date.; ³ Pitamber 2006b.; ⁴ AfDB No date.; ⁵ Ker-Lindsay 2006. The EBRD has “one full-time expert on staff working on social issues, including gender and one consultant who is an expert in gender issues.”; ⁶ Ibid.; ⁷ Marchal 2006.; ⁸ Urban 2006a.; ⁹ IDB No date.; ¹⁰ Ellis 2006.; ¹¹ IFC 2005d.; ¹² IMF No date.; ¹³ Zuckerman and Qing 2005:11.; ¹⁴ Ibid. Includes full-time consultants.

All the IFIs have committed to promote gender equality, but the few policies to integrate gender tend to be weak, are poorly resourced, understaffed, and lack incentives for staff to engender their work.

evaluated by “independent” and “impartial” bodies.³ These include the World Bank Inspection Panel (IP), IFC and MIGA Compliance Advisor/Ombudsman (CAO), ADB Accountability Mechanism (AM), AfDB Independent Review Mechanism (IRvM), EBRD Independent Recourse Mechanism (IRM), and IDB Independent Investigation Mechanism (IIM). The IMF does not have an external accountability mechanism. Annex 3 provides a comparison of key features of these mechanisms. Annex 4 provides a description of how people affected by IFI projects can use the mechanisms.

All of the mechanisms consist of an organized group of independent experts that assess compliance with project-related policies and procedures of a given IFI. Some will evaluate complaints that address problems not necessarily associated with a given policy or procedure. Accountability Mechanisms aim to (i) promote transparency and accountability in IFI operations; (ii) complement access to IFI information and participation policies, (iii) provide an independent investigation of the claims of project-affected people, and; (iv) increase the credibility of the institution.

To date, the mechanisms have largely focused on people’s claims of harm to the environment. Although these mechanisms have not yet been used to raise gender-related issues, they most likely could be useful tools for addressing gender-related impacts in IFI projects. Massive IFI oil and gas projects that create jobs primarily for men, while women suffer from increased human trafficking, prostitution and HIV/AIDS are an example of such gender discrimination (Bacheva, Kochladze and Dennis 2006). Most of the individuals and communities that submitted claims to the World Bank Inspection Panel around environmental issues found

that their situation on the ground improved immediately after filing their claim (Clark, Fox, and Treacle 2003).

As described in greater detail, below, some of the IFIs have gender-specific or gender-related policies that can be invoked when submitting a claim to these mechanisms to address impacts of a project. Additionally, some of the mechanisms do not require that specific policies or procedures are violated before the mechanism can be used—these mechanisms consider not only whether the IFI is complying with policies and procedures, but, also, whether there are any other problems facing potentially impacted communities.

Despite the potential they hold for providing increased attention to gender concerns, these accountability mechanisms have limitations that must be addressed to be most effective. First and foremost is the lack, at several of the institutions, of gender-related policies that can be raised in claims to the mechanisms. This limitation is described in greater detail below. A major limitation of all of the IFI accountability mechanisms is weak transparency at the IFIs, which may make it difficult to access information that is important for the complaint. The lack of public operations manuals, for example, in the AfDB, EIB and EBRD, is a limitation. Some of the mechanisms lack the independence needed to be effective and do not provide for effective monitoring of results. For example, despite the initial satisfaction of claimants to the World Bank Inspection Panel with attention immediately after their claim, these same claimants were disappointed to find that, without effective monitoring, benefits were not long lasting.

While acknowledging these limitations, this Guide encourages use of the accountability mechanisms to ensure the IFIs comply with their own gender policies and seeks to advance IFI treatment of gender concerns. Toward this end, Part I describes and analyzes IFI gender policies and accountability mechanisms, identifies weaknesses, and highlights policy provisions that affected communities can use to help prevent and mitigate adverse gender-related impacts. Part II provides a comparative analysis of the IFI gender policies and accountability mechanisms.

³ These accountability mechanisms are financed by the IFIs, and their staff are given offices and support inside the IFIs.

Part I. Description of Policies and Accountability Mechanisms

1. World Bank (WB)

1.1 Gender Policy, Strategy, and Action Plan

The World Bank has a policy, procedure, strategy and action plan that relate to gender. The Operational Policy on Gender and Development (WB 2003a) and the Bank Procedure on Gender and Development (WB 2003b) establish guidelines related to gender that staff and consultants must follow. The Gender Strategy is a “business plan” to mainstream gender into the Bank’s development assistance (WB 2002:ix). The Gender Action Plan (GAP) seeks to intensify implementation of the Gender Policy and Strategy in the economic sectors (WB 2006). Since the GAP does not change the existing policy framework at the Bank (WB 2006:3) it will not be discussed here at length.

The Bank’s Policy and Strategy are strong, relative to some other IFIs, although the AfDB and ADB policies are stronger. They require that Bank staff include gender concerns in all projects but not in policy-based loans. However, Gender Action publications demonstrate that actual efforts to engender investments are fairly weak and projects and policies often make impoverished women worse off. Also, the policy framework to engender Bank operations is severely under-funded. Zuckerman and Qing find the Bank provided only a one-year \$600,000 incentive fund to implement the Gender Strategy (2005:22). The GAP provides for a more generous \$24.5 million over the next four years.

Despite a World Bank gender policy, strategy, and GAP, Gender Action research demonstrates that Bank investments rarely empower women or promote gender equality.

Project Level

The World Bank requires that managers ensure that projects are responsive to gender issues, including monitoring participation of women in projects (WB 2003b). Project teams are directed to assess the local gender context and integrate gender-responsive actions into projects (WB 2003b). However, there are no incentives for managers or teams to engender operations, and no sanctions against those who fail to integrate gender concerns. The lack of incentives and sanctions to implement gender policies is common across the IFIs.

Country Level

Country Directors oversee the preparation of Country Gender Assessments (CGAs), periodic assessments of a country’s gender and development context (WB 2003a). CGAs are supposed to be integrated into the Country Assistance Strategy (CAS), which provides the basis for lending operations in each country (WB 2003b; WB 2002:25). A basic search of the World Bank website yields CGAs in 43 countries, which is limited

considering the Bank has 150 borrower countries. There are few incentives for Country Directors to engender operations.

The World Bank’s Gender Strategy highlights the importance of ‘mainstreaming’ gender analysis in development policy lending, and includes “Good Practice Examples” of rare gender sensitive policy-based loans in Vietnam, Mali and Rwanda (WB 2002:26-28). In contradiction, when the development policy lending framework was revised in 2003, it did not include gender considerations and the Gender Policy explicitly excludes policy-based loans (WB 2003a).

Institution Level

The Bank has roughly 115 gender specialists including in headquarters and some country offices. The Gender and Development Board, composed of gender experts from Bank regions and networks, approves new gender action plans, policies and strategies and the Board of Directors endorses them (Zuckerman and Qing 2005:21). The Gender and Development Anchor and Regional Gender Coordinators provide technical support to engender operations, web pages, tools, trainings and events (WB 2002:37-38). Gender specialists compose a mere .7 percent of the Bank’s workforce (Zuckerman and Qing 2005:11).

The Bank requires that the Gender and Development Board and the World Bank Institute build the capacity of non-gender staff to engender work by developing courses, checklists, toolkits, and sample terms of reference (WB 2002:29). The World Bank Institute reported that out of 754 capacity-building activities, 281—or 37 percent—either fully ‘mainstream’ gender or contain a gender module (Bleas 2006). However, none of these trainings are mandatory. Zuckerman and Qing’s assessment of the Gender Strategy (2005) finds that since these tools are not mandatory, they are highly underutilized by non-gender staff.

Gender Inclusion in World Bank Policies Relevant to Gender

Five of the World Bank’s fifteen relevant operational policies mention gender, but their follow up is minimal.⁴ For example, the Bank policy on Development Cooperation and Conflict (2001c) cites support for economic and social recovery of members of vulnerable groups, such as those “vulnerable by reasons of gender” as an objective and mentions targeted assistance for women who are widowed or experienced sexual violence. Nevertheless, Gender Action research reveals that in practice, the Bank inadequately addresses gender issues

⁴ Relevant policies are policies that are significant to men and women in borrower countries.

This Guide encourages use of the accountability mechanisms to ensure the IFIs comply with their own gender policies and seeks to advance IFI treatment of gender concerns

in Post-Conflict Reconstruction grants.⁵ The Bank's policy on Involuntary Resettlement (2001a) identifies women as vulnerable requiring special attention and mentions the need for women in community participation (2001b). Most World Bank operational policies completely overlook gender concerns, including the policy on Country Assistance Strategies (which are supposed to have input from the CGA), Water Resources Management, Emergency Recovery Assistance and Development Policy Lending.

1.2 Inspection Panel (IP)

Created in 1993 to enhance accountability of the World Bank, the Inspection Panel was the first accountability mechanism established at an IFI. The Panel's mandate is limited to reviewing cases of alleged failure by the Bank to follow its operational policies and procedures with respect to the design, appraisal and/or implementation of *projects*, including cases of alleged failure by the bank to follow-up on the borrowers' obligations under loan agreements, with respect to such policies and procedures. The Panel's mandate does not extend to reviewing the consistency of the Bank's practice with *any* of its policies and procedures.⁶

The IP was considered a significant innovation at the time it was established, and it remains a credible "court of last resort" whose existence has stimulated Bank staff and government officials to pay more heed to Bank policies in order to avoid having a Panel investigation. It has achieved credibility partly because of: the structured independence built into its mandate; the panel reports directly to the Board; and its reports are made public.⁷ In addition, the panel is a standing body, it maintains confidentiality when requested to, and its members have embodied the principles of independence, professionalism and transparency. Additionally it has been effective indirectly by being an example to other institutions (Magraw 2003).

Nevertheless, it lacks several features that subsequent mechanisms include, and faces several challenges to remaining strong. Most of the accountability mechanisms established at other IFIs not only review compliance with policies, but also serve a "problem-solving" function—seeking to resolve issues not necessarily related to policies and procedures. Additionally, the mandate of the IP allows only for a fact-finding report. Most subsequent mechanisms allow for a fact-finding report and recommendations. Finally, the IP does not have a clear monitoring function that would allow it to be most effective.

Several challenges to the effectiveness of the IP must be

addressed to ensure adequate attention by the IP to gender concerns (Magraw 2003). First, the Bank is both increasing infrastructure project lending and shifting to more sectoral and policy-based loans. The latter shift raises concerns about the Bank's accountability. Although sectoral and policy-based loans may not fit project-oriented safeguard policies, they still must be subject to appropriate policies and review by the Panel. Second, the Bank's new "country systems approach" reduces the responsibility of borrower countries to comply with Bank policies while shifting compliance to country policies. This shift of responsibility to the Borrower raises concerns because it could be used to relieve the Bank of responsibility and insulate it from accountability. Experience has amply demonstrated that responsibility and accountability are essential at all levels, including the Bank. The Panel's activities must reflect that reality.

The IP has three members: The Chairman, who works full time, and two other inspectors, who work part-time. The members are appointed by the President of the Bank and approved by the Board of Executive Directors, through a process that is not transparent and does not provide formal opportunities for participation of civil society. Their term is five years, and this cannot be renewed. The IP also has a Secretariat, which supports day-to-day operations of the IP. As of 30 June 2005, the World Bank IP had received 36 requests. Five requests were not registered. Of the remaining 31 that were registered, 11 were not investigated, 1 is pending decision, and 19 were investigated.

2. International Finance Corporation and Multilateral Investment Guarantee Agency

2.1 Gender Initiatives

The IFC's Gender Entrepreneurship Markets (GEM) and Private Sector Development-Gender (PSD-Gender) Initiatives are neither policies nor strategies nor do they provide guidelines for staff to follow. MIGA does not have any gender policy or initiative. However, both the IFC and MIGA are part of the World Bank Group, and therefore should be subject to the Bank's Gender Policy. The IFC explicitly participates in the Bank's 2006 Gender Action Plan, which does not mention MIGA.

GEM provides on-line tools, technical assistance and access to IFC finance, research and training for women entrepreneurs. It publishes a Global Directory of Women's Business Associations and a Quarterly Newsletter (IFC). PSD-Gender supports initiatives for women entrepreneurs and partners with the World Bank to promote gender considerations in private sector development (IFC 2005a).

The primary focus of GEM, PSD-Gender and the IFC's role in the GAP is promoting women's participation in private sector development (IFC 2005a), which reflects the IFC's prioritization of corporate interests. Furthermore, these

⁵ See Zuckerman and Greenberg (2004) and Greenberg and Zuckerman (2006).

⁶ See Review of the Resolution Establishing the Inspection Panel 1996 Clarification of Certain Aspects of the Resolution, at <http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/1996ReviewResolution.pdf>.

⁷ The IP is not completely independent. It is housed inside the World Bank and reports to the Board of Directors.

initiatives primarily focus on women, not gender equality. More importantly, since these programs do not target the poor, it is likely that the beneficiaries will be elite women in a position to take advantage of these initiatives.

The entire IFC employs only eight gender specialists (Ellis 2006), which comprise a mere .3 percent of IFC staff. GEM employs three gender experts at its headquarters and one in Africa (ibid). An IFC office in Cairo employs another four experts for the Middle East and North Africa region (ibid). Upon request, GEM provides consulting services to PSD-Gender (ibid).

Currently the IFC allocates a total of \$1.3 million per year to the GEM program to cover both operational and staff costs (Ellis 2006). This figure is highly inadequate to engender the IFC's massive investment portfolio of \$6.45 billion (IFC 2006e).

Gender Inclusion in IFC and MIGA Policies

None of MIGA's Environmental and Disclosure Policies mention gender.

The IFC's Performance Standards on Social & Environmental Sustainability define clients' responsibilities for receiving and retaining IFC support. Ignoring most of Gender Action's substantial written inputs to systematically engender the Performance Standards, they require only that IFC clients include women and men in consultation around projects from an early stage (IFC, 2006c:29). The IFC does not, for example, require that special consideration is given to women in project assessment or compensation schemes. The IFC fails to even mention gender in the Policy on Social and Environmental Sustainability, which defines the IFC's responsibility for overseeing project implementation with the client. This policy requires that "broad community support" exists for projects with potentially major impacts on local communities. It should include gender considerations.

2.2 IFC, MIGA Compliance Advisor/Ombudsman (CAO)

Created in 1999, the CAO assists the IFC and the MIGA to improve social and environmental outcomes and addresses complaints of people affected by projects sponsored by these institutions. It has three main functions:

- **Compliance**—CAO audits IFC and MIGA for compliance with their policies and procedures on social and environmental issues. Complaints may be made by the President, Senior Management of IFC or MIGA, or directly by the CAO.
- **Advisory**—CAO is responsible for providing advice to the President and management on individual projects and broader policy, procedural and strategic issues. Instead of being project specific, it is aimed at performance in general. Advice is based on lessons learned from Ombudsman or Compliance activities.
- **Ombudsman**—CAO seeks to address and resolve the concerns of people affected by IFC- or MIGA-sponsored projects. Its aim is to identify problems, recommend remedial actions and ad-

dress systemic issues that have contributed to the problems.

The CAO is viewed as a relatively flexible and user-friendly mechanism; it can consider policy and procedural issues, claims need not relate to violation of a given policy and procedure, and claimants need not seek resolution with management before filing a claim. The independence and effectiveness of the CAO, however, has been questioned. The CAO is appointed by and reports directly to the President - not to the Board - and it has very limited ability to ensure effective results.

Since 1999, the CAO has received 41 complaints. Of that total, 10 complaints were rejected, 26 have been assessed, 12 have been closed, and 19 are ongoing.

3. International Monetary Fund (IMF)

3.1 Gender Inclusion at the IMF

The IMF does not have any gender policy. The IMF issued a joint statement with the heads of all the IFIs confirming their commitment to gender equality. This statement is meaningless without a mandatory policy. The IMF human resources department is supposed to promote gender diversity in staff (IMF 2003).

Gender Inclusion in IMF Policies Relevant to Gender

The IMF Guidance Note for Fund Staff on the Modified Poverty Reduction Strategy Framework and the Implications for PRGF and HIPC Operations is the only IMF recommendation that mentions gender.

The Guidance Note encourages IMF staff to look at gender issues in evaluating Poverty Reduction Strategy Papers (PRSPs) (IMF 2005:6-8), de facto national plans written by governments to qualify for loans and debt relief from the IMF and World Bank.⁸ However, the IMF fails to engender its recommendation on the implications of PRGFs, policy-based loans which often undermine the human rights of men and women around the world and exacerbate gender inequalities (Vladislavjevic & Zuckerman 2004). The IMF fails to include gender in its other five relevant Guidance Notes related to lending instruments.

The IMF does not have any gender policy and its IEO does not take claims from people harmed by IMF loan conditions.

3.2 IMF Independent Evaluation Office (IEO)

The IMF does not take claims from people harmed by IMF loan conditions. The Independent Evaluation Office (IEO), established by the International Monetary Fund's Executive Board in July 2001, does not address individual complaints,

⁸ For information on Gender Action's advocacy to engender PRSPs, see Zuckerman and Garrett 2003. Gender Action's current position on PRSPs is presented at: <http://www.genderaction.org/engendering.html>.

but, rather, conducts evaluations of Fund programs by decision only of the Fund. The IEO, therefore, drafts IEO evaluations, Annual Reports, press releases and other IEO documents or public statements. Its mission is to improve the IMF's effectiveness by providing lessons for future IMF work and promoting a greater understanding of the IMF.

The lack of an accountability mechanism that takes claims from people harmed by IMF loan conditions is a significant shortcoming of the IMF, and one that must be addressed to ensure effective responses to gender concerns.

4. African Development Bank

4.1 Gender Policy and Plan of Action

The AfDB Gender Policy and Gender Plan of Action (GPOA) collectively provide the most comprehensive IFI plan to integrate gender concerns. However, since the Gender Policy and the GPOA are not in the operations manual it may be difficult to hold management and staff accountable. Furthermore, the AfDB does not have a budget dedicated to gender mainstreaming (Pitamber 2006b). Instead, administrative budgets are used to cover the salaries of gender specialists and their participation in country missions. Thus the effectiveness of the Gender Policy and GPOA are limited.

Project Level

To ensure gender inclusion throughout the project cycle the Gender Policy requires that staff develop gender sensitive indicators (AfDB 2001a:29), support research and data collection (ibid:32), engender sectoral projects using gender sensitive reference guides and voluntary trainings (ibid:30), engender stakeholder participation (ibid:30) and revise the Bank's Environmental Assessment Guidelines to account for gender (ibid). These instruments are voluntary and there are no incentives for non-gender staff to engender their work.

Country Level

The AfDB uses Multi-Sector Country Gender Profiles (MCGPs) to assess gender concerns and promote gender equality in countries. MCGPs are supposed to be used to develop a Plan of Action (POA) (AfDB 2001a:32) which feeds into Country Strategy Papers (CSPs). CSPs guide AfDB country lending and sectoral projects (AfDB 2004:7-8). AfDB had completed 11 MCGPs at the time of writing (Pitamber 2006c).

Along with Sector Departments, Country Departments are responsible for engendering policy dialogue, supporting women-focused projects, and sensitizing country officials on gender issues (AfDB 2004c:22; AfDB 2001a:31). Since these instruments are voluntary and there are no incentives to engender work, non-gender staff may not implement the policy or seek help from gender specialists. Furthermore, the AfDB relies on aid from bilateral donors to develop MCGPs (Pitamber 2006c). This aid can be unpredictable.

AfDB Gender Policy is the only IFI gender policy that explicitly promotes gender inclusive macroeconomic policy frameworks in all programs and projects (AfDB 2001a:29). The policy also advocates supporting country efforts to implement macroeconomic policies which fulfill their country's commitments to women's human rights (ibid).

Institution Level

According to a gender specialist at the AfDB, the Bank has a total of seven gender specialists who spend nearly 100 percent of their time implementing the gender policy (Pitamber 2006b). Four operational gender specialists work to engender Bank operations, provide technical support to country teams, and supervise the development of Gender Profiles (Pitamber 2006b; AfDB 2004c:22). Three gender Specialists at the Sustainable Development and Poverty Reduction Unit (PSDU) are responsible for engendering policy formulation, developing guidelines and tools for staff (Pitamber 2006b), advising the Bank on Gender Policy implementation, reviewing project documents for gender mainstreaming, assessing potential gender impacts of projects, participating in CSP and PRSP missions, mainstreaming gender in Bank policies, providing training for Bank staff and member country officials, and mobilizing funds for gender activities (AfDB 2004c:22-23). AfDB also has a staff diversity initiative that aims to achieve gender equality (AfDB No date).

Gender Inclusion in AfDB Policies Relevant to Gender

All AfDB sectoral policies are gender sensitive, including Poverty Reduction, Environment, Involuntary Resettlement, Population, Engagement with Civil Society, Water Management, and Good Governance. However, none of these policies are mandatory. The AfDB does not disclose its operating manual so we could not review it for gender inclusion, but AfDB staff indicate that the gender unit is currently reviewing all policies for gender inclusion (Pitamber 2006c). The AfDB does not have a guideline on development policy lending.

4.2 Independent Review Mechanism

The Independent Review Mechanism (IRM) of the African Development Bank was established in 2004, but operating rules and procedures were not approved until July 2006. The mechanism includes compliance review and problem solving functions. The IRM includes a Compliance Review and Mediation Unit (CRMU), and a roster of experts who participate in compliance reviews. The CRMU has a director, a principal compliance officer, and secretarial support. For public-sector projects, the mechanism can review compliance with all operational policies and procedures. For private-sector projects, compliance reviews can be undertaken for social and environmental policies only.

5. Asian Development Bank (ADB)

5.1 Gender Policies

The ADB has an Operational Policy on Gender and Development (2003) in its operations manual, which is further elaborated in its Policy on Gender and Development (2003). Through these two policies, the ADB has strong provisions to integrate gender issues into project and country-level lending, and a central gender unit. However, there are no institutional incentives for non-gender specialists to implement the policies.

Project Level

ADB requires that each project's Initial Poverty and Social Assessment (IPSA) include a preliminary gender assessment (ADB 2003b:2). If the IPSA team—which may not include a gender specialist—finds the project has the potential to correct gender disparities, significantly mainstream gender concerns, or is likely to have substantial gender impact, the project is classified as having a gender theme (ibid). For gender projects, a social development or gender specialist must prepare a Gender Action Plan (GAP) to assess gender concerns and report on women's involvement in project design, implementation and monitoring (ADB 2003a:2-3). Although GAPs significantly improve project results for women (ADB 2006b:23) they are underutilized. For example, only 18 percent of ADB projects in 2004 included a GAP (ibid:12-13).

Country Level

ADB requires that Country Strategy Programs (CSPs), which outline country lending frameworks, include a Country Gender Strategy (CGS) to address gender concerns that were identified in a Country Gender Assessment (CGA) (ADB 2006b:7-9,19). Of the 14 CSPs prepared between 2001 and 2004, 10 include a CGS (ADB 2006b:8-9). However, these CGSs vary in quality and the extent to which they are incorporated into the overall country lending framework (ADB 2006b:9). Also, the gender priorities in the CSP often fail to translate into gender sensitive ADB loans and grants (ADB 2006b:9).

ADB staff is supposed to study “the impact of economic reform programs on women” (ADB, 2003a:1). Although the ADB integrated gender-related policy changes and law reforms—such as measures to protect women from public sector layoffs and integrating gender concerns in budgeting (ibid:21)—into some policy-based loans (ADB 2006b:20), gender-sensitive loans represent a small proportion of overall policy reforms (ibid).

Institution Level

The Regional and Sustainable Development Department (RSDD) is the locus on gender issues at the ADB. RSDD provides advice and assistance, coordinates and monitors gender activities, implements the gender policy, and moni-

tors projects, programs and operations for gender inclusion (ADB 2003b:3). At the time of writing, the ADB had three Gender and Development officers and seven gender specialists (consultants) located throughout RSDD and the Regional and Operational Departments (Tornieri 2006). Gender specialists make up only .5 percent of all ADB staff. The Gender Policy aims to increase gender awareness in non-gender staff through voluntary workshops, seminars, staff guidelines (ADB 2003a:2), and tools (ibid:3), but provides no incentives or funding. These measures are wholly inadequate to engender operations for an organization that disbursed nearly US\$20 billion in loans and grants in 2005 (ADB 2006a).

Gender Inclusion in ADB Policies Relevant to Gender

Nine of the ADB's 24 relevant mandatory policies are relatively gender sensitive, including special protections to women's assets, property and land-use rights in Involuntary Resettlement (ADB 2003h:6). All the voluntary sectoral policies in Health Sector, Education, Energy, Fisheries, Population, Water, Forestry and Agriculture and Natural Research at least mention gender or women. However, the majority of relevant mandatory policies including Governance, Disaster and Emergency Assistance, Technical Assistance, Environmental Consideration, Indigenous Peoples and Economic Analysis of Projects entirely ignore gender concerns.

5.2 ADB Accountability Mechanism (AM)

In 2003, a new accountability mechanism replaced the 1993 Inspection Function. It was deeply criticized, but was approved. It consists of two complementary phases:

The **Consultation Phase**—This phase includes an independent forum through which people adversely affected by ADB projects can try to resolve grievances through consultative dialogue, good offices, and mediation regardless of the violation of any policies and procedures. It is run by a Special Project Facilitator (SPF), who reports to the President of the ADB. At a preliminary stage, all complaints must be filed before the Office of the SPF (OSPF).

A **Compliance Review Phase**—This second phase determines whether the ADB has violated its operational policies and procedures when executing a project that affects local people. It is conducted by a Compliance Review Panel (CRP) with three members who report to the Board of Executive Directors. The CRP will be triggered if (i) the SPF finds the complainant ineligible; (ii) if the assessment and the proposed action by the SPF are not satisfactory; (iii) if the results of the proposed action are not satisfactory.

The AM of the ADB includes useful features, such as the two complementary phases to securing accountability, the ability of the claimants to make recommendations, and the monitoring of recommendations and settlement agreements. Shortcomings of the AM focus on vagueness of the eligibility criteria, and the lack of time limits for all stages of the complaint process.

Between July 2004 and June 2005, 4 claims were filed with the SPF under the consultation phase of the mechanism. Two claims subsequently requested a compliance review. The CRP considered one ineligible and the other eligible.

6. European Bank for Reconstruction and Development (EBRD)

6.1 Gender Inclusion at the EBRD

EBRD does not have any gender policy. The statement confirming its commitment to gender equality is meaningless without a policy. Currently the EBRD has “one full-time expert on staff working on social issues, including gender, and one consultant who is an expert in gender issues” (Ker-Lindsay 2006).

The EBRD is currently developing its social and environmental safeguard policies. Its existing Environmental Policy and Procedures, Agribusiness Operations Policy and Natural Resources Operations Policy and three other policies completely neglect gender.

6.2 EBRD Independent Recourse Mechanism (IRM)

Created in 2003, the IRM assesses and reviews complaints by local groups directly and adversely affected by EBRD-financed projects. The IRM is administered by the Office of the Chief Compliance Officer (CCO).

It has two functions:

- **Compliance review function**—An independent expert is appointed to evaluate a complaint. The expert assesses eligibility based on whether Bank operations complied with the Bank’s Environmental Policy and Public Information Policy.
- **Problem solving function**—This function seeks to restore the dialogue between the parties and to try to resolve the underlying issues giving rise to the complaint. It may include independent fact-finding, mediation, conciliation, dialogue facilitation, investigation and reporting. The CCO or an independent facilitator who acts as eligibility assessor facilitates the process.

Needless to say, the lack of effective policies significantly limits the effectiveness of the IRM. Its ability to both review compliance with policies and procedures as well as address additional problems means that it may be useful once effective policies are in place. Additionally, its ability to make recommendations and monitor outcomes are useful features.

7. European Investment Bank (EIB)

7.1 Gender Inclusion at the EIB

The EIB does not have a gender guideline, completely fails to mention gender in its policies, and does not have any safeguard policies. Although the EIB’s Proposed Revised

EIB Public Information Policy would have required Project Information Documents include gender impacts in the social impact assessment (EIB 2005:7), the approved Public Disclosure Policy excludes this provision (EIB 2006). The EIB fails to mention gender in any of its policies.

7.2 Ombudsman of the European Communities—1994

The European Investment Bank has existing accountability committees, but the most important of these, the Inspectorate General, does not accept complaints from individuals or groups. However, in response to replies from staff at the Bank, individuals may file a complaint with the Secretary General of the Bank if they believe their rights or interests are being violated. All complaints must be made in writing, within two months of the date of the correspondence which is the subject of the complaint.

The **Ombudsman** of the European Community (EC) conducts investigations into alleged instances of wrongdoing by the EC institutions and bodies, which include the EIB, either in the context of a citizen’s complaint or of an investigation opened at the Ombudsman’s own initiative. As of 2002, seven inquiries had been opened on the EIB.

8. Inter-American Development Bank (IDB)

8.1 Women in Development Policy and Gender Action Plan

The IDB’s 1987 Women in Development policy (WID Policy) aims to assist member countries to integrate women into all stages of the development process (IDB 1987:8). It is mandatory, but outdated. The voluntary IDB Gender Mainstreaming Action Plan (Action Plan) seeks to promote “greater attention to gender in all Bank work” (IDB 2003:3) but fails to transition the IDB from a Women in Development to a Gender and Development approach. IDB’s WID Policy does not specify funding and the Action Plan clearly states that there is no additional funding available (IDB 2003:11). Without financial support to implement the gender guidelines it is likely they will be ignored.

In 2005 the Sustainable Development/Women in Development Program Unit changed its name to Sustainable Development/Gender Equality in Development Unit (SDS/GED), which is a positive step towards a stronger gender focus. SDS/GED has been working on a proposal for a new Strategic Framework for Gender Equality for the IDB, but reorganization within the IDB has put this initiative on hold (Urban, 2006b).

Project Level

The WID Policy targets projects for women in areas where their contribution and/or project benefits or impacts on women are significant (IDB 1987:8). This includes improv-

ing data, analysis and evaluation of women's participation in project identification, benefits and impacts, and identifying factors that contribute to or detract from women's participation in ex-post evaluation (IDB, 1987:8-10).

The Action Plan aims to incorporate gender in project preparation, execution, monitoring, and evaluation. This includes requiring that operational units engender projects; increase gender in evaluation, baseline indicators and references to gender issues in IDB Project Completion user guides; revise criteria for assessing gender in project design; finance projects in WID flagship areas of domestic violence prevention, women's leadership and reproductive health; support 'gender and social inclusion' in country offices (although no staffing provisions are mentioned); and require management to identify at least three evaluations that focus on gender-specific impacts of interventions (IDB 2003:5-6). The Action Plan is not mandatory and non-gender staff has no incentives to implement it.

Country Level

The WID Policy strives to include women in Country Programming Papers (CPPs), country socioeconomic reports and project analysis (IDB 1987:8). The Action Plan says country divisions should engender at least one CPP in each of the IDB's three regions per year (IDB 2003:3, 12). Neither sets ambitious targets nor mentions the gender impacts of macroeconomic policy-based lending.

Institution Level

At the time of writing, SDS/GED has four professional staff, one administrator, six consultants and one research assistant. Additionally, the social division of the Regional Operations Department II,⁹ responsible for operations in Mexico, Central America and the Caribbean, has one gender expert. Thus, the IDB has a total of 12 staff, or .6 percent of all staff, devoted to engendering the Bank (Urban 2006a). This number has not increased for almost a decade.

The WID Policy does not mention WID awareness training for non-gender staff and provides no incentives for staff to engender their work. It does provide voluntary tools to integrate women's needs in project appraisal (ADB 1987:12). The Action Plan lists a number of voluntary trainings such as "brown bag" gender events, workshops, manuals and trainings (IDB 2003:10) which tend to have low attendance by non-gender staff and fail to engender work. The Action Plan also advocates for gender equity in IDB staff (IDB 2003:11) but does not explain how to achieve it.

Gender Inclusion in IDB Policies Relevant to Gender

The only two operational policies at the IDB that mention gender are the Policy on Involuntary Resettlement and Operational Policy on Indigenous Peoples, and both fail to systematically address gender issues. The remaining 30 IDB

operational policies including all Social Infrastructure Sector, Productive Sector, Agriculture and Technical Assistance policies entirely ignore gender concerns.

8.2 IDB Independent Investigation Mechanism (IIM)

In 1994, the IDB established an Independent Investigation Mechanism to allow affected groups within member countries to request an independent investigation of alleged breach of IDB procedures and guidelines in Bank-supported operations that result in material harm. The mechanism has been heavily criticized for lack of transparency, lack of timelines, and lack of resources. On February 2005, the IDB released a proposal for a revised Consultation and Compliance Mechanism, which is currently under consideration. The IIM has a Permanent Coordinator and a Roster of 15 inspectors who work whenever called. If necessary, a Panel will be elected from within the members of the Roster.

Part II. Comparative Analysis of Policies and Accountability Mechanisms at Each Institution

The remainder of this section provides a detailed comparison of the gender policies and accountability mechanisms. It concludes by analyzing each IFI given its gender policy and accountability mechanism to determine which are best suited to hear claims on the basis of gender.

Gender Policies

Our analysis reveals that the AfDB has the best gender policies of the IFIs. It has strong instruments to engender operations including projects and macroeconomic policy advice, relatively adequate staffing mechanisms, and highly gender sensitive non-gender policies. However, since these highly gender sensitive policies are not part of the operations manual, it is unclear whether or not the Bank can be held accountable to its promises. Future research must determine whether and to what extent AfDB gender policies—and other IFI gender policies that are not located in operations manuals—are enforceable.

The ADB and the World Bank tie for second place in the ranking of IFI gender policies. Both have mechanisms to engender operations and recognize that the economic reforms these institutions impose as loan conditions exacerbate gender inequality. Although both the ADB and World Bank have a few non-gender policies that mention gender, women or men, they fail to systematically integrate gender concerns into their operations. A number of highly relevant ADB and World Bank policies fail to even mention gender. These institutions must strengthen their non-gender policies, particularly in the area of macroeconomics.

Among IFIs with gender policies, the IDB performs the weakest. IDB policy documents fail to systematically engender

⁹ The IDB groups its borrower countries into three regions.

der operations and neglect to recognize the gender impacts of macroeconomic policy reforms. Relevant IDB non-gender policies largely fail to even mention gender concerns. The IDB is currently revising its 1987 policy on Women and Development. Hopefully the updated policy will improve the IDB's handling of gender inequality.

There are a few areas that all IFIs with gender policies can improve upon. IFIs lack mandatory gender sensitivity training and incentives for non-gender staff to engender their work. Coupled with very poor to absent funding mechanisms to implement gender policies, it would be no surprise if—as is the case at the World Bank (Zuckerman and Qing 2005)—most non-gender staff at all IFIs are almost completely ignorant of the importance of gender issues.

The EBRD, EIB, IFC, MIGA and IMF must develop strong gender policies and improve accountability. Excluding the IFC, these IFIs have failed to develop social safeguard policies at all. This is particularly distressing given the harmful impact on poor women and men of macroeconomic reforms the IMF forces upon countries. The EBRD and EIB tend to fund massive development projects which have huge gender impacts, particularly in extractive industries. The IFC recently weakened its existing social safeguards that continue to neglect to address gender concerns.

To reduce poverty and gender discrimination, all the IFIs must end their use of destructive policy conditionalities. As a start, the World Bank must drop the provision that excludes its *Gender Policy* from applying to policy-based loans, which have comprised over half of World Bank loans in some years (Vladisavljevic & Zuckerman 2004:23). There is no justification for this exclusion. We hope other civil society groups will join Gender Action and CIEL in taking every opportunity to pressure the Bank to end this unjust provision. Other IFI gender policies must also mandate addressing the gender impacts of macroeconomic reforms such as public sector downsizing and privatization of services and enterprises.

Accountability Mechanisms - Comparative Analysis of Usefulness

How each mechanism compares in usefulness to the other mechanisms would best be determined by an evaluation and comparison of outcomes of past claims. However, such an evaluation and comparison is beyond the scope of this paper. We have, instead, developed several key criteria, based on the mandates and procedures of the mechanisms (described for each mechanism in Annex 3), by which an initial assessment of usefulness can be determined. These key criteria include the following: (1) Mandate; (2) Potential effectiveness of solutions; and (3) Efficiency and ease of use. For each of the criteria, we examined a combination of factors related to the mandates and procedures.

Mandate

The usefulness of a given mechanism will depend in part on the scope of issues that are within the mandate of the mechanism to address. For each mechanism, we evaluated three factors to determine how broad the scope of issues is for that mechanism. These factors include “Scope of jurisdiction”, “Excluded issues”, and “Impacts Considered.”

“Scope of jurisdiction” describes the types of claims that can be considered by the mechanism. Can the mechanism consider claims that relate only to the environment? To environmental and social concerns? To other concerns? Most of the mechanisms can, at least, consider issues related to the environment. Some can consider a wide range of issues that include environment, social and other financial concerns. For example, the WB IP and the AfDB IRM—in the context of public sector lending—can consider claims that relate to policies and procedures that address a wide range of issues, including, but not limited to, environmental and social concerns. Some mechanisms, such as the IFC's CAO, can consider issues related only to social and environmental concerns. The EBRD IRM appears to provide the smallest scope of issues that can be addressed, since it can consider only issues related to environmental policies and the public information policy. The WB IP considers the broadest range of issues.

“Excluded issues” describes claims that cannot be considered by the mechanism. These include, for example, claims related to the conduct of third parties, claims related to procurement, claims raised after the closing date of the loan or after 95% of the loan has been paid, claims that relate to fraud or corruption, or claims that are before other tribunals. The WB IP, the AfDB IRM, the IDB IIM, and the EBRD IM cannot consider issues that relate to the conduct of third parties, even though this conduct may impact the project. The WB IP, ADB AM, AfDB IRM, IDB IIM, and EBRD IM cannot consider issues that relate to procurement. The WB IP and IDB IIM cannot consider issues raised after the closing date of the loan or after 95% of the loan has been paid. The ADB AM, AfDB IRM, and EBRD IM cannot consider issues that relate to fraud or corruption. The AfDB IRM cannot consider issues that are before other tribunals. It seems that The WB IP and the IDB IIM have the broadest exclusion list. The ADB AM and AfDB IRM seem have the smallest exclusion list.

“Impact Considered” describes the types of impacts that can be considered, including, for example, requirements that the impacts be “direct,” “adverse,” or “directly harm” the requestor, and requirements that impacts relate to policies and procedures of the bank or not. Most of the mechanisms require that rights and interests must have been or are likely to be “directly affected,” and that the project has or threatens to have a “material adverse effect” on, or “directly harm” the requestor. The AfDB IRM requires only “adverse” effect. The IFC CAO does not impose any such requirement. Most of the mechanisms require that the impact relate to operational policies and procedures of the bank. The IFC CAO and ADB AM

The AfDB has the best gender policy of the IFIs while the ADB and the World Bank tie for second place.

consider claims that do not relate to policies and procedures. The AfDB IRM and IFC CAO consider broadest impacts—not requiring “direct” effect. The WB, ADB, IDB, and EBRD mechanisms all consider relatively limited impacts.

Potential Effectiveness of Solutions

A mechanism is useful only to the extent it provides effective solutions. We evaluated the following factors to characterize the effectiveness of solutions for each of the mechanisms: “Independence,” “Final Product,” “Monitoring,” “Transparency,” and “Primary Focus on Compliance and/or Problem Solving.”

“Independence” characterizes the ability of members of the mechanism to provide an impartial response to claims. Among the considerations are requirements for how recently a member of the mechanism has worked for a bank or whether the member will work for the bank in the future, a requirement that the mechanism not function within the line of management structure or inside the operational department of the bank, removal from office “for cause” only, no personal interest in the project or disclosure of personal interest, and a prohibition on instructions to the mechanism or other duties imposed on the mechanism. The most independent mechanisms include the WB IP, the AfDB IRM, the IDB IIM, the EBRD IM and European Ombudsman. The IFC CAO reports to the President of the World Bank, making it one of the least independent.

“Final product” describes whether the final product resulting from the inspection includes only a fact-finding report or recommendations as well, or some other outcome. Most of the mechanisms allow for both fact-finding and recommendations. The World Bank allows for a fact-finding report only, decreasing its potential for maximum effectiveness. The ADB AM, AfDB IRM, the IDB IIM, and EBRD IM allow for fact-finding and recommendations, increasing the likelihood that their final products will be useful.

“Monitoring” describes whether there is any follow-up to the report. All of the mechanisms, except the World Bank IP, provide at least some form of monitoring. The WB IP is the least useful in this regard.

“Transparency” describes whether the reports and decisions are made public. All of the mechanisms provide for at least some degree of transparency of reports and decisions. Some have a presumption in favor of disclosure, and others specify that they will disclose information that is not subject to confidentiality. The WB IP, ADB AM, AfDB IRM, and European Ombudsman appear to be most transparent with reports and decisions.

“Primary Focus on Compliance/Problem Solving” identifies whether the mechanism primarily focuses on compliance, problem solving, or has a relatively equal focus on both. Our assessment assumes that a focus on both would be most useful—providing the mechanism with the ability to deal with problems that do and do not relate to violations of given policies, procedures, etc. Most of the mechanisms are able to address both problem-solving and compliance issues. Some,

such as the WB IP and IMF IEO focus primarily on compliance. Others, such as the ADB Special Project Facilitator, are focused primarily on problem-solving. The ADB AM has the strongest combination of compliance and problem solving.

Efficiency of use/ease of use

Ease of use can contribute to the usefulness of a mechanism. We use the following factors to characterize ease of use: “Formal procedures” and “Precomplaint approach to management”.

“Formal procedures” describes the extent to which mechanisms require potentially affected parties to follow strict procedures for using the mechanism or whether the parties have flexibility in how they attempt to use the mechanism. All of the mechanisms had formal procedures, but the IFC mechanism’s procedures were formal only to a limited extent—making it the most flexible for use.

“Precomplaint approach to management” is a description of whether an affected party must pursue a complaint to management before it can make use of the mechanism. Given the delay in response that might accompany such a requirement, we assume that a mechanism will be more efficient to use if a complaint to management is not required. The WB IP, ADB Special Project Facilitator, AfDB IRM, IDB IIM, EBRD IM and European Ombudsman all require a pre-complaint to management. The IFC CAO and ADB Special Project Facilitator do not, making them more efficient for use.

Which Accountability Mechanisms are Best Suited to Hear Claims on the Basis of Gender?

This Guide identifies serious challenges for civil society in holding the IFIs accountable for gender-related impacts in their operations. The usefulness of existing gender policies and accountability mechanisms will be clear only after a number of complaints have been brought before the accountability mechanisms.

All the IFI accountability mechanisms can hear violations of their own policies. Among the IFIs with gender policies—the AfDB, the ADB, IDB, and World Bank—violations of these policies are clearly within the scope of their accountability mechanisms. The AfDB has the strongest gender policy, and the IRM allows for the widest scope of complaints; it requires only an “adverse” effect. Therefore a project or policy that causes disproportionate harm to women (or men) that is outside the scope of the AfDB gender policy would still be admissible. The ADB gender policy is also relatively very good, and the AM will allow a broad scope of issues. The AfDB IRM and ADB AM

Given the lack of gender policies and the limitations of the accountability mechanisms at the EBRD, EIB, and IMF, it may be difficult to seek remedy for harm on the basis of gender discrimination.

appear to be the most receptive to a complaint on the basis of gender.

It may be relatively more difficult to obtain remedy for a violation of a gender policy at the World Bank IP or IDB IIM than the AfDB IRM and ADB AM. The World Bank IP requires a project or policy to be the “direct” cause of harm and has one of the broadest lists of exclusions. While we have reason to believe the World Bank is willing to hear a claim of gender policy violation, we acknowledge that the process is seriously undermined by the gender policy exclusion of policy-based loans. It is critical that the World Bank lift this waiver. The IDB gender policy framework is limited in scope, and the IRM process is highly criticized. We hope the IDB will remedy the criticisms we have highlighted as it builds a

gender policy and reforms its accountability mechanism.

Even without a gender policy, it may be possible to hold the IFC accountable for disproportionate harm to women (or men). The IFC CAO does not require that a harm be caused by a violation of an IFC policy, and allows for harm indirectly caused by an IFC project.

Given the lack of a gender policy and limitations of the accountability mechanisms of the EBRD, EIB, and IMF, it may be difficult to seek remedy for harm on the basis of gender discrimination. These IFIs must adopt gender policies.

The next step is for claimants to come forward to test the scope of IFI gender policies and accountability mechanisms. It is time to ensure that IFIs do not undermine and help realize gender equality.

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Annex 1. IFI Gender Guidelines and Accountability Mechanisms

IFI	Gender Guideline	Accountability Mechanism
Asian Development Bank	<ul style="list-style-type: none"> Operational Policy/Bank Procedure on Gender and Development (2003) Policy on Gender and Development (2003) 	ADB Accountability Mechanism
African Development Bank	<ul style="list-style-type: none"> Gender Policy (2001) Gender Plan of Action (GPOA) (2004) 	Independent Review Mechanism proposed 2004 but has not been adopted
European Bank for Reconstruction and Development	No Gender Guideline	Independent Recourse Mechanism (IRM)
European Investment Bank	No Gender Guideline	European Ombudsman
Inter-American Development Bank	<ul style="list-style-type: none"> Operating Policy on Women in Development (1987) Gender Mainstreaming Action Plan (2003) 	Independent Investigation Mechanism
International Finance Corporation	No Gender Guideline Two initiatives: <ul style="list-style-type: none"> Gender Entrepreneurship Markets Private Sector Development- Gender 	<ul style="list-style-type: none"> Clients develop ad hoc grievance procedure (IFC, 2006C:5) Compliance Advisor/Ombudsman (CAO)
International Monetary Fund	No Gender Guideline	<ul style="list-style-type: none"> No Accountability Mechanism Independent Evaluation Office evaluates IMF operations for the IMF Executive Board.
World Bank	<ul style="list-style-type: none"> Operational Policy/Bank Procedure 4.20 on Gender and Development (2003) Gender Strategy (2002) 	Inspection Panel

This table contains IFI guidelines and the year they were approved as well as the mechanisms that can potentially hold the IFIs accountable to their gender guidelines.

Annex 2. Comparative Analysis of International Financial Institution Gender Guidelines

This table is based on IFI website content and correspondence with IFI staff. Information taken directly from IFI sources is in plain text. Gender Action's analysis and recommendations are presented in italicized, bold typeset.	
1. Highest Gender Policy or Guideline	
ADB	<ul style="list-style-type: none"> <u>Operational Policy/Bank Procedure (Gender Policy) C2</u> on Gender and Development (ADB 2003a) <u>Policy on Gender and Development (Gender Strategy)</u> (ADB 2003j)
AfDB	<ul style="list-style-type: none"> <u>Gender Policy</u> (2001a) <u>Gender Plan of Action (GPOA)</u> (2004c)
EBRD	<ul style="list-style-type: none"> N/A: No gender policy Highest gender guideline is a joint statement by the heads of the Multilateral Development Banks (MDBs) and the IMF on International Women's Day (MDB/IMF, 2003)
EIB	<ul style="list-style-type: none"> N/A: No gender guideline No mention of gender, women or men on entire website
IDB	<ul style="list-style-type: none"> <u>Operating Policy on Women in Development (WID Policy)</u> (1987). <i>This policy is severely out of date.</i> <u>Gender Mainstreaming Action Plan (Action Plan)</u> (2003)
IFC	<ul style="list-style-type: none"> N/A: No gender guideline. <i>Although the IFC is part of the World Bank Group, the World Bank Gender Policy does not apply to the IFC.</i> Two initiatives: <ul style="list-style-type: none"> Gender Entrepreneurship Markets (GEM) (IFC 2006a) Private Sector Development- Gender (PSD-Gender) (IFC 2005a)
IMF	<ul style="list-style-type: none"> N/A: No gender guideline Highest gender guideline is a joint statement with the heads of the MDBs on International Women's Day (MDB/IMF, 2003)
WB	<ul style="list-style-type: none"> <u>Operational Manual OP/BP 4.20</u> on Gender and Development (<u>Gender Policy</u>) (2003a) <u>Integrating Gender into the World Bank's Work: A Strategy for Action (Gender Strategy)</u> (2002)
2. Level of Mandate	
ADB	<ul style="list-style-type: none"> <u>Gender Policy</u> is mandatory and "requires explicit integration of gender considerations in all aspects of ADB operations" (ADB 2003a:1). Level of mandate of <u>Gender Strategy</u> is ambiguous: It was approved by Board of Directors May 1998 and published in June 2003 (ADB 2003j:ii); Improvement of the status of women is one of ADB's five strategic development objectives (ADB 2003j:38); ADB seeks to support member countries implement their commitments made at the commitments made at the Beijing World Conference on Women (ibid:viii).
AfDB	<ul style="list-style-type: none"> <u>Gender Policy</u> is mandatory. It was approved in 2001. It is set within the Bank's framework of the New Vision (AfDB 1999a) which defines gender as a priority cross-cutting theme to be mainstreamed into all Bank work (AfDB 2001a:2). The policy is also reflects the principles of the Convention to End All Forms of Discrimination Against Women (CEDAW), the consensus reached during world conferences in Dakar and Beijing, the guidelines for gender equality and women's empowerment in development cooperation of the Development Assistance Committee of the Organization of Economic Co-Operation and Development (OECD), and consultations with representatives of Bank member countries and civil society organizations (ibid). <u>GPOA</u> may or may not be voluntary. <u>GPOA</u> operationalizes and ensures institutional accountability for the <u>Gender Policy</u> (AfDB 2004c:4). <u>GPOA</u> is in line with rest of Bank's commitments to gender equality, including those expressed in Bank's Vision Statement and Bank's Strategic Plan (2003-2007) (ibid)
EBRD	N/A
EIB	N/A
IDB	<ul style="list-style-type: none"> <u>WID Policy</u> is mandatory, but limited to scope of the policy dated 1987. <u>Action Plan</u> is voluntary. It mentions the ADB's integration of gender concerns in institutional strategies that support the Millennium Development Goals (IDB 2003:1).
IFC	<ul style="list-style-type: none"> No mandate
IMF	N/A
WB	<ul style="list-style-type: none"> <u>Gender Policy</u> mandatory, but limited to scope of the policy. Excludes development policy lending. <u>Gender Strategy</u> is voluntary, but was approved by senior management and endorsed by the full Board of Executive Directors (2002:ix).
3. Goal/Objective	
ADB	<ul style="list-style-type: none"> <u>Gender Policy</u> uses 'gender mainstreaming' to achieve "explicit integration of gender considerations in all aspects of ADB operations" (ADB 2003a:1). <i>Strong goal.</i> <u>Gender Strategy</u> seeks to 'mainstream' gender to promote gender equity (ADB 2003j: 39).
AfDB	<p><u>Gender Policy</u> aims to:</p> <ul style="list-style-type: none"> Promote gender equality and development in Africa (AfDB 2001a:20), mainstream gender in Bank operations and policies using guiding principles (AfDB 2001a:20) and help member countries achieve gender equality (AfDB 2001a:20). <i>Goal includes important aspects of operations, policies and country programs but must be properly instrumentalized.</i> Guiding principles underpinning the <u>Gender Policy</u> are:¹ (1) gender analysis is essential for all Bank interventions (AfDB 2001a:20). (2) cooperation between men and women is essential (ibid:20-21). (3) women's economic empowerment is key to achieving sustainable development (ibid:21). (4) women are not homogeneous group (ibid), and: (5) targeted interventions for women (or men) and gender mainstreaming complimentary (ibid). <i>Guiding principles create a very strong theoretical framework, but to be effective must carry through into policies.</i> <u>GPOA</u> aims to mainstream the gender policy, track progress on gender equality goals through monitoring and evaluation, help member countries achieve gender equality goals, and provide the basis for cooperation with other organizations (AfDB 2004c:6).

EBRD	N/A
EIB	N/A
IDB	<ul style="list-style-type: none"> • <u>WID Policy</u> aims to help member countries integrate WID (IDB 1987:4). <i>This goal is undermined by the out datedness of the policy.</i> • <u>Action Plan</u> will promote greater attention to gender in all Bank work (IDB 2003:2). • <i>Both have limited goals compared to full gender integration in all operations.</i>
IFC	<ul style="list-style-type: none"> • GEM "aims to mainstream gender issues into all dimensions of IFC's work" and remove gender inequality to create enabling business environment (IFC 2006b). <i>Good goal to integrate gender issues, but could be undermined by private sector orientation.</i> • PSD-Gender promotes gender equality in private sector development (IFC 2005a). <i>Very limited.</i>
IMF	N/A
WB	<ul style="list-style-type: none"> • <u>Gender Policy</u> goal is to help member countries address gender inequalities (WB 2003a). • <u>Gender Strategy</u> aims to help Bank support country-led gender initiatives (WB 2002:17). • <i>Primary focus on member countries instead of Bank staff shifts responsibility away from Bank and allows the Bank to claim country "ownership" of any failures.</i>
4. Scope and Priorities	
ADB	<p>Priority outcomes of <u>Gender Policy</u> are:</p> <ul style="list-style-type: none"> • Strengthen gender capacity of Developing Member Countries, especially to meet Beijing commitments (ADB 2003a:2). • Increase gender analysis of proposed projects including addressing gender considerations in macroeconomic, sector, strategy and programming work and studying "the impact of economic reform programs on women" (ibid). • Increase projects with GAD classification (ibid).² • Explore issues for women in region (ibid). • Increase ADB staff awareness of GAD (ibid). <p>Shortcomings:</p> <ul style="list-style-type: none"> • <i>Policy does not adequately address gender implications of policy-based lending and macroeconomic reforms: seeks to mitigate impacts on women (e.g. preferential treatment for women during public sector downsizing) without changing policies.</i>
AfDB	<p><u>Gender Policy</u> priority interventions are:</p> <ul style="list-style-type: none"> • Support education for women's empowerment (AfDB 2001a:22). • Promote gender-sensitive agriculture and rural development (ibid:23-25). • Reduce poverty of women (ibid: 25-26). • Increase women's access to health services (ibid:26-27). • Good governance³ (ibid:27-28). <p>Shortcomings:</p> <ul style="list-style-type: none"> • <i>Priority areas primarily in traditionally engendered sectors (except perhaps governance).</i> • <i>Priorities are focused on project level and neglect to address gender implications of policy-based lending and macroeconomic reforms.</i> <p><u>GPOA</u> priority sectors to engender:</p> <ul style="list-style-type: none"> • Agriculture and rural development (AfDB 2004c:17) • Private sector (ibid) • Infrastructure: ensure women's needs are met by water and sanitation, transportation and roads, and electrification projects (ibid:18-19) • Education (ibid:19) • Health (ibid:19-20) <p>Comments:</p> <ul style="list-style-type: none"> • <i>Priorities in traditionally engendered sectors, but good focus on promoting gender equality in private sector and infrastructure projects.</i>
EBRD	N/A
EIB	N/A
IDB	<p><u>WID Policy</u> priorities are:</p> <ul style="list-style-type: none"> • Increase women's employment (IDB 1987:5), access to education, training, extension services and credit (ibid:5-6). • Provide technical assistance (TA) to institutions that empower women (ibid:6-7). • Support research to increase women's participation (ibid:7). • Increase the availability of sex-disaggregated data (ibid). <p>Shortcomings:</p> <ul style="list-style-type: none"> • <i>WID focus of 1987 policy is out-of-date.</i> • <i>Priority areas do not depart from traditionally engendered areas.</i> • <i>WID Policy does not address gender implications of policy-based lending and macroeconomic reforms.</i>
IFC	<ul style="list-style-type: none"> • GEM and PSD-Gender both prioritize women's participation in private sector development. • GEM focuses on capacity building, investment project advisory, access to finance and business enabling environment (IFC 2006a). <p>Shortcomings:</p> <ul style="list-style-type: none"> • <i>GEM's priority of advising IFC investment projects on gender issues is positive, but the IFC's track record prioritizes the interests of the mostly elite private sector, not the poor.</i>
IMF	N/A

WB	<ul style="list-style-type: none"> Gender Policy does not include priorities. Gender Strategy aims to integrate gender analysis in country-level analytical work (WB 2002:42), Country Development Frameworks, Country Assistance Strategies (CASs), policy advice, and investment projects (ibid:44). <p>Shortcomings:</p> <ul style="list-style-type: none"> Scope of gender strategy priorities good: includes country-level work and investments. However the major shortcoming is that it deliberately excludes gender implications of policy-based lending.
5. Mechanisms to Engender Operations/Operational Strategies (lending for investments and projects, policies and TA)	
ADB	<p><u>Gender Policy:</u></p> <ul style="list-style-type: none"> Regional and Sustainable Development Department (RSDD) provides advice and assistance, coordinates and monitors gender activities, implements GAD policy and monitors projects, programs and technical assistance (TA) operations for gender inclusion (ADB 2003a:2). Only ten gender specialists in entire ADB (Tornieri 2006). RSSD has a huge responsibility for overseeing ADB gender related work. They must have the incentives and support to fulfill their responsibilities. Regional departments create a Country Strategy Program (CSP) mission that is responsible for incorporating gender into dialogues with countries, collecting gender data, preparing a Country Gender Assessment (CGA) and formulating a country gender strategies (ibid:1-2). CGAs provide the basis for a Country Gender Strategies (CGSs), which are included as core annexes and integrated into CSPs (ADB 2006b:7-9,19). CSP missions should include gender specialists. ADB also needs to provide incentives to CSP missions or they may overlook their obligations under OP/BP C2. Each project is required to have an Initial Poverty and Social Assessment (IPSA), which must include a preliminary gender assessment. If the IPSA classifies the project as GAD,⁴ a social development or gender specialist must prepare project-specific plan to address gender concerns and report on women's involvement in project design, implementation and monitoring. A summary of the gender plan must be included as an appendix to the Report and Recommendation of the President (ADB 2003a:3). Commendable for the Policy require gender inclusion in IPSA but unclear who prepares IPSA. There may be little incentive for ADB staff to classify projects as GAD because it increases their workload without providing additional support. Also, the policy does not require a gender specialist prepare preliminary gender assessment. The Policy makes no mention of gender equality in project design, consultation, implementation or monitoring. But gender plan says women must be involved (ibid:3). <p><u>Gender Strategy:</u></p> <ul style="list-style-type: none"> Responsibility for implementation rests in Programs and Projects Departments and RSSD with assistance provided by Resource Team on GAD (ADB 2003j:48). Establish External Forum on Gender and coordinate donor aid through co-financing GAD projects (ibid:47).
AfDB	<p><u>Gender Policy:</u></p> <p>Macroeconomic and sector work:</p> <ul style="list-style-type: none"> Engender macroeconomic policy framework in Country Strategy Papers, Poverty Reduction Strategy Papers and Portfolio Reviews⁵ (AfDB 2001a:29). Review Operational Manual for gender inclusion (ibid). Revise Country Policy and Institutional Assessment to include gender equality goals of Regional Member Country (RMC) (ibid). <p>Ensuring impact:</p> <ul style="list-style-type: none"> Develop gender sensitive indicators (ibid). Engender sectoral projects including developing reference guides (ibid:30). Revise Environmental Assessment Guidelines to account for gender (ibid:30). <p>Participation:</p> <ul style="list-style-type: none"> Engender stakeholder participation (ibid). <p>Bank support to gender-related activities of RMCs:</p> <ul style="list-style-type: none"> Engender country activities through policy dialogues, support for RMC projects on women-focused activities, and use TA to sensitize RMC officials on gender issues (ibid:31). Support gender research and disaggregated data collection (ibid:32). Ensure inclusion of gender dimensions throughout project cycle (ibid). <p>Responsibilities:</p> <ul style="list-style-type: none"> Senior management will continue to provide "the requisite signals that gender issues are a priority" (AfDB 2001a:32). Country Departments are "accountable for ensuring effective gender mainstreaming" and must elaborate a Plan Of Action (POA) to mainstream gender (ibid:32). <p>Shortcomings:</p> <ul style="list-style-type: none"> These instruments are good, but to be fully binding they must be included in the Operations Manual, which is currently not public. Does not mention staff to ensure follow-through. Does not consider gender issues in policy-based lending operations. Very weak staffing mechanism to engender policies and investments. <p>GPOA elaborates on Gender Policy instruments. Key additions to the Gender Policy are:</p> <ul style="list-style-type: none"> Increase the number of Multi-Sectoral Country Gender Profiles (MSCGPs), documents that detail key gender issues and provide gender disaggregated data in a specific country, to eight by the end of 2004. MSCGPs are used for policy dialogue with member countries and mainstreaming gender in CSPs and projects (AfDB, 2004c:7-8). Country Directors, responsible for developing MSCGPs, use funds from their administrative budget to support this work. AfDB has completed eleven MSCGPs to date (Pitamber 2006c). MSCGPs could be a very useful tool, but Country Directors lack incentives and funding to develop MSCGPs. Make gender mainstreaming tools such as guidelines and checklists available on the AfDB Intranet to engender projects (AfDB 2004c:9). Since these tools are not mandatory they may be underutilized by non-gender staff.
EBRD	<ul style="list-style-type: none"> "(W)e affirm our continued commitment to promoting gender equality in our organizations and in the work of our organizations to assist member countries" (MDB/IMF 2003). This commitment is meaningless without a mandatory policy, sufficient resources and clearly delineated responsibilities.
EIB	N/A

IDB	<p><u>WID Policy:</u></p> <ul style="list-style-type: none"> • Include analysis of women's roles and participation in Country Programming Papers country socioeconomic reports and field office project identification documents (IDB 1987:8) • Target projects for women in areas where their contribution and/or project benefits or impacts on women are significant. Steps to develop projects focused on women include improving data, analysis and evaluation on women's participation, discussing project benefits and project impacts on women's socio-economic status, and identifying factors that contributed to or detracted from women's participation in project ex-post evaluation (IDB, 1987:8-10). • Management will prepare an action plan to implement the policy (ADB 1987:10). • Uses WID approach which ignores gender relations and men. • WID policy is very outdated and does not reflect existing initiatives at IDB.⁶ • WID OP contains vague implementation provisions. • Heavy project focus. • Ignores gender issues in macroeconomics and policy-based lending. <p><u>Action Plan:</u></p> <ul style="list-style-type: none"> • Incorporate gender throughout project cycle by increasing gender integration in Country Papers (at least one per region⁷ per year), request operational divisions and departments engender projects, further mainstream WID/gender flagship themes of domestic violence prevention, women's leadership and reproductive health into the IDB portfolio, support gender inclusion in country offices, disseminate good practices, revise criteria for assessing gender in project design, increase focus of gender in evaluation and baseline indicators, include reference to gender issues in IDB Project Completion user guides and identify at least three evaluations to focus on gender-specific impacts of interventions (IDB 2003:5-6). • The Sustainable Development Department/Women in Development Unit (SDS/WID) will work to incorporate gender into projects, create database of gender consultants, a database of good practices and engender some governance programs (ibid:6). • SDS/WID will further integrate gender and WID flagship themes (ibid:8). • SDS/Information and Communication Technologies Department and SDS/WID prepare paper highlighting ICT's empowering impacts on women (ibid). • Social inclusion and participation departments focus on indigenous and Afro-Latina women (ibid). • Program for the Support of Women's Leadership and Representation will support indigenous women's participation and leadership (ibid). • Mechanisms in Strategy limited because plan to engender only small number of projects, evaluations etc (but may be realistic) • Interventions are in typically engendered areas that focus on women, such as violence against women and reproductive health. • Heavy project focus. • Ignores gender issues in macroeconomics and policy-based lending.
IFC	<ul style="list-style-type: none"> • GEM provides input to IFC investments in Sub-Saharan Africa, North Africa and the Middle East with on-line tools, technical assistance, access to IFC finance, training for women entrepreneurs, policy analysis, and briefs. GEM publishes Global Directory of Women's Business Associations, Quarterly Newsletter (IFC 2006a). • PSD-Gender supports initiatives for women entrepreneurs (IFC 2005a). • Partners with the World Bank to consider gender dimensions of public policy for private sector development (ibid). • GEM does not provide business advice, make direct loans or give grants to individual business women (IFC). • Both have heavy focus on women but do not address underlying causes of gender inequality. • Mirrors IFC's weak private sector-led approach to poverty reduction with a focus on women.
IMF	<ul style="list-style-type: none"> • "(W)e affirm our continued commitment to promoting gender equality in our organizations and in the work of our organizations to assist member countries" (MDB/IMF 2003) • This commitment is meaningless without a mandatory policy, sufficient resources and clearly delineated responsibilities.
WB	<p><u>Gender Policy:</u></p> <ul style="list-style-type: none"> • At the country level, Country Directors oversee implementation of Gender Policy through preparing the CGA, integrating the CGA into dialogue with country officials and the Country Assistance Strategy, and ensuring priority areas and projects in CAS are gender sensitive (WB, 2003b: WB 2002:25) • At the project level, task teams assess local gender context and integrate gender-responsive actions into projects (WB 2003b). • <i>CDs may or may not support gender equality or have capacity to oversee CGA, integrate CGA into CAS, and engender priority sectors.</i> • Responsibility for implementing Gender Strategy disbursed between many non-gender managers across regions and sectors (WB 2002:35-38). • Task teams may not have the incentive capacity or training to assess gender implications of projects. • Gender Policy does not apply to policy-based loans (WB 2003a) which comprise one third of all loans and heavily impact gender equality for example through privatization and public sector restructuring.
6. Human Resource Mechanisms, Staff Training & Incentives	
ADB	<p><u>Gender Policy:</u></p> <ul style="list-style-type: none"> • Provides no mandatory gender training. • No incentives for staff to engender work. • No budget provision for trainings or developing tools for staff. • Plans to Increase GAD awareness through voluntary workshops, seminars, and staff guidelines to implement GAD policy (ADB 2003a:2). • OP Appendix 1 has a gender checklist to aid IPSA gender analysis (ADB 2003a:3). • OP Appendix 2 has a guide to key gender considerations in project design (ADB 2003a:3). • OP Appendix 3 has a sample gender plan format (ADB 2003a:3). • Staff, training and incentives provisions are inadequate. • Voluntary trainings tend to have low attendance by non-gender staff and fail to engender work. <p><u>Gender Strategy:</u></p> <ul style="list-style-type: none"> • Regional Technical Assistance department will enhance gender capacity of country executing agencies and administer funds to small GAD initiatives (ADB 2003j:45-46). Very vague and unclear whether it is recommended or required. • Requires Bank develop a voluntary GAD manual for staff and consultants and database of best GAD practices (ADB 2003j:47). • <u>Gender Strategy</u> seeks to increase the number of gender specialists within the Social Development Division from two to four. The two existing gender specialists only work on gender issues 50 percent of the time (ADB 2003j:44). • By 2006 ADB has increased gender staff to a total of ten (Tornieri 2006) • These very weak staffing provisions may undermine implementing the voluntary gender policy. <ul style="list-style-type: none"> • ADB also has an External Forum on Gender and Development to facilitate dialogue with members of academia, civil society and government on gender issues (ADB 2006b:34).

AfDB	<p><u>Gender Policy</u></p> <ul style="list-style-type: none"> Provides voluntary gender training designed for Bank staff (AfDB 2001a:32). Voluntary trainings will probably have low attendance by non-gender staff and fail to engender work. Recommends developing reference guides to engender sectoral projects (ibid:30). Provides materials for staff to do gender analysis (ibid:32-33). Very vague and seems to be a recommendation not a requirement. Bank will collaborate with regional bodies and development partners, share experiences with other institutions on gender mainstreaming (ibid:34), and participate in MDB working group on gender (ibid:33-34). Very weak staffing mechanisms to engender policies and investments. Does not provide incentives for staff to engender work. Goals of collaboration with other institutions and regional bodies unclear. <p><u>GPOA:</u></p> <ul style="list-style-type: none"> Senior level staff is responsible and accountable for gender mainstreaming (AfDB 2004c:9). Without incentives senior staff may not implement policy. Voluntary gender training and gender guidelines will be developed to increase Bank effectiveness in gender mainstreaming (ibid). AfDB will undertake studies and publish research on pertinent gender issues on the continent (ibid). AfDB will establish a multi-disciplinary Steering Committee on gender to oversee GPOA implementation, provide policy guidance, and recommend further actions. The Sustainable Development and Poverty Reduction Unit (PSDU) will draft the terms of reference for the Steering Committee (ibid). A search of the AfDB website yielded no further mention of the Steering Committee. AfDB will follow up on its 1999 Task Force on Institutional Gender Issues by further promoting gender diversity in human resources (ibid:10). Operations Gender Specialists who work to engender Bank operations⁸ provide technical support to country teams and supervise development of Gender Profiles (ibid:22). PSDU Gender Specialists, who focus on policy formulation, guidelines and tools development (Pitamber 2006a) will advise the Bank on Gender Policy implementation, review project documents for gender mainstreaming, assess potential gender impacts of projects, participate in missions with high gender impacts such as CSP and PRSP missions, mainstream gender in various Bank instruments such as the Operations Manual (undisclosed), collect, develop and disseminate gender mainstreaming tools, train Bank staff and member country officials and mobilize funding for gender activities (AfDB 2004c:22-23). According to an AfDB gender expert, AfDB currently has seven gender specialists (four in operations and three in PSDU) (Pitamber 2006b). The GPOA also mentions seven gender experts (AfDB 2004c:11). The number of gender staff should be increased.
EBRD	<ul style="list-style-type: none"> EBRD has hired a gender consultant to help develop gender guidelines.
EIB	<ul style="list-style-type: none"> EIB has an initiative to promote gender equality in employment (Marchal 2006). EIB representatives did not respond to our request for information regarding staff to engender investments.
IDB	<p><u>WID Policy:</u></p> <ul style="list-style-type: none"> Annex I provides framework of issues to integrate women's needs into project appraisal (ADB 1987:12). Annex II provides an example of how these guidelines were applied in the credit sector (ADB 1987:13-15). OP does not mention staffing mechanisms. No mention of WID or GAD training for staff. No incentives for staff to engender work. Not clear whether frameworks mandatory or voluntary. Lack of mandatory or voluntary staff training and incentives will undermine the policy. <p><u>Action Plan:</u></p> <ul style="list-style-type: none"> SDS/WID and other actors within gender and social inclusion networks will prepare voluntary "brown bag" gender events, pilot gender and social inclusion workshop for project teams and country coordinators, provide information to gender focal points and include gender issues in Office of Learning⁹ events (IDB 2003:10). Gender and social inclusion network¹⁰ members will disseminate SDS/WID gender training manual, train trainers based on manual and identify opportunities to increase level of attention to gender in IDB trainings (IDB, 2003:10). Action Plan seeks to promote gender equity in IDB staff (IDB 2003:11) but does not explain how. Action plan is an improvement upon the WID OP, but voluntary trainings tend to have low attendance by non-gender staff and fail to engender work. Gender Equality in Development Unit (SDS/GED, which changed from SDS/WID in 2005) currently has twelve full time staff: four professional staff, 6 consultants, one administrative staff person and one research assistant. The social division of the Regional Operations Department II, in charge of Mexico, Central America and the Caribbean, has a full time gender expert (Urban, 2006a) Twelve full time staff is insufficient to engender all IDB operations.
IFC	<ul style="list-style-type: none"> GEM has "A team of gender and finance specialists" (IFC 2006a). GEM holds "Gender Events" (IFC 2006b), which are targeted towards external actors, not to increase capacity of IFC staff to engender work. PSD-Gender only mentions one PSD-Gender expert in private sector development department (IFC 2005b). The entire IFC only employs seven gender specialists (Ellis 2006). GEM employs three gender expert at its headquarters and one in Africa (ibid). Another program in Cairo employs another four experts for the Middle East and North Africa region (ibid). As requested, GEM provides consulting services PSD-Gender (ibid). Both initiatives are vague in terms of the capacity of gender-focused staff. PSD-Gender is clearly understaffed.
IMF	<ul style="list-style-type: none"> The IMF did not respond to our request for information.

WB	<p><u>Gender Policy:</u></p> <ul style="list-style-type: none"> Gender and Development Board, a body composed of representatives from the main operational units in the Bank, will collaborate with relevant Bank units to integrate gender issues and develop guidance to staff (WB 2003b; WB 2002:37). No mandatory gender training for non-gender staff. No incentives for staff to engender work. There is a track record of low attendance at World Bank gender trainings due to lack of mandates and paucity of resources. Mostly gender experts attend voluntary trainings. <p><u>Gender Strategy:</u></p> <ul style="list-style-type: none"> Gender and Development Anchor provides technical support (WB 2002:37). Regional Gender Coordinator (WB 2002:38) coordinates manage gender-related activities including research, workshops, and engendering some operations supported by a small staff of gender experts (Zuckerman and Qing 2005). World Bank Institute is integrating gender into core courses, develop technical modules for gender mainstreaming training to Bank staff and clients at their request (WB 2002:29), but the Strategy does not provide incentives for the Institute to engender its courses. Gender and Development Thematic Group and regional staff sponsor informal voluntary learning events on integrating gender (ibid). Checklists, toolkits, and sample terms of reference are upgraded to enhance gender inclusion (ibid:30). Services to implementing agencies are being developed (ibid:30) Responsibilities of the gender unit and other bodies are not mandatory because they are not contained in OP/BP. Voluntary trainings and resources tend to be underutilized by non-gender staff. Past gender checklists, toolkits etc. have been largely ignored by non-gender staff (Zuckerman and Qing 2005). The World Bank employs 115 gender specialists, which represent a mere .7 percent of total staff (Zuckerman and Qing 2005:11) These staffing provisions are highly inadequate to engender operations.
7. Funding	
ADB	<ul style="list-style-type: none"> Gender Policy only mentions funding for technical assistance operations that are classified as having the potential to correct gender disparities or significantly mainstream gender concerns, or are likely to have substantial gender impact (ADB 2003a:3). The non-mandatory <u>Gender Strategy</u> provides no additional funding for implementation (ADB 2003j:48). Both policies are severely under funded.
AfDB	<ul style="list-style-type: none"> AfDB says it will allocate resources for staff training, gender research, workshops, seminars and other fora and use the Technical Assistance Fund and Project Preparation Facility to fund gender mainstreaming (AfDB 2001a:33). The Policy could be under funded since specific numbers not mentioned. GPOA provides a detailed description of its resource needs including an annex that includes the financial requirements for PSDU (AfDB, 2004c:24), but does not indicate any funding. Senior management is responsible for allocating human and financial resources to implement GPOA (ibid:22).
EBRD	N/A
EIB	N/A
IDB	<ul style="list-style-type: none"> <u>WID Policy</u> does not specify funding. There is no additional funding available to implement Action Plan (IDB 2003:11). Both are severely under funded.
IFC	<ul style="list-style-type: none"> Currently the IFC allocates a total of \$1.3 million per year to the GEM program to cover both operational and staff costs (Ellis 2006). This figure is highly inadequate to engender the IFC's massive investment portfolio of \$6.45 billion (IFC 2006e).
IMF	N/A
WB	<ul style="list-style-type: none"> <u>Gender Policy</u> does not mention funding provisions for the Policy. Funding of the <u>Gender Strategy</u> is questionable: the Strategy recommends allocating \$2 million for the first year, \$3 million for the second to fourth years, and \$2.5 million each year after (WB 2002:32). The Bank only provided a \$600,000 one-year incentive fund to implement the strategy (Zuckerman and Qing 2005:22), which is highly inadequate.
8. Monitoring and Evaluation (M&E)	
ADB	<p><u>Gender Policy:</u></p> <ul style="list-style-type: none"> RSDD will compile information and prepare "periodic" gender reports and case studies (ADB 2003a:3). The lack of a clear timeline leaves RSDD the opportunity to overlook monitoring. Monitoring mechanism for GAD TA operations will be formulated in gender plan for individual projects (ADB 2003a:3). The lack of standardized procedures and benchmarks may lower quality of project monitoring. Implementation Review of the Policy on Gender and Development (ADB 2006) is very strong and has excellent recommendations including the need for more gender specialists. <p><u>Gender Strategy:</u></p> <ul style="list-style-type: none"> Policy review and evaluation conducted five years after implementation of report (ADB 2003j:48). Interim report to Board of Directors due two years after policy is approved (ibid). No follow-up to address shortcomings.
AfDB	<ul style="list-style-type: none"> The <u>Gender Policy</u> mentions the need to monitor the GAD implementation (AfDB 2001a:4) but does not establish a monitoring mechanism. The Policy also recommends identifying gender impact indicators to monitor Bank implementation of gender strategy (ibid:29-30). GPOA states that gender equality goals should be integrated into terms of reference and evaluation of projects and the extent to which goals were met should be included Project Completion Reports (AfDB 2004c:8). AfDB did not established the Steering Committee on gender (ibid:9) which was supposed to oversee the monitoring system. PSDU recently hired a consultant to conduct a mid-term review of GPOA (Pitamber 2006a).
EBRD	N/A

EIB	N/A
IDB	<ul style="list-style-type: none"> <u>Gender Policy</u> mandates that every two years management informs Board of the status of implementation and progress achieved (IDB 1987:10). There is no mention of follow-up to address any shortcomings. <u>Action Plan</u> suggests that SDS/WID and an inter-departmental working group will monitor Action Plan implementation including a mid-term review to the Executive Vice President and a final review to the Board of Directors (IDB 2003:2). There is no follow-up to remedy shortcomings. At time of writing mid-term review has been done but has not yet been presented to the Board (Urban 2006c).
IFC	<ul style="list-style-type: none"> Project monitoring is done on a project-by-project basis and is the responsibility of the client (IFC 2006c:5). There are no incentives or sanctions that would encourage the client to monitor or self-evaluate. Clients produce periodic reports on how it is addressing gender issues in affected communities at least annually (IFC 2006c:5). There is no mention of recourse for communities if the client fails to report.
IMF	N/A
WB	<p><u>Gender Policy</u>:</p> <ul style="list-style-type: none"> "The Bank regularly monitors the implementation of the policy" (WB 2003a). Very vague. Regional vice-presidency annually reports to the Managing Director concerning implementation (WB 2003b). No remedial actions are mentioned to address shortcomings. Gender and Development Board will develop framework for M&E and consolidate regional reports into annual summaries (WB 2003b). <u>Gender Strategy</u> mentions a new monitoring and evaluation system is being developed (WB 2002:34), which is presumably OP/BP. No mention of financial resources to support work.
9. Enforcement Mechanism	
ADB	ADB Accountability Mechanism
AfDB	Independent Review Mechanism
EBRD	Independent Recourse Mechanism
EIB	European Ombudsman
IDB	Independent Investigation Mechanism
IFC	<ul style="list-style-type: none"> Clients develop ad hoc grievance procedure (IFC 2006c:5) Compliance Advisor/Ombudsman
IMF	N/A
WB	Inspection Panel
10. Gender Inclusion in Other Policies	
ADB	<p>Policies in the Operations Manual:</p> <ul style="list-style-type: none"> OM L3, <u>Public Communications</u> defines 'strategy and program assessments' as including gender analyses (ADB 2005:2). A2/OP: <u>Country Strategy and Program</u> mentions analysis of "gender and other social issues" as key to preparing CSPs (ADB 2003c:4). C1/BP on <u>Poverty Reduction</u>: Gender equality is a thematic priority of ADB Poverty Reduction Strategy approach (ADB 2003i:1). C2/OP mentions OP/BP on <u>Incorporation of Social Dimensions</u> in ADB Operations includes gender, but the document was unavailable at the time of writing. OM D10 <u>Private Sector Lending</u>: lending must be in compliance with and follow relevant operational procedures in OM section C2 on Gender and Development (ADB 2003d:4,16). OM E2 footnote: <u>Japan Fund for Poverty Reduction</u> lists gender inclusion as one of ten elements of community driven development (ADB 2003e: 20). OM D11 <u>Processing Loan Approvals</u>: requires Board discussion on "major and significant new approach to gender and development" (ADB 2003f:3). OM E4: <u>Promotion of Cooperation with NGOs</u>: mentions gender and development as a component of ADB's social development pillar for poverty reduction (ADB 2003g: 2). OM F2 <u>Involuntary Resettlement</u>: gender concerns must be incorporated and gender-specific consultation done at all stages of the resettlement process including "special attention to guarantee women's assets, property, and land-use rights; and restoration of their income and living standards" (ADB 2003h: 6). <p>Sectoral policies:</p> <ul style="list-style-type: none"> <u>Education Policies and Strategies</u> includes gender equality and women's empowerment as one if its objectives (ADB 2002) and develops education strategies targeting women and girls. <u>Energy Policy</u> identifies gender equity as a strategic objective (IDB 2000:9), recognizes the need to replace biomass and firewood with clean household energy sources to improve women's health (ibid:2), and the opportunity costs of women and children spending long hours gathering firewood and biomass (ibid:54). <u>Health Sector Policy</u> aims to reduce gender inequality through enhancing women's health (ADB 1999:xi), identifies gender-based violence against women as a chronic problem (ibid:13), has a section on improving women's health including reducing women's traveling distance to physicians (ibid:35), education efforts targeting women, collecting gender disaggregated health statistics (ibid:35), and a paragraph on the rationale for good health and its effects on women (ibid:59). <u>Fisheries Policy</u> has paragraph on need for alternative livelihoods to target the entire household including women, and recognizes women's economic role in processing, marketing and financing, particularly in artisanal fisheries (ADB 1997:38). <u>Agriculture and Natural Resource Research</u> contains a paragraph on the particularly vulnerable status of women and the need for agricultural research to address women's needs (ADB 1995a:8) <u>Forestry</u> policy mentions the need to consult with women in forestry development (ADB 1995b:14, 20). <u>Population Policy Paper</u> is engendered (ADB 1994). <u>Water Policy</u> includes a paragraph on key ways to engender water sector projects (ADB 2001:29-30), but should integrate gender issues throughout.

AfDB	<p>Strategic Framework Documents:</p> <ul style="list-style-type: none"> • <u>Strategic Plan 2003-2007</u> includes gender equality as a cross-cutting theme throughout (AfDB 2002a). • <u>Vision Statement</u> gender is one of two cross-cutting issues (AfDB 1999a:10). <p>Sectoral policies:</p> <ul style="list-style-type: none"> • <u>Policy on Poverty Reduction</u> is highly engendered, including gender analysis of the impacts of poverty (AfDB 2004a:6). • <u>Policy on the Environment</u> is highly engendered, including recognition of the disproportionate impact of environmental degradation on women and women's crucial role in economic management (AfDB 2004b:11) • <u>Involuntary Resettlement Policy</u> is fairly gender sensitive, calls for the client to make resettlement strategies gender friendly (AfDB 2003:16), have compensation schemes account for gender differences (ibid:18), and use resettlement as an opportunity to remedy gender inequality in access to land (ibid:17). • <u>Policy on Population</u> is gender sensitive, has a heavy focus on women but also includes men's role in family planning and women's empowerment (AfDB 2002b:24). • <u>Policy on Engagement with Civil Society</u> (AfDB 2001b) makes an effort to work with organizations that are gender balanced and gender sensitive. • <u>Policy for Integrated Water Resources Management</u> (AfDB 2000) is gender sensitive with a major focus on increasing women and girls power to participate in water resource management (ibid:19) • <u>Policy on Good Governance</u> stresses the need for gender equality before the law (AfDB 1999b:17) and women's participation (ibid:4,5,14).
EBRD	The EBRD does not disclose its organizational procedures, and none of the sectoral policies the EBRD discloses include gender.
EIB	The EIB does not disclose its sectoral policies or organizational procedures.
IDB	<ul style="list-style-type: none"> • OP-710: <u>Policy on Involuntary Resettlement</u> must be in compliance with OP on Women in Development. It also calls for gender analysis in project risk assessment and gender disaggregated baseline data (IDB No date a). • <u>Operational Policy on Indigenous Peoples</u> safeguard section says IDB will prevent ethnically based discrimination by accounting for gender issues and ethnic segmentation in goods and labor markets (IDB 2006:6) and support participation and leadership by women, youth and the elderly (ibid:4).
IFC	<p>The IFC <u>Performance Standards on Social & Environmental Sustainability</u> define clients' roles and responsibilities for managing IFC funded projects and describe the requirements for receiving and retaining IFC support.</p> <ul style="list-style-type: none"> • Performance Standard 1 states, "As part of the (social and environmental) Assessment, the client will identify individuals and groups that may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status," which may stem from a number of factors, including gender (IFC 2006c:3). <i>Despite Gender Action submitting specific gender inputs following IFC dissemination of the September 2005 Draft Performance Standards, the IFC ignored them in the final Standards.</i> • Performance Standard 7 on Indigenous Peoples states that the client must consult with both women and men of various age groups (IFC 2006c:29). <p>Gender Inclusion in Non-binding Guidance/Implementation Materials:</p> <ul style="list-style-type: none"> • <u>Environmental and Social Review Procedures</u> relies on the client's record of consultation with women and minorities as evidence of free, prior and informed consent (IFC 2006d:3) IFC includes discussions with local stakeholders including women in the analysis of local context (IFC 2006d:7). • <u>Guidance Notes</u> identify gender discrimination (IFC 2005c:5,8,42,81) and recognize women as vulnerable (8) and requiring special protections (ibid:42).
IMF	<p><i>The IMF does not disclose its policies or organizational procedures, nor do they acknowledge whether or not such internal policies exist.</i></p> <p>The IMF Guidance Note for Fund Staff on the Modified Poverty Reduction Strategy Framework and the Implications for PRGF and HIPC Operations (IMF 2005), non-binding procedural recommendations, mentions the following guidelines for writing Joint Staff Advisory Notes for PRSPs with World Bank staff:</p> <ul style="list-style-type: none"> • The availability of gender disaggregated data as an important part of the PRSP baseline poverty diagnosis (6). • The need for PRSPs to analyze the gender dimensions of poverty (ibid). • The need for PRSPs to assess impacts of previous policies on gender inclusion, growth and income distribution (Ibid). • The need for PRSPs monitoring targets to track gender disparities (7). • The need for PRSPs to look at how structural and sectoral policies expand opportunities by gender (8). • <i>This is a result of Gender Action advocacy to engender Joint Staff Assessments. For more, see "Do Poverty Reduction Strategy Papers Address Gender Issues? A Gender Audit of 2002 PRSPs" by Elaine Zuckerman and Ashley Garrett (2003) at http://www.genderaction.org/images/2002PRSP&Gender.pdf.</i>
WB	<ul style="list-style-type: none"> • OP 2.30: <u>Development Cooperation and Conflict</u> (WB 2001c): Cites support for economic and social recovery of members of vulnerable groups, such as those "vulnerable by reasons of gender" as an objective. A footnote states that women who are widowed or experienced sexual violence may require targeted assistance. <i>The BP fails to explain how Bank staffs should carry out the policies set out in the OP.</i> • OP 14.70 <u>Involving Nongovernmental Organizations in Bank-Supported Activities</u> (WB 2000): mentions that the Bank has been increasingly consulting with NGOs working on gender issues, including through the Bank hand-picked External Gender Consultative Group, and NGO partners should be selected for the extent to which they represent gender concerns. • Safeguard Operational Policy 4.00 on <u>Piloting the Use of Borrower Systems to Address Environmental and Social Safeguard Issues in Bank-Supported Projects</u> (WB 2005a) mentions the need for impact assessments to include gender in their analysis of benefits among indigenous peoples (6), and identifies women as members of vulnerable groups requiring particular attention during consultations around involuntary settlement projects (4). The BP fails to explain how countries or Bank staff must implement gender-specific safeguards. • OP 4.10 on <u>Indigenous Peoples</u> (WB 2005a) mentions that Bank projects involving indigenous peoples must be gender appropriate multiple times. <i>However, the corresponding BP fails to develop these ideas further, and only mentions the need for consultation with women. Accompanying annexes on Social Assessment, Indigenous Peoples Plans, and Indigenous Peoples Planning Framework ignore gender issues entirely.</i> • OP 4.12 on <u>Involuntary Resettlement</u> (WB 2001b) identifies women as vulnerable and requiring special attention. Annex A titled Involuntary Resettlement Instruments mentions the need for women to be represented in community participation and possible need for health care for displaced pregnant women (WB 2001b). <i>The BP does not elaborate on these matters.</i>

11. Policies that should include but entirely ignore gender issues	
ADB	<ul style="list-style-type: none"> • Classification and Graduation of Developing Member Countries • Performance Based Allocation of Resources • Governance • Anticorruption • Sector Development Programs • Disaster and Emergency Assistance • Technical Assistance • Environmental Considerations • Indigenous Peoples • Economic Analysis of Projects • Any of the sections on Project Administration • Operations Evaluation • ADB Accountability Mechanism • The Poverty and Social Analysis page has been down since April so it could not be reviewed. • We could not locate a policy in two crucial areas: policy-based lending and transportation.
AfDB	<ul style="list-style-type: none"> • We could not locate a policy in two crucial areas: policy-based lending and transportation. • AfDB may have confidential policies—which may or may not be engendered—that we could not access to review.
EBRD	<p>All Sectoral Policies:</p> <ul style="list-style-type: none"> • Environmental Policy and Procedures • Agribusiness Operations Policy • Energy Operations Policy • Municipal and Environmental Infrastructure Operations Policy • Natural Resources Operations Policy • Property Operations Policy • Telecommunications, Informatics and Media Operations Policy • The EBRD is lagging behind in developing even non-mandatory sectoral policies. For example, they have no policies on education, water, health or transportation.
EIB	<ul style="list-style-type: none"> • Transparency Policy • Sponsoring and Subsidy Policy • Public Disclosure Policy <p>The EIB must develop and publish environmental and social safeguards to guide staff.</p>
IDB	<ul style="list-style-type: none"> • All Social Infrastructure Sectors including policies on Population, Public Health, Education, Science and Technology, Basic Environmental Sanitation and Nutrition • Environment and Safeguards Compliance Policy • Rural Development and Urban and Housing Development • All Productive Sector Policies including Agriculture, Industrial Development, Forestry Development, Fisheries Development, Mining and Tourism • All Economic Infrastructure Sector Policies including Transportation, Telecommunications, Energy and Electric Energy • The Country and Subregional Programming Process • Project Preparation, Evaluation and Approval • Ex-Post Evaluation • All four Technical Assistance Policies: Basic Guidelines, Modalities and Forms of Financing, Intrarregional Technical Cooperation Program (CT/INTRA) and Technical Cooperation Fund (FONTEC) • Natural and Unexpected Disasters • Social Entrepreneurship Program • Public Utilities • Information Age Technologies and Development • We could not locate a policy-based lending or transportation policy to review.
IFC	<ul style="list-style-type: none"> • Policy on Social & Environmental Sustainability • Environmental Health and Safety Guidelines Update-in process (being updated as of June 20, 2006).
IMF	<ul style="list-style-type: none"> • Operational Guidance To IMF Staff On The 2002 Conditionality Guidelines • Ex Post Evaluations of Exceptional Access Arrangements Guidance Note • Guidance Note on the Exogenous Shocks Facility • Operational Guidance Note on Access Under the Poverty Reduction and Growth Facility • Poverty Reduction Strategy Documents—Updated Staff Guidance

WB	<ul style="list-style-type: none"> • <u>Country Assistance Strategies</u>, which are supposed to have input from the CGA. • <u>Country Portfolio Performance Reviews</u> • <u>Environmental Action Plans</u> • <u>Water Resources Management</u> • <u>Technical Assistance</u> • <u>Grants</u> • <u>Emergency Recovery Assistance</u> • <u>Development Policy Lending</u> (<i>although the non-binding 2004 Good Practice Notes for Development Policy Lending is highly engendered</i>) • <u>Guarantees</u> • <u>Environmental Assessment</u> • <u>Natural Habitats</u> • <u>Forests</u> • <u>Safety of Dams</u> • <u>Projects in Disputed Areas</u> • <u>Management of Cultural Property in Bank-Financed Projects</u> • <u>Economic Evaluation of Investment Operations</u> • <i>One of the goals of the 2002 Gender Strategy was to engender policies. It has clearly failed as the majority of policies remain insensitive to gender issues.</i>
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1 Other IFIs do not explicitly state their guiding principles.

2 ADB GAD classified projects have the potential to correct gender disparities, significantly mainstream gender equity concerns or have a substantial gender impact (ADB 2003a:2).

3 AfDB defines Good Governance in this context as increasing women’s participation in decision-making (AfDB 2001a:27-28)

4 The ADB classifies projects that have the potential to correct gender disparities or significantly mainstream gender concerns, or are likely to have substantial gender impact as GAD.

5 Periodic reviews of all projects and investments in a particular country.

6 For example, the WID OP does not discuss interdepartmental gender network and (IDB 2003:2), SDS/WID (ibid:1), IDB External Advisory Council on WID (ibid:1), gender focal points in departments and country offices (ibid:2,4) which are mentioned in the Action Plan.

7 IDB operations are divided into three regions: Southern South America, Central America Mexico and Caribbean, and Northern South America.

8 According to AfDB Gender Specialist Sunita Pitamber (Pitamber 2006), Operations Gender Specialists work on project design and formulation, assess gender impact and recommend gender specific reorientation of project activities during mid-term reviews and supervision, and also participate in final evaluation during project completion missions.

9 The Office of Learning is in charge of staff training at the IDB.

10 The gender network is a group of gender focal points in operational departments, country offices and central departments assigned to help implement and monitor the Bank’s gender mainstreaming action plan. The Social Inclusion network has a similar role to implement the social inclusion action plan (Urban 2006a).

Annex 3. Accountability Mechanisms

	World Bank	IFC (MIGA)	IMF	ADB		AfDB	IDB	EBRD	EIB
	Inspection Panel (IP)(1993)	Compliance Advisor/Ombudsman (CAO)(1999) Ombudsman Function	Independent Evaluation Office (IEO)(I)	Accountability Mechanism (AM)(2003)		Independent Review Mechanism/ CRMU (2004)	Independent Investigation Mechanism (IIM)(1994) (UNDER REVISION)	Independent Recourse Mechanism (IRM)(2003)	Audit Committee (Internal Audit) (Inspector General) (Operation Evaluations) (European Ombudsman) (European Court of Justice)
				Consultation Phase	Compliance Review Phase - Compliance Review Panel				
Accountability Mechanisms Structure									
Composition	3-members of different nationalities (Chair full time); Executive Secretary	Permanent staff	Independent Staff	Special Project Facilitator	3 members (Chair full time), Secretary	CRMU - staff and Director- Roster of Experts - 3 members; CRP - Director and 2 experts	Permanent Coordinator (staff position) and Roster of 15 inspectors (part-time)/ Panel - 3 members from Roster	Chief Compliance Officer/ Roster of Experts (3 to 10)	Ombudsman and Secretariat
Term	5-year term; non-renewable	Staff	6-year term (non-renewable)	3-year term (renewable)		5-year term; non-renewable	5-year term; non-renewable	3-year term (renewable for one or more successive periods of 3 years, subject to the Expert agreeing to the continuation of the appointment)	4-year term
Appointment	President after consultation with BED	President of WBG	Executive Board	President after Consultation with the Board	Board on the recommendation of President	Director-appointed by President in consultation with Board/Roster on recommendation of President	Roster-President; on consultation with BED	Roster appointed by Board on recommendation of President.	Parliament
Responsibility and Response	BED	President of WBG	Executive Board	President	Board (Board Compliance Review Committee)	Director - President	BED	Roster - BoD/ CCO - President	Parliament
Guarantees of Independence	No work relations with the WBG in the previous 2 years/ Removal from office "for cause" only and by decisions of the BED/ no personal interest or significant involvement/ No future work relations	Outside the line of management structure of IFC and MIGA	Outside the line of management structure and staff/ May not be appointed to the IMF.	No work in the OD in the previous 5 years/ Personal interest should be disclosed	No work in the OD in the previous 3 years. No future work relationships	Roster - No work relations with the WB in the previous 2 years and in the future/ Full time when appointed to serve on a compliance review panel/ Dismissal by the Boards with a cause.	Roster - No work relations with the WB in the previous 2 years/ Removal by decision of BED/ No employment at IDB for a 2-year period	CCO is independent of operational departments. Outside staff. No personal involvement. May not be appointed to work at the Bank.	Independent from EP. Does not accept instructions. No other administrative or political duties or other occupation. Confidentiality.

Mandate	Public and Private Sector	Public and Private Sector	Public sector-all policies/ Private sector-only env. and social safeguard policies	Public and Private Sector	Public and Private Sector	Public and Private Sector	Public and Private Sector	Public and Private Sector and only Env. Policy (very broad) and Public Int Policy	Maladministration
Scope of "Jurisdiction"	IBRD and IDA/Public sector operations	Social and environmen- tal matters only/ Private sector projects	Selective evaluation of IMF operations/ Post hoc evaluation/ Closer to an operations evaluation mechanism than an inspection mechanism	Public and Private Sector	Public and Private Sector	Public sector-all policies/ Private sector-only env. and social safeguard policies	Public and Private Sector	Public and Private Sector and only Env. Policy (very broad) and Public Int Policy	Maladministration
Excluded Issues	Responsibility of 3rd parties/ Procurement/ After closing date of the loan financing project/ Substantially disbursed loan (more than 95%)/ Recommendation already made	Other aspects of IFC and MIGA supported projects. There is an additional advisory and compliance function.	Examines only general policies; country's policy advice and completed country operations.	Inter alia procure- ment issues; allegations of fraud and corruption or adequacy and suitability of xist- ing policies and procedures	Inter alia procurement issues; allegations of fraud and corruption or adequacy and suitability of xisting policies and procedures	Inter alia procurement/ fraud or corruption/re- sponsibility of third parties/ matters before other tribunals	Responsibility of 3rd parties/ Procurement/ After closing date of the loan financing project/ Substantially disbursed loan (more than 95%)/Recommendation already made	Procurement/ fraud or corruption/ adequacy or suitability of EBRD policies/responsibilities of other parties/laws, policies and regulations of the borrowing country	None
Impacts Considered	Rights and interests; direct effect; material adverse effects; serious violation of Operational Rules and Procedures	No - CAO decides on compliance	NA	Direct effect (material and adverse)[direct and material harm] irrespective of operational policies and procedures	Direct effect (mate- rial and adverse)[direct and material harm]/ Operational policies and procedures	Adverse affect of proj- ects because of failure to comply with policies and procedures	Rights and interests directly affected/ Material adverse effects/ Violation of Operational Policies	Direct and adverse effect/ Projects design, assessment and imple- mentation and on the following 12 months. Policies and Procedures only for compliance review	No
Procedure									
Eligibility to File Complaints									
Accepts complaints from affected people	Yes (2 or more)	Yes	Suggestions for evalu- ations of the office are admitted	Yes (2 or more)	Yes (2 or more)	Yes (2 or more people)	Yes (community)	Yes (2 or more)	Yes
Representative can file a request on behalf of the affected people	Local Rep./ Foreign Rep. (exceptionally)/ Executive Director or BED (alleged serious violations)	Yes	No	Local Rep./ Foreign Rep. (exception- ally)/ Neighbouring country too.	Local Rep./ Foreign Rep. (agreed by CRP and Board)	Yes	Local Rep./ Foreign Rep. Exceptionally (no local rep and by agreement of BED)	Yes	Yes
Confidentiality Safeguards	Can be requested	Can be requested	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Formal Procedures	Yes	Minimal	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pre-complaint approach to manage- ment	Yes	No	NA	No	Yes	Yes	Yes	Yes	Initial complaint to the the Bank

Decision to authorize an Investigation/ Inspection	Board - Panel recommends and Board authorizes (limited discretion - technical grounds)	CAO	Executive Board	NA	Board decides - Panel recommends to Board Committee which recommends/	Board Decides - Director of CRMU recommends to Board but if recommends against review then refers to Chair of Roster to review and recommend to Board/ President - non-approved projects	Board decides - Roster recommends through coordinator	CCO recommends Board/President decide- depending on stage of project	Ombudsman
Powers to investigate	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Operates as instrument of board oversight or management tool	Board Oversight	Reports to President - Partial Management tool but independent	Yes	President	Board oversight	Board oversight except for projects not yet approved by Board	Board oversight	Board oversight except for projects not yet approved by Board	No
Outcomes of Inspections - Fact Finding and/or Recommendation	Fact finding	Fact finding and recommendation	Yes	Fact finding and recommendation (approved by President)	Fact finding and recommendation	Fact finding and recommendation	Fact finding and recommendation	Fact finding and recommendation	Yes
Follow-Up to Report (Monitoring)	No	Yes	Yes	Yes (at least annually)	Yes	Yes	Yes	In principle	Yes
Transparency/ Publication of Reports and Decision	Yes	Yes (presumption in favour of reports disclosure)	Yes (in most cases)	Yes	Yes	Yes in accordance to disclosure policy	Yes	Yes subject to confidentiality issues	Yes
Deadlines	21 days - Management reply to Panel/ 21 days - Panel to BED; 2 weeks - Communication to requester of BED decision and publicity; 6 weeks - Panel Report to BED/ inspection (no deadline)	Ombudsman Function 5 days - acknowledgment of receipt of a complaint/ 30 days for the completion of assessment phase	Terms of Reference	3 months	14 days - determination of eligibility from registration (or 21 if determined ineligible by SPF)/ 30 days from the receipt of the draft report - Board decides whether to authorize de compliance review/ 14 days after comments and requests - CRP issues a final report/ 21 days after - the Board considers the report and makes final recommendations.		30 days - Decision by Management to Coordinator upon receipt of request/ 15 days - Communication by the Coordinator to the requester of the BED's Decision on whether to proceed with investigation/ 30 days - For Bank Management to respond to BED from the receipt of Report/ 15 days - after a approval of management report on the implementation of the Board Decision	5 days - determination of manifest ineligibility/ 30 days - Eligibility Assessment/ 15 days - Notice of ineligibility	1 year for the closing of the complaint.
Voting	Consensus	Consensus	Consensus		Majority		Consensus	Majority	NA
Primary Focus on Compliance/ Problem Solving	Primarily Compliance	Ombudsman - Problem Solving but also with a compliance role	Compliance	Problem solving	Compliance and Problem-Solving	Compliance and Problem-Solving	Ombudsman - Problem-Solving but also with compliance role	Compliance and Problem-Solving	Problem solving
Lessons Learned	Limited Annual Report	Limited Annual Report but with Advisory Role	Annual Report	NA	Annual Report - Lessons learned and advice	Annual Report - Trends and lessons learned	Annual Report	Annual Report	Annual Report

Statistics (no. cases/ groups/ etc.)	36 requests (5 - not registered, 11 - not in- vestigated, 1 - pending, 19 - investigated.	41 complaints (10 - rejected, 26 - assessed, 12 -closed and 19 - ongoing.	Annual evaluations	7 claims (3 eligible)			7 inquiries on the EIB (2002)
Cases							
Regulatory issues	Resolution no. IBRD 93-10 (1993) and Resolution no. IDA 93-6 (1993) 1996 Review/ 1999 Clarification/ BP 17.55 Feb 1997 and August 1999 and Annexes/ Administrative Procedures	CAO Operational Guidelines	Terms of Reference of 16 November 2004/ Standard Rules for Review and Publication of Evaluation Reports and Other IEO Documents of 19 August 2002	Operational Manual Bank Policies (BP) –AD8 Accountability Mechanism OM Section L1/BP of 29 October 2003 Operational Manual Operational Procedures (OP) – AD8 Accountability Mechanism OM Section L1/OP of 29 October 2003 Special Project Facilitator Operating Procedures of 20 February 2004 Operating Procedures for the Compliance Review Panel of 5 June 2004 SPF Administrative Procedures CRP Administrative Procedures		Rules of Procedure of the IRM as approved by the Board on 6 April 2004	Decision of the European Parliament on the regula- tions and general conditions governing the performance of the Ombudsman's duties of 9 March 1994 (OJ L 113, 4.5.1994, p. 15) as amended.
Strengths and weaknesses							
Economy and Efficiency	Good	Very Good	Good	Good		Good	Very Good
Structure	Good	Good	Good	Very Good		Good	Very Good
Procedure	Good	Very Good	Good	Very Good		Good	Very Good
Timeline	Good	Very Good	Good	Good		Good	Good
Confidentiality	Very Good	Good	Good	Good		Good	Good
Compliance/Problem Solving	Good	Good	Good	Very Good		Good	Good
Lessons Learned	Poor	Very Good	Good	Good		Good	Very good
Implications for gender issues and HR							
Gender Issues						Env.and social safeguard policies include gender	
HR							
Recommendations	Better Eligibility Criteria	Evolution for a fully in- dependent mechanism	Evolution for a fully in- dependent mechanism	Better Eligibility Criteria		Better Eligibility Criteria	Evolution for a Bank fully independent mechanism
	Better Timelines			Better Timelines		Better Timelines	
	Monitoring					Other policies and procedures	

Annex 4. How to File a Claim a Gender Discrimination Claim with the IFIs

1. Inspection Panel of the World Bank

1.1 Who? –Eligible Requesters Are:

- Two or more persons comprising a community (an organization, association, society or other grouping of individuals) with common interests and concerns in a borrower's territory. The national of a neighboring country may also be affected by the project¹ and therefore eligible to file a Request;
- A local representative with mandate from the affected community;
- A non-local representative when local representation is not available and upon approval of the Board of Executive Directors when considering the request for inspection; or
- An Executive Director or the Board of Executive Directors.

Note on Third Parties--

- During an investigation, a third party who provides satisfactory evidence that she or he has an interest (excluding any general interest in common with the public) will be entitled to submit information or evidence relevant to the investigation;
- Information to be presented by other parties should not exceed 10 pages and should contain a one-page summary of the facts presented.

1.2 When? – Eligible Requesters Must:

- Prove that the issue has been brought to the attention of the project's managers, and allege that they have failed to take the issue into consideration (this is a necessary preliminary step); Demonstrate that the rights and interests of the Requester have been or are likely to be directly affected by a Bank-supported Project which has or threatens to have a material adverse effect on the Requester;
- File request before the loan is closed, or before 95% of the monies are disbursed by the Bank;
- Show that harm is due to actions or omissions of the Bank;
- Prove a violation by the Bank of its Operational Policies and Procedures with respect to the design, appraisal and/or implementation of a project financed by the Bank (including situations where the Bank has allegedly failed in its follow-up on the borrower's loan agreement obligations);
- Not file complaints arising from actions that are the responsibility of the borrower or other parties; and
- Not file complaints related to procurement.

¹ "Project" includes those projects under consideration by Bank Management as well as projects already approved by the Executive Directors

1.3 How? – Form and Content of the Request

Procedural Aspects-- The Requester Must Provide:

- Eligibility of Requester;
- Fulfillment of the eligibility criteria;
- In writing;
- Dated;
- Signed, with name and contact address of Requester (also of representatives). In case confidentiality is requested, the signature, name and contact address should be delivered separately from the request);
- In letter form (no special format required);
- In English, if possible (but not required);
- As one original with two copies;
- With explanation of any information that cannot be provided.

Facts the request must include:

- Name and description of the Project;
- Statement of all relevant facts including harm suffered or threatened by the alleged action or omission of the Bank (particularly--hardships; impacts on children and elderly; impairment of livelihoods; health, economic and cultural impacts; compensation (if applicable); compliance with procedural guarantees, such as rights of participation, timely access to information, and meaningful consultation);
- Explanation of the nature of the alleged actions and omissions;
- Explanation of steps taken in relation to the issue, including how it was brought to the attention of project managers and their corresponding response;
- In case of requests relating to matters previously submitted to the Panel, the previous lack of a recommendation by the Panel, as well as a statement specifying that new evidence or changed circumstances justify a new examination of the issue.

Legal Issues

- If possible, the specific references to Operational Policies and Procedures violated should be indicated.

Evidence

- Mandate;
- Any available documentation on the facts, as well as testimonies and quotes from affected people.

Attachments

- Attachment of relevant mandates;
- Attachment of relevant documentation (e.g., correspondence and notes of meetings with Bank staff; map and diagram of location of the affected party or area ; any other evidence).

Notes! The Office of the Inspection Panel provides information and may meet to discuss requirements with potential Requesters.

Office of The Inspection Panel

1818 H Street, NW

Washington, D.C. 20433

U.S.A.

Or the Bank's resident representative in the country of the Project

By registered or certified mail or delivered by hand in a sealed envelope.

1.4 What is the process?

1. Try to resolve problem with project managers;
2. File Request;
3. Either the Panel determines that the Request is barred from Panel consideration; or
4. The Panel registers the Request.
 - a. Notification of the members of the Board of Executive Directors that a Request has been received;
 - b. Remittance of the Request to Bank Management;
 - c. The Bank Management has **21 (working) days** to respond to the allegations of the Requesters and to provide evidence that it has complied or intends to comply with the Bank's relevant policies and procedures;
 - d. Review by the Panel within the following **21 (working) days**, of the eligibility of the Requesters and the Request;
 - e. The Panel issues an eligibility report (Panel's first report);
 - f. Either the Panel closes the case and the Board of Executive Directors accepts that decision; or
 - g. The Board of Executive Directors does not accept that decision and instructs the Panel to make a recommendation; or
 - h. The Panel makes a recommendation on an investigation to the Board of Executive Directors for its approval on a no-objection basis, and the latter accepts it.
 - i. Upon the approval of the Panel's recommendation, within **two weeks**, the Requesters should be notified;
 - ii. Panel's first report is made public;
 - iii. Investigation phase (headquarters work – appointment of lead inspector, selection of expert consultants, collection of documentation, interviews, meetings, fact-finding, and public hearings in the Project Area);
 - iv. Transmission of Panel's findings (Panel's second report) to the Board of Executive Directors, President, and to Bank Management;
 - v. Within **6 weeks**, the Bank Management submits its recommendations to the Board of Executive Directors on actions to be taken in response to the findings of the Panel. The most common outcome of a Panel investigation is that the Management proposes an "action plan" developed with the bor-

rower government but not discussed with the Requesters and other affected people or with the Panel, and the Board of Executive Directors authorizes Management to proceed with the action plan;

- vi. Notification to Requester **within 2 weeks of the decision** by the Board of Executive Directors on the actions to be taken in accordance with the Bank Management's recommendations and the Panel's findings;
- vii. Panel's second report and Bank Management's recommendations are made public followed by the press release on the Board's decision.

1.5 What is the duration of the process?

No time limit has been established for the conclusion of the Panel process, which ultimately depends on the complexity of the claim and the response of the Board of Executive Directors. While some steps of the Panel process have explicit time limits--i.e. the response of the Bank Management to the Request (21 days), the review by the Panel of the eligibility of the Requesters (21 days), and the submission by the Management of the recommendations to the Board of Executive Directors on actions to be taken in response to the findings of the Panel (6 weeks)--others do not. For example, decisions of the Board and the decision by the Panel to conduct a full investigation. (In practice, the duration of Panel processes varies.)

1.6 Confidentiality Issues

- The petitioner can request anonymity;
- The Panel will not release confidential documents without written consent of the concerned party.

1.7 Risks

If reprisals occur in the borrower country, the Panel will not be able to offer protection once a Request is filed. However, in case such a risk exists, Requesters may request confidentiality to the Panel.

1.8 What is to be expected?

- A lengthy Process;
- Findings, not recommendations – although, some commentators indicate that the findings might suggest that suspension of project work (or project preparatory work) would be needed for the purposes of inspection.
- The most common outcome of a Panel investigation is that Management responds to the "findings" with a proposed "action plan" developed with the borrower government but not discussed with the Requesters and other affected people (nor discussed with the Panel), and the Board of Executive Directors authorizes Management to proceed with the action plan.
- The Requesters have no opportunity to make a recommendation to the Board or to comment on the Panel Report (The Requesters should therefore be sure to use

the Request for the purpose of giving opinions or making recommendations).

- Neither the Requesters nor the bank management have any opportunity to appeal a decision or finding of the Inspection Panel.
- No monitoring of the implementation of the action plan.
- No time limit for the conclusion of the Panel process.
- Publicity associated with the filing usually provides some leverage for change.

2. Compliance Advisor/ Ombudsman (CAO) of the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA) – 1999

2.1 Who? – Eligible Requesters Are:

- An individual, group, community, entity, or other party directly affected or likely to be affected by the social and environmental impacts of a IFC or MIGA project; or
- A representative with a mandate from the community.

2.2. When? – Eligible Requesters Must:

- File claims at any stage of a project;
- Show proof of the environmental and social impacts of an IFC or MIGA project;
- Relate complaint to a) processes followed in the preparation of a project, (b) adequacy of measures for the mitigation of social and environmental impacts of a project, (c) arrangements for involvement of affected communities, minorities and vulnerable groups, or (d) implementation.

2.3 How? – Form and Content of the Request:

Procedural Aspects-- The Requester Must Provide:

- Name, address and other contact information of the Requester;
- Identity of the represented (if applicable);
- In writing;
- By mail, fax, e-mail, or delivery to the CAO office in Washington, DC;
- In any language.

Facts the request must include:

- Name and description of the project, including the name of the sponsor and identity of the personnel involved;
- Indication of whether it is a MIGA or IFC project;
- Information about the project's effects or likely impacts on the complainant;
- Indication of previous efforts to solve the problems, including contacts with IFC or MIGA personnel, sponsor or host

government;

- If the problem is partly solved, explanation of the aspects that remain to be settled;
- Description of how the affected parties would like their problems to be solved.

Legal Issues

- Indication of which environmental and social policies, guidelines or procedures have been breached.

Evidence

- Mandate;
- Any evidence of impacts and harm to the Requester.

Attachments

- Any supporting documents or other relevant materials.

2.4 What is the process? The CAO must:

1. Acknowledge receipt of complaint **(5 days)**;
2. Accept or reasonably reject complaint **(15 days)**;
3. Investigate, taking into consideration, environmental and social policies;
4. Notify all parties and request relevant information;
5. Meet with all parties, use problem-solving approaches, examine files and visit project sites, hold public meetings in the project area, and hire experts; ;
6. Report possible ways to resolve problems to the President of the World Bank Group and all the parties examining the nature of the complaint (within 30 to 90 days following the acceptance of the complaint);
7. Disclose the report to the public;
8. Determine if a compliance audit is appropriate. If compliance issues are raised or uncovered during the course of an Ombud assessment of a complaint, this may prompt the CAO to initiate a compliance audit. In other cases, they may determine that an audit may be an important contribution to an ongoing process (such as mediation);
9. Monitor and follow-up.

2.5 What is the duration of the process?

The process usually lasts between 50 and 120 days. If the nature of the complaint or special circumstances makes this timeline impractical, the CAO and the Requester must discuss and agree upon an alternative timeline.

2.6 Confidentiality Issues

Confidentiality may be requested, but anonymous complaints will not be accepted. (Please note that confidentiality may preclude the options of conflict resolution or mediation).

2.7 What is to be expected?

- The process for use of the CAO is relatively flexible--i.e., requesters do not need to approach management prior to filing a claim--but the ability of the CAO to secure results is limited. The CAO's mechanism has less independence than other accountability mechanisms, and less capacity to secure results.

3. Independent Evaluation Office (IEO) of the International Monetary Fund (IMF) – 2001

Note: *The IMF IEO does not take claims from people harmed by IMF loan conditions.*

The Independent Evaluation Office (IEO), established by the International Monetary Fund's Executive Board in July 2001, constitutes an exception within the accountability mechanisms of Multilateral Development Banks. The IEO does *not* address individual complaints but, rather, systematically conducts evaluations on issues on the basis of criteria determined by the IEO and of relevance to the mandate of the Fund. Therefore, the IEO is responsible for drafting IEO evaluations, Annual Reports, press releases and other documents or public statements. Its mission is to promote greater understanding of IMF's work, and to improve IMF's effectiveness by providing lessons for the future..

The IEO's primary means of action is conducting independent study on issues relevant to the mandate of the IMF by means of:

- Evaluating IMF general policies and completed country operations; and
- Comparing cross-country analyses of the IMF's economic policy advice--in the context of both surveillance and IMF-supported programs.

The Director of the IEO sets the Work Program—which is supposed to be important to the Fund's members, relevant to the mandate of the Fund, take into account current institutional priorities, and reflect consultations with Executive Directors, management, and parties outside the Fund. The Director presents the IEO's Work Program to the Executive Board for review.

The IEO evaluation team will ensure that evaluation subjects will have the opportunity (within a reasonable time) to respond to relevant parts of the preliminary assessment. In researching its report, the IEO team participates in field visits to IMF country offices and has limited consultations with citizens' groups.

When the evaluation report has been completed and approved by the Director of IEO, the IEO will transmit the final report to management (and, where appropriate, the relevant country authorities), and provide them with an opportunity to prepare written comments. The evaluation report (along with supplementary comments) will be reviewed by the Executive Board, which will reach its own conclusions on the evaluation's findings.

The Terms of Reference of the IEO state that there is a strong presumption that all evaluation reports will be published by the Fund. Formal comments to the report by external stakeholders are provided for.

An IEO Annual Report will set out the main conclusions and recommendations of evaluation reports completed in that year.

Comments on the work program should be sent to ieo@imf.org.

LEGAL INSTRUMENTS

Terms of Reference for the Independent Evaluation Office of the International Monetary Fund of 16 November 2004
Standard Rules for Review and Publication of Evaluation Reports and Other IEO Documents of 19 August 2002

4. Accountability Mechanism (AM) of the Asian Development Bank (ADB) – 2003

Note: *the two phases of the mechanism are (1) the less formal consultation phase with a special project facilitator ("SPF") and (2) the more formal compliance review phase with a compliance review panel ("CRP").*

Note: *The requirement that the loan giving cause to the claim is not closed or more than 95% disbursed no longer exists.*

4.1 Who? – Eligible Requester Are:

- Two or more persons (an organization, association, society or other grouping of individuals), which are nationals of a borrower country or its neighboring states;
- A local representative with a mandate;
- A non-local representative when local representation is not available or there is fear of retaliation, dependent on approval of the SPF.

(In the CRP phase only)--

- One or more members of the Board after raising their concerns first with Management, in special cases involving allegations of serious violations of ADB's operational policies and procedures relating to an ongoing ADB-assisted project².

4.2 When? – Eligible Complaints Must:

- Show that their rights and interests are directly, materially and adversely affected by an ADB-assisted project or proposed project;

² ADB-assisted project is defined as "a project financed or to be financed, or administered or to be administered, by ADB and covers both public sector operations (loan, guarantee, or technical assistance (TA) grant) and private sector operations (loan, guarantee, equity investment to the extent ADB's operational policies and operational procedures are covered by it, or TA grant).

A "proposed project" refers to a project under preparation that has not yet been approved by the Board of Directors or the President (as delegated by the Board), and an "ongoing project" refers to a project that has been approved by the Board of Directors or the President (as delegated by the Board).

- Show direct harm;
- Show an act of omission by the ADB in the course of the formulation, processing, or implementation of the ADB-assisted project;
- Include address of the operations department concerned;
- Not be related to procurement of goods and services, including consulting services;
- Not include allegations of fraud and corruption in ADB assisted projects and ADB staff;
- Not be about projects for which a project completion report has been issued;
- Not be about matters already considered under the former Inspection Function or by CRP, unless there is new evidence presented that was not known at the time of the original request;
- Not relate to non-operational housekeeping matters, such as finance and administration;
- Not relate to matters which are the responsibility of other parties (such as a borrower, executing agency, or potential borrower) unless the conduct of these other parties is directly relevant to an assessment of ADB's compliance with its operational policies and procedures;

If SPF has sent the request to the CRP, or if the CRP has initiated an independent review--

- Demonstrate non-compliance by ADB with its operational policies and procedures, resulting in direct and material harm (i.e., harm caused by omission or breach of ADB's procedures in the course of the formulation, processing, or implementation of the ADB-assisted project).

Note! Each ADB Operations Department has initial responsibility for responding to the concerns of affected communities.

4.3 How? – Form and Content of Request

Procedural Aspects-- The Requester Must Provide:

- Eligibility of requester;
- Eligibility of request; ;
- Identity and contact information of Requesters and representatives;
- In writing, addressed to the OSPF;
- In English, or in any of the official or national languages of the ADB's Developing Member Countries;
- By mail, facsimile, electronic mail, or delivery to the Office of the SPF at ADB headquarters (or to a resident mission or representative office);
- With an explanation of any information that cannot be provided.

Facts the Request Must Include:

- Name and description of the project;
- Statement of all relevant facts;
- Existing or threatened direct harm;
- Actions and omissions of the ADB;
- Explanation of steps taken in relation to the issue, includ-

ing how the issue was brought to the Management and the corresponding response;

- Indication of desired outcome or remedies that should be adopted by the ADB.

Legal Issues (in the CRP phase only)

Where possible, provide specific references to Operation Policies being violated in the formulation, processing or implementation of the project.

Evidence

- Any available documentation and testimonies and quotes from affected people;
- Mandate (if applicable).

Attachments

- Relevant Mandates;
- Relevant documentation.

Note! In addition to any information requested by the CRP, the Requester whether s/he is the representative, the project-affected people, or a Board member), ADB staff, or any member of the public may provide CRP members, the CRP Secretary, or the CRP Associate Secretary with supplemental information that they believe is relevant.. The information provider can request that his/her identity be kept confidential. CRP may notify the Requester of any new material facts provided by these persons, in addition to requesting additional stakeholder information in response to such submissions.

4.4 What is the process?

(at the SP stage)--

1. Filing of the Complaint;
2. Registration and Acknowledgment (7 days after);
3. Determination of the Eligibility – If ineligible, the Requester can file for compliance review (21 days after the receipt of the request);
4. Review and assessment of the Complaint (49 days after the receipt of the request);
5. Notification to the Requester;
6. Decision by the Requester to continue the consultation process or to request for compliance review with the CRP (7 days from the date of receipt of SPF findings);
7. Closure of the consultation process if Requester files a request for compliance review; or
8. Comments on the findings by the Operations Department (OD) and the Requester (14 days from the date of notification);
9. Recommendations by the SPF. At this time, the Requester can also opt to request a compliance review with the CRP;
10. Implementation of course of action. At this time, the Requester can also opt to request a joint compliance review with the CRP;
11. Termination of the Consultation Process and written agreement(s) between the Parties. Actions involving a

major change in the project will require approval by the Management or the Board, as provided in ADB's procedures;

12. Submission of report;
13. Monitoring of implementation of agreements resulting from the Consultation Process by means of consultation processes, and unless the President specifies a different timetable, an annual report to the President for a period of 3 years.

(At the CRP phase)--

1. Filing of the Request;
2. Registration and acknowledgment (7 days after);
3. Determination on the eligibility of the Request for compliance review and report and recommendation to the ADB Board of Executive Directors (within **14 or 21 days** from registration depending on the SPF assessment of eligibility);
4. Approval by the Board of Executive Directors (**21 days**);
5. Notification of Requester (**7 days**);
6. Independent investigation (including consultation, review of files, site visits, public hearings, hiring consultants, etc.) and recommendation by the Panel to the Board of Executive Directors to ensure project compliance, including remedial changes in the implementation of the Project (note: this is not time-bound, but , upon authorization of the Board, CRP will publicly release the Terms of Reference and time frame that will indicate the methodology and estimated duration of the review);
7. Compliance Review Panel's Draft Report;
8. Management's Response and Requester's Response to the Compliance Review Panel's Draft Report (**30 days** from receipt of Draft Report);
9. Compliance Review Panel's Final Report (**14 days** within the receipt of the responses);
10. Board's Decision (**21 days** from receipt of CRP's final report);
11. Publication (**7 days** from the Board's decision);
12. Monitoring of implementation or remedial actions approved by the Board of Executive Directors. Unless the Board specifies a different timetable, the CRP will annually report to the Board on implementation of Board decisions related to remedial measures, including its determination of the progress in bringing the project into compliance, for a period of **5 years**.

4.5 What is the duration of the process?

The consultation process is expected to take 3 months from the date when the request is filed with ADB. This period excludes translation time, any request for extension of time to provide information or file documents, and the time needed by the parties to facilitate resolution of their problems during the implementation of the course of action.

The Compliance Review Phase is expected to take at least 128 days from receipt of the request for compliance review by ADB., This 128-day period does not include time taken by the parties in the preceding consultation phase, translation time, any request for extension of time to provide information or file documents, nor the duration of CRP's review (which is not time-bound).

4.6 Confidentiality Issues

Although no anonymous requests can be accepted, confidentiality of identity can be requested. The SPF, the other OSPF staff, and the CRP are subject to ADB's confidentiality and disclosure of information policy, including those provisions aimed at ensuring that confidential business information is not disclosed.

4.7 What is to be expected?

- The existence of two complementary phases increases options for resolving concerns.
- The Requesters have opportunities to make recommendations.
- There is monitoring of recommendations and settlement agreements.
- Because time lines have been established, requesters know when to expect responses.
- In both phases, the filing of a request does not suspend or otherwise affect the formulation, processing, or implementation of the project unless agreed to by the ADB and the developing member country (DMC) or the private project sponsor (PPS).

5. Independent Review Mechanism/CRMU of the African Development Bank

5.1 Who? – Eligible Requesters Are:

- Any group of two or more people (organization, association, society or other group) in the country or countries where the project is located who believe that, as a result of the Bank Group's violation, their rights or interests have been, or are likely to be, adversely affected in a direct and material way; or
- A duly appointed local representative acting on explicit instructions as the agent of adversely affected people; or
- In exceptional cases, where there is no adequate or appropriate representation in the country or countries where the project is located, a foreign representative acting as agent of adversely affected people.

5.2 When? – Eligible Requests Should:

- Describe how the parties are or are likely to be materially and adversely affected by the Bank Group's act or omission and what rights or interests of the parties were directly affected;

- Describe the steps taken by the affected parties to resolve the violations with Bank Group staff, and explain how the Bank Group's response was inadequate;; and
- If some information cannot be provided, explain why.

5.3 How? – Form and Content of the Request:

Procedural Aspects-- The Requester Must Provide::

- Requesters' names, contact addresses, and an address to which correspondence shall be sent;
- In writing,
- In a letter (no specific form is necessary);
- Signed by the Requesters;
- In English or French, but if unable to obtain a translation, requests may be submitted in the local language (in which case time for accurate and agreed translation may delay acceptance and consideration of the request);
- Sent by registered or certified mail, or delivered by hand to the CMRU at the Bank Group's principal office or Temporary Relocation Agency, or to the Bank Group's resident representative in the country or countries where the project is located.

Facts –

- Describe the project, stating all the relevant facts--including the harm suffered by or threatened to the affected parties;

Legal Issues—

- Where possible, explain how Bank Group policies, procedures or contractual documents were violated;
- Where possible, describe how the act or omission on the part of the Bank Group has led or may lead to a violation of the specific provision;

Evidence—

- In requests relating to matters previously submitted to the CRMU, specify what new evidence or changed circumstances justify revisiting the issue

Attachments

- All correspondence with Bank Group staff;
- Notes of meetings with Bank Group staff;
- A map or diagram, if relevant, showing the location of the affected parties or area affected by the project; and
- Any other evidence supporting the request.
- If all the above cannot be provided, an explanation should be included.

5.4 What is the process?

1. Within **14 days** of the receipt of a request, the Director shall conduct a preliminary review to determine if the request contains a bona fide allegation of harm arising from a Bank Group-financed operation and thereafter either register the request, or ask for additional information or find the request outside the CRMU's mandate.

2. If a request contains a bona fide allegation of harm and it appears to contain sufficient required information, the Director shall determine whether the request should be registered for a problem-solving exercise and/or considered further for recommendation for a compliance review, and then register the request, promptly notify the requesters, the Boards and the President of the registration, the proposed remedial course of action and the reasons therefore and transmit to the Boards and/or the President a copy of the request with the accompanying documentation, if any.
3. If the Director finds the contents of the request or documentation on representation insufficient, he shall send a written acknowledgement to the requesters and will specify what additional information is required. The Director may decline to register the request until all necessary information and documentation is filed.
4. If the Director finds the matter manifestly outside the CRMU's mandate, he shall notify the requesters of his refusal to register the request and of the reasons therefore.

5.6 What is the duration of the process?

The process should take five weeks unless the CRMU director requires more time to gather additional information.

5.7 Confidentiality Issues

The Requesters and any other interested persons may request that their identities be kept confidential, and if so, the reasons for such confidentiality.

5.8 What is to be expected?

Because this mechanism is relatively new, it is not clear what a complainant can expect in terms of results.

6. Independent Investigation Mechanism (IIM) of the Inter-American Development Bank (IDB) – 1994

6.1 Who? – Eligible Requesters Are:

- Affected party (community of persons such as an organization, association, society or other grouping of individuals) in the territory of a borrower/recipient;
- Local representative of an affected party with mandate;
- Non-local representative with mandate, when no appropriate local representative is available and the Executive Directors so agree at the time they consider the request for investigation.

6.2 When? – Eligible Requesters Must:

- Demonstrate failure of the Bank to follow its own established operational policies, or norms formally adopted for the execution of those policies, in the design, analysis or implementation of proposed or ongoing operations (including enforcement of compliance with borrower's obligations required by such policies and/or norms), which results in material adverse effects;
- Not include actions which are the responsibility of other parties (actual or potential borrower/recipient);
- Not include procurement issues;
- Not, in the case of loan operations, be filed after the loan financing the project has been fully disbursed (i.e., when ninety-five percent of the loan proceeds have been disbursed);
- Must not relate to a particular matter or matters over which a recommendation has already been made under the provisions of the IIM, unless substantial new evidence or circumstances not known at the time of the prior request are introduced.

6.3 How? – Form and Content of the Request:

Procedural Aspects-- The Requester Must Provide:

- Eligibility of Requester/eligible;
- Eligibility criteria of request;;
- In writing;
- Dated;
- Signed and including the identification of Requesters.

Facts:

- Reasonable evidence that the affected party's rights or interests have been or are likely to be directly and materially affected by an action or omission of the Bank as a result of a failure of the Bank to follow its operational policies or norms.
- Information on steps already taken to bring the allegations to the attention of the Bank's Management, and the response of Management to these allegations.

Legal Issues

- Indication of failure of the Bank to follow or enforce its own operations policies or formally adopted norms, when designing, analyzing or implementing a loan, technical co-operation or guarantee operation;
- Operation policies in force at the time of the alleged facts.

Evidence

- Evidence of representative's mandate;
- Evidence of allegations or information of where that evidence can be obtained.

Attachments

- Evidence and other documentation.

Inter-American Development Bank
Independent Investigation Mechanism
Stop E-1205
Washington, DC 20577

Tel. 202-623-1635; 202-623-3952

Fax 202-312-4057

e-mail sec-iim@iadb.org

6.4 What is the process?

1. Complain to management
2. If management's response is unsatisfactory, request an investigation;
3. Determination on the eligibility of the request by the Coordinator and the Legal Department;
4. Communication of non-eligibility to the requesting party and to the Board of Executive Directors (together with the copy of the request);
5. If eligibility is determined, the President will be asked by the Coordinator to appoint an individual from the Roster to review the request;
6. If the consulting member of the Roster concludes that the request is frivolous or non-substantive, a copy of the request will be provided to the Board of Executive Directors, but Management will not be asked to prepare a response;
7. Communication to the claimant of the denial of the request;
8. If the consulting member of the Roster concludes that the request is not frivolous and is substantive, the Coordinator will forward a copy of the request and all supporting documentation to the Board of Executive Directors and through the President to the appropriate representatives of the Bank's Management for a response;
9. Preparation and delivery to the Coordinator of the written response to the request (within **30 calendar days** of receipt of the request);
10. The Coordinator will forward the completed Management response to the member of the Roster appointed to act as a consultant, and copies will be provided to the Board of Executive Directors;
11. The consulting member of the Roster will then review the request and Management's response, and s/he will make a recommendation to the Board whether an investigation should be authorized;
12. Notification to the requesting party by the Coordinator that the matter is before the Board for consideration;
13. Decision whether an investigation should be conducted by the Board of Executive Directors at a meeting called by the President;
14. Notification to the requesting party by the Coordinator **15 calendar days** after the decision by the Board as to whether an investigation will proceed;
15. In exceptional circumstances, when a serious violation of the Bank's operational policies or norms may have occurred, a Director may request that the Board, in consultation with the President, convenes a **Panel**, from the individuals of the Roster, for the purpose of conducting an investigation without the necessity of a request from

outside the Bank. The determination by the Board as to whether an investigation should proceed based on such request will be made following receipt of a response from Management;

16. Investigation (recourse to outside expert technical advice, office investigation, site visits);
17. Submission of written report on the findings of the investigation to the Board of Executive Directors and the President. Recommendations in regard to the Panel's findings may be made;
18. Submission of a reply stating the response to such findings by the Bank's Management to the Board of Executive Directors (within **30 calendar days** from receiving the Panel's report);
19. Publication of the investigation report submitted by the Panel, and the Management's response thereto (**90 calendar days** following receipt by the Board of the report and response);
20. Determination of any preventive or corrective measures by the Board of Executive Directors;
21. Implementation by the Management of the decision of the Board of Executive Directors and reporting on such implementation to the Board, within a period designated by the Board as appropriate to the circumstances, on any measures taken to ensure compliance with the applicable Bank operational policies or norms;
22. Publication of the report of Management on the implementation of measures taken to ensure compliance with the applicable Bank policies or norms as decided by the Board of Executive Directors in response to the Panel's investigation and Management's response. (**15 calendar days** following Board approval of the reported measures taken by Management);
23. The Coordinator shall issue, in the first trimester of each calendar year, an annual report concerning any requests received and investigations undertaken and their results. The report will be transmitted to the President and to the Board of Executive Directors through the Secretary of the Bank. It will also be available to interested outside parties on request.

6.5 What is the duration of the process?

Very few timelines are provided under the current rules applicable to the IIM. The duration varies in accordance to the complexity of the issues brought to the attention of the IIM.

6.6 Confidentiality Issues

Any information which is required by Bank policies to be confidential shall be segregated and submitted separately as a confidential annex to the Panel's report. In the event that confidentiality issues are raised in connection with the document, an abstract of the report will be prepared for public release and provided to the requesting party.

6.7 Risks

Potential reprisals in the borrower country may occur and the IIM will not be able to offer protection once a Request is filed. However, in case such a risk exists, Requesters may request confidentiality to the IIM.

6.8 What is to be expected?

- Eligibility criteria are stricter than in other mechanisms;
- The file of a claim before the IIM is a very lengthy process;
- The outcomes of the Panel may in practice be limited;
- The Requesters have no opportunity to make a recommendation to the Board or to comment on the Panel Report (The Requesters should use the Request for the purpose of giving opinions or making recommendations).
- Neither the claimants nor bank management have any opportunity to appeal a decision or finding.
- There is no monitoring.
- Very few time limits have been established for the conclusion of the process.
- Report only includes findings.

Note: The IIM is currently under revision and public hearings have taken place.

7. Independent Recourse Mechanism (IRM) of the European Bank for Reconstruction and Development (EBRD) – 2003

7.1 Who? – Eligible Requesters Are:

- A group of two or more individuals with a common interest that are or are likely to be directly and adversely affected by a Bank-financed project and living in the area affected by the project³;
- A community-based organization may act as representative;
- A non-local representative is allowed in case there is no adequate or appropriate capability within the local community to file a request;
- Any non-local representative should be fluent in the language of the group's members.

7.2 When? – Eligible Requesters Must:

- Cite one or more of the Bank's operations--including loans, equity investments, guarantees and technical assistance;
- Cite one or more aspects of a Bank-financed project, from planning through implementation (as long as the Bank

³ A specific project or technical assistance operation that has been proposed or approved for financing by the Bank. Projects include all loan, equity and guarantee operations of the Bank.

maintains a financial interest in the project, or within 12 months of the project's physical completion or last disbursement);

- Identify previous contacts and project sponsor ;
- Exclude requests about procurement;
- Exclude allegations of fraud and corruption;
- Exclude requests about the suitability of Bank policies in general;
- Exclude requests about matters that only the Board of Directors can consider;
- Exclude actions which are the responsibility of a third party or that relates to the law and policies of a country in which a project is located;
- For previous submitted claims, submit new relevant information;

7.3 How? – Form and Content of Request

Procedural Aspects-- The Requester Must Provide:

- In writing;
- Delivered by hand, mail, fax or e-mail;
- Alternatively, delivered to a Resident Office (who should then forward it to the Chief Compliance Officer within 4 business days);
- In any format;
- Dated;
- In English or the native language of the group's members (in which case a translation will have to be arranged by CCO);
- Identification of requester's name and address;
- Identification of legal representative (local, unless unavailable, inadequate or inappropriate).

Facts

- Identification of the name and summary of the project and of the harm or potential harm resulting from it;
- Identification of EBRD actions and omissions;
- Identification of the steps previously taken to resolve the matter;
- Indication of what steps the complainants would like EBRD to take to address the alleged adverse effects;
- Indication whether a compliance review is being requested.

Legal Issues

- A compliance review request should include,, if possible, EBRD's policies and procedures that may have been violated—particularly, Environmental and Public Information Policies.

Evidence

- Mandate;
- That there is no adequate or appropriate representation in the local community and that the authorised representative is fluent in the native language of the affected group.

Attachments

- Correspondence and other evidence materials.

EBRD

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7.4 What is the process?

- Either communication of manifest ineligibility or registration of request by CCO. Selection of an independent expert to assist with the eligibility assessment. Notification to the group (within 5 business days);
- Assessment of requester's eligibility for compliance review and/or a problem-solving initiative (up to 30 business days upon receipt of the request or 25 business days of the acceptance of appointment by the Eligibility Assessment Expert, whichever is longer);
 - Reasoned communication on the non-eligibility of the request (within 10 business days of the acceptance of appointment by the Eligibility Assessment Expert to 15 business days upon receipt of the request, whichever is longer);
 - Claimant's response (within 10 business days);
 - Completion of assessment and submission of report – Eligibility Assessment Report - to the President/ Board (within 5 business days);
- Acceptance or rejection of the eligibility recommendation by the President/ Board (there is no pre-set time limit for a compliance review or problem-solving initiative. The terms of reference for the review or initiative will include a suggested timeframe);
 - If the President/Board rejects the eligibility assessors' recommendation for a compliance review, there is a notification to the Requester and all relevant parties;
 - If the President/Board accepts the recommendation for compliance review, an independent expert conducts the compliance review (through desk review, request of additional information, site visit, and request of additional expertise). It ends with a Compliance Review Report. Notification to Requester and all relevant parties, or
 - If the President accepts the recommendation for a problem-solving initiative, the President appoints the problem-solving facilitator. It shall take place in accordance to the Terms of Reference. It ends with a Problem-solving Completion Report. The objective of a Problem-solving Initiative is to restore an effective dialogue between the Affected Group and any Relevant Party with a view to resolving the issue or issues underlying a Complaint, without seeking to attribute blame or fault to any such party. Notification

ensues for Requester and all relevant parties, or

- If the initial recommendation is that the request is eligible, but a compliance review is not appropriate, a Requester has the opportunity to respond (within 10 business days of being notified by the eligibility assessors). This time period (including the additional 5–10 business days given to the eligibility assessors to complete their report) will, where possible, be included in the 25 or 30-day period referred to for the assessment of complainants' eligibility. But it may be added to the 25 or 30-day period if the CCO considers this necessary to allow all parties to comment adequately.
- Acceptance or rejection of the expert's final compliance review report and recommendation by the President/ Board;
- Notification of the final recommendations arising out of the compliance review or the problem-solving initiative and whether these have been accepted or rejected by the President/Board;
- The IRM examines Bank actions to see whether there has been a violation of Bank policy. The expert may recommend that the Bank makes changes to its procedures (to prevent something similar happening in the future), or to the scope and implementation of the relevant Bank-financed project, if possible. The IRM may also monitor how any changes arising from a compliance review are implemented;
- If the Compliance Review Report concludes that any EBRD action, or failure to act, in respect of a Bank Operation has involved one or more material violations of policies, it will recommend: (i) any remedial changes to systems or procedures within the EBRD to avoid a recurrence of such or similar violations; (ii) any remedial changes in the scope or implementation of the Bank Operation, subject to consideration of any restrictions or arrangements already committed to by the Bank or any other Relevant Party in existing Project-related agreements; and/or (iii) any steps to be taken to monitor the implementation of the changes referred to in (i) and (ii) above, and the person in charge of such monitoring (who shall be the Chief Compliance Officer unless the Board or the President, as the case may be, decides otherwise).

7.5 What is the duration of the process?

The duration of the process is dependent on the duration of the compliance review or problem-solving initiative, which is not defined in advance. Any time period may be extended by the Chief Compliance Officer for as long as it is strictly necessary to ensure full and proper investigation, assessment, review and initiative. Any such extension shall be notified to the Parties.

7.6 Confidentiality Issues

Requesters or representatives may seek confidentiality, but anonymity will not be accepted. Reasonable confidentiality requests are to be approved by the CCO. .

7.8 Risks

Risks of filing a claim should be considered. Potential reprisals in the borrower country may occur, and the IRM will not be able to offer protection once a Request is filed. However, in case such a risk exists, Requesters may request confidentiality to the IRM.

7.9 What is to be expected?

- The IRM provides an opportunity for all parties to address problems. A problem-solving initiative may result in whatever changes to the project that the relevant parties agree on. Some initiatives need the cooperation of third parties, which may include government or local authorities, the project sponsor or other investors. As the IRM cannot compel third parties to cooperate, the IRM may not be able to resolve every problem satisfactorily.
- The filing, registration, assessment or processing of a Complaint or the carrying out of a Compliance Review or Problem-solving Initiative shall not have the effect of suspending processing of, or disbursements in respect of, the relevant Bank Operation. If at any time during the processing of a Complaint, an IRM Officer is of the opinion that serious, irreparable harm shall be caused by the continued processing of the Bank Operation or implementation of the Project, such IRM Officer may make an interim recommendation to suspend further work or disbursement. Such recommendation shall be considered in light of any contractual obligation or other relevant policies of the Bank and the decision concerning such recommendation shall be made: (a) by the relevant Bank officer or body vested with the power to make such a decision; and (b) only if the Bank has the right to suspend or cancel in accordance with the terms of any applicable loan and/or investment and/or other agreement.
- The Compliance Review Report may not recommend the award of compensation or any other benefits to Affected Groups beyond that which may be expressly contemplated in a Relevant Bank Policy.

8. European Investment Bank – Ombudsman of the European Communities – 1994

Note: *EIB has no true accountability mechanism.*

8.1 Pursuant to Articles 10, 13 and 16 of the "Code of good administrative behavior for the staff of the European Investment Bank in its relations with the public", members of the staff shall ensure that a reply to all information requests addressed to the Bank are answered no later than two months following receipt. If a person believes that the response violates his/her rights or interests, such person shall be entitled to lodge a written complaint within two months of the date of the response to the Secretary General of the Bank.

Moreover, pursuant to Article 195 of the EC Treaty, the European Community (European) **Ombudsman** conducts investigations into alleged instances of maladministration by any of the Community institutions and bodies, including the EIB--either in the context of a citizen's request or of an investigation opened at the Ombud's own initiative. The European Ombud can then make recommendations to the institution (e.g., the EIB) regarding its investigation.

As of 2002, seven inquiries had been opened on the European Investment Bank.

8.2 Who? – Eligible Requesters Are:

- Any citizen of the Union or any natural or legal person residing or having its registered office in a Member State of the Union, directly or through a Member of the European Parliament.

8.3 When? – Eligible Requesters Must:

- Cite an instance of maladministration in the activities of Community institutions or bodies (note: there is no need to show a direct interest in the alleged maladministration);
- After previously approaching the appropriate administrative institutions;
- Within two years of the time that the facts relating to the alleged maladministration came to the attention of the person lodging the request;
- Excluding requests that concern work relationships within the Community institutions unless all the possibilities for the submission of internal administrative requests have been exhausted by the person concerned and the time limits for replies by the authority thus petitioned have expired.

8.4 How? – Form and Content of Request

Procedural Aspects

- Identify the person lodging the request and the object of the request ;
- In any of the official languages;
- By mail, fax or e-mail;

Facts

- Indicate that maladministration has occurred by the public body's failure to act in accordance with a rule or principle which is binding upon it (failure to act in accordance with the law, principles of good administration, or violation of human rights).

Legal

Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties of 9 March 1994 (OJ L 113, 4.5.1994, p. 15) and amended by Decision of the European Parliament of 14 March 2002 deleting Articles 12 and 16 (OJ L 92, 9.4.2002, p. 13).

The European Ombudsman
1, avenue du Président Robert Schuman
BP 403
F-67001 Strasbourg Cedex
France

Tel. (33) 388 17 23 13

Fax (33) 388 17 90 62

E-mail: euro-ombudsman@europarl.eu.int

8.5 What is the process?

- [After lack of response from EIB, as per above];
- Filing of a request;
- Registration of the request by the Ombud and transmittal of an acknowledgement of receipt to the Requester;
- Review of the request to determine if it falls within the Ombud's mandate and is admissible. In addition, the Ombud decides if there are sufficient grounds to justify making an inquiry;
- If an inquiry is warranted, the Ombud informs the Requester and the institution involved and invites the institution to submit an opinion within a stipulated period of time (normally will not exceed three months);
- The Ombud sends this opinion to the Requester and invites the Requester to send observations on the institution's opinion;
- After reviewing both the institution's opinion and the Requester's observations, the Ombud may decide to either close the case or continue the inquiry (through the analysis of documents or investigation at the institution);
- This decision is conveyed to the two parties;
- The Ombud's investigations and/or efforts at a friendly solution result in a report which, if the Ombud thinks it appropriate, can include draft recommendations;
- This report is submitted to the Requester and the institution;
- The institution is required to respond to the report within three months of receiving it (The response may be to accept the Ombud's decision and it may contain a description of the measures the institution has taken to implement the recommendations);
- If the Ombud does not consider the institution's report to be satisfactory, it issues another report addressing the issues of maladministration and includes recommendations;
- This second report takes the form of a special report to the European Parliament. Copies of the report are also sent to the Requester and the relevant European institution;
- If the Ombud decides that it is no longer possible for the European institution to eliminate the case of maladministration and that the instance of maladministration has no general implications, it closes the case with a "critical remark" rather than a report;

- The Requester and the institution are informed of this decision;
- The Ombud is required to submit an annual report to the European Parliament in addition to the special reports referred to above. This report offers the Ombud an opportunity to make some comments on how effectively its recommendations and the conclusions of the investigations are being implemented by the relevant institution.

8.6 What is the duration of the process?

The European Ombudsman should acknowledge receipt of requests within **one week**, decide whether to open an inquiry within **one month**, and close inquiries within **one year**.

8.7 Confidentiality Issues

The person lodging the request may request confidentiality.

8.8 What is to be expected?

- The Ombud can only make recommendations.
- It is dependent on the assistance of other institutions.
- Although the European Parliament can assist the Ombud, the Ombud remains the weakest of the European Communities bodies.
- Some of the most common problems dealt by the Ombud relate to unnecessary delay, refusal of information, discrimination, and abuse of power.

Annex 5. Sample Requests for Intervention

World Bank

IP Form: Suggested Format for a Request for Inspection (Source: WB)

To: Executive Secretary, The Inspection Panel
1818 H Street, NW, Washington, DC 20433, USA
Fax No. 202-522-0916;
or c/o the appropriate World Bank Country Office

1. We **[insert names]** live and/or represent others who live in the area known as **[insert name of area]**. Our addresses are attached.
2. We have suffered, or are likely to suffer, harm as a result of the World Bank's failures or omissions in the **[insert name and/or brief description of the project or program]** located in **[insert location/country]**.
3. **[Describe the damage or harm you are suffering or are likely to suffer from the project or program]**.
4. **[List the World Bank's operational policies you believe have not been observed]**.
5. We have complained to World Bank staff on the following occasions **[list dates]** by **[explain how the request was made]**. We have received no response, **[or]** we have received a response and we are not satisfied that the explanations and answers solve our problems for the following reasons: .
6. We request the Inspection Panel recommend to the World Bank's Executive Directors that an investigation of these matters be carried out.

Signatures:

Date:

Contact address, telephone number, fax number and email address:

List of attachments

We **[do/do not]** authorize you to disclose our identities.

Annex 2 – CAO (Source: CAO) Sample Form

To: Compliance Advisor/Ombudsman
2121 Pennsylvania Avenue, NW
MSN F 11K-1116
Washington, DC 20433 USA

Fax: 202 522-7400
Email: cao-compliance@ifc.org

I/we _____ lodge a complaint concerning the _____
_____ project. This complaint is made on behalf of _____ (ignore
if not applicable). I/we live in the area known as _____ (shown on the at-
tached map). I/we can be contacted through the following address, telephone and fax numbers, email: I/we do not wish our identity to be
disclosed. (ignore if not applicable). The basis of the complaint is as follows:

1. A description of the name, location and nature of the project is as follows:
2. IFC or MIGA is involved with the project (as applicable):
3. The project sponsor is:
4. I/we have been, or are likely to be affected by social or environmental impacts of the project in the following way(s):
5. The following action has been taken by me/us to try to resolve these issues:
6. The name of any contact person(s) at IFC or MIGA are:
7. I/we have had contact with the following other person(s) in attempting to resolve these issues: (where possible, please attach copies of correspondence)
8. The following are details of policies, guidelines or procedures of IFC or MIGA that have not been complied with: (include this information only if you wish or are able to)
9. I/we would like to see this complaint resolved in the following way: (the CAO cannot guarantee to help the complainant achieve this result, but this information will help to focus problem solving approaches)
10. Any other relevant facts to support this complaint are:

Attach copies of any relevant documents and other material

Date:
Signature(s):

Asian Development Bank

1. SPF Sample Complaint Letter (Source ADB)

Date:

To: Special Project Facilitator
Asian Development Bank
6 ADB Avenue
Mandaluyong City
0401 Metro Manila, Philippines

Tel: (63-2) 632-4825
Fax: (63-2) 636-2490
Email: nsamarasingha@adb.org

Dear Special Project Facilitator,

We, [name of group or name of representative representing the affected group], whose names and addresses are attached, live in [name of area and country] present this complaint to the Special Project Facilitator. [If the complaint is filed through a representative, please provide the names of the project-affected people with their addresses and evidence of authority to represent them.]

1. We are, or are likely to be, directly affected materially and adversely by the ADB- assisted project [add name and description of project, and country where project is located].

2. The direct and material harm is, or will be, the result of an act or omission of ADB in the course of the formulation, processing or implementation of this project. The acts or omissions that we believe are the responsibility of ADB include the following: [fill in acts or omissions]

3. Our rights and interests that have been, or are likely to be, directly affected materially and adversely by this project include the following: [fill in these rights and interests].

4. We seek the following outcome and remedies through the help of the Special Project Facilitator; [fill in the outcome and remedies that are sought by the complainant].

5. We have previously made a good faith effort to address our problems with the ADB operations department concerned in the following manner: [list and attach correspondence, details of meetings, emails, and other communications].

6. We cannot provide the above information [specify which] because [please give an explanation of why any of the information above cannot be provided].

7. We submit the following facts with supporting documents: [list these matters or facts and attach any other supporting evidence that the complainant deems relevant].

8. We authorize the Special Project Facilitator to publicly release the information in this complaint. [Yes] [No] [indicate Yes or No]

9. We do not request that our identities be kept confidential. [OR] We request that our identities be kept confidential for the following reason: [state reason].

Signatures:

Names:

Addresses:

Other Contact Information:

Telephone

Fax

Email

2. ADB Sample Request for a Compliance Review (Source ADB)

Date of this request: _____

To: Secretary, Compliance Review Panel
Asian Development Bank
6 ADB Avenue
Mandaluyong City 1550
Philippines

Tel: +632 632 4149
Fax: +632 636 2088
Email: crp@adb.org

Dear Secretary:

We, who have signed this letter, live in _____, and ask that the Compliance Review Panel help us by examining ADB's compliance with its own policies and procedures with regard to the project mentioned below. We are familiar with the Operating Procedures of the CRP, and understand that the CRP will first examine whether this request meets its eligibility requirements.

The name of the project that has harmed us, or is likely to harm us in the future, is _____, located at _____.

We believe that the ADB has failed to follow its policies/procedures, especially with regard to _____, and that in doing so; we have suffered or will suffer clear damage that we can describe. The specific damage related to these policy violations is _____.

We would like ADB to help to remedy the harm in the following way _____.

We have previously attempted to take care of our concerns with the Bank staff and with the Special Project Facilitator. This is a brief record of what happened: _____. We are referring our complaint to the CRP because the outcome of those previous contacts was unsatisfactory in the following way: _____.

Aside from the information already provided above, there are various documents that would help the CRP to understand our situation. We attach a list of those documents, noting where the CRP can obtain copies.

Our names, addresses, and contact information are provided below.

Signature Signature

[Address, telephone and fax numbers, and email for each person, where available]

In those situations where we represent an organization or a large group of people, please contact us through the person with the address and contact information as described below.

Name, Title and Affiliation

Address:

Additional contact information:

EBRD Sample Complaint Form (Source: EBRD) TO BE OBTAINED

The European Ombudsman (Source: The European Ombudsman)

COMPLAINT ABOUT MALADMINISTRATION

1. From (name):

On behalf of:

Full postal address (including postcode and country):

Tel:

Fax:

E-mail:

2. Against which European Union institution or body do you wish to complain?

The European Investment Bank

3. What is the decision or matter about which you complain? When did it come to your attention?

4. What result do you hope to achieve with your complaint? What are your claims?

5. Have you already contacted the Union institution or body concerned in order to obtain redress?

Yes (please specify) or No?

6. Has the object of your complaint already been settled by a court or is it pending before a court?

Yes or No

8. Please select **one** of the following two options:

Please treat my complaint publicly or confidentially

9. Do you agree that your complaint may be passed on to another authority (European or national), if the European Ombudsman decides that he is not entitled to deal with it?

Yes or No?

Date and signature:

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