

**Public Consultation on Draft IFC/MIGA
Independent Accountability Mechanism (CAO) Policy**

**SOUTH ASIA
DELHI¹ CONSULTATION**

**Virtual Stakeholder Meeting May 4, 2021
Facilitators' Report**

I. SUMMARY

In August 2020, IFC and MIGA Boards of Directors (“Boards”) released the report of the External Review of IFC’s/MIGA’s Environmental and Social Accountability, including the Compliance Advisor Ombudsman’s (CAO) Role and Effectiveness (the **External Review**). In response to recommendations from the External Review, the Boards tasked a Joint CAO/IFC/MIGA Working Group (the “Working Group”) to develop a draft IFC/MIGA Independent Accountability Mechanism (CAO) Policy (“CAO Policy”).

The draft policy outlines CAO’s purpose, mandate and functions; core principles; governance; and operating procedures and is available for public consultation between April 5 and May 19, 2021. The public consultation phase comprises nine virtual consultations sessions covering all regions of the world. The process also allows for written comments on the draft policy to be shared by email or using an online feedback form available on the dedicated website for the consultation process.

This report summarizes the outcomes of the session held for South Asia on May 4, 2021 at 9 a.m. New Delhi time. The session was designed to obtain feedback from community members, civil society, private sector, and representatives of international finance institutions (IFIs) including their respective independent accountability mechanisms (IAMs). Twenty-two (22) participants attended the meeting.

The session was conducted in English by a team of professional facilitators, with support from note-takers. Members of the CAO/IFC/MIGA Working Group responsible for drafting the policy presented background on the process to date, the key elements of the draft CAO Policy, including enhancements to CAO’s processes, and next steps in the process toward finalizing the policy for approval by the IFC and MIGA Boards in June 2021². Participants were asked to provide their input and questions on the topics they wished to focus on. This report covers the comments and questions from participants and summarizes answers from members of the Working Group. The agenda for the session is attached as Annex I.

II. STAKEHOLDER FEEDBACK AND QUESTIONS

Using an anonymous Zoom poll, participants were asked to select the order in which they wished to discuss the different sections of the draft policy: 1) Purpose, Mandate, Functions and Core Principles (including Remedy); 2) Governance; 3) Eligibility of Complaints; 4) Assessment; 5) Dispute

¹ The city corresponds to the location where the session would have taken place if it had been held in person rather than virtually.

² The presentation can be found and downloaded [here](#). IFC/MIGA also presented on other actions they are developing to [strengthen environmental and social accountability](#) as well as on their work program on [enabling remedial solutions](#).

Resolution; 6) Compliance; 7) Advisory; 8) Threats and Reprisals; 9) Outreach; and 10) Access to Information and Disclosure.

The order of topics prioritized by the participants were:

- Compliance (64%)
- Purpose, Mandate & Functions, Core Principles (including Remedy) (57%)
- Assessment (57%)
- Dispute Resolution (57%)
- Eligibility of Complaints (50%)
- Governance (43%)
- Outreach (43%)
- Access to Information & Disclosure (43%)
- Threats & Reprisals (21%)
- Advisory (14%)

For each of the selected topics, a 15-minute space was opened to listen to stakeholder input and questions. Since participants had different levels of knowledge of, and exposure to the CAO, for most part, the conversation followed a question and answer format. Though the focus was on the selected topics, related issues were also raised in the subsequent questions and inputs from stakeholders.

Compliance

Efficiency. A stakeholder commented that the Compliance section is very well drafted as it verifies the integrity, authenticity, and genuineness of the complaint and this will result in the efficiency of the compliance process.

National laws and Performance Standards. A comment was made that, with regard to human rights of indigenous people, government policies and laws may not align and are often in conflict with IFC/MIGA's performance standards (including PS1 and PS2) and asked how this conflict can be resolved in the compliance audit of private sector financed projects. Another stakeholder added that contextual risk assessment is imperative as each area has its own local conditions which need to be taken into consideration, citing the example of North East India.

Draft Investigation Report. A stakeholder wanted to know if the full draft investigation report, including findings, reasoning, recommendations, and conclusions, will be shared with IFC/MIGA and the Client. The Working Group confirmed that the full draft report will be shared with IFC/MIGA, the client and the complainant, with commitments from parties to protect its confidentiality.

Purpose, Mandate & Functions, Core Principles (including Remedy)

Human Rights and local norms. While appreciating that the core principles are very complete, a stakeholder asked if there has been any drawing from local wisdom and human rights while formulating these principles. The Working Group responded that the principles are reflective of international best practice with regards to the obligations of businesses in terms of human rights and aligned with international human rights norms. They added that while engaging in dispute resolution, CAO respects local norms and culture of the country. CAO often works with mediator consultants who have local knowledge of the affected communities or are from the region and who are also aware of traditional ways of dealing with conflict. Dispute Resolution processes are driven by affected communities and are in accordance with their normal way of dealing with conflict.

Governance. A stakeholder commented that, as potentially affected people in industrial zones may not be aware of environmental and social impacts, it would be good to have a governance policy for industry to examine these impacts and work to increase public awareness in this regard.

General

A stakeholder expressed appreciation for the public consultation process before finalizing the draft policy and highlighted the importance of keeping parties in the loop, allowing them to participate in the process, and providing them with information and clarification.

III. NEXT STEPS

The Working Group closed the meeting reflecting on the issues raised and thanking participants for their contributions. In terms of next steps, the Working Group will carefully consider written and verbal feedback received during the consultation period as they finalize the draft CAO policy for consideration and approval by the IFC and MIGA Boards in June 2021. In addition to a summary report from each regional and global consultation meeting, a consolidated consultation report that summarizes feedback received during the public consultation period and indicates how feedback was addressed in the final CAO policy will be released.

ANNEX I: AGENDA

Agenda for Public Consultation Meetings on Draft IFC/MIGA Independent Accountability Mechanism (CAO) Policy

New Delhi, May 4, 2021 – 9:00 AM

TIME	TOPIC
30 MINUTES	Welcome, background and purpose of the meeting Overview of cycle to complete new Policy and key changes to CAO's Operations brought about by the new Draft Policy Update on IFC/MIGA efforts on non-policy actions and enabling remedial solutions
85 MINUTES	Comments and Questions from Participants on Draft CAO Policy
5 MINUTES	Closing remarks and Next Steps