



## CAO ASSESSMENT REPORT

**About Complaint regarding IFC's investment in Nedbank (#26014) and issues raised in Kintinian, Guinea**

December 2017

Office of the Compliance Advisor Ombudsman  
*for*  
the International Finance Corporation and the  
Multilateral Investment Guarantee Agency  
[www.cao-ombudsman.org](http://www.cao-ombudsman.org)

## **About the CAO**

The Office of the Compliance Advisor Ombudsman (CAO) is the independent accountability mechanism for the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA), the private sector arms of the World Bank Group. CAO reports directly to the president of the World Bank Group, and its mandate is to assist in addressing complaints from people affected by IFC/MIGA-supported projects in a manner that is fair, objective, and constructive, and to enhance the social and environmental outcomes of those projects.

For more information, see [www.cao-ombudsman.org](http://www.cao-ombudsman.org)

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## LIST OF ACRONYMS

CAO	Office of the Compliance Advisor Ombudsman
CECIDE	Centre de Commerce International pour le Développement/Center for the International Commerce for Development
IDI	Inclusive Development International
IFC	International Finance Corporation
MDT	Les Mêmes Droits Pour Tous/Same Rights For All
MIGA	Multilateral Investment Guarantee Agency
SAG	Société AngloGold Ashanti de Guinée S.A.

## 1. OVERVIEW

In April 2017, a group of local community members living next to the Siguiri gold mine in Guinea (the “Complainants”) filed a complaint with the CAO with the support of Centre de Commerce International pour le Développement (CECIDE), Les Mêmes Droits Pour Tous (MDT), and Inclusive Development International (IDI). The Siguiri gold mine is operated by a Guinean subsidiary of AngloGold Ashanti, la Société AngloGold Ashanti de Guinée S.A. (*la Société Aurifère de Guinée S.A.* - the “SAG” or the “Company”). AngloGold Ashanti has received funding from Nedbank Group Ltd, an IFC client.

The complaint raises a number of issues concerning the Company’s resettlement process to expand Siguiri gold mine to the area where the Complainants live, known as Area one. These issues include access to information, social and environmental impacts, and compliance with IFC’s performance standards by the Company, IFC’s client and IFC.

CAO found the complaint eligible in June 2017. During CAO’s assessment the Company and the Complainants expressed the desire to hold a meeting to exchange information about the issues raised in the complaint and decide whether and how they should continue this initial engagement towards dialogue facilitated by CAO.

## 2. BACKGROUND

### 2.1 The Project and Subproject

As per information provided by the IFC, in June 2007 IFC committed a ZAR1 billion subordinated Tier II qualifying loan to Nedbank. The loan had a tenor of 15 years with an optional redemption date of June 6, 2017. Nedbank exercised the optional redemption and repaid IFC on June 6, 2017.

IFC indicated in its Summary of Proposed Investment from April 17, 2007<sup>1</sup> that the project aimed to facilitate Nedbank’s longer-tenor lending programs for:

- black Economic Empowerment financing that will result in significant ownership transfer to previously-disadvantaged individuals and communities;
- development and mortgage financing for the currently under-served affordable housing segment; and,
- cross-border corporate lending across Africa, including capital intensive projects that support sustainable economic growth.

According to the information published in the Summary of Proposed Investment the IFC’s project with Nedbank was expected to be the basis for a longer-term partnership between IFC and Nedbank, an institution that, according to IFC, has the capacity and motivation to help achieve important development impact in South Africa and across Africa.<sup>2</sup>

As per publicly available information published on the US Securities and Exchange Commission’s website, Nedbank granted a general-purpose loan to AngloGold Ashanti in 2015.<sup>3</sup> Nedbank confirmed the lending arrangement to AngloGold Ashanti during the assessment process.

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<sup>1</sup> See for more information: <https://disclosures.ifc.org/#/projectDetail/SPI/26014> Last accessed on October 19, 2017.

<sup>2</sup> See: <https://disclosures.ifc.org/#/projectDetail/SPI/26014> Last accessed on October 19, 2017.

<sup>3</sup> See: <https://www.sec.gov/Archives/edgar/data/1067428/000095015716001802/ex10-1.htm> SEC 6K filing, March 29, 2016. Last accessed on October 19, 2017.

As per information available by AngloGold Ashanti, the Siguiro gold mine (the “Siguiro project” or the “Siguiro mine”) is a multiple open-pit oxide gold mine situated in the relatively remote district of Siguiro, around 850km north-east of the country’s capital, Conakry. The gold processing plant treats about 30,000 tons daily. Siguiro is contractor-mined<sup>4</sup> using conventional open-pit techniques. AngloGold Ashanti holds an 85% interest in the SAG, with the remaining 15% held in “trust for the nation” by the Government of Guinea. According to AngloGold Ashanti, the area has significant gold mining potential and has long been an area of traditional artisanal mining.<sup>5</sup>

Location of the project in Guinea:<sup>6</sup>



Location of Area One – map provided by SAG:



<sup>4</sup> The scope of a contractor-mined may be related to Operational or Maintenance activities, Infrastructure Development and upgrade and whole of mine operational management, as oppose to an owner-mined.

<sup>5</sup> See: <https://www.anglogoldashanti.com/continental-africa/> Last accessed on October 19, 2017.

<sup>6</sup> See AngloGold Ashanti Operational Profile 2016: <https://www.anglogoldashanti.com/continental-africa/> Last accessed on October 19, 2017.

## 2.2 The Complaint

The Complainants are 21 individuals from Area One that have been resettled, and have filed the complaint on their own behalf, but also on behalf of other community members that lived in Area One. The Complainants are artisanal gold miners, traders and small-scale farmers that have been living in the area of Kintinian for many years.

The complaint describes a timeline of events dated from 1985, when a Guinean joint venture company was granted a concession to explore for gold and other minerals in Siguiri Prefecture to March 2017 when some people had moved to the resettlement site, while others were still living in temporary housing because the site was still unfinished with inadequate conditions.

The complaint draws from the findings of a fact-finding mission report by two Guinean NGOs – CECIDE and MDT –, Advocates for Community Alternatives, and Communities First, in which they collected data and testimony on-site regarding wrongdoings and human rights abuses due to the intimidating presence of military forces and forced evictions, but also is supplemented by information gathered through a site visit and discussions with the Complainants conducted by CECIDE, MDT and IDI in March 2017.

The complaint claims a number of environmental and social impacts, including physical violence and intimidation, contested legality of signed resettlement agreements, lack of legally required information and consultation, paltry compensation, inadequate measures to restore the communities' livelihoods, and serious barriers to access remedy.

It claims that threats and use of force permeated Area One and the resettlement process, given the arrival of the military and security forces at the end of November 2015. The complaint also alleges that divisions within the affected communities reflected the clear opposition of many residents to the extension of operations to Area One. Negotiation led by residents asking for, among other things, local job creation, had failed and led to the arrest and imprisonment of those negotiating on behalf of the community. The complaint describes that security forces, including the Red Berrets (bérets rouges), arrived on site and effectively held the village of Kintinian "hostage" for the remainder of 2015. It alleges that the arrival of security forces was accompanied by theft, violence and waves of arrests. While security forces allege that the main reason for their presence was their intervention against illegal semi-industrial mining, a second motive was to force the residents of Area One to accept the inventory of their lands and other possessions, which they had refused to do for a long time. The complaint claims that instead of waiting for security forces to leave, SAG took advantage of their presence and started the inventory process on December 5, 2015.

As per the complaint, from this date in December 2015, while the military and security forces were present in the area, SAG came to conduct a census and obtain people's "agreement" on the inventory of their lands and other possessions, which the residents had previously rejected. Within this highly coercive environment, most people signed the agreements. Around one hundred households refused to sign. Many had fled the area and thus were not present to sign. Most households did not understand the contents of the document that they signed. Moreover, the document contained references to the 2013 RAP, to which the residents did not have access. The inventory of assets was mired by violence, intimidation and failures to explain and verify the information with residents, most of whom cannot read. Many complainants were not even present during the inventory process because they had fled the area. The compensation matrix was not shared with the communities, and nothing was done to raise awareness about it.

The complaint describes that no livelihood restoration plan was developed for the residents of Area One. No consideration was given to the creation or accessibility of professional activities at the resettlement site. Many residents are artisanal gold miners or merchants. The location of the new site hampers artisanal gold miners' transit and their access to artisanal mining sites. Whereas they previously mined on their own land, the resettlement site contains no gold, depriving many families of their primary source of income. Furthermore, AngloGold Ashanti worked with the authorities to institute a ban on artisanal gold mining throughout the 1,500-square-kilometer concession, which includes the resettlement site. Some residents owned and cultivated mango and cashew orchards that produced abundantly each year. These were not replaced or compensated at replacement cost, including the productive life of the trees.

Additionally, the complaint states that complainants used to fish, hunt and grow gardens for food. The project and resettlement have made all this a lot more difficult or impossible, and people now need to buy food to survive. Because of the lack of water from wells, people need to buy water to drink. Markets selling food, water, and other goods were a short walk from complainants' homes before the forced evictions but now are a 40-minute walk or a 20,000 Guinean Francs taxi ride round trip from the relocation site. At the same time complainants' income-earning potential has been drastically reduced due to their economic displacement and the failure of the company to provide jobs and other means of livelihood restoration.

Regarding compensation, the complaint alleges that Complainants were not offered replacement value compensation for lost assets at their real value. Complainants believe that the compensation provided was woefully inadequate and well below the amount needed to restore their standards of living and livelihoods. They also do not believe that all lost assets were compensated or replaced. This includes the gold in the sub-surface of the land from which they were displaced, which they mined and sold to generate income before the eviction.

The Complainants, additionally state that the resettlement process took a long time to be finalized and their living expenses have increased. Living conditions of the new houses are different and inadequate: they lack access to some basic services and infrastructure, including paved roads of the entire new area. There is access to water and electricity but not by every household. The Complainants would like to have water in each house.

The Complainants raise concerns in relation to their future and the future of their children because of lack of employment and income generation opportunities as they were economically displaced by the mine.

Environmental concerns were also raised by the Complainants. From their point of view, dust from the mine is polluting the air and cyanide leaches are polluting the water, posing uncertain risks to the health of the surrounding population.

### **3. ASSESSMENT SUMMARY**

#### **3.1 Methodology**

The aim of the CAO assessment is to clarify the issues and concerns raised by the Complainants, by gathering information and views from different stakeholders without making a judgment on the merits of the complaint. The assessment also seeks to determine whether the Complainants and the Company would like to pursue a dispute-resolution process facilitated by CAO, or whether the complaint should be handled by CAO's Compliance function for appraisal of IFC's performance (see Annex A for CAO's complaint-handling process).

In this case, CAO's assessment of the complaint included:

- a desktop review of project documentation;
- telephone conversations and meetings with the national and international Non-Governmental Organizations (NGOs) supporting the complainants;
- telephone conversations and in-person meeting with Nedbank, the IFC client;
- telephone conversations and in-person meeting with AngloGold Ashanti;
- telephone conversations and in-person meeting with Société AngloGold Ashanti de Guinée;
- telephone conversations and in-person meeting with IFC project team;
- in-person meeting with the Complainants;
- in-person meeting with various community members, who the Complainants are also representing, that used to live in Area One allegedly affected by the expansion of Siguiri mine;
- a visit to Siguiri mine and surrounding areas of Kintinian;
- in-person meetings with the Guinean Minister of Mining and Geology and the Guinean Minister of Territorial Administration and Decentralization;
- in-person meeting with the Governor of the Kankan region and with the Prefect of Siguiri.

This document reflects the views heard by the CAO team from different stakeholders and explains the next steps chosen by the parties.

## **3.2 Summary of views**

### ***Complainants' perspective***

This is a summary of the information received during the assessment process, including discussions with the Complainants about the concerns raised in the complaint and documentation provided.

The Complainants indicate that they exhausted all possible means of alerting the Government of Guinea of their opposition to the expansion of the Siguiri mine, and that they opposed the expansion of the mine's operations to Area One. From their point of view, their lands should not have been handed to the mine. Their ancestors have been doing artisanal mining for hundreds of years in this area, and granting the concession to SAG was denying their roots, culture and past.

The Complainants express that the process of the resettlement started for them on August 2015. Prior to this date, they were not properly informed and engaged regarding the resettlement plan, neither by the Commission that was selected by the local Government to lead the process, nor the Company. The Complainants do not recognize that Commission as a legitimate representative of the community members from Area One. The Complainants reiterate they did not consent voluntarily to the resettlement inventories due to the intimidating presence of military forces. They also stressed that the Company should not have provided a contract containing a waiver regarding to access legal action. Finally, they stated that the Company was not entitled to have the administrative authorities, which lack jurisdiction - certifying the land valuations, and this should have been done by a specialized third party.

From the Complainants' perspective, the Company failed to properly resettle them and it has taken a long time for the Company to finalize the new houses for them to move to. They indicate that their cost for living expenses have increased, living conditions of the new houses are different, and are inadequate due to the lack of access to some basic services, including water in every house, and infrastructure, including paved roads of the entire new area.

They also argue that the Company failed to take any measures to improve or at least restore their livelihoods. According to the Complainants, artisanal gold miners who used to mine Area One and sell the gold to generate income can no longer do that. They indicate that they don't have means to feed and provide for their families. They now have to spend large amounts on transport to reach the nearest areas where they can do artisanal gold mining. They add that families who used to cultivate mango and cashew orchards, hunt, or grow gardens for food have also lost their livelihoods, and that there are others for whom it has become costly to continue with their activities in the resettlement area. They feel compensation for those impacts was inadequately considered and/or not provided.

The Complainants further claim that the Siguirri project has had specific negative impacts and inconveniences on women who are tasked with fetching and filtering water from the insufficient number of wells existing in the resettlement area. Women are also left without gardens to grow food and have to pay 20,000 Guinean Francs every day to travel to the nearest market to buy food – they were able to easily walk to the market at their previous location.

The Complainants express concern about possible health impacts due to the dust emitted from the Siguirri mine. Complainants allege that during rainstorms, residual cyanide used by SAG for its operations has flowed into the area's water sources. The Company's explosive storage is near the resettlement area and they fear a possible explosion of the storage. The blasting in Area One is damaging their houses in the resettlement area.

They allege the military presence and violence was linked to the forceful signing of the inventory of their assets in Area One, and the Complainants would like for responsibility to be established on that regard.

The Complainants collectively indicate that they would like to have the opportunity to enter a dialogue with the Company under the auspices of the CAO to share their concerns and look for solutions to address them.

### ***Company's perspective***

The Company indicates that the Area One resettlement project was launched in 2013 through the implementation of a series of studies, including a socio-economic baseline study of Kintinian village. This baseline study included a village census, structured interviews with a sample of 258 households, and a field survey of social service provision, local governance, land tenure and livelihoods. These studies informed the development of the resettlement process as captured in the Resettlement Action Plan (RAP) developed by consultants, INSUCO.<sup>7</sup> The Company states that after approval by the Government of Guinea, the RAP was presented several times to the local authorities including the Prefecture, Technical services, Sub-Prefect of Kintinian and Mayor of Kintinian as well as to a Village Area One committee established by the Prefectural authorities from representatives of the community. This committee was established to act as a link between the Company and the community (the "Area One Committee").

The Company notes that the residents of Area One were not directly consulted during the initial development of the RAP in 2013 due to INSUCO being denied access to work in the community, as it is reflected in the RAP. The RAP was, however, subsequently presented several times and copies were provided to the authorities and the Area One Committee. The Company indicates that it was prevented -- by both the Authorities and the Area One Committee – in its efforts to communicate directly with the community with regards to the RAP.

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<sup>7</sup> INSUCO is a consulting firm that provides specialized services covering all the social aspects of extractive, infrastructure, energy, agro-industry and institutional projects in Africa, Latin America and Asia. For further information see: <http://www.insuco.com/en>

Subsequently, remedial action was taken to ensure that all Project Affected People (PAP's) were aware of all essential elements of the RAP and that the PAP's were individually consulted during the asset inventory process and development of the resettlement agreements.

A Framework Agreement with respect to the resettlement project was entered into between the Company, the Area One Committee (on behalf of the PAP's), the Elders of Kintinian and the Mayor of Kintinian, acting collectively under the aegis of the Prefect and Sub Prefect of Kintinian, on 27 August 2015. There was, however, a delay in the implementation of this agreement as a result of the need for additional engagement with the community relating to the relocation.

Confirmation to relinquish Area One was received by the Minister of Mines and Geology as well as the Minister of Territorial Administration and Decentralization, from the Elders (Deans) and the Area One Committee on 30 September and 06 November 2015 respectively.

On 1 December 2015, the Company received notification from the Prefect to prepare for and commence the asset inventory process. According to the Company, on 5 December 2015, a small group consisting of SAG employees, local government officials, district leaders and the Area One Committee assisted by graduates went door to door to conduct an Asset Inventory of each household of Area One. As noted by the Company, this group of people were also tasked to explain the RAP and answer any questions in this regard. The asset inventory process for each home was conducted in the presence of the PAP's.

The Company indicates that several days before the start of the inventory process, on or about 25 November 2015, the President of the Republic of Guinea ordered the military to curb illegal mechanized mining activities in Kintinian and in several other areas in the Siguiri prefecture and further afield. It is the Company's understanding that this order was made in the context marked by the Radisson Blu terrorist attack in Bamako less than a week earlier, on 20 November 2015. This deployment lasted until 22 December 2015.

Whilst the military was present in Kintinian during the asset inventory process, the Company states that it in no way participated in, or interfered with, the actual inventory process. The Company indicates that it has not – and neither will it – engage in or condone any threatening behaviour and/or abuse of human rights in relation to its business activities. From the Company's perspective, the military exercise to remove mechanised illegal miners and the resettlement process were two completely unrelated, separate processes and there was never any coordination between the Company and the military.

Between February and June 2016, Resettlement Agreements were signed between the Company and each of the 365 households (PAP's) of Area One.<sup>8</sup> During the presentation of these agreements, SAG's teams made every effort to ensure all adult household members, including women,<sup>9</sup> were present when the contracts were presented initially and as far as possible acted as witnesses when the contracts were signed.

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<sup>8</sup> All PAP's were given their respective resettlement agreements to study, after extensive explanation in their local language, and had the opportunity to consult with other family members or legal representatives before signing the agreements. The PAP's returned the agreements back to the Company after two to four weeks either signed or queried, in which case amendments were made to the agreements prior to them signing. These changes pertained above all to the nature of the compensation provided (kind, cash or combination thereof) after individual households had reviewed the different options presented to them. The Company indicates that at no stage was any PAP forced to sign an agreement or intimidated in any manner.

<sup>9</sup> Several households in Area One were headed by women or had women acting as household heads, by agreement with their husbands. Similar to their male counterparts, they explored different compensation options, and requested that changes be made before signing the contracts presented to them.

According to the Company, all land valuations were supervised and certified by the Prefectural Director of Town Planning. The unit rates were defined in line with current prices in the Kintinian sub-prefecture, including in a new development in Boukaria village. The compensation paid was at an 80% premium to prevailing market rates. During the engagement process, it was agreed between SAG and the PAP's that the PAP's would find temporary accommodation which SAG compensated the PAP's for over and above average rates for rental, whilst their resettlement houses were being finalised for completion. This was in addition to the compensation that had already been paid for the land and structures.

According to the Company, the construction of the new site at a location approximately more than 3kms from the Company's mining activities, including its blasting activities, was completed in November 2016 and the keys were handed over to all households impacted by the Area One Resettlement between November 2016 to January 2017. Roughly US\$10.5m was spent on the resettlement for houses and communal infrastructure built by small- and medium-sized local construction companies. The Company states that they have installed electrical portals and cables in all households as per the contract with the PAP's and all the PAP's have power in their houses which was previously not the case. Also, as part of the resettlement process, the Company has constructed two schools (a French school and a Franco-Arab school), a mosque, health post, taxi rank, eight water distribution points, when there were none in the previous location, a stadium and a market located in Kintinian.

As described by the Company, Area One was primarily a residential area with only a handful of small businesses operating from rented spaces as tenants. These tenants have all been compensated, as were the owners of the properties in question, for their lost rental income. All existing infrastructure in Area One has been restored and improved in the new resettlement site which allows for new tenant contracts to be concluded. No artisanal mining activities were previously carried out in Area One itself, nor in the host site, which forms part of the village's expansion area.

During the negotiation process, some members of the PAP's had requested that the Company employ their family members. The Company responded informing them of the approach taken by the mine in relation to employment. Firstly, there needs to be a vacancy at the mine and potential candidates would have to go through the human resources recruitment process. The employment of local community members by the mine is a priority of the Company's and the Company claims to have employed over 800 members of the immediate communities (including Kintinian) and uplifted and upskilled over 500 people to date. The Company employs roughly 1,800 people.

The Company notes that it has developed an Economic Development Program (EDP) which supports sustainable economic growth, with projects in fruit and vegetable growing, fish-farming, brick making, rice/paddy farming, SME support services, and a skills training centre. Some of these initiatives have already been launched, including a cashew plantation, rice/paddy farming and vegetable gardening projects.

The Company has a grievance mechanism in place, established in 2008, and the Company believes that the grievance mechanism is known by surrounding communities including residents of Area One. The Company indicates that it has continuously communicated to all communities about the grievance mechanism through community forums, community leadership (Deanship), local authorities, youth structures, local radio station, SAG community Agents and the mine's newsletter. Although a number of grievances relating to Area One were received by SAG, and were subsequently addressed, the Company indicates that it did not receive grievances relating to violence, human rights abuse or exposure to hazardous materials.

The Company, as a subsidiary of AngloGold Ashanti Limited, subscribes to key international standards and principles developed with guidance from relevant international entities.<sup>10</sup> The Company takes these commitments seriously and has imbedded these in its business activities.

The Company has engaged extensively and will continue collaborative dialogue with various Non-Governmental Organizations (NGOs) who have an interest in the welfare of the people of Area One, and it has always been open to respond to issues raised by them. The Company noted that it regrets that the January 2017 NGO report, which informed the current complaint filed with the CAO, did not include the Company's response to the findings.

### ***IFC's client Perspective***

Nedbank indicated that it has reviewed the complaint submitted to the CAO, which outlines the linkage between the IFC and AngloGold Ashanti and outlines allegations of the contravention of human rights and performance standards by AngloGold Ashanti in relation to the development of the Siguiri mine. Nedbank expressed a view that it accepts that the established linkage is valid, in that Nedbank has previously been a beneficiary of IFC funding and AngloGold Ashanti was at such time, and to date remains, a client of Nedbank.

Nedbank stated that it welcomes the CAO's role in seeking to assess the positions of the affected community and AngloGold Ashanti, and would be supportive of any dispute resolution process that the parties may wish to engage in on the ground.

Nedbank added that it remains interested in the progress and outcomes of the CAO process, and the learnings for the mining and financing sectors which may emanate from it.

## **4. NEXT STEPS**

As a result of a series of meetings and discussions with the Complainants and the Company, CAO found that while the parties hold divergent views about the issues raised in the complaint, both of them have expressed the desire to hold a meeting to exchange information about the issues raised in the complaint and to decide whether and how they should continue this initial engagement towards potential dialogue facilitated by CAO. This initial meeting will take place in February 2018 and will be held in the city of Siguiri, Guinea. The Complainants and Company intend to exchange information on topics to be agreed and a discussion will be held regarding potential next steps in a dialogue process.

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<sup>10</sup> These reference points include the Ten Principles of the Global Compact, the International Finance Corporation (IFC), the International Council on Mining and Metals (ICMM), the United Nations Guiding Principles on Business and Human Rights, and the Voluntary Principles on Security and Human Rights, among others. The Company further has its own set of sustainability policies and standards, including a Human Rights Policy and a Land Access and Resettlement Management Standard, and it also subscribes to international standards in relation to the suppression of dust from its mining activities and the handling and storage of hazardous materials.

## Annex A. CAO Complaint Handling Process

Once CAO declares a complaint eligible, an initial assessment is conducted by CAO's Dispute Resolution function. The purpose of CAO's assessment is to: (1) clarify the issues and concerns raised by the complainant(s); (2) gather information on how other stakeholders see the situation; and (3) help stakeholders understand the recourse options available to them and determine whether they would like to pursue a collaborative solution through CAO's Dispute Resolution function, or whether the case should be reviewed by CAO's Compliance function. As per CAO's Operational Guidelines,<sup>11</sup> the following steps are typically followed in response to a complaint that is received:

- Step 1: **Acknowledgement** of receipt of the complaint.
- Step 2: **Eligibility:** Determination of the complaint's eligibility for assessment under the mandate of the CAO (no more than 15 working days).
- Step 3: **CAO assessment:** Assessing the issues and providing support to stakeholders in understanding and determining whether they would like to pursue a consensual solution through a collaborative process convened by CAO's Dispute Resolution function, or whether the case should be handled by CAO's Compliance function to review IFC's/MIGA's environmental and social due diligence. The assessment time can take up to a maximum of 120 working days.
- Step 4: **Facilitating settlement:** If the parties choose to pursue a collaborative process, CAO's dispute-resolution process is initiated. The dispute-resolution process is typically based on or initiated by a Memorandum of Understanding and/or mutually agreed-upon ground rules between the parties. It may involve facilitation/mediation, joint fact finding, or other agreed resolution approaches leading to a settlement agreement or other mutually agreed and appropriate goals. The major objective of these types of problem-solving approaches will be to address the issues raised in the complaint, and any other significant issues relevant to the complaint that were identified during the assessment or the dispute-resolution process, in a way that is acceptable to the parties affected.<sup>12</sup>

OR

**Compliance Appraisal/Investigation:** If the parties opt for a Compliance process, CAO's Compliance function will initiate an appraisal of IFC's/MIGA's environmental and social due diligence of the project in question, to determine whether a compliance investigation of IFC's/MIGA's performance related to the project is merited. The appraisal time can take up to a maximum of 45 working days. If an investigation is found to be merited, CAO Compliance will conduct an in-depth investigation into IFC's/MIGA's performance. An investigation report with any identified non-compliances will be made public, along with IFC's/MIGA's response.

Step 5: **Monitoring and Follow-up**

Step 6: **Conclusion/Case Closure**

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<sup>11</sup> For more details on the role and work of CAO, please refer to the full Operational Guidelines: [http://www.cao-ombudsman.org/documents/CAOOperationalGuidelines\\_2013.pdf](http://www.cao-ombudsman.org/documents/CAOOperationalGuidelines_2013.pdf)

<sup>12</sup> Where stakeholders are unable to resolve the issues through a collaborative process within an agreed time frame, CAO Dispute Resolution will first seek to assist the stakeholders in breaking through impasse(s). If this is not possible, the Dispute Resolution team will inform the stakeholders, including IFC/MIGA staff, the President and Board of the World Bank Group, and the public, that CAO Dispute Resolution has closed the complaint and transferred it to CAO Compliance for appraisal.