



Holding the EIB and EBRD accountable

Are their grievance mechanisms effective?

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Introduction

Multilateral development banks, including the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD), finance projects that aim to contribute to economic development in alignment with the Sustainable Development Goals adopted by the United Nations (UN).¹

European Investment Bank

The EIB plays an important role in supporting the development of the internal market for the benefit of the European Union (EU), particularly in its less developed regions. It provides financing for large-scale projects of common interest that cannot be funded by a single EU country alone. The EIB primarily focuses on financing initiatives related to climate action, European cohesion, small and medium-sized enterprises, and innovation. While the majority of the EIB's operations are concentrated within the EU, the bank also serves as an important financier of projects worldwide. In 2022, it committed approximately EUR 8.5 billion to projects outside the EU in addition to EUR 66.5 billion within the EU. To strengthen its international presence, the EIB launched EIB Global in January 2022, a dedicated arm of the bank that focuses on financing projects beyond the EU's borders. EIB Global is committed to supporting climate action, economic growth, and development on an international scale. The EIB's global lending efforts, as part of the EU's external action, are guided by the principles set out in the Treaty on European Union on international partnerships. These principles include democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, equality and solidarity, and adherence to the principles of the United Nations Charter as well as international law.

European Bank for Reconstruction and Development

Established after the fall of the Berlin Wall to promote the transition to a free-market economy, the EBRD has become a leading institutional investor in central and eastern Europe, Central Asia and the Mediterranean. What sets the EBRD apart from other multilateral development banks is its political mandate, which requires its countries of operation to commit to multiparty democracy, the rule of law, and respect for human rights. The bank also has a strong focus on promoting sustainable development within ecological limits across all of its activities. However, despite its unique mandate, the EBRD invests more than half of its portfolio in countries rated by the Economist Intelligence Unit as authoritarian or hybrid regimes. According to the EBRD's latest Strategic and Capital Framework, which sets out the bank's strategic aspirations, more than by 2025.² In 2023, the EBRD committed EUR 13.1 billion to 464 individual projects.

Accountability and redress for EIB and EBRD projects

Both the EIB and the EBRD support various economic undertakings, which, despite their positive aims, may either harm people and the environment or fail to achieve their intended outcomes. To address these challenges, accountability systems exist to ensure that institutions like the EIB and the EBRD operate within

¹ United Nations, [Transforming our World: The 2030 Agenda for Sustainable Development](#), *United Nations*, 14, 21 October 2015.

² Board of Directors of the European Bank for Reconstruction and Development, [Strategic and Capital Framework 2021-2025](#), *European Bank for Reconstruction and Development*, 25, 7 October 2020.

the framework of their policy objectives. These systems are designed to prevent harm, mitigate negative impacts, maximise positive outcomes, provide redress for any harm caused, and promote continuous institutional learning and improvements. Accountability systems are guided by sectoral policies, environmental, climate, and social policies and standards, evaluation mechanisms, and grievance and redress mechanisms. They also incorporate due diligence, monitoring, and evaluation processes. Crucially, these systems ensure effective mechanisms are in place to respond to complaints and implement corrective actions.

This report argues that people affected by development projects should have access to effective grievance mechanisms in order to remedy human rights violations or any harm caused to their health, land, environment, labour rights, livelihoods, and cultural heritage. Multilateral development banks, including the EIB and the EBRD, should provide access to independent, safe, and effective accountability mechanisms. They should also adhere to best international practices as part of their commitments to respecting and promoting human rights, protecting the environment, and maximising the positive developmental impacts of their operations.

The concept of grievance and redress mechanisms, which allow project-affected people to file complaints about the impacts of development projects, is now firmly established across major multilateral development banks. These mechanisms provide a means for individuals and groups, including civil society organisations, to seek remedy when they consider that the undertakings financed by these institutions negatively affect the well-being of people or the environment. Their role is to assess requests and allegations submitted by stakeholders, hold institutions accountable for breaching their policies and standards, prevent further negative impacts, and propose and implement corrective actions.

For certain types of projects, the EIB and the EBRD require project promoters to establish a project-level grievance mechanism that aligns with the United Nations Guiding Principles on Business and Human Rights (UNGPs), to which both banks are committed.³ Specific requirements for these project-level grievance mechanisms are outlined in the environmental and social standards adopted by each institution. In support of these efforts, the EIB provides a guidance note for project promoters to help them establish effective and appropriate mechanisms for grievance resolution and to ensure that project-affected stakeholders have access to effective remedy.⁴ Importantly, the use of a project-level grievance mechanism is not a prerequisite for accessing the EIB Group Complaints Mechanism (EIB-CM). Similarly, the EBRD offers guidance notes on employee grievance mechanisms⁵ and grievance management.⁶

³ Office of the United Nations High Commissioner for Human Rights, [Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework](#), *United Nations*, 16 June 2011.

⁴ European Investment Bank, [Guidance note for EIB Standard on Stakeholder Engagement in the EIB Operations](#), *European Investment Bank*, 10 December 2020.

⁵ European Bank for Reconstruction and Development, [EBRD Performance Requirement 2: Labour and working conditions – Guidance note on employee grievance mechanisms](#), *European Bank for Reconstruction and Development*, March 2023.

⁶ European Bank for Reconstruction and Development, [Grievance Management: Guidance Note](#), *European Bank for Reconstruction and Development*, May 2012.

EIB Group Complaints Mechanism

The EIB-CM, established in 2008, currently operates under the EIB Group Complaints Mechanism Policy (EIB-CM Policy), which was adopted in 2018 following extensive public consultations. Civil society organisations have criticised the policy for failing to meet the UNGPs, specifically its criteria for non-judicial grievance mechanisms, which prioritise independence, legitimacy, transparency, accessibility, and effectiveness. Additionally, they have called for better governance, including more frequent reporting from the EIB-CM to the EIB Board of Directors (accompanied by EIB management responses in each case) as well as increased independence of the EIB-CM from the EIB Management Committee and its associated services.

Civil society organisations have also expressed concerns that the policy provides the EIB Management Committee with an unprecedented level of control over the reports produced by the EIB-CM, and that it allows the EIB Inspector General to request a revision of the EIB-CM's final conclusions, even in cases where members of the Management Committee or other EIB employees have voiced disagreement. Compounding this lack of transparency, the complainant will not even see the report until all issues are settled within the bank. In fact, the EIB-CM may also decide not to share the agreed draft with the complainant before the case concludes.

In 2017, the Office of the United Nations High Commissioner for Human Rights (OHCHR) submitted its comments on the draft EIB Group Complaints Mechanism Policy.⁷ It provided concrete recommendations on how the draft policy could be improved to best fulfil the UN Business and Human Rights criteria for effective non-judicial grievance mechanisms. For example, while it welcomed the policy's references to the Charter of Fundamental Rights of the EU and the UN Declaration of Human Rights, it raised concerns about the limited authority of the EIB-CM to investigate maladministration, finding that the policy restricts the professional judgement of the EIB-CM in determining breaches of environmental and social standards. Regrettably, the EIB chose not to amend the policy in line with this feedback and declined to accept several other recommendations from the OHCHR.

EBRD Independent Project Accountability Mechanism

In 2003, the EBRD established its first grievance mechanism, the Independent Recourse Mechanism, which was replaced in 2009 by the Project Complaint Mechanism. The current mechanism, The Independent Project Accountability Mechanism (IPAM), was established in 2019 and came into operation in 2020.

During the EBRD's review of its accountability and grievance mechanism policy in 2019, civil society organisations called for a clearer, remedy-focused mandate, specifying that the mechanism's primary objective should be to provide access to remedy for those harmed by EBRD-financed activities.

Other concerns raised included the absence of requirements for project promoters to inform local communities about IPAM, restrictions on submitting complaints before project approval and after project completion, the need to first address issues with either EBRD management or clients, and a limited monitoring function that restricted oversight only to the implementation of the established action plan instead of addressing all instances of non-compliance. Despite these challenges, the eventual rollout of

⁷ These comments are available from the EIB Group on request.

IPAM was widely welcomed by civil society organisations, particularly for its enhanced independence due to the removal of the mechanism from the EBRD's operational structure, the appointment of senior-level leadership, and the establishment of a direct reporting line to the EBRD Board of Directors. The new policy also introduced some innovative provisions, such as a zero-tolerance position on retaliation against complainants and the option to report implementation issues or cases of unresolved non-compliance to the Board.

Role of the EIB Group Complaints Mechanism

The EIB-CM deals with complaints of alleged maladministration lodged against the EIB Group, which comprises the European Investment Bank and the European Investment Fund (EIF). The EIB-CM Policy defines maladministration as poor or failed administration:

It occurs when the EIB Group fails to act in accordance with a rule or principle that is binding upon it, including its own policies, standards and procedures. Examples of maladministration include administrative irregularities, unlawful discrimination, unjustified refusals of information, abuse of power, unnecessary delays as well as a failure by the EIB Group to comply with its own obligations in the appraisal and monitoring of projects financed by the EIB Group.⁸

According to the Policy, maladministration also applies to the environmental or social impacts of the EIB Group's activities, as well as failures of the EIB Group to comply with human rights standards. The EIB-CM performs the following four key functions: compliance, mediation, monitoring, and advisory. The primary function of the EIB Group is to ensure compliance by investigating all instances of maladministration. It also acts as a mediator by facilitating problem-solving between the complainant and the project promoter. In the event the complaint is resolved, the EIB Group is then responsible for ensuring the corrective actions and recommendations agreed upon are implemented. Finally, it also performs an advisory role, providing written advice to EIB management on broader, systemic issues related to policies, standards, and procedures based on lessons learned from complaints.

Role of the Independent Project Accountability Mechanism

According to the EBRD's Project Accountability Policy, the role of IPAM is to independently review issues raised by individuals or organisations in relation to projects financed by the EBRD that are understood to have caused harm or are likely to do so. Its primary objectives are to facilitate the resolution of social, environmental, and public disclosure issues among project stakeholders, and to assess whether the EBRD has complied with its Environmental and Social Policy as well as the project-specific provisions of its Access to Information Policy. The mechanism is also tasked with addressing any existing cases of non-compliance with these policies and preventing future non-compliance.⁹

IPAM has four functions: two primary and two secondary. Its first primary function is to facilitate dialogue between complainants and the EBRD clients towards resolving issues of environmental, social, and information disclosure. Its second primary function is to ensure compliance by determining whether the

⁸ European Investment Bank Group, [EIB Group Complaints Mechanism Policy](#), *European Investment Bank Group*, 8, 13 November 2018.

⁹ European Bank for Reconstruction and Development, [Project Accountability Policy](#), *European Bank for Reconstruction and Development*, 2, April 2019.

EBRD has complied with its Environmental and Social Policy and Access to Information Policy in the context of project-related information. Its secondary functions involve fostering a culture of continuous learning within the bank by providing recommendations and identifying common challenges, and promoting IPAM through outreach efforts targeting internal and external stakeholders.¹⁰

Effectiveness criteria for grievance mechanisms

Access to independent, effective, and safe accountability mechanisms should be an inherent feature of public development finance. Both the EIB-CM and IPAM are founded on the core principles of transparency, independence, and accessibility, prioritising the safe use of their mechanisms. The EBRD's Project Accountability Policy identifies independence and impartiality, transparency, predictability, fairness, and accessibility as the guiding principles of IPAM.

The UNGPs offer the most universal, widely accepted, and comprehensive effectiveness criteria for designing and assessing non-judicial grievance mechanisms.¹¹ These criteria particularly apply to the complaints mechanisms overseen by the EIB and EBRD, meaning both institutions should design mechanisms that meet these criteria. In recent years, several studies by non-governmental organisations as well as the OHCHR have provided recommendations to help financial institutions ensure that their accountability mechanisms fulfil these criteria, thereby becoming credible and useful resources for individuals seeking remedy for harm caused.¹² The UNGPs outline eight effectiveness criteria for non-judicial grievance mechanisms, both state-based and non-state-based. To be effective, these mechanisms must be:

1. legitimate – trusted by complainants, independent, objective, and staffed by competent personnel with high integrity;
2. accessible – widely known, easy to use, and free from requirements for specific knowledge, legal representation, or fees (mechanisms should also be aware of retaliation risks and have measures in place to prevent or address them);
3. predictable – have clear procedures, indicative timelines, and transparent information on potential outcomes, remedial measures, and implementation methods;

¹⁰ Ibid., 5.

¹¹ Office of the United Nations High Commissioner for Human Rights, [OHCHR Accountability and Remedy Project: Meeting the UNGPs' Effectiveness Criteria](#), Office of the United Nations High Commissioner for Human Rights, 10 December 2021.

¹² See, for example: Office of the United Nations High Commissioner for Human Rights, [OHCHR Accountability and Remedy Project: Meeting the UNGPs' Effectiveness Criteria](#); Caitlin Daniel, Kristen Genovese, Mariëtte van Huijstee, Sarah Singh, eds., [Glass Half Full? The State of Accountability in Development Finance](#), SOMO Centre for Research on Multinational Organisations, January 2016; Accountability Counsel, Bank Information Center, Center for International Environmental Law, Centre for Research on Multinational Corporations, Community Empowerment and Social Justice Network, Gender Action, Green Advocates International (Liberia), Inclusive Development International, Jamaa Resource Initiatives, Recourse, Urgewald e.V., [Good Policy Paper: Guiding Practice from the Policies of Independent Accountability Mechanisms](#), Accountability Counsel, Bank Information Center, Center for International Environmental Law, Centre for Research on Multinational Corporations, Community Empowerment and Social Justice Network, Gender Action, Green Advocates International (Liberia), Inclusive Development International, Jamaa Resource Initiatives, Recourse, Urgewald e.V., 9 January 2024.

4. equitable – giving all parties fair access to information, advice, and expertise (mechanisms should also accommodate vulnerable groups and seek input before making significant decisions);
5. transparent – fostering ongoing, proactive communication with parties about each step of the process and providing regular reports on the overall performance of the mechanism;
6. rights-compatible – ensuring that outcomes and proposed remedial measures are in alignment with internationally recognised human rights principles, adequate, effective, prompt, culturally appropriate, and gender-sensitive;
7. a source of continuous learning – to improve the mechanism and prevent future grievances; and
8. based on engagement and dialogue – where stakeholders and complainants are involved at an operational level (project grievance mechanism) in the design, improvement, and resolution of grievances through dialogue.

1. Research and methodology

This report examines the complaints mechanisms of the EIB and EBRD, evaluating their policies against the first seven effectiveness criteria outlined in the UNGPs (see above). The analysis is based on the policy provisions of the complaints mechanisms, Bankwatch's own experiences as a complainant, and responses to a questionnaire completed by eight complainants who have used these mechanisms. The assessment and questionnaire draw on the OHCHR Accountability and Remedy Project, which offers practical recommendations for enhancing the effectiveness of grievance mechanisms in alignment with the UNGPs.¹³

2. Legitimacy of the EIB and EBRD accountability mechanisms

Trust, while inherently subjective, is a critical factor in determining the effectiveness of an accountability mechanism. A trusted mechanism is more likely to receive applications based on solid evidence and comprehensive information, and to enlist the support and cooperation of complainants. As a result, its proposed resolutions are likely to come under far less scrutiny. For a mechanism to be effective, it must earn the trust of all relevant stakeholders, including complainants, civil society organisations, as well as bank staff, management, and governing bodies.

Several key elements are essential for building legitimacy and trust among stakeholders in the accountability mechanisms overseen by multilateral development banks. These include ensuring that the mechanism's leadership and staff remain independent and autonomous, which should be clearly defined in the policy and procedures underpinning the mechanism. Avoiding conflicts of interest is also crucial, as is having competent personnel to manage and oversee the mechanism. Additionally, the mechanism's policy and procedures should accept applications from all interested stakeholders, including marginalised groups or those at personal risk. Another key element is to engage in continuous dialogue with stakeholders, achieved by disseminating information about the mechanism and making it accessible to potential complainants. Lastly, the public should be actively encouraged to participate in establishing and reviewing the policy and procedures on which the mechanism is based.

2.1. EIB Group Complaints Mechanism

The EIB-CM is a well-established accountability mechanism, whose policies and operating procedures have undergone periodic reviews and public consultations. It engages in regular dialogue with civil society organisations, such as during the annual meetings of the Independent Accountability Mechanisms Network, the EIB's annual board seminar with civil society, and various outreach events. At these meetings, staff members of the mechanism explain its work to interested civil society organisations and individuals, both within the EU and beyond.

¹³ United Nations General Assembly, [Improving accountability and access to remedy for victims of business-related human rights abuse through non-State-based grievance mechanisms](#), Report of the United Nations High Commissioner for Human Rights, 19 May 2020.

The EIB-CM is the internal complaint mechanism of the EIB Group. While its policy claims operational independence from EIB Group services, this independence is weakly substantiated by the relevant provisions. The mechanism lacks full autonomy in setting its own policy and procedures, which are primarily developed and overseen by the bank's services and management, with the EIB Board of Directors overseeing their approval.

Ahead of the upcoming revision of the EIB-CM Policy, a panel of external experts was appointed in 2024 to evaluate the mechanism. The panel began its work by reaching out to civil society organisations and complainants to gather their opinions on the functioning of the mechanism. This offers hope that a thorough analysis will inform the policy revision, provided that the report and recommendations of the panel are published and addressed in the updated document.

The EIB-CM Policy does not sufficiently guarantee its own independence and objectivity. The UNGPs recommend that banks adopt a transparent selection process when appointing the head of the mechanism. Currently, the EIB-CM appointment process is entirely internal and excludes the participation of external stakeholders, even as observers. Additionally, there are no restrictions on the proposed head or staff of the mechanism having previously worked for the EIB in other roles or on their potentially working for the bank in the future. In fact, all previous heads of the mechanism have been selected from within the EIB's personnel.

EIB-CM personnel are hired through a process handled by the EIB itself. The Policy does not authorise the Head of the EIB-CM to make autonomous staffing or recruitment decisions. The EIB-CM is divided into two units – compliance and problem-solving – which are supplemented by additional monitoring and advisory units. The two main units have their own dedicated staff, enabling them to build teams with specialised expertise and skills.

The annual reports issued by the EIB-CM detail the qualifications of its personnel, who boast professional experience in law, the environment, human rights, governance, economics, project operations, auditing, human resources, international banking standards, and communication. At the end of 2022, the team included members of 10 nationalities with proficiency in 21 languages.¹⁴ The reports also highlight the training provided to the mechanism's staff during the given year. In 2022, for example, employees took part in trainings on reprisals and data protection in complaints handling, as well as a workshop on best practices for dispute resolution and mediation in development contexts.¹⁵

The existing case-handling procedure and reporting line undermines the independence of the EIB-CM, in that it fails to ensure that EIB management is fully accountable for implementing the recommendations of the mechanism. Before issuing its final report, the EIB-CM discusses its findings and recommendations on several occasions with EIB services. This involves an initial draft Conclusions Report, which is subject to consultations, followed by a final draft report, which is once again reviewed with EIB services and the EIB Management Committee.

¹⁴ European Investment Bank Group, [EIB Group Complaints Mechanism Report 2022](#), *European Investment Bank*, 2, 1 June 2023.

¹⁵ *Ibid.*, 39.

Within the EIB's organisational structure, the head of the EIB-CM reports to the Inspector General, who has the authority to request a review of the Conclusions Report if disputed by the Management Committee. The recommendations and action plans contained in the Conclusions Report must be agreed with EIB services and management before being implemented. However, unlike other development banks, where management typically issues a separate corrective action plan in response to the findings of the accountability mechanism, EIB management's response is directly integrated into the EIB-CM's recommendations in the Conclusions Report. This creates a confusing overlap between the role of the Complaints Mechanism – the body responsible for logging and investigating incidents – and the role of the EIB Management Committee – the body responsible for addressing and correcting failures. Indeed, our interviews indicate that the EIB-CM procedure is not always clear, despite the availability of information on the EIB-CM section of the EIB website.

Finally, the EIB-CM does not report individual cases to the Board of Directors, which has no specific role in ensuring the implementation of its recommendations. The Board only receives the EIB-CM's biannual reports for informational purposes. In contrast, the independence of the EIB's Operations Evaluation Division, which functions alongside the EIB-CM as part of the Inspectorate General, is supported by several policy provisions. Its reports are discussed by the Management Committee, but must be submitted along with the management's response to the Board of Directors without any changes. This structure allows the Board to hold the EIB Group accountable for implementing the evaluation recommendations agreed.

The EIB-CM also has limited control over its own budget. Although the EIB-CM Policy promises adequate budgetary support, EIB management ultimately determines the size of the budget. This notably contrasts with the budget allocation policy for the Operations Evaluation Division, which is authorised to propose its own budget prior to approval by the Board of Directors.

2.2. EBRD Independent Project Accountability Mechanism

IPAM is a relatively new mechanism. Therefore, its ability to build credibility and trust among stakeholders and impacted communities remains unclear. That said, its legitimacy rests on what appear to be solid foundations, as outlined in the Project Accountability Policy, which was approved in May 2019 by the EBRD's Board of Directors following public consultations. The strengthened mechanism has been largely welcomed by civil society as a significant step forward in enhancing the accountability of the EBRD.

In 2023, IPAM initiated a review process by commissioning an external assessment report. Published in April 2024, the report was conducted in a participatory manner, involving interviews with relevant stakeholders, including civil society organisations.¹⁶ During the next phase of the review, IPAM will engage with individuals and civil society organisations to gather input on how to address the findings of the report and determine future actions.¹⁷

The independence of IPAM is reinforced by its positioning outside the EBRD's operational structure. The Project Accountability Policy explicitly grants the IPAM Head, who serves as the EBRD's Chief Accountability

¹⁶ Zeinab Elbakri, [Assessment of the Independent Accountability Mechanism of the European Bank for Reconstruction and Development](#), *European Bank for Reconstruction and Development*, 5 April 2024.

¹⁷ European Bank for Reconstruction and Development, [Independent Project Accountability Mechanism | Policy Review | Stakeholder Consultation](#), *European Bank for Reconstruction and Development*, accessed 4 November 2024.

Officer (CAO), autonomy over implementation of the Policy. This makes the IPAM Head directly responsible and accountable for the Policy.¹⁸ The IPAM Head reports directly to the Board of Directors, which is independent from the EBRD's President, Executive Committee, and services. The Policy further clarifies the role of the Board in handling requests, ensuring that each stage in the case-handling process proceeds without influence from the EBRD's services. This allows IPAM to function as an independent assessor, distinctly separate from the role of management, which remains responsible for addressing instances of non-compliance.

Cooling-off periods for the IPAM Head have also been established. The IPAM Head must not have been employed by the EBRD for at least five years prior to appointment and is ineligible to perform remunerated services for the EBRD after the term ends. The Policy also contains a number of provisions designed to strengthen the role's autonomy and independence. For example, the IPAM Head is appointed by a selection committee consisting of internal and external experts. Additionally, the IPAM Head is solely responsible for proposing the budget, which is subsequently approved by the Board. The IPAM Head also has freedom to make recruitment decisions independently of the EBRD's Executive Committee and retains exclusive authority over decisions related to accepting and handling complaints.

Lastly, in an effort to build trust and assure complainants that their grievances will be handled by qualified professionals, IPAM discloses information about all of its personnel, including their qualifications and relevant work experience. Overall, IPAM demonstrates a high level of independence from the EBRD's Executive Committee and services, promoting a sense of fairness and objectivity that encourages rights holders to bring forward their concerns.

3. Accessibility

People who are, or may be, affected by projects financed by development banks are primarily the ones who use their accountability mechanisms. Therefore, efforts to make these mechanisms known and accessible should focus on these rights holders in the first instance. However, some mechanisms, like the EIB-CM, also accept complaints from stakeholders, such as non-governmental organisations and individuals who raise issues of non-compliance, even if they are not directly affected. In the broadest sense, awareness-raising initiatives should target all potential users, ensuring that access eligibility criteria are designed to encourage, rather than deter, rights holders from raising grievances through these mechanisms.

3.1. EIB Group Complaints Mechanism

For potential users to access any complaints mechanism, they must first have knowledge of its existence. To increase its visibility, the EIB-CM regularly organises and takes part in outreach events targeting civil society organisations and interested individuals across the regions. Additionally, the EIB-CM Policy, the EIB-CM Procedures, and related information brochures can be readily accessed via the EIB website.

However, the EIB's outreach activities are broad in scope and not tailored to specific projects. As such, no proactive measures are taken to inform project-impacted stakeholders about the existence of the EIB-CM.

¹⁸ European Bank for Reconstruction and Development, [Project Accountability Policy](#), 29.

Though the EIB's Standard on Stakeholder Engagement does require project promoters to inform stakeholders about the EIB-CM, the EIB never reports on whether this obligation is ever fulfilled. To address this shortcoming, we strongly recommend that the EIB-CM review the compliance of project promoters with this obligation. To this end, a mandatory section of the relevant project summary should specify how and where information about the EIB-CM has been communicated to project stakeholders.

The EIB-CM Policy facilitates easy access for stakeholders: a person or persons who allege maladministration by the EIB Group may lodge a complaint to the EIB-CM. However, cases involving procurement irregularities, fraud, or corruption are handled by other mechanisms within the bank. While complainants cannot file grievances anonymously, they are not required to prove a legal or material interest, be personally impacted, or demonstrate evidence of harm. Complaints can also be submitted on behalf of others through a representative. Nor does the EIB-CM require that complainants justify their allegations based on their opposition to bank policies or standard provisions. Complaints can be submitted in any language by email, post, fax, phone, or using the mechanism's online form.

The time limit for accessing the mechanism is set at one year from the date on which the facts supporting the allegation could reasonably have been known by the complainant.¹⁹ However, this criterion can create uncertainty about the precise timeline, especially in relation to who decides when certain facts should have been known to the complainant and what criteria are employed. In its information leaflet, the EIB-CM explains that the time limit starts at the point at which the complainant becomes aware of the impacts or other facts of concern.²⁰ In effect, the EIB-CM allows for complaints about impacts that may arise throughout the project lifecycle, including after the project financial agreement is signed or completed. However, the one-year limit is a relatively short time frame, especially in the context of complex projects. For instance, a complainant may first attempt to raise issues directly with the project promoter, and in cases involving groups of complainants, more time may be needed to collectively agree on a joint strategy and define the allegations being made.

An accessible complaints mechanism must recognise and address the risks of retaliation, as fear of reprisal can discourage and prevent people from raising their concerns with the bank and its complaints mechanism. Acknowledging this, the EIB-CM Policy states that the 'EIB Group is committed to taking steps to prevent and address potential risks of reprisal against complainants and complaint-related people'.²¹ Further details on how the EIB-CM addresses these reprisal risks are provided in the EIB Group Complaints Mechanism's Approach to Preventing and Addressing Reprisals, which outlines the EIB-CM's risk assessment process, the preventive measures it adopts during complaint handling, and its strategy for responding to incidents.²² However, in comparison to the African Development Bank's Anti-Retali-

¹⁹ European Investment Bank Group, [EIB Group Complaints Mechanism Policy](#), 10.

²⁰ European Investment Bank Group Complaints Mechanism, [EIB Group Complaints Mechanism: An instrument of public accountability](#), *European Investment Bank Group*, 28 April 2022.

²¹ European Investment Bank Group, [EIB Group Complaints Mechanism Policy](#), 7.

²² European Investment Bank Group Complaints Mechanism, [EIB Group Complaints Mechanism's approach to preventing and addressing reprisals](#), *European Investment Bank Group*, 26 April 2022.

Toolkit, for example, which addresses retaliation risks during complaint management with specific procedural guidance,²³ the EIB-CM's strategy is overly general and lacking in procedural detail.

The EIB-CM addresses concerns about reprisals on its FAQ web page, assuring rights holders that it will consider all risks and take appropriate measures, such as limiting access to personal information and holding separate meetings with complainants.²⁴ Additionally, complainants can request confidentiality without justification. To further mitigate risks, the EIB-CM also undertakes staff trainings on reprisals and data protection in complaints handling.²⁵ The EIB-CM is designed to be inclusive and user-friendly. Altogether, the EIB-CM Policy generally aligns with the UNGP recommendations for accessible accountability mechanisms.

3.2. EBRD Independent Project Accountability Mechanism

IPAM is designed to help individuals who believe they may be negatively impacted by EBRD projects.²⁶ However, the EBRD's key policies – the Environmental and Social Policy (2019), the Access to Information Policy, and the Project Accountability Policy – do not explicitly require project promoters or the EBRD itself to inform project-affected people about the mechanism. This makes it hard for people to obtain information about their rights and seek redress. This issue is particularly problematic for projects financed through financial intermediaries, where it can be even more difficult for potential complainants to identify EBRD involvement and access the mechanism.

While the Project Accountability Policy assigns IPAM an outreach mandate, it recognises that realising this mandate is heavily reliant on the mechanism's 'ability to effectively engage with its stakeholders'.²⁷ In the same vein, IPAM's 2021–2024 Outreach Strategy, published in April 2021, commits to promoting knowledge and understanding of its policies, functions,²⁸ among internal and external stakeholders. However, IPAM's actual outreach efforts, as outlined in its annual reports, primarily target civil society organisations and contain very little information on the mechanism's engagement with rights holders and local communities. Paradoxically, despite undertaking various outreach initiatives like publishing the Project Accountability Policy in multiple languages and maintaining a case registry, IPAM has not been successful in reaching project-affected people, who are ultimately the primary group the mechanism intends to serve.

The Project Accountability Policy restricts eligibility to file a request to individuals or organisations who believe they are, or could be, affected by a project. However, organisations not directly or personally affected are allowed to submit requests if they can demonstrate efforts to engage with project-affected people on the issues of concern, including providing any feedback received and explaining why such

²³ Independent Recourse Mechanism, [Anti-Retaliation Toolkit Addressing Risks of Retaliation in Complaint Management | Independent Recourse Mechanism | AfDB Group](#), African Development Bank Group, August 2023.

²⁴ European Investment Bank, [EIB Group Complaints Mechanism Overview | Frequently Asked Questions](#), European Investment Bank, accessed 5 November 2024.

²⁵ European Investment Bank Group, [EIB Group Complaints Mechanism Report 2022](#), 39.

²⁶ European Bank for Reconstruction and Development, [Project Accountability Policy](#), 8.

²⁷ Ibid., 25.

²⁸ European Bank for Reconstruction and Development, [Outreach Strategy 2021-2024](#), European Bank for Reconstruction and Development, 7, April 2021.

individuals have been unable to submit the requests themselves. Indirect stakeholders can also file requests in cases where no individuals can be directly identified as affected by the project.²⁹

Yet the Policy's current wording is unclear regarding the eligibility of mission-driven organisations to file a request if they are not directly affected. These organisations typically focus on environmental protection, biodiversity conservation, or cultural heritage protection, and have a presence in the EBRD's countries of operation. It is also unclear to what extent these organisations must engage with project-affected individuals to meet the requirement of proof, and why their legitimate interest in environmental protection is not acknowledged. Under the Aarhus Convention, which many EBRD shareholders have signed and ratified, the term 'public concerned' includes non-governmental organisations with specific missions deemed to have a legitimate interest in environmental decision-making. However, local and even national organisations may face significant challenges in gathering the proof required by the Project Accountability Policy due to limited resources and concerns over the safety of individuals.

To align with the Aarhus Convention, the Policy should recognise the eligibility of requests from local and national non-governmental organisations actively pursuing matters of environmental concern, without requiring evidence of their prior engagement with project-affected people and regardless of whether such individuals live in the project area. Indeed, in cases of projects with biodiversity impacts, project-affected people may not even come into play, or it may not be obvious who they are. In this context, expanding the Policy's eligibility criteria to include non-governmental organisations would constitute a positive contribution by the EBRD to the development of civil society in its countries of operation and strengthen its commitment to uphold and implement international environmental law.

That said, for international organisations with specific missions, such as Bankwatch, the existing requirements do not entirely prevent them from filing requests through IPAM. On one specific project located in a Central Asian country, Bankwatch successfully submitted a request for a compliance review supported by evidence presented to the mechanism.

Yet, the same eligibility criteria apply to requests concerning access to project information, which may be an unnecessarily high barrier. The Policy's restrictions on access to project information limit the rights of all EBRD stakeholders to environmental information on projects financed by the bank. Under the Aarhus Convention, everyone has the right to request and receive environmental information without discrimination based on residence, nationality, ethnicity, or background. Therefore, the EBRD's Project Accountability Policy should accept requests from anyone – individuals or organisations – alleging issues with information disclosure in adherence with this principle and in line with European environmental law.

Currently, the EBRD unnecessarily limits access to IPAM to a narrow time frame between project approval by the EBRD Board of Directors and two years after the bank's financial interest in the project ends, which typically occurs after full repayment. However, the restriction on pre-approval requests is inconsistent with the best practices of financial institutions like the World Bank, the International Finance Corporation, the Asian Development Bank, the African Development Bank, and the Green Climate Fund. To prevent harm to local communities, all potential negative impacts should be identified and addressed before project implementation begins. Given that the EBRD's Environmental and Social Policy requires the bank to ensure

²⁹ European Bank for Reconstruction and Development, [Project Accountability Policy](#), 8.

that its clients comply with numerous standards and procedures at the pre-approval stage, it stands to reason that assessing compliance prior to approval would be both practical and beneficial. In addition, the EBRD's project exit restriction opposes best practice, which generally allows complaints to be submitted up to two years from the date the complainant becomes aware of the adverse impacts. After all, the need for redress does not simply disappear just because the bank no longer has a financial interest in the project.

IPAM accepts requests through multiple channels, including an encrypted online request form, in writing, or verbally at any of the EBRD's resident offices. Complaints may also be filed by representatives. Requests can be submitted in any language used in the EBRD's countries of operation. IPAM also provides translation and interpretation support as needed. Although certain content requirements apply to requests, complainants are not required to indicate any legal grounds stemming from EBRD policies or standards. They must, however, provide either a summary of prior attempts to address the issue with the EBRD or its client or an explanation as to why such efforts could not be undertaken.³⁰ However, this requirement unnecessarily complicates the admissibility process, which should be as simple as possible. Project-affected people may choose to contact EBRD services first, as is often the case, but they should not be obligated to do so. This should be the prerogative of the complainants, allowing them to select the approach best suited to their circumstances.

The Project Accountability Policy prohibits all forms of retaliation – including threats, intimidation, harassment, violence, and discrimination – against complainants or people involved in the mechanism's processes or outreach activities.³¹ To ensure secure submissions, IPAM provides an encrypted online request form. It also commits to conducting retaliation risk assessments, implementing mitigation measures where needed, and permitting complainants to request confidential case handling.

However, although IPAM is designed to be an accessible mechanism for project-affected people, there is considerable room for improvement. As part of its outreach activities, IPAM should target project-affected people directly. In tandem, it should consider complaints from local or national organisations with legitimate interests in raising concerns with IPAM, even if they have not engaged with project-affected people previously. The Project Accountability Policy should be revised to accept requests alleging flaws in information disclosure from all stakeholders, ensuring accountability for adequate transparency. Additionally, the Policy should be reformulated to allow requests up to two years from the date the complainant becomes aware of the adverse impacts. This would help ensure that any harm that the EBRD has contributed to is addressed, even after its financial interest ends, and that those affected are not left unsupported. Finally, complainants should not be prevented from making complaints if they have not reached out to EBRD services beforehand. The timing of the decision to file should remain at the discretion of the complainant.

We interviewed four users who had previously used IPAM. They found it to be the only viable option for raising concerns and claims related to project impacts. Notably, none of them learned about the mechanism from the EBRD client, but rather from civil society organisations or the EBRD website. Although they found the procedure somewhat complicated, they felt they received adequate explanations from IPAM and were asked about their sense of security with the process of filing their requests. All participants

³⁰ Ibid., 9.

³¹ Ibid., 22.

reported that IPAM staff met with them during the initial stage. Two of the respondents found it relatively easy to lodge their complaints, while the others found the assistance from civil society organisations, both local and international, to be helpful.

4. Predictability, fairness and transparency of the complaints handling process

Making a complaint can be a challenging undertaking for anyone, but especially for vulnerable individuals at risk of retaliation such as older people, those with limited financial resources, or those unfamiliar with the workings of development banks. Cultural factors can also deter people from raising their concerns with institutions. To address these challenges, accountability mechanisms should communicate the process in a culturally appropriate manner. This includes explaining to the complainant how the communication will proceed, what actions the mechanism will take, whether external experts or mediators may be engaged, whether in-person meetings will occur, how it will reach out to vulnerable groups, how often it will update the complainant, and outlining the possible outcomes and expected time frames involved.

Accountability mechanisms should ensure the fair treatment of all parties, including providing them with equal access to information and allowing them to fully participate in the grievance process. This is a particularly important element during problem-solving and mediation processes, where complainants from vulnerable groups may face powerful counterparties, such as wealthy companies with legal departments and extensive financial resources.

4.1. EIB Group Complaints Mechanism

The EIB-CM provides information about its complaint-handling process on its website, including the EIB-CM Policy, EIB-CM Procedures, leaflets, and an FAQ section with simplified information about the mechanism and how it handles complaints. These resources provide some details on the EIB-CM's competence, complaint-handling phases, methods, possible outcomes, and time frames. This information is also provided in multiple languages, including all EU languages, Swahili, Russian, and Turkish.

However, these documents lack sufficient procedural detail on the case-handling process, leaving complainants uncertain about what to expect. For instance, while the Policy states that the EIB-CM is responsible for problem-solving and mediation, it does not specify what these processes entail. It notes that the mechanism 'ensures appropriate stakeholder engagement' through activities such as fact-finding, dialogue facilitation, and mediation, yet the exact methods and criteria for this engagement are not well-defined.³² Adding to the confusion, the EIB-CM Procedures introduce vague terms like 'collaborative problem-solving' during the initial assessment and 'formal mediation' aimed at achieving 'conciliation with a view to problem-solving'.³³ Despite the authors' best intentions, this inconsistent terminology and lack of clarity make it difficult to understand how the EIB-CM's mediation function operates, what forms of mediation are offered, the purpose of the function, the role of the complainant, and whether any technical or advisory support is available to help complainants navigate the process.

³² European Investment Bank Group, [EIB Group Complaints Mechanism Policy](#), 13–15.

³³ European Investment Bank Group, [EIB Group Complaints Mechanism Procedures](#), *European Investment Bank Group*, 6, 8, 13 November 2018.

Our interviews reveal that, in practice, the EIB-CM Procedures are not clear to complainants, despite the availability of information on the EIB website. However, respondents who participated in the problem-solving process, led by EIB-CM, reported that the mechanism's staff explained the process, clarified the timelines involved, and inquired about their sense of safety, which improved their overall understanding. A similar observation was made by a respondent involved in a compliance investigation, during which EIB-CM representatives visited the complainants. Other respondents, however, found the process to be unclear. Additionally, those engaged in compliance investigations noted that the cases often took longer than expected, with deadlines extending beyond what the complexity of the cases justified. On the other hand, one participant in a problem-solving case found the length of the process commensurate with the complexity of the case.

The Policy explains the scope of the mechanism, which addresses complaints concerning, but not limited to, environmental and social impacts, including human rights, public participation and consultations, the actions or decisions of the EIB Group and its staff, and access to information. This allows the EIB-CM to handle a wide range of issues raised by EIB Group stakeholders and rights holders, including individuals and groups directly impacted by its projects. The Policy explains the functions of the mechanism, noting its primary focus on compliance. While its compliance review typically involves assessing adherence to existing policies and procedures it also include a 'substantive review of compliance with standards', particularly in cases where complaints have been filed in relation to environmental and social impacts.³⁴ The mechanism also performs a mediation function, where complainant may request an investigation, a compliance review, or mediation.³⁵

However, neither the Policy nor the Procedures sufficiently clarifies the role of the complainant in deciding the function under which the complaint will be processed. Additionally, in problem-solving cases, other parties, such as the project promoter, must agree to take part in the process. According to the Procedures, the Head of the EIB-CM, in agreement with the EIB Inspector General, decides whether the complaint merits an investigation or compliance review, a collaborative process, or formal mediation based on the initial assessment report and any response of EIB services. This process clearly indicates that the opinion of the complainant has minimal influence over the final decision.

The Policy limits the availability of mediation in cases that have undergone a compliance investigation, without providing a clear explanation – a restriction not present in the previous version of the Policy. Typically, problem-solving cases like mediation, which involve complainants and the project promoter, attempt to resolve the specific issues raised by the complainants. In contrast, compliance investigations focus on assessing the due diligence of the bank in ensuring the project complies with the applicable standards. In line with best practices, complainants should have the option to choose between these functions, as they may initially prefer a compliance assessment or the opportunity to engage in a problem-solving procedure at a later stage.³⁶

³⁴ European Investment Bank Group, [EIB Group Complaints Mechanism Policy](#).

³⁵ Ibid., 8.

³⁶ Accountability Counsel, Bank Information Center, Center for International Environmental Law, Centre for Research on Multinational Corporations, Community Empowerment and Social Justice Network, Gender Action, Green Advocates International (Liberia), Inclusive Development International, Jamaa Resource Initiatives, Recourse, Urgewald e.V., [Good Policy Paper: Guiding Practice from the Policies of Independent Accountability Mechanisms](#), 53.

The descriptions of the EIB-CM's approach to investigating complaints and problem-solving in both of its key documents are inconsistent. On the one hand, the Policy states that the EIB-CM primarily focuses on compliance and, during the performance of its functions, will 'assess concerns of maladministration raised by complainants' and 'evaluate and report compliance with the EIB Group's relevant regulatory framework for each admissible complaint'.³⁷ On the other hand, the Procedures stipulate that 'formal mediation cannot be carried out at the same time as an investigation/compliance review, and cannot be initiated after the complaint has been closed'.³⁸ This restriction implies that project compliance is not assessed during problem-solving cases, contradicting the Policy's commitment to evaluate compliance in each admissible case. For complainants, this means they are unable to pursue problem-solving options if their case is already under compliance investigation or after the investigation is complete, regardless of the outcome. The Policy does not explain why it limits the ability of complainants to use these functions in sequence, leaving questions about flexibility and access unresolved.

Another aspect of the EIB-CM process that would benefit from increased clarity is the kind of remedial measures available to complainants at the end of the process and the enforcement of these remedial measures. Though the Policy does not provide any concrete examples of remedial measures, it does list the various tasks of the mechanism. These include ensuring 'appropriate stakeholder engagement through fact-finding, mediation, conciliation and dialogue facilitation whenever appropriate', as well as reporting findings, proposing corrective actions, and recommending improvements to address maladministration.³⁹

The Policy indicates that the Conclusions Report, issued at the end of a compliance investigation, may include 'operational corrective actions' with an implementation plan and timeline along with recommendations for policy or procedural improvements.⁴⁰ However, the Procedures only mention recommendations in relation to management, offering suggestions for corrective or mitigation actions⁴¹ without specifying an implementation plan. As a result, complainants cannot be certain if the final Conclusions Report will include corrective actions with an implementation plan, only suggestions for corrective actions, or simply recommendations. Additionally, no guidance is provided on the content of the Mediation Report, leaving the scope and enforcement of mediation actions unclear.

The terminology used in the Policy and Procedures indicates that the outcomes of the process and the remedial measures proposed may be difficult to enforce. Terms like 'recommendations' and 'suggestions' for corrective actions imply that the EIB-CM lacks the authority to enforce any of these proposals, offering no guarantee that the outcomes will be implemented, even if management agrees. Ultimately, addressing non-compliance requires the bank to engage with the project promoter, who bears primary responsibility for ensuring the project complies with EIB policies and standards.

Although EIB financial contracts include provisions requiring promoters to follow applicable laws and EIB standards, the Procedures state that the mechanism itself is not a legal enforcement body and does not

³⁷ European Investment Bank Group, [EIB Group Complaints Mechanism Policy](#), 13.

³⁸ European Investment Bank Group, [EIB Group Complaints Mechanism Procedures](#), 6.

³⁹ European Investment Bank Group, [EIB Group Complaints Mechanism Policy](#), 14, 15.

⁴⁰ *Ibid.*, 16.

⁴¹ European Investment Bank Group, [EIB Group Complaints Mechanism Procedures](#), 3.

replace judicial authority. They also make it clear that the mechanisms findings are not legally binding: ‘A finding of maladministration on the part of the EIB Group does not in itself signify or imply a breach of contract by either the EIB/EIF or their counterparties.’⁴² In other words, even if the mechanism identifies breaches of EIB standards that the promoter is required to comply with, it does not mean that the promoter has breached the relevant provisions of the finance contract.

Furthermore, neither the EIB-CM Policy nor any other EIB policy requires promoters to comply with the findings of the EIB-CM or implement the corrective actions agreed. Therefore, to strengthen the authority and effectiveness of the EIB-CM, project promoters and borrowers should be contractually obliged to adhere to the findings of the mechanism and follow its recommendations and corrective actions. Three of the respondents we interviewed confirmed that the recommendations and corrective actions agreed were not implemented, only partially implemented, or delayed, and that the EIB was unable to provide a timeline for when the recommendations would be implemented.

The EIB-CM is also tasked with monitoring the implementation of corrective actions, recommendations, agreements reached through mediation, and the EIB Group’s response to its advisory opinions. However, neither the Policy nor the Procedures specify how this monitoring is conducted, how often it is reported, to whom it is directed, or what steps are taken if the corrective actions or recommendations are not implemented. In 2020, the EIB-CM noted that a tool was being developed to enable more systematic monitoring and reporting of cases under follow-up.⁴³ Yet, the Policy places the responsibility for monitoring on the complainant: ‘In the event that the complainant deems that the agreed corrective actions are not implemented correctly or within the imposed timeframe, s/he may submit a complaint, and the EIB Group Complaints Mechanism will review the case.’⁴⁴ This raises the question of why the complainant should have to submit a further complaint, given that it is the role of the EIB-CM to monitor both the implementation and timeliness of the corrective actions.

Additionally, the Policy does not specify whether monitoring ends with a formal record confirming and assessing the implementation of corrective actions and recommendations. Monitoring reports are available for closed cases handled under the problem-solving procedure, but not for cases under the compliance procedure. Our interviewees reported inconsistent communication regarding the implementation of EIB-CM recommendations, either receiving no updates or irregular notifications. Two individuals said they had to request an update to obtain information during the monitoring stage, while another was informed only occasionally.

When handling complaints, the EIB-CM engages with stakeholders through fact-finding, mediation, conciliation, and facilitating dialogue as needed. It may also contact the complainant, impacted individuals, or other stakeholders if necessary.⁴⁵ However, the Policy does not specify whether the complainant or specific groups within the complaint community can request advice, expertise, or other resources during

⁴² Ibid., 7.

⁴³ European Investment Bank Group, [EIB Group Complaints Mechanism Report 2020](#), *European Investment Bank Group*, 18, 28 July 2021.

⁴⁴ European Investment Bank Group, [EIB Group Complaints Mechanism Policy](#), 16.

⁴⁵ Ibid., 15, 13.

the process, especially for mediation or problem-solving, which can require significant engagement to achieve a satisfactory solution.

Despite highlighting the EIB-CM's role in promoting understanding, building trust between parties, and seeking common agreement on solutions, the Policy does not clarify the type of assistance the mechanism may offer complainants during the dispute resolution process.⁴⁶ Similarly, there is a lack of guidance in the Procedures on how exactly the EIB-CM should perform this role, for example by providing training on EIB standards, stakeholder rights, or best practices in mediation. The Procedures also state that the parties may withdraw from the mediation process in the event a mediation agreement is not reached. In this scenario, the process ends and the EIB Group may recommend an investigation or another specific course of action.⁴⁷ However, this leaves the outcome open-ended and without clear assurance that the case will be addressed by the EIB-CM using a different approach, such as through the compliance process.

According to the UNGPs' effectiveness criteria for grievance mechanisms, an equitable and transparent accountability process should provide all parties with relevant information, including argumentation, allegations, evidence, investigation outcomes, and personal reports. This provision gives the parties the opportunity to review and comment on this information before material decisions are made at each stage.⁴⁸ The EIB-CM Policy states that the mechanism operates based on the 'consultation of concerned stakeholders'.⁴⁹ However, its Procedures limit consultations on its draft Initial Assessment Report and Conclusions Report with external stakeholders, including complainants, to cases the mechanism finds appropriate.

In Bankwatch's experience, however, consultations often occur only when the EIB-CM has conducted a fact-finding mission, which is relatively rare. In 2023, for example, the EIB-CM conducted only eight sites visits in five countries. In total, the mechanism catalogued 44 admissible cases, of which 26 concerned environmental and social impacts.⁵⁰ Draft reports are generally reviewed by the EIB's services and Management Committee before being shared with the complainant, if they are shared at all. An additional draft of the final Conclusions Report also undergoes an internal consultation before being disclosed to the complainants. This means that the content of the reports is subject to formal negotiations within the EIB. In contrast, the complainant may not even hear from the mechanism between acknowledging the admissibility of the complaint and the issuing of the final Conclusions Report. In cases where an Initial Assessment Report is prepared, the draft does not need to be shared with the complainant, even though it contains information on subsequent steps and methods for proceeding with the complaint.

Neither the Policy nor the Procedures require that the complainant be regularly informed about proceedings or invited to comment. Even during the monitoring phase, after a case has been closed and recommendations have been issued, the Policy does not require the complainant to be kept informed of

⁴⁶ Ibid., 16.

⁴⁷ European Investment Bank Group, [EIB Group Complaints Mechanism Procedures](#), 9.

⁴⁸ Office of the United Nations High Commissioner for Human Rights, [OHCHR Accountability and Remedy Project: Meeting the UNGPs' Effectiveness Criteria](#).

⁴⁹ European Investment Bank Group, [EIB Group Complaints Mechanism Policy](#), 16.

⁵⁰ European Investment Bank Group, [European Investment Bank Group Complaints Mechanism Report 2023](#), *European Investment Bank Group*, x, 1, July 2024.

the progress of the implementation of these recommendations. Based on our interviews with complainants, those who raised concerns about the social and environmental impacts of projects said that the EIB-CM did not visit them or the project site, nor did they meet with the people impacted. And while this may have initially been due to pandemic restrictions, the complainants informed us that the situation did not change once the restrictions were lifted. The complainants also reported that they were not given an opportunity to comment on the draft Initial Assessment Report, even in one case handled through the problem-solving procedure. Two complainants said they were not given an opportunity to comment on the final Conclusions Report. In the above cases, the complainants were effectively excluded from consultations on the recommendations proposed by the EIB-CM. In cases handled under the compliance investigation procedure, complainants reported that they received minimal information from the EIB-CM throughout the process and, although they were informed about delays, new deadlines were not provided.

The EIB-CM Policy states that complainants may challenge the outcomes of its findings with the European Ombudsman. However, typically only EU citizens have access to this facility, even though the Ombudsman may independently decide to open a case for non-EU complainants. Additionally, the Ombudsman's review is limited to investigating administrative aspects, which may not fully satisfy those seeking a more substantial assessment of a project's compliance with applicable standards.

The EIB-CM publishes the results of its work in the form of annual reports, which provide statistical information on complaints received, issues raised, and the types of processes initiated to address them. The reports also present case studies categorised under three of its four functions – complaints investigation, dispute resolution, and monitoring – including detailed information on the implementation and outcomes of these cases. Additional information is also provided on staff training and public outreach activities. Crucially, however, the reports lack information on the performance of the EIB's advisory function, specifically the written advice it gives to the EIB Management Committee and the EIF on 'broader and systemic issues related to policies, standards, procedures, guidelines, resources and systems'.⁵¹

4.2. EBRD Independent Project Accountability Mechanism

Although the IPAM section of the EBRD website is only available in English, an online request form is provided in Russian and Arabic. The EBRD's Project Accountability Policy, available in the 30 languages spoken in the EBRD's countries of operation, contains detailed information on its problem-solving and compliance functions along with a flow chart of its case-handling process.⁵² The Policy is accompanied by a case-handling guidance document, which offers additional information on how IPAM processes requests, handles cases, and fulfils other aspects of its mandate.⁵³ While the guidance document is available in 12 languages, it is hard to find on the EBRD website, as it is not directly linked to the Policy and can only be located using the search tool.

In any case, the guidance document provides useful definitions and explanations of the case-handling stages, including the roles of parties involved in the process. Additionally, IPAM's FAQ section provides clear

⁵¹ European Investment Bank Group, [EIB Group Complaints Mechanism Policy](#), 13.

⁵² European Bank for Reconstruction and Development, [Project Accountability Policy](#), 7.

⁵³ Independent Project Accountability Mechanism, [Guidance on Case Handling under the EBRD Project Accountability Policy](#), *European Bank for Reconstruction and Development*, 2, April 2019.

information on the mechanism's role, functions, eligibility criteria, procedures, timelines, monitoring responsibilities, support options, and costs. However, as this information is only available in English, it is of limited use to project-impacted people, for whom the mechanism was established. IPAM also maintains a public case registry containing information on all case reports handled under the mechanism.

IPAM commits to ensuring safe access for complainants by handling cases confidentially, assessing retaliation risk, and adopting risk mitigation measures. It also details its procedure for addressing concerns raised about retaliation risks and assures complainants that protective measures will be put in place to protect them from retaliation.

The Project Accountability Policy describes in detail what the complainant can expect at each stage of the process, both under the problem-solving and compliance functions, along with indicative time frames. As part of its assessment process, IPAM discusses the scope and possible outcomes of both functions with the parties involved before choosing the most appropriate function for the case.⁵⁴ IPAM is also obliged to keep requesters or their representatives (if applicable) promptly informed about the status of their request.⁵⁵ The Policy also explains the role of the complainant at each stage, including the monitoring phase, the decisions made during the process, potential outcomes in the case of compliance or non-compliance, and the rights of the complainant and other parties during case-handling. In cases of non-compliance, the Policy details the preparation and monitoring of a Management Action Plan, along with details on monitoring methods and reporting frequency.

Overall, the Policy provides comprehensive guidance on all components of the case-handling process, distinguishing between mandatory steps and those subject to the discretion of IPAM or the EBRD Board of Directors. In the interviews conducted by Bankwatch, complainants confirmed that IPAM informed them about all aspects of the process during phone calls and in-person meetings. However, they did express surprise about the length of the process. Two of the respondents noted that IPAM inquired about the complainants' sense of security.

IPAM performs two main functions: problem-solving and compliance. The scope of each function is delineated in the Environmental and Social Policy and project-specific provisions outlined in the Access to Information Policy. Therefore, IPAM does not assess complaints that challenge project compliance with the EBRD's sectoral policies or complaints concerning access to information that are unrelated to the project concerned. For all eligible and registered requests, the most appropriate function for the case is selected at the beginning of the process. At this initial stage, IPAM explains both functions to the parties, assesses their willingness to engage in each function, and considers the preference of the complainant. The problem-solving function is considered first. However, if there is no agreement to pursue this function, the case then undergoes a compliance assessment, which may be followed by a compliance review.

The opinion of the complainant is an important factor in determining how to proceed. By explaining each function and the processes involved, IPAM encourages the complainant to take an informed decision. However, the Policy still fails to establish a role for IPAM in addressing the power imbalances between the parties and strengthening the capacity of complainants to effectively participate in the problem-solving

⁵⁴ European Bank for Reconstruction and Development, [Project Accountability Policy](#), 12.

⁵⁵ *Ibid.*, 20.

process. This shortcoming is exposed in cases where project-affected individuals or groups, whose involvement requires significant personal and often financial effort, find themselves at a mediation table with companies, developers, or authorities that often have privileged access to information, expert knowledge, and other resources. Additionally, IPAM does not make it clear whether its problem-solving function remains accessible at a later stage – such as during or after the compliance review – or what options are available if a complainant expresses a preference to pursue both functions simultaneously. This approach does not align with best practice in this area. For example, the United Nations Development Programme’s Social and Environmental Compliance Unit advises that a complainant has the right to choose the sequence of functions or pursue them concurrently.⁵⁶

The Project Accountability Policy describes the kinds of remedial measures IPAM can propose under each function. It outlines possible outcomes under its problem-solving function, such as facilitated dialogue, information sharing, mediation, conciliation, negotiated resolution, or joint fact-finding activities.⁵⁷ Under the compliance function, complainants can expect the development of a Management Action Plan detailing specific actions that address project non-compliance and harm, together with an implementation plan. IPAM is responsible for monitoring the implementation of any agreed commitments or corrective actions, continuing oversight until these actions are completed. Although project promoter is not directly, contractually obliged to implement corrective actions or fulfil agreements reached with complainants, enforcement is strengthened by the Management Action Plan, which requires Board approval. The Board may reject the plan if it fails to adequately address IPAM’s findings and recommendations, adding weight and authority to the outcomes of the IPAM process.⁵⁸

Throughout the process, IPAM engages with complainants to gather their opinions and comments before moving to the next stage. After a complaint is registered, IPAM meets with the complainant during the assessment stage to explain the options open to them and to understand their preferences. IPAM also undertakes a site visit to the project area. However, it does not seek the complainants’ comments on the draft Assessment Report, even when it decides to close the case, which requires Board approval. During the next stage, a draft Problem-Solving Report is shared with all parties to gather feedback, and the final report is then published in the case register. During the compliance assessment stage, IPAM consults with the complainant and other parties equally, including on the draft terms of reference for the compliance review. However, the Policy does not require IPAM to consult with the complainant on the draft Compliance Assessment Report when it decides to close the case, even though this also requires Board approval.

During the compliance review stage, IPAM consults with the complainant, conducts a site visit, and finally shares the draft Compliance Review Report with all parties at the same time to obtain feedback, incorporating these comments into the final report. With a view to addressing findings of non-compliance, IPAM also shares a draft Management Action Plan with the complainant, once again gathering input before finalising the document. The final Compliance Review Report and Management Action Plan must reflect the

⁵⁶ Accountability Counsel, Bank Information Center, Center for International Environmental Law, Centre for Research on Multinational Corporations, Community Empowerment and Social Justice Network, Gender Action, Green Advocates International (Liberia), Inclusive Development International, Jamaa Resource Initiatives, Recourse, Urgewald e.V., [Good Policy Paper: Guiding Practice from the Policies of Independent Accountability Mechanisms](#), 53, 54.

⁵⁷ European Bank for Reconstruction and Development, [Project Accountability Policy](#), 13.

⁵⁸ *Ibid.*, 18.

comments submitted by the complainant. IPAM continues to engage with the complainant during the monitoring stage, providing monitoring reports at least biannually and consulting on their content before concluding the case.

In summary, the Project Accountability Policy requires IPAM to regularly engage with complainants and gather their opinions and comments. Importantly, comments submitted by complainants must be incorporated into the final versions of the Compliance Review Report and Management Action Plan. IPAM also engages in the commendable practice of treating all parties fairly, providing them with equal access to information and opportunities to comment. Nevertheless, the process could be improved by requiring IPAM to consult with complainants on its draft assessment reports once a decision is made to close the case and upon Board approval. The individuals we interviewed confirmed that IPAM regularly engaged with them and asked for their feedback on draft reports and other documents. Two respondents said they contributed to organising IPAM's field visits, recommending meetings with key stakeholders and visits to important project locations. IPAM regularly communicates with the public about its work through its annual reports, which contain comprehensive information about complaints received, registered and not registered, and the types of processes initiated to deal with these complaints. The reports also include information on case outcomes and follow-up activities. Additionally, IPAM maintains a case registry that provides access to case summaries and all public documents issued by IPAM throughout the processing of each case. Case summaries, including basic information and links to related EBRD projects.⁵⁹

5. Compatibility of remedial measures with human rights standards

The environmental and social policies and safeguards of both the EIB and the EBRD were adopted to protect internationally recognised human rights. Accountability mechanisms can play a vital role in protecting and restoring human rights, as long as they identify actual or potential harms and propose enforceable, adequate and effective remedial measures aligned with international human rights standards. This process requires consultation with rights holders and ongoing monitoring to ensure successful implementation.

The common approach of the EIB-CM and IPAM to investigating compliance is motivated by the principle of whether the bank – not the client or project promoter – has complied with its own policies, procedures, and laws. Their assessments focus on the bank's compliance, rather than addressing the actions of the client, even though project impacts often result from the client's failure to follow the bank's environmental and social standards, which is ultimately due to the bank's failure to conduct sufficient due diligence before approving financing. At any rate, the effectiveness of the remedy largely depends on the willingness and capacity of the client to implement it. In what remains a significant shortcoming, clients of the EIB and EBRD are not contractually obliged to carry out these remedial measures, which can restrict enforcement in cases where a client disputes the outcome, lacks the funds to implement the remedial measure proposed, or the bank's leverage reduces in the event of loan repayment or project completion.

Typically, multilateral development banks do not consider themselves directly responsible for harm or obliged to address project impacts. Recently, however, their role in contributing to harm and, by extension,

⁵⁹ European Bank for Reconstruction and Development, [EBRD IPAM Case Registry](#), *European Bank for Reconstruction and Development*, accessed 13 November 2024.

their responsibility for redress, has been raised by the OHCHR⁶⁰ and civil society organisations. There is a growing consensus among these stakeholders that multilateral development banks should be accountable for harm and provide various means of redress. Until banks fully recognise their responsibility for remedying harm and establish effective remedial frameworks, their accountability mechanisms will remain inherently limited. In other words, the remedial measures for addressing project impacts proposed by these mechanisms will only ever reflect the scope of responsibility recognised by the banks, which may not be compatible with international human rights law.

5.1. EIB Group Complaints Mechanism

According to the EIB-CM Policy, the EIB-CM investigates complaints concerning instances of maladministration by the EIB Group, including ‘failure by the EIB Group to comply with human rights, with applicable law, or with the principles of good administration’.⁶¹ The concept of maladministration, as defined by the Policy, also applies to the ‘environmental or social impacts of the EIB Group’s activities and to project cycle-related policies and other applicable policies of the EIB Group’.⁶² However, such an investigation is not limited to an administrative review of whether the EIB Group has complied with its own policies, standards and procedures. The Policy specifies that inquiries may go beyond routine checks to include a ‘substantive review of compliance with standards, especially in the case of complaints regarding environmental and social impacts’.⁶³

These standards are guided by the EIB Group Environmental and Social Sustainability Framework, which follows the EU’s environmental and social principles and standards, the Charter of Fundamental Rights of the European Union, and the UN Universal Declaration of Human Rights. However, despite these commitments, the Policy does not authorise the EIB-CM to identify human rights violations caused by non-compliance or to propose appropriate means of redress. And while the EIB-CM oversees the implementation of recommendations and action plans under its monitoring function, it does not assess their effectiveness in mitigating or eliminating the adverse impacts identified. This is further exacerbated by the non-transparent manner in which the EIB-CM develops recommendations and corrective actions. Specifically, the EIB-CM’s criteria for proposing recommendations versus corrective actions with a set time frame are unclear, as is the role of EIB services in developing and endorsing these steps. As a result, the complainant receives a Conclusions Report that includes either recommendations only or corrective actions with a timeline, but without the opportunity to comment on the proposals, which must also be agreed by the EIB’s services and Management Committee. Furthermore, the Policy does not guarantee that a complainant will be consulted on the type of remedial measure agreed or its method of implementation before receiving the final Conclusions Report.

Unless the EIB Group accepts its responsibility for the damage and negative consequences resulting from its maladministration and develops a policy framework to fulfil its role in contributing to remedial action,

⁶⁰ Office of the United Nations High Commissioner for Human Rights, [Remedy in Development Finance: Guidance and Practice](#), Office of the United Nations High Commissioner for Human Rights, 23 February 2022.

⁶¹ European Investment Bank Group, [EIB Group Complaints Mechanism Policy](#), 8.

⁶² *Ibid.*, 8.

⁶³ *Ibid.*, 13.

the EIB-CM will remain limited in its ability to propose remedial measures that align with international human rights standards. Additionally, given that the Policy does not authorise the EIB-CM to assess or confirm whether its corrective actions effectively bring projects into compliance by eliminating or compensating for all negative impacts, the EIB-CM's restricted role in monitoring the implementation of recommendations and action plans must also be addressed. Notably, our interviewees reported that the EIB-CM outcomes – covering recommendations, action plans, and conclusions – were well-founded and could have been effective if implemented properly. This feedback suggests that, even in cases where the EIB-CM proposes appropriate measures, their impact may be undermined by delays or poor implementation.

5.2. EBRD Independent Project Accountability Mechanism

IPAM assesses compliance in accordance with the EBRD's Environmental and Social Policy, which includes project-specific environmental and social Performance Requirements. This framework is designed to prevent and mitigate adverse social and environmental harm, including human rights impacts. Within the scope of the Policy, one of the EBRD's commitments is to ensure that its clients respect human rights, prevent violations, and address any adverse impacts related to their operations. The EBRD also aims to 'continuously improve the projects it finances in accordance with good international practice' and to strengthen human rights risk assessments throughout the project cycle.⁶⁴ Additionally, if IPAM finds the EBRD to be non-compliant during its compliance review, it will recommend project-specific actions to restore compliance and 'address the harm or potential harm associated with the findings of non-compliance'.⁶⁵

In this context, IPAM's role goes beyond routine compliance checks to assess instances of actual or potential harm. During its compliance assessment, IPAM is tasked with identifying direct, indirect, and material harm, including the 'direction, magnitude, geographic extent, duration, reversibility, frequency and probability' of the actual or potential impacts identified in the request.⁶⁶ However, under the Project Accountability Policy, IPAM is not permitted to 'recommend the award of compensation beyond that which may be expressly provided for in the Environmental and Social Policy'.⁶⁷ This provision significantly limits affected communities' access to effective and appropriate remedial measures. Our interviewees offered mixed opinions on the quality and accuracy of IPAM's proposed remedial measures. Some respondents felt that IPAM had not evaluated the full extent of the harm caused by its non-compliance, noting IPAM's tendency to avoid using human rights terminology. Others noted that the delayed implementation of remedial measures reduced their effectiveness. One respondent argued that halting the project altogether would have been the only appropriate response, even though this was not recommended. On the other hand, some respondents valued the comprehensive manner in which IPAM assessed the issues.

⁶⁴ European Bank for Reconstruction and Development, [Environmental and Social Policy](#), *European Bank for Reconstruction and Development*, 5, 25 April 2019.

⁶⁵ European Bank for Reconstruction and Development, [Project Accountability Policy](#), 16.

⁶⁶ Independent Project Accountability Mechanism, [Guidance on Case Handling under the EBRD Project Accountability Policy](#), 5.

⁶⁷ European Bank for Reconstruction and Development, [Project Accountability Policy](#), 17.

IPAM's policy framework provides a relatively solid foundation for developing and monitoring the implementation of human rights-compatible remedial measures in consultation with rights holders. However, it also imposes unnecessary restrictions on the types of remedial measures that can be proposed. Indeed, IPAM's effectiveness will remain limited unless its role within the EBRD's good governance framework is fully recognised, respected, and endorsed by the EBRD's Executive Committee and Board of Directors. Additionally, without the EBRD's acceptance of its responsibility for the harm caused by its own maladministration, and in the continuing absence of an adequate policy framework that ensures its contribution to remedial action, IPAM will struggle to remedy harm in alignment with human rights standards.

6. Accountability mechanisms as a source of continuous learning

6.1. EIB Group Complaints Mechanism

Advisory is one of the four key functions of the EIB-CM, alongside complaints investigation, mediation, and monitoring. Under the advisory function, the EIB-CM shares its learnings and advice with the EIB Management Committee and the EIF on 'broader and systemic issues related to policies, standards, procedures, guidelines, resources and systems'.⁶⁸ However, there is currently no information on how the mechanism fulfils this function, including whether and how it assesses its own performance and effectiveness, or whether and how it contributes to systemic improvements in the EIB's environmental, social, and human rights due diligence. Additionally, the EIB-CM's role in assisting the bank with reviewing its Environmental and Social Sustainability Framework and the ongoing review of its Environmental and Social Standards is similarly unclear. Unfortunately, none of the people we interviewed requested feedback on EIB-CM operations or offered opinions on how they could be improved in the future.

6.2. EBRD Independent Project Accountability Mechanism

Under the Project Accountability Policy, IPAM has a mandate to fulfil an institutional learning function, which involves sharing the 'insights, experiences and evidence' gained from its casework with EBRD management.⁶⁹ One can only assume this consists of compiling individual case reports and annual reports, scheduling trainings, and commenting on draft EBRD policies as well as country and sector strategies. However, the annual reports do not contain any information on precisely how IPAM performs this function, other than presenting lessons learned from case studies. Regrettably, there is also no information on whether IPAM provides feedback on the revision of the EBRD's Environmental and Social Policy.

⁶⁸ European Investment Bank Group, [EIB Group Complaints Mechanism Policy](#), 13.

⁶⁹ European Bank for Reconstruction and Development, [Project Accountability Policy](#), 26.

Recommendations for the EIB Group Complaints Mechanism Policy review

1. Publish the report of the panel of experts before revising the EIB-CM Policy.
2. Assign the responsibility for reviewing the EIB-CM Policy and Procedures to the EIB-CM.
3. Ensure the EIB-CM budget is approved by the Board of Directors based on a proposal from the EIB-CM that reflects the needs of the mechanism.
4. Strengthen the independence of the Head of the EIB-CM by enhancing the transparency of the hiring process, engaging external stakeholders such as Members of the European Parliament or representatives of the European Ombudsman, and introducing a cooling-off period to prevent the EIB-CM from hiring former EIB personnel or moving the Head to EIB services.
5. Require the EIB-CM to report to the EIB Board of Directors on each case or selected cases, such as those concerning environmental and social impacts or transparency, ensuring the Board holds the EIB Group accountable for implementing all recommendations and corrective actions.
6. Leverage the advisory function of the EIB-CM when reporting to the Board of Directors, ensuring the Board approves the recommendations of the mechanism and holds the EIB Group accountable for their implementation.
7. Mandate that project promoters and borrowers are contractually obliged to respect the findings and recommendations of the EIB-CM and implement corrective actions to ensure project compliance with environmental and social standards.
8. Accept complaints for at least two years from when the complainant becomes aware of the adverse impacts of the project or after financing concludes, whichever is later.
9. Simplify the consultation process detailed in the Policy and Procedures by establishing and respecting relevant timeframes, limiting them to draft EIB-CM reports during the investigation, dispute resolution, and monitoring stages, along with proposed corrective action plans and remedial measures.
10. Specify the EIB-CM's role in levelling imbalances in the mediation and dispute-resolution processes by assisting complainants in understanding the EIB Group's standards and their rights as rights holders.
11. Make sure the Policy and Procedures enable simultaneous consultations of EIB-CM findings and recommendations with all stakeholders, both internal and external.
12. Oblige the EIB Management Committee to prepare a corrective action plan with a timeframe for addressing EIB-CM findings and recommendations, ensuring project compliance with EIB policies, standards, and applicable laws, remedying harm or potential harm, and consulting with complainants on proposed corrective actions before approval.
13. Allow the EIB-CM to conduct problem-solving procedures after compliance investigations, and vice versa, or simultaneously.

14. Empower the EIB-CM to monitor the implementation of recommendations and corrective actions, providing regular reports to complainants and the EIB Board of Directors during monitoring.
15. Prepare closure monitoring reports for all cases to assess the effectiveness of the corrective actions implemented or agreements reached in dispute resolution, or both.

Recommendations for the EBRD's Independent Project Accountability Mechanism review

1. Develop an outreach strategy that informs rights holders and local communities about IPAM and its functions.
2. Amend the Project Accountability Policy to align with the Aarhus Convention's definition of the 'public concerned' by considering eligible requests from non-governmental organisations active locally or nationally on environmental matters, without requiring them to engage with project-affected people, even if such people reside in the project area.
3. Ensure the Project Accountability Policy accepts all requests concerning access to project-related environmental information in line with the Aarhus Convention and European international law, which grant any person the right to request and receive such information.
4. Allow complaints to be submitted before project approval and up to at least two years after the complainant becomes aware of adverse impacts or after financing concludes, whichever is later.
5. Remove the requirement for complainants to first engage with EBRD management or the client, while ensuring multiple avenues for effective resolution are made available, including engagement with management or clients.
6. Permit complainants to choose the sequence of available functions and pursue both functions simultaneously if desired.
7. Clarify IPAM's role in addressing power imbalances between parties under the problem-solving function by assisting requestors in understanding the EBRD's standards and their rights as rights-holders, as well as strengthening their capacity to effectively participate in the problem-solving process.
8. Seek complainants' comments on draft reports, including Assessment and Compliance Assessment reports, when proposing case closure at an early stage before engaging in a substantial compliance review.
9. Report on IPAM activities conducted under its institutional learning function.
10. Acknowledge the EBRD's shared responsibility for harm and negative impacts, contribute to remedial actions, and develop a policy framework to operationalise this principle.