

# POLICY OF THE INDEPENDENT CONSULTATION AND INVESTIGATION MECHANISM OF THE IDB

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DOCUMENT OF THE INTER-AMERICAN DEVELOPMENT BANK

**POLICY  
OF THE INDEPENDENT  
CONSULTATION  
AND INVESTIGATION  
MECHANISM**

**December 16, 2015**



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## Glossary

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**Bank or IDB:** The Inter-American Development Bank.

**Bank-Financed Operation or Project:** Any Bank investment or other financing activities, whether with or without sovereign guarantee (public or private sector), including any operational activities involving loans, grants, technical cooperation assistance, and guarantees financed or to be financed in whole or in part from Bank funds or from funds

Administered or guaranteed by the Bank, including MIF operations and the IDB Legacy Portfolio, but excluding Crossed- Booked Operations which are covered under the IIC-MICI Policy.

**Board:** The Board of Executive Directors of the Bank.

**Borrower/Recipient/Client:** A party that has received financing in connection with a Bank or MIF operation and that has entered into a loan, technical cooperation, or guarantee agreement with the Bank.

**Business Day:** A day when the IDB is open for business in Washington, D.C.

**Compliance Review:** A formal investigation of whether the Bank has not complied with one or more of its Relevant Operational Policies.

**Compliance Review Panel:** The panel of experts assembled to investigate a given Request in the context of the Compliance Review Phase, described in paragraph 42 of this Policy.

**Compliance Review Phase:** The MICI process described in Section I of this Policy.

**Compliance Review Phase Coordinator:** The MICI staff member responsible for coordinating the Compliance Review Phase and serving as the Panel Chairperson for approved investigations, as described in paragraph 42 of this Policy.

**Consultation Phase:** The MICI process described in Section H of this Policy.

**Consultation Phase Coordinator:** The MICI staff member responsible for coordinating the Consultation Phase.

**Cross-Booked Operation:** Means the non-sovereign guaranteed operations that:

- a. Starting on January 1st, 2016, are originated, carried out and administered by IIC, and funded or guaranteed totally or partially by the IDB or with funds administered by the IDB.
- b. Were originated by the IDB but did not reach IDB management approval prior to January 1st, 2016, and subsequently are approved, carried out and administered by IIC.

**Donors Committee:** The Donors Committee of the Multilateral Investment Fund.

**Executing Agency:** The entity designated in the relevant legal agreements to execute all or part of a Bank-Financed Operation.

**Executive Director:** A member of the Board or the Donors Committee.

**Harm:** Any direct, material damage or loss. Harm may be actual or reasonably likely to occur in the future.

**IDB Legacy Portfolio:** As of January 1st, 2016, the IDB non-sovereign guaranteed operations:

- a. In which the loans have been partially or fully disbursed and amounts are outstanding.
- b. In which one or more guarantees have been issued but have not been cancelled or, if drawn, amounts are outstanding.
- c. That have been approved by IDB management, but have not been disbursed or issued.

**IIC:** The Inter-American Investment Corporation.

**IIC-MICI Policy:** The Independent Consultation and Investigation Mechanism Policy of the IIC.

**Management:** The Bank or MIF manager or managers in charge of the relevant Bank-Financed Operation or any delegate thereof.

**MICI or the Mechanism:** The Independent Consultation and Investigation Mechanism of the IDB.

**MICI Director:** The Bank official appointed by the Board of Executive Directors as responsible for the MICI, as described in Sections D and J of this Policy.

**MIF:** The Multilateral Investment Fund.

**Parties:** The Requesters, Management, the Borrower, the Client and/or the Executing Agency, if applicable.

**Policy:** This MICI Policy.

**President:** The President of the Inter-American Development Bank.

**Public Registry:** The public web-based registry maintained by the MICI which provides all public documents related to Requests received by the MICI, as established in paragraph 62 of this Policy.

**Relevant Operational Policies:** All policies as per paragraphs 11 and 12 of this Policy. The Relevant Operational Policy that will be applicable for a Bank-financed Operation approved by the Board is the version in effect at the time of Board approval of the Bank-Financed Operation that is the subject of the Request, unless the relevant policy or legal documentation provides otherwise. Guidelines, procedures, or norms approved only by Management of the Bank are not subject to the Mechanism. In the event that the Board grants an explicit waiver of the obligation to apply a specific Relevant Operational Policy to a particular Bank-financed Operation, that policy may not be used as grounds for submitting a Request to the MICI.

**Request:** A communication submitted by the Requesters or their representative that alleges that they have suffered or may suffer harm due to the failure of the Bank to comply with one or more of its Relevant Operational Policies within the context of a Bank-Financed Operation.

**Requesters:** Any two or more people residing in the country where a Bank-Financed Operation is implemented who have submitted a Request to the MICI, considering that they have been or may be affected by the failure of the Bank to comply with one or more of its Relevant Operational Policies within the context of that operation.

**Roster:** A list of technical experts appointed on an ad hoc basis to be part of the Panel responsible for carrying out a Compliance Review.

**Short Procedure:** An abbreviated Board approval procedure, as defined by the Regulations of the Board, under which the MICI may submit matters for the Board's consideration on a non-objection basis.

**Standard Procedure:** The submission of matters for inclusion on the agenda of the Board for consideration as defined by the Regulations of the Board.

# Policy



## A. Background

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1. The Inter-American Development Bank was established in 1959 and is currently the main source of multilateral financing for economic, social, and institutional development in Latin America and the Caribbean. It provides loans, grants, guarantees, and technical assistance to the public and private sectors of the borrowing member countries.
2. In 1994, the IDB Board of Governors mandated that the Bank establish an independent inspection function to increase the transparency, accountability, and effectiveness of the Bank. The Board of Governors directed that the function be independent from Management and investigate policy noncompliance stemming from allegations from adversely affected parties. That same year, the Board created the Independent Investigation Mechanism.
3. In February 2010, the Board approved the Policy Establishing the Independent Consultation and Investigation Mechanism, an enhanced mechanism that reflected current practice in independent accountability mechanisms and public input. The policy went through a pilot phase, and its implementation was evaluated in 2012 by the IDB Office of Evaluation and Oversight.
4. This Policy supersedes the Policy Establishing the Independent Consultation and Investigation Mechanism (see document GN-1830-49). The Mechanism's powers and operating system are set forth below.

## B. MICI Objectives

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5. The MICI's objectives are to:
  - a. Provide a mechanism and process independent of Management in order to investigate allegations by Requesters of Harm produced by the Bank's failure to comply with its Relevant Operational Policies in Bank-Financed Operations;
  - b. Provide information to the Board regarding such investigations; and
  - c. Be a last-resort mechanism for addressing the concerns of Requesters, after reasonable attempts to bring such allegations to the attention of Management have been made.



## C. Guiding Principles

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6. The MICI's guiding principles are to:
  - a. Be functionally independent from Management;
  - b. Efficiently and effectively address Requests;
  - c. Be objective, impartial, and transparent;
  - d. Work in a cost-effective manner and avoid duplication with other Bank independent offices; and
  - e. Reflect the highest professional and technical standards of the IDB.

## D. Phases, Structure, and Composition of the MICI

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7. The MICI's objectives are fulfilled through the following two phases to be selected by the Requesters, allowing the selection of the approach that best addresses the Requests:
  - a. Consultation Phase: This phase provides an opportunity for the Parties to address the issues raised in the Request in a voluntary, flexible and collaborative manner.
  - b. Compliance Review Phase: This phase offers an investigative process related to the issues raised in the Request to establish whether the Bank has failed to comply with any of its Relevant Operational Policies and whether that has caused Harm to the Requesters.
8. The MICI is headed by a director, who is assisted by phase coordinators and the operations and administrative staff necessary to perform the Mechanism's work efficiently and effectively. All MICI staff, including consultants, will report to the Director.
9. The Mechanism's Director is accountable to the Board, to which he or she will report periodically on the MICI's operation and results.

## E. MICI Scope

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10. The MICI's scope of work covers all Bank-Financed Operations, as of the date they are approved by the Board, the Donors Committee, or the President, as the case may be.

11. The MICI applies to all Relevant Operational Policies, which include the following:
  - ➔ Access to Information (OP-102)
  - ➔ Environment and Safeguards Compliance (OP-703)
  - ➔ Disaster Risk Management (OP-704)
  - ➔ Public Utilities (OP-708)
  - ➔ Involuntary Resettlement (OP-710)
  - ➔ Gender Equality in Development (OP-761)
  - ➔ Indigenous Peoples (OP-765)
12. Relevant Operational Policies will also be deemed to include policies approved following entry into effect of this Policy, and all such policies may be explicitly designated by the Board as falling within the purview of the MICI.

## **F. General Criteria for Request Intake**

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13. **WHO CAN FILE A REQUEST?** Requests may be filed by:
  - a. Any group of two or more people residing in the country where a Bank-Financed Operation is implemented who are or anticipate being affected by such Operation;
  - b. A representative residing in the country where the Bank-Financed Operation is implemented or in another country, provided he or she indicates the persons on whose behalf he or she is acting and provides written evidence of the authority to represent them.
14. **CONTENT AND FORM OF A REQUEST.** There is no specific format for a Request (for guidance see a Model Letter in Annex I). However, in order to be considered, it must include the following:
  - a. The name, address, and other contact information of the Requesters;
  - b. When a Request is made through a representative, it must clearly identify the people on whose behalf the Request is made and provide written evidence of the authority to represent the Requesters;
  - c. An indication of whether the Requesters wish to maintain their identity confidential and the reasons why;

- d. A description of the Bank-Financed Operation and the country where it is implemented;
  - e. An allegation that the Bank failed to correctly apply one or more of its Relevant Operational Policies;
  - f. A clear explanation of the alleged Harm and its relation to the noncompliance of the Relevant Operational Policy in a Bank-Financed Operation, if known;
  - g. A description of the efforts made by or on behalf of the Requesters to address the issues in the Request with Management, and the results of those efforts; and
  - h. A statement as to whether the Requesters wish to use the Consultation Phase, the Compliance Review Phase, or both, or to request further information.
15. **CONFIDENTIALITY.** Anonymous Requests will not be accepted. In the event that the Requesters need to maintain their identity confidential due to fears of retaliation, the MICI will maintain such confidentiality.
16. **HOW TO FILE A REQUEST**
- a. Requests should be addressed to the MICI and submitted in writing by e-mail, mail, or fax.
  - b. The IDB's official languages are Spanish, English, Portuguese, and French. Requests submitted in other languages will be accepted, but additional time will be required for their translation and processing.
  - c. Requests may be delivered to the MICI Office in Washington, D.C. or to any IDB Country Office (addressed "To the attention of the MICI Office"), from which they will be forwarded to the MICI Office. The MICI's address is: Independent Consultation and Investigation Mechanism, Inter-American Development Bank, 1300 New York Avenue, NW, Washington, D.C. 20577, United States, email: [mecanismo@iadb.org](mailto:mecanismo@iadb.org) telephone: 202-623-3952, fax: 202-312-4057.
  - d. Potential Requesters may obtain information on the procedural requirements for submission of a Request on the MICI website ([www.iadb.org/mici](http://www.iadb.org/mici)) or by contacting MICI staff (at the addresses and numbers indicated above). The MICI may provide information to potential Requesters on the scope

of action, exclusions, eligibility criteria, Relevant Operational Policies, the difference between the Consultation Phase and the Compliance Review Phase, and other details of the MICI process in general. Requesters will be advised that the MICI does not award compensation, damages, or similar benefits. The MICI cannot advise on the substantive aspects of a Request.

17. **SEQUENCING OF REQUESTS AND OPTING OUT**

- a. Requesters may choose: (i) the Consultation Phase; (ii) the Compliance Review Phase; or (iii) both. When Requesters choose both phases, processing will be sequential and will begin with the Consultation Phase.
- b. Requesters may opt out of the Consultation Phase at any time during the process. If they had also chosen the Compliance Review Phase, it will then be initiated. It will not be possible to reopen the Consultation Phase once the Compliance Review Phase has begun.

Requesters may opt out of the Compliance Review Phase, but it will be the responsibility of the MICI Director to assess the relevance of continuing and to submit a recommendation on whether or not to continue with the process to the Board for consideration by Short Procedure.

18. **IMPACT OF AN ONGOING CONSULTATION OR COMPLIANCE REVIEW PHASE.**

The fact that a Consultation Phase or Compliance Review Phase is initiated and ongoing does not halt the processing, execution, or disbursements of an ongoing Bank-Financed Operation. If, based on the available information, the MICI Director determines that serious irreparable Harm may result from the continued execution of a Bank-Financed Operation, the MICI Director may recommend to the Board (or the Donors Committee) that execution be suspended. The decision on that recommendation will be made by the Board (or the Donors Committee), subject to applicable Bank policies and legal documentation.

19. **EXCLUSIONS.** Neither the Consultation Phase nor the Compliance Review Phase will be applied to:

- a. Considerations of ethics or fraud, specific actions by Bank employees, nonoperational matters such as internal finance or administration, complaints of corrupt practices, and

procurement decisions or processes. When receiving Requests regarding these issues, the MICI Director will forward them to the relevant IDB office and record the referral in the Public Registry;

- b. Any Request that is anonymous, or on its face is without substance;
- c. Particular issues or matters that have already been reviewed by the MICI, unless justified by new evidence or circumstances not available at the time of the initial Request;
- d. Particular issues or matters raised in a Request that are under arbitral or judicial review in an IDB member country. If, after determination of eligibility, the MICI becomes aware of the existence of arbitral or judicial proceedings, the MICI Director will be responsible for assessing the implications and submitting a recommendation on whether or not to move forward with the process to the Board for consideration by Short Procedure;
- e. Requests related to operations that have not yet been approved by the Board, the President, (or the Donors Committee). When receiving Requests related to this exclusion, the MICI Director will forward the Request to Management, and record the referral in the Public Registry. During the operation's preparation, Management will take the Request into account and inform the MICI Director of its response. In the event that the operation is subsequently submitted for consideration, the project document will include a summary of the Request, with Management's response and any action taken in regard to it; or
- f. Requests that are filed more than 24 months after the last disbursement of the relevant Bank-Financed Operation.

## 20. REGISTRY OF REQUESTS

- a. When a Request is received by the MICI, it will verify that the Request contains all required information and, without prejudice to the eligibility process, that it is not clearly linked with any of the exclusions set forth in paragraph 19 of this Policy;

- b. Based on this review, within a maximum term of five Business Days as of receipt of the Request, the MICI Director will make one of the following decisions:
    - i. If the Request does not include all the information required for its processing (see paragraph 14 of this Policy), the Director will communicate with the Requesters and inform them of the missing information, granting the Requesters a maximum term of 10 Business Days as of such communication to provide the information. If the information is not received within the indicated term, the process will be considered terminated, without prejudice to the fact that the Requesters may resubmit the Request once they have gathered the required information; or
    - ii. If the Request includes the required information and is not clearly linked with any of the aforementioned exclusions, the Director will proceed to issue a notice of registration to move forward with the processing of the Request within the framework of the MICI process; or
    - iii. If the Request is clearly linked with any of the exclusions set forth in paragraph 19 of this Policy, and therefore cannot be taken up by the MICI, the Director will inform the Parties of the decision, will forward the Request to the relevant unit of the Bank, thereby ending the MICI process.
  - c. In all cases, the decision will be recorded in the Public Registry and the Requesters, Management, and the Board will be informed thereof.
21. **RESPONSE BY MANAGEMENT.** Following the notice of registration of a Request, the MICI will send a copy of the Request to Management, requesting a written response to the Request (“Management Response” or “Response”). At the end of a term of no more than 21 Business Days as of the date of the notice of registration, Management will send the MICI its Response, which will contain Management’s perspective with respect to the allegations submitted by the Requesters and may include the request to temporarily suspend the eligibility process as provided in paragraph 23(c) of this Policy, if deemed appropriate by Management.

## **G. Determination of Eligibility**

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22. **MICI ELIGIBILITY CRITERIA.** A Request will be deemed eligible by the MICI if it is determined that it meets all of the following criteria:
- a. The Request is filed by two or more persons who believe that they have been or may be affected and who reside in the country where the Bank-Financed Operation is implemented. If the Request is filed by a representative, the identity of the Requesters on whose behalf the Request is filed will be indicated and written proof of representation will be attached.
  - b. The Request clearly identifies a Bank-Financed Operation that has been approved by the Board, the President, or the Donors Committee.
  - c. The Request describes the Harm that could result from potential noncompliance with one or more Relevant Operational Policies.
  - d. The Request describes the efforts that the Requesters have made to address the issues in the Request with Management and includes a description of the results of those efforts, or an explanation of why contacting Management was not possible.
  - e. None of the exclusions set forth in paragraph 19 of this Policy apply.
23. **ELIGIBILITY PROCESS**
- a. The eligibility process involves the analysis of the Request with respect to the eligibility criteria (see paragraph 22 of this Policy) to determine whether the Request is eligible or not.
  - b. The MICI will have up to 21 Business Days as of the date of receipt of the Response by Management to determine the Request's eligibility.
  - c. Should Management request a temporary suspension of the eligibility determination process in order to make corrections to the Bank-Financed Operation, the MICI Director may grant a term of suspension of up to 45 Business Days as of the date of receipt of the Response by Management if, and only if, there is a specific plan to make corrections and a proposed timeline for carrying out the activities. The MICI will notify the Requesters as soon as it decides to grant the suspension.

- d. The MICI Director, in consultation with the Consultation Phase Coordinator and the Compliance Review Phase Coordinator, will determine the eligibility of the Requests based on the eligibility criteria established in this Policy.
- e. In the eligibility determination process, the MICI will consider all relevant information available at that time, including Management's Response, project documentation, and the information provided by the Requesters. It may also require an onsite visit to the country where the Bank-Financed Operation is being implemented. In such a case, the MICI Director will consult with the Executive Director for said country. Site visits will comply with regular Bank procedures for official missions.
- f. When visits are made to project sites and meetings are held with the Requesters, the MICI staff will inform them of procedural considerations, if necessary.
- g. At the end of the term referred to in paragraph 23 (b) of this Policy, the MICI will issue an eligibility memorandum that will include a copy of the Request as well as the Response by Management. This memorandum will also include a description of the steps taken during the eligibility process, a summary of the facts and positions of the Parties, and a determination of whether the Request is eligible for the Consultation Phase, Compliance Review Phase, both, or neither. If eligible, the process will begin for the corresponding phase; otherwise, the process will be deemed concluded.
- h. Regardless of the result of the determination, the MICI Director will promptly inform the Board, Management, and the Requesters thereof and will record the result in the Public Registry and publish relevant documents classified as public under the Access to Information Policy.

## **H. Consultation Phase**

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24. OBJECTIVE OF THE CONSULTATION PHASE. The objective of the Consultation Phase is to provide an opportunity to the Parties to address the issues raised by the Requesters related to Harm caused by the failure of the Bank to comply with one or more of its Relevant Operational Policies in the context of a Bank-



Financed Operation. The Consultation Phase provides an approach that ensures unbiased, equitable treatment for all the Parties. There is no guarantee that a Consultation Phase process will resolve all the concerns to the satisfaction of the Parties.

25. **CONSULTATION MODALITIES.** The Consultation Phase process is intended to be flexible, consensus-based, and tailored to the specific issues raised in the Request related to policy noncompliance. The methods to be used will depend on factors such as urgency, type of Harm involved, remedies sought, and the likelihood that the exercise will have a positive outcome. These methods include but are not limited to: information gathering, joint fact-finding, facilitation, consultation, negotiation, and mediation.
26. **VOLUNTARY NATURE.** Participation in the Consultation Phase is voluntary and requires the consent of all Parties. Any of the Parties, including the Requesters, who does not wish to move forward with the Consultation Phase, may unilaterally withdraw from the phase at any time. If the MICI Director determines that this participant is essential for the process, the Consultation Phase process will be considered concluded.
27. **ASSESSMENT.** Immediately after the Request is declared eligible for the Consultation Phase, the MICI will start the assessment stage, with the objective of understanding the Harm related to potential policy noncompliance raised by the Request, identifying and gathering information from the Requesters, Management, and other stakeholders, determining whether the Parties would agree to seek a resolution using consultation methods, and if so, the best process for addressing any policy noncompliance.
28. **NATURE OF THE ASSESSMENT.** While carrying out an assessment, the MICI may utilize, but not be limited to, any of the following activities:
  - ➔ Desk review, including reviewing any relevant IDB files;
  - ➔ Meetings with the Requesters, Management, Executing Agency, Private Sector Client, civil society organizations, and/or other stakeholders;
  - ➔ Visits to the project site, in which case the MICI will consult with the Executive Director for the country where the Bank-Financed Operation is implemented regarding said visit. Site visits will comply with regular Bank procedures for official missions.

29. **RESULTS OF THE ASSESSMENT:** Within a maximum term of 40 Business Days as of the date of determination of eligibility, the assessment will conclude with a decision on whether or not to conduct a Consultation Phase process. Based on the results of the assessment, the MICI will:
- a. Work with the Parties to reach an explicit agreement to move forward with the Consultation Phase process, establishing a method for addressing the issues raised; or
  - b. Determine that a collaborative resolution is not possible, in which case the Request will be forwarded to the Compliance Review Phase, if the Requesters have asked to pursue that phase. If they have not, the MICI process will be declared concluded.
30. **ASSESSMENT REPORT.** The results of the assessment will be set forth in an assessment report, which the MICI will deliver to the Board, Management, and the Requesters and publish it in the Public Registry. The report will include a general summary of the information gathered during the assessment and the reasons for the decision to proceed or not with the Consultation Phase process. In the event of proceeding with a Consultation Phase process, the assessment report will include the course of action, consultation method, and timeline agreed by the Parties for this process.
31. **CONSULTATION PHASE TIME FRAME.** The MICI will complete the Consultation Phase process within a maximum period of 12 calendar months from the date of issue of the assessment report. This term may be extended if, at the end of it, the MICI Director believes that an extension will help bring about a consensus-based resolution of the issues raised. Otherwise, the MICI Director will consider the Consultation Phase process concluded.
32. **LIMITATIONS ON AGREEMENTS.** The Consultation Phase will not support agreements that are contrary to Bank policies or its code of ethics, or that would violate domestic laws of the Parties, or international law. The Consultation Phase itself does not result in award of compensation or similar benefits.
33. **CONSULTATION PHASE REPORT.** Upon completion of the Consultation Phase process, the MICI will prepare a report on the results of the process. The report will be distributed to the Board (or to the Donors Committee) for consideration by Short Procedure and to Management for information. After consideration by the

Board (or the Donors Committee), the report will be made available to the Requesters and published on the Public Registry.

34. **CONFIDENTIALITY.** The terms of the agreement will be published in the Public Registry unless all of the signing Parties agree on confidentiality, in which case the MICI will record the result and publish a summary.
35. **MONITORING.** When applicable the MICI will develop, in consultation with the Parties, a monitoring plan and time frame for the agreement reached, which will be included in the Consultation Phase report. The monitoring plan will be considered by the Board (or the Donors Committee) under Short Procedure, and its duration, not to exceed five years from the date the agreement was signed, will be determined on a case-by-case basis consistent with the terms of the agreement. The MICI will submit a monitoring report to the Board (or the Donors Committee) for information at least annually, which will be published in the Public Registry. The monitoring plan will include:
  - a. That there is direct or outside monitoring of any agreement reached by the Parties;
  - b. That there are adequate measures to determine whether such agreement is being implemented appropriately.

## **I. Compliance Review Phase**

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36. **OBJECTIVE OF THE COMPLIANCE REVIEW PHASE.** The purpose of the Compliance Review Phase is to impartially and objectively investigate allegations by Requesters that the Bank has failed to comply with its Relevant Operational Policies and has caused Harm to the Requesters.
37. **SCOPE OF THE COMPLIANCE REVIEW PHASE.** The Compliance Review process is fact-finding in nature. It is not a judicial process and is not designed to establish guilt or innocence, or to adjudicate fault or apportion blame among the various Parties involved. The MICI only has a mandate to investigate allegations of noncompliance with Relevant Operational Policies in Bank-Financed Operations. It does not have a mandate to investigate actions of governments, public entities, local authorities, Borrowers, Executing Agencies or other lenders, sponsors, or investors in connection with the Bank-Financed Operation.

38. **CONDITIONS FOR A COMPLIANCE REVIEW PHASE.** A Request will proceed to the Compliance Review Phase if:
- a. the Requesters have opted for both MICI phases and, after their Request was declared eligible, the Consultation Phase ended without a consensus-based solution; or
  - b. the Requesters have opted only for the Compliance Review Phase, and their Request was declared eligible.
39. **RECOMMENDATION FOR COMPLIANCE REVIEW AND TERMS OF REFERENCE (TOR):** When a Request is transferred to the Compliance Review Phase, the Compliance Review Phase Coordinator, under the supervision of the MICI Director, will prepare, within a maximum term of 21 Business Days, the recommendation and the TOR for the investigation, in consultation with Management and the Requesters. The TOR will include, but not be limited to, the objectives of the investigation, the items to be investigated, a description of the Bank-Financed Operation, a proposed timeline and budget for the investigation, and anticipated use of consultants. The TOR are intended solely for the guidance of the Compliance Review Phase and to inform interested Parties of what to expect.
40. **COMMENTS BY MANAGEMENT AND REQUESTERS.** Upon completion of the TOR, the MICI will send a copy to Management and the Requesters, which will each have a term of up to 15 Business Days to make comments.
41. **CONSIDERATION OF THE RECOMMENDATION.** Upon receipt of Management's and Requesters' comments, or upon expiration of the term (whichever occurs first), the MICI will submit its recommendation on whether or not to conduct a Compliance Review investigation to the Board (or the Donors Committee), jointly with Management's comments, if any. The recommendation will be considered by the Board (or the Donors Committee) by Short Procedure. The decision by the Board (or the Donors Committee) regarding the recommendation will be communicated to the Requesters and Management; recorded in the Public Registry and the recommendation and TOR published after consideration.
42. **FORMATION OF THE COMPLIANCE REVIEW PANEL.** Upon approval of the Compliance Review, the MICI Director, in consultation with the Compliance Review Phase Coordinator, will identify and hire two independent experts to form the Panel that will conduct the Compliance Review. The Panel will be made up of

the Compliance Review Phase Coordinator, who will act as Panel Chair, and two additional members who will be selected from the Roster based on the experience required in each case. Once formed, the Panel will be assisted by the MICI's operating and administrative team, and by additional consultants, if necessary.

43. CONDUCTING THE COMPLIANCE REVIEW

- a. The MICI will promptly begin the Compliance Review once the Board (or the Donor's Committee) has approved the investigation and the investigation team is formed.
- b. The MICI will consult with the Executive Director for the country where the Bank-Financed Operation is being implemented regarding the site visit. Site visits will comply with regular Bank procedures for official missions.
- c. The time required will vary with the complexity and scope of the Bank-Financed Operation and the number of Relevant Operational Policies involved. The maximum term will be defined in the timeline included in the TOR, as indicated in paragraph 39 of this Policy. However, the MICI will attempt to complete the investigation, including issuing the draft report, within a maximum term of six calendar months as of formation of the Panel. If more time than is established in the TOR is needed to complete the investigation, the MICI Director will extend the time frame on a case-by-case basis, subject to the Board's no objection under Short Procedure.
- d. During the Compliance Review Phase, the MICI will consult regularly with the Requesters and Management, including updating the Requesters and Management periodically on progress. The MICI will also consult as needed with the Board member representing the country where the Bank-Financed Operation is implemented. Management will cooperate fully and proactively with the MICI during the Compliance Review Phase.

44. COMMENTS BY MANAGEMENT AND REQUESTERS.

Once the MICI has completed its investigation, it will issue a draft report including a review of its main findings of fact and recommendations, and forward them to Management and the Requesters for their comments. Management and the Requesters will have a term of 21 Business Days to send comments on the draft report. The MICI will consider the comments for its final report, but the contents of the final report are the exclusive decision of the

MICI, and the report should remain strictly impartial and objective.

45. **COMPLIANCE REVIEW REPORT.** In preparing its report, the MICI will take into account all relevant facts that may have an impact on the case at hand. The MICI report will include the Panel's findings as to whether (and if so, how and why) an action or omission by the Bank relating to a Bank-Financed Operation resulted in the failure to comply with one or more Relevant Operational Policies (indicating the Policy in question and a description of the noncompliance), and in Harm to the Requesters. The report should also include a description of the Compliance Review Phase methodology used for determining findings of Harm and how it is linked to the noncompliance of one or more Relevant Operational Policies. The MICI may also provide its recommendations, views, or observations on findings or systemic issues relating to Relevant Operational Policy noncompliance. The Compliance Review report should be designed to provide the factual and technical basis for a decision by the Board on preventative or corrective action in connection with the Bank-Financed Operation under investigation.
46. **CONSIDERATION OF THE COMPLIANCE REVIEW REPORT.** Within a maximum term of 21 Business Days following receipt of the comments by Management and the Requesters, the MICI will submit its final report for consideration under Standard Procedure by the Board (or the Donors Committee), attaching as annexes the comments by the Requesters and Management. The Board (or the Donors Committee) will consider the report in an expedited manner.
47. **FINAL DECISION.** The Board (or the Donors Committee) will make the final decision regarding any actions that may be deemed appropriate or necessary, in light of the Compliance Review findings and recommendations. If deemed appropriate, the Board will instruct Management to develop, in consultation with the MICI, an action plan and present it for consideration. Once approved by the Board (or the Donors Committee), the MICI will inform the Requesters of the Board's decision and any action plan prepared as well as progress in its implementation.
48. **REPORT RELEASE TO PUBLIC.** After Board (or Donors Committee) consideration of the Compliance Review report, the report, and Management's and the Requesters' responses will be published on the Public Registry and the final decision by the Board (or the Donors Committee) recorded.

49. **MONITORING.** When applicable, the MICI will monitor implementation of any action plans or remedial or corrective actions agreed upon as a result of a Compliance Review. To do so, it will prepare a monitoring plan and timeline in accordance with the needs of the case and in consultation with the Requesters, Management, and other interested Parties, as applicable. Management will collaborate with the MICI throughout the duration of the monitoring, which will be determined by the Board (or the Donors Committee), on a case-by-case basis, not to exceed five years as of the date on which the Board (or the Donors Committee) approves Management's action plan. The MICI will issue a monitoring report for distribution to the Board (or the Donors Committee) for information at least annually. This report will be published on the Public Registry.

## **J. Institutional and Administrative Considerations**

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50. **THE MICI OFFICE.** The MICI Office will report to the Board, not to Management, and will be run by the MICI Director who will report directly to the Board. All MICI staff, including the Consultation Phase Coordinator and the Compliance Review Phase Coordinator, will report to the MICI Director.
51. **COMPLIANCE WITH BANK POLICIES.** All MICI staff is subject to the Bank's policies and code of ethics, and will act in a manner that does not give rise to any conflict of interest or jeopardize the objectivity or integrity of the MICI.
52. **ELIGIBILITY TO WORK AT THE MICI.**
- a. The MICI Director, the Consultation Phase Coordinator, and the Compliance Review Phase Coordinator will be independent from Management and in general will be chosen from outside the IIC and the Bank.
  - b. Executive Directors, Alternate Executive Directors, Temporary Alternate Executive Directors, Counselors, and IIC or IDB staff wishing to serve in these positions may not serve in the MICI until three (3) years have lapsed since the end of their employment or relevant appointment with the IIC or the IDB. This requirement does not limit the staff working in the MICI to apply for the positions listed in paragraph 52 (a) above.

- c. Upon completion of his or her service to the Bank, the MICI Director, the Compliance Review Phase Coordinator, and the Consultation Phase Coordinator may not work at the IDB in any capacity. This restriction does not apply to junior administrative and operational staff.

53. MICI DIRECTOR APPOINTMENT

- a. The MICI Director will be appointed by the Board from a list of eligible candidates presented to it by a selection panel designated by the Board. A selection process will be conducted with the assistance of the Human Resources Department in accordance with the Bank's policies and procedures and the terms of reference attached to this Policy (see Annex II).
- b. The MICI Director will be a full-time employee of the IDB appointed for a five-year period, with the possibility of a single renewal for an equal period.
- c. The MICI Director will hold an executive level position. The grade will be determined by the Board following a recommendation from the Human Resources Department based on the relevant functions of the position and the expertise and competencies of the selected finalist, and in accordance with the Bank's personnel and recruitment policies.

54. REMOVAL OF THE MICI DIRECTOR. The MICI Director will serve at the discretion of the Board and may be removed from office by the Board at its discretion.

55. APPOINTMENT OF THE COMPLIANCE REVIEW PHASE COORDINATOR AND CONSULTATION PHASE COORDINATOR.

- a. The MICI Director, with the support of the Human Resources Department, will be responsible for hiring the Consultation Phase Coordinator and the Compliance Review Phase Coordinator on the basis of merit and through an open selection process, in accordance with the Bank's policies and procedures and the terms of reference attached to this Policy (see Annexes III and IV).
- b. The individuals chosen to serve in both positions will be full-time employees of the Bank under contracts of up to five years.
- c. The staff grades for these two positions will be determined by the MICI Director following a recommendation from the Human



Resources Department of the Bank based on the relevant functions of the positions and the expertise and competencies of the selected finalists, and in accordance with the Bank's relevant personnel and recruitment policies.

56. **AUTHORITY TO CONTRACT.** The MICI Director is authorized to contract any external expert necessary, in strict compliance with the Bank's policies and procedures. In consultation with the Human Resources Department, the MICI Director will also prepare and maintain a list of independent expert consultants with specialized knowledge in areas such as mediation, dispute resolution, compliance, auditing, resettlement, indigenous peoples, environmental and social safeguard policies, and other required areas of expertise. These experts will not come from Management.
57. **AUTHORITY TO ADOPT ADMINISTRATIVE PROCEDURES.** The MICI Director is authorized to establish guidelines and adopt internal administrative procedures that are consistent with this Policy and the Bank's other policies and procedures.
58. **ACCESS TO INFORMATION AND CONFIDENTIALITY.** The disclosure of all information produced and received by the MICI will be subject to the Access to Information Policy. In addressing a Request, the MICI will have access to all relevant information for the due discharge of its work, and Bank staff will cooperate fully with the MICI to ensure such access. All information provided by any of the Parties to the MICI as confidential will be maintained confidential at all times and may not be disclosed without the written authorization of the Party who provided the information, in accordance with the Access to Information Policy.

## **K. General Provisions**

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59. **TIME PERIODS.** The time periods referred to may be exceptionally extended by the MICI Director for as long as is strictly necessary to ensure the full and proper processing of Requests. To do so, the MICI Director will submit the rationale for such an extension and the proposed new deadline for completion for consideration by the Board (or the Donors Committee) by Short Procedure. Management and the Requesters will be promptly notified of any extension, and the extension will be recorded in the Public Registry.

60. **OUTREACH ACTIVITIES.** The MICI Office has a mandate to conduct public outreach throughout Latin America and the Caribbean. The MICI Director will develop and implement an outreach strategy to inform civil society. The MICI Director will coordinate with other Bank offices and units to ensure that information about the Mechanism is integrated into Bank activities and publications designed to promote information about the institution. Management will support the MICI's efforts to publicize the Mechanism.
61. **PUBLICATIONS.** The MICI Director will prepare an annual report describing the Mechanism's activities during the previous year, including a description of Requests received and the outcome of the Requests, and follow-up of the MICI process. The annual report may also discuss lessons learned, trends, and systemic issues, and provide recommendations on preventing noncompliance and other advice that stems directly from MICI cases. The annual report will be sent to the Board for information. The MICI will also maintain an interactive website, on which it will disseminate the annual report and other publications relevant to its work such as brochures, case studies, and best practices.
62. **PUBLIC REGISTRY.** The Mechanism will maintain a virtual Public Registry that will provide up-to-date information on Requests submitted to the Mechanism and their processing, and will include the publication of the public documents provided for under this Policy.
63. **LANGUAGES.** All MICI reports will be published in Spanish and English. When a Request is from a Portuguese- or French-speaking country, the reports will also be issued in the relevant language. In the case of outreach materials, the MICI will produce versions in the Bank's four official languages.
64. **LEGAL MATTERS.** If requested by the MICI Director, the IDB Legal Department will provide legal information and advice regarding the Bank's rights and obligations in relation to a specific Bank-Financed Operation at issue in a Request, or regarding the interpretation of Relevant Operational Policies. Except with regard to the Bank's rights and obligations, the MICI Director may also, at any time, seek external legal advice on Request-related issues as they arise.

65. **CONFLICTS OF INTEREST.** When any official of the MICI has been previously involved in the planning, appraisal, implementation, or evaluation of a project that comes before the MICI, said official will recuse him or herself from working on that Request and will notify the MICI Director immediately of any conflict. If the MICI Director is potentially in conflict of interest, he or she will immediately inform the Board, recuse him or herself, and assign a team member to work on the Request.
66. **BUDGET.** The MICI Director is responsible for preparing and managing the MICI budget and will submit an annual request for resources to the Board, including any request for contingency funds pursuant to the projected work plan. The Board will provide the budgetary resources necessary for the MICI to carry out its activities according to this Policy. The MICI Director will report to the Board quarterly on the Mechanism's budget status.
67. **IDB GROUP ENTITIES.** The MICI may provide services related to MIF-financed projects, in which case the MICI will also report its activities to the Donors Committee. The MICI may also provide services to the Inter-American Investment Corporation, subject to the necessary and appropriate agreements between the IDB and the IIC.
68. **COOPERATION WITH OTHER INDEPENDENT ACCOUNTABILITY MECHANISMS.** When a Request involves another independent accountability mechanism, the MICI will collaborate with the mechanism involved to share information, technical experts, and where possible, plan joint site visits. The objective of such collaboration is to improve the Mechanism's cost-effectiveness and avoid duplication of efforts for the Parties involved.
69. **COMMUNICATION WITH THE MEDIA.** The MICI will issue its own press releases and public communications. Prior to any such release, the MICI Director will inform the Bank's Office of External Relations. No MICI official may speak to the media about any Request that is being processed by the MICI or give press interviews during site visits.
70. **REVIEW OF THE MICI POLICY.** This Policy will be independently reviewed in the time and form determined by the Board, within the first five years following this Policy's entry into effect.

71. **EFFECTIVENESS.** This Policy will become effective upon its approval by the Board of Executive Directors. Any Requests received after the approval date will be handled under this Policy, and within a period of 45 calendar days, the Board of Executive Directors will approve a transition plan for the Mechanism.

# SALES EXPOSE ANALYSIS



## ANNEX 1. **Model Form Letter for Requesters**

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**To:**

Director

Independent Consultation and Investigation Mechanism

Inter-American Development Bank

1300 New York Avenue, N.W.

Washington, D.C. 20577

Email: [mecanismo@iadb.org](mailto:mecanismo@iadb.org)

Phone: 202-623-3952; Fax: 202-312-4057

1. We (**insert names**) (**or** represent the following individuals \_\_\_\_\_), who reside in the area known as \_\_\_\_\_, where the project is being carried out (**name and/or a brief description of the Bank-financed operation and the name of the country where the operation is taking place**). Our names and contact information are attached and (**if relevant**) proof of authority to represent the Requesters.
2. We have suffered or are likely to suffer Harm as a result of the IDB's failure to comply with one or more of its Relevant Operational Policies (**cite the Operational Policy or Policies deemed not to have been complied with by the Bank, if known**).
3. (**Describe the direct, material Harm that is occurring or is likely to occur and why you think it is related to relevant operational policy noncompliance**).
4. We have complained to IDB Management on the following dates (**list dates and names of IDB officials who were contacted**) by (**explain how the complaint was delivered, e.g., meeting, letter, phone call**). Management's response was (**explain whether there was a response from Management, and so, what the result was. Enter any other information about prior contact with the Bank**).
5. We choose (**enter Consultation or Compliance Review Phase, or both or if not known enter: We would like an explanation of the options in order to make a decision**)

6. **If you believe it is necessary for the MICI to treat your identity as confidential, please so indicate, including the rationale.**
7. We request that the MICI respond to our Request.

Signatures:

Date:

Contact addresses, phone number, fax number, email address.

### **DESCRIPTION**

The MICI Director will have overall responsibility for the day-to-day operations of the MICI, oversight, supervision, and management of all MICI employees (including the Consultation Phase Coordinator and Compliance Review Phase Coordinator, operations and administrative staff, and contractuels). He or she will be responsible for the effective and efficient delivery of MICI's work program, and for managing and overseeing the MICI operations and budget. The MICI Director may delegate some duties, as needed, to other MICI employees. However, the MICI Director is accountable for the overall proper functioning, organization, and integrity of the MICI. The MICI Director will serve for a five-year term with one renewable term if the Board of Executive Directors (the Board) so approves. He or she will serve at the discretion of the Board. His or her employment may be terminated by the Board at its discretion; any severance payment will be made in accordance with the Bank's staff rules.

The MICI Director will report directly to the Board and will review his/her work program periodically with the Board. He or She will be independent of Bank Management. The MICI Director will be subject to the IDB Code of Ethics and Professional Conduct, Access to Information Policy, and other Bank policies, and will protect against conflicts of interest that could weaken the objectivity and integrity of the MICI Office.

### **KEY RESPONSIBILITIES INCLUDE**

- ➔ Provides leadership and direction to the MICI team and oversees the attainment of objectives, operational goals, guidelines, and work programs for the Office.
- ➔ Establishes and manages the MICI's work program and budget, and manages all MICI employees to ensure effective and timely handling of all Mechanism Requests.
- ➔ Consults with the Board regarding questions on the interpretation of policies as applicable to the MICI, if needed.
- ➔ Meets with the relevant Board Committee Chair in order to keep the members of the Committee and of the Board informed of the MICI's activities. Produces reports for the Board, as needed.



- Calls regular staff meetings to share information and promote teamwork.
- Intervenes and resolves any issues arising from the interaction and synergies of the MICI employees as they interact in their respective areas of functioning.
- Supervises the work of the MICI employees, approves their work programs and administrative authorizations, including engagement of contractuels, leave, mission travel, and expenses.
- Consults with the Human Resources Department to build a roster of independent experts (e.g., in areas such as mediation, dispute resolution, compliance, auditing, resettlement, indigenous peoples, environmental and social safeguard policies, among others).
- Hires staff and consultants as needed in accordance with Bank policies and procedures and within the available budget.
- Reviews and monitors the status of all current and ongoing MICI cases, ensuring time frames are met, as well as quality control and the integrity of the MICI process.
- Establishes internal operating procedures or guidelines in collaboration with the Consultation and Compliance Review Phase staff.
- Oversees the receipt of Requests, notice of receipt, and determines eligibility of Requests in consultation with the Consultation Phase Coordinator and the Compliance Review Phase Coordinator.
- Ensures the integrity and quality of the reports issued by the MICI and their compliance with Bank policies and procedures.
- Presents MICI budget requests to the Board annually and ensures adherence to budgetary levels established by the Board.
- Ensures adherence by the entire MICI to pertinent administrative and personnel rules and the adoption of proper workplace practices and behaviors.
- Ensures maintenance and updating of the MICI website, inclusive of the Public Registry, as well as maintenance of an archive system.
- Assumes other functions related to the MICI as may be prescribed by the Board.

## QUALIFICATIONS

**Education:** Advanced degree (master's or equivalent) in a relevant discipline (business administration, public administration, project management, sociology, anthropology, economics, environmental studies, law, international relations, engineering, or other fields relevant to international development).

## EXPERIENCE

- ➔ Proven leadership and management skills; management experience in a multicultural environment; and experience in the Latin American and Caribbean region. Demonstrated track record of leading an organizational office or team and managing change.
- ➔ Knowledge of and experience in project and personnel management, including budget management experience. Minimum of 12 years of relevant experience. Understanding of and experience in international development and multilateral financial institutions and private sector financing in Latin America and the Caribbean are preferred and desirable.
- ➔ Knowledge of and experience with other independent accountability mechanisms is considered valuable.
- ➔ Demonstrated integrity and independence. Ability to deal objectively, impartially, and efficiently with the Requests brought to the Mechanism.
- ➔ Demonstrated results orientation. Proven ability to formulate objectives, set priorities, identify and optimize the use of resources, and drive results.
- ➔ Excellent interpersonal skills and experience and skill with supervision and management. Proven ability for team-building and consensus-building. Ability to work and incorporate diverse views from stakeholders.

**Languages:** Command of Spanish and English is required; proficiency in Portuguese and/or French is a plus.

## COMPETENCIES

- **Enabling performance and growth:** Delivers results by recruiting the right talent, coaching, and mentoring staff, and effectively managing people and resources. Sets performance standards and provides feedback and guidance to drive growth and continuous improvement.
- **Promoting diversity and inclusion:** Models inclusive behaviors and leverages diversity to achieve business results.
- **Strategic leadership:** Understands the strategic issues facing the IDB, setting business priorities which translate into initiatives that provide the greatest value for the organization. Is future-oriented, taking a broad and long-term view of options, challenges, and opportunities.
- **Leading change:** Charts a new course by demonstrating support for innovation and by defining the organizational changes needed for improving business effectiveness. Gains the necessary support to implement key changes.
- **Managing paradoxes:** Remains energized and focused, even when faced with conflicting interests between own expectations and organizational demands and pressures. Executes leadership decisions in the face of adversity and ambiguity.

**Location:** Washington, D.C.

## ANNEX 3. **Terms of Reference for the Compliance Review Phase Coordinator**

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The Compliance Review Phase Coordinator, directly subordinate to the MICI Director, will be a full-time employee of the IDB under a fixed-term contract of up to five years, reporting to the MICI Director. The Compliance Review Phase Coordinator will be independent of Bank Management and will be subject to the IDB Code of Ethics and Professional Conduct, Access to Information Policy, and other Bank policies, and will protect against conflicts of interest that could weaken the objectivity and integrity of the MICI.

### **KEY RESPONSIBILITIES**

- ➔ Works under the general supervision and guidance of the MICI Director.
- ➔ Works with the MICI Director to develop operating guidelines and protocols for the Compliance Review Phase.
- ➔ Supports the MICI Director in the eligibility determination of Requests.
- ➔ Under the supervision of the MICI Director develops terms of reference, and identifies and contracts experts to constitute the Compliance Review Panel.
- ➔ Serves as Chairperson of the Compliance Review Panel formed for approved investigations.
- ➔ Investigates in an independent, thorough, and objective manner, in coordination with the members of the Panel.
- ➔ Consults with Requesters, Management, and other stakeholders, as appropriate.
- ➔ Works under the general supervision and guidance of the Director to prepare investigation reports.
- ➔ Monitors implementation of Board decisions on Compliance Reviews.
- ➔ At the request of the MICI Director, attends Board meetings for any matter related to the Compliance Review Phase.
- ➔ Works with the MICI Director and the Human Resources Department to identify and select expert consultants to be added to the Roster.

- ➔ Undertakes tasks and assignments as requested by the MICI Director that may be necessary or relevant for the work of the Compliance Review Phase.

## CANDIDATE QUALIFICATIONS

**Education:** Advanced degree (master's or equivalent) in a relevant discipline (environmental studies, sociology, economics, engineering, law, or other fields related to international development).

## EXPERIENCE

- ➔ Proven ability to interpret and apply rules and policies and knowledge of investigative, compliance, and audit strategies, methodologies, and techniques.
- ➔ Demonstrated knowledge of economic, social, and development conditions in Latin America and the Caribbean. Minimum 10 years of relevant experience, with a proven record in managing and delivering best practices in investigative, compliance review, and audit strategies, methodologies, and techniques.
- ➔ Demonstrated ability to deal objectively, impartially, and efficiently with the Requests.
- ➔ Knowledge of and experience with international development and the operations of multilateral financial institutions and private sector financing in the Latin America and the Caribbean is preferred and desirable, as is understanding of environmental and social safeguards policies and performance standards of multilateral development banks.
- ➔ Proven strong ability to gather, analyze, and synthesize information from multiple sources and present it concisely and clearly.
- ➔ Highly developed communication and diplomatic skills, including the ability to engage effectively with civil society, nongovernmental organizations, clients, member country governments, other international organizations and comparable institutions, the IDB Board of Executive Directors, Management, and staff.
- ➔ Ability and willingness to travel frequently and on reasonably short notice to Latin America and the Caribbean, including rural areas and difficult environments.

- Excellent interpersonal skills and demonstrated ability to work as a team leader and build consensus; good exposure to international and multicultural environments.
- Experience and knowledge of other independent accountability mechanisms is considered valuable.

**Languages:** Command of Spanish and English is required; proficiency in Portuguese and/or French is a plus.

## COMPETENCIES

- **Technical expertise:** Knowledge of and experience in investigative, compliance review, and audit strategies, methodologies, and techniques. Ability to manage a thorough and systematic investigative process.
- **Communication and knowledge-sharing:** Highly developed communications and diplomatic skills. Well-developed writing and editing skills. Advanced presentation skills sufficient to convey complex information on issues requiring specific fact-based reporting. Promotes effective sharing of knowledge within and outside the organization, in particular with strategic stakeholders, contributing to a continuous learning environment.
- **Effective engagement:** Ability to engage effectively with a variety of individuals and organizations, such as civil society, nongovernmental organizations, clients, member country governments, other international organizations and comparable institutions, the IDB Board, Management, and staff.
- **Critical thinking and judgment:** Uses data, experience, systematic analysis, and sound judgment to make sound decisions and devise effective solutions to problems. Assesses and manages risk in own work.
- **Negotiation skills:** Ability to acknowledge and manage conflicts in a timely and constructive manner, working through resistance and objections by providing proposals and negotiating compromises that take into account the key needs of all parties.
- **Strategic thinking/drive for results:** Proven ability to formulate objectives, set priorities, and identify and optimize the use of resources.

**Location:** Washington, D.C.

## ANNEX 4. **Terms of Reference for the Consultation Phase Coordinator**

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The Consultation Phase Coordinator, directly subordinate to the MICI Director, will be a full-time employee of the IDB under a fixed-term contract of up to five years, reporting to the MICI Director. The Consultation Phase Coordinator will be independent from Bank Management and will be subject to the IDB Code of Ethics and Professional Conduct, Access to Information Policy, and other Bank policies, and will protect against conflicts of interest that could weaken the objectivity and integrity of the MICI.

### **KEY RESPONSIBILITIES**

- ➔ Works under the general supervision and guidance of the MICI Director.
- ➔ Supports the MICI Director in the eligibility determination of Requests.
- ➔ Conducts assessments of Requests eligible for the Consultation Phase and makes proposals to the MICI Director as to whether to move forward with dispute resolution, mediation, or other methods.
- ➔ Works with stakeholders to build consensus and resolve disputes using consensual and flexible dispute resolution and mediation methods.
- ➔ Prepares assessment, Consultation Phase and monitoring reports, under the guidance and supervision of the MICI Director.
- ➔ Works with the MICI Director and with the Human Resources Department to identify and hire experts for the Consultation Phase.
- ➔ Consults with Requesters, Management, and other stakeholders, as appropriate.
- ➔ Works under the general supervision and guidance of the Director to design, implement and monitor activities within the Consultation Phase.
- ➔ At the request of the MICI Director, attends Board meetings for any matter related to the Consultation Phase.
- ➔ Works with the MICI Director to develop operating guidelines and protocols for the Consultation Phase.

- Undertakes tasks and assignments as requested by the MICI Director that may be necessary or relevant for the Consultation Phase.

## CANDIDATE QUALIFICATIONS

**Education:** Advanced degree (Master's or equivalent) in a relevant discipline (environmental studies, sociology, economics, engineering, law, international development, or field related to international development).

## EXPERIENCE

- Strong record of experience in dispute resolution or mediation and strong knowledge of conflicts that may arise in development projects.
- Demonstrated knowledge and experience with environmental sustainability and social issues, international development organizations, and civil society in Latin America and the Caribbean.
- Minimum of 10 years of relevant experience, with a proven record in managing and delivering best practices in dispute resolution or mediation methods.
- Demonstrated ability to act objectively and impartially with integrity.
- Knowledge of and experience with international development and the operations of multilateral financial institutions and the private sector in Latin America and the Caribbean is preferred and desirable.
- Proven ability to engage effectively with a broad range of stakeholders who may be party to a dispute in a development project.
- Ability and willingness to travel frequently and on reasonably short notice to Latin America and the Caribbean, including rural areas and difficult environments.
- Excellent interpersonal skills and demonstrated ability to work as a facilitator and build consensus.
- Good exposure to international and multicultural environments.
- Knowledge and experience of independent accountability mechanisms is considered valuable.



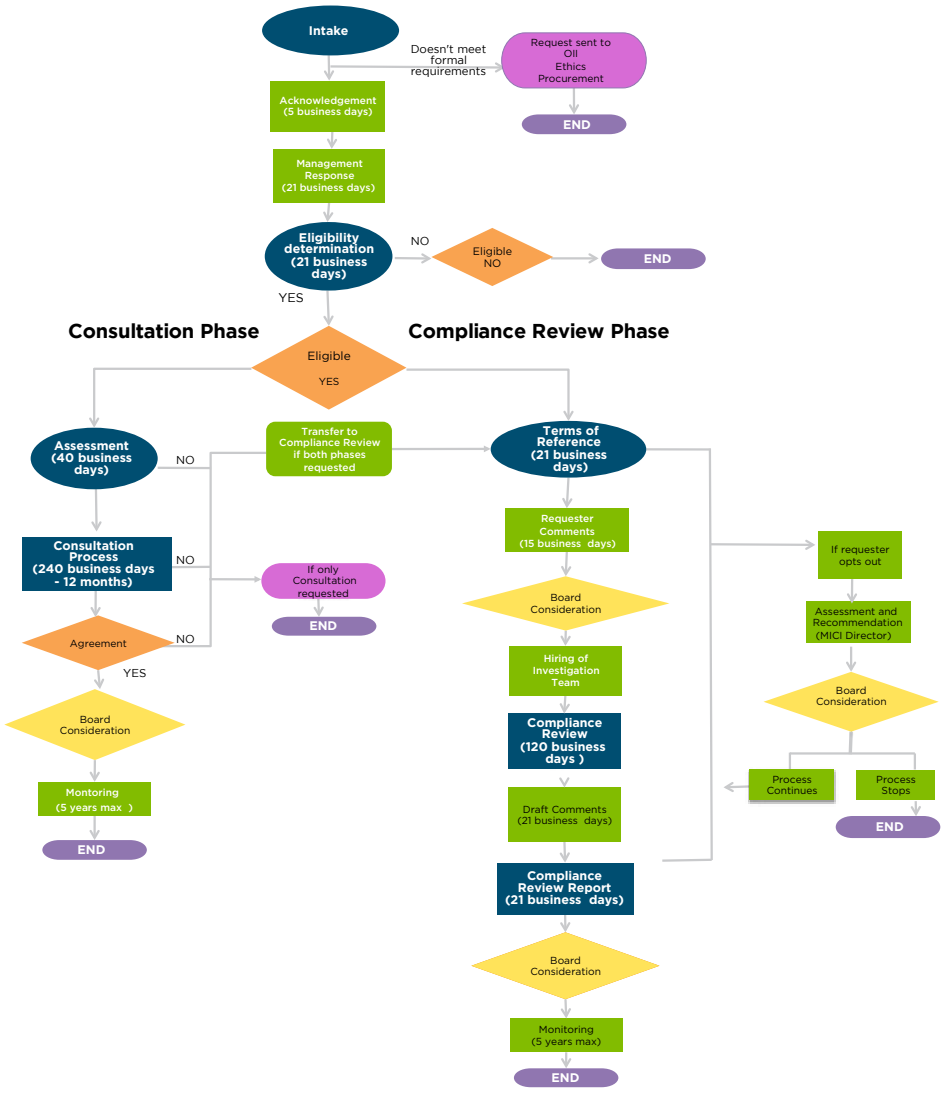
**Languages:** Command of Spanish and English is required; proficiency in Portuguese and/or French is a plus.

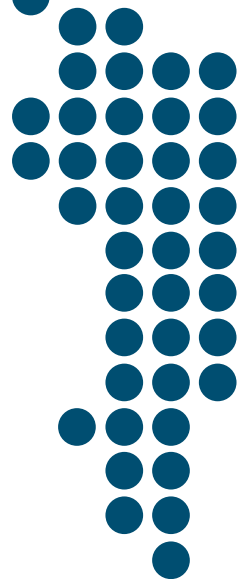
## COMPETENCIES

- ➔ **Technical expertise:** Knowledge and expertise in techniques, strategies, and methodologies for addressing conflicts and issues in development projects.
- ➔ **Leadership:** Ability to manage and lead a consensual problem-solving exercise with multiple stakeholders.
- ➔ **Communication and knowledge-sharing:** Highly developed communications and diplomatic skills. Well-developed writing and editing skills; advanced presentation skills sufficient to convey complex information on issues requiring specific fact-based reporting. Promotes effective sharing of knowledge within and outside the organization, in particular with strategic stakeholders, contributing to a continuous learning environment.
- ➔ **Effective engagement:** Ability to work and communicate effectively with a variety of individuals and organizations, such as civil society, nongovernmental organizations, clients, member country governments, other international organizations and comparable institutions, the IDB Board, Management, and staff.
- ➔ **Critical thinking and judgment:** Uses data, experience, systematic analysis, and sound judgment to make sound decisions and devise effective solutions to problems. Assesses and manages risk in own work.
- ➔ **Negotiation skills:** Ability to acknowledge and manage conflicts in a timely and constructive manner, working through resistance and objections by providing proposals and negotiating compromises that take into account the key needs of all parties.
- ➔ **Strategic thinking/drive for results:** Proven ability to formulate objectives, set priorities, and identify and optimize the use of resources.

**Location:** Washington, D.C.

# ANNEX 5. Process Flow Chart





[www.iadb.org/mici](http://www.iadb.org/mici)