

The
Inspection
Panel

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Accountability at The World Bank

25
YEARS

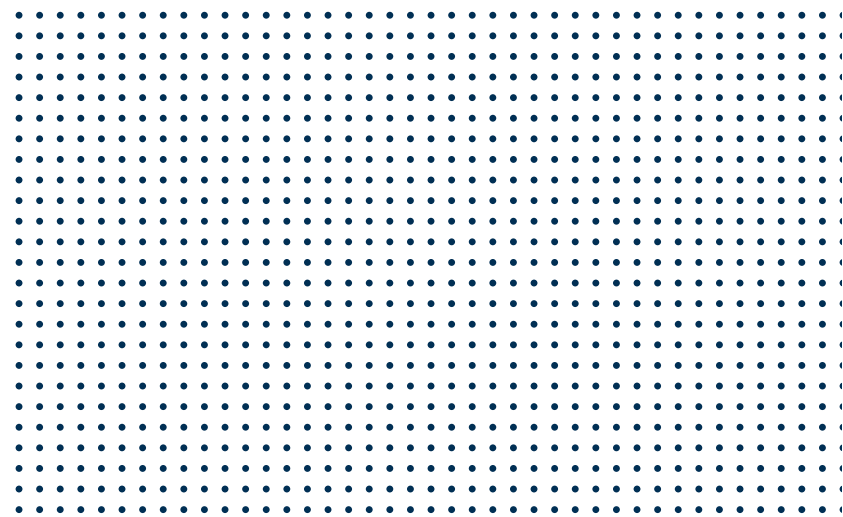


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The
Inspection
Panel

THE WORLD BANK
IBRD • IDA | WORLD BANK GROUP

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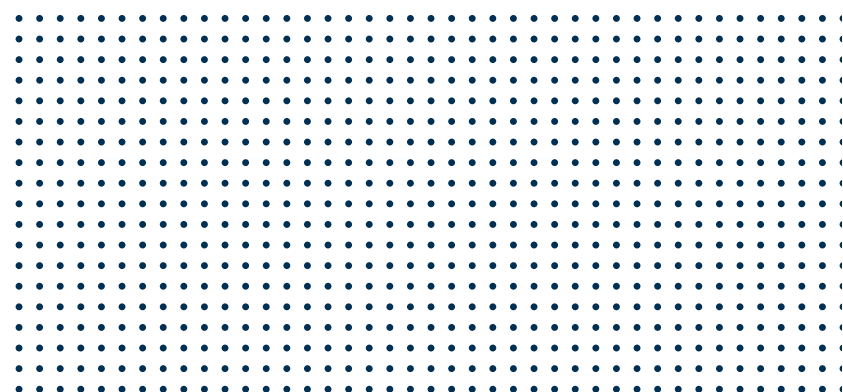
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Foreword

Twenty-five years ago, the World Bank’s Board of Directors reaffirmed the institution’s commitment to transparency and accountability and the fundamental belief that development is intended to bring about positive changes in people’s lives. When it established the Inspection Panel in 1993, the Board created more than a crucial accountability mechanism. It established a vehicle to give people in our client countries — especially the most vulnerable — direct access to the Bank’s governing body when they believe that a project or a program has caused them harm.

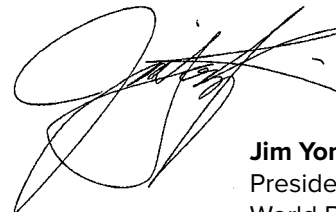
Over the last 25 years, the Inspection Panel has helped democratize the oversight and accountability process. Requesters don’t need a lawyer or someone in a position of authority to advocate for them — they just need to send a letter or an email, and the Inspection Panel will review their claim. It is an open process: all reports — including the initial complaint — are made public, except the identities of the requesters if they ask for confidentiality. That was something new in 1993, and other international institutions have adopted similar transparent procedures with the creation of their own accountability mechanisms.

Many people and groups from countries around the world have made their voices heard through the Inspection Panel, giving the World Bank the chance to ensure that we have followed our own policies and procedures and provide remedies when we have not.

The Inspection Panel has also given us a chance to take a hard look at our own operations, learn from problems and mistakes, and improve how we approach projects that may pose risks to vulnerable people. This knowledge will become even more important as we increase our work in areas affected by fragility, conflict, and violence, where oversight is difficult and the risks of projects having unintended adverse consequences is higher.

The Inspection Panel has also evolved from focusing on environmental and social safeguards to taking greater account of changes in people’s lives that were not easily categorized 25 years ago. This volume recounts the Inspection Panel’s inception and evolution, and the impact it has had to improve how the World Bank serves our clients all over the world.

Reflecting on the Inspection Panel’s first five years in operation, former World Bank President James Wolfensohn wrote that “by giving private citizens — and especially the poor — a new means of access to the Bank, the Panel has given voice to those we most need to hear.” As we tackle the challenges of the next quarter century and beyond, the Inspection Panel will continue to help the World Bank meet the highest standards of transparency and accountability, and it will help ensure that we continue to hear those voices — loud and clear — in everything we do.



Jim Yong Kim
President
World Bank Group



Acknowledgements

This book would not have been possible without the help of many people.

The Inspection Panel would like to thank all of those who took the time to share their recollections of the Panel from the period leading up to its creation all the way through to the present day:

Eduardo Abbott
John Abigaba
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Sir James Wolfensohn

The Panel is grateful to Tom Cohen, who conducted the interviews and wrote the book text, and Christopher Walsh, who provided the videos of the interviews for the electronic version of the book. We also appreciate the work of Greg Wlosinski, who designed the book, and Adam Broadfoot of the Creative Services team of the World Bank’s Global Corporate Solutions unit for his advice throughout the publication process. We also owe thanks to the Narmada Bachao Andolan, the World Bank’s library and archives staff, and Lori Udall for providing some of the images that appear in the book.

The Panel would also like to thank the staff of its Secretariat, particularly Senior Communications Officer Rob Doherty, for their efforts to make this book a reality.

The Panel is grateful to the World Bank’s Board of Executive Directors, Bank Management and staff, and representatives of civil society for their support of the Panel over the past quarter century. Finally, we truly appreciate those people and communities who have brought their complaints to the Panel during the past 25 years and who have trusted in the Panel process to raise their concerns to the highest levels of the World Bank.

Highlights of the Panel's History

1992

Rio Declaration produced at the UN Earth Summit.

The “Morse Commission” report, an independent review of the controversial Sardar Sarovar dam and irrigation projects on the Narmada River in India, is published.

The “Wapenhans report” analyses the quality of the Bank’s loan portfolio; cites an “approval culture.”

1994



Ernst-Günther Bröder becomes first chair.

Eduardo Abbott becomes first executive secretary.

Panel receives its first Request for Inspection, of the Arun III Proposed Hydroelectric Project and Restructuring of IDA Credit in Nepal.

1993

World Bank Board establishes the Inspection Panel.



1995

Panel receives Request for Inspection of the Rondônia Natural Resources Management Project in Brazil.



1996

Review and Clarification of the Board Resolution Authorizing the Panel.



Richard Bissell becomes chair.

Panel receives Request for Inspection of the Jute Sector Adjustment Credit Project in Bangladesh.

Panel receives Request for Inspection of the Yacyretá Hydroelectric Project affecting Argentina and Paraguay.



Panel receives Request for Inspection of the Jamuna New Multipurpose Bridge Project in Bangladesh.

1997

Panel receives Request for Inspection of the NTPC I Power Generation Project in India.

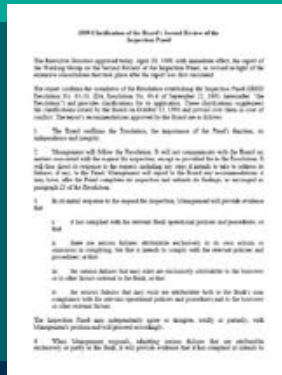
Alvaro Umaña becomes chair.



1998

The Panel publishes The World Bank Inspection Panel: The First Four Years.

1999



Clarification of the Board's Second Review of the Inspection Panel.

Jim MacNeill becomes chair.

Panel receives Request for Inspection of the Western Poverty Reduction Project in China.



2001



Panel receives Request for Inspection of the Chad-Cameroon Petroleum and Pipeline Project.

2002

Edward Ayensu becomes chair.



2003



Edith Brown Weiss becomes chair.

The Panel publishes Accountability at the World Bank — Inspection Panel: 10 Years On.

2004

Inaugural gathering in Washington, D.C., of independent accountability mechanisms (IAMs) at international financial institutions; leads to establishment of IAM Network.

Panel receives Request for Inspection of the National Drainage Program Project in Pakistan.

Panel receives Request for Inspection of the Mumbai Urban Transport Project in India.



2005

Panel receives Request for Inspection of the Transitional Support for Economic Recovery Operation and Emergency Economic and Social Reunification Support Project in the Democratic Republic of Congo (DRC).



2006

Panel receives Request for Inspection of the Honduras Land Administration Project.

Panel receives Request Inspection of the West African Gas Pipeline Project affecting Ghana and Nigeria.



2007

Werner Kiene becomes chair.

Peter Lallas becomes executive secretary.

Panel receives Request for Inspection of the Private Power Generation Project in Uganda.

Panel receives Requests for Inspection of the Integrated Coastal Zone Management and Clean-Up Project in Albania.

Panel receives third Request for Inspection of the Santa Fe Road Infrastructure Project and Provincial Road Infrastructure Project in Argentina.



2009

Roberto Lenton becomes chair. Panel publishes The Inspection Panel at 15 Years.

Panel receives Request for Inspection of the Smallholder Agriculture Development Project in Papua New Guinea.

Panel receives Request for Inspection of the Land Management and Administration Project in Cambodia.

Panel receives Request for Inspection of the Lima Urban Transport Project in Peru.

2010

Panel receives Request for Inspection of the Eskom Investment Support Project in South Africa.

2012



Alf Jerve becomes chair.

Panel receives Request for Inspection of the Vishnugad Pipalkoti Hydro Electric Project in India.

Panel receives Request for Inspection of the Protection of Basic Services Program Phase II Additional Financing and Promoting Basic Services Phase III Project in Ethiopia.

2013



Eimi Watanabe becomes chair.

Panel receives Request for Inspection of the Natural Resource Management Project in Kenya.

Panel receives Request for Inspection of the Power Development Project in Nepal.



2014

Panel adopts Updated Operating Procedures.

Gonzalo Castro de la Mata becomes chair.

Dilek Barlas becomes executive secretary.

Panel receives Request for Inspection of the Electricity Expansion Project in Kenya.

Panel receives initial Request for Inspection of the Transport Sector Development Project's Additional Financing in Uganda.



2015

Panel receives Request for Inspection of the Proposed Kosovo Power Project and Second Additional Financing Energy Sector Clean-up and Land Reclamation Project.

Panel processes its 100th case.

2016

Panel publishes anti-retaliation guidelines.

Panel adopts measures to enhance post-investigation consultation with Requesters.

Panel initiates Emerging Lessons Series reflecting on lessons from its caseload, and publishes reports concerning Involuntary Resettlement and Indigenous Peoples.

2017

Panel publishes Emerging Lessons Series reports concerning Environmental Assessment and Consultation, Participation & Disclosure of Information.

Panel receives second Request for Inspection of the proposed Amaravati Sustainable Capital City Development Project in India.

Panel receives Request for Inspection of the Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (Pro-Routes) in DRC.

2018

Imrana Jalal elected as new Panel chair.

Panel delivers Investigation Report in DRC Pro-Routes case to the Board.



Board undertakes review of Panel toolkit.

Panel hosts 15th annual meeting of IAM Network.

Panel celebrates its 25th anniversary.



Chapter

“There is established an
independent Inspection Panel ...”

RIGHT
Bradford Morse, shown here in 1978,
was appointed by World Bank President
Barber Conable in 1991 to lead an
independent review of the Sardar
Sarovar projects in India.

File unit: 1892581
Credit: The World Bank

BELOW
SEPTEMBER 22, 1993
IBRD/IDA Resolutions—
The World Bank Inspection Panel



September 22, 1993

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
INTERNATIONAL DEVELOPMENT ASSOCIATION

Resolution No. IBRD 93-10

Resolution No. IDA 93-6

"The World Bank Inspection Panel"

The Executive Directors
Hereby resolve:

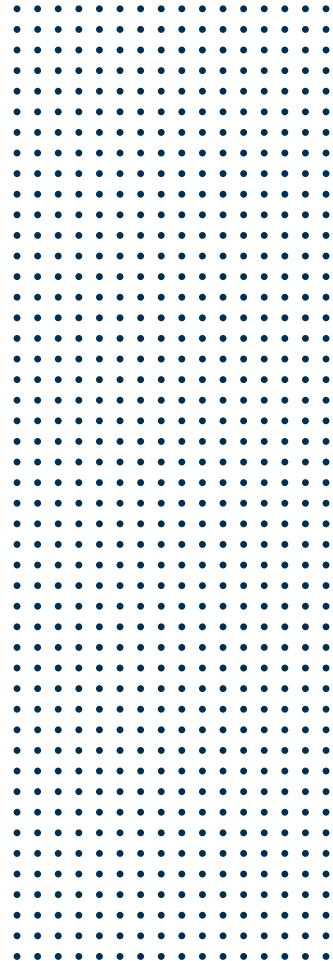
1. There is established an independent Inspection Panel (hereinafter called the Panel), which shall have the powers and shall function as stated in this resolution.

Composition of the Panel

2. The Panel shall consist of three members of different nationalities from Bank member countries. The President, after consultation with the Executive Directors, shall nominate the members of the Panel to be appointed by the Executive Directors.
3. The first members of the Panel shall be appointed as follows: one for three years, one for four years and one for five years. Each vacancy thereafter shall be filled for a period of five years, provided that no member may serve for more than one term. The term of appointment of each member of the Panel shall be subject to the continuity of the inspection function established by this Resolution.
4. Members of the Panel shall be selected on the basis of their ability to deal thoroughly and fairly with the requests brought to them, their integrity and their independence from the Bank's Management, and their exposure to developmental issues and to living conditions in developing countries. Knowledge and experience of the Bank's operations will also be desirable.
5. Executive Directors, Alternates, Advisors and staff members of the Bank Group may not serve on the Panel until two years have elapsed since the end of their service in the Bank Group. For purposes of this Resolution, the term "staff" shall mean all persons holding Bank Group appointments as defined in Staff Rule 4.01 including persons holding consultant and local consultant appointments.

“Nobody knew what the Inspection Panel was going to be. We were creating something from scratch.”

Richard Bissell, Inspection Panel Member, 1994–1997



No one knew what to expect when the World Bank became the first international financial institution to create an independent accountability mechanism.

There was no example to follow on September 22, 1993, when the Bank’s Board of Executive Directors approved a resolution establishing the Inspection Panel.

Over the next 25 years, the Panel forged a legacy as the prototype for international financial organizations to hold themselves accountable. Today, 17 other similar bodies exist, all modeled in some way on the World Bank’s pioneering effort.

The mere existence of the Panel, which investigates claims of harm caused by Bank-financed development projects, helped change the culture of the World Bank. Through the Panel’s work, adversely affected people have been helped, and Bank projects have been restructured and improved.

At the start, though, the new Panel engendered uncertainty. Even the resolution creating it mandated a review after just two years.

“We were absolutely unprecedented,” said Richard Bissell, one of the first Panel members. “Nobody knew what the Inspection Panel was going to be. We were creating something from scratch.”

Its fundamental mission became its most enduring accomplishment — giving a voice to the voiceless. Through the Inspection Panel,

people unintentionally harmed by the Bank’s work now could raise their issues at the institution’s highest levels — the Board of Executive Directors and senior Management, right up to the president.

“Part of the legacy of the Panel is that it’s brought impacted people’s voices inside the Bank, and that helped improve the situation on the ground,” said development consultant Lori Udall.

Before the Panel, no such forum existed within the community of international financial institutions that originated with the World Bank, which was created after World War II to aid the reconstruction of Europe and later shifted its focus to assisting developing countries.

Udall and others who fought Bank-financed projects that caused environmental and social harm acknowledged the revolutionary step taken by establishing the Inspection Panel.

“It was like a breath of fresh air, a fresh breeze,” said environmental economist Korinna Horta in recalling the Bank’s new commitment to accountability at that time.

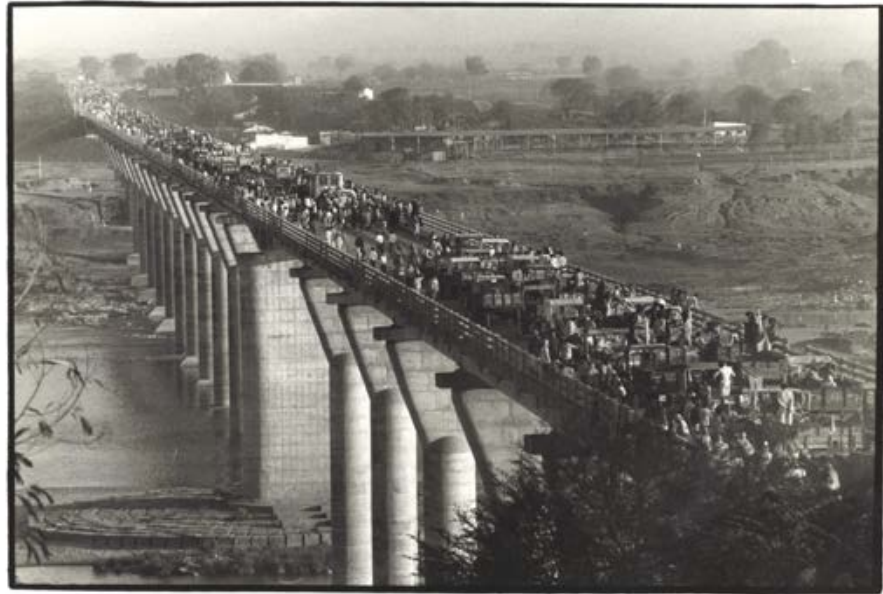
David Hunter, a professor of law at American University and leading voice for World Bank transparency and accountability, described the Panel’s creation as a shift in



SEPTEMBER 1989

Indian activists burn an effigy of the Sardar Sarovar project agreement between the government of India and the World Bank.

Credit: Image provided by Lori Udall.



TOP, MIDDLE, BOTTOM

JULY 3 1990

Protests in Kalaghat, India

Credit: Photos by Eklof Johansson/Images
provided by Lori Udall

the legal perspective of individual rights in international law.

“The idea of a citizen-based accountability mechanism that would empower local people to bypass their governments and seek independent review of their rights was totally radical within international financial institutions, and more generally within international law,” Hunter said.

The Inspection Panel was a product of the times. It emerged amid a convergence of political and social changes in the 1980s and 1990s, including a growing environmental movement, with some non-governmental organizations (NGOs) harshly critical of the World Bank and calling for fundamental change at the institution.

Protesters labeled several Bank-financed projects “development disasters” that harmed poor and vulnerable people unable to assert or protect their rights and livelihoods. In addition, the perceived closed-door atmosphere of the Bank exacerbated the frustrations of the civil society movement.

Momentum for change increased at the 1992 Earth Summit, when the Rio Declaration called for all citizens to have access to information, access to public participation and access to justice on environmental issues. It was the first international document to enshrine such “access rights,” Hunter said.

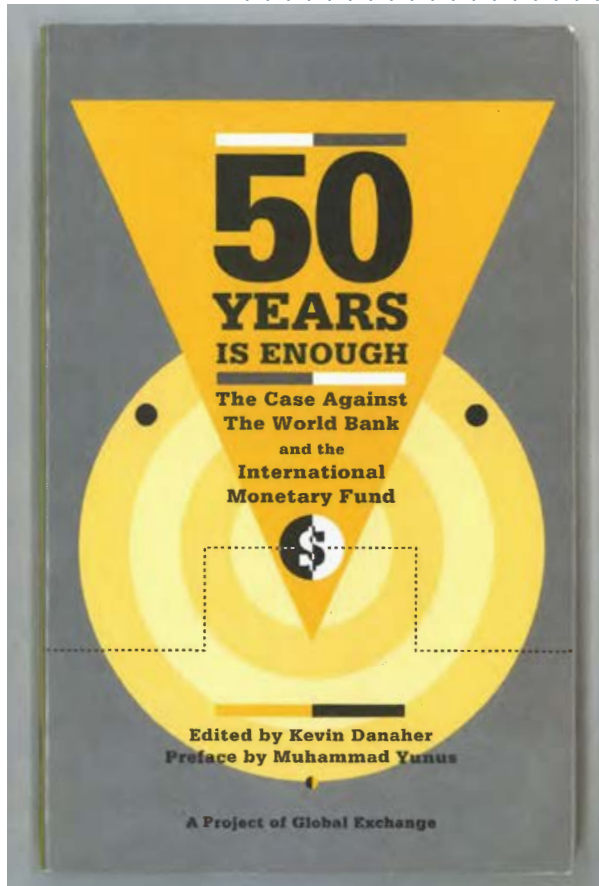
At the same time, the Bank faced fierce internal criticism over a power dam project on the Narmada River in India that was the source of significant protests by local and international organizations. The Sardar Sarovar Dam and Canal projects, which the Bank funded in the mid-1980s, involved the resettlement of more than 120,000 people and prompted environmental concerns.

In response to the growing protests, World Bank President Barber Conable ordered an independent review in 1991 led by retired U.N. Development Programme administrator Bradford Morse.

The “Morse Commission” report the following year identified serious compliance failures by the Bank, such as the lack of a required environmental assessment, as well as “devastating human and environmental consequences.” It set in motion reforms in World Bank practices, along with the

“The idea of a citizen-based accountability mechanism ... was totally radical within international financial institutions, and more generally within international law.”

David Hunter, Professor of Law,
American University



1994
The Inspection Panel emerged amid a convergence of political and social changes in the 1980s and 1990s, with some harshly critical of the World Bank.



US CAMPAIGN

THE DEVELOPMENT GAP*
ENVIRONMENTAL DEFENSE FUND*
FRIENDS OF THE EARTH-US**
GLOBAL EXCHANGE*
INTERNATIONAL RIVERS NETWORK*
LATIN AMERICA*
CENTER FOR DEMOCRATIC EDUCATION*
CENTER FOR DEVELOPMENT OF INTERNATIONAL LAW
COLUMBIAN JUSTICE AND PEACE CENTER
DISCIPLES OF CHRISTUNITED CHURCH OF CHRIST (JOINT FRONTIER IN AFRICA)
ORIS-PEACE USA*
INSTITUTE FOR AGRICULTURE AND TRADE POLICY
INSTITUTE FOR FOOD AND DEVELOPMENT POLICY (FOOD FIRST)
INSTITUTE FOR POLICY STUDIES
HARMONIC FATHERS AND BROTHERS JUSTICE AND PEACE OFFICE
MISSIONARY SOCIETY OF ST. COLLEMBAN, CAMPAIGN ON JUST AND DEVELOPMENT ALTERNATIVES*
PARTNERS IN HEALTH
UNITED CHURCH OF CHRIST BOARD FOR WORLD MINISTRIES (GLOBAL EDUCATION AND ADVOCACY OFFICE)
UNITED METHODIST CHURCH GENERAL BOARD OF CHURCH AND SOCIETY
WASHINGTON OFFICE ON AFRICA
WITNESS FOR PEACE
WORLD HUNGER YEAR
WORLD SUSTAINABLE AGRICULTURE ASSOCIATION

* Steering Committee Member

1994 marks the 50th anniversary of the founding of the World Bank and the International Monetary Fund (IMF), institutions that have come under increasing criticism for their role in financing and promoting development overseas that is inequitable, environmentally damaging and non-participatory. After a dozen years of effort by environment and development organizations lobbying the U.S. government and negotiating with the Bank and IMF for reforms on behalf of Southern NGO partners, a diverse group of U.S. organizations have established the "50 Years is Enough" coalition in order to raise awareness across the United States about the disastrous social, environmental and economic record of these institutions. Given the continued resistance of the World Bank and IMF to fundamental and meaningful change, the aim of the coalition is to limit the power of these institutions and to promote a public exploration of possibilities of creating new structures, or modifying existing ones, that could deliver more relevant and appropriate assistance.

"50 Years is Enough" was chosen as a campaign slogan to express the strongly held belief by growing numbers of people around the globe that the type of development that the World Bank and IMF have been promoting, being minimal both to the interests of the poor and that of the natural environments of the Third World and Eastern Europe, cannot be allowed to continue. It is meant to imply neither a reformist nor an abolitionist approach, but rather to state that fundamental, structural changes in these institutions are necessary. Due to the overwhelming influence of the United States in financing and setting policy for the World Bank and IMF, U.S. groups feel a special responsibility to ensure that every effort is made to change these institutions and promote alternatives – both institutional and economic – developed in conjunction with citizens' organizations in affected countries. Towards this end, the coalition is establishing links with other 50th anniversary efforts in Africa, Asia, the Caribbean, Europe, and Latin America.

Because fundamental change in the operations and policies of these institutions will only come about through sustained and persistent pressure from the outside, the demands of the "50 Years is Enough" coalition are directed primarily at external actors, including the media, the public, the U.S. Congress and the Clinton Administration. Accordingly, participating organizations are working on three different fronts: encouraging the U.S. media to present the true record of the World Bank and IMF; raising public awareness about the impact of these institutions on people's lives and natural environments worldwide; and advocating with the U.S. Congress and Clinton Administration on the need for far-reaching changes in these institutions.

The focus of the collective NGO effort in 1994 will be on the media, and for that purpose a Media Coordinator will direct and coordinate a high-profile media campaign and link up with the media work of partner organizations in other countries, especially around the World Bank/IMF Annual Meetings in Madrid in September. A nine-member steering committee and three-member executive committee have been formed to oversee the work of the Coordinator and coordinate the work of the coalition. Four thematic action groups have also been created to develop specific coalition positions, determine strategies and

Advertisement

The World Bank Must Withdraw Immediately from Sardar Sarovar

An Open Letter to Mr Lewis T. Preston, President of the World Bank

Dear Mr Preston,

We write to you to demand that your bank stop funding the Sardar Sarovar Projects in western India. This giant dam, power and irrigation scheme would, if completed, create a reservoir more than 125 miles long and submerge the homes of over 100,000 people. It would be one of the worst human and environmental disasters the World Bank has ever financed.

During the recent monsoon, scores of tribal people and activists refused to move from the villages immediately behind the partially-built dam as the Narmada River rose to within some five of the lowest houses. Upstream, tens of thousands more villages have viewed to drown rather than leave their homes.

The villagers' protests have been supported by growing numbers of environmentalists, scientists, engineers and human rights specialists. They believe that the project is environmentally, socially, technically and economically unsound. By 1991, the criticism had become so loud that your predecessor Barber Conable was forced to commission an Independent Review of the Project. In June this year, the Independent Review—headed on by a former rights activist and an environmental campaigner, but by Mr Wendell Moore, an official of the UN Development Programme—concluded after 10 months of intensive research that:

"The Projects as they stand are flawed, overblown and inhibition of all those displaced by the Projects is not possible under prevailing circumstances, and the environmental impacts of the Projects have not been properly considered or adequately addressed. Moreover, we believe that the Bank shares responsibility for the situation."

But your staff and management, in your name, Mr Preston, have contemptuously brushed aside the Independent Review's recommendation to "step back from the Projects and consider them again" and claim that continued Bank support is justified. Mr Preston, not only is continued Bank support for Sardar Sarovar totally unjustified, but so is continued public support for the Bank if you are to continue using taxpayers' money to fund this disastrous scheme. The Review explicitly states that "little can be achieved while construction continues".

In 1983, when the World Bank approved the loans for Sardar Sarovar, "no basis for designing, implementing, and extending resettlement and rehabilitation was in place... no one knew the scale of displacement that would result... nor had the people [to be affected] been consulted." The Independent Review adds that the Bank has disregarded the plight of 100,000 families who would be affected by the canal and irrigation system. Tens of thousands of these families would lose all or most of their land. All this in a blatant violation of the World Bank's own rules, which require a detailed study of resettlement before lending agreements are made. Well over half of the tribal families whose lands would be submerged in the states of Madhya Pradesh and Maharashtra would not receive adequate replacement land. Yet the Independent Review says that such land is a minimum condition if these families are to "regain at least their previous standard of living", as required by the Bank's own rules for resettlement.

Worse is replacement land sought. Families who have been denied to the plains of Gujarat complain bitterly of saltiness or some fish, inadequate water supplies, a lack of farmland and fodder, and the "insupportable" tax loads in which many have had to live for years.

The horrible treatment of the tribal people of the Narmada Valley means they have to leave forests that have for generations provided food, shelter, fuel, medicines and building materials. It means they have to leave a river which, to them, not only a source of fish and clean water, but a "mother", a living being of immense spiritual importance. It means the breaking up of communities and even families for vast, different resettlement sites. People who had been settled in Gujarat told the Independent Review: "Our lovers are not here. We are like dead people. What is the point of living like dead people?"



Tribal farmers whose homes will be inundated by the Sardar Sarovar dam project hold the water of the Narmada River in their cupped hands, as they vow never to leave their lands.



The Bank failed to study the environmental impact of the Projects before signing the loan agreements. No evaluation was made of the costs of flooding some 60,000 acres of forests and farmland or of destroying productive fisheries. All "environmental mitigation" required by the Bank's 1987 agreements has never been completed. In the judgement of the Independent Review your staff are guilty of "gross delinquency in the handling of environmental matters."

The loan agreements called for measures to minimize the risks of water related disasters. Yet the Independent Review states there were no safeguards to prevent the spread of malaria near the dam site. It quotes a consultant's report which says that drainage works were conducted so carelessly that they amount to "taking malaria to the doorstep of villages". Another consultant says that if submersions were to get a foothold, people "would either have to avoid exposure to the reservoir and irrigation water for all time, which is practically impossible... or most of the people in the area would be subject to submersions from childhood onward."

According to the Independent Review, "important assumptions upon which the Projects are based are now questionable or known to be unfounded... questions have been submitted for analysis." The Review reveals how Bank staff and project authorities have overestimated the amount of water the scheme would make available. They have exaggerated the availability of irrigation. They have misled the members of people who are expected drinking water from the scheme. And they have falsified power generating projections and estimates of how long the dam can operate before silting up.

The Independent Review points out that opposition to the projects is mounting so high that Indian and World Bank officials are not even able to visit most of the villages ahead for submergence. "So long as this hostility endures," the Review says, "progress will be impossible except as a result of unacceptable means."

Are you, Mr Preston, prepared to take the responsibility for these "unacceptable means"? Already in the Narmada Valley, those opposing Sardar Sarovar have been subjected to "arbitrary arrest, illegal detention, beatings and other forms of physical abuse." According to human rights group Asia Watch, these abuses "appear to be part of an increasingly repressive campaign by the state government to silence dissent and prevent [tribal] groups from organizing against."

If you and your staff continue to disregard the Independent Review, Mr Preston, it will confirm that the Bank is beyond reform. Alternatives to the Projects exist and the dam is by no means a just attempt. The publication of the Independent Review provides a historic opportunity for the Bank to withdraw from Sardar Sarovar. If you do not do so we will call upon NGOs and activists to put their weight behind a campaign to cut off funding to the Bank.

The immediate priority will be to urge taxpayers, donor governments and NGOs, to suspend the US \$1.6 billion "loan guarantee" of the International Development Association, the division of the World Bank which gives environmental loans to low income countries. We can no longer tolerate public money being used to make the lives of people you are supposed to help.

Yours sincerely,

[Small, illegible text, likely a list of names or organizations]

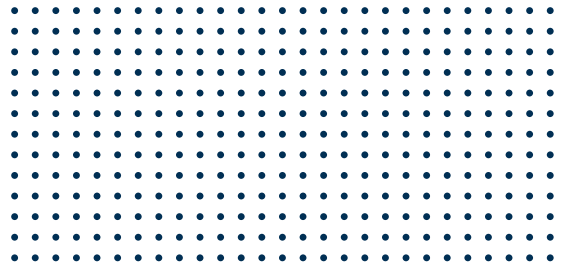
[Small, illegible text, likely a list of names or organizations]

Total: 270 named groups from 37 countries, representing another 470 groups.

SEPTEMBER 21, 1992

A full-page ad opposing the Sardar Sarovar projects appeared in the Financial Times (above), Washington Post and New York Times.

Credit: Image provided by Lori Udall



ABOVE

Medha Patkar, pictured above right, was a founding member of the Narmada Bachao Andolan movement, which opposed the Sardar Sarovar projects in India.

Credit: NBA Archives

process that resulted in the creation of the Inspection Panel.

“After what happened with Narmada, there was no way to avoid the Inspection Panel,” said Eveline Herfkens, the Dutch executive director at the Bank at the time.

In response to the Morse Commission findings, new Bank President Lewis Preston ordered a task force to examine Bank operations — and that body issued its own damning review. Headed by Bank Vice President Willi Wapenhans, the task force report described how an “approval culture” at the Bank rewarded staff for pushing through as many projects as possible without paying sufficient attention to the Bank’s ability to implement them, or to their potential environmental and social impacts.

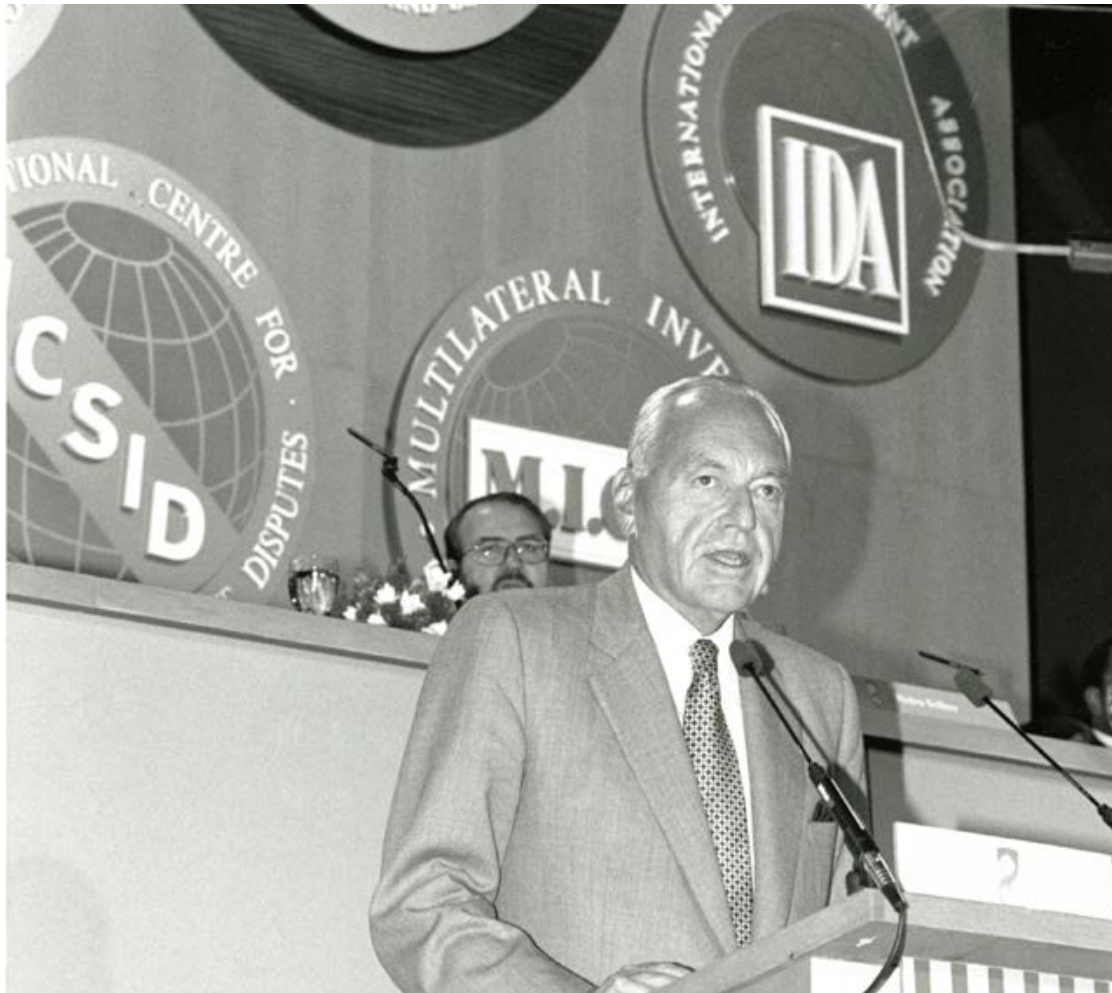
Across town in Washington, the U.S. Congress also exerted pressure on the World Bank to change its ways. With input from civil society groups, a key congressional subcommittee chaired by Representative Barney Frank of Massachusetts held hearings with people harmed by Bank-financed projects as it considered the U.S. contribution to replenish the Bank’s International Development Association (IDA), the fund for the poorest countries.

Hunter called the testimony from victims of development-related harm a “power shift” in relations between multilateral institutions like the World Bank and the industrialized governments that funded them, especially the United States, the Bank’s largest shareholder and donor.

“Suddenly you had voices from the affected communities here before Congress, saying, ‘This is what this project is doing to us, the tanks are rolling and the bulldozers are rolling into our villages, and your tax dollars are financing it,’” Hunter said. “It was very important. They were in Washington, and the Bank couldn’t stop it and the government couldn’t stop it.”

Frank’s subcommittee threatened to cut off U.S. funding for the IDA replenishment unless the World Bank instituted reforms that included establishing an accountability mechanism. The end-game for creating the Inspection Panel had started.

In the ensuing months, the Bank’s Board of Executive Directors considered various proposals for a new information policy as well as some kind of independent accountability body. An initial proposal by four executive directors in February 1993 called for an in-house



Lewis Preston, World Bank President, 1991–1995

Credit: The World Bank

inspection unit, which Bank staff argued should be ad hoc rather than permanent.

At the same time, Professor Daniel Bradlow of the American University Washington College of Law proposed a Bank ombudsman to review the compliance of ongoing projects with the Bank's policies and procedures, and make non-binding recommendations. Environmental groups, meanwhile, sought an independent appeals commission at the Bank.

A staff paper in June 1993 offered two options, including the three-member format eventually adopted. At the Board of Executive Directors' first informal discussion of the matter on July 9, 1993, it agreed on the need for a mechanism, but not on specifics.

Concerns expressed included the potential for an inspection panel to interfere with the role of the Board or Bank Management, and the possibility it could unleash a torrent of complaints that would impose considerable costs on the Bank.

Ibrahim Shihata, the Bank's general counsel at the time and an influential force behind the establishment of the Panel, proposed "precise procedural requirements" for how the accountability mechanism would receive and consider complaints to reduce the risks cited by executive directors. His concern touched on what would be one of the most important aspects of the Panel's existence — whose voices would be heard.

'Ombudsman' panel in view

WORLD BANK directors are expected to agree tomorrow to set up a new inspection panel to serve both as a form of ombudsman for outside complaints and as an internal check on management, writes George Graham in Washington.

The panel would set a precedent for international organisations to allow outside complaints, although it falls short of some of the demands of US environmental groups, which have been among the World Bank's most vocal critics.

The panel can only hear complaints about the Bank's failure to follow its own procedures or policies, not about the content of those policies. Among other changes, the new draft increases the panel's proposed budget to \$1.5m from \$600,000, with three panel members, two of whom may initially serve only part-time.

FT

FINANCIAL
TIMES

LEFT

SEP 20 1993

Financial Times

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BELOW

SEP 23 1993

Financial Times

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IDA contribution withheld

By George Graham
in Washington

A KEY congressional committee has withheld full authorisation for the \$3.75bn (£2.43bn) US contribution to the International Development Association, the World Bank unit that provides loans at low interest rates to the poorest developing countries.

The House of Representatives banking committee voted

yesterday to allow the US to sign the IDA replenishment agreement reached last year, but to authorise only the first two \$1.25bn tranches of the US contribution. This limited authorisation follows protracted talks with the US Treasury and the World Bank over improvements in transparency of bank operations.

Both Treasury and World Bank officials had hoped recent changes in portfolio

management and disclosure policy, as well as the decision to set up an independent inspection panel, would be enough to win a full three-year authorisation. But Mr Barney Frank, chairman of the subcommittee overseeing the World Bank, said there was still uncertainty over how the reforms would work out.

The bill would also authorise the US to write off developing country debts.

On August 6, 1993, a draft resolution before a committee of the Board called for an independent three-member inspection panel with powers to hear complaints about "a failure of the Bank to follow its operating policies, rules and procedures." One executive director warned that allowing individuals to file complaints could lead to excessive and frivolous requests, so the text eventually was changed to require that complaints come from at least two people from an affected community.

Three weeks later, a majority of the committee supported establishing the Inspection Panel after a discussion of its mandate, the need for a review of its operation after two years, the definition of who had standing to

submit complaints, the role of the Board of Executive Directors in approving inspections, potential follow-up actions to Panel findings, and other issues.

Revised text from the Bank president's office on September 10, 1993, fine-tuned the draft resolution, and the Board of Executive Directors met on September 21, 1993, to consider the matter. At the suggestion of a director, the word "independent" was dropped from the Panel's formal title to avoid the perception of a purely autonomous mechanism that in fact operated within the Bank's administration.

Another change in the text required that complaints come from "the territory of the borrower" to prevent outside individuals or

organizations from filing them without the participation of affected communities.

The following day, the Board approved two parallel resolutions: Resolution No. IBRD 93-10 and Resolution No. IDA 93-6, titled The World Bank Inspection Panel, which began:

“The Executive Directors: Hereby resolve: 1. There is established an independent Inspection Panel”

Under the Resolution, the new Panel was empowered to carry out independent investigations of Bank-financed projects to determine whether the Bank is in compliance with its operational policies and procedures, and to make related findings of harm.

The Panel reports its findings to the Board of Executive Directors, and Bank Management is required to prepare a response with recommendations and actions to address the Panel’s findings of non-compliance and harm. The Board considers both the Panel’s findings and Management’s response in deciding subsequent actions.

Civil society activists complained that the Panel’s narrow mandate focused solely on compliance with Bank policies and procedures, as well as the new body’s placement within the Bank hierarchy, limited the fundamental independence it required.

In his authoritative text on the Panel published the following year, Shihata warned how “the temptation to expand the role of the Panel beyond the limits stated in the Resolution could be fed by the high expectations of those

who will see in it an instrument to drastically change the World Bank to their liking, as well as by the disappointments of those who will fail to see it moving in that direction.”

Inside the Bank, staff members had questions about the new accountability mechanism.

“There was definitely a lot of interest because none had ever been set up at an international financial institution before, so it was big unknown for staff,” said Charles Di Leva, a long-time environmental law expert at the Bank who was working in the legal department at the time. “There were definitely questions that staff had about what the creation of the Panel would mean for the relations that the Bank had with borrowers and how it might affect the ability for projects to achieve their objectives.”

One person who understood the wariness was Ernst-Günther Bröder, a former European Investment Bank president chosen to be the first chairman of the Inspection Panel.

At a 1994 reception introducing the initial three Panel members and the first executive secretary, longtime World Bank lawyer Eduardo Abbott, Bröder sought out Hunter — among the best-known civil society activists.

More than two decades later, Hunter recalled how Bröder put an arm around him and said: “This is an institution that’s going to make the Board of Directors operate better.”

“They have no idea what they’ve created,” Bröder added. “It’s all going to be a great big experiment.”

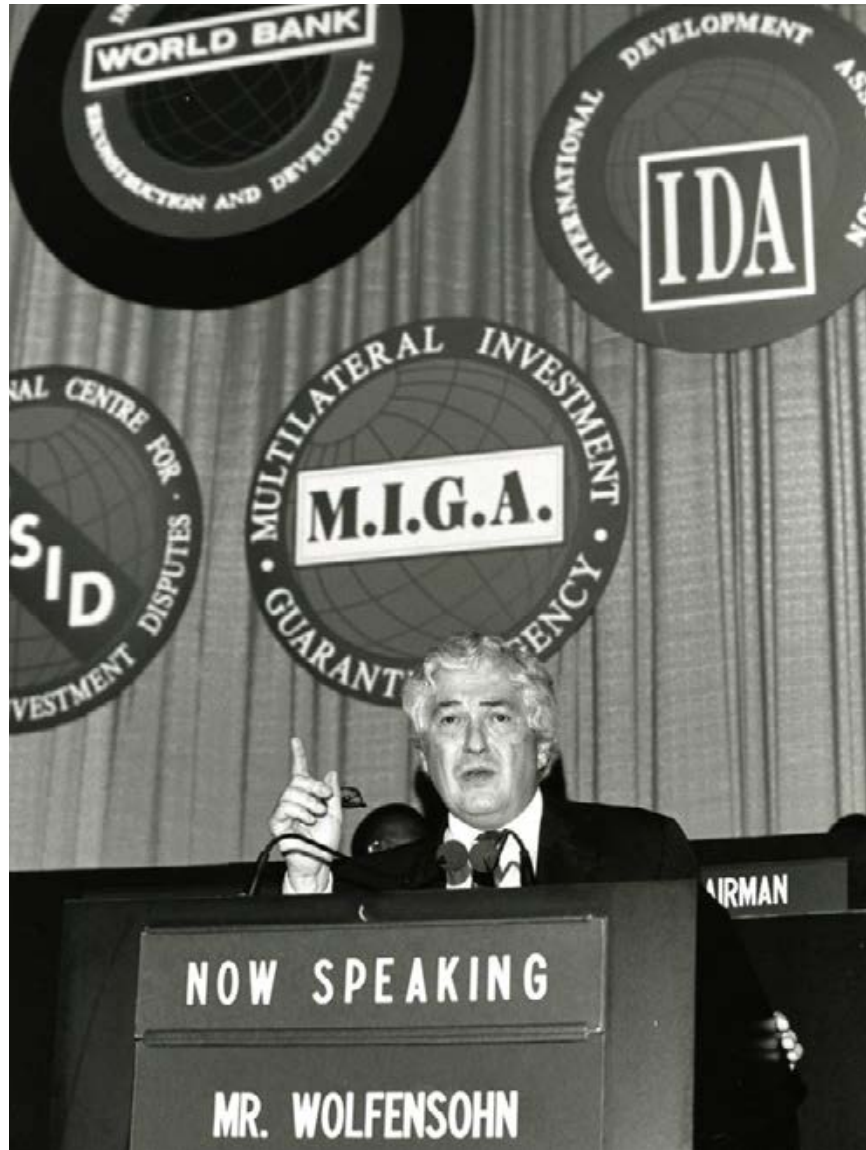
“There were definitely questions that staff had about what the creation of the Panel would mean for the relations that the Bank had with borrowers and how it might affect the ability for projects to achieve their objectives.”

Charles Di Leva, World Bank Chief Environmental and Social Standards Officer



Chapter

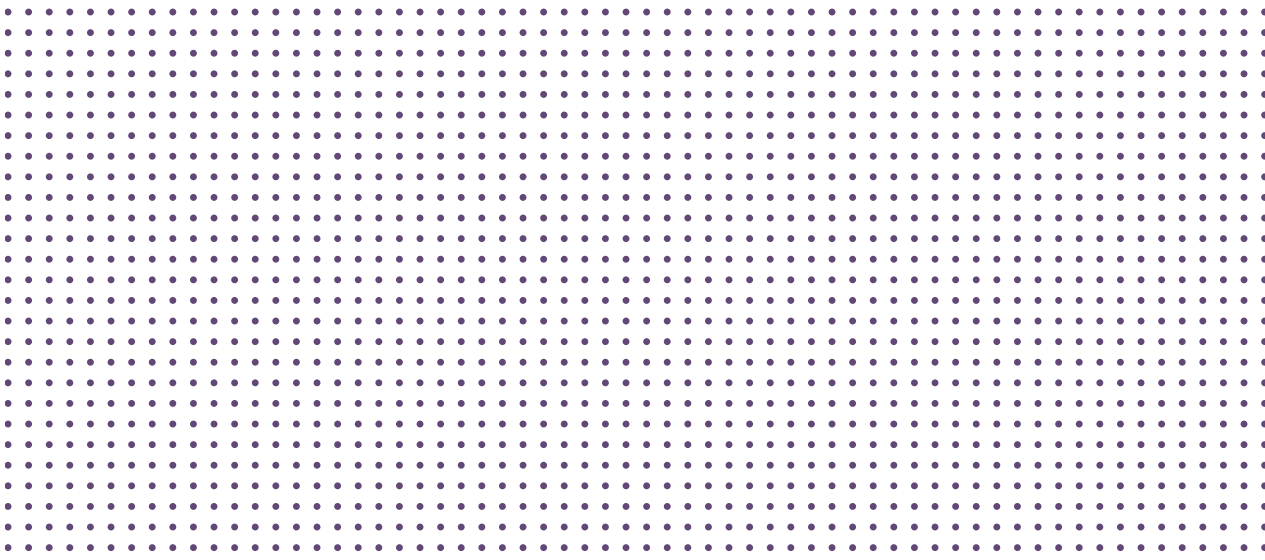
“Growing Pains”
(1994–2000)



Credit: The World Bank

“You were coming into a Bank that had established mechanisms, and there was a very strong culture in the Bank that you didn’t need to change anything.”

Sir James Wolfensohn, World Bank President
1995–2005



For Ernst-Günther Bröder, nothing was more important than ensuring the independence of the new Inspection Panel he chaired.

“You can’t want this job so much that you’re not willing to walk away from it,” Bröder told development consultant Lori Udall. “If push comes to shove and our independence was threatened, I absolutely would walk away.”

He showed that willingness several times to defend the standing of the first independent accountability mechanism of its kind in an institution filled with uncertainty over how the Panel would carry out its mission.

“You were coming into a Bank that had established mechanisms, and there was a very strong culture in the Bank that you didn’t need to change anything,” said Sir James Wolfensohn, the World Bank president for most of the Panel’s first decade.

Change was precisely what the Panel represented, with an independent unit in the Bank acting on public complaints about Bank-financed projects and reporting its findings directly to the Board of Executive Directors.

Korinna Horta, an environmental economist who has investigated World Bank projects throughout her career, said the Panel process “can inform the Board more directly and independently of what is actually happening on the ground.”

Now the Board could “compare what Management says to what the Panel says, so it’s extremely valuable,” Horta added.

In those early days, the Panel’s independence and direct relations with the Board needed “to be defended at every turn,” explained Richard Bissell, one of the first three Panel members with Bröder and Alvaro Umaña, because the Panel did not fit into the Bank’s existing structures.

At issue was the core role of the new mechanism. The authorizing Resolution guided by Ibrahim Shihata, the World Bank general counsel at the time, focused the Panel on complaints of harm by Bank-financed projects due to non-compliance with Bank policies and procedures.

Under Shihata’s interpretation, the Panel could only determine the compliance issue, with no authority to investigate the actions of governments and other partners, or to impose remedies.

As the Panel moved from concept to reality, though, the question of a Panel role in helping the people harmed by Bank-financed projects — those who requested investigations from the Panel — became more prominent.

“From the Requesters’ point of view, they do not really care whether the Bank is complying with its policies and procedures. They want their problem solved,” said Professor Daniel Bradlow, who now works at the University of Pretoria and specializes in the law regarding international financial institutions. “If the issues are solved by better compliance, great, but if not, solve our problem anyhow.”

At first, internal challenges to the Panel involved autonomy — and, in one instance, the seemingly mundane topic of office space. When Bröder and Eduardo Abbott, the Panel’s first executive secretary, initially were assigned offices, Bröder went to Bank President Lewis Preston to demand a designated section for the Panel to ensure its independence and the privacy of its operations. Preston agreed.

Then there was a suggestion to make the Panel staff a unit equivalent to “a secretariat of a committee of the Board,” which would mean that Abbott, as the executive secretary, would not report directly to the Panel, he recalled.

“And Mr. Bröder, of course, said this is absolutely not acceptable, and he offered to resign right away, right there,” Abbott said. Once again, Bröder’s position prevailed — another issue resolved in what Abbott called “the growing pains of the Panel.”

As an initial step, the three members and Abbott wrote the Panel’s first set of operating procedures, based on the concept outlined in the authorizing Resolution.

They decided on their own how the Panel would work — creating, for example, the formal process of registering cases — and agreed that the three-member Panel would act by consensus rather than by taking votes.

In September 1994, the Panel became fully operational, and two key developments quickly followed — it received its first Request for Inspection in October, and Wolfensohn became the new World Bank president in 1995.

The first complaint involved a government-initiated hydropower project on the Arun River in Nepal that proposed the largest dam ever built in the country, along with a power-generating plant and an access road where none existed — all to be supported by World Bank financing.

A local NGO filed the complaint on behalf of four people — including two participating

confidentially — who lived in the Arun Valley and claimed their communities faced displacement and other harm. The Request also challenged the economic viability of the Arun III project.

In what would become a common practice, the Panel sent a mission to verify the eligibility of the claim and recommended an investigation opposed by Bank Management, which insisted that all relevant policies had been followed.

The subsequent Panel investigation found numerous problems.

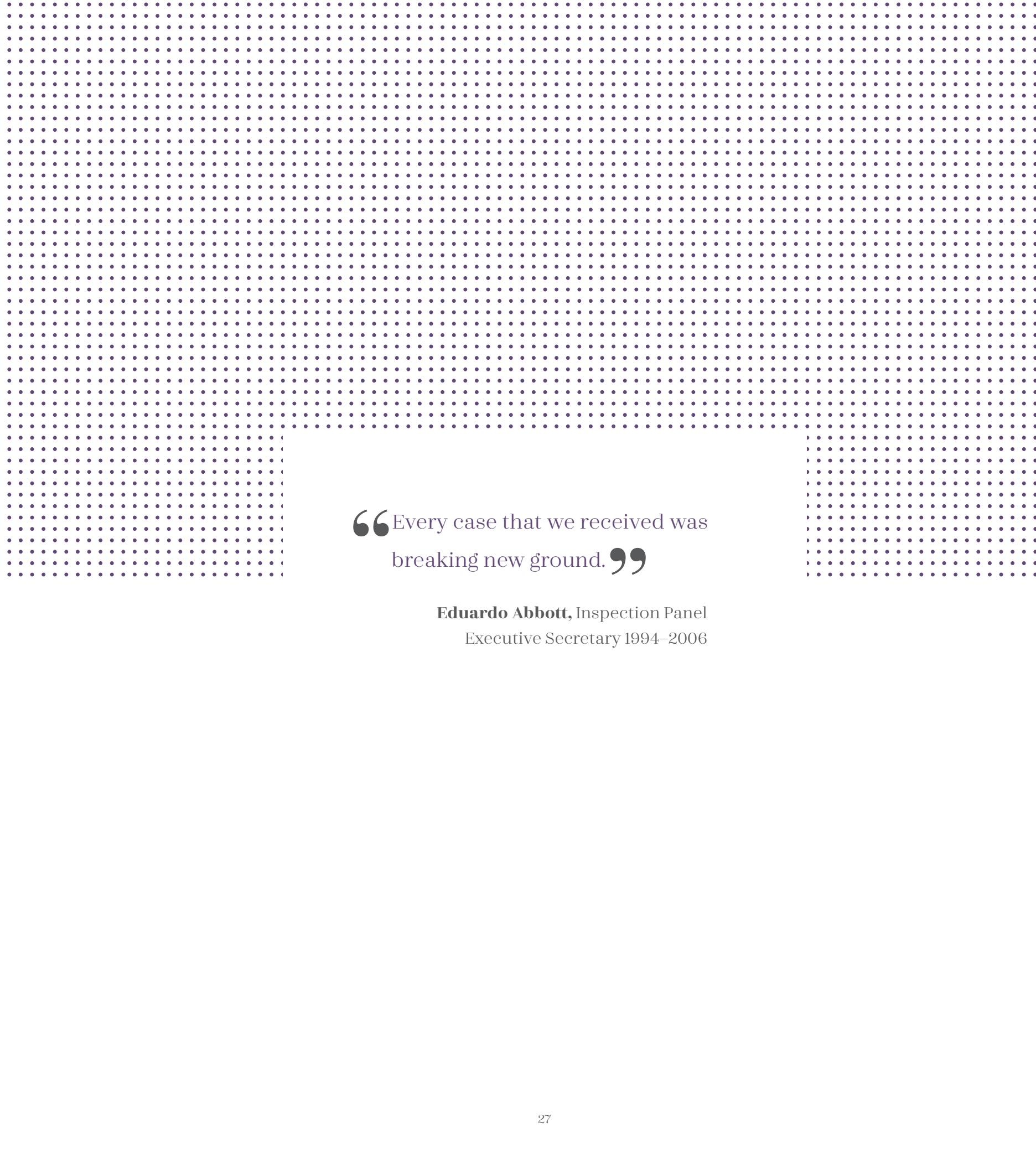
The Panel stated that the International Development Association (IDA), the World Bank institution providing financing for the world’s poorest developing countries, “failed to observe in substance the policy requirements for supervision of resettlement components and consequently failed to enforce covenants in the Credit Agreement” for the project.

A Regional Action Program designed for the project lacked “appropriate mechanisms” for protecting the remaining cloud forests of the region, while a lack of experience with such projects in Nepal would “necessitate implementation of a massive institutional capacity building plan and identification of further resources to fund it, as well as intensive IDA staff supervision through project execution,” the Panel wrote.

Wolfensohn, in office only a few months and intent on strengthening the Bank’s reputation as a global development leader, ordered a separate independent review that determined the project was not economically viable. In August 1995, he withdrew the World Bank’s support.

As the Panel’s first case, Arun III set multiple precedents. It allowed the names of complainants to remain confidential, which Abbott called “part of a virtual revolution in international law.” For the first time, the Board approved a full Panel investigation, although it would approve only one more in the next five years.

For Umaña, the experience of visiting the remote Arun Valley for the investigation provided a new perspective on the Panel’s mission. During the three-day Himalayan trek to the project site, a woman carrying a large load of wood saw his group and put down her bundle.



“Every case that we received was
breaking new ground.”

Eduardo Abbott, Inspection Panel
Executive Secretary 1994–2006

Case No. 1



Arun III Proposed Hydroelectric Project and Restructuring of IDA Credit



NEPAL

In October 1994 the Panel received its first Request for Inspection. The case concerned the Arun III Project, a run-of-the-river hydroelectric power scheme on the Arun River in Nepal that included a power house, a dam, and an access road. The World Bank planned to fund a portion of the project, estimated to cost approximately US\$800 million.

The Requesters – who asked the Panel to keep their identities confidential – raised concerns about the project’s economic viability, risk assessment, study of alternatives, disclosure of information, impacts on indigenous peoples, and resettlement. The Panel conducted an investigation that focused on compliance with Bank policies on environmental assessment, indigenous peoples and involuntary resettlement,

and its Investigation Report took into account remedial actions proposed by Bank Management.

The Panel’s investigation found the environmental assessment for the project had taken “a piecemeal approach,” and highlighted several issues including the Bank’s appraisal and negotiation of the project before completion of the environmental assessment. The Panel also expressed concern about institutional aspects for managing environmental impacts.

With regard to the Bank’s Policy on Indigenous Peoples, the Panel observed that indigenous groups were scattered throughout the Arun Valley and lived in conditions similar to those of residents who were not considered indigenous.

The Panel noted that Management’s proposal to apply the requirements of the Indigenous Peoples’ Policy to all inhabitants was therefore appropriate and would bring the project into substantial compliance if continuously monitored and supervised. The Panel also found that the Bank had failed to observe policy requirements for the supervision of project’s resettlement components.

Furthermore, the Panel’s report raised questions about the project’s economic justification, which led the Bank to conduct an independent review of this aspect of the project. After reviewing the Panel’s Investigation Report and the independent study, the World Bank president decided to withdraw Bank support for the project. ■



The Panel received a Request for Inspection of the Rondônia Natural Resources Management Project in Brazil in June 1995.

“She came to me and she said: ‘I want to see a car before I die,’” Umaña recalled of the encounter that showed him the critical balance required to ensure sustainable projects without stopping needed development.

Subsequent Panel cases raised new issues and added layers of complexity to its mission and role in the Bank. As Abbott put it: “Every case that we received was breaking new ground.”

A 1995 complaint alleged that a Brazil project intended to benefit fragile Amazon communities and the natural environments on which they depended had been inadequately implemented. The result was construction of new roads requested by local authorities without accompanying environmental programs, leading to increased illegal logging and other problems.

The case was unusual because the Board turned down the Panel’s initial recommendation for an investigation, saying it needed more factual information, and asked the Panel for an additional review of the situation.

In another twist, Bank Management submitted a remedial plan for the Brazil project to the Board before the question of a full Panel investigation was resolved. In response, the Board subsequently rejected the Panel’s recommendation for a full investigation, an outcome that would be replicated in ensuing cases.

“The submission of a remedial action plan of this type at this point in time became a trend in Management behavior,” Shihata wrote in his 2000 book, “The World Bank Inspection Panel: In Practice,” adding that it “created a dilemma for the Board, which could not ignore the introduction of new remedies that, if deemed sufficient to address the harm, would obviate the need for inspection and thus make it superfluous.”

In August 1996, the Panel received what Bissell called its first “authentic” complaint in the form of handwritten petitions from 3,000 seasonal farmers harmed by a bridge built with World Bank support over the Jamuna River in Bangladesh.

The Requesters represented 70,000 people who farmed low-lying islands called chars

The Panel received a Request for Inspection of the Jamuna New Multipurpose Bridge Project in Bangladesh in August 1996.



that only appeared in the river during the dry season. The new bridge had redirected river currents, leaving the chars submerged all year and costing the farmers their seasonal livelihood.

However, the farmers were left out of any resettlement plans under the project because the feasibility study — conducted during the rainy season — made no mention of them or the chars. They sent their complaint directly to the Panel in a burlap bag, without help from an outside organization.

The Bank Management's response to the complaint said the resettlement plan would be modified to include the char people, who did not oppose the bridge project but wanted redress for their loss of livelihood. Therefore, the Panel decided not to recommend an investigation and the Board agreed.

"A complaint was brought, and they got compensated for losing their access to these islands," Bradlow said. "That to me is one case that showed the potential of the Panel."

The first cross-border case came in September 1996, involving a hydroelectric dam in Argentina that Requesters claimed harmed downstream communities in Paraguay. Their complaint said the Yacyretá Hydroelectric Project violated environmental, involuntary resettlement and other policies, and had or could have an adverse effect on their standards of living, health and economic well-being.

International protests targeted the project as an example of harmful dam construction backed by the World Bank. Wolfensohn responded with an unprecedented move — he invited the Paraguayan fishermen who claimed harm from the project to a meeting in his Washington office, along with World Bank officials and civil society representatives including American University law professor David Hunter.

"As we walked in, Wolfensohn ignored all of us and went up and shook the hands of the fishermen and said, 'Thank you for coming,'" Hunter recalled. "It was unheard of."

When the fishermen complained in the meeting that they lacked access to translated documentation for the case, a Bank executive replied that wasn't true.

"Wolfensohn cut him off and said, 'Why would these people come all this way and lie to me? Get it translated,'" Hunter continued.

RIGHT, BELOW
The Panel received a Request for Inspection of the Yacyretá Hydroelectric Project in September 1996.





Case No. 6

Jamuna New Multipurpose Bridge Project



BANGLADESH

In 1994 the World Bank approved a development credit of approximately US\$200 million for the construction of a 4.8-kilometer-long bridge over the Jamuna River in Bangladesh. The bridge was to be the longest in South Asia and would be used for motorized, pedestrian, and railway traffic as well as utility cables.

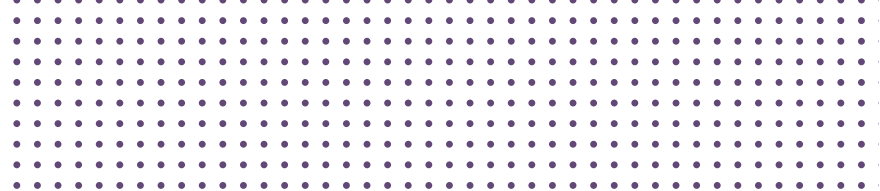
In August 1996 the Panel received a Request for Inspection from a local non-governmental organization representing people who lived on – and/or derived income from – mid-channel islands, called chars, in the Jamuna River. The Requesters were concerned that the engineering works to manage the course of the river would cause increased flooding and erosion of the is-

lands. The Requesters claimed that they had been overlooked by the project, particularly in its planning, designing, and implementing of preventive and mitigating resettlement and environmental measures. The Requesters alleged that this resulted in damage to some chars for which they had not been appropriately compensated, and which would potentially lead to additional direct and material adverse effects on chars, char people, and their livelihoods.

While preparing its response to the Request, Management worked with the borrower to produce a series of guidelines to compensate char dwellers for harm resulting from flooding and erosion. During its eligibility assessment the Panel met with char dwellers

and found substantial evidence that the Bank had failed to comply with its policies.

However, the Panel acknowledged the erosion and flood policy that Management and the borrower developed after submission of the Request, and consequently determined that a full investigation would be unnecessary. The Board agreed with the Panel's assessment and invited the Panel to participate in monitoring the proposed measures. In the spring of 1998 the Panel visited Bangladesh and reported that, despite some minor difficulties, the policy was being implemented successfully. Later that year the Jamuna Bridge was completed and opened to traffic. ■



“And he turned to the fishermen and said, ‘I promise it will be in your hands by the end of the week or he won’t have a job.’”

In the end, the Board voted against an investigation, approving last-minute action plans proposed by Bank Management, although it later asked the Panel to review the existing problems with the project regarding environmental and resettlement issues and to assess the adequacy of the action plans.

Also in 1996, owners of jute mills in Bangladesh complained that a Bank-financed sectoral reform program to revitalize the industry caused them economic losses, in part by favoring public mills with loans unavailable to private operators.

It marked the first time the Panel registered a case involving a sector adjustment program, confirming its jurisdiction over sector or structural adjustment loans. While the Panel declined to recommend an investigation, it had established its authority involving sector adjustment programs going forward.

The mandatory two-year review of the Panel’s authorizing Resolution took place in 1996. However, the Panel process required more scrutiny after only two of the first 15 cases resulted in Panel investigations, with the Board rejecting Panel recommendations to investigate in four cases.

“An attitude against investigation whenever it could be avoided thus evolved among borrowing countries and created a divisive climate every time the Board had to discuss a Panel recommendation to investigate a complaint,” Shihata wrote in his 2000 book.

A report by Shihata on what Udall called the crisis in the Panel process led to creation of a Board working group to examine the situation, launching an 18-month negotiation involving the Board, Bank Management and the Panel, as well as civil society representatives.

The resulting reforms, known as the Second Clarification, streamlined the Panel process in 1999.

The Board-approved clarification limited the eligibility phase to specific criteria regarding who could file a complaint and whether the Requesters were harmed by a Bank-financed project. A more exhaustive Panel analysis of whether the project complied with Bank policies would only come after the Panel received Board approval to investigate.

The Second Clarification eased the procedural impasse, with the Board approving all 20 Panel recommendations to investigate over the following decade.

In addition, the Second Clarification called for more outreach by the Panel and the Bank to expand awareness of the Panel.

One of the first cases after the 1999 clarification involved a high-profile project that generated global headlines. The U.S.-based International Campaign for Tibet (ICT) filed the complaint about the China Western Poverty Reduction Project, which the Dalai Lama, actor Richard Gere and others warned would undermine Tibetan aspirations for independence.

In requesting an investigation, the ICT asserted “exceptional circumstances” for filing the case on behalf of thousands of Tibetans it alleged would suffer harm from the project’s



intention to resettle people from other parts of China.

Management responded that the Bank had complied with policies to help the affected people, and China objected to an investigation because the ICT, rather than local inhabitants, filed the claim. The Panel ruled the case eligible for investigation but left it to the Board to decide if the external representation by the ICT was appropriate.

As a compromise, the Board instructed the Panel to investigate on its behalf — the first time that the Board had invoked its own authority to request an investigation.

“This marked a significant commitment by the Board to the Panel process,” wrote Dana Clark and Kay Treakle in “Demanding Accountability,” a review of early Inspection Panel cases.

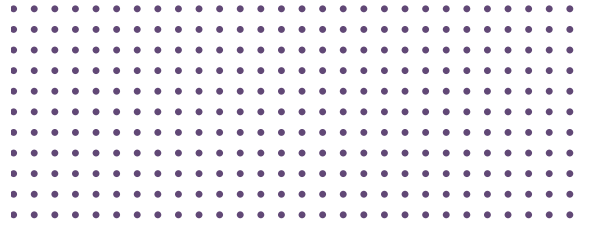
The Panel investigation found a lack of compliance with Bank policies on resettlement and other issues, in part because the project was categorized incorrectly at a lower level of environmental impact. It also cited a climate

of fear, demonstrated by the reluctance of people affected by the project to speak freely.

In its response, Bank Management agreed that “(a) More should have been done to ensure the confidentiality and integrity of the consultative process; (b) more could have been done to ensure that there was greater involvement of project affected people, including indigenous groups, in the project design; (c) a more thorough environmental analysis would have improved project preparation; (d) documentation on the part of the Bank should have been better; and (e) information on the project should have been disclosed more promptly.”

Eventually, China decided to forego Bank financial support for the project. Wolfensohn responded to the case by strengthening the Bank’s environment department, the first major Bank restructuring to result from a Panel investigation.

“There was real concern about how there could have been such a divergent view over the risk classification of the project,” Charles



PHOTOS ON THIS SPREAD
One of the first Panel cases after the
1999 Clarification of the Board's Second
Review of the Panel was a Request
for Inspection of the Western Poverty
Reduction Project in China.



Di Leva, a World Bank environmental law expert, said of the China case. “A number of measures were taken to address that.”

After six years of existence, the Panel had overcome some of its growing pains, and the early cases set a series of precedents for moving forward within a Bank still adjusting to its existence.

Many credit Wolfensohn for backing the Panel’s role in the early years as part of his reforms to make the World Bank more transparent and accessible.

“If it were not for Mr. Wolfensohn and the fact that we always had a unanimous position, I don’t think the Panel would have survived,” Umaña said.

The clarified process meant more investigations in coming years, with new Panel members succeeding the first group of Bröder, Bissell and Umaña when they completed their terms.

One official who stayed was Abbott. He initially had balked when Shihata essentially ordered him to become the Panel’s first executive secretary in 1994. Uncertain of the legitimacy of the new body and his own interest, Abbott accepted the assignment on condition he would return to the legal department after two years — what he referred to as the “probationary period for this World Bank accountability experiment.”

He changed his mind after his experiences in remote villages with the people claiming harm from Bank-financed projects, convinced that the Panel was good for those requesting help as well as for the Bank and its staff, who for the first time had an independent and credible process to defend themselves from external complaints they felt were unwarranted.

“When two years came up,” he said, “I didn’t even think about returning to the old job.”

“If it were not for Mr. Wolfensohn and the fact that we always had a unanimous position, I don’t think the Panel would have survived.”

Alvaro Umaña, Inspection Panel Member,
1994–1998



Executive Secretary Eduardo Abbott (facing camera in blue shirt) in the field in response to the Request for Inspection of the Western Poverty Reduction Project.



Chapter

New Issues,
New Challenges
(2001–2008)



Ibrahim Shihata
File unit: 1538166
Credit: The World Bank

“Innovation does not have to take place at the expense of applicable rules.”

Ibrahim Shihata, World Bank General Counsel 1983–1998, in his book, “The World Bank Inspection Panel: In Practice”



From its earliest cases, the Inspection Panel's work prompted positive change throughout the World Bank.

It led to expanded focus on environmental and social issues as part of what Edith Brown Weiss, who chaired the Panel from 2003–2007, called “greater attention to project quality and effectiveness, to complying with safeguard and other policies, and to ensuring that the voices of the affected people are heard.”

The rigorous process of creating development projects around the world, mostly in challenging circumstances with local capacity constraints, now faced the possibility that a complaint would trigger a Panel investigation if the project was not properly designed or implemented.

In response, the Panel's existence “became a reason for risk aversion and lack of innovation because there was somebody that could criticize the project afterward with a lot of authority,” said Jörg Frieden, a Bank executive director from Switzerland from 2011 to 2016.

To some World Bank staff, this became known as “Panel-proofing” — ticking the procedural boxes or in some cases rejecting risky projects altogether to avoid a Panel investigation.

“Nevertheless,” Frieden added, “I think there is also a case for an incentive to do good from the beginning because if you really want

to cut corners from critical quality, you may be caught on that.”

Ibrahim Shihata, the Bank general counsel in the Panel's early years, also thought it possible for Bank staff to devise innovative and potentially risky projects while complying with existing policies and procedures.

“Innovation does not have to take place at the expense of applicable rules,” Shihata wrote in his 2000 book, “The World Bank Inspection Panel: In Practice.” “While the Bank's staff are expected to be innovative and are encouraged to question rules when they feel they no longer serve their purpose, they are neither encouraged nor expected to violate Bank policies or procedures as long as these are in force.”

The potential for risk aversion raised questions more broadly about the role of the accountability mechanism, with some calling for the Panel to contribute more actively to resolving the problems it chronicled — a function beyond its mandate in the authorizing Resolution — instead of merely confirming their existence.

Sir James Wolfensohn, the World Bank president from 1995–2005, said he advocated for the Panel to consider a project's overall



ALL PHOTOS
The Panel received a Request for
Inspection of the Chad-Cameroon
Petroleum and Pipeline Project in
March 2001.

outcomes and achievements instead of fixating on specific failings.

“I said I think what you need to do is to pick out the essence of the project, to try and deal with issues that are affecting the fundamentals of what we are doing,” Wolfensohn recalled of an early discussion with Panel members. “There will be arguments as to whether we did enough on this or did enough on that ... but let’s look at whether the whole project still makes sense.”

Wolfensohn said he wanted the Panel to play more of an advisory or mediating role by bringing together the harmed parties and Bank Management to resolve issues before they became full investigations and agenda items for the Executive Board.

Such a role might have been beneficial at times, but nothing could have avoided the challenges from introducing independent accountability to the World Bank, noted Alvaro Umaña, one of the initial Panel members.

“When you come into an institution like this with a mechanism like the Inspection Panel, you have to expect that there’s going to be absolutely strong resistance, as there was,” Umaña said.

Charles Di Leva, a longtime World Bank environmental law expert, noted how the rules-based system of financial institutions included checks and balances, due diligence and fiduciary roles that led to inherent internal tension as part of the organizational structure. To some Bank staff, the Inspection Panel’s existence compounded that tension in a way that seemed more intent on finding wrong than on achieving the development goals of the project, he said.

“When you have a mechanism that makes judgment on compliance, it’s natural that there could be some apprehension,” said Di Leva, now the Bank’s chief environmental and social standards officer. “I think the question is whether it’s healthy. I think overall, it’s certainly been healthy for the institution.”

While the number of Panel cases through the years has involved only a small percentage of Bank-financed projects, the topics raised by complaints of harm have represented a growing spectrum of development-related issues.

Otaviano Canuto, who served on the Executive Board from 2004–2007 and chaired the Board’s Committee on Development

Effectiveness from 2016–2018, noted how the Panel’s focus over two decades had expanded beyond its initial concentration on environmental issues.

“Now the concept of impact has been greatly broadened to include risks to people, communities, cultural heritage sites” and other issues, he said.

The 2001 Request for a Panel investigation of the Chad-Cameroon Pipeline Project was an early example of the broadening scope, citing violations of human rights among its complaints. In reporting on the case to the Board, Panel Chairman Edward Ayensu said that, for the first time, the Panel “was obliged to examine the situation of human rights and governance in the light of Bank policies.”

“We are convinced that the approach taken in our report, which finds human rights implicitly embedded in various policies of the Bank, is within the boundaries of the Panel’s jurisdiction,” Ayensu said.

In particular, the Panel’s Investigation Report cited a lack of proper consultation with affected communities because security forces were present for the discussions, a violation of Bank policy. It also noted Wolfensohn’s direct intervention on behalf of opposition activists, including the political leader who submitted the Panel Request and was subsequently arrested and reportedly tortured.

The Management Response said human rights issues were a concern in Chad, but would not prevent the project from achieving the desired development outcomes. The Panel called the Management view too narrow, saying the human rights situation in Chad was “far from ideal” and required “renewed monitoring by the Bank.”

Environmental economist Korinna Horta said the Panel’s approach demonstrated the need to consider all civil rights — such as freedom of speech and freedom of assembly — when creating and approving projects. For example, consultation requirements cannot be met if people lack the freedom to express their opposition, she said, adding: “That the Panel was able to state this so specifically was very refreshing and welcome.”

Another rights case arose in 2005, when representatives of historically neglected Pygmy communities in the Democratic Republic of Congo (DRC) complained to the Panel that



PHOTOS ON THIS SPREAD

The Panel received a Request for Inspection of the Transitional Support for Economic Recovery Operation and Emergency Economic and Social Reunification Support Project in DRC in November 2005.

they were denied a voice in consultations for an economic recovery project that would overhaul the country's forest management.

"There were indigenous people living in the project area and they weren't even in the appraisal," said development consultant Lori Udall.

Helped by international and local NGOs, the Pygmy communities sent representatives to Washington to amplify their problem in what became a high-profile visit covered by the international news media. Werner Kiene, a Panel member from 2004–2009 and chair from 2007–2009, recalled offering to set up

meetings with top Bank officials for a visiting Pygmy leader. His help was unnecessary.

Kiene said the Pygmy leader told him: "Oh, I saw them already. ... You know, everybody wants to see a Pygmy."

The outcome of the case helped lead to the recognition of Pygmies as indigenous peoples for the first time and contributed to strengthening the capacity of the indigenous peoples of the DRC to defend their rights and to participate in development projects that affect them.

"[T]he Panel process — despite originating in a complaint — ultimately resulted in a part-



nership of mutual understanding and constructive collaboration between the World Bank and the indigenous peoples of the DRC,” wrote two of the Requesters, Willy Loyombo and Adrien Sinafasi, in their 2017 book, “The Indigenous Peoples of the DRC: Story of a Partnership.”

Brown Weiss said the DRC case also contributed to taking a fresh look at how to calculate economic benefits from forest reform projects in the country.

“The actual project had focused on benefits from timber, calculated from the number of sawmills and the logs cut,” she said. “That ignored the other valuable commodities in the

forest and the cost from their loss, which became important considerations for the future.”

Peter Lallas, the Panel’s executive secretary from 2007–2014, said the DRC case vividly emphasized to him the important expertise and knowledge of affected people and local communities.

“They knew about the forests, their value, the conflicts and the needs,” he said. “Listening meant not just hearing their concerns, but learning from them, gaining their understanding and insights.”

Another case in the mid-2000s involved a move to combine an infrastructure project

Case No. 37



Transitional Support for Economic Recovery Operation and Emergency Economic and Social Reunification Support Project

In November 2005 organizations representing indigenous Pygmy people in the Democratic Republic of Congo (DRC) submitted a complaint to the Inspection Panel concerning two forest-related operations. They alleged that the Bank's support for regulatory reform of the logging concession system in the DRC was decided without recognition of the rights and interests of Pygmy people. The Requesters claimed the interests of large-scale logging companies would be favored at the expense of indigenous peoples and the forests. The Requesters raised concerns that the project failed to recognize or consult the affected indigenous people and did not trigger the Bank's Policy on Indigenous Peoples. This, they alleged, could cause harm to the forests where they live and upon which they depend for subsistence, forcing them to change their way of life. They also explained that the forest serves a spiritual purpose and as a foundation of the cultural identity of the Pygmy people.

The Panel conducted an investigation and found that the Bank had neither

identified the Pygmy people as an affected indigenous population during design nor ensured their full and meaningful participation in key project activities. The Panel also found that no environmental assessment had been completed for the project component on logging concessions. The Panel noted that a 2002 moratorium on the allocation of new forest concessions had been bypassed and that no timely follow-up efforts at a sufficiently high level were made to ensure necessary action in response to the moratorium violations. The Panel observed the importance of developing a balanced approach by emphasizing appropriate models of community forests as well as other actions to support community participation, land tenure, and forest use rights.

This Panel investigation led to greater attention to the concerns of Pygmy people and ultimately helped bring about their recognition as indigenous peoples by both the government and the World Bank. This led to new commitments to mainstreaming indigenous peoples as a crosscutting theme across activities



DEMOCRATIC
REPUBLIC OF CONGO

in the country, as well as community-managed forest concessions granted to them.

A decade after the Panel's Investigation Report was completed, two of the Requesters wrote a book detailing how the Panel process ultimately resulted in a partnership of mutual understanding and constructive collaboration between the World Bank and the indigenous peoples of the DRC. ■

and a resettlement project in Mumbai, India, in order to expedite Board approval for Bank financing. However, the move resulted in the omission of required planning for displacing 120,000 people, many of them middle-income shopkeepers.

“There was no risk assessment for resettling more than 100,000 people,” Brown Weiss said of the Mumbai Urban Transport Project.

In addition, the Board took the unusual step of having the Panel monitor the progress of Bank Management in implementing the action plan. The Panel’s ensuing progress report and methodology provided a new reference point for additional fact-finding that could be applied in future cases.

Other cases contributed to the Panel’s legacy, but also showed its limitations.

In Uganda, the Panel considered the spiritual aspects of a Bank-guaranteed project to dam the Nile River at Bujagali Falls, which were sacred to the local Busoga community.

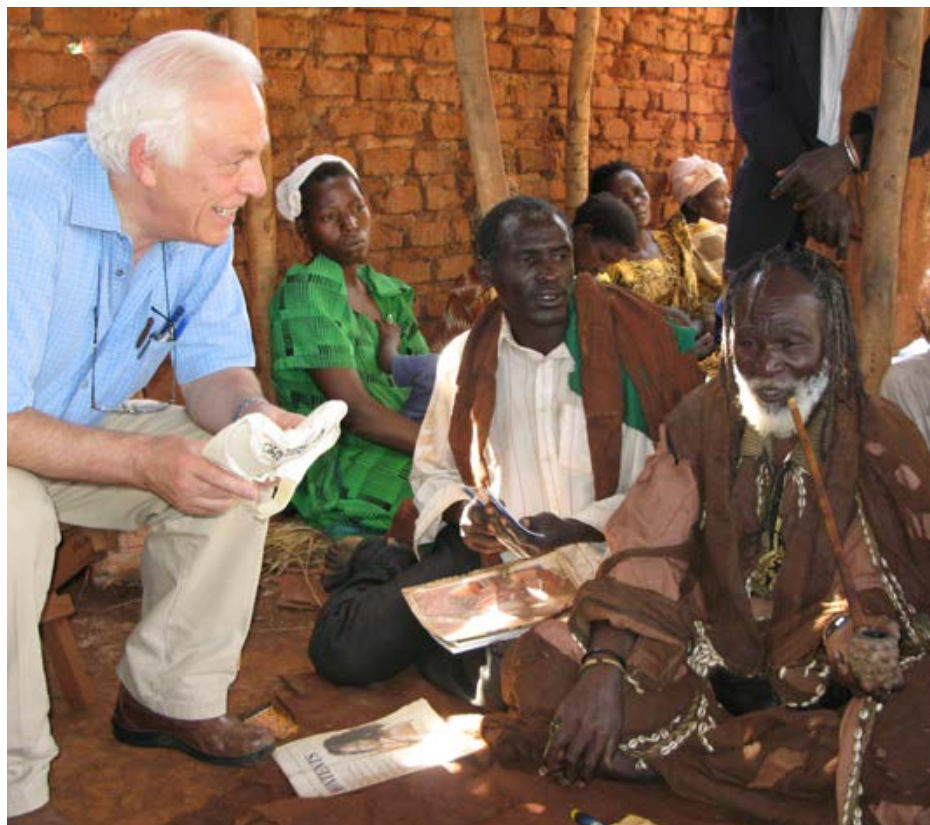
The project sought to provide much-needed electric power in Uganda, but raised issues of resettlement and cultural impact. Panel investigators met with the Living Bujagali, the spiritual leader of the falls, who had rejected assertions by project planners that the spirits residing there could be relocated.

“It was an important part of the complaint, and it was an important part of our report,” said Roberto Lenton, a Panel member from 2007–2012 and chair from 2009–2012. “There are policies that the Bank has relating to religious and cultural preservation.”

The Panel Investigation Report cited non-compliance with Bank policies on environmental and cultural impacts, rejecting Management’s contention that the designation of “critical natural habitat” requiring protection did not apply to “non-biological features” such as a waterfall.

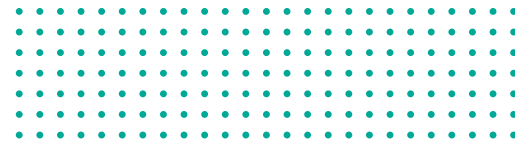
Appeasement ceremonies to relocate the spirits eventually were held and the dam was built, submerging Bujagali Falls. An action plan approved by the Board of Executive Directors called for a sustainable management plan that created an offset by protecting Kalagala Falls, 30 kilometers (18 miles) away, from future development.

Issues involved in the case would re-emerge nearly a decade later when the Panel received a complaint alleging potential social



PHOTOS ON THIS SPREAD

The Panel received a Request for Inspection of the Private Power Generation (Bujagali) Project in Uganda in March 2007.



Case No. 44



Private Power Generation Project



UGANDA

In 2007 the Panel received a complaint related to the construction of the Bujagali hydropower plant on the Nile River, financed by the World Bank through an International Development Association guarantee of US\$115 million. The plant was designed to provide an installed capacity of 250 megawatts. The project would inundate the Bujagali Falls and other natural habitats, which were sites of cultural and religious significance to members of the Basoga people, and involved displacement of people from their lands.

The Requesters claimed the project had not properly addressed hydrological issues, cumulative impacts, potential effects of climate change, and the economic impacts of the plant on the affordability of the energy it produced. The Requesters also claimed harm to their cultural and spiritual heritage,

and raised concerns about livelihood restoration and compensation, and insufficient disclosure of information and consultation.

The Panel broke new ground by investigating these claims in close cooperation with the accountability mechanism of the African Development Bank, which had received a similar complaint.

The Panel found several important areas of non-compliance with the Bank's Policy on Environmental Assessment. It noted the project did not appoint an independent panel of environmental experts, nor did it support capacity building on social and environmental aspects. Furthermore, the Panel observed that the studies did not address cumulative impacts in a meaningful way, and while the Kalagala Falls had been established as an offset, in light of

institutional weaknesses, there was no evidence this offset site would be maintained in accordance with appropriate conservation and mitigation measures.

Given the significant, spiritual importance of the Bujagali Falls, the Panel also found the Bank had not considered technically feasible alternatives to the planned site. On resettlement, the Panel found the project had failed to conduct a census of all displaced people and that the consultation process was inadequate.

Similar issues would come to the Panel nearly a decade later in a complaint that claimed harm from the filling of another dam – not financed by the Bank – that would flood part of the Kalagala Offset Area in alleged violation of the commitment under the earlier case. ■



The Panel received a Request for Inspection of the National Drainage Program Project in Pakistan in September 2004.

and environmental harm caused by the construction of a new dam and the consequent flooding of the protected offset area, including Kalagala Falls. Although the new dam was not funded by the World Bank, the complainants argued that flooding the offset would undermine the protection of natural resources agreed to years earlier by the Bank and the government of Uganda, based on Bank policies.

Another river case, this time involving irrigation along the Indus in Pakistan in 2004, raised the issue of how to compensate people harmed by a Bank-financed project.

Under pressure from improperly designed irrigation drainage and heavy monsoon rains, as well as spring flooding from the Arabian Sea, a main drainage system failed and the resulting inundation killed dozens of people and destroyed homes and farms.

The Panel investigation found that the project design had underestimated prevailing conditions and the risk of extreme meteorological events, and that the main drain should have been designed with a higher safety margin.

In particular, the Panel noted that Bank Management had acknowledged the project should have had a higher category of environmental assessment, similar to what happened

in earlier cases such as the China Western Poverty Reduction Project.

The Panel's report also said the project was finished, but "to a very large degree, the damages suffered by people in the project-affected areas ... have not been redressed." An action plan by Bank Management included using a poverty alleviation fund to help affected communities.

"Of the Panel cases, this is one where you really saw Board members seeking to understand how individuals and families who lost loved ones would be addressed," Di Leva recalled. "That stood out."

After more than a decade of existence, the Inspection Panel had established its role and continued to clarify its mission.

Under the leadership of Brown Weiss, the Panel initiated return visits to the communities that submitted Requests for Inspections to explain to them the outcomes of their cases.

"It's an element of respect that we go back and tell them what happened, let them ask questions, have a dialogue and exchange that is fruitful and that they find meaningful and effective," she said.

As its caseload gradually grew, the Panel took steps to increase awareness of its work,



Case No. 34

National Drainage Program Project



PAKISTAN

In September 2004 the Panel received a Request for Inspection regarding the National Drainage Program Project in the northern areas of Sindh Province in Pakistan. The project was designed to address the problems of waterlogging and salinity in the Indus Basin, identified as principal threats to the sustainability of irrigated agriculture in Pakistan. The project supported the development of a new Drainage Master Plan that contained significant new proposals and approaches for drainage and drainage management.

The Request was submitted by local community members from the district of Badin in Sindh in the Indus River Basin, alleging that the project design had not taken into account the social and environmental difficulties inherent in the existing disposal route of saline

effluent and had not explored possible alternative routes. The Requesters also alleged harm relating to natural habitats, indigenous peoples, involuntary resettlement, cultural property, community participation, and information disclosure.

The Panel conducted an investigation and found the design of the Tidal Link, a 26-kilometer-long drainage channel, and related elements of the lower drainage system created significant adverse impacts and risks for the local population, especially a heightened risk of flooding caused by heavy upland rains and storms coming in from the sea.

The Panel also found that some parts of the Tidal Link structures were failing and noted that in 2003 some of the structures had failed due to heavy rains

and an offshore cyclone, resulting in flooding, loss of life, and large-scale damage to the lands and surrounding communities. The Panel found the project had inadequately identified, assessed, and mitigated these impacts. The Panel noted that the project had focused on the direct beneficiaries of irrigation water and improved drainage upstream, but not on local populations downstream. The project's downstream effects, including those on the people of southern Badin, did not feature in any significant way either in the design or supervision of the project.

In this case, Bank Management acted to supplement its initial response and action plan with an addendum, specifying more targeted action to address the negative impacts on the affected population. ■

starting with a town hall with World Bank staff in 2003 and later spearheading the creation of a network of similar mechanisms promoting accountability at international financial institutions. In addition, it benefited from the spreading global connectivity of the Internet age.

“The Panel became better known as the availability of the Web made information more accessible,” Lenton said.

One of the most controversial Panel cases arrived in that very way. A young woman in Canada, seeking help for the destruction of her family’s house in Albania in connection with a Bank-funded project, learned of the Panel on the Internet and made contact.

The Request came in 2007, the same year that Robert Zoellick became the World Bank president and impressed on Kiene, then the Panel chairman, his vision of accountability.

“We’ll make mistakes, but ... we shouldn’t be ashamed that some things won’t work,” Zoellick said then, as quoted by Kiene in a February 2009 statement. “What we should be ashamed of is if we don’t recognize them.”

His words came to define the Bank’s reaction to the Panel investigation of the Albania Integrated Coastal Zone Management and Clean-up Project.

When bulldozers cleared more than a dozen homes in a coastal village of Albania, residents were told the demolitions were ordered by the World Bank. However, the Board had been told no demolitions would occur in the project until the completion of a project-supported coastal plan.

The Panel investigation found that the project was indeed linked to the demolitions, that it was not well designed or supervised, that critical communications from Bank Management to the Board were in error, and that Bank fact-finding efforts omitted key events and information. While Management denied any link between the demolitions and the project when the Panel started its process, it agreed with the Panel’s findings following the investigation.

Kiene decided the Panel would submit its formal Investigation Report on non-compliance and, in addition, a separate memo to Zoellick and the Board that explained what he called management irregularities, such as a lack of cooperation with the Panel. With the Board’s backing, Zoellick ordered a separate





Case Nos. 47 & 48

Integrated Coastal Zone Management and Clean-up Project



ALBANIA

In 2007 the Panel received two Requests for Inspection from families living in the small community of Jale, Albania. The Requests concerned the Integrated Coastal Zone Management and Clean-up Project, which supported coastal zone planning and benefited from an International Development Association credit of US\$17.5 million.

The Requesters claimed the project had caused or contributed to their homes being demolished by the local construction police because the residents lacked building permits.

Bank Management initially denied responsibility for the demolitions and argued there was no direct or indirect

link between the demolitions and the Bank-supported project. Furthermore, Management stated that the government had agreed to a demolition moratorium in the coastal area covered by the project until safeguards for affected people were in place.

However, the Panel determined that the Bank-financed project had contributed to identifying the houses to be demolished. The Panel also learned that the government had not agreed to a demolition moratorium. Therefore, the Panel concluded the Bank had failed to apply its Policy on Involuntary Resettlement to the demolitions and the development of the zoning plan, to the detriment of the Requesters.

The Panel also stated that Management had misrepresented important facts concerning the project and showed an unusual unwillingness to cooperate with the investigation.

After the Panel's report was issued, the Bank took important steps to improve safeguards in the context of land-use planning projects. There was a Bank-wide review of more than 1,500 projects in the portfolio. New quality assurance measures were implemented and policy clarifications were issued on how to apply safeguard policies to such projects. ■



Dilek Barlas, left, then the Panel's deputy executive secretary, with a Requester in front of her demolished property as part of the investigation of the Integrated Coastal Zone Management and Clean-up Project in Albania.

“We did our fact-finding and put the whole history of the project before the Bank’s eyes and provided an opportunity for them to deal with the issues.”

Dilek Barlas, Inspection Panel Executive Secretary,
on the Albania Integrated Coastal Zone
Management and Clean-up Project

internal investigation to examine the case, and this subsequent inquiry resulted in disciplinary measures.

“From basic project management to interactions with the Board and the Inspection Panel, the Bank’s record with this project is appalling,” Zoellick said in a news release issued after the Panel’s investigation. “We take very seriously the concerns raised by the Inspection Panel and we are moving promptly to strengthen oversight, improve procedures, and help the families who had their buildings demolished. The Bank cannot let this happen again.”

The fallout was immediate and widespread.

“First the Bank Management suspended and then restructured the project, and there was a Bank-wide review of more than 1,500 projects in the portfolio,” said Dilek Barlas, who joined the Panel in 2007 as deputy executive secretary and has been its executive secretary since 2014. “New quality assurance measures were brought into the Bank. There were also policy clarifications on how to apply safeguard policies to land-use management projects.”

Within the World Bank, a perception emerged that the Inspection Panel had pushed for punitive steps against Bank staff.

Lenton, however, noted that the Inspection Panel “investigates the role of Management, not the role of particular individuals.”

“That was absolutely the process that the Panel followed in Albania,” he said. “But as a result of that investigation, the Bank made its own decisions in terms of personnel, and those decisions were viewed as a direct fallout from the Panel and in a sense, the Panel was blamed for those decisions.”

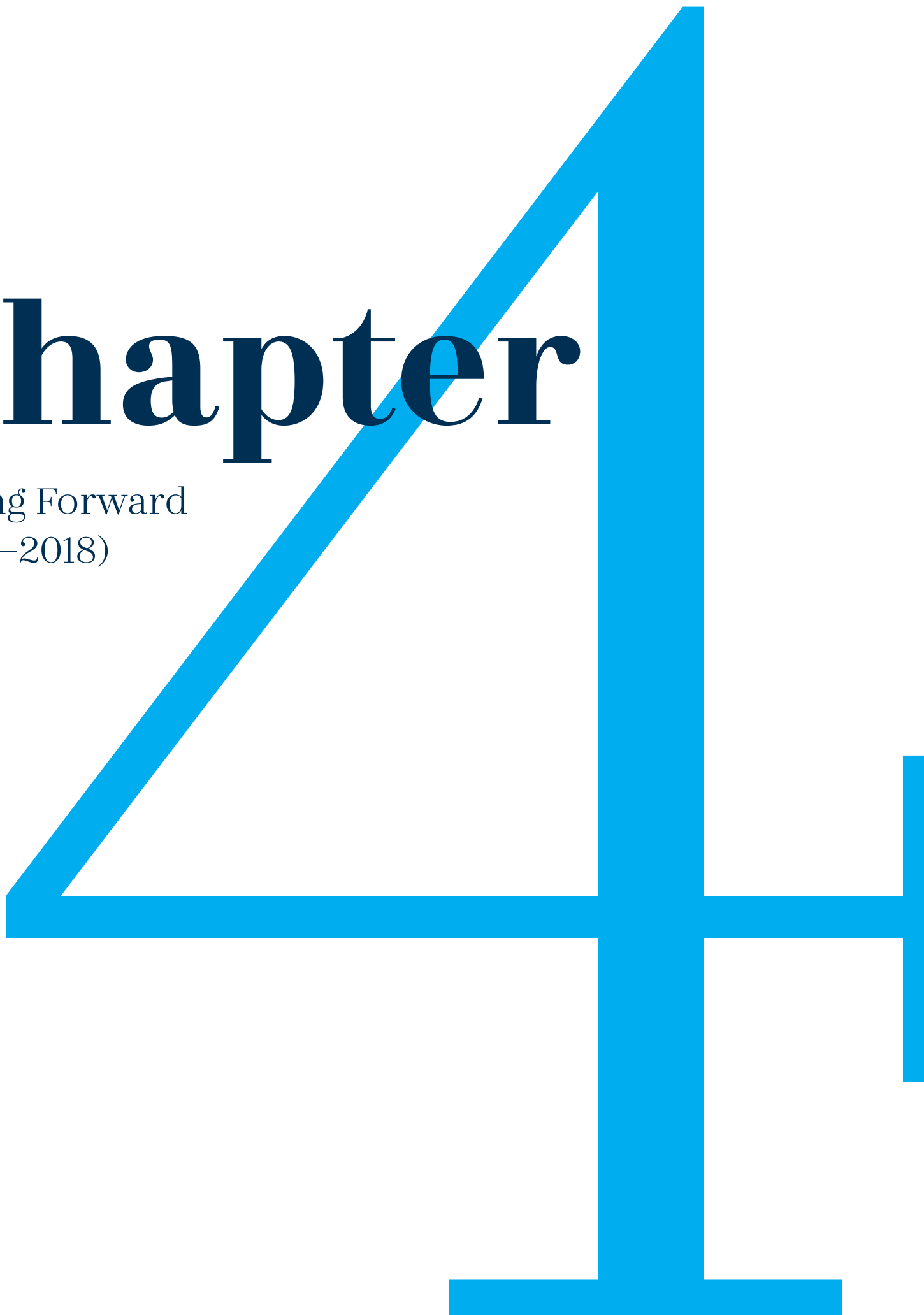
Barlas recalled: “We were just doing our job. We did our fact-finding and put the whole history of the project before the Bank’s eyes and provided an opportunity for them to deal with the issues.”

To Eimi Watanabe, who joined the Panel in the aftermath of the Albania case, “the shadow that it cast created among Management this deep sense of fear about the Inspection Panel.”

A main focus during her two years as Panel chair would be to improve communication and mutual understanding among the Panel, Requesters, Bank Management and the Board.

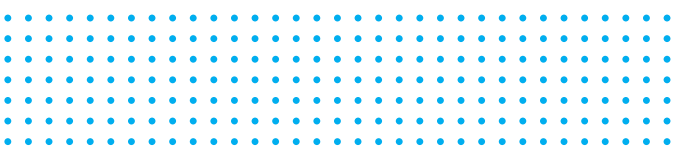
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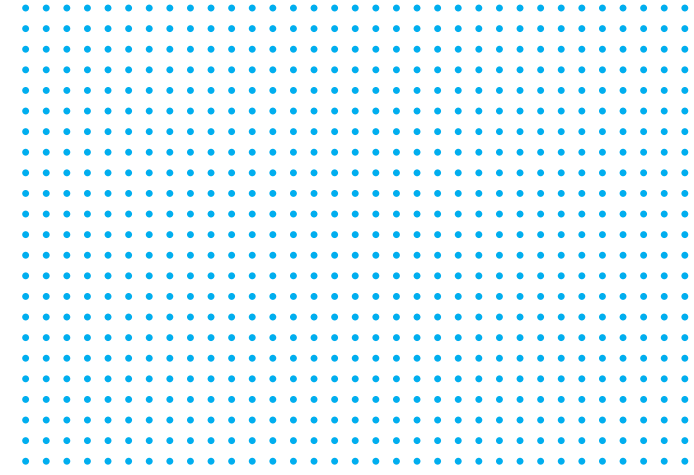
Moving Forward
(2009–2018)





The Panel received a Request for Inspection of the Land Management and Administration Project in Cambodia in September 2009.





In 2009, a case involving forcible evictions in Cambodia led to the World Bank suspending all lending to the country.

The Cambodia Land Management and Administration Project — financed by the Bank — supported efforts to rebuild the country’s land administration system, which had been largely destroyed during the Khmer Rouge era.

When people living around a lake in Phnom Penh, the capital, were forced from their homes because of the project, they complained to the Inspection Panel.

The Cambodian government canceled financing for the project three days after the Panel received the complaint. While the Panel initially determined the Request was eligible, it held off recommending an investigation for four months to give Bank Management more time to work out solutions with the government and other stakeholders.

No resolution emerged, however, and the Board approved a Panel investigation during which Panel members visiting Cambodia heard from those who had been forced to move.

“I can remember meeting in a room full of people that had essentially lost their rights to land,” said Roberto Lenton, who chaired the Panel at the time. “Almost all of them were women, and they just told their stories. It had a big, big impact.”

The investigation determined that more than 4,000 families had been evicted from the project area, and that these evictions were “not in line with the Bank’s Involuntary Resettlement Policy, causing grave harm,” said Dilek Barlas, then the Panel’s deputy executive secretary.

Talks between the Cambodian government and the World Bank failed to resolve the resettlement problem, and the Bank decided in August 2011 to freeze new lending to Cambodia.

In the end, in an unprecedented move, the government issued titles to resettled families for a portion of land intended for private development. New World Bank lending to Cambodia eventually resumed in 2016.

However, some in the World Bank lamented how the nearly five-year lending freeze prevented it from fully carrying out its mission in the country during that period. They questioned whether the outcome was the best way to help a population in need of development assistance.

The Cambodia case arose in the aftermath of the Albania Integrated Coastal Zone Management case — a period of increased friction in the Panel’s relations with Bank Manage-

Case No. 60



Land Management and Administration Project



CAMBODIA

The Panel received a Request for Inspection of the Cambodia Land Management and Administration Project in September 2009. The objectives of this project were (i) to develop national policies and a regulatory framework and institutions for land administration, (ii) to issue and register land titles in rural and urban areas, and (iii) to establish an efficient and transparent land administration system. The Bank was involved with an International Development Association credit of US\$23.4 million.

The Requesters — representing more than 4,000 families living around Boeung Kak Lake in Phnom Penh — claimed they had been forcefully evicted and denied the right to have their property claims considered under the project. As a result, they alleged they had received inadequate compensation.

The Panel investigated the claims and found the communities living in the Boeung Kak Lake area indeed had been denied access to an assessment of their property claims. The Panel also found the process of carrying out evictions did not conform to the levels of compensation and standard of resettlement required by the Bank's policy. The Panel noted that the Resettlement Policy Framework developed for the project was ambiguous as to how and when it should be triggered and used. This ultimately led to the safeguards not being applied during project implementation.

The Bank also failed to detect the serious problems faced by the project-affected people, the Panel found. The Panel noted that Management's attention to the social consequences of land titling, including potential evictions, was not

systematic and suffered from a lack of social safeguards expertise.

While the Bank accepted the Panel's findings and attempted to put in place an action plan to address the issues raised, the case is noteworthy because the borrower government rejected the assumption that Bank resettlement policies should apply to this situation. The Bank eventually suspended all lending to Cambodia due to the government's position.

In 2011 the government issued a sub-decree granting title to more than 700 families from the Boeung Kak Lake.

The Bank resumed its lending to Cambodia in May 2016 after a five-year suspension. ■

ment and the Board of Executive Directors. In its annual report for 2010–2011, the Panel described a “challenging year” due to the volume of cases, the complexity of issues and “the environment in which we work.”

“During the last fiscal year, for example, four of the Panel’s eligibility reports have required a full discussion by the Executive Board, instead of approval on a ‘non-objection’ basis, as has generally been the case in previous years,” the Panel wrote.

Increasingly, the difficult Board discussions and tense relations with Management were failing to produce positive outcomes, and the Panel decided to review its procedures in search of changes that could improve the situation.

To Eimi Watanabe, who joined the Panel in 2009 and chaired it in 2013 and 2014, the challenging atmosphere reflected the reality of independent accountability mechanisms in the complex world of international development.

“We were very aware that we’re not trying to win a popularity contest,” Watanabe said, adding that the Panel also understood that “things change, the world changes, the World Bank changes.”

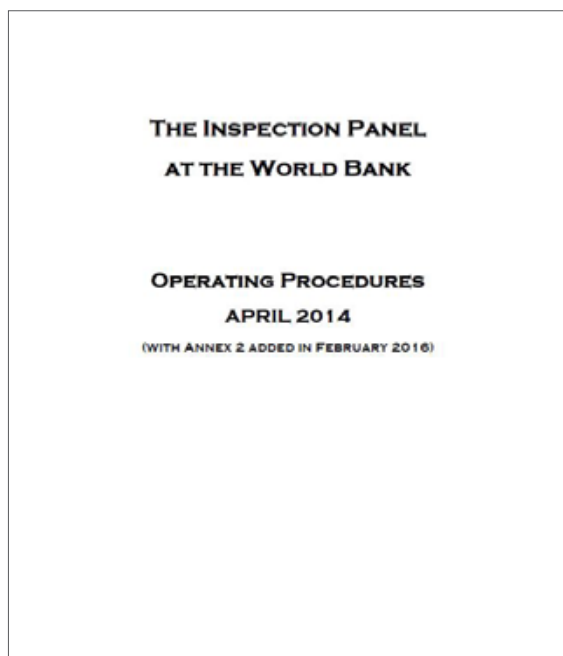
“Therefore, it’s perfectly normal and acceptable for the Inspection Panel also to respond to change as well,” she said.

Over the next few years, the Panel made a series of adjustments in how it operated and related to stakeholders in carrying out its accountability mission, starting with a 2014 update to its operating procedures.

The new procedures brought increased consultations with Requesters, Management and the Board, more flexible approaches to cases, more opportunities for early problem-solving by Management, a faster timeline for investigations, and greater transparency.

Now the Panel could increase its due diligence in the early stages of its process, and examine if solutions could be worked out before a full investigation started.

“In the past, there was a bit of a tendency that you received something and then you registered it, which automatically set in motion a process, a very intensive process, where Management has to respond within a certain period of time and the Panel does its report, etc. etc.,” Watanabe said. “It was felt that, in certain cases, greater interaction with



Requesters and Management and greater due diligence by the Panel to look into cases — without registration — was justified. In such cases, the Panel recorded receipt of the Request and reported to the Executive Board on what transpired.”

World Bank Group President Jim Yong Kim hailed the initial changes in the Panel’s 2013–2014 annual report, writing that “greater due diligence throughout the Panel’s processes has led to a more constructive engagement with Management.”

In the same report, the Panel wrote: “We have attempted to reverse the chronic adversarial relationship that has existed between the Panel and Bank Management, while maintaining our full independence.”

Another change during this period saw the Panel begin holding biannual meetings with civil society groups to address concerns and establish common ground.

Further adjustments to the operating procedures in 2016 included a pilot program intended to better prepare affected communities to participate in consultations with Bank Management on action plans in response to Panel investigations.

“Before the changes were made, the Requesters were unaware of the Panel’s inves-



In the aftermath of the Panel's investigation of the Land Management and Administration Project, the World Bank froze new lending to Cambodia in August 2011. Lending resumed in 2016.

“Little by little, there has been across-the-board learning on how ... having the presence of the Inspection Panel ... gives us a source of confidence that we minimize the risks.”

Otaviano Canuto, Chairman, Committee on Development Effectiveness of the Board of Executive Directors, 2016–2018

tigation findings, so they could not participate meaningfully in the consultations on an action plan,” Barlas explained.

Under the pilot, Requesters receive the Panel’s main findings on a confidential basis at the same time that Bank Management and the Board receive the Panel’s full Investigation Report. Management’s consultations with the affected communities follow, as required by the Panel process.

In an attempt to strengthen transparency, Bank Management began providing twice-yearly updates to the Board on the implementation of action plans resulting from Panel investigations. The Panel publishes those updates on its website.

Otaviano Canuto, an Executive Board member before and after these changes, described a difference he saw in the Bank from his first stint to his second as “a rise of mutual confidence among the players in this triangle,” referring to the Panel, Bank Management and the Board.

During his first term, from 2004–2007, some Board members feared the Panel’s work would damage relations between the World Bank and the borrower governments because of bad publicity over harm caused by projects, Canuto said.

“Little by little, there has been across-the-board learning on how, on the contrary, having the presence of the Inspection Panel, having the possibility of someone resorting to it, gives us a source of confidence that we minimize the risks,” he said. “That increases incentives for all participants, on the Bank side but also on the government side, to be watchful regarding risks.”

Not everyone agreed with the changes made by the Panel.

Some in the civil society community criticized recent Panel recommendations to defer decisions on whether to investigate some complaints to allow time for a negotiated solution. The critics contend that the practice delays or avoids what they consider to be the

core Panel function — determining if non-compliance with Bank policies and procedures caused harm.

“These year-long pauses in cases where communities were requesting a compliance investigation may have improved relations between the Panel and Bank Management, but the result was communities failed to get compliance findings in a timely manner and sometimes, the whole institution was deprived of the lessons learned from a full compliance report,” said Natalie Bridgeman Fields, founder and executive director of Accountability Counsel, which advocates for people harmed by internationally financed projects.

Jan Mattsson, a development veteran appointed to the Panel in 2014, argued that a beneficial outcome mattered more than the process used to obtain it.

He noted a 2016 Armenia case in which communities complained that a proposed irrigation project would reduce a major water source. A deferred investigation allowed stakeholders in the project — including the

government and local authorities — to make satisfactory changes before construction, so no investigation took place.

“You have to give time for problem-solving when there is a spirit and a possibility of finding solutions,” Mattsson said.

Laura Tuck, the Bank’s vice president for sustainable development, said the deferrals can lead to better outcomes for affected people.

“Sometimes the Panel has been able to bring issues to our attention, and we’ve been able to resolve them right away,” Tuck said. “Sometimes by giving us some initial time, maybe up to a year, we’ve been able to work with the people who have been affected, as well as with other stakeholders, to see if we can’t come to a mutually agreeable outcome, and I think that’s a good thing.”

In addition to these procedural changes, the start of the Panel’s third decade also brought new challenges.

In September 2013, a Request for Inspection involving an agriculture reform project in

““You have to give time for problem-solving when there is a spirit and a possibility of finding solutions.””

Jan Mattsson, Inspection Panel Member,
on Panel deferrals

Uzbekistan brought up child and forced labor issues for the first time.

The Second Rural Enterprise Support Project, supported by a World Bank line of credit, sought to increase the profitability of agribusiness in the project area of a country where cotton is the main crop. In the complaint, the Requesters claimed the cotton harvesting system involved child labor and forced labor practices, which they said should have been flagged in the Bank's social assessment of the project.

Realizing the complexity of the situation, the Panel used its new flexibility in dealing with complaints to defer an investigation for a year, allowing negotiations with the government to continue.

Zeinab Elbakri, a Panel member from 2012–2017, said the Panel decided to hold off on recommending an immediate investigation because Bank Management's response to the eligibility report already acknowledged non-compliance, making an investigation unlikely to come up with new results. In addition, she added, both the government and the Bank appeared to be embarking on a positive trajectory and a willingness to find solutions.

In the end, the Panel declined to recommend an investigation, noting that labor issues had become an integral part of the Bank's dialogue with the government of Uzbekistan.

Jörg Frieden, an executive director from 2011–2016, described the Panel's role in the case as a kind of "midwife for generating pragmatic solutions."

"Uzbekistan was still an extremely closed country," he recalled. "What the Panel and then Management was able to do there, and what they were able to do together, is to have the government accept the International Labour Organization as a tool for observing and accompanying progress in this difficult forced labor issue."

Frieden, who represented the country on the Board and participated in talks with the government on the case, called the outcome "a huge breakthrough."

Gonzalo Castro de la Mata, who chaired the Panel from 2014–2018 and oversaw the full implementation of the new operating procedures, said the Uzbekistan case showed how the Panel's work can influence the Bank as a whole.





Case No. 89

Second Rural Enterprise Support Project and its Additional Financing



UZBEKISTAN

In September 2013 the Panel received a Request for Inspection of the Second Rural Enterprise Support Project in Uzbekistan, which included reforms of the country's vital cotton sector. The Bank supported the project with a US\$108 million International Development Association credit.

The Requesters claimed the project lacked sufficient safeguards against forced and child labor prevalent during the cotton harvest, and that the Bank therefore was implicitly supporting such practices. In addition, the complaint alleged that forced labor had not been properly identified as a problem during the social assessment. The case was the first to bring the issues of forced and child labor before the Panel.

In its initial response to the Request, the Bank disagreed that the project contributed to the problem, but acknowledged that forced and child labor were issues of serious concern in the country. The Bank committed to pursuing a range of measures to combat these practices. On that basis the Panel postponed for a year its decision on whether a full investigation was warranted, in order to provide Bank Management time to report on the implementation of its initiatives.

After receiving the progress report and conducting its own visit in December 2014, the Panel recommended no investigation be conducted. In making that decision the Panel stated it was satisfied by the positive trajectory of efforts and the specific, medium-term steps that the

Bank and other development partners had undertaken to support the diversification and modernization of the cotton sector so that child and forced labor could be eradicated.

The Panel specifically noted Management's commitment to include labor issues as an integral part of the Bank's dialogue with the government of Uzbekistan on agricultural sector reforms. It also noted that the Bank had agreed with the International Labour Organization to monitor the use of child and forced labor in Bank-financed projects starting in 2015 for an initial period of two years. ■

Before the Uzbekistan complaint, “the Bank did not have a policy on labor, and now in the new safeguards there is a new policy on labor,” he said. “Very often, the Panel cases help inform the Bank in developing new policies in new areas that are very important for development.”

Frieden said it also was valuable to see “Bank Management reacting, after the intervention of the Inspection Panel, after the witness of the Inspection Panel, without waiting for the final reports.”

“So when the case was serious and people were threatened or really suffering, the proactive reaction of Management was also immediate,” he said. “That, of course, adds value to the whole apparatus that can sometimes look very cumbersome.”

A similar Bank reaction — at least once the Panel got involved — proved decisive in another case that raised new issues, this time in Uganda.

The Uganda Transport Sector Development Project to pave 66 kilometers (40 miles) of a rural road brought a complaint alleging gender-based violence against local women and girls by migrant workers.

Problems also involved the road construction itself, with accidents killing at least seven people and homes rendered inaccessible, as well as girls dropping out of school, falling pregnant or contracting HIV/AIDS when lured or forced to join workers who were new to the community and had money.

“People were getting frustrated and getting tired and losing hope,” said Moses Ntenga, founder and executive director of the advocacy group Joy for Children Uganda. “There is a cloud of darkness that comes in there for any concerned parent, and it’s very hard for them to live with it. Many of them broke down to tears because they were helpless at that point. They said, ‘What can we do?’”

An initial Request for Inspection in December 2014 was ineligible because the local community that filed it had yet to formally contact Bank Management, as required by the Panel process.

Nine months later and unsatisfied with the response to their pleas for help, the community members asked Joy for Children to submit a second Request. Ntenga remembered being

unsure whether to trust the Inspection Panel because it was part of the World Bank.

The Panel quickly registered the second Request, which made the complaint public. For Ntenga, the impact was immediate.

Out of the country at the time, his cell-phone began ringing with calls from his office, journalists, foreign governments and others seeking information.

“At that moment, I was thinking this is the most effective mechanism I have ever seen that really works and helps the people,” Ntenga said.

Castro de la Mata had realized the case required the Bank leadership’s immediate attention.

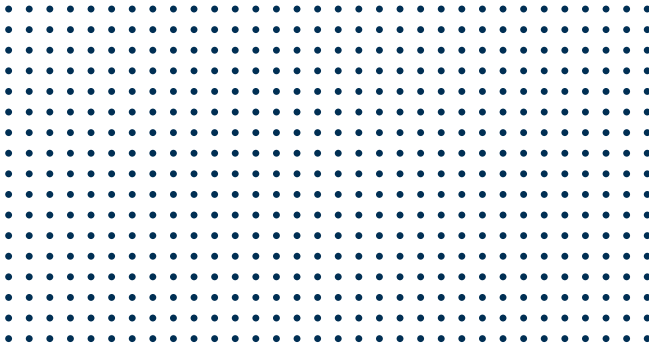
“I informed the president personally,” he said of Kim. “I said there is something serious here. ... We have to make it public and we will make it public. But it is important for the institution to know about it. His reaction was, ‘You do your job, of course. We’ll do our part here.’ It was, I think, a very inspiring moment and a moment where leadership has to come through. And it came through.”

The Bank suspended financing for the project in October 2015 and canceled it two months later. The Panel’s first visit to assess eligibility for a full inspection revealed the scale of the problems.

“I’ll never forget there was a child who, I think she had brain damage because a truck struck her, and she could not go back to school anymore,” Barlas said. “There was one girl that we met — she didn’t have her parents. She was living with her grandmother. She got pregnant and contracted HIV-AIDS.”

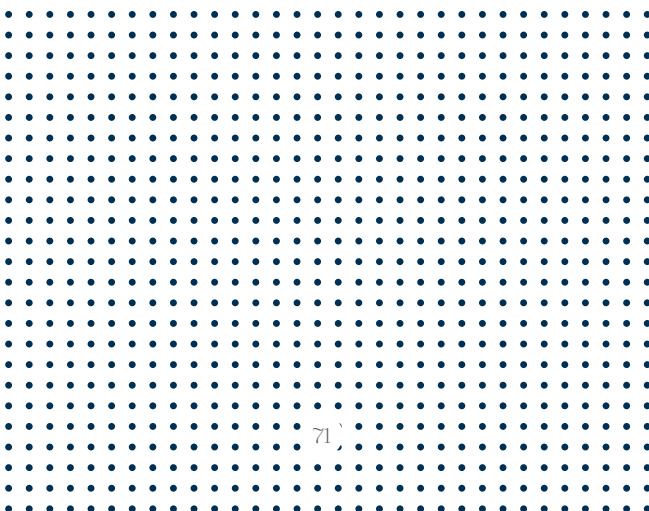
Elbakri said the three-day visit provided “more than we could even record,” so the Panel team returned to Washington to expedite the preparation of the eligibility report. The Board authorized a full investigation in late January 2016 and the Panel’s Investigation Report went before the Board in November 2016, eliciting a strong response.

“The Inspection Panel’s investigation into the Uganda Transport Development Project identified multiple failures, including cases of gender-based violence,” Kim recalled. “The Panel played an important role in the Bank canceling the project, and it also helped lead to the launch of the Global Gender-Based



“The Panel ... helped lead to the launch of the Global Gender-Based Violence Task Force, which advises us on best practices to prevent gender-based violence.”

Jim Yong Kim, World Bank Group President,
on the Uganda Transport Sector
Development Project case



Case No. 98



Transport Sector Development Project Additional Financing



UGANDA

In late 2014 the Panel received for the first time a Request for Inspection raising the issue of gender-based violence. The Request related to the Transport Sector Development Project Additional Financing in Uganda, which was supported by the Bank through a US\$75 million International Development Association credit and financed the upgrading and rehabilitation of a 66-kilometer-long road. At that time, the Panel did not register the complaint because Bank Management was unaware of the Requesters' concerns, as required by the Panel process.

In September 2015 the complainants from communities along the road filed a new Request with similar claims. They alleged the project had caused serious harm, including many cases of child sexual abuse and teenage pregnancies by road workers, an increased presence of sex workers, the spread of HIV/AIDS,

sexual harassment of female employees, inadequate resettlement practices, a lack of road safety, and negative construction impacts. The Panel's investigation confirmed these allegations and identified a substantial number of instances where the Bank was not complying with its policies and procedures.

The Panel found a lack of health and safety measures in the project, which led to permanent injuries and fatalities. The Panel also found that construction started before resettlement and land acquisition had taken place, and that no full census had been carried out under the Resettlement Action Plan to identify project-affected people. Furthermore, the Panel found the Environmental and Social Impact Assessment neither properly assessed the risks from the influx of workers into the project area nor proposed sufficient mitigation measures. During both the project preparation and

implementation stages the Panel identified insufficient consultation with the local community. The Panel also found that the Bank's oversight was insufficient, and that supervision missions did not effectively solve problems.

Management acknowledged the Panel's findings and, after the Investigation Report was submitted the Bank undertook several initiatives to address issues raised in the Panel's investigation at both the community and institutional levels. The initiatives included establishing a Global Gender-Based Violence Task Force — which later released recommendations for preventing and addressing gender-based violence in Bank operations — as well as a guidance note for staff on how to handle labor influx in Bank projects, and a report on lessons learned and actions to address internal systemic issues. ■

Violence Task Force, which advises us on best practices to prevent gender-based violence. We are implementing the task force's recommendations everywhere we operate."

Castro de la Mata said the case "really shook the building from its foundations up."

"It was the first time that the Bank was confronting gender-based violence and girls, minors that have been raped by people working for the project, so that was very shocking for everybody," he said. "I think that the institution learned how important it is to identify vulnerable segments of society and to really put a lot of emphasis into trying to understand what is the context and what can be done about it. It also demonstrated to the world how important accountability is for the Bank because it wasn't whitewashing or looking the other way."

On the ground in Uganda, Ntenga saw the impact of the response triggered by the Panel's investigation. Many of the girls returned to school, and those who had been impregnated or contracted HIV/AIDS received help with medicines, clothing and other livelihood needs.

"I witnessed some of the girls who have enrolled in tailoring or hair-dressing," he said. "These girls graduated and could begin work. There were many — over 30 or 40 — that got tailoring machines, they got hair-making machines, and other things, and also were paid. It empowered them."

Issues with the road — including unpaid compensation for people forced to move, power lines over homes, a lack of safety signs and other problems — also were resolved. Most significantly, in Ntenga's eyes, people who had lost faith in being heard regained their voices.

"It's not now the Inspection Panel speaking for them, but people now are beginning to speak for themselves," he said.

Tuck described how the Uganda case affected Bank operations and procedures.

"We are changing the way we assess social risk," she said. "We are changing the way we work with communities. We're changing the way we do consultations. We're changing the way we require codes of conducts with the contractors. These are changes in the way we do business, so that's a really important lesson."

Despite the Bank's strong response in the Uganda case, the Panel again received

“(It) really shook the building from its foundations up.”

Gonzalo Castro de la Mata, Panel Chairman,
on the Uganda Transport Sector
Development Project case

gender-based violence complaints in a 2017 Request from neighboring Democratic Republic of Congo, also involving a road project. The case showed the continuing challenges posed by the global development work financed by the World Bank, particularly in fragile areas.

"When you work in a conflict-impacted environment with a high degree of insecurity, where violence is profound, you cannot ever guarantee that bad things will not happen," said Kristalina Georgieva, the World Bank's chief executive officer. "But you can guarantee that you have done everything that depends on you, as World Bank staff, to protect people from that violence, and especially to protect the most vulnerable."

Georgieva said her "biggest fear" was that the risks of taking on the greatest development challenges would cause the Bank to "shy away from the most difficult places."

"This is where we are needed the most," she said, "and the conversation has to continue with the Inspection Panel, with the Board, with staff, to make sure that we all play our roles, but we all share the same objective — serving people in most dire need."



Case No. 120

Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project



DEMOCRATIC
REPUBLIC OF CONGO

In August 2017 the Panel received a Request for Inspection of the Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project from community members living in Goma, Democratic Republic of Congo (DRC), and its vicinity. The project was financed by the Bank through an International Development Association credit of US\$125 million, which funded the reopening of the Bukavu-Goma road linking the South and North Kivu provinces.

The Request claimed a loss of property, loss of livelihoods, labor issues, and use of violence against the community, including gender-based violence (GBV).

In its investigation, the Panel found severe harm to communities along the road, including cases of GBV ranging from sexual harassment to sexual

exploitation and abuse, and rape. The investigation also found the taking of construction materials by the contractor from quarries by force and without compensation. As the project was implemented in a conflict-affected area, security forces were engaged by the contractor, but inadequate management of them caused some of the violence against local communities. The Panel found that the Bank did not comply with policies and procedures related to environmental and social assessment, consultation and disclosure of information, involuntary resettlement, health and safety, grievance redress and supervision. The Panel further found project preparation, identification of risks and mitigation measures to be inadequate.

The Panel's investigation highlighted the need for strengthening systems and addressing institutional shortcomings,

especially as they relate to supervision in countries affected by fragility, conflict and violence. The Panel also noted that managing GBV risks in infrastructure projects remained an area of necessary learning and action for the Bank.

In its response, Management committed to supporting the government of DRC in its implementation of actions to help GBV survivors and prevent future GBV incidents, restore livelihoods for affected communities, and strengthen the institutional capacity of all stakeholders to manage preventive and remedial actions. In addition, Management stated it was issuing good practices notes for staff on managing sexual and gender-based violence and the use of security forces in projects. ■



PHOTOS ON THIS SPREAD

The Panel received a Request for Inspection of the Second Additional Financing for the High-Priority Roads Reopening and Maintenance in DRC in August 2017.





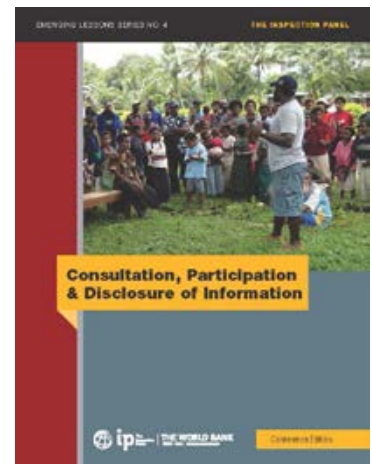
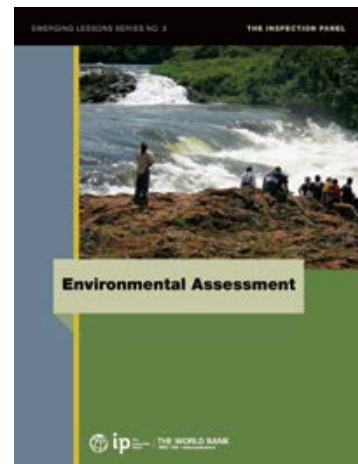
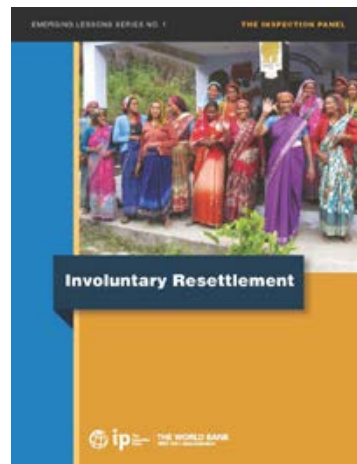
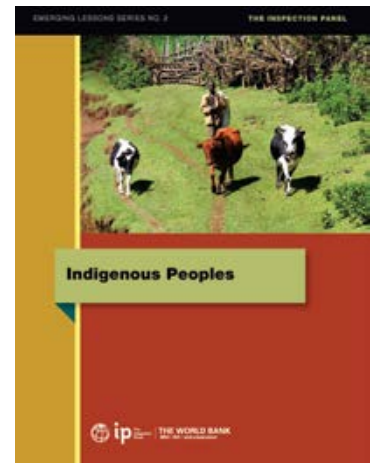
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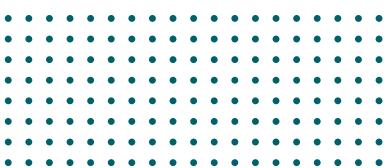
Looking Back,
Looking Ahead



ABOVE
Panel Chairman Gonzalo Castro de la Mata speaking at the release of the report on lessons emerging from the Panel's cases involving indigenous peoples in October 2016.

RIGHT
Drawing on experience from its caseload, the Panel in 2016 launched its Emerging Lessons Series.





When four Maasai villages in Kenya’s Rift Valley were moved to make way for a geothermal energy project, a 2014 Request to the Inspection Panel complained the resettlement process lacked proper consultation.

The Panel’s resulting Investigation Report found that, among other things, interviews with community members had been conducted in Swahili — rather than the Maa language of the Maasai — in violation of World Bank policy.

Jan Mattsson, who joined the Panel in 2014, described going back to the Maasai communities to give them the report, including a two-page summary written in Maa.

“They were so appreciative to see what they had said the issues were, written in their own language, so they could read it themselves,” Mattsson recalled, telling how villagers of all ages gathered to pore over the document. “They said: ‘You listened to us. You spoke the truth.’”

The importance of communicating in the local language is just one of countless lessons for the World Bank identified by Inspection Panel cases over 25 years. The process of investigating non-compliance with World Bank policies and procedures has yielded a trove of knowledge and experiences from the ground level of global development.

With the support of the Board of Executive Directors, the Panel in 2016 began publishing its Emerging Lessons Series of reports that analyze recurring problems in Bank-financed projects and offer some best practices.

“We thought it would be quite valuable to comb through our cases and identify common threads that could provide insights and learning opportunities for the World Bank, and also for the development community in general,” said Inspection Panel Executive Secretary Dilek Barlas.

The first report focused on involuntary resettlement, noting that forced displacement is “one of the most challenging aspects of development.”

In the second report — on indigenous peoples — the Panel found that most of the lessons related to project preparation, emphasizing the importance of “getting it right” from the start.

The third report looked at environmental assessment, observing that environmental impacts should be measured throughout the



ABOVE
Panel Member Jan Mattsson (with hat) and Executive Secretary Dilek Barlas meeting with project-affected people in the Kenya Electricity Expansion Project case.

“(B)eing able to integrate learning is actually the huge impact that the Panel has on development, not just on the Bank”

Kristalina Georgieva,
World Bank Chief Executive Officer



Traditional Maasai house in Kenya.

project cycle, with strong supervision to verify problems and work with affected communities to find solutions and prevent broader social problems.

On consultation, participation and disclosure of information — the focus of the latest report in the series — the Panel emphasized the need for project information to flow both to and from the affected communities to promote citizen engagement.

In particular, that report highlighted the importance of including vulnerable and marginalized groups in consultations, which requires special expertise to deal with gender dynamics and — as shown by the Maasai case in Kenya — language barriers.

Kristalina Georgieva, the World Bank's chief executive officer, said that "being able to integrate learning is actually the huge impact that the Panel has on development, not just on the Bank."

There certainly will be other lessons to identify as the Panel begins its second quarter century, and further challenges as well.

In October 2018, the World Bank began implementing its Environmental and Social Framework, 10 new standards to replace existing safeguards. For the first several years after implementation begins, the Panel will still be investigating allegations of non-compliance relating to projects approved under the old system, as well as complaints regarding projects operating under the new framework.

Under the current safeguards, "it's the Bank's responsibility to ensure that it follows its own" policies and procedures on environmental and social issues, said Zeinab Elbakri, who served on the Panel from 2012–2017. The new framework shifts responsibility for adherence to the borrowing countries, which must commit themselves to the World Bank standards.

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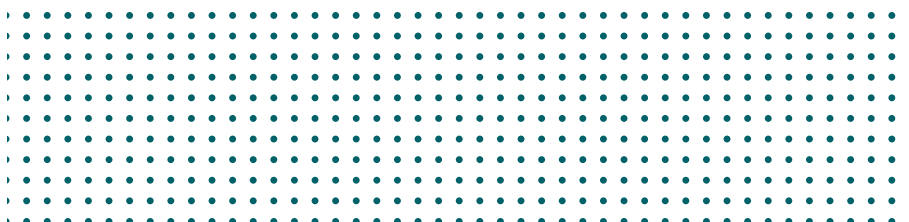
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“We now have almost 20 of these accountability mechanisms ... and that started with the Panel.”

David Hunter, Professor of Law, American University

“Then the Bank checks compliance at certain points,” Elbakri said, warning the change will make the compliance review more complicated because it will entail looking into actions of borrowing countries — which the Panel Resolution forbids.

Georgieva noted that this greater dependence on country systems means “our role in training our clients in countries is going to be more significant,” while Mattsson called the shift a “positive and logical trend” but acknowledged it would be “harder for the Bank to influence all aspects of project design or implementation.”

World Bank Group President Jim Yong Kim said: “Given the larger scope of issues that will be addressed under the new Environmental

and Social Framework, it is reasonable to assume that claims brought to the Panel will be challenging, complex and broader in scope.”

Other challenges facing the Panel could involve changes to how it works.

“As the world evolves, as reality evolves, as the Bank’s work evolves, as development evolves, the nature of challenges also evolves and we have to all the time adjust, adapt, equip the Inspection Panel to comply to its functions, according to the Resolution,” said Otaviano Canuto, a Bank executive director who chaired the Board’s Committee on Development Effectiveness from 2016–2018.

And so, as this book goes to print, the Board is weighing whether to increase the tools available to the Panel for carrying out its core accountability mission.

The expanded responsibilities and functions under consideration for the Panel have been adopted already by other accountability mechanisms that were established later.

Possible changes under review include giving the Panel a dispute resolution or mediation role; formally allowing it to monitor — at least in some cases — implementation of Board-approved Management action plans; and extending the time during which the Panel can consider a complaint.

The Panel’s founding Resolution currently limits its involvement to active projects or projects that have spent no more than 95 percent of the allocated funding. Extending the Panel’s ability to consider complaints would permit investigations after a project is completed.

As the Panel looks ahead, perhaps working with additional tools, it can also look back on what its existence has meant so far.

“We now have almost 20 of these accountability mechanisms, and the norm that you have to have them is completely accepted in the international finance realm — and that started with the Panel,” said American University law professor David Hunter, who was part of the effort to create it.

Even more, said former Panel member Werner Kiene, the Panel launched an accountability concept that has become the focus of legal and social science scholars, with dissertations coming out every year to examine its history and innovative aspects.

“Nobody knew in the beginning when they approved this Inspection Panel that it was an

idea that would be fascinating international law experts for decades to come,” Kiene said.

That is one of many enduring legacies of what Hunter called a “big experiment 25 years ago.” Through its existence, the Panel has changed the World Bank and the broader field of global development and financial institutions by pioneering independent accountability.

Ibrahim Shihata, the former World Bank general counsel who guided the creation of the Panel, said in 2000 that the Panel’s existence — even after only a few years of operation — brought greater openness to traditionally secretive Bank operations by making all Panel documents public.

Eimi Watanabe, who chaired the Panel in 2013–2014, noted how its mere involvement could sometimes provide help to Requesters, even without a formal investigation.

In response to a Request from Argentina involving a water and sewer infrastructure project, she said, Panel members made an eligibility visit and observed that raw sewage and other waste was flowing into a local stream to potentially cause a health and hygiene hazard.

“The World Bank was not going to be funding this project, so the case ended there without a full investigation,” Watanabe said. “But in the eligibility report, we deliberately highlighted and described the unsanitary conditions. We did this because we knew the citizens were fighting their case in the local court, and they very much appreciated and used the eligibility report for their purposes, given its weight as a World Bank report.”

To Lori Udall, a leading accountability advocate for three decades, the Panel’s impact has been profound.

“People’s lives have been improved on the ground,” she said. “Projects have been improved. People have been compensated. Probably, I would say, lives have been saved.”

Eduardo Abbott, the Panel’s first executive secretary, hailed the “bottom-up” accountability introduced by the Panel’s creation, in which “the people who are affected are coming up to the financial institutions to complain and to make them accountable for what they are doing.”

“But, also, this was helping the other side of accountability, from the top down, by making the executive directors and senior manage-

“Nobody knew ... when they approved this Inspection Panel that it was an idea would be fascinating international law experts for decades to come.”

Werner Kiene, Inspection Panel Member
2004–2009

“People’s lives have been improved on the ground. ... Probably, I would say, lives have been saved.”

Lori Udall, Development Consultant



“For us at the Board, it’s good to know that we have a source of parallel information, of warning.”

Otaviano Canuto, Chairman, Committee on Development Effectiveness of the Board of Executive Directors, 2016–2018

“People don’t like to be second-guessed but I think they appreciate and understand that we need a system of checks and balances”

Laura Tuck, World Bank Vice President for Sustainable Development

ment aware of what was actually going on in the field, getting unfiltered truth from the Panel,” he said.

Canuto agreed: “For us at the Board, it’s good to know that we have a source of parallel information, of warning.”

Peter Lallas, the Panel’s former executive secretary, said he witnessed Bank staff working hard to produce positive outcomes — often under very challenging circumstances.

“But we also saw that sometimes things did go wrong, that the complaints were valid and serious, and corrective actions were urgently needed,” he said. “The Panel provided a way to bring this message, and to seek these actions.”

For Bank Management, the Panel plays a number of critical roles, including “listening to communities and identifying if projects cause unintentional harm,” said Manuela Ferro, the vice president of operations policy and country services.

“The Bank helps governments address concerns in response to Panel findings,” she added. “In the end, we provide better development outcomes as an institution.”

Laura Tuck, the Bank’s vice president for sustainable development, said Bank staff members accept the value the Panel brings despite the questions it raises.

“People don’t like to be second-guessed,” she said, “but I think they appreciate and understand that we need a system of checks and balances to be sure that we’re doing our work and that we do it right.”

Kim, the World Bank Group president, said the Panel was established “to ensure that we live up to the foundational belief of the institution — that development is intended to bring about positive changes in the lives of the poorest people in the world.”

“Over the last quarter century, the Inspection Panel has served an essential role in helping us hold ourselves accountable to the people we serve and it’s helped ensure that the World Bank lives up to a principle that is very familiar to me as a physician — ‘first, do no harm,’” he said.

Gopal Siwakoti, the Nepalese lawyer known as “Chintan” who confidentially filed the first Panel Request in 1994, called its creation a “landmark event globally.”

The Panel “gave a clear message to the world of development financing and benefit-sharing that no projects can be judged as successes in the absence of basic principles of justice, equity and environmental assessment followed by adequate mitigation,” he said.

For Moses Ntenga of Joy for Children in Uganda, the Panel renewed faith in public institutions as partners in development, rather than adversaries, after the troubled Uganda transport project.

“The Inspection Panel restored hope for the people, and also empowered them to be able to speak about the wrongs and find solutions,” he said.

And that, of course, has always been the Panel’s core mission.

“Over and over again, regardless of the country, regardless of the language, we heard people who came to us who said: ‘We have little, and we fear that what we have is about to be taken away from us. We are maybe putting our own lives at risk, but you are our only hope,’” said Edith Brown Weiss, who chaired the Panel from 2003–2007. “That’s a very powerful statement. It deserves to be treated as such, and it deserves our utmost respect.”

Or as Alvaro Umaña, one of the original Panel members, put it: “We gave a little voice to these powerless people. And the Bank, in most of these cases, heard that voice and tried to do something.”

Charles Di Leva, an environmental law expert who helped draft the Panel’s Resolution, paused when asked if it fulfilled what Shihata intended 25 years ago.

“I think the vision is met,” Di Leva said. “I think he would be satisfied with it.”

Panel Chairman Gonzalo Castro de la Mata said the Panel “has demonstrated that it makes the Bank stronger and it makes the Bank credible.”

“The Panel will need to adapt to new development challenges, where there are new issues, or new types of projects or new circumstances,” he said. “So that’s for the future. But I believe the Panel with its own mission will continue to be here for years to come.”



Panel Member Zeinab Elbakri (left) and Executive Secretary Dilek Barlas in the field as part of the Uganda Transport Sector Development Project case.

“We gave a little voice to these powerless people. And the Bank, in most of these cases, heard that voice and tried to do something.”

Alvaro Umaña, Inspection Panel Member,
1994–1998

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Appendices



The Resolution Establishing the Panel

SEPTEMBER 22, 1993

**INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
INTERNATIONAL DEVELOPMENT ASSOCIATION**

Resolution No. IBRD 93-10

Resolution No. IDA 93-6

“The World Bank Inspection Panel”

The Executive Directors:

Hereby resolve:

1. There is established an independent Inspection Panel (hereinafter called the Panel), which shall have the powers and shall function as stated in this resolution.

Composition of the Panel

2. The Panel shall consist of three members of different nationalities from Bank member countries. The President, after consultation with the Executive Directors, shall nominate the members of the Panel to be appointed by the Executive Directors.
3. The first members of the Panel shall be appointed as follows: one for three years, one for four years and one for five years. Each vacancy thereafter shall be filled for a period of five years, provided that no member may serve for more than one term. The term of appointment of each member of the Panel shall be subject to the continuity of the inspection function established by this Resolution.
4. Members of the Panel shall be selected on the basis of their ability to deal thoroughly and fairly with the requests brought to them, their integrity and their independence from the Bank’s Management, and their exposure to developmental issues and to living conditions in developing countries. Knowledge and experience of the Bank’s operations will also be desirable.
5. Executive Directors, Alternates, Advisors and staff members of the Bank Group may not serve on the Panel until two years have elapsed since the end of their service in the Bank Group. For purposes of this Resolution, the term “staff” shall mean all persons holding Bank Group appointments as defined in Staff Rule 4.01 including persons holding consultant and local consultant appointments.
6. A Panel member shall be disqualified from participation in the hearing and investigation of any request related to a matter in which he/she has a personal interest or had significant involvement in any capacity.
7. The Panel member initially appointed for five years shall be the first Chairperson of the Panel, and shall hold such office for one year. Thereafter, the members of the Panel shall elect a Chairperson for a period of one year.
8. Members of the Panel may be removed from office only by decision of the Executive Directors, for cause.
9. With the exception of the Chairperson who shall work on a full-time basis at Bank headquarters, members of the Panel shall be expected to work on a full-time basis only when their workload justifies such an arrangement, as will be decided by the Executive Directors on the recommendation of the Panel.

10. In the performance of their functions, members of the Panel shall be officials of the Bank enjoying the privileges and immunities accorded to Bank officials, and shall be subject to the requirements of the Bank's Articles of Agreement concerning their exclusive loyalty to the Bank and to the obligations of subparagraphs (c) and (d) of paragraph 3.1 and paragraph 3.2 of the Principles of Staff Employment concerning their conduct as officials of the Bank. Once they begin to work on a full-time basis, they shall receive remuneration at a level to be determined by the Executive Directors upon a recommendation of the President, plus normal benefits available to Bank fixed-term staff. Prior to that time, they shall be remunerated on a per diem basis and shall be reimbursed for their expenses on the same basis as the members of the Bank's Administrative Tribunal. Members of the Panel may not be employed by the Bank Group, following the end of their service on the Panel.
11. The President, after consultation with the Executive Directors, shall assign a staff member to the Panel as Executive Secretary, who need not act on a full-time basis until the workload so justifies. The Panel shall be given such budgetary resources as shall be sufficient to carry out its activities.

Powers of the Panel

12. The Panel shall receive requests for inspection presented to it by an affected party in the territory of the borrower which is not a single individual (i.e., a community of persons such as an organization, association, society or other grouping of individuals), or by the local representative of such party or by another representative in the exceptional cases where the party submitting the request contends that appropriate representation is not locally available and the Executive Directors so agree at the time they consider the request for inspection. Any such representative shall present to the Panel written evidence that he is acting as agent of the party on behalf of which the request is made. The affected party must demonstrate that its rights or interests have been or are likely to be directly affected by an action or omission of the Bank as a result of a failure of the Bank to follow its operational policies and procedures with respect to the design, appraisal and/or implementation of a project financed by the Bank (including situations where the Bank is alleged to have failed in its follow-up on the borrower's obligations under loan agreements with respect to such policies and procedures) provided in all cases that such failure has had, or threatens to have, a material adverse effect. In view of the institutional responsibilities of Executive Directors in the observance by the Bank of its operational policies and procedures, an Executive Director may in special cases of serious alleged violations of such policies and procedures ask the Panel for an investigation, subject to the requirements of paragraphs 13 and 14 below. The Executive Directors, acting as a Board, may at any time instruct the Panel to conduct an investigation. For purposes of this Resolution, "operational policies and procedures" consist of the Bank's Operational Policies, Bank Procedures and Operational Directives, and similar documents issued before these series were started, and does not include Guidelines and Best Practices and similar documents or statements.
13. The Panel shall satisfy itself before a request for inspection is heard that the subject matter of the request has been dealt with by the Management of the Bank and Management has failed to demonstrate that it has followed, or is taking adequate steps to follow the Bank's policies and procedures. The Panel shall also satisfy itself that the alleged violation of the Bank's policies and procedures is of a serious character.
14. In considering requests under paragraph 12 above, the following requests shall not be heard by the Panel:
 - a. Complaints with respect to actions which are the responsibility of other parties, such as a borrower, or potential borrower, and which do not involve any action or omission on the part of the Bank.

- b. Complaints against procurement decisions by Bank borrowers from suppliers of goods and services financed or expected to be financed by the Bank under a loan agreement, or from losing tenderers for the supply of any such goods and services, which will continue to be addressed by staff under existing procedures.
 - c. Requests filed after the Closing Date of the loan financing the project with respect to which the request is filed or after the loan financing the project has been substantially disbursed.¹
 - d. Requests related to a particular matter or matters over which the Panel has already made its recommendation upon having received a prior request, unless justified by new evidence or circumstances not known at the time of the prior request.
15. The Panel shall seek the advice of the Bank's Legal Department on matters related to the Bank's rights and obligations with respect to the request under consideration.

Procedures

16. Requests for inspection shall be in writing and shall state all relevant facts, including, in the case of a request by an affected party, the harm suffered by or threatened to such party or parties by the alleged action or omission of the Bank. All requests shall explain the steps already taken to deal with the issue, as well as the nature of the alleged actions or omissions and shall specify the actions taken to bring the issue to the attention of Management, and Management's response to such action.
17. The Chairperson of the Panel shall inform the Executive Directors and the President of the Bank promptly upon receiving a request for inspection.
18. Within 21 days of being notified of a request for inspection, the Management of the Bank shall provide the Panel with evidence that it has complied, or intends to comply with the Bank's relevant policies and procedures.
19. Within 21 days of receiving the response of the Management as provided in the preceding paragraph, the Panel shall determine whether the request meets the eligibility criteria set out in paragraphs 12 to 14 above and shall make a recommendation to the Executive Directors as to whether the matter should be investigated. The recommendation of the Panel shall be circulated to the Executive Directors for decision within the normal distribution period. In case the request was initiated by an affected party, such party shall be informed of the decision of the Executive Directors within two weeks of the date of such decision.
20. If a decision is made by the Executive Directors to investigate the request, the Chairperson of the Panel shall designate one or more of the Panel's members (Inspectors) who shall have primary responsibility for conducting the inspection. The Inspector(s) shall report his/her (their) findings to the Panel within a period to be determined by the Panel taking into account the nature of each request.
21. In the discharge of their functions, the members of the Panel shall have access to all staff who may contribute information and to all pertinent Bank records and shall consult as needed with the Director General, Operations Evaluation Department and the Internal Auditor. The borrower and the Executive Director representing the borrowing (or guaranteeing) country shall be consulted on the subject matter both before the Panel's recommendation on whether to proceed with the investigation and during the investigation. Inspection in the territory of such country shall be carried out with its prior consent.

¹ This will be deemed to be the case when at least ninety five percent of the loan proceeds have been disbursed.

22. The Panel shall submit its report to the Executive Directors and the President. The report of the Panel shall consider all relevant facts, and shall conclude with the Panel's findings on whether the Bank has complied with all relevant Bank policies and procedures.
23. Within six weeks from receiving the Panel's findings, Management will submit to the Executive Directors for their consideration a report indicating its recommendations in response to such findings. The findings of the Panel and the actions completed during project preparation also will be discussed in the Staff Appraisal Report when the project is submitted to the Executive Directors for financing. In all cases of a request made by an affected party, the Bank shall, within two weeks of the Executive Directors' consideration of the matter, inform such party of the results of the investigation and the action taken in its respect, if any.

Decisions of the Panel

24. All decisions of the Panel on procedural matters, its recommendations to the Executive Directors on whether to proceed with the investigation of a request, and its reports pursuant to paragraph 22, shall be reached by consensus and, in the absence of a consensus, the majority and minority views shall be stated.

Reports

25. After the Executive Directors have considered a request for an inspection as set out in paragraph 19, the Bank shall make such request publicly available together with the recommendation of the Panel on whether to proceed with the inspection and the decision of the Executive Directors in this respect. The Bank shall make publicly available the report submitted by the Panel pursuant to paragraph 22 and the Bank's response thereon within two weeks after consideration by the Executive Directors of the report.
26. In addition to the material referred to in paragraph 25, the Panel shall furnish an annual report to the President and the Executive Directors concerning its activities. The annual report shall be published by the Bank.

Review

27. The Executive Directors shall review the experience of the inspection function established by this Resolution after two years from the date of the appointment of the first members of the Panel.

Application to IDA projects

28. In this resolution, references to the Bank and to loans include references to the Association and to development credits.

The 1996 Review of the Resolution

OCTOBER 17, 1996

REVIEW OF THE RESOLUTION ESTABLISHING THE INSPECTION PANEL CLARIFICATION OF CERTAIN ASPECTS OF THE RESOLUTION

The Resolution establishing the Inspection Panel calls for a review after two years from the date of appointment of the first panel members. On October 17, 1996, the Executive Directors of the Bank and IDA completed the review process (except for the question of inspection of World Bank Group private sector projects) by considering and endorsing the clarifications recommended by Management on the basis of the discussions of the Executive Directors' Committee on Development Effectiveness (CODE). The Inspection Panel and Management are requested by the Executive Directors to observe the clarifications in their application of the Resolution. The clarifications are set out below.

The Panel's Function

Since the Resolution limits the first phase of the inspection process to ascertaining the eligibility of the request, this phase should normally be completed within the 21 days stated in the Resolution. However, in cases where the Inspection Panel believes that it would be appropriate to undertake a "preliminary assessment" of the damages alleged by the requester (in particular when such preliminary assessment could lead to a resolution of the matter without the need for a full investigation), the Panel may undertake the preliminary assessment and indicate to the Board the date on which it would present its findings and recommendations as to the need, if any, for a full investigation. If such a date is expected by the Panel to exceed eight weeks from the date of receipt of Management's comments, the Panel should seek Board approval for the extension, possibly on a "no-objection" basis. What is needed at this preliminary stage is not to establish that a serious violation of the Bank's policy has actually resulted in damages suffered by the affected party, but rather to establish whether the complaint is prima facie justified and warrants a full investigation because it is eligible under the Resolution. Panel investigations will continue to result in "findings" and the Board will continue to act on investigations on the basis of recommendations of Management with respect to such remedial action as may be needed.

Eligibility and Access

It is understood that the "affected party" which the Resolution describes as "a community of persons such as an organization, association, society or other grouping of individuals" includes any two or more persons who share some common interests or concerns.

The word "project" as used in the Resolution has the same meaning as it generally has in the Bank's practice, and includes projects under consideration by Bank management as well as projects already approved by the Executive Directors.

The Panel's mandate does not extend to reviewing the consistency of the Bank's practice with any of its policies and procedures, but, as stated in the Resolution, is limited to cases of alleged failure by the Bank to follow its operational policies and procedures with respect to the design, appraisal and/or implementation of projects, including cases of alleged failure by the bank to follow-up on the borrowers' obligations under loan agreements, with respect to such policies and procedures.

No procurement action is subject to inspection by the Panel, whether taken by the Bank or by a borrower. A separate mechanism is available for addressing procurement-related complaints.

Outreach

Management will make its response to requests for inspection available to the public within three days after the Board has decided on whether to authorize the inspection. Management will also make available to the public opinions of the General Counsel related to Inspection Panel matters promptly after the Executive Directors have dealt with the issues involved, unless the Board decides otherwise in a specific case.

Management will make significant efforts to make the Inspection Panel better known in borrowing countries, but will not provide technical assistance or funding to potential requesters.

Composition of the Panel

No change in the composition of the Panel is being made at this time.

Role of the Board

The Board will continue to have authority to (i) interpret the Resolution; and (ii) authorize inspections. In applying the Resolution to specific cases, the Panel will apply it as it understands it, subject to the Board's review. As stated in the Resolution, "[t]he Panel shall seek the advice of the Bank's Legal Department on matters related to the Bank's rights and obligations with respect to the request under consideration."

The 1999 Clarification of the Board's Second Review of the Panel

1999 Clarification of the Board's Second Review of the Inspection Panel

The Executive Directors approved today, April 20, 1999, with immediate effect, the report of the Working Group on the Second Review of the Inspection Panel, as revised in light of the extensive consultations that took place after the report was first circulated.

The report confirms the soundness of the Resolution establishing the Inspection Panel (IBRD Resolution No. 93-10, IDA Resolution No. 93-6 of September 22, 1993, hereinafter "the Resolution") and provides clarifications for its application. These clarifications supplement the clarifications issued by the Board on October 17, 1996 and prevail over them in case of conflict. The report's recommendations approved by the Board are as follows:

1. The Board reaffirms the Resolution, the importance of the Panel's function, its independence and integrity.
2. Management will follow the Resolution. It will not communicate with the Board on matters associated with the request for inspection, except as provided for in the Resolution. It will thus direct its response to the request, including any steps it intends to take to address its failures, if any, to the Panel. Management will report to the Board any recommendations it may have, after the Panel completes its inspection and submits its findings, as envisaged in paragraph 23 of the Resolution.
3. In its initial response to the request for inspection, Management will provide evidence that
 - i. it has complied with the relevant Bank operational policies and procedures; or that
 - ii. there are serious failures attributable exclusively to its own actions or omissions in complying, but that it intends to comply with the relevant policies and procedures; or that
 - iii. the serious failures that may exist are exclusively attributable to the borrower or to other factors external to the Bank; or that
 - iv. the serious failures that may exist are attributable both to the Bank's noncompliance with the relevant operational policies and procedures and to the borrower or other external factors.

The Inspection Panel may independently agree or disagree, totally or partially, with Management's position and will proceed accordingly.

4. When Management responds, admitting serious failures that are attributable exclusively or partly to the Bank, it will provide evidence that it has complied or intends to comply with the relevant operating policies and procedures. This response will contain only those actions that the Bank has implemented or can implement by itself.
5. The Inspection Panel will satisfy itself as to whether the Bank's compliance or evidence of intention to comply is adequate, and reflect this assessment in its reporting to the Board.
6. The Panel will determine the eligibility of a request for inspection independently of any views that may be expressed by Management. With respect to matters relating to the Bank's rights and obligations with respect to the request under consideration, the Panel will seek the advice of the Bank's Legal Department as required by the Resolution.

7. For its recommendation on whether an investigation should be carried out, the Panel will satisfy itself that all the eligibility criteria provided for in the Resolution have been met. It will base its recommendation on the information presented in the request, in the Management response, and on other documentary evidence. The Panel may decide to visit the project country if it believes that this is necessary to establish the eligibility of the request. In respect of such field visits, the Panel will not report on the Bank's failure to comply with its policies and procedures or its resulting material adverse effect; any definitive assessment of a serious failure of the Bank that has caused material adverse effect will be done after the Panel has completed its investigation.
8. The original time limit, set forth in the Resolution for both Management's response to the request and the Panel's recommendation, will be strictly observed except for reasons of force majeure, i.e. reasons that are clearly beyond Management's or the Panel's control, respectively, as may be approved by the Board on a no objection basis.
9. If the Panel so recommends, the Board will authorize an investigation without making a judgment on the merits of the claimants' request, and without discussion except with respect to the following technical eligibility criteria:
 - a. The affected party consists of any two or more persons with common interests or concerns and who are in the borrower's territory (Resolution para. 12).
 - b. The request does assert in substance that a serious violation by the Bank of its operational policies and procedures has or is likely to have a material adverse effect on the requester (Resolution paras. 12 and 14a).
 - c. The request does assert that its subject matter has been brought to Management's attention and that, in the requester's view, Management has failed to respond adequately demonstrating that it has followed or is taking steps to follow the Bank's policies and procedures (Resolution para. 13).
 - d. The matter is not related to procurement (Resolution para. 14b).
 - e. The related loan has not been closed or substantially disbursed (Resolution para. 14c).
 - f. The Panel has not previously made a recommendation on the subject matter or, if it has, that the request does assert that there is new evidence or circumstances not known at the time of the prior request (Resolution para. 14d).
10. Issues of interpretation of the Resolution will be cleared with the Board.
11. The "preliminary assessment" concept, as described in the October 1996 Clarification, is no longer needed. The paragraph entitled "The Panel's Function" in the October 1996 "Clarifications" is thus deleted.
12. The profile of Panel activities, in-country, during the course of an investigation, should be kept as low as possible in keeping with its role as a fact-finding body on behalf of the Board. The Panel's methods of investigation should not create the impression that it is investigating the borrower's performance. However, the Board, acknowledging the important role of the Panel in contacting the requesters and in fact-finding on behalf of the Board, welcomes the Panel's efforts to gather information through consultations with affected people. Given the need to conduct such work in an independent and low-profile manner, the Panel — and Management — should decline media contacts while an investigation is pending or underway. Under those circumstances in which, in the judgement of the Panel or Management, it is necessary to respond to the media, comments should be limited to the process. They will make it clear that the Panel's role is to investigate the Bank and not the borrower.
13. As required by the Resolution, the Panel's report to the Board will focus on whether there is a serious Bank failure to observe its operational policies and procedures with respect to project design, appraisal and/or implementation. The report will include all relevant facts that are needed to understand fully the context and basis for the panel's findings and conclusions.

The Panel will discuss in its written report only those material adverse effects, alleged in the request, that have totally or partially resulted from serious Bank failure of compliance with its policies and procedures. If the request alleges a material adverse effect and the Panel finds that it is not totally or partially caused by Bank failure, the Panel's report will so state without entering into analysis of the material adverse effect itself or its causes.

14. For assessing material adverse effect, the without-project situation should be used as the base case for comparison, taking into account what baseline information may be available. Non-accomplishments and unfulfilled expectations that do not generate a material deterioration compared to the without-project situation will not be considered as a material adverse effect for this purpose. As the assessment of material adverse effect in the context of the complex reality of a specific project can be difficult, the Panel will have to exercise carefully its judgement on these matters, and be guided by Bank policies and procedures where relevant.
15. A distinction has to be made between Management's report to the Board (Resolution para. 23), which addresses Bank failure and possible Bank remedial efforts and "action plans," agreed between the borrower and the Bank, in consultation with the requesters, that seek to improve project implementation. The latter "action plans" are outside the purview of the Resolution, its 1996 clarification, and these clarifications. In the event of agreement by the Bank and borrower on an action plan for the project, Management will communicate to the Panel the nature and outcomes of consultations with affected parties on the action plan. Such an action plan, if warranted, will normally be considered by the Board in conjunction with the Management's report, submitted under Resolution para. 23.
16. The Panel may submit to the Executive Directors for their consideration a report on their view of the adequacy of consultations with affected parties in the preparation of the action plans. The Board should not ask the Panel for its view on other aspects of the action plans nor would it ask the Panel to monitor the implementation of the action plans. The Panel's view on consultation with affected parties will be based on the information available to it by all means, but additional country visits will take place only by government invitation.
17. The Board underlines the need for Management to make significant efforts to make the Inspection Panel better known in borrowing countries, as specified in the 1996 "Clarifications."
18. The Board emphasizes the importance of prompt disclosure of information to claimants and the public, as stipulated in the Resolution (paras. 23 and 25) and in its 1996 Clarifications. The Board requires that such information be provided by Management to claimants in their language, to the extent possible.
19. The Board recognizes that enhancing the effectiveness of the Inspection Panel process through the above clarifications assumes adherence to them by all parties in good faith. It also assumes the borrowers' consent for field visits envisaged in the Resolution. If these assumptions prove to be incorrect, the Board will revisit the above conclusions.

2014 Updated Operating Procedures

The Inspection Panel at the World Bank Operating Procedures

APRIL 2014

(WITH ANNEX 2 ADDED IN FEBRUARY 2016)

Introduction and Background

These Operating Procedures replace the Operating Procedures issued by the Inspection Panel in 1994. They provide details on how the Inspection Panel operates, and aim to make the process user-friendly, transparent, predictable and up-to-date.

The Panel was established by the Board of Executive Directors (referred to as the “Board”) of the World Bank (referred to as the “Bank”), through IBRD¹ Board Resolution No. 93-10 and an identical IDA² Board Resolution No. 93-6 on September 22, 1993 (collectively referred to as “the Resolution”). The Resolution has been reviewed twice by the Board, in 1996 (referred to as “the 1996 Review”) and again in 1999 (referred to as “the 1999 Clarification”). The Resolution, the 1996 Review and the 1999 Clarification establish the governing framework of the Panel (see Annex 1 for the complete text of these documents).

Particularly, the new Operating Procedures:

- a. Specify what the Panel looks at to determine whether to register a complaint and receive a formal response from the Management of the Bank.
- b. Specify what factors the Panel will assess prior to making its recommendation to the Board on whether an investigation is warranted.
- c. Note the scope for solution-seeking by Bank Management built into the Panel process.
- d. Describe how the Panel process fosters interaction between its different stakeholders.
- e. Describe ways in which outputs from the Panel process contribute to institutional learning.
- f. Outline measures that reduce the time the process may take.

In the event of any potential inconsistency between these Operating Procedures and the Inspection Panel governing framework, the governing framework prevails.

The text below is organized in four sections:

Section 1 provides a brief overview of the role of the Panel and key features of the Panel process.

Section 2 explains how people who feel negatively affected by a project supported by the Bank may submit a complaint to the Panel to request an investigation into their concerns.

1 International Bank for Reconstruction and Development: established in 1944, IBRD is the lending-arm of the World Bank which serves middle-income countries with capital investment and advisory services.
2 International Development Association: established in 1960, IDA is the part of the World Bank that helps the world's poorest countries.

Section 3 describes the four main phases of the Panel process (see Figure 1), and explains the roles and responsibilities of the Requesters, the Panel, Management, the Board, and the Borrower in each phase. These phases are:

- a. Receipt and registration of a Request for Inspection.
- b. Confirmation of technical eligibility of the Request and recommendation of whether an investigation is warranted.
- c. Investigation of claims raised by the Request.
- d. Actions following an investigation.

Section 4 describes measures to make the Panel better known in borrowing countries and to facilitate learning for the institution based on lessons drawn from Panel cases.

1 THE PANEL AND THE PANEL PROCESS

1.1 The Panel's role

1. The Inspection Panel serves as an independent forum to provide accountability and recourse for people affected by IBRD and IDA-financed projects. They can bring their concerns to the Panel in the form of a written complaint. A complaint is referred to as a "Request for Inspection" and those who submit a Request are referred to as "Requesters". When it carries out an investigation, the Panel reports to the Board on whether the harm, as alleged by the Requesters, has totally or partially resulted from failure of the Bank to comply with its policies and procedures, including social and environmental safeguard policies, during design, appraisal and implementation of Bank-financed projects (also where the Bank is alleged to have failed in its follow-up on the borrower's obligations under loan agreements with respect to such policies and procedures).

2. The Inspection Panel serves two important accountability functions:

- a. It provides a forum for people, including those who are often poor and vulnerable, to seek recourse for harm which they believe result from Bank-supported operations. As such, the Panel is a "bottom-up" or citizen-driven accountability mechanism that responds to grievances and demands for redress. This promotes more inclusive and sustainable development by giving project-affected people a greater voice in Bank-financed projects that impact them.
- b. It provides an independent and impartial assessment of claims about harm and related non-compliance with Bank policies as a check-and-balance for the Board and other concerned stakeholders. This contributes towards institutional learning and helps to improve development effectiveness of World Bank operations.

1.2 The Panel process

3. The Panel's governing framework outlines a phased and interactive process involving actions by the Requesters, the Panel, the management of the Bank (referred to as "Management"), and the Board, and also includes consultation with the borrowing government (referred to as "Borrower"). The process includes four main phases (see Figure 1) and is referred to as the "Panel process".
4. The Panel process is part of a wider set of remedies to address grievances stemming from Bank-supported operations; such remedies may be available within a project itself, be part of a borrowing country's own systems, or be part of a wider set of options available within the

Bank to respond to grievances at various levels. The Panel process provides an avenue for grievance redress as a result of an independent investigation, and also at earlier stages in the process. The Panel does not, however, directly engage in mediation, and does not provide recommendations for remedial actions to be taken by Management or the Borrower.

5. The following are some key features of the Panel process of importance to people who consider making use of this accountability mechanism:
 - a. **Accessibility.** The Panel is accessible to people who are concerned about actual or potential harm resulting from Bank operations. Any two or more affected persons can submit a Request for Inspection to the Panel; they will be treated fairly and their confidences will be kept.
 - b. **Independence and impartiality.** The Panel is independent from Bank Management and reports directly to the Board, and conducts its work impartially.
 - c. **Informing the Bank.** A key requirement is that the issue of concern to the Requesters is brought to the attention of Bank Management to seek a resolution to the concern, prior to the submission of a Request.
 - d. **Focus on the Bank.** The Panel process focuses on the Bank. The Panel does not investigate other parties, such as the Borrower. The process places a responsibility on Bank Management to address the Panel's findings resulting from its investigations.
 - e. **Broad interaction.** The Panel interacts with all stakeholders involved during all stages of the process, as consistent with its basic principles of independence and impartiality.
 - f. **Solution-seeking.** The Panel process provides opportunities for constructive interaction between Bank Management and Requesters to address and resolve problems at different stages of the process.
 - g. **Transparency.** The Panel process promotes transparency in Bank operations through publication of its reports.

1.3 The Panel's organization

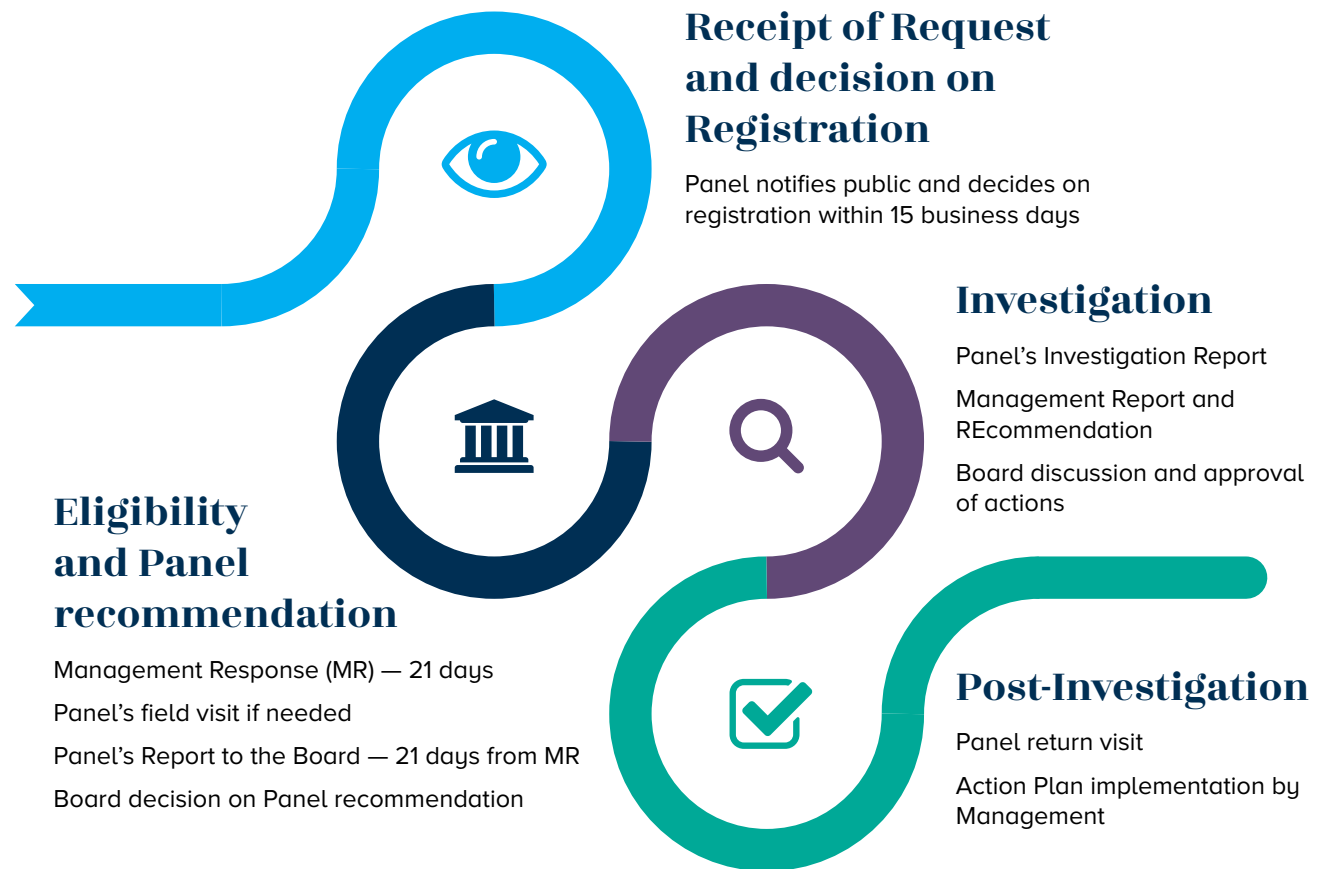
6. The Panel reports to the Board. The Board's Committee on Development Effectiveness (CODE) is designated as the main interlocutor for the Panel.
7. The Panel is composed of three members of different nationalities who serve non-renewable five-year terms. Members of the Panel are selected based on their ability to deal thoroughly and fairly with the Requests brought to them, their integrity and their independence from the Bank's Management, and their exposure to development issues and to living conditions in developing countries. Members of the Panel may not be employed by the World Bank Group following the end of their service on the Panel. In addition, staff of the World Bank Group, including Executive Directors and their advisors, can only be appointed as Panel members two years after the end of their service with the World Bank Group. The Members of the Panel elect the Chairperson of the Panel.
8. The Panel is supported by a Secretariat which assists and advises the Panel in the execution of its duties. The Secretariat is headed by an Executive Secretary and includes a team of operations officers and support personnel. In carrying out its work, the Panel also retains independent expert consultants to assist in its fact-finding, investigations and analysis.

1.4 Decisions of the Panel

9. All decisions of the Panel on procedural matters, its recommendations to the Board on whether to proceed with the investigation of a Request, and its findings reported to the Board, shall be reached by consensus and, in the absence of a consensus, the majority and minority views shall be stated.

The Inspection Panel process

Figure 1: The four phases of the Panel process involve actions by the Panel, Management, the people who submitted the complaint, the Board, and includes consultation with the Borrower.



Box 1: Definitions

Bank Management or Management. World Bank as an institution involved in the design, appraisal and/or implementation of Bank-financed projects, as distinct from the Board of Executive Directors.

Bank-financed project. Any IBRD/IDA project or program approved by the Executive Directors or under consideration by Bank Management. The Panel's governing framework states that the word "project" has the same meaning as it generally has in Bank's practice, and includes operations under consideration by Bank Management as well as those already approved by the Executive Directors.

Requests may relate to projects financed by an investment loan or credit; or programs funded through development policy lending (formerly known as structural adjustment operations); or projects financed through a trust fund administered by the Bank (e.g. Global Environmental Facility-funded projects); or projects/programs for which IBRD or IDA has provided only a guarantee (not actual loan/credit); or projects/programs co-financed with other International Financial Institutions; or Program-for-Results operations. This is not a restrictive list and there might be other financing instruments of IBRD/IDA that might be subject to an Inspection Panel process.

Board. The Board of Executive Directors of the IBRD and IDA.

Borrower. In these procedures the borrowing or guaranteeing country, or potential borrower or guaranteeing country, project or implementing agency, the trustee, etc., as the context requires.

Business days. Days on which the Bank is open for business in Washington, D.C.

Operational policies and procedures. Bank's Operational Policies, Bank Procedures, and Operational Directives, and similar documents issued before these series were started, and do not include Guidelines and Best Practices and similar documents or statements. Operational policies and procedures include not only the Bank's safeguard policies, but also all other policies and procedures applicable to the design, appraisal and implementation of a Bank-financed project. The Bank's operational policies and procedures are subject to revisions, and new types of documents may be considered relevant for the Panel process.

Panel process. This term refers to the four-phase process that involves the Panel, the Management of the Bank, the Board, and the people who have submitted a complaint, as depicted in Figure 1.

Request for Inspection or Request. A written complaint submitted to the Inspection Panel raising issues of harm resulting from alleged non-compliance with Bank operational policies and procedures.

Requesters. Refers to signatories to a Request. In these procedures 'Requesters' means those who have submitted a Request.

World Bank or Bank. These terms refer interchangeably to the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA).

2 PREPARATION AND SUBMISSION OF A REQUEST FOR INSPECTION

2.1 Who can submit a Request for Inspection and when

10. A Request for Inspection may be submitted to the Panel by:
 - a. two or more people with common interests and concerns who claim that they have been or are likely to be adversely affected by a Bank-financed operation, and who are in the country where the Bank-financed project is located; or
 - b. a duly appointed local representative acting on behalf of affected people; or
 - c. in exceptional cases, referred to below, a non-local representative where the party submitting the Request contends that appropriate representation is not locally available and the Board so agree at the time they consider the Request; or
 - d. an Executive Director of the Bank in special cases of serious alleged violations of the Bank's policies and procedures; or
 - e. the Executive Directors acting as a Board. The Resolution provides that the Board, at any time, may instruct the Panel to conduct an investigation.³
11. A Request may be submitted at any time, starting at the stage at which a Project is under consideration by Management and as long as the disbursement of the financing is less than 95%.

2.2 Contents of a Request for Inspection

12. A Request for Inspection should contain, in substance, the following information:
 - a. **Harm.** A description of how the Requesters believe that their rights or interests may be adversely affected by a Bank-financed project, and the material adverse effects (harm) that they believe they are suffering, or are likely to suffer as a result.⁴
 - b. **The project.** A description of the Bank-financed project or proposed project⁵ as far as it may be known to the Requesters, stating how, in their view, the harm suffered or likely to be suffered by them is linked to the project activities that the Requesters believe may be relevant to their concerns.
 - c. **Actions or omissions of the Bank.** A description of actions or omissions of the Bank with respect to the design, appraisal and/or implementation of the Bank-financed project (including situations where the Bank is alleged to have failed in its follow-up on the Borrower's obligations under loan agreements with respect to such policies and procedures). Requesters are not required to mention or quote specific Bank operational policies and procedures, but if known, may elaborate upon how that action or omission is a result of a failure by the Bank to follow its operational policies and procedures, including, but not limited to, the Bank's safeguard policies.

³ 1993 Resolution, paragraph 12.

⁴ Past cases of the Inspection Panel have addressed different types of harm or potential harm to people or the environment. These have included harm to: people and environment resulting from infrastructure projects or from involuntary resettlement in such projects (e.g., by a dam, road, pipeline, landfill, or other infrastructure project); indigenous peoples, their culture, traditions, lands tenure and development rights; cultural property, including sacred places; and the environment and natural habitats (e.g., air and water pollution, stress on water supplies, adverse impacts on wetlands, forests, fisheries, protected areas, etc.). Panel cases have also addressed peoples' rights and interests related to consultation, participation and access to information for affected peoples and communities.

⁵ See Box 1 for definition of the term 'Bank-financed project'.

- d. **Informing the Bank.** A Request should describe steps taken or efforts made to bring the issue to the attention of Bank staff (if possible, with dates, people contacted, and copies of the correspondence with the Bank), and a statement explaining why, in the Requesters' view, the Bank's response was inadequate.
13. If some information cannot be provided at the time of submitting the Request, an indication should be included as to when such information may be made available to the Panel.

2.3 How can a Request for Inspection be submitted

14. **Format.** All Requests must be submitted in writing, but no specific form or format is necessary. The Request should be dated and signed by the Requesters or their representative. Requests with original signatures, and any supporting documentation, may be sent via mail or may also be submitted electronically. Requesters may ask for confidentiality in the handling of the Request (see paragraph 18). For additional guidance, a Requester may wish to refer to the Inspection Panel website (www.inspectionpanel.org).
15. **Language.** Requests may be submitted in the Requesters' local language. The working language of the Panel is English. If Requests are not in English, the time needed to translate and ensure the accuracy of the translation may add some days to the Panel's initial determination of whether to register the Request.
16. **Representatives.** If the Request is submitted by a local representative of the affected people, s/he must provide written evidence that s/he is acting on behalf of the people submitting the Request. Non-local representatives are also allowed in exceptional cases where the party submitting the Request contends that appropriate representation is not locally available and the Board so agrees at the time it considers the Request for Inspection. In such cases the Panel will bring the issue to the attention of the Board. The Request must include an explanation of the reasons for why there is no available representation in the country where the project is located or where the harm has or may occur.
17. **Supporting information.** If available, the Requesters may include any other evidence that documents their concerns.
18. **Confidentiality.** If Requesters wish that their names and personal information remain confidential, the Panel will keep all such information strictly within the Panel. However, for purposes of correspondence, the name of a contact person that can be made public should be provided.
19. **Submission of the Request.** Requests may be submitted in hard copy by mail or electronically to ipanel@worldbank.org. Requests by mail should be sent to the Executive Secretary of The Inspection Panel, Mail Stop MC 10-1007, 1818 H Street, N.W., Washington, D.C. 20433, U.S.A. or to the Bank's country office in the country where the project is located. In the latter case, the country office shall, after issuing a receipt to the Requester, forward the Request to the Panel unopened through the next pouch.
20. **Questions and additional information.** People who have questions about the Inspection Panel process or the procedures for submitting a Request for Inspection may contact the office of the Inspection Panel, which will provide information about the relevant requirements. Such inquiries may be made by mail or electronically at the addresses indicated above, or by direct contact at tel. +1-202-458-5200. Additional information about the Inspection Panel and its process is available on the Panel website www.inspectionpanel.org.

3 PANEL PROCESS FOR HANDLING REQUESTS

21. As described in more detail in this section, the Panel process may involve four phases:
 - a. Receipt of Request and decision on registration of the Request.
 - b. Confirmation of technical eligibility and making a recommendation on whether to investigate.
 - c. Investigation of the claims raised in the Request.
 - d. Actions following an investigation.

3.1 First Phase: Receipt of a Request and decision on registration of the Request

Panel actions

Initial review and verification of admissibility

22. The Panel process formally begins when the Panel receives a Request for Inspection. The date of receipt of the Request gets recorded on the Panel website.
23. The Panel promptly makes an initial review to check that the Request is submitted by a qualified party as stipulated in Section 2.1 above, and contains the basic information stipulated in Section 2.2.
24. The Panel may ask the Requesters for further information. The Panel may also request information and clarification about the Project from Management.
25. The Panel verifies the following as a basis for registration:
 - a. The Request is not frivolous, absurd or anonymous.
 - b. The project/program, which is the subject of the Request, appears to be supported, or is being considered for support, at least in part, by the Bank.
 - c. At least one component of the project/program which is the subject of the Request can be plausibly linked to the alleged harm.
 - d. The Bank's financing for the project/program (e.g. loan, credit, grant etc.) is not closed.
 - e. The disbursement of the Bank's financing is less than 95%.
 - f. The subject matter of the Request does not concern issues of procurement, which is the process of acquisition of goods, work and services required for a project.
 - g. The Request is not the same as a previous Request on which the Panel has already made a recommendation. If the Request raises similar matters as a previous Request, then the new complaint must present new evidence or circumstances related to the Requesters' concerns.

26. On the basis of this review, within 15 business days of receipt of the Request, the Panel decides whether: (a) to ask for additional information from Requesters; (b) to issue a Notice of Registration; or (c) to find the Request not to be admissible. The decision is recorded on the Panel website, and the Panel will keep Requesters, Management and the Borrower (through the Executive Director representing it) informed on next steps in its process.⁶

Ask for additional information

27. If the Panel determines that the Request is insufficient or unclear in meeting the requirements for registration, it may ask the Requesters to supply further information. In this case, the Panel sends an acknowledgement to the Requesters that the Panel has received the Request, and specifies what additional information is required. This additional information may be considered part of the Request.

Issue a Notice of Registration

28. If the Panel determines that the Request meets the basic requirements for registration, the Panel sends a Notice of Registration to the Requesters, the Board, the Bank President (“President”) and the Borrower (through the Executive Director representing it). The Panel also transmits to the President, as head of Management, a copy of the Request itself with accompanying documentation, if any. If Requesters have asked that their identities be kept confidential, any information that may identify them is not disclosed in the Notice of Registration and in any accompanying documentation transmitted to Bank Management and the Board, as well as to the Borrower (through the Executive Director representing it).

29. The Notice of Registration triggers the requirement of a response to the Request by Bank Management within twenty-one business days..

30. The Notice of Registration:

- a. Records the date of receipt of the Request and the date of its registration.
- b. Presents the Requesters and their names, or that of their representative, unless confidentiality is requested.
- c. Includes a brief description of the project, including its location.
- d. Summarizes the concerns of and claims by the Requesters.
- e. Includes a summary description of steps that have been taken to bring the issue to the attention of the Bank prior to approaching the Panel, as explained by the Requesters.
- f. May include other relevant information in particular with respect to efforts made to address the issues raised in the Request.
- g. Specifies the due date of the Management response.

Request considered not admissible

31. If the Panel finds, on the basis of the initial review or after seeking additional information, that the Request does not meet one or more of the criteria outlined in paragraph 23-25 above, it will issue a Notice of Non-Registration and will notify the Board, the Bank President, and the Requesters.

6 The Panel is piloting a new approach to enhance opportunities for early solutions to the concerns raised by the Requesters. The process is described in Annex 1, “*Piloting a new approach to support early solutions in the IP process.*” This approach can apply to certain types of cases that may be amenable to early resolution in the interest of the affected community. The Panel, as part of its fiduciary duties, informs the Requesters of the existence of the Pilot, its nature and conditions. The Requesters then inform the Panel if they support a postponement of the decision on registration to explore this opportunity for early solutions. The Panel informs the Board through a Notice of Receipt of a Request, that it is postponing its decision on registration, attaching Management’s proposal of remedial actions.

3.2 Second Phase: Confirmation of technical eligibility and recommendation on whether to investigate

32. This phase of the Panel process begins when the Panel sends a Notice of Registration to the Board and Management, as well as to the Borrower (through the Executive Director representing it). In this phase, Management is required to prepare a response to the Request for Inspection (called “Management Response”). The main outcome of this phase is the Board’s approval, or non-approval, of the Panel recommendation of whether the matters presented in the Request warrant an investigation. The steps in this second phase of the Panel process are elaborated below.

Management actions

33. Management, within twenty-one business days after receiving the Notice of Registration, submits to the Panel the Management Response. After the Panel receives the Management Response, it enters the date of receipt on the Panel website. The time limit for the Management Response is strictly observed except in circumstances clearly beyond the Management’s control. In practice, in such situations, and after consulting with the Panel, Management seeks Board approval for any proposed extension of the deadline.
34. This Response, in line with the governing framework of the Panel process, provides:
 - a. Management’s view of whether the claims raised by the Requesters with respect to harm or potential harm are attributable, at least in part, to Management’s own actions or omissions in complying with the relevant policies and procedures, or are exclusively attributable to the borrower or to other factors external to the Bank.
 - b. Evidence that Management has complied with the relevant Bank operational policies and procedures, or that it intends to comply with the policies and procedures relevant to the Requesters’ claims.
35. As and when appropriate, the Management response may include a description of measures to address the concerns raised in the Request that have been implemented or are being planned.

Panel actions

36. Once it receives the Management Response, the Panel has twenty-one business days to decide whether to recommend an investigation to the Board. The Panel’s recommendation is presented in a report called “Report and Recommendation”. The time limit for this report is strictly observed except for reasons clearly beyond the Panel’s control. In such cases the Panel consults with Management and will request the Board for an extension of the period in which it presents its report.
37. During the twenty-one day period, a Panel team normally conducts a field visit to the project area to help confirm the technical eligibility of the Request and inform the Panel’s recommendation to the Board. During the field visit, the Panel team meets with the Requesters, and briefs them orally about relevant information in the Management Response, including any proposed remedial actions, as relevant to the Panel’s recommendation to the Board. Bank staff of the country office, officials of the implementing agency and other interested parties may provide relevant information. The Panel also meets with representatives of the Borrower and the Executive Director at the Board representing the country or countries where the project is planned or is being implemented to seek further views and inputs that may be important to inform the Panel’s decision on whether to recommend an investigation. The Borrower is provided with information about the Panel and its process.

38. In order to make an informed recommendation, the Panel may also request further clarification from Management or from the Requesters. Such a request for information does not affect the requirement of the Panel to submit its Report and Recommendation to the Board within twenty-one days after receipt of the Management Response.

The Panel's confirmation of technical eligibility

39. As set forth in the 1999 Clarifications (paragraph 9), a basic responsibility of the Panel during this phase of its process is to confirm whether the six technical eligibility criteria are met. Some of these criteria will have been fully or partly reviewed during the receipt and registration phase of the Panel process (see Section 3.1 above). The Panel's confirmation is guided by the following:

Criterion (a): *"The affected party consists of two or more persons with common interests and concerns who are in the Borrower's territory."*

Criterion (b): *"The Request asserts in substance that a serious violation by the Bank of its operational policies and procedures has or is likely to have a material adverse effect on the requester."* The Panel confirms that the Request includes a description of the harm or potential harm (material adverse effects) that, according to Requesters, is the result of a serious violation by the Bank of its policies and procedures.

Criterion (c): *"The Request asserts that its subject matter has been brought to the attention of Management and that, in the Requesters' view, Management has failed to respond adequately demonstrating that it has followed or is taking steps to follow the Bank's policies and procedures."* The Panel confirms that, prior to the submission of the Request, steps were taken to bring the concerns raised in the Request directly to the attention of Bank Management, and that Management had a reasonable opportunity to respond. Requesters need not approach the Bank themselves, but the Request should describe what steps and actions were taken to make sure that the issues included in the Request were brought to the attention of the Bank, as well as Management's response to these actions. Requesters can ask to maintain their confidentiality.

Criterion (d): *"The matter is not related to procurement."* The Panel's confirmation is based on Bank policy OP/BP 11.00 which refers to procurement as "the procurement by World Bank borrowers of all goods, works, non-consulting services, and consulting services required for the Project and financed in whole or in part out of the proceeds of Bank loans".

Criterion (e): *"The related loan has not been closed or substantially disbursed."* The Panel confirms that disbursement of the loan is less than 95% by the date of receipt of the Request.

Criterion (f): *"The Panel has not made a recommendation on the subject matter or, if it has, that the request does assert that there is new evidence or circumstances not known at the time of the prior request."* If a Request raises concerns about the same project and substantive matter as in a previous Request about which the Panel already made a recommendation on whether an investigation was warranted, the Panel confirms that new facts or circumstances are submitted to the Panel that distinguish the new Request from the previous one.

40. The Panel confirms the technical eligibility of the Request independently of any views that may be expressed by Management.

The Panel's recommendation on whether an investigation is warranted

41. After confirming the technical eligibility of the Request, the Panel further assesses the Request and Management Response and exercises its judgment in deciding whether the matters presented in the Request warrant an investigation. The Panel may decide not to recommend an investigation even if it confirms that the technical eligibility criteria for an investigation are met, based on the considerations indicated in paragraph 43 below. The Panel explains the basis for its decision in its report.
42. The Panel prepares its recommendation on the basis of:
 - a. The information in the Request, Management Response, and any other documents the Panel may have asked for and received from the Requesters, Management, the Borrower, as well as relevant third parties.
 - b. Information gathered during the field visit in discussions with Requesters, Management and staff of the Bank's country office, national and local authorities, the implementing agencies and other interested parties.
 - c. Information gathered in interactions with the Executive Director representing the country.
43. In making its recommendation, the Panel takes into account the following:
 - a. Whether there is a plausible causal link between the harm alleged in the Request and the Project.
 - b. Whether the alleged harm and possible non-compliance by the Bank with its operational policies and procedures may be of a serious character.
 - c. Whether Management, in the Panel's view, has dealt appropriately with the issues raised in the Request and demonstrated clearly that it has followed the required policies and procedures, or Management acknowledged that it did not comply with relevant policies and procedures.
 - d. Whether Management has provided a statement of specific remedial actions, and whether, in the judgment of the Panel and taking into account the view of the Requesters, these proposed remedial actions may adequately address the matters raised by the Request.
44. The Panel may not include, in its Report and Recommendation, an assessment of the Bank's compliance with its policies and procedures or its resulting harm to the Requesters, nor may it make any definitive assessment of the existence of a serious failure by the Bank that has caused harm. The Panel may make these assessments only in the context of an investigation.⁷

Contents of the Panel's Report and Recommendation

45. The Panel's confirmation of the technical eligibility of the Request for Inspection, and its assessment of whether to recommend an investigation, are set forth in the Panel's Report and Recommendation to the Board. This Report also includes a summary of the claims of the Request and the Management Response. The Panel's assessment is based on the Request and Management Response and additional information and observations, including the Borrower's views, as may be needed to explain the justification for the Panel's recommendation on whether or not an investigation is warranted.

⁷ In a limited number of cases, the Panel has deferred its recommendation on whether to investigate the matters raised by the Request, and proposed to the Board a time period for such a deferral. The purpose of such deferrals has been to provide additional time for Management and Requesters to seek a resolution of the matters raised, taking into account specific remedial actions presented by Management. These past cases of deferral of the recommendation on whether to investigate differ from the Pilot in that the latter option provides for solution-seeking before asking for a Management Response.

46. The Report concludes with the Panel's recommendation to the Board, which includes an explanation of its basis. If the Panel recommends an investigation, it may specify the intended focus of the proposed investigation. Not all claims raised in the Request may warrant an investigation.
47. In addition, the Report and Recommendation will be accompanied by:
 - a. The Request in full and, where applicable, any other relevant information provided by the Requesters supplementing the Request.
 - b. The Management's Response in full, and, where applicable, any clarifications provided.
 - c. Any other documents relevant to the Panel's analysis.

Submission of the Panel's Report and Recommendation

48. The Panel's Recommendation, which is included in its Report, is submitted to the Board for approval.

Board decision

49. The Panel's Recommendation is circulated to the Board for approval within the normal distribution period, under an absence of objection procedure.⁸ If an Executive Director asks for a discussion, the decision by the Board will await the outcome of the Board meeting to be scheduled. If the Panel so recommends, the Board, according to the 1999 Clarification, will authorize an investigation without making a judgment on the merits of the claimants' Request, and without discussion, except with respect to the technical eligibility criteria (see paragraph 38 above).⁹

Notification and public disclosure

50. The Panel notifies the Requesters that the Report and Recommendation has been sent to the Board. Within two weeks of the Board's decision, the Panel informs the Requesters of the Board's decision and sends the Requesters a copy of the Panel's Report and Recommendation. At this time, Management and the Panel also make the full Report and Recommendation (including the Request and Management Response) publicly available (barring any confidential information). Translations of the Panel's Report and Recommendation, the Request and Management Response are also made available on the Panel's website.

3.3 Third Phase: Investigation of claims raised in the Request

51. This section describes some of the key steps and outcomes of the investigation phase of the Panel process. It also addresses the organization and methodology of the investigation and the timeline for completing investigations.

8 This period is currently 10 business days.

9 1999 Clarification, paragraph 9.

Panel actions

Organization of the investigation

52. When an investigation is approved, the Panel Chairperson and Executive Secretary promptly put in place an Investigation Team, which will be led by a Panel Member designated by the Chairperson as Lead Inspector. Similarly, the Executive Secretary will assign a Secretariat staff as Lead Secretariat Officer for the investigation.
53. During the investigation, the Panel Investigation Team:
 - a. Prepares and gathers relevant materials needed to initiate the investigation process.
 - b. Prepares an investigation plan which includes: the key questions/issues the investigation is expected to address and the timeline of the investigation. The investigation plan is made publicly available and is posted on the Panel website.
 - c. Initiates and organizes all operational elements needed for the investigation, including identification of expert consultants and preparations for the field visit and meetings with relevant Bank staff and other relevant stakeholders.
 - d. Coordinates and maintains regular and timely contacts and interaction with Requesters and Management throughout the investigation process.

Investigation methodology

54. The methods used by the Investigation Team for its fact-finding and analysis include:
 - a. Reviewing and researching Bank project documents and files. Management makes available to the Panel all available project documentation.
 - b. Visiting the borrowing country, project sites and project areas of impact.
 - c. Meeting with Requesters during visits.
 - d. Requesting or receiving information from the Requesters, affected people, government officials, project authorities, and others likely to have relevant information. The latter may include representatives of other development and UN organizations, non-governmental organizations and experts.
 - e. Interviews with individual Bank staff. Management enables the Panel to talk to staff involved with the project, both past and present.
 - f. Consulting scientific literature and publications relevant to the issues of harm raised in the Request.
 - g. Any other relevant methods the Team considers appropriate to the specific investigation.

Interaction with the Requesters

55. The Panel consults with the Requesters during the investigation process to ensure accuracy and completeness of available information, and to ensure that the Panel is updated on the status of any matters under investigation.

Interaction with Management

56. The Panel consults with Management during the investigation process, to ensure accuracy and completeness of available information, and to ensure that the Panel is updated on the status of any matters under investigation.

Interaction with the Borrower

57. The Panel and its Investigation Team brief the Executive Director representing the Borrower on the Panel's investigation process and plans, and consult with the Borrower and the Executive Director representing the borrowing (or guaranteeing) country during the investigation process to seek views and input that may be important to the Panel in carrying out its investigation. The Investigation Team meets with representatives of the borrower government during its visit to the country.

Additional aspects of the investigation process

58. The Panel's investigation takes place independently of project preparation or implementation, and the Panel has no authority to delay or stop these processes.

59. On occasion, during the course of the investigation, the Panel may encounter situations that require urgent attention, for example actions that may result in imminent or irreversible harm and pose the risk of serious non-compliance with Bank policies. The Panel brings these matters promptly to the attention of the Board and Senior Management to help ensure that appropriate responsive action is considered and taken, without having to wait for the completion of the Panel's investigation.

60. The existence of an investigation does not prevent Management from taking steps to address concerns raised by the Requesters during the course of the investigation. These developments will be taken into account by the Panel, as relevant, in its investigation.

61. When both the Inspection Panel and the Office of Compliance, Advisor and Ombudsman (CAO)¹⁰ receive a complaint regarding a project jointly financed by IBRD or IDA (with regard to the Panel), and IFC/MIGA (with regard to CAO), the Panel will coordinate with CAO to achieve efficiencies and avoid potential duplications, consistent with the mandate and responsibilities of each mechanism.

Collaboration with other accountability mechanisms

62. If the Panel receives a complaint that is also submitted to the independent accountability mechanism(s) of other international financial institutions, relating to a co-financed project, the Panel will make its best efforts to cooperate with the other accountability mechanism(s) as relevant. At all times, the cooperation must remain within the requirements and constraints of the mechanisms' respective mandates, rules and procedures including requirements of confidentiality and disclosure of information. Building on past practice, and sharing of experience across the Independent Accountability Mechanisms Network,¹¹ the elements of such cooperation will be set forth in a Memorandum of Understanding agreed between the Panel and the other mechanism(s).

The Investigation Report

63. In general, the Investigation Report of the Panel includes, inter alia, the following elements:

- a. An Overview and/or Executive Summary of the Request for Inspection and the Panel's main findings.

10 The Compliance Advisor Ombudsman (CAO) is the independent recourse mechanism for the International Finance Corporation (IFC) and Multilateral Investment Guarantee Agency (MIGA). The CAO responds to complaints from project-affected communities with the goal of enhancing social and environmental outcomes on the ground.

11 The Independent Accountability Mechanisms Network is a network of members and staff of the International Accountability Mechanisms (IAMs) who seek to identify and foster means of cooperation within their respective mandates, contribute to regular exchange of ideas and practices, and assist with institutional capacity-building in accountability as components of corporate governance. Its members meet periodically.

- b. A Table of Findings presenting the claims in the Request, Management Response to these claims, and the corresponding Panel findings.
- c. An analysis of relevant facts and information, and findings on issues of harm and compliance. If the Panel finds that an issue of alleged harm is not related to the Project or does not relate to a Bank policy or procedure, this will be stated in the report and the issue will not be further analyzed.
- d. The main report is divided into relevant chapters addressing the claims by the Requesters which constitute the focus of the investigation. For each alleged issue of harm the report will provide basic factual information on the link to the project, document the Panel's findings with respect to the Bank's action or omission and its compliance with relevant policies and procedures, and assess the causal link between the Bank's non-compliance and the alleged harm.

Timeline for completing investigations

- 64. The Panel carries out investigations without undue delay. The Panel makes public an investigation plan with a target time-frame within four to six weeks after an investigation is approved by the Board. The Panel seeks to complete its investigations within six months following completion of the investigation plan. Depending on the specific circumstances of the case at hand, the time frame may be longer, for instance in the case of particularly complex cases or when unforeseen events intervene, or it may be shorter, when for example an investigation is narrowly focused or calls for a more urgent consideration.
- 65. The final Investigation Report is submitted to the Board and conveyed to Management via the President.

3.4 Fourth Phase: Actions following an investigation

- 66. This section addresses relevant actions in the Panel process that are or may be taken once the Panel completes its investigation report and submits it to the Board.

Management actions

- 67. Within six weeks of receiving the Panel's Investigation Report, Management submits to the Board the "Management Report and Recommendation in Response to the Inspection Panel Investigation Report" (MRR).
- 68. The MRR normally includes proposed actions in response to the Panel's findings. A distinction is made between remedial efforts that Management can take on its own to address Bank failure, and a plan of action agreed between the Borrower and the Bank, in consultation with the Requesters, to improve project implementation.
- 69. Management may also include in the MRR a proposal to submit to the Board periodic progress reports on the implementation of the remedial efforts and/or plan of action.

Panel report on consultations with Requesters

- 70. According to the Panel's governing framework, Management will communicate to the Panel the nature and the outcomes of the consultations with the affected parties on the action plan agreed between the Borrower and the Bank. The Panel may submit to the Board, for its consideration, a written or verbal report on the adequacy of these consultations. The Panel's reporting may be based on information available to the Panel by all sources, and the Panel may decide, in consultation with the Executive Director representing the Borrower, that a country visit is needed to be able to prepare its report accurately.

Board decision and public disclosure

71. Following Management's submission of the MRR, the Board meets to consider the Panel's Investigation Report and the MRR. In this meeting the Board decides whether to approve the plans of action that Management may have included in its Report.
72. Within two weeks after the Board meeting, the Bank makes the Investigation Report and the MRR publicly available. At this time, the Panel promptly informs the Requesters of the actions approved by the Board, if any, and ensures that the Requesters receive a copy of the Panel's Report. The Panel makes the following information available on its website:
 - a. The Panel's Investigation Report.
 - b. Management Report and Recommendation.
 - c. Information relating to the results of the investigation and the Board's decision.
 - d. Generally, a joint press release between the Panel and Management.
73. These documents are, to the extent possible, translated into the language of the Requesters.
74. When Management submits to the Board progress reports on the implementation of actions following from a Panel investigation, the Panel makes these reports available on the Panel's website and provides them to the Requesters.

Keeping the Requesters informed

75. After the Board's consideration of the Investigation Report and Management Report and Recommendation, the Panel contacts the Requesters to convey and explain the results of the Panel process. This may, after consulting with the Executive Director representing the Borrower, involve a return visit to meet with the Requesters.

4 OUTREACH AND LEARNING FROM THE PANEL PROCESS

4.1 Raising awareness of the Panel and the Panel process

76. A prerequisite for the effective functioning of the Panel as an accountability mechanism for the Bank is that this recourse option is known to people whose rights and interests may be affected by Bank projects. As called for by the Board, the Panel works with Management to help make the Panel better known in borrowing countries.¹² This includes the presentation of the Panel on the Bank's website, and may include information about the Panel in relevant project documents and training of Bank operational staff on the Panel process. The Panel issues an Annual Report and a periodic newsletter.
77. Public information materials are produced in several languages. The Panel ensures that user-friendly information is easily retrievable through the internet and social media or other means of informational dissemination, as appropriate. The Panel organizes in-country and easily accessible outreach events, often in collaboration with other independent accountability mechanisms. The Panel also organizes meetings and participates in relevant conferences and civil society events.

¹² See 1996 Review and 1999 Clarification, paragraph 17.

4.2 Facilitation of learning from Panel cases

78. The extensive range of the Panel's investigation and other reports represents an independent assessment of the Bank's application of key operational policies and procedures in challenging circumstances, which may be useful to the Board and Management in establishing good development practice and in identifying and eliminating factors that lead to harm.
79. The Panel presents systemic issues and reflections discerned from its work to the Board, Management, and the public via its Annual Report and other publications as well as through meetings with the Board and Management as and when requested. The Panel may also present such observations to the Board's Committee on Development Effectiveness in its periodic meetings.
80. The Panel hosts meetings and events to discuss outcomes of its investigations and other reports with Management and relevant stakeholders so as to facilitate institutional learning.

Piloting a new approach to support early solutions in the Inspection Panel process

1. The Inspection Panel wishes to enhance opportunities for people and communities who request an inspection by the Panel to obtain early solutions to address their specific concerns about harm which they believe result from Bank financed projects. The Panel intends to pilot the approach outlined in this document to improve the effectiveness and efficiency of the Panel process both for affected people and the institution.
2. The Panel at times receives complaints on issues that are narrowly focused and less contentious, and there may be an interest on the part of all key stakeholders to seek opportunities for early solutions. To this end, the Panel has developed a new approach, consistent with the Resolution establishing the Panel and its Clarifications. The objective is, in specific cases, to provide an additional opportunity for Management and the Requesters to address the concerns about alleged harm raised in a Request for Inspection by postponing the Panel's decision on registration of the Request (which otherwise meets the criteria for registration). This approach would supplement the registration procedures of the Panel¹³, as described below.
3. **Criteria for considering the optional approach:** On a case-by-case basis, and in light of its initial interactions with Requesters and Management, the Panel would consider this option when, in its judgment, the following factors are present:
 - a. The issues of alleged harm presented in the Request in general are clearly defined, focused, limited in scope, and appear to be amenable to early resolution in the interests of the Requesters.
 - b. Management informs the Panel of steps or measures already initiated and/or planned to address the alleged harm and an anticipated timeframe for the implementation of the measures, and confirms that these are issues within the ability of Management to address at this stage.
 - c. The Requesters inform the Panel that they support a postponement of the decision on registration to explore this additional opportunity for early solutions, in light of steps or measures indicated by Management.
4. **Procedural steps:** As per current practice, the Panel would meet with Management within a few days of receiving a Request to inform them of the content of the Request. If, in the view of the Panel, the case is well-suited for resolution under this approach, and Management indicates a preference for this optional approach, the Panel consults with the Requesters immediately thereafter. If the Requesters also accept this approach, Management reverts promptly, normally within two weeks, with information on proposed steps and/or measures and an anticipated timeframe to address the concerns about alleged harm raised in the Request. The Panel informs the Requesters that it will postpone its decision on registration awaiting further information on the progress of Management's efforts to address their specific concerns.

13 The Panel created the registration process early in its existence to help ensure that Requests which were clearly outside of the Panel mandate were not submitted for further processing. Under its existing procedures, when the Panel receives a Request for Inspection, it determines "promptly" whether to register the Request, not register the Request, or seek additional information to inform its decision about registration. When the Panel registers a Request, it submits a Notice of Registration to the Board of Executive Directors and Bank Management has 21 working days to provide its Response to the Request. The criteria for the registration are indicated in the Panel's Operating Procedures.

5. If the Panel decides to follow this optional approach, the Panel would inform the Board, through a Notice of Receipt of a Request, that it is postponing its decision on registration. This Notice would:
 - a. Explain the basis for taking this approach, including the proposed steps or measures by Management (a written statement by Management of measures to address the alleged harm may be attached to this Notice of Receipt), and the expected timeframe.
 - b. Recognize the right of Requesters at any time to indicate that they are not satisfied and would like the Panel to register their Request.
 - c. Note that the Panel would ask the Requesters and Management to keep it updated on progress in addressing the concerns of the Requesters.
6. The Notice of Receipt of the Request will be made publicly available.
7. In cases where the Panel decides not to adopt this optional approach, the Panel issues a Notice of Registration, as per current practice.
8. **Panel decision on closing or registering the Request:** Not later than three months following the submission of the Notice of Receipt of a Request, the Panel will review the situation. If the Requesters are satisfied that their concerns are being successfully addressed, and they so inform the Panel in writing, the Panel will not register the Request, and will issue a Notice of Non-Registration. In other cases, to be able to inform its judgment on whether to close the matter or register the Request, the Panel may visit the Requesters and the project area to have direct discussions. If the Panel decides to register the Request according to its normal process, it will outline the process undertaken to this point as well as the basis for registering in the Notice of Registration sent to the Board and Management.
9. **Assessing the Pilot:** The results and effectiveness of the pilot will be assessed by the end of 2015. The modalities for such an independent assessment will be determined in consultation with Management and other stakeholders.

Enhancing Consultation with Requesters and Tracking Action Plans

1. This document outlines the procedures developed by the Inspection Panel and Bank Management, following the discussions during the CODE Informal meeting on September 2, 2015 on two areas related to the Inspection Panel process.

Enhancing Consultation with Requesters

2. In accordance with the 1999 Clarifications of the Inspection Panel Resolution, Bank Management consults with the Requesters in the preparation of action plans following the submission of the Panel's investigation report to the Board and prior to the Board meeting.¹⁴ Management communicates to the Panel the nature and outcomes of consultations with the Requesters on the action plan and the Panel may submit to the Board its views of the adequacy of these consultations.¹⁵ During this consultation process, the Requesters do not have access to the Panel's investigation report nor the Panel's findings, and this is commonly raised by Requesters as a barrier for meaningful consultations to take place.
3. Considering the above and to assist in a meaningful consultation process, the Panel will make available to the Requesters the "Table of Findings" section of its report at the time of submission of the Panel's investigation report to the Board and Bank Management, on a confidential basis.¹⁶ The Panel will follow up with the Requesters to explain these findings and answer any questions of clarification, and seek the Requesters agreement to not share this document. The Panel will also continue its current practice to classify its investigation reports as "Confidential" until after Board discussion.
4. The Panel and Management understand that this new practice may entail unforeseen risks. Therefore it will be implemented on a pilot basis to be reviewed by the Panel and Management in 2 years' time, and its findings will be communicated to the Board.

Tracking Action Plans

5. The Panel, as the earliest accountability mechanism, is the only independent accountability mechanism who does not have any role following its investigations. Following Panel investigations, Bank Management prepares progress reports to inform the Board of the progress in the implementation of action plans approved by the Board.
6. In order to better facilitate tracking of these progress reports by the Board and other stakeholders, Management will prepare and maintain two tables to track the submission and implementation of progress reports. While the first table will include information regarding the timing of the progress reports on ongoing cases, the second table will show the progress on the implementation of each action agreed upon by the Board on a case by case basis. Management will submit these reports every six months to the Board and share with the Panel for information prior to Board submission. As is done with Management Progress Reports, these tables will be made publicly available on the World Bank and the Panel's external websites.

14 1999 Clarification of the Board's Second review of the Inspection Panel, paragraph 15.

15 Ibid, paragraph 16.

16 The Table of Findings follows the format, content and scope used in Panel Investigation Reports as in current practice. For the content of Panel investigation reports, see Inspection Panel Operating Procedures dated April 2014, paragraph 63.

INSPECTION PANEL

Guidelines to Reduce Retaliation Risks and Respond to Retaliation During the Panel Process

MARCH 30, 2016

INTRODUCTION

1. People who come to the Inspection Panel are often poor and/or vulnerable and lack voice or influence. They may fear that submitting a Request for Inspection to the Panel could be seen by some as a challenge, thus putting them at risk of retaliation. The Panel has experienced cases in which affected people have felt pressured during the Panel process. The Panel has stated that any form of retaliation threatens the integrity of the World Bank's accountability process, and may have long-term ramifications on a project's quality and the willingness of affected people to voice their concern about harm that might be caused by a Bank-financed project.

OBJECTIVES AND KEY PRINCIPLES

2. A fundamental premise of the Panel's function is that affected people can access it safely. With this in mind, the objective of these guidelines is to help reduce the risk of retaliation against Requesters, their Representatives and Associated Persons¹, and thus foster a safe environment for those seeking to work with the Panel.
3. These guidelines assist the Panel to (i) identify and monitor potential risks of retaliation, including emerging risks; (ii) plan and adopt preventive measures to address and reduce these risks; and (iii) identify appropriate responses if retaliation occurs.
4. The guidelines build upon the Panel's experience and established practice by other institutions, as well as informal consultations within the Bank, with accountability mechanisms of other organizations, and with relevant civil society organizations (CSOs).

STEP ONE: RISK ASSESSMENT

5. The risk of retaliation is assessed as soon as the Panel is approached, and it is reviewed throughout the Panel process. It is based on media reports, briefings by Country Office staff and the Bank's security personnel, and information provided by the Requesters and CSOs.
6. Risks are assessed in the context of their likelihood and severity, and are recorded in the Panel's internal "Key Issues Note" prepared for each case. The Panel reviews and updates these risk assessments at each stage of its process in consultation with Requesters and their Representatives, when risks emerge, or when an event increases the likelihood of retaliation.

¹ "Associated Persons" are defined as those associated with the Panel process and may include project-affected persons, interviewees, and persons providing assistance to the Panel in the field (drivers, interpreters, facilitators, etc.).

At all stages, the Panel prompts Requesters to think about their security issues and encourages them to report any threat or occurrence of retaliation.

7. In the event that the Panel's risk assessment deems the situation to be one where retaliation may materialize, the Panel will initiate discussions with Bank Management about steps that Management can take to enhance the security of the Requesters, their Representatives and Associated Persons.

STEP TWO: IMPLEMENTATION OF PREVENTIVE MEASURES

8. **Preventive Measures.** The Panel develops and adopts a plan – identifying preventive measures that are specific to each case and in accordance with the results of its risk assessment – in consultation with the Requesters and their Representatives and, when necessary, Bank Management and organizations that have specific expertise in protecting individuals at risk. Such measures will be sensitive to gender, race, ethnicity, age, disability, sexual orientation or gender identity, or other status. Measures can include suggestions for means and timing of communication, location and timing of meetings, means of transportation, use of trusted intermediaries, use and selection of interpreters, facilitators and other consultants, and use of specialized intermediaries for people with special needs. The Panel maintains the prerogative to implement the preventive measures it deems necessary.
9. If the Panel has a strong indication that, despite the adoption of preventive measures, interactions could lead to retaliation, it may temporarily decide not to contact Requesters, their Representatives or Associated Persons, and will explain the reasoning behind its decision to relevant stakeholders.
10. **Confidentiality.** Requesters may ask for confidentiality in the handling of their Request. If Requesters wish that their names and personal information remain confidential, the Panel will keep such information strictly confidential from all involved in the process. Confidentiality is a key principle of the Panel process.² It covers the Requester's identity and information received from them in all forms (verbal, written and electronic) that may lead to their identity becoming known. Unless specific informed consent³ is provided for the use of information, the Panel will not make use of it. When consent is granted, the Panel considers whether disclosure would result in retaliation and if so, the Panel will not disclose the information. When it is not clear that confidentiality is requested, the Panel attempts to confirm it. If that is not possible, the Panel assumes it is.
11. The Panel will clearly explain to the Requesters and their Representatives what it will do to maintain confidentiality, and any limitations on these efforts.
12. **Site Visits.** The Panel carefully plans the information-gathering process during its site visits, including the type of information needed, and how to access it. Regarding its site visits:
 - The Panel relies primarily on the Requesters or their appointed representatives for planning.
 - The Panel favors the choice of meeting locations suggested by Requesters. However, if the Panel deems the suggested location to be risky, it suggests alternative locations and/or proposes phone meetings or secure-correspondence exchanges.
 - If documenting aspects of its work through photographs, the Panel will not utilize images of individuals at risk or indications of their location. The Panel seeks the consent of

2 The Inspection Panel at the World Bank. Operating Procedures. April 2014, paras. 14 and 18.

3 The person providing the consent needs to be properly informed about the precise meaning of confidentiality, the manner in which the information may be used by the Panel, how the information will be protected, and implications of the use of information for their safety and well-being. Special efforts must be made to ensure that children and their guardians understand confidentiality and the need for it.

all individuals that may be identifiable in their photographs after providing information about how the photographs may be used.

- The Panel proposes follow-up meetings or conversations and suggests appropriate methods (phone calls, email, in person, etc.). The Panel maintains a log of such communications to record regular contacts and monitor security risks.
13. As required by its legal framework, the Panel keeps a low profile during its site visits to avoid media or other forms of public attention.⁴
 14. **Gathering and Protection of Information.** During site visits, the Panel typically records information in notebooks or by using electronic devices but does not record the identity of Requesters or Associated Persons who have requested confidentiality. The Panel and its consultants keep notebooks and electronic devices in their personal care or in a secure place under lock. In areas where the security situation may be volatile, electronic information is kept in encrypted format and under password lock. The Panel and its consultants are expected to protect the information they carry and not share it.
 15. **Phone Calls and Verbal Communication.** The Panel adopts a high level of care during phone conversations, even when there is no suspicion of eavesdropping. The Panel avoids discussions related to its work in public places or in the presence of others.
 16. **Interpreters and Facilitators.** For meetings with communities, the Panel relies on interpreters or facilitators suggested by Requesters, as appropriate. The Panel must ensure that interpreters and facilitators understand the confidentiality requirements of their contracts as they relate to protecting the identities of those involved in the process from security threats. Since the Panel process may put interpreters and facilitators at risk, the Panel informs them of its risk assessment and gives them the opportunity to decline the assignment. The Panel keeps the personal and contact details of interpreters and facilitators confidential, and ensures that they hand over and delete all their notes in all forms (written, electronic, etc.) once their tasks are completed.
 17. **Transportation.** The Panel carefully decides the choice of transportation. It may be advisable to make use of taxis at random when needed or to use different vehicles throughout the course of the visit. Considering that the Panel's own security may be at stake, the final decision on whether to visit an area and how to reach it lies with the Panel in close coordination with the World Bank security services.
 18. **Monitoring.** Throughout its process the Panel will actively monitor potential retaliation. That includes asking each of the complainants whether they or people closely associated with them had any security concerns or faced any problems, particularly following site visits. The Panel will provide all interviewees with the contact details for the Panel and urge them to contact the Panel, either directly or indirectly, should any security issue develop. The Panel will mention all instances of threats, intimidation or other retaliation in its eligibility and investigation reports, while respecting the confidentiality of complainants and interviewees, unless those affected request the Panel not to do so.
 19. **Cooperation with other IAMs.** When the Panel cooperates with other Independent Accountability Mechanisms (IAMs) of International Financial Institutions during joint investigations, it must ensure that proper protocols are in place to guarantee the safety of information. Such IAMs must be duly informed of the Panel's risk assessment and these guidelines. Confidential information is not shared without the consent of the Requesters or Associated Persons.

4 1999 Clarification of the Board's Second Review of the Inspection Panel, paragraph 12.

STEP THREE: RESPONDING TO RETALIATION

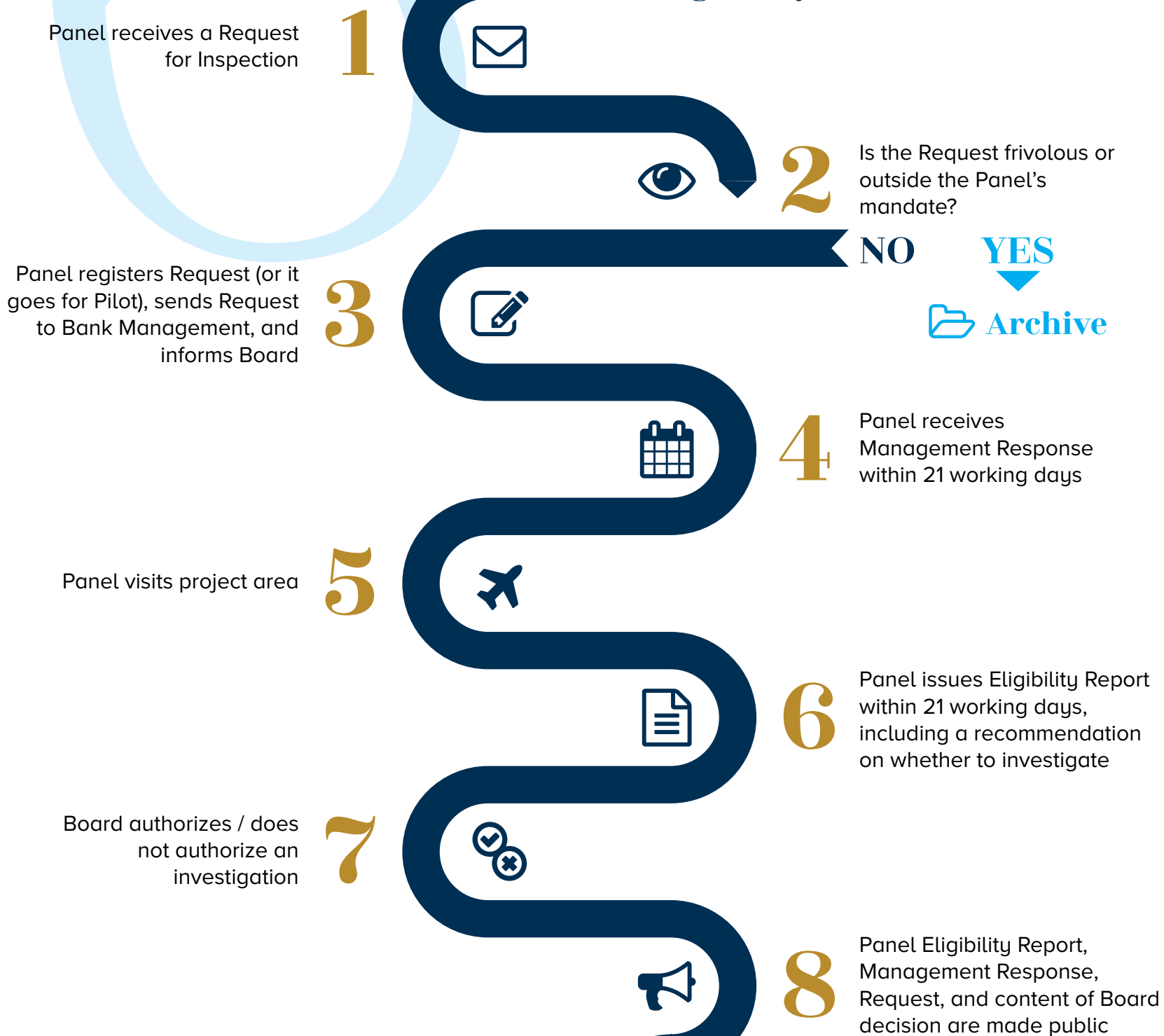
20. If despite the adoption of preventive measures a threat materializes, the Panel gives immediate priority to such cases, corroborates the facts to the extent possible, implements the planned response developed with Requesters, and informs the appropriate levels of World Bank Management, including the President and the Board as necessary.
21. The Panel develops a protection timeline (with concrete escalatory steps) and considers the matter active until the safety of the person facing retaliation is guaranteed. The Panel does so in close coordination with the Bank's Senior Management, recognizing that in most cases it will be necessary for Bank Management to lead the efforts. Any proposed measures will prioritize the safety and well-being of those under threat.

GENERAL PROVISIONS

22. The Panel will ensure these guidelines are clearly posted on its website and that they are read together with the Operating Procedures and general guidelines for submitting a Request. In addition, they will be featured and widely disseminated in Panel outreach events.
23. The Panel's Executive Secretary will act as the overall focal point to coordinate its work preventing and responding to allegations of retaliation. Meanwhile, each assigned case officer will act as the focal point for the particular case at hand.
24. These guidelines will be reviewed against experiences in their implementation and amended as may be warranted.

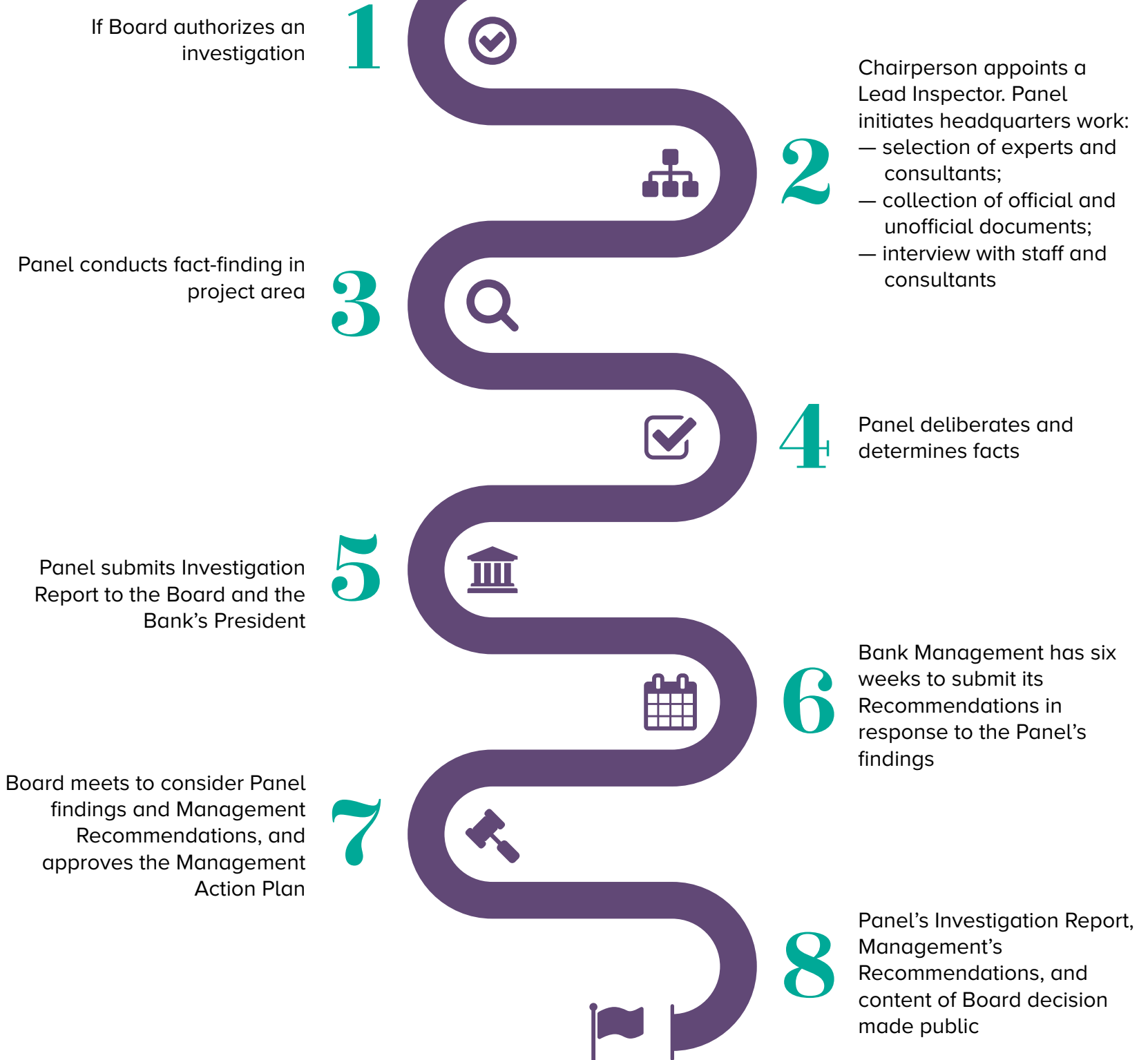
Processing a Request for Inspection

The Eligibility Phase





The Inspection Phase



List of Inspection Panel Cases

Case No.	Country	Year	Project Name
1.	Nepal	1994	Arun III Proposed Project and Restructuring of IDA Credit
2.	Ethiopia	1995	Compensation for Expropriation and Extension of IDA Credits
3.	Tanzania	1995	Power VI Project
4.	Brazil	1995	Rondonia Natural Resources Management Project
5.	Chile	1995	Financing of Hydroelectric Dams in the Bio-Bio River
6.	Bangladesh	1996	Jamuna Multipurpose Bridge Project
7.	Argentina/ Paraguay	1996	Yacyretá Hydroelectric Project
8.	Bangladesh	1996	Jute Sector Adjustment Credit
9.	Brazil	1997	Itaparica Resettlement and Irrigation Project
10.	India	1997	NTPC Power Generation Project
11.	India	1998	Ecodevelopment Project
12.	Lesotho	1998	Phase 1B of Lesotho Highlands Water Project
13.	Nigeria	1998	Lagos Drainage and Sanitation Project
14.	Brazil	1998	Land Reform Poverty Alleviation Project
15.	Lesotho	1999	Highlands Water Project
16.	China	1999	Western Poverty Reduction Project
17.	Argentina	1999	Special Structural Adjustment Loan
18.	Brazil	1999	Land Reform Poverty Alleviation Project (2nd Request)
19.	Kenya	1999	Lake Victoria Environmental Management Project
20.	Ecuador	1999	Mining Development and Environmental Control Technical Assistance. Project
21.	India	2000	NTPC Power Generation Project (2nd Request)
22.	Chad	2001	Petroleum Development and Pipeline Project, Management of the Petroleum Economy Project, and Petroleum Sector Management Capacity Building Project
23.	India	2001	Coal Sector Environmental and Social Mitigation Project and Coal Sector Rehabilitation Project
24.	Uganda	2001	Third Power Project, Fourth Power Project and proposed Bujagali Hydropower Project
25.	Papua New Guinea	2001	Governance Promotion Adjustment Loan
26.	Paraguay/ Argentina	2002	Reform Project for the Water and Telecommunication Sectors, SEGBA V Power Distribution Project
27.	Cameroon	2002	Petroleum Development and Pipeline Project, and Petroleum Environment Capacity Enhancement Project

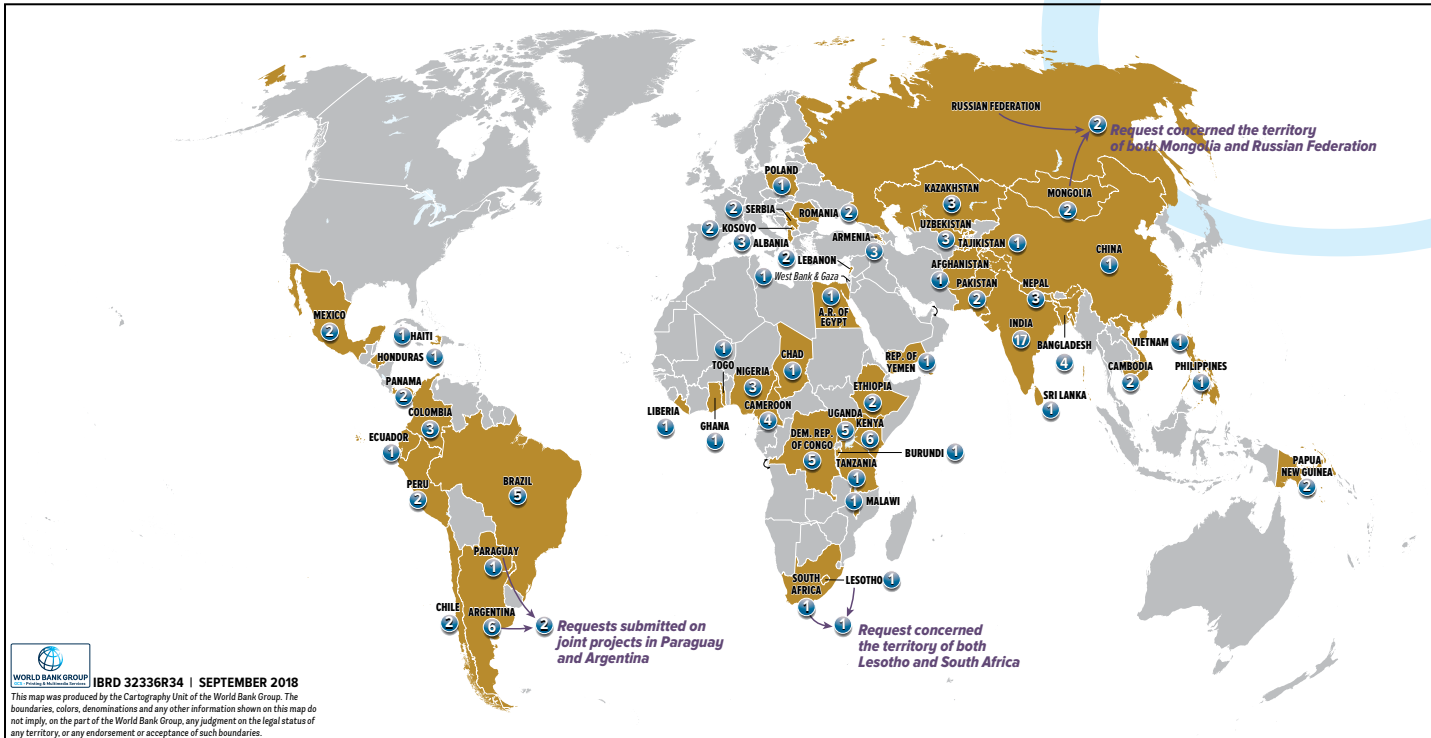
Case No.	Country	Year	Project Name
28.	Philippines	2003	Manila Second Sewerage Project
29.	Cameroon	2003	Petroleum Development and Pipeline Project
30.	Mexico	2004	Indigenous Community Biodiversity Project
31.	Colombia	2004	Cartagena Water Supply, Sewerage, and Environmental Management Project
32.	India	2004	Mumbai Urban Transport Project (1st Request)
33.	India	2004	Mumbai Urban Transport Project (2nd Request)
34.	Pakistan	2004	National Drainage Program Project
35.	Burundi	2004	Public Works and Employment Creation Project
36.	Cambodia	2005	Forest Concession Management and Control Pilot Project
37.	Democratic Republic of Congo (DRC)	2005	Transitional Support for Economic Recovery Credit Operation and Emergency Economic and Social Reunification Support Project
38.	Honduras	2006	Land Administration Project
39.	Romania	2006	Mine Closure and Social Mitigation Project
40.	Nigeria	2006	West African Gas Pipeline Project
41.	Brazil	2006	Paraná Biodiversity Project
42.	Argentina	2006	Santa Fe Infrastructure Project (Proposed) and Provincial Road Infrastructure Project (1st Request)
43.	Argentina	2006	Santa Fe Infrastructure Project (Proposed) and Provincial Road Infrastructure Project (2nd Request)
44.	Uganda	2007	Private Power Generation Project
45.	India	2007	Uttaranchal Decentralized Watershed Development Project
46.	Albania	2007	Power Sector Generation and Restructuring Projects
47.	Albania	2007	Integrated Coastal Zone Management and Clean-up Project (1st Request)
48.	Albania	2007	Integrated Coastal Zone Management and Clean-up Project (2nd Request)
49.	Ghana	2007	Second Urban Environment Sanitation Project
50.	Cameroon	2007	Urban Development Project and Second Urban Project
51.	Argentina	2007	Santa Fe Infrastructure Project and Provincial Road Infrastructure Project
52.	Colombia	2007	Bogotá Urban Services Project
53.	Panama	2009	Land Administration Project (1st Request)
54.	DRC	2009	Private Sector Development and Competitiveness Project (1st Request)
55.	DRC	2009	Private Sector Development and Competitiveness Project (2nd Request)
56.	Panama	2009	Land Administration Project (2nd Request)
57.	Yemen	2009	Institutional Reform Development Policy Financing
58.	India	2009	Mumbai Urban Transport Project (3rd Request)

Case No.	Country	Year	Project Name
59.	Kenya	2009	Export Development Project
60.	Cambodia	2009	Land Management and Administration Project
61.	Peru	2009	Lima Urban Transport Project
62.	Papua New Guinea	2009	Smallholder Agriculture Development Project
63.	DRC	2009	Private Sector Development and Competitiveness Project (3rd Request)
64.	Pakistan	2009	Tax Administration Reform Project
65.	South Africa	2010	Eskom Investment Support Project
66.	Kazakhstan	2010	South-West Roads: Western Europe-Western China International Transit Corridor – CAREC-1b& 6b (1st Request)
67.	Chile	2010	Quilleco Hydropower Project
68.	Poland	2010	Third Employment, Entrepreneurship and Human Capital Development Policy Loan
69.	Liberia	2010	Development Forestry Sector Management Project
70.	Tajikistan	2010	Energy Loss Reduction Project
71.	Lebanon	2010	Greater Beirut Water Supply Project
72.	India	2010	Madhya Pradesh Water Sector Restructuring Project (1st Request)
73.	Argentina	2011	Second Norte Grande Water Infrastructure Project
74.	Kazakhstan	2011	South-West Roads: Western Europe-Western China International Transit Corridor – CAREC-1b& 6b (2nd Request)
75.	India	2011	Madhya Pradesh Water Sector Restructuring Project (2nd Request)
76.	Israel/Jordan/ West Bank	2011	Red Sea – Dead Sea Water Conveyance Study Program and Gaza
77.	Argentina	2011	Santa Fe Infrastructure Project and Provincial Road Infrastructure Project
78.	Kosovo	2012	Kosovo Power Project (proposed)
79.	Kenya	2012	Energy Sector Recovery Project
80.	India	2012	Improving Rural Livelihoods through Carbon Sequestration Project
81.	India	2012	Vishnugad Pipalkoti Hydro Electric Project
82.	Ethiopia	2012	Protection of Basic Services Program Phase II Additional Financing and Promoting Basic Services Phase III Project
83.	Afghanistan	2012	Sustainable Development of Natural Resources – Additional Financing, and Sustainable Development of Natural Resources II
84.	Kenya	2012	Natural Resources Management Project
85.	Egypt	2013	Giza North Power Project
86.	Malawi	2013	Second National Water Development Project – Additional Financing
87.	Nepal	2013	Power Development Project

Case No.	Country	Year	Project Name
88.	Romania	2013	Mine Closure, Environment and Socio-Economic Regeneration Project
89.	Uzbekistan	2013	Second Rural Enterprise Support Project
90.	Nepal	2013	Enhanced Vocational Education and Training Project
91.	Nigeria	2013	Lagos Metropolitan Development and Governance Project
92.	Sri Lanka	2014	Road Sector Assistance Project – Second Additional Financing
93.	Tajikistan/ Kyrgyz	2014	Central Asia South Asia Electricity Transmission and Trade Project Republic/Afghanistan/Pakistan
94.	Armenia	2014	Second Education Quality and Relevance Project, Education Improvement Project
95.	Paraguay	2014	Sustainable Agriculture and Rural Development Project
96.	Kazakhstan	2014	China International Transit Corridor – CAREC-1b & 6b (3rd Request)
97.	Kenya	2014	Electricity Expansion Project
98.	Uganda	2014	Transport Sector Development Project – Additional Financing
99.	India	2014	Second Tamil Nadu Road Sector Project (Proposed)
100.	Haiti	2015	Haiti Mining Dialogue Technical Assistance
101.	Togo	2015	Integrated Disaster and Land Management Project
102.	Mongolia	2015	Mining Infrastructure Investment Support Project and Mining Infrastructure Investment Support – Additional Financing
103.	Kosovo	2015	Proposed Kosovo Power Project and Second Additional Financing Energy Sector Clean-up and Land Reclamation Project
104.	Serbia	2015	Floods Emergency Recovery Project
105.	India	2015	Andhra Pradesh & Telangana Road Sector Project and National Highways Interconnectivity Improvement Project
106.	Armenia	2016	Irrigation System Enhancement Project (1st Request)
107.	Armenia	2016	Irrigation System Enhancement Project (2nd Request)
108.	Colombia	2016	Río Bogotá Environmental Recuperation and Flood Control Project
109.	Mexico	2016	Urban Transport Transformation Project
110.	Uganda	2016	Private Power Generation (Bujagali), Water Management and Development, and Energy for Rural Transformation III Projects
111.	Bangladesh	2016	Trade and Transport Studies RETF Project
112.	India	2016	Andhra Pradesh & Telangana Road Sector Project and National Highways Interconnectivity Improvement Project
113.	Uganda	2016	Private Power Generation (Bujagali), Water Management and Development, and Energy for Rural Transformation III Projects
114.	India	2016	Proposed Amaravati Sustainable Capital City Development Project

Case No.	Country	Year	Project Name
115.	Kenya	2016	Water and Sanitation Service Improvement Project and Water and Sanitation Service Improvement Project – Additional Financing
116.	Bangladesh	2016	Bangladesh Modern Food Storage Facilities Project
117.	Serbia	2017	Floods Emergency Recovery Project
118.	Vietnam	2017	Livestock Competitiveness and Food Safety, and Additional Financing to Livestock Competitiveness and Food Safety Project
119.	India	2017	Proposed Amaravati Sustainable Capital City Development Project
120.	DRC	2017	High-Priority Roads Reopening and Maintenance Project (2nd Additional Financing)
121.	Peru	2017	Boosting Human Capital and Productivity Development Policy Financing with a Deferred Drawdown Option
122.	Cameroon	2017	Lom Pangar Hydropower Project
123.	Mongolia	2018	Mining Infrastructure Investment Support Project and Mining Infrastructure Investment Support – Additional Financing
124.	Tajikistan	2018	Private-Sector Competitiveness Project
125.	Mongolia	2018	Mining Infrastructure Investment Support and Mining Infrastructure Support – Additional Financing
126.	Tajikistan	2018	Private Sector Competitiveness Project
127.	Lebanon	2018	Water Supply Augmentation Project; Greater Beirut Water Supply Project and its Additional Financing
128.	India	2018	Rural Water Supply and Sanitation Project for Low Income States

The World Bank Inspection Panel Geographic Distribution of Requests for Inspection



Panel Members and Executive Secretaries

PANEL MEMBERS



Ernst-Günther Bröder
(Panel member 1994–1999. Chair of the
Inspection Panel 1994–1996, 1998–1999)



Ms. Maartje van Putten
(Panel Member 1999–2004)



Richard E. Bissell
(Panel Member 1994–1997, Chair 1996–1997)



Edith Brown Weiss
(Panel Member 2002–2007, Chair 2003–2007)



Alvaro Umaña
(Panel Member 1994–1998, Chair 1997–1998)



Tongroj Onchan
(Panel Member 2003–2008)



Jim MacNeill
(Panel Member 1997–2002, Chair 1999–2001)



Werner Kiene
(Panel Member 2004–2009, Chair 2007–2009)



Edward S. Ayensu
(Panel Member 1998–2003, Chair 2002–2003)



Roberto Lenton
(Panel Member 2007–2012, Chair 2009–2012)



Alf Jerve
(Panel Member 2008–2013, Chair 2012–2013)



Imrana Jalal
(Panel Member 2018–Present)



Eimi Watanabe
(Panel Member 2009–2014, Chair 2013–2014)

EXECUTIVE SECRETARIES



Zeinab Bashir El Bakri
(Panel Member 2012–2017)



Eduardo Abbott
(1994–2006)



Gonzalo Castro de la Mata
(Panel Member 2013–2018, Chair 2014–2018)



Peter Lallas
(2007–2014)



Jan Mattsson
(Panel Member 2014–Present)



Dilek Barlas
(July 2014–Present)

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The World Bank Inspection Panel

ACCOUNTABILITY | TRANSPARENCY | PARTICIPATION

The Inspection Panel is an independent accountability mechanism (IAM) for people and communities who believe that they have been, or are likely to be, adversely affected by a World Bank-funded project. The Bank's Board of Executive Directors created the Panel in 1993 to ensure that people have access to an independent body to express their concerns and seek recourse.

The Panel is an impartial fact-finding body, independent from the World Bank management and staff, reporting directly to the Board. The Inspection Panel process aims to promote accountability at the World Bank, give affected people a greater voice in activities supported by the World Bank that affect their rights and interests, and foster redress when warranted.

The Panel was the first IAM established at an international financial institution (IFI), and has served as the prototype for other IFIs to hold themselves accountable.