

Matrix of Comments from Requesters on Update of Inspection Panel Operating Procedures

<u>Issues</u>	<u>Requesters</u>
1. <u>Pre-Request</u>	Requester 1: Staff fluent in native language should have longer initial telephone consultations.
2. <u>Submitting a Request</u>	<p>Requester 2: I made a wrong first step, by sending my first Request directly to the Inspection Panel, bypassing the Project Department of the World Bank, but specialists from the Inspection Panel very properly and accurately helped me to figure out the procedures. I would not suggest any changes in procedures during the stage of the first/prior contact and establishing the eligibility criteria.</p> <p>Requester 4: Provisions should be made for the submission of requests thorough Bank's local offices for easy access.</p> <p>Requester 6: In each country office there should be a person this is responsible for getting the information out there about safeguard policies and the accountability mechanism. If the Bank is serious about safeguard policies and accountability then that is what they should be doing.</p>
<ul style="list-style-type: none"> ▪ Contents of a request 	Requester 6: The content of the request described in procedure sections B and C is reasonable and logical. However even if this document was made available in local languages I'm sure many local communities would feel overwhelmed by what is required. A guide that breaks this down for communities with accessible language, illustrations and examples would be useful. ¹
<ul style="list-style-type: none"> ▪ Form of Request 	
<ul style="list-style-type: none"> ▪ Delivery of Request 	Requester 6: Requests should also be accepted by Bank country offices (and obviously via email.) Ideally there would be a staff member at the country office that could provide this support.
3. <u>Procedures on Receipt of Request</u>	
<ul style="list-style-type: none"> ▪ Registration 	
<ul style="list-style-type: none"> ▪ Supporting due diligence and interaction with requesters at registration 	
4. <u>Management Response</u>	Requester 8: The Panel will need a shorter delay for Management's responses and the Government concerned. Since a State signs a Credit Agreement, it undertakes to respect the agreement, thus it should not be given a very long time to respond when the failure is obvious.
5. <u>Eligibility Phase</u>	

¹ See Panel's Operating Procedures, p. 5, Para B "Contents of Request"

<ul style="list-style-type: none"> Ensuring clarity of information in describing findings on eligibility 	
<ul style="list-style-type: none"> Fostering opportunities for management to address problems during the early stages of the Panel process 	
<p>6. <u>Panel Recommendation to Board</u></p>	<p>Requesters 9 & 10: As for the actions on the first stage and determining eligibility for the inspection, it would perhaps be better - to enhance impartiality and independence - that the investigation of complaints not be tied to the consent of the Board of Directors. In the sense that when the Panel recommends an investigation to the Board of Directors, it is assumed that the Board approves it automatically (of course, provided that the terms of the complaint meet the eligibility's conditions).</p>
<p>7. <u>Investigation Phase</u></p>	
<ul style="list-style-type: none"> Shortening investigation phase 	
<ul style="list-style-type: none"> Methods of investigation 	
<ul style="list-style-type: none"> Participation of Requester: Improving transparency, including access of requesters to panel investigation findings when action plans to address the findings are being developed. 	<p>Requester 5: There was good ongoing contact during the investigation phase, but it was long. I am not sure if the communities were involved in the Management action plan but it is a moot point because the whole point of the Request was that the power plant should be moved and by the time the Panel's report came out the plant was already built.</p> <p>Requester 7: Local people have difficulty in keeping in touch with the Panel due to lack of internet access, etc. The Panel should contract with a trusted local (impartial and objective) person to be the liaison between the Panel and the affected people. That way, the liaison-- who understands the local political situation and the languages--could provide continuous updates from the ground. The Panel "comes and leaves" during the investigation phase, but in the meantime, there are many issues taking place on the ground and the Panel needs the update. The Panel's final report should reflect those ongoing changes. There should be continual communication with the Panel to the affected people before the final report comes out. However it is understood that there are limitations.</p> <p>Requesters 9 and 10: The Panel continued communication with Requesters and the visit to ____ of Panel representatives to review the circumstances of the complaint, and the provision to the Requesters (via email) of the developments that occur during the different stages of the process [was a strength of the Panel process].</p>
<ul style="list-style-type: none"> Participation of Third Parties 	

<p>8. <u>Panel Report to the Board and President</u></p>	<p>Requester 5: The Requesters should have access to the final report before the Board meeting because everyone else is represented except them. If the rules don't allow the whole report to be released then the Panel should release the findings and recommendations at a minimum. Requesters should be able to send a representative to the Board meeting for the same reason. I noticed in the documents that the Board members had a lot of questions but who would answer for the Requesters? It would be an opportunity for Requesters to interaction with the Board.</p> <p>The Panel should be careful to hire an interpreter that is not a Bank staff person. The interpreter needs to be seen as independent from the Bank.</p> <p>Requester 8: A weakness [of the Panel] is the lack of recommendations after an investigation because these depend on the members of the Board of Executive Directors of the World Bank.</p>
<p>9. <u>Management Response and Action Plan</u></p>	<p>Requester 3: Yes, [the procedures should include a process for determining whether Management sought input about the action plan].</p> <p>Requester 5: Requesters should be involved in action plans. There should also be an open period for comments on the action plan so that community can weigh on the future plans.</p> <p>Requester 6: It is better if time limits generally can be reduced but it may not be realistic.</p> <p>Requester 8: The Panel should recommend to the Board of Executive Directors to authorize the Requesters and representatives of the affected people to participate UNCONDITIONALLY in these surveys (eg socio-economic) as well as to the preparation and adoption of Management Action Plans and also to the phase preceding the Board's meeting to consider the Panel's final report.</p> <p>Such practice would have the advantage of avoiding any disputes about the effectiveness of measures taken by mutual agreement, the acceptability of or challenge to any solution, and thus enable the resolution of the problem WITHOUT LOSERS.</p> <p>Requesters 9 & 10: We agree with the view that states that there should be the follow-up actions aimed at finding or obtaining the views of Requesters in the management's development of action plans.</p>
<p>10. <u>Board Decision and Public Release</u></p>	<p>Requester 6: The Requesters don't have an opportunity to advocate or send messages to the Board about what they see as the appropriate Bank response in light of the Panel's report and Management response. This is especially important as significant time has passed and the situation may have changed on the ground. There may be important nuanced responses that the Bank could adopt relevant to the particular country context at the time and Requesters ideas should be taken into account. Thus, the Bank should make information about the Panel's Report and Management's response available before the Board considers what</p>

	action to take.
<ul style="list-style-type: none"> Requester’s participation in Board Meetings 	<p>Requester 7: Requesters should be present in Board meetings that consider the Panel report and be able to engage Board members in discussion and share information from the site. An opportunity for Requesters to talk to Executive Directors could potentially solve many problems.</p>
11. <u>Return Visits</u>	
<ul style="list-style-type: none"> <u>12. Panel Follow-up if requested by the Board</u> Fact-finding follow-up investigations to check results on the ground, and invite inputs from all parties on the effectiveness and outcomes of the process. 	<p>Requester 2: There was no follow-up meeting after the Board of Directors issued their decision, and it was not even necessary.</p> <p>Requester 4: The Panel should conduct follow-up.</p> <p>Requester 5: The Panel should have a mandate to monitor and follow-up non-compliance.</p> <p>Requester 6: There should be a methodology for how they [the Panel] are monitoring the action plans and make it clear in the procedures. The process for follow-up should be in procedures. Should not be a timeline on monitoring. The Requester’s feedback evaluation should be very important.</p> <p>Requester 7: There should definitely be follow-up after the investigation to see if there is compliance or non-compliance.</p> <p>Requester 6: If this subsection is triggered the Panel should be empowered to conduct a follow-up investigation on compliance and remedial action within a case-relevant time period.</p>
12. <u>General Procedures</u>	<p>Requesters 9 & 10: The procedures are not difficult and are easy to understand.</p>
13. <u>Cross-cutting general categories and themes</u>	
<ul style="list-style-type: none"> <i>Improving public awareness of Inspection Panel</i> 	<p>Requester 1: The Panel public outreach strategy should be improved and widened.</p> <p>Requester 5: Every World Bank field office should have an “Inspection Panel Day” where it focuses on the Panel and disseminates information about the Panel. There should be advertisements in newspapers whenever there is World Bank project that explains the Inspection Panel.</p> <p>Requester 2: Every mission visit of the Inspection Panel must be accompanied by an outreach campaign with the purpose to explain the Inspection Panel’s procedures to inform NGOs and local communities about the Panel’s activities. [There should be] broad and direct participation of civil society in the country where the</p>

inspection is being carried out.

Requester 3: The main weakness [of the procedures] is the difficulty of access to information about the procedures, at the time we presented the request. We learned about the Panel through colleagues from NGOs working in Washington, DC who specialized in World Bank related problems.

The Panel should incorporate its outreach strategy in the procedures. Leaflets in simple communication language should be produced, in diverse languages, explaining both the functions of the Panel and the operations procedure.

Requester 4: Information about the Panel must be provided in public at national and local levels in their national and local languages through the Bank's country offices. Holding discussions for news publicity and some information through the media about the existence and importance of the Panel is something that the Bank cannot afford to do if it wants. Some public events such as hearings, forums and workshops should be held in the concerned communities as well as in the capitals for wider publicity of the case and for seeking more inputs from wide ranges of stakeholders and interested persons or parties.

The Panel should put its outreach strategy in the updated procedures. The Panel should be more open and accessible through the media at least when they are on the site visits.

Requester 5: We got information indirectly about the Panel from colleagues in Geneva who knew a former Panel member. We would never have known about the Panel ourselves. There is no information about it at the Bank country office in _____. Public awareness around the Panel needs to be improved.

Requester 6: If there was not an English speaking person helping, the communities would not have known about the Panel option and that they had rights to file a request. The Panel's relevance is very dependent on having a liaison. There should be a widespread education program about the Panel because most communities and rural people don't know about it and I suspect there would be a lot more claims if people knew about it. The public awareness and outreach should be in the procedures. Ideally, every time there is a World Bank project where safeguard policies are implicated there should be an awareness campaign so that people could be informed about their rights. It should be the role of the Bank and the country team to create awareness about the Inspection Panel and the safeguard policies.

Requester 7: Requesters learned about the Panel through a Bank Information Center event. Requesters then went on the Panel's website and saw how many countries the Panel dealt with, and that gave them faith in the work of the Panel. More information about the Panel was learned through the statement made by CSOs in _____. Yes, there should be more in the procedures about the Panel's outreach and communications. The

Panel should conduct more proactive outreach.

Requester 1: The Panel should be able to be more proactive about outreach. There has not been outreach in _____. Very few people know about the Panel, especially rural poor people and people who would be affected by Bank projects. The Panel should reach out to community leaders and let them know about the Panel.

Requester 8: In my experience, many communities are still unaware of the existence of the Inspection Panel of the World Bank. The best way to educate the public would be to organize radio and television programs on some hot topics such as the "Voluntary Departure Operation".
[The Panel should put its communications and outreach strategy in the procedures] because it might help the Panel achieve its objectives taking into account the constraints and obstacles caused by the limitations of its mandate.

Requesters 9 & 10: We first knew about the existence of the Inspection Panel From Bank Information Center that arranged for a workshop in Beirut that the Panel attended.

Requesters 9 & 10: To improve public knowledge of its existence, we see that it is essential for the Panel to do the following:

Firstly, through publications, brochures and its website to highlight examples of Requests it received and how it dealt with them.

Secondly, the Panel should work on holding workshops at least once every three or five years, inviting representatives from civil society organizations, explaining the nature of the work of the Panel and the steps and stages of the process ... etc. Civil society organizations have great responsibility to the harm people are suffering from as a result of some of the projects that are not studied enough. Not to mention that these organizations serve as a link between the international financial institutions and governments with the public and local communities, in the sense that they necessarily play an important role in informing the public about the Panel.

Thirdly, the Panel should be made known through the branches and offices of the World Bank in the various capitals, through specialized workshops and through publications and emails.

Requesters 9 & 10: We believe that communication and contact with the public requires that the Panel updates its procedures and its strategy and promotes its support to, and direct communication with, with civil society, particularly by choosing to deal with civil society organizations of specific and specialized relevance, even if that means through support provided by the Panel. Also it is required more detailed

	<p>explanation about the steps and stages of the complaints and how it is dealt with by the Panel, the Board and other bodies of the Bank</p> <p>We propose to the branches or offices of the bank - and as much as possible - at the completion of projects that a small questionnaire be addressed to the general public or civil society organizations on the extent of their knowledge or hearing of the Inspection Panel.</p>
<ul style="list-style-type: none"> ▪ <i>Transparency and Disclosure during Panel Process</i> 	<p>Requester 8: This would include regular or permanent information to the Requesters regarding the conduct of the proceedings of the Panel until full compensation/reparation for harm suffered by the victims/affected-people.</p>
<ul style="list-style-type: none"> ▪ <i>Early Problem Solving</i> 	
<ul style="list-style-type: none"> ▪ <i>Affected People's Access to the Panel</i> 	<p>Requester 1: Although there is some advice for claimants, this should be more focused and comprehensive. Staff personnel and resources should help claimants prepare and analyze claims and responses after initial assessments detect possible violations. Very few people on the ground are aware though of Inspection Panel and or CAO office existence and procedures. Companies should be obligated to inform communities through public media before approval and during project implementation of availability of panel. This should be done regularly, not just once. Management should be mandated to refer to Panel existence when responding to community inquiries and/or complaints. The Panel should have permanent, more accessible initial consultations. This could be local native speakers familiar with procedures.</p> <p>Requester 2: We had only one experience with the Inspection Panel processes, and it was quite successful: We have made certain design changes to the project site.</p> <p>Requester 3: The procedures were not readily clear to us. There is a need for information leaflets, written in simple language, available in many languages and distributed through country offices of the bank. The [Panel] meetings with local affected peoples' organizations, the locally guided visits to the problem sites, the public audiences have been very useful.</p> <p>Requester 5: The procedures and the model letter were easy to understand. However there needs to be access in local languages. So there should be brochures in languages that people understand.</p> <p>Requester 7: Requesters need much more regular updates from the Panel. Another weakness of the process is there is the need to inform people about the upcoming Loan approval prior the project-related activities started. There needs to be a system of certain prior communication of the Panel with the local communities (This could be one of its strengths). The Panel could be more pro-active about increasing public awareness. The procedures were very straightforward and requesters found them easy to use. The Panel needs to provide updates at regular intervals.</p>

	<p>Requester 8: a) In the early stages, there should be improvement in translation delays for queries and an improvement in field visits delays since the Bank has representatives in each member country. [the procedures should use] language that is easy to understand and that does not have technical terms that only members of the Board of the World Bank and the Inspection Panel would understand.</p> <p>b) We should avoid causing frustration of those affected as the case in the presentation of Mr. ___ on the limitations of the mandate of Panel in January 2010 in _____. I suggest here that the Panel be responsible for organizing physical meetings instead of playing the role of guest. With regard to Requesters and their communities' ease of access to the process and operational procedures, the Panel should place special emphasis on the awareness work of national and international Human Rights NGOs as well as monitoring work to list Bank omissions and noncompliance to demonstrate as necessary that the Panel's work can restore affected people's rights.</p> <p>c) [Incorporating practices in to the procedures] will help Panel members know after each evaluation the strengths and weaknesses of their body. Indeed, these practices should also allow them to adapt the operational procedures to the realities on ground and get the Inspection Panel closer to the people affected by a project financed by the World Bank.</p> <p>d) The intervention and operational procedures of the Panel should aim to give Requesters and members of their communities vital information to help them better understand the mandate of the Panel, explain the bad behavior of the World Bank, as well as write good Requests, and to reply to the Responses of Bank Management and provide Panel members complementary, researched and accurate information.</p> <p>Requesters 9 and 10: [The strengths of the process] were the clarity of the steps and stages of the work of the Panel in dealing with the complaint (in general terms and directions); The Panel deals with complaints in any language and a brochure illustrating the methodology and steps to file a complaint, (although this is a very brief brochure).</p> <p>Requesters 9 and 10: We were not informed of the final decision or final outcome in the last stage of the process or the decision of the Board of Directors. The last thing we received was the recommendations by the Panel to the Board of Directors without knowing the decision of the Council on those Recommendations.</p>
<ul style="list-style-type: none"> ▪ <i>Promoting Effective Panel Interaction with Management, the WB Board, and Borrower Countries</i> 	

<ul style="list-style-type: none"> ▪ <i>Panel Process Outcomes</i> 	<p>Requester 1: Because of the Panel’s limited jurisdiction (and also I believe somewhat inflexible interpretation of current jurisdiction) there was no revision of past WB Group projects and commitments in the area nor was there analysis of the lack of basin wide environmental analysis.</p> <p>Requester 6: The government was very angry at the World Bank. They do not accept that the safeguard policies were triggered in this sense. The big issue is that the government is losing face. The Panel process would have negative impacts in that sense.</p> <p>Requester 7: While waiting for the Investigation Report to be issued there was no improvement in the actions of the companies. In fact some companies are polluting even more. Their complaints did not go far in terms of pressuring companies to acknowledge their problems. If this continues, people will lose faith in the World Bank and the Inspection Panel, too. Requesters are under pressure from the Government who accused them of acting “unpatriotically” and being opposed to the “national interests” of _____.</p> <p>Requester 3: The practical results of the Panel, in terms of reparation, mitigation or compensation, were almost nil. Nevertheless, the visibility of the problem to the general public, out of the local affected communities area, was important, as well as the strengthening of local affected peoples’ organizations, who for the first time felt they were listened to and their problems considered. We need a lot more action after the Panel, such as the organization of a visit by the World Bank’s Vice President, with a delegation of high Bank officials, and a second inspection request, for the problems to start being solved. Only now, after a very important change in the political situation in _____, we are able to present (with the hope that it will be carried out) a comprehensible reparations proposal.</p> <p>Requester 5: When the Panel came out with its report it was too late because the project had already been built. The investigation phase was too long and the Panel was not able to recommend suspension. There has been little mitigation. The Government set up an “energy and environmental training center” but it is really focused on energy and not environment. There is also a local “NGO” but I believe it is a fake NGO (created by Government). The Bank provided some funds for compliance. In this case there was not a return visit after the Inspection case was closed.</p> <p>Requester 6: After the Panel issued its report, the community wrote a letter that the Bank should do everything in its power to ensure compliance, if not then it should suspend the project. The Bank Board was convinced to suspend the project and the entire country program. Suspension of the entire country Bank programs. This was the most serious outcome of the Inspection Panel process. Title was granted to the residents. The downside was the outcome damaged the relationship between the Government and the Bank.</p>
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	<p>Requester 8: Nothing concrete so far, only the promises of intervention from the Panel team concerning medical care and education. My wife died while waiting for such care. The injury/harm has not yet been repaired. Only lies from the Central Government whose members are at the end of their terms. Nevertheless, the field visit the Panel team undertook was good for all of us and has been uncomfortable for members of the Government.</p> <p>Requesters 9 & 10: The tangible results of our experience with the Panel were positive, and they actually mitigated the damage, since we received the document we asked for from the Bank’s Country Office in ____ after it was translated into ____, and we were able to identify details of the program, even if we could not pressure the Bank to modify any of the directions of the program and the Bank and the government went ahead with the implementation of this program as it was. However, we and others have benefited from the decision of the Board of Directors to translate project documents and programs related to ____ countries into [our language] and the decision to make them available to the public.</p>
<ul style="list-style-type: none"> ▪ <i>Promoting Corporate Learning based on the experiences of Panel Investigations</i> 	<p>Requester 6: The Panel can play an important role in lessons learned for Bank Management. Should evaluate the implementation of the action and do community consultations. Putting it in report form. Governments don’t understand safeguard policies and that policies are a part of their obligations nor do they have political will to implement. Government should have a better understanding of the safeguard policies.</p>
<p>14. <u>Comments Outside The Scope of this Operating Procedure Update</u></p>	<p>Requester 1: The Panel has a mandate that is too limited and that prevents their investigation of projects not directly related to IBRD, but that are definitely, though indirectly, related. A good example is the ____, where IFC projects questioned by Bank investigations cannot be considered in IBRD investigations, despite being implemented in the same geographical area. The Panel should be able to officially inquire, and if necessary carry out joint reviews and/or investigations if projects and/or complaints are related because same company and/or same geographical area is involved. This is a main weakness and I believe a major possible improvement for the future.</p> <p>Requester 2: We believe that the full and equal participation of civil society organizations in the project would change the paradigm of their monitoring activities, which then eventually would minimize their appeal [complain] orientation. Assessment of social risks in investment projects is the prerogative of the civil society. Therefore, the Loan Agreement must certainly contain a separate component on the participation of local communities and civil society organizations. Assessing the impact on the environment - EIA - all stakeholders should be considered as a fundamental procedure along with the feasibility study of the development project.</p> <p>Requester 3: The Panel’s recommendations should be considered binding to the Bank’s management.</p>

	<p>Requester 4: The weakness [of the Inspection Panel process] is that it is the Board that has the final authority to accept or reject the request for investigations and the Panel's findings. What the Bank needs are more kinds of judicial scrutiny with binding effects on its "wrong" actions and consequences to the country, the community and the environment. The Panel can be upgraded to that level. An institution like the Bank should not remain immune from such scrutiny whereas as of now the Bank cannot be challenged either before national nor international courts or tribunals. The Panel could also do it through civil society organizations and communities. Incorporating the Panel's work in formal curricula at school, college and university levels is also important as students can be taught about the Bank and the Panel as regards their activities in areas of development and environment so as the inspection functions in ensuring better transparency and accountability of their activities.</p> <p>I find [the procedures] now easy to understand and use. The Panel should also think about monitoring the Bank's performance in line with international legal instruments, particularly relating to those of the rights of the communities, the environment and the climate change, as an inter-governmental body. It should not be limited to its own narrowly defined internal policies and procedures if the Bank really claims to be an internationally responsible player of development and protecting the environment. It is an issue related to the extension of the Panel's scope of applying relate to international standards on the subjects of investigations.</p> <p>Requester 5: When there are projects that involve more than one lender there should be a “Chinese wall” so that the mechanisms can come to their own conclusions. It is wrong if one IAM says they cannot take it and then the others are influenced by that and don't come to their own conclusions. Each IAM needs to be independent from the other ones.</p> <p>Requester 5: The Panel's weaknesses are that it lacks the power to make a recommendation to suspend the project or to suspend the project itself. Management will not suspend it, and in certain circumstances the Panel should have that power of recommendation.</p> <p>Requester 6: It follows that this forum [the Panel] should be available when adversely affected people believe the Bank itself has failed, or has failed to require others, to comply with its policies and procedures, and only after efforts have been made to ask the Bank Management ("Management") itself to deal with the problem.</p> <p>Requester 1: The Panel came to the site quickly and responded to the request promptly. The main problem is that Panel has a limited mandate and cannot look at broader issues like the fact that the Bank group was going against all the lessons learned from an [earlier well known problem] project.</p>
<ul style="list-style-type: none"> • <i>Promoting Effective Interaction with CAO</i> 	<p>Requester 1: The Panel and the CAO should have more communication on these issues and work together. They way the process worked it was too limited and the major issues were not addressed.</p>