



The Inspection Panel

Who we are and what we do

The issue of consultation and participation in Panel cases

Alf Jerve, Chairperson

Presentation at the World Bank Spring Meetings, CSO Forum

April 18, 2012





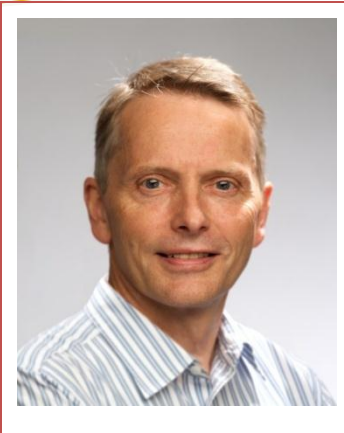
The mandate of the Panel



- Respond to **complaints by people** who believe that they are suffering, or may suffer, harm caused by a World Bank-financed project
- Investigate whether the Bank has followed its **own policies** and procedures in design, appraisal and implementation of a project and **links to** alleged harm
- Mandate covers projects financed or co-financed by **IBRD and IDA** of World Bank



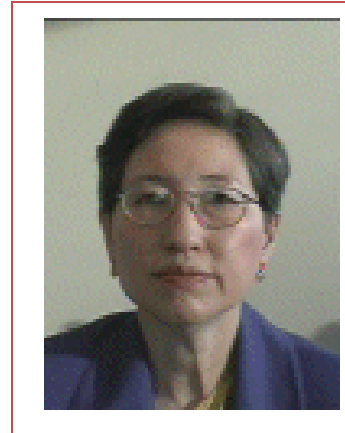
The Panel



Alf Jerve
Chairperson



Roberto Lenton



Eimi Watanabe

- **Three** Panel members, different nationalities from Bank member countries, appointed for 5 year non-renewable term
- Small permanent **Secretariat**
- Expert **consultants**





Characteristics of the Panel



■ Independent

- Reports only to Executive Board
- Independent from Management and Bank staff, but also from civil society and requesters
- Independent staff and budget
- Independent visits to affected people and project areas

■ Impartial

- Objective, fact-finding body

■ Transparent

- Every document related to Panel's process is made public



Impacts of Panel process

- **At project-level**
 - Grievance redress and recourse for affected people through Management and Borrower actions
 - Giving people a voice – empowerment
 - Spotlight problems – “sunshine effect”
- **Bank-wide**
 - Incentives to ensure adequate application of Bank policies
 - Lessons for similar projects/sectors – e.g. consultation
 - Access to recourse enables risk-taking: risks not to be transferred to most vulnerable



Consultation and development

■ Context

- **Planned** development interventions
- Managing relationship to stakeholders not directly linked to decision-making
- A political issue – **empowerment**
- Participation, ownership, consent

■ Why

- An obligation to ensure that vulnerable and marginal groups are able to engage in development that affects them
- A **rights** issue
- A development **effectiveness** issue

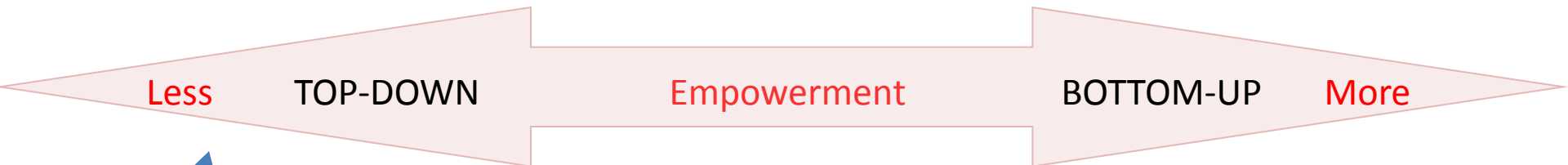


Consultation and compliance

- Consultation is a **means** to an **end**
 - What is it that the Bank want to achieve (ends)?
 - Different ends and different policy requirements
 - Different ends → different requirements on consultation (means)
- Bank's new **guidelines** on consultation
 - Broad perspective on ends and means
 - Better planning – better outcomes
- Questions for the Inspection Panel
 - Were policy required **ends** achieved?
 - Any flaws in the **means** applied?



The empowerment continuum



Informing about the project

Collecting information: participatory methods

Collecting views: on alternatives, options

Taking views into consideration: reporting back

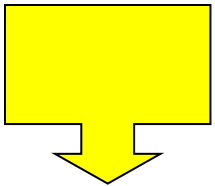
Participation in implementation

Engaging in negotiation, mediation

Giving decision-making power to stakeholders



Focus on ends – what policies want to achieve



- Access to information
 - Transparency; timeliness and **comprehension** of information
- Physical cultural resources
 - **Identification** of all impacts
- Environmental impact assessment
 - Views taken **into account**
- Involuntary resettlement
 - Active **participation** in resettlement
- Indigenous peoples
 - Broad community **support**



Examples of Panel findings on consultation

- Albania – thermal power plant at Vlora
 - **Claim:** views not taken into concern; effects on tourism
 - **Findings:** lack of meaningful consultation - started after decision on location taken; inadequate notification and timeliness of information; Bank pushed for Vlora – not reconsidering site of plant with changing political situation

- PNG – palm oil development
 - **Claim:** lack of community support to aspects of project; information not adequate; not able to input to project design
 - **Findings:** lack of documentation of broad community support; lack of attention to cultural diversity; participation in consultation should have been broader



Examples of Panel findings on consultation

■ Panama – land titling

- **Claim:** community support but opposition to ways of demarcating land; tenure security not achieved
- **Findings:** inadequate consultation on identification of indigenous peoples land claims in some areas; inadequate information on changes in national land laws

■ Argentina – road construction

- **Claim:** inadequate compensation not reflecting actual impact
- **Findings:** inadequate information on land acquisition impacts and compensation policy; delays in setting up information points



Final remarks

- Consultation has to be context specific
 - Few absolute standards
 - Involves judgment – by Management as well as Panel
- Panel comes in when there are problems: ends not achieved
- Panel assesses consultation processes against policy prescriptions: both means and ends
 - Panel process provides scope for corrective actions where meaningful
 - Provides lessons



Thank You!



For more information:

www.inspectionpanel.org