

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

In the course of updating the Inspection Panel's Operating Procedures, the Inspection Panel, Operations Policy and Country Services (OPCS) and Legal VPU have had several meetings and sought constructive new ways to support early solutions in the Panel process for both the people who request an inspection by the Panel and the World Bank. In this spirit, a pilot approach has been developed that offers opportunities to address and resolve requesters' concerns without immediately initiating a full-fledged Panel process. The pilot approach is fully consistent with the Panel Resolution, and involves actions prior to any registration of a request.

The objective of the pilot approach is to provide an early opportunity for Management and requesters to address concerns about alleged harm raised in a particular Request for Inspection by postponing the Panel's decision on registration of the request (which triggers a 21 business day period for Management to provide its response). The criteria for when this approach may be considered are set out in the attached paper. Importantly, the approach would be taken in situations where there is an interest on the part of all key stakeholders to seek opportunities for early solutions.

The Panel, OPCS and Legal VPU believe that the approach is an important and new development to help the Panel process work better on behalf of both the people who come to the Panel and the Bank by providing increased flexibility and an accelerated process for effective redress of requesters' concerns. Regions have endorsed this pilot approach.

The Panel will initiate the pilot with immediate effect, and test it for a period of approximately 3 years. The Panel, OPCS and Legal VPU would be pleased to answer any questions or provide additional information as needed, and would look forward to providing a technical briefing and update to members of CODE and the Board on the pilot approach.

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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 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). The approach would supplement the registration procedures of the Panel,ⁱ 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.

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 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 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.

ⁱ 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.