

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

Resolution No. IBRD 2020-0005 Resolution No. IDA 2020-0004

**The World Bank Accountability Mechanism
September 8, 2020**

The Executive Directors:
Hereby resolve:

1. There is created the World Bank Accountability Mechanism, which shall have the role and functions as stated in this Resolution.
2. **Structure.** The Accountability Mechanism is headed by the Accountability Mechanism Secretary, whose role and functions are set forth in Part I of this Resolution, and who is supported by the Accountability Mechanism Secretariat. The Accountability Mechanism comprises two constituent parts:
 - a. **The Inspection Panel**, originally established in 1993 pursuant to Resolution No. IBRD 93-10 and Resolution No. IDA 93-6, the current role and functions of which are set forth in Resolution No. IBRD 2020-0004/IDA2020-0003, dated September 8, 2020 (the “Inspection Panel Resolution”) and in Part II below.
 - b. **The Dispute Resolution Service**, the role and functions of which are set forth in Part III below.

Part I: The Accountability Mechanism Secretary

3. **Appointment of the Accountability Mechanism Secretary.**
 - a. The President, after consultation with the Executive Directors, shall nominate the Accountability Mechanism Secretary, to be appointed by the Executive Directors. The Accountability Mechanism Secretary reports to the Executive Directors and is independent of World Bank (the “Bank”) Management. S/he may be removed from this position only by decision of the Executive Directors, for cause.
 - b. The Accountability Mechanism Secretary is appointed for a term of five years and may not serve for more than one term. The Accountability Mechanism Secretary will be prohibited from working for the World Bank Group in any capacity following the conclusion of his/her appointment.

- c. Executive Directors, Alternates, Senior Advisors, Advisors and staff members of the World Bank Group (defined according to Staff Rule 4.01 to include any persons holding an appointment with the World Bank Group), will not be considered for the position of Accountability Mechanism Secretary until two years have elapsed since the end of their service in the World Bank Group.
- d. The Accountability Mechanism Secretary is selected on the basis of his/her ability to deal thoroughly and fairly with the matters brought before him/her; integrity and independence from Bank Management; and experience with international development and multilateral financial institutions.
- e. The Accountability Mechanism Secretary has a responsibility to avoid situations and activities that may lead to real or perceived conflicts of interest. S/he will be subject to the World Bank Code of Ethics and Professional Conduct and other relevant World Bank policies.

4. **Responsibilities of the Accountability Mechanism Secretary.** Subject to the limitations set forth in paragraph 8 below, the functions and duties of the Accountability Mechanism Secretary include:

- a. Establishing and managing the Accountability Mechanism's work program, budget and staffing.
- b. Hiring Accountability Mechanism staff and consultants as needed in accordance with World Bank policies and procedures within the available budget.
- c. Overseeing all administrative matters and record keeping for the Accountability Mechanism.
- d. Preparing and submitting annual itemized budgetary requirements for the Accountability Mechanism Secretariat, the Dispute Resolution Service and (working with the Chairperson of the Inspection Panel) the Inspection Panel for consideration by the Committee on Development Effectiveness and Budget Committee and approval by the Executive Directors.
- e. Overseeing the functioning of the Dispute Resolution Service and performing the responsibilities assigned to the Accountability Mechanism Secretary in Part III below.
- f. Such other related tasks as the Executive Directors may assign.

5. **The Accountability Mechanism Secretariat.** The Accountability Mechanism Secretary is supported by a Secretariat comprising such staff as the Accountability Mechanism Secretary considers necessary for carrying out his or her functions.

Part II: The Inspection Panel

6. **Independence and continuity of the Inspection Panel.** The Inspection Panel will continue to carry out its compliance review functions independently, in accordance with the Inspection Panel Resolution. The Inspection Panel will have no role in dispute resolution and will not opine on policy compliance in dispute resolution or the outcome of the dispute resolution process.

7. **Requests for Inspection.**

- a. Persons seeking access to the Accountability Mechanism in all cases first file a Request for Inspection to the Inspection Panel as set forth in the Inspection Panel Resolution.
- b. The Inspection Panel processes the Request in accordance with the Inspection Panel Resolution, including, as applicable, reviewing the Request for eligibility and presenting a recommendation for investigation to the Executive Directors.
- c. Upon receiving a Request for Inspection, the Inspection Panel Chairperson, in addition to informing the Executive Directors and the President of the Bank, as indicated in the Inspection Panel Resolution paragraph 18, informs the Accountability Mechanism Secretary and Bank Management. The Accountability Mechanism Secretary takes no further action with respect to a Request for Inspection except when the Executive Directors authorize the Inspection Panel to undertake an investigation of the Request in accordance with paragraph 29 of the Inspection Panel Resolution. In such cases, the Accountability Mechanism Secretary follows the steps set forth in Part III (“Dispute Resolution Service”) below.

8. **Role of Accountability Mechanism Secretary with respect to the Inspection Panel.** In order to ensure the continued independence of the Inspection Panel’s compliance function, the Accountability Mechanism Secretary’s role with respect to the Inspection Panel is limited as follows:

- a. Functions assigned to the Inspection Panel under the Inspection Panel Resolution are performed independently by the Inspection Panel including reporting to Executive Directors on compliance matters.
- b. In exercising their duties, Inspection Panel members and Chairperson will coordinate with but not be subject to the supervision of the Accountability Mechanism Secretary.
- c. Accountability Mechanism staff assigned to the Inspection Panel report to the Accountability Mechanism Secretary on administrative matters but to Inspection Panel members on technical matters, such as the compliance investigation itself, the composition of compliance teams and their mission travel, and the selection of consultants.

- d. The Accountability Mechanism Secretary consults with the Inspection Panel Chairperson on the appointment and performance reviews of technical and administrative staff of the Inspection Panel and works with the Inspection Panel Chairperson on the allocation and oversight of the Inspection Panel budget.
- e. In accordance with Part III, the Accountability Mechanism Secretary ensures that information disclosed in a dispute resolution process is not used in a later compliance investigation.

Part III: The Dispute Resolution Service

9. **Purpose.** The purpose of the Dispute Resolution Service is to facilitate a voluntary and independent dispute resolution option for Requesters and borrowers (the “Parties”) in the context of Inspection Panel Requests for Inspection. Subject to the provisions of this Part, the dispute resolution option is available after the Executive Directors have approved the recommendation of the Inspection Panel to investigate a Request in accordance with paragraph 29 of the Inspection Panel Resolution.

10. **Structure and staffing.** The staff of the Dispute Resolution Service includes (i) one or more Dispute Resolution Officers, selected and appointed by the Accountability Mechanism Secretary, and (ii) such other staff as the Accountability Mechanism Secretary may consider necessary.

11. Dispute Resolution Option

Upon approval by the Executive Directors of an Inspection Panel investigation in accordance with the Inspection Panel Resolution the Accountability Mechanism Secretary:

- a. offers an opportunity for dispute resolution to the Parties.
- b. Informs the Executive Directors, the Inspection Panel and Management, within 30 business days after the Executive Directors approval of the investigation, whether or not the Parties voluntarily agree to pursue dispute resolution. If the Parties agree to use the dispute resolution process, the Inspection Panel shall hold its investigation in abeyance as set forth in paragraph 32 of the Inspection Panel Resolution and the Accountability Mechanism Secretary convenes the dispute resolution process as described below. If the Parties do not agree to pursue dispute resolution, the Inspection Panel will commence its investigation in accordance with paragraph 34 of the Inspection Panel Resolution.

12. Scope and Conduct of Dispute Resolution Process.

- a. The Accountability Mechanism Secretary (as head of the Dispute Resolution Service) convenes the Parties to initiate the dispute resolution process. The dispute resolution process will be facilitated by the Dispute Resolution Service in order to reach a mutually agreed solution between the Parties.
- b. The Parties jointly agree on a mediator. The Dispute Resolution Service may facilitate the selection process by recommending to the parties one or more

mediators from a pool of mediators maintained by the Dispute Resolution Service who are qualified to deliver dispute resolution services in a culturally appropriate manner.

- c. The Parties agree on the objectives, scope, participants, methods, stages and timelines of the dispute resolution process. The method of dispute resolution in a particular case depends on the preferences of the Parties in consultation with the Dispute Resolution Service, and may include consultative dialogue, information sharing, joint fact-finding, mediation, conciliation and other approaches.
- d. The scope of the dispute resolution is limited to project-related issues raised in the Request for Inspection and identified as the issues to be investigated in the Inspection Panel's report to the Executive Directors recommending investigation (see paragraph 22 of the Inspection Panel Resolution).
- e. If the Parties agree, the Dispute Resolution Service and/or Bank Management may be present as observers in the dispute resolution process.
- f. Either Party may withdraw from the dispute resolution process at any time, in which case the process is considered concluded in accordance with paragraph 13 below.
- g. The maximum length of the dispute resolution process is one year from the date on which the Accountability Mechanism Secretary informs the Executive Directors, Management and the Inspection Panel of the Parties decision to pursue dispute resolution, as referred to in paragraph 11.b above. If both Parties agree the process may be extended for up to an additional six months. If so extended, the Accountability Mechanism Secretary informs the Executive Directors, the Inspection Panel and Bank Management.
- h. At the end of the dispute resolution process, the Dispute Resolution Service will issue a report to the Executive Directors through the Accountability Mechanism Secretary informing them of the outcome.

13. Conclusion of Dispute Resolution Process.

- a. The dispute resolution process concludes upon the earlier to occur of (i) the Parties reaching agreement; (ii) one or both Parties withdrawing from the dispute resolution process; or (iii) the expiration of the dispute resolution period.
- b. If the Parties reach agreement, such agreement is memorialized in a Dispute Resolution Agreement signed by the Parties, containing a time-bound implementation schedule for agreed actions.
- c. Upon conclusion of the dispute resolution process, the Accountability Mechanism Secretary issues a report to the Executive Directors, the Inspection Panel and Bank Management informing them of the outcome. The report

indicates either that the Parties have reached agreement or have been unable to reach agreement within the stipulated period.

- d. When the Inspection Panel receives the report of the Accountability Mechanism Secretary, it takes the steps set forth in paragraph 33 of the Inspection Panel Resolution.

14. Independence of the Dispute Resolution Process.

- a. To protect the independence of the dispute resolution process and the free and unconstrained participation of the Parties, the Accountability Mechanism Secretary ensures that no member or staff of the Inspection Panel communicates with the Parties, their representatives or the Dispute Resolution Service staff in connection with the case while the dispute resolution process is ongoing. Neither the Inspection Panel members nor any Inspection Panel staff involved in compliance review will take part in the dispute resolution process in any form.
- b. In the event the Inspection Panel initiates an investigation in accordance with paragraph 33 of the Inspection Panel Resolution, the Accountability Mechanism Secretary ensures that information disclosed in a dispute resolution process is not used in the Inspection Panel's compliance investigation. The Accountability Mechanism Secretary, Dispute Resolution Service staff, Management observers and mediator(s) do not communicate with or share information with the Inspection Panel concerning the dispute resolution process. The Dispute Resolution Service and Accountability Mechanism Secretary will not opine on the compliance review process or outcome.

15. Disclosure and confidentiality.

- a. The Parties have the option to keep their agreement confidential or disclose it. If the Parties choose to disclose their agreement, the Accountability Mechanism Secretary discloses the Dispute Resolution Agreement on the Accountability Mechanism website.
- b. If, when submitting their Request to the Inspection Panel, the Requesters had asked that their identities be kept anonymous by the Inspection Panel, the Dispute Resolution Service will ask the Requesters if they seek similar treatment in the context of dispute resolution.
- c. Either party may appoint, in consultation with the Dispute Resolution Service, a third-party person or organization to serve as their authorized representative during the dispute resolution process.

Part IV: Other

16. Role of Bank Management and staff.

- a. Bank Management and staff will ensure that the Accountability Mechanism Secretary and the constituent parts of the Accountability Mechanism have full access to project-related information in carrying out their functions.
- b. Bank Management and staff will assist in mission arrangements for the Accountability Mechanism Secretary and the staff of the World Bank Accountability Mechanism and provide other assistance to them as needed.

17. Role of World Bank Legal Vice Presidency. The Accountability Mechanism Secretary shall seek the advice of the Bank's Legal Vice Presidency on matters related to the Bank's rights and obligations with respect to any request whether it is addressed through Dispute Resolution or through compliance review carried out by the Inspection Panel.

18. Role of the Board of Executive Directors. The Executive Directors will have the authority to interpret this Resolution.