

May 7, 2021

Via Electronic Mail

The World Bank Inspection Panel
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RE: Comments on the 2021 Draft Operating Procedures for the Inspection Panel

Introduction

Thank you for the opportunity to provide comments on the draft Operating Procedures for the Inspection Panel. As civil society organizations and individuals who advise and work with communities harmed by World Bank Group financing, we approach this review with the objective of ensuring that the Inspection Panel will be an effective office for the people who need to access it.

We initiate this review by first noting its constraints. Resolution No. IBRD 2020-0004 and Resolution No. IDA 2020-0003 (“Inspection Panel Resolutions”), which define the mandate of the World Bank Inspection Panel, were already approved by the Board of Executive Directors and published on September 8, 2020. The Inspection Panel Resolutions were not subject to public consultation or comment before they were approved. Had they been, we would have proposed significant changes to bring the Inspection Panel in line with standard good practice of independent accountability mechanisms.¹ As it is, after a process that was uncharacteristically opaque and a marked departure from standard practice,² we welcome the opportunity to comment on the draft Operating Procedures but note that the opportunity is limited given that significant decisions have already been made.

Therefore, we limit our recommendations below only to edits that would improve the Procedures while keeping them consistent with the Inspection Panel Resolutions. Below we detail proposed

¹ The Inspection Panel Resolutions include multiple provisions that are inconsistent with standard practice at other accountability mechanisms. For example, they require Board approval of both a decision to investigate as well as a case that pursues dispute resolution. They severely limit the opportunity for Requesters to view and provide input on an investigation report. Also, the verification power is far more limited than standard monitoring undertaken by other mechanisms. After the Operating Procedures are finalized, we will benchmark them against other accountability mechanism policies and publish the analysis.

² The External Toolkit Review departed significantly from good standard practice of stakeholder consultations and public engagement. As examples of standard practice, see the 2021 review of the International Finance Corporation Compliance Advisor Ombudsperson’s policy and the 2020-21 review of the African Development Bank Independent Review Mechanism’s policy.

edits to the Operating Procedures. We attached a redline of the draft Operating Procedures reflecting our recommendations.

Proposed Edits to the Draft Operating Procedures

- 1. The Operating Procedures should improve accessibility by including language about the Panel process being culturally appropriate, gender responsive, and equally available to all.**

Small edits to the draft Operating Procedures on the issue of accommodating for potential language needs and preferences of Requesters will make the Inspection Panel process more accessible. Paragraph 16 of the 2014 and 2021 draft Operating Procedures states that “Requests may be submitted in the Requesters’ local language.” Some requesters will not speak the national or prevalent local language. To better align with the World Bank’s [Social Inclusion Strategy](#)³ and [Disability Inclusion and Accountability Framework](#),⁴ the term “local language” should be changed to “preferred language.” The same should be done in paragraph 81 of the draft Operating Procedures in reference to translating certain documents provided to Requesters.

Moreover, language is not the only foreseeable barrier to access and effective communication throughout the Panel process. To promote a safe and accessible process for all, we urge that the

³ Recognizing that “In every country, some groups confront barriers that prevent them from fully participating in political, economic, and social life,” the Social Inclusion Strategy seeks to close gaps that cause and exacerbate the marginalization of people based on social identity, which may be across dimensions of location, citizenship status, and disability, among other factors. Available at <https://www.worldbank.org/en/topic/social-inclusion#2>.

⁴ The guiding principles of Nondiscrimination and Equality, Accessibility, and Inclusion and Participation within the Disability Inclusion and Accountability Framework exist to promote providing persons with disabilities access to resources by accommodating for their specific needs at all stages of the project life cycle. The Framework expressly asserts that “The World Bank’s accountability and grievance resolution mechanisms need to be accessible to persons with disabilities, which entails specific efforts toward reasonable accommodation and outreach.” Available at <http://documents1.worldbank.org/curated/en/437451528442789278/pdf/126977-WP-PUBLIC-DisabilityInclusionAccountabilitydigital.pdf>.

Operating Procedures incorporate considerations embraced by peer mechanisms like the IFC/MIGA CAO⁵ and the UNDP's SECU⁶ and Stakeholder Response Mechanism (SRM).⁷

We recommend the following language:

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. **The Panel will facilitate access for disadvantaged, vulnerable, and marginalized people, and will rely on culturally appropriate, gender responsive, and rights-compatible means when engaging and corresponding on Requests.** Any two or more affected persons can submit a Request for Inspection to the Panel; they will be treated fairly, and their identities will be kept confidential if requested.

16. Language and Accommodations. **The working language of the Panel is English.** Requests may be submitted in the Requesters' ~~local~~ preferred language, and the Panel's correspondence and engagement with Requesters and their representatives will be in both the

⁵ Current Policy of the IFC/MIGA CAO, section 1.6 ("CAO seeks to enhance interactions with its stakeholders in the following ways: • Publishing CAO Operational Guidelines, CAO's Terms of Reference, information brochures, and other materials in the official languages of the World Bank Group [Arabic, Chinese (Mandarin), English, French, Russian, Spanish, and Portuguese], **and additional languages where deemed necessary, and making these documents available in hard copy, online, and by other culturally appropriate means.**") (emphasis added). *See also* 2021 Draft Policy of the IFC/MIGA CAO, section XII.B ("CAO issues public information materials in the official languages of the World Bank Group (Arabic, Chinese (Mandarin), English, French, Russian, Spanish, and Portuguese), and additional languages where deemed necessary. **CAO makes available these materials in electronic and hard copy and by other culturally appropriate means. Complainants may submit a complaint to CAO in any language, and CAO's correspondence and engagement with the Complainant and its representatives will be in both the language of the complaint and English.**") (emphasis added).

⁶ Policy of UNDP's SECU, paras. 14, 25 ("SECU provides UNDP, and those affected by UNDP projects, with an effective system of independently and objectively investigating alleged violations of UNDP's social and environmental commitments. SECU seeks to protect locally-affected communities and, **in particular, disadvantaged and vulnerable groups**, and to ensure participation of local stakeholders. . . . Complaints are accepted by email, online form, phone hotline, postal mail, and text message through SMS, Whatsapp, Viber, WeChat, etc.") (emphasis added).

⁷ Policy of UNDP's SRM, para. 20 ("Project-level grievance mechanisms and UNDP's Stakeholder Response Mechanism will address concerns promptly through dialogue and engagement, using an understandable and transparent **process that is culturally appropriate, rights compatible, and readily accessible to all stakeholders at no cost and without retribution.** They will be gender- and age-inclusive and responsive and address potential access barriers to women, the elderly, the disabled, youth and other potentially marginalized groups as appropriate to the Project. These grievance mechanisms and Stakeholder Response Mechanism will not impede access to judicial or administrative remedies as may be relevant or applicable.") (emphasis added).

language of the Request and English. ~~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 translations may add some days to ~~the Panel's initial determination of whether to register the Request~~ timelines outlined in these procedures.

81. These documents are, to the extent possible, translated into the preferred language of the Requesters, and made available in hard copy, online, and by other culturally appropriate means.

2. The Operating Procedures should state that Requesters may identify representatives at any time of the Case handling process, not only at the time of filing. Those representatives should be a part of any and all processes that the Requesters choose.

So long as the choice to do so is clearly documented, nothing in the Inspection Panel Resolutions prohibits Requesters from choosing their representatives and advisors at any stage in the process. However, the Operating Procedures should be amended to make this explicit. The Inspection Panel procedures should enshrine the right of requesters to have representatives and advisors and clarify that their engagement applies to all aspects of the Inspection Panel process that requesters prefer. Protecting Requesters' agency in this regard helps ensure more durable and final accountability process outcomes.

Requesters often seek the guidance of representatives and advisors to navigate an accountability mechanism process. Although the Panel process strives to be accessible to and effective for Requesters without the assistance of representatives, Requesters often choose to engage representatives and advisors throughout the case process.⁸

The role of representatives and advisors takes on additional import with the added dispute resolution function of the Accountability Mechanism. When dispute resolution includes government entities and companies, they are nearly always represented by appointed experts, including legal counsel. It would be unequal and indefensible if requesters were not afforded the same opportunity.

We note that the Environmental and Social Framework of the World Bank recognizes the crucial role representatives play when approaching local individuals and communities. This is explicitly discussed in the development and implementation of the stakeholder engagement plan with local

⁸ For Panel cases for which there is data available about the involvement of civil society organizations as advisors or representatives, local CSOs were involved in 51% of complaints, and international CSOs were involved in 29% of complaints. 37% of complaints had no CSO support. *See generally* the Accountability Console, available at www.accountabilityconsole.com.

individuals and communities, as set forth in ESS10.⁹ It stands to reason that continued ongoing and future engagement by affected parties with the Bank and Borrower will logically rely on representatives and advisers who have established relationships of trust with local communities through difficult and complex processes.

At other accountability mechanisms, the role of advisers or representatives is rarely questioned so long as it is documented. At the World Bank, however, there has been confusion about the role of representatives, and advisers, at the expense of requesters' wishes. Despite Requesters' decisions to involve representatives and advisers, Requesters in multiple cases have experienced limitations on the involvement of their representatives and advisers in the case process. In light of this experience, we recommend clarifying that representatives and advisers should be included in any aspect of the process that requesters prefer.

Therefore, based on the experience of Requesters who have selected representatives to assist them with the Inspection Panels process, we propose that the Operating Procedures address the following:

- Requesters identify representatives both before filing and after filing a Request and expect that representatives will be included fully in the entire subsequent case process.
- If a Requester chooses a representative or representatives, that representative should be included in any and all aspects of the case process per the Requesters' preference. This includes communications with the Inspection Panel, viewing of the investigation report, MAP consultations, and provision of reports and recommendations.

In that regard, we recommend the following edits:¹⁰

17. Representatives. **If desired, Requesters may identify a representative or multiple representatives who will assist them in the Case handling process.** If the Request is submitted by a local representative of the affected people, **or if Requesters choose to have a representative at a later stage of the process,** 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

⁹ The World Bank Environmental and Social Framework, Environmental and Social Standard 10. Stakeholder Engagement and Information Disclosure, p. 97-101.

¹⁰ See, Policy of the EBRD's IPAM, section 2.1(d)(vii) ("If desired, Requesters may identify a Representative who will assist them in the Case handling process. In these cases, the Request must contain written proof (such as a signed letter by the Requesters) of the Representative's authority to act on behalf of the Requesters in relation to the Request. The Requesters must indicate whether they wish their Representative to act as the point of contact for all formal communications between IPAM and the Requesters, in which case, contact information for the Representatives must also be provided. However, IPAM may communicate directly with the Requesters as necessary.")

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. **If a Requester chooses a representative, then that representative will be included in all aspects of the case process and receive the same information as Requesters per the Requesters' stated preference.**

3. The Operating Procedures should enshrine the World Bank's commitment against reprisals and retaliation.

Because retaliation is a known barrier to accessing accountability mechanisms, international financial institutions and accountability mechanisms have begun to adopt anti-retaliation policies and guidelines. The World Bank Group's 2020 Commitments Against Reprisals states: "We do not tolerate reprisals and retaliation against those who share their views about Bank-financed projects. Any form of intimidation against people who comment on Bank projects, research, activities and their impact, goes against our core values of respecting the people we work for and acting with utmost integrity."¹¹ The Panel's 2016 Guidelines to Reduce Retaliation Risks and Respond to Retaliation During the Panel Process state: "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 Persons, and thus foster a safe environment for those seeking to work with the Panel."¹² This intolerance of retaliation should be enshrined in the Panel's Operating Procedures as well, not only to signal its significance but also because Requesters might only look to the Operating Procedures and be unaware of other related policies.

We recommend the following language:¹³

¹¹ World Bank Commitments Against Reprisals, <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/world-bank-commitments-against-reprisals>.

¹² Inspection Panel Releases Guidelines to Address Retaliation, <https://www.inspectionpanel.org/news/inspection-panel-releases-guidelines-address-retaliation>.

¹³ See similar language in IPAM's policy: "**Approach to Concerns Regarding Retaliation.** IPAM does not tolerate Retaliation against Requesters or any other individuals involved in an IPAM process or outreach activity, and rejects any form of threat, intimidation, harassment, violence, or discrimination based on the fact that they have exercised their right to raise concerns." The IPAM policy goes on to state: "IPAM is committed to taking steps to a) assess the risk of Retaliation against persons involved in IPAM processes and outreach, and b) implement Retaliation risk mitigation measures in connection with Requests or outreach activities, in consultation with the Requesters (or their Representatives, if any), if IPAM is informed by Requesters (or their Representatives, if any) that concerns around Retaliation exist. In such cases, IPAM will initiate a desk review of the risk environment and potential or actual risk of Retaliation against Requesters or other persons involved in an IPAM process as part of the Request registration process, and consider appropriate measures to be implemented. IPAM does not purport to replace national or

Approach to Concerns Regarding Retaliation. The Panel does not tolerate Retaliation against Requesters or any other individuals involved in a Panel process or outreach activity, and rejects any form of threat, intimidation, harassment, violence, or discrimination based on the fact that they have exercised their right to raise concerns.

4. The Operating Procedures should better define adequate consultations.

Language from the 2014 Operating Procedures and retained in the 2021 draft Operating Procedures already states that Management must consult with affected parties as they determine their action plan and that the Inspection Panel assesses the adequacy of the consultations. This language can be improved upon by defining principles of adequate consultation.¹⁴

Providing clarity on adequate consultation in the Operating Procedures provides Requesters with a general set of expectations so that they can notify the Panel of potential shortcomings. This is particularly important considering that Paragraph 42 of the Inspection Panel Resolutions allows consultation assessments to be based on “information available to [the Panel] by all means,” but prohibits country visits absent government invitation.

Drawing upon existing World Bank policies, we suggest the following:

78. 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.

79. The Panel will assess the adequacy of consultations in consideration of the following principles:

international judicial bodies, protective services and law enforcement agencies whose functions include protecting the public in such situations.”

¹⁴ Our recommended language draws on the principles outlined in World Bank Group [Consultation Guidelines](#), [commitments against reprisals](#), and the requirements of Free, Prior, and Informed Consent recognized by the [United Nations Declaration on the Rights of Indigenous Peoples](#).

Openness. Whether Management was receptive and prepared to be influenced by the views of affected parties when designing action plans; whether affected parties were allowed to provide input into how they wished to participate in the consultation.

Access to Information. Whether affected parties were provided all relevant information, delivered in culturally appropriate means and translated as needed, and having been disclosed with enough time for proper consideration in advance of consultation.

Accountability. Whether input and feedback from affected parties is collated and assessed, shared back with affected parties, and addressed within the action plan.

Transparency. Whether affected parties were provided information about the purpose and relevant aspects of developing the action plan, engagement of parties and management of reprisal risks, how input may be received and used, and the consultation outcomes.

Visibility. Whether and how all affected parties were notified and made reasonably aware of the process.

Accessibility. Whether the methods chosen for the consultation were suitable for affected parties, including special requirements for persons with disabilities, and whether accommodations were made to make information reasonably easy to comprehend.

Safety. Whether those participating in the consultation process were free of coercion, discrimination and intimidation; and whether and how retaliation risks were managed to create a safe environment to carry out the consultation process.

Free, Prior, and Informed Consent (FPIC). Whether affected Indigenous Peoples were engaged in the creation of the action plan within a culturally appropriate process that allowed them to consider their consent freely.

Inclusiveness and Equity. Whether measures were taken to ensure a balanced representation of women and men who could contribute equally and fairly to the discussion.

In addition, the step of MAP consultations is not included in any of the Figures, namely The Inspection Panel Process Timeline on page 8, The Interaction between the Panel & DR Processes on page 19, and the Verification Flowchart on page 29. We added this step in each chart in the attached redlined version of the policy. Requesters are likely to look to these charts to understand the full process, so this critical step of the process should be included.

5. A minor edit should be made to reflect that MAPs and MRRs include proposed remedial actions.

It is already standard practice for MAPs and MRRs to include proposed actions by management for how to address findings of noncompliance.¹⁵ That should be reflected with the below edit:

74. 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).

75. 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.

[...]

79. 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 plan of action that Management ~~may have~~ included in its report. It will be the Board’s decision to accept or reject the Management Action Plan in its entirety, based on its determination as to whether the Management Action Plan (a) adequately addresses the findings of the Investigation Report and (b) is capable of bringing the Project into compliance.¹⁶

6. Edits are required to clarify that the Panel’s recommendation for verification is made public on the Panel’s website after the Board reaches a decision on whether to approve verification, regardless of what the decision is.

¹⁵ In fact, at other mechanisms, bank management are expressly required to identify actions for *each instance* of non-compliance found by the accountability mechanism. Policy of the EBRD’s IPAM, section 2.7.1 (a) (“For each finding of non-compliance, the Management Action Plan will identify: i. Project-specific actions to be carried out by the Bank to bring the Project into compliance and to address the harm or potential harm associated with the findings of non-compliance . . .”).

¹⁶ See, IPAM Policy, section 2.7.1 (“It will be the Board’s decision to accept or reject the Management Action Plan in its entirety, based on its determination as to whether the Management Action Plan a) adequately addresses the findings and recommendations of the Compliance Review Report and b) is capable of bringing the Project into compliance with the Environmental and Social Policy and Project-specific provisions of the Access to Information Policy.”).

Requesters should be kept apprised of the status and details of their cases and assured that their concerns about the effective implementation of MAPs are properly and fully relayed to the Board. However, Paragraph 96 of the draft Operational Procedures presently leaves a transparency gap by not expressly permitting the disclosure of the Panel’s verification recommendation in the event that the Executive Director’s do not approve verification.

We therefore recommend the following language changes:

5. The following are some key features of the Panel process of importance to people who consider making use of this accountability mechanism: [. . .]

g. **Transparency.** The Panel process promotes transparency in Bank operations through publication of its reports **and recommendations.**

[. . .]

96. The Panel’s verification recommendation is considered by the Executive Directors on an absence of objection basis. **If After** the Executive Directors **decide whether to** approve ~~the~~ independent verification, the Panel **will** disclose~~s~~ the recommendation for verification on its website and **informs** the Requesters.

7. The Operating Procedures should further detail the Panel’s verification process and clarify that it is not one action but instead a process to bring a project into compliance.

The draft Operating Procedures can provide additional details on the Panel’s verification process that provide more clarity and predictability for Requesters and comport with the Framework for Proportionality Criteria and Modalities for Independent Verification of Management Action Plan Implementation (“Verification Framework”). While the draft Operating Procedures delineate the Panel’s role in the verification process, the draft Operating Procedures leave open *how* the Panel will conduct the reviews. The Verification Framework states that “[t]he Panel’s operating procedures further detail the Panel verification process.”¹⁷ This is an opportunity for the Inspection Panel to provide additional clarity in its Procedures on what the verification process can and should look like.

By including further details of the verification process itself, the Procedures can enshrine that:

¹⁷ The Framework for Proportionality Criteria and Modalities for Independent Verification of Management Action Plan Implementation, para. 23.

1. The purpose of verification is to confirm that findings of noncompliance have been addressed.
2. Verification is not a singular event. Rather, it is a process that can consist of multiple actions and for varying timelines. A verification modality can be pursued more than once.
3. Verification requires communication with Requesters, no matter whether the Panel undertakes a desk review or a site visit.
4. The Procedures should allow the Panel to receive new information from affected communities to inform the progress and implementation status of MAPs.

We have no doubt that Inspection Panel members would approach verification with the above four items in mind, regardless of whether they are explicitly stated in the Operating Procedures. We ask for their inclusion because it helps inform Requesters of what to expect.

It is indisputable that verification -- or what is more commonly referred to as monitoring -- of MAPs is a critical function for ensuring that an accountability process has meaning to Requesters. Unfortunately, the Inspection Panel Resolutions and Verification Framework define verification more narrowly than traditional monitoring in some respects. Even with these restrictions in mind, language from other policies on the purpose of monitoring and its ongoing nature are illustrative. The CAO's policy clarifies that monitoring is not a one-time review; its conclusion is contingent on the IFC/MIGA taking actions to address noncompliance.¹⁸ The IPAM at the EBRD lists various monitoring activities, including the review of multiple updates from bank management.¹⁹ The Social and Environmental Compliance Unit (SECU) of the United Nations Development Programme (UNDP) is permitted to monitor the undertaking of remedial measures through desk review, correspondence with affected communities, progress reports from project implementers and site visits until it is satisfied that the UNDP has sufficiently addressed instances of noncompliance.²⁰

¹⁸ Policy of the IFC/MIGA CAO, para. 4.4.6 ("In cases where IFC/MIGA is/are found to be out of compliance, CAO will keep the compliance investigation open and monitor the situation until actions taken by IFC/MIGA assure CAO that IFC/ MIGA is addressing the noncompliance. CAO will then close the compliance investigation").

¹⁹ Policy of the EBRD's IPAM, section 2.8 (c) (i-v) ("Approach. In its monitoring activities, IPAM may:

- i. consult with the Requesters, the Client, Bank management and other relevant stakeholders;
- ii. consider Project documentation, documentation submitted by the Requesters (or their Representatives, if any), and publicly available information;
- iii. consider the contents of the monitoring updates received from Bank management. Bank management will be required to update IPAM on the implementation status of each approved Management Action Plan, at least bi-annually;
- iv. undertake a site visit to the Project area, if deemed necessary by IPAM; or
- v. engage consultants on specific technical matters, if deemed necessary by IPAM. Consultant engagement will be undertaken in accordance with the Procurement Rules and Paragraph 3.1(i)").

²⁰ Policy of the UNDP's SECU, para. 50 ("In cases where UNDP is found to be out of compliance and the Administrator directs staff to undertake remedial measures, SECU will keep the case open and monitor the situation until actions taken by UNDP assure SECU that UNDP is addressing the noncompliance. This monitoring may involve desk review, correspondence with the affected communities, progress reports from the Country Office or relevant business unit, and onsite inspections, as appropriate. When UNDP completes the steps to bring the project into compliance, SECU will close the case.").

We propose the following language:

85. The Executive Directors may approve, as an additional reassurance tool for avoiding reputational risks, independent risk-based proportionate verification of the implementation of the MAP by the Panel and/or Group Internal Audit (GIA). The modality adopted for such additional verification will be proportionate to the complexity and seriousness of the case. **The purpose of verification is to confirm that Management's actions address findings of noncompliance.**

97. During verification, the Panel reviews the implementation status of Management's actions set forth in the MAP as identified in the verification recommendation approved by the Executive Directors. **The Panel communicates with Requesters and considers their views.** The Panel reports on the status of such actions.

[...]

100. At the end of the verification process, the Panel will submit, for information, its verification report to the Executive Directors and the President. The Panel's verification report will incorporate GIA's verification memo if and when available, without amendments. In response to the Panel's final verification report, Management will submit its follow-up, indicating its views on Panel's findings to the Executive Directors. This is the case both for desk-based verification and verification with a field visit. Management follow-up reports that suggest modifications or adjustments to the MAP should be discussed and approved by the Board. Both the Panel's verification report and Management's follow-up will be made publicly available on websites of the Inspection Panel and the World Bank Accountability Mechanism.

101. The Panel will keep the verification process open and continue to review Management's response to verification findings until actions are taken to assure the Panel that Management has addressed the issues of noncompliance. If the Panel determines that an additional verification process is warranted, it can propose it per the verification criteria.

Conclusion & Request to Revisit Operating Procedures as Accountability Mechanism Procedures are Drafted

The Operating Procedures for the Inspection Panel and the Accountability Mechanism will need to be consistent. To that end, it will be necessary to ensure that the development of the procedures for the Accountability Mechanism does not jeopardize the clarity of process Requesters require. Therefore, there should be an opportunity to work on harmonizing both sets of procedures with amendments if warranted.

The recommendations presented here can make the Inspection Panel more effective and accessible for affected communities seeking to bring their complaints to the World Bank's accountability system. These changes will only serve to enhance the Inspection Panel by continuing to promote accountability at the World Bank.

Thank you for your consideration. If you would like to discuss any of the recommendations further, please contact Margaux Day at margaux@accountabilitycounsel.org.

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Inclusive Development International

International Accountability Project

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Urgewald e.V.

[Annex to Comments]

**The Inspection Panel
at the World Bank**

**Operating Procedures
April 2021(drafts)**

Contents

Introduction and Background	3
1 THE PANEL AND THE PANEL PROCESS	5
1.1 The Panel's role	5
1.2 The Panel Process	5
1.3 The Panel's Organization	6
1.4 Role of Accountability Mechanism Secretary with respect to the Inspection Panel.	7
1.5 Decisions of the Panel	7
Definitions	8
2 PREPARATION AND SUBMISSION OF A REQUEST FOR INSPECTION	10
2.1 Who can submit a Request for Inspection and when	10
2.2 Content of a Request for Inspection	10
2.3 How can a Request for Inspection be submitted	11
3 PANEL PROCESS FOR HANDLING	12
3.1 Receipt of Request for Inspection and subsequent determination on whether to register the Request.	13
3.2 Confirmation of technical eligibility of the Request and recommendation on whether an investigation is warranted – the eligibility phase	Error! Bookmark not defined.
3.3 Referral to the DRS, when an investigation is approved, and if agreed by the Requesters and Borrowers	Error! Bookmark not defined.
3.4 Investigation of claims raised by the Request if dispute resolution is not agreed or is not successful- the investigation phase	Error! Bookmark not defined.
3.5 Actions following an investigation, including the sharing of the report with the Requesters	24
3.6 Verification of the implementation of Management Action Plan	27
4 OUTREACH AND LEARNING FROM THE PANEL PROCESS	32
4.1 Raising awareness of the Panel and the Panel process	Error! Bookmark not defined.
4.2 Advisory services and facilitation and learning from Panel cases	32

Introduction and Background

These Operating Procedures replace the Operating Procedures issued by the Inspection Panel in 2014 and the annex added in February 2016. 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” or the “Executive Directors”) 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. The 1993 Resolution was reviewed twice by the Board, in 1996 (referred to as “the 1996 Review”) and again in 1999 (referred to as “the 1999 Clarification”). At the conclusion of its 2017-2020 review of the Inspection Panel, the Board on September 8, 2020, added new functions to the Panel through IBRD Board Resolution 2020-0004 and an identical IDA Board Resolution 2020-0003 (collectively referred to as the “2020 Panel Resolution”). The 2020 Panel Resolution consolidated text from the 1993 Resolution and the 1996 and 1999 reviews. In approving the 2020 Panel Resolution, the Board reaffirmed the importance of the Panel’s function, independence and integrity.

The 2020 Panel Resolution sets forth the governing framework of the Panel. It can be found [here](#).

At the same time that the Board approved the 2020 Panel Resolution, it established the World Bank Accountability Mechanism (AM) through IBRD Board Resolution No. 2020-0005 and an identical IDA Board Resolution No. 2020-0004 (the “AM Resolution”). The AM comprises two constituent parts: the Panel to carry out compliance reviews and a Dispute Resolution Service (DRS) to facilitate a dispute-resolution process. The AM has its own operating procedures. The complete text of the AM Resolution can be found [here](#).

Particularly, these Operating Procedures:

- a. Specify how the Panel determines 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. Describe how the Panel’s compliance-review process interacts with the dispute-resolution process carried out by the DRS.
- d. Explain the sharing of the Panel’s Investigation Report with Requesters once it is submitted to the Board.
- e. Detail the process for the Panel to propose for Board approval independent risk-based proportionate verification of Management Action Plan (MAP) implementation.
- f. Describe how the Panel process fosters interaction between its different stakeholders.
- g. Describe ways in which outputs from the Panel process contribute to institutional learning, including through advisory reports in the form of lessons from its cases.

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.

In the event of any potential inconsistency between these Operating Procedures and the 2020 Panel Resolution, the 2020 Panel Resolution 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.

Section 3 describes the main phases of the Panel process in response to a Request for Inspection (see Figure 1), and explains the roles and responsibilities of the Requesters, the Panel, Management of the Bank (referred to as “Management”), the Board, and the borrowing country (referred to as the “Borrower”) in each phase. These phases include:

- a. Receipt of a Request for Inspection and subsequent determination on whether to register the Request.
- b. Confirmation of technical eligibility of the Request and recommendation on whether an investigation is warranted – the eligibility phase.
- c. Referral to the DRS, when an investigation is approved, and if agreed to by the Requesters and Borrower.
- d. Investigation of claims raised by the Request if dispute resolution is not agreed or is not successful – the investigation phase.
- e. Actions following an investigation, including the sharing of the report with the Requesters.
- f. Verification of the implementation of Management Action Plans.

Section 4 describes measures to make the Panel better known in borrowing countries, including outreach activities, and to facilitate learning for the institution based on lessons drawn from Panel cases through its advisory function.

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 results 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.
3. **Approach to Concerns Regarding Retaliation.** The Panel does not tolerate Retaliation against Requesters or any other individuals involved in a Panel process or outreach activity, and rejects any form of threat, intimidation, harassment, violence, or discrimination based on the fact that they have exercised their right to raise concerns.

1.2. The Panel Process

4. The Panel's governing framework outlines a phased and interactive process involving actions by the Requesters, the Panel, Management, the Board and the World Bank Accountability Mechanism Secretary (AMS), and also includes consultation with the Borrower. The process includes the main phases detailed in Figure 1 and is referred to as the “Panel process.”

5. 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. In addition to the Panel process, the DRS facilitates a voluntary and independent dispute resolution option for Requesters and Borrowers in the context of Requests for Inspection to the Panel. The interaction between the Panel and DRS processes is explained later in these procedures.
6. 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. **The Panel will facilitate access for disadvantaged, vulnerable, and marginalized people, and will rely on culturally appropriate, gender responsive, and rights-compatible means when engaging and corresponding on Requests.** Any two or more affected persons can submit a Request for Inspection to the Panel; they will be treated fairly, and their identities will be kept confidential if requested.
 - 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 **and recommendations.**

1.3. The Panel's Organization

7. The Panel is housed within the World Bank Accountability Mechanism. While the Accountability Mechanism Secretary is the head of the Accountability Mechanism, the Panel Chairperson is the head of the Inspection Panel, and the Panel Members report directly to the Board. The Board's Committee on Development Effectiveness (CODE) is designated as the main interlocutor for the Panel.
8. 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 a fulltime Chairperson of the Panel who works at Bank headquarters.

1.4. Role of Accountability Mechanism Secretary with respect to the Inspection Panel.

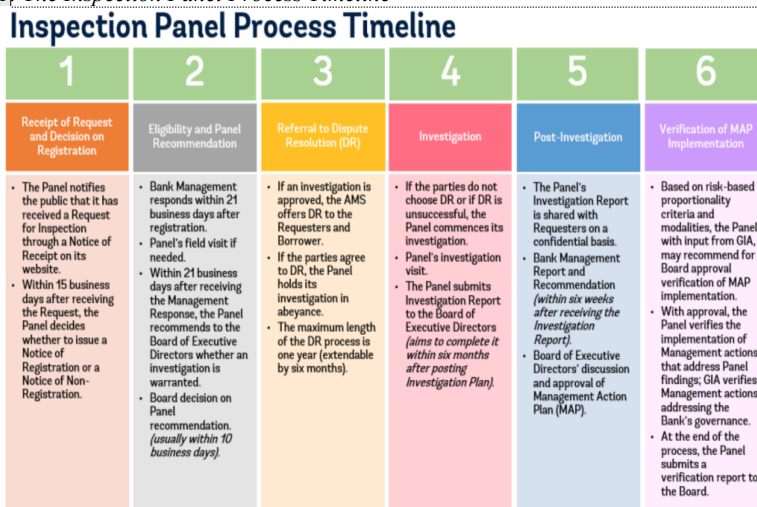
9. The Inspection Panel will continue to carry out its compliance review functions independently, in accordance with the 2020 Panel Resolution and these Operating Procedures. In order to ensure the continued independence of the Inspection Panel's compliance function, the Accountability Mechanism Secretary's role with respect to the Inspection Panel is limited as follows:
 - a. Functions assigned to the Inspection Panel are performed independently by the Inspection Panel including reporting to Executive Directors on compliance matters.
 - b. In exercising their duties, the 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. The Accountability Mechanism Secretary ensures that information disclosed in a dispute resolution process is not used in a later compliance investigation.

1.5. Decisions of the Panel

10. All decisions of the Panel on procedural matters, its recommendations to the Board on whether to proceed with the investigation of a Request, its findings reported to the Board, and its recommendations to the Board on independent verification of MAP implementation shall be reached by consensus by the three Panel Members

and, in the absence of a consensus, the majority and minority views shall be stated.

Figure 1: The Inspection Panel Process Timeline



Commented [CS01]: Post Investigation

- The Panel's Investigation Report is shared with Requesters on a confidential basis.
- Bank Management Prepares and Consults on a Management Action Plan
- Bank Management Report and Recommendation (within six weeks after receiving the Investigation Report)
- Board of Executive Directors' discussion and approval of Management Action Plan (MAP)

The main phases of the Panel process involve actions by the Panel, Management, the people who submitted the complaint, the Board and the AMS, and includes consultation with the Borrower.

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 for Inspection (see definition below) 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 (also referred to as Executive Directors).

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.

Dispute Resolution Service. Facilitates a voluntary independent dispute resolution option for Requesters and Borrowers in the context of complaints to the Panel once an investigation has been approved. It operates as part of the World Bank Accountability Mechanism.

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 phased process that involves the Panel, the Management of the Bank, the Board, the DRS, and the people who have submitted a complaint, as depicted in Figure 1.

Request for Inspection (also referred to as Request or complaint). 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 IBRD and IDA.

World Bank Accountability Mechanism. Established by the Board on September 8, 2020, it houses the Inspection Panel and the Dispute Resolution Service.

World Bank Accountability Mechanism Secretary. Heads the Accountability Mechanism.

2. PREPARATION AND SUBMISSION OF A REQUEST FOR INSPECTION

2.1. Who can submit a Request for Inspection and when

11. Persons seeking access to the World Bank Accountability Mechanism in all cases first file a Request for Inspection to the Inspection Panel.
12. 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, a non-local representative 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; 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
13. A Request may be submitted starting at the stage at which a project is under consideration by Management. For projects approved by the Board before September 8, 2020, the Request cannot be submitted after the closing date of the loan financing the project or after 95 percent or more of the loan has been disbursed. For projects approved on or after September 8, 2020, the Request cannot be filed more than 15 months after the closing date of the loan.

2.2. Content of a Request for Inspection

14. 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.

³ 2020 Panel Resolution, paragraph 13.

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 gender-based violence, peoples' rights and interests related to consultation, participation and access to information for affected peoples and communities.

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

- 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.
 - 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.
15. 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

16. **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 19). For additional guidance, a Requester may wish to refer to the Inspection Panel and World Bank Accountability Mechanism websites.
17. **Language and Accommodations.** The working language of the Panel is English. Requests may be submitted in the Requesters' ~~local~~ preferred language, and the Panel's correspondence and engagement with Requesters and their representatives will be in both the language of the Request and English. ~~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 translations may add some days to ~~the Panel's initial determination of whether to register the Request~~ timelines outlined in these procedures.
18. **Representatives.** ~~If desired, Requesters may identify a representative or multiple representatives who will assist them in the Case handling process.~~ If the Request is submitted by a local representative of the affected people, ~~or if Requesters choose to have a representative at a later stage of the process,~~ 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. **If a Requester chooses a representative, then that representative will be included in all aspects of the case process and receive the same information as Requesters per the Requesters' stated preference.**

19. **Supporting information.** If available, the Requesters may include any other evidence that documents their concerns.
20. **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 should be provided.
21. **Submission of the Request.** Requests may be submitted in hard copy by mail or electronically to accountability@worldbank.org. Requests by mail should be sent to 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.
22. **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 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 and World Bank Accountability Mechanism websites.

3. PANEL PROCESS FOR HANDLING

23. As described in more detail in this section, the Panel process may involve the following main phases:
 - a. Receipt of a Request for Inspection and subsequent determination on whether to register the Request.
 - b. Confirmation of technical eligibility of the Request and recommendation on whether an investigation is warranted – the eligibility phase.
 - c. Referral to the DRS, when an investigation is approved, and if agreed to by the Requesters and Borrower.
 - d. Investigation of claims raised by the Request if dispute resolution is not agreed or is not successful – the investigation phase.
 - e. Actions following an investigation, including the sharing of the report with the Requesters.
 - f. Verification of the implementation of Management Action Plans.

3.1. Receipt of Request for Inspection and subsequent determination on whether to register the Request.

Panel actions

Initial review and verification of admissibility

24. The Panel process formally begins when the Panel receives a Request for Inspection. The date of receipt of the Request gets recorded through a Notice of Receipt on the Panel website.
25. 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.
26. The Panel may ask the Requesters for further information. The Panel may also request information and clarification about the Project from Management.
27. The Panel confirms 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. For projects approved by the Board before September 8, 2020, the loan has not been closed or 95 percent or more disbursed. For projects approved on or after September 8, 2020, 15 months have not yet passed from the date the related loan has been closed.
 - e. 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.
 - f. 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.
28. 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.

Ask for additional information

29. 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 of Notice of Registration

30. 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. The Panel also notifies the Accountability Mechanism Secretary for information only. If Requesters have asked that their identities be kept confidential, no information that may identify them is 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).
31. The Notice of Registration triggers the requirement of a response to the Request by Bank Management within twenty-one business days.
32. 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

33. 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 paragraphs 24 and 26 above, it will issue a Notice of Non-Registration and will notify the Board, the Bank President, and the Requesters. The Panel also notifies the Accountability Mechanism Secretary.
- 3.2. Confirmation of technical eligibility of the Request and recommendation on whether an investigation is warranted – the eligibility phase**
34. 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 the “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

35. 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.
36. 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.
37. 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

38. 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 the “Report and Recommendation” (or “Eligibility Report”). 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.
39. 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.

40. 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

41. As set forth in the 2020 Panel Resolution, a basic responsibility of the Panel during this phase of its process is to confirm whether the six technical eligibility criteria (see paragraphs 13-15 and 29 of the 2020 Panel Resolution) 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.” At the time of receipt of the Request, the Panel confirms that for projects approved by the Board before September 8, 2020, the related loan has not been closed or 95 percent or more disbursed. For projects approved on or after September 8, 2020, the Panel confirms that 15 months have not yet passed from the date the related loan has been closed.

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.

42. 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

43. 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 44 below. The Panel explains the basis for its decision in its report.
44. 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.
45. 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.

46. 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 in an Investigation Report.⁶

Content of the Panel's Report and Recommendation

- 47. 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.
- 48. 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.
- 49. 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.

⁶ 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 solution to the matters raised, taking into account specific remedial actions presented by Management.

Submission of the Panel's Report and Recommendations

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

Board Decision

51. The Panel's Recommendation is circulated to the Board for approval within the normal distribution period, under an absence of objection procedure.⁷ 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 2020 Panel Resolution, 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 40 above).⁸

Notification of Public Disclosure

52. 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. Referral to the DRS, when an investigation is approved, and if agreed by the Requesters and Borrowers

53. Following the authorization of an investigation, the Accountability Mechanism Secretary offers an opportunity for dispute resolution to the Requesters and the Borrower (the Parties) in accordance with Part III of the Accountability Mechanism Resolution. No later than 30 business days after authorization of the investigation, the Accountability Mechanism Secretary informs the Board, the Panel and Management of the Parties' decision.
54. The Panel will not initiate an authorized investigation until it is informed by the Accountability Mechanism Secretary of the Parties' decision. If the Parties do not agree to engage in a dispute resolution process, the Panel will commence the investigation. If, however, the Accountability Mechanism Secretary indicates that the Parties agree to pursue dispute resolution, the Panel will hold its compliance process in abeyance until the dispute resolution process is concluded in accordance

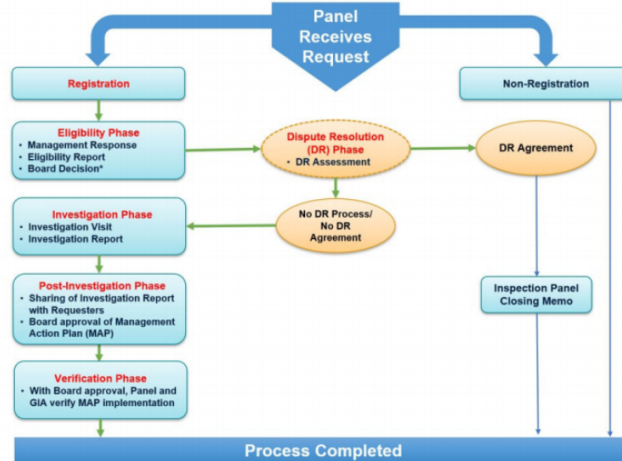
⁷ This period is currently 10 business days.

⁸ 2020 Panel Resolution, paragraph 29.

with the Accountability Mechanism Resolution. The 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.

55. Upon receiving a report from the Accountability Mechanism Secretary that a dispute resolution process has concluded (as defined in paragraph 13 of the Accountability Mechanism Resolution), the Panel will take one of the following steps: (i) If the Accountability Mechanism Secretary informs the Executive Directors that agreement has not been reached by the Parties within the stipulated period, the Panel will commence the investigation as set forth below; (ii) If the Accountability Mechanism Secretary informs the Executive Directors that the Parties have reached agreement and signed a Dispute Resolution Agreement, the case will be considered closed. The Panel will issue a memorandum closing the case and take no further action with respect to the Request.

Figure 2: The interaction between the Panel and the DR Process



Commented [CSO2]: Post-Investigation Phase
 -Sharing of Investigation Report with Requesters
 -MAP Preparation of and Consultation on
 Management Action Plan (MAP)
 -Board approval of MAP

*if the Panel recommends no investigation and the Board approves, the process is complete.

3.4. Investigation of claims raised by the Request if dispute resolution is not agreed or is not successful- the investigation phase

56. 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.

Panel's actions

Organization of the investigation

57. When an investigation is approved and after the Accountability Mechanism Secretary informs the Executive Directors and the Panel that: (i) the Parties do not agree to engage in a dispute resolution process or (ii) a dispute resolution process has taken place but an agreement was not reached by the Parties within the stipulated period, the Panel will commence the investigation. The Panel Chairperson will designate a Panel Member as the Lead Inspector and promptly put in place an Investigation Team, including a lead staff member for the investigation.
58. 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 and Methodology

59. 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.

Interactions with Requesters

60. 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

61. 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

62. 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

63. The Panel's investigation takes place independently of project preparation or implementation, and the Panel has no authority to delay or stop these processes.
64. 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.
65. 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.
66. When both the Inspection Panel and the Office of the Compliance Advisor/Ombudsman (CAO)⁹ 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.

⁹ 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.

Collaboration with other accountability mechanisms

67. 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 coordinate with the accountability mechanism(s) of co-financier(s) to process the complaints in the most efficient and effective way possible. 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,¹⁰ 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

68. 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.
 - b. A Table of Findings presenting the claims raised in the Request and the corresponding Panel findings and related observations regarding the Bank's compliance or non-compliance.
 - 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

69. The Panel carries out investigations without undue delay. The Panel makes public an investigation plan within 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

¹⁰ 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.

example an investigation is narrowly focused or calls for a more urgent consideration.

70. The final Investigation Report is submitted to the Board and conveyed to Management via the President. The Panel sends a copy to the Group Internal Audit (GIA).

3.5. Actions following an investigation, including the sharing of the report with the Requesters

71. 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.
72. Following submission of the Investigation Report, the Panel shall share the report's Table of Findings with the Requesters. The Bank also shall make the Panel's full Investigation Report accessible in hard copy to Requesters at the nearest country office. The Requesters will be given the opportunity to read the report in the Bank's country office during two consecutive working days, but may not remove the report, make photocopies, take pictures or reproduce the report or parts of it by any other means.
73. A confidentiality agreement shall be signed by the Requesters before they are provided access to the Table of Findings and the full report. If the meeting is held off Bank premises in order to preserve the confidentiality of the Requesters, the modalities will be agreed between the Panel and Management.
74. The sharing of the Investigation Report is intended to allow Requesters to be more meaningfully involved in the consultations with Management on the development of the MAP.

Management actions following the Investigation Report

75. 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).
76. 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.
77. When the MAP is presented with separate tables for Borrower and Bank Actions, the MAP actions are to be considered interdependent and the MAP a single instrument.
78. 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

79. 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.

80. The Panel will assess the adequacy of consultations in consideration of the following principles:

Openness. Whether Management was receptive and prepared to be influenced by the views of affected parties when designing action plans; whether affected parties were allowed to provide input into how they wished to participate in the consultation.

Access to Information. Whether affected parties were provided all relevant information, delivered in culturally appropriate means and translated as needed, and having been disclosed with enough time for proper consideration in advance of consultation.

Accountability. Whether input and feedback from affected parties is collated and assessed, shared back with affected parties, and addressed within the action plan.

Transparency. Whether affected parties were provided information about the purpose and relevant aspects of developing the action plan, engagement of parties and management of reprisal risks, how input may be received and used, and the consultation outcomes.

Visibility. Whether and how all affected parties were notified and made reasonably aware of the process.

Accessibility. Whether the methods chosen for the consultation were suitable for affected parties, including special requirements for persons with disabilities, and whether accommodations were made to make information reasonably easy to comprehend.

Safety. Whether those participating in the consultation process were free of coercion, discrimination and intimidation; and whether and how retaliation risks were managed to create a safe environment to carry out the consultation process.

Free, Prior, and Informed Consent (FPIC). Whether affected Indigenous Peoples were engaged in the creation of the action plan within a culturally appropriate process that allowed them to consider their consent freely.

Inclusiveness and Equity. Whether measures were taken to ensure a balanced representation of women and men who could contribute equally and fairly to the discussion.

Board decision on public disclosure

81. 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 plan of action that Management ~~may have~~ included in its report.
82. 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.
83. These documents are, to the extent possible, translated into the **preferred** language of the Requesters, **and made available in hard copy, online, and by other culturally appropriate means.**

Management Action Plan monitoring and MAP progress reports

84. Management shall be responsible for monitoring the implementation of the MAP. Management shall submit progress reports to the Executive Directors on the implementation of the MAP at such intervals as the Executive Directors may request in a particular case. A progress report shall summarize the status of implementation of the MAP in the period covered by the report, including actions completed, actions under ongoing implementation, and upcoming actions based on timelines included in the Management Action Plan. It also may include information on engagements undertaken during the reported period.
85. When Management submits its progress reports to the Board, the Panel makes these reports available on the Panel and Accountability Mechanism websites and provides them to the Requesters.

86. In order to better facilitate tracking of these progress reports by the Executive Directors and other stakeholders, Management will prepare and maintain two tables to track the submission and implementation of progress reports. 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 Executive Directors on a case-by-case basis. Management will submit these reports every six months to the Executive Directors and share them with the Panel for information prior to submission. As with Management progress reports, these tables will be made publicly available on the websites of the World Bank and Panel.

3.6. Verification of the implementation of Management Action Plan

87. The Executive Directors may approve, as an additional reassurance tool for avoiding reputational risks, independent risk-based proportionate verification of the implementation of the MAP by the Panel and/or Group Internal Audit (GIA). The modality adopted for such additional verification will be proportionate to the complexity and seriousness of the case. **The purpose of verification is to confirm that Management's actions address findings of noncompliance.**

88. The following principles apply for independent verification: (i) verification will focus solely on the Bank's actions as outlined in the Management Action Plan, distinguishing between periodic tracking of progress and terminal verification; (ii) verification will assess the status (including completion) of specific Management actions included in the Management Action Plan based on appropriate evidence of implementation status; (iii) to ensure efficiency of the verification process, it is important to have a timeline for verification based on timelines of agreed actions to avoid premature review of actions; and (iv) there will be a role for the Panel and/or GIA during the verification process that is consistent with their expertise and institutional roles as laid out below.

Role of the Panel and GIA in verification

89. The Panel verifies the implementation of Management's actions in the MAP that have been agreed between Management and the Borrower, designed to address harm that occurred as a result of the Bank's noncompliance. GIA verifies Management's actions in the MAP that are intended to address the Bank's governance, policy and procedures, and other internal operational arrangements for its oversight of environmental and social risks of Bank projects.

Scope of Verification

90. Verification by the Panel and GIA focuses on the Management actions related to the specific concerns that form the basis of the Board's decision to authorize verification. In recommending independent verification to the Executive Directors, the Panel, with input from GIA, describes the situation in response to the specific

concerns identified.

Proportionality criteria and verification modality

91. The framework for proportionality criteria and modalities for verification uses as a basis parameters that include: (i) urgency of redress, (ii) risk of repetitive harm, (iii) number and vulnerability of project-affected people, (iv) complexity of the case, and (v) risk of retaliation against Requesters.¹¹
92. Based on the risk-based proportionality criteria, the modalities for verification and the above-mentioned roles, the Panel, with input from GIA, recommends to the Executive Directors whether there is a need for verification in light of specific concerns identified by the Panel and GIA, and if so, the scope and timeline for verification, and under what modality the Panel and/or GIA verifies the MAP.¹²
93. The risk-based proportionality criteria and modalities for verification are elaborated below: in cases of 6 to 8 positive indicators, the recommendation to verify MAP implementation includes a site visit; in cases of 3 to 5 positive indicators, the verification is desk-based; in cases of up to 2 positive indicators, no recommendation to verify MAP implementation is made.

Risk-Based Proportionality Criteria Applied to the MAP			
	Yes	No	Comments
Urgency of Redress			
1. Is urgent or immediate redress required based on the severity of harm experienced?			
Risk of repetitive harms materializing			
2. Is there a risk of repetitive harm in this project?			
3. Is there a risk that the harm in this project might be repeated in other projects?			
Number and vulnerability of project affected people			
4. Does the MAP address vulnerable groups such as women, children, indigenous peoples, marginalized			

¹¹ 2020 Panel Resolution, para. 50.

¹² 2020 Panel Resolution, para. 52.

communities, etc., requiring special attention?			
5. Are there significant numbers of project-affected people?			
Complexity of the Case			
6. Is the case unusually complex ¹³ ?			
7. Are the issues new or unique ¹⁴ , with a high potential for learning?			
Risk of retaliation against Requesters			
8. Is there a risk of retaliation against Requesters or communities?			

Assessment of Risk-Based Criteria for Basis of Verification and Modalities			
Number of Positive indicators	Basis of Verification	Desk-Based	Verification with site-visit
6-8	✓		✓
3-5	✓	✓	
0-2	X		

Verification Recommendation

94. As set forth in paragraph 53 of the 2020 Panel Resolution, the Panel’s recommendation for verification, generally, is made after substantial implementation of the MAP or if the progress report indicates lack of implementation, at any stage of implementation. This process will avoid an automatic “one-size-fits-all” approach. Site visits will be minimized to usually not more than one. The modality adopted for such additional verification will be proportionate to the complexity and seriousness of the case.

95. In exceptional cases, upon the Panel’s recommendation, with input from GIA, the Executive Directors may discuss and assign verification at the stage of approval of the MAP or shortly after. When the Panel proposes such verification for Executive

¹³ The complexity of a case reflects the issues covered or where the types of harm experienced are multiple and/or of large variety.

¹⁴ The uniqueness of the issues provides weight to emerging issues where additional attention is required, and where learning can benefit the Bank.

Directors' consideration, it will include a recommendation on the timing of the verification. The circumstances are deemed exceptional based on the gravity of the harm.

96. The Panel makes the verification recommendation to the Executive Directors. The Panel recommendation includes input from GIA. GIA identifies, in coordination with the Panel, the actions within the MAP that it recommends to verify. The Panel seeks Management's input on the verification recommendation ahead of submission to the Executive Directors and includes it as an annex to the recommendation.
97. The verification recommendation includes the modality of the Panel's verification and GIA's approach for verification. If the Panel's recommended modality requires a field visit, the Panel includes this in its recommendation.
98. The Panel's verification recommendation is considered by the Executive Directors on an absence of objection basis.¹⁵ **If After the Executive Directors decide whether to approve the independent verification, the Panel will disclose the recommendation for verification on its website and informs the Requesters.**

Verification Process

99. During verification, the Panel reviews the implementation status of Management's actions set forth in the MAP as identified in the verification recommendation approved by the Executive Directors. **The Panel communicates with Requesters and considers their views.** The Panel reports on the status of such actions.
100. The verification focuses solely on Management's actions and assesses the status of such actions. The verification considers Management's reporting of the status of actions as described in the MAP Progress Report and involves the description of the situation in response to the specific concerns identified when recommending verification to the Executive Directors.
101. Once GIA has completed its verification, a draft Assurance Review report is shared with relevant stakeholders from Management and the Panel for feedback and comments. In addition, GIA provides the Panel with a verification memo containing a high-level summary of the Assurance Review outcomes and the status of MAP actions verified for public disclosure. This is necessary as Assurance Review reports are confidential.
102. At the end of the verification process, the Panel will submit, for information, its verification report to the Executive Directors and the President. The Panel's verification report will incorporate GIA's verification memo if and when available, without amendments. In response to the Panel's final verification report, Management will submit its follow-up, indicating its views on Panel's findings to the Executive Directors. This is the case both for desk-based verification and

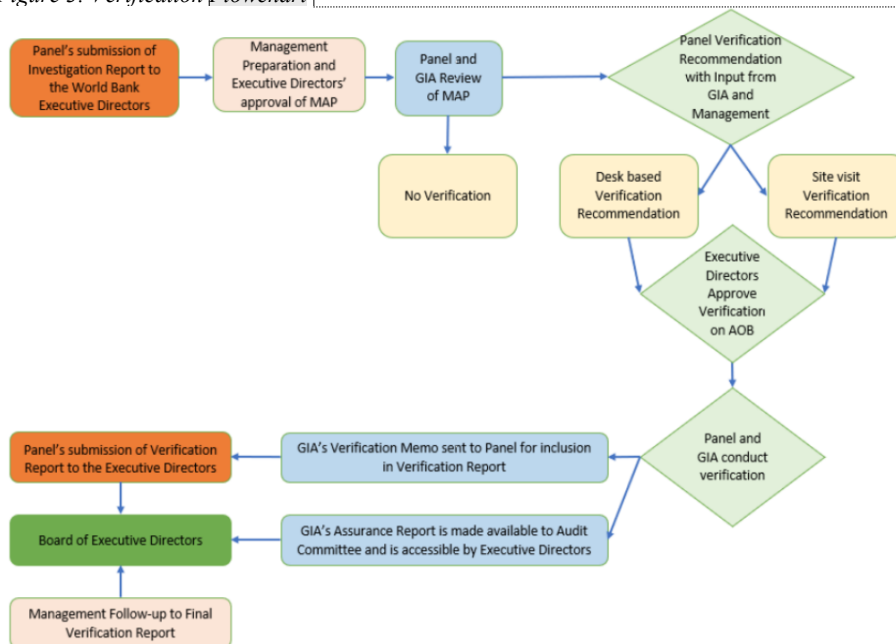
¹⁵ 2020 Panel Resolution, para. 53.

verification with a field visit. Management follow-up reports that suggest modifications or adjustments to the MAP should be discussed and approved by the Board. Both the Panel's verification report and Management's follow-up will be made publicly available on websites of the Inspection Panel and the World Bank Accountability Mechanism.

103. The Panel will keep the verification process open and continue to review Management's response to verification findings until actions are taken to assure the Panel that Management has addressed the issues of noncompliance. If the Panel determines that an additional verification process is warranted, it can propose it per the verification criteria.

104. The flowchart below set out the process and steps to be followed if the Panel proposes and the Executive Directors approve verification.

Figure 3: Verification Flowchart



Commented [CSO3]: Management Preparation of and Consultation on and Executive Directors' approval of MAP.

4. OUTREACH AND LEARNING FROM THE PANEL PROCESS

4.1. Raising awareness of the Panel and the Panel process

105. 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. 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.
106. 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.
107. 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 virtual outreach events, often in collaboration with other independent accountability mechanisms and civil society organizations. The Panel also organizes meetings and participates in relevant conferences and civil society events.

4.2. Advisory services and facilitation and learning from Panel cases

108. 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.
109. The Panel may provide advisory services in form of lessons from its cases through its different reports and publications. The Panel's advisory function shall not extend to providing specific operational guidance, or advice on the merits of a specific Bank policy and procedure.
110. Additionally, the Panel presents systemic issues and reflections discerned from its work to the Board, Management, and the public via an 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.
111. 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.