

Internal Protocols

World Bank Accountability Mechanism - World Bank Inspection Panel

This document is intended to clarify the working protocols followed by the World Bank Accountability Mechanism (AM) Secretary (AMSEC) and the World Bank Inspection Panel Chairperson (Chairperson) on matters of administration, case management and representation.

In doing so, the document elaborates on subjects covered in the Accountability Mechanism and Inspection Panel Resolutions approved by the Board of Executive Directors in 2020 and is meant to ensure smooth operations within the AM and the continued independence of the Panel.

May 19th, 2022

1) ADMINISTRATION

A) General Provisions

- a) Resolutions IBRD 2020-0005 and IDA 2020-0004 (the “AM Resolution”) establish the World Bank Accountability Mechanism headed by the Accountability Mechanism Secretary of which the Inspection Panel, established by Resolutions IBRD 2020-0004 and IDA 2020-0003 (the “Panel Resolution”), is a constituent part.
- b) The AM Secretary’s responsibilities vis-à-vis the Panel include, inter alia, those outlined in paragraph 4 of the AM Resolution: specifically sub-paragraphs 4.a, 4.b, 4.c and 4.d. These responsibilities are subject to the limitations set forth in paragraph 8 of the AM Resolution. Sub-paragraph 4.d, provides that the AM Secretary’s responsibilities include preparing and submitting itemized budgetary requirements for the Inspection Panel, working with the Panel Chairperson.

B) Resources: Budget and Staffing

c) Budgetary Process

- i) From 1993 the budget process has been limited to the requirements of the Inspection Panel. In essence, there has been a single line budget proposal.
- ii) With the establishment of the Accountability Mechanism, the budget process must account for the entire mechanism, including the Inspection Panel (IPN), the Dispute Resolution Service (DRS) and the AM Secretariat (AMS).
- iii) The AMSEC is responsible for presenting the AM budget to Board Committees, which includes the requirements for the two constituent parts, IPN and DRS, as well as common operating costs under the AM Secretariat. The AMSEC and the Chairperson will cooperate fully with regards to the budgetary requirements of the IPN during the process of preparing the budget for consideration by the Board.

d) Budget Requisitions, Submissions and Defense

General provisions

- i) The AMSEC and the Chairperson agree that the Panel’s independence and its capacity to implement its mandate need to be respected within the AM structure and that the Inspection Panel operates with independence in its compliance-review functions.
- ii) The Chairperson of the Inspection Panel supports the administrative and reporting obligations of the AMSEC vis-a-vis the resources allocated by the World Bank and accountability requirements. The AMSEC and the Chairperson acknowledge their joint responsibilities to collaborate and communicate and engage in good faith efforts in the budget process.
- iii) The Chairperson and the AMSEC will work together to agree on the Panel budget. In respect of the budgetary needs of the Inspection Panel, the Chairperson, in coordination with other Panel members, will provide to the AMSEC categorized financial requirements based on previous annual expenditures, the expected caseload, expectations of additional activities and provisions for extraordinary events. The Chairperson will include reasonable justification of annual budgetary needs to allow the AM Secretary to respond to queries AMSEC may receive from CODE and the Board of Directors, and to defend the budget

requirements as required. AMSEC will include the financial requirements of the Panel as agreed with the Chairperson and consolidate with the other budgetary requirements of the AM. Any subsequent amendments required to be presented will be discussed and agreed between the AMSEC and the Chairperson.

- iv) The AMSEC and the Chairperson will exercise due diligence in preparing, presenting and defending as required the budgetary needs of the Inspection Panel, and will keep each other informed and involved in budget negotiations, will discuss developments affecting the budgetary requirements of the Panel, and agree on appropriate strategies as may be required. The AMSEC will present the budget to the Board (CODE) in the presence of the Panel Chairperson. The AM Secretary will keep the Panel Chairperson informed and involved in the scheduling and all other matters related to the budget presentation. In order to ensure full cooperation, the AMSEC will respond to all queries relating to budgetary requirements as CODE and the Board require in the presence of the Chairperson, and with the possibility of inviting the Chairperson to respond on Panel-related matters.
 - v) The Chairperson on behalf of the Panel will support the AMSEC with additional information as may be required in the circumstances and will attend Panel-related budget meetings with Board members as CODE and the Board may require.
- e) Budget Allocation and Distribution
- i) Budget resources for the components of the AM as allocated by the World Bank Board will be administered by the AM Secretary in accordance with the relevant financial rules and regulations of the World Bank. The Chairperson decides on the budgetary expenditure requirements of the Panel in accordance with the budgetary resources allocated to the operations of the Panel. The AMSEC does not decide on the expenditure decisions of the Chairperson but may raise clarification questions with the Chairperson.
 - ii) On a needs basis and as required in the course of its compliance activities, the Chairperson will submit the Panel's financial expenditure requirements to the AMSEC for prompt and timely execution and implementation in accordance with the relevant rules and regulations of the World Bank. As regular practice, requests will be implemented without delay and the Chairperson and the AMSEC will remain engaged.
 - iii) Any request for the re-allocation or transfer of budgetary resources to or from the Panel will be discussed and agreed in writing by the AMSEC and the Chairperson.
- f) Recruitment Processes
- i) The AMSEC heads the recruitment process for the AM. Where this involves staff to be assigned to the Inspection Panel, the Inspection Panel Chairperson leads on technical selection criteria and their assessment and submits selections decisions in respect of all staff positions assigned to the Panel as per Board-approved budgets. In cases where the Chairperson requires changes to the headcount of the Panel staff, it will work with the AMSEC on these changes in the annual budget proposal.
 - ii) The Panel Chairperson undertakes independent due diligence and has the responsibility to ensure the qualifications of staff and consultants hired to work with the Panel. Terms of Reference for staff members assigned to the Panel shall be aligned with Bank's rules and regulations and agreed between the Panel Chairperson and the AMSEC, who will liaise with the World Bank's Human Resources Department on behalf of the AM and copy the Panel Chairperson.

- iii) The AMSEC will not reassign staff assigned to the Inspection Panel to other positions elsewhere in the AM without the consent of the Panel Chairperson. In order to promote staff mobility within the AM, the AMSEC and the Panel Chairperson can agree on any arrangement that benefits staff development.
- iv) The hiring of new Panel staff in line with the established headcount will be led by the Panel Chairperson and will adhere to the following steps:
- Panel Chairperson determines human resource need and informs these to the AMSEC.
 - Panel Chairperson drafts terms of reference and sends them to the AM Secretary for comment. The AMSEC's comments should relate to the overall functioning of the AM, or ensuring adherence to the Resolutions and the bank regulations. The AMSEC will not interfere in the specification of technical requirements for the post as determined by the Panel members.
 - Once terms of reference are finalized, the AMSEC forwards these as soon as possible to Human Resources, with copy to the Panel Chairperson, for review and advertisement.
 - Any comments from Human Resources on the terms of reference will be discussed and agreed with the Panel Chairperson.
 - As a general rule, the process of review, exchanges between the AMSEC and the Chairperson and forwarding to Human Resources will be completed within 10 working days.

The selection committee for the hiring process will be determined by the Panel Chairperson and include a Human Resources representative and may include a representative designated by the AMSEC.

The selection committee will aim to make its decision by consensus. If consensus cannot be reached, the Panel Chairperson will have the deciding vote.

The selection committee will make its recommendation to the AM Secretary who will process the recommendation of the successful candidate for the Panel assigned staff without delay.

The AM will include a communication resource (Senior External Affairs Officer), which will support the AM as a whole and will be a shared cost by the AMSEC and AMIPN. The Senior External Affairs Officer will also cover editorial work for Panel reports. There will be an agreed equitable time allocated to the AMIPN, and the AMDS, and for the AM Secretariat work for the AM as a whole. Work for the Panel will be managed by the Panel. The Panel Chairperson will be involved in the selection of the SEAO.

- v) The Panel Chairperson and Panel Members are responsible for the hiring of all Panel consultants and interns. Selected consultants and interns selected by the Chairperson will be processed by the AMSEC without delay following receipt of the relevant request.
- g) Mission Inspection Expenses

Decisions and requests for all travel and related expenses of Panel Members, staff members assigned to the Inspection Panel, and engaged consultants and interns shall be made by the Chairperson to the AM Secretary with copy to the Senior Executive Assistant for processing in the normal course of business. Subject only to available resources and prima facie accuracy and completeness, the AM Secretary will process payment requests through the relevant platforms as soon as possible following receipt of the relevant request.

h) Work Program

The Chairperson determines the work program on compliance matters for the staff assigned to the Panel, and this work program will be determined for the most part by the needs of the case work. This program forms part of the work program of the Accountability Mechanism. The Chairperson and the AMSEC can agree to involve staff assigned to the Panel in AM programmes on matters of mutual interest.

i) Performance Review

The AMSEC and Chairperson jointly conduct staff performance reviews for staff assigned to the Panel. The Chairperson provides the AMSEC the written appraisal for discussion and submission. The Chairperson provides input on the performance review of those staff providing shared services. The rating of staff will be determined jointly on a percentage basis, rating per number of staff. There shall be a balance within the whole AM.

j) Staff Training

The AMSEC, in consultation with the Panel Chairperson and relevant staff members assigned to the Panel, will identify relevant training opportunities for professional growth for staff. These include but are not limited to external training courses, World Bank training courses which require approval (where there is a financial cost and others), attending external conferences, seminars, etc, cross-support and Development Assignment. The Panel Chairperson can propose training opportunities for staff in consultation with the AMSEC. The AMSEC remains responsible for ensuring adherence to bank regulations.

k) DC HQ Administrative Arrangements

AM headquarters administrative arrangements are the responsibility of the AMSEC. The AMSEC will coordinate and agree with the Chairperson equitable and reasonable arrangements, including office space allocation, equipment resources, office supplies and all other requirements of the Accountability Mechanism. Due consideration will be given to all firewall requirements between compliance and dispute resolution colleagues. Office space allocation will take into consideration relevant Bank guidance including in respect of grade and position.

l) AM Secretariat

The AMSEC is supported in her role by a Secretariat, serving the needs of both constituent parts.

m) Confidentiality

The AMSEC, the Panel Chairperson, and AM Secretariat staff are and will remain fully aware and committed to ensure requisite confidentiality.

n) Reporting & Accountability

The Chairperson of the Inspection Panel will assist the AMSEC as required in its reporting and accountability obligations by providing information on the Panel as may be requested.

2. CASE MANAGEMENT

Considering the introduction of a new case management system, and the need to streamline the management of information related to cases which have both compliance and dispute resolution phases, as well as the need to respect the requirements of the Resolutions in relation to confidentiality, the independence of the processes and the free and unconstrained participation of the Parties, it is agreed as follows:

a. Early access to Requester Engagement

Persons seeking access to the AM in all cases first file a Request for Inspection to the Panel which reviews the Request for eligibility and presents a recommendation for investigation to the Executive Directors. Upon receiving a Request for Inspection, the Panel Chairperson informs the AMSEC who takes no further action with respect to a Request for Inspection except when the Executive Directors authorize the Panel to undertake an investigation.

Prior to issuing a Notice of Receipt or a Notice of Registration/Non-Registration the Panel Chairperson informs the Accountability Mechanism Secretary of such decisions.

Following the issuance of a Notice of Registration, the lead Panel member working on the case convenes a meeting involving the Requesters, compliance staff allocated to the case and the AMS/DRS team. The purpose of this meeting is to present the entire AM process so Requesters can ask questions about the entire process, and specifically to the DR team.

b. Case-Numbering Convention

The DRS will adopt the case numbering convention currently employed by the Panel, to promote ease of use and interoperability. All case numbers will be prefixed by “AM-” and will be suffixed with either “-IPN” or “-DRS” to indicate the phase of the case (i.e. AM-1234-IPN and/or AM-1234-DRS). This will be implemented as soon as an appropriate IT Infrastructure is in place.

c. Case Handover

The Panel will share the case file with the DRS upon approval by the Board of a recommendation to investigate. This will include unredacted names and contact numbers of Requesters, their representatives, and a list of relevant borrower/government contacts if available. Working documents of the Panel are excluded from the transfer.

d. Case Confidentiality

- i. Upon receipt of a Request, the Panel informs the Requesters that confidentiality is maintained within the Accountability Mechanism as a whole.
- ii. Information received in confidence by the AMSEC, the Panel Members or any of the staff of the Accountability Mechanism, both Panel and DRS, is treated as confidential to the Accountability Mechanism until permission is granted otherwise, regardless of where the information is processed within the Accountability Mechanism.
- iii. The AM and Inspection Panel Resolutions further restrict transfer of case-related information from DRS to the Panel (see below).

e. Record Keeping

As per the AM Resolution, the AMSEC oversees record keeping for the Accountability Mechanism. This means that:

- i. The AMSEC oversees a single record-keeping system for the AM, which is administered independently from the Bank and where permissions are determined solely within the AM.
- ii. Certain files are limited in access to the Panel, and certain files are limited in access to the DRS. Permissions for Panel files are determined by the Panel Chairperson. Permissions for all other AM files are determined by the AMSEC.
- iii. There is a case management system for both the Panel and the DRS, under an AM case management system umbrella. This will be implemented as soon as an appropriate IT Infrastructure is in place. Access to the CMS is based on the firewall requirements for each stage of the process and relating documents. Panel Members and compliance staff have access to information on the CMS during the compliance stages of the case (Admissibility, Registration, Eligibility, Investigation, and Verification). DR staff and the AMS have access to DR-related information on the CMS. No one in the AM has access to the entire CMS. The status of the case will be visible to the AM Secretary and the Panel Members. The CMS includes a shared space through which the handover from Panel to DRS (and vice-versa) would occur.
- iv. All reports, whether from the AMSEC, Panel or DRS, which form part of the official record, being reports required by the Resolutions, are filed in the official record keeping system and visible to all AM staff. Official reports are made public on the AM website.
- v. Working documents of either Panel or DRS are not filed as official records.

f. Firewall

- i. The AM Resolution contains an absolute restriction on Panel communication with the DRS and Parties in connection with an active case during the dispute resolution process:

To protect the independence of the dispute resolution process and the free and unconstrained participation of the Parties, the Accountability Mechanism Secretary ensures that no member or staff of the Inspection Panel communicates with the Parties, their representatives, or the Dispute Resolution Service staff in connection with the case while the dispute resolution process is ongoing. Neither the Inspection Panel members nor any Inspection Panel staff involved in compliance review will take part in the dispute resolution process in any form.

- ii. This will be practically applied as follows:
 1. Panel Members and staff assigned to the Panel will not communicate with any DRS staff in relation to ongoing DRS cases. DRS staff members

will not pass information in relation to ongoing cases to the Panel Members or staff.

2. In the event of some unforeseen urgent and critical matter, which could potentially necessitate specific communication with DRS staff on a particular case as an exceptional measure, the Panel Chairperson and the AMSEC will meet *in camera* to agree on a suitable approach. The AMSEC reports any significant deviation to the Board.
3. Panel Members and staff assigned to the Panel may freely communicate with DRS staff at any time on any matters *not* connected with an ongoing DRS case. There are areas in which cooperation between Panel and DRS staff is needed in order to adequately address specific issues. General matters which may be incidentally but not specifically relevant to ongoing cases may be discussed.
4. Panel Members and staff assigned to the Panel shall not initiate contact with either Party in an ongoing DRS case. Should a Party to an ongoing DRS case initiate contact with the Panel in writing (whether letter, email, direct message or otherwise), the communication is acknowledged and simultaneously copied to the AM Secretary and/or senior DRS staff as appropriate. The acknowledgement will note that while the case is with the DRS, all communication on matters related to the case must be with the DRS.
5. Panel Members and staff may nevertheless communicate with a borrower or a representative who is party or representative in an ongoing DRS matter if the communication relates to a different case. Should this be the case, to avoid misunderstanding and ensure that the separation is clearly understood, the Panel Members shall contemporaneously brief the AMSEC as to the nature of such communications.

g. Restriction on information disclosed during a dispute resolution process

- i. According to the AM Resolution, information disclosed in a dispute resolution process cannot be used by the Panel during a compliance investigation:

In the event the Inspection Panel initiates an investigation in accordance with paragraph 33 of the Inspection Panel Resolution, the Accountability Mechanism Secretary ensures that information disclosed in a dispute resolution process is not used in the Inspection Panel's compliance investigation.

- ii. The AMSEC ensures that the DRS does not disclose information obtained during a dispute resolution procedure to the Panel or staff assigned to the Panel, prior to the issuance of the Panel's investigation report.
- iii. As the Panel is not informed what information is disclosed in a dispute resolution process, the Panel may use any information it receives on its own during its investigation.

h. Panel has full scope to determine what information to share with the DRS

There is no specific provision in either the Panel or the AM Resolutions prohibiting the sharing of information from the Panel to the AMSEC or the DRS. Such information is thus shared at the discretion of the Panel Members.

3. REPRESENTATION

a. Stakeholder Outreach

- i. A prerequisite for the effective functioning of the Accountability Mechanism is that the mandates and operations of the Inspection Panel and Dispute Resolution Service are known to people and communities whose rights and interests might be affected by World Bank-funded project.
- ii. The AM organizes in-country and virtual events, often with other independent accountability mechanisms and civil society organizations. The AM also organizes meetings and participates in relevant civil society events. All of the above activities that involve the Panel are coordinated with the Panel Chairperson. When Panel participation is required in AM outreach, the AMSEC coordinates with the Panel Chairperson, who determines who will represent the Panel. If the Panel initiates any such activities, the Panel Chairperson coordinates with the AMSEC.
- iii. The AM Senior External Affairs Officer and other relevant AM Secretariat staff take the lead in organizing outreach activities, preparing materials and in carrying out the necessary coordination within the mechanism. In preparing outreach materials, the Senior External Affairs Officer coordinates with staff assigned to the Inspection Panel and DRS, respectively, and seeks approval from the AMSEC for material related to the entire mechanism or DRS and from the Panel Chairperson on material related to compliance issues.
- iv. The Panel Chairperson or their designee represent the mechanism at conferences and other meetings pertaining to compliance issues and Panel activities while the AMSEC or their designee represent the mechanism at conferences or other meetings pertaining to accountability generally or dispute resolution in particular.
- v. The Panel Chairperson and the AMSEC can convene one-off-events to mark important milestones. For events that are Panel-related (e.g., 30-year anniversary of the Panel) or landmark cases (e.g., the GBV case), the Panel Chairperson informs the AMSEC once the decision is made and keeps the AMSEC informed during preparations. The Panel Chairperson convenes events that are Panel-related; the AMSEC convenes events otherwise.
- vi. A similar process is followed for events intended to make the AM, Panel and DRS better known within the World Bank.

b. Appearances Before the Board of Executive Directors

The AMSEC and the Panel Chairperson share responsibility in representation to the Board and CODE depending on the matter to be discussed. The AMSEC represents on issues that are mechanism-wide or relate to the DRS and dispute resolution, while the Panel Chairperson represents on matters related to the Panel and compliance. For issues that pertain to both dispute resolution and compliance, both the AMSEC and Panel Chairperson are present at meetings of the Board or Board committees.

During the biannual information sharing to CODE, the Panel will submit a report to CODE updating it on Panel-related matters. The AMSEC will submit a report updating it on the AM and DRS.

c. Website

- i. The AM has one website that explains the mandates, operations and procedures of the AM, the Panel and DRS and how to file a Request for Inspection, provides details on case work and access to related documents, offers news on case developments, staff changes, outreach events and the like, includes biographies of the AMSEC current and past Panel Members and all staff, and serves as repository for relevant Board resolutions, historical documents, informational materials, the annual report and advisory reports.
- ii. The AM Senior External Affairs Officer takes the lead in preparing news content for the website and the AM and Panel social media channels. In preparing that content, the Senior External Affairs Officer coordinates with staff assigned to the Inspection Panel and DRS, respectively, and seeks approval from the AMSEC for content related to the entire mechanism or DRS, and from the Panel Chairperson on content related to compliance issues. Content concerning both functions must be agreed by both the AMSEC and the Panel Chairperson. The Panel and DRS may propose website content related to their work in consultation with the Senior External Affairs Officer (without the ability of the latter to veto). Any posting should not contradict the overall AM structure. The Panel has independent access to post content related to the Panel and compliance, including news updates, advisory or any other information and will coordinate any posting with the Senior External Affairs Officer.
- iii. Case page updates are coordinated and led by the Senior External Affairs Officer working with staff assigned to the Panel or DRS, depending on the nature of the updates.
- iv. The AM website is expected to be fully functional in the spring of 2022. Once that happens, the URL for the current Inspection Panel website will redirect to the URL for the unified AM website.

d. Emerging Lessons Series

The Inspection Panel Resolution authorizes the Panel to provide advisory services in the form of lessons from its cases through its different reports and publications. Since 2016, the Panel has issued seven reports in its Emerging Lessons Series. This function is solely within the purview of the Panel, which decides on the topic of advisory reports and is responsible for their preparation and release. The Panel Chairperson will keep the AMSEC informed on the status of report preparation and plans for release. At the Panel's discretion, the AM Senior External Affairs Officer may continue to be involved in the preparation and design of the report and the organization and promotion of the event to release it.

e. Independent Accountability Mechanisms (IAMs) Network

- i. The IAMs Network is comprised of some 20 independent accountability mechanisms at international financial institutions. It is intended to contribute to a regular exchange of ideas and assist with institutional capacity building in accountability and compliance as components of corporate governance. The

Network holds an annual meeting and convenes standing and ad-hoc committees and work groups on relevant topics.

- ii. The AMSEC and the Panel Chairperson will coordinate the involvement of the AM, Panel and DRS in the Network, for example, discussing who will attend the annual meeting and participate in the various committees, working groups and other activities. The three Panel members attend the annual meeting. As the Network follows a “one IAM, one vote” procedure, the AMSEC will cast the Accountability Mechanism’s vote on matters that require one but will do so in consultation with the Panel Chairperson.

f. Annual Report/Quarterly Newsletter

- i. The Accountability Mechanism is required to produce an annual report that, among other things, describes the casework of Inspection Panel and DRS, provides the budget expenditures of both, and details the AM’s outreach and other activities during the year. The AM also produces a newsletter once a quarter that, among other things, details major activities at the AM, Panel and DRS, and updates readers on case developments.
- ii. The AM Senior External Affairs Officer takes the lead in preparing news content for both the annual report and the newsletter. In preparing that content, the Senior External Affairs Officer coordinates with staff assigned to the Inspection Panel and DRS, respectively, and seeks approval from both the AMSEC and the Panel Chairperson before finalizing these publications.

g. Email Addresses

The AM utilizes two email addresses – accountability@worldbank.org and ipanel@worldbank.org – for the submission of Requests for Inspection to the Panel and for receiving other communications relevant to the AM Secretary and/or the DRS.

Staff as agreed between the AMSEC and the Panel Chairperson, such as the Research Assistant and the Senior External Affairs Officer, access accountability@worldbank.org and forward emails on to the relevant parties.

Access to ipanel@worldbank.org is limited to Compliance staff as designated by the Panel Chairperson. Information received on ipanel@worldbank.org other than Requests for Inspection will be shared with the AM Secretariat or DRS as appropriate.

Protocol Review and Amendments

This protocol is intended as a living document and may be reviewed and amended by mutual agreement as circumstances and practice evolve.

This Protocol was agreed and endorsed on May 19th, 2022

_____ [SIGNED] _____
Orsolya Székely
Accountability Mechanism Secretary
(Original on file)

_____ [SIGNED] _____
Ramanie Kunanayagam
Chairperson, Inspection Panel
(Original on file)