



The Inspection Panel

What we do and how our work relates to human rights

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Presentation at OPCS – Nordic Trust Fund
June 7, 2012





The Panel and the concept of rights in development processes



1. The right to recourse: The Panel process itself
2. Rights embedded in safeguard policies: The Panel's assessment of compliance
3. The Bank's role to assist member states fulfilling rights obligations: The Panel's indirect contribution



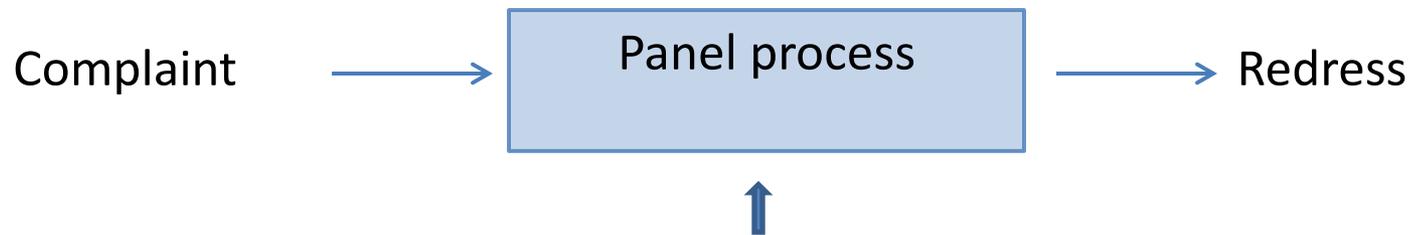
Right to recourse: the Panel

- The genesis of the Panel
- Rio 1992 – Principle 10
Giving people voice
 - The right to know
 - The right to participate
 - The right to recourse
- New international doctrine: Citizens to have access to recourse at international finance institutions
- The Panel complements other avenues for redress





Right to recourse: the Panel process



Panel

Investigates whether the Bank has **followed** its policies and procedures in design, appraisal and implementation of a project

Investigates **links** to alleged harm

Management

Responds to the complaint and findings from Panel investigation

Actions to address complaint and issues of compliance



Right to recourse: Panel principles

- Ensuring access
 - Low threshold for filing a complaint
 - Making the Panel known

- Protecting the right to recourse
 - Provisions of confidentiality
 - Can file through a “representative”
 - Risk of reprisal: reporting instances to highest authorities (Mumbai, Chad-Cameroon)

- Independent, impartial, transparent



Rights embedded in safeguard policies

- Bank safeguard policies contribute greatly to articulating (human) rights in planned development processes
- Policies are means to an end: prescribe procedural requirements but also intended outcomes and standards – or “rights”:
 - Right to know and to be consulted
 - Right not to have ones livelihood deteriorated
 - Right to benefits from development investments



Right to be consulted

- Consultation is a **means** to an **end**
 - What end is it that the Bank want to achieve (standards)?
 - Different policies have different standards on consultation
Levels of empowerment

- Questions for the Panel
 - Were policy-required **ends** (standards) achieved?
 - Any flaws in the **means** applied?



The empowerment continuum

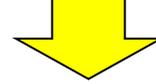
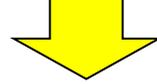
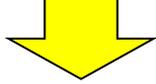
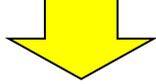
Access to information

Physical cultural resources

Environmental impact assessment

Involuntary resettlement

Indigenous peoples



Less

TOP-DOWN

Empowerment

BOTTOM-UP

More

Informing about the project



Collecting information: participatory methods



Collecting views: on alternatives, options



Taking views into consideration: reporting back



Participation in implementation



Engaging in negotiation, mediation



Giving decision-making power to stakeholders





Right to restoration of livelihood

- Has the livelihood of displaced people been restored?

OP4.12: “to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels”



Right to benefit

- Have indigenous people benefitted from a project affecting them?

OP 4.10: “ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and intergenerationally inclusive”



Member states' rights obligations

- Former General Counsel: The Bank's role is to support its Members to fulfill human rights derived legal obligations (from international treaties or from national laws) where they relate to Bank projects and policies
- Support: Application of policies that contribute to fulfillment of human rights
- Avoid violation: Panel cases have, at least indirectly, invoked this perspective
 - Civil and political rights: intimidation of requesters (Chad)
 - Economic, social and cultural rights: ILO Convention on Indigenous People (Honduras); access to water (Pakistan)



Final remarks

- Review of the safeguard policies:
 - More emphasis on outcome standards
 - But how to gauge standards? A rights perspective is helpful
- Citizen-driven accountability moving forward:
 - Right to recourse: important principle in a globalizing world
 - The Bank : need for more discussion on the best way forward under the Bank's modernization agenda
- What can the Panel do:
 - Promote and protect the right to recourse
 - Contribute to an outcome standard and “rights” perspective when assessing policy compliance



Thank You!



For more information:

www.inspectionpanel.org