

Matrix of Comments from Consultants/Experts on Update of Inspection Panel Operating Procedures

<u>Issue Areas</u>	<u>Comments</u>
1. Pre-Request	<p>Consultant 1: Notice boards on the site of World Bank-funded projects should include a statement to the effect that the project is being funded by the Bank and must comply with Bank policies, and provide a contact number and website for further information. Country directors and managers, in-country Bank offices and the Bank's websites could improve publicity around the Inspection Panel, targeting local CSOs. Outreach to these CSOs should take the form of simple, accessible material for concerned people to get in touch with the Panel for more information and assistance.</p> <p>The language of communication is crucial to the Inspection. Here, I'd see interpreters and simple, accessible explanations of the Panel and its operation being distributed to Requesters in their indigenous language... The core criteria used by the Inspection Panel – namely material actual or potential harm linked to non-compliance with Bank policies – should also be clearly explained, together with the limitations or boundaries of the Panel's work.</p> <p>Consultant 3: There are two few requests coming to the Inspection Panel: this is probably because the procedures are too legalistic and complicated. The Panel needs to re-assess how it communicates with requesters and potential requesters.</p> <p>Consultant 6: Affected people are not familiar with [procedures], hence they may find it difficult to deal with such complicated procedures by themselves. A pre-request consultation at a local office may help the potential Requesters to get familiar with the Panel operating procedures.</p> <p>Consultant 6: The Requesters will find it much easier to make contact with the Panel, than to write and send a “complicated” request [if there is an outreach strategy]. Direct contacts between the Panel and the potential Requesters could be started prior to the submission of the formal Request.</p>
2. Submitting a Request <ul style="list-style-type: none"> ▪ Contents of a request 	<p>Consultant 1: The request for Inspection process is reasonable and not unduly onerous, with the exception that Requesters are expected to be familiar with Bank policies; such familiarity is often unlikely. I'd suggest that the process could be simplified for the Requesters [if they could] identify harm or damage that would leave them worse off, and explain the cause of that harm or damage as they saw it. The Panel could then help to situate the concerns within the Bank's policy framework and, where the harm or damage can be linked to Bank involvement, provide assistance in linking the claims to specific policies.</p>

	<p>Consultant 3: Requesters should not have to identify material harm. This seems very burdensome. Requesters should not have to cite policy violations. If this is not required in practice, the Panel should make it clear in the procedures.</p> <p>Consultant 6: The Request form and procedure should be as simple as possible, and in the language which is familiar to the Requester. Preferably, an oral recording of the request in local language may be accepted [if not they should be assisted by mediators who can add their opinion].</p>
<ul style="list-style-type: none"> ▪ Form of Request ▪ Delivery of Request 	
3. <u>Procedures on Receipt of Request</u>	
<ul style="list-style-type: none"> ▪ Registration ▪ Supporting due diligence and interaction with requesters at registration 	
4. <u>Management Response</u>	
5. <u>Eligibility Phase</u>	
<ul style="list-style-type: none"> ▪ Ensuring clarity of information in describing findings on eligibility 	<p>Consultant 5: Breaches of Bank policies and operational procedures are listed throughout the operating procedures as being “serious”. This raises the threshold to a relatively high level and therefore implies that any Request based on, for example, “minor” failures, would not be considered eligible for investigation. Since no definition of the term “serious” is provided, it may be better to delete the term.</p> <p>Consultant 8: Eligibility should be streamlined: sometimes it could even be a desk review. Management should not be allowed to challenge eligibility. That is clear in the Clarifications [of the Panel Resolution].</p> <p>Consultant 12: Eligibility visits by Panel members and members of the Panel Secretariat have become virtually routine for all requests lodged with the Panel. The desirability and cost-effectiveness of such visits must be questioned in cases where the eligibility of the request is not controversial. Where some ambiguity may exist a visit by a single member of the secretariat to establish the bona fides of the requesters should suffice to establish eligibility according to the Resolution.</p>

	Consultant 12: Eligibility determinations should not evolve into “preliminary investigations” with project inspections, protocol visits to government officials and public meetings. The question of eligibility of a request should be largely administrative (handled by the Secretariat) and should not automatically trigger a site visit.
<ul style="list-style-type: none"> ▪ Fostering opportunities for management to address problems during the early stages of the Panel process, building on or codifying recent practice and lessons from other IAMs 	See section 15
6. <u>Panel Recommendation to Board</u>	
7. <u>Investigation Phase</u> <ul style="list-style-type: none"> ▪ Shortening investigation phase 	<p>Consultant 1: No timeline is given within which to complete the Inspection. This can lead to long delays, the need to continually update information, and leaves Management and Requesters ‘in limbo.’</p> <p>Consultant 7: Most people were happy we were there at all. However, a perfectly reasonable complaint would have involved the lateness of the opportunity and the time it took to get an investigation going. The project was over by the time we finished the investigation which really doesn’t help anybody.</p> <p>Consultant 9: The Panel investigation phase takes too long, sometimes up to 12 months. The report writing also takes too long and is more complex than it should be. The report writing process could be strengthened.</p> <p>Consultant 4, 9, 10: To improve efficiency and effectiveness as soon as the Panel receives Board approval for an investigation, an internal timeline should be created. For example a six month-period from the beginning of an investigation to the production of an Investigation Report. If the six month timeframe is not reachable, then the Chair of the Panel should decide on whether to extend it or not. However, sometimes the field visits are too short to make definite conclusions and analysis.</p> <p>Consultant 12: Inspections more often than not take a long time to complete. The unrestricted time allowed for inspections contrasts sharply with the strict time bound period for Bank Staff to respond to requests for inspection.</p>

	<p>Consultant 13:</p> <p>1) There should be a time limit on the investigation phase. The ___ request is a year from the first field inspection. The step is not time bound. The Requesters are sitting in limbo for a couple of years.</p> <p>2) I received comments [from requesters] that the investigation phase was going on too long and the requesters were waiting for their report. In both cases I was involved in, I felt field visits were a bit rushed and very intense. It's always complex. We came into a country very quickly to collect field data. We needed more time as a team to reflect and then go back out again. Everything was prescheduled. There was very little time to sit and reflect and see where the gaps are. A few more days in the field would [have been] good.</p>
▪ Methods of investigation	<p>Consultant 1: The schedule on the site visit was overly ambitious— there was little time to digest or process findings or to compare notes as a team. I'd suggest that a short team session be held at the end of each day to consolidate and help focus the Investigation as it progressed.</p> <p>Consultant 3: The Panel should develop new techniques for collecting data. It needs to have a realistic assessment of the work that needs to be done in the field. Consultants' work plan should be task-based. Environmental and social assessments have two different time frames. Social assessments take a lot longer so social consultants need more time in the field. Consultation is a complicated process and often one will not obtain all the information needed in a group meeting.</p> <p>Consultant 6: The site visits were usually very short and problematic. One time I was given only half an hour for an interview with a few of the requesters at a small local town with an airstrip, which was several tens of kilometers from their village.</p> <p>Consultant 7: The strengths lie in the independence and flexibility of the panel to conduct research into the background of the complaint. I appreciate that budgets are not an immediate constraint and in the independence of the panel to make decisions about how to investigate complaints. I suggest staying longer in the field. The issues were complex and we did not have time to follow through some of the ramifications of what we were learning.</p> <p>Consultant 11: Keep the site visits and if anything extend them.</p> <p>Consultant 12:</p> <p>a) Inspections are very costly exercises: cost effectiveness of Panel procedures has a very low priority. The remuneration structure of part-time panel members provides a perverse incentive for inspections to be drawn out, and for numerous site visits and face-to-face Panel meetings to be held.</p> <p>b) A shortcoming in Panel Procedures is that the Panel attributes these studies and documents to Bank staff</p>

	<p>whereas in reality, Bank staff are one or two steps removed from them. The field visits to a project site (an essential element of all full investigations) should follow the initial briefing and occur BEFORE the detailed formal interviews with Task Team leaders and other Bank staff. At present investigations start with formal interrogatory interviews with Bank staff before the Panel has detailed first-hand experience of the project. The Panel is thus at this stage unable to distinguish between what will become relevant and irrelevant to the Inspection. [If the Panel is] Properly briefed before field visits these meetings could be more focused and targeted to meet the needs of the Inspection.</p> <p>c) "Political/Protocol" and "Technical" aspects of the field visit should not be muddled together.</p> <p>d) The Panel's entire investigative process could be streamlined, made much more cost effective, and made less adversarial towards Bank Staff, without compromising Panel independence.</p> <p>e) There is no need for three Panel members and several members of the Secretariat to engage in the site visits alongside the technical experts hired to assist the Panel in its investigations. Apart for greatly inflating the expense of an investigation the two observing members (not the lead inspector) often add no value to the investigation and frequently downgrade the interaction between technical professionals by requiring layman explanations of a topic.</p> <p>f) The Panel's strength is that it conducts independent and thorough investigations. However, investigations start from a highly legalistic and adversarial stance. The procedures thus tend to polarize Requesters and Bank Staff into "us" and "them" groupings. This is not conducive to producing goodwill and finding pragmatic ways of addressing Requesters problems. This approach also polarizes Bank Staff and the Inspection Panel into "us" and "them" with the consequence that lessons to be learned from Inspections are not jointly explored and institutionalized.</p>
▪ Report writing process	<p>Consultant 13: The notion of the full and part time inspectors is fairly good, but the Panel does not seem to be able to cope with the workload. With the ___ request they can't cope with the current workload. The field inspection and investigation phase was taking too long. ___ requesters wrote to the WB President complaining that the case was going on too long. I'm not sure of all the nuances that go into an Inspection Panel case, but it seemed that the Panel was overwhelmed with the number of inspections requests that were coming through.</p> <p>Consultant 14: There should be more regular panel visits to the site to enable facilitation of the project and restore confidence of the people in the Bank procedures as "pro people."</p> <p>Consultant 12: My experience with other IAMs has been that the secretariat collects individual consultant's reports and quickly (one week) moulds these into a single document (without undue attention to details and having all points and areas of contention resolved). This document is sent to all those who will be involved in the conference call about a week before the call takes place. Everyone is required to have read the document</p>

	<p>and to have made annotations as to things that are incorrect, need attention etc. Discussion of this initial document is done paragraph by paragraph. The discussion is “chaired” by the lead panel member. A member of the secretariat keeps notes of all proposed changes and amendments. A second version of the document is prepared by the secretariat and circulated for a second iteration of the process. During the second conference call clarification is made of who will provide citations and references for Particular points (a Panel member, the secretariat or which individual consultant). The final report is produced by the secretariat and circulated to all involved for final written comment. The Panel Chair decides which consultants are needed to attend a final face-to-face meeting to thrash out any contentious issues or findings and to help polish the final report.</p> <p>Consultant 7: The process of report writing between expert and panel needs some work. Maybe some guidelines for experts.</p>
<ul style="list-style-type: none"> ▪ Participation of Requester: Improving transparency, including access of requesters to panel investigation findings when action plans to address the findings are being developed. 	<p>Consultant 1:</p> <ul style="list-style-type: none"> a) Where the investigation endures for longer than a defined period (e.g. 3 months), the Panel should communicate with the Requesters to update them on the Inspection and give them the anticipated date of completion of the Inspection. b) The procedures are clearly articulated. However the process and likely timing of preparing the Investigation Panel report (the work-plan) should be outlined for Requesters. c) The Panel should be given an opportunity to evaluate and give a formal response regarding the adequacy of Management’s plan to remedy non-compliance/ harm, and on its planned implementation. As part of this step, the Requesters should be given an opportunity to submit comment to the Panel on this plan. <p>Consultant 2: [There should be] scheduled briefings by the Panel that inform requesters about the progress made by the Panel. Engagement during investigation is governed by the affected people’s confidence that their voice will be heard and appropriate action will be taken. That confidence was weak in case of the _____ investigation. Sharing progress reports [with Requesters] may help in restoring and maintaining that desired level of confidence.</p> <p>Consultant 3:</p> <ul style="list-style-type: none"> 1) There should be a re-assessment of how to communicate with Requesters throughout the Panel process. Communications are often structured by the NGOs who are helping the requesters and this limits the Panel’s ability to listen and communicate. Fact finding should take place all during the investigative phase and during report writing so that facts are continually updated along the way. This can be done electronically or by phone. This helps with interaction with the requester so they are not left in the dark. Back channel communications are very important. 2) I passed out my name and address on cards when I was in meetings in the field, and later on I received a

packet of hand written letters from people explaining in more detail their problems and issues. I felt this was indicative of a need to explore more creative ways for communicating.

Consultant 5: Panel members could not have been more sympathetic and accessible to the affected people. Meetings were held with the affected communities and contact details given in the event that any follow-up meetings were sought. The local Requesters appreciated the efforts of the Panel to address their concerns and the determination of the Panel members to be both fair and rigorous in undertaking the investigation.

Consultant 6: In order to find out the “facts” it is necessary to stay among the affected people.

Consultant 13: The requesters feel strongly that the length of time has been too long. Deadlines get lost. I don’t know why that has happened but the Requesters seem to lose faith in the system.

Consultant 14:

- 1) In some cases requesters reporting to the Panel had the reverse [negative] impact- officers at the Borrower’s office did not cooperate with them for their R&R requests because they had complained to the Panel. In other cases, there groups that were more organized and had legal tenure to land In these cases the Government and Management had no choice but to upgrade their R&R, that in any case was their due.
- 2) [procedures can be improved] through speedy response to their email. At times the requesters stated that their emails were not acknowledged by the Panel and they did not know if their communication was safely received.
- 3) Allowing for translation facilities in the regional and local languages which is accessible to common people [would improve the process]. These should be available online and in the Project Information Center at project sites.
- 4) [participation of requester] This depends entirely on Management and the Borrower in the initial phases. Problems arise after the action plans made by the above two have not worked out , in all sites in ___ the people were not consulted [by management]. A few representatives were present and pictures clicked and shown later and labeled as a “stakeholder meetings” by Management.
- 5) The dates of meetings, venue, time should be on a holiday, Sunday for instance, so that people are at home, should be advertised through loud speakers or pamphlets inserted in local newspapers, at the nearby railway stations, post offices, Banks, through the NGOs so that the word spreads.
When the Panel comes on site, it is a few dominating people who take over, so it is very important for the Panel and the local consultant to visit the sites on their own and consult the local people on a door to door basis.

<ul style="list-style-type: none"> ▪ Participation of Third Parties 	<p>Consultant 1: After a decision has been made to carry out an investigation related to a specific project, a notice should be placed in local and regional newspapers to the effect that a Request has been received and an investigation is to be carried out, inviting submissions from any parties who believe they have information of material relevance to the investigation.</p>
8. <u>Panel Report to the Board and President</u>	<p>Consultants 2: I wish to compliment Panel for the great care with which the reports are written and edited. I understand the need for absolute clarity and certainty that the contents are correct. The adversarial attitude of Management alluded to before has probably contributed to this need to make the contents of the report acceptable to Board and Management. The downside is that it could have lengthened the process.</p> <p>Consultant 3: Panel Reports follow a very stylized and formulistic pattern. For external readers these are not user-friendly and may not be effective.</p>
9. <u>Management Response and Action Plan</u>	<p>Consultant 12:</p> <p>1) Project Affected Persons quite understandably push their own agendas forcefully in their interactions with the Panel and investigating team, particularly during site inspections. The actions they want undertaken are invariably to their advantage—hence the oft-raised desire to contribute directly to action plans being put forward because of an inspection. The actions preferred by project affected people need to be balanced against practical realities, budgetary constraints, overall detriment these may have on the project, or disadvantage that may be caused to other parties. A possible practical way forward might be for project affected people and Bank Project Managers to meet face-to face under the auspices of the Inspection Panel to develop an action plan that would accompany the Panel’s final report to the Board. (This implies that both a draft of the Panel’s findings and a draft of Managements proposed actions be made available to project affected people prior to the meeting).</p> <p>2) It would be sensible for Management’s Response and Action Plan to be given to the Panel and their expert consultants for consideration and comment before the Management Response is submitted to the Board. Preferably a “workshop” between bank staff and their “experts”: and the Panel and its “experts” could be held to try and resolve differences and to find a constructive way forward. Ideally representatives of the Requesters should also participate. After this has happened the Management Response and Action Plan should be submitted to the Board under cover of an accompanying letter of transmission signed by both the Chair of the Panel and Head of Bank Quality Assurance, outlining agreements and differences between the Panel and Management — as the Bank President has requested previously.</p>
10. <u>Board Decision and Public Release</u>	<p>Consultant 7: The Board meetings are so unpredictable that it might not help to have requesters present, but there should always be channels for immediate communication to them regarding any action the Bank intends to take with regard to a specific complaint.</p> <p>Consultant 11: There did not seem to be a good link between Panel recommendations and feedback to Bank</p>

	and Client. The meeting with the Board was not of much use. The Bank chief loan manager seemed to be operating less than transparently and I could not really understand why he always spoke on behalf of the loan recipients and never the people [requesters] lodging complaints.
11. <u>Return Visits</u>	
12. <u>Panel Follow-up</u> Fact-finding follow-up investigations (if requested by the Board) to check results on the ground, and invite inputs from all parties on the effectiveness and outcomes of the process	<p>Consultant 3: Lack of follow up in Panel cases is a weakness. The Panel should be empowered to conduct follow-up to ensure that the recommendations of the Board are implemented.</p> <p>Consultant 6: What is wanted and planned in the Management response and action plan may be different from what is actually happening on the ground at a remote project site. A follow-up investigation [by the Panel] is necessary.</p> <p>Consultant 12: These activities should become part of the Panel's procedures and not be undertaken "by default" as at present. The Panel's recent innovation of "reporting back to Requesters" by means of a visit by several Panel and secretariat members, and on occasion accompanied by a technical expert, is a step in the right direction. However, a clear distinction should be made between the "outreach and educational function" of meeting with Requesters and the need for technical monitoring of compliance with agreed action plans. The former could readily be performed by one member of the Panel, or of the secretariat; the latter should be by one or more of the Panel's technical experts.</p> <p>Consultant 14: The follow up mechanism should be carried out, even if intermittently until project closure in cases where the Panel has been involved.</p>
13. <u>General Procedures</u> General comments	<p>Consultant 9: The Panel is fragmenting its own work on a case by case basis. There is too much emphasis on policy violations. The Panel is too much cast in the mold to report on the negative. As a result there is only incremental benefit [to lessons learned]. The Panel should also report on the positive and what Management is doing right. The Panel would be more effective if it learns from past cases and follows its precedents within Resolution and Clarifications.</p> <p>Consultant 11: [The Panel procedures] seemed to work reasonably well, probably more a reflection of the Panel make up and great collaborative with a good Panel Chair.</p> <p>Consultant 12: The Panel is expected to be a neutral investigative body that weighs evidence and reports impartially to the Board. An Inspection Panel report is expected to lead to a resolution of the problems experienced by the Requesters. The Panel is thus advocate for the affected party, prosecutor of the defending party, impartial judge, and problem solver. There is real conflict of interest between these simultaneous roles</p>

	the Panel is required to play. As Panel members have changed so has the emphasis that the Panel has placed on one or other of its roles. Different conceptions of what the Panel's fundamental role actually is, has also led to tensions between Panel members, between the Panel and Requesters and between the Panel and Bank staff.
14. <u>Cross-cutting general categories and themes</u>	
▪ <i>Improving public awareness of the Panel's Availability as an Accountability and Recourse Mechanism</i>	<p>Consultant 1: [The Panel's public outreach and communications strategy and methodology should be incorporated in the updated Panel procedures].</p> <p>Consultant 5: Panel should do more to promote awareness of its activities and its role in ensuring that the Bank operates according to the highest professional and ethical standards. At a time when alternative sources of international loans are increasingly available, the protection the Panel provides to project affected people is an incentive for accepting a loan from the Bank compared to other options which may lack such protection. The Bank's media or public relations Department should invite media outlets to a press conference to explain and discuss what the Panel does and the context in which it operates.</p> <p>Consultant 7: The Bank itself should make an effort to distribute information on the Panel to all project areas where complaints might arise. In our case, a local NGO had to guide the people through the complaint process. The information should not be only accessible to NGOs.</p> <p>Consultant 8: There are current practices and traditions that the Panel uses that are not reflected in the procedures. Reflecting these could create more understanding of the Panel's work.</p> <p>Consultant 12: The Panel should be responsible for its own outreach and promotional activities and not be dependent upon Bank operational staff. This outreach should, however, be based on a definite plan and budget and should not be a matter of "beating the bushes" to "solicit requests" when the Panel's workload – and consequently the remuneration of the part-time Panel members – is low.</p> <p>Consultant 14:</p> <ol style="list-style-type: none"> 1) There is little public awareness about the Panel. The information about the Panel incidentally was passed on to the project affected people by the NGO workers. 2) There is absolutely no publicity about the Panel when the project commences even on the websites of the borrower, through flyers etc. Once a project commences, the details of the Panel and the option of registering request should be displayed online on all sites- of the Bank, Management and the Borrower so that people are aware of this option.

<ul style="list-style-type: none"> ▪ Transparency and Disclosure during Panel Process 	<p>See section 7</p>
<ul style="list-style-type: none"> ▪ Early Problem Solving 	<p>Consultant 2: [it is a weakness that the] remit of the Panel is limited to testing compliance with Bank Policies, without having the ability to take initiatives with respect to solving the problems affected parties complain about. I suggest a protocol should be developed for discussing complaints with Management during the early stages of a Panel inspection. This should most likely take place after site inspection. If such discussions are well structured and if possible take place under the guidance of a mediator, they might lead to early action by Management and give the complainants the sense that their complaints have been heard and will be addressed.</p>
<ul style="list-style-type: none"> ▪ Affected People's Access to the Panel Process 	<p>Consultant 3: The Panel accepts complaints in local languages, and therefore should send its final report and all communication to requesters in the local language. It should be very easy to file a request.</p> <p>Consultant 6: 1)Use of local languages, (2) not only written but also oral (or audio-visual) request form, may be more user friendly. 3) Some of the requesters need financial, logistical technical and probably professional assistance.</p> <p>Consultant 8: Previously the Panel was more open ended in its investigations. This Panel is more streamlined and more restrictive in its investigations. For example in _____ request they could have looked at potential harm to those who were not requesters, but they did not look at this. There was a broader interpretation of the Panel's powers of investigation in the earlier years. They were not constrained from looking at broader issues. The Panel seemed to have responded to pressure from the Bank more recently to not take a broad approach.</p> <p>Consultant 11: There should be better use of the internet.</p> <p>Consultant 11: It appeared the people making the complaints did not get a full hearing.</p> <p>Consultant 12: The Panel provides Project Affected People with a more “sympathetic ear” than they usually receive from Bank operational staff.</p> <p>Consultant 13: The affected people who are being impacted by Bank projects could be illiterate so this is a problem. In most cases there are pretty effective CSO groups who help them file a request. The CSOs are connected. The problem comes where there is no CSOs and the affected communities are not well connected.</p>

	<p>Consultant 14: Unless people know about the Panel and its processes they will never be able to file a Request.</p> <p>People should be made aware of the existence of the Panel and the option that they can have in case of lack of due diligence etc. The Public Information Center should be functional and Management should have a check list for all these at the time of project take off.</p>
<ul style="list-style-type: none"> ▪ <i>Promoting Effective Panel Interaction with Management, the WB Board, and Borrower Countries</i> 	<p>Consultant 1: There are some procedural areas that would benefit from clarification to address possible perceptions or expectations around the outcome of the Panel's Inspection, e.g. -- What can and can't the Panel do? How would the Panel's finding affect the various parties? Could the Panel's finding affect the Bank's financing of the project?</p> <p><u>Interaction with Management and Operations</u></p> <p>Consultant 2: [the panel should] clarify the degree of collaboration expected from staff involved in the project. It seemed that operations would only provide relevant documents to the Panel when asked.</p> <p>Consultant 5: The existing procedures for defining the relationship between the Panel and other interested parties are clear and adequate.</p> <p>Consultants 4, 9, 10: If there is more dialogue between Management and the Panel then this will reduce the amount of time that management's response takes.</p> <p>Consultant 9: The interviews with Bank staff, during an investigation, should be less formal and create a working atmosphere. This could be accomplished through a meeting that had a note-taker instead of a tape recorder and by interviewing groups instead of one-on-one, without the team leader. The whole exchange with Bank management should be less "prosecutorial."</p> <p>Consultant 9: The Panel should work on phrasing certain violations not as a "failure to comply" by Bank Management as a whole, but by those who were responsible to adequately supervise everything on the ground. The whole system is geared toward finding blame. However the Panel should be careful about being more "personal" as that might not be effective either. Overall, both Management and the Panel should work closely in eliminating some of the misunderstandings and misrepresentations that exist about the Panel processes at the Bank.</p> <p>Consultant 12:</p> <ol style="list-style-type: none"> 1) There is no substitute for face-to-face discussion with Bank staff responsible for a project at the start of an inspection: but the present format of starting with formal interrogatory interviews recorded and transcribed

	<p>word-for-word, as if a court of law, creates an adversarial relationship between the Panel and Bank Staff right from the start.</p> <p>2) At the start of Inspections, the Panel and its consultants should be fully briefed by the Bank's Project Team on the history, aims and problems that the project has experienced. The Project Team should be required to draw attention to all relevant bank documents and identify all important role players, both bank staff and consultants to the project. (This should not be in the form of formal interviews - these should follow later, but more in the form of professional exchanges of relevant data and information). Such briefings should ideally include the consultants who actually compiled the Environmental, Economic and Social Assessments.</p> <p>3) When the Panel finds it has a fundamentally different interpretation to Bank Staff of a section in a Bank Operating Procedure, a face-to-face meeting with Bank professionals in the relevant field (drawn from staff with no involvement in the project under investigation) would lead to better understanding and may make a controversial Panel finding more palatable.</p> <p>4) Once the Panel and its experts are fully conversant with the project, formal meetings – for the record – between the Panel and Bank staff should occur. These meetings should be fully minuted but should not be subject to "court-style" stenographic recording (as is done at present) as this creates an ambiance of quasi-judicial and adversarial proceedings that are counter-productive. Protocols, or guidance documents, setting out what the "rules of engagement" are during Panel Inspections would be helpful. The aim of these should be to provide clarity rather than being restrictive. At present, there is considerable uncertainty as to the propriety of contacts and relationships while an inspection is underway as well as to the legal status of the Panel's findings.</p> <p>Consultant 13: Over the years, there has been a shift in the internal culture of the Panel Members. Panel members are now less confrontational with management and trying to look for solutions and problem solve rather than casting blame. This is a very good development. This came through clearly in the ___ request. At the end of the inspection, there was a presentation to the Bank Board. We had a discussion about what can be done to improve outcomes. Panel and Management looked at the outcomes together. This was a very good situation and very interesting development. There was enough good will to sit down. I would think this exchange between Management and the Panel should be continued.</p> <p>Consultant 11: Set up a formal procedure for feeding recommendations from the Panel to the Bank and client.</p> <p><u>Interactions with the Board and Governments</u></p> <p>Consultant 8: The question on how to influence bank policy is always there. There should be a clear set of procedures on how the Panel deals with Governments and the Board. The Panel should visit the EDs on a</p>
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	<p>regular basis; they need to develop those relationships and contacts.</p> <p>Consultant 4, 9, 10: The Panel is an important tool for both management and the Board. The Panel should be able to approach those at the highest level of the Bank to seek policy changes in the Bank.</p> <p>Consultant 12: Care also needs to be taken to avoid "in-country" stakeholders (particularly government officials responsible for projects) becoming confused and irritated by the various stages of panel activity - eligibility visits, protocol visits, technical visits, general orientation. Viewed from the stakeholder perspective the same Panel members appear to visit the project again and again without any discernible advance to the inspection.</p> <p>Consultant 12: There is also the impression that the Inspection Panel Process is the "ultimate court of appeal" and that Panel findings are binding on governments and on project contractors. This leads to resentment and creates the impression that the Panel process is a waste of time.</p> <p>Consultant 14: It must be clarified to the Governments and NGOs that a Request to Panel is not a challenge to the [government's] sovereignty or capacity for project implementation, but in fact improves the lives of their own people and thus should be interpreted as such.</p>
<ul style="list-style-type: none"> ▪ <i>Promoting Corporate Learning based on the experiences of Panel Investigations</i> 	<p>Consultant 3: There is no loop to feedback experiences into the corporate culture. The Panel has valuable knowledge from its experiences and should feed that back into the Bank. Systemic issues (baseline information, land tenure, failure to identify beneficiaries and affected people, lack of benefit sharing) are recurring problems and there needs to be some way to influence lessons learned.</p> <p>Consultant 4: [The Panel should work with] WBI to produce volume(s) on "Common Mistakes in Conducting Project (Economic) Analysis and How to Fix Them". On this one, I can think of several common mistakes that could be addressed. Comparable volumes could be produced on "environmental impact assessments". World Bank Institute could make these lessons available to three groups (a) Management (b) Requesters and (c) the consultants who now do much of the Bank's project planning & analysis work. The Panel should produce a series of "lessons of experience" volumes from Panel reviews. The first one should be "Project Planning and Appraisal Lessons of Experience from Inspection Panel Reviews: Lessons from IP Operations during FY2000-2010". This volume should be done during (the second half of) FY 2011-2012, if possible. There should then be similar "Lessons from IP Experience" volumes produced on a regular basis – perhaps annually, perhaps every two years. Thirdly, the Panel Annual Reports provide a place for clarifying the Panel role of working with Management to improve Bank procedures and practices in carrying out its policies.</p>

	<p>Consultant 4: The Panel is not adding to the Bank's lessons learned; the same mistakes are made over and over again. The Panel should have an advisory capacity like the CAO. Panel recommendations should be used as feedback to change future projects and to ensure that these lessons get back to the Bank and Management. The Panel should give presentations to the World Bank Institute based on their experiences. The Panel could set up seminars for Bank management on a series of systemic and thematic issues. The Panel should brief the President on a regular basis about systemic issues.</p>
<ul style="list-style-type: none"> ▪ <i>Issues Specific to Panel Consultants</i> 	<p>Consultant 1:</p> <ul style="list-style-type: none"> ▪ An overview of the full scope of the investigation and appointment of specialist consultants early on in the process would have been useful. This would enable the linkages, interdependencies and synergies between different fields of expertise to be determined and planned for early on. ▪ The documentation sent was overwhelming. A cover note highlighting the crucial things to look at would have been helpful, underlining the main focal points of the Investigation. A few hours of explanation from the Panel on the sequence of such things as PAD or SDR would have been invaluable in understanding the issues at hand. ▪ It would have been helpful to have all the specialists together on site, rather than involving some later in the process and having to communicate remotely. ▪ As a basic first step, it would have been useful to have spent a little time with Panel members and learn the Panel's operations and focal points and also be sent the Inspection Panel's operating procedures. ▪ It would have been useful to spend more time prior to the site visit to distil the essence of the Request and key issues, and exactly who it would be useful to speak to while on the site visit, and to explore some of the 'answers' given by Management with regard to planned measures that would adequately address potential harms. <p>Consultant 2: I would now ask the Panel members for greater guidance, for example earlier reactions to drafts written by the consultants. As it was, the Panel was still very much occupied by earlier investigations, and the consultants got very little feedback. This led to duplication and some wasted time.</p> <p>Consultant 3:</p> <ul style="list-style-type: none"> ▪ I found it very time consuming and confusing to use two sets of procedures for the inspection. In this

case, another mechanism was involved and consultants had to write two separate reports. Consultants should not get caught between two Accountability Mechanisms.

- The Panel should train and use local people as consultants. Often local experts who speak the language are more trusted.
- There should be a set of guidelines for consultants, and consultants should be briefed on the Panel process before going to the field. For example, it is unclear when consultants should have direct contact with Bank staff. Does a consultant have authority to speak with staff directly or not?
- There should also be a good roster of experts who are trained in issues and policies that the Panel investigates.
- Panel consultants need to be made aware that it is a high risk position and that once a consultant works for the Panel, they will not work for the Bank Management again.

Consultant 5: As a temporary member/technical expert contributing to an investigation, it would have been helpful to receive short guidance notes on what is expected at different stages of the process.

Consultant 6: I wanted to have feedback before completing the report, both from Management and the Requesters from whom I obtained the information, in order to reduce mistakes and errors, but this did not happen.

Consultant 7: There are also a number of steps involved in making the expert report fold into the Panel report without a measure of confusion, so the editing process definitely needs work. I found that by the time my report was deconstructed and integrated into the panel report, things I had said or recommended became lost and had to be recovered painfully. Consultants should be accompanied in the field at all times by one panel member so that more than one person knows the data. I would also suggest that a method be employed to save time integrating the expert's report into the panel report.

Consultant 8: Sometimes consultants are brought into the process late and they don't have a sense of the Panel's or the Bank procedures or policies even though they are already on a site visit. So their input is problematic because they don't have a context to comment in. There is a need to build on people with familiarity with the policies. Bank policies are always changing and panel consultants don't have an opportunity to keep up with all the changes, so there may be an expert in 'palm oil' but they may have no

	<p>context for what they are looking at.</p> <p>Consultant 12: After submission of consultants' expert reports more use could be made of telephone conference calls (with or without video support) to clarify issues and for discussion between the Panel members and consultants, and to develop the Panel's final report.</p> <p>More detailed planning of the activities of Panel members, the secretariat and technical experts during the days that Panel members and experts are together in DC would be helpful. This is not to suggest that people don't require time to read and digest material (or to recover from jet-lag). Such time is needed but it could be planned into the schedule so that all concerned know what is planned and expected from them while they are in Washington DC.</p> <p>Consultant 13: As a consultant I did not have enough initiation with the Panel. We had a week of meetings in DC before we went to the field, but there was very little orientation, very little about what the expectation was from the Panel. I was struggling how to get on top of how the Panel operates. Some sort of consultant orientation would help so that consultants know what the expectations are.</p>
▪ <i>Multi-donor Projects</i>	<p>Consultant 5: The other donor agencies and their local representatives did not agree with the basis on which the Request had been submitted and did not consider that a Request was justified. This difference of approach and operating procedures between development agencies was reflected in later meetings between the Panel and Executive Directors of the Bank representing these other donors. It suggests that discussions may be justified between the Executive Directors as to how a degree of consensus can be reached between donors to minimize such differences in the future.</p>
15. <u>Comments Outside The Scope of this Operating Procedure Update</u>	<p>Consultant 1:</p> <ul style="list-style-type: none"> ▪ There should be continual improvement and updating of Board policies and procedures through benefit of Inspection Panel findings; the Panel should be empowered to make firm recommendations in this respect. ▪ The Panel should be permitted to make recommendations on remedial actions that should be considered by Management to provide redress commensurate with actual or potential harm. ▪ The involvement of the Panel should be extended where harm linked to non-compliance is found during the Investigation. The Requesters should be invited to monitor and provide feedback on remedial measures provided by Management and their effectiveness. There should be formal oversight of the implementation of remedial measures by the Panel. ▪ Allowing access to the country by the Inspection Panel for purposes of an investigation, where such investigation is required, should be an integral part of agreements made between the Borrower, the Guarantor and the Bank.

Consultant 3: Legacy issues-- when a project has been stopped and started or when there is an addition to a project, and then the Panel has to use two sets of policies or apply the old policies. This is a serious problem. This is sneaky way for the Bank to get out of applying the new policy.

Consultant 5:

- One consideration is that the threshold for submitting a request for investigation is extremely low. It only requires “two or more persons who share some common interests or concerns” to trigger a possible investigation.
- I received a request for comments and an interview with local media. Having reported this to the Panel Secretariat, I was advised to decline such contact and did. However, I feel that the Panel would help improve awareness of its activities and access to its investigations if a press release were to be issued to media in the area where an investigation is to be undertaken.

Consultant 8: The Panel should have ‘honorary appointments’ or ‘visiting scholar’ for individuals so that there is a wealth of knowledge and expertise available to them. These would not be attached to money or consulting. These people could have a bank pass, visit the panel and have an office, and attend brown bags and seminars to keep in the loop. This way the people can keep up with the changing bank policies and portfolios. This would break down the barriers between Bank Management and the Panel’s experts.

Consultant 12: Conceptual confusion as to the fundamental role of the Inspection Panel. The Resolutions envisage one role of the Panel as acting as a “voice” for persons affected by Bank projects: this leads to the Panel “taking the side” of requesters in their dispute with Bank staff (i.e. the Panel acts as the Requesters advocate). Another role is that of assessing of Bank staff compliance with Operational Policies and Procedures: this leads the Panel to interrogate Bank staff and to effectively prosecute Bank staff on behalf of the requesters.

Consultant 14:

- 1) Combination packages were offered later-range of options for relocation sites to choose from, cash as compensation etc, after the Panel involvement. These should be in place at the very outset to make R&R easier
- 2) There is an urgent need to redefine the urban poor. The Bank did not do proper surveys and had erroneous data on number of tenured project affected people, commercial establishments, which was not the reality on the ground. Therefore due diligence needs to be done at the time of BSES.
- 3) A larger space for the Panel is needed within the Bank system.

Consultant 12: The World Bank Inspection Panel should consider the EBRD and ADB Accountability mechanisms that allow Project Affected Persons to seek relief from project related problems without evoking a full investigation of whether or not the problem has been caused by a lack of compliance with policies and procedures. If Project Affected People wish to insist on a compliance inspection, there should be a requirement that they have more than a “belief” that Bank staff has committed acts of commission or omission.

Consultant 12: There is a mismatch between the Requesters’ central interest of having their problems alleviated and the requirement that the Requesters (and Panel) must show that the “problem” has been caused by Bank Staff omissions or noncompliance with policies and procedures. Project shortcomings are not always the fault of, or caused by, Bank Staff. But the procedures require that only Bank Staff actions or omissions may be investigated. Such instances lead to Panel findings that Bank staff “have not adequately supervised”, a euphemism for fault lying elsewhere. That does not do Bank Staff justice and resentment of the Panel follows.

The Resolutions prohibit the Inspection Panel from making recommendations. After a year or more of thorough investigations the Panel may have a better understanding of a project and its associated problems than anyone else: yet it is prevented from using this knowledge to make recommendations as to how problems may be redressed.