Who we are and what we do

The issue of consultation and participation in Panel cases

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Presentation at the World Bank Spring Meetings, CSO Forum
April 18, 2012
The mandate of the Panel

- Respond to complaints by people who believe that they are suffering, or may suffer, harm caused by a World Bank-financed project.

- Investigate whether the Bank has followed its own policies and procedures in design, appraisal and implementation of a project and links to alleged harm.

- Mandate covers projects financed or co-financed by IBRD and IDA of World Bank.
The Panel

- **Three** Panel members, different nationalities from Bank member countries, appointed for 5 year non-renewable term

- Small permanent **Secretariat**

- Expert **consultants**
Characteristics of the Panel

- **Independent**
  - Reports only to Executive Board
  - Independent from Management and Bank staff, but also from civil society and requesters
  - Independent staff and budget
  - Independent visits to affected people and project areas

- **Impartial**
  - Objective, fact-finding body

- **Transparent**
  - Every document related to Panel’s process is made public
Impacts of Panel process

- **At project-level**
  - Grievance redress and recourse for affected people through Management and Borrower actions
  - Giving people a voice – empowerment
  - Spotlight problems – “sunshine effect”

- **Bank-wide**
  - Incentives to ensure adequate application of Bank policies
  - Lessons for similar projects/sectors – e.g. consultation
  - Access to recourse enables risk-taking: risks not to be transferred to most vulnerable
Consultation and development

- **Context**
  - Planned development interventions
  - Managing relationship to stakeholders not directly linked to decision-making
  - A political issue – empowerment
  - Participation, ownership, consent

- **Why**
  - An obligation to ensure that vulnerable and marginal groups are able to engage in development that affects them
  - A rights issue
  - A development effectiveness issue
Consultation and compliance

- Consultation is a **means** to an **end**
  - What is it that the Bank want to achieve (ends)?
  - Different ends and different policy requirements
  - Different ends → different requirements on consultation (means)

- Bank's new **guidelines** on consultation
  - Broad perspective on ends and means
  - Better planning – better outcomes

- **Questions for the Inspection Panel**
  - Were policy required **ends** achieved?
  - Any flaws in the **means** applied?
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
Focus on ends – what policies want to achieve

- Access to information
  - Transparency; timeliness and comprehension of information
- Physical cultural resources
  - Identification of all impacts
- Environmental impact assessment
  - Views taken into account
- Involuntary resettlement
  - Active participation in resettlement
- Indigenous peoples
  - Broad community support
Examples of Panel findings on consultation

- **Albania – thermal power plant at Vlora**
  - **Claim**: views not taken into concern; effects on tourism
  - **Findings**: lack of meaningful consultation - started after decision on location taken; inadequate notification and timeliness of information; Bank pushed for Vlora – not reconsidering site of plant with changing political situation

- **PNG – palm oil development**
  - **Claim**: lack of community support to aspects of project; information not adequate; not able to input to project design
  - **Findings**: lack of documentation of broad community support; lack of attention to cultural diversity; participation in consultation should have been broader
Examples of Panel findings on consultation

- Panama – land titling
  - **Claim**: community support but opposition to ways of demarcating land; tenure security not achieved
  - **Findings**: inadequate consultation on identification of indigenous peoples land claims in some areas; inadequate information on changes in national land laws

- Argentina – road construction
  - **Claim**: inadequate compensation not reflecting actual impact
  - **Findings**: inadequate information on land acquisition impacts and compensation policy; delays in setting up information points
Final remarks

- Consultation has to be context specific
  - Few absolute standards
  - Involves judgment – by Management as well as Panel

- Panel comes in when there are problems: ends not achieved

- Panel assesses consultation processes against policy prescriptions: both means and ends
  - Panel process provides scope for corrective actions where meaningful
  - Provides lessons
Thank You!

For more information:

www.inspectionpanel.org