

A CITIZEN'S GUIDE TO THE WORLD BANK INSPECTION PANEL

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2ND EDITION
October 1999

CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW

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Acknowledgments

This publication was made possible with the support from the Charles Stewart Mott Foundation, the John D. and Catherine T. MacArthur Foundation, and the Wallace Global Fund. The author gratefully acknowledges the insights and assistance of David Hunter, Kay Treakle, Lisa Jordan, Richard Bissell, Michael Hsu, Michelle Billig, Emilie Cornu Thenard and Brian Shillinglaw.

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Dedication

This Citizen's Guide is dedicated to the people around the world who have had the courage and vision to test the Inspection Panel as a mechanism of accountability. In particular, CIEL would like to honor the memory of Fulgencio Manuel da Silva, farmer, poet and activist. Fulgencio was a leader in the dam-affected peoples movement in Brazil and helped organize the families affected by the Itaparica dam. Fulgencio played a major role in the filing of a claim on the Itaparica Resettlement project. After receiving several death threats, he was killed on October 16, 1997.

Citation: Clark, Dana L. *A Citizen's Guide to the World Bank Inspection Panel (2nd Ed.)* Washington, D.C. (Center for International Environmental Law: 1999).

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Cover and text printed by Weadon Printing and Communications, Alexandria, VA. Cover: 100% post-consumer recycled paper, soy-based ink. Text: 100% recycled acid-free paper (20% post-consumer).

Published by the Center for International Environmental Law
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First Edition, November 1997.
Second Edition, October 1999.

Illustrations by Ani Rucki.

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*Operational Directive 4.01 was revised to Operational Policy/Best Practices 4.01. The new OP/BP applies to projects for which the Project Information Document (PID) was first filed after March 1, 1999. Earlier projects must comply with OD 4.01.

PART ONE

GENERAL OVERVIEW

SUMMARY

The World Bank (the “Bank”) is a multilateral development bank that provides loans and credits to developing countries to stimulate social and economic development. Although its mandate is poverty alleviation, it often provides financial support (either by itself or in partnership with other funding institutions) to projects that have significant social and environmental impacts.

The Inspection Panel (the “Panel”) is a quasi-independent body created by the Bank as a mechanism for holding the Bank accountable for violations of its policies and procedures. The three-member Panel investigates claims brought by affected citizens, provided that the claim meets certain standards and assuming the Board of Executive Directors agrees to an investigation.

The Bank has established safeguard policies and procedures that set guidelines for project design, appraisal, and implementation. Several of these policies — such as Involuntary Resettlement, Environmental Assessment, Natural Habitats, and Indigenous Peoples — are designed to mitigate the social and environmental impacts of Bank-financed projects. The policies and procedures of the Bank define the jurisdiction of the Inspection Panel. Thus, the Panel focuses on the Bank’s role in a project and whether or not the Bank is in compliance with its policies and procedures.

In cases where the Bank has violated its policies or procedures and this violation has caused or is likely to cause harm, two or more adversely affected persons who share some common interests may file a Request for Inspection. After receiving such a Request, the Inspection Panel follows a procedure for evaluating the Request and Management’s response, and determining whether to conduct an investigation. The Panel submits its recommendation to the Board of Executive Directors, which is expected to support the Panel’s determination of whether an investigation should proceed.

WHAT IS THE WORLD BANK?

The World Bank is an international financial institution created at the end of World War II whose mission is to provide loans and credits to developing countries for projects that alleviate poverty and promote social and economic development. The Bank's public-sector lending is done through the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA). IBRD loans are made with favorable interest rates and rather long repayment schedules. IDA credits are extended to the poorest of the poor countries (defined largely in terms of per capita income) at no interest, with very relaxed loan repayment schedules. The IBRD and IDA also provide loans and guarantees in support of private sector projects. However, the majority of Bank financing for private sector operations is done through the International Finance Corporation (IFC) and the Multilateral International Guarantee Agency (MIGA).

Thus, the World Bank Group consists of IBRD, IDA, IFC and MIGA. In general IBRD and IDA make loans for public sector projects, and IFC and MIGA promote private sector investment. IBRD and IDA share the same staff, and must meet the World Bank's policies and procedures. The IFC and MIGA have recently adopted their own policies and procedures. At the time this publication went to press, only IBRD and IDA were subject to the jurisdiction of the Inspection Panel. For the past several years, there have been negotiations and commitments to extend the Inspection Panel to IFC and MIGA.

In the meantime, a Compliance Adviser/Ombudsman (CAO) function for IFC and MIGA was recently created and began operation in July 1999. The CAO is an important step toward greater accountability in the private sector side of the World Bank Group operations. It was designed in part to address the concerns of the local communities who are adversely affected by IFC

and MIGA-supported projects and to advise senior management. The CAO will report directly to the President of the Bank. For more information about using and contacting the CAO, please refer to Part Three.

The World Bank is owned and governed by national governments, which become members by subscribing to capital stock. To join IBRD, countries must first be members of the International Monetary Fund (IMF). The amount of shares each member is allocated reflects its quota in the IMF. There are 181 member governments of IBRD and 160 members of IDA. These countries are represented by a Board of Executive Directors, which has 24 members. Voting power is determined by shares, so the more economically powerful countries control a greater percentage of the vote. For instance, the United States as the largest shareholder controls approximately 17% of the vote. The Board must approve all projects financed by the Bank that are proposed by the Bank Management. The President of the Bank is appointed by the Board, and also serves as Chairman of the Board.

BOX 1-1: THE WORLD BANK AT A GLANCE

Major Shareholders: United States, Japan, Germany, France, United Kingdom

Major Borrowers: China, Mexico, Russia, Indonesia, Brazil, India

Average Annual Lending Volume (FY '99):
\$ 22.2 billion IBRD; \$ 6.8 billion IDA

Source: World Bank *Annual Report*, 1999

The World Bank gives project-oriented loans and guarantees to developing country governments but it also exerts enormous influence through macroeconomic policy prescriptions, research and technical advice. The Bank also makes loans for economic restructuring, and as such has enormous influence on how development is carried out. In recent years, the World Bank

has worked closely with the IMF in designing the financial sector reform and economic bailouts for economic crises in Indonesia, Korea, Thailand, Russia, Argentina and Brazil. Structural and sector adjustment lending increased to approximately 60% of the Bank's loan portfolio during 1999, according to the Bank's annual report.

Most project-related loans and credits promote infrastructure projects (such as roads, bridges and dams), or agriculture projects (such as crop intensification, fish farming, and irrigation). Bank-financed projects can involve significant social and environmental costs, such as displacement of local communities, disruption of indigenous peoples, and the destruction or degradation of the environment. The Bank has had difficulty in effectively mitigating these social and environmental impacts, despite the fact that it has developed many important policies and procedures to try to address these impacts. These problems are often exacerbated by inadequate citizen involvement in project design and implementation, and by a general failure to follow Bank procedures and policies.

WHAT IS THE WORLD BANK INSPECTION PANEL? WHY WAS IT CREATED?

The World Bank Inspection Panel was created in 1993 as part of an effort to bring greater public accountability to World Bank lending. A series of events led to an international campaign to improve accountability at the Bank. As a result of a broad grassroots and international campaign against the Sardar Sarovar dam on the Narmada river in India, the Bank commissioned an independent review of its role in the project. This independent review, which became known as the Morse Commission, published its findings in 1992. The Morse Commission report documented clear violations of Bank policies and the devastating human and environmental consequences of those

policy violations.

The Morse Commission's findings that the Bank largely disregarded its social and environmental policies and tolerated its borrowers' violation of the policies were soon confirmed more generally by an internal review of Bank projects. The Narmada policy violations were not an aberration, but a systemic part of the Bank's culture. The devastating internal report, authored by Bank Vice President Willi Wapenhans, criticized the Bank's pervasive "culture of approval," in which the incentive structure encouraged staff to move large amounts of money quickly without adequate attention to the social and environmental implications of projects.

In practice, the social and environmental policies that had been developed during the late 1980s and early 1990s were in many cases routinely ignored by Bank staff. Prior to the creation of the Inspection Panel, project-affected people had no real avenue of redress and no way of holding the Bank accountable for these policy violations. This lack of accountability was starkly highlighted in the findings of the Morse Commission's report.

Spurred on by the international NGO reform campaign and the emerging global consensus for sustainable development, member country governments called on the Bank to develop a transparent system of accountability to ensure that public funds were spent more consistently with the Bank's mandate of sustainable development and poverty alleviation. In 1993, the Board of Directors passed an improved policy on information disclosure and created the Inspection Panel.

The Inspection Panel provides an innovative and independent forum for those people most directly affected by a World Bank project to raise their concerns about problems in Bank projects. Two or more local people can bring a claim to the Inspection Panel asking for an independent analysis of the Bank's role in a project. The claim must allege that acts or omissions on

the part of the Bank have caused or could potentially cause them harm and that they believe the Bank has violated its policies and procedures. The Panel is to be used as an avenue of last resort when the staff or management of the Bank have been unresponsive to the concerns of the affected people. More information about the content and process of filing a claim can be found in Part Two.

The Panel is composed of three members nominated by the President of the Bank and approved by the Board of Executive Directors (*See Table 1-1*). The members of the Panel serve for five-year terms. The Chairperson, selected by the Panel members, works full-time and the two other members are called upon as needed. The Panel is financed by the Bank. To increase the independence of Panel staff from the Bank, Panel members cannot have worked for the World Bank for at least two years prior to serving on the Panel. They also cannot work again for the Bank after serving on the Panel. In addition, the Panel has its own secretariat. This institutional separation allows the Panel to ensure the confidentiality of important information, such as the identity of anonymous claimants. Because it has a permanent office and staff, the Panel is able to respond to requests for information and advice from interested parties.

Two documents — Bank Resolution 93-10 and the Inspection Panel Operating Procedures — set forth the basic procedures for the Panel. They define the composition of the Panel, the criteria for eligibility, the necessary components of a claim, and provide guidance for how the process should work. The Resolution was approved by the Board of Executive Directors; the Procedures were written by the original Panel. The Resolution and Operating Procedures are included in Appendix I along with the 1999 Clarifications that resulted from the Board's Second Review of the Inspection Panel. Appendix I also contains guidance from the Inspection Panel on how to prepare a request for investigation, together with a model form.

Nineteen cases have been brought to the Inspection Panel since it opened in 1994 (*See Table*

1.2). These claims are briefly discussed on pages 15-18. For a more in depth discussion of the first ten claims, please refer to Lori Udall, *The World Bank Inspection Panel: A Three-Year Review* (Bank Information Center: 1997). *See also* Alvaro Umana, *The World Bank Inspection Panel: The First Four Years (1994-1998)* (The World Bank: 1998), Kay Treakle, *Accountability at the World Bank, What does it Take? Lessons from the Yacyreta Hydroelectric Project Argentina/Paraguay* (Bank Information Center: 1998) and Dana Clark & David Hunter, *The World Bank Inspection Panel: Amplifying Citizen Voices for Sustainable Development* (Center for International Environmental Law: 1998).

TABLE 1-1: INSPECTION PANEL MEMBERS

Jim MacNeill, a Canadian National, is a policy advisor on the environment, energy, management, and sustainable development to international organizations, governments, and industry. He is Chairman of the International Institute for Sustainable Development and a member of the boards of the Woods Hole Research Center, the Wuppertal Institute on Climate and Energy Policy, the Environmental Education and Training Institute of North America, and Ontario Hydro. He was secretary general of the World Commission on the Environment and Development (the Brundtland Commission) and a major author of the Commission's report, *Our Common Future*. He served for seven years as Director of Environment for the Organization for Economic Cooperation and Development (OECD). Earlier, he was a deputy minister in the government of Canada. Mr. MacNeill holds a graduate diploma in Economics and Political Science from the University of Stockholm and Bachelor's Degrees in Science and Mechanical Engineering from Saskatchewan. Mr. MacNeill is the current Chairman of the Panel; his term on the Panel will expire on August 1, 2002.

Edward S. Ayensu, a Ghanaian national, is president of the Pan-African Union for Science and Technology and an international development advisor. He is executive chairman of Edward Ayensu Associates Ltd., Advanced Gracewell Communications Co. Ltd. and the founding chairman of the African Biosciences Network. He is chairman of the Ghana National Biodiversity Committee. He also serves on the International Advisory Board on Global Communications for UNESCO and is a member of the Board of Directors and international vice-chairman of the International Institute for Sustainable Development. He has served as the senior advisor to the President of the African Development Bank, as a vice-chairman and advisor at the Global Environment Facility, and at the Smithsonian Institution. He has a doctorate in biological sciences from the University of London. Mr. Ayensu became a member of the Panel in August 1998 and his tenure will expire August 1, 2003.

Maartje van Putten, a Dutch national, served for 10 years as a member of the European Parliament, where she was a member of the Committee on Development and Cooperation. She also served in the Evert Vermeer Foundation and Institute for Development Cooperation and has extensive experience as a free-lance journalist. She has issued reports relating to the impact of the GATT in developing countries, fair trade issues, and European Union policies on indigenous peoples and endangered species. She is president of the European Network on Street Children Worldwide, president of IZNET (think tank on South-North relations) and a member of the board of the European Centre for Development Policy Management. She has had extensive exposure to developing countries and has actively worked with non-governmental organizations. Ms. van Putten joined the Panel in October, 1999 and her term will expire in August, 2004.

^a **TABLE 1-2: INSPECTION PANEL CLAIMS SUMMARY**

<u>Name of Project & Date Filed</u>	<u>Panel Recommends Investigation</u>	<u>Board Decision on Investigation</u>	<u>Outcome</u>
1. Arun III Hydroelectric Project (Nepal) - 10/94	Yes	Approved	Panel issues report; project canceled by Bank President.
2. Compensation for Expropriation of Foreign Assets (Ethiopia) - 4/95	No. Dismissed.	Not applicable (n/a)	
3. Emergency Power Project (Tanzania) 5/95	No. Found in compliance for one part of the claim, found ineligible for another part.	n/a	
4. PLANAFORO-Rondonia Natural Resources Management Project (Brazil) - 6/95	Yes	Denied	Partial concessions to affected people; limited Panel role in monitoring implementation.
5. Pangué/Ralco Complex of Hydroelectric Dams, BioBio River (Chile) - 11/95	No. Request not eligible because Panel has no jurisdiction over IFC projects.	n/a	President appoints independent investigator; report censored by IFC.
6. Jamuna Bridge Project (Bangladesh) - 8/96	No. Panel found that Management responded to Claimants' concerns.	n/a	Revision of project to respond to claim.
7. Yacyreta Hydroelectric Project (Argentina/Paraguay) - 9/96	Yes	Partial approval. Panel is permitted a limited "review and assessment" but not a full investigation.	Panel report found significant policy violations but Board has not made any decisions. Still pending.
8. Jute Sector Adjustment Credit (Bangladesh) - 11/96	No. Bank agreed with claimants, and withdrew the project.	n/a	Bank halted funding.
9. Itaparica Resettlement and Irrigation Project (Brazil) - 3/97	Yes	Denied. Action Plan proposed and approved by the Board.	Panel process bypassed.
10. NTPC Power Generation Project (India) - 5/97	Yes	Partial approval. Panel limited to desk study in Washington, DC.	Management Action Plan approved by the Board; local monitoring team created.

TABLE 1-2: INSPECTION PANEL CLAIMS SUMMARY (CONT'D)

<u>Name of Project and Date Filed</u>	<u>Panel Recommends Investigation</u>	<u>Board Decision on Investigation</u>	<u>Outcome</u>
11. Eco-development Project (India) - 4/98	Yes	Denied	Management report after six months to brief the Board on steps to bring the project into compliance. Pending
12. Proposed Phase 1B of Lesotho Highlands Water Project (Lesotho - South Africa) - 5/98	No. Found ineligible.	n/a	
13. Lagos Drainage and Sanitation Project (Nigeria) - 6/98	No. Because Management took steps to compensate affected people.	n/a	
14. Land Reform and Poverty Alleviation Pilot Project (Brazil) - 1/99	No. Harm not sufficiently documented.	n/a	
15. Lesotho Highlands Water Project Diamond Mines (Lesotho-South Africa) - 5/99	No	n/a	
16. Western Poverty Reduction Project (China) - 6/99	Yes	Approved	Investigation is now underway.
17. Special Structural Adjustment Loan (Argentina) - 7/99	Pending		
18. Land Reform and Poverty Alleviation Pilot project - 2nd filing (Brazil)- 8/99	Pending		
19. Lake Victoria Environmental Management Project (Kenya)- 10/99	Pending		

PART TWO

THE PANEL PROCESS

SUMMARY

Two or more adversely affected people who share some common interests or concerns and meet basic eligibility requirements can file a claim to the Inspection Panel. Claims can also, in certain circumstances, be filed by a member of the Board of Executive Directors or by a non-local representative. Also, the full Board can instruct the Panel to conduct an investigation

Once a claim is filed, the Panel determines whether it meets the eligibility criteria, explained in more detail in this section. If the claim is eligible, the Panel evaluates the claim, management's response, and other available evidence and then makes a recommendation as to whether or not the claim merits a full investigation. The Board of Executive Directors must approve the Panel recommendation for an investigation before the Panel can proceed. According to a recent agreement, the Board should approve the Panel's recommendation unless it questions specific technical eligibility criteria.

If an investigation takes place, the Panel presents its findings to the Board in a report, and the Board asks Management to provide recommendations for how to respond. The Board then announces an Action Plan for resolving any policy violations.

In practice, the above process has been complicated and subject to political manipulation by Bank Management and the Board. The results of filing a claim have varied. At times, Bank Management has responded by proposing Action Plans or other remedial action, which if properly implemented could address the problems in the project. At other times, however, Management has refused to act to remedy the problems or protect claimants from reprisals by project authorities. In every case, though, the filing of the claim has raised the concerns of those most directly affected by the project to the highest levels within the Bank.

INTRODUCTION

The Inspection Panel responds to claims — also called “Requests” — brought by people living in a country affected by a Bank-financed project. The Panel evaluates the claim, Bank Management’s response, and any other available evidence and makes a recommendation to the Board of Executive Directors as to whether the claim should be investigated. The Panel cannot proceed with an investigation without Board authorization. After investigating, the Panel prepares findings and a report summarizing the results of the investigation. The Panel’s report is submitted to the Board, and Bank Management is then required to make recommendations in response to the Panel’s findings. Ultimately, the Board announces the remedies that will be designed in response to the claim.

WHO CAN FILE A CLAIM TO THE INSPECTION PANEL?

The Resolution and the Operating Procedures of the Inspection Panel provide for several different ways of bringing a claim.

- First, an “affected party” (defined as two or more individuals who are directly affected by the alleged violations of Bank policies and who allege that they have been or could be harmed by those violations) can bring a claim on its own behalf.
- Second, a local representative, such as a non-governmental organization, can submit a claim on behalf of directly affected persons with proper proof of authorization.
- Third, in exceptional circumstances where local representation is not available (which could include countries where local NGOs are not allowed to operate or where there is a risk of retaliation), a non-local representative (again, with proper proof of authorization) could file the claim on behalf of local affected parties.

However, the Board must ultimately agree to the non-local representation.

- Fourth, an Executive Director may, “in special cases of serious alleged violations of such policies and procedures, ask the Panel for an investigation.”
- Finally, the “Executive Directors, acting as a Board, may at any time instruct the Panel to conduct an investigation.”

To meet the Panel’s eligibility requirements, claimants must allege the following basic elements:

- (a) they are two or more people with common interests or concerns living in a country or an area affected by a Bank-financed project;
- (b) the Bank has violated its policies and procedures, and they have or are likely to suffer material adverse effects as a result of those policy violations;
- (c) they have attempted to raise their concerns with Bank Management and are not satisfied with the response; and
- (d) the project is under consideration or has been approved by the Bank, and the loan has not yet been substantially disbursed. (In general, a claim may be filed once the Bank has filed a Project Information Document at the InfoShop. Substantial completion of the project has been defined as having 95% or more of the funds disbursed, after which point claims are barred.)

In addition to claims relating to projects, the Panel has registered claims relating to structural and sectoral adjustment loans. Examples include the Jute Sector Adjustment Credit and the Argentina Special Structural Adjustment Loan.

If the claim is filed by a representative rather than directly by the affected people, that representative must demonstrate that it has explicit authorization to act as the agent of the adversely affected people. The affected people must sign either the claim itself or a written authorization designating their representative. Claimants and their representatives can request the Panel to keep

their names confidential. In the Yacyretá claim, local residents nominated a non-governmental organization, Sobrevivencia, to be their representative and requested that their individual names be kept confidential. Similarly, in the Singrauli claim, local citizens authorized an individual, Madhu Kohli, to be their representative. In the China Western Poverty Reduction Project, the claim was filed by a US-based NGO acting on behalf of affected people in Tibet. In Yacyretá, Singrauli, and the China/Tibet project, the desire for anonymity was based on a fear of reprisals from the project authorities or the governments involved.

The Panel is specifically prohibited from hearing complaints about:

- (a) actions which are the responsibility of other parties (such as the government, implementing agency, corporation, etc.) and which do not involve any action or omission on the part of the Bank;

- (b) claims by suppliers (actual or potential) of products or services relating to procurement;
- (c) requests filed after the Closing Date of the loan financing the project or after the loan financing the project has been 95% disbursed;
- (d) claims into matters that have already come before the Panel if no evidence of changed circumstances has been presented; and
- (e) claims involving projects financed by the International Finance Corporation (IFC) or the Multilateral Investment Guarantee Association (MIGA).

New process for dealing with complaints relating to the IFC and MIGA:

Although the Inspection Panel currently cannot consider claims involving the IFC and MIGA, complaints may be addressed to the new Compliance Advisor/Ombudsman (CAO) for the IFC and MIGA. This position was created to be a flexible and solution-oriented problem-solving mechanism. The CAO will report to the President of the World Bank Group. The first CAO, Meg Taylor, began operations in August 1999. Contact information for the Compliance Advisor/Ombudsman is provided in Part Three. Meanwhile, proposals to extend the mandate of the Inspection Panel to IFC and MIGA are still under review. See David Hunter, "Extending the World Bank Inspection Panel to the IFC and MIGA," in Lori Udall, *The World Bank Inspection Panel: Three-Year Review* (Bank Information Center: 1997).

BOX 2-1: PANEL GUIDANCE ON FILING A CLAIM

The Inspection Panel published *Guidance on How to Prepare a Request for Inspection* in Annex 2 to their July 1997 Annual Report. The Inspection Panel suggests that claimants address the following questions:

1. Can you elaborate on the nature and importance of the damage caused by the project to you or those you represent?
2. Do you know that the Bank is responsible for the aspects of the project that has or may affect you adversely? How did you determine this?
3. Are you familiar with Bank policies and procedures that apply to this type of project? How do you believe the Bank may have violated them?
4. Have you contacted or attempted to contact Bank staff about the project? Please provide information about all contacts, and the responses, if any, you received from the Bank. You must have done this before you can file a request.
5. Have you tried to resolve your problem through any other means?
6. If you know that the Panel has dealt with this matter before, do you have new facts or evidence to submit?

WHAT INFORMATION SHOULD BE INCLUDED IN A CLAIM?

In addition to the information described above for claimants to demonstrate their eligibility, the claim should also include:

- the name and/or a description of the project;
- a description of the harmful effects, immediate or threatened, caused by the Bank's actions or omissions;

- an explanation of how the claimants believe Bank policies, procedures or contractual documents (including the loan agreement) were seriously violated;
- a summary of the steps taken by affected parties to raise concerns with Bank staff and an explanation of why the Bank's response was inadequate;
- the name, signature, address and telephone number of the claimants (unless the claimants are requesting confidentiality, in which case this information should be delivered only to the Panel and should be kept separate from the claim);
- maps or photographs are not required, but they can help the Panel to understand the situation.

Claims can be as simple as a letter addressed to the Panel, or they can be comprehensive. In any event, it is particularly important to emphasize and

explain the harm that has been or could be suffered as a result of the Bank's violations of its policies.

Claimants need not have a full understanding of or access to Bank policies in order to file a claim. In fact, getting access to Bank policies is often difficult for local affected people, because the Bank does not provide copies of Bank policies in the local language. If the claimants do not have an understanding of specific policy violations, they should focus on the factual situation and the elements of harm, and the Panel can evaluate the relevant policies. The Bangladesh Jute sector claim, for example, did not reference any particular policy violations. The Panel was nonetheless able to analyze the relevant policies based on the facts presented in the claim. Copies of some useful Bank policies are included in Appendix II. Part Three also gives information for how to obtain additional Bank policies.

TABLE 2-1: QUICK REFERENCE CLAIM ELEMENTS

Components of a Claim	<i>Examples</i>
1. Name of project	Yacyretá Hydroelectric Project, Rio Parana
2. Harmful effects	Substandard housing Claimants' lost livelihood Lack of sewage treatment could lead to increased diseases Environmental damage
3. Violations	Claimants allege that the Bank did not comply with its policies requiring participation, environmental assessment and mitigation of social and environmental impacts
4. Bank policies or procedures violated	4.00 Annex B - Env't Policy for Dam and Reservoir Projects 4.01 Environmental Assessment 4.30 Involuntary Resettlement 13.05 Project Supervision (Note: If claimants do not have access to Bank policies, they can simply allege harms and their belief that Bank policies were violated.)
5. Documentation of attempts to raise concerns	- Summaries of meetings with dates - Copies of letters with dates - Summaries of requests for information with dates - Memoranda summarizing telephone conversations (send a copy to correspondent)
6. Claimants signature	Claimants can request anonymity

It is also useful to attach copies of all correspondence between the affected people and the Bank in order to demonstrate that steps have been taken to try to raise the concerns with Bank staff without a satisfactory response.

When communicating with the Bank about a project, it is advisable to keep written copies of all correspondence or written summaries of all meetings or telephone conversations. This will help to document your attempts to get a satisfactory resolution from the Bank. *See also page 20, "Communicating with the World Bank."*

It is important that the claim describe all of the policy violations and issues that the claimants would like the Panel to address. More narrow claims will result in more narrow, targeted responses by Management and a narrow investigation by the Panel. In some cases, narrow claims can lead to a prompt resolution of the problems; however, the scope of the Panel's investigation will necessarily be limited.

If the request for inspection relates to a matter that has been previously submitted to the Panel, it should include a statement explaining what new evidence or changed circumstances justify the Panel revisiting the issue.

Claims should be submitted to the World Bank Inspection Panel:

The Inspection Panel
1818 H St., NW
Washington D.C. 20433
USA

Alternatively, the claim can be delivered to the resident representative of the country where the project is located. If using the resident representative, claimants are advised to deliver the claim in a sealed envelope addressed to the Inspection Panel in Washington, D.C. The resident representative is required to issue a receipt to the claimants and forward the claim (without opening it) to the Panel via the Bank pouch.

WHAT HAPPENS AFTER A CLAIM IS FILED?

If a claim appears to meet the eligibility requirements described above, the Panel will **register the claim** in its Registry. It will then send a copy to the President of the Bank, who represents Management. Bank Management (i.e., the staff involved in the design, appraisal, planning and implementation of the project) has 21 business days to respond to the claim. Management's response is filed with the Inspection Panel. **Management responds to the claim** either by disputing the alleged policy violations or by acknowledging the problems raised in the claim and explaining the steps the Bank is taking to come into compliance with the policies. Management has in the majority of cases taken a defensive approach to the claims, denying responsibility for any problems with the project. Management's response is not made public until after the Board of Executive Directors considers the Panel's recommendation regarding an investigation.

After receiving Management's response, the Panel has 21 business days to **assess the eligibility** of the of the request. It evaluates the claim and management's response. It can also review Bank files, interview Bank staff, and visit the project area during this preliminary period.

After it completes the review of eligibility, the **Panel recommends to the Board of Executive Directors whether or not the claim should be investigated**. This recommendation **must be approved by the Board** before the Panel can proceed. Three days after Board acts on the Panel recommendation, the claim, Management's response, the Panel recommendation and the Board's decision become public.

This stage of the process, requiring Board approval, has historically been problematic for a variety of reasons. First, there is no time limit within which the Board must act on the Panel's recommendation. The Board has repeatedly

delayed consideration of and decision on the Panel's recommendation. Another problem is the tendency of the process to become highly politicized at this stage. In most cases, the country where the project is located has objected to an investigation. The borrowing countries generally resist investigations by the Panel.

Management has been able to manipulate this political resistance to promote the adoption of management or borrowing country-generated **Action Plans as an alternative to an investigation**. Management's objectives in promoting Action Plans are ostensibly to be forward-looking and proactive in addressing the problems in the project; however, they also hope to avoid scrutiny of policy violations and the Bank's role in the problems. This undermines the accountability function of the Panel process. The Action Plans that have been generated in the past have been developed in a non-participatory way and have had the tendency to exclude the claimants from any further role in the process. By accepting Management Action Plans instead of an investigation, the Board has in many cases relegated the Panel merely to a role as an advisor to the Board.

In the Second Review of the Inspection Panel, in April 1999, the Board attempted to solve some of these political issues. The Board committed to authorize the Panel's recommendation for investigation without questioning the merits of the claim and without discussion except with respect to certain eligibility criteria. The Board emphasized that Management is strictly forbidden from interfering with the Panel process by proposing Action Plans until after the Panel has finished its investigation and issued its report. See *Conclusions of the Board's Second Review of the Inspection Panel*, Appendix I. Note that the China Western Poverty Reduction Project was the first claim to test the Board's commitments to the new agreement. It was encouraging that despite written objections by China, the full Board authorized the Panel to investigate the project.

If the Executive Directors agree to **approve**

an investigation, the Chairperson of the Panel designates one or more Panel members to **conduct the investigation** and prepare a report on the findings.

After the investigation is complete, **the Panel submits its report** to the Executive Directors and the President. Within six weeks, **Management must submit to the Executive Directors its recommendations in response to the Panel's findings**. The Board then meets to consider the Panel report and Management's recommendations. Based on the Panel report and Management's recommendations, the **Executive Directors decide what action to take in response** to the claim. The Requesters are provided a copy of the Panel Report, Management's Recommendations and the Board's decision within three days of the Board's consideration of the Panel's report.

In conducting an investigation, the Panel can meet with the claimants, affected people, Bank staff, government officials, project authorities, and representatives of local and international non-governmental organizations. The Panel may also hold public hearings, visit the project area, request submissions on specific issues, hire consultants, research Bank files, and utilize any other reasonable methods the inspectors consider appropriate. In conducting its investigation, the Panel is focused on the Bank's performance, not on any actions of the Borrower. The Panel has unrestricted access to the claimants and the project area as necessary to make its determination of eligibility. Travel to the project area for purposes of investigation requires permission of the country where the project is located. The 1999 Clarifications emphasize an understanding that such permission will be granted.

HOW LONG DOES THE PANEL PROCESS TAKE?

The time involved with the Panel process varies depending on the complexity of the claim and the response of the Board of Executive Directors. The Panel process has several steps with explicit time limits:

- (1) Bank Management has 21 business days to respond to the claim after it is registered by the Panel.
- (2) The Panel has an additional 21 business days after receipt of Management's response to conduct its preliminary eligibility assessment and determine whether it believes the claim should be fully investigated.
- (3) After the Panel has conducted a full investigation (authorized by the Board) and submitted a report of its findings to the Board, Bank Management has six weeks to submit to the Board a its recommendations for how to act based on the Panel's findings.

Three steps in the Panel process do not have explicit time limits:

- (1) when the Board decides whether to approve the Panel's recommendation for a full investigation;
- (2) when the Panel conducts a full investigation; and,
- (3) when the Board responds to the Panel report and decides on a final action plan.

In practice, the timing of the process has varied considerably. For example, the Arun claim was filed in October, 1994; the Board approved the Panel recommendation for an investigation in February, 1995; and the Panel submitted its report to the Board in June, 1995. Shortly thereafter, Bank President Wolfensohn advised the Executive Directors that the Bank would not support the project. The Yacyretá claim was filed in late September, 1996; the Board authorized the Panel to do a review and assessment in February 1997;

and the Panel submitted its final report to the Board in September, 1997, a full year after the claim was filed. The Board held an informal meeting to consider the Panel report on June 23, 1998 but reached no decision about how to solve the problems identified by the claimants and the Panel.

SHORT SUMMARIES OF PAST CLAIMS

Although the procedures described in the Resolution and Operating Procedures are fairly straightforward, no claim has made it smoothly through the entire Panel review process. Of the claims that the Panel has fully considered, six were recommended for a full investigation. Of the six claims that the Panel has recommended for an investigation, only two have received full Board approval. Thus, in **Arun**, the very first claim filed to the Panel, the Panel received authorization from the Board, completed an investigation and submitted its report to the Board. However, before the Board reached the stage of designing a remedy, President Wolfensohn canceled the Bank's support for the project (an action consistent with the claimants' objectives).

In the **China Western Poverty Reduction Project**, the Panel recommended an investigation. The claim had been filed by the International Campaign for Tibet, serving as a non-local representative of people living in the project area. In requesting the Panel to conduct an investigation, the Board avoided commenting on ICT's eligibility but essentially supported a full investigation into the policy violations alleged in ICT's claim. That investigation was still underway as this Citizen's Guide went to press.

The Panel also recommended an investigation into the **Singrauli** claim. The Board did authorize the Panel to investigate (in the face of extremely compelling violations of the Bank's

policies and a very tense situation on the ground involving allegations of human rights abuses), but it limited the terms of reference for the investigation. For example, the Panel was prohibited from traveling to India to visit the project site and it did not have access to the resident mission. The Panel was also not officially asked to evaluate the effectiveness of Management's last-minute Action Plans. The Panel was restricted to a "headquarters" review and reported back to the Board. As part of the Management-generated action plan, an Independent Monitoring Panel comprised of Indian nationals was established to deal with the situation, and the Xavier Institute for Development Alternative Studies was commissioned to conduct an independent assessment of the resettlement plan.

The **Yacyretá** claim has been the only other claim to come close to the intended procedure, and yet the Board consideration of the Panel's recommendation provoked a major dispute over the terms defining the Panel's mandate to investigate. Thus, because certain members of the Board objected to the term "investigation," the Board asked the Panel to "review" the environmental and social problems and to "assess" the adequacy of Management's two Action Plans, that were developed after the claim was filed. One was supposed to bring the project into compliance with what should have been done before the reservoir was filled. The other was to take steps to bring the project into compliance at the current level of the reservoir. The Panel's assessment was that these action plans were insufficient to solve the problems or bring the project into compliance. The Board asked Management for further reports. The claimants are still waiting for the Board to announce remedial measures.

In the **Brazil Rondonia (PLANAFLORO)** claim, the Panel recommended an investigation. The Board was not satisfied with the evidence of harm, and asked the Panel to do further research and report back to the Board. The Panel responded with detailed evidence of harm to the requesters and again recommended a full investigation. The

Board ultimately rejected an investigation in favor of a Management-generated Action Plan. The Board asked Management to provide a status report in 6-9 months and asked the Panel to assist the Board in evaluating the effectiveness with the Action Plan. One year later, the Panel was invited by the Board to review the status of the project.

The Panel also recommended an investigation into the **Itaparica** claim. The Executive Director representing Brazil objected to the Panel recommendation and continuously challenged the eligibility of the claimants. The process became highly politicized and the Board denied the Panel's recommendation for an investigation, accepting instead Brazil's assurances that it had developed and would implement an Action Plan for completion of the irrigation and resettlement works. The government of Brazil also committed to providing \$290 million for this work. Thus, the Board approved an Action Plan that it had never seen or evaluated rather than approving the Panel's recommendation for an investigation. The claimants have complained that they never saw a copy of the government's Action Plan. Subsequently, the Brazilian government admitted that its contribution fell far short of its promised \$290 million. The Panel was asked to assist the Board in evaluating implementation of the Action Plan in 12 months, although this Board evaluation never took place.

In the **Lagos Drainage Project** in Nigeria and the first **Brazil Land Reform** claim, the Inspection Panel decided, after a preliminary visit to the field, that actions undertaken by Management between the filing of the claim and the Inspectors visit to the project site were adequate and that no further investigation was needed. In the Brazil case, the filing of the claim triggered the project authorities to lower the interest rates that would have otherwise barred the poor landless farmers from acquiring the proposed land as the project intended. The claimants are still opposed to the project concept and are questioning whether the promised changes took place. They have filed a second claim based on new and additional information, as the Panel Procedures allow them

to do. The Panel has not yet made a recommendation on the second Brazil Land Reform claim.

For a thorough discussion of each of the claims brought to the Panel during the first three years, please refer to Lori Udall, *The World Bank Inspection Panel: A Three-Year Review* (Bank Information Center, 1997). See also *The Inspection Panel: Annual Report* (World Bank, 1998).

WHAT CAN CLAIMANTS EXPECT FROM THE PANEL PROCESS?

Ultimately, the objective of using the Inspection Panel is to force the Bank to solve problems, to bring the project into compliance with its policies and procedures, and to have an investigation into the harm that may be associated with the policy violations. The Panel process should improve project quality, provide important lessons about why projects fail, and provide a measure of accountability. The process also can bring greater attention to problems in the project and generate a comprehensive response, from the level of the field office all the way to the office of the President. The Panel process is also valuable in that it provides a forum for those directly affected by projects to voice their concerns, and it forces the institution to confront the human and environmental impacts of its lending decisions.

However, the Inspection Panel cannot provide compensation, nor can it issue an injunction against further work on a project or rule that the project should be canceled. The Panel's findings are advisory to the Board, which ultimately must make a determination of how to respond to the Panel's report. Claimants can generally expect an Action Plan that should lead to improvements over the long-term. The Panel's findings can also help inform the Bank and the public about the Bank's

performance in policy compliance.

The filing of a claim generally results in heightened Bank compliance with policies, even if no investigation is ever carried out by the Panel. It also puts pressure on the Bank to supervise the project more closely (which it is required to do anyway by OD 13.05), which can result in more effective implementation of commitments in the loan agreement. For example, soon after the PLANAFLORO claim was filed, hundreds of thousands of acres of land were accorded legal protection as required by the loan agreement. The filing of the claim also resulted in a complete restructuring of the project and a more active role for civil society in its implementation.

In the Singrauli case, management responded to the claim by filing an Action Plan. While the Action Plan was designed to subvert the Panel process, certain components of the Plan proved to be novel innovations. For instance, an Independent Monitoring Panel (IMP) comprised of three respected Indian nationals was formed to provide a grievance forum for affected people. The IMP made comprehensive recommendations to the World Bank and the National Thermal Power Corporation (the implementing agency) for actions needed to bring the project into compliance with World Bank policies and Indian law. Unfortunately, the IMP has faced resistance by the NTPC, and local activists feel that it lacked the necessary support from the World Bank.

The indirect effects of the Panel process can be very valuable for local citizens affected by Bank projects, as several past cases have demonstrated. First, the Panel process provides a forum where they can raise concerns that have in many cases been ignored for years. Regardless of the ultimate outcome of the Panel process, this raises awareness of the problems at the highest levels in the Bank and in the borrowing country. It can also be empowering for the claimants.

In the Yacyreta case, the claimants found that the visits of teams from the World Bank

Inspection Panel and the IDB Investigation Mechanism increased the people's access to the multilateral development banks and helped to restore the credibility of those institutions in the eyes of the people. "This was the first time someone sent by the Banks actually met with the people and listened to their concerns," said Elias Diaz Peña of Sobrevivencia. In addition, the oversight provided by the panels made the project authorities more responsive to the complaints of affected people, and long-neglected studies and mitigation projects are finally starting to move forward.

Another indirect effect is increased media attention and support from international NGOs interested in Bank activities. International attention has so far played a critical role in pressuring the Board to take action. In addition, the time and effort involved in launching an Inspection Panel claim has increased solidarity among the claimants, empowered them to have a dialogue with government officials and project authorities, increased awareness within the country, and strengthened the networks of support at the local, national and international levels.

Even cases that have not been investigated have stimulated significant action. For example, after a claim was filed alleging that island dwellers in the Jamuna river had been left out of resettlement planning and compensation, Bank management quickly responded by developing a new plan to extend the benefits to the claimants and others similarly affected. Because this response largely met the concerns of the claimants, the Panel did not recommend an investigation.

Another example of a claim stimulating positive action despite the lack of Inspection Panel review is the BioBio claim. The Inspection Panel declined jurisdiction over the BioBio Claim since it was based on an IFC-financed project. However, as a result of the claim being filed, President Wolfensohn authorized the first-ever independent review of an IFC-financed project, and publicly committed to the extension of an accountability mechanism to IFC and MIGA. There is now a

Compliance Advisor/Ombudsman (CAO) position which is designed to promote greater responsiveness to problematic IFC and MIGA projects.

One result that must be considered very carefully by anyone interested in filing a claim is the potential for reprisals in the country. This risk should be carefully evaluated, and claimants should not expect that the Panel can provide protection once a claim is filed. However, claimants can request that their identities be kept confidential by the Panel, which offers some protection from individual reprisals. International attention can help, but it is often not enough to deter retaliation.

The situation in Singrauli is indicative of the inability of the Panel and the refusal by the Bank to intervene and prevent reprisals by the project authorities. After the claim was filed, the project authorities moved into the area with police force and heavy machinery and began forcibly evicting people from their homes and accelerating the pace of construction. Despite international pressure, the Bank refused to publicly intervene, and the Panel has no mandate to call for a halt to the construction activity or the evictions. Madhu Kohli, the representatives of the Singrauli claimants, has noted that, "instead of improvement, the borrower became more hardened in its attitude toward those who testified or who wanted to reach out to the Panel."

In the China Western Poverty Reduction Project, local people feared for their lives if they were to speak out against the project. The filing of a claim to the Inspection Panel by the International Campaign for Tibet (ICT), a US-based NGO, demonstrated the importance of allowing non-local representation in exceptional circumstances. In a representational capacity, ICT was able to raise serious flaws in the project and to request an investigation into the Bank's role in a highly controversial project.

PART THREE

PRACTICAL CONSIDERATIONS

SUMMARY

Documenting contacts with the World Bank is an important element of any Panel claim. This section deals with how to get access to information and advice about Bank projects and policies. It also provides contact information for NGOs that are familiar with the Inspection Panel, including many that have filed claims to the Panel.

DOCUMENTING CONCERNS AND POLICY VIOLATIONS

One important part of organizing a Panel claim is to create a record of attempts to contact Bank staff or Management and their responses. Whenever possible, create a written record of meetings and telephone conversations, in addition to keeping a copy of all correspondence that is sent to or received from the Bank. This information will demonstrate that the affected people have taken steps to try to resolve their concerns and have not received a satisfactory response. Raising concerns with Bank management is a prerequisite to a Panel claim.

Although the Bank loans money to governments, the project authorities are often government agencies or entities that receive or administer the Bank loans. For example, in the Singrauli region of India, the project authorities that receive Bank financing and implement the projects are the National Thermal Power Corporation and Coal India, Limited. Often, these project authorities are the entities with which local communities have direct contact. Keep in mind that the project authorities are receiving financing from the World Bank, and try to maintain and document a dialogue with the Bank in addition to the project authorities about problems or concerns.

COMMUNICATING WITH THE WORLD BANK*

Communicating with the World Bank and borrowing governments is not always easy. World Bank staff, officials of borrower governments, and the consultants they may hire are often not fully aware of the policies they are supposed to be following or the real impacts of the project on the ground.

Using all the opportunities for public participation mandated in the project cycle – on

environmental, indigenous, resettlement and other issues – affected communities and NGOs should continually seek information, ask questions and raise issues of concern. They can do so by contacting any or all the following in both the borrowing countries and at World Bank headquarters in Washington, D.C.:

- The borrower government ministry or office responsible for the project;
- The Bank's resident representative in the borrowing country;
- The borrowing country's Executive Director at the World Bank, who is based in Washington, D.C. This Executive Director represents the government of the member country;
- The World Bank president and staff in Washington, D.C., such as:
 - the project Task Manager;
 - the Country Director of the appropriate Country Department;
 - the Director of the Regional Environment Division for that geographic region of the world;
 - the Director of the Environment Department;
 - the Director of the Operations Policy Department;
 - the NGO Unit in the Operations Policy Department; and
 - other country officers.

The first contact for most individuals and groups will be the Task Manager (TM). When the name of the TM is not known, the person to contact is the Country Director for that country area. The Country Director can identify the TM and if necessary will refer the inquiry. The Bank President, the Operations Policy Department and the Executive Directors should be contacted when Country Directors fail to offer satisfactory responses. Letters to each higher level of Bank officer should include dated copies of earlier communications with the Bank.

* Adapted in part from: Cindy Buhl, *A Citizen's Guide to Multilateral Development Banks and Indigenous Peoples* (Bank Information Center: November 1994)

ACCESS TO INFORMATION

1. Access to World Bank Policies and Project Documents.

One of the main hurdles faced by local communities that are concerned about World Bank-financed projects is that they do not have ready access to the policies and procedures of the Bank. These policies and procedures provide certain rights for local affected people. Without access to the policies it is difficult to advocate for those rights or to use the Panel to defend those rights from violations. Compounding this problem is the fact that the Bank generally does not translate policies into local languages.

Appendix II reproduces several of the World Bank policies that have been significant in past claims to the Inspection Panel. These include Involuntary Resettlement, Environmental Assessment, Environmental Policy for Dam and Reservoir Projects, Indigenous Peoples, Natural Habitats, Economic Evaluation of Investment Operations, Project Supervision, Management of Cultural Property, and Inspection Panel.

There are several other policies that might prove helpful in particular projects, such as OD 4.15 Poverty Reduction, OD 8.60 Adjustment Lending, OD 2.00 Country Economic and Sector Work, OD 10.70 Project Monitoring and Evaluation, and OP/BP 13.40 Suspension of Disbursements. For additional policies, contact the resident mission in the country where the project is located or:

The World Bank InfoShop
701 18th Street, NW
Washington, D.C. 20433 - USA
Telephone: +1.202.458.5454
Fax: +1.202.522.1500
Email: pic@worldbank.org
Internet: [wbln0018.www.worldbank.org/
institutional/Manuals/opmanual.nsf](http://wbln0018.www.worldbank.org/institutional/Manuals/opmanual.nsf)

When contacting the InfoShop (formerly the Public Information Center), you must be specific in requesting information. You can ask the InfoShop to give you copies of Operational Directives, Operational Policies, and Bank Procedures. The InfoShop can also process requests for public documents relating to the project dated after 1993, when the Bank passed its information disclosure policy. Staff Appraisal Reports (SARs), Project Information Documents (PIDs), and Environmental Assessments (EAs) relating to the project of concern are all useful sources of information.

2. Access to IFC/MIGA policies.

IFC policies can be obtained either over the web at <http://www.ifc.org/enviro/index.html>, at <http://www.ifc.org/ngo>, or by contacting the IFC NGO Relations Office:

NGO Relations and Outreach Officer
IFC Corporate Relations
2121 Pennsylvania Ave, NW - USA
Washington, DC 20433
Telephone: 202.473.1404
Fax: 202.974.4384
Email: ngo@ifc.org

MIGA policies are available over the web at <http://www.miga.org/disclose> or by contacting the Manager of Policy and Evaluation:

Gerald T. West
Manager, Policy & Evaluation
1800 G Street NW, 12th Floor
Washington, D.C. 20433 - USA
Telephone: 202.473.2060
Fax: 202.522.2630
Email: GWEST1@worldbank.org

3. Contacting the World Bank for Information.*

Unless otherwise noted, all correspondence with World Bank headquarters in Washington, D.C., should be addressed as follows:

The World Bank
1818 H Street NW
Washington, D.C. 20433 - USA

All Bank staff and the Executive Directors may be reached at this headquarters address.

For telephone calls to Washington-based Bank offices, the main switchboard number is: (USA country code +1) 202.477.1234. Calls are received by operators between 8:00 am and 6:30 pm Eastern Standard Time, Monday through Friday.

Information on World Bank staff and field offices changes frequently. A good resource is the "World Bank Group Directory," the Bank's internal telephone, fax and address directory, which is revised and reissued quarterly. The directory may be ordered from: Office of the Publisher, Room T-8064, 1818 H Street NW, Washington, D.C. 20433, USA. For phone orders, the World Bank's publications customer service number is 202.473.1155, and the fax number is 202.676.0581.

The resident mission or field office Resident Representative is the official contact for the World Bank in each member country. The Resident Representative is often a source of information both on the World Bank in general and on specific Bank-supported projects. Some resident missions have appointed an officer responsible for NGO relations. Names and addresses of Resident Representatives may be requested from the NGO Unit of the World Bank headquarters. The contact information for the NGO Unit is:

William Reuben, Manager
NGO Unit
1818 H Street NW
Washington, D.C. 20433 - USA
Telephone: +1.202.458.5012
Fax: +1. 202.522.1669

4. Additional Information about the Inspection Panel.

The Inspection Panel is available to respond to requests for information, advice, and meetings with potential claimants. The Panel has also prepared Annual Reports describing its experiences, short descriptions of the Panel process and descriptions of claims brought to date. The Inspection Panel's operating procedures are available in English, Spanish, Portuguese, and French.

The Inspection Panel
1818 H Street, NW
Washington, DC 20433 - USA
Telephone: +1.202.458.5200
Fax: +1.202.522.0916
Email: ipanel@worldbank.org
Internet: www.worldbank.org/inspection

5. Additional Information about Bank Projects.

Often, the Bank has refused to make certain information publicly available. This is particularly true if the project predates the 1993 Disclosure Policy. If you are having trouble getting access to information, you can also contact a non-governmental organization that specializes in assisting grassroots organizations in learning more about Bank-financed projects. The Bank Information Center (BIC) is a Washington-based international NGO that provides hard-to-obtain information on the multilateral development banks. BIC monitors the environmental and social impacts of MDB projects and policies, and provides its partners with timely information on public and private MDB lending activities. BIC is not a part of the World Bank; it is an independent NGO that can help project-affected people. BIC's contact information is as follows:

Bank Information Center
733 15th Street, NW, Suite 1126
Washington, DC 20005 - USA

Telephone: +1. 202.737.7752
Fax: +1. 202.737.1155
Email: info@bicusa.org
Internet: www.bicusa.org

The Bank Information Center has published a useful guide: Kay Treakle, *Toolkits for Activists: A User's Guide to the Multilateral Development Banks* (Bank Information Center: 1999).

6. Information about the Compliance Advisor/Ombudsman for IFC and MIGA.

The Compliance Advisor/Ombudsman (CAO) for IFC and MIGA can be reached at the following address:

Meg Taylor
2121 Pennsylvania Avenue, NW
Washington, DC 20433 USA
Telephone: +1. 202.458.9452
Fax: +1. 202.522.7400
Email: mtaylor@ifc.org
Internet: www.ifc.org

ACCOUNTABILITY MECHANISMS AT OTHER MULTILATERAL DEVELOPMENT BANKS

1. Introduction

The Inter-American Development Bank (IDB) and the Asian Development Bank (ADB) have also created accountability mechanisms. Although the inspection processes at the IDB and ADB are modeled after the Inspection Panel, they are significantly less independent than the World Bank Inspection Panel. Both mechanisms rely on a "Roster of Experts" rather than a permanent Panel. This means that there are no permanent Panel members or staff. If a claim is received, and the banks determine that it should be investigated,

they convene a panel from the roster. Neither mechanism has a procedure for guaranteeing the anonymity of claimants, although the individual claimants to the IDB mechanism in the Yacyretá claim insisted on confidentiality.

2. The Inter-American Development Bank

The IDB's Independent Investigation Mechanism came into effect in August, 1994. Under the IDB process, a claim is filed with the Office of the President, who then forwards the claim to Management for a response. After receiving Management's response, the President makes a recommendation to the Board of Executive Directors as to whether a Panel should be convened. If the Board decides to convene a panel, they draw members from the Roster of Experts.

The IDB process has been tested once: Sobrevivencia filed a claim relating to the Yacyretá Hydroelectric Project, which involved both the World Bank and the Inter-American Development Bank. In that case, the Board of the IDB authorized an investigation. The IDB Panel report on Yacyretá was submitted to the IDB Board but did not result in any definitive action to solve the problems. As a result of the experience of the Yacyretá claim and pressure for reform from NGOs, IDB Management is considering reforming the IDB investigation mechanism to improve its effectiveness.

For more information about the IDB mechanism, contact:

The Inter-American Development Bank
1300 New York Ave., NW
Washington, D.C. 20577 - USA
Telephone: 202.623.1000
Fax: 202.623.3096

The IDB Investigation Mechanism procedures can also be found in English on the web at <http://www.iadb.org/cont/poli/investig.htm>. It can be found in Spanish at <http://www.iadb.org/cont/poli/investig.htm>.

For information about experience with the IDB Investigation Mechanism process, one could also contact Sobrevivencia, which is the only NGO to use the mechanism to date. Sobrevivencia's contact information can be found in the next section on NGO contacts.

3. The Asian Development Bank

The Asian Development Bank's investigation process became effective in October 1996. The ADB mechanism has several features that make it significantly less independent than that of the World Bank, including the fact that decisions on whether claims should be investigated are made by a standing committee (the Inspection Committee) of the Bank's Board of Directors. If an inspection is authorized, it would be conducted by a panel of experts drawn from a roster. The panel of experts would report to the Inspection Committee, which would forward the Panel's report and its own recommendations to the Board of Directors.

Note that before a claim can be filed under the ADB process, the claimants must have tried to raise their concerns with Bank management. This requirement is similar to that of the World Bank and the IDB, except that the ADB has created a more formal process requirement. In order to satisfy this aspect of the process, claimants must specifically write to the president of the ADB, raising points of concern. Only if the President or Management fails to satisfactorily respond within 45 days can the claimants file a request for inspection. For further information about the ADB inspection process contact:

Office of the Secretary
Asian Development Bank
6 ADB Avenue, Mandaluyong City
0401 Metro Manila, Philippines
Telephone: (63-2) 632.4444
Fax: (63-2) 636.2481
Email: adbsec@mail.asiandevbank.org
Internet: <http://www.asiandevbank.org>

NGO CONTACTS

If you would like additional information or advice about the Inspection Panel process or past experience with claims, you can contact the following organizations:

Center for International Environmental Law (CIEL)

Dana Clark, David Hunter, and Emilie Thenard
1367 Connecticut Ave., NW
Suite 300
Washington, D.C. 20036 - USA
Tel: +1 202.785.8700
Fax: +1 202.785.8701
Email: info@ciel.org
Internet: www.ciel.org

Bank Information Center (BIC)

Lisa Jordan and Kay Treakle
733 15th Street, NW
Suite 1126
Washington, D.C. 20005 - USA
Tel: +1 202.737.7752
Fax: +1 202.737.1155
Email: info@bicusa.org
Internet: www.bicusa.org

Sobrevivencia, Friends of the Earth Paraguay

Elias Diaz Peña
25 de Mayo 1618
Casilla de Correos 1380
Asuncion, Paraguay
Tel/Fax: +595 21.480.182
Email: survive@quanta.com.py
(Yacyretá claim)

Grupo de Accion por el BioBio (GABB)

Juan Pablo Orrego and Cristian Opass
Ernesto Pinto Lagarrigue 112
Recoleta, Santiago - Chile
Tel: +56 2.737.1420
Fax: +56 2.777.6414
Email: gabb@huelen.reuna.cl
(BioBio claim)

Rede Brasil

Aurélio Vianna Jr. or Flavia Barros
SCS Qd. 08, Bloco 50
Salas 433-441, Vemancio 2.000
CEP: 70.333-970
Brasilia/DF - Brazil
Tel: +55 61.226.8093
Fax: +55 61.226.8042
Email: inesc@ax.apc.org; rbrasil@brnet.com.br
(Itaparica and Land Reform claim)

Polo Sindical

Rua Dantas Barreto, 139
Caixa Postal 02
CEP: 56.460-000
Petrolandia, PE - Brazil
Tel/Fax: +55 81.851.1160
(Itaparica claim)

Madhu Kohli, c/o Delhi Forum

F-10/12 Malvina Nagar
New Delhi 110017 - India
Tel: +91 11.6426783
Fax: +91 11.6237724
Email: delforum@unv.ernet.in
(Singrauli claim)

Jamuna Char Integrated Development Project

Majibul Huq Dulu
House #37, Road #04
Dhanmondi, Dhaka - Bangladesh
Tel: +880 2.865729, 502391
Fax: +880 2.886368
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