



Annexes

ANNEX I

The Inspection Panel Members



Ernst-Günther Bröder is the former president of the European Investment Bank (EIB), in Luxembourg (1984–93), where he also served as a director (1980–84). He held several supervisory and consultative positions in international banks and other institutions. Mr. Bröder was a governor of the European Bank for Reconstruction and Development in London (1991–93), and a member of the special advisory group for the Asian Development Bank in Manila (1981–82). He is a member of the Panel of Conciliators for the International Centre for Settlement of Investment Disputes in Washington, D.C. He started his professional career on the staff of the Managing Board of the Bayer Corporation (1956–61). He then served at the World Bank in the Technical Operations Department’s Industry Division (1961–64). Before being appointed president of the EIB, he served (1964–84) in the Kreditanstalt für Wiederaufbau in Frankfurt, where he was a member of the Managing Board (1975–84) and its spokesman (1980–84). He has written and coauthored several books and articles on financial and economic subjects. Mr. Bröder holds a doctorate in economics from the University of Freiburg, and studied political and natural sciences at the Universities of Cologne, Mainz, and Paris. Under the terms of the Resolution that established the Panel, Mr. Bröder served as the Inspection Panel’s first chairman.



Richard E. Bissell is the executive director of the Policy Division at the National Academy of Sciences in Washington, D.C. Before serving on the Panel, he was a senior official with the U.S. Agency for International Development (USAID) (1986–93). He served at USAID first as head of policy and later as the head of the Bureau of Science and Technology. He was previously a professor at several U.S. universities, including Georgetown University and the University of Pennsylvania. Between 1984 and 1986, he was editor of *The Washington Quarterly*, and was previously managing editor of ORBIS between 1976 and 1982. His many publications include both books and articles on political economy in developing countries. He was educated at Stanford University and earned his Ph.D. at the Fletcher School of Law and Diplomacy, Tufts University.



Alvaro Umaña-Quesada served as Panel chairman from August 1, 1997 to July 31, 1998. Mr. Umaña was a professor and director of the Natural Resources Management Program at Instituto Centroamericano de Administración de Empresas (INCAE), a Latin American graduate school of management. He served as Costa Rica’s first minister of natural

resources (1986–90) under President Oscar Arias Sanchez. Mr. Umaña is a member of the Board of the Rockefeller Foundation and the World Resources Institute. He has published several books and many technical articles on energy, economics of natural resources, and the environment. Mr. Umaña is a private entrepreneur in the ecotourism and conservation areas and is involved in sustainable wildlife reproduction and export. Mr. Umaña holds a Ph.D. in environmental engineering and a master's degree in economics from Stanford University. He also holds a master's degree in environmental pollution control and a bachelor's degree in physics from Pennsylvania State University. He is currently Head of UNDP's Environmentally Sustainable Development Group.



Jim MacNeill, a Canadian national, was appointed to the Inspection Panel in August 1997. He is a policy adviser on the environment, energy, management, and sustainable development to international organizations, governments, and industry. He is chairman emeritus of the International Institute of Sustainable Development and is a member of the boards of the Woods Hole Research Center and the Wuppertal Institute on Climate and Energy Policy. He is also a member of the Jury of the Volvo Environmental Prize. He was secretary general of the World Commission on the Environment and Development (the Brundtland Commission) and lead author of the Brundtland Commission's world-acclaimed report, "Our Common Future." He served for 7 years as the director of environment for the Organisation for Economic Co-operation and Development. 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 (math and physics) and mechanical engineering from Saskatchewan University. He is the author of many books and articles and is the recipient of a number of awards—national and international—including the Order of Canada, his country's highest honor.



Edward S. Ayensu, a Ghanaian national, chairs the Inspection Panel and was appointed to the Panel in August 1998. Professor Ayensu is chairman of the Council for Scientific and Industrial Research of Ghana, president of the Pan-African Union for Science and Technology, and international vice chairman of the International Institute for Sustainable Development. He is an international development adviser on environment, energy, mining, housing, biotechnology, and agriculture. He was senior adviser to the president and director for the Central Projects Department of the African Development Bank. He was formerly the vice chairman of the Scientific and Technical Advisory Panel of the Global Environment Facility administered by the World Bank, United Nations Development Programme, and United Nations Environment Programme. He was also a member of the Energy Sector Management Assistance Program Consultative Group, which is administered by the World Bank and UNDP, and a member of the Senior Advisory Council of the Global Environmental Facility. He held many senior positions, including director of Biological Conservation and senior scientist during his 20 years at the Smithsonian Institution in Washington, D.C. He was secretary-general of the International Union of Biological Sciences for 13 years and founding chairman of the African Biosciences Network. A prolific writer and photographer, Pro-

fessor Ayensu has written 19 books and numerous scientific and technical papers. He is coauthor of the publication *HIV/AIDS: Knowledge Protects; New and Specific Approaches to Contain the Spread of HIV in Developing Countries, 2001*. He obtained his doctorate degree from the University of London and was appointed a visiting fellow at Wolfson College, Oxford University. He is a distinguished professor of the University of Ghana and for many years has been a member of the Visiting Committee at Harvard University. He is a fellow of the Ghana Academy of Arts and Sciences, foreign fellow of the Indian National Science Academy, fellow of the Linnaean Society of London, fellow of the Third World Academy of Sciences, founding fellow of the African Academy of Sciences, and fellow of the New York Academy of Sciences. He was twice the recipient of the Ghana National Science Award and has received the U.S. National Museum of Natural History Outstanding Award. He received the Outstanding Statesman Award in Ghana during the millennium celebrations.



Maartje van Putten, a Dutch national, was appointed to the Panel in October 1999. Ms. van Putten was a member of the European Parliament between 1989 and 1999. She has been a highly active member of the Committee on Development and Cooperation for the past 10 years. Ms. van Putten has published widely on fair trade, on development aid for Asia and Latin America, on the European Union (EU) program for tropical forests, on European policies toward indigenous peoples, and on the effects of the General Agreement on Tariffs and Trade/Uruguay Round on developing countries. She is active with NGOs and is extremely committed to the cause of development. Ms. van Putten has worked closely with the World Wildlife Fund European policy office as a key political partner to promote better EU conservation and sustainable development policies. She was also a consistently active member of the ACP (African, Caribbean, and Pacific Group)–EU Joint Assembly. Ms. van Putten was a freelance multimedia journalist for most of her professional career and was a senior fellow of the Evert Vermeer Foundation (1981–89). She is the author of many articles and books on globalization, international division of labor, and gender issues. Currently the vice chair of the European Centre of Development Policy Management, Ms. van Putten is president of the Board of European Network of Street Children Worldwide. She holds an HBO (bachelor’s) degree in community development from Sociale Academy Amsterdam, and a master’s degree in social sector management from Protestantse Voortgezette Opleiding, Amsterdam. At present, she is working on a dissertation at the Catholic University of Tilburg in the Netherlands on the subject of “Compliance Mechanisms for Both Multilateral Organizations and the Private Sector.”



Edith Brown Weiss was appointed to the Panel in September 2002 and is an outstanding legal scholar who has taught and published widely on issues of international law and global policies, including environmental and compliance issues. She is the Francis Cabell Brown Professor of International Law at Georgetown University Law Center, where she has

been on the faculty since 1978. Before Georgetown, she was a professor at Princeton University. Ms. Brown Weiss has won many prizes for her work, including the Elizabeth Haub prize from the Free University of Brussels and the International Union for the Conservation of Nature (IUCN) for international environmental law, and has received many awards for her books and articles. She served as president of the American Society of International Law and as associate general counsel for the U.S. Environmental Protection Agency, where she established the Division of International Law. She is a member of many editorial boards, including those of the American Journal of International Law and the Journal of International Economic Law. Ms. Brown Weiss has been a board member, trustee, or adviser for the Japanese Institute for Global Environmental Strategies, the Cousteau Society, the Center for International Environmental Law, and the National Center for Atmospheric Research, among others. Ms. Brown Weiss has been a special legal adviser to the North American Commission on Environmental Cooperation. She has been a member of the U.S. National Academy of Sciences' Commission on Geosciences, Environment, and Resources; the Water Science and Technology Board; and the Committee on Sustainable Water Supplies in the Middle East. She is an elected member of the American Law Institute, the Council on Foreign Relations, and the IUCN Commission on Environmental Law. Ms. Brown Weiss received a bachelor's degree from Stanford University with Great Distinction, an LL.B. (J.D.) from Harvard Law School, a Ph.D. in political science from the University of California at Berkeley, and an honorary doctor of laws from Chicago-Kent College of Law.

ANNEX II

Panel Activities in Fiscal Year 2003

A. Formal Requests Received

Request No. 27—Cameroon: Petroleum Development and Pipeline Project (Loan No. 7020-CM) and Petroleum Environment Capacity Enhancement (CAPECE) Project (Credit No. 3372-CM)

THE REQUEST

On September 25, 2002, the Panel received a Request for Inspection, dated September 20, 2002, on the Petroleum Development Pipeline Project and the Petroleum Environment Capacity Enhancement Project. The Request was submitted by the Center for the Environment and Development (CED), a local NGO based in Yaoundé, acting on behalf of a number of people living along the pipeline route in Cameroon, and by a number of individuals, including workers or former workers of Cameroon Oil Transportation Company (COTCO) and its contractors, all residents of the Republic of Cameroon. The Request also included a list of 21 signatories who asked that their names remain confidential with the Panel.

The Requesters claimed that the rights and interests of the people living in the areas of the pipeline project as well as the environment had been seriously affected as a result of violations of the World Bank's policies. The Requesters alleged violations had taken the form of insufficient information during the preparatory phase of the project and since its implementation began: an inadequate consultation process; insufficient, non-existent, or inadequate compensation; no respect for the workers' rights; and a renewed outbreak of sexually transmitted diseases (STDs) and HIV/AIDS all along the pipeline and around the project's main bases, as well as an increase in the prostitution of minors along the length of the oil pipeline. Specifically, the Requesters alleged violations of the Bank's policies and procedures on environmental assessment, natural habitats, poverty reduction, indigenous peoples, involuntary resettlement, and project supervision. The Panel registered the Request on September 30, 2002.

MANAGEMENT RESPONSE

The Panel received Management's Response to the Request on October 29, 2002. Management stated that the Bank had made every effort to apply the policies and procedures of the Bank and that it had followed the guidelines, policies, and procedures applicable to the matters raised in the Request. Management stated that it believed that the Requesters' rights or interests had not been, or would not be, directly and adversely affected by a failure of the Bank to implement its policies and procedures. Concerning

the environmental impact of the pipeline project, Management stated that the 1999 Environmental Assessment/ Environmental Management Plan (EA/EMP) identified and evaluated the potential impacts of the project and the mitigation measures were fully described in that EA/EMP. Management stated that the analysis of the cumulative impacts was satisfactory; the 1999 EA/EMP cumulative impact analysis properly focused on the impacts on natural habitats, tourism, and fisheries and noted that the pipeline would leave “only a small footprint in Cameroon.” With regard to the impact of the offshore floating storage and offloading vessel and the 11-kilometer offshore pipeline, Management stated that the selection of Kribi as an offloading site had taken into consideration the existence of a similar facility in the Ebomé oil field and that Management considered the risk of having an oil spill in both installations simultaneously “statistically very unlikely.” Management noted that, as a result of an analysis of alternatives and in comparison to the 1997 EA, major changes had been made in the pipeline route to avoid sensitive natural habitats and indigenous groups. These changes, Management noted, were incorporated into the 1999 EA/EMP. Management did, however, recognize the gaps in the baseline data collected in the 1997 EA but noted that subsequently collected data filled those gaps in the 1999 EA/EMP. Management believed that the baseline study used in the 1999 EA/EMP was sufficient to evaluate potential impacts and determine appropriate mitigation measures.

In response to the Requesters’ claims of violations of the Bank’s policy on involuntary resettlement, Management reported that the compensation plan in the 1999 EA/EMP met and was being implemented in accordance with the requirements of the operational directive. Management stated that no household in Cameroon had been physically resettled as a result of the pipeline project, and only one household had lost a significant portion of its assets. With regard to the compensation process, Management maintained that the process had been conducted following wide-ranging consultations and that individual choices had been made on the basis of a “a catalogue of options.” Management noted that, out of more than 4,000 households that had been compensated for land and crop losses, only 27 claims remained unsettled. In terms of the Requesters’ claims on poverty reduction, Management questioned the applicability of the operational directive because the majority of the affected people had benefited from compensation offered, but nonetheless stated that it believed that the Bank was in compliance with the relevant provisions of the policy.

Regarding workers’ issues, Management noted that the Agreement of Establishment signed between the government of Cameroon and COTCO required COTCO to contract local workers and develop a training program for them. Concerning health issues related to the construction of the pipeline, Management stated that COTCO’s health and safety requirements conformed with the standards set out in the 1999 EA/EMP, that COTCO’s subcontractors had provided medical facilities for their employees, and that COTCO regularly screened and treated workers for curable STDs. Management also noted that the health programs of the subcontractors—including the programs of health education and immunization as well as condom distribution—had reached a level of effectiveness above the national level. In response to the Requesters’ claims concerning STDs, HIV/AIDS, and prostitution, Management indicated that the Bank did not have a specific policy covering these issues, nor was there any raw data available on the current HIV/AIDS prevalence rate. Management did acknowledge, however, that because the

pipeline was a boost to the local economy, renewed sexual activity was likely; as a result, the spread of STDs and increased vulnerability to HIV/AIDS were also likely.

Finally, in terms of supervision of the two projects, Management stated that supervision had taken place at several levels: (a) by the government of Cameroon, which through its ministries, had supervised the implementation of the projects; (b) by Bank staff members both at headquarters and in the project area; and (c) through two external groups, the External Compliance and Monitoring Group and the International Advisory Group, which reinforced the supervision framework by also monitoring the projects' implementation and compliance with the 1999 EA/EMP. Nevertheless, Management acknowledged that, while the construction of the pipeline was expeditious, the implementation of the CAPECE Project was delayed. Management asserted, however, that it had intensified its supervision efforts to accelerate implementation of the CAPECE Project.

THE PANEL ELIGIBILITY REPORT/BOARD DECISION

The Panel found both the Request and the Requesters eligible and submitted its report recommending an investigation to the Board on November 26, 2002. The Board approved the Panel's recommendation for an investigation on a no-objection basis on December 4, 2002. The Request, Management Response, and the Panel Eligibility Report were made public 3 days later and are available on the Inspection Panel's Web site: <<http://www.inspectionpanel.org>>. The Panel has completed its investigation into the matters alleged by the Requesters, and sent its Investigation Report to the Board on May, 2, 2003. Management submitted its Report in response to the Panel's findings on May 30, 2003.

B. Actions on Pending Requests

Request No. 22—Chad: Petroleum Development and Pipeline Project (Loan No. 4558-CD), Management of the Petroleum Economy Project (Credit No. 3316-CD), and Petroleum Sector Management Capacity Building Project (Credit No. 3373-CD)

THE REQUEST

On March 22, 2001, the Inspection Panel received a Request for Inspection submitted by Ngarlejy Yorongar, a member of Parliament in Chad's National Assembly. Mr. Yorongar submitted the Request on behalf of himself and more than 100 residents living in the cantons of Bébédjia, Béboni, Béro, Komé, Mbikou, and Miandoum. The cantons are located in Bébédjia, a subprefecture of southern Chad that is in the vicinity of three oil fields of the Petroleum Development and Pipeline Project. The Request focused mainly on the Chad portion of the project and its complementary Bank-financed projects: the Management of the Petroleum Economy Project and the Petroleum Sector Management Project.

The Requesters claimed that their rights and interests had been directly harmed as a result of the Bank's actions in the design, appraisal, and supervision of the pipeline project. They alleged that the Bank had failed to comply with its policies and procedures on environmental assessment, natural habitats, pest management, indigenous peoples, involuntary resettlement, forestry, economic evaluation of investment operations, cultural property, disclosure of operational information, and project supervision; as a result, the Requesters claimed that they had been directly and adversely affected. They alleged that the development of petroleum activities—including development of the oil fields in southern Chad and the construction of an oil pipeline between Chad and Cameroon—represented a threat to local communities, to their cultural property, and to the environment. In particular, the Requesters claimed that people living in the Doba Basin were being harmed or were likely to be harmed because of the absence or inadequacy of compensation measures and environmental assessment. They claimed that the Bank's monitoring and supervision policies and procedures had been violated. The Requesters also alleged that proper consultation and disclosure of information to local communities had not taken place, and they held the Bank accountable for what it had done as well as for what it had omitted to do. They also alleged violations of their human rights.

MANAGEMENT RESPONSE

Management submitted its Response to the Panel on July 20, 2001. Management stated that the Bank had complied with its operational policies and procedures with regard to the environmental, social, cultural, and procedural matters noted in the Request. Management stated that the Bank had taken the necessary measures to ensure that people in the project area were not directly and adversely affected as a result of the project design and preparation. Management noted that the project preparation process had taken several years and that an extensive review of the environmental and social aspects of the project was conducted with the participation of Bank-wide specialists. Furthermore, the review had led to significant changes in project design. The project had been designed to minimize environmental impacts. Management also noted that the public debate

around the project—its rationale, its impacts, and its significance for the development of Chad—had involved a broad spectrum of civil society actors, both in Chad and abroad. According to Management, the debate provided insights and inputs that further improved the project design and identified issues during implementation. Regarding Requesters' claims that their human rights had been violated as a result of the Bank's failure to apply its policies, Management stated that it "did not believe this to be the case." Nonetheless, Management did acknowledge that the Bank was "concerned by human rights in Chad as elsewhere," even though "its mandate [did] not extend to political human rights."

THE PANEL'S ELIGIBILITY REPORT/BOARD DECISION

The processing of the Request coincided with the electoral and postelection process in Chad, and as a result the Panel had to delay its Eligibility Report to the Board by 90 days. The Panel found the Request eligible and submitted its report recommending an investigation to the Board on September 12, 2001. The Board approved the Panel's recommendation on October 1, 2001.

THE PANEL'S INVESTIGATION FINDINGS

The Panel investigated the issues raised in the Request and submitted its Investigation Report to the Board on July 17, 2002. The Panel found Management in compliance with Bank policies and procedures on natural habitats, forestry, pest management, disclosure of information, and management of cultural property. The Panel found that the indigenous peoples policy did not apply because people living in the project area in Chad were not "indigenous peoples" as defined by the Bank policy. Regarding the environmental concerns raised in the Request, the Panel found that the Bank was in compliance with some aspects of its policy on environmental assessment but not in compliance with other aspects because the Bank had neither considered the spatio-temporal aspects of the project nor completed a cumulative impact assessment and regional environmental assessment to determine the impact of the project on the region as a whole. Concerning economic evaluation, the Panel found Management in compliance with pipeline project risk and externalities, but not in compliance with project alternatives and sustainability and risks for the Petroleum Economy Project and the Petroleum Sector Management Capacity Building Project. Regarding poverty reduction, the Panel found Management complied with the overall framework related to the allocation of oil revenues, but had not complied with the accelerated action needed for capacity building and possible variations in oil revenue inflows. The Panel also expressed concerns about, among other things, the Petroleum Revenue Management Program and implementation delays because of the lack of institutional capacity. With respect to monitoring and supervision, the Panel expressed satisfaction with the strong external project-monitoring capacity. Finally, the Panel expressed concerns about governance and human rights issues and the adequacy of allocations of revenues to Chad.

THE BOARD DECISION

On September 12, 2002, the Board met to consider the Panel's Investigation Report, as well as Management's actions and the next steps in response to the Panel's findings.

In presenting the Investigation Report to the Board, the Panel's chairman, Edward S. Ayensu, noted the exceptionally complex nature of the project, which he said was fundamental to the development of Chad. Mr. Ayensu commended the efforts made by Management to improve the project's performance on the ground and acknowledged that the Bank's participation in the project is critical for its success, especially in reducing poverty. The Panel's chairman also took the opportunity to highlight the Panel's concern over the continuing attention required by the project on issues such as the overall relation between the human rights situation in Chad and Bank compliance with its own policies, consultation with local stakeholders, institutional capacity, and monitoring and supervision. Mr. Ayensu noted that the Panel strongly believes that protection of human rights is embedded in various safeguard policies of the Bank and that their objectives cannot be achieved in the absence of respect for human rights and good governance.

Management's Action Plan, included in Management's report to address the Panel's investigation findings, focused on four areas: environmental and social compliance with the Bank's policies and procedures, economic issues, poverty reduction issues, and monitoring and supervision. The Board approved the Action Plan, and it is currently being implemented.

***Request No. 23—India: Coal Sector Environmental and Social Mitigation Project
(Credit No. 2862-IN)***

THE REQUEST

The Panel received the Request for Inspection on June 21, 2001, and registered it on June 22, 2001. The Request was submitted by Bina Stanis of Chotanagpur Adivasi Sewa Samiti (CASS), a local NGO in the East Parej coal mining project area, on behalf of residents in the project area who asked that their names be made available only to the Panel. The Request exclusively concerned the preparation and implementation of the Coal Sector Environmental and Social Mitigation Project (CSESMP) for the Parej East opencast mine, one of the 25 mines slated to receive financial support under the Coal Sector Rehabilitation Project (CSR). Parej East is owned by Central Coalfields Ltd. (CCL), a subsidiary of Coal India. The project-affected area of this mine covered two villages—Parej and Durukasmar.

The Requesters claimed that their rights and interests had been adversely affected as a result of the Bank's violations of its policies and procedures on involuntary resettlement, indigenous peoples, environmental assessment, disclosure of operational information, management of cultural property, and project supervision. They claimed that they have suffered harm as a result of failures and omissions by IDA in implementing the CSESMP in the project area. The Requesters claimed that their rights to participation and consultation were effectively denied, and that their attempts to raise their concerns were not successful. In particular, they claimed that failure to provide income restoration had resulted in significant harm: this failure destroyed their livelihoods, causing them to live in resettlement colonies without legal title to land, dismantled their productive sources, and caused their supporting networks and kin groups to disperse. The Requesters alleged that they suffered increased illnesses because of the pollution of water sources and wells in the resettlement colonies; that they had no medical services

to handle the increased illnesses, despite the building of a dispensary; and that they lacked the capability to acquire other services, such as education. They also alleged that the self-employment schemes—which the Bank had guaranteed would compensate for the loss of land and livelihood—had failed, and they were unable to participate in the new economy around the mines. Nonetheless, they asked Bank Management and the Board to extend the project, requesting that the remaining money be targeted toward the restoration of their livelihoods and toward environmental remediation.

MANAGEMENT RESPONSE

Management submitted its Response to the Panel on July 20, 2001, stating that the Bank had complied with the relevant policies and procedures related to the design and implementation of the project. They acknowledged that, throughout the project, resettlement in Parej East encountered a number of problems. Nonetheless, they claimed that while the problems had not been entirely overcome, there had been progress. Although during 1998 and 1999 implementation had been both slow and uneven across all of the mines under the project, from the first half of 2000 significant progress had been made on implementation throughout all the mines. However, economic rehabilitation remained unsatisfactory and as a result—as well as for other reasons related solely to the implementation of the CSR—the CSR had been canceled at the request of the borrower. Nevertheless, Management added, since the purpose of the CSESMP was to mitigate impacts of the CSR and to strengthen Coal India's capacity to manage such mitigation issues, the Bank had decided to "continue to actively work with Coal India to help develop practical solutions to improve environmental and social mitigation at the mine and corporate level, and to achieve compliance with Bank policies."

Management maintained that it had devoted full attention to the intense supervision effort required by the scale and complexity of the CSESMP's physical, mitigation, and institutional activities. It further asserted that consultations were adequate, although it acknowledged that CCL did not consult the project-affected people before it introduced changes on eligibility and entitlements in its resettlement and rehabilitation policy. In response to the Requesters' claims for adequate and fair compensation for the loss of villages and land, Management explained that the resettlement sites compensated for the loss of villages. With regard to the Requesters' claim that they were without legal titles or long-term leases for house plots in resettlement sites, Management acknowledged the claim, stating that supervision teams had raised the issue during every mission and that it would continue to seek a resolution to the matter. Management also stated that it was satisfied that compensation paid to entitled people affected by the project for agricultural land was equivalent to replacement costs. Common property resources were available for those choosing to shift to the resettlement sites, and Management added that it was also satisfied that the compensation provided for houses enabled the affected people to construct replacement houses on par with their original housing, as required by operational directive for involuntary resettlement.

Management claimed that it was too early to judge whether efforts made for income restoration would result in full income restoration as intended but acknowledged that mine jobs were limited to affected people losing more than 2 acres of land. Management acknowledged that income restoration schemes by themselves could not bring full

economic rehabilitation or result in an income comparable to working in the mines. Management argued that the Bank's policy on disclosure of information had been complied with in Parej East but agreed that the borrower had not permitted the release of the project's midterm review. Finally, in terms of services in the resettlement sites, Management asserted that the drinking water problem had been corrected but recognized that the school and health clinics were not yet staffed. Management stated that the supervision team would continue to follow up on the issue with CCL. Management also announced that the project would be extended for an additional year. The project closed on June 30, 2002.

THE PANEL'S ELIGIBILITY REPORT /BOARD DECISION

The Panel found both the Request and the Requesters eligible and submitted its report recommending an investigation to the Board on August 20, 2001. The Board approved the Panel's recommendation for an investigation on a no-objection basis on September 7, 2001. The Request, Management's Response, and the Panel's Eligibility Report were made public 3 days later and are available on the Inspection Panel's Web site: <<http://www.inspectionpanel.org>>.

THE PANEL'S INVESTIGATION REPORT

As authorized by the Board, the Panel carried out an investigation into the matters alleged in the Request. For those purposes, the Panel retained specialized consultants and visited the project area. The Panel interviewed the Requesters, Bank staff members, and others, and it reviewed extensive project documentation. The Panel completed its investigation and sent its Investigation Report to the Board on November 25, 2002. Management submitted its Response to the Panel's Investigation Report on May 13, 2003.

Request No. 26—Paraguay: Reform Project for the Water and Telecommunications Sectors (Loan No. 3842-PA); and Argentina: SEGBA V Power Distribution Project (Loan No. 2854-AR) (currently supporting the Yacyretá Hydroelectric Project)

THE REQUEST

The Inspection Panel received a Request for Inspection related to the Reform Project for the Water and Telecommunications Sectors and the SEGBA V Power Distribution Project, which partially finance the Yacyretá Hydroelectric Project on the Paraná River, on May 17, 2002. The Request was submitted (a) by Federación de Afectados por Yacyretá de Itapúa y Misiones (FEDAYIM), a local NGO, on behalf of itself as well as more than 4,000 families affected by social and environmental impacts of the Yacyretá Hydroelectric Dam and (b) by six coordinators of affected people in the districts of Arroyo Potiy, Ayolas, Barrio Pacu Cúa, Barrio Sta. Rosa Mboy Caé, Barrio Santa Rosa, Distrito Cambyreta, and San Cosme y Damián. The Request also attached letters of evidence that the mayors and municipal councils of the City of Encarnación and of the District of Cambyreta had endorsed the Request. The Panel registered the Request on May 30, 2002.

The Requesters claimed to represent more than 4,000 families affected by raising the level of the reservoir of the Yacyretá hydropower plant to 76 meters above sea level and

possibly higher. The Request alleged that the project was inadequately supervised by the Bank; that the project-affected families had not been appropriately identified; and that, as a consequence, thousands of them were excluded from existing compensation and mitigation programs even though for more than 20 years they had owned and occupied lands affected by the dam.

The Request sets forth four groups of claims. First, the Requesters claimed that families for whom the Urban Creeks Flood Program—Programa de Desborde de Arroyos (PDA)—was established were being replaced by families from the neighborhoods of Ita Paso, Mboy Caé, Pacu Cúa, San Blas, and Santa Rosa, who were not affected by the devastating situation of those living on the creek banks. Second, the Requesters complained about environmental contamination and adverse health impacts caused by elevating the reservoir (which raised the water table, flooded latrines, and contaminated drinking water wells). They contended that the situation was further aggravated by the housing developments built by Entidad Binacional Yacyretá (EBY) in Buena Vista and San Pedro, where the wastewater spills into the Potiy, Santa María, and Mboi Caé creeks. They asserted that the planned wastewater treatment plant would not benefit the neighborhoods built by EBY nor others affected by the rise in water table. The Requesters claimed that the reservoir has caused severe health problems because it was filled with stagnant water and polluted with sewage, which was an ideal habitat for microorganisms that cause malaria, leishmaniasis, schistosomiasis, and dengue fever. They also alleged that there had been no programs for monitoring and controlling disease-causing microorganisms, which could lead to an alarming and catastrophic health situation. Third, the Requesters claimed that the Bank had failed to ensure that EBY provided people with suitable compensation and resettlement, and they alleged that the Bank and EBY had no plans to restore the families' productive infrastructure. Finally, the Request stated that compensation and resettlement programs for brick makers and ceramicists benefited only the owners and that the workers were left unemployed and in a very difficult economic condition.

In its Notice of Registration, the Inspection Panel stated that the Requesters' claims could constitute violations of the following bank policies and procedures: environmental policy for dam and reservoir projects, environmental assessment, involuntary resettlement, project supervision, project monitoring and evaluation, and suspension of disbursements.

MANAGEMENT RESPONSE

Management argued that the Request (Request II as it was titled by Management) was in many respects similar to a previous request brought before the Inspection Panel in 1996 by another Paraguayan NGO. Therefore, Management stated that it would address only the claims that reflected, in its view, new evidence. Management noted that the reservoir's water quality was constantly monitored and fell within satisfactory parameters; therefore, the water quality posed no significant health risks to people living in the vicinity of the reservoir, nor could any harm be attributed to the claim of violation of the Bank's policy on environmental assessment. In addressing the concern about sanitation, Management noted that the Bank was assisting in the construction of a wastewater treatment plant to serve the Paraguayan city of Encarnación. Management

pointed out that no harm could be attributed to any violation of Bank resettlement policy because the flooding of the urban creeks was due to hydrological conditions that predated the Yacyretá Project. Management noted that EBY is not responsible for the living conditions of the people who live along the creeks, and does not have to resettle them until, and if, the reservoir level is raised beyond 76 meters above sea level. Management argued that the environmental impact assessment prepared in 1992 took into consideration the preexisting hydrogeological conditions; however, the assessment could not reasonably foresee that the reservoir would be raised only to 76 meters above sea level and would remain at that level for a long time, or that an uncontrolled number of new people would move into the project-affected areas. Management also claimed that, when the 1997 El Niño floods revealed the gravity of issues such as the hydrogeological conditions, the prolonged level of the water reservoir at 76 meters above sea level, and the constant flow of new people, EBY responded by implementing the PDA program to anticipate the resettlement of those living in areas at higher risk.

As for the claim that the Bank was violating its policy on supervision, Management noted that its supervision of the Yacyretá Project since 1997 had been thorough, with particular attention paid to the social and environmental concerns. Management asserted that its supervision efforts had "helped keep the Yacyretá Project moving in a positive direction," while the exercise of the formal legal remedies available to the Bank in case of noncompliance under the legal agreements would have jeopardized progress in project implementation. Management pointed out that this position was in line with the Bank's supervision policy, was in line with the Inspection Panel's recommendation on Request I, and was also endorsed by the Bank's Board. In conclusion, Management stated that it believed that it had carried out its obligations in accordance with its relevant policies and procedures and that an investigation was not warranted.

THE PANEL'S ELIGIBILITY REPORT/BOARD DECISION

The Panel found both the Request and the Requesters eligible and submitted its report recommending an investigation to the Board on August 23, 2002. The Board approved the Panel's recommendation for an investigation on a no-objection basis on September 9, 2002. The Request, Management's Response, and the Panel's Eligibility Report were made public 3 days later and are available on the Inspection Panel's Web site: <<http://www.inspectionpanel.org>>. The Panel is in the process of conducting its investigation into the matters alleged by the Requesters.

C. Outreach and Disclosure Activities

The Inspection Panel continued its internal and external outreach campaign during this period in an effort to make its existence, role, and functions better known by all stakeholders within and outside of the World Bank. As part of this effort, the Panel participated in the Rio + 10 World Summit on Sustainable Development held in Johannesburg, South Africa, from August 26 through September 4, 2002. The principal objective of the Panel's participation in the conference was to introduce its work to the international development community at large and specifically to government officials, international organizations, and NGOs. On Tuesday, August 27, the Panel's chairman, Edward S. Ayensu, participated in a panel discussion on "Strengthening Governance at the Regional and International Level," sponsored by the Environmental Law Institute (ELI) and Yale University. On Wednesday, August 28, the Panel, in cooperation with the CAO held a session on "Participation and Accountability in International Financial Institutions: The Role of the World Bank Inspection Panel and the IFC-Compliance Advisory." On Thursday, August 29, the Panel's executive secretary, Eduardo G. Abbott, delivered a presentation at the ELI-sponsored event "Giving People a Voice: Experiences in Good Governance at the Regional and International Level." The Panel also participated in a specially arranged meeting on the Panel's mechanism and human rights at the University of Pretoria's Faculty of Law, Center for Human Rights.

Panel member Maartje van Putten was invited by McGill University, Faculty of Agricultural and Environmental Sciences, to make a presentation on the Inspection Panel. The presentation, which was held on January 22, 2003, at the university's campus, attracted members of various faculties of McGill University, as well as senior representatives of Canadian industry, government officials, and a larger number of students.

For the World Bank Spring Meetings, the Panel held a joint conference with American University's Washington College of Law on Friday, April 11, 2003. The conference, "Public Accessibility to International Financial Institutions: A Review of Existing Mechanisms and Interim Experiences," focused on the accountability mechanisms in multilateral financial organizations, with special attention placed on how they function and their experiences to date. The conference featured representatives from most of the IFIs, including the Asian Development Bank and the International Monetary Fund.

The Inspection Panel, through its Secretariat, has offered advice and consulted with the Asian Development Bank and Inter-American Development Bank in the context of their efforts to review and improve their accountability mechanisms.

Disclosure

The rules for disclosure of documents generated by the Inspection Panel process are stipulated in the Resolution establishing the Panel as well as in the 1996 and 1999 Clarifications, which the executive directors adopted.

In the 1996 Clarifications, the executive directors instructed Management "to make significant efforts to make the Inspection Panel better known in borrowing countries." In the 1999 Clarifications, the Board underscored the need for Management to make significant efforts to make the Panel better known and emphasized the importance of prompt disclosure of information about the Requests for Inspection processed by the

Panel to claimants and the public. The Board also required that “such information be provided by Management to claimants in their language, to the extent possible.”

The Panel has made every effort to keep its processes open and transparent—which is consistent with the public disclosure policy adopted by the Bank’s Board in 1993. The Inspection Panel’s Web site continually updates the status of Panel activities and continues to receive a large number of queries.

The Panel Register

In an effort to deal transparently with Requests, the Panel has maintained a register. The executive secretary records the dates and all actions taken in connection with processing a Request, as well as the dates on which any formal notification is sent or received. The Panel keeps the Requester informed about the process. The register is open to the public and is also posted on the Panel’s Web site to ensure wider disclosure.

A notice that a Request has been registered and all other notices or documents issued by the Panel are made available to the public at (a) the Bank’s InfoShop in Washington, D.C.; (b) the Bank’s resident mission or regional or country office for the country in which the project relating to the Request is located or the relevant regional office; (c) the Bank’s Paris and Tokyo offices; and (d) the Panel’s Web site, <<http://www.inspectionpanel.org>>.

As provided by the Resolution, the Bank makes documents relating to each Request available to the public. Under paragraph 25 of the Resolution, Requests for Inspection, Panel Recommendations, and Board decisions are to be made available to the public after the executive directors have considered a Panel Recommendation on—or the results of—an investigation. During the 1996 review by the Board, the executive directors clarified that provision to ensure that Management’s Responses would also be made available within 3 days after action by the Board, along with the documents already cited. The Board also said that Management should make available any legal opinions issued by the legal department related to Inspection Panel matters promptly after Board action, unless the Board decided otherwise in a specific case.

World Bank Annual Meetings

The Panel has participated in each annual meeting of the World Bank since 1994. Participation in the meetings has allowed the Panel opportunities to meet with government officials, private sector organizations, citizens, and numerous NGOs. The experience has been invaluable to the Panel. When the annual meeting is held outside the United States, it has been particularly useful to the Panel in making organizations from that region more aware of the Panel’s work, the extent of its mandate, and the procedures for requesting an inspection.

Public Inquiries

Given the Panel’s role and functions, there continues to be a substantial demand for information about its activities from the press, NGOs and other organizations, academics, Bank staff, and others. A brochure on the Panel is available in several languages from the Secretariat. The Panel also maintains a website at www.inspectionpanel.org.

ANNEX III

Maps

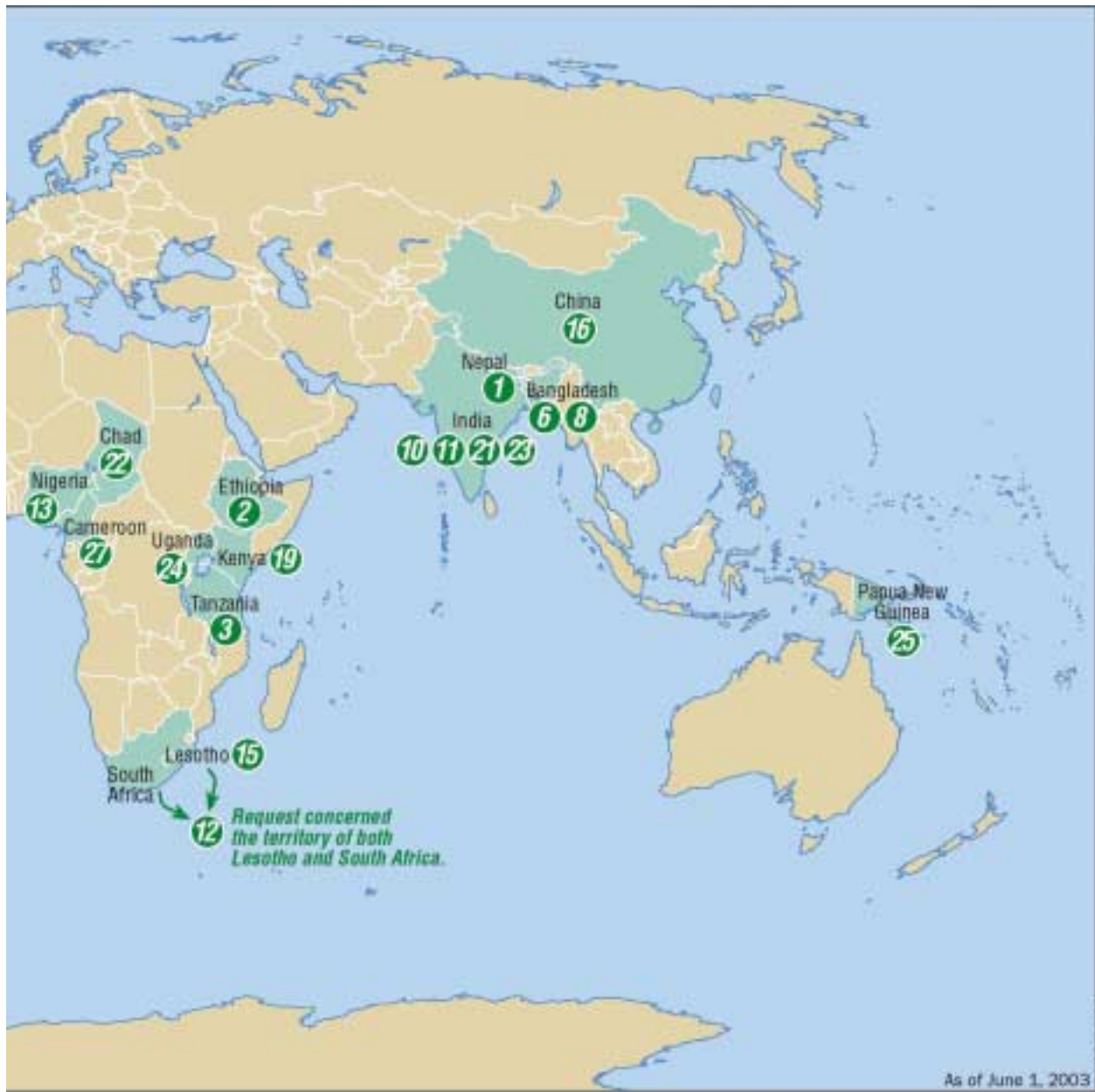
Annex III–A. Geographical Distribution of Requests Received





Annex III–B. Chronology of Requests

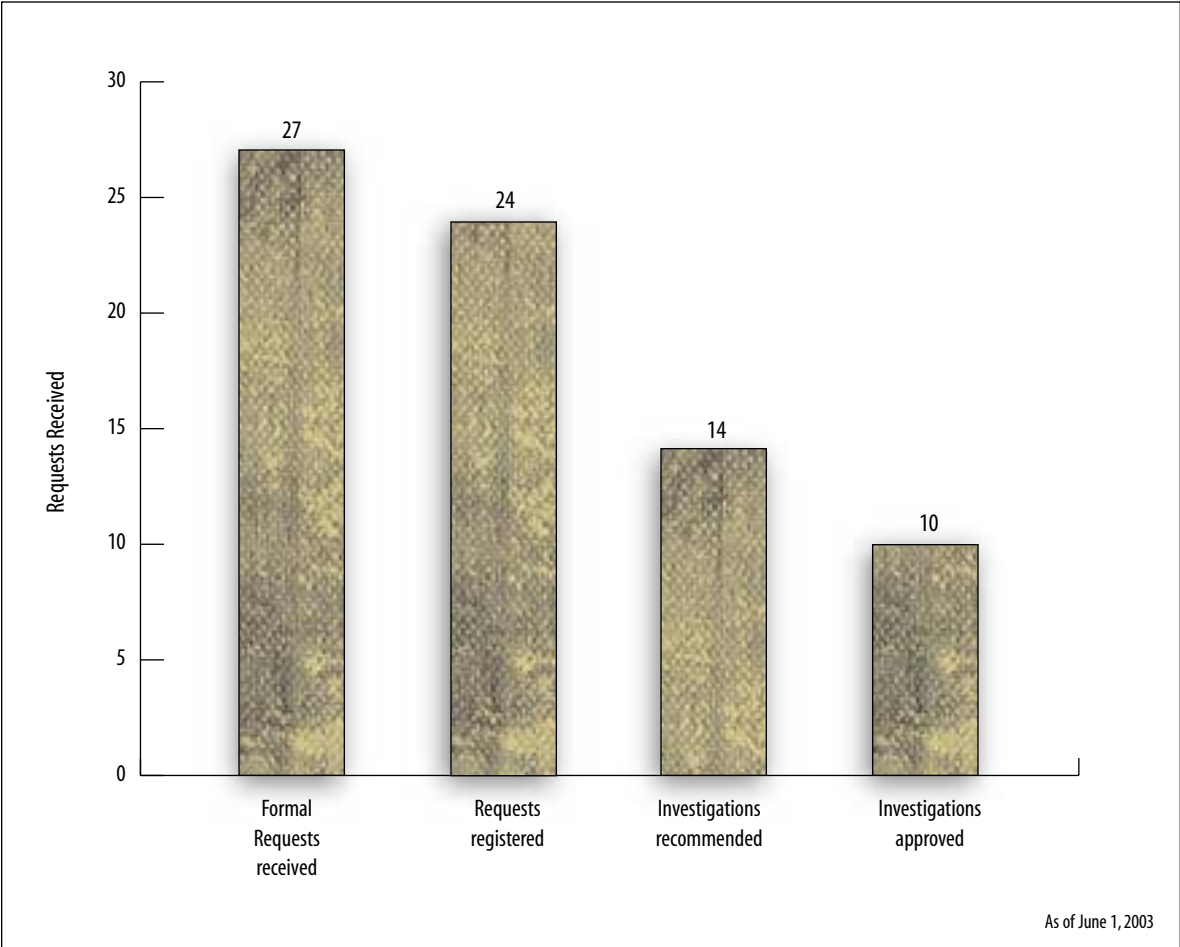




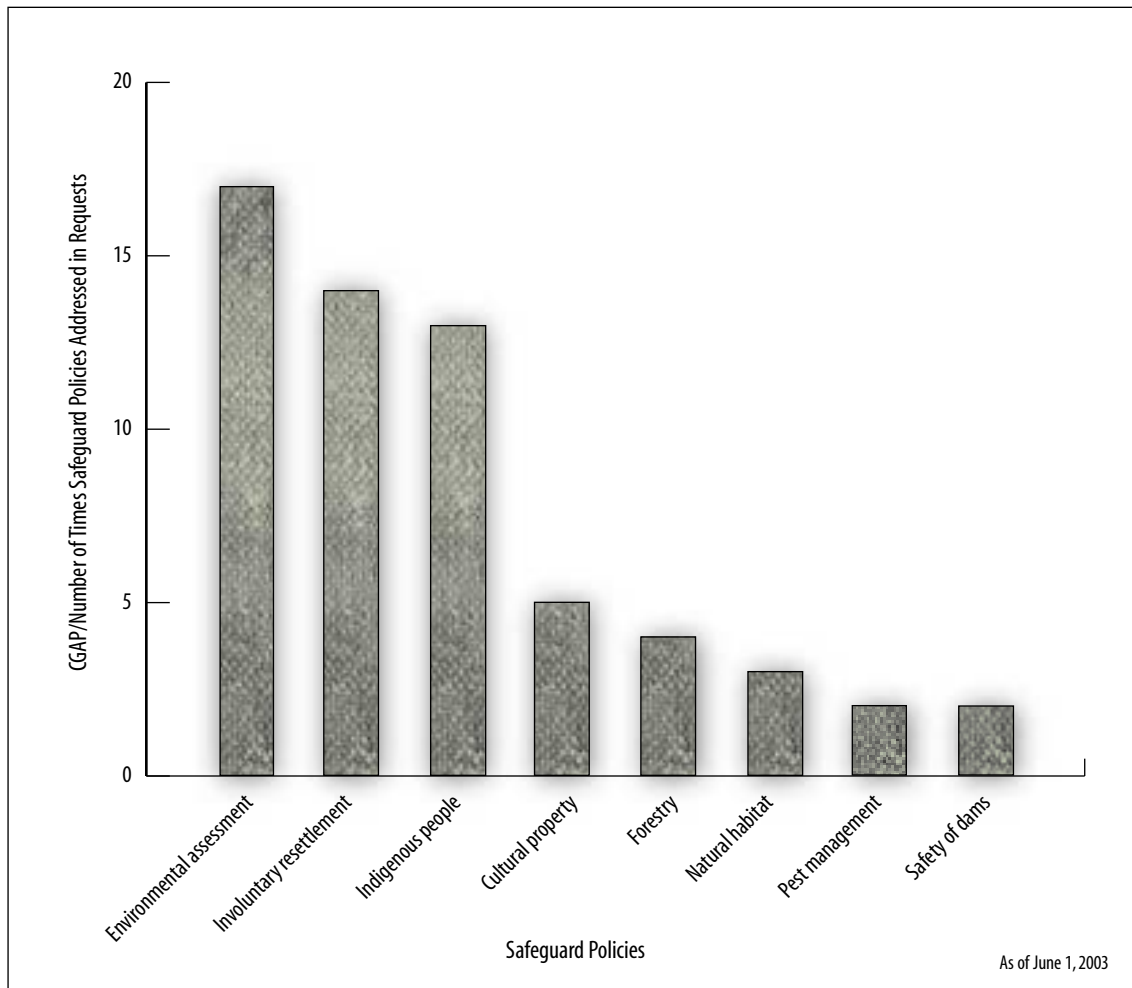
ANNEX IV

Figures

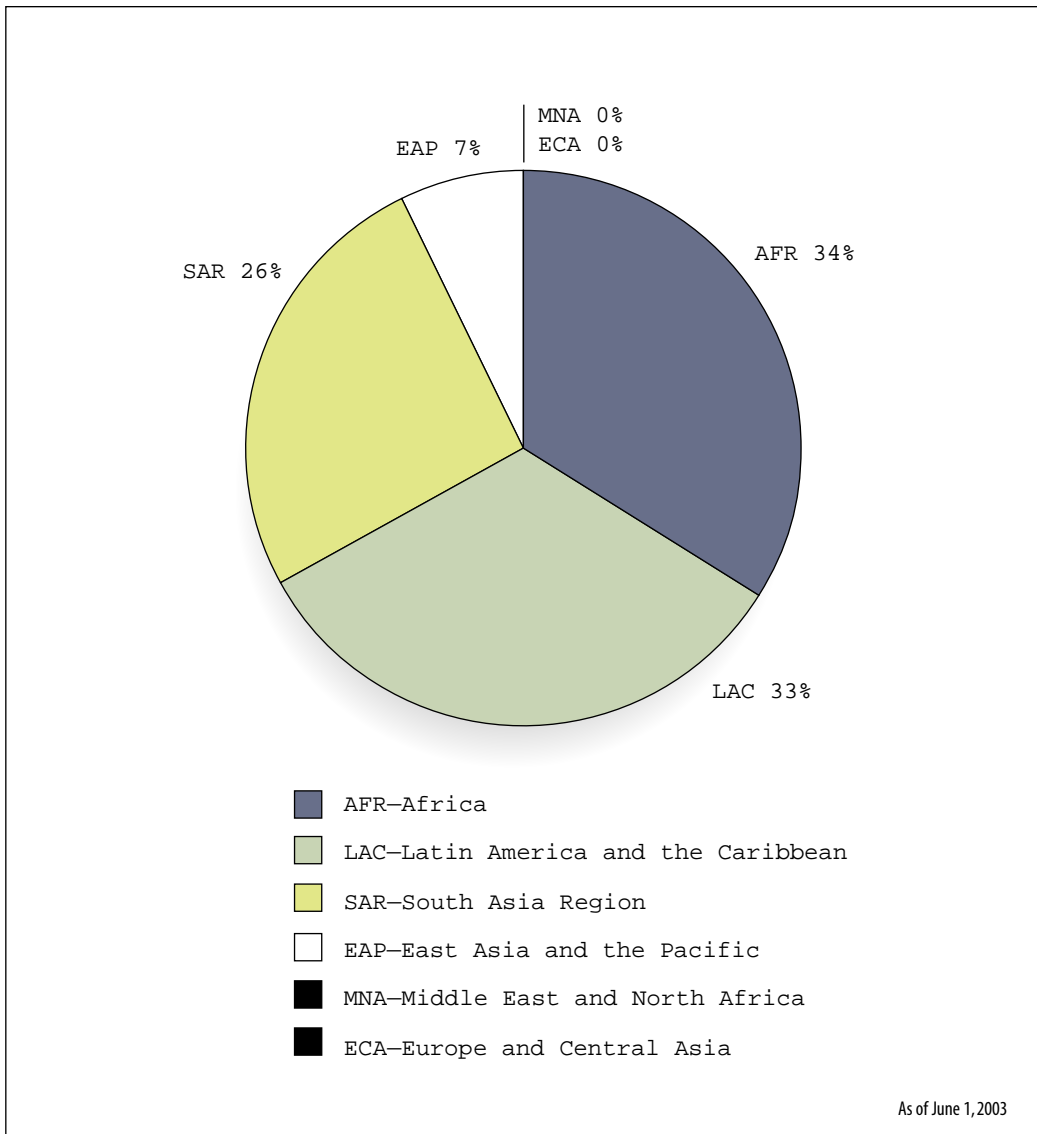
Annex IV–A. Inspection Panel Request Record



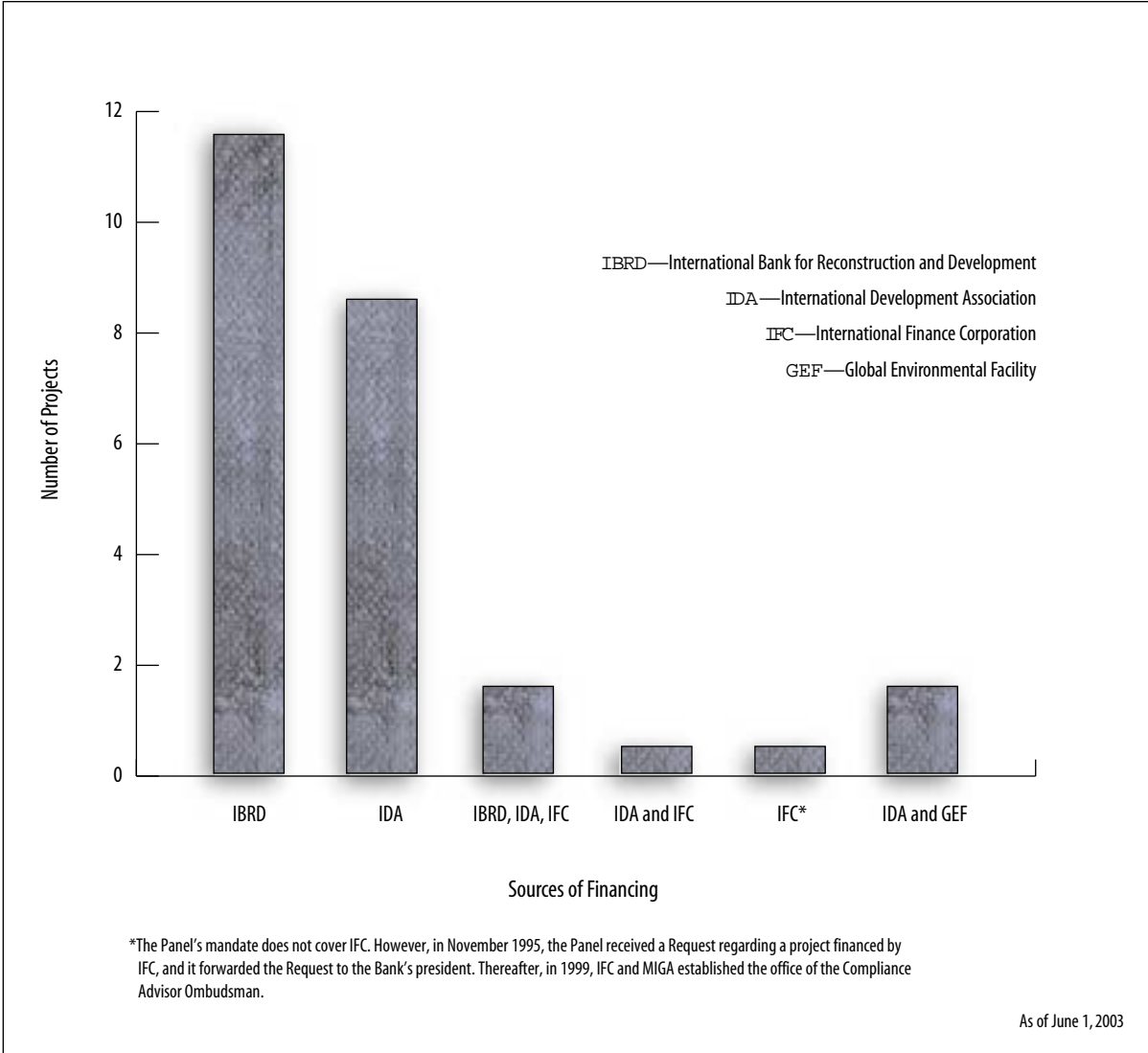
Annex IV–B. World Bank Safeguard Policies Addressed in Requests



Annex IV–C. Regional Distribution of Requests Received

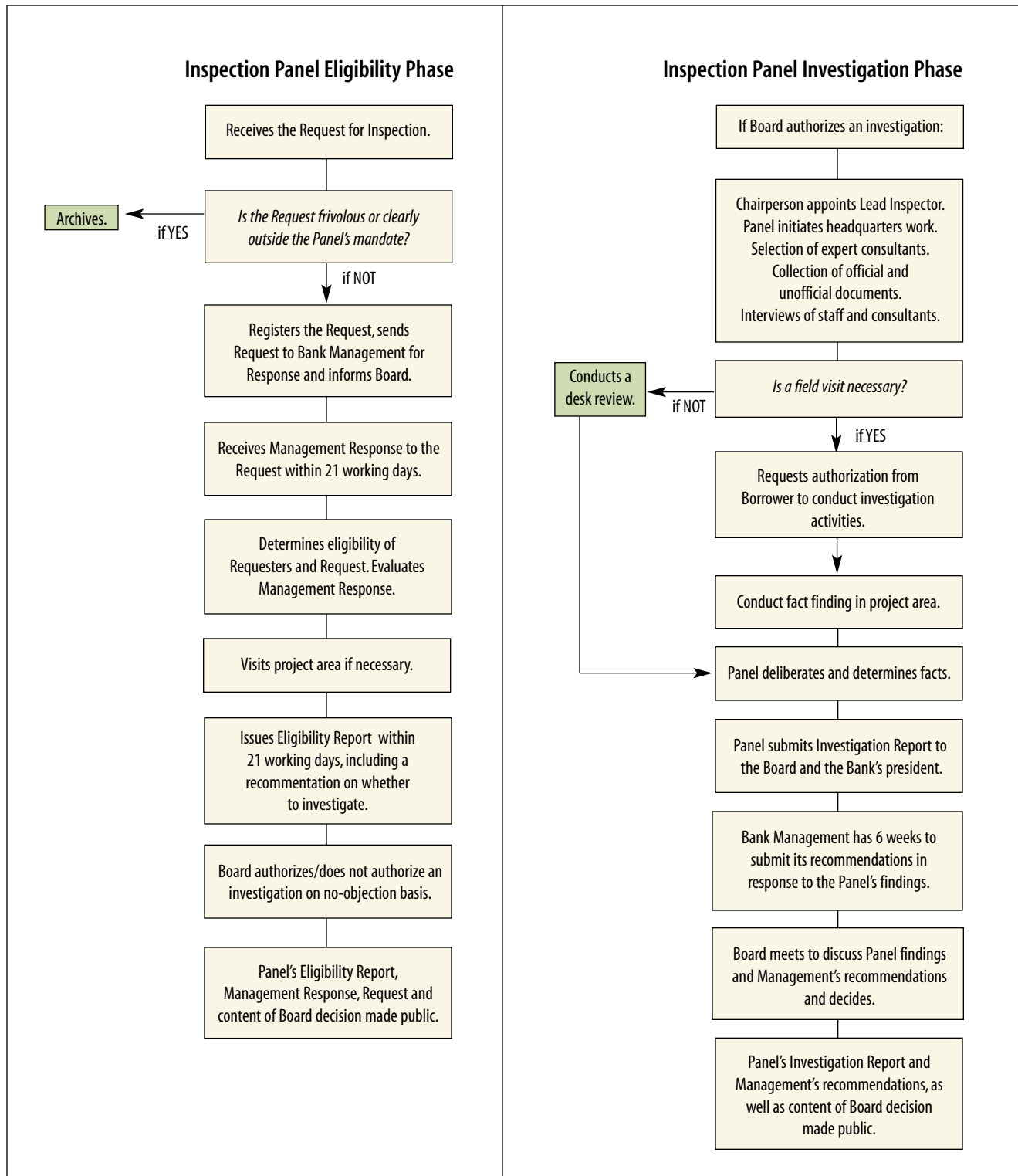


Annex IV–D. Sources of Financing for Projects Subject to Request



ANNEX V

The Inspection Panel Process



ANNEX VI

Tables

Annex VI—A. Summary of Inspection Panel Cases (as of June 1, 2003)^a

	Request (short form)	Request received	Request registered	Inspection Panel recommendation	Recommendation approved by the Board	Panel's activity
1	Nepal: Arun	10/24/1994	Yes	Investigation	Yes	Eligibility Report and Investigation Report
2	Ethiopia: Exportation	5/2/1995	No	—	—	—
3	Tanzania: Power VI	5/16/1995	Yes	No investigation	Yes	Eligibility Report
4	Brazil: Rondônia	6/16/1995	Yes	Investigation	No	Eligibility Report, Additional Review report, and Review of Progress in Implementation
5	Chile: Bío-Bío River	11/17/1995	No	—	—	—
6	Bangladesh: Jamuna	8/23/1996	Yes	No investigation	Yes	Eligibility Report, and Report on Progress on Implementation of Action Plan
7	Argentina/Paraguay: Yacretá (1996)	9/30/1996	Yes	Investigation	No	Eligibility Report and Review of Present Project Problems and Assessment of Action Plans
8	Bangladesh: Jute Sector	11/13/1996	Yes	No investigation	Yes	Eligibility Report
9	Brazil: Itaparica	3/12/1997	Yes	Investigation	No	Eligibility Report and Action Plan review
10.	India: NIPC	5/1/1997	Yes	Investigation	Yes	Eligibility Report and Report on Desk Investigation
11.	India: Ecocodevelopment	4/2/1998	Yes	Investigation	No	Eligibility Report
12.	Lesotho: Highlands Water (1998)	5/6/1998	Yes	No investigation	Yes	Eligibility Report
13.	Nigeria: Lagos Drainage	6/17/1998	Yes	No investigation	Yes	Eligibility Report
14.	Brazil: Land Reform	12/14/1998	Yes	No investigation	Yes	Eligibility Report
15.	Lesotho: Highlands Water (1999)	4/26/1999	Yes	No investigation	Yes	Eligibility Report
16.	China: Western Poverty Reduction	6/18/1999	Yes	Investigation	Yes	Eligibility Report and Investigation Report
17.	Argentina: Structural Adjustment	7/26/1999	Yes	No investigation	Yes	Eligibility Report
18.	Brazil: Land Reform, Second Request	9/14/1999	Yes	No investigation	Yes	Eligibility Report
19.	Kenya: Lake Victoria Environmental Management	10/12/1999	Yes	Investigation	Yes	Eligibility Report and Investigation Report
20.	Ecuador: Mining Development	12/13/1999	Yes	Investigation	Yes	Eligibility Report and Investigation Report
21.	India: NIPC, Second Request	11/27/2000	No	—	—	—
22.	Chad: The Pipeline Project	3/22/2001	Yes	Investigation	Yes	Eligibility Report and Investigation Report
23.	India: Coal Sector	6/21/2001	Yes	Investigation	Yes	Eligibility Report and Investigation Report

Request (short form)	Request received	Request registered	Inspection Panel recommendation	Recommendation approved by the Board	Panel's activity
24. Uganda: Bujagali Hydropower	7/27/2001	Yes	Investigation	Yes	Eligibility Report and Investigation Report
25. Papua New Guinea: Governance Promotion	12/6/2001	Yes	No investigation	Yes	Eligibility Report
26. Paraguay/Argentina: Yacyretá (2002)	5/17/2002	Yes	Investigation	Yes	Eligibility Report and Investigation Report
27. Cameroon: The Pipeline Project	9/25/2002	Yes	Investigation	Yes	Eligibility Report and Investigation Report

⁸ Normally, the Panel advises the executive directors and the president when it receives a Request for Inspection that it cannot process (as it did in the Requests regarding Chile: Bío-Bío River and India: NIPCC, Second Request). The Inspection Panel received a letter, dated August 27, 1999, also addressed to the president and the executive directors of the World Bank requesting for the second time the "installation of an Inspection Panel" to investigate the Itaparica Resettlement and Irrigation Project in Brazil. Since the Bank's loans for this project were then long closed, the Panel was precluded from processing this Request. Furthermore, as the Request had been already addressed to the president and executive directors, no action on the part of the Panel was necessary. However, some regard this extemporaneous request as a formal Request for Inspection that should be added to the Panel's records.

Annex VI–B. The World Bank’s Safeguard Policies

Policy	Summary of core requirements ^a	Applicability to lending instruments ^a	Public consultations	Explicit provision for exceptions
OP/EP 4.01, Environmental Assessment	Screen early for potential impacts and select appropriate instrument to assess, minimize, and mitigate potentially adverse impacts.	All investment projects. Applicable to sector adjustment loans.	Consult affected groups and NGOs as early as possible (for Category A and B projects).	Yes. For emergency recovery operations, subject to approval of the regional vice president, ENV Chair, and LEG.
OP/EP 4.04, Natural Habitats	Do not finance projects that degrade or convert critical habitats. Support projects that affect noncritical habitats only if no alternatives are available and if acceptable mitigation measures are in place.	All investment projects.	Consult local people in planning, designing, and monitoring projects.	No.
OP/EP 4.09, Pest Management	Support integrated approaches to pest management. Identify pesticides that may be financed under the project and develop appropriate pest management plan to address risks.	All investment projects and adjustment operations.	Consult local people in planning, designing, and monitoring projects.	No.
OP/EP 4.12, Involuntary Resettlement	Assist displaced persons in their effort to improve or at least restore their standards of living.	All investment projects.	Consult resettlers and host community, incorporate expressed views in resettlement plans, and list choices made by resettlers.	Yes. In unusual circumstances such as emergency recovery operations, subject to the approval of the Resettlement Committee.
OD 4.20, Indigenous Peoples	Identify adverse impacts and develop a plan to address them. Design benefits to reflect the cultural preferences of indigenous peoples.	All investment projects.	Consult indigenous people throughout the project cycle.	No.
OP 4.36, Forests	Support sustainable forestry practices that help reduce poverty. Prohibitions and restrictions apply.	All investment projects.	Consult local people, the private sector, and interest groups in the forest area.	No.
OP/EP 4.37, Safety of Dams	For large dams, carry out technical review and periodic safety inspections by independent dam safety professionals.	All investment projects.	No public consultation.	No.

Policy	Summary of core requirements ^a	Applicability to lending instruments ^a	Public consultations	Explicit provision for exceptions
OPN 11.03, Cultural Property	Investigate and inventory cultural resources potentially affected. Include mitigation measures when there are adverse impacts on physical cultural resources.	All investment projects.	Consult appropriate agencies, NGOs, and university departments.	No.
OP/EP 7.50, Projects in International Waterways	Ascertain whether riparian agreements are in place, and ensure that riparian states are informed of and do not object to project interventions.	All investment projects.	No public consultations. Riparian notification required.	No.
OP/EP 7.60, Projects in Disputed Areas	Ensure that claimants to disputed areas have no objection to proposed project.	All investment projects.	No public consultations. Claimants informed.	No.

^a OD 8.60 provides guidance on the management of environmental and social issues in adjustment lending. The Bank's approach to adjustment lending is being clarified as OD 8.60 is revised and converted to the OP/EP format.

Annex VI—C. Alleged Violations of World Bank Policies and Procedures per Request (as of June 1, 2003)

Date Request received	Request	Policies and procedures raised in the Request for Inspection
1 10/24/1994	Nepal: Anun III Proposed Hydroelectric Project and Restructuring of IDA Credit	Economic evaluation of investment operations (OP/BP 10.04) Disclosure of operational information (BP 17.50) Outline for a project information document (BP 10.00, Annex A) Environmental assessment (OD 4.01) Involuntary resettlement (OD 4.30) Indigenous peoples (OD 4.20)
2 5/2/1995	Ethiopia: Compensation for Expropriation and Extension of IDA Credits to Ethiopia (not registered)	Dispute over defaults on external debt, expropriation, and breach of contract (OMS 1.28)
3 5/16/1995	Tanzania: Power VI Project	Article V Section 1(c), IDA Articles of Agreement Article V Section 1(d), IDA Articles of Agreement Article V Section 1(g), IDA Articles of Agreement Environmental aspects of Bank work (OMS 2.36) Environmental assessment (OD 4.01)
4 6/16/1995	Brazil: Rondônia Natural Resources Management Project	Project supervision (OD 13.05) Forestry policy (OP 4.36) Wildlands policy (OPN 11.02) Indigenous peoples (OD 4.20) Involvement of NGOs in Bank-supported activities (OD 14.70) Project monitoring and evaluation (OD 10.70) Investment lending—identification to the Board presentation (BP 10.00) Suspension of disbursements (OD 13.40) Accounting, financial reporting, and auditing (OD 10.60) Procurement (OD 11.00) Use of consultants (OD 11.10) Borrower compliance with audit covenants (OD 13.10)
5 11/17/1995	Chile: Financing of Hydroelectric Dams in the Bío-Bío River (not registered)	Environmental policy for dam and reservoir projects, Annex B (OD 4.00) Indigenous peoples (OD 4.20) Wildlands policy (OPN 11.02) Management of cultural property in Bank-financed projects (OPN 11.03) Involuntary resettlement (OD 4.30) Project supervision (OD 13.05)
6 8/23/1996	Bangladesh: Jamuna Multipurpose Bridge Project	Environmental assessment (OD 4.01 and Annexes) Involuntary resettlement (OD 4.30) Involvement of NGOs in Bank-supported activities (OD 14.70)
7 9/30/1996	Argentina/Paraguay: Yacretá Hydroelectric Project	Environmental policy for dam and reservoir projects (OD 4.00, Annex B) Environmental assessment (OD 4.01) Indigenous peoples (OD 4.20) Involuntary resettlement (OD 4.30) Project monitoring and evaluation (OD 10.70) Project supervision (OD 13.05) Wildlands policy (OPN 11.02) Management of cultural property in Bank-financed projects (OPN 11.03) Environmental aspects of Bank work (OMS 2.36) Suspension of disbursements (OD 13.40)

Date Request received	Request	Policies and procedures raised in the Request for Inspection
8 11/13/1996	Bangladesh: Jute Sector Adjustment Credit	Adjustment lending policy (OD 8.60) Project supervision (OP 13.05) Suspension of disbursements (OD 13.40)
9 3/12/1997	Brazil: Itaparica Resettlement and Irrigation Project	Environmental policy for dam and reservoir projects (OD 4.00, Annex B) Environmental assessment (OD 4.01) Involuntary resettlement (OD 4.30) Indigenous peoples (OD 4.20) Project supervision (OD 13.05)
10. 5/1/1997	India: NIPCC Power Generation Project	Economic evaluation of investment operations (OD 10.04) Environmental assessment (OD 4.01) Involuntary resettlement (OD 4.30) Indigenous peoples (OD 4.20) Project supervision (OD 13.05)
11. 4/2/1998	India: Eco-development Project	Indigenous peoples (OD 4.20) Involuntary resettlement (OD 4.30) Forestry (OP 4.36)
12. 5/6/1998	Lesotho/South Africa: Phase 1B of Lesotho Highlands Water Project	Environmental policy for dam and reservoir projects (OD 4.00, Annex B) Economic evaluation of investment operations (OD 10.04) Poverty alleviation (OD 4.15) Water resources and management (OP 4.07)
13. 6/17/1998	Nigeria: Lagos Drainage and Sanitation Project	Involuntary resettlement (OD 4.30) Poverty alleviation (OD 4.15) Gender dimensions of development (OD 4.20) Project monitoring and evaluation (OD 10.70) Economic evaluation of investment operations (OP/BP 10.04) Article V, Section 1(g), IDA Articles of Agreement
14. 12/14/1998	Brazil: Land Reform Poverty Alleviation Project	Poverty alleviation (OD 4.15) Disclosure of operational information (BP 17.50) Environmental assessment (OD 4.01) Involving NGOs in Bank operations (OP 14.70)
15. 4/26/1999	Lesotho: Highlands Water Project	Disputes over defaults on external debt, expropriation, and breach of contract (OP/BP 7.40) Disclosure of operational information (BP 17.50)
16. 6/18/1999	China: Western Poverty Reduction Project	Disclosure of operational information (BP 17.50) Involuntary resettlement (OD 4.30) Environmental assessment (OD 4.01) Indigenous peoples (OD 4.20) Pest management (OP 4.09) Safety dams (OP/BP 4.37) Retroactive financing (OD 12.10) Investment lending (OD 10.00)
17. 7/26/1999	Argentina: Special Structural Adjustment Loan	Project supervision (OD 13.05) Poverty alleviation (OD 4.15) Project monitoring and evaluation (OP/BP 10.70) Suspension of disbursements (OP/BP 13.40) Disclosure of operational information (BP 17.50)
18. 9/14/1999	Brazil: Land Reform Poverty Alleviation Project, Second Request	Poverty alleviation (OD 4.15) Disclosure of operational information (BP 17.50) Project supervision (OD 13.50)

Date Request received	Request	Policies and procedures raised in the Request for Inspection
19. 10/12/1999	Kenya: Lake Victoria Environmental Management Project	Environmental assessment (OD 4.01) Poverty alleviation (OD 4.15) Economic evaluation of investment projects (OP 10.04) Project supervision (OD 13.05)
20. 12/13/1999	Ecuador: Mining Development and Environmental Control Technical Assistance Project	Environmental assessment (OD 4.01) Wildlands (OEN 11.02; now OP/EP 4.04) Indigenous peoples (OD 4.20) Project supervision (OD 13.05)
21. 11/27/2000	India: NIPC Power Generation Project, Second Request (not registered)	Involuntary resettlement (OD 4.30) Project supervision (OD 13.05) Environmental assessment (OD 4.01)
22. 3/22/2001	Chad: Petroleum Development and Pipeline Project, Management of the Petroleum Economy Project, and Petroleum Sector Management Capacity Building Project	Environmental assessment (OD 4.01) Natural habitats (OP/EP 4.04) Pest management (OP 4.09) Poverty alleviation (OD 4.15) Indigenous peoples (OD 4.20) Forestry (OP 4.36) Disclosure of operational information (EP 17.50) Economic evaluation of investment operations (OP 10.04) Management of cultural property in Bank-financed projects (OEN 11.03) Project supervision (OD 13.05)
23. 6/21/2001	India: Coal Sector Environmental and Social Mitigation Project and Coal Sector Rehabilitation Project	Environmental assessment (OD 4.01) Indigenous peoples (OD 4.20) Involuntary resettlement (OD 4.30) Disclosure of operational information (EP 17.50) Management of cultural property in Bank-financed projects (OEN 11.03) Project supervision (OD 13.05)
24. 7/27/2001	Uganda: Third Power Project, Fourth Power Project, and proposed Bujagali Hydropower Project	Environmental assessment (OD/OP 4.01) Natural habitats (OP/EP 4.04) Indigenous peoples (OD 4.20) Involuntary resettlement (OD 4.30) Safety of dams (OP 4.37) Management of cultural property of Bank-financed projects (OEN 11.03) Economic evaluation of investment operations (OP 10.04) Poverty alleviation (OD 4.15) Disclosure of operational information (EP 17.50) Project monitoring and evaluation (OD 10.70) Project supervision (OD 13.05)
25. 12/6/2001	Papua New Guinea: Governance Promotion Adjustment Loan	Forestry (OP 4.36) Adjustment lending policy (OD 8.60) Project supervision (OD/OP/EP 13.05)
26. 5/17/2002	Paraguay: Reform Project for the Water and Telecommunication Sectors Argentina: SEGEA V Power Distribution Project	Environmental policy for dam and reservoir projects (OD 4.00, Annex B) Environmental assessment (OD 4.01) Involuntary resettlement (OD 4.30) Project supervision (OD/OP/EP 13.05) Project monitoring and evaluation (OD 10.70) Suspension of disbursements (OD 13.40)
27. 9/25/2002	Cameroon: Petroleum Development and Pipeline Project, and Petroleum Environment Capacity Enhancement Project	Environmental assessment (OD 4.01) Natural habitats (OP/EP 4.04) Poverty alleviation (OP 4.15) Indigenous people (OD 4.20) Involuntary resettlement (OD 4.30) Disclosure of operational information (EP 17.50) Project supervision (OD 13.05)

ANNEX VII

The Legal Framework

The Inspection Panel was established by two identical Resolutions of the Board of Executive Directors on September 22, 1993 (IBRD 93-10/ IDA 93-6). Since then, the Resolutions have been amended twice by the Board through the so-called Clarifications (the 1996 and 1999 Clarifications). The Inspection Panel has also issued its own Operating Procedures as well as Administrative Procedures to add detail to the procedural and administrative aspects of the Resolutions. This Annex presents the full text of the Resolutions, their Clarifications, and the Panel's Operating Procedures, as well as its Administrative Procedures.

Annex VII-A. The Resolution Establishing the Inspection Panel

September 22, 1993

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
INTERNATIONAL DEVELOPMENT ASSOCIATION

Resolution No. IBRD 93-10

Resolution No. IDA 93-6

“The World Bank Inspection Panel”

The Executive Directors:

Hereby resolve:

1. There is established an independent Inspection Panel (hereinafter called the Panel), which shall have the powers and shall function as stated in this resolution.

Composition of the Panel

2. The Panel shall consist of three members of different nationalities from Bank member countries. The President, after consultation with the Executive Directors, shall nominate the members of the Panel to be appointed by the Executive Directors.
3. The first members of the Panel shall be appointed as follows: one for three years, one for four years and one for five years. Each vacancy thereafter shall be filled for a period of five years, provided that no member may serve for more than one term. The term of appointment of each member of the Panel shall be subject to the continuity of the inspection function established by this Resolution.
4. Members of the Panel shall be selected on the basis of their ability to deal thoroughly and fairly with the requests brought to them, their integrity and their independence from the Bank’s Management, and their exposure to developmental issues and to living conditions in developing countries. Knowledge and experience of the Bank’s operations will also be desirable.
5. Executive Directors, Alternates, Advisors and staff members of the Bank Group may not serve on the Panel until two years have elapsed since the end of their service in the Bank Group. For purposes of this Resolution, the term “staff” shall mean all persons holding Bank Group appointments as defined in Staff Rule 4.01 including persons holding consultant and local consultant appointments.

6. A Panel member shall be disqualified from participation in the hearing and investigation of any request related to a matter in which he/she has a personal interest or had significant involvement in any capacity.
7. The Panel member initially appointed for five years shall be the first Chairperson of the Panel, and shall hold such office for one year. Thereafter, the members of the Panel shall elect a Chairperson for a period of one year.
8. Members of the Panel may be removed from office only by decision of the Executive Directors, for cause.
9. With the exception of the Chairperson who shall work on a full-time basis at Bank headquarters, members of the Panel shall be expected to work on a full-time basis only when their workload justifies such an arrangement, as will be decided by the Executive Directors on the recommendation of the Panel.
10. In the performance of their functions, members of the Panel shall be officials of the Bank enjoying the privileges and immunities accorded to Bank officials, and shall be subject to the requirements of the Bank's Articles of Agreement concerning their exclusive loyalty to the Bank and to the obligations of subparagraphs (c) and (d) of paragraph 3.1 and paragraph 3.2 of the Principles of Staff Employment concerning their conduct as officials of the Bank. Once they begin to work on a full-time basis, they shall receive remuneration at a level to be determined by the Executive Directors upon a recommendation of the President, plus normal benefits available to Bank fixed-term staff. Prior to that time, they shall be remunerated on a per diem basis and shall be reimbursed for their expenses on the same basis as the members of the Bank's Administrative Tribunal. Members of the Panel may not be employed by the Bank Group, following the end of their service on the Panel.
11. The President, after consultation with the Executive Directors, shall assign a staff member to the Panel as Executive Secretary, who need not act on a full-time basis until the workload so justifies. The Panel shall be given such budgetary resources as shall be sufficient to carry out its activities.

Powers of the Panel

12. The Panel shall receive requests for inspection presented to it by an affected party in the territory of the borrower which is not a single individual (i.e., a community of persons such as an organization, association, society or other grouping of individuals), or by the local representative of such party or by another representative in the exceptional cases where the party submitting the request contends that appropriate representation is not locally available and the Executive Directors so agree at the time they consider the request for inspection. Any such representative shall present to the Panel written evidence that he is acting as agent of the party on behalf of which the request is made. The affected party must demonstrate that its rights or interests have been or are likely to be directly affected by an action or omission of the Bank as a result of a failure of the Bank to follow its operational policies and procedures with respect to the design, appraisal and/or implementation of a project

financed by the Bank (including situations where the Bank is alleged to have failed in its follow-up on the borrower's obligations under loan agreements with respect to such policies and procedures) provided in all cases that such failure has had, or threatens to have, a material adverse effect. In view of the institutional responsibilities of Executive Directors in the observance by the Bank of its operational policies and procedures, an Executive Director may in special cases of serious alleged violations of such policies and procedures ask the Panel for an investigation, subject to the requirements of paragraphs 13 and 14 below. The Executive Directors, acting as a Board, may at any time instruct the Panel to conduct an investigation. For purposes of this Resolution, "operational policies and procedures" consist of the Bank's Operational Policies, Bank Procedures and Operational Directives, and similar documents issued before these series were started, and does not include Guidelines and Best Practices and similar documents or statements.

13. The Panel shall satisfy itself before a request for inspection is heard that the subject matter of the request has been dealt with by the Management of the Bank and Management has failed to demonstrate that it has followed, or is taking adequate steps to follow the Bank's policies and procedures. The Panel shall also satisfy itself that the alleged violation of the Bank's policies and procedures is of a serious character.
14. In considering requests under paragraph 12 above, the following requests shall not be heard by the Panel:
 - (a) Complaints with respect to actions which are the responsibility of other parties, such as a borrower, or potential borrower, and which do not involve any action or omission on the part of the Bank.
 - (b) Complaints against procurement decisions by Bank borrowers from suppliers of goods and services financed or expected to be financed by the Bank under a loan agreement, or from losing tenderers for the supply of any such goods and services, which will continue to be addressed by staff under existing procedures.
 - (c) Requests filed after the Closing Date of the loan financing the project with respect to which the request is filed or after the loan financing the project has been substantially disbursed.¹
 - (d) Requests related to a particular matter or matters over which the Panel has already made its recommendation upon having received a prior request, unless justified by new evidence or circumstances not known at the time of the prior request.
15. The Panel shall seek the advice of the Bank's Legal Department on matters related to the Bank's rights and obligations with respect to the request under consideration.

Procedures

16. Requests for inspection shall be in writing and shall state all relevant facts, including, in the case of a request by an affected party, the harm suffered by or threatened to such party or parties by the alleged action or omission of the Bank. All requests shall explain the steps already taken to deal with the issue, as well as the nature of

the alleged actions or omissions and shall specify the actions taken to bring the issue to the attention of Management, and Management's response to such action.

17. The Chairperson of the Panel shall inform the Executive Directors and the President of the Bank promptly upon receiving a request for inspection.
18. Within 21 days of being notified of a request for inspection, the Management of the Bank shall provide the Panel with evidence that it has complied, or intends to comply with the Bank's relevant policies and procedures.
19. Within 21 days of receiving the response of the Management as provided in the preceding paragraph, the Panel shall determine whether the request meets the eligibility criteria set out in paragraphs 12 to 14 above and shall make a recommendation to the Executive Directors as to whether the matter should be investigated. The recommendation of the Panel shall be circulated to the Executive Directors for decision within the normal distribution period. In case the request was initiated by an affected party, such party shall be informed of the decision of the Executive Directors within two weeks of the date of such decision.
20. If a decision is made by the Executive Directors to investigate the request, the Chairperson of the Panel shall designate one or more of the Panel's members (Inspectors) who shall have primary responsibility for conducting the inspection. The Inspector(s) shall report his/her (their) findings to the Panel within a period to be determined by the Panel taking into account the nature of each request.
21. In the discharge of their functions, the members of the Panel shall have access to all staff who may contribute information and to all pertinent Bank records and shall consult as needed with the Director General, Operations Evaluation Department and the Internal Auditor. The borrower and the Executive Director representing the borrowing (or guaranteeing) country shall be consulted on the subject matter both before the Panel's recommendation on whether to proceed with the investigation and during the investigation. Inspection in the territory of such country shall be carried out with its prior consent.
22. The Panel shall submit its report to the Executive Directors and the President. The report of the Panel shall consider all relevant facts, and shall conclude with the Panel's findings on whether the Bank has complied with all relevant Bank policies and procedures.
23. Within six weeks from receiving the Panel's findings, Management will submit to the Executive Directors for their consideration a report indicating its recommendations in response to such findings. The findings of the Panel and the actions completed during project preparation also will be discussed in the Staff Appraisal Report when the project is submitted to the Executive Directors for financing. In all cases of a request made by an affected party, the Bank shall, within two weeks of the Executive Directors' consideration of the matter, inform such party of the results of the investigation and the action taken in its respect, if any.

Decisions of the Panel

24. All decisions of the Panel on procedural matters, its recommendations to the Executive Directors on whether to proceed with the investigation of a request, and its reports pursuant to paragraph 22, shall be reached by consensus and, in the absence of a consensus, the majority and minority views shall be stated.

Reports

25. After the Executive Directors have considered a request for an inspection as set out in paragraph 19, the Bank shall make such request publicly available together with the recommendation of the Panel on whether to proceed with the inspection and the decision of the Executive Directors in this respect. The Bank shall make publicly available the report submitted by the Panel pursuant to paragraph 22 and the Bank's response thereon within two weeks after consideration by the Executive Directors of the report.

26. In addition to the material referred to in paragraph 25, the Panel shall furnish an annual report to the President and the Executive Directors concerning its activities. The annual report shall be published by the Bank.

Review

27. The Executive Directors shall review the experience of the inspection function established by this Resolution after two years from the date of the appointment of the first members of the Panel.

Application to IDA projects

28. In this resolution, references to the Bank and to loans include references to the Association and to development credits.

Note

1. "This will be deemed to be the case when at least ninety five percent of the loan proceeds have been disbursed."

Annex VII-B. The 1996 Clarifications

REVIEW OF THE RESOLUTION ESTABLISHING THE INSPECTION PANEL: 1996 CLARIFICATION OF CERTAIN ASPECTS OF THE RESOLUTION

The Resolution establishing the Inspection Panel calls for a review after two years from the date of appointment of the first Panel members. On October 17, 1996, the Executive Directors of the Bank and IDA completed the review process (except for the question of inspection of World Bank Group private sector projects) by considering and endorsing the clarifications recommended by Management on the basis of the discussions of the Executive Directors' Committee on Development Effectiveness (CODE). The Inspection Panel and Management are requested by the Executive Directors to observe the clarifications in their application of the Resolution. The clarifications are set out below.

The Panel's Function

Since the Resolution limits the first phase of the inspection process to ascertaining the eligibility of the request, this phase should normally be completed within the 21 days stated in the Resolution. However, in cases where the Inspection Panel believes that it would be appropriate to undertake a "preliminary assessment" of the damages alleged by the requester (in particular when such preliminary assessment could lead to a resolution of the matter without the need for a full investigation), the Panel may undertake the preliminary assessment and indicate to the Board the date on which it would present its findings and recommendations as to the need, if any, for a full investigation. If such a date is expected by the Panel to exceed eight weeks from the date of receipt of Management's comments, the Panel should seek Board approval for the extension, possibly on a "no-objection" basis. What is needed at this preliminary stage is not to establish that a serious violation of the Bank's policy has actually resulted in damages suffered by the affected party, but rather to establish whether the complaint is *prima facie* justified and warrants a full investigation because it is eligible under the Resolution. Panel investigations will continue to result in "findings" and the Board will continue to act on investigations on the basis of recommendations of Management with respect to such remedial action as may be needed.

Eligibility and Access

It is understood that the "affected party" which the Resolution describes as "a community of persons such as an organization, association, society or other grouping of individuals" includes any two or more persons who share some common interests or concerns.

The word "project" as used in the Resolution has the same meaning as it generally has in the Bank's practice, and includes projects under consideration by Bank management as well as projects already approved by the Executive Directors.

The Panel's mandate does not extend to reviewing the consistency of the Bank's practice with any of its policies and procedures, but, as stated in the Resolution, is limited to cases of alleged failure by the Bank to follow its operational policies and procedures *with respect to the design, appraisal and/or implementation of projects*, including cases of alleged failure by the bank to follow-up on the borrowers' obligations under loan agreements, with respect to such policies and procedures.

No procurement action is subject to inspection by the Panel, whether taken by the Bank or by a borrower. A separate mechanism is available for addressing procurement-related complaints.

Outreach

Management will make its response to requests for inspection available to the public within three days after the Board has decided on whether to authorize the inspection. Management will also make available to the public opinions of the General Counsel related to Inspection Panel matters promptly after the Executive Directors have dealt with the issues involved, unless the Board decides otherwise in a specific case.

Management will make significant efforts to make the Inspection Panel better known in borrowing countries, but will not provide technical assistance or funding to potential requesters.

Composition of the Panel

No change in the composition of the Panel is being made at this time.

Role of the Board

The Board will continue to have authority to (i) interpret the Resolution; and (ii) authorize inspections. In applying the Resolution to specific cases, the Panel will apply it as it understands it, subject to the Board's review. As stated in the Resolution, "[t]he Panel shall seek the advice of the Bank's Legal Department on matters related to the Bank's rights and obligations with respect to the request under consideration."

October 17, 1996

Annex VII-C. The 1999 Clarifications

1999 Conclusions of the Board's Second Review of the Inspection Panel

The Executive Directors approved today, April 20, 1999, with immediate effect, the report of the Working Group on the Second Review of the Inspection Panel, as revised in light of the extensive consultations that took place after the report was first circulated.

The report confirms the soundness of the Resolution establishing the Inspection Panel (IBRD Resolution No. 93-10, IDA Resolution No. 93-6 of September 22, 1993, hereinafter "the Resolution") and provides clarifications for its application. These clarifications supplement the clarifications issued by the Board on October 17, 1996 and prevail over them in case of conflict. The report's recommendations approved by the Board are as follows:

1. The Board reaffirms the Resolution, the importance of the Panel's function, its independence and integrity.
2. Management will follow the Resolution. It will not communicate with the Board on matters associated with the request for inspection, except as provided for in the Resolution. It will thus direct its response to the request, including any steps it intends to take to address its failures, if any, to the Panel. Management will report to the Board any recommendations it may have, after the Panel completes its inspection and submits its findings, as envisaged in paragraph 23 of the Resolution.
3. In its initial response to the request for inspection, Management will provide evidence that
 - i. it has complied with the relevant Bank operational policies and procedures; or that
 - ii. there are serious failures attributable exclusively to its own actions or omissions in complying, but that it intends to comply with the relevant policies and procedures; or that
 - iii. the serious failures that may exist are exclusively attributable to the borrower or to other factors external to the Bank; or that
 - iv. the serious failures that may exist are attributable both to the Bank's non-compliance with the relevant operational policies and procedures and to the borrower or other external factors.

The Inspection Panel may independently agree or disagree, totally or partially, with Management's position and will proceed accordingly.

4. When Management responds, admitting serious failures that are attributable exclusively or partly to the Bank, it will provide evidence that it has complied or intends to comply with the relevant operating policies and procedures. This response will

contain only those actions that the Bank has implemented or can implement by itself.

5. The Inspection Panel will satisfy itself as to whether the Bank's compliance or evidence of intention to comply is adequate, and reflect this assessment in its reporting to the Board.
6. The Panel will determine the eligibility of a request for inspection independently of any views that may be expressed by Management. With respect to matters relating to the Bank's rights and obligations with respect to the request under consideration, the Panel will seek the advice of the Bank's Legal Department as required by the Resolution.
7. For its recommendation on whether an investigation should be carried out, the Panel will satisfy itself that all the eligibility criteria provided for in the Resolution have been met. It will base its recommendation on the information presented in the request, in the Management response, and on other documentary evidence. The Panel may decide to visit the project country if it believes that this is necessary to establish the eligibility of the request. In respect of such field visits, the Panel will not report on the Bank's failure to comply with its policies and procedures or its resulting material adverse effect; any definitive assessment of a serious failure of the Bank that has caused material adverse effect will be done after the Panel has completed its investigation.
8. The original time limit, set forth in the Resolution for both Management's response to the request and the Panel's recommendation, will be strictly observed except for reasons of force majeure, i.e. reasons that are clearly beyond Management's or the Panel's control, respectively, as may be approved by the Board on a no objection basis.
9. If the Panel so recommends, the Board will authorize an investigation without making a judgement on the merits of the claimants' request, and without discussion except with respect to the following technical eligibility criteria:
 - a. The affected party consists of any two or more persons with common interests or concerns and who are in the borrower's territory (Resolution para.12).
 - b. The request does assert in substance that a serious violation by the Bank of its operational policies and procedures has or is likely to have a material adverse effect on the requester (Resolution paras. 12 and 14a).
 - c. The request does assert that its subject matter has been brought to Management's attention and that, in the requester's view, Management has failed to respond adequately demonstrating that it has followed or is taking steps to follow the Bank's policies and procedures (Resolution para. 13).
 - d. The matter is not related to procurement (Resolution para. 14b).
 - e. The related loan has not been closed or substantially disbursed (Resolution para. 14c).
 - f. The Panel has not previously made a recommendation on the subject matter or, if it has, that the request does assert that there is new evidence or circumstances not known at the time of the prior request (Resolution para. 14d).

10. Issues of interpretation of the Resolution will be cleared with the Board.
11. The “preliminary assessment” concept, as described in the October 1996 Clarification, is no longer needed. The paragraph entitled “The Panel’s Function” in the October 1996 “Clarifications” is thus deleted.
12. The profile of Panel activities, in-country, during the course of an investigation, should be kept as low as possible in keeping with its role as a fact-finding body on behalf of the Board. The Panel’s methods of investigation should not create the impression that it is investigating the borrower’s performance. However, the Board, acknowledging the important role of the Panel in contacting the requesters and in fact-finding on behalf of the Board, welcomes the Panel’s efforts to gather information through consultations with affected people. Given the need to conduct such work in an independent and low-profile manner, the Panel—and Management—should decline media contacts while an investigation is pending or underway. Under those circumstances in which, in the judgement of the Panel or Management, it is necessary to respond to the media, comments should be limited to the process. They will make it clear that the Panel’s role is to investigate the Bank and not the borrower.
13. As required by the Resolution, the Panel’s report to the Board will focus on whether there is a serious Bank failure to observe its operational policies and procedures with respect to project design, appraisal and/or implementation. The report will include all relevant facts that are needed to understand fully the context and basis for the Panel’s findings and conclusions. The Panel will discuss in its written report only those material adverse effects, alleged in the request, that have totally or partially resulted from serious Bank failure of compliance with its policies and procedures. If the request alleges a material adverse effect and the Panel finds that it is not totally or partially caused by Bank failure, the Panel’s report will so state without entering into analysis of the material adverse effect itself or its causes.
14. For assessing material adverse effect, the without-project situation should be used as the base case for comparison, taking into account what baseline information may be available. Non-accomplishments and unfulfilled expectations that do not generate a material deterioration compared to the without-project situation will not be considered as a material adverse effect for this purpose. As the assessment of material adverse effect in the context of the complex reality of a specific project can be difficult, the Panel will have to exercise carefully its judgement on these matters, and be guided by Bank policies and procedures where relevant.
15. A distinction has to be made between Management’s report to the Board (Resolution para. 23), which addresses Bank failure and possible Bank remedial efforts and “action plans,” agreed between the borrower and the Bank, in consultation with the requesters, that seek to improve project implementation. The latter “action plans” are outside the purview of the Resolution, its 1996 clarification, and these clarifications. In the event of agreement by the Bank and borrower on an action plan for the project, Management will communicate to the Panel the nature and outcomes of consultations with affected parties on the action plan. Such an action plan, if war-

ranted, will normally be considered by the Board in conjunction with the Management's report, submitted under Resolution para. 23.

16. The Panel may submit to the Executive Directors for their consideration a report on their view of the adequacy of consultations with affected parties in the preparation of the action plans. The Board should not ask the Panel for its view on other aspects of the action plans nor would it ask the Panel to monitor the implementation of the action plans. The Panel's view on consultation with affected parties will be based on the information available to it by all means, but additional country visits will take place only by government invitation.
17. The Board underlines the need for Management to make significant efforts to make the Inspection Panel better known in borrowing countries, as specified in the 1996 "Clarifications."
18. The Board emphasizes the importance of prompt disclosure of information to claimants and the public, as stipulated in the Resolution (paras. 23 and 25) and in its 1996 Clarifications. The Board requires that such information be provided by Management to claimants in their language, to the extent possible.
19. The Board recognizes that enhancing the effectiveness of the Inspection Panel process through the above clarifications assumes adherence to them by all parties in good faith. It also assumes the borrowers' consent for field visits envisaged in the Resolution. If these assumptions prove to be incorrect, the Board will revisit the above conclusions.

Annex VII–D. The Operating Procedures

Operating Procedures as adopted by the Panel on August 19, 1994

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INTRODUCTION

The Inspection Panel (the “Panel”) is an independent forum established by the Executive Directors of the International Bank for Reconstruction and Development (“IBRD”) and the International Development Association (“IDA”) by IBRD Resolution No. 93-10 and the identical IDA Resolution No. 93-6 both adopted by the Executive Directors of the respective institutions on September 22, 1993 (collectively the “Resolution”). The text of the Resolution is in Annex 1. References in these procedures to the “Bank” includes the IBRD and IDA.

The Panel’s authority is dictated by the Resolution: within that framework, these Operating Procedures are adopted by the Panel to provide detail to the operational provisions. The text is based on the Resolution and takes into account suggestions from outside sources.

In view of the unprecedented nature of the new inspection function the current procedures are provisional: the Panel will review them within 12 months, and in light of experience and comments received, will revise them if necessary; and will recommend to the Executive Directors (“Executive Directors”) amendments to the Resolution that would allow a more effective role for the Panel.

Composition

The Panel consists of three Inspectors. At the outset, one Inspector, the Chairperson, will work on a full-time basis: the other two will work part-time. This arrangement is provisional. The Panel’s workload will be dictated by the number and nature of requests received. If necessary, the Panel will recommend alternative arrangements to the Executive Directors.

Purpose

The Panel has been established for the purpose of providing people directly and adversely affected by a Bank-financed project with an independent forum through which they can request the Bank to act in accordance with its own policies and procedures. It follows that this forum is available when adversely affected people believe the Bank itself has failed, or has failed to require others, to comply with its policies and procedures, and only after efforts have been made to ask the Bank Management (“Management”) itself to deal with the problem.

Functions

The role of the Panel is to carry out independent investigations. Its function, which will be triggered when it receives a request for inspection, is to inquire and recommend: it will make a preliminary review of a request for inspection and the response of Management, independently assess the information and then recommend to the Board of Executive Directors whether or not the matters complained of should be investigated. If the Board decides that a request shall be investigated, the Panel will collect information and

provide its findings, independent assessment and conclusions to the Board. On the basis of the Panel’s findings and Management’s recommendations, the Executive Directors will consider the actions, if any, to be taken by the Bank.

Participants

During the preliminary review period—up to the time the Panel makes a recommendation to the Board on whether or not the matter should be investigated—the Panel will accept statements or evidence from (a) the Requester, i.e. either the affected people and/or their duly appointed representative, or an Executive Director; (b) Management; and, (c) any other individual or entity invited by the Panel to present information or comments.

During an investigation, any person who is either a party to the investigation or who provides the designated Inspector(s) with satisfactory evidence that he/she has an interest, apart from any interest in common with the public, will be entitled to submit information or evidence relevant to the investigation.

Administration

The Panel has approved separate Administrative Procedures which are available from the Office of The Inspection Panel.

SUBJECT MATTER OF REQUESTS

Please note that all headings are for ease of reference only. They do not form part of these procedures and do not constitute an interpretation thereof.

Scope

1. The Panel is authorized to accept requests for inspection (“Request(s)”) which claim that an actual or threatened material adverse effect on the affected party’s rights or interests arises directly out of an action or omission of the Bank as a result of a failure by the Bank to follow its own operational policies and procedures during the design, appraisal and/or implementation of a Bank financed project. Before submitting a Request steps must have already been taken (or efforts made) to bring the matter to the attention of Management with a result unsatisfactory to the Requester.

Limitations

2. The Panel is not authorized to deal with the following:
 - (a) complaints with respect to actions which are the responsibility of other parties, such as the borrower, or potential borrower, and which do not involve any action or omission on the part of the Bank;
 - (b) complaints against procurement decisions by Bank borrowers from suppliers of goods and services financed or expected to be financed by the Bank under a loan/credit agreement, or from losing tenderers for the supply of any such goods and services, which will continue to be addressed by Bank staff under existing procedures;

- (c) Requests filed after the Closing Date of the loan/credit financing the project with respect to which the Request is filed or when 95% or more of the loan/credit proceeds have been disbursed; or
- (d) Requests related to a particular matter or matters over which the Panel has already made its recommendation after having received a prior Request, unless justified by new evidence or circumstances not known at the time of the prior Request.

PREPARATION OF A REQUEST

- 3. The Panel's operational proceedings begin when a Request is received. This section of the procedures is primarily designed to give further guidance to potential Requesters on what facts and explanations they should provide.

A. Who Can File a Request

- 4. The Panel has authority to receive Requests which complain of a violation of the Bank's policies and procedures from the following people or entities:
 - (a) any group of two or more people in the country where the Bank financed project is located who believe that as a result of the Bank's violation their rights or interests have been, or are likely to be adversely affected in a direct and material way. They may be an organization, association, society or other grouping of individuals; or
 - (b) a duly appointed local representative acting on explicit instructions as the agent of adversely affected people; or
 - (c) in exceptional cases, referred to in paragraph 11 below, a foreign representative acting as agent of adversely affected people; or
 - (d) an Executive Director of the Bank in special cases of serious alleged violations of the Bank's policies and procedures.

B. Contents of a Request

- 5. In accordance with the Resolution, Requests should contain the following information:
 - (a) a description of the project, stating all the relevant facts including the harm suffered by or threatened to the affected party;
 - (b) an explanation of how Bank policies, procedures or contractual documents were seriously violated;
 - (c) a description of how the act or omission on the part of the Bank has led or may lead to a violation of the specific provision;
 - (d) a description of how the party was, or is likely to be, materially and adversely

affected by the Bank's act or omission and what rights or interests of the claimant were directly affected;

- (e) a description of the steps taken by the affected party to resolve the violations with Bank staff, and explanation of why the Bank's response was inadequate;
- (f) in Requests relating to matters previously submitted to the Panel, a statement specifying what new evidence or changed circumstances justify the Panel revisiting the issue; and
- (g) if some of the information cannot be provided, an explanation should be included.

C. Form of Request

WRITTEN

- 6. All Requests must be submitted in writing, dated and signed by the Requester and contain his/her name and contact address.

FORMAT

- 7. No specific form is necessary: a letter will suffice. A Requester may wish to refer to the guidance and use the model form specifying required information. (Attached as Annex 2)

LANGUAGE

- 8. The working language of the Panel is English. Requests submitted directly by affected people themselves may be in their local language if they are unable to obtain a translation. If requests are not in English, the time needed to translate and ensure an accurate and agreed translation may delay acceptance and consideration by the Panel.

REPRESENTATIVES

- 9. If the Requester is a directly affected person or entity representing affected people, written signed proof that the representative has authority to act on their behalf must be attached.
- 10. If the Request is submitted by a non-affected representative, he/she must provide evidence of representational authority and the names and contact address of the party must be provided. Proof of representational authority, which shall consist of the original signed copy of the affected party's explicit instructions and authorization, must be attached.
- 11. In addition, in the cases of non-local representation, the Panel will require clear evidence that there is no adequate or appropriate representation in the country where the project is located.

DOCUMENTS

- 12. The following documents should be attached:
 - (a) all correspondence with Bank staff;

- (b) notes of meetings with Bank staff;
 - (c) a map or diagram, if relevant, showing the location of the affected party or area affected by the project; and
 - (d) any other evidence supporting the complaint.
13. If all the information listed cannot be provided an explanation should be included.

D. Delivery of Request

14. Requests must be sent by registered or certified mail or delivered by hand in a sealed envelope against receipt to the Office of The Inspection Panel at 1818 H Street, N.W., Washington, D.C. 20433, U.S.A. or to the Bank's resident representative in the country where the project is located. In the latter case, the resident representative shall, after issuing a receipt to the Requester, forward the Request to the Panel through the next pouch.

E. Advice on Preparation

15. People or entities seeking advice on how to prepare and submit a Request may contact the Office of The Inspection Panel, which will provide information or may meet and discuss the requirements with potential requesters.

PROCEDURES ON RECEIPT OF A REQUEST

16. When the Panel receives a Request the Chairperson, on the basis of the information contained in the Request, shall either promptly register the Request, or ask for additional information, or find the Request outside the Panel's mandate.

A. Register

17. If the request, appears to contain sufficient required information the Chairperson shall register the Request in the Panel Register; promptly notify the Requester, the Executive Directors and the Bank President ("President") of the registration; and transmit to the President a copy of the Request with the accompanying documentation, if any.

CONTENTS OF NOTICE

18. The notice of registration shall:
- (a) record that the Request is registered and indicate the date of the registration and dispatch of that notice;
 - (b) the notice will include the name of the project, the country where the project is located, the name of the Requester unless anonymity is requested, and a brief description of the Request;

- (c) notify the Requester that all communications in connection with the Request will be sent to the address stated in the Request, unless another address is indicated to the Panel Secretariat; and
- (d) request Management to provide the Panel, within 21 days after receipt of the notice and Request, with written evidence that it has complied, or intends to comply with the Bank's relevant policies and procedures. The notice shall specify the due date of the response.

B. Request Additional Information

- 19. If the Chairperson finds the contents of the Request or documentation on representation insufficient, he/she may ask the Requester to supply further information.
- 20. Upon receipt of a Request, the Chairperson shall send a written acknowledgment to the Requester, and will specify what additional information is required.
- 21. The Chairperson may refuse to register a Request until all necessary information and documentation is filed.

C. Outside Scope

- 22. If the Chairperson finds, that the matter is without doubt manifestly outside the Panel's mandate, he/she will notify the Requesters, of his/her refusal to register the Request and of the reasons therefor; this will include but not be limited to the following types of communications:
 - (a) Requests which are clearly outside the Panel's mandate including those listed above at paragraph 2;
 - (b) Requests which do not show the steps taken or effort made to resolve the matter with Management;
 - (c) Requests from an individual or from a non-authorized representative of an affected party;
 - (d) any correspondence, including but not limited to letters, memoranda, opinions, submissions or requests on any matter within the Panel's mandate which are not requests for an inspection; and
 - (e) Requests that are manifestly frivolous, absurd or anonymous.

RECORDS

- 23. The number of such Requests and communications received shall be noted in the Register on a quarterly basis and the yearly total included in the Annual Report.

D. Need for Review

- 24. In cases where additional information is required, or where it is not clear whether a Request is manifestly outside the Panel's mandate, the Chairperson shall designate a Panel member to review the Request.

E. Revised Request

25. If the Requester receives significant new evidence or information at any time after the initial Request was submitted, he/she may consider whether or not it is serious enough to justify the submission of a revised Request.
26. If a revised Request is submitted, the time periods for Management's response and the Panel recommendation will begin again from the time such Request is registered.

MANAGEMENT'S RESPONSE

27. Within 21 days after being notified of a Request, Management shall provide the Panel with evidence that it has complied, or intends to comply with the Bank's relevant policies and procedures. After the Panel receives Management's response, it shall promptly enter the date of receipt in the Panel Register.
28. If there is no response from Management within 21 days, the Panel shall notify the President and the Executive Directors and send a copy to the Requester.

Clarification

29. In order to make an informed recommendation, the Panel may request clarification from Management; in the light of Management's response, request more information from the Requester; and provide relevant portions of Management's response for comment. A time limit for receipt of the information requested shall be specified; and
 - (a) whether or not such clarification or information is received within the time limit, make its recommendation to the Executive Directors within 21 days after receipt of Management's response; or
 - (b) in the event it is not possible for the Requester to provide the information quickly, the Panel may advise the Requester to submit an amended Request; the Executive Directors and Bank management will be notified that the process will begin again when the amended Request is received.

PANEL RECOMMENDATION

30. Within 21 days after receiving Management's response, the Panel shall make a recommendation to the Executive Directors as to whether the matter should be investigated.

A. Basis

31. The Panel shall prepare its recommendation to the Board on the basis of the information contained in:
 - (a) the Request;

- (b) Management's response;
- (c) any further information the Panel may have requested and received from the Requester and/or Management and/or third parties; and
- (d) any findings of the Panel during this stage.

B. Required Criteria

32. If, on the basis of the information contained in the Request, it has not already been established that the Request meets the following three conditions required by the Resolution, the Chairperson, in consultation with the other Panel members may, if necessary, designate a Panel member to conduct a preliminary review to determine whether the Request:
- (a) was filed by an eligible party;
 - (b) is not time-barred; and
 - (c) relates to a matter falling within the Panel's mandate.

CRITERIA FOR SATISFACTORY RESPONSE

33. The Panel may proceed to recommend that there should not be an investigation, if, on the basis of the information contained in the Request and Management's response, the Panel is satisfied that Management has done the following:
- (a) dealt appropriately with the subject matter of the Request; and
 - (b) demonstrated clearly that it has followed the required policies and procedures;
- or
- (c) admitted that it has failed to follow the required policies and procedures but has provided a statement of specific remedial actions and a time-table for implementing them, which will, in the judgment of the Panel, adequately correct the failure and any adverse effects such failure has already caused.

PRELIMINARY REVIEW

34. If, on the basis of the information contained in Management's response and any clarifications provided, the Panel is satisfied that Management has failed to demonstrate that it has followed, or is taking adequate steps to follow the Bank's policies and procedures, the Panel will conduct a preliminary review in order to determine whether conditions required by provisions of the Resolution exist.
35. Although it may not investigate Management's actions in depth at this stage, it will determine whether Management's failure to comply with the Bank's policies and procedures meets the following three conditions:
- (a) whether such failure has had, or threatens to have, a material adverse effect;
 - (b) whether the alleged violation of the Bank's policies and procedures is, in the judgment of the Panel, of a serious character; and
 - (c) whether remedial actions proposed by Management do not appear adequate to meet the concerns of the Requester as to the application of the Bank's policies and procedures.

INITIAL STUDY

36. If the Chairperson considers, after the preliminary review and consultation with the other Panel members, that more factual data not already provided by the Requester, Management or any other source is required to make an informed recommendation to the Executive Directors, he/she may designate a Panel member to undertake a preliminary study. The study may include, but need not be limited to, a desk study and/or a visit to the project site.

C. Contents

37. On the basis of the review, the Panel shall make its recommendation to the Board as to whether the matter should be investigated. Every recommendation shall include a clear explanation setting forth reasons for the recommendation and be accompanied by:

- (a) the text of the Request and, where applicable, any other relevant information provided by the Requester;
- (b) the text of Management's response and, where applicable, any clarifications provided;
- (c) the text of any advice received from the Bank's Legal Department;
- (d) any other relevant documents or information received; and
- (e) statements of the majority and minority views in the absence of a consensus by the Panel.

D. Submission

38. The recommendation shall be circulated by the Executive Secretary of the Panel to the Executive Directors for decision. The Panel will notify the Requester that a recommendation has been sent to the Executive Directors.

BOARD DECISION AND PUBLIC RELEASE

39. The Board decides whether or not to accept or reject the Panel's recommendation; and, if the Requester is a non-local representative, whether exceptional circumstances exist and suitable local representation is not available.

Notification

40. The Panel shall promptly inform the Requester of the Board's decision on whether or not to investigate the Request and shall send the Requester a copy of the Panel's recommendation.

Public Information

41. After the Executive Directors have considered a Request the Bank shall make such Request publicly available together with the Panel's recommendation on whether to

proceed with the inspection and the decision of the Executive Directors in this respect.

AN INVESTIGATION

A. Initial Procedures

42. When a decision to investigate a Request is made by the Board, or the Board itself requests an investigation, the Chairperson shall promptly:
 - (a) designate one or more of the Panel's members (Inspector[s]) to take primary responsibility for the investigation;
 - (b) arrange for the Panel members to consult, taking into account the nature of the particular Request, on:
 - (i) the methods of investigation that at the outset appear the most appropriate;
 - (ii) an initial schedule for the conduct of the investigation;
 - (iii) when the Inspector(s) shall report his/her (their) findings to the Panel, including any interim findings; and
 - (iv) any additional procedures for the conduct of the investigation.
43. The designated Inspector(s) shall, as needed, arrange for a meeting with the Requester and schedule discussions with directly affected people.
44. The name of the Inspector(s) and an initial work plan shall be made public as soon as possible.

B. Methods of Investigation

45. The Panel may, taking into account the nature of the particular Request, use a variety of investigatory methods, including but not limited to:
 - (a) meetings with the Requester, affected people, Bank staff, government officials and project authorities of the country where the project is located, representatives of local and international non-governmental organizations;
 - (b) holding public hearings in the project area;
 - (c) visiting project sites;
 - (d) requesting written or oral submissions on specific issues from the Requester, affected people, independent experts, government or project officials, Bank staff, or local or international non-governmental organizations;
 - (e) hiring independent consultants to research specific issues relating to a Request;
 - (f) researching Bank files; and
 - (g) any other reasonable methods the Inspector(s) consider appropriate to the specific investigation.

CONSENT REQUIRED

46. In accordance with the Resolution, physical inspection in the country where the project is located will be carried out with prior consent. The Chairperson shall request the Executive Director representing such country to provide written consent.

C. Participation of Requester

47. During the course of the investigation, in addition to any information requested by the Inspector(s), the Requester (and affected people if the Requester is a non-affected Representative or an Executive Director) or Bank staff may provide the Inspector(s) either directly or through the Executive Secretary with supplemental information that they believe is relevant to evaluating the Request.

48. The Inspector(s) may notify the Requester of any new material facts provided by Bank staff or by the Executive Director for, or authorities in the country where the project is located.

49. To facilitate understanding of specific points, the Panel may discuss its preliminary findings of fact with the Requester.

D. Participation of Third Parties

50. During the course of the investigation, in addition to any information requested by the Inspector(s), any member of the public may provide the Inspector(s), either directly or through the Executive Secretary, with supplemental information that they believe is relevant to evaluating the Request.

51. Information should not exceed ten pages and include a one-page summary. Supporting documentation may be listed and attached. The Inspector(s) may request more details if necessary.

PANEL REPORT

Contents

52. The report of the Panel (the "Report") shall include the following:

- (a) a summary discussion of the relevant facts and of the steps taken to conduct the investigation;
- (b) a conclusion showing the Panel's findings on whether the Bank has complied with relevant Bank policies and procedures;
- (c) a list of supporting documents which will be available on request from the Office of The Inspection Panel; and
- (d) statements of the majority and minority views in the absence of a consensus by the Panel.

Submission

53. Upon completion of the Report, the Panel shall submit it to:

- (a) the Executive Directors: accompanied by notification that the Report is being submitted to the President on the same date; and
- (b) the President: accompanied by a notice against receipt that within 6 weeks of receipt of the Report, Management must submit to the Executive Directors for their consideration a report indicating Management's recommendations in response to the Panel's findings.

MANAGEMENT'S RECOMMENDATIONS

54. Within 6 weeks after receiving the Panel's findings, Management will submit to the Executive Directors for their consideration a report indicating its recommendations in response to the Panel's findings. Upon receipt of a copy of the report, the Panel will notify the Requester.

BOARD DECISION AND PUBLIC RELEASE

55. Within 2 weeks after the Executive Directors consider the Panel's Report and the Management's response, the Bank shall inform the Requester of the results of the investigation and the action decided by the Board, if any.

56. After the Bank has informed the Requester, the Bank shall make publicly available:

- (a) the Panel's Report;
- (b) Management's recommendations; and
- (c) the Board's decision.

These documents will also be available at the Office of The Inspection Panel.

57. The Panel will seek to enhance public awareness of the results of investigations through all available information sources.

GENERAL

Business Days

58. "Days" under these procedures means days on which the Bank is open for business in Washington, D.C.

Copies

59. Consideration of Requests and other documents submitted throughout the process will be expedited if an original and two copies are filed. When any document contains extensive supporting documentation the Panel may ask for additional copies.

Consultations

60. The borrower and the Executive Director representing the borrowing (or guaranteeing) country shall be consulted on the subject matter before the Panel's recommendation and during an investigation.

Access to Bank Staff and Information

61. Pursuant to the Resolution and in discharge of their functions, the members of the Panel shall have access to all Bank staff who may contribute information and to all pertinent Bank records and shall consult as needed with the Director General, Operations Evaluation Department, and the Internal Auditor.

Legal Advice

62. The Panel shall seek, through the Vice President and General Counsel of the Bank, the written advice of the Bank's Legal Department on matters related to the Bank's rights and obligations with respect to the Request under consideration. Any such advice will be included as an attachment to the Panel's recommendation and/or Report to the Executive Directors.

Confidentiality

63. Documents, or portions of documents of a confidential nature will not be released by the Panel without the express written consent of the party concerned.

Information to Requester and Public

64. The Executive Secretary shall record in the Register all actions taken in connection with the processing of the Request, the dates thereof, and the dates on which any document or notification under these procedures is received in or sent from the Office of The Inspection Panel. The Requester shall be informed promptly. The Register will be publicly available.
65. A notice that a Request has been registered and all other notices or documents issued by the Panel will be available to the public through the Bank's PIC in Washington, D.C.; at the Bank's Resident Mission in the country where the project is located or at the relevant regional office; at the Bank's Paris, London and Tokyo offices; or on request from the Executive Secretary of the Panel.

Annexes

Annex 1: Guidance on How to Prepare a Request for Inspection

Annex 2: Model Request Form

Annex 1. Guidance on How to Prepare a Request for Inspection

The Inspection Panel needs some basic information in order to process a Request for Inspection:

1. Name, contact address, and telephone number of the group or people making the request
2. Name and description of the Bank project
3. Adverse effects of the Bank project

If you are a representative of affected people, attach explicit written instructions from them authorizing you to act on their behalf.

These key questions must be answered:

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 members about the project? Please provide information about all contacts, as well as the responses, if any, that 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?

Please provide a summary of the information in no more than a few pages. Attach as much other information as you think necessary as separate documents. Please note and identify attachments in your summary.

You may wish to use the attached model form.

6. We believe the action/omission is the responsibility of the Bank.

7. We have complained/made an effort to complain to Bank staff by [describe]:

[Please attach evidence or explanation.]

8. We received no response/We believe that the response/responses (attached/not attached) are unsatisfactory because [describe why]:

9. In addition, we have taken the following steps to resolve our problem:

We therefore believe that the above actions/omissions, which are contrary to the above policies or procedures, have materially and adversely affected our rights/interests and request the Panel to recommend to the Bank's Board of Executive Directors that an investigation of these matters be carried out in order to resolve the problem.

As advised in your Operating Procedures, this Request for Inspection is brief. We can provide you with more particulars.

DATE: _____

SIGNATURES: _____

CONTACT ADDRESS: _____

Attachments: [Yes] [No]

We authorize you to make this Request public [Yes] [No]

Annex VII–E. The Administrative Procedures

**THE INSPECTION PANEL FOR
THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
INTERNATIONAL DEVELOPMENT ASSOCIATION
ADMINISTRATIVE PROCEDURES
AS AMENDED BY THE PANEL ON JULY 10, 1998**

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INTRODUCTORY NOTES

- A. The Inspection Panel (the “Panel”) was established by the Executive Directors of the International Bank for Reconstruction and Development (“IBRD”) and the International Development Association (“IDA”) by IBRD Resolution No. 93-10 and the identical IDA Resolution No. 93-6, both adopted by the Executive Directors of the respective institutions on September 22, 1993 (collectively the “Resolution”). These provisional Administrative Procedures (“Procedures”) are adopted by the Panel pursuant to paragraph 24 of the Resolution establishing the Panel. They are designed to implement certain powers and obligations of the Panel. They are intended to be complementary both to the provisions of the Resolution and to the Operating Procedures adopted by the Panel on August 19, 1994. The Procedures should similarly be considered as complementary to any ad hoc procedures adopted by the Panel for the conduct of a particular investigation pursuant to the Operating Procedures. In light of experience these Procedures may be revised as considered necessary by the Panel.
- B. References in these Procedures to the “Bank” include the IBRD and IDA and references to the “Executive Directors” mean the Executive Directors of the Bank.
- C. Please note that all headings are for ease of reference only. They do not form part of these Procedures and do not constitute an interpretation thereof.

PART I PANEL MEETINGS

Dates and Location

1. The Panel shall hold an Annual Meeting and other meetings as circumstances require. Meetings shall be convened at dates and locations fixed by the Chairperson.

Notices

2. The Executive Secretary shall use any rapid means of communication to give notice to Panel members of the time and place of each meeting not less than 21 days in advance of the date fixed, except that in urgent cases notice shall be given not less than 7 days prior to such date.

Quorum

3. A quorum for any meeting shall be 2 members of the Panel.

Agenda

4. Under the direction of the Chairperson, the Executive Secretary shall prepare a brief agenda for each meeting and transmit it with notice of the meeting. Additional

items may be placed on the agenda by any Panel member at no less than 3 days' notice.

Attendance

5. (a) Meetings shall be attended by Panel members, the Executive Secretary and staff designated by the Chairperson.
- (b) The Panel may invite any other persons.
- (c) At the Chairperson's discretion, meetings may be conducted by conference call.

Chair

6. The Chairperson, or in his/her absence a Panel member designated by the Chairperson, shall preside over all meetings of the Panel.

Decisions

7. (a) Election of the Chairperson, decisions on procedural matters, recommendations to the Executive Directors, reports of investigations, and adoption of the Annual Report shall be reached by consensus, and in the absence of consensus the majority and minority views shall be recorded in the minutes of the meeting.
- (b) Decisions on administrative matters shall be reached by consensus and in the absence of consensus will be decided by the Chairperson.
- (c) When, in the judgment of the Chairperson, an administrative or procedural action must be taken by the Panel which cannot be postponed until the next meeting or does not warrant the calling of a special meeting, the Chairperson, after consulting with the Panel members by any rapid means of communication, shall act or take such decision without meeting. Such actions will be confirmed by the Panel at its next meeting.

Secretary and Minutes

8. (a) The Executive Secretary shall act as Secretary of the Panel's meetings.
- (b) Except as otherwise specifically directed by the Panel, the Executive Secretary, in consultation with the Chairperson, shall have charge of making and supervising all arrangements for Panel meetings.
- (c) At the request of any Panel Member: (i) the Executive Secretary shall prepare summary records of the proceedings of the Panel and provide member with copies; (ii) verbatim records of his/her statements shall be included by the Executive Secretary in the summary records.
- (d) Draft minutes shall be circulated to Panel members as promptly as possible after meetings. Such minutes shall be approved by the Panel on a no objection basis

or at their next meeting. Verbatim records will be included in the summary record if a Panel member requests that his/her remarks be written down.

- (e) Draft minutes shall be circulated to Panel members as promptly as possible after meetings. Such minutes shall be approved by the Panel on a no objection basis or at their next meeting.

Annual Report

- 9. The Annual Report on the operations of the Panel shall be approved at the Annual Meeting. The Report will be published by the Bank. Copies of the Report will be available on request from the Office of the Inspection Panel.

PART II THE PANEL

Independence

- 10. The Panel is an independent forum. Any attempt to interfere with the functioning of the Panel for political or economic reasons or exert political or other influence on the Panel shall be made public.
- 11. The Panel members shall serve on the Panel in their individual capacity.

Impartiality

- 12. Recommendations and findings of the Panel shall be strictly impartial: only facts relevant to the Request or investigation under consideration shall be relevant to their decisions. Consideration of political factors shall be strictly prohibited.

Responsibility

- 13. The Panel members shall be responsible for the general operations of the Panel.

Communications

- 14. In general the Panel members shall communicate by any rapid means of communication as frequently as the workload demands. In connection with each Request for Inspection ("Request[s]") in progress, the part-time Panel member designated to conduct a preliminary review and/or an investigation will receive all documents and records of communications. The other Panel member(s) will receive notice of the documents received and a summary of activities on a weekly basis.

Election of Chairperson

- 15. The Chairperson of the Panel shall hold office for one year and will be elected by the Panel members annually at the Annual Meeting.

Resignation of Chairperson or Inability to Act

- 16 (a) If a Member resigns from, or is unable to serve on, the Panel, the other Panel Members will constitute the Panel until a new Member is appointed by the Executive Directors.
 - (b) If the Member that resigns or becomes unable to serve on the Panel is the Chairperson, the other Members shall decide who among them will serve as Acting Chairperson until such time as the Executive Directors appoint a new member, and an election of a new Chairperson can take place.
17. If the Chairperson resigns or is unable to act as a Chairperson but remains as a Panel Member, all the Panel Members may elect a new Chairperson for the remainder of his/her term or for the full one-year term referred to in paragraph 7 of the Resolution.

Recommendation for Full-Time Work

18. The Chairperson, with the agreement of the other Panel members, may recommend to the Executive Directors, the employment on a full-time basis of one or more of the part-time Panel members when, in his/her judgment, this is justified by the workload.

Disqualification

19. A Panel member shall not participate in the preliminary review and investigation of any Request related to a matter in which he/she has a personal interest or had significant involvement in any capacity. A Panel member shall disclose to the Chairperson any circumstances, which might be deemed to affect his/her impartiality or independence.
20. A Panel member who becomes aware, in the course of a preliminary review or investigation, of any circumstances which may disqualify him/her must immediately inform the Chairperson.

PART III THE CHAIRPERSON

Responsibility

21. The Chairperson shall be responsible for the daily operations of the Panel, external relations, organization of the Panel members and allocation of tasks, and the functions and administration of the Secretariat.

Publicity

22. The Chairperson shall be the spokesperson for the Panel and, after consultation with the Panel members, make all formal public statements on behalf of the Panel

as a whole. Panel members making any other statements must make it clear they are doing so in a personal capacity.

Delegation of Authority

23. The Chairperson may delegate his/her authority to any other Panel member or, after consultation with the Panel, may delegate any of his/her administrative authority and functions to the Executive Secretary.

Acting Chairperson

24. The Chairperson shall appoint another Panel member or the Executive Secretary to act in his/her absence or in the event of his/her inability to act. The functions of the Executive Secretary, if appointed, shall be limited to administrative and routine procedural matters.

Appointment of Inspector(s)

25. The Chairperson shall designate the Panel member(s) to be primarily responsible for the conduct of a preliminary review or initial study or investigation.

Inability of Inspector(s) to Complete an Initial Review or Inspection

26. If the Inspector(s) designated by the Chairperson should resign or be unable to complete an initial study or investigation, the Chairperson shall promptly designate another Panel member to replace him/her.
27. Any such succeeding Inspector shall continue to conduct the initial study or investigation according to the same procedures and requirements as his/her predecessor.
28. If no other Panel member is able to undertake responsibility for completion of an investigation, the Chairperson or any Panel member shall propose another candidate(s) who shall meet the same eligibility criteria as contained in the Resolution appointing Panel members and who shall be appointed by the Executive Directors acting on the unanimous recommendation of the Panel.

Secretariat: Authority of the Chairperson

29. The Executive Secretary and the members of the staff, whether on direct appointment or on secondment, shall act solely under the direction of the Chairperson and the Panel.
30. The Chairperson shall have authority to impose disciplinary measures in accordance with the provisions of the Bank's Staff Manual and other applicable instruments.

PART IV THE SECRETARIAT

The Executive Secretary

31. Under the general direction of the Chairperson, and in addition to what is otherwise specifically provided for in the Resolution and in these Procedures, the Executive Secretary shall be responsible for support and daily administration of the Panel's operations; the operation and administration of the Secretariat; and organization of staff.

Acting Executive Secretary

32. In consultation with the Chairperson, the Executive Secretary may appoint an Assistant who shall act for him/her in his/her absence or in the event of his/her inability to act.

Appointment of Staff Members

33. The Executive Secretary, in consultation with the Chairperson, shall select the members of the staff of the Secretariat. Appointments may be made directly or by secondment from the Bank in accordance with the provisions of the Bank's Staff Manual and other applicable instruments.

Independence

34. The Executive Secretary and the staff of the Secretariat shall be committed to the functions and role of the Panel. Any attempt by Bank member countries, non-governmental and other organizations, the Executive Directors, or Bank staff to interfere with or influence staff of the Secretariat in the discharge of their functions shall be reported to the Panel.

PART V REQUESTS FOR INSPECTION: GENERAL ADMINISTRATIVE FUNCTIONS

General

35. The Panel's Operating Procedures provide general guidance on the submission and processing of Requests.

Procedures for a Preliminary Review

36. The Chairperson, in consultation with the other Panel members as needed, shall in light of the nature and complexity of the Request, decide how a preliminary review shall be conducted.

The Register and Depository Functions

37. The Secretariat shall establish and maintain a Register for Requests to record notices and summaries of all other significant data concerning the commencement, conduct and disposition of a Request. The Register shall be open to the public.
38. The original text of the said notices and summaries, as well as all documents submitted or prepared in connection with any Request shall be deposited in the archives of the Panel.

Means of Communication

39. The Chairperson shall be the official channel for written communications and may delegate this function to the Executive Secretary. Evidence and documents shall be introduced into the proceeding by transmitting them to the Chairperson or Executive Secretary, who shall retain the original for the Panel files and arrange for distribution of copies and notices.

Place of Meetings and Proceedings

40. The Secretariat shall be responsible for making and supervising arrangements for proceedings held in Washington, D.C. or elsewhere;

Time Limits and Notices

41. The Executive Secretary shall be responsible for computing time limits specified in the Resolution or by the Panel and for the dispatch of all notices relating to a Request.

Supporting Documentation

42. The Executive Secretary shall compile a document bank (a compilation of essential documents from all sources). After the document bank has been established, the parties to the Request or any other persons will be expected not to attach copies of any document in the bank to their reports, evidence or submissions etc., but to refer to it, giving the document number: this is to avoid adding to the paper load.
43. When any additional material is made available to a Panel member during the preliminary review period, or to the Inspector(s) leading an investigation, he/she shall promptly inform the other Panel members and provide copies of such material on request. The Chairperson, in consultation with the other Panel members, will determine whether such additional material shall be added to the document bank.

Confidentiality

44. Documents of a confidential nature will not be released without the express written consent of the party concerned.

PART VI AN INVESTIGATION: LEAD INSPECTOR

Responsibilities

45. Upon designation by the Chairperson, the Inspector(s) with primary responsibility for an investigation shall prepare and present for consideration and adoption by the Panel, a proposal containing but not limited to:
 - (a) procedures for the conduct of the investigation;
 - (b) an initial estimate of the professional and administrative support needed to carry out the investigation and the budgetary resources required for these purposes.
46. The Inspector(s) in charge will make every effort to carry out the investigation within the initial budgetary allocation approved by the Panel.
47. If in the course of the investigation, the Inspector(s) decides that the initial procedures are inadequate he/she shall promptly prepare an amended proposal for consideration by the Panel.
48. The Executive Secretary, under the direction of the Chairperson, shall be responsible for:
 - (a) administrative and logistical support,
 - (b) administration of the budgetary allocations for each case.

Employment of Consultants/Experts/Researchers

49. The Inspector(s) shall have responsibility for the appointment of any consultants and/or researchers and/or technical experts he/she considers necessary to carry out the investigation. The selection and employment of consultants shall be made in accordance with the principles and procedures applicable to the hiring of consultants by the Bank. In addition the Panel shall establish an independent roster of consultants.
50. The Executive Secretary, under the general direction of the Chairperson, shall be responsible for administration of the employment of such consultants/researchers/technical experts.

Oral Hearings

51. The Inspector(s) having primary responsibility for an investigation shall decide in each case whether oral hearings are necessary for gathering information relevant to the particular matter.

Preparation of Report

52. The Inspector(s) shall prepare a Report and submit it to the Panel through the Chairperson for consideration and adoption.

53. The Secretariat shall assist the Inspector(s) in the preparation of the Report.

Resources of Secretariat

54. If during an investigation the Inspector(s) considers that there are not enough Secretariat staff to assist him/her in carrying out the investigation, he/she shall recommend to the Chairperson the employment, and specify the qualifications required, of extra temporary staff. The Chairperson shall decide whether extra Secretariat staff is required.

PART VII BUDGET

55. The expenses of the Panel and the Secretariat shall be provided by the Bank, which shall give the Panel such budgetary resources as shall be sufficient to carry out its activities. The Panel will inform the Bank of the level of resources required to carry out its mandate.

PART VIII MISCELLANEOUS

Immunities and Privileges: Certificates of Official Travel

56. The Executive Secretary may issue certificates to the following persons indicating that they are traveling in connection with a proceeding under the Resolution: members of the Panel, officers and employees of the Secretariat; and as needed to Requesters, consultants, witnesses and experts appearing in any proceedings authorized by the Panel.

Business Days

57. "Days" under these procedures means days on which the World Bank is open for business in Washington, D.C.

Language

58. The working language of the Panel shall be English.

Publications

59. The Panel shall request the Secretariat to prepare, publish and/or disseminate any material it considers will help in the understanding of its role and the preparation of Requests by affected parties.

ANNEX VIII

Guidance on How to Prepare a Request for Inspection

The Inspection Panel needs some basic information in order to process a Request for Inspection:

1. Name, contact address, and telephone number of the group or people making the request
2. Name and description of the Bank project
3. Adverse effects of the Bank project

If you are a representative of affected people, attach explicit written instructions from them authorizing you to act on their behalf.

These key questions must be answered:

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 members about the project? Please provide information about all contacts, as well as the responses, if any, that 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?

Please provide a summary of the information in no more than a few pages. Attach as much other information as you think necessary as separate documents. Please note and identify attachments in your summary.

You may wish to use the attached model form.

6. We believe the action/omission is the responsibility of the Bank.

7. We have complained/made an effort to complain to Bank staff by [describe]:

[Please attach evidence or explanation.]

8. We received no response/We believe that the response/responses (attached/not attached) are unsatisfactory because [describe why]:

9. In addition, we have taken the following steps to resolve our problem:

We therefore believe that the above actions/omissions, which are contrary to the above policies or procedures, have materially and adversely affected our rights/interests and request the Panel to recommend to the Bank's Board of Executive Directors that an investigation of these matters be carried out in order to resolve the problem.

As advised in your Operating Procedures, this Request for Inspection is brief. We can provide you with more particulars.

DATE: _____

SIGNATURES: _____

CONTACT ADDRESS: _____

Attachments: [Yes] [No]

We authorize you to make this Request public [Yes] [No]

ANNEX IX

Selected Bibliography of Publications Related to the Inspection Panel

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