Procedure: Bank Procedure: Inspection Panel

Bank Access to Information Policy Designation
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Content
Procedural instructions for Bank Staff with regard to the Inspection Panel process

Applicable to
IBRD;IDA

Issuer
Vice President, OPSVP

Sponsor
Acting Director OPSOR, OPSOR
SECTION I - PURPOSE AND APPLICATION

1. This Procedure sets out procedural instructions with regard to the Inspection Panel process.
2. This Procedure applies to the Bank.

SECTION II - DEFINITIONS

As used in this Procedure, the capitalized terms or acronyms have the meanings set out below:

3. **Access to Information Policy**: the Bank's Access to Information Policy, dated July 1, 2013, as amended from time to time.
5. **Bank**: IBRD and IDA.
6. **Board**: the Executive Directors of IBRD or IDA, or both, as applicable.
7. **Country Director**: the director of the Bank responsible for the Member Country to which a Request pertains.
8. **ECR**: the External and Corporate Relations Vice-Presidency of the Bank.
9. **Executive Secretary**: the head of the Panel Secretariat.
10. **EXC**: the Office of the President of the Bank.
11. **Global Practice**: a Global Practice of the Bank.
12. **Global Practice Vice President**: the vice president of one of the Global Practices of the Bank.
13. **IDU**: the Internal Documents Unit of the World Bank Group.
14. **Investigation (or Inspection)**: the Panel's process to investigate claims alleged in the Request.
15. **Investigation Report**: the Panel's report submitted to the Board with the findings and conclusions of the Panel at the end of an Investigation.
16. **InfoShop**: the public information resource center of the Bank.
17. **LEG**: the Legal Vice-Presidency of the Bank.
18. **LEGEN**: the Environment and International Law Unit of the LEG.
19. **Management**: the President or a person identified as a manager in the Bank's human resources system, or some or all of these persons, as applicable.
20. **Management Response**: the report with the response of Management to the Request.
22. **Managing Director or MD**: the Managing Director and Chief Operating Officer of the Bank.
23. **Notice of Registration**: the notice sent by the Panel to the Board, the President and the Executive Director who represents the borrower informing them of the registration of a Request. The Notice of Registration sent to the President and the Executive Director who represents the borrower includes a copy of the Request.
25. **President**: the President of the Bank.
26. **Panel**: the independent Inspection Panel established on September 22, 1993, by IBRD Resolution No. 93-10 and IDA No. Resolution 93-6 of the Bank's Board, as reviewed, clarified and supplemented by the Board on October 17, 1996 ("1996 Clarification", as defined below), and April 20, 1999 ("1999 Clarification", as defined below).
27. **Panel Eligibility Report and Recommendation**: the Panel's report submitted to the Board, which includes the Panel's determination on whether the Request is eligible and the
recommendation as to whether the matter should be investigated.

28. **Panel's Operating Procedures:** The Inspection Panel's Operating Procedures adopted by the Panel on April 1, 2014.

29. **Panel Secretariat:** the secretariat that assists and advises the Panel in the execution of its duties.

30. **Request:** a Request for Inspection submitted to the Panel, in accordance with the Resolution and the Panel's Operating Procedures.

31. **Requesters:** two or more people or their representatives, satisfying the criteria set forth in the Resolution and the Panel's Operating Procedures.


33. **RVP:** a Regional Vice-President of the Bank.

34. **SEC:** the Corporate Secretariat Vice-Presidency of the Bank.

**SECTION III - SCOPE**

This section sets out the processing steps applicable to Bank Management and staff with regard to the Inspection Panel process.

**First Phase: Receipt of a Request and Registration of the Request**

35. **Receipt of Request by a Bank Country Office.** If a Request is delivered to a Bank Country Office, the head of the Country Office issues a receipt to the Requester and promptly forwards the Request unopened to the Panel by pouch.

36. **Other Ways of Receipt of Request.** Should Bank Staff receive a Request for Inspection which can be identified as such, it should be forwarded through the Manager to OPCS for transmission to the Panel.

37. **Notice of Registration of Request.** When the President receives a Notice of Registration and the Request, EXC conveys a copy of both and any accompanying documentation to the RVP and the Global Practice Senior Director, with a copy to ECR, LEG and OPCS.

**Second Phase: Eligibility Phase**

38. **Timeline for Management Response.** Management has 21 business days from the date of the Notice of Registration to prepare a response to the Request. This period includes the time required for clearance, concurrence and decision (as per paragraphs 40, 41 and 42 below).

39. **Coordination and Preparation of Management Response.** Promptly after Management's receipt of the Request, OPCS, in coordination with the concerned Regional staff, Global Practice staff, LEG and ECR, meets to discuss the preparation of the Management Response. The Management Response is prepared by Bank Regional staff and Global Practice staff, with the advice of OPCS and LEGEN.

40. **Clearance of Management Response.** The draft Management Response is submitted by OPCS to ECR for their advice and to LEG (Deputy General Counsel, Operations), OPCS (Director OPSOR) and the Country Director for their clearance.

41. **RVP and Global Practice Vice President Concurrence.** OPCS circulates the cleared draft Management Response to the RVP and Global Practice Vice President for their concurrence and
then transmits it to the MD.

42. **Managing Director Decision.** The MD decides on the Management Response and forwards it to OPCS, which then provides the Management Response to the Panel.

43. **Panel Eligibility Report and Recommendation.** Within 21 business days of receiving the Management Response, the Panel determines whether the Request is eligible and makes a recommendation to the Board as to whether the matter should be investigated in the Panel's Eligibility Report and Recommendation. The Panel may undertake a field mission in this context.

44. **Board Decision and Public Disclosure.** The Panel's Eligibility Report and Recommendation is circulated for Board approval. Within 3 business days after the Board decides on the Panel's recommendation, SEC, via the IDU, provides a copy of the Request to the Bank's InfoShop. SEC, via the IDU, also provides to the InfoShop -- to the extent possible, in the language of the Requesters -- the following documents: (a) the Panel's Eligibility Report and Recommendation; (b) the Management Response; and (c) the Board's decision on investigating the matter.

**Third Phase: Investigation Phase**

45. **Investigation Report.** If the Board authorizes an Investigation, the Panel undertakes a full Investigation, which is not time-bound and which may involve field missions by the Panel. Once the Panel completes the Investigation, it sends the Investigation Report to the Board and Management via the President.

46. **Timeline for Management Report and Recommendation.** Management has 6 weeks to prepare the Management Report and Recommendation, which responds to the Panel's findings. This period includes the time required for obtaining all necessary clearances, concurrences and decision under paragraphs 49, 50 and 51 below, respectively).

47. **Preparation of Management Report and Recommendations.** The Management Report and Recommendation is prepared by Bank Regional staff and Global Practice staff, with the advice of OPCS and LEGEN.

48. **Management Action Plan.** Management may include in its Report and Recommendation proposed actions that Management views as appropriate to address Panel findings. Such Action Plan should be consulted upon with the Requesters and the borrower. If the Requesters have chosen to remain anonymous, Management may consult with the project affected community instead. Actions proposed by Management as part of the Report and Recommendation that do not relate to issues of noncompliance and harm should clearly be identified as such.

49. **Clearance of Management Report and Recommendation.** OPCS submits the draft Management Report and Recommendation to ECR for their advice and to LEG (Deputy General Counsel, Operations), OPCS (Director) and the Country Director for their clearance.

50. **RVP and Global Practice Vice President Concurrence.** OPCS circulates the cleared draft Management Report and Recommendation to the RVP and Global Practice Vice President for their concurrence and transmits it to the MD.

51. **Managing Director Decision.** The MD decides on the Management Report and Recommendation and forwards it to OPCS for submission to the Board.

**Fourth Phase: Actions following an Investigation**

52. **Board Decision and Public Disclosure.** Following Management's submission of the Management Report and Recommendation, the Board considers said report, including the Action Plan, if any, together with the Panel's Investigation Report. Any Action Plan presented by Management as part of its Report and Recommendation will need to be approved by the Board. Within 2 weeks after the Board considers the matter, the Bank inform the affected party of the
results of the Investigation and of any actions agreed to by the Board. Within the same 2 weeks, SEC, via the IDU, provides to the InfoShop --to the extent possible, in the language of the Requesters -- the Investigation Report, the Management Report and Recommendation, and the Board's decision on the matter.

53. **Progress Reports.** If requested by the Board, Management reports to the Board on progress in the implementation of the Action Plan. The Task Team prepares such reports with sufficient lead time in order to meet the requested reporting period. Management submits progress reports consistent with the procedure described in paragraphs 40 - 42.

### SECTION IV - EXCEPTION

N/A

### SECTION V - WAIVER

54. A waiver of a provision of this Procedure may be granted by the Vice President, OPCS, pursuant to the applicable provisions of the Bank Procedure "Operational Policy Waivers and Waivers of Operational Requirements", Catalogue Number OPCS5.06-PRO.01, dated April 7, 2014, and provided the proposed waiver does not deviate from any provision enshrined in the Resolution.

### SECTION VI - OTHER PROVISIONS

**Communications Addressed to the Panel**

55. If a communication addressed to the Panel is delivered to any Bank staff member, that staff member promptly forwards it, unopened, to the Executive Secretary of the Panel and informs OPCS through his/her manager. Staff members inform OPCS through their Management of any communication that they receive and which is copied to the Panel.

**Communications with the Board associated with a Request**

56. Management does not communicate with the Board on matters associated with the Request, except as provided for in the Resolution, and in accordance with paragraph 21 below.

57. Any written representation by Management pertaining to a Request for Inspection provided to the Panel or the Board in addition to the Management Response or the Management Report and Recommendation is prepared, cleared, and forwarded in the same way as the Management Response or Management Report and Recommendation.

58. Bank Staff will treat all documents that relate to the Panel process as confidential (specifically the Request for Inspection, the Management Response, the Panel Investigation Report, the Management Report and Recommendation, or any drafts thereof) and will not share such documents until they have been regularly disclosed by the Bank at the conclusion of the respective phase of the Panel process.

59. **Extension of deadlines for Management's delivery of the Management Response or the Management Report and Recommendation.** In exceptional circumstances where Management otherwise would not be able to complete its Management Response or the Management Report and Recommendation within the stipulated time limit, Management may request an extension of such deadlines from the Board. Such requests need to be agreed with the Director OPCS and will be jointly submitted by the RVP and Global Practice Vice President to the Board for its
consideration. Management will consult the Panel regarding such requests.

**Communications with the Media during a Panel Investigation**

60. Management is to decline media contacts on the subject while an Investigation is pending or under way.

61. Bank staff refers any media enquiries to ECR and OPCS, which in coordination with LEG, Regional staff and Global Practice staff prepares any necessary responses to such enquiries.

**Communications with the Requesters**

62. Bank staff may interact with the Requesters throughout the Panel process. However, staff should not share or discuss with Requesters the content of the Management Response, Management Report and Recommendation (except for the proposed Action Plan that requires consultation), or the Panel’s reports prior to their regular disclosure.

**Additional Dissemination of Information**

63. The InfoShop makes publicly available notices and documents pertaining to a Request, including notices of the registration of a Request, sent to it by the Panel, as they become publicly available pursuant to the Bank’s Access to Information Policy.

64. Management makes available to the public the General Counsel’s opinions related to Inspection Panel matters promptly after the Board has dealt with the issues involved, unless the Board decides otherwise.

**Cooperation with the Panel**

65. Bank staff cooperates fully with the Panel in the discharge of its functions. Upon being contacted by the Panel, Bank staff informs OPCS through his/her Management. Staff communicates and meets with the Panel in coordination with OPCS and LEGEN to ensure that procedures agreed with the Panel are observed and to secure the accuracy and completeness of any information provided to the Panel and the Board.

66. Management engages in formal and informal discussions with the Panel as appropriate during the course of a Request for Inspection and/or an Investigation in order to provide the Panel with pertinent information deemed relevant to support the Panel in assessing the eligibility of a Request and/or carrying out the Investigation.

**SECTION VII - TEMPORARY PROVISIONS**

N/A

**SECTION VIII - EFFECTIVE DATE**

Effective date for this is 12/31/2015

**SECTION IX - ISSUER**

Vice President, OPSVP