ANNUAL REPORT

JULY 1, 2014–JUNE 30, 2015

The Inspection Panel | THE WORLD BANK
IBRD • IDA | WORLD BANK GROUP

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THE INSPECTION PANEL

Annual Report

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Contents

4 Abbreviations and Acronyms

5 Executive Summary

9 Letter of Transmittal

11 Foreword

12 Message from the Panel

14 Panel Description

16 Communications, Outreach, and Knowledge-Sharing

23 **Cases with Investigations Undertaken**

- CASE NO. 81. INDIA: VISHNUGAD PIPALKOTI HYDROELECTRIC PROJECT
- CASE NO. 82. ETHIOPIA: PROMOTION OF BASIC SERVICES PROJECT
- CASE NO. 84. KENYA: NATURAL RESOURCE MANAGEMENT PROJECT
- CASE NO. 87. NEPAL: POWER DEVELOPMENT PROJECT
- CASE NO. 97. KENYA: ELECTRICITY EXPANSION PROJECT

35 **Cases Using the Pilot Approach**

- CASE NO. 91. NIGERIA: LAGOS METROPOLITAN DEVELOPMENT AND GOVERNANCE PROJECT
- CASE NO. 95. PARAGUAY: SUSTAINABLE AGRICULTURE AND RURAL DEVELOPMENT PROJECT

41 **Cases with Pending Decisions**

- CASE NO. 98. UGANDA: TRANSPORT SECTOR DEVELOPMENT PROJECT
- CASE NO. 102. MONGOLIA: MINING INFRASTRUCTURE INVESTMENT SUPPORT PROJECT
- CASE NO. 103. KOSOVO: KOSOVO POWER PROJECT

47 **Cases Closed**

- CASE NO. 89. UZBEKISTAN: SECOND RURAL ENTERPRISE SUPPORT PROJECT
- CASE NO. 94. ARMENIA: SECOND EDUCATION QUALITY AND RELEVANCE PROJECT

51 **Cases Not Registered**

- CASE NO. 92. SRI LANKA: ROAD SECTOR ASSISTANCE PROJECT
- CASE NO. 93. TAJIKISTAN/KYRGYZ REPUBLIC/AFGHANISTAN/PAKISTAN: CENTRAL ASIA AND SOUTH ASIA ELECTRICITY TRANSMISSION AND TRADE PROJECT
- CASE NO. 96. KAZAKHSTAN: SOUTH-WEST ROADS PROJECT
- CASE NO. 99. INDIA: SECOND TAMIL NADU ROAD PROJECT
- CASE NO. 100. HAITI: MINING DIALOGUE TECHNICAL ASSISTANCE
- CASE NO. 101. TOGO: INTEGRATED DISASTER AND LAND MANAGEMENT PROJECT

59 **Appendixes**

Appendix I: Panel Member Biographies

Appendix II: Graphs on Panel Cases

1. CASES RECEIPT YEAR
2. TYPE OF COMPLAINANTS
3. REGIONAL DISTRIBUTION OF CASES
4. CASES BY THEMATIC ISSUES
5. CASES PROCESSING HISTORY
6. PROJECTS FUNDING SOURCES

Appendix III: Map of Geographic Distribution of Cases

Appendix IV: Diagram of Case-Processing Steps

Appendix V: Inspection Panel Budget

Appendix VI: Guidance on Preparing a Complaint

Community leader addressing Panel Team in Cherangany Hills, Kenya

ABBREVIATIONS AND ACRONYMS

ACISPE	Asociación de Comunidades Indígenas de San Pedro
AfDB	African Development Bank
BETF	Bank-Executed Trust Fund
BIC	Bank Information Center
CAO	Compliance Advisor Ombudsman
CDP	Commune Development Program
CI	Conscience International
CODE	Committee on Development Effectiveness
CPS	Country Partnership Strategy
CSO	Civil Society Organization
cumecs	cubic meters per second
ECA	Europe and Central Asia
EIA	Environmental Impact Assessment
EIP	Education Improvement Project
EQRP 2	Second Education Quality and Relevance Project
GEF	Global Environment Facility
IAM	Independent Accountability Mechanism
IBRD	International Bank for Reconstruction and Development
ICSW	International Civil Society Week
IDA	International Development Association
IFC	International Finance Corporation
IFI	International Financial Institution
ILO	International Labour Organization
IPPF	Indigenous Peoples Planning Framework
KFS	Kenya Forestry Service
LMDGP	Lagos Metropolitan Development and Governance Project
LPTAP	Lignite Power Technical Assistance Project
MIGA	Multilateral Investment Guarantee Agency
MINIS	Mining Infrastructure Investment Support Project
MoU	Memorandum of Understanding
NEA	Nepal Electricity Authority
NGO	Nongovernmental organization
NRMP	Natural Resource Management Project
OGP	Open Government Partnership
OP	Operating Procedures
OPCS	Operations Policy and Country Services
PAD	Project Appraisal Document
PBS	Protection of Basic Services
PDP	Power Development Project
PIU	Project Implementation Unit
PRODERS	Paraguay Sustainable Agriculture and Rural Development Project
PSRSHDP	Power Sector Reform and Sustainable Hydropower Development Project
RESP II	Uzbekistan: Second Rural Enterprise Support Project
RoW	Right of way
RPF	Resettlement Policy Framework
SA	Social Assessment
SAFIS	South Africa Forum for International Solidarity
SFM	Sustainable Forestry Management
SOGIE	Sexual Orientation and Gender Identity and Expression
TPM	Third-party Monitoring
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
UNOPS	United Nations Office for Project Services
VCDP	Vulnerable Community Development Plan
VMG	Vulnerable and Marginalized Groups
VPHEP	Vishnugad Pipalkoti Hydroelectric Project
WBG	World Bank Group

Executive Summary

The past year (fiscal year 2015) was notable and challenging to the Inspection Panel in several ways. There were important changes in the composition of the Panel leadership and staff, and the Panel also consolidated productive relations with key stakeholders. There was a significant increase in the number of Complaints received and investigated, and renewed efforts to disseminate lessons from complex investigations. The Panel also expanded its communications and outreach efforts through new social media platforms, networking events, and knowledge-sharing sessions.

In terms of leadership and staffing, Gonzalo Castro de la Mata was appointed Chairperson on November 1, 2014; he replaced Eimi Watanabe, who completed her five-year term. Jan Mattsson joined the Panel as its third member in November 2014, bringing extensive experience with international development at the United Nations. We also expanded our staff by welcoming a senior civil society engagement/communications officer to manage our increased outreach efforts, and an operations officer to assist in handling the heavier workload.

Building on previous years, we continued to consolidate our relations with external stakeholders such as civil society organizations (CSOs), other independent accountability mechanisms (IAMs), and with Bank management and staff. Internally, this has involved more frequent contact and exchange of information with Bank colleagues at different points of the Panel cycle, thus allowing for clarification of issues of concern and increased support for our investigation findings. At their request, the Panel also provided feedback to the Board on the Bank's environmental and social safeguards revision process by drawing on lessons from previous cases.

In terms of operations, the Panel focused on implementing its Operational Procedures, which were revised last year. Improvements included streamlining several internal procedures and tightening investigation schedules in order to provide more timely responses to complainants. The investigation in the Kenya Electricity Expansion Project, for instance, will be the first to be completed in under six months. More importantly, the Panel has continued to emphasize the broader development implications of its investigations by framing compliance findings within a wider context, thus making our findings clearer, our impact stronger, redress more effective, and institutional learning more robust.

The Panel has expanded its communications, outreach, and knowledge-sharing efforts in keeping with its commitment to transparency and accountability. There were substantial enhancements to Panels' online communications capabilities. First, several new features were added to the website including an interactive map, video library, and a redesigned Panel cases search section. Second, the Panel newsletter was renamed ("Accountability Matters"), reformatted (shortened and made more web-based), its publication frequency increased (from annual to quarterly), and the listserv of recipients doubled in size. Third, the Panel launched a presence on several new social media platforms—including blogs, LinkedIn, Facebook, and Twitter—which will allow for more effective dissemination of information to its many stakeholders. The Twitter account, in particular, will allow the Panel to provide information more rapidly to a wide audience on processing of new complaints, timelines for investigations, release of documents, and events.

The Panel also increased its efforts to share knowledge and lessons learned from two decades of work and over 100 Complaints covering a wide range of contexts and development issues. This included holding several policy discussion events during the World Bank Group/IMF 2014 Annual Meeting and 2015 Spring Meetings on issues including the suitability of a pilot approach used in Nigeria, and the role of compliance mechanisms in protecting the rights of indigenous peoples. The Panel also launched an "Accountability Dialogue Series" in order to raise visibility and widen discussion of the intrinsic value and benefits of promoting accountability and compliance. The first event of the series held in May was titled "Leveraging Science to Promote Environmentally Sustainable Infrastructure"; it focused on using science to mitigate potentially negative environmental and social impacts of large infrastructure projects. In addition, two staff members published a chapter entitled "Improving Service Delivery through Voice and Accountability" in the 6th volume of the *World Bank Legal Review.*

The Panel also increased its stakeholder outreach efforts through receiving visitors at the Panel office, holding regular meetings with

CSO representatives, participating in networking conferences, and sponsoring informational workshops worldwide. Panel staff held numerous meetings with CSOs, experts, students, and others in Washington, DC and worldwide to discuss a wide range of issues including sexual orientation and gender identity & expression (SOGIE), human rights, indigenous peoples, environment, and accountability. During each trip undertaken to assess and/or investigate a Complaint, Panel members met with a wide range of stakeholders including Complainants, CSOs, government officials, local Bank staff, and other donor agencies. Panel members and staff also participated in or organized outreach events in South Africa, Germany, Gambia, and Peru. Finally, the Panel co-organized civil society outreach events with other IAMs in London, Washington, DC, Turkey, and Croatia.

In terms of its caseload, the Panel experienced a notable increase in Complaints received and processed over the past year. It received nine new Complaints and processed a total of 17 cases:

- *Five* cases underwent full investigations and/or Board discussions were held on reports of investigation held previously:
  - Case No. 81. India: Vishnugad Pipalkoti Hydro Electric Project
  - Case No. 82. Ethiopia: Promotion of Basic Services Project
  - Case No. 84. Kenya: Natural Resource Management Project
  - Case No. 87. Nepal: Power Development Project
  - Case No. 97. Kenya: Electricity Expansion Project
- *Two* Complaints underwent the pilot approach to seek early solutions and then were successfully closed:
  - Case No. 91. Nigeria: Lagos Metropolitan Development and Governance Project
  - Case No. 95. Paraguay: Sustainable Agriculture and Rural Development Project
- *Three* cases continue to be active in different stages of the Panel process:
  - Case No. 98. Uganda: Transport Sector Development Project
  - Case No. 102. Mongolia: Mining Infrastructure Investment Support Project
  - Case No. 103. Kosovo: Kosovo Power Project
- *Two* cases were closed after the Panel determined that the issues raised in the Complaints did not meet our investigation criteria:
  - Case No. 89. Uzbekistan: Second Rural Enterprise Support Project
  - Case No. 94. Armenia: Second Education Quality and Relevance Project
- *Six* Complaints were received but not registered as they were not considered admissible under the Panel's registration criteria:
  - Case No. 92. Sri Lanka: Road Sector Assistance Project
  - Case No. 93. Tajikistan/Kyrgyz Republic/Afghanistan/Pakistan: Central Asia and South Asia Electricity Transmission and Trade Project
  - Case No. 96. Kazakhstan: South-West Roads Project
  - Case No. 99. India: Second Tamil Nadu Road Project
  - Case No. 100. Haiti: Mining Dialogue Technical Assistance
  - Case No. 101. Togo: Integrated Disaster and Land Management Project

Among these Complaints there were several challenging cases involving complex and diverse development issues that demanded careful and thorough analysis. The case in Ethiopia, for instance, raised many fundamental issues about how to ensure compliance and redress within a complicated political setting where the Bank is employing innovative financing tools and arrangements. In Kenya, two investigations addressed the issues of indigenous people's identity and rights within challenging resettlement processes. The Nepal investigation raised the issues of implementing projects in fragile political settings and in the aftermath of protracted conflict.

Even in cases where full investigations were not deemed warranted, close coordination with Complainants, governments, and Bank management led to important development outcomes and valuable lessons learned. This was the case with the pilot cases in Nigeria and Paraguay, where the Panel decided to postpone its decision on registration, thus providing an opportunity for Complainants, Bank management, and Governments to find practical and timely solutions. In both cases, the Panel felt that the outcomes were positive: a large displaced population of slum dwellers in Nigeria was compensated, and indigenous local farmers improved their participation in a large rural development project in Paraguay. In Uzbekistan, the Panel encouraged dialogue between government, Bank management, and development agencies, and this led to a marked

reduction in child labor and an agreement to monitor forced labor in World Bank interventions in the agricultural sector. While the Panel decided not to register the complaint received from Haiti regarding technical assistance in the mining sector, it highlighted to the Board the existence of a significant policy gap within the Bank Group's trust fund operations.

Panel members and staff internalized several important lessons through the various case investigations and registrations over the past year. These included the need to tighten its policies regarding the confidentiality of Complainants who are under threat of retaliation, and the need to provide clearer rationale for Panel decisions on whether to register and/or investigate complaints. The Panel also noted the benefits of collaborating with other compliance mechanisms, such as the European Investment Bank's Complaints Mechanism, with which we undertook a joint investigation in Kenya. In closing, the past year represented a period of operational growth, expanded outreach, and critical learning, which allowed the Panel to both consolidate and enhance its accountability work.

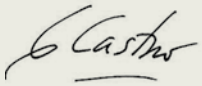
Panel Team meeting with Complainants of Maasai community in Olkaria, Kenya

Panel Team meeting with Complainants in Sinduli District, Nepal

Letter OF TRANSMITTAL

The Annual Report of the Inspection Panel for the period July 1, 2014, to June 30, 2015, has been prepared for the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA) in accordance with the 1993 Resolution establishing the Panel. The Report is being submitted to the President and to the Executive Directors of these institutions, as well as disseminated to a wide range of stakeholders.

The Panel wishes to thank the Executive Directors for their steadfast support of the Panel. The Panel also thanks Dr. Jim Yong Kim, the President of the World Bank Group, senior management, and staff for their continued supportive interaction with the Panel. Their assistance is an essential element in ensuring accountability and transparency at the World Bank. The Panel is also grateful for the engagement with civil society and other stakeholders and for their continuing efforts in promoting accountability and transparency. The Panel expresses special appreciation to Complainants for their confidence and trust in our accountability role.



GONZALO CASTRO DE LA MATA
Chairperson
August 31, 2015

Community leader addressing Panel Team in Sinduli District, Nepal

Foreword BY THE CHAIRPERSON OF CODE

Among the duties of the Chairperson of the Committee on Development Effectiveness (CODE) of the Board of Executive Directors of the World Bank Group, is the continuous liaison between CODE and the World Bank Group's accountability mechanisms. Since assuming this position, I have witnessed the significant role and important compliance work carried out by the Bank's Inspection Panel. This is reflected in the increased public awareness of the Panel's work and the increased number of complaints and investigations during the past year. Several complex cases demanded additional and careful attention of the Board, including detailed analysis of local context and impacts related to the Bank's field operations and implementation of its policies.

Since its founding 22 years ago, the Panel has continued to provide the Board with comprehensive and impartial findings from its investigations, thus contributing significantly to the Bank's objectives of remaining fully accountable and supporting institutional learning. As Bank President Jim Yong Kim stated in the previous Annual Report: "The Inspection Panel reminds us that accountability means more than being accountable to our shareholders; most importantly, it means being accountable to the people we serve."

The Panel took steps to update its operational procedures by streamlining complaints registration and investigation processes. It also tested an innovative new Pilot Approach geared to reaching early solutions to Complainants concerns. Demonstrating the efficiency of this innovative approach, cases from Nigeria and Paraguay concluded with positive outcomes for local Complainants. Also commendable is the promotion of greater transparency by the increased use of social media to share information and lessons learned. Other traditional channels of dissemination, such as events and workshops, have also enhanced the Panel's outreach efforts.

With these continuous improvements, the Panel is reflecting on and adapting to the broader changes experienced by the Bank Group to provide more accountable and results-oriented service to borrowing countries. These changes include the new global practices structure, and the review of the Bank Group's social and environmental safeguards, where important lessons from the Panel's past cases undoubtedly served as a positive input into the process.

We live in challenging times with ever increasing demands for accountability. As the World Bank Group decisively advances toward the twin goals of eliminating extreme poverty and promoting shared prosperity through transformational development initiatives, there is also a need to ensure social and environmental sustainability. In this context the role of the Inspection Panel is more important than ever. CODE looks forward to continuing to work closely with the Panel to ensure that the Bank Group maintains the highest standards of accountability.

ALEX FOXLEY
Chairperson
Committee on Development Effectiveness (CODE)
Board of Executive Directors

Message FROM THE PANEL

Fiscal year 2015 was noteworthy for a number of reasons, including changes in the composition of the Panel and its leadership, facing challenging development issues through an increased number of investigations, and starting the implementation of our newly revised operating procedures. We also consolidated productive relations with key stakeholders, expanded our communications and outreach efforts, strengthened the dissemination of lessons from our complex investigations, and contributed to the global debate on accountability through several knowledge-sharing events.

In terms of leadership, Gonzalo Castro de la Mata was appointed Chairperson on November 1, 2014, replacing Eimi Watanabe, who completed her five-year term. We are very grateful for Eimi's profound and strategic leadership. She oversaw the introduction of the Pilot Approach to Support Early Solutions in the Panel process, updating the Operating Procedures, and strengthened relations with a variety of stakeholders, including better working relationships with Bank management. Jan Mattson joined us as our newest Panel Member in November 2014, bringing extensive experience with international development at the United Nations (see his bio on page 61). We also expanded our staff by welcoming a senior civil society engagement/communications officer to manage our increased outreach efforts, and an operations officer to assist in handling the heavier workload. We also continued to host summer student interns, who bring vitality and diverse perspectives to our workplace.

Building on the previous year, we continued to consolidate our relations with external stakeholders such as civil society organizations (CSOs) and other independent accountability mechanisms (IAMs), as well as with Bank management and staff. Internally, this has involved more frequent contact and exchange of information with Bank colleagues at different points of the Panel cycle, thus allowing for the clarification of issues of concern as they arise, and strengthened understanding and support for our findings and reports. The Panel also participated in the Bank Group's environmental and social safeguards revision process by meeting with the policy drafting team and providing formal comments on the various drafts to the Board.

As fully described in this report, the Panel undertook five investigations (see list on page 23) this past year and received nine new complaints, which represented a notable increase in the workload over the past few years, despite continuing to operate within a zero-growth budget. Among these were several challenging cases involving complex and diverse development issues requiring careful and thorough analysis. The case in Ethiopia, for instance, raised many fundamental issues about how to ensure compliance and redress within a complex political setting where the Bank is employing innovative financing tools and arrangements. In Kenya, two investigations addressed the issues of indigenous people's identity and rights within challenging resettlement environments. The Nepal investigation raised issues concerning implementing projects in fragile political settings and in the aftermath of protracted conflict.

Inspection Panel Members (from left to right): Gonzalo Castro de la Mata (Chairperson), Zeinab Bashir Elbakri, Jan Mattsson

Even in cases where full investigations were not deemed warranted, a measured

Farewell reception for Eimi Watanabe, Washington, USA

approach and careful coordination with Complainants, governments, and Bank management led to important development outcomes and valuable lessons learned. This was the case with the pilot cases in Nigeria and Paraguay, where the Panel decided to postpone its decision on registration, thus providing an opportunity for Complainants and Bank management to find practical and timely solutions. In both cases, the Panel felt that the outcomes were positive: a large displaced population of slum dwellers in Nigeria was compensated, and indigenous local farmers improved their participation in a large rural development project in Paraguay. In Uzbekistan, the Panel encouraged dialogue between government, Bank management, and development partners, and this led to a marked reduction in child labor and an agreement to monitor forced labor in World Bank interventions in the agricultural sector. While the Panel decided not to register the complaint received from Haiti regarding technical assistance in the mining sector, it highlighted to the Board the existence of a significant policy gap within the Bank Group's trust fund operations.

Panel members and staff internalized several important lessons through the various investigations and registrations. These included the need to tighten its policies regarding the confidentiality of Complainants who are under threat of retaliation, and the need to provide clearer rationale for Panel decisions on whether to register and/or investigate complaints. The Panel also noted the benefits of collaborating with other compliance mechanisms, such as the European Investment Bank's Complaints Mechanism, with which we undertook a joint investigation in Kenya.

Operationally, the Panel focused on implementing the Operational Procedures issued in FY 2014. Improvements included streamlining several internal procedures and tightening investigation schedules in order to provide more timely responses to Complainants. The investigation in the Kenya Electricity Expansion Project, for instance, will be the first investigation to be completed in under six months. More importantly, the Panel has continued to emphasize the broader development implications of its investigations by framing compliance findings within a wider context. Such framing will make our findings clearer, our impact stronger, redress more effective, and institutional learning more robust.

The past year also brought important changes to the Panel's communications, outreach, and knowledge-sharing efforts in keeping with its commitment to transparency and accountability. The Panel introduced enhancements to its website and launched the use of several social media instruments, including Facebook, Twitter, and LinkedIn. These tools will allow for more timely information dissemination. The Panel also adopted a new format and frequency for its newsletter and a greatly expanded list of contacts. The Panel continued to organize knowledge-sharing sessions at the World Bank's Annual and Spring Meetings and also launched a new Accountability Dialogue Series geared to promote debate and share lessons on accountability and compliance issues. The Panel also increased its participation in networking conferences and the sponsoring of informational workshops worldwide, including events in Johannesburg (South Africa), Berlin (Germany), Banjul (The Gambia), and Lima (Peru), as well as numerous meetings in Washington with a wide variety of stakeholders. Finally, the Panel co-organized civil society outreach events with other IAMs in London (UK), Washington (US), Istanbul (Turkey), and Zagreb (Croatia).

Looking forward, the Panel will continue its vital compliance work within a changing and increasingly complex development landscape in order to strengthen accountability at the World Bank and provide redress to affected persons where needed.

GONZALO CASTRO DE LA MATA
ZEINAB BASHIR ELBAKRI
JAN MATTSSON

THE PANEL *Description*

Who We Are

The Inspection Panel is an independent complaints mechanism for people and communities who believe that they have been, or are likely to be, adversely affected by a World Bank–funded project. The Board of Executive Directors created the Inspection Panel in 1993 to promote greater accountability at the World Bank by ensuring that people have access to an independent complaints body to express their concerns and seek recourse. The Panel is an independent and impartial fact-finding body that reports directly to the Board. It was the first complaints mechanism established by a multilateral development bank and was the precursor to similar accountability bodies in over 15 international organizations. The Panel interacts regularly with a wide range of stakeholders including: World Bank Board members, senior managers, and staff; national and local government officials; Complainants, community leaders, civil society organizations (CSOs); donor agency officials; and academics and students.

Inspection Panel Members and Staff

What We Do

In response to complaints from project-affected people, we have a mandate to review projects funded by the World Bank, through the International Bank for Reconstruction and Development (IBRD) and/or International Development Association (IDA). The Panel assesses allegations of harm to people, livelihoods, or the environment and reviews whether the Bank has followed its operational policies and procedures. The Panel's review often includes issues such as the following:

- Social impacts as a consequence of displacement and resettlement related to infrastructure projects, such as dams, roads, and mines
- Environmental impacts related to climate change, pollution, and deforestation
- Adverse effects on natural habitats, including protected areas such as wetlands, forests, and water bodies
- Adverse impacts to indigenous peoples, their ancestral lands, cultural heritage, and other rights
- Problems related to lack of information disclosure, inadequate consultations, and ineffective project supervision

To date, the Panel has received 103 complaints from over 50 countries involving a wide range of development issues. Of these, 82 were registered and 34 investigated. For more detailed information on the Panel's case load see the graphs on pages 62–63.

Our Structure

The Inspection Panel consists of three members appointed by the Board of Executive Directors for a five-year, nonrenewable term. Members are selected on their ability to deal thoroughly and fairly with the complaints brought to them, their integrity and independence from Bank Management, and their experience and expertise with international development issues. Panel members select the Chairperson of the Panel annually from among themselves.

Current Members: Zeinab Elbakri (member since September 2012), Gonzalo Castro de la Mata (member since December 2013), and Jan Mattsson (member since November 2014). The present Chairperson is Gonzalo Castro de la Mata.

Former Members: Richard Bissel (1994–97), Alvaro Umaña (1994–98), Ernst-Günther Bröder (1994–99), Jim MacNeill (1997–2002), Edward Ayensu (1998–2003), Maartje van Putten (1999–2004), Edith Brown Weiss (2002–07), Tongroj Onchan (2003–08), Werner Kiene (2004–09), Roberto Lenton (2007–12), Alf Jerve (2008–13), and Eimi Watanabe (2009–14).

The Panel has a small and permanent Secretariat. It is headed by Executive Secretary Dilek Barlas. The office also consists of Senior Operations Officers Serge Selwan, Tatiana Tassoni, and Mishka Zaman; Senior Civil Society Specialist John Garrison; Operations Analyst for Communications and Research Dilya Zoirova; Junior Professional Officer Birgit Kuba; Senior Executive Assistant Oriana Bolvaran; and Program Assistant Rupes Dalai. The Panel also hosts student interns each summer.

The Secretariat provides operational and administrative support to the Chairperson and Panel members and assists the Panel in processing complaints, conducting investigations, and responding to queries from potential Complainants. The Secretariat also: organizes and participates in outreach activities such as policy discussions, conferences, and informational workshops; disseminates information about the Panel and its activities through publications and social media; and provides general research and logistical support to the Panel members. The Panel hires independent and internationally recognized experts to assist with its investigations in order to ensure expert and evidence-based analysis of complaints.

Community members meeting with Panel Team during visit to Cherangany Hills, Kenya

Communications

OUTREACH AND KNOWLEDGE-SHARING

The Panel's mandate is to provide recourse to affected persons who feel that they have or are likely to be adversely affected by World Bank–financed development projects. It is essential, therefore, that affected persons are aware of the Panel's existence and can access its services. At the same time the Panel also needs to communicate proactively with its other key stakeholders including: World Bank Executive Directors, management, and staff; government officials; CSOs; other donor agencies; and accountability experts.

For this reason, the Panel continues to strive each year to expand its communications and outreach activities. There was an increase of activities in both areas this past year due to greater use of social media and increased participation in outreach events worldwide. The Panel also stepped up efforts to share knowledge and lessons learned from its two-decade-long experience of promoting accountability. As development challenges become more complex and demand for compliance grows, the Panel is contributing its own perspectives to this global discussion on accountability.

Communications

The Panel strengthened both its printed and online communications products over the past year. It published translated versions of its general external brochure "The World Bank Inspection Panel: Where Your Concerns are Heard" into Arabic, French, Portuguese, Spanish, and Turkish. Translations into six additional languages are forthcoming. The Panel also published an English-language version of a brochure geared to World Bank staff titled "Frequently Asked Questions by Bank Staff about The Inspection Panel," which is available on the web. The staff also published the *Fiscal Year 2015 Annual Report,* which was released at the 2015 Annual Meetings in Lima, Peru.

There were substantial enhancements to Panels' online communications capabilities. First, several new features were added to the website including an interactive map, video library, and a redesigned Panel cases search section. Second, the Panel newsletter was renamed ("Accountability Matters"), reformatted (shortened and made more web-based), and its publication frequency increased (from annual to quarterly). Third, the list of external contacts was greatly expanded and placed on an automated listserv for easier handling. Fourth, the Panel launched a presence on several new social media platforms—including blogs, Facebook, LinkedIn, and Twitter—which will allow for more timely information dissemination

Website

Facebook page

Twitter account

to its many stakeholders. The Twitter account, in particular, will allow the Panel to provide timely information to a wide audience on processing of new complaints, timelines for investigations, release of documents, and events.

Outreach

The Panel also increased its stakeholder outreach efforts. Activities included receiving visitors at the Panel, holding regular meetings with CSO representatives, participating in networking conferences, and sponsoring informational workshops worldwide. Visitors included CSO representatives, as well as academics, researchers, and student groups interested in learning about the Panel's role and work. Panel leadership and staff held numerous meetings with CSOs in Washington, DC and worldwide to discuss a wide range of issues including sexual orientation and gender identity & expression (SOGIE), human rights, indigenous peoples, environment, and accountability. During each trip undertaken to assess and/or investigate a complaint, Panel members meet with a wide range of stakeholders including Complainants, CSOs, government officials, local Bank staff, and other donor agencies.

Panel members participated in or organized outreach events in South Africa, Germany, The Gambia, and Peru. It also co-organized civil society outreach events with other IAMs in the United Kingdom, United States, Turkey, and Croatia. See below descriptions of some of the key events.

CIVICUS International Civil Society Week—South Africa

Mishka Zaiman and John Garrison participated in the CIVICUS International Civil Society Week (ICSW) held in Johannesburg on November 21–24, 2014. The CIVICUS biannual assembly is one of the world's largest gatherings of CSOs and this year attracted some 700 CSO representatives. In addition to attending the ICSW events and mingling with CSO leaders, they organized an informational meeting with African and international CSOs, held a meeting with South African CSOs, and distributed IPN brochures and reports. The informational meeting with international CSOs attracted some 30 CSO leaders from over 20 countries. The main issues brought up included: how does the Panel ensure the independence of its findings, how the Panel investigates cases, and the Panel's relationship with governments. Zaiman and Garrison also met with a group of South African CSOs through the auspices of the South Africa Forum for International Solidarity (SAFIS) to provide information on the Panel's work and discuss ways to strengthen its outreach in that country.

African Commission on Human and People's Rights—The Gambia

Conscience International (CI) and the Inspection Panel organized a CSO outreach workshop in Banjul, The Gambia on April 19, 2015 for CSO delegates attending the 56th Ordinary Session of the African Commission on Human and People's Rights. Over 40 CSO representatives from over a dozen African and European countries participated in the workshop, which was held within the parallel nongovernmental (NGO) forum events. Serge Selwan made a presentation about the Panel's origins, compliance role, and investigative process. He also shared lessons learned from several recent cases that had human rights dimensions. This was followed by a general discussion led by Shaka Ceesay, CI Director, in which participants asked questions about various aspects of the Panel's work.

African CSO leaders attending workshop on Inspection Panel at Banjul, The Gambia

Topics discussed ranged from the enforceability of the Panel's recommendations and World Bank's acceptance of the Panel's role, to the eligibility criteria CSOs should follow when making a request for an investigation.

CSO Outreach Workshop—Turkey

Several IAMs hosted a Civil Society Outreach Workshop in Istanbul, Turkey on May 12–13, 2015 with representatives from leading CSOs from Turkey and other countries from the East Europe and Central Asia (ECA) region. The purpose of the two-day workshop was geared to: sharing information about the compliance, mediation, and redress work of the IAMs; listening to CSO experiences in engaging these mechanisms; and exchanging views and ideas on how to strengthen accountability principles and practices in the ECA region. Staff from IAMs of the following international financial organizations participated: Inspection Panel and Compliance Advisor Ombudsman (WBG); Complaints Mechanism (European Investment Bank); Project Complaint Mechanism (European Bank for Reconstruction and Development); and Audit Department (Black Sea Trade and Development Bank). From the civil society community, over 30 CSO representatives from 13 countries participated.

Above: **Tatiana Tassoni at CSO Outreach Workshop in Istanbul, Turkey.** ***Right:*** **CSO Outreach Workshop in Instanbul, Turkey**

The event was organized by the Inspection Panel in collaboration with the other IAMs and several national, regional, and international CSOs such as the Organic Agriculture Association (Albania), the Centre for Research on Multinational Corporations (SOMO—the Netherlands), and the Bank Information Center (BIC—United States).

Knowledge Sharing

Although the main tool of the Inspection Panel is compliance review, a broader understanding of the global development context is critical to enhance the value and impact of its work. For this reason, the Panel increased its efforts to share knowledge and lessons learned from two decades of work and over 100 complaints covering a wide range of contexts and development issues. This included holding several policy discussion events during the World Bank's 2014 Annual Meeting and WBG/IMF 2015 Spring Meetings, as well as launching an "Accountability Dialogue Series" with a first event on sustainable infrastructure. In addition, two staff members—Dilek Barlas (Executive Secretary) and Tatiana Tassoni (Senior Operations Officer)—published a chapter entitled "Improving Service Delivery through Voice and Accountability" in the 6th volume of the World Bank Legal Review. See below a summary of the major knowledge-sharing sessions.

Session on Nigeria Pilot Case

The Panel organized a policy dialogue session on October 9 during the Civil Society Policy Forum of the World Bank's 2014 Annual Meeting. The purpose of this session was to discuss the suitability of a pilot approach recently adopted by the Panel to support early solutions of grievances brought to it by local Complainants. The session focused specifically on the process of decision making and outcomes of the Nigeria Lagos Metropolitan Development and Governance Project (LMDGP—Case #91), which involved the removal and compensation of urban squatters impacted by an urban infrastructure project.

The session was chaired by Satu-Leena Santala (Executive Director for Finland) and panelists included Eimi Watanabe (then Inspection Panel Chairperson), Felix Morka (Executive Director, Social and Economic Rights Action Center, Nigeria), Ian Bannon (Practice Manager, Urban, Rural and Social Development Global Practice (WBG), and Alessandra Masci (Strategy Advisor on Business and Human Rights at Amnesty International). The panel pre-

sentations and the general discussion that followed led to a lively discussion around several key issues such as whether the compensation paid to the Complainants was adequate, how well the local decision-making process worked, and if the pilot approach undermines the Panel's compliance mandate.

Session on Accountability for Better Development Outcomes

The Panel and the Compliance Advisor Ombudsman (CAO) hosted a high-level session on April 16, 2015 during the 2015 WBG/IMF Spring Meetings titled "Accountability for Better Development Outcomes: A Conversation with Government, Industry, and Civil Society." The objective of this session was to promote a discussion between government, civil society, and private sector leaders around their distinct experiences in managing risks, promoting accountability, and identifying opportunities for improved development outcomes.

The panel was co-chaired by Gonzalo Castro de la Mata (Chairperson, Inspection Panel) and Osvaldo Gratacós (Vice President, CAO) and included the participation of Ambassador Miguel Castilla (Former Finance Minister, Peru), Ray Offenheiser (President, Oxfam America), and Deirdre White (CEO, PYXERA Global). The session began with a welcome video from Jim Yong Kim (President, WBG), who noted that while international development requires risks, we need to ensure that the poor and vulnerable do not bear the costs of these risks. There were some 80 WBG staff, CSO representatives, government officials, and other stakeholders in attendance, and the session was webcast live.

Session on Accountability Mechanisms and Indigenous Rights

The Panel and the Forest Peoples Programme hosted an event titled "Accountability Mechanisms and Indigenous Peoples Rights: Experiences from the Field" on April 17, 2015 during the Civil Society Policy Forum at the WBG/IMF 2015 Spring Meetings. The session was chaired by Antonio Henrique Pinheiro Silveira (Executive Director from Brazil at the World Bank), and panelists included Gonzalo Castro de la Mata (Chairperson of the Inspection Panel), Victoria Tauli-Corpuz (UN Special Rapporteur on the Rights of Indigenous Peoples), Helen Tugendhat (Policy Advisor at the Forest Peoples Programme), and Reidar Kvam (Senior Manager at the Environment, Social and Governance Department of the International Finance Corporation—IFC). The objective of this session was to bring together experts and practitioners from different organizations and backgrounds to discuss experiences and lessons emerging from recent Panel and other cases involving indigenous communities, and the struggles of those communities to preserve their identities, cultures, livelihoods, and rights.

Accountability Dialogue Series

The Inspection Panel launched a new "Accountability Dialogue Series" to promote discussion around issues of accountability and compliance. The first session of this knowledge series was held on May 28, 2015 in Washington, DC and titled "Leveraging Science to Promote Environmentally Sustainable Infrastructure." Its focus was on how to use science to mitigate the potentially negative environ-

Victoria Tauli-Corpuz of the United Nations Speaking during policy session on Accountability Mechanisms and Indigenous Rights, Washingon, USA

Policy session on Accountability Mechanisms and Indigenous Rights, Washingon, USA

mental and social impacts of large infrastructure projects. The session was chaired by Gonzalo Castro de la Mata (Panel Chairperson) and featured Francisco Dallmeier (Director of the Center for Conservation and Sustainability of the Smithsonian Conservation Biology Institute). Francisco shared examples of Smithsonian scientists applying groundbreaking technologies and tools to minimize the ecological footprint of several large energy projects in Peru.

This presentation was followed by comments from two discussants: Janet Ranganathan (Vice President for Science and Research at the World Resources Institute), and Robert Montgomery (a Lead Environmental Specialist at the World Bank). They made several important points, such as the need to incorporate "ecosystem services" principles upstream in project design, and the need to consider alternative designs, technologies, and economies of scale when funding mega infrastructure projects in order to ensure that they are pro-poor and cost effective. Going forward, the dialogue series will continue to explore issues that can help both the Panel and the development community identify and discuss the challenges and opportunities related to compliance and accountability.

Top left: **Accountability Dialogue Session on Sustainable Infrastructure, Washington, USA.** ***Top right:*** **Francisco Dallmeier of the Smithsonian speaking at session on Sustainable Infrastructure, Washington, USA.** ***Bottom left:*** **International student activists visiting the Panel to discuss the WBG safeguards review process.** ***Bottom right:*** **High level policy session on Accountability for Better Outcomes, Washington, USA.**

Complainants meeting with Panel Team in Uttarakhand State, India

The Panel experienced an increase in the number of complaints received and processed this past year. There were a total of 17 cases processed. Information on these cases is presented in summary fashion in the next section. Depending on the nature of the case, the following information is provided: Bank Project Information, Description of Complaint, Bank Management Response to Complaint, Panel Recommendation and Investigation Report, Board Discussion, and Bank Management Action Plan. More detailed information on all these cases can be found on the Panel's website: www.inspectionpanel.org.

Cases

CASES WITH INVESTIGATIONS UNDERTAKEN

CASE NO. 81
India: Vishnugad Pipalkoti Hydro Electric Project

CASE NO. 82
Ethiopia: Promoting Basic Services Phase III Project

CASE NO. 84
Kenya: Natural Resource Management Project

CASE NO. 87
Nepal: Power Development Project

CASE NO. 97
Kenya: Electricity Expansion Project

INDIA: VISHNUGAD PIPALKOTI HYDRO ELECTRIC PROJECT

CASE NO. 81

PROJECT INFORMATION

Vishnugad Pipalkoti Hydro Electric Project

Project No.:	P096124
Region:	South Asia
IBRD Loan:	US$648m
Board Approval Date:	June 30, 2011
Closing Date:	December 31, 2017

The Vishnugad Pipalkoti Hydro Electric Power Project (VPHEP) is a proposed 444 megawatt run-of-the-river hydro project on the Alaknanda River, which is a headstream tributary of the Ganges River. The Project seeks to increase the supply of electricity to India's national grid through the addition of renewable, low-carbon energy. It also aims to strengthen the institutional capacity of the Tehri Hydro Development Corporation (THDC) with respect to the preparation and implementation of economically, environmentally, and socially sustainable hydropower projects. The VPHEP is an environmental Category A project. The Borrower is THDC Limited and the Guarantor is the Government of India. The major features of the VPHEP are a diversion dam, a 13.4 kilometer headrace tunnel, an underground powerhouse, and a 3 kilometer tailrace tunnel that will return the diverted water back to the Alaknanda River. The Project is under implementation.

COMPLAINT

The Inspection Panel received a Complaint on July 23, 2012 concerning the Vishnugad Pipalkoti Hydro Electric Project (VPHEP), which is being constructed in Uttarakhand State on the Alaknanda River. The Complaint was submitted by residents of Chamoli and Tehri District in Uttarakhand, some of whom have requested confidentiality. The Complainants stated that they do not want the river to be diverted or controlled in any way. They raised several social, cultural, and environmental concerns regarding the Project, and related issues of compliance with Bank policies and procedures. The Complainants believe that the free flow of the Alaknanda River holds immense spiritual and aesthetic value for them, which, in their view, has not been estimated by Project authorities. Additionally, the Complaint expressed concerns about the impacts of the Project on local water sources and water quality, loss of biodiversity and other environmental harms, impact on livelihoods and health, economic issues, and gender concerns. Complainants also raised concerns about the lack of transparency and consultations and the absence of adequate analytical studies on the issues in question.

MANAGEMENT RESPONSE

Management submitted its Response to the Complaint on October 24, 2012. Management stated that the VPHEP is a "relatively moderate risk project from an environmental and social perspective," and that it believed the Bank followed the applicable guidelines, policies, and procedures. According to Management, the Project involves a "low level" of resettlement comprising 265 families, mainly from the acquisition of privately owned land for road access, project office space, switchyard, and quarry areas. Though the reservoir will submerge 21 hectares of land, this will not cause any displacement as the reservoir will be situated in a deep gorge. No houses, structures, agriculture land, or common infrastructure will be affected. Management stated that the Request for Inspection is largely about the Complainants' opinion on what they consider to be the real impact and value of large hydropower development in India. Management noted that while this is part of the important ongoing national debate in India, it goes beyond the underlying Project and its compliance with Bank policies and procedures.

Management further stated that a primary concern that has emerged in the debate on hydropower development on the Alaknanda River is the issue of ensuring adequate environmental flows (the mandatory flow of water to be kept in the river). In the case of the Project, riverwater flow has been raised from a planned 3 cubic meters per second (cumecs) to 15.65 cumecs after a Government-commissioned review proposed a revision. Management also stated that the impacts referred to in the Complaint have been taken into account in the course of Project preparation and are being addressed through appropriate mitigation measures. Moreover, Management noted that many of the construction-related grievances raised in the Complaint cannot be related to the Project, since Project construction has not yet begun. Management stated it is committed to ensuring that the Project complies with relevant environmental, health, and safety regulations of India, and the Bank's operational policies and procedures.

PANEL INVESTIGATION

A Panel team visited the Project area in November 2012 and issued its Report and Recommendation to the Board of Executive Directors on November 26, 2012. The Panel determined that the Complainants and the Complaint met the technical eligibility criteria set forth in the Panel's governing framework, and that the claims raised issues of harm and noncompliance of a serious character. In light of these concerns, the Panel recommended an investigation. On December 18, 2012, the Board of Executive Directors approved the Panel's Report and Recommendation to investigate matters of policy noncompliance and related harm. The Board decided that the investigation would be effective as of March 15, 2013.

A Panel team visited India from April 22 to May 2, 2013 to carry out the investigation. In addition to meeting relevant stakeholders and World Bank staff in Delhi, the Panel team spent most of its time in the Project area in Chamoli District, where it met with the Complainants, villagers, Project authorities, and other interested parties. The Panel's investigation focused on the key concerns of local-level harm or potential harm raised in the Complaint and the adequacy of preventive and mitigation measures outlined in Project documents as required by Bank operational policies and procedures. The Panel submitted the Investigation Report to the Board on July 1, 2014.

The Inspection Panel found that the Bank was in broad compliance with its policies and procedures while preparing the Project and that it had introduced some best practices in the technical, environmental, and social aspects. The Panel report also highlighted initiatives to assess the cumulative impacts of hydropower development in the upper reaches of the Ganga River. The report recognized as good practice the decision in 2011 to raise the environmental flow requirement (the mandatory flow of water to be kept in the river) for VPHEP from 3 cumecs to 15.65 cumecs. It also noted the importance of closer coordination of projects across the Alaknanda Basin, where the VPHEP is located, possibly through a river basin management mechanism.

The Panel found two areas of noncompliance. These related to mitigation measures to be operationalized in case the local water source dried up as a consequence of Project construction, and the possible impacts on Hatsari, a hamlet of eight households in the vicinity of the proposed powerhouse. The Panel also stressed the need for close monitoring of women's access to community forests in the Project-affected villages. The Panel recognized that the Project's impact in this respect will be marginal for most households but it stressed the need for continued oversight to ensure that women, who predominantly collect fuel and fodder for their households, are not disproportionately impacted by any potential changes to their access to community forests. It also recommended continued attention to ensure that the safety of women in the Project area is not affected by the influx of construction labor.

MANAGEMENT RECOMMENDATIONS

In response to the Panel's findings, Management submitted its Report and Recommendation on August 13, 2014 and a Summary of Management Actions on September 26, 2014. Management committed to closely monitor the issues raised by the Panel, as well as any other that may arise during Project implementation in order to enhance the sustainability and viability of the Project. Regarding the possible impacts on water sources, Management clarified that the Project developer is regularly tracking any change in community drinking water sources and the Bank will continue to monitor this closely. The Bank will also ensure that the developer provides an appropriate solution if a water source in the Project-affected area does indeed dry up. On Hatsari, the Bank will continue to monitor the relocation options that the Hatsari community selects and ensure that these are implemented as planned.

BOARD DISCUSSION

The Board of Executive Directors met on September 30, 2014, to discuss and approve the Action Plan included in the Management Report and Recommendation submitted in response to the Inspection Panel Investigation Report. During the Board discussion, Executive Directors noted their appreciation for the Panel and Management for working toward ensuring better development outcomes for affected communities and learning for the institution. It was agreed that Bank Management will update the Board of Executive Directors on these issues within 12 months, and will keep it appraised on general progress. The Panel's Investigation Report and Management Report and Recommendation are publicly available on the Panel's website.

ETHIOPIA: PROMOTION OF BASIC SERVICES

CASE NO. 82

PROJECT INFORMATION

Promotion of Basic Services

Project No.:	P128891
Region:	Africa
IDA Credit Amount:	US$600 million
Board Approval Date:	September 25, 2012
Closing Date:	January 7, 2018

The World Bank involvement in the Promotion of Basic Services (PBS) Program started in May 2006 and is composed of four continuous operations, including two Additional Financing (AF) operations: PBS I, PBS I-AF, PBS II, PBS II-AF, PBS-Social Accountability Program, and PBS III. The PBS Project's objective is to contribute to expanding access and improving the quality of basic services delivered by subnational governments in five sectors—education, health, agriculture, water supply and sanitation, and rural roads—while continuing to deepen transparency and local accountability in service delivery. Sub-program A provides for Basic Service Block Grants for recurrent expenditures (salaries, operations and maintenance) in the five basic service sectors, which are disbursed from the federal level to the regions and from the regions to the *woredas* (districts).

COMPLAINT

The Inspection Panel received a Complaint on September 24, 2012 related to the Ethiopia: Protection of Basic Services (PBS) Program, specifically the Phase II Project Additional Financing (PBS II-AF) and the Phase III Project (PBS III). The Complaint was submitted by two local representatives on behalf of 26 Anuak people from the Gambella region of Ethiopia who currently live in refugee camps outside of Ethiopia. The local representatives and the Complainants asked the Panel to keep their identities confidential because of serious concerns about their personal security and that of relatives in Ethiopia.

The Complaint states that the Complainants have been harmed by the Bank-supported PBS Program as a result of the World Bank's noncompliance with its policies and procedures. This is because, in their view, the PBS Program is contributing directly to the Ethiopian Government's Commune Development Program (CDP), also known as the "villagization program," in the Gambella Region, launched by the Government of Ethiopia in 2010. The Complaint maintains that Government workers whose salaries are paid under the PBS Program have implemented the CDP. According to the Complainants, the Anuak people are being forced to leave their ancestral lands under mass evictions with the pretext of providing better services and improving the livelihoods of communities. The Complainants claimed that they found infertile land and no schools, clinics, or other basic services in the new new sites to which they were forcibly moved. They add that some of the Government workers opposed the implementation of the CDP and as a result have been the targets of arrests, beating, torture, and killing.

MANAGEMENT RESPONSE

Management submitted its Response to the Complaint on November 19, 2012. Management stated that PBS III did not finance CDP and did not depend in any way on CDP in order to achieve its objectives, and that the Program was neither built upon nor synchronized with CDP. Management argued that the harm described in the Complaint did not arise from PBS III or a Bank failure in applying its policies. Nevertheless, Management stated that it was troubled by the reports and took these allegations of harm very seriously. It undertook an extensive review of the allegations made in the Complaint and raised these concerns with the new Prime Minister, the Finance

and Federal Affairs ministries, and in the regular dialogue between the Bank and the Government of Ethiopia.

The Response also noted that general and unspecific allegations of misuse of funds were raised since 2005 regarding many programs in Ethiopia. However, given the general nature of the allegations, they did not provide a basis for revising PBS implementation arrangements, "which were carefully thought through, were strengthened with development of each phase of support, and are considered robust." Management also pointed out that there are mechanisms in place that provide evidence in cases where such allegations are substantive. Furthermore, Management saw no scope for the application of the safeguard policies on Indigenous Peoples (OP 4.10) and Involuntary Resettlement (OP 4.12) to the PBS, as the Bank did not finance CDP.

Girl in Gorom refugee camp, South Sudan

PANEL INVESTIGATION

On February 8, 2013, the Panel recommended that the Board of Directors authorize an investigation into the issues raised in the Complaint. The Board approved the Panel's recommendation. The Panel conducted an investigation visit to the project area in February 2014 and submitted its Investigation Report in November 2014.

The Panel's investigation found an operational interface in Gambella between the PBS program and the CDP. Considering the magnitude of the PBS operation, the nature of block grant financing, and the overlapping implementation between PBS III and CDP, the Panel concluded that Management did not carry out the full risk analysis required by Bank policies; nor were its mitigation measures, under PBS, adequate to manage the concurrent rollout of the CDP program. While the Panel concluded that the involuntary taking of land and use of force and intimidation were not consequences of PBS, it found that the risks arising from the Government's implementation of CDP were not adequately assessed, particularly in the delivery of agricultural services to the Anuak. The Panel also found that the Bank should have applied the Indigenous Peoples Policy and taken into account that the livelihoods, well-being, and access to basic services for Anuak are closely tied to their access to land and natural resources. With respect to financial management, the Panel also found that the Bank's assertion that PBS funds could be tracked at the *woreda* level could not be substantiated.

MANAGEMENT RECOMMENDATIONS

Bank Management proposed measures to address the many livelihoods challenges of the people of Gambella described in the Panel's Report. These measures include: implementing a new program to benefit smallholder farmers in Gambella; ensuring that national programs geared to improving social services and alleviating hunger directly benefit the residents of Gambella; improving the development prospects of refugees from Gambella, as part of the new Horn of Africa Initiative launched by Bank President Kim in October 2014; and additional funding for a Public Financial Management operation, which would complement the work done under PBS.

BOARD DISCUSSION

In February 2015 the Board discussed the Panel's Investigation Report and Management's Report and Recommendation. World Bank management will update the Executive Directors over the coming 12 months on the implementation of its Action Plan. The Panel's Investigation Report and Management Report and Recommendation are publicly available on the Panel's website.

KENYA: NATURAL RESOURCE MANAGEMENT PROJECT

CASE NO. 84

PROJECT INFORMATION

Natural Resource Management Project

Project No.:	P095050
Region:	Africa
IDA Credit Amount:	US$68.50 million
Board Approval Date:	March 27, 2007
Closing Date:	June 30, 2013

The Natural Resource Management Project (NRMP) Project, approved in 2007, aimed at enhancing government capacity to manage water and forest resources and improving the livelihoods of communities participating in the co-management of water and forest resources. The Project was restructured in 2011 and its objectives changed to "improving the management of water and forest resources in selected districts." The Complaints related to the Management of Forest Resources component, which was conceived, among other things, to identify partnership models for community participation and benefit sharing in the forest sector and realign and demarcate boundaries in selected gazetted forests. The restructured Project supports preparation and implementation of what would be equivalent to Indigenous Peoples Plans, in Kenya, called Vulnerable and Marginalized Group Plans (VMGPs).

COMPLAINT

The Panel received two Complaints regarding the Kenya Natural Resource Management Project (NRMP) in January and June 2013. The Complaints were submitted by two groups representing respectively *Sengwer* communities and *Cherangany* Indigenous Peoples Communities. Both groups were living in the Cherangany Hills in the western highlands of Kenya, including the Kapolet and Embobut Forests. The first Complainants asked for confidentiality.

The Complainants argued that the Embobut forest, where they live, forms part of the ancestral land of the Cherangany-Sengwer people as an ethnic-minority, hunter-gatherer people. According to the Complaints, since 2007 the Kenya Forestry Service (KFS) has burned houses, destroyed property, and carried out forceful evictions in the forest. They stated that the Government intended to resettle the Cherangany-Sengwer outside of Embobut forest as part of the NRMP without carrying out "free, prior, and informed consultations" as required by Operational Policy 4.10 on Indigenous Peoples. The Complainants further alleged that the Bank violated OP 4.10 by adopting the use of the term Vulnerable and Marginalized Groups instead of Indigenous Peoples without carrying out adequate free, prior, and informed consultations with the people themselves. They also stated that this represented a failed implementation of the Project's Indigenous Peoples Planning Framework (IPPF) and Social Assessment.

MANAGEMENT RESPONSE

Bank Management acknowledged the challenging environment in which the NRMP was designed and implemented, and noted that the original Project design was overly ambitious with respect to solving land rights issues. Management stated that the Bank took an active approach in responding to the concerns raised in the Complaints. It also stated that "although the evictions were not the result of the Project, Management acted swiftly upon learning about such incidents by securing a moratorium on evictions from the Government." Other actions taken during the restructuring aimed at addressing indigenous peoples' concerns related to restriction of access to forests and loss of customary rights.

PANEL INVESTIGATION

The Panel recommended that an investigation be carried out, and the Board of Directors approved this recommendation on June 7, 2013. The Panel carried out its investigation and submitted its Investigation Report to the Board on May 22, 2014. In its Investigation Report, the Panel acknowledged that evictions had been occurring in the Cherangany Hills before, during, and after the NRMP and found that no evictions were supported as part of the Project. At the same time, the Panel found that the risks of evictions were not properly understood in Project design and that a correct application of the Bank's safeguard policies may have prevented or mitigated some of the harms caused by these evictions. The Panel noted that the inclusion in the Project of an area ridden with long-standing land conflict issues and where indigenous peoples are present (Cherangany Hills) warranted an adequate analysis of Project impacts and risks, and planning of mitigation measures. In addition, the original Project design included frameworks to address the risk of evictions through the IPPF and the Resettlement Policy Framework (RPF), but no planning for their implementation occurred, and no resettlement plan was prepared for any forested area under the Project.

The Panel found that given the historical mission of KFS and its predecessor (the Forestry Department), which primarily used a compliance and enforcement approach, the risks associated with the lack of past experience of this institution in implementing the Project through a collaborative and community-based approach were not properly understood. With respect to supervision of project implementation, the Panel found that Management was aware and concerned about evictions during project implementation, and responded repeatedly and firmly and brought to the attention of the Borrower instances of noncompliance with social safeguards obligations.

The Panel also found that the use of the term Vulnerable and Marginalized Groups instead of Indigenous Peoples does not in itself amount to noncompliance with OP/BP 4.10 because the policy does not require its use to ensure protection of the rights included therein. At the same time, the Panel noted that for the Cherangany-Sengwer the term Indigenous Peoples is central to their self-identity and therefore for the protection of their customary rights. It was the Panel's view that meaningful compliance with the Indigenous Peoples policy calls for more consideration to be given to a community's attachment to a particular designation through greater consultation, and in ensuring that the use of any other designation does not dilute the full customary rights of Indigenous Peoples as enshrined in OP 4.10.The Panel found that activities under the Project aimed at participatory management of forests, but that engagement with communities was not followed up and implemented as required by OP 4.10.

Finally, the Panel observed that in general there was a need to properly understand the complexities of long-standing historical conflicts, particularly when they relate to land issues and indigenous peoples' claims. The NRMP raised expectations for land allocation and a long-awaited solution to what the Cherangany-Sengwer considered their long-term legitimate claims, which the Project was not able to solve.

BOARD DISCUSSION

The Board of Executive Directors met on September 30, 2014, to discuss and approve the Action Plan included in Management Report and Recommendations submitted in response to the Inspection Panel Investigation Report. Corrective steps proposed by Management included a major consultation process to be carried out by the Government to ensure that the voices of Cherangany-Sengwer people are heard on this resettlement matter. The consultation was recently held and focused on the ancestral land rights of forest communities. Upon request of the Board of Executive Directors, Bank Management will update the Board after 12 months on further actions that may be identified during ongoing dialogue and consultations. More broadly, the Bank will continue engaging with the Government of Kenya to help develop solutions to these complex sustainable natural resource and land management issues.

Sengwer women meeting with Panel Team during visit to Cherangany Hills, Kenya

NEPAL: POWER DEVELOPMENT PROJECT

CASE NO. 87

PROJECT INFORMATION

Power Development Project

Project No.:	P043311
Region:	South Asia
IDA Credit and Grant Amount:	US$75.60 million
Board Approval Date:	May 22, 2003
Closing Date:	December 31, 2013

The Power Development Project (PDP) aims to support the development of Nepal's hydropower potential, increase access to electricity services in rural areas, and improve the supply of electricity. The Project, when originally approved on May 22, 2003, consisted of three components: (a) establishment of a Power Development Fund (PDF); (b) the Micro Hydro Village Electrification Program; and (c), the Nepal Electricity Authority (NEA) component, which supports grid transmission and distribution improvements. The PDP is an environmental Category A project. The Project was financed through an US$50.4 million credit and US$25.2 million IDA Grant. The Project closed on December 31, 2013.

COMPLAINT

The Panel received a Complaint on July 10, 2013 related to the Nepal Power Development Project (PDP), specifically the 220 kilovolt (kV) Khimti-Dhalkebar Transmission Line under its Component C. The Complaint was submitted by 103 families who state they are indigenous and nonindigenous people from three villages of Sindhuli District. The Complaint raised two broad issues of harm, or potential harm, and related noncompliance with Bank policies, namely harms related to deficiencies with the process of land acquisition and establishment of a right-of-way (RoW) in Sindhuli District, and harms that may have been avoided had a different alignment been selected based on a study of alternatives conducted in accordance with Bank policies and procedures.

The Complainants stated that they oppose the selected alignment of the 75 kilometer transmission line based on what they perceive to be its impacts on community life and the local economy. Also, according to the Complaint, a large number of indigenous and local people are at risk of displacement as a direct result of land acquisition for the construction of towers and the RoW. The Complainants emphasize that project-affected individuals, notably indigenous people in Sindhuli district, were never consulted on the design, location, or alignment of the transmission line; nor were they consulted during the preparation of the various safeguard documents.

MANAGEMENT RESPONSE

The Management Response to the Complaint was received on September 18, 2013. Management believes the Complaint is based on assumed harmful outcomes of Project implementation and assumed inaction on behalf of the Bank. Management claims that an adequate analysis of alternatives was carried out, first, during the design phase and preparation of the Environmental Impact Assessment (EIA), and second, during a Government review of the alignment of the 3.85 kilometer segment of the transmission line in question, which concluded that the current alignment was the best option. Management also asserts that the NEA carried out a series of consultations in the Project areas, which included Sindhuli District, and Project-related information was disseminated and made available in the Project office.

Panel Team meeting with Complainants in Sinduli District, Nepal

In line with assertions made in the Complaint, Management concurs that the disclosure of safeguard documents for the PDP has been uneven, requires significant strengthening, and remedial measures have been put in place. Management notes that the key dispute regarding the Project relates to compensation of land holders in the RoW whose land is not being acquired but who would be impacted by the power lines passing over their land. With respect to compensation already paid, Management asserts that compensation was provided according to Bank policy.

Management further states that the Vulnerable Community Development Plan (VCDP) could have been stronger and more rigorous in its analysis and could have provided more detailed Action Plans and benefits for different groups. Management also acknowledges that the Project-level grievance redress mechanism was not as robust as it could have been. In conclusion, Management states that the Bank has followed the policies and procedures applicable to the matters raised in the Complaint in a very challenging country context, and that it will continue to supervise the Project to ensure adequate implementation of the environmental and social mitigation measures.

PANEL INVESTIGATION

A Panel team visited Nepal from September 30 to October 4, 2013, to conduct its eligibility visit and gather input for its Report and Recommendation to the Board of Executive Directors. In this Report, the Panel noted that the Bank and NEA had developed an Action Plan, which includes important steps aimed at solving the ongoing dispute in Sindhuli District. The Panel further noted the Bank's declared commitment to supervise the implementation of the proposed Action Plan beyond closure of the Project. At the same time, the Panel noted that the claims of the Complainants regarding Bank's noncompliance and resulting harms continue to have merit.

In light of these observations, the Panel recommended that an investigation be carried out starting after April 30, 2014, to allow for implementation of the proposed actions set forth in the Annex of the Management Response. The Board approved the Panel's recommendation, and a Panel Team visited Nepal in July 2014 to investigate the claims of harm raised and met with the Complainants, other villagers, Bank staff, and Government officials to discuss the Complaint. The Panel issued its investigation report outlining its findings on February 12, 2015.

Women meeting with Panel Team in Sinduli District, Nepal

The Panel found Management to be in compliance with Bank policies related to health impacts, Indigenous People, Protection of Cultural Property, and in the choice of the preparation of an Abbreviated Resettlement Action Plan. The Panel, however, found Management in noncompliance with provisions of the Environmental Assessment policy, resulting in weaknesses related to the analysis of alternatives for the 3.85 kilometer disputed stretch. The Panel also found Management to be in noncompliance with policy provisions regarding institutional analysis and capacity building of the NEA.

On Resettlement and Compensation, the Panel made four related findings regarding the policy on Involuntary Resettlement: (i) the Panel found that the 2006 Abbreviated Resettlement Action Plan did not have updated socioeconomic information on the displaced people's livelihoods before the start of project construction; (ii) the Panel noted significant delays between compensation payments and confusion about when installment payments were to be released; (iii) the Panel also found significant delays and inconsistencies in the provision of Resettlement and Rehabilitation assistance to displaced households in the Right of Way; and (iv) the Panel found the lack of an appropriate and accessible project-level grievance mechanism.

Regarding Disclosure and Consultation, the Panel notes Management's acknowledgement that the safeguard provisions for the disclosure of project documentation required by policies have not been fully observed, and were being rectified. While noting the precarious security situation prevalent in Sindhuli district during the insurgency years, and the travel restriction this placed on Management, the Panel found that Management was noncompliant with Bank policies and did not ensure adequate, timely, and meaningful consultations during project preparation and implementation. On project supervision, the Panel observed that although in the insurgency years it became difficult to regularly visit and supervise the transmission line closely, no alternative means of effective and enduring engagement with the community were developed. Unfortunately, the same "hands off" supervision approach continued in the post-insurgency years. This situation changed after the receipt of the Complaint, when Management established a more proactive approach in implementation.

MANAGEMENT RECOMMENDATIONS

The Management Report and Recommendation was received on March 30, 2015. Management stated its appreciation for the Panel's review of the Project, as well as the Panel's recognition of the importance of the PDP for Nepal, the value of the Bank's engagement in this type of project, the difficult country context, and the steps Management had already taken to address the Complainants' legitimate concerns.

Management concurred with the Panel's findings and noted that the Project has not been completed due to opposition of the Complainants to six towers within the 3.85 kilometer Sindhuli stretch. Management stated it is committed to working with the Nepalese government and the NEA to resolve issues raised by the Panel. Future collaboration will include the proposed Power Sector Reform and Sustainable Hydropower Development Project (PSRSHDP). It will also include a dialogue about the broader issues of institutional reform and capacity building, especially in safeguard management and RoW compensation.

BOARD DISCUSSION

The Board met on July 9, 2015 to consider the Panel's investigation report and approve Management's Report and Recommendation. The Board approved Management's Action Plan and welcomed Management's intention to continue engaging with the Government to support implementation of the actions, with a view to amicably resolving the outstanding issues. The Board emphasized the need to take into account and disseminate the lessons emanating from this case. Management agreed to report back to the Board on the Action Plan in one year's time.

KENYA: ELECTRICITY EXPANSION PROJECT

CASE NO. 97

PROJECT INFORMATION

Electricity Expansion Project

Project No.:	P103037
Region:	Africa
IDA Credit Amount:	US$330 million
Board Approval Date:	May 27, 2010
Closing Date:	September 30, 2016

The Project's development objectives are to increase the capacity, efficiency, and quality of electricity supply, and to expand access to electricity in urban, peri-urban, and rural areas. The Project has four components: (i) Generation, (ii) Transmission, (iii) Distribution, and (iv) Institutional Development/Operational Support. The Complaint relates to the first component, which includes the expansion of the Olkaria I power station and the construction of the new Olkaria IV power plant. This component is implemented by the Kenya Electricity Generating Company Ltd. (KenGen). The Bank's Policies on Involuntary Resettlement, Indigenous Peoples, Environmental Assessment, and Natural Habitats were triggered for this Project, which was classified as an environmental Category A project.

COMPLAINT

On October 26, 2014, the Inspection Panel received a Complaint raising concerns related to the World Bank–financed Kenya Electricity Expansion Project. The European Investment Bank is a co-financier of this Project. The Complaint was submitted by members and representatives of a Maasai community resettled due to geothermal developments in the Greater Olkaria Geothermal Area in Nakuru County in Kenya. The Panel and the Complaints Mechanism of the European Investment Bank, which received complaints relating to the same concerns, entered into a Memorandum of Understanding with the Panel in order to coordinate the processing of these complaints.

The Complainants claim the community agreed to resettle on the condition it would receive communal land-title, which had not been obtained at the time of the Complaint. They assert the resettlement adversely affected them and, instead of restoring or improving their livelihoods, led to impoverishment and social tensions. Many of those resettled now live far from their previous sources of income. They also allege a group of 14 families, largely consisting of orphans, widows, and the most poor, were excluded from receiving houses at the resettlement site. They raise concerns about the cultural compatibility of the resettlement housing, health impacts due to new drilling in the vicinity of the resettlement site, and fear of future relocation. The Complainants lack trust in their community representatives and the Bank, and complain about inadequate consultation and participation, corruption, nepotism, and discrimination.

MANAGEMENT RESPONSE

Management submitted its Response on December 16, 2014. It affirms that it closely monitored the design and implementation of the Project's resettlement activities. Management also affirms that the Resettlement Action Plan adequately mitigated potential adverse impacts. According to Management the livelihoods of project-affected households was restored to pre-displacement levels, or better. A Resettlement Action Plan Implementation Committee and a project-level grievance redress mechanism allowed project-affected persons to seek redress if desired. Management states it did not find that 14 households were excluded from the Resettlement Action Plan and did not see evidence of corruption, nepotism, irregular payments, or

Maasai community members meeting with Panel Team at Olkaria, Kenya

threats of retaliation. A Memorandum of Understanding between the implementing agency KenGen and the community was agreed in a transparent process. The Memorandum includes, among other things, criteria to determine inclusion in the Resettlement Action Plan, eligibility for housing and cash compensation, housing conditions, and the provision of post-resettlement transportation. Management concludes it has followed its policies and procedures, and the Complainants' rights or interests have not been, nor will they be, directly or adversely affected.

PANEL INVESTIGATION

A Panel team visited Kenya in January 2015 and met with the Complainants and other stakeholders in Nairobi and in the project area to assess whether an investigation was warranted. On February 2, 2015, the Panel submitted its Report and Recommendation to the Bank's Board of Executive Directors confirming the eligibility of the Complaint and recommending an investigation. The Board approved this recommendation on February 13, 2015.

A joint field mission with the Complaints Mechanism of the European Investment Bank took place from March 25 to April 2, 2015, and included meetings in Nairobi and in the project area with Complainants and other villagers, KenGen and other government officials, Bank staff, and representatives from other donor agencies. The investigation included extensive examination of documentation obtained in both Washington, DC and Kenya, and additional fact-finding through interviews conducted in Washington, DC. The investigation focused on the identification of Indigenous Peoples and Physical Cultural Resources as well as different aspects of the resettlement process, such as the identification of project-affected persons, consultation and participation, and grievance redress. The investigation further examined the socioeconomic impacts of the resettlement on the affected community as well as aspects of supervision and monitoring. The Panel assessed whether the World Bank complied with its Policies on Indigenous Peoples, Involuntary Resettlement, and Physical Cultural Resources. The Panel's Investigation Report was submitted to the Board on June 29, 2015. This Report and Management's Report and Recommendation are expected to be made publicly available on the Panel's website after discussion by the Board.

Cases

CASES USING THE PILOT APPROACH

CASE NO.91
Nigeria: Lagos Metropolitan Development And Governance Project

CASE NO.95
Paraguay: Sustainable Agriculture and Rural Development Project

NIGERIA: LAGOS METROPOLITAN DEVELOPMENT AND GOVERNANCE PROJECT

CASE NO. 91

PROJECT INFORMATION

Lagos Metropolitan Development and Governance Project

Project No.:	P071340
Region:	Africa
IDA Credit Amount:	US$ 200 million
Board Approval Date:	July 6, 2006
Closing Date:	September 30, 2013

The Project's development objective was to increase sustainable access to basic urban services through investments in critical infrastructure in Lagos. The Complaint relates to two subcomponents of the Project. The first focused on building the capacity of the Lagos State Urban Renewal Authority to assess, develop, plan, and coordinate the execution of a city-wide upgrading program, through the execution of the upgrading subprojects in nine of the largest slums identified in 1995. The second related subcomponent supported the development of a long-term technical solution to flooding. It included among other things building the highest-priority civil works investments to mitigate flooding, a rational reassessment of drain designs to develop a prioritized construction program, the provision of technical assistance and training for the Office of Drainage Services, and conflict mitigation.

COMPLAINT

On September 30, 2013, the Panel received a Complaint related to the Lagos Metropolitan Development and Governance Project (LMDPG). The Complaint was sent by the Social and Economic Rights Action Center on behalf of individuals, families, and groups living in the Badia area of Lagos State. The Complainants allege that Badia residents, a vulnerable slum community in Lagos, were adversely affected as a result of the failure of the Bank to ensure Lagos State Government's compliance with the Project's financing agreement during the implementation of the Project. Based on the willingness of both Complainants and Management to provide an opportunity to resolve the concerns raised, the Panel postponed its decision to register the Complaint and initiated instead the Pilot Approach to support early solutions in the Inspection Panel process.

PILOT PROCESS

On November 11, 2013, the Panel informed the Board that in compliance with the new Pilot Approach, Bank Management had sent the Panel written Actions Proposed, including an anticipated timeline, which the Complainants had agreed to, provided that they received the most recent revision of the 2013 Resettlement Action Plan and clarification about the timetable to put in place the agreed grievance mechanism. Management committed to completely resolve outstanding issues, including (i) the processing of all project-affected people who were yet to be cleared for payment; (ii) the resolution of all outstanding grievances; (iii) ascertaining prompt follow-up of names cleared for payment and full monitoring to enable payment to all respective beneficiaries; (iv) allowing participation in vocational training opportunities in 17 centers across Lagos State (August 1–18); and, (v) ensuring a final report is prepared by the Technical Committee. Management further committed to maintain oversight and submit a report to the Board of Executive Directors by the full conclusion of the payments and final Resettlement Action Plan implementation.

Panel Team visiting community in Badia East slum of Lagos, Nigeria

A Panel team visited Lagos and Abuja in May 2014 to meet with the Complainants and other affected persons, with local CSOs, national and municipal government officials, local Bank staff, and with other stakeholders to discuss the Actions Proposed and their implementation. The Panel determined that a majority of the 9,000 affected people had received compensation payments and noted the expressed agreement of the majority of the eight selected community representatives with the implementation of the Action Plan. For this reason the Panel made the decision on July 16, 2014 to issue a notice of Non-Registration. The Panel considers that the implementation of the Pilot has been instrumental in demonstrating the merits of a differentiated approach to certain Complaints, and the value of seeking early solutions, while at the same time drawing valuable insights and lessons for the future implementation of Bank policies in specific situations.

In moving forward, consistently with the decision to pursue the Pilot approach, the Panel noted Management's following commitments to be completed to the satisfaction of all claimants within a reasonable timeframe: (i) maintain oversight to the full conclusion of the payments to the affected people, as spelled out in Management's plan presented on July 14, 2014; (ii) inform the Board of Executive Directors on final Resettlement Action Plan implementation; and (iii) carry out a stand alone case study to extract lessons learned from LMDGP in a more systematic manner, provide in-depth analysis of the modalities of urban sector engagements in a megacity like Lagos, and make recommendations toward the structure and manner of engagement in such settings. This report was issued in August 2015. On the other hand, the Panel noted that the Pilot approach's results and effectiveness will be assessed by the end of 2015.

PARAGUAY: SUSTAINABLE AGRICULTURE AND RURAL DEVELOPMENT PROJECT

CASE NO. 95

PROJECT INFORMATION

Sustainable Agriculture and Rural Development Project

Project No.:	P088799
Region:	Latin America
IBRD Loan Amount:	US$137.50 million
Board Approval Date:	January 29, 2008
Closing Date:	December 29, 2017

The Project is geared to improving the quality of life of small-scale farmers and indigenous communities in the project area by strengthening community organization and self-governance, improving natural resources management, and enhancing the socioeconomic conditions of farmers and communities. The Project has five components: (i) Community Organization Development and Capacity Building; (ii) Rural Extension and Adaptive Research; (iii) Sustainable Rural Development Fund; (iv) Animal Health Improvement; and (v) Project Management and Monitoring and Evaluation. The overall project management and implementation is the responsibility of the Ministry of Agriculture and Livestock, in partnership with Paraguay's National Land and Rural Development Institute, the Indigenous People's Institute of Paraguay, and others. The project area covers 39 municipalities in Caaguazú and San Pedro. The Project triggered the Bank's Policies on Environmental Assessment, Natural Habitats, Forests, Pest Management, Indigenous Peoples and was classified as an environmental Category B project.

COMPLAINT

On July 22, 2014, the Inspection Panel received a Complaint regarding the Paraguay Sustainable Agriculture and Rural Development Project (PRODERS), alleging a gap in consultation and participation of indigenous peoples in the Project. The Complaint was submitted by the leaders of two indigenous peoples' organizations, the Asociación de Comunidades Indígenas de San Pedro (ACISPE), and the Mesa Coordinadora Joaju Ha'e Paveime Guara, who represent indigenous communities in the Departments of San Pedro and Caaguazú, Paraguay. The Complainants claim that their rights of consultation and participation in the Project were severely undermined because the contract for the NGO Alter Vida, hired as a service provider to ensure adequate means to carry out consultations and other activities, was discontinued due to legal issues regarding the transfer of funds. Thus, the Complainants could not meet, attend trainings, participate in the Project, or monitor it.

PILOT PROCESS

In a meeting with the Inspection Panel on July 30, 2014, Bank Management acknowledged the Complainants' concerns. In Management's view, the impacts of the delay in consultations were temporary and limited in scope since, according to the Project design, no new investments could take place without the involvement of the indigenous communities. Management explained that a series of actions were in place that would lead to the resumption of consultations as quickly as possible. The Complainants expressed to the Panel that they were seeking a quick and simple solution to their just demands, rather than a potentially lengthy investigation. In September 2014 Management submitted an Action Plan to the Panel, which was shared with the Complainants and which provided for contracting a new permanent service provider to cover provision of services until Project completion, as well as an immediate interim service provider until the permanent one could be found.

After close consultations with the Panel, both the Complainants and Management agreed to process this case under the Pilot Approach to allow the implementation of Management's Action Plan. The Complainants, having reviewed Management's suggested

Panel Team meeting with indigenous Complainants in Caaguazú, Paraguay

Indigenous boy in meeting with Panel Team in Caaguazú, Paraguay

actions, and having confirmed their full understanding of the Pilot process, formally informed the Panel that they preferred the option of a postponement of the decision on Registration to explore this additional opportunity for an early solution to their concerns. The Panel thus informed the Board that it would ask the Complainants and Management to engage in direct dialogue on these matters, and to keep the Panel updated on the progress in addressing the concerns.

Within three months, on February 2, 2015, the Complainants and Bank Management informed the Panel that the Action Plan had been successfully implemented. With the objective of gaining an improved assessment of the situation, a Panel team visited Paraguay from March 1 to 4, 2015. In Caaguazú the Panel held meetings with the Complainants and indigenous community leaders from Caaguazú and San Pedro, after which the Panel concluded that the Pilot approach had been an appropriate instrument to handle this case as it led to a rapid and effective resolution of the issues raised. The Panel thus decided to close this case by issuing a Notice of Non-Registration on March 11, 2015.

Selenge River in the Republic of Buryatia, Russia, visited by Panel Team

Cases

CASES WITH PENDING DECISIONS

CASE NO.98

Uganda: Transport Sector Development Project

CASE NO.102

Mongolia: Mining Infrastructure Investment Support Project

CASE NO.103

Kosovo: Kosovo Power Project

UGANDA: TRANSPORT SECTOR DEVELOPMENT PROJECT

CASE NO. 98

PROJECT INFORMATION

Transport Sector Development Project—Additional Financing

Project No.:	P121097
Region:	Africa
IDA Credit Amount:	US$75 million
Board Approval Date:	June 26, 2011
Closing Date:	n.a.

The development objective of the Additional Financing for the Transport Sector Development Project is to improve the connectivity and efficiency of the transport sector through (i) improved condition of the national road network, (ii) improved capacity for road safety management, and (iii) improved transport sector and national road management. The Additional Financing will finance project scale-up under Component A of the project through the paving of the Kamwenge-Fort Portal road (66 kilometers).

COMPLAINT

On December 19, 2014, the Inspection Panel received a Complaint that raises concerns related to the IDA-supported Transport Sector Development Project—Additional Financing. The Complaint was submitted by a town board and members of a local community affected by the Project, in Kamwenge District, Uganda.

PANEL DECISION

The Panel reviewed the Complaint and noted that Management had not been made aware of the issues raised shortly prior to the Complaint being sent to the Panel. Hence, the Panel considers at this stage, as per its procedures, that Management was not given an adequate opportunity to address the Complainants' concerns. As Management is attempting to address these concerns, the Panel will continue to be in touch with the Complainants.

MONGOLIA: MINING INFRASTRUCTURE INVESTMENT SUPPORT PROJECT

CASE NO. 102

PROJECT INFORMATION

Mining Infrastructure Investment Support Project

Project No.:	P118109/P145439
Region:	East Asia
IBRD Loan Amount:	US$25 million
Board Approval Date:	June 26, 2008/January 8, 2014
Closing Date:	December 31, 2015

The Mining Infrastructure Investment Support Project (MINIS) is a Technical Assistance operation aimed at facilitating infrastructure investments to support mining operations in Mongolia. MINIS finances assessments studies for subprojects that a Project Steering Committee identifies and proposes for the development of mining activities. Such assessments include pre-feasibility, feasibility, and environmental assessment studies. Two of the proposed subprojects are the subject of the Complaint: the Shuren Hydropower Plant and the Orkhon Gobi Water Diversion project (OGP). The assessment studies for the two subprojects are to be carried out in three phases: (i) project identification and screening; (ii) pre-feasibility study; and (iii) feasibility studies, including Environmental and Social Impact Assessments (ESIAs).

COMPLAINT

The Panel received the Complaint on February 10, 2015 from community representatives and local CSOs in Mongolia and the Russian Federation. The Complainants asked the Panel to keep their identities confidential. The Complaint alleges that through the Mining Infrastructure Investment Support Project (MINIS), the World Bank is supporting Assessment Studies of two subprojects, the Shuren Hydropower Plant and the Orkhon Gobi Water Diversion project (OGP). The Complaint alleges these subprojects may have potential irreversible environmental, social, and economic impacts on the Selenge River and surrounding areas and on Lake Baikal in the Russian Federation, a World Heritage Site. The Complainants claim that the subprojects were selected through a process lacking clarity and not based on risk and alternatives assessments, including transboundary and cumulative impact assessments. They also state that consultations with civil society and communities affected by the subprojects have been inadequate.

Mongolian *Ger* house in the plains of northern Mongolia visited by Panel Team.

The Complaint describes the potential harmful impacts of the Shuren Hydropower Plant and the OGP on communities and the environment in Mongolia and Russia, including the disruption of the free movement of aquatic animals and decrease in fish stocks, degradation of critical natural habitats, increase in greenhouse gas emissions, and degradation of Lake Baikal. The Complainants also raise potential social impacts of both projects, including loss of access to traditional water and pasture resources by nomadic communities in southern Mongolia, loss of land for crops and pastures as a result of reservoir flooding, loss of ecotourism opportunities, and loss of culturally significant archeological and sacred sites, including Lake Baikal.

PANEL RECOMMENDATION

The Panel registered the Complaint on March 13, 2015 and notified the Board of Executive Directors and Bank Management. Management submitted its Response on April 21, 2015. A Panel team visited Russia and Mongolia in May 2015 to ascertain the eligibility of the complaint. In Russia, the team visited the southern region of Lake Baikal and the Selenge River Delta in the Republic of Buryatia, and met with the Complainants, their representatives, and other potentially affected community members. In Ulan Ude, the team met with local Government officials of the Ministry of Natural Resources and the Minister of Natural Resources of the Republic of Buryatia, and with officials from the Federal Agency for Water Resources and the Federal Agency for Fisheries. In Mongolia, the team visited Erdenet and the general potential area of the Shuren Hydropower Plant and met with the Complainants, their representatives, and other potentially affected community members. In Ulaanbaatar, the Team met with the World Bank Country Office management and project team, with national Government authorities, and with officials of the MINIS Project Implementation Unit.

The Panel submitted its Report and Recommendation to the Board of Executive Directors in July 2015. The Board approved the Panel's recommendation to defer for one year the decision on whether an investigation is warranted. The Complaint, Management Response, and the Panel's Report and Recommendation are all available in the Panel's website.

KOSOVO: KOSOVO POWER PROJECT

CASE NO. 103

PROJECT INFORMATION

Second Additional Financing: Energy Sector Clean-up and Land Reclamation Project

Project No.:	P131539
Region:	Eastern Europe and Central Asia
IDA Credit Amount:	US$4.2 million
Board Approval Date:	May 10, 2013
Closing Date:	n.a.

Republic of Kosovo: Kosovo Power Project (proposed)

Project No.:	P118287
Region:	Europe & Central Asia
Product Line:	Guarantees
IDA Commitment:	US$40 million
Board Approval Date:	n.a.
Closing Date:	n.a.

The Complaint concerns the Bank's assistance to the Government of Kosovo for the resettlement related to Hade village under the Second Additional Financing: Energy Sector Clean-up and Land Reclamation Project. It also relates to the Environmental and Social Impact Assessment supported by this project and developed for the proposed Kosovo Power Project (KPP).

COMPLAINT

On June 12, 2015 the Inspection Panel received a Complaint from residents of Hade and Obiliq municipality in Kosovo. The Complaint raises several harms related to loss of land, loss of livelihoods, restrictions on economic development, and forced displacement. The Complainants believe these harms emanate from the Bank's technical assistance under the Lignite Power Technical Assistance (LPTAP), which financed the Resettlement Action Plan for the ongoing Hade resettlement, and the Resettlement Policy Framework, which set the standard for future resettlement expected as the Sibovc South Mine expands.

The proposed Kosovo Power Project (KPP) was the subject of an earlier Complaint received by the Panel in March 2012 (Case #78). In case #78, the Complainants had expressed concerns about potential serious social, economic, and environmental impacts of the proposed project, and raised concerns about the already high level of environmental degradation in the project area. The Panel did not recommend an investigation for the 2012 Complaint since important analytical work underpinning the Complainants' concerns was yet to begin; the Panel's decision was that, given the early stage in the project preparation process, there were no key World Bank activities or decisions relevant to the concerns raised in the Complaint that could be reviewed by the Panel as a matter of policy compliance. The Panel noted that affected people will have recourse to the Panel at a later stage in the project cycle if they so wish.

PANEL DECISION

The Panel assessed the Complaint and determined that it met the registration criteria and thus registered it on June 30, 2015. The Panel will now carry out a detailed analysis of the Complaint to determine whether to recommend an investigation to the Board of Directors.

Panel Members visiting power plant in Obiliq, Kosovo

Cases

CASES CLOSED

CASE NO.89

Uzbekistan: Second Rural Enterprise Support Project

CASE NO.94

Armenia: Second Education Quality and Relevance Project, (EQRP 2) and the Education Improvement Project (EIP)

UZBEKISTAN: SECOND RURAL ENTERPRISE SUPPORT PROJECT

CASE NO. 89

PROJECT INFORMATION

Second Rural Enterprise Support Project and Additional Financing

Project No.:	P109126/P126962
Region:	Europe and Central Asia
IDA Credit Amount:	US$107.96 million
Board Approval Date:	June 12, 2008
Closing Date:	December 31, 2016

The Project is intended to increase the productivity and financial and environmental sustainability of agriculture, and the profitability of agribusiness in the Project area. This would be achieved through (i) the provision of financial and capacity-building support to farmers and agribusinesses, (ii) improved irrigation service delivery through rehabilitation of irrigation and drainage infrastructure, and (iii) strengthening of water user associations in seven districts within seven regions of Uzbekistan. The Project's Financing Agreement requires the Government to ensure that Participating Financial Intermediaries (PFIs) base each subfinancing agreement on terms and conditions set in the "Rural Enterprise Investment Guidelines." The Financing Agreement also requires that the "Rural Enterprise Investment Guidelines" include a provision stating that the Project's beneficiaries carry out subprojects "pursuant to the national legislation on child labor."

COMPLAINT

On September 5, 2013, the Inspection Panel received a Complaint related to the Second Rural Enterprise Support Project (RESP II) and its Additional Financing. The Complaint was submitted by three organizations: the Human Rights Society of Uzbekistan (Ezgulik), the Association of Human Rights in Central Asia, and the Uzbek-German Forum for Human Rights. These organizations submitted the Complaint on their behalf, and on behalf of the signatories to the Complaint who asked that their identities be kept confidential.

The Complaint states that the Project's failure to adequately identify the risks associated with cotton harvesting in its Social Assessment and other project documents contributes to the perpetuation of child labor and forced labor. The Complaint asserts that the government has "completely ignored" national legislation prohibiting employment of children under 16 years old, and its ratification of a number of International Labour Organization (ILO) Conventions, including ILO Convention 182. The Complaint states that forcing children to participate in the cotton harvest represents a serious threat to their well-being.

The Complaint claims that each spring the government sets the cotton production target for each region and district. The regional *hokims* (governors) then establish the cotton harvesting quotas and organize the forced and child mobilization of labor. Farmers have to meet state-ordered cotton production quotas in order to retain their land leases, and their livelihood. The Complainants consider that forced labor in Uzbekistan's cotton sector is "not the result of family poverty" but "rigid" control of all aspects of the cotton industry. They add that any investment in the agricultural sector merely sustains the actual system and the forced and child labor policy underpinning it.

MANAGEMENT RESPONSE

The Management Response to the Complaint was received on November 6, 2013. Management submitted an Addendum to it on November 27, 2013. In general, Management does not agree with the Complainants' allegations that noncompliance with Bank policy has caused the harm alleged in the Complaint. Specifically, Management notes that any harm that may have stemmed from the inci-

dents cited in the Complaint was not caused or aggravated by the Project; nor has the Project supported these incidents. Nevertheless, it agrees that the issues raised by the Complainants are a matter of serious concern.

Management considers that the Project was carefully designed to include a "range of mitigation measures and binding provisions (for example, monitoring and training, loan covenants for credit line beneficiaries) to address and exclude child labor at the project level." Management adds that the Complainants' concerns of forced labor and child labor in cotton harvesting derive from Government practices in labor deployment for cotton harvesting that have to do with factors outside the scope of the Project, and are therefore beyond the reach of Bank safeguards and other policies.

Management states that it intends to use the remaining lifespan of the Project to bolster support to address child and forced labor, including through the implementation of third-party monitoring (TPM) of child and forced labor across the Bank's portfolio. Management considers that the Complainants are correct to note that "project-level measures alone cannot completely prevent coercion." It adds that the Bank has been addressing the issues of child and forced labor at the sectoral and Government levels. Management adds that it is in close collaboration with international development partners (including the United Nations Children's Fund and the ILO) to convince the Government to comply with its international obligations on child and forced labor.

PANEL RECOMMENDATIONS

The Panel visited the Project area during November 13–18, 2013, and met with all stakeholders. The Panel determined that the Complaint met the technical eligibility criteria for an investigation. However, considering the important potential for further positive developments, the Panel initially recommended that it should report back to the Board within 12 months on whether a full investigation is warranted. The Board approved the Panel's Recommendation on December 23, 2013.

On November 17, 2014, Bank Management submitted a Progress Report on the Implementation of the Management Actions. Management indicated that all Project documents have been amended to require compliance with the applicable national and international laws against forced labor and child labor. Management noted that on October 15, 2014, ILO and the Bank signed a Memorandum of Understanding (MoU) on cooperation in Bank activities, including the carrying out by ILO of TPM of both child and forced labor in Bank-financed projects starting in 2015 for an initial period of two years. Management also noted that the Bank will finance the first year of TPM and the feedback mechanism, while the later period would be covered by resources from a multidonor trust fund to be established. Management stated that labor issues are now an integral part of the Bank's dialogue with the Government on the agricultural sector reforms.

Laborer picking cotton in Uzbekistan

On December 1–5, 2014, the Panel conducted a visit to Uzbekistan and met with all relevant stakeholders. In its final report, the Panel noted several commitments made by Management to encourage the Government of Uzbekistan to address the issue of forced child and adult labor. These included a commitment to include labor issues as part of the Bank's ongoing dialogue with the Government on agricultural issues, the considerable progress achieved in the discussions with the Government around steps taken to eradicate forced labor, and Management's commitment to report to the Board of Directors on these matters.

The Panel, in its final report, noted that although the proposed TPM of child and forced labor had not yet materialized, the Bank and the ILO had signed the MoU mentioned above. The Panel noted the clear trajectory and specific medium-term efforts established to support the diversification and modernization of the cotton sector so that child and forced labor can be firmly eradicated. The Panel noted that this recommendation, not to undertake an investigation, did not in any way preclude the possibility of a future Complaint based on new evidence or previously unknown circumstances. On January 23, the Board approved the Panel's Recommendation. Management will report back to the Board following the 2015 cotton harvest on the results of the TPM and intermediate measures, findings from the feedback mechanism, and other technical support by the Bank to the Government of Uzbekistan.

ARMENIA: SECOND EDUCATION QUALITY AND RELEVANCE PROJECT, (EQRP 2) AND THE EDUCATION IMPROVEMENT PROJECT (EIP)

CASE NO. 89

PROJECT INFORMATION

Second Education Quality and Relevance Project, (EQRP 2) and the Education Improvement Project (EIP)

Projects No.:	P107772/P130182P
Region:	Eastern Europe and Central Asia
IDA Credit Amount:	US$67.96 million
Board Approval Date:	June 12, 2008
Closing Date:	December 31, 2016

The objective of the EQRP 2 Project is to increase the quality and relevance of the Armenian school system by enhancing school learning and improving school readiness of children entering primary education. The EIP supports enhancing the quality of general education, improving the quality of educational facilities, and fostering the relevance of tertiary education.

COMPLAINT

The Complaint received on May 16, 2014, was submitted by nine NGOs, two students, and five parents from Armenia; all of whom requested that their identities be kept confidential. The Panel registered the Complaint and notified the Board and Management on June 5, 2014. The Complainants alleged that the EIP's design did not address failures of the previous program financed by the EQRP 2 and thus exacerbated the harm EQRP 2 caused to the Armenian education system. Claims of harm included disadvantaged rural students, ineffective teacher training, political influence on higher education, state control over university finances and poor financing scheme under the projects, religious influence over higher education, discrimination and biased gender roles, governance, and corruption in quality assurance, and lack of consultations with parents and students.

MANAGEMENT RESPONSE

The Management Response submitted on July 7, 2014, argued that the Complaint was primarily about broad issues of the education system in Armenia and design preferences for the Project, and that the Complainants appeared to define harm as any preexisting conditions that they view as undesirable and that were not addressed by the Bank-supported Projects. Nevertheless, Management concurred with some of the Complainants' points and noted that several interventions under the Projects support reforms that are needed to address the issues raised in the Complaint.

PANEL RECOMMENTATIONS

The Panel determined that the Complaint met the eligibility criteria set forth in the Panel's Resolution and Operating Procedures. In its analysis, the Panel noted that the issues raised by the Complainants were serious, legitimate concerns of citizens about the content and directions of reforms in education, absolutely critical to the future of Armenian children, and therefore of Armenia. However, the Panel was unable to establish that the concerns raised by the Complainants, although legitimate, could be considered as instances of material harm that may have resulted from a failure of the Bank to follow its operational policies and procedures. Rather, the Complainants' claims pointed to systemic weaknesses of the education sector in Armenia that the Projects indeed were designed and aimed to address. The Panel therefore did not recommend an investigation of the claims included in the Complaint.

Cases

CASES NOT REGISTERED

CASE NO.92
Sri Lanka: Road Sector Assistance Project

CASE NO.93
Tajikistan/Kyrgyz Republic/Afghanistan/Pakistan: Central Asia and South Asia Electricity Transmission and Trade Project

CASE NO.96
Kazakhstan: South-West Roads Project

CASE NO.99
India: Second Tamil Nadu Road Project

CASE NO.100
Haiti: Mining Dialogue Technical Assistance

CASE NO.101
Togo: Integrated Disaster and Land Management Project

SRI LANKA: ROAD SECTOR ASSISTANCE PROJECT

CASE NO. 92

PROJECT INFORMATION

Road Sector Assistance Project—Second Additional Financing Project (EIP)

Project No.:	116742
Region:	South Asia
IDA Credit Amount:	US$100 million
Board Approval Date:	April 12, 2011
Closing Date:	n.a.

This second financing will continue creating an efficient national road system in Sri Lanka, including provincial and rural roads in order to lower transportation costs to maximize opportunities and growth.

COMPLAINT

On March 24, 2014, the Inspection Panel received a Complaint (dated, February 25, 2014) that raised concerns related to the IDA-supported Road Sector Assistance Project—Second Additional Financing. The Complaint was submitted by five individuals who live and represent others living in Tudella Jaela, Sri Lanka.

PANEL DECISION

The Panel decided on November 10, 2014 not to register this Complaint in light of an ongoing court case filed by one of the Complainants in the Court of Appeal of the Democratic Socialist Republic of Sri Lanka. This court case relates to interpretation and application of local laws and legislation, which are not within the purview of the Inspection Panel. It mainly involves the determination of whether a drain located within the Complainants' property is private or public, and the related possibility of Project-financed construction activities proceeding within the Complainants' property. The Panel notes that the Court has issued an injunction and, as a result, no construction activities are currently being undertaken within the Complainants' property.

Since the possibility of any Project-financed construction activities taking place on the Complainants' property will be determined based on the decision of the Court of Appeal, the likelihood of harm from possible flooding potentially exacerbated by the Project was not occurring at that time. Hence, the Panel decided not to register this Complaint. The Panel noted that the Complainants retained the right to submit a new Complaint for Inspection based on new evidence or circumstances not known at the time of this Complaint.

TAJIKISTAN/KYRGYZ REPUBLIC/AFGHANISTAN/PAKISTAN: CENTRAL ASIA AND SOUTH ASIA ELECTRICITY TRANSMISSION AND TRADE PROJECT

CASE NO. 92

PROJECT INFORMATION

Central Asia and South Asia Electricity Transmission and Trade Project

Project No.:	P145054
Region:	Eastern Europe and Central Asia
IBRD Loan Amount:	US$526.50 million
Board Approval Date:	March 27, 2014
Closing Date:	June 30, 2020

The development objective of the Electricity Transmission and Trade Project for Central Asia and South Asia (CASA 1000) is to create the conditions for sustainable electricity trade between the Central Asian countries of Tajikistan and the Kyrgyz Republic and the South Asian countries of Afghanistan and Pakistan.

COMPLAINT

On April 21, 2014, the Inspection Panel received a Complaint that raises concerns related to the IDA-supported Central Asia and South Asia Electricity Transmission and Trade Project (CASA 1000). The Complaint was submitted by NGO Shark Ayoli, Uzbekistan, on behalf of 29 civil society representatives from Uzbekistan and 16 from other countries. The Project is implemented in the Central Asian countries of Tajikistan and the Kyrgyz Republic, and the South Asian countries of Afghanistan and Pakistan.

PANEL DECISION

The Panel reviewed the Complaint and on April 21, 2014, and determined that Management had not been informed or provided with an opportunity to respond to the Complainants' concerns. On April 23, 2014, the Panel informed the Complainants accordingly. Subsequently, on June 26, 2014, the Complainants communicated to the Panel that they had brought their concerns to the attention of Management but were not satisfied with the explanation they received. They requested the Panel to conduct an investigation into the matters raised in the Complaint.

The Panel reviewed the Complaint and concluded that the Complainants did not meet all of the admissibility criteria for registration, since (i) the Complainants are not in the countries where the Project is located, and (ii) there is no plausible link between the Project and alleged harms. The Panel emphasized that its conclusion is based on the premise that the Project will not alter existing water regimes. The Panel fully appreciated the concerns of the Complainants regarding any potential harms resulting from upstream changes in the water regime and therefore noted the critical importance of ensuring the maintenance of existing water-sharing agreements going forward.

KAZAKHSTAN: SOUTH-WEST ROADS PROJECT

CASE NO. 96

PROJECT INFORMATION

South-West Roads/Western Europe-Western China International Transit Corridor—(CAREC-1b & 6b)

Project No.:	P099270
Region:	Eastern Europe and Central Asia
IBRD Loan Amount:	US$2125.00 million
Board Approval Date:	April 30, 2009
Closing Date:	June 30, 2015

The development objective of the South-West Roads Project is to increase transport efficiency on the road sections between Aktobe/Kyzylorda Oblast border and Shymkent, and to improve road management and traffic safety in Kazakhstan.

COMPLAINT

On July 31, 2014, the Inspection Panel received a Complaint raising concerns that may relate to the IBRD-supported South-West Roads/ Western Europe-Western China International Transit Corridor (CAREC-1b & 6b). The complaint was sent by a single individual about concerns relating to a local legal dispute.

PANEL DECISION

The Inspection Panel reviewed the complaint in accordance with its procedures and determined that it did not meet the Panel's admissibility criteria. The Panel informed the Complainants of its review and decision, and shared the complaint with Management for any further relevant and appropriate action.

INDIA: SECOND TAMIL NADU ROAD PROJECT

CASE NO. 99

PROJECT INFORMATION

Second Tamil Nadu Road Project

Project No.:	P143751
Region:	South Asia
IBRD Loan Amount:	US$300.00 million
Board Approval Date:	April 28, 2015
Closing Date:	June 30, 2021

The project is focused on improving the capacity, quality, and safety of Tamil Nadu's core road network. It will also strengthen the institutional capacity of the highways department through better policies, operational systems, and procedures.

COMPLAINT

On December 19, 2014, the Inspection Panel received a Complaint that raises concerns related to the Second Tamil Nadu Road Project. The Complaint was submitted by 15 representatives of the potentially affected area of Kunjandiyur to Periyar Nagar, Salem District, in the State of Tamil Nadu, India, on behalf of 297 individuals. They presented various documents in support of their claims, including resolutions passed by three village councils and a retailer's association. The Complainants asked that their communication be kept confidential.

PANEL DECISION

The Panel reviewed the Complaint in accordance with its procedures and determined that the road works relating to the State Highway between Thoppur and Bhavani, Salem District (SH-20) are not to be financed by the World Bank Project. Therefore the Panel concluded that the Complaint does not meet all of the admissibility criteria for Registration. In light of the foregoing, the Panel did not register the Complaint. The Panel notes that, if in the future, the roads in the Complaint are supported by Bank financing, then the Panel would be in a position to reassess the existence of a plausible link between a Bank-supported Project and the alleged harms. Hence, the Complainants retain their right to resubmit a Complaint concerning the issues raised.

HAITI: MINING DIALOGUE TECHNICAL ASSISTANCE

CASE NO. 100

PROJECT INFORMATION

Mining Dialogue Technical Assistance

Project No.:	P144931
Region:	Latin America
Extractive Industries Technical Advisory Facility (EI-TAF) Trust Fund Amount:	US$650,000
Board Approval Date:	April 30, 2014
Closing Date:	December 31, 2015

The Haiti Mining Dialogue provides technical assistance to the government of Haiti to review and modernize the legal and policy framework for mining operations, so as to attract investments as well as protect the benefit to the public and ensure adequate social and environmental safeguards.

COMPLAINT

The Complaint, received on January 17, 2015, was submitted by Kolektif Jistis Min an Ayiti, a "Collective" of Haitian CSOs and local communities. The Complainants stated that the Bank's support for reforms of the Haitian mining sector would result in serious social and environmental harms, including contamination of vital waterways, impacts on the agriculture sector, and involuntary displacement of communities. They argued that the Bank was not following its social and environmental safeguard policies in providing its advisory services to Haiti and added that many of the provisions of the Draft Mining Law were not consistent with such policies.

PANEL DECISION

The Panel considered the concerns of the Complainants of great importance and agreed that a mining law can have significant and considerable adverse environmental and social consequences, unless consideration is given to the highest possible environmental and social standards. The Panel noted, however, that the Haiti Mining Dialogue was financed through a Bank-Executed Trust Fund (BETF) and that under the operational policy 14.40 on Trust Funds, operational policies and procedures are not applicable to BETFs. For this reason the Panel decided not to register this complaint.

Nevertheless, the Panel highlighted that there is an observed inconsistency and gap across the World Bank portfolio in the application of operational policies and procedures for the provision of technical assistance support, including advisory services, depending on the instrument through which they are financed. Furthermore, the Panel observed that the application of the policy framework should be based on a robust risk assessment of the potential environmental and social impacts of the technical assistance activities, rather than the financing instrument used, or who is responsible for its execution. The Panel also noted that both Management and the Panel agreed that a clarification of the policy framework is needed going forward when the technical assistance contemplated is characterized by significant potential environmental and social risks.

TOGO: INTEGRATED DISASTER AND LAND MANAGEMENT PROJECT

CASE NO. 101

PROJECT INFORMATION

Integrated Disaster and Land Management

Project No.:	P123922/P124198
Region:	Africa
IBRD Grant Amount:	US$7.29 million
Board Approval Date:	January 9, 2013
Closing Date:	February 18, 2016

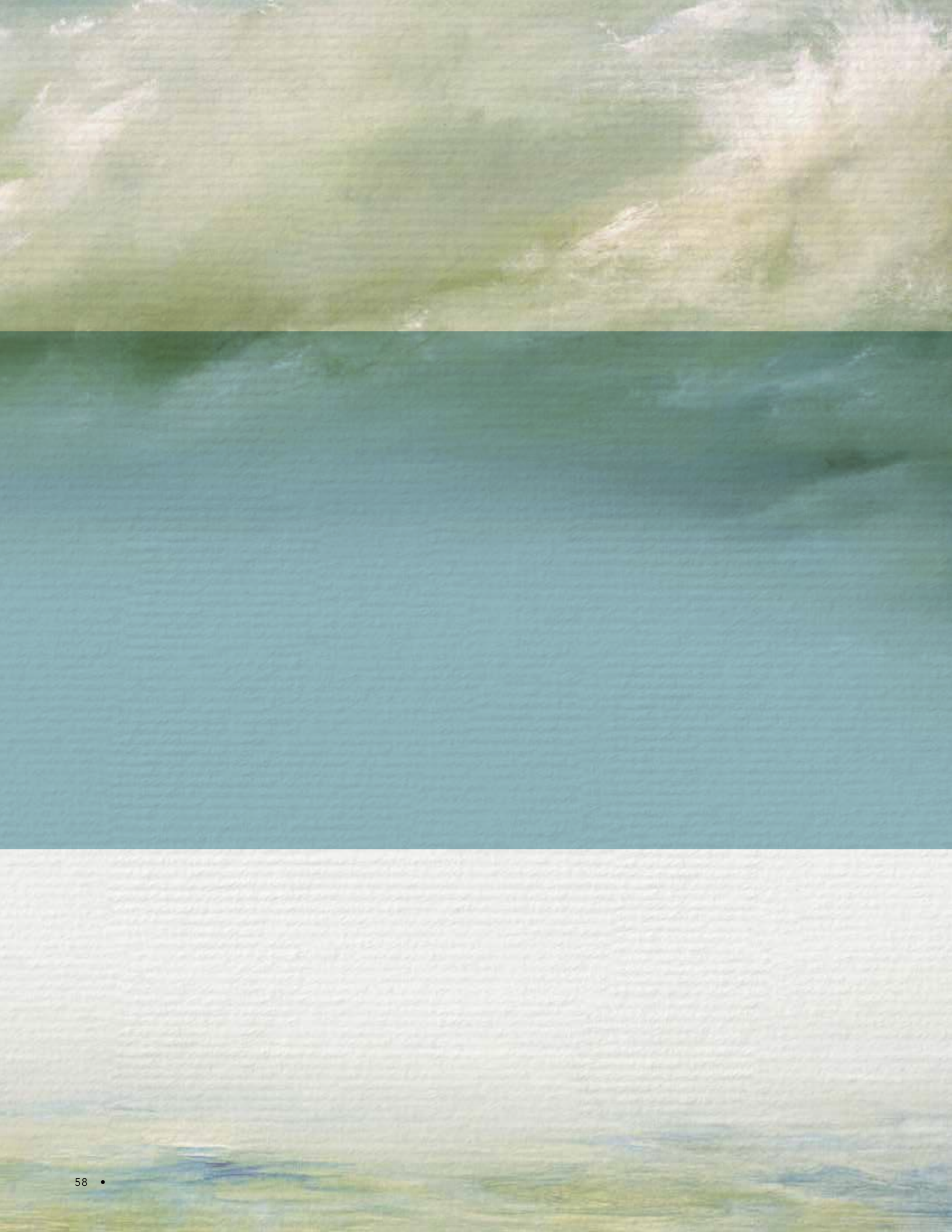
The development objective of the Integrated Disaster and Land Management Project is to strengthen institutional capacity of targeted institutions to manage risk of flooding and land degradation in targeted rural and urban areas in Togo. This project has several components: (i) institutional strengthening and awareness raising of key national, regional, local, and community organizations engaged in disaster risk and sustainable land management; (ii) community-based activities for adaptation and sustainable land management in watershed and flood-prone areas; and (iii) early warning, monitoring, and knowledge systems.

COMPLAINT

On February 4, 2015, the Inspection Panel received a Complaint that raises concerns relating to the Togo Integrated Disaster and Land Management Project. The Complaint was submitted by Messrs. Edo Tonoudo, Mawuto Abbey, and Amévi Tay, on behalf of the "Collectif des Personnes Victimes de l'Erosion Côtière" (Collective of Victims of Coastal Erosion—CPVEC). The Complainants asserted that they are being impacted by the rise in sea level causing erosion to coastal areas such as Baguida Beach, Avepozo, Kpogan, Afidegnigban, Agbavi, Gbodjome, Devikeme, Alimangnan, Agbedrafo, Kpeme, and Edo Kodji. The Complainants claimed that the coastal erosion was caused by the construction of a third dock at the Port of Lomé in Togo.

PANEL DECISION

The Inspection Panel reviewed the Complaint in accordance with its procedures and concluded that the Complaint did not meet the admissibility criteria for Registration. The Panel noted that IBRD/IDA is not financing construction at the Port of Lomé. The Panel also noted that the harms described in the Complaint were not linked to any other IBRD/IDA–financed Project. In light of the foregoing, the Panel did not register the Complaint. The Complainants also had exchanges with the IFC, which acknowledged that it is supporting activities at the Port of Lomé; therefore, the Panel informed the Complainants of possible recourse through the CAO (Compliance Advisor Ombudsman) of IFC. The Panel noted that the Complainants retain their right to resubmit a Complaint should new evidence or circumstances arise that shows clear linkage with IBRD/IDA financing in the future.



Appendices

APPENDIX I: Panel Member Biographies

APPENDIX II: Graphs on Panel Cases

1. CASES RECEIPT YEAR
2. TYPE OF COMPLAINANTS
3. REGIONAL DISTRIBUTION OF CASES
4. CASES BY THEMATIC ISSUES
5. CASES PROCESSING HISTORY
6. PROJECTS FUNDING SOURCES

APPENDIX III: Map of Geographic Distribution of Cases

APPENDIX IV: Diagram of Case Processing Steps

APPENDIX V: Inspection Panel Budget

APPENDIX VI: Guidance on Preparing a Complaint

APPENDIX I

PANEL MEMBER BIOGRAPHIES

GONZALO CASTRO DE LA MATA (Chairperson)

Dr. Gonzalo Castro de la Mata was appointed to the Inspection Panel of the World Bank on December 16, 2013, and became its Chairperson on November 1, 2014. He is a U.S. and Peruvian national who brings to the Panel more than 20 years of international development experience. His career includes key roles across the private and public sectors and multiple areas of development work, bringing to the Chair a balance of interest, authority, experience, and flexibility. He has been involved in highly visible and complex international projects, including as the Chair of an Independent Panel for the Export-Import Bank of the United States for the Camisea Project in Peru, and as a member of a United Nations Review Panel of the Barro Blanco Dam in Panama.

In 2009, Dr. Castro de la Mata founded Ecosystem Services LLC, a company specialized in market-based approaches to conservation and renewable energy. Previously, he was the Managing Director of Sustainable Forestry Management (SFM) for the Americas, where he was responsible for seminal investments that generated the first carbon credits from native plantations and forest conservation. Before SFM, he was the Head of the Biodiversity Unit at the Global Environment Facility (GEF), Principal Environmental Specialist at the World Bank, Director and Vice-President of the World Wildlife Federation's Latin American and Caribbean Program in Washington, founder and CEO of Wetlands for the Americas, among other roles. Dr. Castro de la Mata earned a PhD in Ecology and Population Biology from the University of Pennsylvania and received his MA and BA from Cayetano Heredia University in Lima, Peru. He has served on numerous international private and nonprofit boards.

ZEINAB BASHIR EL BAKRI

Dr. Zeinab Bashir El Bakri was appointed to the Inspection Panel in September 2012. A national of Sudan, she brings to the Panel more than 20 years of development experience. Dr. El Bakri built a broad career at the African Development Bank (AfDB), where her last position was Vice President of Operations from 2006 to 2009. In addition, between 1991 and 2005 she served in a number of positions at AfDB. Her responsibilities spanned multiple regions of Africa and focused on portfolios including social development, gender, agriculture and agro-industry, climate change and governance. Dr. El Bakri also gained expertise in both policy development and operations.

After leaving AfDB, she was appointed Director of the Delivery Unit for the Office of His Highness the Prime Minister of Kuwait, responsible for ensuring delivery of reform initiatives. Ms. El Bakri's time at AfDB was preceded by an academic career at the University of Khartoum, where she was Senior Lecturer in Anthropology and Sociology and also managed the Women and Development Programme of the Development Studies and Research Center. Her early career included a number of consultancies within the United Nations system, as well as philanthropy and work with international NGOs. Throughout her career, Dr. El Bakri has worked on evaluation issues. Her work at AfDB included service on the Board Committee on Development Effectiveness and she was also responsible for establishing AfDB's Governance, Economic and Financial Reforms Department. Dr. El Bakri holds a PhD in Sociology and Anthropology from Hull University and received her MA and BA in Sociology from the American University in Cairo.

JAN MATTSSON

Mr. Jan Mattsson was appointed a Member of the Inspection Panel in November 2014. A Swedish national, he brings to the Panel more than three decades of experience in the public and private sectors as well as academia. Jan Mattsson's prior career has included operational field work, policy advice, program management, and leadership roles in the United Nations, where he established robust systems for results-based management, transparency, and accountability. Throughout his career he has demonstrated the ability to engage and build trust with multiple stakeholders around complex issues, risk management, and innovation. He is passionate about social justice and behavioral ethics.

Jan Mattsson has held responsibilities in several UN agencies over the years, including UNDP, UNIDO, UNFPA, WFP, and UNODC. In his most recent UN assignment, he was UN Under-Secretary-General and Executive Director of the United Nations Office for Project Services, an organization specializing in implementation of development, humanitarian, and peace-building operations on behalf of multiple partners. After leaving the United Nations, he founded M-Trust Leadership, an advisory firm promoting socially responsible investments and partnerships among business, government, and civil society in pursuit of sustainable development. Jan Mattsson has a PhD in Engineering from the University of Linkoping, Sweden, with a multidisciplinary thesis on management of technological change.

DILEK BARLAS

Ms. Dilek Barlas was selected as Executive Secretary of the Inspection Panel in July 2014. Ms. Barlas has served as the Panel's Deputy Executive Secretary since 2007. A Turkish national, Ms. Barlas has more than two decades of experience in the field of development. A lawyer by training, Ms. Barlas joined the World Bank in 1992 and served as the Senior Counsel in the World Bank Legal Vice Presidency for the Europe and Central Asia Region. As Senior Counsel she was responsible for the legal aspects of World Bank operations in numerous countries, including Albania, Azerbaijan, Uzbekistan, Bosnia and Herzegovina, and Turkey. Her work also included an overseas field assignment to the World Bank Office in Ankara, Turkey, from 2004 to 2006.

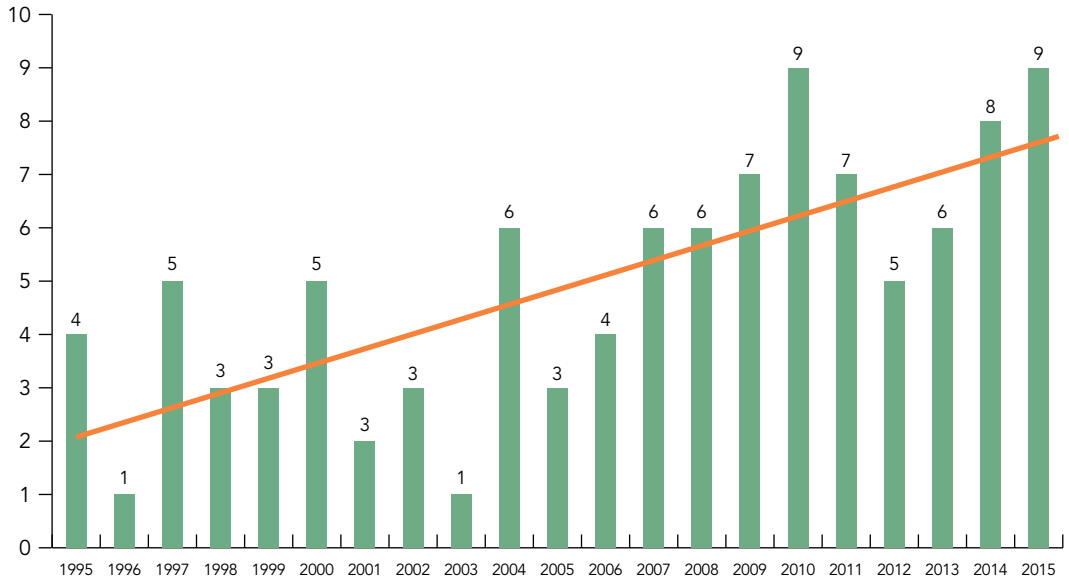
Prior to joining the World Bank, Ms. Barlas served with the Under Secretariat of Treasury and Foreign Trade of Turkey and played a critical role in the preparation of Turkey's anti-dumping and subsidies legislation. Her private law practice includes work as an Associate with White and Case in their Washington, DC, office. Ms. Barlas holds a law degree from the University of Ankara, Turkey, and an LLM in International Legal Studies from the Washington College of Law at American University, Washington, DC.

APPENDIX III

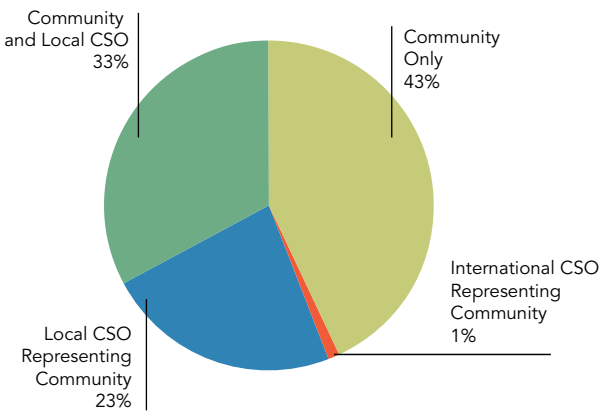
GRAPHS

JULY 1, 2014 TO JUNE 30, 2015

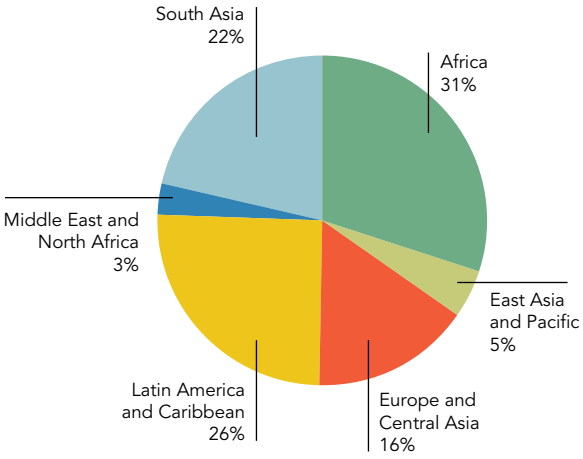
Cases Receipt Year
(Fiscal Years)



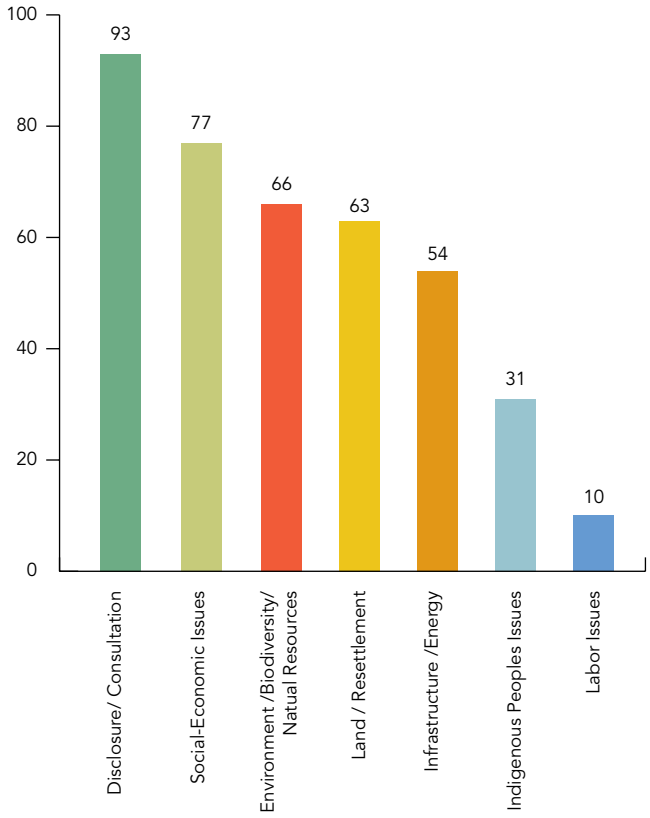
Type of Complainants



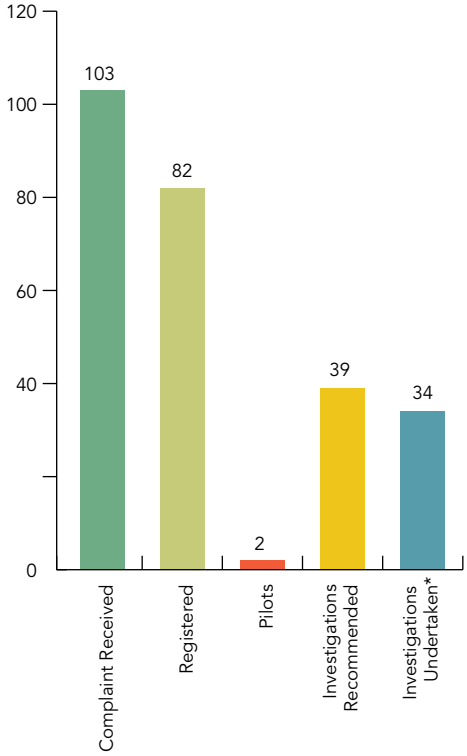
Regional Distribution of Cases



Cases by Thematic Issues

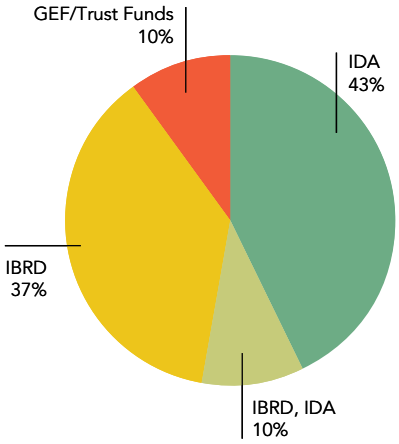


Cases Processing History



* Recommendations for investigations are submitted to the World Bank's Board of Directors who decide on whether to authorize them or not. For this reason, not all recommended investigations are carried out."

Projects Funding Sources



APPENDIX III

MAP OF GEOGRAPHIC DISTRIBUTION OF CASES

World Map as of June 30, 2015


RUSSIAN FEDERATION
1
Request concerned the territory of both Mongolia and Russian Federation
MONGOLIA
POLAND
1
KAZAKHSTAN
3
ROMANIA
2
KOSOVO
2
UZBEKISTAN
3
ALBANIA
3
ARMENIA
1
CHINA
1
LEBANON
1
AFGHANISTAN
1
West Bank & Gaza
1
PAKISTAN
2
NEPAL
3
A.R. OF EGYPT
1
INDIA
13
BANGLADESH
2
TOGO
1
CHAD
1
REP. OF YEMEN
1
CAMBODIA
2
PHILIPPINES
1
NIGERIA
3
ETHIOPIA
2
SRI LANKA
1
CAMEROON
3
LIBERIA
1
GHANA
1
UGANDA
3
KENYA
5
DEM. REP. OF CONGO
4
BURUNDI
1
TANZANIA
1
PAPUA NEW GUINEA
2
MALAWI
1
SOUTH AFRICA
1
LESOTHO
1
1
Request concerned the territory of both Lesotho and South Africa

APPENDIX IV

DIAGRAM OF CASE PROCESSING STEPS

THE 4 PHASES OF THE INSPECTION PANEL PROCESS

1 COMPLAINT RECEIPT AND REGISTRATION

Panel notifies public on Complaint (Request for Inspection) receipt and determines if it is admissible for registration (*within 15 business days of complaint receipt*).

Panel can also decide to defer registration if the Complainants opt to use Pilot Approach to seek early solutions.

2 PANEL RECOMMENDATION ON INVESTIGATION

Bank Management Response on complaint (*within 21 days of complaint registration*).

Panel Team travels to complaint site if needed.

Panel's Report and Recommendation on whether investigation is warranted is submitted to the Board of Executive Directors (*within 21 days of management response receipt*).

Panel may recommend to defer its decision for a period of time to explore possible resolution of complaint.

Board decision on Panel recommendation.

3 INVESTIGATION

If investigation approved by Board, Panel Team contracts technical experts and travels to complaint site for investigation visit. It meets with Complainants, Bank staff, government officials, and other stakeholders.

Panel Investigation Report submitted to the Board (*the Panel strives to complete investigations within six months*).

Management Report and Recommendation with Action Plan submitted to the Board (*within six weeks of submission of Panel Investigation Report*).

Board discussion and approval of Management Action Plan.

4 POST-INVESTIGATION

Action Plan implemented by Management.

Panel may be asked by Board to follow-up on implementation of Action Plan.

Panel may undertake final visit to complaint site to share its findings with Complainants and other stakeholders.

APPENDIX V

INSPECTION PANEL BUDGET

FY15 BUDGET (JULY 1, 2014 TO JUNE 30, 2015)

Salaries [(a)]	$1,218,568
Benefits [(a)]	608,932
Communications & IT Services	127,024
Office Occupancy	176,157
Equipment and Building Services	0
Temporaries	13,163
Consultants [(b)]	625,269
Travel	330,960
Representation & Hospitality	7,773
Publications	55,903
Contractual Services	69,741
Other Expenses	5,320
Total Budget Spent	**$3,238,810**
Total Budget Received	**$3,667,198**

Note: Numbers may not add to totals due to rounding.
[(a)] Includes Chairperson salary and benefits, and three-months salary for second full-time Panel member.
[(b)] Consultants include Panel Member fees

APPENDIX VI

GUIDANCE ON HOW TO PREPARE A COMPLAINT (REQUEST FOR INSPECTION)

WHO CAN SUBMIT A COMPLAINT

The Panel has authority to receive Complaints documenting actual or potential harm as a result of a Bank-financed project and program from:

- Any two or more individuals, community groups, or organizations in the country where the Bank financed project is located;
- A duly appointed local representative, such as a civil society organization (CSO), acting on explicit instructions as the agent of adversely affected people;
- In exceptional cases, an international representative, such as a CSO, acting as the agent of adversely affected people; and
- An Executive Director of the Bank in special cases of serious alleged violations of the Bank's policies and procedures.

BASIC REQUIREMENTS FOR ADMISSIBILITY OF A COMPLAINT

As part of basic requirements, the Complainants need to show in writing that:

- They (or people they represent) live in the borrowing country (or in another country affected by the project);
- They believe that they are suffering, or are likely to suffer, harm resulting from a failure by the Bank to follow its policies and procedures; and
- Their concerns have already been brought to the attention of Bank staff and they are not satisfied with the outcome.

The Panel is not authorized to deal with the following:

- Complaints about private sector projects supported by the International Finance Corporation (IFC) and Multilateral Investment Guarantee Agency (MIGA) as these are handled by the Office of the Compliance Advisor Ombudsman (CAO) via: www.cao-ombudsman.org;
- Complaints related to procurement of goods or services, fraud, and corruption. These should be reported to the Bank's Integrity Vice Presidency via the fraud and corruption hotline: www.worldbank.org/integrity;
- Complaints filed after the closing date of a project or program, or when 95 percent or more of the funds have been disbursed;
- Complaints related to a matter over which the Panel has already made its recommendation after having received a prior complaint, unless justified by new evidence or circumstances not known at the time of the prior complaint; and
- Government action concerning projects that aren't financed or supported by the Bank.

CONTENTS OF A COMPLAINT

A Complaint should contain, in substance, the following information:

- **Complainants**—Name and contact information of individuals, community group, or organization. If national or international organizations are representing local Complainants, they should also send their name and contact information as well as a letter signed by the Complainants authorizing the representatives to act on their behalf (a simple handwritten document is sufficient).
- **Harm**—A description of how the Complainants believe that they are being or will potentially be adversely affected by a Bank-funded project or programs. Harms can include deterioration of livelihoods, environmental degradation, involuntary resettlement, weakening of indigenous rights, and inadequate community participation.
- **Bank-financed activity**—The name and description of the Bank-financed project or proposed project as far as it may be known to the Complainants.
- **Actions or omissions by the Bank**—A description of the actions or omissions by the Bank with respect to the design, appraisal, and/or implementation of a Bank-funded project. Complainants are asked to describe those Bank policies, such as environmental and social safeguards, which they feel the Bank is not adequately adhering to in this case.
- **Engaging the Bank**—The complaint should describe steps taken or efforts made to bring the issue to the attention of Bank staff (if possible, with dates, people contacted, and copies of correspondence with the Bank), and a statement explaining why, in the Complainants' view, the Bank's response was inadequate.

HOW AND WHEN TO SUBMIT A COMPLAINT

- **Format**—All Complaints must be submitted in writing, but no specific form or format is necessary. The Complaint should be dated and signed by the Complainants or their appointed representative.
- **Representatives**—If the Complaint is submitted by a local, national, or international representative of the affected people, then s/he must provide written evidence that s/he is acting on behalf of the people submitting the Complaint.
- **Confidentiality**—If Complainants request that their names and personal information remain confidential for fear of retaliation, the Panel will keep all such contact information strictly confidential within the Panel.
- **Language**—Complaints may be submitted in the Complainants' local language.
- **Submitting Complaints**—Complaints with original signatures, and any supporting documentation, may be sent via mail or email. The complaint can also be mailed or dropped off at the Bank's Country Office in the country where the project is located.

  —MAIL: complaints should be mailed to:
  Executive Secretary
  Inspection Panel
  Mail Stop MSN 10-1007
  1818 H Street, N.W.
  Washington, D.C. 20433
  U.S.A.

  —EMAIL: emailed complaints should be sent to:
  ipanel@worldbank.org;
- **Timing of submission.** Complaints can be submitted anytime during the design, appraisal, or implementation of a project, but not after project closing or if 95 per cent of funds have already been disbursed.

INFORMATION AND ADVICE ON SUBMITTING A COMPLAINT

If you have questions or need advice about the Inspection Panel process or the procedures for submitting a Complaint, you may contact the office of the Inspection Panel, which will provide information about the relevant requirements and to clarify the Panel process and procedures. Such inquiries can be made by:

EMAIL: ipanel@woldbank.org
PHONE: +1 202 458-5200
FAX: +1 202 522 0916

Additional information about the Inspection Panel and its work is available on the Panel website: www.inspectionpanel.org. You can receive regular information by signing up on our website to receive the Panel's quarterly electronic newsletter "Accountability Matters" or follow us on Facebook or Twitter.

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