

## strategic guide

strategic tips for filing complaints  
with international financial institutions | april 2004







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# foreword

## **introduction to the strategic guide**

This brochure is designed to provide an overview of some strategic considerations at stake in deciding whether to file a claim to the World Bank Inspection Panel, or to utilize any of the accountability mechanisms at other international financial institutions. It also provides guidance for claimants and their allies on navigating the process and strategic engagement after a claim has been filed. Despite efforts to keep the Panel process simple, the fact remains that developing and filing a claim, and trying to see it through to a satisfying result, can take a lot of work and perseverance. The *Strategic Guide* discusses ways to maximize the impact of an Inspection Panel claim as one part of a broader strategy.

All readers of this *Strategic Guide* should also review a document entitled *A Citizen's Guide to the World Bank Inspection Panel*, which was published in 1999 by the Center for International Environmental Law (CIEL). The *Citizen's Guide* provides background information on the Bank as well as guidance on how to file an inspection panel claim. It is available for .pdf download from CIEL's website in English, Spanish, Portuguese, and French. The *Citizen's Guide* was intended to provide a practical overview of the inspection panel process – to help potential claimants include essential information in a claim. This *Strategic Guide* provides additional strategic guidance for navigating the Panel process, building upon and supplementing the information in the *Citizen's Guide*. Though they are complementary documents, both can also be utilized separately.

The *Strategic Guide to the Inspection Panel* draws on my experiences with citizen-driven accountability mechanisms since 1995, during which time I have provided advocacy support or strategic advice to people who have filed or who have contemplated filing about a dozen claims to the inspection processes of the World Bank, the Asian Development Bank, and the Inter-American Development Bank. Some of the people I have worked with have requested a written document that summarizes this kind of strategic advice. Janneke Bruil at Friends of the Earth International had the vision and perseverance to help fund this project. We hope that this new handbook will strengthen the capacity of local, national and international allies to support the struggles of local affected people for justice and accountability.

The *Strategic Guide* reflects the critical insights and experience of many of the key players and participants in the Panel processes over the years, and special thanks are due to colleagues who have reviewed and commented on an earlier draft of this document: Janneke Bruil, Elías Díaz Peña, Kenji Fukuda, Petr Hlobil, and Mishka Zaman. As with the claims process itself, the work product and learning curve have been the fruit of collaborative effort. We hope that you find this *Strategic Guide* helpful.

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April 2004

## i. overview of the world bank inspection panel

The World Bank Inspection Panel was created by a resolution of the Bank's Board of Executive Directors in 1993, opened its doors in August 1994, and as of January 2004 had received 28 formal requests for investigation and many informal inquiries. The Panel was the first citizen-based accountability mechanism at any international financial institution, but other development banks and bilateral export credit agencies are following suit.<sup>1</sup>

The goal of this Strategic Guide is to give readers a strategic understanding of the Inspection Panel process, and to provide guidance and examples for how to navigate the process and accomplish tangible results from the claim. This Guide gives advice for how claimants can strategically prepare for and participate in the claim process in order to do all that they can to maximize the impact of their claim. The Strategic Guide focuses on the World Bank Inspection Panel, but should also be useful when considering the use of accountability mechanisms of other international financial institutions. The Guide aims to provide a realistic understanding of how the process works and where potential problems lie.

### **filing a claim**

The World Bank Inspection Panel serves as an independent forum where two or more local people who suffer or are threatened with material harm by projects supported by the World Bank<sup>2</sup> can file a complaint and request an independent, objective investigation. The Inspection Panel is composed of three members, who are nominated by the President of the Bank and approved by the Board of Executive Directors. Panel members serve for 5-year terms, after which they cannot work for the Bank again.

Before approaching the Inspection Panel, the affected people or their representatives must have tried to raise their concerns about the project with Bank staff or management, giving the Bank an opportunity to address the problems. If they are dissatisfied with the Bank's response to their concerns, they can then file a complaint asking for an independent investigation into whether or not the Bank has violated its own operational policies and procedures, or the terms of the loan agreement. As such, the Panel process provides an opportunity for local people to seek to enforce the rights that they have under the Bank's operating policies and procedures.

The complaint (which is often called a "claim" or a "request for inspection") must principally focus on actions or omissions of the Bank. It is important to recognize, however, that the Panel can investigate situations where the Bank is alleged to have failed in its supervision of the borrower's obligations under the loan agreement and/or the Bank's policies and procedures. The claim should also explain how these alleged policy violations have harmed, or could threaten to harm, the rights and interests of project-affected people or their environment.

### **investigation**

The Panel decides on whether the claim can be considered eligible and makes a recommendation to the Board as to whether an investigation should take place. If there is authorization from the Board, the Panel basically conducts an independent investigation into matters in dispute between affected people and Bank management. The Panel's reports are made public at the end of the Board deliberations, which allows stakeholders to evaluate whether the Board has carried out the recommendations of the Panel.

In conducting its investigation, the Panel can meet with the claimants, affected people, Bank staff, government officials, project authorities, and representatives of local and international non-governmental organizations. It is required to minimize its contact with the press during field visits. The Panel may hold public hearings, visit the project area, request submissions on specific issues, receive submissions from others, hire consultants, research Bank files, and utilize any other reasonable methods the inspectors consider appropriate. It is important to note that Inspection Panel site visits can sometimes be blocked by the borrowing government involved; there are conditions in the Panel procedures that say that while the Panel does not need prior government permission to go to the field to determine the eligibility of the claim, it does need the government's consent to travel to the project area for purposes of an investigation.

### **panel report to board**

The Panel was created by and reports to the Board. It bears emphasizing that the Panel's contribution, and its role, is to issue a report of its investigation to the President and Board of Executive Directors of the bank.

Neither the claimants nor bank management have any opportunity to appeal a decision or finding of the Inspection Panel. The Panel cannot award financial damages to aggrieved parties, nor does it by itself have the power to stop a project. However, the former general counsel of the World Bank, who wrote two books about the Inspection Panel, commented that the "Panel, in recommending inspection, may indicate whether in its view suspension of preparatory work would be needed for the purposes of its inspection (e.g., if the continuation of such work would have the potential of making the alleged harm irreversible)."<sup>3</sup> If the Panel made such a finding the Board could, presumably, order a suspension in the project.

## i. overview of the world bank inspection panel

### *comments and examples*

In the context of the China/Tibet case in 1999-2000, the Board did essentially freeze progress on the China Western Poverty Reduction Project pending an Inspection Panel investigation and further review of the project by the Board in light of that report. A claim was filed the week before that Board meeting, and the Board's approval of the project was conditioned on the outcome of the Panel's investigation. The Board stated that no funds would be disbursed and no work could take place under the project until after the Panel conducted its investigation. In the case of the Arun III dam project in Nepal in 1994, consideration of the proposed project by the Board was delayed until the Panel report could be completed.

However, a completely different picture emerged when local landowners and their environmental NGO representatives from Papua New Guinea filed a claim challenging the anticipated final disbursement of the last tranche of a Governance Promotion Adjustment Loan, arguing that release of the funds would violate the terms of the loan agreement and sanction unsustainable forest policy and practice. Notwithstanding the pending Inspection Panel claim, the Board allowed the disbursement of the final tranche without even meeting to discuss the implications for the Panel process.

### **management recommendations**

When the Panel sends its report to the Board, a copy is also given to Management, but it is not shared with the claimants or the public at that time. Management then has an opportunity to make a recommendation to the Board about what steps to take. The claimants have no similar opportunity to make recommendations to the Board or to comment on the Panel report. This represents a serious flaw in the process, and an imbalance in access to the process between Bank Management and the claimants.

The process would arguably function better, be more responsive to claimants and the Panel, and potentially lead to more effective remedial measures if the claimants also had an opportunity to review the report and contribute their perspectives to the Board. In the case of the newly revised inspection process at the Asian Development Bank, this problem has been rectified, and claimants are provided with a copy of the draft panel report, and their views will be included in the final submission to the Board.

### **board response to panel report**

After receiving the Panel report and Management's recommendations, the Board meets to discuss the findings and state what, if any, actions the Bank will take in response. The remedial aspect of the process has been particularly challenging for all concerned. The most common outcome of a Panel investigation is that Management proposes an "action plan" developed with the borrower government, but not discussed with the claimants or other affected people, nor discussed with the Panel, and the Board authorizes Management to proceed with the action plan. With very little Board oversight in these cases, the problems tend to persist.

The Board has explicitly decided to remove the Panel from oversight of the action plans, except that the Panel is authorized to evaluate the participation of local people in the design and implementation of remedial measures.<sup>4</sup> Again, this problem has been avoided by the new ADB panel process, where the panel will be charged with monitoring implementation of its recommendations for five years following their report to the Board of Executive Directors.

### who can file a complaint?

There are several ways that a complaint can be filed with the Inspection Panel:

- (1) An **“affected party,”** defined as **two or more individuals** who allege that they have suffered (or are threatened with) material adverse effect as a result of a serious violation of the Bank’s policies, can request an investigation.
- (2) A **local representative**, such as a non-governmental organization (NGO), can file a claim on behalf of affected people, so long as it provides the Panel with written authorization from affected people to act as agents on their behalf. It must be clear that the person or organization filing the claim is doing so at the request of people who are truly affected by the project.
- (3) In **exceptional circumstances** where local representation is not available (which could include countries where local NGOs are not allowed to operate or where there is a risk of retaliation), **a non-local representative** (with the same proof of authorization described above) could file the claim on behalf of local affected parties.
- (4) Any **single Executive Director** may, **“in special cases of serious alleged violations** of such policies and procedures, ask the Panel for an investigation.”
- (5) Finally, **the Executive Directors, acting as a Board, may at any time instruct the Panel to conduct an investigation.**

All of these options, except #4, have been utilized in the Panel’s ten-year history, with options 1 and 2 being the most common. There has been only one case filed by an international representative as allowed in #3; that was the China Western Poverty Reduction Project, where the US-based International Campaign for Tibet (ICT) filed at the request of local affected Tibetans. That was also one of the few claims where the Board essentially adopted the claim, and “acting as a Board,” instructed the Panel to investigate in accordance with option #5.<sup>5</sup>

If a non-local representative files a claim, it is subject to Board ratification of the representation; in other words, the Board must agree that “appropriate representation is not locally available” at the time it considers the request for inspection. In the China/Tibet case mentioned above, China objected to ICT’s representational authority, and the Board sidestepped this objection, and avoided the need to evaluate the lack of locally available representation, by adopting all of the elements of ICT’s claim and, acting as a Board, requesting the Panel to investigate the alleged policy violations. This was a diplomatic maneuver that China accepted.

### iii. strategic considerations affecting the decision to file a claim

#### **before you file: things to consider about outcomes**

There are many good reasons to file an Inspection Panel claim. It is also important to understand the limitations of the process. This section explores both, briefly.

In some cases, filing a claim has been an effective part of a broader strategy to hold the Bank accountable for policy failures in particular projects. While there have been some clear-cut victories -- such as the cancellation of the Bank's support for China's population transfer into Tibet in 2000 and for the Arun III dam in Nepal in 1995, and the reinstatement of funding for urban gardens and food security programs for the urban poor in Argentina in 1999 as part of the terms of a structural adjustment loan -- at other times the outcomes have been more nuanced.<sup>6</sup>

Generally speaking, it is advisable for a claim to the Inspection Panel to be thought of as one tool in a toolkit, and as a part of a broader struggle or campaign. For example, in the case of resistance to the Yacyretá dam in Paraguay and Argentina, SOBREVIVENCIA, Friends of the Earth-Paraguay, used the filing of an Inspection Panel claim as an effective organizing tool for informing and empowering local people; it became a catalyst around which they could assert their rights and demands. The empowerment of grassroots civil society coincided with significant political transformation in Paraguay. Furthermore, the Yacyretá claims (two claims each to the World Bank Inspection Panel and the Inter-American Development Bank investigation mechanism) have played a critical role in improving the understanding of the impacts of the dam and in keeping the height from going higher. When the claim was initially filed in 1996, the dam was at approximately 76 meters above sea level (masl), and Argentina and Paraguay were both pushing aggressively to raise the height of the dam to 83 masl. Eight years later, the dam has not gone up.

The Yacyretá case, however, also demonstrates the frustration that can ensue. Despite documentation of policy violations by the Inspection Panel, and the funding of additional "blue ribbon" studies by the World Bank and Inter-American Development Bank in response to the claim and Panel report, problems continue to persist on the ground. The affected people were forced to file follow-up claims to both the World Bank and IDB Inspection mechanisms, while still awaiting proper remedial measures.

Action plans developed in response to a Panel claim challenging violations of environmental and social policies in Singrauli, India, resulted in increased compensation for about 1,200 families affected by forced evictions, but this payment (a) did not succeed in restoring livelihoods, which was one of the primary complaints of the claimants; (b) left unresolved the plight of thousands of their neighbors, and (c) ignored the devastating environmental, health and food security issues at stake in the region.

In the case of a claim filed on the Coal Sector Environmental and Social Mitigation Project in India, the claimants articulated the measures that they hoped to see implemented in response to the Panel report, but their recommendations were not prioritized by Management or the Board. In particular, they hoped that the remaining balance of funds in the project could be directed towards the purpose for which they were intended: environmental and social mitigation, and that the closing date of the loan could be extended. Instead, the loan was closed. Furthermore, as noted above in the case of a claim filed against a Governance Promotion Adjustment Loan in Papua New Guinea, the claimants felt that their process rights were not fully respected by the Panel; though they had no avenue of recourse, no right to appeal the Panel's recommendation not to investigate, they did write to the Panel and the Board to register their concerns.

## iv. strategic considerations affecting the decision to file

### why have people chosen not to file?

**(1) safety.** In some situations, the risk of retaliation from filing an inspection panel claim or otherwise challenging a project may be too high, and some people who have contemplated filing a claim have not done so for these reasons. Although the Panel will keep claimants' names confidential if requested, it is still sometimes possible for project authorities to determine or guess the claimants' identity through other means.

It is not unknown for local people or their representatives to suffer retribution for asserting their rights under World Bank policies. In Singrauli, India, the representative of the claimants was attacked by contracting agents working for the borrower, the National Thermal Power Corporation (NTPC); the assault took place in the presence of NTPC officials. In the case of the Chad/Cameroon pipeline, the representative of the claimants who was also an opposition political candidate for President, was arrested, imprisoned, and beaten by government authorities at the time of the elections. He was released after World Bank President Wolfensohn was alerted to his plight by NGOs, and called the President of Chad to demand his release.

In the China/Tibet case, when the Panel traveled to the project area, they documented a "climate of fear" among local affected people – and commented on the Bank's inability to ensure full and appropriate participation of local people in such circumstances. In that case, non-local representatives filed the claim on behalf of local affected people.

Realities such as these sometimes make it difficult and dangerous for local people to demand that their rights be respected, whether under national law or with regard to Bank policies, and the risk of repercussions should definitely be weighed carefully before deciding whether to proceed with a claim. While international solidarity can play a significant role in demanding respect for rights, and in some cases the filing of a claim may bring a measure of safety due to increased international attention and media coverage, it is important to recognize that international allies can not necessarily defend local people from serious human rights violations.

**(2) time constraints.** A claim can be filed from the time that a project is officially under consideration by the Bank up until the point where 95% of the funds have been disbursed by the Bank to the borrower. Once the funding has been "substantially disbursed" (i.e. more than 95%), a claim cannot be filed.

*Comments:* The status of disbursement is not easily publicly available, and knowing the disbursement status often requires having allies inside the Bank who are willing to share that information. The 95% disbursement cut off causes a huge accountability gap, as projects that are in implementation, disbursed by the bank but not yet repaid by the borrower, are currently immune from any formal accountability. When the Asian Development Bank recently revised their inspection mechanism, they eliminated this 95% disbursement requirement.

**(3) lack of direct linkage between problems and policies.** The Panel's mandate is fairly limited – to investigate only when there are clear linkages between policy violations and harm. In some cases, even though there are problems on the ground, there is not necessarily the basis for a claim to the Inspection Panel.

**(4) bank responsiveness to concerns.** Sometimes, indicating awareness of the Panel and/or indicating a working knowledge of the Bank's policies can be enough to get the attention of World Bank staff. This has at times encouraged Bank staff to be more responsive to the concerns of the affected people. Thus, structuring your arguments in the context of policy violations can sometimes get results from the Bank without having to file a claim.

**(5) choosing not to engage the bank.** Some people find the Inspection Panel to be an inappropriate tool because it does require a certain amount of engagement with the World Bank, and the Panel serves as a legitimized channel of dissent, so it involves working within the Bank's own system. Some view the system as so fundamentally flawed that they are politically uncomfortable with proceeding through the Panel process. Similarly, some people see the Panel as an inappropriate forum if their grievances are primarily with the government rather than the Bank.

**(6) cost-benefit analysis: sometimes it's not worth it.** The process can be time and resource intensive, as the claim process can take a year or longer from start to finish. It also requires a commitment of time, the assumption of risks of retaliation against claimants, and financial resources to generate the information and support for a claim. This dedication of resources could draw energy and limited resources away from other activities, so it is important to weigh the effectiveness of various strategies. This is one reason why many people choose to use the Panel only as an avenue of last resort, and it is also why the panel process should be considered as one part of a broader campaign.

## v. strategic planning for the inspection panel process

Before initiating a Panel claim, it is helpful to consider some of the following questions and issues. In particular, there should be an initial evaluation of goals and expectations, to ensure that people involved are not later disappointed with the sometimes-limited outcomes that are possible through the Panel process. In terms of context, it is important to think about how the Panel process fits within a broader campaign or strategic framework.

It is also helpful for claimants and their allies to reach an understanding of who will take responsibility for different work, issues, or procedural requirements. It is important to bear in mind that there is no guarantee of getting effective remedial measures out of this process. However, it does help increase the possibility if the claimants make their demands clear and articulate the remedies that they would like to see.

### **(1) goals, expectations and context**

#### **goals/strategic focus:**

- What are the goals or strategic objectives of filing a claim?
- What actors have the power to convey the result that the claimants are seeking?
- How will the Inspection Panel claim affect those actors?
- Which allies would be helpful in this endeavor?
- What are the negative repercussions that could come from filing an Inspection Panel claim?
- Under what circumstances would we file or not file an Inspection Panel claim?
- How can an official document like the Panel report be utilized in the campaign?

- What outcome would the claimants like to see reflected in the Panel report?
- What remedial measures, if any, need to be undertaken to bring the project into compliance with the policies that the claimants allege are being violated?
- Finally, what resources are needed, and do the claimants have the necessary financial and human resources to effectively engage in the claim process? If not, what fundraising needs to be done?

#### **understanding the process, managing expectations:**

- Do all the participants in the process understand the time frame involved (it can take more than a year)?
- Has there been sufficient discussion so that claimants and their allies have an accurate understanding of both the strengths and the limitations of the process?
- In particular, does everyone understand that the Panel process is focused on the actions or omissions of the Bank, and the Bank's compliance with its operational policies and procedures?

### **(2) developing a work plan: roles and tasks**

In many cases, local affected people gain access to project and policy information by working and communicating with national and/or international organizations that have similar interests or concerns. It is also becoming easier to locate project and policy information on the web, either of the World Bank website ([www.worldbank.org](http://www.worldbank.org)), or through non-governmental organizations such as Bank Information Center ([www.bicusa.org](http://www.bicusa.org)).

Working in local, national and international shifting partnerships, civil society organizations can now link effectively to share information and mobilize resistance to rights violations in the context of development projects. The mobilization is not always enough to defeat a flawed project, but sometimes it can, and other times it can blunt the negative impacts.

Part of laying the groundwork for a claim is building up a base of supporters. Let concerned organizations know about the problems and what they can do to support affected people; alert allies to grievances with the project, and the possibility of a claim (unless you're trying to maintain an element of surprise). It is also important, however, not to overwhelm allies with information flow. The goal would be to develop a network of international solidarity so that people and governments are putting pressure on a range of Board members, from both donor and borrowing countries.

While claimants can work constructively and effectively with their national and international allies, it is very important for the claimants themselves to make strategic decisions and to lead the campaign that develops around their claim. When a claim is prepared as part of a team of people working together, it helps to consider important roles and tasks and plan ahead as to who should take on which activities. The following categories cover some of the things to think about, and common roles that should be filled, though of course every situation is different. These are just suggestions, and are not exhaustive lists.

## v. strategic planning for the inspection panel process

It is also the case that one role could be shared by more than one person or organization. For example, within media work, a national NGO may be best able to work with national media outlets, while an international ally can help target the financial press. A media strategy, and media coverage of the issues at stake in the claim, can provide a significant boost to the accountability effort, as nothing gets the attention of the World Bank faster than bad press.

### **drafting the claim (see next chapter for more information on this):**

- analysis of Bank policies, combined with research/documentation of policy violations in the project
- analysis of violations of the loan agreement (if the loan agreement is available)
- articulation of harm (to the claimants, other affected people, the environment)
- articulation of remedy - what do claimants want?

### **media strategy:**

It is helpful to have a multi-pronged media effort, to include:

- national media outlets
- the financial press (i.e. Financial Times, Wall Street Journal, Far Eastern Economic Review, etc.)
- Washington Post, New York Times (i.e., papers read regularly by World Bank staff, and their neighbors)
- radio – Voice of America, Radio Free Asia, local stations, etc.

### **communicating about the process:**

There should be conscious commitment to maintaining communication throughout the process. It is important to consider who will take the lead in communicating with:

- the Inspection Panel and/or World Bank
- claimants/affected communities, to keep them fully informed at each stage of the process
- allies
- media
- other?

### **communicating with decision-makers:**

- Claimants and their allies should focus on communicating their concerns with the project and the information about the claim not only with the World Bank, but also with government officials who are involved in the governance of the Bank. For example, it is helpful if civil society can engage with Parliamentarians or Congress people, to encourage them to raise concerns with World Bank Board members and the President of the Bank. It is also important to meet with officials in Treasury Departments/Finance Ministries, which are the agencies that communicate government instructions to World Bank Board members.
- Submit supplemental information to the Panel in support of the claim. According to paragraph 50 of the Inspection Panel's procedures, "any member of the public may provide the Inspector(s) . . .with supplemental information that they believe is relevant to evaluating the Request." This means that NGOs that have familiarity with the issues at stake in a particular project or claim can submit supplemental information to the Panel in support of the claim.

- Continue to monitor the claim as it goes through the Inspection Panel process, and engage with decision-makers on the merits of the claim and the need for an investigation and for appropriate remedial measures, if policy violations are found.
- It is advisable, if possible, for claimants to budget for resources to be able to travel to Washington, DC to meet with Executive Directors to argue for the merits of the claim. This could be done at the time of filing, or prior to Board consideration of the Panel's recommendation for an investigation. The claimants can also meet with the Panel while in Washington, and with supportive NGOs.

### **organizing allies:**

- Plan to send action alerts to allies at key points in the Panel process where expressions of solidarity would be helpful. E-mail has made this a much easier process, but not everyone is available electronically and so the outreach strategy should include telephone calls and faxes and should not rely exclusively on electronic distribution. Action alerts should include enough background/preparatory information so that people can understand the issues at stake before being called upon to take action.
- Sign-on letters are a frequent tool for showing international solidarity in a particular campaign or around particular policy issues. Sign-on letters serve a multi-pronged purpose, because in addition to showing concern to policy-makers, sign-on letters simultaneously provide updates for all of your allies as to the current situation in the project area or in the policy debate. Sign-on letters can help catalyze coordinated pressure on Executive Directors offices.

## v. strategic planning for the inspection panel process

- Some NGO allies can provide information support; those based in Washington, DC can be particularly helpful with arranging meetings between affected people or their allies and World Bank staff and/or Executive Directors.
- Key Decision Points:
  - Before a claim is filed, a small strategically engaged group of allies should be aware that the claim is being developed and is likely to be filed, so that they can be prepared to assist the claimants with advocacy and outreach
  - Once a claim is filed, there should be an action alert to a broader constituency of potential allies to let them know a claim has been filed, to give background on the issues at stake, and to notify them that the claimants could use support from civil society organizations to ensure that their grievances are heard, that the Panel is able to investigate, and that the investigation leads to appropriate remedial measures.
  - These allies should be notified a few weeks in advance, if possible, of any potential Board discussions of the claim, so that they can contact their Executive Directors and government officials to support the claim. It is particularly important that there be civil society engagement and monitoring when the Board is scheduled to meet to decide on how to respond to the Panel's recommendation for an investigation or to discuss a Panel report.

### **(3) public education and direct action around a claim**

- The claim process can be used as an organizing tool. As noted above, SOBREVIVENCIA (Friends of the Earth-Paraguay) utilized the claim process as a way of empowering people affected by the Yacyretá dam and reservoir. First, the development of the claim led people to articulate their grievances and demands collectively. When the Inspection Panels of the World Bank and Inter-American Development Bank visited the project area, it was the first time that officials had met with affected people and heard their concerns, which was also empowering. Finally, SOBREVIVENCIA set important standards for transparency and participation by translating project information into Spanish and holding public hearings to discuss priorities and strategies.
- Direct action undertaken in support of the China/Tibet case included a banner hang off the front of the World Bank building, demonstrations and rallies. The campaign also used websites and e-mail action alerts to stimulate letter writing and fax campaigns from concerned citizens around the world, flooding the offices of Executive Directors and President Wolfensohn. Campaigners also regularly leafleted in front of the World Bank, targeting both Bank staff and passersby.
- World Bank Annual Meetings, which take place in mid-to-late April and September each year, are generally the subject of civil-society organizing and protest. The annual meeting can provide an important forum for claimants to raise awareness about problem projects and to network with allied organizations.

## vi. laying the ground work: exhaustion of remedies, documenting grievances, engaging the bank

One of the core requirements of the Panel process is that the concerns must be first raised with bank staff or management, so that they have an opportunity to respond to the problems.<sup>7</sup> If the Bank fails to respond or if the response is deemed inadequate, affected people or their representatives can take their grievance to the Panel. This section gives some basic advice as you go through the process of engaging the Bank.

In meetings and correspondence with the Bank, it is helpful to highlight policies that you feel are being violated (see next chapter for more information about how to do this). In some cases, affected people have chosen to be very clear about their intentions to file a claim if their grievances are not addressed. In others, claimants have found it strategically helpful not to mention the Inspection Panel until they are actually ready to file a claim. This question of whether to reference or threaten a Panel claim is something that should be considered on a case-by-case basis. In any event, as you engage the Bank, it should be done in such a way that it lays the groundwork for a claim, if necessary.

### keep a paper trail

Document all attempts to communicate with the Bank or other project authorities.

- Keep a file with copies of all written correspondence with the Bank or project authorities (whether letters or emails).
- Make sure that your correspondence is dated.
- Request responses from the officials to whom you are writing.
- If you are writing to the project authorities (i.e. the implementing agency), be sure to copy Bank staff or management on the correspondence so that they are “in the loop” on issues of concern to affected people.

- If the interaction with the Bank was in the context of a meeting or a telephone call, keep minutes or notes of those conversations.
- Follow up meetings or telephone calls with a letter summarizing issues of concern and agreements made during those meetings, and then keeping a copy for the file.
- Keep track of commitments made by the Bank and document their failure to abide by those commitments.
- Keep track also of whether they fail to respond to your correspondence or requests for information.

### never go to a meeting with world bank or project officials alone

- Always have at least two people present so that there is greater verification of discussions and to minimize any risk that the discussions will be distorted.
- After the meeting, you should consider sending those with whom you met with a letter summarizing the conclusions of the meeting, which (combined with any response that you might receive) can serve as a record of the meeting.
- In any event, keep track of whom you met with, when and where, and what was discussed, because if and when you choose to file a claim, you will want to document all engagement with the Bank on issues of concern.

### finding out who's responsible

If you don't know which officials from the Bank are responsible for a particular project, you can write to the Country Director. You might also consider copying the Executive Director who represents your country in your correspondence with Bank management. To find out who is the “task team leader” for a project, or to determine who is the Country Director or Executive Director, you can try to contact either the World Bank or a Washington-based non-profit called the Bank Information Center.

World Bank staff in Washington DC all have the same basic contact information, e.g.:

James D. Wolfensohn, President  
The World Bank  
1818 H Street, NW  
Washington, DC 20433  
General phone: 202.473.1000

Web: [www.worldbank.org](http://www.worldbank.org) (the website has a “contact us” link that includes information for contacting country offices).

## vi. tips for drafting the claim

### **specific suggestions relating to the eligibility criteria**

The claim, or complaint, must include certain information in order to meet the eligibility requirements of the Inspection Panel.

#### **(i) introduce the claimants**

A claim can be filed by any two or more affected people with common interests or concerns, who are living in an area affected by a World Bank-financed project. Note that this does not have to be the borrowing country – Paraguayans brought a claim on the impacts of the Yacyretá dam, even though Argentina was the borrower. If the claim is filed by a representative rather than directly by the local people, that representative must demonstrate that it has explicit written authorization to act as the agent of the adversely affected people in filing the claim. Note: If people are asking that the Panel keep their names confidential, be sure that they are not identified in the text of the claim itself; keep signatures and/or authorization of representation as a separate cover page.

#### **(ii) make linkage to policy violations**

It is important to focus on the role of the Bank and the extent to which Bank staff or the project seem to be in violation of the Bank's policies or the purposes of the loan agreement. What has the Bank done or not done that is causing problems for local people? The claim must allege that as a result of the Bank's failure to abide by its own policies and procedures (or the terms of the loan agreement), local people have suffered or are likely to suffer "material adverse effects" on their rights or interests. The Panel process requires that claimants identify ways that the project seems to be in violation. This places quite a burden on project-affected people.

In recognition of this burden, the Asian Development Bank eliminated this requirement that claimants identify policy violations. In the initial stage of filing a complaint, which goes first to the Ombudsman process at the ADB, the claimants need only identify a project and state that they have been or are threatened with harm. If and when the claim continues to the ADB's Compliance Review Panel, the Panel will determine whether there is a policy violation.

There have been claims filed to the World Bank Inspection Panel that did not have reference to any policies, but this is rare. If the claimants have not had access to the policies at the time they are filing the claim, they can describe the nature of the problems and it is the Panel's job to ascertain the relevant policy violations that are reflected in the facts and complaints put forward by the claimants. In such a situation, the claim could be used to highlight their marginalization in the formation of the project and their lack of access to relevant information and lack of involvement in decisions affecting their lives.

#### ***which world bank policies may have been violated?***

The environmental and social policies, including policies on involuntary resettlement, indigenous peoples and environmental impact assessment, are often referred to as "safeguard" policies, and violations of these environmental and social policies have provided the foundation for most of the grievances filed with the Panel. However, there are other very important policies as well, including policies on project supervision and the policy requiring the Bank to undertake a proper economic analysis of alternatives. Any and all applicable policies should be referenced in the claim.

For purposes of filing the claim, the claimants need only allege that the Bank has violated its operating policies and procedures. Technically, it is the Inspection Panel's job to determine the extent to which these policies have been violated. Nonetheless, to the extent that claimants can do their own analysis of ways in which the project is in violation of Bank policies, it is important to try to lay out all the possible ways that the project is in non-compliance. In this case, a "kitchen sink" approach is encouraged – identify any and all World Bank policies that could possibly be violated in the project.

Many of the important policies are listed below, together with the date they were approved. The reason it's important to know what date a policy was approved is because it helps to determine if the policy was in force at the time that a particular project was approved. If the policy came into force later in time than the project, it will be unlikely that the Panel can hold the Bank accountable for failure to comply.

In addition, it is important to recognize that some policies have been revised several times since they were first issued. It is important to figure out which versions of the policies were in force at the time that the project was first designed and at the time that the loan was signed.

For example, the most recent version of the involuntary resettlement policy, Operational Policy and Bank Procedure 4.12, will only apply to projects that came into the pipeline after January 2002.

## vi. tips for drafting the claim: the policies

For older projects, you will need to reference older versions of the policies (i.e. Operational Directive 4.30 on involuntary resettlement, which was in effect from 1991 to January 2002). The Bank, of course, does not make this an easy task, as it only posts the current version of the policies on line, and even those can sometimes be hard to find. (see <http://wbln0018.worldbank.org/institutional/manuals/opmanual.nsf/textonly>). We are encouraging the Inspection Panel to include an historical archive of all relevant World Bank policies.

Some of the policies that have been important in past claims include the following. You can review earlier claims filed with the Inspection Panel on the website of the Panel (where they are actually very hard to find) or on the website of the International Accountability Project ([www.accountabilityproject.org](http://www.accountabilityproject.org)). These prior claims can give some guidance as to how the policy violations have been argued in the past, which might be helpful for drafting a new claim.

- **involuntary resettlement.** Operational Policy/Bank Procedure (OP/BP) 4.12 (January 1, 2002); Operational Directive 4.30 (from 1990 through December 2001); for earlier projects, see Operational Manual Statement (OMS) 2.34. Among other things, the policy on involuntary resettlement requires that people who are losing their lands or livelihoods as a result of a Bank-financed project should benefit from the project, and should have their standard of living improved or at least restored.
- **indigenous peoples.** Operational Directive (OD) 4.20 (September 1991). This policy is in the process of being revised into the OP/BP format. For more information about the policy revision process, see the website of the Forest Peoples Programme, [www.fppwrm.org](http://www.fppwrm.org). The Indigenous Peoples policy calls on the Bank to recognize the rights and vulnerability of indigenous people and ethnic minorities who have “a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process.”
- **environmental assessment.** OP/BP 4.01 (March 1999); previously OD 4.01 (October 1991). Requires careful analysis, and mitigation and avoidance, of the environmental and social impacts of a project; has differing categories of analysis based on the type of project; includes procedural and consultation requirements.
- **project supervision.** OP 13.05 (July 2001); OD 13.05 (March 1989). This is a key policy for making a linkage between the Bank and the actions or omissions of the borrowers. Requires the Bank to ensure that the borrower implements the project with due diligence; requires the Bank to identify and take steps to resolve problems in implementation; outlines Bank supervision responsibilities.
- **natural habitats.** OP/BP 4.04 (September 1994); previously Operational Policy Note 11.02, Wildlands. Says that the conservation of natural habitats is essential to sustainable development and prohibits the Bank from supporting projects that “in the Bank’s opinion, involve the significant conversion or degradation of critical natural habitats.”
- **economic evaluation of investment options.** OP 10.04 (September 1994); previously BP 10.04 (April 1994); OP and BP 10.04 replaced Operational Memorandum on Treatment of Environmental Externalities in the Evaluation of Investment Projects (October 1993). Requires the Bank to evaluate investment projects to ensure they promote the development goals of the country, to do a proper consideration of alternatives, and to evaluate the sustainability of projects.
- **inspection panel.** BP. 17.55 (February 1997). Sets out procedures relating to the Inspection Panel. The Panel has also published its own set of Operating Procedures, which are available from the Panel and on its website ([www.inspectionpanel.org](http://www.inspectionpanel.org)).

## vi. tips for drafting the claim

### **(iii) describe harm in compelling way, be broad**

How has this project, and the policy violations, caused the affected people increased hardship (or how does it threaten to cause harm)? What have been the impacts on women, children, and the elderly? What have been the health impacts? Cultural impacts? What economic impacts has the community suffered? Were these compensated? Were common property resources affected/restored? Have livelihoods been impaired? If so, how do current livelihoods compare to before the project? Have rights to participation, timely access to information, and meaningful consultation been respected or violated? What are the environmental impacts – locally, regionally, and globally? Don't be shy when describing harm, be thorough.

### **(iv) summarize attempts to raise concerns with the bank**

See Section IV above on engaging the Bank. This is a prerequisite to filing a claim, so be sure to describe in the claim what you have done to raise your concerns with Bank management or staff, what was their response, and why is this not adequate. Two suggestions for this part: (1) put this description at the end of the claim, as you want to emphasize first and foremost the problems and the harm, the story itself. (2) It is helpful to include an appendix with copies of correspondence or other summaries of attempts to raise issues of concern, and the Bank's response (if any).

### **general suggestions**

- Prepare a 1-2 page Executive Summary, which summarizes the policies that have been violated and includes a well-articulated statement of harm. This is important because many Executive Directors will never read the full claim.
- Explain the project, both the justifications for it and the problems; when it was approved; for how much money; give the loan number if available.
- Incorporate quotes from affected people in the claim, so that they are telling their grievances and articulating their demands in their own voices.
- Include maps and photos if possible.
- Use numbered paragraphs for ease of reference.

## vii. understanding decision-making and voting power

In order to fully engage the process of accountability, it is important to understand how decisions are made and who are the key decision-makers in the Panel process. It is also helpful to know some information about the project cycle.

The Board of Executive Directors is responsible for oversight and day-to-day decision-making at the Bank. All loans and projects supported by the Bank are approved by the Board of Executive Directors. The World Bank's fiscal year runs from July 1<sup>st</sup> to June 30<sup>th</sup>. At the end of the fiscal year, Bank staff are often pushing for Board approval of numerous loans. This time of year is known as "bunching season," and during this time, it is very difficult to either get a project off its "approval track," or to get the attention of the Board.<sup>8</sup>

The President of the World Bank, the most senior member of Bank Management, is also the Chairman of the Board of Executive Directors. There are 24 Executive Directors, representing 184 member governments. Voting power is weighted according to government contributions to the working capital of the Bank. All countries, including borrowers, make these capital contributions and thereby become shareholders in the Bank. The United States, Japan and Germany are the three largest donors, and have the largest percentage of shares. The US is the largest shareholder, with approximately 17% of the vote. Although donor country governments hold a slim majority of the voting power, borrowers still have quite a bit of power at the Bank, particularly large countries like China, India and Brazil.

However, it is important to bear in mind that the Board prefers to operate by consensus, and actual Board votes are extremely rare. The Inspection Panel cases have in the past been very split along donor/borrower country lines, but after the process was modified in 1999, it has been less contentious, and both borrower and donor governments at the Board have pledged to allow an investigation to take place if recommended by the Panel. Since that time, Panel recommendations for an investigation are generally approved by the Board without objection.

In terms of the balance of power between Bank Management, the Board and the Panel, it is important to understand that the Board has historically (but not always) acted as a rubber stamp of Bank Management. What often happens is that Bank Management will propose an "action plan" in response to the Panel claim or the Panel's report, and the Board will then authorize the Management to implement the plan, with very little oversight or independent on-site verification of the outcomes of the action plans. These plans have been problematic in the past, as they have generally not been developed in consultation with the claimants or the Panel, nor are the claimants or the Panel consulted during its implementation, nor is there sufficient oversight by the Board.

## viii. conclusion

The struggle for accountability is not an easy one. While the Inspection Panel at the World Bank and the emerging accountability mechanisms at other international financial institutions represent significant and important developments, engaging in these processes requires a real commitment of resources and perseverance by project-affected people and their allies.

The inspection panel and other complaint mechanisms, if used strategically, provide useful tools to help to increase accountability at international financial institutions; draw attention to the problems generated by lending decisions; and promote respect for human and environmental rights and the rule of law. These citizen-driven processes also help empower and organize local communities, giving them valuable mechanisms for enforcing (or trying to enforce) their rights under the emerging policy framework. This can have real impacts, both in particular projects and also in terms of promoting institutional learning and, hopefully, making it less likely that flawed projects will continue to enter the funding pipeline.

At present, civil society has not yet developed a means for holding the World Bank legally accountable in a court of law for violations of local peoples' rights. The Inspection Panel is the only institutional platform through which project-affected people can raise their concerns with the Bank and have them evaluated by an independent and impartial body. As long as international financial institutions have no formal accountability under international law, these mechanisms are important assets for civil society. However, as noted above, the Panel processes are not always perfect, nor do they always lead to the development of effective remedial measures. For these and other reasons, it is therefore important that claimants go into the process with a clear understanding of the benefits and limitations of these mechanisms, and that they pursue an inspection panel claim as part of a broader strategy.

## appendix one: accountability mechanisms at other international financial institutions

This section offers brief descriptions and websites with additional information for accountability mechanisms at other international financial institutions.

The **Inter-American Development Bank** (IDB) inspection process, created in 1994, has been flawed from its inception. The few claims that have gone to the Inter-American Development Bank Inspection Mechanism have floundered miserably, demonstrating a severe lack of institutional commitment to the process. There is discussion about revising the process, but nothing is yet underway. See: [http://www.iadb.org/aboutus/iii/independent\\_invest/independent\\_invest.cfm?language=English](http://www.iadb.org/aboutus/iii/independent_invest/independent_invest.cfm?language=English)

The **Asian Development Bank** Inspection Panel, created in 1995, was also flawed in its initial design, and was revised in the summer of 2003; the revised process became effective in December 2003. The new mechanism consists of two complementary functions: a consultation function, run by the Special Project Facilitator (SPF) and a compliance review function, run by a three-member Compliance Review Panel (CRP). The consultation function is intended to assist project-affected people with specific problems caused by ADB projects, through a range of informal methods, with the consent and participation of all parties involved. The consultation phase is run by the Special Project Facilitator, who reports to the President of the ADB. The policy requires that all complaints must first be filed with the Office of the SPF; however, if the requesters feel that this process is not satisfactory, they can choose to have their case addressed by the Compliance Review Panel. The CRP determines whether the ADB has violated any of its operational policies and procedures in the design, processing, or implementation of a project that directly, materially, and adversely affects local people. The three-person Compliance Review Panel reports to the ADB's Board of Executive Directors. See [www.bicusa.org](http://www.bicusa.org) for more information; see also [www.adb.org](http://www.adb.org).

The Compliance Advisor/Ombudsman, or CAO, is an accountability mechanism for the **International Finance Corporation** and the Multilateral Investment Guarantee Agency (MIGA), which are the two private sector lending arms of the World Bank Group. The CAO has three roles: (1) To advise and assist IFC/MIGA to address Complaints by people directly impacted by projects in a manner that is fair, objective and constructive. (Ombudsman.) (2). To oversee compliance audits of IFC/MIGA, overall environmental and social performance, and specific projects. (Compliance auditor.) (3) To provide independent advice to the President and management on specific projects as well as broader environmental and social policies, guidelines, procedures and resources. (Advisor) The Ombudsman role has been the most active of the CAO's roles; according to the CAO website, it is focused on identifying problems, recommending actions, using conflict resolution and mediation approaches and addressing systemic issues, where necessary. The website is [www.cao-ombudsman.org](http://www.cao-ombudsman.org).

Although the **European Bank for Reconstruction and Development** (EBRD) adopted its Independent Recourse Mechanism in April 2003, it was not yet operational at the time this Strategic Guide went to press. The Independent Recourse Mechanism is a tool for review of complaints from individuals and groups who are, or are likely to be, affected by an EBRD-financed project. There are two ways for this mechanism to address a complaint: a compliance function, that reviews whether a project complies with the Bank's Environmental and Public Information Policy (similar to World Bank Inspection Panel), or a problem-solving function. See [www.bankwatch.org](http://www.bankwatch.org), [www.bicusa.org](http://www.bicusa.org) and [www.ebrd.com](http://www.ebrd.com) for more information.

The **African Development Bank** is developing an inspection mechanism.

The **European Investment Bank** has no accountability mechanism nor has it demonstrated the intention to establish one. This is a great cause for concern. More information on [www.bankwatch.org](http://www.bankwatch.org), [www.foei.org](http://www.foei.org) and [www.eib.org](http://www.eib.org).

The **Japan Bank for International Cooperation** ([www.jbic.go.jp](http://www.jbic.go.jp)) created an Inspection Panel in 2002. It was the first export credit agency to do so, but others are now following suit, including the US's **Overseas Private Investment Corporation** ([www.opic.gov](http://www.opic.gov)) and the **Canadian Export Development Corporation** ([www.edc.ca](http://www.edc.ca)). For more information, see [www.eca-watch.org](http://www.eca-watch.org).

## appendix two: other recommended resources

### Web Resources:

[www.inspectionpanel.org](http://www.inspectionpanel.org) This is the Inspection Panel's website; among other important information, it includes copies of all of the claims that have been filed in the past, as well as Management's responses and the Panel's reports.

[www.worldbank.org](http://www.worldbank.org) The World Bank's website; has a "search" function. Should contain current versions of Bank policies (for the policies, see, more specifically, <http://wbIn0018.worldbank.org/institutional/manuals/opmanual.nsf/textonly>), contact information, and information about specific country and project lending.

[www.bicusa.org](http://www.bicusa.org) Website of the Bank Information Center, loaded with important information including documents such as "Toolkits for Activists" that contain information about how to campaign on a World Bank project. The BIC site also has contact information for Executive Directors of the various IFIs.

[www.foei.org/ifi](http://www.foei.org/ifi) Friends of the Earth International pages on its campaign on international financial institutions and export credit agencies, including a web based toolkit for civil society control and accountability.

[www.accountabilityproject.org](http://www.accountabilityproject.org) (forthcoming) The website for the International Accountability Project, which will serve as a resource for individuals and organizations that are seeking accountability for violations of environmental and human rights committed by international financial institutions; the site will include information about the Inspection Panel, about particular problem projects, and about policy issues such as involuntary resettlement.

[www.ifiwatchnet.org](http://www.ifiwatchnet.org) IFIwatchnet connects organizations worldwide that are monitoring international financial institutions (IFIs) such as the World Bank, the IMF, and regional development banks, includes a calendar and list of documents.

[www.eca-watch.org](http://www.eca-watch.org) ECA Watch is an organizing web site of the international campaign to reform Export Credit, Finance and Insurance Agencies (ECAs).

[www.ciel.org](http://www.ciel.org) Website for the Center for International Environmental Law; has a section on International Financial Institutions that may be helpful.

[www.spinproject.org](http://www.spinproject.org) A website that could be helpful for those thinking about media strategy; although it seems to be geared towards US-based folks, the website has a number of tutorials and resources that could be more broadly applicable.

[www.dams.org](http://www.dams.org) The website of the World Commission on Dams, which contains a wealth of background research as well as the final report, entitled *Dams and Development: A New Framework for Decision-Making*, which is a must-read for anyone dealing with a dam.

[www.eireview.org](http://www.eireview.org) The web site of the Extractive Industries Review of the World Bank. Includes a wealth of background information as well as the final EIR report (December 2003). The alternative civil society web site can be found at [www.eireview.info](http://www.eireview.info)

[www.bankwatch.org](http://www.bankwatch.org) Contains information about projects in Eastern Europe and Central Asia, as well as information about various campaigns; includes Citizens Guides on institutions such as the European Bank for Reconstruction and Development (EBRD), European Investment Bank (EIB); many key documents are translated into Russian.

[www.mekongwatch.org](http://www.mekongwatch.org) Mekong Watch is a Japanese NGO that combines research and advocacy to address and prevent the negative environmental and social impacts of development in the Mekong Region; they have been engaged in the development and improvement of accountability mechanisms at JBIC and ADB.

[www.brettonwoodsproject.org](http://www.brettonwoodsproject.org) Web site of the UK-based NGO focusing on the World Bank and the IMF; the website features briefings, reports and the bimonthly digest *Bretton Woods Update*.

[www.forum-adb.org](http://www.forum-adb.org) The web site of the NGO Forum on ADB, an Asian-led network of organizations that support each other in order to amplify their positions on Asian Development Bank's policies, programs, and projects.

## appendix two: other recommended resources

### **Selected Publications:**

The Inspection Panel, *Operating Procedures* (August 1994); available on the Inspection Panel website at [www.inspectionpanel.org](http://www.inspectionpanel.org).

World Bank, Resolution No. 93-10, Resolution No. IDA 93-6 "The World Bank Inspection Panel," (September 1993). (this is the resolution passed by the Board authorizing creation of the Inspection Panel).

Dana Clark, *A Citizen's Guide to the World Bank Inspection Panel* (Center for International Environmental Law, 1999); available for download in English, Spanish, French and Portuguese at <http://www.ciel.org/Publications/citizensguide.pdf>. Can be used as a complementary document to this *Strategic Guide*.

Dana Clark, Jonathan Fox, and Kay Treackle (eds.), *Demanding Accountability: Civil Society Claims and the World Bank Inspection Panel* (Rowman & Littlefield, 2003). The book, written by 12 contributing authors, evaluates the ten-year history of the Inspection Panel, profiling cases from Argentina, Bangladesh, Brazil, Chile, India, Nepal, Paraguay and Tibet. It can be ordered from the publisher at [www.rowmanlittlefield.com](http://www.rowmanlittlefield.com).

Gudmundur Alfredsson and Rolf Ring (eds.), *The Inspection Panel of the World Bank: A Different Complaints Procedure* (Martinus Nijhoff Publishers, 2001).

Ibrahim F.I. Shihata, *The World Bank Inspection Panel* (Oxford University Press, 1994). The author was the former General Counsel of the World Bank.

Ibrahim F.I. Shihata, *The World Bank Inspection Panel: In Practice* (Oxford University Press, 2000).

## endnotes

<sup>1</sup> For more information on accountability mechanisms at other IFIs, see Box 1.

<sup>2</sup> The Inspection Panel can only investigate projects financed by the two public sector arms of the World Bank Group: the International Bank for Reconstruction and Development (IBRD) and the International Development Association, which make loans to governments. There are two other arms to the World Bank Group, the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA), which focus on loans and political risk insurance for private sector corporations, such as Enron, Chevron/Texaco, Shell, and ExxonMobil. There is a separate “Compliance Advisor/Ombudsman” that provides accountability for the IFC and MIGA; see [www.cao.org](http://www.cao.org).

<sup>3</sup> Ibrahim F.I. Shihata, *The World Bank Inspection Panel* (Oxford University Press, 1994), p. 76.

<sup>4</sup> World Bank, “Conclusions of the Board’s Second Review of the Inspection Panel,” April 20, 1999.

<sup>5</sup> For more information, see Dana Clark and Kay Treakle, “The China Western Poverty Reduction Project,” in *Demanding Accountability: Civil Society Claims and the World Bank Inspection Panel* (Rowman & Littlefield, 2003).

<sup>6</sup> Many of the claims to the Inspection Panel are profiled and discussed in a recent book entitled *Demanding Accountability: Civil Society Claims and the World Bank Inspection Panel* (Rowman & Littlefield, 2003).

<sup>7</sup> For example, in a 2003 claim from the Philippines, the Panel concluded that the request could not be considered because the claimants had not yet raised their concerns with Bank management.

<sup>8</sup> Interestingly enough, it is Bank management, and not the Board, that controls the Board calendar. Even when 11 out of 24 Board members wrote to President Wolfensohn asking him not to send the China/Tibet case to the Board for a vote, because they thought it was not adequately prepared, Management insisted on keeping the project on the Board calendar before the end of the fiscal year. Despite a strong showing of concern and dissent from the Board, management pushed the project forward for a vote. (Though the project was initially approved in June 1999, the approval was conditioned on the outcome of the Panel investigation; when the Panel found widespread policy violations, the Board refused to accept management and China’s proposal for moving forward, and China withdrew the project in July 2000.)





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**I N T E R N A T I O N A L  
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**Cover-Foto Description:**

Anti mega-dams activists from Paraguay and Argentina, demonstrating against the elevation of the Yacyreta Reservoir, which would displace some 50.000 more people in this sector of the Paraná River, *foto taken by sobrevivencia friends of the earth paraguay*