



Consultation, Participation & Disclosure of Information

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Executive Summary

This report on consultation, participation and disclosure of information is the fourth in a series of publications by the World's Bank Inspection Panel drawing on the main emerging lessons from its caseload over nearly a quarter century. The Panel hopes the lessons presented in this report can highlight areas in which continued improvements can enhance the Bank's and its member countries' overall approach to consultation, participation and disclosure of information as tools to empower affected persons and communities to participate in development projects affecting their lives.

The Inspection Panel was created in 1993 by the World Bank's Board of Executive Directors to receive and investigate complaints submitted by people suffering harm allegedly caused by Bank projects. Since then, the Panel has received 120 Requests for Inspection. Of those, 90 have been registered and 34 investigated.

Of the 120 Requests for Inspection, 106 involved the interconnected issues of consultation, participation and disclosure of information. These issues were included in 30 of the 34 investigated cases. As in the previous three Emerging Lessons Series reports, a special emphasis was put on drawing lessons from cases within the past decade.

This report's main conclusions from the cases analyzed are as follows:

- Consultation is a tool to empower affected persons and communities to participate in the development process and to integrate their voice in projects affecting their lives. Under the right circumstances, consultations help projects achieve improved development results and deliver benefits.
- Ensuring adequate consultation from the very beginning of the project cycle and maintaining continuous communication with local stakeholders can enhance project design, prevent conflicts, avoid delays and improve development outcomes. Conversely, considering consultation, participation and information disclosure in the narrow context of one-way information dissemination and as a time-limited process can amplify adverse environmental and social impacts.
- Outcomes of consultations are highly context-specific and dependent on the borrower's and citizens' capacity and willingness to engage, as well as on social, political, economic, cultural and geographic factors.
- Consultations should not be considered as only connected to the preparation of safeguards instruments or limited to project preparation. Instead, consultations should remain flexible and adapt to changing project needs throughout the duration of the implementation cycle.

- Adequate community engagement often demands the inclusion of vulnerable and marginalized groups. Therefore, consultations require specific expertise to tackle issues such as gender dynamics, language barriers and cultural sensitivities. By ensuring communities' participation, the Bank can reap the many benefits of improved citizen engagement and hence achieve sustainable, inclusive and widely supported development outcomes.

Abbreviations

BP	Bank Policy
BRT	Bus Rapid-Transit
CSOs	Civil Society Organizations
EA	Environmental Assessment
EIA	Environmental Impact Assessment
ELPS	Escravos-Lagos Pipeline System
ESA	Environmental and Social Assessment
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
FPIC	Free, Prior and Informed Consent
GBV	Gender-Based Violence
GRM	Grievance Redress Mechanism
HIV	Human Immunodeficiency Virus
IPs	Indigenous Peoples
IPDP	Indigenous Peoples Development Plan
IPOs	Indigenous Peoples Organizations
IPP	Indigenous Peoples Plan
IPPF	Indigenous Peoples Planning Framework
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
NGOs	Non-Governmental Organizations
ODECO	Organización de Desarrollo Étnico Comunitario (Organization for Ethnic Community Development)
OFRANEH	Organización Fraternal Negra Hondureña (Honduran Black Fraternal Organization)
OGW	Orkhon-Gobi Water Diversion Project
OP	Operational Policy
PAD	Project Appraisal Document
PAPs	Project-Affected Persons
RAP	Resettlement Action Plan
RAPIC	Resettlement Action Plan Implementation Committee
RPF	Resettlement Policy Framework
SA	Social Assessment
SEP	Stakeholder Engagement Plan
Shuren HPP	Shuren Hydropower Project
TOR	Terms of Reference
TTL	Task Team Leader
UNRA	Uganda National Roads Authority
WAGP	West African Gas Pipeline Project

Introduction

The Inspection Panel was created by the World Bank's Board of Executive Directors in 1993, shortly after the 1992 Earth Summit in Rio where 180 countries had affirmed the importance of sustainable development and the role of strengthening citizen engagement and participation in development. The Inspection Panel is mandated to receive and investigate complaints submitted by people experiencing harm allegedly caused by Bank projects.

As of September 2017, the Panel had received 120 Requests for Inspection. Of those, 90 had been registered and 34 investigated. This report focuses on the interconnected issues of consultation, participation and disclosure of information—issues that have arisen in 30 Panel investigations and 106 Requests for Inspection (about 90 percent of both), reflecting their centrality to Inspection Panel cases. This report is the fourth in a series of Panel publications drawing on the main lessons that have emerged from its caseload since the first Request for Inspection was received in 1994. The first report, published in April 2016, focused on cases related to involuntary resettlement, the second (October 2016) analyzed indigenous peoples' issues, and the third (April 2017) was dedicated to cases involving environmental assessment.

It is important to note that Panel cases tend to highlight challenging projects that caused harm and therefore are not reflective of the Bank's entire portfolio. Nonetheless, these lessons are significant in their ability to provide opportunities for institutional learning and growth.

As this report will discuss, consultation, participation and information disclosure serve as tools to achieve objectives under separate World Bank policies.¹ The Panel's cases show that meaningful consultation processes are a key factor in successful development projects. The Panel's experience demonstrates that consultations will likely be meaningful when they are conducted with the right stakeholders, in a timely fashion, in an appropriate language and culturally appropriate manner, and at an accessible location. Consultations need to be based on adequate, relevant and accurate information provided to appropriate stakeholders in an understandable form prior to consultations. It is also important to give special attention to project-affected persons (PAPs) as well as disadvantaged or vulnerable groups, and to properly manage expectations.

The Bank's operational policies (OPs) that apply to the projects described in this report contain different consultation requirements and prescribe different levels of engagement. Three of these policies directly address consultation, participation and information disclosure: OP 4.01 on Environmental Assessment; OP 4.10 on Indigenous Peoples; and OP 4.12 on Involuntary Resettlement. Several other policies—such as OP 4.11 on Physical Cultural Resources, OP 4.36 on Forests, OP 4.04 on Natural Habitats and OP 4.00 on Piloting the Use of Borrower Systems—refer to the need for consultations. OP 8.60 on Development Policy Financing and OP 9.00 on Program for Results Financing also include consultation requirements. The Bank's Policy on Access to Information refers to the need for transparency and knowledge

sharing, and recognizes that engagement with a broad range of stakeholders enhances the quality of operations. The Strategic Framework for Engaging Citizen Feedback in Bank Operations seeks to include beneficiary feedback in Bank operations to empower citizens to participate in the development process as a key to achieving better results.

On August 4, 2016, the World Bank's Board of Executive Directors approved a new Environmental and Social Framework (ESF), which includes the Environmental and Social Standard (ESS) 10 on Stakeholder Engagement and Information Disclosure. ESS 10 requires that information be disclosed in a timely manner, in an accessible place, and in a form and language understandable to project-affected and other interested parties. It also requires that the borrower engage with stakeholders through meaningful consultation in a manner proportionate to the risks to and impacts on affected communities. Several other standards, such as ESS 7 on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities, include consultation requirements. According to ESS 7, the borrower must undertake a process of meaningful consultation tailored to Indigenous Peoples and needs to obtain Free, Prior and Informed Consent (FPIC)² of the affected indigenous peoples when certain specific circumstances are present. ESS 5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement includes specific requirements for community engagement in resettlement processes. Since the ESF will not take effect until 2018, the lessons included in this report are based on cases to which the existing policies applied. Still, the lessons identified from these policies should be useful for implementing future projects under the new framework.

Methods

The lessons included in this report were drawn by analyzing Panel cases involving consultation, participation and disclosure of information.

A complete review of the Panel's database led to the initial identification of the main issues arising in projects involving these issues. Of the Panel's 34 investigated cases, 30 have involved consultation, participation and disclosure of information issues. While all of these cases were studied for the purposes of this report, emphasis was placed on the lessons from cases within the past 10 years. An attempt was made to ensure the cases used as examples represent different regions and sectors.

A systematic identification and classification of issues was undertaken, based on common themes and similarities among the cases. (The main cases studied are summarized in Appendix C.) Although each case is unique, findings were grouped into five lessons based on recurring themes.

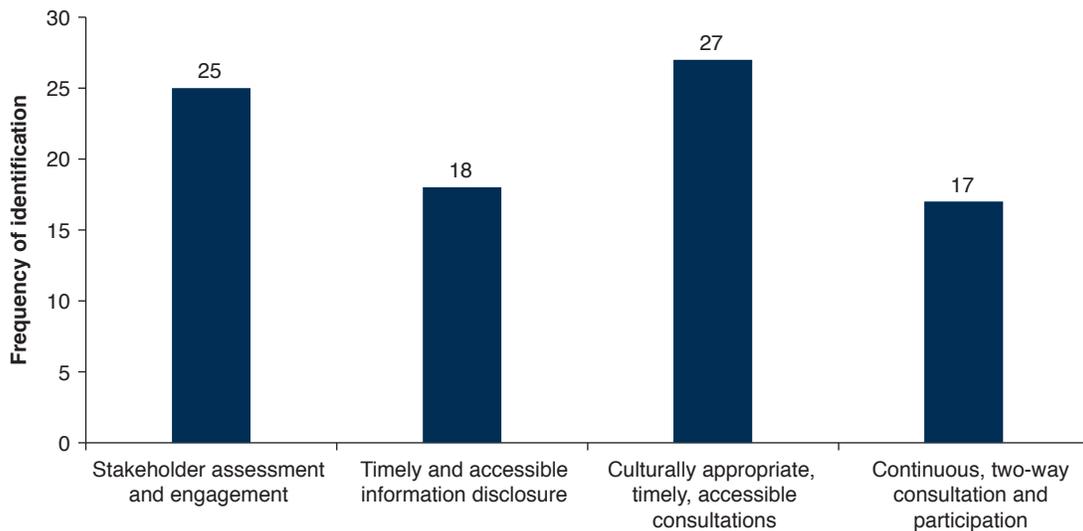
A literature review was conducted and discussions were held with internal and external stakeholders and experts. Two internationally renowned experts on consultation, participation and disclosure of information and World Bank safeguard policies provided peer review for this publication.

Results

The subset of 30 cases provides a wide sample, spanning 23 years and covering 22 countries in six regions. The issues most frequently identified by the Panel are culturally appropriate, timely and accessible consultations (27 cases) and stakeholder assessment and engagement (25 cases).

Figure 1 below and Figure 2 presented as part of Lesson 5 show the frequency of the issues identified in the 30 Panel investigations and form the basis of the emerging lessons presented in this report. The results of the Panel's analysis are presented by lesson in the following sections, which include examples from Panel cases.³

FIGURE 1 Frequency of Issues Identified in Consultation, Participation and Disclosure of Information Cases





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LESSON 1

Identifying All Relevant Stakeholders and Engaging with Appropriate Representatives is Crucial to Establishing Meaningful Consultation and Participation

The purpose of consultation is to listen to the opinions and concerns of potentially affected people so that their input can be considered when designing a project. Meaningful consultation is possible only when options are given to PAPs and when authorities are open to considering inputs and adapting the options given to people when feasible. Ensuring meaningful consultation and participation begins with understanding the scope of the project and then properly identifying relevant stakeholders who are either impacted by the immediate project or its area of influence, or who can provide useful information about it. This requires stakeholder mapping that informs the design of the consultation mechanism by understanding the interests and needs of key stakeholders. In the case of indigenous peoples, ensuring adequate community representation is particularly important.

Proper Stakeholder Assessment

To enable meaningful consultation and participation, the stakeholder assessment should be based on current and comprehensive data and be conducted by knowledgeable professionals. All parties that are likely to be affected by a project—either directly or indirectly, negatively or positively—should be able to participate in the consultation process. This includes key interest groups, project-affected communities, local governments, and local non-governmental organizations (NGOs) interested in the issues addressed by the project. In addition, it is important that the stakeholder assessment identify vulnerable or disadvantaged groups affected by the project so that their voices can be taken into account. The Panel’s caseload identified several instances where the focus of a project’s stakeholder assessment was not sufficiently broad. As a consequence, certain groups or individuals were left out of the consultation and participation processes, leading to avoidable problems during project implementation and/or reducing the project’s development effectiveness.

Examples. In the India Mumbai Urban Transport Project investigation, the Panel found that the project overlooked middle-income shopkeepers in resettlement planning and failed to differentiate their situation from that of other PAPs. The project mistakenly assumed that impacts of the rail and road project components would be the same on various PAPs. Middle-income shopkeepers disputed the quality of the resettlement surveys, since these did not properly assess their commercial structures and did not identify them as a distinct group from slum dwellers. As a result, they were not consulted in advance about resettlement sites or possible alternatives to reestablish their shops. In addition, the resettlement sites were not conducive to restoring their former income or production levels as required under Bank policy.

In the case of the Peru Lima Urban Transport Project, the Panel found that in the early phases of the project and during much of the implementation, consultation meetings were held only with organizations and local authorities. Residents of the affected area, the historic neighborhood of Barranco, were not provided sufficient information about the project nor were their concerns related to impacts on the sociocultural dynamics of the neighborhood adequately considered in the project decision-making process. For example, affected communities were not consulted about a study that evaluated traffic re-routing alternatives and the impacts of the project on the traffic patterns. The Panel found that this study did not adequately analyze the potential risks and impacts of the project’s traffic re-routing on the affected neighborhood. Only when residents began voicing their concerns in a more organized fashion were their concerns considered and a number of actions taken. The Panel noted that the lack of adequate consultations with relevant stakeholders, particularly during the critical design phase of the project, appeared to have contributed to tension and conflict surrounding the project. However, the project later engaged residents of Barranco in consultation meetings and established a roundtable to discuss short- and long-term solutions for traffic problems resulting from the project.

Representation in the Context of Indigenous Peoples

When consulting indigenous groups, it is important to consider the cultural makeup of the communities and to engage with their different segments, including women, elders and youth. While designing and implementing consultations, it is also important to respect indigenous peoples' traditional authority structures, and to understand that they can vary significantly among indigenous communities. It is particularly challenging to conduct consultations where indigenous leaders represent competing interests. Since indigenous leadership dynamics can be complex, consultations in such environments should be treated with considerable sensitivity; competing interests and representation structures within indigenous groups should be identified and understood in the context of a project. Panel cases have demonstrated the importance of respecting traditional indigenous leadership during the consultation process, while encouraging broad community support inclusive of gender, age, geography, and socioeconomic status.

Examples. In its investigation of the Panama Land Administration Project, which financed improved land security through titling activities and consolidating protected areas and indigenous territories, the Panel found that the methodology used for determining the boundaries of the project area was inadequate. The identification of “Annex Areas,” which are Ngäbe territories outside the the Ngäbe-Buglé area, included consultations with only the main leaders, who may not have been local, and did not ensure that the consultation activities related to the consolidation of the Ngäbe-Buglé area included residents and local leaders of the Annex Areas. The Panel found that these shortcomings hampered the Ngäbe's efforts to gain recognition of their communal lands.

During its investigation of the Honduras Land Administration Project, the Panel found that the initial approach of creating an organization like the “Mesa Regional” (a regional roundtable) to unite the leaders and representatives of each Garífuna community constituted an effort to establish inclusive consultations and engage affected people. However, because the representative organizations of the Garífuna people (OFRANEH and ODECO) were not included in the “Mesa Regional,” the project had put in place a parallel system that was at odds with the way the Garífuna people had established to represent themselves. The Panel found that the protections provided under the project were not adequate to safeguard the Garífuna rights over their lands during project implementation, in part because of the project's reinforcement of an unrepresentative “Mesa Regional.”



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LESSON 2

Disclosing All Critical Project-Related Information, Including on Potential Risks and Impacts, in a Timely and Accessible Manner is the Foundation for Ensuring Effective and Meaningful Participation

The Panel's experience shows that effective community engagement should be informed by project-related information that is disclosed in a timely, understandable and accessible manner. Project documents should be disclosed as early as possible, especially when key elements of the project design and impacts are identified. For instance, OP 4.01 explicitly requires Category A⁴ projects to disclose and consult on the Terms of Reference (TOR) of the Environmental Assessment (EA) and the draft EA report. Stakeholders should also be provided with an adequate amount of time to review the information shared to ensure that meaningful consultations on the project design can be conducted. The Panel has investigated several projects where key documents were not disclosed or were disclosed too late to enable meaningful participation.

Panel cases also highlight the importance of providing information in accessible locations and adequately informing stakeholders of the location and availability of information. In some cases, project documents were placed

in a government office or public information centers located far from the affected communities. In other cases, even when public information centers or libraries were located near affected communities, these venues were not open at a time convenient for stakeholders to access and properly review the information available there. There were also instances in which the community was not aware of where project documents had been placed.

The Panel's experience demonstrates that it is crucial to provide information in a form and manner that is easily understandable to the targeted stakeholders. Brochures with basic project information and a description of potential impacts might be prepared for the purposes of consultations, including infographics and other visual elements to make the information more comprehensible. In some cases, the Panel has observed that the information provided was too technical, especially for communities with low education levels. In other cases, the information provided was too focused on describing the project's benefits instead of also adequately presenting the potential risks and impacts and proposed mitigation measures. The Panel's findings further show the importance of disclosing information in local languages and in a culturally appropriate manner. The Panel has encountered many cases in which information was not provided in a language understandable to PAPs, especially in cases involving indigenous peoples.

Examples. In the case of the Institutional Reform Development Policy Grant in Yemen, the Requesters⁵ claimed that the Bank failed to comply with the principles of transparency and disclosure of information, because the project only disclosed the Program Document after pressure from civil society, and only an English version of the document was made available. The Bank subsequently addressed this issue by translating the Project Document into Arabic. In addition, following a comprehensive review of the translation practices in the Middle East and North Africa Region, the Bank made the translation of core operational documents into Arabic a requirement for all new operations in countries where Arabic is the main business language. Following these actions by the Bank to resolve the issue, the Panel decided not to recommend an investigation.

In its investigation of the West African Gas Pipeline Project, the Panel found that the Resettlement Action Plan (RAP) had not been disclosed in Igbesa, the area with the highest concentration of displaced persons. In addition, the translation of the executive summary of the RAP into Yoruba (the local language) was produced only two years after the last compensation had been paid. This meant that displaced persons did not have the necessary information to make meaningful, informed choices about livelihood restoration, compensation and other resettlement entitlements. While the project's Environmental Assessment had been disclosed and was of good quality, the document was highly technical and difficult to understand, especially given the low literacy rate in the affected communities. The Panel noted that even though many consultations were conducted with communities and other stakeholders, it was questionable whether the meetings were prepared in a way that would ensure meaningful engagement. It appeared that affected

communities were not provided with relevant materials in an understandable form prior to these meetings.

It is important to note that access to information is a necessary but not sufficient enabling condition for effective and meaningful consultation. Adequate disclosure of information alone does not automatically lead to engagement or participation. Many Panel cases show that other contextual factors, such as those described in Lesson 3, also play an important role in ensuring meaningful engagement processes.



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LESSON 3

Timely and Accessible Consultations that Utilize Culturally Appropriate Communication Tools and Give Due Consideration to the Local Context are Essential

Timeliness and Location of Consultations

The Panel's experience shows that it is important to start consultations early in the project cycle to enable stakeholders to provide insights into the project design and the identification of environmental and social risks and impacts and related mitigation measures. The Panel has investigated several projects in which consultations were held after key project decisions had been made, and too late for affected people to be able to provide meaningful input.

Bank guidelines⁶ state that, regardless of when during the project cycle they take place, consultation meetings should be announced at least two to three weeks in advance, and that an agenda and relevant background materials should be distributed ahead of the meetings to allow participants sufficient time to prepare. Ideally, participants should be allowed to comment on and agree to the agenda at the beginning of the meeting. The Panel's experience also illustrates the importance of selecting meeting locations that are

accessible to relevant stakeholders. Consultation meetings should be held as close as possible to project-affected communities. If the project spans several regions, consultation meetings should also be organized in several locations. In addition, the venue selection should take into account the needs of stakeholders with special requirements, especially vulnerable and disadvantaged groups. The Panel has encountered cases in which consultation meetings were not accessible because they were held far from where project-affected persons lived or did not include PAPs from all project locations.

Examples. In its investigation of the Albania Power Sector Generation and Restructuring Project, which financed the construction of a thermal power station in the city of Vlora, the Panel found that consultations with affected parties only took place after the government had approved the siting of the project. Therefore, consultations appeared to be a mere formality and did not meaningfully contribute to improving project selection, planning or design. There was also no record of any attempt to proactively engage professional bodies, local NGOs, or business organizations through focus group discussions, open houses, workshops, or other means before key project decisions were made. The Panel's investigation noted that meaningful engagement of the Vlora civil society at an early stage of project conceptualization would have revealed the concerns and fears of the local population and could have allowed these to be considered in the Environmental Assessment. The Requesters had also submitted a complaint to the Aarhus Convention Compliance Committee, which found that the government of Albania had failed to comply with the public participation legal requirements during the project-siting process. Thus, both the committee's review and the Panel's investigation noted that the government did not fulfill its consultation obligations under the Aarhus Convention, an international environmental agreement to which Albania is a party.

In the case of the Nepal Power Sector Development Project, even though the transmission line financed by the project traversed five districts, the public hearings on the Environmental Assessment were held in only two. The Panel noted that this approach may have made the participation of people from the remaining three districts difficult given the travel distances. While the Panel acknowledged that the consultations were conducted at the height of the Maoist insurgency, which made outreach efforts and participation difficult, it noted that holding consultations in each district would have made it easier for people to reach the meeting venues and would have facilitated greater participation of potentially affected persons. In addition, the Panel found that there was no evidence that the draft Environmental Assessment was made available in Nepali or other local languages prior to the meetings.

Tailoring Consultation Meetings to the Stakeholders and Providing a Safe Environment

It is important that the format of meetings and consultation methodologies be tailored to the intended stakeholders. These can vary from public hearings and focus-group discussions with specific types of stakeholders to household

surveys, typically used in the case of projects involving involuntary resettlement, and one-on-one discussions. The consultation format also needs to be culturally appropriate and adapt to the sociopolitical, economic and local context. For instance, in some cultures it might be more appropriate for meetings to be conducted separately with men and women, since women might not feel comfortable speaking publicly in front of men. The same might happen with other groups that are traditionally excluded, such as lower caste groups, which might feel reticent in freely expressing their opinions. The timing of the consultation should also take into account cultural customs and work and household commitments. In some cases, national laws might also dictate the format and timing of consultations.

Panel cases highlight that in order to understand the local context and the social dynamics and effectively design and organize the consultations, it is key to employ adequate social expertise. This is especially relevant when the discussions and potential impacts are related to socially sensitive issues, such as gender-based violence (GBV) and other issues that might be considered taboo according to societal norms. This is also the case when organizing consultations with groups that traditionally face discrimination.

It is critical that consultations be free of any form of intimidation, coercion or external interference. The consultation venue needs to be seen as safe by the stakeholders. Panel experience shows that it is important to understand community dynamics and the role of local governments when designing consultations. For instance, special care should be used in consultations conducted in conflict areas. Special care is also necessary to ensure the safety of groups that are traditionally marginalized (such as members of LGBTI⁷ communities or minorities), or those that oppose projects in situations where a community is split. The project team needs to be cognizant that in some cases people might not feel safe in voicing their concerns in front of local government officials. While consultations are normally held by the borrower, it might be justifiable in those exceptional cases with a high risk of retaliation for the Bank to ensure consultations are conducted independently and on a confidential basis.

Examples. In the case of the Uganda Transport Sector Development Project, the Requesters claimed that people did not complain about the project due to fear of harassment and retaliation. Management acknowledged that retaliation from within the community was also possible in reaction to the subsequent cancellation of the project and any ensuing job losses. While the Panel did not confirm any actual case of retaliation, it was clear that there was apprehension to openly speak about problems related to the project, especially when GBV-related concerns first surfaced. This investigation highlighted the need for adequate expertise and knowledge of the community dynamics to gather information about sensitive issues, such as those related to GBV and child sexual abuse. Given the lack of requisite social expertise in the project team to address these issues, the project was unable to confirm claims of child sexual abuse by road workers for many months, despite undertaking several supervision missions to the community.

In its investigation of the Chad-Cameroon Petroleum and Pipeline Project, the Panel heard from community members that consultation meetings with affected communities in the oil field regions were undertaken in the presence of security forces or government representatives who could retaliate by arresting or intimidating people who spoke out against the project. The Panel found that full and informed consultation is impossible if those consulted perceive that they could be penalized for expressing their opinion or opposition to the project. However, the Panel recognized that the project later addressed these issues by encouraging frequent consultations with local communities in an environment that was more conducive to an open exchange of stakeholders' views and opinions.



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LESSON 4

Consultation and Participation Should be Continuous, Foster Two-Way Communication and Adequately Respond to Feedback from Affected Communities

Continuous Consultations and Two-Way Communication

Panel cases have shown that consultations need to start as soon as project design options are identified and be conducted on an ongoing basis throughout project preparation and implementation to keep affected people informed, to identify risks and impacts and to be able to take affected people's views into account. To ensure a continuous, two-way engagement, it is key to provide feedback to stakeholders about how their input will be used and to clearly lay out expectations in the consultation process. The results of consultations need to be documented and disclosed. Best practice mandates that a matrix of comments and responses is prepared to explain to the stakeholders how their feedback was considered by the project. When communities are provided with project-related information that accurately reflects both project benefits and adverse impacts and can voice their suggestions and concerns, an honest conversation about the project's risks and opportunities can take place.

Examples. In its investigation of the Nepal Power Development Project, the Panel noted that a lack of sustained communication and consultation during project preparation and implementation enabled misinformation about the transmission line to spread, especially regarding its perceived health impacts. This misinformation, which could have been stemmed by a continuous, two-way communication during the project, contributed to the community's opposition to the right of way. While noting the precarious local security situation due to a Maoist insurgency at the time of project preparation and implementation and the travel restrictions this placed on Bank staff, the Panel found that the project exhibited a lack of meaningful consultations stemming in part from the dearth of continuous consultation between the community and the project team. Work on eight transmission towers had been suspended for almost three years due to community protests, and the police made several arrests to maintain public order. This case shows that opposition can be exacerbated in situations where projects fail to adequately engage communities.

In the Panel's investigation of the Albania Power Sector Generation and Restructuring Project, it found the EA neither referred to nor addressed any specific concerns of affected groups, despite assertions by the community that the project site had important archaeological, cultural, and historical significance. The EA incorrectly stated that data on the project area's cultural assets and archaeology were not available, even though the Bank had received numerous letters from affected groups on this issue. The Panel noted that the problem could have been avoided had the project engaged in two-way communication with community members presenting these concerns from the outset.

Intensified Consultations When Circumstances Change

The Panel's experience has shown that renewed consultations with updated information are needed when circumstances change, such as in the case of long delays during implementation or modifications in the project design. This is crucial to keep affected people informed and engaged, mitigate harm, ensure project benefits, manage expectations, decrease frustration and tensions, and ultimately avoid opposition to the project, delays and additional costs.

Example. In its investigation of the Papua New Guinea Smallholder Agriculture Development Project, the Panel noted that many of the consultations occurred very early in the project's design phase. As the successor to a successful oil palm project, the new project was expected to follow within a relatively short period of time. However, there was a gap of more than six years between the two projects, during which time a cyclone devastated the palm oil industry. Throughout this period, project support was absent, leading to a decline in services to smallholder farmers. Once the project restarted, it did not consult with smallholders about shifting its emphasis from re-planting oil palm—which the farmers had requested—to cultivating oil palm on new land. The lack of communication during the project's delay,

combined with the lack of consultations after the project emphasis changed, hampered the successful implementation of the project.

Effective Grievance Redress Mechanisms that Enhance Continuous Feedback

The Panel's experience also shows that grievance redress mechanisms (GRMs) have the potential to facilitate continuous and meaningful engagement with affected communities and other stakeholders by allowing people to submit their views and bring forward suggestions throughout project preparation and implementation.

Feedback from PAPs through an effective, accessible and transparent grievance redress mechanism can help projects learn about issues and address them in a timely manner. Functioning GRMs include a transparent and predictable procedure on how to respond to complaints and what the timeline should be, allowing projects to respond to community concerns, assess potential risks and identify systemic issues. Project-level grievance redress mechanisms under the Bank's current policy framework are explicitly required by OP 4.10 on Indigenous Peoples and OP 4.12 on Involuntary Resettlement. In 2013, the Bank conducted a Global Review of Grievance Redress Mechanisms in World Bank Projects.⁸ This study found that the overall usage of GRMs had increased in recent years (almost half of all projects included a description of a GRM in the project documents) and that GRM usage was almost universal among Category A projects. However, this relatively broad usage was primarily linked to projects that triggered the Indigenous Peoples' and Involuntary Resettlement policies. There was also increased management attention to beneficiary feedback systems, including GRMs, and their ability to provide real-time information on project risks and effectiveness. When looking at qualitative aspects, however, the study found many issues with GRM implementation, monitoring and evaluation in all regions.⁹

The new Environmental and Social Framework will expand the role of GRMs, and states that the Bank “*will require the borrower to provide a grievance mechanism, process, or procedure to receive and facilitate resolution of concerns and grievances of project-affected parties arising in connection with the project, in particular about the borrower's environmental and social performance.*”¹⁰ The GRMs need to be proportionate to the potential risks and impacts of a project, and be accessible and inclusive.

Example. In its investigation of the Uganda Transport Sector Development Project, the Panel found that the project did not have a functioning GRM. The RAP set out a procedure for establishing a GRM and included the employment of a RAP implementation consultant with field presence along the road under construction in collaboration with a local NGO funded to monitor RAP effectiveness. However, none of this was implemented. The community had independently created its own grievance redress mechanism, but there was no official link between the community mechanism and the implementing agency. The Panel observed that while GRMs are not

the only way to ensure resettlement effectiveness, in this context a fully functioning and representative mechanism could have played a significant role in identifying problems early on, in providing a channel to improve communication, and in seeking redress. Such a mechanism could have also helped in identifying the most vulnerable groups and served as a conduit for the community to bring concerns beyond resettlement to the attention of the authorities and the Bank.



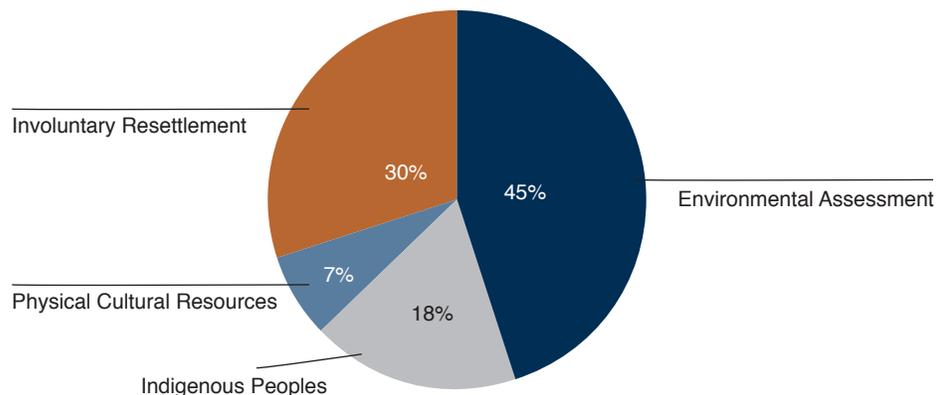
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LESSON 5

Considering the Objectives of the Different Consultation Requirements under the World Bank’s Safeguard Policies is Important

Fulfilling the purpose of consultations throughout the project cycle requires a different level of engagement under each World Bank safeguard policy. Panel experience has highlighted the differences between four policies: Environ-

FIGURE 2 Breakdown of Consultation Policy Application in Panel Cases



mental Assessment, Indigenous Peoples, Physical Cultural Resources and Involuntary Resettlement.

OP/BP 4.01 Environmental Assessment

Under the Bank Policy on Environmental Assessment, consultations provide a channel for incorporating stakeholder views and information into the project's design and mitigation measures. It also helps in obtaining information on and defining which risks should be further assessed as part of the EA process. As an umbrella instrument for a project's safeguard framework, the EA should include a consultation plan to inform its preparation and implementation. Under the policy, entry points where consultations should be carried out during the EA process differ based on the level of identified risks. For Category A projects, which entail greater risks, stakeholders are consulted at least twice, including before the finalization of the Terms of Reference of the EA and after the preparation of a draft EA and Environmental Management Plan. On the other hand, Category B projects¹¹ require consultations with affected people and NGOs that are commensurate with the project's lower level of risk and that take the stakeholders' input into account. According to the policy, consultations should be held throughout project implementation as necessary to address EA-related issues.

Example. In the case of the Mongolia Mining Infrastructure Investment Support Project, community representatives and local organizations in Mongolia and Russia alleged that the assessment studies of two subprojects—the Shuren Hydropower Project (Shuren HPP) and the Orkhon-Gobi Water Diversion Project (OGW)—may have potential irreversible environmental and social impacts on the Selenge River and its delta in Mongolia and on Russia's Lake Baikal, a World Heritage Site. They complained about a lack of information disclosure and consultation, especially with project-affected people in Russia. Despite the fact that many of the potential adverse impacts of the subprojects would take place in Russia, in the early stages consultations on the TORs for the assessment studies had only been conducted in Mongolia and documents had not been translated into Russian. Following its eligibility review, the Panel postponed its recommendation on whether to investigate the Request in view of the Bank's commitment to addressing these issues and considering that the next stages in project implementation provided ample opportunities to address the Requesters' concerns. After two deferrals, the Panel noted that the project had made significant efforts to properly consult potentially affected people, especially in Russia, and that the implementing agency had agreed to integrate comments from the consultations into the revised TORs, including by committing to prepare a cumulative impact assessment and analysis of alternatives. Therefore, the Panel did not recommend an investigation.

OP/BP 4.10 Indigenous Peoples

Under the Bank Policy on Indigenous Peoples, projects that affect IPs cannot proceed without first achieving broad community support. This process includes providing the affected communities with opportunities to participate

in the decision-making process. To achieve this end, project staff are requested to engage in a process of “*free, prior, and informed consultation*” at each stage of the project cycle in a culturally appropriate manner. Panel cases have reinforced that an effective free, prior, and informed consultation process empowers stakeholders. It has also shown that a community’s early interest in a project and its agreement to discuss it is not equivalent to “*broad community support*” for a project. The consultation process should be documented to show how broad community support was achieved and should include measures to address adverse impacts on indigenous peoples. An example of this documentation could include formal agreements with the indigenous peoples. The Environmental and Social Framework includes revised consultation requirements for projects affecting indigenous peoples. The new standard requires the borrower to achieve the “*free, prior, and informed consent*” of the affected community in certain circumstances (as explained in footnote 2).

Examples. In its investigation of the Papua New Guinea Smallholder Agriculture Project, which sought to increase the income and improve the livelihoods of indigenous communities involved in oil production as smallholders, the Panel found no evidence of how broad community support had been achieved for the project. Although the majority of smallholders expressed interest in oil palm production as a means to obtain extra income, they also complained about unfair imposition of levies, abysmal road conditions hampering transportation of produce, lack of opportunities for income diversification, and a failure to receive what they considered to be a fair share of profits. The Panel in this case noted that the widespread interest among smallholders in growing more oil palm was not the same as broad community support for the project.

During its investigation into the Kenya Natural Resources Management Project, the Panel found that the activities aimed at participatory management of forests and engagement with communities, including the Cherangany-Sengwer Indigenous Peoples, were not adequately followed up and implemented. Although the preparation of early project documents led to strong support from parts of the community because of their wide coverage of key issues in line with indigenous peoples’ claims, the restructuring of the project was developed without free, prior and informed consultation. The Panel noted that as a result of the project restructuring, the focus on livelihood support, while beneficial to recipients, represented a move away from a focus on the protection of customary rights. Without proper identification of customary rights, it became difficult to undertake effective free, prior and informed consultations leading to broad community support.

OP/BP 4.11 Physical Cultural Resources

Consultations are an important means of identifying physical cultural resources during project preparation, since their existence may not be documented or otherwise visible. Bank Policy on Physical Cultural Resources requires that consultations are undertaken as part of the Environmental Assessment process, beginning with the preparation of the TORs for the EA,

to identify the likely physical cultural resources affected by the project. The public consultations required under the Bank's EA Policy should also include mechanisms for specifically addressing the issue of physical cultural resources with project-affected groups, NGOs, and government authorities to assess potential impacts and explore avoidance and mitigation options. Projects subject to this policy include those that (i) involve significant excavations, demolition, movement of earth, flooding, or other environmental changes, and (ii) are located in, or in the vicinity of, a physical cultural resources site recognized by the borrower. Such projects are normally classified as Category A or B projects under the Bank's Policy on Environmental Assessment.¹²

Example. During its investigation into the Uganda Private Power Generation Project, the Panel found that the project misjudged that the Bujagali Falls were a cultural resource of importance not only for the Busoga people living in the vicinity of the falls, but for the entire Kingdom of Busoga living beyond them. The consultation methodology was structurally weak and included mostly laymen, many of whom were not sufficiently knowledgeable about the traditional religion. Furthermore, the survey was limited to people living in the project area, many of whom were non-Busoga migrants, whereas most of those who believe in the significance of the Bujagali Falls spiritual site did not live in the immediate vicinity of the project. It also excluded key spiritual leaders of the Busoga clan who had a strong spiritual attachment to the site and whose livelihood could be impacted by its flooding. A more comprehensive consultation process could have enabled project developers to have a fuller understanding of the cultural and spiritual significance of the falls, and led to more appropriate mitigation of the impacts of an important cultural resource.

OP/BP 4.12 Involuntary Resettlement

Meaningful consultations under the Bank Policy on Involuntary Resettlement create the opportunity for active stakeholder participation that influences design and implementation of the resettlement process. The consultation process begins early in the development of a resettlement program to provide the basis for the census and socioeconomic survey that inform its design. The Panel's experience shows the importance of stakeholders' awareness of the purpose of the surveys and how the results will be used in the resettlement program. The process provides affected people with an opportunity to be informed about their rights pertaining to resettlement and to be consulted on resettlement options, including forms of compensation, alternative livelihood strategies and resettlement locations. Well-designed resettlement programs consider this feedback from displaced persons and incorporate it into the design of project activities. The draft resettlement plans should be consulted on and clearly discuss the resettlement entitlements for each category of impact. Panel cases have shown that resettlement programs that are informed by the needs of affected peoples can minimize negative impacts during implementation and subsequently promote effective livelihood restoration practices.

Examples. The Panel's investigation into the Kenya Electricity Expansion Project, which supported geothermal power-generation activities, found shortcomings in achieving meaningful consultations and inclusive participation in the project's resettlement activities due to ineffective communication with the community and omission of the Maa language during consultations. Some PAPs also claimed they had not been involved in the decision-making process for resettlement housing designs. The Resettlement Action Plan included selected designs for resettlement housing, but the Panel noted that PAPs were not given a choice among alternatives on an individual household basis, meaning that unique resettlement needs were not wholly considered. As a result of these consultation shortcomings, the resettlement options afforded project-affected persons were not always culturally appropriate.

In the case of the Ghana Second Urban Environment Sanitation Project, resettlement occurred in a context where citizens did not expect to be treated fairly in the land acquisition or development processes as a result of complex legacy issues. In addition, the Panel's investigation noted that the resettlement process encountered challenges handling vulnerable groups likely to lose their livelihoods due to land acquisition, including women, migrants with uncertain legal entitlements, and so-called "squatters" without formal title. Given these sensitive issues, during the preparation of the RAP consultants were tasked to gather information by accessing the community without identifying themselves as such. While the actions by the consultant may have been undertaken with good intentions, the Panel noted that they are not consistent with the requirement of informed consultation under the Bank's Involuntary Resettlement Policy. The Panel was also concerned by the fact that the affected population was not provided with clear information on the objectives of the RAP survey and the use of the collected data. The Panel found that in administering the survey little to no effort appeared to have been made to explain meaningfully the Bank's process and resettlement policies, or to describe an ongoing participation plan.



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Conclusions

The increasing importance of adequate consultation, participation and disclosure of information in development projects underscores the significance of participatory approaches in ensuring a project's legitimacy by securing an affected community's support. The Panel's almost 25 years of experience has shown that consultation can serve as a tool to empower affected persons and communities to participate in the development process and to integrate their voice in development projects affecting their lives. Under the right circumstances, consultations help projects achieve improved development results and deliver benefits.

Through its investigations, the Panel has encountered the adverse impacts brought about by inadequate public participation processes, as well as the benefits provided by positive ones. Ensuring adequate consultation from the very beginning of the project cycle and maintaining continuous communication with relevant stakeholders can enhance project design, prevent conflicts, avoid delays and improve development outcomes. Through many of its cases, the Panel has highlighted the pitfalls of considering consultation, participation and information disclosure in the narrow context of one-way information dissemination and as a time-limited and scattered process to inform affected persons and communities.

The Panel's cases show that the outcomes of consultations are highly context-specific and dependent on the borrower's and citizens' capacity and

willingness to engage, as well as on social, political, economic, cultural and geographic factors. Consultation is often a complex and challenging process, especially when communities oppose the project or are fragmented and have competing interests. In these cases, PAPs may refuse to be consulted because of breakdowns in trust or fear of retaliation. This complexity reinforces the fact that consultation is not a “silver bullet”; it will not always resolve protracted tensions between local actors. Despite these challenges, the consultation process can provide a means of identifying and working to address such complexities.

The Panel’s cases show that consultations should not be considered as only connected to the preparation of safeguards instruments and limited to project preparation. Consultations should remain flexible and adapt to changing project needs throughout the duration of the implementation cycle.

In addition, adequate community engagement demands the inclusion of vulnerable and marginalized groups. As a result, consultations require specific expertise to tackle issues such as gender dynamics, language barriers and cultural sensitivities. The Panel’s work has made clear that by ensuring communities’ participation the Bank can reap the many benefits of improved community engagement and hence achieve sustainable, inclusive and widely supported development outcomes.

The Panel’s process, however, does not end with its investigations. Following an investigation, the Bank prepares an Action Plan in consultation with the borrower to address the issues raised by the Panel and to guide corrective measures that will bring projects into compliance, often by implementing additional rounds of consultation. Through this process, the Panel has positively influenced Bank-wide practices related to consultation and disclosure. As mentioned above, following the registration of a Panel case in Yemen, for example, the Bank began to require Arabic translation of core operational documents in Arabic-speaking countries.

Finally, the World Bank’s new Environmental and Social Framework covers many of the issues discussed in this report (Appendix B). It requires stakeholder engagement throughout the project cycle, an expanded role for grievance redress mechanisms and differentiated measures for the effective participation of vulnerable groups. The ESF reflects many of this report’s lessons, emphasizing the integral role of consultations in effective, sustainable development.

TABLE 1 Summary of Emerging Lessons from Consultation, Participation and Disclosure of Information Cases

Emerging Lesson	Specific Issues
LESSON 1: Identifying All Stakeholders and Engaging with the Appropriate Representatives is Crucial to Establishing Meaningful Consultation and Participation	Proper Stakeholder Assessment Representation in the Context of Indigenous Peoples
LESSON 2: Disclosing All Critical Project-Related Information, Including on Potential Risks and Impacts, in a Timely and Accessible Manner is the Foundation for Ensuring Effective and Meaningful Participation	
LESSON 3: Timely and Accessible Consultations that Utilize Culturally Appropriate Communication Tools and Give Due Consideration to the Local Context are Essential	Timeliness and Location of Consultations Tailoring Consultation Meetings to the Stakeholders and Providing a Safe Environment
LESSON 4: Consultation and Participation Should Be Continuous, Foster Two-Way Communication and Adequately Respond to Feedback from Affected Communities	Continuous Consultations and Two-Way Communication Intensified Consultations When Circumstances Change Effective Grievance Redress Mechanisms that Enhance Continuous Feedback
LESSON 5: Considering the Objectives of the Different Consultation Requirements under the World Bank’s Safeguard Policies is Important	OP/BP 4.01 Environmental Assessment OP/BP 4.10 Indigenous Peoples OP/BP 4.11 Physical Cultural Resources OP/BP 4.12 Involuntary Resettlement

Appendix A

Summary of Consultation, Participation and Disclosure of Information Requirements in Key World Bank Policies

Bank's/Borrower's Roles	Consultation Requirements	Disclosure Requirements
Environmental Assessment (OP/ BP 4.01)		
After an EA has been produced following the Bank's requirements, the Bank reviews the findings and recommendations of the EA to determine whether they provide an adequate basis for processing the project for Bank financing. The Bank may require additional EA work, including consultation and disclosure.	During the EA process for all Category A and B projects, the borrower consults project-affected groups and local non-governmental organizations about the project's environmental aspects and takes their views into account. The borrower must initiate these consultations as early as possible. For Category A projects, the borrower consults these groups at least twice: (a) shortly after environmental screening and before the terms of reference for the EA are finalized, and; (b) once a draft EA report is prepared. The borrower must also consult with these groups throughout project implementation as necessary to address EA-related issues that affect them.	On all Category A and B projects proposed for Bank financing, for meaningful consultations among the borrower, project-affected groups, and NGOs, the borrower must provide relevant material in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted. For the initial consultation in a Category A project, the borrower must provide a summary of proposed project objectives, description, and potential impacts. For consultation after the draft EA report is prepared, the borrower must provide a summary of the EA's conclusions. The borrower must also make the draft EA available at a public place accessible to project-affected groups and local NGOs.

(continued)

Bank's/Borrower's Roles	Consultation Requirements	Disclosure Requirements
Indigenous Peoples (OP/BP 4.10)		
<p>Early in the project cycle, Bank staff initiates a process to determine whether indigenous peoples (IPs) are present in, or have collective attachments to, the project area. To do this, the task team leader (TTL) seeks advice from qualified social scientists. If adequate information is not available, the TTL holds direct consultations with the IPs who would be affected by the proposed project.</p>	<p>Where the project affects IPs, the borrower engages in free, prior, and informed consultation. To ensure such consultation, the borrower:</p> <ul style="list-style-type: none"> (a) establishes an appropriate gender and inter-generationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation; (b) uses consultation methods appropriate to the social and cultural values of the affected IP communities and their local conditions, giving special attention to the concerns of indigenous women, youth, and children; and (c) provides the affected IP communities with all relevant information about the project (including an assessment of potential adverse effects on IPs). 	<p>The borrower makes the social assessment report and draft IPP/Indigenous Peoples Framework (IPPF) available to the indigenous communities in an appropriate form, manner, and language. Before project appraisal, the borrower sends the social assessment and draft IPP/IPPF to the Bank for review. Once the Bank accepts the documents as providing an adequate basis for project appraisal, the Bank makes them available to the public in accordance with the World Bank Policy on Disclosure of Information, and the borrower makes them available to the affected IP communities in the same manner as the earlier drafts.</p>
<p>For all projects proposed for Bank financing that affect indigenous peoples, the Bank requires the borrower to engage in a process of free, prior and informed consultations. The Bank provides financing only when this process results in broad community support for the project by affected IPs. Such Bank-financed projects include measures to: (a) avoid potentially adverse effects on IP communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects.</p>	<p>The borrower then ascertains, on the basis of a social impact assessment and the consultation process, whether IP communities provide broad support to the project. The Bank reviews the process and the outcome of consultation carried out by the borrower to satisfy itself that that affected IPs provided broad support to the project.</p>	<p>The social assessment and IPP require wide dissemination among the affected IP communities using culturally appropriate methods and locations. In the case of an IPPF, the document is disseminated using Indigenous Peoples Organizations (IPOs) at the appropriate national, regional, or local levels. Where IPOs do not exist, the document may be disseminated using other civil society organizations as appropriate.</p>
<p>On the basis of the social assessment (SA) and in consultation with IP communities, the borrower prepares an Indigenous Peoples Plan (IPP) that sets out the measures through which the borrower will ensure avoidance or mitigation of adverse effects on IP communities.</p>	<p>If the project involves the commercial development of natural resources on lands that IPs traditionally owned or customarily used or occupied, or the commercial development of IPs cultural resources and knowledge (for example, pharmacological or artistic), the borrower ensures that as part of the free, prior, and informed consultation processes, the affected communities are informed of:</p> <ul style="list-style-type: none"> (a) their rights to such resources under statutory and customary law; (b) the scope and nature of the proposed commercial development and the parties involved; and (c) the potential effects of such development on IP livelihoods, environments, or use of such resources. 	<p>After the borrower and the Bank agree to the final instrument(s) and the project has been approved, the Bank makes the Project Appraisal Document and the final instrument(s) available to the public in accordance with the Bank's policy on disclosure. The borrower makes the documents available to the affected IP communities at a locally accessible place and in a culturally appropriate form, manner, and language.</p>
<p>The Bank may, at a member country's request, support the country in its development planning and poverty reduction strategies by providing financial assistance for a variety of initiatives designed to make the development process more inclusive of IPs by incorporating their perspectives in the design of development projects, and providing them with opportunities to benefit more fully from development programs through policy and legal reforms, capacity building, and free, prior, and informed consultation.</p>	<p>The IPP reflects the nature and content of such agreements and includes arrangements to enable IPs to receive benefits in a culturally appropriate way and share equitably in the benefits derived.</p>	

(continued)

Bank's/Borrower's Roles	Consultation Requirements	Disclosure Requirements
Physical Cultural Resources (OP/BP 4.11)		
<p>The task team advises and assists the borrower, as necessary, in drafting the TORs for the physical cultural resources component of the EA. In preparing the TORs, the borrower identifies the likely major physical cultural resources issues, if any, to be taken into account in the EA. This identification of the possible presence of physical cultural resources is normally conducted on-site, in consultation with relevant experts and relevant project-affected groups.</p>	<p>As part of the public consultations required in the EA process, the consultative process for the physical cultural resources component normally includes relevant project-affected groups, concerned government authorities, and relevant NGOs in documenting the presence and significance of physical cultural resources, assessing potential impacts, and exploring avoidance and mitigation options.</p>	<p>The findings of the physical cultural resources component of the EA are disclosed as part of, and in the same manner as, the EA report. Exceptions to such disclosure are considered when the borrower, in consultation with the Bank and persons with relevant expertise, determines that disclosure would compromise or jeopardize the safety or integrity of the physical cultural resources involved or would endanger the source of information about the presence of these resources.</p>
Involuntary Resettlement (OP/BP 4.12)		
<p>The resettlement plan or Resettlement Policy Framework (RPF) includes measures to ensure that the displaced persons are:</p> <ul style="list-style-type: none">(a) informed about their options and rights pertaining to resettlement; and(b) consulted with, offered choices, and provided with technically and economically feasible resettlement alternatives. <p>In projects involving involuntary restrictions of access to legally designated parks and protected areas, the nature of restrictions, as well as the type of measure necessary to mitigate adverse impacts, is determined with the participation of displaced persons.</p>	<p>The Bank requires that displaced persons, their communities, and any host communities receiving them are consulted on resettlement options and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups. Meaningful consultations should include affected persons and communities, local authorities, and, as appropriate, NGOs.</p>	<p>The Bank requires that displaced persons and their communities, and any host communities receiving them, are provided with timely and relevant information. Resettlement plans and RPFs must also be disclosed to the public. The borrower informs potentially displaced persons at an early stage about the resettlement aspects of the project and takes their views into account in project design.</p>

Appendix B

Summary of Consultation, Participation and Disclosure Requirements in the 2016 World Bank Environmental and Social Framework

ESF Component	Consultation, Participation and Disclosure Requirements
Environmental and Social Policy for Investment Project Financing	The policy requires the Bank to support borrower engagement, consultation, and grievance redress with relevant stakeholders. It emphasizes the need to specifically address the needs of vulnerable and disadvantaged groups, stressing the provision of information disclosure that is holistic, timely, accessible, and understandable. In addition, the policy specifies that the Bank must disclose information about the environmental and social risks of high/substantial risk projects and provide enough details to “inform stakeholder engagement” (Paragraph 51). As elaborated in Paragraph 53, “The Bank recognizes the importance of early and continuing engagement and meaningful consultation with stakeholders. The Bank will require the borrower to engage with stakeholders, including communities, groups, or individuals affected by proposed projects, and with other interested parties, through information disclosure, consultation, and informed participation in a manner proportionate to the risks to and impacts on affected communities. The Bank will have the right to participate in consultation activities to understand the concerns of affected people, and how such concerns will be addressed by the borrower.”
Assessment and Management of Environmental and Social Risks and Impacts (Environmental and Social Standard 1)	ESS 1 establishes community engagement through disclosure of project-related information, consultation, and effective feedback. It requires the Environmental and Social Assessment (ESA) to include records of meetings, consultations and surveys with relevant stakeholders and states that the ESA “will include and take into account coordination and consultation with affected people and other interested parties, particularly at an early stage, to ensure that all potentially significant environmental and social risks and impacts are identified and addressed” (Paragraph 4).

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ESF Component	Consultation, Participation and Disclosure Requirements
Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (Environmental and Social Standard 5)	<p>ESS 5's objectives include ensuring that "resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected" and that the borrower be requested to "maintain a transparent record of all consultations and agreements reached" (Footnote 10).</p> <p>Additionally, ESS 5 emphasizes the need for community engagement wherein communities affected by resettlement and livelihood restoration are included in a decision-making process that includes options and alternatives, and in which relevant information is disclosed throughout the project cycle.</p> <p>The standard adds that the consultation process should obtain women's perspectives and consider differential impacts on women's and men's livelihoods.</p> <p>Consultation, participation and disclosure are also part of the resettlement process insofar as the borrower is required to prepare a plan to address environmental and social risks that "incorporate arrangements for consultations, monitoring and addressing grievances" (Paragraph 21). Finally, Paragraph 29 states that "based on consultation with such displaced persons, the borrower will provide relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site." All the above requirements on consultation, participation and information disclosure are specified and detailed in annexes related to RAP, RPF and Process Framework.</p>
Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities (Environmental and Social Standard 7)	<p>ESS 7's objectives are to promote sustainable development "in a manner that is accessible, culturally appropriate and inclusive" through "establishing and maintaining an ongoing relationship based on meaningful consultation [...] throughout the project's life cycle." It also specifies the need to obtain Free, Prior, and Informed Consent. Borrower consultation strategies must identify means of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities participation throughout the project cycle, developed in consultation with the groups themselves. "Where indigenous peoples are present in, or have a collective attachment to, the proposed project area, the Bank will require the borrower to undertake a process of meaningful consultation tailored to indigenous peoples [and] the outcome of the meaningful consultation will be documented" (Paragraph 54).</p>
Cultural Heritage (Environmental and Social Standard 8)	<p>Consultation is discussed at various points in ESS 8, including in Paragraph 14, which states "the borrower will carry out meaningful consultations with stakeholders in accordance with ESS 10 in order to identify cultural heritage that may be affected by the potential project." Where cultural heritage is identified, Paragraph 25 requires research and consultation with project-affected people to preserve or transfer such heritage. Commercial use of cultural heritage cannot proceed unless there is "meaningful consultation with stakeholders as described in ESS 10" (Paragraph 30).</p>
Stakeholder Engagement and Information Disclosure (Environmental and Social Standard 10)	<p>ESS 10 requires "the borrower [to] develop and implement a Stakeholder Engagement Plan (SEP). This SEP will describe timing and methods of engagement with the project-affected communities and other stakeholders [...] which will help ensure inclusion and representation, including for women and marginal and vulnerable groups" (Paragraph 14). Additionally, ESS 10 requires the borrower to "disclose project information to allow stakeholders to understand the risks and impacts of the project" (Paragraph 19) and to engage in a "two-way process" of "meaningful consultation" that extends throughout the project cycle, encourages stakeholder feedback and is based on the prior disclosure of accessible, culturally appropriate project information (Paragraphs 21 & 22).</p>

Appendix C

List of Panel Cases Analyzed

Panel Cases Involving Consultation, Participation and Disclosure of Information Issues			
Case No.	Country	Case	Request Year
1	Nepal	Arun III Proposed Hydroelectric Project and Restructuring of IDA Credit	1994
10	India	NTPC I Power Generation Project	1997
16	China	Western Poverty Reduction Project	1999
19	Kenya	Lake Victoria Environmental Management Project	1999
20	Ecuador	Mining Development and Environmental Control Assistance Project	1999
22	Chad	Petroleum Development and Pipeline Project, Management of the Petroleum Economy Project, and Petroleum Sector Management Capacity Building Project	2001
23	India	Coal Sector Mitigation and Rehabilitation Projects	2001
31	Colombia	Cartagena Water Supply, Sewerage and Environmental Project	2004
32	India*	Mumbai Urban Transport Project	2004
34	Pakistan	National Drainage Program Project	2004
36	Cambodia	Forest Concession Management and Control Pilot Project	2005
37	DRC	Transitional Support for Economic Recovery Operation and Emergency Economic and Social Reunification Support Project	2005
38	Honduras	Land Administration Project	2006
40	Ghana/Nigeria	West African Pipeline Project	2006
44	Uganda	Private Power Generation Project	2007
46	Albania	Power Sector Generation and Restructuring Project	2007
49	Ghana	Second Urban Environmental Sanitation Project	2007
51	Argentina*	Santa Fe Road Infrastructure Project and Provincial Road Infrastructure Project	2007
56	Panama*	Land Administration Project	2009
57	Yemen	Institutional Reform Development Policy Financing Project	2009
60	Cambodia	Land Management and Administration Project	2009
61	Peru	Lima Urban Transport Project	2009
62	Papua New Guinea	Smallholder Agriculture Development Project	2009
65	South Africa	Eskom Investment Support Project	2010
81	India	Vishnugad Pipalkoti Hydro Electric Project	2012
84	Kenya	Natural Resource Management Project	2013
87	Nepal	Power Development Project	2013

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Panel Cases Involving Consultation, Participation and Disclosure of Information Issues			
Case No.	Country	Case	Request Year
97	Kenya	Electricity Expansion Project	2014
98	Uganda	Transport Sector Development Project – Additional Financing	2014
102	Mongolia	Mining Infrastructure Investment Support Project and Additional Financing	2015

** Projects with multiple Requests*

Appendix D

Summary of the Main Cases Studied

Albania Power Sector Generation and Restructuring Project

The project's objective was to "achieve significant improvement in power system performance" through, among other things, the construction of a combined-cycle thermal power station in Vlora. The Panel conducted an investigation of the project in response to a Request for Inspection submitted by the Civil Alliance for Protection of the Bay of Vlora on behalf of Vlora's residents. The Request raised several environmental, social, cultural, and economic concerns related to the project as designed. In particular, the Requesters expressed concern that air and water emissions from the thermal power plant, as well as potential oil spills from the oil terminal located in the Bay's waters, would have negative impacts on tourism in the area, employment of the local population, and the fishing industry. The Panel investigation found that a large array of social issues and potential economic risks to the population in the area were not considered in the project preparation and Environmental Assessment. Meetings between project staff and the local communities had only given the appearance of consultation, while contributing little to improving the project's selection, siting, planning, or design. During the Panel's investigation, project staff could not point to any specific concerns of PAP groups that had been taken into account in the EA. The Panel concluded that meaningful engagement with civil society could have revealed concerns and fears of the local population with regards to the project, and would have allowed these to be considered in the EA. Meaningful, two-way consultation could have allowed systematic weighting and assessing of technical, economic, and social factors, thus preventing project harm.

Chad/Cameroon Petroleum and Pipeline Project

At the time of the Panel's investigation, this project was the largest energy infrastructure development in Africa. It involved the drilling of three hundred oil wells in southern Chad and the construction of a 1,100-kilometer (km) export pipeline through Cameroon to an offshore loading facility. The Request for Inspection was submitted by a Chadian member of Parliament, on behalf of himself and more than 100 residents, and cited concerns that cultural property, the environment, and the inhabitants of the oil field region would be harmed because of inadequate environmental assessment and compensation. The Request also alleged that proper consultation with and disclosure of

information to local communities had not taken place. The Panel investigation revealed a lack of baseline data that left the project with no metrics against which to compare changes in community health, such as HIV and other sexually transmitted diseases resulting from the project. The EA also did not clearly identify mitigation measures to address the increase in health problems resulting from the construction of the pipeline.

The Panel found the project to be in compliance with the Bank's Policy on Disclosure of Information; adequate and timely release of documents was the norm rather than the exception in the context of the project, and key project documents were released to the local population. However, the Panel also found that, at least prior to 1997, consultations were conducted in the presence of security forces, which is incompatible with the rationale and goals of Bank policy. Full and informed consultation cannot take place if those consulted feel intimidated or perceive that they could be penalized for expressing their opposition to, or opinions about, a Bank-financed project.

Ghana Second Urban Environment Sanitation Project

Approved in April 2004, the project included the construction of a sanitary landfill in Accra, near the village of Kwabenya. This landfill was the focus of a 2007 Request for Inspection that brought to light the importance of accurate baseline studies in cases with potential legacy issues. Earlier, in 2000, Britain's Department for International Development provided financing for the construction of the landfill at Kwabenya. The Environmental Impact Assessment (EIA) commissioned in 1999 for the site estimated the number of families and people to be resettled at 22 and 170, respectively. A drainage culvert and access road into the area were successfully built. Implementation was delayed and ultimately discontinued, however, due to the inability of local authorities to settle land claims. Meanwhile, the construction of the road enabled more individuals to move into the area and closer to the site proposed for the landfill.

A recurring theme in the Panel's investigation into the project was the difficulties encountered in designing and implementing a project when positions among project stakeholders have hardened, trust has been lost, and there was an impasse. The Environmental and Social Impact Assessment (ESIA) conducted for the program was based mainly on the 1999 EIA and the 1993 site selection study, which gave Kwabenya the highest rankings in criteria involving "distance to nearby communities" and "affected people." Yet the Panel found that the 2003 ESIA was not properly updated to take into account the influx of people and changing conditions on the ground over the years since the earlier studies. No sociological survey was conducted after the construction of the road and there was no counting of the people living in the project area of influence. As a result of this lack of consultation and communication, the resettlement needs of the project were largely underestimated.

Ghana/Nigeria West African Pipeline Project

The project aimed to improve the competitiveness of the energy sectors in Ghana, Benin, and Togo by promoting the use of less expensive, environmentally cleaner gas from Nigeria. Most of the infrastructure works took place in Nigeria, where the pipeline's right of way and ancillary facilities involved the acquisition of 144 hectares traversing 23 communities. The Requesters were composed of both Nigerian and Ghanaian citizens who alleged that the project would cause irreparable damage to their land and destroy the livelihoods of their communities. The Requesters asserted that the project's Environmental Assessment should have included impacts on the existing Escravos-Lagos Pipeline System (ELPS), to which the new project would be linked. The Panel's investigation noted that although the EA documentation was of good quality, it was very technical and required a high degree of education to be fully understood. Moreover, the project justified the existing upstream ELPS based on an environmental audit (or risk assessment). However, this assessment was not disclosed to the public, and its findings and recommendations were not taken up in the Environmental Assessment reports, which the Panel found to be non-compliant with Bank policy. Although many meetings were held with communities and stakeholders, the Panel questioned the project staff's inadequate preparation to engage meaningfully in the consultation process, as affected communities appeared not to have been provided understandable, relevant environmental documentation prior to these meetings. OP 4.01's requirement that disclosure be in a form and language that is understandable to the groups being consulted was therefore unmet.

Honduras Land Administration Project

The project aimed to facilitate implementation of the government reform strategy to address insecurity of land tenure in the country through the establishment of an integrated decentralized land administration system. One of the project components provided for systematic regularization, titling and registration of lands (including municipal lands, urban and rural areas, forests, protected areas, and ethnic lands). The Requesters claimed that the project did not take into account the rights and interests of the Garífuna people and that the land titling and procedures under the project would ultimately cause the loss of their rights over parts of their ancestral lands, as well as the demise of collective property held by these communities in favor of individual property.

The Panel noted important positive features in the Indigenous Peoples Development Plan, including budget allocations for training local community leaders on national laws and arbitrators to help protect indigenous peoples from potential invasions of their territories. The Panel also found that the project's initial proposal to create a "Mesa Regional" (a regional roundtable) to unite the leaders and representatives of each Garífuna community

represented an effort to establish consultations with and engage the participation of affected people. Yet, because the representative organizations of the Garífuna people (OFRANEH and ODECO) were not included in the “Mesa Regional,” the Panel expressed its concern that the “Mesa Regional” existed as a parallel system that was at odds with the way the Garífuna people had established to represent themselves. The Panel found that the protections provided under the project were not adequate to safeguard the Garífuna rights over their lands during project implementation, in part because of the project’s reinforcement of an unrepresentative “Mesa Regional.”

India Mumbai Urban Transport Project

The project began in 1995 as two distinct projects, one for transport infrastructure and the other for resettlement. After three years of preparation, the two projects were merged into one by including resettlement and rehabilitation as a component of the infrastructure project. The Panel received four Requests for Inspection of this project that claimed non-compliance with Bank safeguard policies and harm from the large-scale displacement of some 120,000 people. The Panel’s investigation found that at the time the two original projects were merged they were unequal in their preparation and readiness for Bank appraisal. The Panel also noted that given the size and complexity of the displacement, this type of resettlement should have been addressed as a free-standing project under the Bank’s Involuntary Resettlement Policy. The Panel found that resettlement risks were not sufficiently analyzed, and that project documents significantly underreported the number of displaced people.

The Panel’s investigation noted that the project’s consultations and baseline surveys were also inadequate, and caused the needs of middle-income shopkeepers to be overlooked. Consultations on the characteristics of the buildings and shops took place subsequent to the selection of the resettlement sites, which led to increased height for certain shops or space on the ground level for a limited number of shops. Since surveys did not properly assess commercial structures, they did not identify the shopkeepers as a different group than slum dwellers. The Panel found that neither the PAPs nor the shopkeepers were consulted in advance about resettlement sites, and shopkeepers were not consulted about any possible alternatives to the resettlement sites for their shops.

Kenya Electricity Expansion Project

The project financed the construction of a geothermal plant that required the relocation of four villages belonging to the Maasai, a traditionally pastoralist people. The Panel recognized the many positive aspects of this resettlement program, including its land-for-land option, infrastructure

investment, and a well-intended inclusive consultation mechanism. However, the Panel's investigation also confirmed claims that some of the most vulnerable people, especially indigenous peoples, experienced harm and impoverishment during the resettlement process. The Panel determined that the failure to apply the Indigenous Peoples Policy to the Maasai impacted the PAPs and that some of the adverse effects caused by displacement might have been avoided or mitigated had the IP policy been triggered. Additionally, the Panel found that the establishment of a Resettlement Action Plan Implementation Committee (RAPIC)—a mechanism used for consultation, disclosure of information, participation, and decision-making with PAPs—was a well-intentioned effort to achieve broad representation by including women, youth, the elderly, and people with disabilities in affected communities. However, the Panel found that interviews with community members were not conducted in Maa, the indigenous language, thus depriving PAPs of the opportunity to engage in fully informed consultations. The RAPIC also failed to accommodate the traditional authority structure of the Maasai. Since their decision making and conflict resolution typically depends on the power of the elders, their traditional authority structure was sidelined by the RAPIC membership, contributing to both inter- and intra-community tensions.

Kenya Natural Resources Management Project

The project sought to assist the Kenyan government in operationalizing its newly enacted Forests Act, specifically by creating a transparent regulatory framework for forest resources management, demarcating boundaries in selected forests, identifying models for community participation, and implementing resettlement action plans. The Requesters claimed that as a result of the project, the Sengwer—an indigenous group and ethnic minority—were forcefully evicted from ancestral lands, inadequately consulted, not provided options for resettlement, and harmed by a change in official designation from indigenous peoples to “vulnerable and marginalized group.” In its investigation report, the Panel highlighted the challenges resulting from implementation of activities, such as resettlement, that would have required multi-agency intervention, yet were solely designated to the Kenya Forest Service. The Forest Service's lack of experience and institutional capacity to conduct the type of collaborative and community-based consultations required by the project resulted in harm to the Sengwer, including inadequate attention paid to the risks of their eviction and resettlement. The Panel also noted that although project documents were disseminated through indigenous peoples organizations and gained the support of many members of concerned communities, these documents did not include traditional authority structures in the consultative process, nor were they translated to Swahili, making them accessible to only a limited number of concerned indigenous community members.

Mongolia Mining Infrastructure Investment Support Project

The project finances assessment studies for infrastructure projects that support mining operations, including the assessment studies for two subprojects—the Shuren Hydropower Project and the Orkhon-Gobi Water Diversion Project. The Requesters claimed the project might have irreversible environmental, social and economic impacts on Mongolian and Russian communities and the environment, including loss of access to traditional water and pasture resources by nomadic communities and endangerment of the Lake Baikal and Selenge River Delta ecosystems in Russia. They also claimed that project documents were not disclosed and consultations with civil society and affected communities were inadequate. After completing its eligibility review and considering Bank management’s commitment to addressing these issues, the Panel delayed its recommendation on whether to investigate. The project subsequently conducted consultations in Russia and revised the TORs to address some of the Requesters’ concerns, including by committing to prepare a cumulative impact assessment and an analysis of alternatives. The TORs also were translated into Russian and made publicly available to affected communities. As a result, the Panel decided not to investigate the project.

Nepal Power Development Project

The project sought to develop Nepal’s hydropower potential, improve access to electricity services, and promote private participation in the power sector as to improve its efficiency. The Requesters, 103 families of both indigenous and non-indigenous peoples living in the Sindhuli District in Nepal, opposed the alignment of the power transmission line, which they claimed would cause a devaluation of their land, loss in agricultural production, and potential displacement. They alleged inadequate consultation and disclosure, as well as a project failure to appropriately identify project-affected indigenous peoples. The Panel found that given the prevalence of a mixture of indigenous, Dalit, and other vulnerable communities in the project area, the Bank’s decision to apply a “mixed communities” approach and institute a Vulnerable Community Development Plan rather than an IPDP was compliant with Bank policy. In such instances where communities of mixed social and ethnic groups live in close proximity, giving benefits to only indigenous peoples would have created undesirable inequalities for the other non-indigenous marginal social groups. Regarding the Requesters’ allegations of inadequate consultation and disclosure, the Panel found that indigenous peoples in the project area could not understand Nepali and needed to communicate in their native language. Project documents did not acknowledge the specific linguistic needs of indigenous peoples, and the Panel found that consultations during project preparation and implementation were inadequate. Furthermore, the Panel noted that a lack of

sustained communication and consultation during project preparation and implementation enabled misinformation about the transmission line to spread, especially regarding its perceived health impacts. While noting the precarious local security situation due to a Maoist insurgency at the time of project preparation and implementation and the resulting travel restrictions placed on Bank staff, the Panel found that the project exhibited a lack of meaningful consultations stemming in part from the dearth of continuous consultation between the community and the project team.

Papua New Guinea Smallholder Agriculture Development Project

The project sought to improve the livelihoods of smallholders involved in oil palm production in the Oro and West New Britain provinces. The Requesters claimed that the project, which would enable smallholders to plant additional palms through infilling, would cause soil erosion, pollution of waterways, deforestation, and conversion of land vital in providing social, economic, and cultural resources for the communities. In its investigation, the Panel found that the communities' diversity of language—many members required multiple translations between English and the different local languages—contributed to a number of consultation and communication challenges. Project documents made no reference to consultations with either specific communities of indigenous peoples or their leadership, despite the fact that Papua New Guineans identify themselves first and foremost in terms of their ethnic group. Moreover, the Panel could not find evidence in project documents that the consultations, when conducted, specifically sought the input of clan leaders. The Panel also noted that many of the consultations occurred very early in the project's design phase. As the successor to a successful oil palm project, the new project was expected to follow within a relatively short period of time. However, there was a gap of more than six years between the two projects, during which time a cyclone devastated the palm oil industry. Throughout this period, project support was absent, leading to a decline in services to smallholder farmers. Once the project restarted, it did not consult with smallholders about shifting its emphasis from re-planting oil palm—which the farmers had requested—to cultivating oil palm on new land. The lack of communication during the project's delay, combined with the lack of consultations after the project emphasis changed, hampered the successful implementation of the project.

Panama Land Administration Project

The project's two main components aimed to advance private land titling and administration in Panama and to establish and consolidate territories for the Naso and Ngäbe Indigenous Peoples. The Naso Requesters claimed that the

project failed to support their wish to establish a *comarca* (a territory over which indigenous groups have collective land rights and considerable administrative authority, as established by national law), and to properly recognize and consult with the legitimate leader of the Naso people. The Ngäbe Requesters argued that the project failed to take necessary actions to protect and consolidate Ngäbe territories in the Annex Areas (territories outside the core area of the Ngäbe *comarca*). The Panel's investigation found that the methodology used for determining the boundaries of the Annex Areas included consultation with only the main leaders—who may not have been local—and did not involve the interested communities. The Panel found that the project failed to ensure that the consultation activities related to the consolidation of the Ngäbe-Buglé Comarca included residents and local leaders of the Annex Areas. The Management Response acknowledged that an adequate consultation process was not carried out in any of the Annex Areas. This lack of adequate consultation led to disagreement and misunderstanding about the actual meaning of a new law for the Naso Indigenous Peoples. Additionally, the Panel noted in its investigation that the project's consultation process and methodology to determine the extent of these lands and territories was not adequately participatory and did not comply with the Bank's Indigenous Peoples Policy. Notably, the Panel found that these significant shortcomings left Ngäbe lands exposed to development pressures over many years, hampering the Ngäbe's efforts to gain recognition of their lands as indigenous communities.

Peru Lima Urban Transport Project

The objective of this project was to assist in enhancing economic productivity and quality of life in the city of Lima by improving mobility and accessibility through the establishment of an efficient, reliable and safer mass transit system. Specifically, the project supported the construction of a bus rapid-transit system (BRT) through the city of Lima—including a bus corridor in the historical coastal district of Barranco. In their complaint, the Requesters alleged that citizen consultations were not carried out, and that the EA was neither rigorously conducted nor approved by the minister of transportation. They also expressed concerns about the impacts of the project on the lifestyle of Barranco residents, the area's sociocultural dynamics, and its architectural patrimony, as longer-term adverse impacts that would remain after the BRT became operational.

During its investigation, the Panel found evidence of the Requesters' claims regarding the limited assessment of impacts on the community beyond the immediate impacts of construction and operation of the transit system. Notably, the impacts on traffic patterns and the sociocultural dynamics of the historical Barranco neighborhood were not adequately considered during the environmental assessment. Furthermore, the project generated tension and conflict by omitting the residents of Barranco from initial project consultations. For several years during project implementa-

tion, the project team did not benefit from the consistent presence of a social expert, which caused the project-affected people to be inadequately informed and consulted on the project and its potential impacts. The project began to address these issues by creating an active, steady role for the social specialist on the project team. These supervision efforts led to the creation of a roundtable and the opening of a grievance office for the Baranco residents.

Uganda Private Power Generation Project

The project financed the construction of the Bujagali hydropower plant on the Nile River near the Bujagali Falls that was designed to provide an increase of 250 megawatts of power-generation capacity to the national grid. In its Request for Inspection, the community claimed harm to their cultural and spiritual heritage and raised concerns about livelihood restoration and compensation, among other issues. The dam built as a part of this hydropower project inundated Bujagali Falls and other natural habitats, which were sites of cultural and religious significance to a large community of people. The project also involved significant displacement and resettlement of affected people from their lands. Due to a complex project implementation legacy, at the time of the Panel's investigation the project included an ongoing, incomplete resettlement program developed under a previous plan to construct a dam at Bujagali Falls. Under the project, an assessment of past resettlement activities and action plan was developed, rather than a new RAP. As a result, the Panel's investigation found that the project failed to conduct a proper census of all displaced people.

The Panel also found that the consultation methodology used in the Resettlement and Community Development Action Plan was detailed, but structurally flawed. First, the survey included mostly laymen, many of whom were not sufficiently knowledgeable about the traditional religion. Second, it excluded key spiritual leaders of the Busoga clan. As a result, the consultation process did not identify the important relationship the community had with the Bujagali Falls and the project failed to consider the cultural significance of the falls to the local communities.

Uganda Transport Sector Development Project

The project's additional financing supported upgrading and rehabilitation of the 66-km Kamwenge-Fort Portal road and technical assistance for strengthening the internal audit functions of the Uganda National Roads Authority. The Requesters, community members from the surrounding towns, alleged adverse impacts from the road construction, including sex with minors and teenage pregnancies by road workers, spread of sexually transmitted infections, sexual harassment of female employees, child labor, inadequate

compensation, poor labor practices, absence of adequate road and workplace health and safety measures, and lack of participation. The Panel's investigation found that the project's contractor only submitted a draft Environmental and Social Management Plan almost a year after construction began. Although the EA identified some potential negative effects from the expected influx of labor into the project area, the lack of mitigation measures materialized in the sexual abuse of minors, teenage pregnancies, sexual harassment of female employees, and several workplace and road accidents, some resulting in fatalities. Furthermore, the Panel investigation found that no consultations with the local community took place when updating the 2009 Environmental and Social Impact Assessment for the 2011 Environmental and Social Impact Statement. During the implementation stage, consultation and participation was weak until the Panel received the complaint. The Panel concluded that early and ongoing consultations with community members would have raised sufficient warnings to address the problems identified in the Request. As a result of the Panel's investigation, the Bank issued a guidance note to staff on how to manage labor influx risks in World Bank projects and created a Gender-Based Violence Task Force to develop recommendations on how to prevent and respond to GBV in World Bank projects.

Yemen Institutional Reform Development Policy Financing

The project was intended to support the implementation of key elements of the government's reform program as specified in the Yemen Country Assistance Strategy, focusing on two pillars of the broader country strategy: increasing non-oil growth and strengthening governance. The Requesters, two residents of Sana'a, claimed that the Bank failed to comply with its principles of transparency and disclosure of information, and contended that the project would negatively affect wages, employment, and poverty reduction in Yemen. The civil society organizations the Panel met with in Sana'a during the eligibility phase confirmed that they were not involved in the consultation process leading to the design of the project. They also stated that initial communications with the Bank were positive, and that the Bank sent them the project design document in its original language, English. However, because of their inability to read English, they requested a translation into Yemen's national language, Arabic. When the project decided not to translate the document due to lack of time and resources, over 20 different organizations petitioned it to reconsider to no avail. After the Panel's eligibility visit, the Bank developed a comprehensive action plan to address these consultation and disclosure issues, including immediate translation of project documents into Arabic. As a result, and with the support of the Requesters, the Panel decided not to proceed with an investigation. The Panel's eligibility report for this case provided an opportunity for Bank-wide institutional learning, including a

thorough revamping of the Arabic project websites, required Arabic translation of core documents for new operations in countries where Arabic is the main business language, and the doubling of resources for the Bank's Arabic Translation Unit.

Notes

1. There are no universally accepted definitions of terms such as consultation and participation, but the World Bank sourcebooks distinguish between the two concepts. According to the Bank's Consultations with Civil Society Sourcebook, "Consultation is a process through which subjects or topics of interest are discussed within or across constituency groups. [...] Providing and sharing information is seen as the foundation of an effective consultation process." On the other hand, the Bank Participation Sourcebook defines participation as "a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them." The Participation Sourcebook elaborates, "We fully support and advocate consultation and listening [...] But we do not equate this with the process called 'participation.' Instead, we recognize consultation and listening as essential prerequisites for participation."
2. Under ESS 7, consent refers to the "collective support of affected Indigenous Peoples communities/Sub-Saharan African Historically Underserved Traditional Local Communities for the project activities that affect them, reached through a culturally appropriate process. It may exist even if some individuals or groups object to such project activities..." (Para 26 page114).
3. Unlike the previous three Emerging Lessons Series publications, this report is not structured following the project cycle (preparation, implementation and long-term impacts) since the consultation process as envisaged under Bank policies is a comprehensive, ongoing and indivisible one. The lessons presented in this report are relevant and applicable throughout the entire project cycle.
4. According to OP 4.01, "A proposed project is classified as Category A if it is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented."
5. The Inspection Panel serves as an independent forum to provide accountability and recourse for people affected by International Bank for Reconstruction and Development- and International Development Agency-financed projects. They can bring their concerns to the Panel in the form of a written complaint. A complaint is referred to as a "Request for Inspection" and those who submit a Request are referred to as "Requesters." When it carries out an investigation, the Panel reports to the World Bank's Board of Executive Directors on whether the harm, as alleged by the Requesters, has totally or partially resulted from failure of the Bank to comply with its policies and procedures, including social and environmental safeguard policies, during design, appraisal, and implementation of Bank-financed projects.
6. The World Bank (2013): Consultation Guidelines. http://consultations.worldbank.org/Data/hub/files/documents/world_bank_consultation_guidelines_oct_2013_0.pdf
7. Lesbian, Gay, Bisexual, Transgender, Intersex
8. The World Bank (2013): Global Review of Grievance Redress Mechanisms in World Bank Projects.
9. The World Bank (2013): Global Review of Grievance Redress Mechanisms in World Bank Projects, pages 7–15.
10. World Bank Environmental and Social Policy for Investment Project Financing, page 11, para. 60.
11. According to OP 4.01, "A proposed project is classified as Category B if its potential adverse environmental impacts on human populations or environmentally important areas—including wetlands, forests, grasslands, and other natural habitats—are less adverse than those of Category A projects."
12. OP 4.11 Para 5. page 1.

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