The Organization, Human Resources, and Board Matters Committee met on four occasions to discuss Management’s proposal to establish the Independent Consultation and Investigation Mechanism (ICIM). On December 10, 2009, the discussion centered on the major revisions resulting from the extensive public consultation process (document GN-1830-46). In general, Directors were pleased with the consultation, though there was an extensive discussion of changes proposed by Management. In my summary of the meeting, I reflected the agreement to focus on five major issues raised by Directors: (1) funding the costs of the ICIM for 2010; (2) the time period barring the independent investigators from working for the Bank after their Panel service; (3) the ICIM’s scope, including the Bank instruments and policies to which it would be applied; (4) the eligibility requirements for parties bringing requests; and (5) the Panel’s methodology.

On January 11, 2010, the Committee considered the answers to these five questions, which were provided by Management in document GN-1830-47. Following the meeting and extensive consultations with Chairs, a revised draft ICIM policy was prepared incorporating a series of changes (GN-1830-48). These changes focused on the five key questions and included other comments raised by Directors. This document was discussed in the Committee on January 19. At the conclusion of this meeting, consensus was reached on all issues except Section 26 of the document, which set forth the operational policies to which the ICIM could be applied.

Between January 19 and February 4, I consulted with most Chairs in an attempt to negotiate acceptable language on applicable policies. Revised draft language on Section 26 was distributed by email on February 3 and was discussed in the Committee on February 4. The new language requires that: (1) the ICIM initially applies to certain listed operational policies relating to project design, appraisal, analysis and/or implementation, specifically the environmental and associated safeguards, equality in gender, and information disclosure policies, as they may be amended from time to time (currently codified as OP-102 (Disclosure of Information), OP-703 (Environmental and Safeguards Compliance Policy), OP-
704 (Disaster Risk Management Policy), OP-761 (Women in Development), OP-765 (Indigenous People); and OP-710 (Involuntary Resettlement), as well as those relating to the enforcement of compliance with a borrower/recipient's obligations required by such policies; (2) after the ICIM becomes effective, all such operational policies that are approved by the Board will automatically be included within the Mechanism; and (3) three years after the ICIM becomes effective all such other operational policies that are then in effect will automatically be included within the Mechanism.

In the opening discussions of the final meeting, several Directors questioned the draft language in Section 26 as overly complicated, while many others stressed that it was a reasonable compromise. It was recalled that the operational policies immediately within the policy scope of the ICIM are the environmental, disaster risk, involuntary resettlement, indigenous people and information disclosure policies, as described in detail above. Given that all operational policies will be subject to the ICIM within 3 years, a period of time that had been considered as reasonable after consultation with Management, Directors recommended that Management promptly begin a complete program for reviewing and updating all Bank’s policies.

More specifically, the Director for Argentina reiterated that findings of harm and policy violations are the analytical underpinnings of the ICIM, an issue that the ICIM reflects in Sections 40(f) and 56(d), among others, and that the policies immediately included are safeguards that have a direct link to the issue of harm. Further to his concerns regarding the Panel’s methodology, which will be duly reflected in the Minutes, like other points raised by various Directors, he also recommended that the OVE evaluation of the ICIM to be commenced two years after the ICIM’s effectiveness include a review of this issue; this recommendation was endorsed by some other Chairs and disputed by none.

In concluding the meeting, since most Directors who spoke did so in favor of the proposed drafting of section 26 because it represented a reasonable compromise regarding the scope of operational policies to be covered, and no Director wanted to prevent a consensus, it was agreed that the Section 26 as circulated would be included in a final version of the ICIM policy, to be set forth in document, GN-1830-49.
As Chair of the Committee, I recommend that the Board approve the new ICIM as set forth in Annex I of document GN-1830-49.