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World Bank: Investigate Inspection Panel's Pilot Approach to Early Solutions and its application in Badia East, Lagos, Nigeria

Amnesty International has expressed significant concerns about a new approach being used by the World Bank Inspection Panel to address complaints from people who are negatively affected by World Bank projects. The 'Pilot Approach to Early Solutions', was used for the first – and so far the only – time to address a complaint by people who had been forcibly evicted in Badia East, Lagos, Nigeria. Serious flaws in the process and outcomes have prompted Amnesty International to call on the Board of the World Bank to investigate the case.

The Pilot Approach, as it is known, was initiated in Nigeria in late 2013 after people affected by the Badia East forced evictions filed a request with the Inspection Panel to investigate the case. Those forcibly evicted were part of a wider group of people intended to benefit from a World Bank-funded project. They were evicted by the Lagos state government in February 2013. Following the forced eviction, the World Bank intervened with the Lagos state government, which agreed - in April 2013 - to provide the affected people with compensation under a Resettlement Action Plan (RAP). A RAP was to be prepared by the government in line with the World Bank's Policy on Involuntary Resettlement and approved by the World Bank.

Problems with the development of the RAP, as well as the suffering of those who had been forcibly evicted, led three community members to formally ask for the Inspection Panel to intervene. While the Panel would normally consider if a request was eligible and then investigate the situation, in the Badia East case the Panel proposed the application of its new Pilot Approach.

The essence of the Pilot Approach is to ask those submitting the complaint to agree to dialogue with the World Bank, based on an Action Plan proposed by the Bank, with a view to resolving the problems. The Inspection Panel does not register the case and reserves that decision until it sees the outcome of the dialogue.

The pilot process for Badia East concluded in July 2014 with a decision by the Panel to declare the case closed and not to register the complaint for full investigation. The Panel did this despite the fact that the outcome of the RAP was – by the Panel's own admission – significantly flawed.

The community was asked to accept a RAP under which they were not offered alternative housing, they were not given promised support to restore lost livelihoods and they were not given adequate compensation for their losses. The World Bank had been made aware of the inadequacies of compensation by independent experts but did not share this information with the affected people until after they had already – under the impression they had little choice – accepted the inadequate offer.

The RAP was clearly inconsistent with the World Bank's policies on involuntary resettlement, but the Inspection Panel refused to engage with this issue on the basis that it had not done an investigation.

In giving its reasons for closing the Badia East case and endorsing the flawed RAP, the Inspection Panel stated that it believed the World Bank had implemented the Action Plan to which it committed under the Pilot Approach. When confronted by Amnesty International with evidence that elements of the Action Plan

had not been implemented the Panel declined to comment on the basis that it had not done an investigation.

The Panel's position is untenable: it decided not to investigate whether the World Bank complied with its own policies – a core part of the Inspection Panel's mandate – on the basis that the Pilot Approach was a success. One of its main grounds for asserting that the Pilot Approach was concluded successfully in Badia East was the implementation of a World Bank Action Plan but the Panel cannot comment on whether this plan was properly implemented.

The Panel has also pointed to the fact that a majority of the Badia East community agreed to the RAP but disregarded the fact that this agreement came after efforts to get the Lagos state government to address the inadequacies met with no success. People agreed to the RAP because they believed there was no alternative. Many people raised the inadequacies of the RAP directly with the Panel.

The use of the pilot early solutions approach at Badia East has amounted to leaving a poor community that had lost almost everything to negotiate with government authorities and the World Bank. The stark imbalances in power were exacerbated by the fact that the community was not given essential information, such as copies of the full draft RAP to examine its proposals.

While the Inspection Panel may have introduced the pilot with the intention of aiding swift resolution of complaints, the way the process has been implemented has left hundreds of people without an effective remedy. It has resulted in the World Bank's accountability mechanism endorsing a RAP that falls short of international human rights standards and the Bank's own policy.

The Inspection Panel is expected to present its lessons learned on the first application of the Pilot Approach in Badia East at a meeting on 3 September 2014 of the Committee on Development Effectiveness, a sub-committee of the World Bank's Board of Executive Directors.

Amnesty International has issued a briefing on the Badia East case to coincide with this meeting. The organization is calling on the World Bank Board to suspend the Panel's pilot approach and ensure that an independent investigation of the pilot approach, and the Panel's handling of this Request, is carried out.

The briefing: *The World Bank Inspection Panel's Early Solutions Pilot Approach: The Case of Badia East, Nigeria*, AI Index AFR 44/018/2014 is available at:
<http://www.amnesty.org/en/library/info/AFR44/018/2014/en>

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or email: press@amnesty.org
International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK