

## **Ethiopia PBS Request for Inspection: Analysis of World Bank Inspection Panel Investigation and Findings**

In September 2012, a group of Anuak indigenous people from the Gambella region of Ethiopia submitted a Request for Inspection to the World Bank Inspection Panel. The Requesters live in refugee camps in South Sudan and Kenya, having fled grave human rights abuses in Gambella in connection with the government's Villagization Program (VP), officially known as the Commune Development Program (CDP). The Request, which included an annexed legal and policy analysis by Inclusive Development International (IDI), presents evidence that the Villagization Program in Gambella involved forced displacement accompanied by intimidation, beatings, arbitrary arrest and detention, torture in military custody, rape and extra-judicial killing. Requesters claim that, after being displaced from their ancestral lands and livelihoods, they were forced into new villages with few of the promised basic services and little access to food or land suitable for farming, which in some cases led to starvation.

The Request claims that the World Bank and multi-donor financed Promoting Basic Services (PBS) project contributed directly to the VP in Gambella. PBS has provided 13 billion dollars in block grants to the Ethiopian government since 2006 for recurrent expenditures (ie. salaries, operations and maintenance), with the objective of expanding access and improving the quality of basic services in five sectors: education, health, agriculture, water and sanitation, and rural roads. This sector investment loan promotes decentralized service delivery, giving complete discretion to sub-national governments to design and implement strategies to meet PBS objectives. According to the World Bank, PBS provides the major source of funding to local governments (woredas). The Gambellan government's VP had the same stated objectives of improving access to basic services, in the same sectors, as PBS. The VP intended to reach 70 percent of the Gambellan population and, according to the government, reached 60 percent of the population. The VP, as officially described, was a major strategy of the regional government for increasing access to basic services in the same sectors as PBS. The Request for Inspection thus contended that PBS contributed to the VP in Gambella. The Request claimed that a number of World Bank policies and procedures were violated, including those regarding project appraisal and supervision and the Indigenous Peoples' and Involuntary Resettlement policies, and that these violations contributed to the harms suffered by the Requesters.

The Inspection Panel found the Request eligible in February 2013.

In November 2014, the Panel completed its Investigation Report, which was publicly disclosed in February 2015 following the Board's approval of the Management's Action Plan. Several days later, IDI issued a press release accusing the Inspection Panel of "whitewashing" its investigation. This accusation related to 1) the Panel's description of the harms in the investigation report, including its failure to record testimonies it collected during its investigation corroborating the Requesters' allegations of serious human rights violations committed in conjunction with the project, and 2) the Panel's unsubstantiated findings that the Bank was not responsible for harms. IDI asserted that the Panel limited the scope of its investigation to the more palatable aspects of the complaint, leaving aside the central claims, which led it to make unfounded conclusions exonerating the Bank.

IDI is cognizant of the gravity of these accusations. We have prepared the following matrix setting out the claims raised in the Request and IDI's analysis of the Panel's findings, or lack thereof, in order to explain why we made and stand by these accusations.

Issues raised in Request for Inspection	Eligibility report	Investigation findings and IDI analysis
<p><b>PBS is contributing directly to the Ethiopian Government's Villagization Program (VP) in Gambella region.</b></p> <p>1. Villagization is the regional government's principle strategy for achieving the PBS objectives in Gambella:</p> <ul style="list-style-type: none"> <li>• PBS and villagization have the same objectives - expanding access and improving quality of basic services in education, health, agriculture, Watsan, rural roads.</li> </ul> <p>2. PBS funds substantially contributed to the implementation of the villagization:</p> <ul style="list-style-type: none"> <li>• PBS constitutes the major source of funding to woredas according to the PAD.</li> <li>• There are no separate bank accounts, disbursement or accounting procedures.</li> <li>• Salaries of local government workers (in woredas) were paid by PBS. These same workers were forced to implement the villagization program as a part of their job.</li> </ul>	<p>The Panel recognized that the claim that the Bank-financed PBS is contributing directly to the VP in Gambella, causing significant harms to the local population, <u>is a main area of contention</u>. In determining eligibility, the Panel considered:</p> <ul style="list-style-type: none"> <li>• Commonality of objectives</li> <li>• Contribution to the implementation of VP</li> <li>• Mutual impacts on results</li> </ul> <p>It determined:</p> <ul style="list-style-type: none"> <li>• PBS and VP have a commonality of objectives;</li> <li>• It is most likely that PBS has been instrumental in establishing and operating services in new villages created under the VP.</li> <li>• The two programs depend on each other, and may mutually influence the results of the other.</li> </ul> <p>In the discussion it makes a number of important points, including:</p> <ul style="list-style-type: none"> <li>- The Panel was informed in meetings with the Ministry of Finance that over 70 villages have been expanded or created under the VP in Gambella region. Relocation of some 30,000 households is</li> </ul>	<p>The Panel states: "In the Gambella region, the regional government's strategy for improving access to basic services is described in the Villagization Program Action Plan." It also notes that the regional government reports that approx. 60% of HHs in Gambella were resettled under VP. It notes that the operational costs of the VP were covered by the regional recurrent budget, which we know from PBS project documents are largely financed by PBS block grants. It also notes that government reps told the Panel that PBS supported the provision of (ag ext) services at the new villages. It also later states that VP could fundamentally change the critical path for the PBS PDOs in the relevant regions"; and notes that the implementing agencies for VP and PBS are the same at the woreda level.</p> <p>But, it simply concludes from all of this: "from a development perspective, the two programs may mutually influence each other's respective results." And that "there is an operational link (interface) between the CDP and PBS in the woredas where there is concurrent implementation." "This interface constitutes an operational risk for the Project." (Para 100-101).</p> <p>The Panel's characterization of the relationship between the two programs - the notion of an "operational interface" – downplays and understates the relationship between PBS and VP.</p> <p>By reducing the issue to risk assessment, the Panel sidesteps the central question in the Request: whether VP was the Gambella government's main strategy for implementing PBS (ie. VP was effectively a sub-project of PBS (a sector investment loan), and whether PBS funds contributed to the implementation of VP.</p> <p>It is therefore becomes impossible for the Panel to find that the Bank Project contributed to harms, because it doesn't ask or answer this question. By narrowing the investigation to risk assessment of the "operational interface", at most the Panel can find that the Bank should have done a better job at making sure PBS was not adversely affected by the VP (which it does.)</p> <p>It does not return to any of the salient observations it made in the eligibility report, including that: "it is most likely that PBS, through block grants for recurrent expenditures, has been instrumental in establishing and operating</p>

	<p>equivalent to approximately 40% of the regional population [by the time of the investigation report his had risen to 70%]. It follows that the VP has been a priority development effort in most, if not all, woredas since its inception in 2010. PBS provides a major part of the recurrent budget of all woredas in Gambella region... the achievement of the [VP] development results required mobilization of considerable budgetary and human resources.</p> <p>- The Panel understands that individual woreda administrations are responsible for implementation of the VP, supported through grants from the Region. Under the Ethiopian federal government system, woredas receive block grants for both capital and recurrent expenditures from their respective regional government determined by set formulas, and have considerable autonomy with respect to management of their budgets.</p> <p>- In new settlements/villages created under VP, PBS represents a critical source of financing for woredas to ensure adequate staffing and operation of new services. Given its ambitious targets and reported achievements, <u>it is most likely that PBS, through block grants for recurrent expenditures, has</u></p>	<p>services in new villages created under VP.”</p> <p>It does not answer the “open question” that it identified in its eligibility report (ie. the extent to which staff funded through PBS were undertaking work in connection with VP and the type of work involved.) It finds “the information gathered is not sufficient to determine whether woreda workers financed by PBS were forced to participate in the implementation of [VP] against their will. If so, what kind of activities they carried out in this respect; and whether their salaries were decreased to finance activities under [VP].”</p> <p>(NB: whether or not public servants paid through PBS carried our villagization <u>against their will or not</u>, is not relevant to the question of whether PBS contributed to VP.)</p> <p>The Panel then rests its important parts of its conclusion on a false premise: It says that the alleged human rights abuses “as stated are alleged consequences of CDP [VP] and not of PBS.” This gets it completely wrong: The Request claims these abuses were partly paid for and made possible by PBS.</p>
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	<p><u>been instrumental in establishing and operating services in new villages created under VP.</u></p> <p>- During its eligibility visit, the Panel team heard testimonies from several former teachers and agricultural extension workers who claimed they had been instructed to mobilize the farmers to move and clear the land for the new village.” “This leaves open the question of the extent to which staff funded through PBS were undertaking work in connection with VP, and the type of work involved” (suggesting that they would look into this “open question” during its investigation).</p>	
<p><b>There is evidence (testimonies) that funds were diverted from PBS, specifically salary payments to public servants in the education, agriculture and other sectors, to implement VP.</b></p>	<p>The Panel notes that under its Articles of Agreement, the Bank is required to ensure that the proceeds of any loan are used for the purposes for which the loan was granted with due regard to economy and efficiency. Bank’s Policy on Supervision (OP 13.05) repeats this principle and states the Bank’s supervision responsibility to ensure that the Bank funds are used for its intended purposes.</p>	<p>The Panel does not revisit the issue that it raises in the eligibility report that under its Articles of Agreement, the Bank is required to ensure that the proceeds of any loan are used for the purposes for which the loan was granted.</p> <p>The Panel does not look into the specific question of whether funds were diverted from salaries of public servants to implement VP. It does not address the testimonies in the Request or the testimonies it gathered during its eligibility mission from former public servants claiming that diversions occurred.</p> <p>Instead the Panel looks at whether there was <u>potential</u> for diversion due to the un-earmarked and discretionary nature of the block grants and the weaknesses in the financial system. The Panel finds that there was potential for diversion. It then says that it did not have access to Government financial records to find <u>evidence</u> of diversion. It does not explain the steps it took to gain access to government financial records or why the World Bank (and thus the Panel) did not have access to these records.</p> <p>The Panel refers to the five-year backlog in audits in Gambella and finds that Management did not comply with OMS 2.20 and OP/BP10.02.</p>

		<p>Yet, it does not conclude that the potential diversion could mean that PBS contributed to VP. It is silent on this.</p> <p><b>Important Note: The diversion question is itself a diversion from the central issue: without diverting funds, PBS funds could be used to carry out VP since they had the same development objectives. This is not a diversion of funds issue, it's a project design and safeguards issue.</b></p>
<p><b>Through VP, the Anuak, including the requesters, have been forcibly transferred from their ancestral lands to infertile land, which is unsuitable for farming.</b></p> <p>Villagization was carried out by force and accompanied by gross violations of human rights, threats and violence, including arbitrary arrests, beatings and assaults leading to deaths, torture, rape and violence, forced displacement and destruction of properties.</p> <p>In the villages people faced a lack of basic services, suitable agricultural land, other livelihood opportunities and food. Requesters have told stories of people dying of starvation.</p> <p>As a result, many Anuak have fled to neighboring countries to seek asylum, including the Requesters.</p>	<p>The Requesters interviewed by the Panel, described concrete incidences of people who had been beaten, detained and even in some cases killed by soldiers or police engaged in overseeing the relocation process when they were showing some resistance. Several of the Requesters stated that they fled because they feared for their lives. They were very concerned about the situation of relatives back home and of the prospects of being able to return to their ancestral lands. Some former civil servants stated that they were targeted as “trouble makers” when the villagers refused to move, and had to leave the country due to safety concerns after being beaten or put to jail.</p> <p><u>The investigation will not seek to verify allegations of specific human rights abuses linked to VP.</u></p>	<p>The Panel did not return to South Sudan or Kenya to interview the Requesters or others about VP during its investigation. It did not interview the Requesters living in Kenya at all – during the eligibility or investigation phase. Eimi Watanabe told IDI that she felt her team had conducted sufficient interviews of Requesters during the eligibility phase and indicated that some of the detail of these interviews would be recorded in the Investigation Report.</p> <p>However, the investigation report contains only the same paragraph as the eligibility report regarding allegations of abuse. No further detail is provided. It contains several additional paragraphs describing information the Panel obtained during its investigation from the Ethiopian government (ie. that the relocations are voluntary) and a government-organized forum for the Panel to meet Gambella government representatives and villagers, who all, according to the panel, gave glowing reviews of VP, stating for example, “people demand to move” and are “now very happy.” The Panel fails to mention the well-documented oppressive political environment in Ethiopia, in which people are afraid to speak freely about their critical views of government policy, especially during a government-arranged forum.</p> <p>After IDI showed the Panel transcripts it obtained of several private interviews conducted by its consultant during the Panel’s investigation that described in detail very serious violence and abuse (including rapes, arrests and killings) in connection with VP, the Panel issued a one-sentence correction to its report. The correction stated in full: “The Panel’s expert also heard allegations of intimidation and abuses in this context.”</p> <p>The Panel states that the investigation report does not include findings on two of the issues of harm, the taking of people’s customary land without their free prior and informed consent, and the use of force and intimidation to get people to relocate. However, in the eligibility report, the Panel stated that it will not seek to</p>

		<p>verify allegations of <u>specific human rights abuses</u>. In fact, the report not only doesn't include findings on the two issues of harm, but it casts the fact of relocation aside completely and doesn't include findings on whether PBS paid for the relocations in whole or in part. Later it illogically concludes that because of a technicality in the scope of the Involuntary Resettlement Policy, that the Bank is not responsible for resettlement – a conclusion which completely misses the point that PBS funds were used to be pay for the relocations as a part of a program to deliver basic services.</p> <p>This is a dramatic jump: there is a vast difference between not seeking to verify specific instances of abuse during the relocations (eg. a particular allegation of torture against person x) and deciding not to investigate whether PBS is implicated in the relocations, and if so, whether those relocations constituted a material adverse effect.</p> <p>(It should be noted that in previous investigation reports, the Panel has not hesitated to investigate and validate broad allegations of harms, including forced evictions (eg Cambodia LMAP and Albania Integrated Coastal Zone Management).</p> <p>The Panel decided to only look at the lack of access to services in the new villages and the deterioration of people's livelihoods because these two sets of claims, in the Panel's view, have "operational links to PBS." The Panel thereby separates the VP into two: (i) the relocations and (ii) the service provision at the villages, and decides to only look at the latter, despite the fact that the whole program was the Gambella government's primary strategy for increasing access to basic services and thereby meeting the PBS PDOs.</p> <p>The report contains short sections that describe the Panel's observations in relation to agriculture, education, health, and water &amp; sanitation. These sections are aimed at identifying some trends in relation to the impact of the VP on basic services delivery and outcomes. The relative access to the range of basic services in old and new villages is not a question raised in the complaint, but the Panel makes it the central issue in their investigation of the facts on the ground. Again essentially the investigation is of how the VP effects PBS results, rather than whether the VP was effectively a sub-project of PBS.</p> <p>In describing these "trends", the Panel does not describe its research methodology or state how many villages were visited, how many people it interviewed in each village and whether government officials were present during interviews.</p>
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<p><b>The choice of lending instrument and design of PBS, which closely resembles direct budget support, was inappropriate in the high-risk environment</b>, which the Bank identified, stating “risks related to governance, particularly the risk that unconstrained budget support could be vulnerable to political capture or diversion from the core priorities of basic service delivery”.</p> <ul style="list-style-type: none"> <li>• Social accountability measures (eg. citizen report cards, community score cards) were not effective in the political climate.</li> <li>• Mitigation measures, such as “a common</li> </ul>	<p>Bank policy provides that Management must identify project risks during preparation and appraisal of projects, and report to the Board on actions to address these risks. <u>The Panel is of the view that Management’s assessment of possible links and risks associated with the contemporaneous implementation of PBS and VP, and identification of actions to address these risks, raises</u></p>	<p>“The Panel does not question the application of the “quasi-P4R” PBS modality, which is in line with contemporary principles of aid effectiveness.”</p> <p>The Panel thus ignores the issue raised in the complaint that the design of PBS was inappropriate to the high-risk environment.</p> <p>The Panel states that it understands the dilemma faced by the Bank on how best to address development issues posed by the VP “without being linked to the allegations of human rights abuses.” This again presupposes that PBS is not linked to the forced relocations.</p> <p>The Panel finds: Considering the magnitude of the operation, the nature of block grant financing, and the overlapping implementation between PBS III and CDP, Management did not carry out the required full risk analysis, nor were its</p>

<p>development partner position on governance” and a joint communication strategy and regular consultations with CSO reps, were not adequate to address risks.</p> <ul style="list-style-type: none"> <li>• Failure to identify and address risk that villagization would be used as a potential means for service delivery.</li> <li>• Lack of critical analysis of the political-economy environmental in the PAD, and failure to identify risks, despite 2005 election violence that led to decision to suspend direct budget support. “These omissions are at the root of the inadequacy of safeguards and accountability mechanisms for PBS”, resulting in harms to requesters.</li> <li>• Bank did not consider projects possible effects on the well-being of people, including the Anuak, who have faced systematic discrimination and abuse.</li> <li>• Bank did not consider in its appraisal the social, historical, legal and other country-specific features that would influence institutional performance at the regional and woreda levels.</li> <li>• The Bank did not consider in its appraisal the sociological aspects of the Project, including “the social organization, tradition and values bearing upon the feasibility, implementation and operation” of the Project.</li> <li>• The Bank did not appraise “the cultural acceptability of the project and its compatibility with the behavior and perceived needs of the intended beneficiaries” or “the social strategy for project implementation and operation needed to elicit and sustain beneficiaries’ participation.”</li> </ul>	<p><u>issues of potential serious non-compliance with Bank policy.</u></p>	<p>mitigation measures adequate to manage the concurrent roll-out of the villagization program in four PBS III regions. The Panel finds that Management’s approach did not meet the standards of a systematic or holistic assessment of risks, as called for in the Operational Risk Assessment Framework (ORAF) Guidance, which is aimed among other objectives at identifying adequate risk management measures for affected communities. The Panel finds these omissions in non-compliance with OMS 2.20 on Project Appraisal.</p>
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<p>These failures amount to non-compliance with OMS 2.20 and OP/BP 10.04</p>		
<p><b>Bank’s interpretation that safeguard policies do not apply to recurrent expenditures is wrong.</b> Neither the instrument utilized for PBS nor the decision to fund only recurrent expenditures negate the Bank’s obligation to trigger and comply with relevant safeguard policies. The high level of discretion that PBS confers, requires particularly strong safeguard measures and oversight.</p>		<p>The Panel states: The World Bank operational policies and procedures do not exclude the application of safeguard policies in Investment Lending (IL) operations that provide support for recurrent expenditures. The Panel finds that to the extent that one or more safeguard policies are found to be relevant to the areas of operation of the proposed IL operation, Management should trigger and apply them.</p>
<p><b>The Bank failure to trigger OP 4.10 for any phases or any component of PBS contributed to harms.</b> As a result none of the crucial safeguards for Indigenous Peoples, including free, prior and informed consultation to ascertain broad community support, were afforded to the Requesters by the PBS project in Gambella.</p> <p>Had OP 4.10 been triggered and meaningfully applied, PBS funds could not have been used to implement any aspects of villagization as a means to improve access to basic services that required Indigenous People, including the Anuak, to move away from their ancestral lands. The failure of the Bank to do so resulted in irrecoverable and grave harms to a marginalized Indigenous People.</p>		<p>The Panel finds that, barring the triggering of OP 4.10, Management should have adopted the “functional equivalence” approach in the design of PBS III.</p> <p>The Panel finds that livelihoods, well-being and access to basic services, which are closely tied to the Anuak’s access to land and natural resources was not taken into account in the design of PBS III, in non-compliance with OP 4.10.</p> <p>However, the Panel then concludes that the Bank cannot be held responsible for harms. Again, without answering the central question of whether PBS directly contributed to the VP, it is not possible for the Panel to find that the Bank contributed to harms regardless of whether it failed to trigger its safeguard policies.</p>
<p><b>An IPPF should have been prepared for PBS and regional governments should have been required to prepare an Indigenous People’s Plan as a part of their preparation and planning for the decentralized delivery of services in their region under PBS.</b> The Bank’s omission to ensure that the above steps were taken is contrary to the spirit and letter of OP 4.10, causing immeasurable suffering and in some cases irrevocable disruption to the Anuak way of life.</p>		<p>The Panel states: The application of OP 4.10 to PBS III would have highlighted the need to prepare a social assessment of PBS beneficiaries meeting the criteria of the IP Policy, and may have highlighted the impact that the VP was having on PBS beneficiaries, which could possibly affect PBS III’s results achievement.</p> <p>Beyond this, the Panel is silent on what should have happened if the project was in compliance with OP 4.10. It therefore avoids the more complex discussion of what designing an IPPF during appraisal and an IPP for subprojects would have meant in practice. This allows it to continue to avoid answering the question of whether the VP was effectively a sub-project of PBS.</p>

**The Bank should have triggered OP4.12 upon identifying the risk that regional governments may use villagization as a means to achieve PBS objectives.** OP 4.12 applies to activities resulting in involuntary resettlement that are directly and significantly related to the Bank-assisted project”; that are necessary to achieve its objectives; and that are carried out contemporaneously with the project.”  
**The villagization program in Gambella is directly and significantly related to PBS, and is the means by which the regional government officially aimed to achieve PBS objectives, using PBS funds.**

The Panel finds: the nationwide PBS was initiated in 2006 and is expected to close in 2018. Meanwhile, the CDP began in Gambella in 2010 and terminated in 2013. Therefore, while CDP in Gambella was contemporaneous with PBS, the latter was being implemented four years prior to the commencement of CDP, and is continuing after the conclusion of CDP. Furthermore, PBS was designed to cover the entire population of Gambella, irrespective of whether they relocated under CDP. Thus, the Panel does not consider CDP necessary to achieve the objectives of PBS III. The Panel finds that paragraph 4 of OP 4.12 is not applicable, and that Management acted consistently with the provisions of OP/BP 4.12 by not triggering it.

This analysis is illogical: By the nature of the design of PBS it had to be implemented through a range of sub-projects as it was designed to promote decentralization and gives discretion to subnational government to design and implement strategies to meet PBS PDOs. PBS I and II were Sector Investment and Maintenance (SIM) Loans. Although, for an unexplained reason, PBS II was a Specific Investment Loan, its design was the same as PBS I and II. All SIMS begin prior to subprojects being implemented, and many cover a geographical area larger than any one sub-project. VP was a major - probably *the* major – program of the Gambella government to deliver basic services during PBS years: it aimed to reach 70% of the Gambella population. PBS was designed to give full discretion to regional governments to design the method of basic service delivery. If the regional government decided to use its discretion to relocate people as its principal strategy for implementing PBS, then relocations were necessary to achieve PBS in that region. The eligibility report stated: “from the end of 2010, PBS and the VP have been implemented concurrently in the Gambella region covering the same woredas.” The resettlement was therefore necessary to achieve PBS objectives and concurrent to PBS.

Paragraph 4 of OP.412 should be read along with paragraph 26 and 28, which specifically relates to sector investment operations. Those paras state: “For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations the borrower submits prior to appraisal, a resettlement policy framework” ... “For each subproject included in a [sector investment] project that may involve resettlement, the Bank requires that a satisfactory resettlement plan...be submitted to the Bank for approval before the subproject is accepted for Bank financing. “ In other words, according to Bank policy, OP 4.12 should have been triggered because the Bank should have identified that there was a possibility that villagization would be used as a method to deliver services (as it had in the

		<p>past), an RPF should have been prepared during project appraisal, and a full RP prepared during sub-project preparation in Gambella. If the Bank had followed the policy, it would have ensured that the Bank financing was not used to carry out or facilitate forced relocations contrary to OP 4.12. This is precisely the risk mitigation that was called for in the circumstances and was spelt out by Bank policy.</p> <p>The Panel's illogical misapplication of OP 4.12 leads it to conclude that: "Since the Panel found that the Resettlement Policy does not apply to PBS, ... the Bank is not responsible for these alleged harms." This is also an illogical conclusion as explained above.</p>
<p><b>At the time the Villagization Action Plan became known to the Bank, it should have engaged in communications with the federal and regional government in relation to the means and processes by which villagization would be carried out, mechanisms in place to ensure the process would be voluntary, and the appropriateness of this plan to the Indigenous Peoples of the region.</b></p> <p><b>The Bank refused to interview Anuak refugees about villagization, despite requests.</b></p> <p><b>The Bank did not redesign the project when seeking additional funding at around the same time villagization commenced (2010) or in designing PBS III in 2012.</b></p> <p>These failures to properly supervise PBS amount to non-compliance with OP 13.05.</p>		<p>Because the Panel decided to side-step the question of whether the VP was the means of implementing PBS in Gambella, it did not respond to the three issues raised in the Request related to supervision.</p> <p>The Panel nonetheless finds that the Bank did not comply with OP/BP 10.00 re supervision because it did not identify and mitigate the adverse impact the VP was having on agriculture objectives of PBS during implementation. This is a far more palatable question to investigate than the ones raised in the Request.</p>