# Enhancing Accountability for Sustainable Development

**INDEPENDENT RECOURSE MECHANISM**

## User's Guide



IRM INDEPENDENT RECOURSE MECHANISM



# Independent. Accessible. Fair.

## Our Vision

The IRM's vision is to provide a safe and trusted space for affected people to bring forward their concerns about AfDB-funded projects without fear of retribution, and to create a positive culture within the AfDB that values the complaints of stakeholders and seeks to learn from them in order to improve projects, raise standards, minimize disputes and enhance sustainable development outcomes for all.

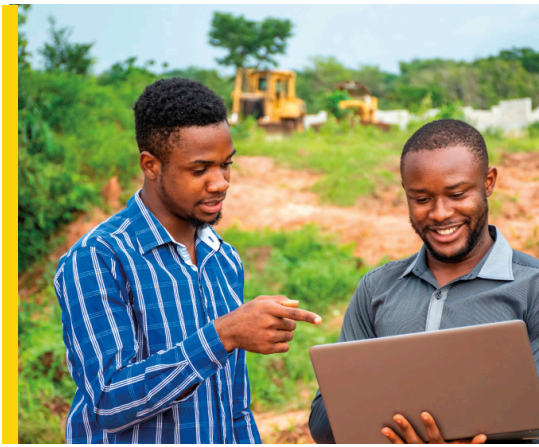
## Our Mission

The IRM's mandate is to provide fair, independent and effective recourse and remedy for individuals, workers and communities who are adversely impacted by AfDB-funded projects and, through the complaints-handling process, identify potential areas where the Bank can further strengthen its policies, procedures and/or practices in support of sustainable development, ensuring that no one is left behind.

# About The IRM

The Independent Recourse Mechanism (IRM) is the independent accountability instrument of the African Development Bank Group (AfDB). The AfDB is a multilateral development institution that provides financial resources, technical assistance and policy advice to African governments and private companies in its 54 regional member countries to drive social and economic development and to alleviate poverty. The overarching goal of the IRM is to enhance the accountability and sustainability of projects financed by the AfDB, thereby contributing to the social and economic progress of African countries.

In practice this means we provide fair, independent and effective recourse or help, to individuals, workers and communities – referred to as project-affected people (PAP) or complainants – who believe they are negatively impacted by an AfDB-financed project.



We accept complaints from affected people with the aim to address, resolve and, where appropriate, provide redress for harm caused. The complaints handling process offers two options, or paths:

**1) Compliance Review** investigates claims of policy non-compliance and the occurrence of harm related to AfDB-funded projects.

**2) Problem Solving** aims to resolve complaints through mediated dialogue between complainants and the relevant project stakeholders. The path taken for each complaint is decided through consultation between the IRM and the complainant(s).

# IRM's Independence and Impartiality



Although the IRM is housed within the AfDB, we facilitate and make decisions related to the complaints we receive independently of the Bank's operational functions. This arms-length independence enables us to avoid potential conflicts of interest and is critical to building long-lasting trust among our stakeholders and in our recommendations and advice.

We recognize that acting independently and impartially is not only fundamental to our work, but that it is also critical in supporting our reputation and our ability to ensure stakeholder confidence.

To secure and maintain trust and confidence in the provision of our services, it is essential that our findings and recommendations within the compliance review process are based on objective evidence obtained from our investigations. It is also important that we are independent and impartial in all of our problem-solving and mediation activities so that we can provide a neutral, trusted and safe space for parties to find joint solutions.

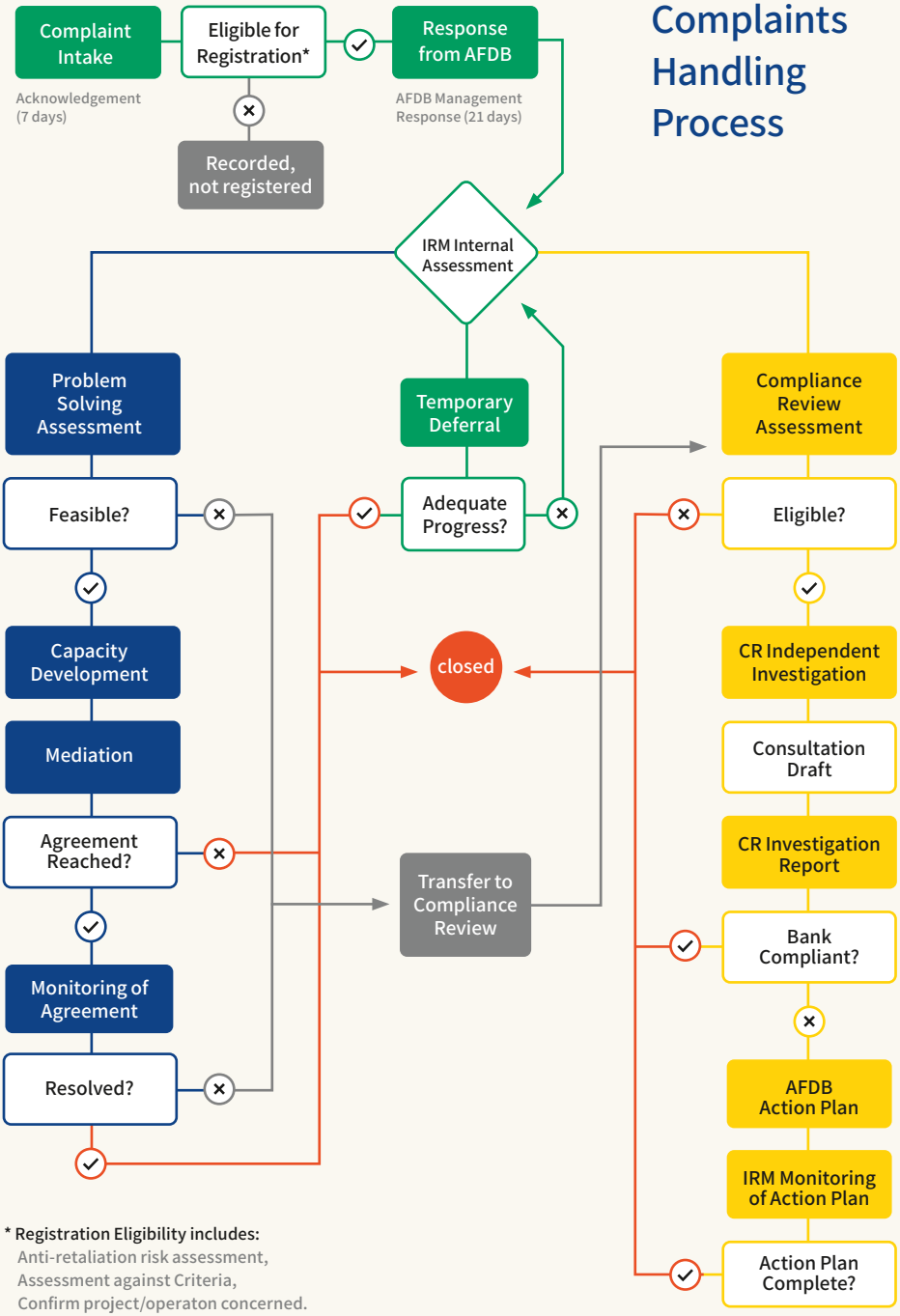


## What is Independence and Impartiality?

Independence is an attitude free from all external pressures or influence. The IRM resists and rejects all such pressure or influence whether it comes from Bank Management, the Bank's clients (which include governments and private sector entities) or from civil society actors. Impartiality is an attitude towards the parties involved and the subject matter of the dispute and holds that they will all be treated equally and fairly.

For further information on the IRM's independence and impartiality, please refer to our **Frequently Asked Questions (FAQs).**

# Complaints Handling Process




* Registration Eligibility includes:
Anti-retaliation risk assessment,
Assessment against Criteria,
Confirm project/operaton concerned.

# Complaints Handling



## How does the IRM work?

We employ a formal complaints-handling process to address, resolve and, where appropriate, provide redress for harms linked to the Bank's non-compliance with social and environment policies and procedures. The IRM's complaints-handling process is activated when we receive a complaint from individuals, communities or workers who consider themselves negatively affected by an AfDB-funded project. This complaints-handling process has two possible paths: compliance review and problem solving.

## Compliance Review (Independent Investigation)

The IRM's compliance review process is designed to examine whether the AfDB has complied with its policies and procedures related to a relevant project or operation. In cases where non-compliance is established, and where this can be linked to harm or potential harm, we will recommend ways for the Bank to address the non-compliance and, if needed, repair the harm – often in close cooperation with the project developer.



## What Happens When Your Complaint is Handled Through a Compliance Review Process?



**Complaint Registered**
The IRM receives your complaint, makes sure it meets our complaints criteria (**see pg. 15**) and, if it does, officially registers your complaint. The compliance review process then follows the steps below:

**1. Eligibility Assessment**
An eligibility assessment is done to evaluate if there is prima facie evidence of harm and, if so, whether it can plausibly be linked to the Bank's non-compliance with its policies.

**2. Planning & Expertise Selection**
If the complaint is eligible, it moves to the investigation planning stage. At this stage, the IRM develops investigation tools specific to the complaint and brings in subject-matter expertise when appropriate.

**3. Independent Investigation**
Once planning is complete, the formal investigation into your complaint begins. This will assess if the AfDB, in fact, failed to comply with relevant policies and procedures and if any harm has occurred or is likely to occur as a result. The investigation concludes with a draft report that presents the IRM's findings and recommendations, and this report is shared with Bank Management and the complainants for comments.

**4. Final Report**
The IRM incorporates the comments it receives and issues a final report and recommendations.

**5. AfDB Action Plan**
Bank Management reviews our report's recommendations and, if required, develops an action plan to address identified issues.

**6. AfDB Board Decision**
Board endorses compliance report and management's action plan.

**7. Monitoring of Actions**
The IRM monitors the implementation of the action plan until it is completed.

# Problem Solving (Mediation)

The IRM's problem solving process is designed to restore effective dialogue between the complainants and other relevant parties. The IRM acts as an impartial third-party providing support and guidance, and engages all relevant stakeholders in seeking mutually satisfactory outcomes on the issue(s) underlying a complaint. The relevant parties in a problem-solving exercise may include the complainants, the project sponsor/developer and Bank Management.

The problem-solving process is a voluntary and collaborative process. Through the process, parties that are ready to engage in problem-solving exercises work together to determine the nature of their differences and to look for ways to meet their respective needs, values and concerns. In most cases, costs associated with a problem-solving exercise are absorbed by the IRM.



## What Happens When Your Complaint is Handled Through a Problem Solving Process?



**Complaint Registered**
The IRM receives your complaint, makes sure it meets our complaints criteria (**see pg. 15**) and, if it does, officially registers your complaint. The problem solving process then follows the steps below:

**1. Eligibility Assessment**
The IRM begins with an eligibility assessment to better understand the issues, the parties involved and their interests to determine if they are willing and able to engage effectively in a problem-solving exercise.

**2. Capacity Development**
If the parties are amenable to resolving the issue(s) in a collaborative manner, the IRM works with the parties to build their own internal capacities to engage and supports the design of mutually agreed upon ground rules that will help govern the mediation process.

**3. Dialogue Facilitations**
The dialogue facilitation process begins with an independent mediator helping the parties to work through different issues.

**4. Agreement Reached**
If the problem-solving exercise is successful, it will typically result in an agreement between the parties outlining their plan to jointly resolve their issue(s). Regardless of the outcome, the IRM will prepare a summary report which is shared with the parties.

**5. Monitoring Implementation**
If agreed to by the parties, the IRM will help to monitor the implementation of the agreement.

# Frequently Asked Questions



## Who can file a complaint?

Any individual or group of people who believe that they have been or are likely to be adversely affected by an AfDB-funded project located within their community or that has impact on their country or countries. A group may refer to a group of individuals, a community, an association or an organization. Complaints may also be filed by a representative appointed by the complainants.

## How can you file a complaint?

Complaints can be submitted by mail, e-mail, text message, online complaint form, voice or video recording. For further details see **page 19** of this document

## Can complaints be submitted in local languages?

Complainants can file their complaints in their local language or in either of the official languages of the Bank (English and French). When a complaint is submitted in a language other than English or French, the IRM will inform the complainants of the estimated time needed for translation. For voice and video recording submissions, the IRM will assist the complainants in also providing a written submission.

## What can you complain about?

A complaint can be filed about any actual or potential adverse social or environmental impact related to an AfDB-funded project. Complaints can raise project issues such as poor labour conditions, community health concerns, involuntary resettlement concerns, destruction of cultural heritage, discrimination, loss of livelihoods, pollution, environmental damage, negative effects on biodiversity, unfulfilled project commitments, gender-based impacts, access to information, property damage, and climate change, among others.

## What criteria must be met to file a complaint?

When filing a complaint with the IRM, you should ensure that the project in question is located in Africa and is partly or entirely funded by the AfDB. If you are not sure about this, please contact the IRM to confirm. The complainants should also have first attempted to resolve their grievances using the project-level grievance redress mechanism if possible.

## How do I find out if a project is being financed by the AfDB?

Projects can be found using AfDB's online Data Portal Tool (**projectsportal.afdb.org**) and entering either the project name, location, country or sector of activity in the search function. If you are unsure if a project is financed by the AfDB, please do not hesitate to contact the IRM for help.

## What types of complaints are not accepted?

The IRM does not accept complaints that are outside its mandate. Such complaints include issues related to procurement or to allegations of fraud or corruption. The IRM cannot accept complaints that are filed more than 24 months after the physical completion of the relevant project or that are filed more than 24 months from the date that the complainants became aware of the adverse impacts.

## May I ask for confidentiality?

Yes, you can request confidentiality when filing a complaint with the IRM. When filing the complaint, we ask that you provide the reasons for this request. In cases where there are potential risks of reprisal, the complainants should discuss this with the IRM so that they can agree on the best way to move forward with the complaint.

The IRM has sometimes observed that complainants can face threats of retaliation when they voice their concerns about certain projects. We are acting to address this and have established a set of guidelines and procedures which help us identify potential risks and to reaffirm our policy of zero tolerance for reprisals against complainants.

Our policy states: **"The IRM does not tolerate retaliations against complainants or any other individuals involved in the complaints process and rejects any form of threat, intimidation, harassment, violence or discrimination based on the fact that they have exercised their right to raise concerns."**

If you have any concerns regarding possible reprisals from submitting a complaint please contact us.

## What information MUST be included in a complaint?

**Filing a complaint is easy. The complaint MUST include:**

- ✓ The name and contact information of the complainant or representative (address, telephone number, e-mail address).
- ✓ Relevant information to help identify the operation as an AfDB-funded project (e.g., project or borrower/client name, project location and/or sector).
- ✓ A description of how the complainants have been, or may be, adversely impacted by the project.
- ✓ A description of the efforts made by the complainants to have the Bank and/or the borrowers/clients address the issues described in the complaint and the results of those efforts, or the reasons why such efforts were not undertaken.

## The complaint MAY also include the following useful information:

- ✓ A description of the applicable AfDB operational safeguards or policies that are not being respected, especially when requesting a compliance review.
- ✓ Whether the complainant prefers to have their complaint handled through compliance review or problem solving.
- ✓ Whether confidentiality is requested and the reasons for the request.
- ✓ A description of the desired outcome that the complainants hope to achieve through the IRM's process.
- ✓ Any concerns the complainants may have regarding risks of retaliation.
- ✓ The name of a representative (individual or organization) who has been invited to assist the complainants with their complaint (in such cases, the complaint must contain evidence that the representative is authorized to act on behalf of the complainants).
- ✓ Any other information or materials relevant to the complaint (documents, media reports, maps, photographs and other audiovisual materials) that might facilitate handling by the IRM.



## How does the IRM make sure stakeholders are aware of its services?

The IRM organizes communication and outreach activities throughout the year to help raise awareness of our mandate and functions with the aim of expanding access to the complaints mechanism for our stakeholders, with a special focus on the project-affected people that the mechanism is designed to serve.

We regularly organize online and in-person awareness sessions in English and French, and we are increasingly making efforts to offer outreach opportunities in other languages as well. We also respond to invitations from stakeholders to present about the IRM. If you are interested in having a speaker from the IRM present at one of your gatherings, you can contact us at **IRM@afdb.org**. If you would like to learn about upcoming workshops or other outreach activities, please subscribe to our mailing list or follow us on social media. See **page 19**.

## How can the IRM be independent if it is part of the Bank?

While the IRM is housed within the Bank, it operates entirely independently from the Bank's operational influence and decision-making.
This is accomplished structurally by:

- → Having the IRM report directly to the Boards of Directors (and not Bank Management).
- → Eliminating any potential conflicts of interest by establishing within the rules that the Director of the IRM cannot have worked for the Bank in any capacity prior to their engagement and is banned from working for the Bank at the end of their term.
- → Having the IRM prepare its own annual work program and budget according to its priorities, which is approved by the Boards of Directors.
- → Hiring the IRM Director through a multi-stakeholder panel process which includes representatives from the Boards, Bank Management and civil society organizations.

## Can the IRM accept anonymous complaints?

Yes, the IRM can receive complaints submitted without contact details, but these anonymous submissions are not eligible to be registered through the regular process. Stakeholders may submit their concerns about a Bank-funded project without including contact details by using the digitally encrypted complaint form on our website. See **page 19** for a link to our website.

However, there is no guarantee that anonymous reports will be investigated, and we will have no way to follow-up with you about your complaint. We encourage anyone considering this option to contact us directly on a confidential basis to discuss their concerns. The IRM can and does provide complainants confidentiality upon request.

Anonymous complaints can only be investigated through an IRM self-initiated compliance review process in which the IRM has received credible information (including through anonymous submissions) that a Bank-funded project has adversely impacted or may adversely impact persons, a community or the environment.

# IRM's Commitments to Our Stakeholders

Our key stakeholders are the complainants, the sponsors/developers of projects, AfDB Management and the Boards of Directors. As part of our efforts to hold ourselves accountable, our IRM charter informs how we deliver on our commitments to serve them.

**In our decisions and activities, we will:**

1. Handle complaints fairly and in a timely, transparent and professional manner.
2. Take measures within our power to protect complainants, or any other complaint-related party/person, from retaliation and reprisals.
3. Welcome the submission of complaints to the IRM in any African language, written or oral.
4. Refer complaints to the relevant department of the Bank if it does not fall within our mandate.
5. Provide our stakeholders with regular updates on the progress of complaints.
6. Handle any sensitive or confidential information with utmost discretion and in a manner that complies with the Bank's Disclosure and Access to Information Policy
7. Be fair, just and impartial in our engagements throughout the complaints-handling process.
8. Guarantee stakeholders the "right to be heard" and an opportunity to share their views and input throughout the complaints-handling process.
9. Alert the Bank to emerging trends and areas of concern related to stakeholder complaints.
10. Provide regular updates to the Boards of Directors to ensure they are kept informed of the IRM's work and to facilitate open dialogue between the IRM and the Boards.



# Contact Us

By mail :
**Independent Recourse Mechanism (IRM)**
**African Development Bank**
**01 BP 1387 Abidjan 01, Côte d'Ivoire**
**Immeuble CCIA - Avenue Jean Paul II**

By e-mail:
**IRM@afdb.org**

By telephone:
**+225 27 20 26 29 00**

By WhatApp/Signal:
**+225 05 75 75 10 52**

**IRM.AfDB** **AfDB_IRM**

To fill out a complaint form, please visit:
**https://irm.afdb.org/**

Complaints can also be sent to the attention of the IRM via any of the AfDB's country offices.

If you need any advice or further information on how to prepare and submit your complaint, please contact the IRM.



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African Development Bank (AfDB)

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