The Independent Review Mechanism

Annual Report 2014



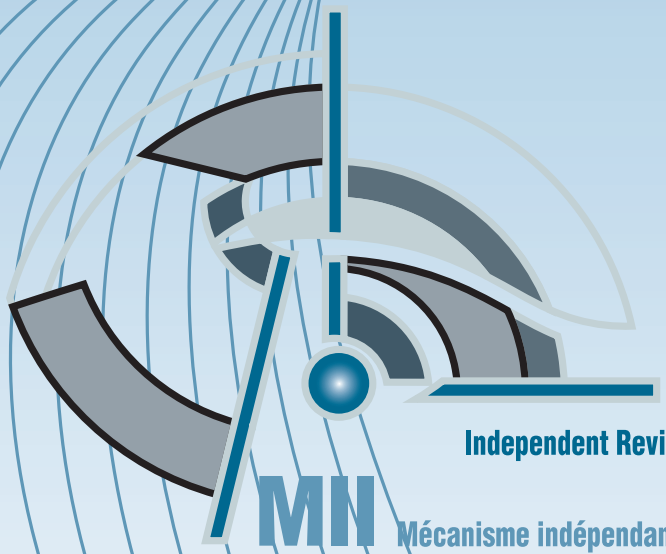
IRM
Independent Review Mechanism

MII
Mécanisme indépendant d'inspection

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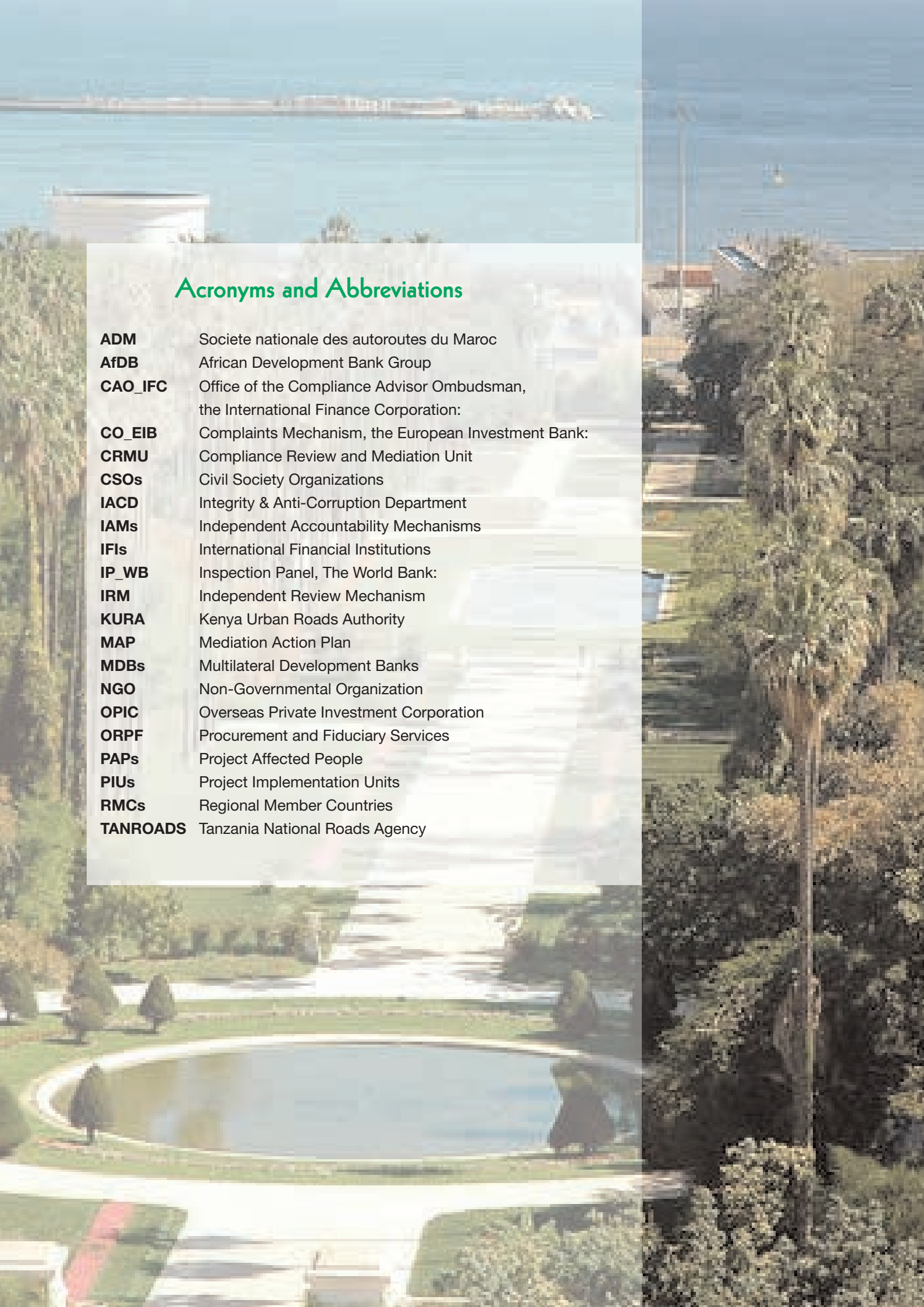
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IRM

Independent Review Mechanism

MI Mécanisme indépendant d'inspection



Acronyms and Abbreviations

ADM	Societe nationale des autoroutes du Maroc
AfDB	African Development Bank Group
CAO_IFC	Office of the Compliance Advisor Ombudsman, the International Finance Corporation:
CO_EIB	Complaints Mechanism, the European Investment Bank:
CRMU	Compliance Review and Mediation Unit
CSOs	Civil Society Organizations
IACD	Integrity & Anti-Corruption Department
IAMs	Independent Accountability Mechanisms
IFIs	International Financial Institutions
IP_WB	Inspection Panel, The World Bank:
IRM	Independent Review Mechanism
KURA	Kenya Urban Roads Authority
MAP	Mediation Action Plan
MDBs	Multilateral Development Banks
NGO	Non-Governmental Organization
OPIC	Overseas Private Investment Corporation
ORPF	Procurement and Fiduciary Services
PAPs	Project Affected People
PIUs	Project Implementation Units
RMCs	Regional Member Countries
TANROADS	Tanzania National Roads Agency

Table of Contents

Acronyms and Abbreviations

Foreword from the director of the CRMU

Executive Summary

1. Second review of the Independent Review Mechanism
   - 1.1 Introduction
   - 1.2 The Review Process
   - 1.3 Key Proposed Amendments to the Enabling Resolution Establishing the IRM and the Operating Rules and Procedures

2. Status of requests received

3. Requests handled through problem-solving
   - 3.1 Introduction
   - 3.2 The Improvement of Health Services Delivery at the Mulago Hospital and in the City of Kampala, Uganda
   - 3.3 The Outer Ring Road Project, Kenya
   - 3.4 Republic of Congo Request
   - 3.5 The Road Sector Support Project II, Tanzania. Request
   - 3.6 The Construction of the Marrakech-Agadir Motorway, Morocco. Request
   - 3.7 Identifiable Trends and Lessons Learnt from Problem-Solving Cases

4. Compliance review requests handled by the irm experts
   - 4.1 Introduction
   - 4.2 The Medupi Power Project in South Africa. Request
   - 4.3 The Bujagali Hydropower and Interconnection Projects in Uganda- Request
   - 4.4 Identifiable Trends and Lessons Learnt from Compliance Review Cases

5. Enhancing the irm's visibility
   - 5.1 Introduction
   - 5.2 Information Session on the IRM with Representatives from Governments, Project Implementation Units and CSOs/NGOs (Nairobi)
   - 5.3 Information Session on the IRM with Representatives from Governments, Project Implementation Units and CSOs/NGOs (Kinshasa)
   - 5.4 Outreach Session with Private Sector Actors (Nairobi)
   - 5.5 Outreach Sessions with Community and with Representatives from Governments, Project Implementation Units and CSOs/NGOs (Nouaktchott)
   - 5.6 Outreach Session on Accountability and Transparency at the 2014 General Annual Meeting of the Bank
   - 5.7 IRM Participation at the 11th Annual Meeting of Independent Accountability Mechanisms (IAMs)

5.8 Lessons Learnt from Outreach Activities

6. Trends in complaints handling in africa

7. CRMU staff

8. IRM roster of experts

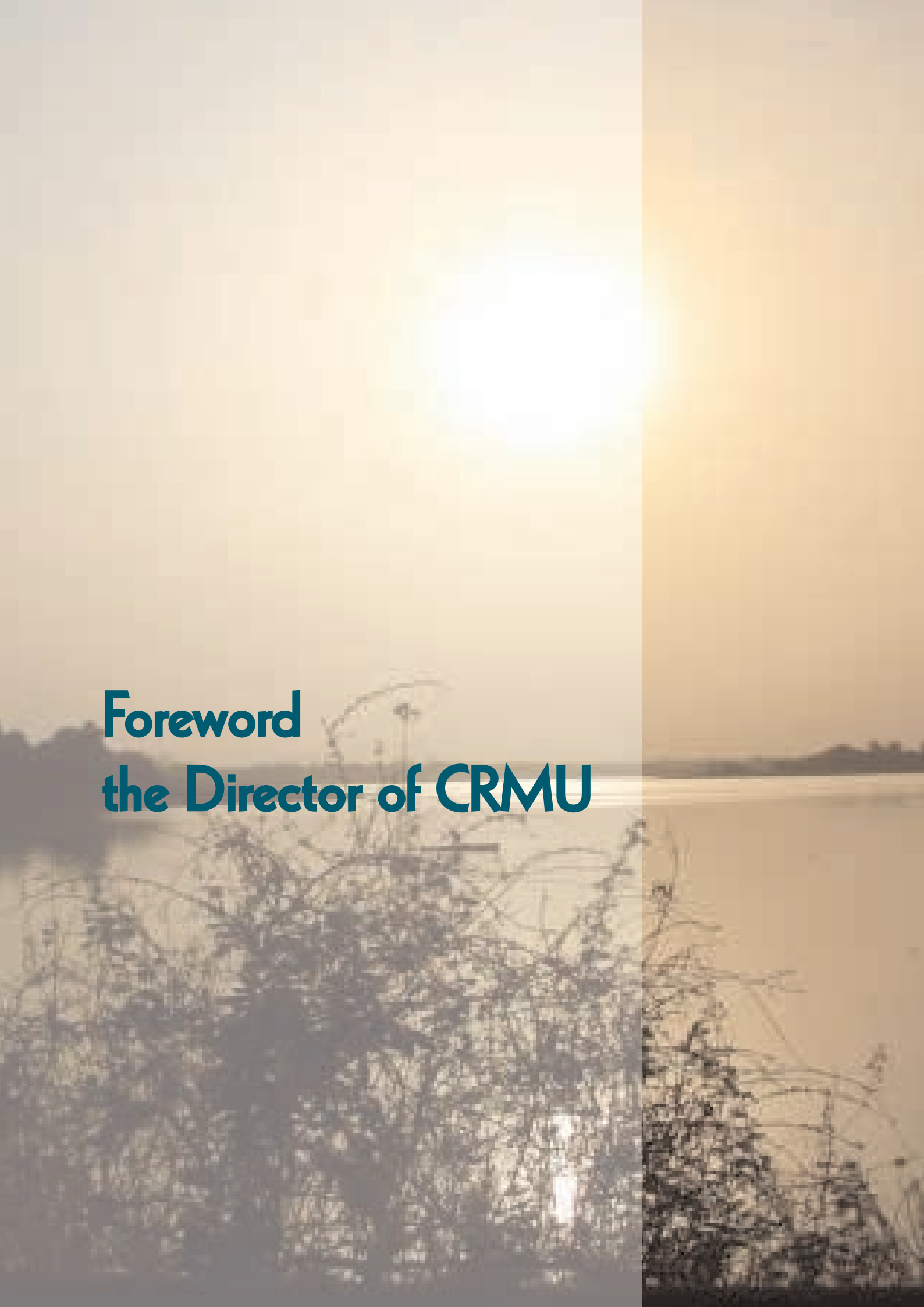
9. Financial matters

9.1 CRMU Budget and Actual Costs in Unit of Accounts (UA)

10. Annexes

Annex 1 : General Information about the IRM
Annex 2: Second IRM review: List of Individuals and Civil Society Organisations contributors during the Public Consultation
Annexe 3: Outreach Events





Foreword
the Director of CRMU

Foreword from the Director of the CRMU


M. TOURE SEKOU, Director CRMU

Three flagship activities were undertaken by the Compliance Review and Mediation Unit (CRMU) in 2014: the Second Review of the Independent Review Mechanism (IRM); solid progress in handling complaints raised by persons affected by Bank Group-financed investments; raising stakeholder awareness of the IRM, through outreach and information dissemination.

The review is a statutory requirement of the Enabling Resolution Establishing the IRM and as such provides an important milestone in the life of Independent Accountability Mechanisms (AIMs), such as the IRM. These entities were set up by the Multilateral and Bilateral Development Banks to provide recourse for project- affected communities. The mechanisms are mandated to address grievances relating to environmental and social harm, and ensure compliance with relevant safeguard policies. Importantly, these mechanisms provide an avenue for citizens to raise their concerns to the highest levels of decision-making within the development banks. They share a common goal to foster greater public accountability, civic participation, and development performance, with a particular focus on improving project outcomes for locally affected communities.

The IAMs' reviews provide an opportunity to pause and take stock of progress achieved and challenges faced, as well as to introduce the adjustments needed to optimize performance.

The timing of the Second Review is of particular significance for the IRM: the Bank has just adopted its 10 Year Strategy (2013-2022), its Integrated Safeguards System of 2013, and the Private Sector Policy of 2014, all of which affect the work of the IRM and its Operational Rules and Procedures.

Having taken into account the key principles of the Bank's new policies, the recommendations of the Second Review have been comprehensive and consistent with the Bank's strategies. Equally important, the Second Review process has been thorough and consultative. We have been encouraged by civil society's great interest and participation in the exercise, which has added value to the recommendations to the Boards of Directors. As a result of the enhanced responsiveness to the people affected by Bank Group investments, the IRM and CRMU can better serve the African Development Bank Group (AfDB).

The salient features of the Second Review of the IRM are four-fold: it has simplified the rules governing complainant access to the IRM; strengthened IRM reporting and consultation with the Bank's Boards of Directors; reinforced the independence of the IRM; and mandated the IRM's new advisory role in reinforcing the culture of compliance to Bank policies.

Over 2014, the CRMU and IRM Experts have focused on handling new and ongoing complaints. The management of new cases registered for problem solving, (such as the Improvement of Health Services Delivery at the Mulago Hospital and in the City of Kampala, Uganda and the request relating to the Outer Ring Road project in Kenya) reinforced the trends previously observed, recurrent issues of resettlement and compensation in infrastructure projects, new challenges in urban project implementation, and the implications of inadequate public consultation.

The outcome of the CRMU and IRM Experts' monitoring of ongoing cases, (including complaints relating to the Medupi

Power project in South Africa, the Bujagali Hydropower and Interconnection Projects in Uganda, the Road Support Project II in Tanzania and the Marrakech Agadir Motorway in Morocco) is that great care is needed to ensure the sustainability of mitigation measures, and a more systematic approach to reporting and monitoring.

We are still convinced that the IRM is far from being optimally used. Baffling questions remain concerning the challenges of ensuring that communities impacted by Bank Groupfinanced projects are aware of the existence and attributes of the IRM, and can access the mechanism.

After approval by the Boards in 2015, we hope to see quick returns when the recommendations of the Second Review of the IRM are implemented. As the journey continues, we look forward to working with civil society organizations, including local communities, project implementation units and other stakeholders, to fully achieve the IRM's mandate.
Sekou Toure



Sekou Toure





Executive Summary

The CRMU's activities of 2014 focused mainly on completing the Second IRM Review, handling three new complaints, monitoring ongoing mediation and compliance review cases and extending outreach activities to stakeholders, particularly within the private sector.

The Second IRM Review was launched in late 2013, with the report finalized in December 2014. The Review report, along with the proposed amendments to the Enabling Resolution Establishing the IRM and the Operating Rules and Procedures, have been prepared with the contribution of all stakeholders, particularly civil society organizations, through robust public consultation. The amendments include: the IRM's mandate regarding private sector projects; simplified access to the IRM; the introduction of an advisory function to foster greater institutional learning in complaint handling; problem-solving and compliance review; and the terms of service of the IRM Experts and the Director of the CRMU. The Review report has been discussed at two informal sessions of the Boards of Directors in 2014, and the Boards of Directors are expected to approve the revised Resolution and Rules in the first quarter of 2015.

The CRMU received three new Requests: the Improvement of Health Services Delivery at the Mulago Hospital and in the City of Kampala, Uganda; the Outer Ring Road project in Kenya; and a mediation Request for facilitation of a project in the Republic of Congo.

The complainants in the case of the Mulago Hospital and the City of Kampala, Uganda claim that their late father owned the Kampala City Health Center presently being rehabilitated and transformed into a referral hospital with Bank financing. As a result of a fact-finding mission, the CRMU is facilitating a mediation process.

The complaint regarding the Outer Ring Road project in Nairobi, Kenya was filed as a petition by a Kenyan NGO representing small-scale traders who operate along the Outer Ring Road. They claim inadequate consultation by the project promoters and the Bank, which is financing the project, resulting in their exclusion from the list of people affected by the project (PAPs) for compensation purposes. The CRMU facilitated a dialogue between the Requestors and the Director of the Bank's East Africa Regional Resource Centre (EARC) in Nairobi, and the project promoter. An amicable solution to the issues has been reached.

The Republic of Congo case is a request for assistance in mediating the settlement of a claim by a client involved in implementing the "Projet d'appui au système de suivi et d'évaluation de la stratégie de reduction de la pauvreté (PASESRP), a Bank-financed project. The facilitation between the Requestor and the Government is ongoing.

Monitoring of ongoing Mediation Action Plans. Complaints about the Road Support Project II in Tanzania and the Marrakech- Agadir Motorway Project in Morocco have been monitored by the CRMU. In both cases, Management and the Requestors had consented to the implementation of the respective Action Plans jointly negotiated by the CRMU. Monitoring activities for the Tanzania Request were initiated in October 2012 when the CRMU facilitated the signing of an Action Plan to resolve the complaint, between the Requestors, the project promoter, Tanzania National Roads Agency (TANROADS), and the Bank. The Action Plan was readjusted in June 2013 to accelerate the implementation of pending settlement actions. Because of the complexity of the compensation issues for PAPs, additional work was required, with the result that the Closure Report for this Request, initially scheduled for completion in 2014, will be finalized in 2015. The complainants of the Road Support Project II in Tanzania raised concerns over the inadequate resettlement and compensation offered by TANROADS.

A CRMU mission in February 2014 took formal steps to close the other problem solving exercise at the Marrakech-Agadir Motorway Project. Active monitoring continued throughout the year because the project was selected for a visit by the Second IRM Review.

The complainants in this case had raised issues about constrained community access to lands, water and social amenities as well as the destruction of agricultural lands because of construction work.

Monitoring of Compliance Review investigation: Two projects, the Medupi Power Project in South Africa, and the Bujagali Hydropower and Interconnection Projects in Uganda have been the subject of monitoring by the IRM Experts since

2012. The Medupi Power Project Request raised issues of inadequate stakeholder consultation, as well as risks to public health and the environment. With the Compliance Review Report completed in January 2012, in February 2013 the Boards of Directors approved the Action Plan prepared by Management to address the report's findings. The first phase of the IRM's two- step approach to monitoring the Management Action Plan implementation, the IRM Expert's desk assessment, was completed in 2014. The second phase, a field visit, is being prepared for 2015.

Monitoring activities of the Action Plan for the Bujagali Hydropower and Interconnection Projects in Uganda remained very limited. The CRMU's follow-up activities were essentially to ensure the completion of the recommendation of the 4th IRM Monitoring Report, requiring Management to include an assessment of the compensation and resettlement outcomes in the Project Completion Reports.

However because these reports will not be prepared until 2015, the CRMU continued to monitor the compensation process through communication with Management. This will continue until the Project Completion Report is finalized in Outreach activities: Several workshops and meetings were organized to enhance the IRM's visibility. These included a community session in Mauritania, a set of outreach workshops with civil society organizations and project implementation units in the Democratic Republic of Congo and Kenya, and a roundtable with private sector actors in Kenya, jointly organized with the Office of Accountability of the Overseas Private Investment Corporation (OPIC). The briefing enabled the CRMU to disseminate information to private sector actors in Kenya.

In addition, the CRMU attended the 11th Annual Meeting of Independent Accountability Mechanisms (IAMs) hosted by the European Bank for Reconstruction and Development, in the United Kingdom. Several consultative meetings were also held at the Bank with Senior Management and Bank operational staff tasked with projects undergoing compliance review and problem solving. The meetings focused on cooperation in Request handling, as well as the implementation of the Bank's 10 Year Strategy, and its Integrated Safeguards System.

The CRMU also organized a joint event with the other accountability departments on the concept of accountability and recourse for affected communities, as a means of outreach to the participants of the Bank's 2014 Annual Meeting in Kigali.

The CRMU prepared two analytical studies that compared data on Requests received by the CRMU with Requests handled in Africa by the Independent Accountability Mechanisms (IAMs) of other multilateral development banks.



1. Second Review of the Independent Review Mechanism



Compliance Review and Mediation Unit's Public Consultation Session

1.1 Introduction

The handling of the Second Review of the Independent Review Mechanism (IRM) has been one of the key activities of 2014 for the Compliance Review and Mediation Unit. The review is a statutory requirement of the Enabling Resolution establishing the IRM.

The Second Review evaluated the experience of the IRM as well as lessons learnt and best practices of other Independent Accountability Mechanisms of fellow Multilateral Development Banks. The assessment resulted in specific recommendations being submitted to the Boards of Directors. The Final Review Recommendations are scheduled for consideration by the Boards of Directors in the first quarter of 2015, with the view to amending the IRM Establishing Resolution and the Operating Rules and Procedures.

1.2 The Review Process

As per Paragraph 32 of the IRM Instituting Resolution of 2010, "The Boards shall review the experience of the IRM established by this Resolution after three (3) years from the date of the effectiveness of the IRM, which date shall be that of the appointment of the Director, thereafter every four (4) years, or as otherwise decided by the Boards". The first Performance Review of the IRM was conducted in 2009/2010 as a result of which the Boards of Directors amended the Rules and Procedures of the IRM on 16 June, 2010.

The Second Review of the Operating Rules and Procedures of the IRM was due in 2014.

The Second Review process started on 18 September, 2013, when the Boards of Directors approved the Terms of Reference (ToR) of the IRM Review process, the ToR of the Consultant to undertake the review, and the associated timeline and budget.

The Independent Consultant responsible for undertaking the second IRM review was selected on 17 December, 2013, after a competitive international bidding process. The Consultant conducted a thorough desk review of documents relating to the IRM, and held interviews with relevant stakeholders inside and outside the Bank. Inside the Bank, the Consultant held consultations with Board members, the

IRM Experts and Senior Management, including the President, as well as interviews with the CRMU and other Bank staff in operations departments.

Outside the Bank, a public consultation process allowed the Consultant to seek the views of stakeholders interested in the work of the IRM, particularly civil society organisations, including some who have interacted with the IRM over the past 10 years. A field visit was organised to Morocco and Tanzania where the Consultant sought the views of government officials, project promoters and other key stakeholders in selected projects subject to the Bank's compliance review and/or problem-solving exercise.

In April and October 2014, The Boards of Directors held informal discussions on the draft report of the IRM Second Review and proposed amendments to the IRM Establishing Resolution and the Operating Rules and Procedures, as prepared by the Consultant. The review process benefitted greatly from the robust and extensive interactions with all the stakeholders whose comments and suggestions informed the final proposals.

The Boards of Directors will consider the Final Report of the Consultant, together with the proposed amendments to the IRM Establishing Resolution and the Operating Rules and Procedures, in the first quarter of 2015.

One notable feature of this review has been the interest it generated among civil society organizations (CSOs), many of whom were engaged in the public consultation process. They were able to challenge the recommendations and to voice their opinions. Contributions covered all aspects of the IRM, including its independence, operational transparency, disclosure of information, accessibility and inhibitors to participation in the IRM, the requirement of authority to act, the contents of the Requests, documents required for filing a Request, and the advisory function.

The list of CSOs and those who contributed to the review is at Annex 2.

1.3 Key Proposed Amendments to the Enabling

The Second Review of the IRM, in the wake of the last four years' experience and ten years of existence, has recommended changes to the IRM Operating Rules and Procedures of 16 June, 2010 to enhance IRM effectiveness and its usefulness as an institutional learning tool. The key proposed amendments can be summarized as follows:

- Compliance review function: The review's re-emphasis on the need for IRM independence was echoed by proposals that clarify the nature and extent of IRM- Management interaction during investigation.
- CRMU/IRM interaction with the Boards: Greater engagement with the Boards of Directors is proposed by having one of the Boards' committees facilitate the work of the CRMU and the IRM.
- Accessibility to the IRM and inhibitors to participation in the IRM: It is proposed that those clauses of the Operating Rules and Procedures that inhibit PAPs' easy access to the IRM be removed. This would reduce the burden on Requestors by removal some requirements when filing a complaint: Procedural simplification will enhance accessibility to the IRM. For instance, while Requestors are encouraged to resolve their problems directly with the Proposed to the Resolution Bank Management, failure to contact Bank Management prior to submitting a complaint will no longer result in the CRMU declining a registration Request. The CRMU would have a more proactive role in helping the Requestor at the filing stage.
- Expansion of the IRM's mandate: The IRM's mandate will be expanded to cover all private sector projects and not only complaints relating to social and environmental compliance, as stipulated in the current Operating Rules and Procedures.
- Introduction of an advisory function for the IRM: To allow the IRM to contribute to knowledge development and institutional learning, it is proposed that the CRMU offer advisory services to the Bank Group. This new role will

enable the CRMU to better serve the Bank by sharing with Management those lessons learnt during compliance review, problem- solving exercises and outreach activities. In this context, the IRM Experts will undertake spot-check compliance reviews for high-risk on-going projects in order to gather information, draw lessons learnt and so better advise Bank Management on environmental and social issues associated with high-risk projects.

- Transparency and conflict of interest: It is proposed that the Terms of Service of the IRM Experts and the Director of the CRMU be amended to remove any perception of conflict of interest.



Contribution d'un groupe d'organisations de la société civile pendant le processus de consultation publique sur la nécessité de centrer la mission du MII sur l'accès à un recours efficace

Les États membres de la BAD ont l'obligation internationale, en vertu des «Principes directeurs relatifs aux entreprises et aux droits de l'homme ("Principes directeurs"), de s'assurer que le MII donne accès à un recours effectif. En 2011, le Comité des droits de l'Homme de l'ONU a adopté à l'unanimité les Principes directeurs, qui font obligation aux États de s'assurer que les parties ont accès à un recours effectif contre les atteintes aux droits de l'homme commises par des entreprises. Cette obligation s'étend aux situations dans lesquelles les États sont "membres d'institutions [financières internationales]". Dans la mesure où un nombre significatif d'impacts négatifs de projets financés par la BAD peuvent être classés dans la catégorie "atteintes aux droits de l'homme commises par des entreprises," les pays membres de la BAD doivent s'assurer que le MII constitue un accès à un recours effectif pour les personnes affectées par un projet. Nous invitons la BAD à tenir compte de ces obligations dans l'actuelle revue des procédures du MII.

Un recours effectif peut prendre plusieurs formes mais, dans le contexte du MII, il doit au minimum intégrer les éléments suivants: (1) transparence sur les dommages, infligés ou prévisibles, et reconnaissance publique de la responsabilité de l'entreprise dans ces dommages; (2) mesures de réparation appropriées; (3) mise en œuvre de mesures visant à prévenir tout dommage ultérieur; et (4) apprentissage et changement institutionnels pour prévenir toute récurrence des même situations. Les procédures actuelles du MII intègrent chacun de ces principes à un certain degré, mais la marge d'amélioration est importante pour s'assurer que le MII peut offrir un recours effectif aux personnes affectées par un projet. Nos recommandations visent également à aider le mécanisme à mieux remplir sa mission et à aider la Banque à promouvoir des résultats de développement durables.

What is the Independent Review Mechanism?

The IRM is the Independent Accountability Mechanism (IAM) of the African Development Bank. Most major International Financial Institutions around the world have established their own IAMs, each based on a simple premise: giving affected citizens a greater voice in the international development decisions that affect their lives. These mechanisms constitute an effective architecture to promote accountability, participation, and sustainability in the work of IFIs. Through their efforts to address the concerns of affected communities in diverse regions, sectors, and environments, the IAMs have developed a solid body of findings related to IFI-financed projects. The IFIs have thus begun to appreciate that the IAMs serve an important risk management function. Though IAMs vary in their size, scope, and structure, their shared underlying raison d'être is to provide recourse for citizens and communities adversely affected by IFI-funded projects, particularly in instances when IFIs are alleged to have failed to follow their own social and environmental safeguard policies, guidelines, standards, or procedures.

Why is the independent aspect of the IRM important?

It is important for the IRM to maintain its independence from the Bank's Management and the Bank's operations in order to deal with complaints lodged against the Bank Group in an impartial and credible way. This is the reason why IRM has its own Operational Rules and Procedures on handling complaints submitted by project affected people. The Director of CRMU and the IRM Experts report functionally to the Boards and to the President - to the former for projects already approved by the Boards of Directors, and to the latter in cases concerning projects which have not yet been approved by the Boards of Directors.

Why Should the IRM Mandate Focus on Providing Access to Effective Remedy?

Effective remedy may take many forms, but in the context of the IRM should encompass at least the following elements:

(1) transparency about and public acknowledgment of responsibility for harm done or foreseeable harm;
(2) provision of appropriate redress to complainants;
(3) implementation of measures to prevent further harm; and
(4) meaningful institutional learning and change to prevent the same situation from happening in the future

2. Status of Requests Received



TABLE 1 - REQUESTS RECEIVED AND REGISTERED						
No	Date Registered	Country	Project	Registered for	Issues	Status
1	07 March 2014	Uganda	Improvement of health service delivery at Mulago Hospital and in the City of Kampala	Problem-Solving and compliance review	(1) Compensation (2) Inadequate due diligence in project approval procedures	CRMU's fact-finding mission was undertaken in May, 2014, and a report submitted to the President and Boards. The CRMU is facilitating an on-going problem-solving exercise.. Further information and data gathering is ongoing for potential compliance review.
2	25 June 2012	Tanzania	Road Support Project II	Problem-solving	(1) Resettlement (2) Compensation	As at 31 December, 2014, implementation of the agreed action plan was under monitoring by the CRMU.
3	26 July 2011	Sénégal	Dakar-Diamniadio Highway Project	Problem-solving	(1) Resettlement (2) Compensation	Request successfully closed in December 2012.
4	07 October 2010	South Africa	Medupi Power Project	Compliance Review	(1) In adequate Consultations (2) Disruption of livelihoods (3) Air pollution, and constrained access to water (4) Climate Change	Under monitoring, the implementation of Management's updated Action Plan was approved by the Boards on 13 February, 2013. Desk Review of two progress reports from Management undertaken by the IRM Experts in 2014.
5	29 July 2010	Morocco	Construction of the Marrakech-Agadir Motorway Project	Problem-solving and Compliance Review	(1) Constrained access to water, social amenities, (2) Damage to houses due to blasting, (3) Degradation of agricultural land, (4) Limited number of overpasses	Problem-solving exercise successful (complaint resolved to the satisfaction of Requestors). Closure Report for this Request prepared in 2014 and will be submitted to the Boards in 2015.
6	22 July 2009	Ethiopia	Gibe III Hydroelectric Power Project	Vérification de la conformité	(1) Inadequate consultation (2) Loss of livelihood (3) Negative environmental impact (4) Negative transnational impact on Lake Turkana	Closed - Request deemed ineligible for compliance review as AfDB would not finance this project.
7	15 July 2009	Egypt	Nuweiba Combined Cycle Power Plant Project	Résolution de problème	(1) Potential Loss of Livelihoods (2) Negative Socio-cultural Impact (3) Road Safety (4) Damage to Marine Environment (5) Inadequate public Consultation	Closed - Mediation exercise discontinued and problem-solving report submitted to the President and the Boards in March 2010 because the Government of Egypt decided to relocate the project.
8	26 March 2009	Ethiopia	Gibe III Hydroelectric Power Project	Problem-solving and Compliance Review	(1) Inadequate consultation (2) Loss of livelihood (3) Negative impact on environment (4) Negative transnational impact on Lake Turkana	Closed (AfDB will not finance the project). Mediation exercise discontinued and problem-solving report submitted to the President and the Boards in November 2010.
9	04 June 2007	Uganda	Bujagali Hydropower and Interconnection Projects	Compliance Review	(1) Resettlement (2) Compensation (3) Environmental damage (4) Cultural and Spiritual issues (5) Dam safety (6) Inadequate Economic analysis	IRM monitoring on going. IRM awaiting project Completion Reports from Management in 2015 as required by the 4th IRM Monitoring Report submitted in October 2012 and requiring Management to include an assessment of the compensation and resettlement outcomes in project Completion Reports.

Scope of the IRM

The CRMU is authorized to accept requests for review ('Request(s)') from two or more persons with a common interest ('Requestors') who allege that an actual or threatened material adverse effect on the affected persons' rights or interests arises directly from an act or omission of a member institution of the Bank Group as a result of the failure by the said institution to follow any of its own operational policies and procedures during the design, appraisal and/or implementation of a Bank Group-financed project. Requestors will be encouraged and required, prior to submitting a Request, to make good faith efforts to resolve their complaints with Management.

Who can file a request?

4. The CRMU has authority to receive Requests that complain of a violation of the Bank Group's policies and procedures from the following people or entities:
Any group of two or more people in the country or countries where the Bank Group-financed project is located who believe that as a result of the Bank Group's violation, their rights or interests have been, or are likely to be, adversely affected in a direct and material way. They may be an organization, association, society or other grouping of individuals;
A duly appointed local representative acting on explicit instructions as the agent of adversely affected people,
In exceptional cases, referred to in paragraph 13 below, a foreign representative acting as agent of adversely affected people, or
The Boards of Directors of the Bank Group.

	TABLE 2 - REQUESTS RECEIVED BUT NOT REGISTERED				
No	Complaint Received	Country	Project	Issues	Raison du non-enregistrementReason for Non-Registration
1	2014	Kenya	Outer Ring Road Project	Resettlement and compensation	Complaint was successfully handled by the Bank's Eastern Africa Regional Resource Centre (EARC), facilitated by the CRMU.
2	2014	Republic of Congo	Projet d'appui au système de suivi et d'évaluation de la stratégie de réduction de la pauvreté	Facilitation	Request for CRMU Problem-Solving approach to assist in settlement of contract
3	2012	Sénégal	Public Road Project	N/A	Complaint successfully handled by Senegal Field Office (SNFO).
4	2012	Kenya	Public Road Project	N/A	Complaint successfully handled by Kenya Field Office KEFO.
5	2012	Madagascar	Mining Project	N/A	Request made by only 1 (one) individual and therefore rejected.
6	2010	South Africa	Power Project	N/A	Complaint relating to corruption referred by CRMU to Integrity and Anti-Corruption Department (IACD).
7	2009	Tanzania	Public Road Project	N/A	Complaint successfully handled by Tanzania Field Office (TZFO).
8	2009	Kenya	Public Road Project	N/A	Complaint successfully handled by Kenya Field Office (KEFO).

Functions of the IRM

The IRM performs both compliance review and problem-solving functions. The problem-solving function is undertaken by CRMU and used where complaints or grievances can also, or alternatively, benefit from problem-solving techniques to assist in resolving the underlying issues. Through its compliance review function, the IRM focuses on issues of non-compliance by an institution within the Bank Group with any of its operational policies and procedures in respect of the design, implementation or supervision of such project. An important feature of the IRM is the ability of the mechanism to monitor the implementation of the recommendations of its Compliance Review Panels' Reports addressed to the Bank Group's Boards of Directors and Management. These recommendations could be related either to the project under review or to systemic issues, policies and procedures with the aim to enhance the Bank's effectiveness.

3. Requests Handled through Problem-Solving



Séance de consultation publique CRMU

3.1 Introduction

In 2014, the CRMU registered a complaint concerning a health sector project in Uganda for problem-solving. A complaint relating to a road sector project in Kenya was amicably resolved by the project promoter and the Bank's Regional Office in Nairobi through the facilitation of the CRMU. The CRMU continues to monitor the implementation of Settlement Agreements for two other Requests relating to Bank transport-sector projects in Tanzania and Morocco, which had been registered for problem solving in 2012 and 2011 respectively.

The following sections outline the details of each Request, including the mediation efforts of the parties facilitated by the CRMU, and the results of the monitoring activities.

3.2 The Improvement of Health Services Delivery at the Mulago Hospital and in the City of Kampala, Uganda

On 14 February, 2014, the CRMU received a Request from a family in Uganda, alleging that the Kawempe Health Center being rehabilitated and transformed into a referral hospital with Bank financing, is a property that belonged to their late father, a medical doctor.

The Requestors claim that no compensation was ever paid to the heirs of the physician and that fraudulent acts were committed, as part of attempts made to justify forceful dispossession.

The family claimed that the prominent physician had acquired the plot and built his home and subsequently a private clinic on the land. He is alleged to have been abducted and killed, and his property forcefully taken away from the widow and handed to Kampala City, now the Kampala City Council Authority (KCCA). According to the Requestors, it is the physician's clinic that was turned into what is known today as the Kawempe Health Center.

The CRMU undertook a fact-finding mission to Uganda from 07 to 09 May 2014, to clarify the claim and to gather relevant facts for possible follow-up actions. The conclusions of the mission were reported to the Boards on 04 June, 2014.

The parties to this complaint (the Requestors, the Kampala City Council Authority, the Ministry of Health, and the Bank) agreed to a problem-solving approach with the Requestors

in their search for recognition of their rights as owners of the land, and appropriate compensation for the loss of use of their property. The parties agreed to hold consultative meetings to discuss the issue and explore possible solutions to the complaint. These are ongoing.

Status of the problem-solving exercise: In line with the agreed process, including the CRMU's support for problem-solving, the parties held three meetings (18 July, 2014, 14 October, 2014, and 31 October, 2014). Consensus was reached in 2014 on the family's ownership of one of the sub- divisions of the plot. Further discussions will be held in 2015 to bridge the differences concerning the ownership of the other subdivisions of the plot, and compensation.

The CRMU will undertake another fact- finding mission in the first quarter of 2015 to take stock of agreements reached thus far, and to resolve the pending issues.

3.3 The Outer Ring Road Project, Kenya

A Kenyan Non-Governmental Organization (NGO) representing small-scale traders who operate along the Outer Ring Road, Nairobi, submitted a petition on 21 February, 2014 to the Integrity and Anti-Corruption Department (IACD) of the Bank Group. This petition was forwarded to the CRMU for follow-up on 14 April, 2014. The government of Kenya is upgrading the road into a dual carriageway, with Bank Group financing. The complainants, small-scale traders who argue that they have doing business in their respective places for between seven and 20 years, raised issues of inadequate consultation and their subsequent exclusion from the list of names of people affected by the project (PAPs) who will be compensated.

Upon preliminary review of the complaint, the Director of the CRMU facilitated a dialogue between the Requestors, the project promoter (Kenya Urban Roads Authority (KURA)) and the Director of the Bank's Eastern Africa Regional Resource Centre (EARC) in Nairobi.

As a result of this dialogue, an amicable solution was reached. In June 2014, the Requestors and KURA informed the Director of the CRMU of the resolution of the issues to the satisfaction of the Requestors. The Requestors are now on the list of affected persons to be considered for compensation.

3.4 Republic of Congo Request

On 13 November, 2014 the CRMU received a Mediation Request from Limpico, a private company operating in the Republic of Congo. The company claimed to have provided technical assistance in implementing the Bank-financed project, which was aimed at supporting the government's poverty reduction strategy. The project started on 4 June, 2009 with Limpico providing technical assistance to the government.

The CRMU's involvement has essentially led to the initiation of dialogue between the parties. This development was the result of the provision of evidence by Limpico and effort by Management that has now established formal contact with the government. Administrative steps have been taken by the Government to pave the way for settling the payment. CRMU's monitoring procedure of the case has been shared with the parties.

3.5 The Road Sector Support Project II, Tanzania. Request

Significant progress has been made in implementing the Settlement Agreement signed by the Bank and the Requestors on 18 October, 2012 and updated on 18 June, 2013, to resolve this complaint handled under the CRMU's problem-solving exercise.

The CRMU's Problem-Solving Report was submitted to the Bank's President and the Boards of Directors on 18 February, 2014. The CRMU continued to follow the implementation of the remedial actions of the Settlement Agreement. The



CRMU's monitoring process was facilitated by the project's task-manager, based in the Bank's Country office in Tanzania (TZFO), the Requestors and the project promoter, Tanzania National Roads Agency (TANROADS). The monitoring in 2014 focused on compensation payments to Requestors and other project affected people (PAPs). In October 2014, the CRMU received confirmation from the task manager that the Government of Tanzania had provided the funds to TANROADS to settle the pending compensation cases. The resources were released to the Regional Managers of TANROADS for payment to the PAPs. The CRMU expects to receive evidence of the payment of all outstanding compensation by the first quarter of 2015.

This Request was submitted by two Tanzanian nationals representing people affected by the project, and was received by the CRMU on 10 June, 2012. The Requestors complained that the project promoter, TANROADS, had directed them and other PAPs to demolish their properties without compensation because TANROADS considered these properties to be unlawfully built on a road reserve. The CRMU registered the Request for problem solving on 25 June, 2012. The CRMU facilitated the problem-solving exercise between the Requestors, TANROADS and the Bank. The parties signed a Settlement Agreement on 18 October, 2012 and updated on 18 June, 2013. These efforts were to ensure project compliance with the applicable Bank policies and procedures.

3.6 The Construction of the Marrekech-Agadir Motorway, Morocco. Request

The handling of this complaint has been ongoing since it was received in July 2010. A problem-solving initiative was agreed upon by the parties involved, resulting in the adoption of the Mediation Action Plan (MAP), monitored by the CRMU.

With significant progress in the implementation of the main components of this Mediation Action Plan, the CRMU undertook a field mission to Morocco from 05 to 07 February, 2014 to conclude the closing arrangements of the complaint.

The completion of the Closure Report for the problem-solving exercise was delayed to take into account the decision to include this complaint in the list of Requests to be assessed by the Second Review of the IRM.

In the course of his assessment, the Consultant visited the project site from 07 to 09 May, 2014 and held various discussions in Marrakech, with the PAPs and CDRT1 (the CSO that represented some of the Requesters).

The Consultant observed that the problem- solving exercise conducted by the CRMU, though successful, left some PAPs still not entirely satisfied with the implementation and monitoring of the agreed Mediation Action Plan (MAP). The repre-



sentative of the project-affected people (CDRT), reported to the Consultant that while the Motorway was welcomed, it had produced many problems, six of which have been satisfactorily resolved.

The two problems that remain under monitoring, the issue of the diversion of the course of the river and the dumping of stones in fields normally used for agricultural purposes, have yet to be fully resolved, although in the earlier assessment by the Director of the CRMU in February, these issues had been considered handled. Some PAPs were disappointed because they had trusted the promoter's representation that all the problems arising from the construction of the motorway would be resolved. They claimed they had signed the procès verbal sent to the CRMU, on the basis of this trust.

This Request was registered by the CRMU on 29 July, 2010, for problem-solving and compliance review. The Request was submitted by the Centre for Development of Tensfit (CDRT), based in Marrakech, Morocco, on behalf of affected communities living along the Chichaoua–Imintanout section of the Marrakech-Agadir Motorway financed by the Bank.

The Requestors complained about direct and material harm suffered by the inhabitants of several different villages as a result of the motorway construction. The alleged harm included difficulties in crossing to lands and social amenities due to inadequate overpasses or underpasses; difficulty in accessing watercourses diverted by construction; and degradation of agricultural lands by the flooding resulting from graveling. The Requestors wanted the CRMU to conduct both a compliance review and problem solving exercise.

The CRMU facilitated a problem-solving exercise and conducted a fact-finding mission to Morocco in October, 2010. This included a stakeholders' meeting between the Requestors, the executing agency (Société Nationale des Autoroutes du Maroc - "ADM") and the Bank, culminating in the parties signing an Action Plan to mitigate those effects complained about.

Under the plan, ADM was to remedy certain deficiencies by the end of the year, but was slow to do so.

The Bank's Country Office in Morocco, entrusted with the monitoring role, undertook three supervision missions during the next 12 months, reporting back to the CRMU each time. The CRMU conducted a second mission of its own in October 2011, and found that ADM had implemented the civil works in three out of the five affected villages, to the satisfaction of the Requestors. However, ADM was slow to complete the water catchment basin, and finally refused to clear stones in agricultural lands in El Bour, arguing that the landowners were not present when ADM was on site to carry out the remedial works.

With two unresolved issues, and these not due to the Bank's failure to enforce applicable policies, the CRMU referred the outstanding issue for a Compliance Review to the IRM Experts, who agreed that it was not suitable for such review.

In light of the actions above by ADM, the Director of the CRMU submitted the Problem-Solving Report to the President and the Boards of Directors on 15 December, 2011.

On 5 January, 2013, the Bank, the Requestors and ADM conducted a mission to Taalint and Oued El Bour, with ADM signing an undertaking to deliver civil works for the water catchment basin and clearing stones in agricultural lands by June 2013.

By December 2013, the Bank provided evidence to the CRMU that ADM had addressed these pending issues to the Requestors' satisfaction.

Further work has since been done to address these residual issues and the CRMU will prepare the Closure of Request Report for submission to the President and the Boards of Directors in 2015.

3.7 Tendances identifiables et enseignements tirés des cas de résolution de problème

(i) Problem-solving exercises. Similar to previous years, these exercises facilitated by the CRMU have been vo-

luntary and enable the CRMU to maintain its engagement with Requestors, project promoters and the Bank. In all cases, agreeable solutions to issues raised by the Requestors have led to the development of Settlement Agreements. Past practice has equipped the CRMU with invaluable experience in problem-solving and also in better understanding the challenges and obstacles.

(ii) Monitoring implementation of Settlement Agreements. The main lesson learnt so far is the need for constant CRMU follow-up on the implementation of Action Plans agreed by the parties following successful problem-solving. Currently, the Bank Management's supervision missions facilitate CRMU activities while task managers followed up with project promoters to assist in the timely implementation of actions agreed in the Settlement Agreement. Field monitoring activities undertaken by the CRMU have so far been limited. The Unit has often utilized data and information contained in Management's supervision reports. Future CRMU field visits need to be more frequent to support robust independent work.

(iii) The Second Review of the IRM has revealed a dilemma regarding the perception of satisfaction with the implementation of agreed actions. In the Morocco case for example, while the signatories of the Mediation Action Plan successfully implemented the Action Plan, an independent consultant who visited the project site later, reported dissatisfaction from some of the PAPs. It is therefore necessary to include a mechanism of consultation to validate the outcome of mediation, taking into account the perception of all the parties, including the PAPs.

(iv) In light of the complaints related to the projects in Uganda, Kenya, Morocco and Tanzania in particular, when high risk projects are to be financed by the Bank, verification of land ownership must be carefully done and due-diligence followed in sharing information with the Boards of Directors.

(v) The Bank should ensure that public consultations undertaken by project promoters and borrowing countries during the environmental and social impact assessment processes, comply with the Bank's public consultation policies.

Compensation and resettlement remain the major issues that arise from the complaints handled. The Bank should take care in its dialogue with clients to ensure that resources allocated for compensation and resettlement are fully used for these purposes and the outcome be verified.

The recommendation made in 2013 remains valid; project Completion Reports should include a section on the results of the project promoter's compliance with compensation and resettlement plans as stipulated in project documents, and Settlement Agreements resulting from problem-solving exercises.



4. Requests Handled through Compliance Review by the Experts of the Independent Review Mechanism



4.1 Introduction

Normally, the compliance review exercise has four sequential steps: establishing the eligibility of the Request; preparing the Compliance Review Report; developing a Management Action Plan indicating mitigation/remedial actions to be taken; and IRM monitoring of the implementation of the Management Action Plan.

The compliance review activities undertaken in 2014 were mainly monitoring the Action Plan implementation for two Requests relating to power-sector projects financed by the Bank Group in South Africa and Uganda, registered for compliance review (investigation) in 2010 and 2007 respectively.

Monitoring activities for the Medupi Power Project in South Africa consisted of a desk review of the implementation of the Management Action Plan, while the CRMU conducted very limited follow-up monitoring activities for the Bujagali Hydropower and Interconnection Projects in Uganda.

4.2 The Medupi Power Project in South Africa. Request

In 2014, the IRM Experts started monitoring this project.

The IRM monitoring process involves two steps. The first is a desk review of progress reports on the implementation of the Action Plan prepared by Management following Bank supervision missions. The second step is a visit to the project site by the IRM Experts and the Director of the CRMU.

The IRM 2014 Desk Review was almost wholly based on supervision reports by Bank staff from the last two years, subsequent to the Boards adopting the Management Action



The Medupi Power Plant under construction

Plan and the IRM's previous review of the project. This Desk Review has been completed.

Initially planned for late 2014, the field visit has been rescheduled for the 1st quarter of 2015. However, the CRMU took the preliminary steps in 2014, including collecting further documentation, updating the status of the projects and emerging compliance issues concerning the power plant. During their mission, the IRM Experts and the Director of the CRMU will meet with the Requestors, the borrower Eskom, national authorities and other relevant stakeholders to validate the actions undertaken and reported in Management's progress reports.

The Monitoring Report is expected to be submitted to the President and the Boards of Directors in 2015.

Background of this Request

In line with the Rules of the IRM, a Compliance Review was initiated on the Medupi Power Project in South Africa as a result of a complaint received from two South African nationals who requested that their identities remain confidential.

The Requestors sought investigations into the possible violation of a wide range of Bank policies related to the project's potential negative impact environment, inadequate on the public consultations as well as other specific issues such as good governance, poverty reduction, political conflict of interest, procurement rules, etc. Because some of these issues fell outside the IRM's mandate, they were referred by the Boards to the Integrity and Anti-Corruption Department (IACD) and Procurement and Fiduciary Services (ORPF).

The Request was registered on 7 October, 2010 and after authorisation by the Boards of Directors of the Bank on 15 July 2011, the IRM Panel of Experts reviewed four of the six instances of non-compliance alleged by the Requestors. The review was conducted by the panel pursuant to the Operating Rules and Procedures of the IRM adopted on 16 June, 2010. The IRM Compliance Review Report was

submitted to the Boards on 24 January, 2012, and this, as well as the relevant Management Response and Action Plan, were discussed by the Boards of Directors on 19 September, 2012. The Boards adopted an updated Management Action Plan on 13 February, 2013, together with the Terms of Reference of IRM monitoring of the implementation of this Plan.

In conformity with the monitoring process, Management undertook three supervision missions to South Africa between June 2012 and September 2013 and prepared the first and second Progress Reports on the Implementation of the Updated Action Plan. The first Progress Report was submitted by Management to the President and Boards of Directors in December 2013.

Management undertook another supervision mission in June 2014 and has finalised the second Progress Report on the Implementation of the Updated Action Plan to the Board. This report has been assessed by the IRM Experts as part of their monitoring activities in 2014. A field mission will enable the Experts to finalize a full report to be submitted to the Boards in 2015.

The Medupi Power Project is to construct a 4,764 MW coal-fired base load power plant in Lephalale, Limpopo Province, South Africa. The Boards of Directors of the Bank Group approved a loan on 25 November, 2009, to a maximum aggregate sum of EUR 930 million and ZAR 10.63 billion, for the supply and installation of six boilers and turbo-generators. According to the Project Appraisal Report (PAR), the total cost of the project was estimated at EUR 11.19 billion (UA 10.18 billion).

The project remains in the construction phase. The planned start-up of the first 800 MW generating unit (out of a total 4800 MW when completed) was postponed until December 2014 at the earliest. This is a substantial delay from the plan presented to the Boards at the time of approval. With the plans now calling for the start-up of subsequent units in a 12-month cycle, the construction phase should be completed by about 2020. It is important to remember that since the full environmental and social effects will not be evident until all units are operating, compliance with Bank and national standards cannot be assured until well after that date.

4.3 The Bujagali Hydropower and Interconnection Projects in Uganda- Request

This complaint relating to the Bujagali Hydropower and Interconnection Projects in Uganda is one of the oldest cases being handled by the IRM. Issues of resettlement, cultural heritage and the environment were the subjects of the complaint. The CRMU undertook only very limited follow-up activities in 2014, essentially relating to one of the recommendations of the 4th IRM Monitoring Report of 2012 requiring Management to include an assessment of the compensation and resettlement outcomes in the project Completion Reports. The activities focused on working with Management to submit the Progress Report on the implementation of the Action Plan which lists the pending issues to be addressed as highlighted in the 4th IRM Monitoring Report, 2012.

Background of this Request

The CRMU registered this Request for compliance review on 16 May, 2007. The Requestor, a national NGO, complained about several issues including inadequate social and environmental impact assessment, and a lack of consultation with the affected communities.

The Boards of Directors authorized the Compliance Review on 07 September, 2007, and endorsed the Compliance Review Report of the IRM Panel on 9 July, 2008. In May 2009, the Board also approved the Management Action Plan to address those non-compliance issues identified in the IRM report and to bring the projects into compliance with applicable Bank Group policies and procedures.

Between 2009 and 2012 the CRMU/IRM submitted four monitoring reports that identified progress in implementing the Action Plan prepared by Management, and highlighted pending issues for the Bank to follow up. The 4th IRM

Monitoring Report, submitted to the Board and the President on 09 October, 2012, recommended that the Bank ensure that the outcomes of compliance issues relating to resettlement and compensation be included in the project Completion Reports to be submitted in 2013, as per the Management Action Plan. The report concluded that if the IRM considers these Completion Reports satisfactory, no further monitoring would be needed.

In September 2013, Management informed the CRMU and the IRM Experts that the Completion Reports of the two projects will be prepared in 2015 instead of 2013. As an interim measure, Management was requested to submit a Progress Report on the implementation of the Action Plan for the IRM's assessment.

In April 2014, Management submitted an update of the actions taken to address the pending issues highlighted in the 4th IRM Monitoring Report, 2012.

Therefore, the expected closure of the case has been delayed to 2015. Upon receipt of the Completion Report in 2015, the IRM Experts will determine whether the resettlement and compensations issues raised by the Bujagali Projects have been satisfactorily addressed, and submit a report to the President and the Boards of Directors.

4.4 Identifiable Trends and Lessons Learnt from Compliance Review Cases

i) Improved communication between Management and the IRM is facilitating the exchange of data and information. For example, the report on the implementation status of the Action Plan for the Medupi Power Plant was provided to the IRM Experts in time to enable them to compare factual information on the project. Also, extensive consultation took place in the context of the Second Review of the IRM, leading to suggestions on how best to structure such a relationship.

ii) Closer consultation is taking place between Bank Management and the IRM. This has been the case during the preparation of the first and second Progress Reports on the implementation of the updated Management Action Plan for the Medupi Power Project, and the IRM Experts' assessment of this report. Management provided all the documents requested by the IRM Experts in the course of their assessment, an experience that will serve as a model in the future.

iii) Civil society engagement with the IRM has intensified in the context of the Second Review of the IRM. CRMU must work towards translating the interest generated into a longer term and sustainable partnership.



The IRM Roster of Experts

The compliance review function is undertaken by the IRM Panel of Experts. The Roster of Experts comprises three (3) individuals selected in accordance with the rules applicable by the Bank and Fund to the selection of consultants and appointed by the Boards on the recommendation of the President. The Experts shall be nationals of the member states of the Bank or State participants in the Fund selected on the basis of their knowledge and experience of development in Africa and the3o4perations of multilateral development Banks.



5. Enhancing the Visibility of the Independent Review Mechanism



CRMU Consultation, Morocco

5.1 Introduction

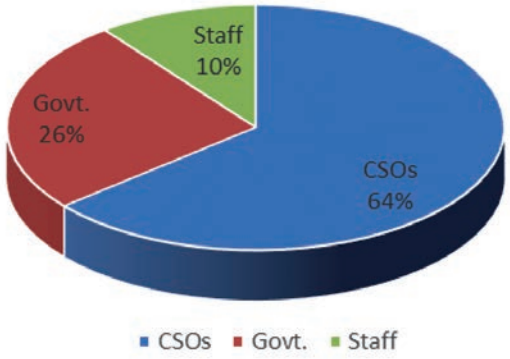
Outreach activities were held, firstly to consolidate a set of Bank-wide internal consultations initiated in 2013, and secondly to reinforce efforts to promote the CRMU to external partners, including private sector actors. These activities continue to be a priority because the IRM remains relatively unknown both inside and outside the Bank. Therefore, the dissemination of information about the Mechanism needs to be improved in order to facilitate access and enhance understanding of its Operating Rules and Procedures, raise awareness about the mandate and its functions, and to equip communities affected by Bank-financed projects with the information to engage in constructive dialogue with the Bank.

The 2014 outreach activities included briefing sessions with Bank staff, Management and members of the Boards of Directors, especially the new Deputies. Targeted actions were taken to strengthen partnerships with civil society organizations: for example, the Civil Society Organizations' views were sought in the context of the Second Review of the IRM. This initiative also sought to improve the dissemination of information on the IRM among African CSOs.

Cooperation continued with the Independent Accountability Mechanisms of MDBs as well as other Bank oversight mechanisms in sharing data and also organizing sensitization seminars to different stakeholders in Regional Member Countries (RMCs).

The information and training sessions reached a total of one hundred and eighty three (183) people, including one hundred and seventeen (117) CSO representatives, forty seven (47) Senior Government representatives and nineteen (19) Bank staff. The proportion of participants from the various sectors of activities are shown in Figures 1, 2 and 3.

Figure 1: Proportion of participants at CRMU outreach events in 2014 (Total number of participants: 183).



Engagement with CSOs

CRMU collaborates with Civil Society Organizations (CSOs) in the context of the African Development Bank's Engagement Framework with them. The Civil Society Organizations (CSOs) assist CRMU to disseminate information about the Independent Review Mechanism. CSOs are also important vehicle that can assist project affected people to communicate their issues to the Bank, including CRMU. CRM manages a database of NGOs working across Africa to facilitate collaboration.

5.2 Information Session on the IRM with Representatives from Governments, Project Implementation Units and CSOs/NGOs (Nairobi)

The CRMU co-organized a one-day workshop, "CSOs/PUIs Workshop on Accountability Mechanisms" on 06, May 2014 in Nairobi, Kenya, together with the Office of Accountability (OA) of the United States Overseas Private Investment Corporation (OPIC) and in collaboration with the Eastern Africa Regional Resource Centre (EARC) of the AfDB. The workshop brought together 42 participants representing CSOs, project implementation units (PIUs), U.S. government staff, and AfDB staff. The participants were briefed about the mandate, the functions, the Operating Rules and Procedures of the Independent Review Mechanism (IRM), as well as the environmental and safeguard polies of the African Development Bank Group. In addition, the participants were familiarized with the services of the Office of Accountability of OPIC and shared their experiences on community participation and engagement during project development and implementation. Discussions focused on how to improve community participation in project implementation and addressing the concerns of people adversely affected by the project, in a timely manner.

5.3 Information Session on the IRM with Representatives from Governments, Project Implementation Units and CSOs/NGOs (Kinshasa)

The CRMU, in collaboration with the Bank Country Office in the Democratic Republic of Congo (CDFO) organized a two-day information session from 14 to 15 May, 2014 in Kinshasa, the Democratic Republic of Congo (DRC). The first day was dedicated to Bank staff in the CDFO, project implementation units and representatives of certain specialized governmental agencies in the DRC. The 25 participants were informed about the mandate and functions of the IRM, the IRM Operating Rules, and discussed their role in resolving grievances of people adversely affected by AfDB-funded projects.

The participants also discussed possible collaboration with the CRMU in the conduct of compliance reviews and problem- solving/mediation exercises.

Civil society organizations (CSOs) also benefitted from information sharing about the IRM on the second day (15 May, 2014). Forty five (45) representatives of CSOs from the Democratic Republic of Congo attended this session, which

was officially opened by the Minister of Planning and Monitoring of the Modernization Revolution, in the presence of the Resident Representative of CDFO in the DRC and the Director of the CRMU.

The participants were briefed about the mandate, functions, Operating Rules and Procedures of the IRM, and shared experiences on accountability issues of multilateral development banks. Discussions centered on the role of CSOs as intermediaries in bringing the grievances of project-affected people to the attention of the IRM for intervention. Participants suggested ways of ensuring that the CSOs are more actively involved in the implementation of development projects in order to improve the benefits and outcomes of such projects to local communities. They also stressed the need to disseminate information on the IRM to local communities where Bank Group financed projects are being implemented.

Figure 2: Number of participants at the CRMU organized outreach events in 2014 (Total number of participants: 183).

5.4 Outreach Session with Private Sector Actors (Nairobi)

The CRMU and the Office of Accountability of the U.S. Overseas Private Investment Corporation (OPIC), in collaboration with the Eastern Africa Regional Resource Centre (EARC) convened a one-day workshop on "Successful Community Engagement around Energy and Infrastructure Projects in Africa" on May 5, 2014 in Nairobi, Kenya. Present at the workshop were 27 participants including 16 private sector representatives, four U.S. government staff, three representatives of AfDB project implementation units, and four AfDB staff.

The participants were briefed about the mandate of the IRM and the Office of Accountability, as well as the problem-solving and compliance review functions of these two institutions as recourse mechanisms for handling disputes arising during project development and implementation.

The participants shared experiences of good practice in the engagement of private developers with project-affected communities in order to reduce conflicts with stakeholders and thereby strengthen the sustainability of energy and infrastructure projects.

The participants were given an overview of the AfDB's and OPIC's environmental and social safeguards with attention to baseline analysis, conflict risk assessment, early and





frequent community consultation, as well as participatory corporate social responsibility and the need to treat the various environmental and social safeguards as a way of mitigating project risk rather than merely as lender requirements.



Figure 3: Participants at the CRMU organized outreach events by type of event in 2014 (Total number of participants: 183).

How to file a complaint at CRMU?

Submissions need to be in writing, dated and signed and sent by any suitable means (e.g. letter, email, fax etc.) to the Director of CRMU, AfDB 01 B.P. 1387 Abidjan 01, Cote d'Ivoire (Tel: +225 20 26 20 56-Email:crmuinfo@afdb.org) or to any of the Bank Group's field offices in the respective country of the requestors. No specific format is required. If desired, requestors' names and contacts can be kept confidential. If in doubt, contact the Director of CRMU who will facilitate the submission of the complaint.

5.5 Outreach Sessions with Community and with Representatives from Governments, Project Implementation Units and CSOs/NGOs (Nouaktchott)

The CRMU undertook a field mission to Mauritania, from 01 to 04 February 2014 to visit the site of the Bank financed "Aménagement hydro-agricole de Brakna – Ouest" project and to hear the experiences of the project-affected people. The interactions took place during a community session attended by a wide spectrum of stakeholders, including community leaders, parliamentarians, mayors, village chiefs, and women's associations.

The community representatives in the field confirmed their awareness and appreciation of the project's overall goal, its potential positive impacts on their livelihoods and the Bank's involvement through financing. However, the IRM was completely unknown.



Community leaders took the opportunity to raise several issues of concern; Bank Management however, was convinced it had already addressed these. For example, the community leaders cited the limited nature of consultations and their involvement with project implementation, as well as the absence of a project grievance mechanism, with communities having no clear sense of where to go to be heard. Informed of the feedback, Management reacted positively and despite presenting evidence of having addressed the issues raised, recognized the need to make the effort to communicate effectively with the communities. This experience underscores the added value of the CRMU's outreach with community that has the added benefit of drawing Management's attention to the plight of these affected persons.
The site visit was followed by an information workshop in Nouakchott, with representatives of the project implementation units, civil society organizations and government officials, including the Director of Investment Programmes and Projects at the Ministère des affaires économiques et du développement.

5.6 Outreach Session on Accountability and Transparency at the 2014 General Annual Meeting of the Bank

In the context of the Annual General Meeting of the Bank in Kigali, 19-23 May 2014, the CRMU, alongside the other oversight and accountability mechanisms of the Bank Group organized a session on accountability and transparency. The discussion provided perspective on issues of accountability and transparency for Africa's development, from the view point of governments, private sector actors, civil society organizations and the IFIs. Through their experience, six panelists and participants highlighted opportunities and challenges in creating effective national accountability and transparency mechanisms and outlined the support the African Development Bank (AfDB) and other IFIs could offer to Regional Member Countries (RMCs) and citizens for this purpose.

A high level panel reflected on their experience as government representatives and stressed the importance of accountability in Africa, including its impact on the effectiveness, efficiency and performance of government institutions and those organizations providing development assistance, as well as the need for governments to be more open and responsive because of the growing demands/interests of their citizens. The specificities of the IRM and the accountability and oversight systems in the IFIs such as the IRM were presented, focusing on the citizen driven nature of some, the internal justice system of others and the division of labor among these entities that ensures complete understanding.

The session encouraged the AfDB to continue to play an important role through its accountability and oversight entities and the support to the RMC.

5.7 IRM Participation at the 11th Annual Meeting of Independent Accountability Mechanisms (IAMs)

he annual conference of the Independent Accountability Mechanisms (IAMs) of the International Financial Institutions (IFIs) provides a regular opportunity for these entities to meet. The CRMU/IRM attended these sessions at the European Bank for Reconstruction and Development's headquarters in London, United Kingdom, from 17 to 19 September, 2014.

The annual conference provides a forum for keeping abreast of developments in the field of accountability, and for exchanging ideas and knowledge so as to inform and improve best practice. The IRM's attendance and participation enabled it to gather information and advice that may be useful for the on- going Second IRM Review exercise.

5.8 Lessons Learnt from Outreach Activities

The challenges to the CRMU's outreach remain similar to those of previous years and include the following:

i. Efforts should continue to support a constructive relationship between the IRM and Management with more regular and open communication. This is particularly important to develop knowledge on compliance review and mediation within the Bank;
ii. In light of the need for learning and knowledge to enhance Bank project delivery, strengthening the CRMU's advisory role was identified as a proven tool to inform Bank compliance and to strengthen its mediation and grievance handling approaches;



iii. Outreach, information sharing and dissemination are essential, as are more proactive approaches by the CRMU towards project-affected people, local communities, Bank Management and staff, borrowers, CSOs and RMCs, etc.;
iv. Together with other oversight and relevant accountability departments of the Bank, the participants agreed on joint and specific efforts to build synergies and collaborate in joint outreach and information dissemination activities such as the preparation of a joint information document on their mandate and role to provide a one-stop shop information dissemination tool. The departments will explore opportunities for a joint information dissemination event during the Bank's annual meeting in 2014;
v. Outreach and information to borrowers, project beneficiaries and the CSOs were considered crucial and the CRMU was encouraged to work with these stakeholders in a more strategic manner;
vi. The Second IRM Review provided an opportunity to address the challenges encountered by the IRM over the past four years and enabled the Consultant to propose enhancing the usefulness of the IRM as a learning tool for the institution.

6. Trends in Handling Complaints in Africa



As part of the second IRM review, CRMU and the IRM experts undertook a study to present an insight into the nature and characteristics of requests handled by Independent Accountability Mechanisms (IAMs) in Africa. Initiated in 2013, the study completed in 2014 focused on requests related to projects funded by multilateral development organizations in Africa in order to provide the IRM with a basis for comparing its performance to date, with those of the other IAMs that fund projects on the African continent, identify emerging trends in complaints and complaints handling, draw lessons learnt and informed future strategy of the IRM. Consequently, the results of this study are expected to not only inform the IRM second review process and be included in CRMU's forthcoming publication but, to also be used in exchanging views and evaluation criteria among the IAMs. The idea to share evaluation criteria was mooted at the 10th annual meeting of the IAMs in Washington, DC in September 2013.

To facilitate meaningful comparison, the analysis focused on only the registered requests received from 2004 (the year of IRM's establishment) to date, by the following IAMs that provided funding for projects in Africa within this period:

i) World Bank: Inspection panel (IP_WB);
ii) African Development Bank: Independent Review Mechanism (IRM);
iii) International Finance Corporation: Office of the Compliance Advisor Ombudsman (CAO_IFC);
iv) European Investment Bank: Complaints Mechanism (CO_EIB)

The data collected was evaluated against twelve criteria, including the number of Requests received, their eligibility for registration, the proportion registered, the regional distribution on the continent, the national and trans-border nature, the types of financing, the various categories, the use of the confidentiality clause, classification, the handling of requests, monitoring activities and the sectors subject to the complaints.

Several conclusions arise from this study which will be published.

For example, out of a total of 242 requests received globally by all the mechanisms, 59 or 24% related to projects financed on the African continent. Globally, IP_WB received 55 requests, CO_EIB received 70 requests, IRM received 14 requests, and CAO_IFC received 103 requests. The number and proportion of these global requests that arose from

projects funded in Africa are as follows: IP_WB received 16 requests which equal 29% of the total global requests it received, CO-EIB received 13 requests which equal 19%, and CAO_IFC received 16 requests which equal 16%. Since IRM operates only in Africa, the number of requests received from projects funded in Africa is 100% of its global total requests i.e. 14 requests.

The total number of requests handled by the IRM remains relatively low when compared to the total number of requests handled by the other IAMs. The relatively low number of the IRM is due to the larger geographical coverage and broader mandates of the others IAMs. However, when comparing the number of requests handled in Africa, the cases received by the IRM remains comparable.

Out of a total of 48 requests from Africa by all the IAMs (100%), CAO_IFC received 16 requests, the highest number among the IAMs (33 %). Those of the IRM were 17 %. The IP_WB received 11 requests which constitute 23%, and the CO_EIB's received 13 requests amounting to 27% of the total Africa requests.

The bigger size of the requests received by CAO_IFC and CO_EIB can be explained by their larger mandate. Both have compliance review and mediation as well as problem solving function. The IP_WB does not engage in problem solving activities.

The IRM received 50% of its 8 requests from East Africa, 25% came from North Africa while requests from Southern and West Africa amounted to 13% each. No request was received from Central Africa. IRM's highest number of requests came from East Africa and the lowest number received was Central Africa.

The IP_WB's highest number of requests came from East Africa (36%) while its lowest number came from North and Southern Africa (9% each). 27% of its requests came from West Africa while 18% came from Central Africa.

CO_EIB received its highest number of requests from Southern Africa with 38%, followed by 31% from each of North and East Africa. It did not receive any request from West and Central Africa.

For CAO_IFC, the highest number of requests came from East Africa (38%) and the lowest number came from West Africa (6%). It received 31% from Southern Africa; 25% from Central Africa, and none from North Africa.

From the above data, the highest number of requests emanated from East Africa (18), followed by Southern Africa (12), North Africa (7), Central Africa (6) and. West Africa (5). Among other things, there is the presence of a 'Concentration factor' which would suggest that there is a positive correlation between the number of complaints and the number of projects an IFI has in a particular region. Also, efficiency of outreach activities and the successful dissemination of information about a given IAM in a particular region, may indicate positive impact of its outreach activities which have translated into an increased number of requests received therefrom.

7. CRMU Staff





M. Sekou Toure, Directeur

Mr. Toure was appointed as the Director of the Compliance Review and Mediation Unit on January 2, 2013. Prior to joining the African Development Bank, Mr. Toure was the Conflict Resolution Commissioner at the Global Environment Facility (GEF). The GEF unites 182 member governments, in partnership with international institutions, civil society organizations (CSOs), and the private sector, to address global environmental issues. The GEF provides grants to developing countries and countries with economies in transition for projects related to biodiversity, climate change, international waters, land degradation, the ozone layer, and persistent organic pollutants. Reporting to the Chief Executive Officer of the GEF, Mr. Toure was responsible for providing advice and leadership on the resolution of conflicts and disputes relating to GEF partnerships. To overcome major impediments in GEF operations, Mr. Toure facilitated dialogue among the GEF stakeholders to mitigate the adverse effects of GEF financed operations and helped to build consensus and confidence in the process of compliance with GEF policies.

Mr. Toure had moved to the GEF after serving as Director of the Regional Office for Africa at the United Nations Environment Programme (UNEP) from February 2001 to September 5, 2007. In this capacity, Mr. Toure led UNEP's engagement with the Africa Region, including the servicing of the African Ministerial Conference on the Environment and contribution to key initiatives such as the New Partnership for Africa's Development.

Prior to his tenure at UNEP, Mr. Toure had assumed responsibilities in senior positions in the Government of Côte d'Ivoire. These included Junior Minister in charge of Water Resources Management (Haut Commissaire a l'Hydraulique), Special Advisor to the State Minister in charge of Development Planning, and Special Advisor to the Prime Minister. In addition, Mr. Toure had major responsibilities in a local political party in Cote d'Ivoire for a number of years. While in Cote d'Ivoire, he gained extensive international experience and exposure in the field of environment and water resource management. He has contributed to the work of CSOs in Africa.

Mr. Toure has extensive research and teaching experience from working in the USA (University of Cincinnati, Cincinnati, Ohio, University of New Hampshire, Durham, New Hampshire) and in Côte d'Ivoire (Institut National Polytechnique Felix

Houphouet Boigny, Yamoussoukro and Universite d'Abobo Adjame, Abidjan). He has contributed more than twenty scientific and technical publications and has edited a scientific journal and a book.

Mr. Toure holds a Ph.D. in Civil Engineering, specialized in Environmental Engineering from the University of New Hampshire, Durham, NH, U.S.A., a M.Sc. in Civil and Environmental Engineering from the University of Cincinnati, Cincinnati, Ohio, USA and a B.Sc. in Civil Engineering from the École Nationale Superieure des Travaux Public (School of Civil Engineering), Yamoussousokro, Cote d'Ivoire.



Mrs. Adila Abusharaf, Chief Compliance Officer

Mrs. Abusharaf joined the Bank in 2007 and was the Officer-in-Charge of CRMU between February and December 2012. In this capacity, she was in charge of the administration of the IRM, including the receipt and registration of Requests, the problem-solving (mediation) process, outreach activities, monitoring and preparing the CRMU's annual strategic work program and budget. Together with the IRM Experts, she determined the eligibility of Requests for compliance review and reported directly to the Bank Group's President and Board of Directors.

She has over 17 years of experience in international development having worked with the International Development Research Center (IDRC), University of Toronto, and York University in Canada, as well as having held positions as Regional Program Officer at the Center of Arab Women for Training and Research based in Tunisia, and as a lawyer in Sudan. Her work and scholarly publications focus on foreign direct oil investment and dispute resolution, compensation and resettlement, local governance, peace building and conflict-resolution, and gender-equity. Her work on these issues covers Algeria, Cameroon, Egypt, Mauritania, Morocco, Nigeria, Senegal, Tunisia, and Sudan. She obtained her Doctorate in Juridical Sciences from the University of Toronto in 2000, on private international law of transnational litigation and dispute resolution of oil pollution claims.



Ms. Grace Kimani, Principal Compliance Officer

Ms. Grace Kimani joined the Bank in June 2009. She supports the Director of the CRMU in assessing Requests, conducting outreach activities, collecting and analyzing Bank policies and procedures applicable to Requests registered by the CRMU for compliance review, preparing problem- solving missions and meetings, providing technical support to the IRM Experts independent compliance review panels, and representing the CRMU in internal and external meetings. She has experience in environmental matters having worked for five years with the legal department of the National Environment Management Authority (NEMA) in Kenya before joining the Bank. She is an environmental lawyer with a Master of Laws' degree (LL.M) in Environment and Natural Resources Management Law and a Bachelor of Laws degree (LL.B), both from the University of Nairobi. She holds a Postgraduate Diploma (with Distinguished Honors) in International Environmental Law from the United Nations Institute of Training and Research (UNITAR). She also has a Certificate on Climate Change and Development (at Masters' Level) from the University of London in the United Kingdom. Her work experience has focused mainly on sustainable development, biodiversity conservation, climate change, hazardous waste/chemicals and environmental legislative drafting. She participated in drafting subsidiary legislation for Kenya in the conservation of biodiversity, water, waste, chemical, the management of ozone depleting substance, and, noise and air pollution control.



Mrs. Dede Jacqueline Djedjero, Administrative Assistant

Mrs. Djedjero joined the CRMU in April 2009 and as Administrative Assistant provides administrative support to the Director of the CRMU and to the IRM Experts. She is trained as a bilingual assistant and translator (English/French). She helps the CRMU with the translation of working papers and with proof-reading of translated reports and IRM Board documents. She provides support

with procurement and logistical matters, payment of consultants and the IRM Experts and is the focal point of the CRMU's administrative budget management. She has wide experience in the Bank having worked with different departments, including operations where she worked for over 10 years and in the Human Development Department, comprising Health, Education and Poverty Alleviation.



Ms. Maali Harrathi, Senior Secretary. Ms. Harrathi joined the CRMU in November 2011 as Senior Secretary. Her duties include providing administrative support to the CRMU's Director and staff in the coordination of missions, and workshops, as well as following up procurement issues, the development, management and update of the CRMU's databases and other administrative duties. she holds a Master's in E-business and International Procurement and a Bachelor degree in High Business Studies.



Mr. Babatunde Adenibi, Principal Internal Auditor (on Secondment to the CRMU)

Mr. Babatunde Adenibi is a Principal Internal Auditor who joined the bank in 2009. He was seconded to the CRMU in October 2013 for six months to assist the CRMU in implementing its 2013 work plan. Some of the projects that Mr. Adenibi has worked on in the CRMU include compilation and analysis of Requests handled in Africa through compliance review and problem-solving by IAMs of Multi-lateral Development Banks (MDBs) including the IRM. The analysis was presented graphically and included in a comprehensive report on the status, nature, trends and outcomes of complaints that have been handled in Africa by the Inspection Panel of the World Bank, Compliance Advisor-Ombudsman of the International Finance Corporation, Complaints Office of the European Investment Bank, and the IRM of the African Development Bank Group.

He also conducted an in-depth analysis of the Bank's private sector operations and project portfolio, proposing modalities and suitable approaches to enable the IRM to fulfill its mandates regarding the relevant private sector operations. The results of this project will inform the update of the IRM Operating Rules and Procedures with regard to private sector operations during the upcoming IRM review. He analyzed the CRMU's compliance review and mediation experience to identify the key lessons, emphasizing how these can inform future operations. In addition, he consulted with the Office of the Chief Economist, to assess the compliance requirement issues for the Bank under the Additionality and Development Outcomes Assessment (ADOA) process, in order to identify potential opportunities for the IRM in this process and recommend effective ways in which the defined ADOA criteria may be reviewed and monitored to capture complaint mitigation processes through the IRM.

Mr. Adenibi is a Fellow of the Institute of Chartered Accountants in England and Wales. He holds a Bachelor's degree in Economics from the University of Ife, in Ile- Ife, Nigeria, and a Master's degree, with Distinction, in Corporate Governance from Bournemouth School of Business and Law in the UK.



Mr. Yusef Hatira, Young Professional

Mr. Yusef Hatira joined the Bank in February 2013 as a Young Professional. During his rotation with the CRMU, Mr. Hatira's responsibilities included organizing regional workshops for Bank-financed project stakeholders and problem-solving training for Bank staff, representing the CRMU at national conferences, workshops and community sessions intended to enhance IRM visibility, drafting the Unit's 2013 and 2014 outreach strategies, and contributing to the launch of the IRM review process.

Prior to joining the Bank, Mr. Hatira worked as a senior analyst with the Ardour East Africa Renewable Energy Investment Fund, as a business development associate at African Renewable Energies Limited (AREL), and as a project manager at the Center of Arab Women for Training and Research (CAWTAR). He holds a Master's of Science degree in Environmental Management for Business from Cranfield University, UK and a Bachelor of Arts degree in International

Relations and Non- Profit Leadership from Seattle University, USA.



Mr. Jean-Philippe Anin, Intern

Mr. Anin joined the CRMU in October 2013 as an intern and finished his internship in May 2014. During his internship, he provided support to the CRMU Team and assisted the Director in updating the NGOs and Mediators databases, writing briefs on Requests registered for compliance review and checking compatibility of translated documents. He graduated with a specialized Master's degree in Project Management and Programs from Skema Business School (France) and a Master's degree in Strategy Marketing from the Institute of Business Administration, Nice (France). His research topics for the thesis focused on "Elaboration of the Procedural Manual for the Corporate Relationship Manager of the Banque Populaire, Morocco" and "A Comparative Study of the Fast Food Sector in Morocco: Industrial Fast food vs. Traditional Fast food" respectively.

8. IRM Roster of Experts





Dr Richard E. Bissell, Président

Dr. Richard E. Bissell, Chairperson Dr. Richard Bissell was appointed as the Chairperson of the IRM Roster of Experts by the Board of Directors of the African Development Bank, on 16 July, 2012. He has been a member of the IRM Roster of Experts since July 2010. He is also the Executive Director for Policy and Global Affairs of the National Research Council of the U.S. National Academy of Sciences (USNAS). He oversees sixteen program units with a focus on science and technology policy, international scientific affairs, and the future science and engineering workforce.

Prior to joining the USNAS in 1998, Dr. Bissell was the coordinator of the Interim Secretariat of the World Commission on Dams (1997-1998), a joint initiative of the World Bank and the World Conservation Union (IUCN). During the period 1994- 1997, he was the Chairman and a founding Member of the Inspection Panel at the World Bank, an independent advisory committee to the Board of Executive Directors. He has also served in a similar role at the Asian Development Bank as a member of the Compliance Review Panel from 2003 to 2007.

Between 1986 and 1993, Dr. Bissell was Assistant Administrator of the U.S. Agency for International Development, appointed first to head the Bureau of Program and Policy Coordination. In that position, he was responsible for Agency-wide policy development, review of development impact of projects at multilateral banks, evaluation processes throughout USAID, and management of the annual budget process. He then received a second Assistant Administrator appointment as Head of the Bureau of Research and Development, where he was responsible for the direction and management of a research portfolio in health, population, education, environment, energy and agriculture, as well as technical support of USAID field missions in nearly 100 countries.

Dr. Bissell has been a professor at the American University, Georgetown University, and the University of Pennsylvania. Among his publications are seven books and a wide variety of articles in scholarly and policy journals. He has served as editor of several professional journals. He holds a B.A. from Stanford University and a Ph.D. from the Fletcher School of Law and Diplomacy, Tufts University, in international economics, with post-doctoral work at Princeton University.



Dr Mafing Kondé, Membre

Dr. Mafing Kondé was appointed on 6 February, 2012, as a Member of the IRM Roster of Experts by the President and the Board of Directors of the African Development Bank Group.

Dr. Kondé holds a PhD in Development Sociology from the University of Paris X Nanterre, as well as a Diploma of Advanced Studies in Political Science Studies from the University of Grenoble in France. He has almost thirty years of experience.

Between 1984 and 1987, he worked as a lecturer at the University of Ouagadougou; Officer in Charge of Outreach for the Rural Water and Equipment Fund in Burkina- Faso; Sociology Research Officer in the Société africaine d'étude et de développement (SAED); and a Research Coordinator for many development projects in Burkina-Faso. Some of these projects were funded by international organizations and European countries, such as the World Bank, Food and Agriculture Organization (FAO), and cooperation agencies of Denmark and the Netherlands. Thereafter, he joined Sahel-Consult as a sociologist where his work focused on water projects in Burkina-Faso.

Since 1988 Dr. Kondé has been working as an independent consultant and has undertaken various assignments in Burkina- Faso and other West African countries including Niger, Mali, Cote d'Ivoire and Ghana for different international and national organizations: the World Bank, the International Union of Conservation of Nature (IUCN), the Danish Development assistance (Danida), the Italian Government, the United Nations Development Program (UNDP), the United Nations Children Fund (UNICEF), the United Nations-Women, the German International Cooperation Agency (GTZ), the Austrian Development Cooperation, the Swiss Cooperation, the Millennium Challenge Account (MCA), the Inter-States Group of Schools (ETSHER), as well as the Ministries of Agriculture, Water Resources and Environment of Burkina-Faso. These assignments covered a wide range of research and development projects including research and work on the preparation, implementation and monitoring of projects in various sectors, local planning and development plans, environmental and social impacts studies, displacement and resettlement plans, and outreach activities. More specifically, his areas of specialization throughout his career have been in the analysis of land and water related issues, the implementation of decentralization and agriculture development, as well as participatory management of natural resources.

Dr. Kondé is a member of different national and international associations such as the Land Research and Action Group (GRAF), the Association of Independent Consultants and Partners (ACIA), the International Center for Sociological and Applied Law Studies (CINESDA) and the National Anti- Corruption Network (RENLAC). For the purpose of assignments related to his membership to these associations, he has travelled to Turkey, Thailand, Greece and Nigeria.



Dr Arntraud Hartmann, Membre

Dr. Arntraud Hartmann was appointed on 1 June, 2012, as a Member of the IRM Roster of Experts by the President and the Board of Directors of the African Development Bank Group.

Dr. Hartmann holds degrees in Law and Economics (Hamburg University and the American University) and Diplomas in International Relations and International Finance (Harvard University and John Hopkins University). She has more than 30 years of professional experience in development cooperation gained from working with several international organizations. Dr. Hartmann spent twenty-three years working for the World Bank, where she held senior management positions. She was Country Director for several southeast European countries, Senior

Advisor to the Managing Director and established the first Country Office of the World Bank in Romania in 1991 where she was the World Bank's first Country Manager and Chief of Mission. Prior to that, she held several positions for the World Bank as a Principal Economist for West African Countries and as Country Economist for Pakistan.

In 2002 and 2006 Dr. Hartmann was Senior Advisor to the Secretariat of the World Commission on the Social Dimensions of Globalization established by the ILO in Geneva, and was Director of the Economic Policy Forum and International Institute for Journalism of InWent, in Berlin, Germany. Since then, she has been a member of the Quality Assurance Review Process of IFAD, and has undertaken numerous consultancies for the World Bank, the International Monetary Fund and the German Federal Ministry for Economic Cooperation and Development, the German International Cooperation Agency, GTZ and the International Fund for Agriculture.

Dr. Hartmann is an Adjunct Professor for Development Economics at the School of Advanced International Studies, Johns Hopkins University, Bologna, Italy, and a visiting professor at the Hertie School of Governance, in Berlin, Germany where she regularly teaches. She is a Senior Fellow at the European Research Centre for Anti-Corruption and State Building, in Berlin, Germany. She undertakes research with the Brookings Institution on aid effectiveness and has published extensively together with Johannes Linn, on "Scaling up of Development Programs". In addition, she has published on Public Sector Performance Measurement, Poverty Reduction Policies, Aid Effectiveness and Structural Adjustment Programs.



9. Questions financières



CRMU Budget and Actual Costs in Unit of Accounts (UA)

Budget Items	Budget	Allotted
Salaries CRMU staff	397 564	343 470,00
CRMU Meetings Bank Business *adjusted	37 649,3	21 529,74
CRMU Missions Travel *adjusted	59 210,74	36 597,36
CRMU Roster of Experts Remuneration (Fees) and Mission Costs	161 016,05	113 410,98
Consultants *adjusted	160 236,35	119 480,07
Hospitality	305,79	0,00
Training	15 226,49	0,00
TOTAL	831 208,72	634 488,15

Adjustments through transfers within budget lines effected in September 2014 to enable CRMU deliver approved activities.



10. Annexes



Annex 1

General Information about the IRM

Overview

The IRM is one of several oversight instruments established by the Bank Group to ensure the accountability of its operations. It was established by the Bank Group Board of Directors' Enabling Resolution of 30 June 2004 and became operational in mid-2006 upon the appointment of the first Director of the Compliance Review and Mediation Unit (CRMU) that administers the mechanism. For the purpose of compliance reviews, an IRM Roster of Experts was established with three external members, appointed by the Board of Directors on a non-renewable term of five years. The IRM Operating Rules and Procedures were approved and amended thereafter by the Board of Directors on 27 July 2006 and again on 16 June 2010.

The Mandate

The IRM's mandate is to provide people who are, or are likely to be, adversely affected by a Bank Group financed project, with the opportunity to submit their complaints to the Bank, where this is as a result of non-compliance with the Bank's policies and procedures.

The salient feature of the IRM is that it is independent from the Bank's management, and only intervenes when people or communities affected by a Bank-financed project submit a complaint to the CRMU. In this way, the IRM can be considered as a recourse instrument for project affected people who have previously been unable to resolve their problems with the Bank's Management, to have their complaints heard and addressed at the highest decision levels of the Bank.

The Review of the IRM

In line with the Resolution Instituting the IRM (B/BD/2010/10-F/BD/201/4) the Board of Directors reviews the experience of the IRM established by the Resolution, after three years from the date of the effectiveness of the IRM. At this date the Director is appointed (2006), thereafter, the IRM review shall be conducted every four years, or as otherwise decided by the Board. The first review of the IRM's performance was conducted in 2009 and, in 2010, resulted in the Board's approval of the proposed amendments of the IRM Instituting Resolution of 2004 and IRM Rules of 2006.

The IRM Functions

The IRM has two main functions: Problem-Solving (mediation) and Compliance Review.

The CRMU administers the IRM and is responsible for assessing and registering complaints, participating in the eligibility review of these complaints, undertaking problem-solving exercises and coordinating outreach activities.

Together with the IRM Experts, the Director of the CRMU assesses the eligibility of Requests for compliance review.
The Compliance Review Panel which comprises the three IRM experts, once authorized by the Board of Directors or the President, investigates allegations of non-compliance with Bank policies and procedures and whether a potential harm results to people and/or the environment. The Panel can recommend to the Bank Group's Board of Directors, the President and Management that the Bank takes remedial action to bring investigated projects into compliance with Bank policies. They can also propose changes to the Bank Group's systems or procedures to avoid similar future non-compliance with Bank policies.

The IRM/CRMU, subject to the Board's or the President's authorization, is also mandated to monitor the implementation of the recommendations from Compliance Review Reports and the Bank's Management Action Plan. The CRMU is mandated to monitor the implementation of Settlement Agreements concluded under the IRM problem-solving exercise.

Request Handling Procedures

The IRM Operating Rules and Procedures provide the timeframes for the submission of Requests and for their handling by the CRMU. In general terms, the Director of the CRMU conducts a preliminary review within 14 working days of the receipt of a Request, to determine whether the Request falls within the mandate of the IRM, and whether it contains a bona fide allegation of harm arising from a Bank-financed operation. If the Request fulfills the requirements, the CRMU registers it either for problem-solving and/or compliance review and immediately informs the Requestors and the Bank Group's Board of Directors, the President and Management. Within 21 working days of receiving the notice of the registration of the Request, Management should respond to the CRMU, providing evidence that it has complied with, or intends to comply with the applicable Bank policies and procedures. A copy of the Management Response is sent to the Requestors for information. Within 30 days of the receipt of the Management response, the Director of the CRMU either starts a problem-solving exercise or, together with the IRM Experts, assesses the eligibility of the Request for compliance review. If the Request is eligible, the Director and the Experts recommend the Board or the President to authorize the compliance review.

Problem-Solving (Mediation)

The purpose of the problem-solving exercise (mediation) is for the CRMU to facilitate an effective dialogue between the Requestors, the Bank and any other interested party in order to reach a solution agreeable to all stakeholders.

When considering conducting a problem-solving exercise, the Director of the CRMU considers whether:

i. the parties are amenable to resolve the conflict through mediation;
ii. the Bank Group can influence change with regard to finding an agreeable solution; and
iii. whether the problem-solving exercise will interfere with or be impeded by any other process before a court, arbitration tribunal or similar review body where the same or very similar matter to the Request is being examined.

The CRMU can utilize several problem-solving techniques such as fact finding, mediation, conciliation and dialogue facilitation including the use of best customary practices. The Director of the CRMU submits the problem-solving report to the Requestors, the Bank's President, the Board of Directors, the Management and any other interested parties. If the exercise has not been successful within three months, the Director of the CRMU declares the exercise unsuccessful, detailing the reasons in the problem-solving report. Regardless of the outcome of the exercise, the Director of the CRMU can recommend to the President or the Board of Directors that a compliance review be undertaken to investigate any non-compliance with Bank policies and procedures identified during the problem-solving exercise.

Compliance Review

The purpose of the compliance review is to determine whether the Bank Group has complied with its own policies and procedures, and to verify whether, through non-compliance with these policies, a direct harm has been, or is likely to be inflicted on people and/or the environment by the project. There are several steps in determining whether the Request is eligible for compliance review.

First, the Director of the CRMU and the IRM Experts review the Request and the corresponding Bank Management response, and if necessary, undertake a mission to the project area to verify the situation. If the Director and the Experts identify prima facie evidence of possible harm to people and/or the environment due to non-compliance with Bank policies, they prepare an eligibility report including the recommendation to conduct the compliance review.

Second, if Requestors demand a compliance review, but the Director of the CRMU does not recommend it, the Director refers such a Request to the IRM Experts to reassess its eligibility for compliance review and report their recommendations to the President or the Board.

Third, the Director's and the IRM Experts' eligibility report is submitted for consideration and approval to the President, for projects being considered for ADB financing, and to the Board of Directors for approved projects. Fourth, the Requestors are immediately notified of the decision of the President or the Board of Directors, and the eligibility report (including a copy of the Request and the Management Response) together with the decision of the President or the Board is promptly communicated to the public via the Bank Group's website. (www.afdb.org/irm).

Subject to the authorization of the President or the Board of Directors, the Review Panel, comprising the three IRM experts, undertakes a compliance review. The Panel prepares a report detailing its findings and recommendations, which are distributed to the President, the Board of Directors, the Management and the Requestors. Within 90 days of receipt of the Review Panel's report, the Bank Management prepares and submits a response and action plan to the President, the Board of Directors and the CRMU, wherein Management addresses the findings of the Panel, and details how the recommended changes will be implemented. The President or the Board, as the case may be, decides whether or not to accept the IRM's Compliance Review Report and Management's response and action plan. Their decision is immediately communicated to the Requestors and published on the website of the Bank Group.

Subject to the acceptance of the President or the Board of Directors, the IRM monitors the implementation of the Compliance Review Report recommendations and the Management Action Plan, and reports its findings to the Bank's Board, President and Management. This monitoring is conducted annually until the IRM is satisfied that the project under investigation complies with Bank policies.

The IRM and the Network of Independent Accountability Mechanisms

The IRM is part of a network of Independent Accountability Mechanisms set up by the multilateral and bilateral development banks to provide access to recourse for project-affected communities. The mechanisms are mandated to address grievances regarding environmental and social harm, and ensure compliance with relevant safeguard policies. Importantly, these mechanisms provide an avenue for citizens to raise their concerns to the highest levels of decision making within the development banks. While the mechanisms differ in the way they operate, they share a common goal to foster greater public accountability, civic participation, and development performance, particularly focused on improving project outcomes for locally affected communities.

Annex 2

Second IRM review: List of Individuals and Civil Society Organizations contributors during the Public Consultation

Individual submission by Legal Resources Center, 16th Floor Bram Fischer Towers • 20 Albert Street • Marshalltown • Johannesburg 2001 • South Africa, PO Box 9495 • Johannesburg 2000 • South Africa • Tel: (011) 838 9831 • Fax: (011) 838 4273 • Website www.lrc.org.za •PBO No. 930003292 •NPO No. 023-004

Individual Comments by Mr. Abdul Dello, Principal Requestor, Babati – Dodoma Road Project. Tanzania.

Submission by ADEN Network, Centre aden network Cameroon, Centres d'appui au desenclavement numerique [digital access support centers] (aden), community radios (cr), and multipurpose community tele centers (tcp), pastoral and rural vocational training centres, national coordination, p.o. box 13029 yaounde-p.o. box 919 garoua tel: (237) 77 51 80 56; 22 18 72 50

Collective submission by the CSO Coalition on the AfDB: The undersigned 67 CSOs have experience using the African Development Bank's Independent Review Mechanism (IRM) and other non-judicial grievance mechanisms or otherwise relevant experience:

African CSOs:
African Law Foundation (AFRILAW), Nigeria
African Rivers Network
Association Guinéenne pour la Transparence, Guinea
Association pour l'Intégration et le Développement Durable au

Burundi, Burundi
Association des Femmes Africaines pour la Recherche et le Développement (AAWORD/AFARD), Senegal
Association des Jeunes Filles pour la Promotion de L'Espace Francophone, Guinea
Batwa Development Program, Uganda
Buliisa Initiative for Rural Development Organisation (BIRUDO), Uganda

Centre for Applied Legal Studies (CALS), South Africa
Centre for Civil Society, University of KwaZulu-Natal, South-Africa

Centre for Human Rights, Faculty of Law, University of Pretoria, South Africa

Centro terra Viva - Estudos e Advocacia Ambiental, Mozambique
Committee for Peace and Development Advocacy (COPDA), Liberia

Community Empowerment for Rehabilitation and Develop ment (CEFoRD-Yei), Republic of South Sudan

Community Enhancement and Environmental Awareness foundation (CEEAF), Nigeria

Community Policing Partners for Justice, Security and Democratic Reforms (COMPPART), Nigeria

Community Resource and Development Center of Narok, Kenya

Conseil Régional des Organisations Non Gouvernementales de Développement (CRONGD), DRC Congo

Earthlife Africa, South Africa

EG Justice, Equatorial Guinea

Endorois Welfare Council, Kenya

Environmental Rights Action/Friends of the Earth, Nigeria

Fahamu Africa, Senegal

Fondation pour le Développement du Sahel (FDS), Mali

Foundation for the Conservation of the Earth (FOCONE), Nigeria

Foundation for Environmental Rights, Advocacy and Development (FENRAD), Nigeria

Friends of Lake Turkana, Kenya
Global Network for Good Governance (GNGG), Cameroon
Habi Center for Environmental Rights, Egypt

Human Rights Council, Ethiopia

Integrated Social Development Centre (ISODEC), Ghana

Institut de Recherche et Promotion des Alternatives en Développement – IRPAD, Mali
Jamaa Resource Initiatives, Kenya
Jeunes Volontaires pour l'Environnement (JVE) International, Togo
Justicia Asbl, Democratic Republic of Congo
Kenya Natural Resources Alliance (KeNRA), Kenya
Kenya Human Rights Commission, Kenya
LITE-Africa, Nigeria
Lumière Synergie pour le Développement, Senegal
Ogiek Peoples Development Program, Kenya
ONG Mer Bleue, Mauritania

Peace Point Action (PPA), Nigeria
PREMICONGO, Lubumbashi, Democratic Republic of Congo
Réseau Camerounais des Organisations des Droits de l'Homme (RECODH), Cameroon
RIM Youth Climate Movement, Mauritania
Save Lamu, Kenya
Secours Net, Mauritania
Sengwer Indigenous People Programme (SIPP), Kenya
WACAM, Ghana

Support Initiative for Sustainable Development (SISDEV), Nigeria

Women Environment and Development Network (WEDEN), Nigeria

Worldview, the Gambia
Non-African CSOs:
Accountability Counsel, US
ActionAid International
Bank Information Center (BIC), US
Both ENDS, Netherlands
Centre National de Coopération au Développement, CNCD - 11.11.11, Belgium

Centre for Research on Multinational Corporations (SOMO), Netherlands

Heinrich Boell Stiftung North America, US
Inclusive Development International, US
International Network on Displacement and Resettlement, US
International Rivers

Kosovo Civil Society Consortium for Sustainable Development (KOSID), Kosovo
Natural Justice, South Africa
Ulu Foundation, US
Urgewald, Germany

Collective Submission by:
Natalie Bridgeman Fields, Accountability Counsel, USA
Anouk Franck, Both ENDS, The Netherlands
Jocelyn Soto Medallo, Center for International Environmental Law (CIEL), USA

Patrick Chiekwe, Foundation for the Conservation of the Earth (FOCONE), Nigeria

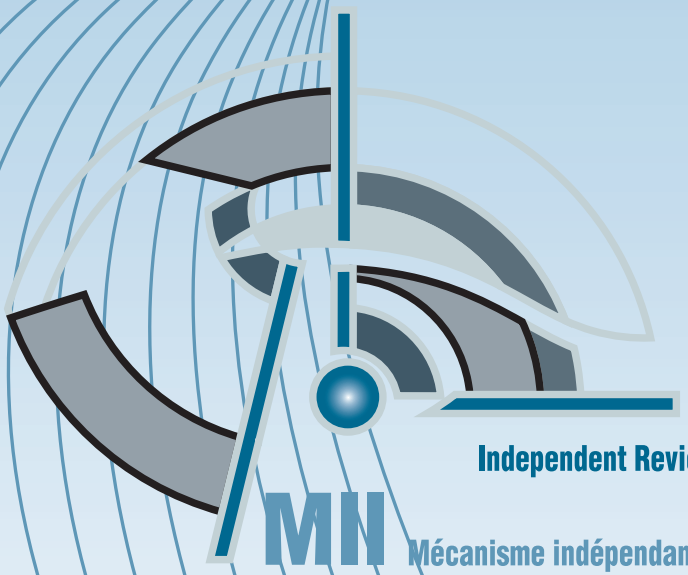
Natalie Bugalski, Inclusive Development International, USA
Ted Downing, The International Network on Displacement and Resettlement (INDR), USA

Maurice Ouma Odhiambo, Jamaa Resource Initiatives, Kenya
Sylvia Kithinji, Kenya Human Rights Commission, Kenya
Hassan Shano, LAPSSET Community Forum, Kenya
Flaviana Charles, Legal and Human Rights Centre (LHRC), Tanzania

Konne Simeon, Movement for the Survival of the Ogoni People (MOSOP), Nigeria
Daniel Kobei, Ogiek Peoples Development Program, Kenya
Abubakar Mohamed Ali, Save Lamu, Kenya

Annex 3: Outreach Events

No	Country	Name of the Event	Date	No. of Participants				Description	Type of Event	Collaborating Partners
				CSOs	Govt.	Staff	Total			
1	Nouakchott, Mauritania	Community Session on the Independent Review Mechanism of the African Development Bank	02 February, 2014	32	1	3	36	Total No. of Participants: 40 Community leaders:4 NGOs/CSOs:14, Mayors:2 Religious leaders: 4 Rep. of women's associations:16 PIU:1 AfDB Staff:2 Consultant:1	Community Sensitization Sessions	Faciliatator: Mr. Sidi Cheguer, Consultant
2	Nouakchott, Mauritania	National Workshop on African Development Bank's Independent Review Mechanism: Role and Procedures	03 February, 2014	12	7	2	21	Total No. of Participants: 22, NGOs/CSOs: 6, Govt. Representatives:2, Project Implementation Units:5, Communitiy leaders: 6, AfDB Staff: 2, , Media:1	National Workshop	Faciliatator: Mr. Sidi Cheguer, Consultant
3	Nairobi, Kenya	Successful Community Engagement Around Energy and Infrastructure Projects in Africa	05 May, 2014	16 acteurs (secteur privé)	3	5	24	Total No. of Participants: 29 Private Companies: 16 US.Government Representatives:4 Project Implementation Units (PIUs): 3 Representative of Office of (OA) of OPIC: 1 AfDB Staff: 5	Private Sector National Workshop	1. Bank's East Africa Reginal Resource Centre (EARC) 2. Office of Accountability (OA) of the US Overseas Private Investment Corporation (OPIC) represented by Mr. Keith KOZLOFF.
4	Nairobi, Kenya	CSOs-PIUs Workshop on Accountability Mechanisms	06 May, 2014	14	23	3	40	Total No. of Participants: 40 NGOs/CSOs-14 Government Representatives & Project Implementation Units (PIUs)-23 - Representative of Office of (OA) of OPIC-1 AfDB Staff-3	National Workshop	1. Bank's East Africa Reginal Resource Centre (EARC) 2. Office of Accountability (OA) of the US Overseas Private Investment Corporation (OPIC) represented by Mr. Keith KOZLOFF.
5	Kinshasa, DEMOCRATIC REPUBLIC OF CONGO (DRC)	Récapitulatif de la Session Institutionnelle de la RD Congo	14 May, 2014	0	13	4	17		National Workshop	Bank's Country Office Democreatic Republic of Congo (CDFO)
6	Kinshasa, DEMOCRATIC REPUBLIC OF CONGO (DRC)	CSOs Workshop on Accountability Mechanisms	15 May, 2014	43	0	2		Total No. of Participants: 49 NGOs/CSOs: 43 AfDB Staff: 5 -Consultant:1	National Workshop	Bank's Country Office Democreatic Republic of Congo (CDFO)
Total				**117**	**47**	**19**	**183**			



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Independent Review Mechanism

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