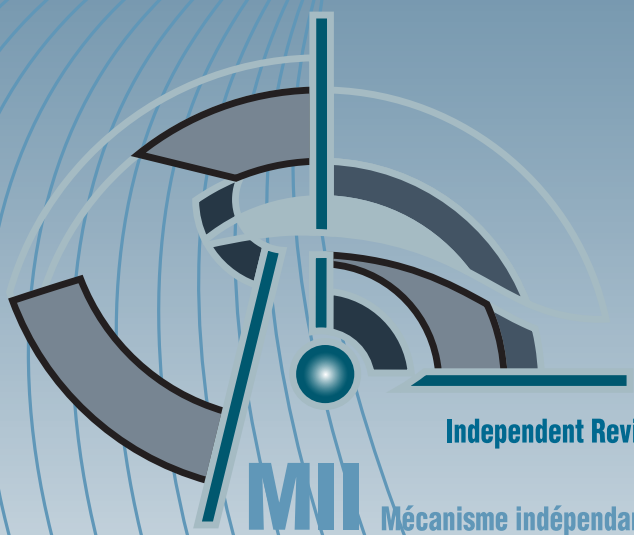
Independent Review Mechanism

Annual Report 2019



IRM

Independent Review Mechanism

MII Mécanisme indépendant d'inspection



AFRICAN DEVELOPMENT BANK GROUP

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Acronyms and Abbreviations

ADB	African Development Bank
ADF	African Development Fund
AEI	Afrique-Europe Interact
AFD	Agence Française de Développement (French Development Agency)
AfDB	African Development Bank Group
AIBD	Aéroport International Blaise Diagne (Blaise Diagne International Airport)
APIX	National Agency for Promotion of Investment and Major Works
ARU	Agroforestry Resources Unlimited
AUTP	Abidjan Urban Transport Project
BCRM	Compliance Review and Mediation Unit
BEL	Bujagali Energy Limited
BOAD	Banque Ouest Africaine de Développement (West African Development Bank)
CAMWATER	Cameroon Water Utilities Corporation
CAO	Compliance Advisor Ombudsman
CAP	Corrective Action Plan
CODE	Committee on Operations and Development Effectiveness
COCM	AfDB Country Office in Cameroon
COSN	AfDB Country Office in Senegal
CRP	Compensation and Resettlement Plan
CSO	Civil Society Organization
DWS	Drinking Water and Supply
EIB	European Investment Bank
ESIA	Environmental and Social Impact Assessment
ESMS	Environmental and Social Management System
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ETAP	Tunisian Company of Petroleum Activities
FCU	Forest Conservation Unit
FGD	Flue-Gas Desulphurization
FIP	Forest Investment Program
FMO	Nederlandse Financierings-Maatschappij voor Ontwikkelingslanden N.V (Netherlands Development Bank)
FRAP	Full Resettlement Action Plan
GEF	Global Environment Facility
GIS	Geographic Information System
GRC	Grievance Redress Committee
GZDSP	Green Zones Development Support Project

IAM	Independent Accountability Mechanism
IFC	International Finance Corporation
IFI	International Financing Institution
IP	Investment Program
IRM	Independent Review Mechanism
IsDB	Islamic Development Bank
ISS	Integrated Safeguards System
KEFRI	Kenya Forestry Research Institute
KeNHA	Kenya National Highways Authority
KFS	Kenya Forest Service
KfW	German Development Bank
LSD	Lumière Synergie pour le Développement
M3	Moulin Moderne du Mali
MCWAP	Mokolo-Crocodile Water Augmentation Project
MDB	Multilateral Development Bank
MINEE	Ministry of Mines and Water Resources
NAPE	National Association of Professional Environmentalists
NCWSC	Nairobi City Water and Sewerage Company
NGO	Non-Governmental Organization
NRBRRP:SIP	Nairobi Rivers Basin Rehabilitation and Restoration Program: Sewerage Improvement Project
NTZDC	Nyayo Tea Zones Development Corporation
PAEPA-MSU	Semi-Urban Drinking Water Supply and Sanitation
PAGL	AfDB's Office of the Auditor General
PAPs	Project-Affected Persons
PCR	Project Completion Report
PCU	Project Coordination Unit
PIU	Project Implementation Unit
RAP	Resettlement Action Plan
SESA	Strategic Environmental and Social Assessment
SPAQPO	Project for the Sanitation of Peripheral Districts of Ouagadougou
STGP	South Tunisian Gas Pipeline
TER	Dakar Regional Express Train
TFP	Technical and Financial Partner
UETCL	Uganda Electricity Transmission Company Ltd
XSP	Expanded Supervision Reports

PREFACE



Preface

The Independent Review Mechanism (IRM) is one of the recourse mechanisms of the African Development Bank Group (AfDB). It handles complaints at the operational level and contributes to the institutional learning process. In particular, the IRM handles complaints of people who are adversely affected (PAPs) by any project financed by the AfDB through either problem-solving exercises, compliance reviews, or both in an aim to redress the harm caused on complainants and to bring the project in question into compliance with the applicable policies and procedures of the AfDB. The Compliance Review and Mediation Unit (BCRM) is the secretariat of the IRM.

We are pleased to report the successful delivery of the activities under each of the IRM core functions as planned for 2019.

The complaint-handling and spot-check compliance review reports met their targets with the approval by the Boards of Directors of the relevant IRM reports and the implementation of action plans prepared by Management, which essentially found solutions to complaints and addressed broader systemic issues to avoid the recurrence of similar non-compliance incidents by AfDB-financed operations.

The significant outputs of IRM awareness-raising and capacity-building initiatives were achieved by the 16th Annual Meeting of the Independent Accountability Mechanisms (IAMs) of International Financing Institutions (IFIs), hosted by the IRM. The representatives from IAMs and international and national non-governmental organizations (NGOs) effectively discussed better ways of serving communities affected by IFI-financed projects and the IAMs' respective institutions without compromising the independence of these mechanisms. The capacity-building and knowledge products this year focused on the impacts of AfDB-financed operations on cultural heritage and spiritual sites of communities affected by projects. This has been a major issue in complaints received by the IRM and, to this date, environmental and social impact assessments (ESIAs) of many projects have not succeeded in reconciliation from social



cohesion and accountability perspectives.

The IRM has also contributed to Bank-wide institutional policy updates, notably, the AfDB's mid-review of the Integrated Safeguards System (ISS), and the proposed new corporate commitment for preventing sexual exploitation, harassment and abuse at the operational level; thereby, demonstrating the pivotal role of the IRM in helping the AfDB in meeting its commitments to critical international standards.

Finally, the preparation of the mandatory Third Review of the performance of the IRM was finalized with a consultancy firm retained to carry out the review. The firm started the assignment in December 2019.

More importantly, the achievements have been made possible because of the support from the Boards of Directors and the constant engagement of the BCRM with the complainants and the NGO community.

The Bank Management's positive responses to the IRM reports were reflected by actions plans prepared by the Management to introduce compliance into the projects' subject of complaints or - those that - underwent spot-check review. These responses reflected the IRM's contributions in enhancing the accountability of projects and helping Management to identify critical needs for Bank-financed operations to meet their anticipated development outcomes.

The affected communities, complainants, and their representative NGOs acknowledged the

IRM's actions in resolving their complaints during the numerous BCRM consultation missions carried out to the field. The IRM's collaboration with other IAMs of co-financiers handling similar complaints has been critical in mobilizing lenders' efforts to find appropriate common actions to help clients meet the project's safeguards standards in an effective - and coordinated manner.

There are numerous areas where the AfDB should still leverage its efforts. There is need for better coordination with the Borrowers and clients to meet their loan commitments, particularly when it comes to the compensation of PAPs and the implementation of the projects' environmental and social management action plans. Most of the active cases handled by the IRM have shown that these commitments have not been met. As a result, PAPs have been left without adequate means to restore their livelihoods or income-generation activities. The ambiguous position of Borrowers and clients in addressing problems of inequitable treatment of PAPs or their communities has constrained the effective implementation of the Management's remedial action plans resulting from the IRM work; and if left unaddressed, could lead to long- term consequences for the credibility of AfDB-financed operations.

The operational context of the IRM's work has become more complex. The high demand for the IRM's services with the increasing volume of requests on the one hand, and the lack of cooperation on the part of Borrowers and clients, have prolonged IRM investigations and the implementation of its recommendations. The IRM adopted different measures to mitigate these risks, including sharpening its intervention in areas where capacity-building for staff and Borrowers is most needed. The BCRM kept the Boards' Committee for Operations and Development Effectiveness (CODE) fully abreast of measures being put in place to respond to these challenges. Nevertheless, these problems have not compromised the expected results of the IRM Work Program. The IRM led Management and clients to improve the quality of environmental and social action plans for both public and private sectors.

The IRM has closed several complaints to the satisfaction of Requestors and affected communities. Finally, similar to other IAMs, the IRM delivered work covering approaches and operational guidelines that helped the mechanism to position itself as an accountability instrument committed to meeting the expectations of its clients, namely the affected communities

Alan Bacarese
Acting Director, BCRM

EXECUTIVE SUMMARY



Executive Summary

The Compliance Review and Mediation Unit (BCRM) fulfilled the commitments of the IRM Work Program for 2019.

With regards to case-handling, the Boards approved two IRM compliance review reports and three monitoring reports on complaints relating to agribusiness, energy, and transport projects financed by the African Development Bank Group (AfDB) in Guinea, Mali, Senegal, South Africa, and Uganda. The IRM closed two cases handled through problem-solving exercises and relating to transport and health projects in Senegal and Uganda. These achievements have allowed the IRM to manage case protraction by moving these cases from the investigation phase into the monitoring phase, whereby action plans committed by the Management will be closely monitored by the IRM and the project-affected persons (PAPs) will be ensured practical solutions to their complaints. The IRM was able to put on track other active cases relating to transport projects in Côte d'Ivoire, Kenya, and Senegal through urging the Management to take prompt responses and actions, reporting to CODE, and closely coordinating with other Independent Accountability Mechanisms (IAMs) handling similar complaints relating to some of these projects.

The Board approved the recommendations of the IRM spot-check advisory review reports for a private-sector operation in Tunisia and two public-sector transport and water projects in Cameroon. The value of these reports was acknowledged by the Management as the reports underpinned areas where AfDB's technical support of clients and due diligence should be harnessed to avoid similar operational problems in the future.

The IRM issued different advisory notes on the project's environmental and social risks and knowledge management products on reconciliation of disputes associated to project violations of cultural heritage and spiritual sites of communities. Given that this issue has become contentious among lenders and complex to manage at the project level, the BCRM also organized a training seminar for the Bank staff to share practical tools and common successful approaches for the staff to consider when appraising these issues.

The IRM organized outreach and capacity-building activities in Côte d'Ivoire and Tunisia for project implementation units (PIUs), civil society organizations (CSOs), and Bank staff, aiming for greater engagement of these stakeholders in the IRM work. The IRM hosted the 16th Annual Meeting of Independent Accountability Mechanisms of other International Financing Institutions, which included the organization of a UN Human Rights Commission Consultation Meeting, that is intending to establish its own complaint office. The IAMs presented key reports on the principles of their work based on lessons learned and strategic approaches to foster collaboration among different mechanisms. The outreach event was held on the side lines of this Annual Meeting, permitting different international and national non-governmental organizations (NGOs) to bring to the forefront their views of relevance of IAMs' role, particularly in the monitoring of actions plans prepared by the managements of their respective institutions.

1. Complaints Handling

1.1. PROBLEM-SOLVING CASES

1.1.1 Introduction

The problem-solving exercises undertaken during the year 2019 helped the complainants, project promoters, and the Bank to find mutually agreeable solutions to the concerns raised by the Requests in Senegal and Uganda. The handling of the ongoing cases of complaints relating to the transport projects in Côte d'Ivoire, Kenya, and Senegal, while having made some progress, is yet faced with challenges. The latter includes Management's submission of its responses to requests, making a clear decision on their standing with regards to the problem-solving of these cases, and the Borrowers having no means to meet their formal commitments to compensate persons affected by the project (PAPs).

On the basis of the cumulative experience of the IRM with these cases, **the key areas that require the Management to pay greater attention to are as follows:**

i) Borrowers' inadequate adherence to their loan commitments, especially in cases of compensation to PAPs, and their inconsistent environmental and social management plans and implementation practices. These challenge the projects' compliance with the safeguards standards of the African Development Bank Group (AfDB); and

ii) The Bank staff's inefficient responses to these requests and ineffective actions to address the persistent non-compliance of these projects with the Bank's safeguards standards.

As a result, the Management was not able to benefit from the Compliance Review and Mediation Unit's (BCRM) problem-solving exercise, which was expected to find prompt solutions to these cases and to mitigate their social risks and implications for efficiency for projects in question.

1.1.2. Closed Cases

(i) Improvement of Health Services Delivery at the Mulago Hospital and in the City of Kampala, Uganda

The Improvement of Health Services Delivery at the Mulago Hospital and in the City of Kampala, Uganda, Project, otherwise referred to as the



"Kawempe Hospital Project," was approved by the Boards of Directors on 6 July 2011 at a cost of UA 56 million and was completed in December 2018.

The Request was submitted by an affected family who claimed that the regime of Aidi Amin had forcibly confiscated their late father's clinic in the 1970s and was handed to the Kampala City Council. The Requestors contested the accuracy of the land titles presented by the government to the Bank for the project approval. The Management Response to the Request disagreed and stated that the Bank had followed proper due diligence in verifying the land titles prior to the approval.

The BCRM registered the Request for a problem-solving exercise on 17 March 2014.

The BCRM mission to Uganda from 7 to 9 May 2014 met with parties who agreed to engage in mediation and the BCRM submitted a report to the Boards of Directors on 4 June 2014. The subsequent BCRM mission to Uganda from 17 to 19 February 2015 compiled additional records from the family and the government.

Despite several attempts by the BCRM to reconcile the parties, the government and the Requestors are still in disagreement on the authenticity of the land registry records of Plot No. 1035, one of the plots on which the new Kawempe Hospital has been built.

The BCRM reported this stalemate to CODE in July 2016 and April 2017. CODE invited the Bank Management to organize further follow-up consultations with the government. The BCRM also followed up with the complainants and the Bank to keep the parties engaged.

The BCRM conducted further consultations and the position of the government was still firm on its position that the Kampala City Council purchased the disputed lot of land from the mother of the Requestors (now deceased).

The BCRM mission to Uganda in July 2019 attempted to resolve the issue and close the case. The government was willing to review again the family land title. The Requestor visited the BCRM in Abidjan to prepare records with the former director of the BCRM. Thereafter, the Requestor confirmed that she had submitted records to the Ministry of Health, which is now responsible for the hospital as the management is no longer with the Kampala City Council after the project's completion in December 2019.



With this breakthrough and because the key remaining issue is the verification of the land title by the government, the Acting Director of the BCRM closed the problem-solving exercise of the Request relating to the Kawempe Hospital Project and submitted the relevant IRM problem-solving report to the Boards of Directors for information. The Acting Director recommended for the BCRM to monitor the outcome of discussions between the Requestors and the Ministry of Health and report to the Boards of Directors on the progress in 2020.

The key lesson from this case is that BCRM's facilitation could have been effective had the Bank Management taken a proactive step to verify the authenticity of the disputed land title and the Borrower had acquiesced the controversial circumstances under which the land lot was confiscated.

(ii) Blaise Diagne International Airport, Senegal

The Boards of Directors approved the Blaise Diagne International Airport (AIBD) Project for a loan of EUR 70 million. The project's total cost was estimated at EUR 524.81 million, which was co-financed for EUR 150 million by l'Agence Française de Développement (the French Development Agency; AFD), Banque Ouest Africaine de Développement (BOAD), Industrial Development Corporation, Islamic Development Bank (IsDB), OPEC Fund, and Saudi Fund. The project was completed in 2017. The AIBD-SA, a state-owned company, is the project sponsor.

The BCRM registered the request relating to the AIBD Project on 14 December 2017. The request was submitted by three Senegalese nationals who objected to the compensation paid to them by the government since it was not commensurable with what they should have received under the national laws and the AfDB Involuntary Resettlement Policy (2003) applicable to the project. Moreover, they made the point that the government did not fulfill its commitment of providing them with land lots in the new resettlement site and claimed that they could not find a solution through the project's grievance redress committee (GRC) or the national court that dismissed their case for lack of jurisdiction.

The compensation to PAPs was made over two phases. Some of the PAPs were compensated in 2007 in line with the national laws while others in line with the AfDB policy, and the government prepared a revised Full Resettlement Action Plan (FRAP). The FRAP mentioned that 343 households (an estimated 2,661 people) in two villages were affected by different types of losses, including the loss of residential structures, crops, agricultural lands, and sacred sites. The PAPs of one village Karmoussa were relocated to the new resettlement site, while those in Diass only received compensation in cash.

The BCRM fact-finding mission in October 2017



was followed by a mediation meeting in April 2018 in Dakar, Senegal. The meeting helped parties (complainants, the representatives of AIBD-SA, and the Bank) to agree for the BCRM to engage a local consultant in order to prepare an independent report on the compensation process and the eligibility of the Requestors' claims for compensation in line with AfDB's policies. The local consultant report's key findings showed that the requestors have been inequitably treated. The report is to be discussed by the parties to find an agreement. Then, The Acting Director of the BCRM will close the Request and submit the relevant IRM problem-solving report for information to the Boards. The IRM will monitor the AIBD Project's fulfillment of the proposed solution in 2020.

The key lesson from this case is that the Management should find ways to monitor the FRAP and to work closely with the Borrower to ensure its adherence to the loan agreement and safeguards standards of the project.

1.1.3. Ongoing Requests

(i) Mombasa-Mariakani Highway Project, Kenya

The Project was approved by the Board of Directors of the African Development Bank (ADB) in March 2015. The Bank loan of UA 80 million represents 42.2% of the project's total cost of UA 189.42 million. The project is also co-financed by the German Development Bank (KfW; 22.2%), the European Investment Bank (EIB; 22.2%), the EU-Africa Infrastructure Trust Fund (8.9%), and the Government of Kenya (4.5%). The project will be implemented over a period of 5 years (2015-2020) by the Kenya National Highways Authority (KeNHA), the project promotor. The Bank classified the project as a high-risk, Category 1 project due to its potential negative environmental and social impacts. The project will relocate 488 households (an estimated 1,352 people), demolish 394 structures, 39 fences, 97 trees, and 3 prayer facilities. In line with Bank's requirements, the project prepared a FRAP, which was distributed to the Board of Directors on 10 November 2014 and posted on the AfDB website on 7 November 2014. The loan agreement included a clause on the payment of compensation prior to the start of civil works. KeNHA allocated Ksh. 677.7 million for the implementation of the FRAP.

The BCRM registered the Request in December 2018. The Request was submitted by three different representatives of PAPs from different sections of the road project. The complainants alleged that the project violated the AfDB Involuntary Resettlement Policy (2003) because of the forcible demolition of their properties without compensation and the project's failure to disclose compensation amounts to the PAPs.

The Management submitted its response in February 2019, followed by another revised one in April 2019, confirming that it would use already open channels to resolve the complaint. The Management provided the BCRM with additional information confirming that KeNHA has no resources to settle down the outstanding compensation issues, since it is reliant on the Treasury national budget to obtain such resources.

The BCRM conducted field missions before and after the registration of the Request with full coordination with the complaint offices of other lenders—EIB and KfW—since they had received similar complaints. The project promoter, KeNHA, signed with the lenders a Corrective Action Plan (CAP) to accelerate the compensation of the PAPs whose properties were demolished in May 2015. Nevertheless, KeNHA continued to face shortages of funds to complete payments of compensation while it undertook fulfilling this commitment as per the loan agreement.

The Acting Director of the BCRM informed the Boards in December 2019 that the BCRM will first handle this case through a problem-solving exercise. This will allow the Bank Management and KeNHA to coordinate an immediate response to shortages of funds and the National Land Commission to close outstanding compensation cases. If at the closure of the problem-solving exercise, the Acting Director of the BCRM determines that a compliance review of the project is warranted, he will recommend in the problem-solving report that the project be

subjected to a compliance review following the authorisation by the Boards of Directors.

(ii) Abidjan Urban Transport Project, Cote d'Ivoire

The Board of Directors of the AfDB approved the Abidjan Urban Transport Project (AUTP) in two phases for a total loan of EUR 566.99 million. The Bank approved the first loan of EUR 237.52 million in December 2016, mainly, to finance the construction of the Fourth Bridge linking Yopougon to Plateau, related awareness activities, the compensation of PAPs, the preparation of the Environmental and Social Impact Assessment (ESIA), and project management and institution-building activities. The second loan of EUR 329.47 million was approved by the Bank on 16 October 2018 to finance the interchanges and extension of roads, the rehabilitation of traffic lights, women empowerment programs, institutional capacity, and project management. The AfDB loan would finance 74% of the total cost of the project; and the balance would be co-financed by the Japanese International Cooperation Agency (JICA; 8%) and the Global Environment Facility (GEF; 1%), in addition to the government's counterpart contributions (17%). The Ministry of Economic Infrastructure is the promoter of this project.

The project has been classified as a high-risk, Category 1 project because of its potential negative impacts on the environment and people during the construction phase. These impacts include air, water, and soil contamination; noise pollution; flood risks; and risks for loss of wildlife and protected areas. Regarding the scale of resettlement, the project will affect 75,445 people, of whom 65,758 will be relocated by the construction of the Fourth Bridge. The project prepared an ESIA, Environmental and Social Management Plans (ESMPs), and a FRAP to mitigate these negative biophysical and socio-economic impacts of the AUTP. The project budget for the implementation of the FRAP is CFA 30,635,461 million.

The Director of the BCRM received the Request relating to this project from a mixed group of non-governmental organizations (NGOs), PAPs who are residents of a neighborhood called Boribana, and the Chief and the traditional authority of Adjamé Village. Adjamé is one of the main neighborhoods now absorbed in the city of Abidjan. The Director registered the Request on 28 December 2018.

The BCRM expected to receive the Management Response to this Request on 5 February 2019 as specified in the Notice of Registration but this was delayed by more than nine months. The Director of the BCRM brought undue delay by Management in submitting its Response to the attention of CODE and the Director of Safeguards and Compliance Department on 8 July 2019. In



the meantime, the BCRM held two consultation meetings with the Requestors, Management, and the Project Implementation Unit (PIU). However, the former Director of the BCRM decided to withhold these meetings until the statutory formal Management Response was received from Management. It is only on 17 November 2019 that the BCRM received the Management Response from the Bank Management.

1.1.4. New Requests

(i) Dakar Regional Express Train– Phase I: Dakar-Diamniadio Segment, Senegal

The Board of Directors of the ADB approved the Dakar Regional Express Train (TER) Project Phase I in June 2017. The total cost of the project is estimated at EUR 866.89 million and the AfDB's contribution is EUR 182.94 million. The other co-financiers of Phase I are the IsDB, the AFD, the French Treasury, and the Government of Senegal. The IsDB signed the loan on 23 March 2017, and the AFD and the Treasury on 25 April 2017. The Project should be implemented in two phases: Phase I will construct the Dakar-Diamniadio route (36 km), and Phase II will build the Diamniadio-AIBD route (19 km). The duration of Phase I is for five years; it became effective in October 2017 and should be completed by November 2019. The TER Project will facilitate transportation for 113,000 passengers per day and will form the public transport backbone of the Dakar metropolitan area. It will also offer social benefits to women and the youth, such as local economic activities (handicrafts, fishing, etc.) and training to facilitate their integration in the transport sector.

The Project is classified by the Bank as Category 1, high-risk operation, in accordance with the national laws and the AfDB's Integrated Safeguards System (ISS), and due to its potential negative impacts on the environment and people. The objective of the AfDB's Environmental and Social Management Framework (ESMF), derived from the Strategic Environmental and Social Assessment (SESA), is to mitigate, offset, or eliminate the project's negative impacts. The project's contractors, consultancy services, and supervision teams should follow the ESMF. Accordingly, its requirements have been incorporated into the bidding contracts and will guide the development of the project's work site ESIA and its auxiliary actions plans, including the ESMP and the RAPs.

The project's loan conditions are as follows: (i) the Borrower to open a special account for the payment of compensation and to annually maintain this account to cover such costs; and (ii) the National Agency for Promotion of Investment and Major Works (APIX), the project promoter, should submit to the Bank the



work site ESIA, ESMP, and quarterly reports on the implementation of the ESMP and the Resettlement Action Plan (RAP).

The estimated total number of PAPs is 11,703. Accordingly, a FRAP for the regions to be covered by the project (Dakar, Pikine, and Rufisque) was prepared in July 2016.
The BCRM registered the complaint on 22 August 2019. The complaint was submitted by two national NGOs, signed by Mr. Aly Sagne on behalf of the Lumière Synergie pour le Développement (LSD), and Mr. Ibrahima Cissé on behalf of Collectif National Des Impacts' du TER (National Collectif), both representing the PAPs.

The Complainants alleged that the TER Project has affected more than 14,465 individuals because of the demolition of their properties to clear the right-of-way of the train route (about 36 km). Moreover, they claimed that, since the start of this project, the National Collectif has used all the means at its disposal to bring to the attention of APIX, the project promoter, the project's inadequate public consultations and negative impacts on the PAPs due to its intended involuntary resettlement of these people. The complainants are of the view that the TER Project violates the environmental and social safeguards policies of the donors of the project, including those of the AfDB.

The complainants requested the recourse mechanisms of the lenders, namely the Independent Review Mechanism (IRM) of the AfDB and the Complaint Mechanism of the AFD, to investigate the aforementioned prejudices together with the project's RAP, which should be implemented by APIX.

The complainants blamed the RAP compensation criteria, that is, the payment of cash compensation without additional support, especially to the vulnerable people, for the unfair treatment of the PAPs. They described the inadequate compensation of the PAPs in the areas that should be covered by the project as follows:

a) Dakar: The complainants alleged that the PAPs in this region were treated inequitably. While some had received a symbolic cash compensation, others had not. In addition, there are those that have been covered by the census survey but not yet included in the list of the eligible PAPs. Moreover, the complainants claimed that 26 owners of small businesses in Colobane have suffered significant social and economic losses because of their eviction for the construction of the central station of the TER for the Dakar-AIBD line.

b) Pikine: The complainants mentioned that the PAPs in the suburbs of Dakar were not fairly treated. The construction of the project negatively impacted the owners of many businesses located in the demolished Thiaroye Market. To this date, the project's GRC—the reconciliation commission—has not addressed their cases.

c) Rufisque: The complainants stated that 66 PAPs who are holders of formal title deeds were only compensated for the loss of their structures/buildings because the local authorities had disputed their land titles.

In accordance with the IRM Rules, the Management should submit its Response to this Request to the BCRM within 21 business days of the receipt of this Notice of Registration, i.e., by no later than 17 September 2019.

In the meantime, the Acting Director also led the BCRM to undertake a scoping mission to Senegal from 18 to 23 August 2019. The objective of this mission was to visit the project site and meet with the Requestors, the Bank staff responsible for the project in the AfDB Country Office in Senegal (COSN), and the project promoter, APIX. The mission was accompanied by a technical expert representing the Complaint Mechanism of the AFD, having received a similar complaint from the Requestors as a co-financier of the project.

The key findings of the BCRM mission can be summarized as follows:

i) By August 2019, the project has disbursed

36% of its total cost estimated at EUR 866.89 million. It is worth mentioning that the project is co-financed by the AfDB (EUR 182.94 million), the IsDB, the AFD, the French Treasury, and the Government of Senegal. The Board of Directors approved the project in June 2017 for completion in 2021.

ii) AFD has suspended its disbursement several times to persuade APIX to comply with the projects' environmental and social standards.

iii) Due to financial constraints, APIX has stopped the civil works that should be financed by the Government of Senegal.

iv) Since the project's RAP is not compliant, AFD has commissioned SLR consultancy firm to monitor its implementation on a biannual basis.

v) The Requestors and the PAPs considered APIX's process of preparation and implementation of the RAP as not participative or consensual.

vi) APIX disagreed. It mentioned the numerous meetings and sensitization activities held with and for the PAPs. It recruited a firm to carry out public consultations; it has also opened public information offices in the three districts (Darkar, Pikine and Rufisque) so as to better serve and handle the requests of the PAPs. Finally, 13,410 of the 15,452 people affected by the project were already paid compensation.

vii) The BCRM mission's site visit to these districts along with the extensive consultations with the Requestors and the PAPs revealed an obvious dissatisfaction and frustration on part of the PAPs, including but not limited to, business owners, head of school for children with special needs, owners of agricultural lands, and so on. The main issues are: inadequate amounts of compensation, extensive delays in payment of compensation with pending land ownership, and delays in the completion of construction of new market and resettlement site.

viii) The meeting with APIX and the Requestors was not forthcoming as the former was unwilling to commit to a mediation process without being convinced.

As of 31 December 2019, the Bank Management has not yet submitted the Management Response to the Request to the BCRM.

1.2. COMPLIANCE REVIEW CASES

1.2.1. Completed and Approved Compliance Reviews

The IRM completed the compliance review of two Requests relating to Bank-financed projects in Guinea and Senegal, monitored the implementation of the Management Action Plans on previous Requests concerning one energy project in South Africa and an agri-business in Mali, and closed one case in Uganda.

(i) Multinational Road Development and Transport Facilitation Program within the Mano River Union–Guinea Section, Guinea

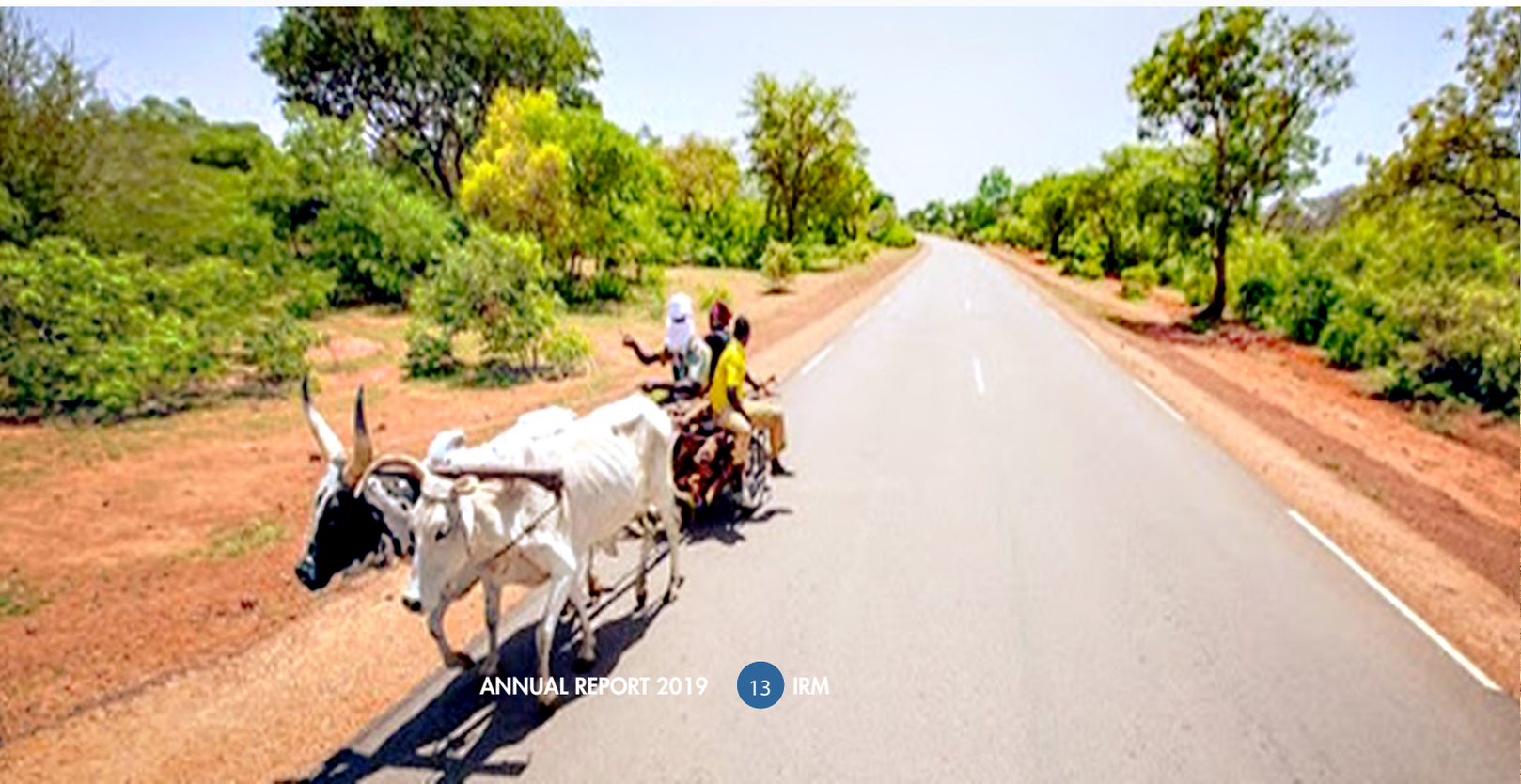
The Project was approved by the Boards of Directors on 18 December 2014. The Bank loan to Guinea of USD 11.774 million was to finance the upgrading to bitumen standard, a road section of 39.75 km from Lola City to the border of Côte d'Ivoire at the Gouéla Post. The Project was approved by the AfDB at a time when the Ebola epidemic was rampant in Guinea, particularly in Lola, which is the main city of the project area. The epidemic had been confirmed in October of the same year and, as a result, travelling in and out of the region was restricted. The project was expected to start in October 2016 and to be completed over a period of 20 months. The loan became effective in June 2015, with a closing date of June 2019. However, due to the Ebola outbreak, the implementation of the Guinea Road Section started in 2016 when the restriction was lifted (in May 2016) and the AfDB gave its no-objection to the international tendering, signing, and the road works. The road construction started on 25 October 2017 by the contractor, China Henan International Cooperation Group

Co., Ltd (CHICO). This program involving three countries (Côte d'Ivoire, Guinea, and Liberia) is classified as Category 1 for which an ESIA was prepared. The draft ESIA Summary Report and FRAP were issued in August 2014. These documents were distributed to the Board of Directors on 2 September 2014.

The BCRM received the Request relating to the Guinea Road Section of the project from two Guinean nationals from Agroforestry Resources Unlimited (ARU), an NGO registered in Guinea, on 15 September 2016. The BCRM registered it for a compliance review on 23 November 2016.

The Requestors claimed that the project would cause irreparable harm to people and the environment because of its adverse impacts on the ecosystem, which is a source of livelihood for the people. In addition, they claimed that the project violated both national and international laws because the roadworks would be carried out within the boundary of the Mount Nimba Strict Nature Reserve, and a core area of the Nimba Mountains Biosphere Reserve, which are protected by both Guinean law and the International Convention for the Protection of the World Cultural and Natural Heritage, ratified by Guinea. The project's ESIA did not consider the statutory protection of Mount Nimba, lacked baseline characterization, and did not fully assess all the negative impacts of the project. As a result, both the ESIA and its mitigation measures are considered inadequate. Moreover, the complainants are of the opinion that the project did not carry out the required public consultations and it violated the AfDB's ISS of December 2013—namely, the Operational Safeguards 1 and 3 on 'Environmental and Social Assessment' and 'Biodiversity, Renewable Resources and Ecosystem Services'; and the AfDB's protection of international social and economic rights.

Following the Boards' approval of the proposal for a compliance review of the project on 10 January 2018, the IRM conducted an investigation mission in Guinea from 17 to 23 June 2018. The IRM mission visited the project site in Lola and met with the relevant government officials, the Requestors, and the PAPs. In line with the IRM Rules, the Compliance Review Panel comprising the IRM Experts submitted the draft Compliance Review Report to Bank Management in December 2018 for factual comments. The draft report provided evidence that the project was not in compliance with the AfDB Involuntary Resettlement Policy (2003), the Environmental and Social Impact Assessment Procedures for AfDB Public Sector Operations (2001), and the AfDB Policy on the Environment (2004). However, the Bank Management has taken significant steps to address the shortcomings of the ESIA, which was not completed because of the Ebola outbreak in Guinea.



The IRM received the Bank Management's comments on the factual issues contained in the draft IRM Compliance Review Report on 11 January 2019. The IRM Review Panel considered the Management's factual comments and finalized the Compliance Review Report, which was submitted to the Boards of Directors on 1 April 2019. A copy of the same report was sent to the Bank Management so that it could prepare its Response to the findings and form an Action Plan in line with the recommendations in the IRM Compliance Review Report; and submit the document to the Boards for consideration together with the IRM Compliance Report in one session. The Bank Management submitted its Response and Action Plan to the Boards on 12 April 2019.

In the Compliance Review Report, the Review Panel determined that there was still a high potential of serious social harm if compensation to the remaining 906 PAPs was not provided soon. The physical work of the project was becoming very visible to the PAPs with the completion of the earth work for 50% of the road. Furthermore, in many of their consultations with the PAPs, the Ministry of Public Works as well as the local authorities had raised the expectations of PAPs and made promises in public that compensation arrangements are in process. If such assurances are not transformed into real financial disbursements, the Bank risks its reputation for not only causing non-compliance with its own AfDB Involuntary Resettlement Policy (2003), but also for contributing to the loss of income and quality of life of the poor segment of the Guinean rural society.

The IRM Report and the Action Plan were discussed by the Boards on 17 April 2019. The Boards approved the findings and recommendations in the IRM Compliance Review Report, the Management Response, and the Management Action Plan. The Boards also authorized the IRM to conduct an annual monitoring of implementation of the approved Management Action Plan, which, when fully implemented, is meant to ensure the Guinean Road Project complies with the applicable AfDB policies and procedures. The First Monitoring Mission will be conducted by the IRM in the year 2020.

(ii) The Construction of a 125 MW Coal-Fired Power Plant in Sendou, Senegal

The Board of Directors of the ADB approved the Sendou Coal-Fired Power Plant Project on 25 November 2009. The total cost of the project is EUR 164.61 million, out of which the Bank loan is EUR 55 million, in addition to another supplementary loan of EUR 5 million that was approved by the Bank in 2015. The project is co-financed by BOAD and the Netherlands Development Bank (Nederlandse Financierings-Maatschappij voor Ontwikkelingslanden N.V.;



FMO). The Sendou Coal-Fired Power Plant was classified as a Category 1, high-risk project due to its potential negative impacts on the environment and the people.

The BCRM received two separate Requests relating to this project. The first one was filed by two national NGOs, Takkom Jerry and LSD, representing a group of PAPs (i.e. First Requestors). The second one was filed by two Senegalese nationals, Mr. Cheikh Fadel Wade and Mr. Daouda Gueye (i.e. Second Requestors), also representing another group of PAPs. The Requests, received in May and July 2016 respectively, complained about the Sendou Plant's adverse impacts on the villages of Bargny and Minam because of its violations of both national laws and AfDB's environmental and social policies. The First Requestors asked the BCRM to handle their complaint through both a problem-solving exercise and a compliance review; while the second Requestors opted for a compliance review. Following the BCRM's preliminary assessments, including a field mission to Senegal and subsequent discussions, the two Requestors agreed that their complaints should be handled jointly as one Request. Consequently, the BCRM registered this Request on 10 August 2016 for a compliance review.
The Request raised several issues, including: the inadequacy of public consultations with PAPs; the violation of AfDB's environmental, social, and human rights standards; the violation of the national Environmental Code Act; increased vulnerability of communities to health risks from air pollution and potential disruption of livelihoods—especially of women and other seasonal and temporary workers, who carry out their traditional fishing activities in the buffer zone of the project site; and adverse impacts on a historic heritage site.

The Bank Management issued its Response to the Request on 26 September 2016. The Director of the BCRM and the IRM Experts' Report on the Eligibility of Request for a Compliance Review was approved by the Boards of Directors on 19 April 2017. Consequently, the Compliance Review Panel conducted a mission to Senegal from 28 May to 3 June 2017 to investigate the project. The IRM made several recommendations on the project's compliance status with the AfDB Involuntary Resettlement Policy (2003), Bank Group Policy on Poverty Reduction (2004), and the Gender Policy (2001). The Bank was invited to support the national process to resolve land disputes and carry out a baseline study to establish the accurate number of affected women and workers involved in fish-drying activities in the buffer zone; and to determine whether they should continue their activities in this zone or be relocated and adequately compensated. To bring the project into compliance with the AfDB Policy on the Environment (2004) and Environmental Review Procedures for Private Sector Operations of the AfDB (2000), the IRM recommended that the Bank Management should ensure that the project promotor undertakes several actions including: putting in place a contingency ash management plan and an ash storage area; implement additional mitigation measures for noise pollution; conduct a baseline survey on marine resources in the sea area adjacent to the plant prepare a technical study on the long-term impact of the coal plants on public water supply systems; establish an appropriate air quality monitoring system; and that Bank supervision missions should continue to report on project compliance with environmental and social requirements of applicable AfDB policies and procedures.

IRM also made recommendations to address systemic issues to avoid the recurrence of non-compliance by similar projects. For instance, private-sector projects must be monitored and Management should make sure that safeguards specialists assist the task managers. The Bank staff should also provide adequate support to clients during the preparation of project impact assessment studies, only circulate the ESIA Summary to the Boards of Directors after ensuring that the ESIA is satisfactory, and educate the Borrower on the requirements of the AfDB safeguards policies and procedures. Moreover, credit agreements signed for coal-fired power plants should include policy covenants on key environmental and social measures required to meet AfDB standards.

The Compliance Review Report was distributed to the Boards of Directors on 6 June 2018. The Bank Management submitted its Response and Action Plan to the Boards on 3 July 2018. The IRM Report and the Action Plan were discussed

by the Boards on 11 July 2018. However, during this session, the Boards asked the Bank Management to resubmit a more comprehensive Action Plan to effectively address the project's non-compliance issues, particularly its impacts on local communities. The Management finalized preparing a Revised Action Plan in December 2018. The IRM Compliance Review Report and the Revised Action Plan were discussed and approved by the Boards on 30 January 2019. The Boards also invited the Bank Management to submit to the Boards, for information, the Revised Action Plan with completion deadlines and to provide regular updates to the Boards on progress made in the field. The IRM will carry out annual monitoring of implementation of the Management Action Plan until it is fully implemented.

The IRM conducted the First Monitoring Mission of the Sendou Project to Senegal from 2 to 10 November 2019. The IRM Monitoring Team met with the different stakeholders interested in this project, including the Requestors and some of the PAPs they represent, relevant government officials, the project promotor—the Compagnie d'Electricité du Sénégal (Senegal Electricity Corporation; CES), and the Société Nationale d'Éléctricité du Sénégal (National Electricity Company of Senegal; SENELEC). The IRM has prepared the First IRM Monitoring Report and will submit it to the Boards for consideration in the first quarter of 2020.

1.2.2. Monitoring Implementation of Remedial Action Plans Prepared by Bank Management in Response to Recommendations of IRM Compliance Review Reports in Previous Cases

Monitoring is the final step in the IRM compliance review process, which starts with the registration of the complaint, followed by an eligibility assessment of the complaint, and a compliance review to determine instances of non-compliance with the relevant AfDB policies and procedures. In response to the recommendations of the IRM Compliance Review Report, the Management proposes and prepares an Action Plan to address any shortcomings identified by the IRM Report. Once the Boards approve both the IRM Report and Management Action Plan, the IRM monitors the implementation of this Action Plan by Management on an annual basis until it is fully achieved.

The IRM monitoring is primarily based on the assessment of Bank supervision reports on the implementation of the Action Plans and IRM field missions and information collected from the stakeholders of the project.

(i) The Diversification of the Activities of Moulin Moderne du Mali Project, Mali

The IRM has been involved in the Moulin Moderne du Mali (M3) Project since 2015.



The IRM Compliance Review Report and the Management Action Plan were approved by the Boards of Directors on 26 April 2018. The IRM was authorized by the Boards to carry out annual monitoring of the implementation of the Action Plan until the Plan is fully implemented. During the Boards' discussion, most of the Board Members expressed that the Management Action Plan of 2018 did not adequately cover all the issues raised by the IRM Compliance Review Report and that the timelines provided were unclear. To this end, they felt that a robust and clear action plan, together with a precise timetable, was necessary. The Bank Management updated the Action Plan in November 2018.

The Boards of Directors approved the Diversification of the Activities of the M3 Project on 23 June 2014 for a loan of EUR 16.8 million. The project sponsor Borrower was M3, a subsidiary of Keita Corporate Group. The project components included the installation of units to produce couscous and pasta, silos for the storage of raw materials (hard wheat, soft wheat, maize, millet, and sorghum), as well as three mills to produce meal and flour to be used to supply production lines. The M3 Project was classified as a Category 2, medium-risk project.

The Afrique-Europe-Interact (AEI), an international NGO with local representation in Mali, submitted the Request relating to the M3 Project to the BCRM in March 2015, with further communications in September 2015. Upon confirming that no relevant legal case was pending in national courts in Mali and that AEI had proper representational authority, the Director of the BCRM registered the Request for a compliance review on 12 May 2016.

The Requestors and the PAPs raised three important issues. Firstly, they accused the project of grabbing the PAPs' lands in two villages and subjecting the PAPs to serious violations of their rights and threats to their physical security. Secondly, they claimed that no compensation had been paid to the majority of the PAPs, while very few received only symbolic compensation amounts for their lands. Thirdly, the M3 Project did not meet the conditions upon which the project loan was approved. The complainants accused the M3 Project of misleading the Bank and presenting fraudulent information on the court case, including that the PAPs were paid compensation. They claimed the project only compensated eight families who, in fact, received "merely symbolic compensation." The Requestors also enclosed a list of PAPs and asked the BCRM to compare it with the list that was submitted to the Bank by the owner of the M3 for the approval of the project loan.

The Eligibility Assessment Report recommended a compliance review of the M3 Project and was approved by the Boards of Directors on 23 November 2016. Consequently, the Compliance Review Panel carried out a mission to Mali from 12 to 17 March 2017 to investigate the project. The Bank Management commented on the draft Compliance Review Report in October 2017. The IRM submitted the final Compliance Review Report to the Boards of Directors on 2 February 2018. The Bank Management issued its Response, the findings, and the Action Plan in line with the recommendations of the Compliance Review Report to the Boards in March 2018. The IRM Report and the Action Plan were approved by the Boards on 26 April 2018. The IRM was also authorized by the Boards to carry out annual monitoring of the implementation of the approved Action Plan until it is fully implemented.

In the Compliance Review Report, the IRM recommended that the Bank reassess the process of compensating the farmers, and that Management should be both technically and financially engaged in this process. In addition, the Bank should ensure that the sponsor carries out an independent environmental audit and the Bank staff should closely monitor project environmental and systemic issues to avoid recurrence of non-compliance by similar projects. On systemic issues, the IRM recommended that the Bank should develop operational guidelines of the Bank Group Policy on Poverty Reduction (2004) to help staff apply and report on the relevant outcomes, adopt additional training for staff on social risk management policies and instruments, and prepare a set of guiding notes for additional assistance to staff in this area. Furthermore, when developing projects that involve sensitive land acquisition or lease, involuntary resettlement, and long-standing land disputes, the Bank Management should pay

attention to the accuracy of information presented to the Boards; and any assurances made to the Boards should be followed up appropriately and with adequate due diligence.

The IRM conducted the First Monitoring Mission to Mali from 24 February to 2 March 2019. The mission met and exchanged views with the Requestors and some of the PAPs they represent, the Managing Director of M3 as the project promoter, a representative of the Office du Niger, and relevant government officials and stakeholders. The IRM Monitoring Mission also visited the agricultural land leased to M3 by the Office du Niger. The mission met with the Bank staff responsible for the Project in the AfDB Country Office in Mali. The IRM Monitoring Team prepared the draft First IRM Monitoring Report of the M3 Project and shared it with the Bank Management on 29 May 2019 for the Management to provide comments on the facts as contained in the Report. The Management submitted their factual comments to the BCRM on 6 June 2019. The IRM finalized the Report, taking into consideration the factual comments received from the Bank Management, and submitted the Report to the Boards on 24 June 2019. The Boards discussed and approved the findings and recommendations contained in the IRM First Monitoring Report of the M3 Project on 10 July 2019. The Board Members requested the Bank Management to update and send to the Boards, without undue delay, its Response to the findings of the IRM Report and provide a clear and time-bound Action Plan. In addition, the Boards authorized the IRM to conduct its Second Monitoring Mission to Mali in the first quarter of 2020 to assess the progress made in the implementation of the Updated Management Action Plan. Lastly, the Board requested the Management to submit to the IRM henceforth six-monthly progress reports on the implementation of the Updated Management Action Plan (the first of which was due in November 2019).

The three main findings of the IRM First Monitoring Report were that: (i) No progress was made to monitor land evaluation and compensation for the farmers the villages of Sahou and Sanamadougou; (ii) There was no evidence that sufficient technical and financial resources were provided by the Management to guarantee that the actions in the Management Action Plan can be implemented; and (iii) M3 had not carried out an environmental audit of M3 industrial facilities. The IRM will assess the progress made in addressing the above three issues in its Second Monitoring Mission to be conducted in year 2020.
The IRM Monitoring Report recommended that: (a) the Bank Management should follow up on a bimonthly basis with the Director-General of M3, the Office du Niger, and the Minister of Industrial Development on a realistic proposal to resolve the issue of land evaluation and compensation within six months from the date of approval of the Report by the Boards (10 July 2019); (b) the Bank Management would review



the environmental and social audit report within six months and provide a copy of the Report to the BCRM; and (c) the Bank Management would prepare a progress report in April 2019 in which an Updated Action Plan for the monitoring of compensation and mitigation measures is proposed and provide details to the BCRM of the financial and technical resources for implementing the Action Plan.

(ii) The Medupi Power Project, South Africa

The Medupi Power Project was approved by the Board of Directors on 25 November 2009 with a loan not exceeding the aggregate sum of EUR 930 million and ZAR 10.63 million, for the supply and installation of six boilers and turbo-generators for the project. The total cost was estimated at EUR 11.2 billion, which was co-financed by the AfDB and the World Bank.

The Medupi Power Project consists of the construction of a 4,764 MW coal-fired power plant in Lephalale, Limpopo Province, South Africa. It falls under the expansion strategy of Eskom Holdings Limited, the principal energy provider of South Africa, to meet the growing electricity demand in the country. When operational, the Medupi Power Plant will operate six units, generating about 800 MW each. The plant is designed to use coal from a nearby coal mine, and to deploy supercritical boiler technology and a closed cooling system. The plant is not yet equipped with Flue-Gas Desulphurization (FGD) equipment, but assurances have been given that FGD equipment will be retrofitted no later than six years after each unit becomes operational.

The compliance review was initiated as a result of a complaint received by the BCRM about this project from two nationals of South Africa on 7 October 2010. The Requestors asked that their identities be kept confidential throughout the process. The main issues raised by the Requestors included the failure of the project to comply with AfDB's environmental and social policies, the negative impact of AfDB's loan as it would encourage South Africa to exceed its carbon reduction commitments, the burden of hidden costs for public health risks due to emissions—which will be borne by the communities living near the Medupi Plant, and inadequate public consultations.

The IRM monitoring of the Medupi Project was triggered by the Board of Directors when they approved the IRM Compliance Review Report relating to this project on 19 September 2012 and the Management Action plan on 13 February 2013.

Three previous monitoring activities were successfully completed. The conclusions of the First and Second Monitoring Missions were approved by the Boards of Directors on 26 November 2015 and on 6 September 2017,



respectively. The Third IRM Monitoring Report was submitted to the Boards on 7 February 2019 and its findings and recommendations were discussed and approved by the Boards on 20 February 2019. The Third IRM Monitoring Mission of the Medupi Power Project focused on the following three issues: (i) Retrofitting the generating units with FGD as scheduled, so as to minimize emissions from the Medupi plant, thereby reducing the risk to public health; (ii) Ensuring compliance with the Policy for Integrated Water Resources Management (2000) through the implementation of Phase 2A of the Mokolo-Crocodile Water Augmentation Project (MCWAP-2A) to provide water to units 4, 5, and 6 of the Medupi Power Plant; and (iii) Conducting an independent assessment on the impacts of sand mining on the Mokolo River and the rehabilitation of the affected areas of the river.

For this year's activities, the Fourth Monitoring Mission of the Medupi Project was carried out from 23 November to 1 December 2019. It focused on four main issues: (i) The Project's non-compliance with air quality minimum emission standards and spikes in emissions; (ii) The progress made in securing finances for installation of the FGD units as planned; (iii) Securing sufficient water to operate the last three FGD units through timely implementation of the MCWAP-2A, which would bring water to the Lephalale area both for the operation of three of the FGD units and for the population living in this area; and (iv) Progress made in rehabilitation of areas damaged by sand mining in the Mokolo River. The sand used to build the Medupi Power Project and other infrastructures in the area was obtained from this river.

The preparation of the Fourth IRM Monitoring Report is ongoing and will be submitted to the Boards for consideration in the first quarter of 2020.

1.2.3. Closed Case following Monitoring of Implementation of Remedial Action Plans Prepared by Bank Management in Response to Recommendations of IRM Compliance Review Reports in Previous Cases

(i) The Bujagali Hydropower and the Bujagali Interconnection Projects, Uganda

The Boards of Directors approved the Bujagali Hydropower Project on 2 May 2007, which was developed by a private company, Bujagali Energy Limited (BEL). BEL constructed a 250 MW run-of-the-river power plant on a Build-Own-Operate-Transfer basis. It built the dam at the Bujagali Falls on the Nile River near Jinja (about 8 km downstream from the existing Nalubaale and Kiira Hydroelectric Power Stations).



The Bujagali Interconnection Project is a public-sector project associated with the Bujagali Hydropower Project, and the Board of Directors of the African Development Fund (ADF) approved it on 28 June 2007. The Project provides the transmission infrastructure to connect the new Bujagali Hydropower Station to the national electricity grid. The cost of the Hydropower Project was estimated at USD 750 million, with the ADB providing a loan of USD 110 million. The total cost of the Interconnection Project was estimated at USD 74.7 million, with the ADF loan of USD 28.6 million.

The BCRM received the complaint relating to these projects from the National Association of Professional Environmentalists (NAPE), a Ugandan NGO, and registered it on 16 May 2007 for a compliance review. The complainants stated that the ESIA, the assessment of the impacts on Lake Victoria's hydrology, the consultation with the affected communities, the compensation process, and the dam safety measures were all inadequate. They also raised the issue of the project's interference with cultural heritage sites. Between 2009 and 2012, the Bank Management implemented a Remedial Action Plan approved by the Boards in May 2009 to address the non-compliance issues identified in the IRM Compliance Review Report (such as compensation and resettlement, cultural heritage, and the environment).

The IRM undertook four field missions to Uganda (2009, 2010, 2011, and 2012) as part of its annual monitoring of implementation of the Management Action Plan and submitted the respective Monitoring Reports to the Boards of Directors and the President. The Fourth IRM Monitoring Report, issued on 9 October 2012, recommended the Bank to ensure that the outcomes of the remaining compliance issues, especially resettlement and compensation outcomes, are included in the Project Completion Reports (PCRs). The Report concluded that, if after assessing the PCRs, the IRM finds that such outcomes have been satisfactorily addressed, the IRM will undertake no further monitoring of these projects.

In the meantime, the IRM followed up with other Independent Accountability Mechanisms (IAMs) since they had received additional similar complaints relating to the Bujagali Projects, especially, those mechanisms that were taking relevant actions for the case handled by the IRM. The Inspection Panel of the World Bank was working on the issue of flooding of the Kalagala Falls, the Compliance Advisor Ombudsman (CAO) of the International Finance Corporation (IFC) was mediating with workers and PAPs for compensation issues, and the Complaints Office of the EIB was examining the compensation issues along the transmission lines.

The Bank provided the BCRM with the PCR (Extended Supervision Report) of the Bujagali Hydropower Dam in March 2016 and a Draft PCR for the Bujagali Interconnection Project in May 2016. The Bank Management submitted the final PCR to the Boards of Directors for information in January 2018. In view of the comments and input provided by the IRM, the Bank Management updated the PCR in September 2018. The IRM noted the satisfactory implementation of the mitigation measures, and particularly the reporting on the outcomes of resettlement and compensation in both projects. The IRM prepared the Closure Report of the Request and the monitoring of the Bujagali Projects and submitted it to the Boards in December 2018.

The IRM Closure Report listed some of the lessons to be learned by the Bank Management in financing similar energy projects in the future. These lessons include the following:

a) The protection of cultural heritage and sites of sentimental and spiritual value to the local community by largescale operations such as the Bujagali Projects is complex and can only be mitigated if project sponsors, governments, and the donors find a platform and remain engaged in consultations and reconciliation processes with affected traditional leaders and communities.

b) The protection of environmental offsets, such as the Kalagala Offset Area, should be supported by strict regulations to prevent the area from further intrusion by human settlements or businesses. Adequate budget should be provided and there should be a

clear division of roles and responsibilities among agencies responsible for protecting such areas to effectively enforce regulations or any applicable national protection plan.

c) The compensation and resettlement of PAPs can become difficult to settle because of outstanding legacy issues and the submission of different complaints relating to large-scale operations like the Bujagali Projects to several IAMs. Impediments include also the limited capacity and resource constraints on the part of the Borrower to manage multiple requirements of donors' policies and national laws on compensation.

The IRM recommended to the Boards of Directors "to invite the Bank Management to continue advising UETCL [Uganda Electricity Transmission Company Ltd] and to monitor the conclusion of the compensation process, primarily the transfer of land titles to the PAPs that have been relocated to the resettlement sites, and to complete the payments of compensation to the PAPs whose court cases (17) are still pending. Moreover, the Bank Management should provide adequate support to both UETCL and BEL to measure the sustainability outcomes of the projects and to benefit from the lessons learned as indicated by the PCRs of the Bujagali Projects."

The Boards' CODE discussed the IRM Closure Report on 16 January 2019. The CODE directed the BCRM and the Bank Management to submit the IRM Closure Report and the Revised PCR of the Bujagali Interconnection Project respectively to the Boards for consideration on a lapse-of-time basis. The Bank Management submitted the Revised PCR of the Bujagali Interconnection Project to the Boards on 26 February 2019 for information. The IRM Closure Report was submitted to the Boards on 27 February 2019 for approval on a lapse-of-time basis.

On 12 March 2019, the Boards of Directors of the AfDB approved the recommendation of the IRM to close the Request and the monitoring of the Bujagali Projects, with the IRM Closure Report of February 2019 being the final Monitoring Report of the two Bujagali Projects. In effect, the Request relating to the Bujagali Projects was formally closed and the IRM informed the Principal Requestor accordingly.



1.3. SURVEY OF IRM REGISTER OF REQUESTS (2004 – 2019)

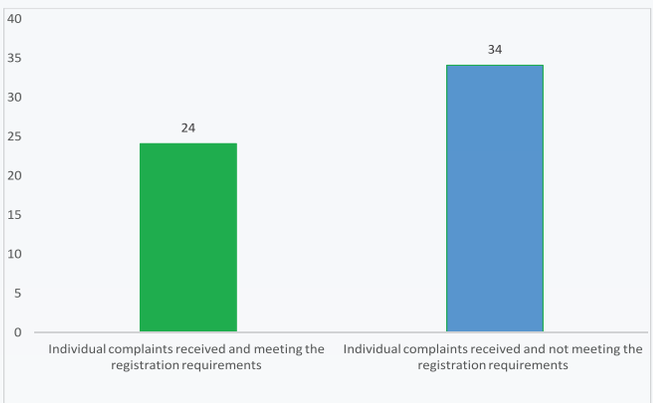


Figure 1 : Features of the complaints received

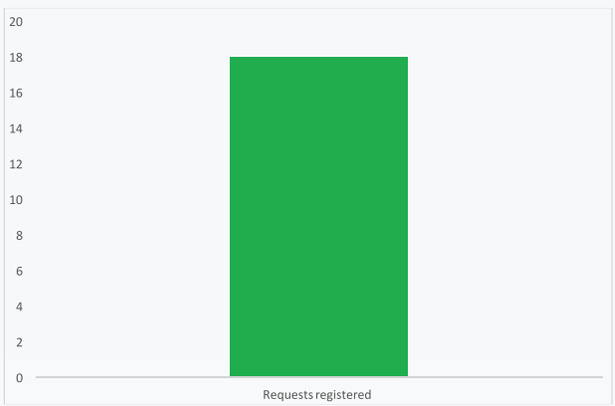


Figure 2 : Number of Requests registered

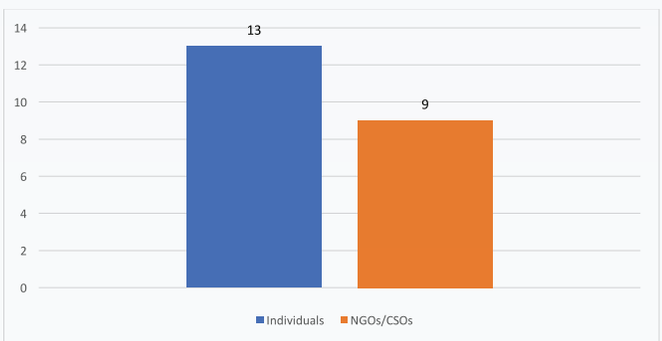


Figure 3 : Categories of Complainants

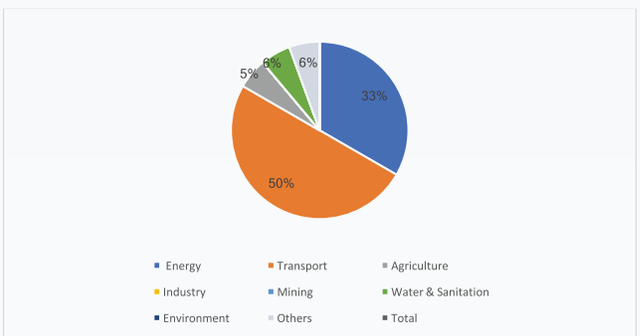


Figure 4 : Complainants by Project Sector (%)

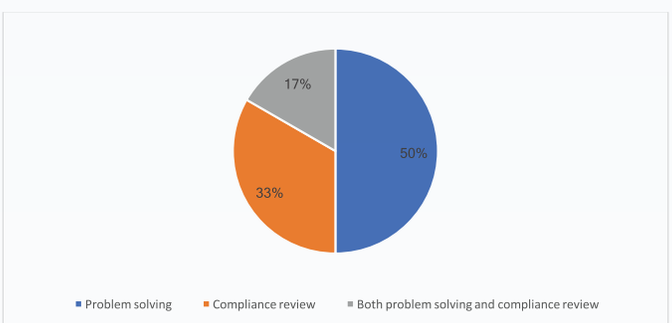


Figure 5 : Requests by Handling Method

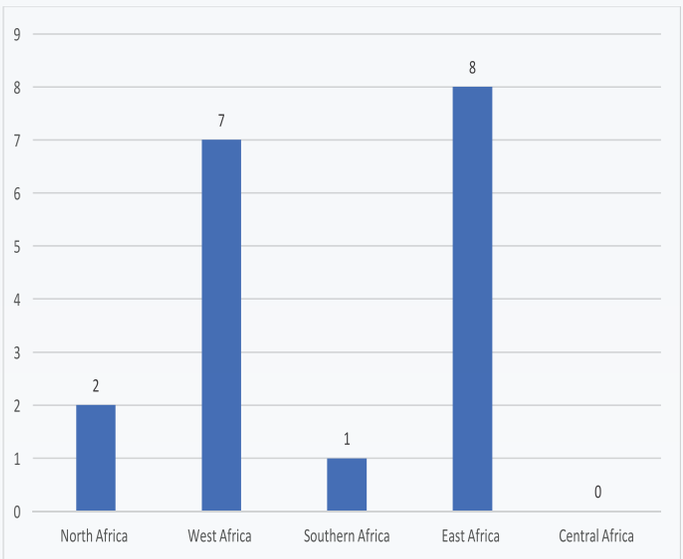


Figure 6 : Regional distribution of the cases

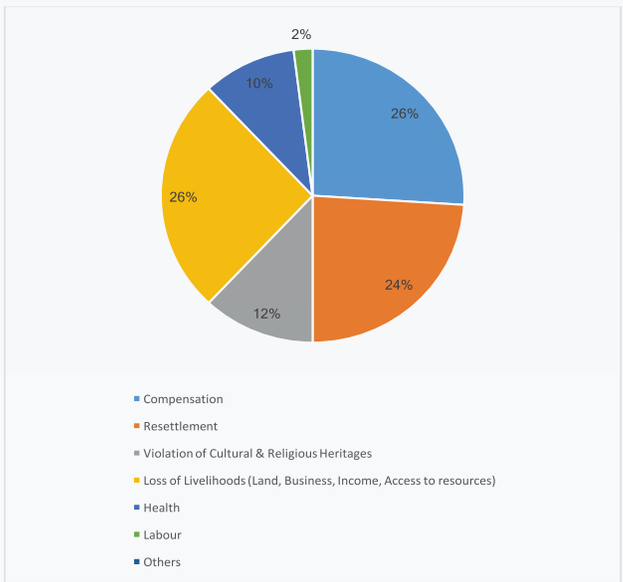


Figure 7: Issues raised by the Complainants



2. Advisory Services and Spot-Check Advisory Review of Project Compliance

2.1. INTRODUCTION

The objective of the IRM advisory function is to enhance institutional learning and promote a culture of compliance in the Bank. The advisory function depends on the nature of the Request, but typically includes the following:

i) Bringing about systemic improvements in the implementation of environmental and social policies, procedures, strategies, and/or guidelines of the AfDB by addressing deficiencies in the systems, policies, procedures, strategies, and guidelines.

ii) Improving the social and environmental impacts of projects funded by the AfDB by advising the Bank Management on emerging, strategic, or systemic issues or processes based on lessons learned and trends identified by the BCRM.

iii) Helping the AfDB to advise Borrowers on their environmental and/or social obligations contained in the Bank Group's policies and procedures related to the implementation of AfDB-financed projects and to safeguard development impacts.

iv) Providing information and recommendations on emerging trends arising from the experiences of the IRM.

The Advisory function is divided into two types of services: first, services provided by the Director of the BCRM in the form of independent opinions or advisory notes; and second, spot-check advisory reviews of project compliance, which are carried out by the IRM Experts.

These services are triggered when requested by the President and/or the Boards when they are of the opinion that the project and program financed by the AfDB can benefit from such services, especially from the accumulated experiences of the IRM.

The BCRM has developed the Spot-Check Advisory Review of Project Compliance and Advisory Services Guidelines, which outline operational procedures for the IRM advisory function. These Guidelines include the scope of the advisory services, the modalities for conducting a spot-check review, the criteria for the selection of projects for such a review, and the requirement for Board approval.

2.2. ADVISORY NOTES

In line with the IRM Work Program 2019, subsequent advisory notes and lessons learned from the work of the IRM were prepared and shared with the Management in July 2019:

- An Advisory Note on Involuntary Resettlement in IRM Compliance Reviews (2019)
- An Advisory Note on Mitigation of Environmental and Social Impacts and Risks Associated with AfDB-Funded Projects (2019)
- An Advisory Note on Complaints Handled through Problem-Solving (2019)
- An Advisory Note on Infrastructure (2015)
- A Summary of Lessons Learned from the Handling of Complaints and Recommendations (2019)
- Ten Lessons Learned from Compliance Review Cases Conducted by Different Independent Accountability Mechanisms of Multilateral Development Banks (2018)
- Lessons Learned from Problem-Solving Exercises Complaint Relating to the Tanzania Road Sector Support Project (RSSP) II Monitoring of the Implementation of the Mediation Action Plan (MAP) (2013)

2.3. SPOT-CHECK ADVISORY REVIEW OF PROJECT COMPLIANCE

The spot-check advisory review activities in 2019 included the presentation of the IRM Spot-Check Advisory Review Report of the South Tunisian Gas Pipeline (STGP) Project to the Boards of Directors. This is a private-sector project that was approved by the Boards of Directors to undergo a spot-check review on 07 June 2017. Moreover in 2019, the IRM finalized and presented to the Boards two spot-check review reports. One report relates to a water and sanitation project, and the other one is for a transport project in Cameroon, which were approved by the Board to undergo such a review on 9 May 2018. On 6 March 2019, the Boards approved the two projects in Kenya (one forestry project and a water and sanitation project) to undergo a spot-check review in 2019. However, the IRM did not conduct the spot-check missions due to the resignation of one of the IRM Experts. This spot-check mission will be carried out by another IRM Expert in the first quarter of 2020. The BCRM started preparing the concept note for the projects to be proposed for a spot-check review in year 2020. The concept note will be discussed by the Boards in the first quarter of 2020.

2.3.1. Results of Spot-Check Advisory Review Activities in 2017

On 7 June 2017, the Boards of Directors approved two private-sector projects to undergo a spot-check review. These are the Form Ghana Reforestation Project in Ghana and the STGP Project in Tunisia.

(i) Form Ghana Reforestation Project, Ghana

On 13 July 2016, the Board of Directors of the ADB approved a senior loan of USD 14 million to Form Ghana Limited (Ltd), the project sponsor, to finance the restoration of 11,700 ha of degraded forest reserves through the establishment of a large-scale sustainable commercial forest plantation. The funding is part of a larger financing envelope that includes a senior concessional loan from the Forest Investment Program (FIP) managed by the World Bank, with FIP as one of its three programs. Subsequently, on 29 July 2016, the Bank Management submitted an Addendum to the Project Appraisal Report (PAR) for the FIP loan to be considered for approval by the Board of the ADB on a lapse-of-time basis. The FIP loan was approved by the Board on 22 September 2016. Both loans have a tenure of 15 years with a 7-year grace period.

The Form Ghana Project is classified as a Category 1 project in accordance with the AfDB's ISS, mainly due to the magnitude of the



project (about 11,700 ha) and the number of PAPs. The associated ESIA, the ESMP, and the FRAP were prepared in 2015. The Summaries of the ESIA and FRAP were disclosed on the Bank's website on 9 October 2015 in line with ISS requirements.

The Spot-Check Advisory Review Report concluded that the Project is not yet in compliance with: (a) the OS1 requirements (Environmental and Social Assessment); (b) with OS2 (involuntary resettlement); (c) with OS4 (Pollution Prevention and Control, Hazardous Materials, and Resource Efficiency); (d) with OS5: (Labour Conditions, Health and Safety). All the above shortcomings can be resolved given that the Project is still in its first year of project implementation and there are still 13 years left to enable Form Ghana Ltd to remedy and implement the environmental and social safeguards as required by the ISS, its OSs and Guidance Notes, the ESAP, and the recommendations in this Report.

The findings and recommendations of the IRM Spot-Check Advisory Review Report for the Form Ghana Reforestation Project were approved by the Boards on 3 October 2018. The Boards requested the Management to implement fully the recommendations made by this Report to ensure the project complies with the applicable Operational Safeguards of the ISS.

(ii) South Tunisian Gas Pipeline Project, Tunisia

On 26 June 2014, the Board of Directors of the AfDB approved a corporate loan of USD 75 million for 7 years to the Tunisian Company of Petroleum Activities (ETAP) to fund its Investment Program (IP) for the period 2013-2020, with the STGP Project as its flagship project. ETAP is a state-owned petroleum company responsible for oil and gas exploration and production activities in Tunisia. The objective of the IP is to further develop oil and gas production fields in Tunisia's southern region, expand the processing and transport infrastructure to channel gas from these fields to the Port of Gabès, and to support ETAP to strengthen its Environmental and Social Management System (ESMS). The STGP Project comprises a central processing facility located in the desert area of Nawara in the south of Tunisia, a 370 km gas transfer pipeline, and a gas treatment plant located on the coast in Ghannouch Industrial Area near Gabès, where the gas is treated for sale and the condensates are recovered to produce propane, butane, and liquid petroleum gas. The project is co-financed with the EIB (EUR 150 million to ETAP and EUR 200 million to Austria-based Company OMV, which is the project operator). All IP projects will be developed through a joint venture between ETAP and international oil and gas companies and partners. For the STGP Project, ETAP and OMV shares will be divided on a 50-50 basis. The STGP Project is classified as a Category



1, high-risk project due to its potential negative effects on the people and the environment. ESMPs were prepared for each project component and OMV was made responsible for the implementation of the ESMPs and the RAP in line with EIB's IFC standards, in addition to AfDB polices and national laws.

The STGP Project was selected for a spot-check advisory review for several reasons. It was an ongoing private-sector operation co-financed by the AfDB via a corporate loan to a public enterprise eligible for access to AfDB lending. The project would be implemented through a joint venture with a multinational subsidiary as a project operator, which will be responsible for the civil works and the implementation of the project's environmental and social standards. The spot-check review aimed to appraise the application of Bank policies and procedures in the context of such corporate loans, and as an opportunity to cross-fertilize standards and best practices that could inform Bank investments in the gas industry for the future. The project would help the Bank to learn some lessons from the experience of a foreign company implementing the requirements of the Bank's safeguards policies. Since the Bank Management supervision mission reports indicated that the project was experiencing difficulties in meeting the requirements of the Bank's Policy on the Environment (2004) and the AfDB Involuntary Resettlement Policy (2003), the spot-check exercise was considered useful in determining the extent of the challenges as well as identifying appropriate mitigation measures.

The IRM Spot-Check Advisory Review Report of the STGP Project was submitted to the Boards in December 2018. The findings and the recommendations in the Report were considered and approved by the Boards on 9 January 2019.

Some of the recommendations made by the IRM in this Report included that the ETAP should review its implementation of the ESMS based on the Action Plan of ETAP's ESMS (2012), which should be updated and submitted to the Bank. On its part, the Bank Management and staff should provide ETAP with proper guidance and technical assistance where necessary, to help ETAP to fully operationalize the ESMS. In addition, ETAP should ensure that the Bank staff has access to environmental and social performance reports prepared by OMV (the project implementer) and that the Bank staff is well informed of any relevant decisions on the Project's environmental and social performance activities. Furthermore, the Bank Management should closely monitor the comprehensiveness of the Project's environmental and social review reports and require the Bank staff to report on the consistency of the Project's activities, including indicators and trends in connection to the Project's compliance with AfDB policies and procedures.

Moreover, in reviewing the state of the STGP Project's compliance with the applicable AfDB policies and procedures, the IRM determined that a corporate loan may not be a good financing instrument to ensure environmental and social compliance if it is not supported by adequate remedies and tied with disbursements over the lifespan of the project, instead of an upfront advancement of a loan upon signature. In the STGP Project, the IRM noted that the reimbursement of the loan is not related to the Project's deliverables, and in addition, there are no remedies in the Loan Agreement to ensure such compliance. As a result, the Project has outstanding non-compliance issues, but the Bank has no leverage to address them because the loan was fully disbursed upon the loan signature.

2.3.2. Results of Spot-Check Advisory Review Activities in 2018

On 9 May 2018, the Boards of Directors approved the spot-check advisory review of three ongoing high-risk public-sector projects in Cameroon: (i) the Semi-Urban Drinking Water Supply and Sanitation

(PAEPA-MSU) Project; (ii) the Ketta-Djoum Road Development Project–Phase I; and the (iii) Kumba- Mamfé Road Development Project. The selection of these projects by the IRM was based on the recommendations of the AfDB Auditor General Report of March 2017. The Audit Report found that the three projects might be in breach of the applicable AfDB policies

and procedures and requested the IRM to assess the projects' implementation of the agreed-upon ESMPs with the Bank.

The IRM reviewed the project documents for the three projects and carried out a mission to Cameroon from 28 October to 8 November 2018. For security reasons, the IRM Mission Team did not visit the water and sanitation projects in Kumba and Mamfé, as well as the Kumba-Mamfé Road Development Project. Instead, the mission visited the water and sanitation projects located in Ebolowa and Sangmélima. It also visited the Ketta-Djoum Road Project and held discussions with the relevant government ministries, the PIUs, and the representatives of the PAPs in the visited areas, Based on project documents reviewed and the field mission, the IRM Expert prepared drafts of the Spot-Check Advisory Review Reports on the status of the projects' compliance with the applicable AfDB policies and procedures, particularly their implementation of the ESMPs.

In 2019, the IRM shared the Draft Spot-Check Advisory Review Reports of the PAEPA-MSU Project and the Ketta-Djoum Road Development Project–Phase I with the Bank Management for comments on factual issues only, in March and May respectively. Based on these comments, the IRM Expert finalized the two reports and the BCRM submitted the final reports to the Boards of Directors on 21 June 2019 for consideration. The Boards' session scheduled for 10 July 2019 to discuss the two reports was postponed to a later date. This followed a request by the Management for postponement because the Management Response to the two Reports was not ready. The Management Response and Action Plans to the two IRM Reports were distributed to the Boards on 15 October 2019.

On 23 October 2019, the Boards of Directors adopted the findings and recommendations in the two IRM Spot-check Advisory Review Reports and asked the Bank Management to follow up with the implementation of the Action Plans proposed by the Management.

(i) The Semi-Urban Drinking Water Supply and Sanitation Project

On 28 January 2009, the Board of Directors of the ADF approved a loan of UA 40 million for the PAEPA-MSU Project in Cameroon. The total cost of the project is UA 45.58 million, out of which the Government of Cameroon's contribution is UA 4.48 million and that of the beneficiaries is UA 1.10 million. The project was expected to be completed on 13 December 2013 but was extended to 13 December 2016. The Ministry of Energy and Water Resources (MINEE) was the Executing Agency of the Project, through the Project Coordination Unit (PCU) attached to the General Secretariat. The technical implementation was carried out by Cameroon Water Utilities Corporation (CAMWATER) for the



'drinking water and supply (DWS)' component and MINEE's Directorate of Water Resources and Hydrology, in conjunction with the decentralized local authorities for the 'sanitation and capacity-building' component. The project covers 19 communes in six provinces of Cameroon, namely Centre, Far North, Littoral, West, South, and the South-West provinces. The communes are as follows: Akono, Bafang, Bafia, Bana, Bangangté, Bangou, Banka, Bansoa in Penka-Michel, Ebolowa, Foumban, Kousséri, Kumba, Loum, Mamfé, Manjo, Mbanga, Ngoumou, Nkongsamba, and Sangmélima. These communes are aimed to have water supply through 16 schemes managed by CAMWATER.

The project has three key components, namely: drinking water supply and sanitation infrastructure, institutional support to the structures involved in the project, and project management and coordination. According to the Appraisal Report, the Project targeted 19 communes and would support the rehabilitation of and extend the existing drinking water supply systems instead of constructing new networks. Due to its potential negative impacts on the environment, the project was classified as a Category 2, medium-risk project. The estimated cost of the mitigation measures is UA 0.55 million for the drinking water supply component and UA 0.15 million for the sanitation component.

The Audit Report issued in May 2017 found that the Kumba and Mamfé water treatment plants have significant deficiencies with regards to the environment. Wastewater from water treatment and filter washing, which are full of chemicals, was being discharged into the environment without any precautions. This situation was caused by the inaction of CAMWATER, which is responsible for monitoring all environmental issues, including the ESMP. The Audit Report further stated that failure to monitor the implementation of the ESMPs could negatively affect the populations living near the project implementation sites and could pose a reputational risk to the Bank.

The IRM found that the Project did not comply with the following: (i) the AfDB Policy on the Environment (2004) and the Environmental and Social Assessment Procedures for Public Sector Operations (2001); (ii) the AfDB Involuntary Resettlement Policy (2003); and (iii) the Bank Group Policy on Poverty Reduction (2004). In general, the IRM found that the infrastructure constructed in Ebolowa and Sangmélima were of poor design and quality, and some were not operational at all. Other structures were incomplete or non-existent on the ground. The IRM concluded that the Project put more emphasis on the construction of infrastructure components, rather than ensuring that the infrastructure is well-designed, maintained, and made operational in order to produce positive impacts and outcomes for poor communities and their living standards. Therefore, the Project poses a serious reputational risk for the AfDB, given the total disregard of the environmental and social performance, and the poverty aspects of this Project.

Some of the recommendations made by the IRM include the following:

i) The Bank should conduct a full field compliance audit of all the structures and works undertaken under this Project. In its Response, the Bank Management agreed with this recommendation.

ii) The AfDB should not authorize additional financing for a follow-up/second phase of this Project before the Government of Cameroon has carried out all the remediation measures resulting from this audit. The Bank Management indicated that it was not financing any water and sanitation projects during the period 2015-2020. However, it indicated that it would conduct studies in the sector, which will be useful as lessons learned to improve the preparation and implementation of future projects in the same sector.

iii) The Bank Management should continue to require the Government of Cameroon to allocate from its budget the capital and maintenance costs of all the structures and equipment financed by this Project. The Bank Management indicated that it is continuing to engage in dialogue with the Government of Cameroon to finalize the works. To that end, the dialogue focuses on the Government's responsibility for the costs of the work still to be completed, and for the recurrent costs and maintenance of the infrastructure already completed.



iv) The poorly designed and low-cost brick incinerators, the Gender-Sensitive Toilet Complex (CTG), as well as dry latrines in schools are not meeting their objectives of protecting the environment and should, therefore, be discontinued. The Bank Management agreed that the current state of incinerators under construction does not guarantee their effectiveness. However, Management considers that they should be completed in accordance with the standards set by the Ministry of Health as provided for in the Project. Not completing them and putting them into service would constitute a major failure in terms of sanitation and health protection in these two typically high-traffic community areas (Ebolowa and Sangmélima), used particularly by children. Completion of the incinerators is part of the Action Plan of MINEE, which has provided resources in its 2019 budget to that effect.

v) The Bank Management should develop operational guidelines on how and when the Bank staff should conduct impact assessments on the poor and vulnerable and how risks and impacts should be mitigated. Management agreed that that the development of specific guidelines on the Bank Group Policy on Poverty Reduction (2004) could be an added advantage to help staff prepare and monitor the overall impact of projects.

(ii) The Ketta-Djoum Road Development Project–Phase I

On 25 September 2009, the Board of Directors of the ADF approved a loan of UA 59.27 million for the Republic of Cameroon to finance part of the foreign currency cost and part of the local currency cost of the multinational Ketta-Djoum Road and Brazzaville-Yaoundé Corridor Transport Facilitation Project. The total cost of the Project is estimated at UA 208.64 million, of which UA 164.72 million is in foreign exchange and UA 43.92 million in local currency. The 504.5 km Ketta-Djoum Road is a major link on the 1,612 km highway connecting the two capital cities of Brazzaville, Republic of Congo, and Yaoundé, Cameroon. The successful implementation of Phase I will provide a permanent connection between Congo and Cameroon. The project is classified as a Category 1, high-risk project in line with the AfDB Policy on the Environment (2004) and the national laws. Consequently, an ESIA was conducted by the Ministry in charge of the environment, in addition to the ESMP and the Compensation and Resettlement Plan (CRP), which were posted on the AfDB website on 23 January 2009. These summaries were forwarded to the Board for information on 2 February 2009. The costs of implementation of ESMP is UA 47,000.

The Audit Report found that the obligations of the work contractors in implementing environmental and social mitigation measures were not exhaustively and clearly set out in their contracts. Most of the basic measures of each ESMP had not begun to be implemented and were not prioritized by the Project. Therefore, there was a major discrepancy between the ESMP, and the measures taken to implement it. In addition, the recommendations in the monthly supervision reports on the implementation of the ESMP by Bank missions to the PIU were not followed up by the PIU. A more serious concern was that compensation of the PAPs was not done before the commencement of works as required by the Loan Agreement. Moreover, the route of the road was modified, resulting in the displacement of additional people because of the destruction of their buildings and crops. Works on this section were advanced but the compensation of the people evicted (the PAPs), estimated at Central African Francs (CFA) 12,631,774, had not been done. The Audit Report concluded that the absence of a mechanism at the AfDB Country Office in Cameroon (COCM) and PIUs for monitoring the recommendations of missions on the implementation of ESMPs could be behind this situation, which could have a negative impact on the people and the environment, and it can expose the Bank to reputational risk.

The IRM found that the Project did not comply with the: (i) AfDB Policy on the Environment (2004) and the Environmental and Social Assessment Procedures for Public Sector Operations (2001); and the (ii) AfDB Involuntary Resettlement Policy (2003). In general, the IRM found that that Bank Management put its best efforts possible into the preparation of the ESIA, the ESMP, and the CRP, in conformity with the applicable AfDB policies and procedures. However, the Bank Management did not give adequate attention to the implementation of these safeguards documents as well as to the sustainability of the road infrastructure and the protection of the forest ecosystem affected by the Project. These may affect the reputation of the AfDB if actions are not taken to mitigate the imminent negative impacts of the Project, especially on the environment.

To remedy this situation and considering that Phase I of the Project was completed in September 2017 and Phase II of the Project was ongoing, the IRM recommended that as part of Phase II of the Project, the Bank Management should act on the following:

i) Conduct a rapid survey of the fauna and flora affected by the road construction. In its Action Plan, the Bank Management indicated that the environmental and forestry audit is planned as part of the Phase II of the Project to be completed by June 2021, and will provide current baseline data on the area, to be used in the future for environmental protection.

ii) Ensure that government funds are made available for environmental and forest monitoring; updating the Geographic Information System (GIS) – an environmental, forest, and wildlife tracking system; and establishing Forest Conservation Units (FCUs) for the conservation of the ecosystem in the equatorial forest impacted by the road. In its Action Plan, the Bank Management indicated that as part of Phase II, the executing agency, the Ministry of Public Works (MINTP), through its Project Implementation and Monitoring Unit, is initiating a study to first take stock of the actions undertaken by other structures such as the Ministry of Forests and Wildlife on these forest management and GIS aspects. The competent authorities will examine the feasibility and the terms and conditions for the establishment and financing of this fund, in light of the study's conclusions and recommendations. It should be stressed that this development is important since, in the meantime, the Ministry of Forests and Wildlife may have taken other initiatives in the same direction. MINTP will coordinate with the Ministry of the Environment in this action and with the Ministry of Finance on

the provisioning of the Fund. This action will be completed by November 2020.

iii) Provide technical support to the Ministry of Public Works to develop a road rehabilitation maintenance plan with associated costs and schedules; and

(iv) Ensure that a road maintenance and rehabilitation fund is made operational before the closing date of Phase II of the Project. On its part, the Bank Management noted this recommendation and stated that in Cameroon, road maintenance management is carried out by MINTP, through the Department of Road Heritage Maintenance (DEPR). It is financed by the second-generation Road Fund (RF) established in 1998, but which has only been operational since 2012, due to the low capacity to absorb resources due to several factors including procurement issues. Moreover, the Bank pointed out that the Bank is financing a series of strategic and operational studies in Cameroon, aimed at contributing to the improvement of the road network development and maintenance system. These include studies on (a) the updating of the road master plan; (b) the establishment of a sustainable management system, more efficient than the existing one, and on the financing of road maintenance; (c) the institutional reform of the road sector; (d) the diagnosis of weighing stations and axle load control systems in Cameroon; and

(v) the organisational audit and expertise of the Road Projects Implementation and Monitoring Unit financed by the technical and financial partners (TFPs). This audit has been completed and the process of implementing the resulting reform of the aforementioned Unit is currently under way. The Bank is also supporting this reform through the institutional capacity-building provided for in the budget of Phase II currently being implemented.

On involuntary resettlement, the IRM found that the Bank Management proceeded with the first disbursement of the loan, even though the Government did not comply with the condition precedent for the first disbursement, requiring that compensation should be paid for the persons affected by the expropriation. Project records indicated that compensation was initiated in July 2012 after the Project became effective in March 2010 and was completed in September 2018, after the road was completed in September 2017. The IRM recommended that: (i) upon completion of the Project, the Borrower should undertake an assessment of the success of implementation of the resettlement plan. This should be followed by the Bank's PCR; and (ii) the Bank's post-evaluation mission should review the Bank's PCR to evaluate the resettlement and its impacts on the quality and standards of living of the PAPs and the host communities. In its response, the Management indicated that the Government of Cameroon has completed the implementation of the resettlement plan and submitted to the Bank proof of payment of compensation. It is getting ready to prepare the PCR. The Bank will remind the executing agency to focus, in the PCR, on the status of implementation of the resettlement plan (as required by the AfDB Involuntary Resettlement Policy [2003]) in order to identify lessons for future projects. Phase II is already benefiting from the lessons learned from Phase I, particularly in terms of moving graves from the rights-of-way, reporting, and claims management. The Bank's Independent Evaluation Department will conduct the post-evaluation of the Project once the PCR is completed in the first half of 2020.

2.3.3. Spot-Check Advisory Review Activities in 2019

On 6 March 2019, the Boards of Directors approved the spot-check advisory review of two completed high-risk public-sector projects in Kenya: (i) The Green Zones Development Support Project–Phase I (GZDSP–I), and (ii) The Nairobi Rivers Basin Rehabilitation and Restoration Program: Sewerage Improvement Project–Phase I (NRBRRP:SIP–I). The selection of these projects by the IRM in consultation with the Bank Management was based on the fact that both Projects are implemented in two phases. Phase I of both projects are completed. Phase II of both projects were approved by the Boards in December 2018 and the both

Phase IIs are at early stages of implementation. The lessons learned related to compliance with environmental and social safeguards would be useful in improving the implementation of Phase II of both projects. In approving the two projects for a spot-check advisory review, the Boards of Directors requested the IRM to focus on governance and human rights risks in Phase I of both projects, and draw lessons to improve the implementation of Phase II of both projects, particularly with regard to social and environmental aspects.

Due to the resignation of the Expert from the IRM Roster of Experts in Quarter 4 of 2019, who was designated to conduct the Kenya spot-checks, the IRM was unable to conduct the spot-check mission to Kenya and prepare the relevant report. The spot-check mission will be conducted in the first quarter of 2020 and the relevant report submitted to the Boards for consideration in the third quarter of 2020.
Background Information of the Two Selected Projects for Spot-Check Advisory Reviews in 2019

(i) The Green Zones Development Support Project–Phase I (GZDSP–I)

On 12 October 2005, the Board of Directors of the ADF approved a loan of UA 25.04 million for the Republic of Kenya to implement the GZDSP–I. At the time of approval, the total cost of the Project was estimated at UA 31.51 million, out of which the government contribution was UA 4.52 million and that of the beneficiary communities living adjacent to the natural forests and tea buffer zones of the project area was UA 1.95 million. According to the Project Appraisal Report of June 2005, the GZDSP–I was to be implemented over a period of 6 years, beginning January 2006. The PCR of 15 June 2015 indicates that the Project became effective on 27 February 2006 with an initial closing date of 31 December 2013, which was extended to 31 December 2014. The project was implemented in four provinces, namely: Central, Eastern, Rift Valley, and Western Provinces, essentially addressing the protection of Kenya's water towers that were facing rapid degradation. The project area comprised nearly 7,000 km2 in and around the margins of 21 gazetted forests in the highland areas of the country, and was located in 24 districts with a population of about 300,000 households (as of June 2005), of which at least 81,000 households (27%) were headed by females.

The GZDSP–I had two executing agencies, namely: the Ministry of Agriculture and the Ministry of Environment and Forestry (MEF). The project-implementing agencies under the two ministries were the Nyayo Tea Zones Development Corporation (NTZDC) and the Forest Department (presently, the Kenya Forest Service; KFS) respectively. Field implementation was undertaken by participating communities and households, with support from service providers, various local non-governmental and community-based organizations, and the Kenya Forestry Research Institute (KEFRI).



The aim of the GZDSP–I was to improve the forest cover for water and biodiversity conservation in Kenya. The project objectives were to promote forest regeneration and conservation for environmental protection, and to improve rural livelihoods and incomes of communities living adjacent to the forests. The objectives were realized through the implementation of activities under the following 4 components: 1) Natural Forest Conservation Component; 2) Buffer Belt Watershed Management Component; 3) Support to Forest-Adjacent Communities Component; and 4) Project Coordination and Management Component, which included support lent to two PIUs: NTZDC and KFS. In terms of environmental and social impacts, the GZDSP–I was classified as a Category 2 project, implying that it would not have any large-scale significant or irreversible environmental and social impacts. A detailed ESMP was prepared and implemented by NTZDC and KFS in accordance with the division of roles designated in the ESMP.

(ii) The Nairobi Rivers Basin Rehabilitation and Restoration Program: Sewerage Improvement Project–Phase I (NRBRRP: SIP–I)

On 6 December 2010, the Board of Directors of the ADF approved a loan of UA 35 million to the Republic of Kenya for the NRBRRP:SIP–I. The total project cost at the time of the Project's appraisal and approval was UA 39.87 million, of which the contribution by the Government of Kenya was UA 4.87 million. The initial project duration was from January 2011 to December 2014, which was extended, and the Project was closed in December 2016.

The main objective of the Project was to improve the access, quality, availability, capacity, and sustainability of wastewater services in Nairobi for a sustainable environment through the rehabilitation and extension of sewerage services and wastewater treatment facilities. The Project included the rehabilitation and expansion of treatment plants and old trunk lines and laying new ones in some areas with secondary and tertiary reticulation. Community sanitation was included in the informal settlements and low-income areas where trunk lines were installed. The Project had three main components, namely:

1) Waste Water Infrastructure, which included the extension of trunk sewers (54 km) within the Nairobi, Ngong, Mathare, and Kiu River Basins, where sewer lines were non-existent; the rehabilitation of the conventional Kariobangi Wastewater Treatment Plant; and the extension of the Dandora Waste Stabilization Pond System.

2) Sanitation, Hygiene, and Social Environmental Support, which included the construction of 100 ablution blocks and collector sewer lines in selected informal settlements.

3) Institutional Support and Project Management, which included training for relevant staff of the AWSB and the Nairobi City Water and Sewerage Company



(NCWSC) in sewerage systems operation and maintenance management, and the payments for loss of assets on way leave.

The Project was implemented in the city of Nairobi and the surrounding areas, including informal settlements, which benefitted from the construction of ablution blocks. The Ministry of Water and Sanitation was the executing agency and the Athi Water Services Board (AWSB) was the PIU.

In terms of environmental and social impacts, the NRBRRP:SIP–I was classified as a Category 1 project in accordance with the AfDB's Environmental and Social Assessment Procedures for Public Sector Operations (2001). The nature and scope of the Project was likely to cause potential
environmental risks during the construction and operational phases of the trunk sewers and wastewater treatment facilities. Some areas of the riparian zone of the Nairobi River where trunk sewers and reticulation systems would be the laid were occupied by informal settlements at the time of the Project's approval and entailed compensation to be paid by the Government of Kenya in order to pave way for construction. The Category 1 classification was also triggered by the 1,774 households, which would need to be relocated.

2.4. PLANNING FOR SPOT-CHECK ADVISORY REVIEW ACTIVITIES IN 2020

The Office of the Auditor General of the AfDB (PAGL) conducted an audit of public-sector projects in Burkina Faso and Liberia in early 2019. PAGL in its Audit Reports of these countries, issued in March 2019, referred three projects to the BCRM to undergo spot-check advisory reviews in 2020. The audit of these projects was conducted following a country approach, which was aimed at, among other things to: (i) determine the adequacy of the internal control policies and activities implemented by the Bank, the Borrower, the Executing Agencies and/or the PIUs in order to achieve management compliance with AfDB policies and procedures, including loans and grants conditions; and to ensure the reliability and integrity of information on loans and projects, efficient use of resources, as well as asset protection; and (ii) determine the adequacy of monitoring systems of ongoing projects and compliance with the general loan conditions for accountability and auditing purposes.

The Audit Reports flagged the water and sanitation sector project in Burkina Faso and two road projects in Liberia that may be in breach of the applicable AfDB policies and procedures. These projects are:

i) Project for the Sanitation of Peripheral Districts of Ouagadougou (SPAQPO), Burkina Faso

ii) The Mano River Union Road Development and Transport Facilitation Program: Fish Town-Harper Road Paving Project–Phase I (50 km Harper-Karloken Road Section), Liberia

iii) The Mano River Union Road Development and Transport Facilitation Program: Fish Town-Harper Road Paving Project–Phase II (80 km Karloken-Fish Town and 16 km Harper-Cavalla Customs Road Sections; FTHRP), Liberia

In preparing for the spot-check reviews of these projects in 2020, the BCRM prepared a Draft Concept Note proposing to the Boards to approve them to undergo spot-check advisory reviews in 2020. The BCRM shared the Draft Concept Note with the Bank Management in December 2019 and requested the Management to submit any comments it may have to the BCRM for consideration before the BCRM submits the final Concept Note to the Boards for consideration. The BCRM did not receive any comments from the Management by the set date and it submitted the final Concept Note to the Boards on 18 December 2019. The Concept Note will be discussed by the Boards in the first quarter of 2020.

OUTREACH ACTIVITIES



3. Outreach Activities

3.1. INTRODUCTION

The issue of accessibility and that of visibility of the IRM make outreach and communications as outstanding components of the BCRM work program. As in previous years, in 2019, the BCRM organized or co-organized with other IAMs, Bank departments, or CSOs, communications and outreach activities to sensitize Bank staff, PIUs, and CSOs in Africa. Approximately 250 stakeholders were sensitized to the IRM in 2019. The BCRM has also been invited to major events where issues such as transparency, accountability, and CSO engagement were discussed. To support its activities and promote its mandate, and share knowledge drawn from the complaints-handling process, the IRM has developed communication materials and made some knowledge products and advisory notes.

3.2. AWARENESS-RAISING ACTIVITIES

i) Sub-Regional Outreach Session on the IRM in Tunis (Tunisia)

The BCRM held a Sub-Regional Outreach Session on "Enhancing Business Integrity in Bank Group Activities through Anti-Corruption Measures: Prevention, Investigation and Compliance Challenges and Opportunities" in Tunis (Tunisia) on 11 December 2019. This was part of the activities that the BCRM jointly organized with the Integrity and Anti-Corruption Department (PIAC) of the Bank to mark the celebration of the Anti-Corruption Day of the year 2019. Eighty-three participants attended this session, including Bank Staff, PIUs, and CSO representatives from Tunisia, Morocco, Egypt, Mauritania, and Senegal. The BCRM familiarized them with the mission, the mandate, and different functions of the IRM, the complaint-handling process, and finally updated the participants on the preparation of the Third Review of the performance of the IRM. The participants were also briefed on the Bank's ISS and how it is applied in the project cycle. CSO representatives from Morocco and Senegal who have been involved in the handling of complaints shared their experiences with the IRM. Lively and interesting debates marked this session.

ii) IAM Network 16th Annual Meeting African Civil Society Outreach Side Events: Accountability and Access to Recourse for Communities Impacted by Development Projects

This activity was organized by the IRM of the AfDB, with IAMs of other IFIs, such as the World Bank, the EIB, and the Green Climate Fund. Thirty-nine representatives from African and international CSOs were sensitized to the mandates of the IAMs. Some CSOs shared their experiences and the challenges they faced when representing or acting on behalf of affected communities in the complaints-handling processes with IAMs. The CSO representatives made many recommendations on how they can better collaborate with IAMs.

iii) Annual Meeting of Independent Accountability and Annual Meetings of the African Development Bank Group

The BCRM hosted the 16th Annual Meeting of the Independent Accountability Mechanism in Abidjan from 25 to 28 June 2019. The official opening ceremony was presided over by the Senior Vice-President on behalf of the President of the AfDB in the presence of many Executive Directors and Bank senior management. A total of 39 participants from 16 IAMs attended the meeting and discussed many items on ways and means to improve and strengthen the IAMs.

As is the practice, the second day of the annual meeting of the IAMs is dedicated to the IAM-CSO Forum. The forum offers an opportunity for the participants to discuss an issue of high importance on IAMs. In Abidjan, the forum discussed largely the topic proposed by CSOs: "Monitoring: Where the Rubber Meets the Road."

On the sideline of this event, the IAMs, including the IRM, organized the United Nations Human Rights Commission Seminar on operational planning for establishment of its similar accountability and GRC.

3.3. INTERNAL OUTREACH ACTIVITIES

i) Induction for New Members of the Boards of Directors of the AfDB

The IRM most especially concerns the Boards Members of the AfDB. The IRM was presented to the new members of the Boards on 4 September 2019 as part of the Board Members Induction Program organized by the Department of the General Secretariat.

ii) IRM Outreach and Training Sessions for Bank staff on Mediation

The BCRM handles many cases through mediation exercises that involve Bank staff. Therefore, it is critical for the Bank Staff to be sensitized to mediation and its main principles.

The problem-solving/mediation awareness-raising session entitled "Understanding the Customary and Cultural Norms in Problem-Solving/Mediation Processes: Managing Change, Preventing Conflicts and Successful Handling of Complaints against Bank Group-Financed Projects" was organized for Bank staff on 21 February 2019 in Abidjan. Professional trainers delivered the session and focused on dispute resolution of cases associated with cultural and customary norms. Twenty-four people among the Bank staff in HQ, country offices and Regional Hub Centers together with other staff of IFIs attended the session, discussed their experiences, and learned about best approaches to resolve conflicts related to projects.

iii) AfDB Annual Meeting 2019

The IRM Annual Report 2018 was discussed by the Board of Governors of the AfDB during the AfDB Annual Meeting in Malabo, Equatorial Guinea. The Director of the BCRM participated in the annual meeting of the Bank in Equatorial Guinea from 11 to 14 June 2019.

iv) Consultations with Civil Society Engagement and the IRM Role

The BCRM also participated in the Statutory meeting of the AfDB–CSO Committee on 6 May 2019. In addition, prior to the AfDB annual meeting in Malabo, the Director of the BCRM attended as a panelist the 10th Bank Civil Society Forum in Abidjan from 7 to 9 May 2019.



3.4. KNOWLEDGE MANAGEMENT PRODUCTS

i) Lessons learned on the Bujagali energy projects in Uganda

The request relating to the Bujagali energy projects in Uganda was one of the complex cases handled by the IRM of the AfDB. The redress for violation of spiritual and cultural rights was one of the central complaints.

It took the IRM 12 years to close the case after exhaustive investigations and monitoring of the resulting Management Action Plan (MAP) which, among others, was meant to reconcile the divisions among spiritual leaders after the loss of their ancestral and sentimentally valuable spiritual site, the Bujagali Falls.

The same request was also submitted to the complaints mechanisms of other lenders, including the World Bank, the EIB, and the IFC.

Despite the voluminous studies, consultations, and the MAP, the projects were completed in 2017 without fully redressing or meeting the expectations of the prominent spiritual leader and his followers who belong to the Basoga people and whose rights are recognized by the Constitution of Uganda.

This publication is valuable in the context of one of AfDB's High 5 institutional priorities, namely 'Light Up and Power Africa.' The increasing construction from renewable and non-renewable energy projects could potentially impact many people whose important ancestral, cultural, and spiritual sites are located in the anticipated project areas.

The objective of this knowledge product is to document this landmark case and present additional measures for the Bank to consider when appraising the compensation for violations of spiritual and cultural rights at the project level, with the aim to enhance social inclusion and for AfDB-funded projects to gain trust, now or in the future.

ii) Advisory Notes

The BCRM produced advisory notes on critical issues related to the experience acquired in the handling of the complaints. The following advisory notes were, among others, prepared and shared with the Management:

- Advisory Notes and Lessons Emerging from the IRM Process.
- Advisory Note on Mitigation of Environmental and Social Impacts and Risks Associated with AfDB-Funded Projects
- Advisory Note on Complaints Handled Through Problem-Solving.

3.5. COMMUNICATION TOOLS

i) IRM Webpage

The IRM website was regularly updated by uploading IRM reports approved by the Boards and through articles highlighting key events of the IRM. The IRM web page (www.afdb.org/irm) is an important source of information about IRM work where a reader can find, among others, Boards' decisions on IRM reports, IRM activities and events, and statutory documents. The internal IRM webpage is also available on the Bank intranet.

ii) Vidéo

To capitalize on the successful mediation of the BCRM as part of the handling of the complaint concerning the Dakar Diamniadio Toll Road Project in Senegal, the BCRM has contracted a firm to produce a video. The company started the shooting of the video in December 2019.

iii) Complaint Management Data System

The project of the new application to facilitate research on cases and submissions of complaints on the IRM webpage has been finalized. It now needs to be operationalized. Such a system will facilitate the research, the updating of complaints cases, the generation of data, and information on complaints handled.

iv) Annual Report and other communications materials

The 2018 Annual Report was distributed to the BCRM stakeholders and partners and published on the IRM webpage. As the BCRM was hosting the 16th annual Meeting of the IAM network, it has made many communication materials, such as Banners, Bags, pens, as well as notepads and pens and folders.

3.6. SURVEY OF IRM OUTREACH ACTIVITIES (2006-2019)

The record of outreach activities from 2006 to 2019 can be summed up as follows: 2,656 people attended the 67 outreach activities entirely or partially devoted to the IRM. The members of CSOs continue to be the largest beneficiaries of IRM trainings session and account for 57 per cent of all people sensitized to the IRM. The details of this survey are available in the graphs below with a breakdown of the outreach activities per year, the countries and the regions where the activities took place, the types of activities, and the category of participants.

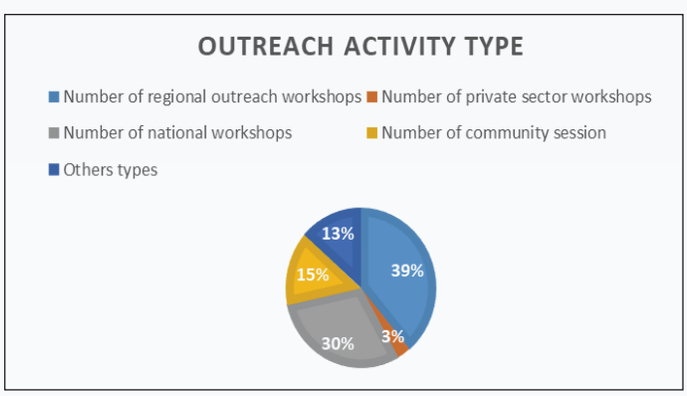


Figure 8: Types of Outreach Activities

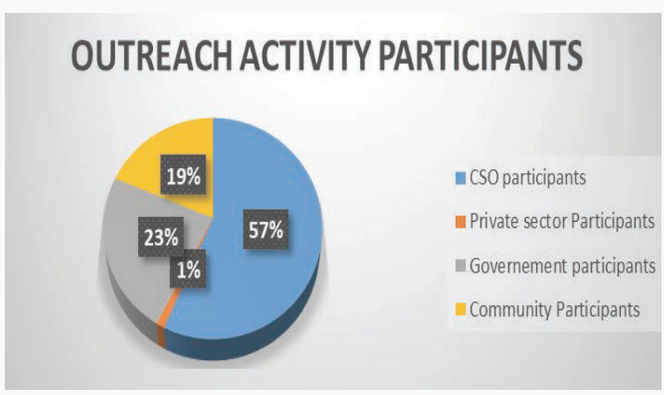


Figure 9: Activities organized by Types of Stakeholders

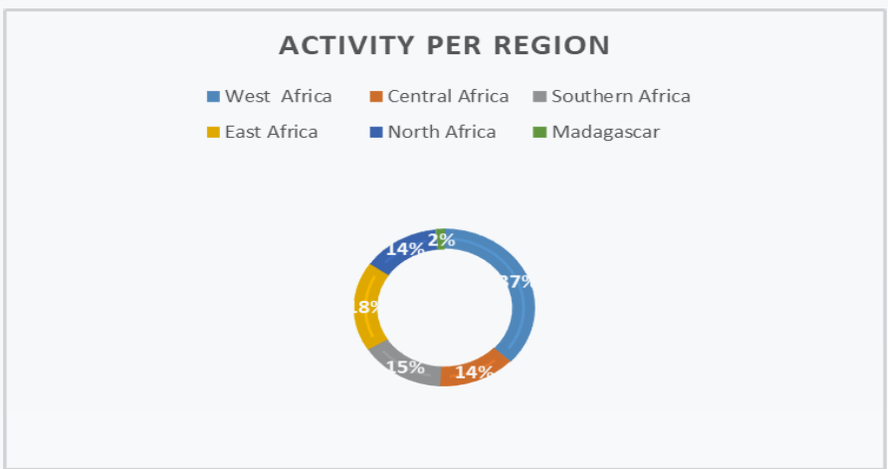


Figure 10: Activities organized by Region

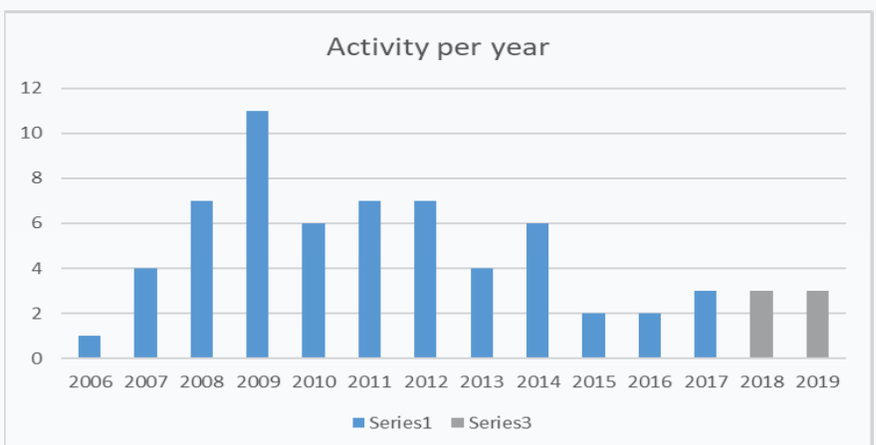


Figure 11: Number of Activities Organized over the Years

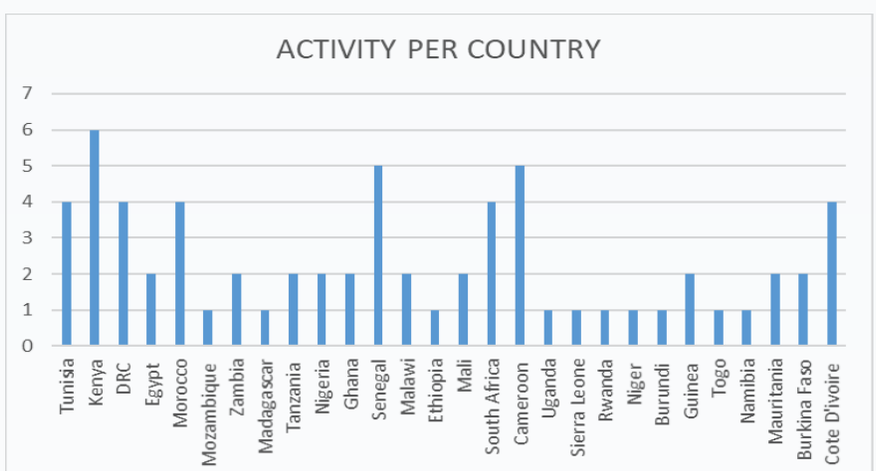


Figure 12: Distribution of Activities per Country

TRENDS AND LESSONS



4. Trends and Lessons

According to the IRM Rules, the Annual Report should present identifiable trends relating to the activities of the AfDB that have emerged during the IRM's complaint-handling process, spot-check advisory reviews, and other outreach and capacity-building activities. Moreover, the report should highlight notable lessons that the IRM has learned regarding the challenges faced by the AfDB in implementing its policies and procedures. The lessons can be grouped into project- and system-related categories.

Project-specific lessons and trends include the following:

i) The Bank should closely monitor and effectively report to the IRM on semi-annual basis on processes and outcomes of the disclosure of information relevant to the compensation of PAPs for all projects that are subjects of complaints.

ii) The Bank should support its Borrowers and clients to upgrade and maintain reliable information and databases, particularly on compensation of PAPs, and upgrade their corporate environmental management systems.

iii) The Bank Management should consider rigorous actions to address non-adherence with loan agreements and project commitments by Borrowers and clients when it comes to environmental and social safeguards and to the compensation of PAPs.

iv) The Bank should monitor action plans reached by the AfDB or with other lenders to ensure Project's ESMPs are effectively implemented.

v) The Bank should find ways to persuade its safeguards staff to report on projects' sustainable outcomes and results in PCRs in a systematic way.

vi) The Bank must make it mandatory for the safeguards staff to include a section on the outcomes of the ESMPs and RAPs, particularly in PCRs or Expanded Supervision Reports (XSPs), and how the staff have guided the preparation and implementation of these action plans.

System-specific lessons and trends include the following:

i) The Bank adoption of new operational manuals, procedures to combat violence and exploitation of workers at the operation level, should be streamlined by designing credible training programs for operations and safeguards officers.

ii) Management Responses to the BCRM are not submitted within the timelines provided by the IRM Operating Rules and Procedures and these undue delays must be addressed as a matter of priority.

iii) The Bank Management should take stock of the status of implementation of the IRM recommendations in compliance review and spot-check advisory review reports and how these have led to the improvement of business processes to enhance project compliance with AfDB safeguards standards.

iv) The Bank should design and conduct regional and sub-regional workshops for client countries, including national consulting firms, on the ISS and its procedures as they are not familiar with this new Bank policy.

v) The Bank Management should provide customized training with case studies on the new ISS to the Bank's task teams, as well as the ISS' five operational safeguards and the environmental and social assessment procedures of 2015, in order to effectively manage the environmental and social aspects of projects. This will help optimize the use of existing expertise, reduce environmental and social risks, and improve the quality and consistency of the monitoring of projects.



5. BCRM Staff



Mr. ALAN BACARESE
ACTING DIRECTOR, BCRM

Mr. Alan Bacarese joined the AfDB on 1 January 2019 as the Director of Integrity and Anti-Corruption Department (PIAC) in the AfDB. In addition to this role, Alan was appointed as the Acting Director of the BCRM in August 2019 following the retirement of Mr. Sekou Toure in July 2019.

PIAC executes its mandates through its two divisions. The Integrity and Prevention Division supports the AfDB's mission to encourage socio-economic development on the African continent by developing proactive measures to decrease the potential for fraud and corruption in operations and transactions financed by the Bank. The Investigation Division conducts investigations into allegations involving five sanctionable practices (fraud, corruption, collusion, coercion and obstruction) affecting the Bank's administrative budget or perpetuated in projects financed by the Bank; it also investigates allegations of misconduct against Bank staff.

Mr. Bacarese was, until his recent appointment to the AfDB, a Director of Anti-Corruption & Asset Recovery at the international consultancy firm Stream House AG, and worked on a number of international projects; and most notably was a consultant to the International Centre for Asset Recovery in Basel, Switzerland, where he advised the Anti-Corruption Bureau of Malawi on the investigation and prosecution of grand corruption cases. Mr. Bacarese specializes in corruption (domestic and trans-national), money laundering, and mutual legal assistance and fraud, with a wealth of experience as a former UK Senior Crown Prosecutor and the first Head of Legal and Case Consultancy at the International Centre for Asset Recovery in Basel, Switzerland.

Mr. Bacarese is a co-author of the leading UK legal textbook on Corruption and Misuse of Public Office (Oxford University Press; 2nd ed. [2011], 3rd ed. [2017]) and The Counter Fraud Practitioners Book (Gower Publishing). He is a regular speaker on the international circuit and speaks at the European Law Academy (ERA) and Cambridge University on a broad range of international crime subjects. He was also an External Member of the Inter-American Bank's Sanctions Committee in 2015-19 when he assumed his new role with the AfDB.



Mr. SEKOU TOURE
DIRECTOR (UNTIL THE END OF JULY 2019)

Mr. Sekou Toure was appointed as the Director of the BCRM on 2 January 2013 and retired at the end of July 2019.

Mr. Toure was responsible for the IRM Roster of Experts and the BCRM, and contributed to the complaint-handling and institutional learning processes, including policy updates and broader consultations with Management.

His previous experience as an international expert was acquired from his work with UNEP and GEF, besides his role as a Junior Minister in charge of Water Resources Management (Haut Commissaire à l'Hydraulique), Special Advisor to the State Minister in charge of Development Planning, and Special Advisor to the Prime Minister. In addition, Mr. Toure has had major responsibilities in a local political party in Côte d'Ivoire for a number of years.

Mr. Toure holds a Ph.D. in Civil Engineering, with a specialization in Environmental Engineering, from the University of New

Hampshire, Durham, USA; a Master of Science in Civil and Environmental Engineering from the University of Cincinnati, Ohio, USA; and a Bachelor of Science in Civil Engineering from the École Nationale Supérieure des Travaux Publics (National School of Public Works), Yamoussoukro, Côte d'Ivoire.



Mrs. ADILA ABUSHARAF
CHIEF COMPLIANCE AND MEDIATION OFFICER (UNTIL 15 NOVEMBER 2019)

Mrs. Adila Abusharaf joined the Bank in 2007 until 15 November 2019. She provided technical support to the Director in the administration of the IRM and was responsible for the problem-solving function and capacity-building activities. She was also the focal point of the IRM membership in the IAMs network whereby she contributed and coordinated the input of IRM to publications on accountability issues and consolidation of best practices to help IAMs ensure their interventions are relevant and effective. She also published for the IRM several advisory notes on project liability risks in safeguards domain and reconciliation of disputes associated to the violation of cultural heritage and spiritual beliefs. She also represented the IRM in Bank-wide taskforce teams that updated the Bank's policies on safeguards standards, civil society engagement, prevention of sexual harassment and abuse at the operation level, and the whistle-blowing policy.

Before joining the Bank, Mrs. Abusharaf worked with the International Development Research Center (IDRC), University of Toronto, and York University in Canada; as Regional Program Officer at the Center of Arab Women for Training and Research (CAWTAR) based in Tunisia; and as a lawyer in Sudan.

Mrs. Abusharaf obtained her Doctorate on Juridical Science from the University of Toronto in 2000 in private international law of transnational litigation and dispute resolution of oil pollution claims; and a Master of Law (LLM) from the University of Khartoum in Sudan, on the impact of IMF conditionality and structural adjustment programs on social policies.



Mrs. GRACE KIMANI
PRINCIPAL COMPLIANCE OFFICER

Mrs. Grace Kimani joined the AfDB in June 2009. She supports the Director of the BCRM by assessing Requests, collecting and analyzing AfDB policies and procedures that are applicable to the registered Requests, and providing technical support to the IRM Roster of Experts, including preparing and participating in compliance review and monitoring missions as well as spot-check advisory reviews of project compliance missions. She assists the Director in preparing IRM reports and documents to be considered by the Boards of Directors. She represents the BCRM in internal and external meetings and supports problem-solving functions and outreach activities. She represented the BCRM in a Bank-wide taskforce that contributed to the development of the ISS of the AfDB in 2013. She was an active member of the Bank-wide Reference Group during the independent evaluation of the ISS in 2019.

Mrs. Kimani has experience in environmental matters due to her prior positions in the Legal Department of the National Environment Management Authority (NEMA) in Kenya for five years. Her work experience focused mainly on sustainable development, biodiversity conservation, climate change, hazardous waste and chemicals, and environmental legislative drafting. She participated in drafting subsidiary legislation for Kenya in the conservation of biodiversity, water, waste, chemicals, the management of ozone-depleting substances, and noise and air pollution control.

Mrs. Kimani is an environmental lawyer with a Master of Law (LL.M) in Environment and Natural Resources Law and a Bachelor of Law (LL.B), both from the University of Nairobi. She holds a Postgraduate Diploma (with Distinguished Honors) in International Environmental Law (IEL) from the United Nations Institute of Training and

Research (UNITAR). She also has a Postgraduate Certificate (Master's Level) in Climate Change and Development from the University of London, and a Certificate in Environmental and Social Risks Analysis in Project Management from the UNEP/Finance Initiative.



Mr. BIRIMA FALL
SENIOR COMMUNICATION, OUTREACH, AND KNOWLEDGE MANAGEMENT OFFICER

Mr. Birima Fall joined the AfDB in February 2016. He has the responsibility of coordinating communications activities, ensuring that the IRM's mandate is known to all stakeholders (both internal and external), and enhancing the visibility of the BCRM through outreach activities. He also works with colleagues to ensure that data and knowledge are generated from problem-solving exercises, compliance reviews, and advisory activities; and are adequately disseminated. He supports other team members in organizing their activities.

Before joining the Bank, Mr. Fall worked for 3 years at the World Bank Group as a Public-Private Dialogue Specialist for West and Central Africa and was based in Dakar, Senegal. He has also worked for seven years as Director of Communications, Marketing, and Partnership at the West African office of the World-Wide Fund for Nature (WWF) in Dakar. In his early career, he worked as a political journalist at the first-ever private radio in Senegal. He has acted as Consultant for many international and regional organizations, such as UNESCO, the International Labor Organization (ILO), West African Economic and Monetary Union (UEMOA), OneWorld, International Union for Conservation of Nature (IUCN), and Wetlands International on communication and advocacy. Mr. Fall holds a Master's degree in International Relations from the University of Sussex, Great Britain; and a Higher Diploma in Journalism and Communication and a Master's Certificate in English Literature and Civilization, both from the Cheikh Anta Diop University in Dakar.



Mrs. BERNADETTE KARGOUGOU
CASE MANAGEMENT AND ADVISORY SERVICES OFFICER

Mrs. Bernadette Kargougou joined the AfDB in 2010 and was transferred to the BCRM in 2015. As Case Management and Advisory Services Officer, she provides support to the Director and the team of the BCRM in handling complaint and advisory services. She maintains the IRM Registers of Requests and monitors the incoming emails on complaints on a daily basis. She conducts preliminary review of complaints and coordinates the referral of those falling outside the mandate of the IRM to the relevant departments of the Bank. She coordinates translations of IRM documents and their submission to the Bank Management, the President, and the Boards of Directors. She also provides assistance to the IRM Roster of Experts.

Prior to joining the BCRM, Mrs. Kargougou served at the Human Resources Department and in the Office of the President. She also worked for more than 15 years with the United Nations. She graduated from the University of Technology of Burkina Faso, the Management College of South Africa and the IPAG Business School of Paris/Nice and holds a Master's degree in Business Management and Administration.



Mrs. ROSE AHOUEFA ATTIGNON SAH
COMPLIANCE & OUTREACH ASSISTANT

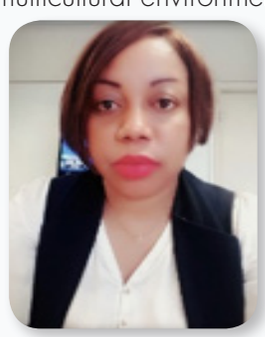
Mrs. Rose Ahouéfa Attignon Sah joined the AfDB in November 2015 as HR Team Assistant at the Front Office of the Director of Human Resources Management Department (CHHR) where she provided executive and administrative support to the HR Department.

In November 2019, she joined the BCRM team as Compliance and Outreach Assistant,

where she provides support in the management of problem-solving exercises and compliance reviews as well as outreach and knowledge activities undertaken by the BCRM.

Mrs. Sah holds a Master's degree in Human Resources from the HEC Business School, Abidjan, Côte d'Ivoire, and a Bachelor of Arts degree in Business Studies (Marketing) from the University of Cape Coast, Ghana.

Prior to joining the Bank, Mrs. Sah served as a Bilingual Administrative Assistant (French & English) to the Head of Administration & Human Resources Department at the Food and Agriculture Organization (FAO/UN) in Accra, Ghana. Before joining the Adults with Disability Team of the Lambeth Council, London Borough in UK, as Data Quality Assurance Assistant to the Head of Department, she also worked as a Bilingual Secretary to the Resident Representative of the International Monetary Fund (IMF) in Accra, Ghana. These positions provide Mrs. Sah with over 20 years of executive and administrative experience in multicultural environments.



Mrs. JOSIANE MASCET LOUBAO-GNALI
ADMINISTRATIVE ASSISTANT

Mrs. Josiane Mascet Loubao-Gnali joined the BCRM in February 2019 as Administrative Assistant. Her role is to provide administrative and budgetary support to the Director and IRM Experts. She holds a Master's degree in Operational and Strategic Management from EM Normandy and a double Bachelor's degree in Human Resources Management and Bilingual Executive Assistant.
She also provides support in the areas of procurement of goods and services, logistics, compensation, and recruitment of consultants and IRM experts. Mrs. Loubao-Gnali has over 15 years of experience in various sectors (HR, Administrative, Budget) in the operational departments of the AfDB, including the Executive Director's Office. Before joining the Bank, she worked in the Ivorian private sector and international company, Société Générale de Surveillance (SGS). She has also served as Secretary-General and Acting President of the Staff Council from 2013 until 2016.



Ms. ARMELLE KOKOLA
DEPARTMENT ASSISTANT

Ms. Armelle Kokola joined the BCRM in September 2015 as Secretary. Her duties include providing administrative support to the BCRM Director and staff in the coordination of missions and workshops, following up with procurement issues, and performing other administrative duties. Ms. Kokola studied courses of Secretaryship where she's graduated from Sight & Sound Education Ghana Limited, Ghana, from 2002 to 2005. Since 2018, she holds a Master's degree in Human Resources Management and Communications at Groupe des Hautes Etudes Commerciales - Abidjan (Gpe EDHEG-Abidjan). She also studied Conflict and Stock Management from the Centre for Research and Action for Peace/African Institute for Economic and Social Development (CERAP-INADES), Abidjan, Côte d'Ivoire. In 2012, she obtained her (IELTS) International English Language Testing System in August 2012 at Ghana British Council and a certificate of Advanced Learning in English at 'The Language Center,' Kilimani Estate, Nairobi.

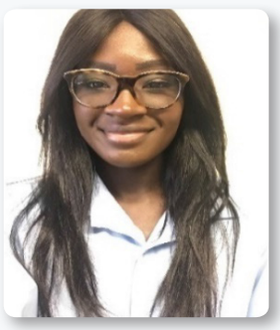
Before joining the AfDB, Ms. Kokola worked for seven years in the private sector in Cote d'Ivoire in rubber, mining, and road construction companies.



Mr. SAIZAI AKOI
INTERN (UNTIL APRIL 2019)

Mr. Saizai Akoi joined the BCRM in October 2018 as an intern until April 2019. His work focused on the preparation of knowledge management materials relating to investigated projects by the IRM and covering different sectors such as energy, transport, and social and human development. His work also covered maintaining the database for all cases received by the BCRM (registered or unregistered) as well as the database of the BCRM's outreach activities. At the time of his internship, he was an African Union scholar studying Master's in Governance and Regional Integration at the Pan-African University of the Institute of Governance, Humanities and Social Sciences at University of Yaoundé II, Cameroon. He holds a Bachelor's Degree in Business Administration from the University of Liberia.

Mr. Akoi has work experience in development having worked with German International Cooperation (GIZ) as Technical Advisor for Employment Promotion in the Transport Sector. While working for GIZ, he served in different capacities beginning with Training Assistant, Junior Advisor, and Technical Advisor. He also served as Monitoring & Evaluation Officer for Liberia Entrepreneurial and Economic Development (LEED), a local NGO for World Bank-sponsored projects: Economic Empowerment of Adolescent Girls and Young Women (EPAG) and Youth Employment Skills (YES).



Ms. RAISSA NIAMIEN
INTERN (FROM AUGUST 2019 TO FEBRUARY 2020)

Ms Raissa Niamien joined the BCRM as part of the AfDB 2019 Internship Program in August 2019. Since taking up her position, she has been assisting the unit with various tasks including: supporting the BCRM in drafting several lessons learned by compiling all recommendations of the IRM reports and corresponding Management Action Plans with the status of implementation with high emphasis on policy issues; realizing compatibility work for reports and other documents to be submitted to the Board of Directors or published online; or conducting research to compile knowledge products prepared by other Accountability Mechanisms of multilateral development banks (MDBs) to enrich BCRM lessons learned series.

She recently graduated from the prestigious British university, London School of Economics and Political Sciences (LSE), with an MSc in African Development, holds a previous Master's degree in Banking and International Affairs from Aix-Marseille University, France, and a Bachelor's degree in Business and Management from the Management University of Montpellier, France.

Ms. Niamien has work experience in the development field with Plan International on a program aiming to empower adolescent girls in humanitarian settings but also the International Cocoa Organization (ICCO). She additionally served as Finance assistant for companies operating in the private sector. While pursuing her studies at LSE, she worked as a Translation and Communications Assistant at the LSE Firoz Lalji Center for Africa. Prior to that, Ms. Niamien served as a Head Office Intern for the UK registered NGO, African Impact Foundation in Cape Town, South Africa.

6. Members of the IRM Roster of Experts



Ms. MICHELE DE NEVERS
MEMBER (STILL OCTOBER 2019)

Ms. Michele de Nevers has more than 35 years of professional experience in development cooperation, including 30 years with the World Bank, where she held senior management positions. She was Director for Sector Programs in the World Bank Institute and Senior Manager in the Environment Department, where she led the preparation of the World Bank's corporate Environment Strategy and public consultations on the World Bank's Strategic F.ramework for Development and Climate Change. She oversaw the World Bank's work on climate change, environmental economics, biodiversity, pollution management, and other environmental issues. In the Environment Department and previously in Latin American, East European, and Central Asian regions, she managed teams that ensured compliance with the World Bank's Environmental and Social Safeguards policies on projects across a wide range of sectors. She has also held several other management positions and led industrial development and environmental projects in operational divisions in South Asia, Latin America, Europe, and Central Asia.

Since 2011, Ms. de Nevers has been Senior Associate at the Center for Global Development (CGD), a think tank in Washington DC that combines academic rigor and practical experience across a wide range of areas that affect development. She leads CGD's work on climate change, undertakes research, and has published on climate finance, including adaptation finance, REDD+, and scaling up private-sector investment for climate action. She has undertaken consultancies for the World Bank, including on the recent revision of its Safeguards Policy Framework.

In 2011, Ms. de Nevers was a Visiting Fellow at the Global Economic Governance Programme at the University College Oxford, where she published on the topic of climate finance and development. She has also served as a Peace Corps Volunteer in the Philippines from 1976 to 1978.

Ms. de Nevers holds a Master of Science in Management and Finance from the Massachusetts Institute of Technology (MIT), a Bachelor's degree in Bacteriology from the University of California in Berkeley, and a Diploma in Executive Leadership from Harvard Business School.



Dr. SHERIF ARIF
MEMBER

Dr. Sherif Arif is an environmental professional with 35 years of experience as Senior Development Specialist with USAID in Cairo from 1978 to 1990, and subsequently as a Senior and Lead Environmental Specialist at the World Bank until 2007. During his tenure at the World Bank, Dr. Arif had also occupied advisory positions, including as Regional Safeguards Policy Advisor and Regional Environmental Advisor in the Middle East and North Africa (MENA) region. In addition, he has acted as Project Manager, Program Coordinator, and a team leader of multi-million-dollar national and regional programs and projects throughout the MENA region.

After his retirement from the World Bank, Dr. Arif became a member of an international panel at the GEF for the accreditation of eleven international project agencies in environmental and social safeguards and gender mainstreaming. He

has also worked as a principal environmental consultant for international organizations such as the World Bank in the African region, the European Commission, the UNDP, the Food and Agricultural Organization (FAO), GIZ, and the AFD. These assignments have covered a wide range of themes and activities in environmental and social safeguards, environment and pollution management, coastal zone management, climate change, and green and blue economies.

Dr. Arif graduated from the University of Manchester with a Ph.D. in Physics.

FINANCIAL MATTERS



7. Financial Matters

Financial Overview of BCRM Activities as of 23 December 2019
(in UA)

YEAR 2019	ORIGINAL BUDGET [1]	ACTUAL[2]	AVAILABLE[3]
MEETINGS (BANK BUSINESS) [4]	118,875.77	100,142.53	18,733.24
MISSIONS [5]	67,695.00	57,694.36	10,000.64
IRM EXPERTS FEES, MISSIONS, AND RETAINER [6]	290,291.65	287,366.11	2925.54
CONSULTANCY[7]	191,538.44	189,937.03	1,601.41
TRAINING & CAPACITY BUILDING [8]	9,493.20	-	9,493.20
SALARIES[9]	462,428.72	462,428.72	-
TOTAL	**1,140,322.78**	**1,097,568.75**	**42,754.03**

Notes :

1 Original Budget
2 Actual including expenditures & carryover to cover IRM fees for ongoing compliance review cases, spot-check activities & IRM review consultancy fees
3 Available: remaining funds as of 23 December 2019
4 IAM Annual meetings, Outreach activities, Mediation meetings & Bank staff training are covered by Meetings/Bank business
5 Missions of the BCRM staff
6 IRM Experts activities fees
7 Consultancy covers Third IRM Review fees conducted by a Consultancy firm
8 Training & Capacity Building covers BCRM staff training
9 Salaries of the Director (retired end of July 2019), 4 professional staff members (3 PL & 1 LP4) & 3 support staff members (1 joined in November 2019)

8. Appendices

8.1. ANNEX 1: IRM REGISTER OF REGISTERED REQUESTS AS OF 31 DECEMBER 2019

No.	Date of Registration	Country	Project	Purpose of Registration	Issues	Status
1.	19 Aug. 2019	Senegal	Dakar Regional Express Train Project, Phase I	Problem-Solving Exercise	• Inadequate consultation • Unfair compensation process	• Notice of Registration issued and distributed to the Boards of Directors, the President, and the Requestors. • BCRM waiting to receive Management Response to the Request.
2	28 Dec. 2018	Côte d'Ivoire	Abidjan Urban Transport Project	Problem-Solving Exercise	• Issues submitted by the Village of Adjamé • Loss of livelihood • Inadequate consultation	• Only one Notice of Registration was prepared for the three Requests since they raised similar issues and were related to the same Project • Notice of Registration issued and distributed to the Boards of Directors, the President, and the Requestors. • BCRM received Management Response to the Request on 17 Nov. 2019. • Problem-solving exercise to be conducted in the Q1 of 2020.
	28 Dec. 2018	Côte d'Ivoire	Abidjan Urban Transport Project	Problem-Solving Exercise	• Issues submitted by an NGO • Resettlement and compensation • Loss of livelihood • Inadequate consultation	
	28 Dec. 2018	Côte d'Ivoire	Abidjan Urban Transport Project	Problem-Solving Exercise	• Issues submitted by PAPs in Boribana • Resettlement and compensation	
3.	26 Dec. 2018	Kenya	Mombasa-Mariakani Road Project	• Group of affected people in Jomvu area • Problem-Solving Exercise	• Resettlement • Compensation • Loss of livelihood • Inadequate consultations • Non-disclosure of compensation documents	• Only one Notice of Registration was prepared for the three Requests since they raised similar issues and related to the same Project • Notice of Registration issued and distributed to the Boards of Directors, the President, and the Requestors. • Initial Management Response to the Request received by BCRM on 2 Feb. 2019. • Updated Management Response to the Request received by BCRM on 1 Apr. 2019.
	26 Dec. 2018	Kenya	Mombasa-Mariakani Road Project	• Group of affected people in Mikindani area • Problem-Solving Exercise	• Unfair compensation • Lack of details on calculation of the compensation award. • Names of some PAPs are missing in the compensation list.	
	26 Dec. 2018	Kenya	Mombasa-Mariakani Road Project	• Group of affected people in Bangladeshi area • Problem-Solving Exercise	• Unsatisfactory Compensation • Lack of details on calculation of compensation award.	

No.	Date of Registration	Country	Project	Purpose of Registration	Issues	Status
4.	14 Dec. 2017	Senegal	Blaise Diagne International Airport Project	Problem-Solving Exercise	• Conflict related to compensation and reinstallation	• Only one Notice of Registration was prepared for the two Requests since they raised similar issues and related to the same Project. • Notice of Registration issued and distributed to the Boards of Directors, the President, and the Requestors. • Problem-solving exercise is ongoing.
	14 Dec. 2017	Senegal	Blaise Diagne International Airport Project	Problem-Solving Exercise	• Conflict related to compensation and reinstallation	• Notice of Registration issued and distributed to the Boards of Directors, the President, and the Requestors. • Problem-solving exercise ongoing.
5.	28 Nov. 2016	Guinea	Multinational Road Development and Transport Facilitation Program within the Mano River Union—Guinea Section	Compliance Review	• Degradation of ecosystem • Inadequate ESIAs • Compensation and cultural heritage site issues	• Eligibility assessment mission for request for compliance review conducted 19-22 Mar. 2017. • Eligibility Assessment Report discussed and approved by the Boards on 10 Jan. 2018. • Compliance review mission conducted 17-23 Jun. 2018. • Compliance Review Report prepared and distributed to Boards on 1 Apr. 2019. • Boards approved the findings and recommendations in the IRM Compliance Review Report on 17 Apr. 2019. • IRM to monitor implementation of Management Action Plan. • First IRM Monitoring Mission to be conducted in Q2 2020.
6.	10 Aug. 2016	Senegal	Construction of 125 MW Sendou Coal-Fired Power Plant	Compliance Review	• No RAP prepared • Inadequate consultations • Encroachment on livelihoods • Health risk due to emissions	• Only one Notice of Registration was prepared for the two Requests since they raised similar issues and related to the same Project • Eligibility mission completed 30 Nov. 2016. • Eligibility Assessment Report approved by Boards in April 2017. • Compliance review mission conducted 28 May - 3 Jun. 2017. • Compliance Review Report discussed by the Boards on 11 Jul. 2018. • Boards asked Management to prepare an Updated Action Plan and submit to Boards for consideration. • Board approved findings and recommendations in IRM Compliance Review Report on 30 Jan. 2019 and asked the Bank Management to update its Revised Management Action Plan and submit it to the Boards. • First IRM Monitoring Mission conducted from 2-10 Nov. 2019. • First Monitoring Report under preparation and will be submitted to the Boards in Q1 2020.
	10 Aug. 2016	Senegal	Construction of 125 MW Sendou Coal-Fired Power Plant	Compliance Review	No RAP prepared • Inadequate consultations • Encroachment on livelihoods • Health risk due to emissions	

No.	Date of Registration	Country	Project	Purpose of Registration	Issues	Status
7.	12 May 2016	Mali	Diversification of Moulin Moderne du Mali (M3) Project	Compliance Review	• Compensation • Encroachment on livelihoods • No RAP	• Compliance Review Report discussed; findings and recommendations therein approved by the Board on 26 Apr. 2018. • IRM to monitor implementation of Management Action Plan. • First IRM Monitoring Mission to be conducted from 24 Feb - 3 Mar. 2019. • First Monitoring Report discussed and Board approved IRM findings and recommendations on 10 Jul. 2019. • The Boards asked Management to update its Action Plan and submit it to the Boards. • Second IRM Monitoring Mission to be conducted in 2020.
8.	7 Oct. 2015	Kenya	Outer Ring Road Project	Problem-Solving Exercise and Compliance Review	• Compensation	• Resolved to the satisfaction of Requestors. • Closed on 19 Mar. 2018. • New market constructed using funds from the project was completed in September 2019.
9.	9 Jul. 2015	Kenya	Nairobi River Rehabilitation and Restoration Program: Sewerage Improvement Project	Problem-Solving Exercise	• Compensation	• Resolved to the satisfaction of Requestors. • Closed on 19 Mar. 2018.
10.	7 Mar. 2014	Uganda	Improvement of Health Service Delivery at Mulago Hospital and in the City of Kampala	Problem-Solving Exercise	• Compensation • Inadequate due diligence in project approval procedures	• Problem-solving mission undertake on 2-5 Jul. 2019 to try to unlock the stalemate between the Requestors and Government. • Government asked Requestors to submit their claim in writing one more time and the Project Coordinator was tasked to obtain all the relevant documents from the Commissioner of Lands and submit them to the Minister of Health. • The Minister will scrutinize the documents and call the final meeting where she will give the final verdict on this case. • BCRM closed the problem-solving exercise and submitted the closure report to the Boards in Dec. 2019 for information. • BCRM will monitor the settlement reached by the Government and the Requestors and inform the Boards accordingly in 2020.
11.	25 Jun. 2012	Tanzania	Road Sector Support Project II	Problem-Solving Exercise	• Resettlement • Compensation	• Resolved to the satisfaction of Requestors. • Closed on 15 Jul. 2016.
12.	26 Jul. 2011	Senegal	Dakar-Diamniadio Highway Project	Problem-Solving Exercise	• Resettlement • Compensation	• Resolved to the satisfaction of Requestors. • Closed in Dec. 2012.

No.	Date of Registration	Country	Project	Purpose of Registration	Issues	Status
13.	7 Oct. 2010	South Africa	Medupi Power Project	Compliance Review	• Inadequate consultations • Disruption of livelihoods • Air pollution and constrained access to water • Climate change	• 3rd IRM Monitoring Mission on the implementation of Updated Management Action Plan to South Africa conducted 14-20 Oct. 2018. • 3rd IRM Monitoring Report was discussed, and the Boards approved the findings and recommendations in the Report on 20 Feb. 2019. • 4th IRM Monitoring implementation of Updated Management Action Plan to South Africa conducted from 23 Nov. to 1 Dec. 2019. • 4th IRM Monitoring Report under preparation.
14.	29 Jul. 2010	Morocco	Construction of the Marrakech-Agadir Motorway Project	Problem-Solving Exercise and Compliance Review	• Constrained access to water and social amenities • Damage to houses due to blasting • Degradation of agricultural land • Limited number of overpasses	• Closed to the satisfaction of Requestors. • Request found ineligible for compliance review since issues were resolved through the problem-solving exercise.
15.	22 Jul. 2009	Ethiopia	Gibe III Hydroelectric Power Project	Compliance Review	• Inadequate consultation • Loss of livelihood • Negative environmental impact • Negative transnational impact on Lake Turkana	• Closed—Request deemed ineligible for compliance review as AfDB decided not to finance this project.
16.	15 Jul. 2009	Egypt	Nuweiba Combined Cycle Power Plant Project	Problem-Solving Exercise	• Potential loss of livelihoods • Negative sociocultural impact • Road safety • Damage to marine environment • Inadequate public consultation	• Closed—Mediation exercise discontinued because government decided to relocate the project.
17.	26 Mar. 2009	Ethiopia	Gibe III Hydroelectric Power Project	Problem-Solving Exercise	• Inadequate consultation • Loss of livelihood • Negative environmental impact • Negative transnational impact on Lake Turkana	• Closed—Mediation exercise that was facilitated (for Bank to conduct two impact assessments on public consultations with Turkana communities and impact of dam on Lake Turkana's hydrology) was discontinued as AfDB decided not to finance this project.

No.	Date of Registration	Country	Project	Purpose of Registration	Issues	Status
18.	4 Jun. 2007	Uganda	Bujagali Hydropower and Interconnection Projects	Compliance Review	• Resettlement • Compensation • Environmental damage • Cultural and spiritual issues • Dam safety • Inadequate economic analysis	• Monitoring implementation of Management Action Plan is closed. • Management submitted PCR for Bujagali Interconnection Project to Boards on 25 Jan. 2018 for information. • In Sep. 2018, Management prepared a Corrigendum to the PCR to include the involvement of the IRM in the Bujagali Projects following a compliant submitted to BCRM in 2007. • In Dec. 2018, BCRM submitted the Closing Report for the Bujagali Projects to CODE for consideration. • On 16 Jan. 2019, CODE discussed the IRM Closing Report and asked BCRM to submit the Report to the Boards for approval. • CODE asked Bank Management to prepare a Revised PCR, which was distributed to the Boards for information on 26 Feb. 2019. • The Boards approved the IRM Closing Report of the Bujagali Projects on 12 Mar. 2019. • The Principal Requestor was informed of the formal closure of the Request on 27 Mar. 2019.

8.2. ANNEX 2: IRM REGISTER OF UNREGISTERED REQUESTS AS OF 31 DECEMBER 2019

No.	Date Received	Country	Project	Issues	Reason for Non-Registration
1	12 Dec. 2019	Kenya	Mombasa-Mariakani Road Project	• Notice to vacate New Flats Houses in Changamwe issued with intended inadequate compensation (Ksh. 48,000/= only)	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
2.	9 Dec. 2019	Nigeria	TEF 2019 cohort sponsored by AfDB	• Delay in receiving AfDB disbursement according to signed MOU while other sponsor cohorts received theirs from the other sponsored agencies	• Request outside the Mandate of the IRM as it related to release of seed money to start up a business and was forwarded to the Human and Social Development Department for follow-up.
3.	4 Dec. 2019	Kenya	Mombasa-Mariakani Road Project	• Notice to vacate New Flats Houses in Changamwe issued with intended inadequate compensation (Ksh. 48,600/= only)	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
4.	4 Dec. 2019	Kenya	Mombasa-Mariakani Road Project	• Notice to vacate New Flats Houses in Changamwe issued with intended inadequate compensation (Ksh. 46,800/= only)	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
5.	30 Nov. 2019	Tanzania	TANROADS Tanzania	Complaint on an issue of procurement of a Consultant re: TANROADS Tanzania.	• Request outside the Mandate of the IRM as it related to procurement issue and was forwarded to the Procurement department & Tanzania Office for follow-up
6.	19 Nov. 2019	Kenya	Mombasa-Mariakani Road Project	• Notice to vacate New Flats Houses in Changamwe issued with intended inadequate compensation (Ksh. 48,000/= only)	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
7.	16 Nov. 2019	Kenya	Mombasa-Mariakani Road Project	• Notice to vacate New Flats Houses in Changamwe issued with intended inadequate compensation (Ksh. 48,600/= only)	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
8.	16 Nov. 2019	Kenya	Mombasa-Mariakani Road Project	• Notice to vacate New Flats Houses in Changamwe issued with intended inadequate compensation (Ksh. 48,600/= only)	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.

No.	Date Received	Country	Project	Issues	Reason for Non-Registration
9.	7 Nov. 2019	Kenya	Mombasa-Mariakani Road Project	• Destruction of business premises in Changamwe by KeNHA since April 2016 without compensation	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
10.	6 Nov. 2019	Burundi	Multinational Burundi / Rwanda Rehabilitation Project - Section of the RN3 Mugina-Manda-Nyanza-Lac	• Inadequate and insufficient compensations • Unresolved compensation issues	• In process of registration
11.	4 Sep. 2019	Kenya	Mombasa-Mariakani Road Project	• Destruction of 3-room house for rental by ground shaking caused by road construction machineries, and KeNHA has refused to compensate the affected family	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
12.	2 Sep. 2019	Kenya	Mombasa-Mariakani Road Project	• Paid 15% (Ksh. 30,000/=) as disturbance allowance. • KeNHA is silent on when it will pay the balance 85% of compensatio.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
13.	20 Aug. 2019	Kenya	Mombasa-Mariakani Road Project	• Destruction of family house due to ground shaking from construction machineries and damage to the environment due to changed storm water drainage.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
14.	19 Aug. 2019	Kenya	Mombasa-Mariakani Road Project	• Destruction of family houses by storm water from the road and ground shaking by road construction machineries and KeNHA has refused to compensate the affected family.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
15.	19 Aug.2019	Kenya	Mombasa-Mariakani Road Project	• Destruction of family house by ground shaking caused by road construction machineries and KeNHA has refused to compensate the affected family.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
16.	7 Aug. 2019	Kenya	Mombasa-Mariakani Road Project	• Damage to houses and soil collapsing at Bangladeshi area due to re-routing of the drainage by the construction works.	• The 2-Complainant NGOs request for answers from lenders on the matters raised in their letter.

No.	Date Received	Country	Project	Issues	Reason for Non-Registration
17.	6 Aug. 2019	Kenya	Mombasa-Mariakani Road Project	• Damage to rental house due to construction work by KeNHA	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
18.	24 Jul. 2019	Kenya	Mombasa-Mariakani Road Project	• Destruction of water pipes denying the complainant a source of income from selling fresh water.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
19.	24 Jul. 2019	Kenya	Mombasa-Mariakani Road Project	• Destruction of medicinal trees leaving the complainant with no source of income.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
20.	20 Jul. 2019	Kenya	Mombasa-Mariakani Road Project	• Lack of compensation for damage done to housing arising from road construction works by KeNHA.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
21.	11 Jul. 2019	Kenya	Mombasa-Mariakani Road Project	• Business of the Complainant is affected by the Project, but no valuation, compensation or consultation meetings have been held by KENHA.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
22.	06 Jul. 2019	Kenya	Mombasa-Mariakani Road Project	• Lack of compensation for destruction of medicinal trees by road construction works by KeNHA.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
23.	30 Jun. 2019	Kenya	Mombasa-Mariakani Road Project	• Lack of compensation for damage and destruction of property arising from road construction works by KeNHA.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
24.	27 Jun. 2019	Kenya	Mombasa-Mariakani Road Project	• Lack of compensation for damage arising from road construction works by KeNHA.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
25.	26 Jun. 2019	Kenya	Mombasa-Mariakani Road Project	• Lack of compensation for injuries/damage arising from road construction works by KeNHA.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
26.	20 Jun. 2019	Kenya	Mombasa-Mariakani Road Project	• Lack of compensation of an elderly, sick and poor person (man) in Mikindani Area	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.

No.	Date Received	Country	Project	Issues	Reason for Non-Registration
27.	28 May 2019	Kenya	Mombasa-Mariakani Road Project	• Lack of compensation of an elderly, sick and vulnerable widow at Kwa Jomvu Madafuni	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
28.	25 Mar. 2019	Kenya	Mombasa-Mariakani Road Project	• Concerns about the concluded mediation process by EIB under the CAP process	• It was submitted as observations to the concluded process.
29.	16 Mar. 2019	Kenya	Mombasa-Mariakani Road Project	• Lack of consultation of a business owner and a group of newspaper vendors who will be affected by the Project	• The documents were submitted to Resident Engineer in Nov. 2018. • The documents stamped by the Resident Engineer were forwarded to BCRM for information.
30.	26 Feb. 2019	Kenya	Mombasa-Mariakani Road Project	• Name of the complainant missing from the compensation list prepared by National Land Commission (NLC)	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person.
31.	6 Feb. 2019	Kenya	Mombasa-Mariakani Road Project	• Inadequate compensations • Names of PAPs missing from the compensation list	• All 13 requests were submitted individually and separately by 13 persons. • BCRM advised them to join other groups represented by the 3 Principal Requestors
32.	Sep. 2018	Kenya	Mombasa-Mariakani Road Project	• Inadequate compensation • Loss of livelihood • No resettlement assistance provided	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person. • Requestor advised to join one of the eligible groups and be represented by it.
33.	Aug. 2018	Kenya	Mombasa-Mariakani Road Project	• Inadequate compensation • Loss of livelihood	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person. • Requestor advised to join one of the eligible groups and be represented by it.
34.	Jul. 2018	Kenya	Mombasa-Mariakani Road Project	• Inadequate compensation • Loss of livelihood • Lack of information on how compensation was arrived at.	• The complaint did not fulfill the criteria for registration of the Request. • Request submitted by one person. • Requestor advised to join one of the eligible groups and be represented by it.

No.	Date Received	Country	Project	Issues	Reason for Non-Registration
35.	3 Sep. 2019	Seychelles	Not clearly stated in the complaint.	• Non-payment of contract fees for services rendered in a project funded by the AfDB	• The complaint falls outside the mandate of the IRM. • Therefore, BCRM forwarded to the Deputy Director General of RDGE and the Acting Country Program Officer for Seychelles at AfDB on 19 Sep. 2019.
36.	7 Aug. 2019	Benin	Water Loss Reduction and Performance Improvement of Drinking Water Supply Systems in Cotonou, Porto-Novo and Their Suburbs	• Contesting bid evaluation procedure and decision awarding the contract to a certain company • Request submitted by an individual representing the Unit Export Limited of Great Britain	• The complaint concerns procurement issue which is outside the mandate of the IRM. • Therefore, the IRM forwarded the complaint to the Procurement Department for action on 6 Sep. 2019.
37.	21 Jun. 2019	Impetus Europe Inc. (UK) (project in Zambia)	Support to Science and Technology Education Project (SSTEP)-Copperbelt University	• Failure to comply with Procurement rules in tendering process	• Request outside the Mandate of the IRM as it related to procurement issue and was forwarded to the Procurement department for follow-up.
38	10 April 2019	Steadman Global Consulting Limited, Uganda	A project in Sudan (Ministry of Finance and Economic Planning)	• AfDB non-compliance with the bidding process	• Request outside the Mandate of the IRM as it related to procurement issue and was forwarded to the Procurement department for follow-up.
39	26 Feb. 2019	Cote d'Ivoire	Abidjan 4th Bridge	• Non-payment for services rendered.	• Request submitted by a company (Evacane) which raised a commercial dispute between it and the Ministry of Transport and Industry.
40	11 Feb. 2019	Kenya	Isebania-Ahero-Kisii Road Project	• Likely demolition of a police post without assistance for relocating it.	• The issue was resolved by project Implementing Unit. It clarified that the post will not be affected by the Project and the Requestors were advised accordingly.
41	July 2018	Kenya	Ethiopia Kenya Power Systems Interconnection Project	• Lack of wayleave compensation to Marsbit County Government • Inadequate information concerning compensation	• The complaint did not fulfill the criteria for registration of the Request. • The Requestor referred to a land dispute over which the transmission lines traverse that is pending in the Court of Appeal in Kenya; the BCRM cannot handle a complaint, which relates to a matter pending in national courts (see Para. II.b.2.d of IRM Rules 2015).

No.	Date Received	Country	Project	Issues	Reason for Non-Registration
43	February 2018	Burkina Faso	Gazetted Forests Participatory Management Project for REDD+ (PGFC/REDD+)	• Local NGO representing PAPs • inadequate consultation, • Loss of livelihoods • Land ownership	• BCRM carried out consultations with complainants and Management followed by a field mission in September 2018. BCRM noted that the Bank communication with the PIU regarding halting any activities that will negatively impact livelihoods in additional Gazetted area, which was not initially planned for by Project. Should the Bank efforts to resolve complaints fail to materialize, the request will be registered and handled in 2019.
44	Apr. 2017	Uganda	Construction of the Isimba Dam	• Likely flooding of the Kalagala offset if the dam is built at the tallest proposed height	• The Bank is not financing the project.
45	Mar. 2017	France	African Guarantee Fund	• ITEKA accuses African Guarantee Fund of violating contract provision related to non-disclosure agreement.	• The issue concerned a third-party commitment in which the Bank was not involved. • The issue was beyond the scope of the BCRM.
46	Feb. 2017	Central African Republic	Reconstruction effort for communities in Central African Republic	• Procurement and fraud issues	• Issues beyond the scope of the IRM and the BCRM. • Complaint forwarded to mandated Procurement Department and Integrity and Anti-Corruption Department (IACD) to handle the issues (Para. II.b of IRM Rules 2015).
47	Jan. 2017	Liberia	Rural Water, Sanitation and Hygiene (RWASH) Program	• Delayed payment of consultancy fees	• Complaint is beyond the scope of the IRM. • Complaint referred to mandated Procurement Department (Para. II.b of IRM Rules 2015).
48	Jun. 2016	Tunisia	Name of project not provided by complainants, but it is in the gas sector.	• Water pollution • Access to farms blocked by the oil company • Locals not hired to provide labor to the company	• Requestors did not provide name of the project. • Requestors did not provide additional and essential information for the BCRM to follow up with the issues.
49	Jun. 2016	Kenya	ADB/GOK Education III Project at Kitale Secondary School	• Non-completion of project which stalled immediately after it was started	• The project was withheld and the BCRM forwarded Request to the Department in charge of Education in the Bank for follow-up with complainants.
50	Jun. 2016	Morocco	Youth Agribusiness Entrepreneurs Program	• Denial of access to credit facility (finance) for implementing business plans developed under training financed by the Bank	• AfDB not involved in the finance of credit to trained young entrepreneurs. • However, the BCRM carried out a fact-finding mission in Morocco in Apr. 2017 and held a facilitation meeting between Requestors, ADA (the PIU), and the AfDB's National Office in Morocco (COMA). • COMA and ADA agreed to contact National Credit Fund to accelerate processing of credit applications of Requestors. .

No.	Date Received	Country	Project	Issues	Reason for Non-Registration
51	Dec. 2015	Sierra Leone	Addax Bioenergy Project	• Land issues • Understanding the causes and effects of development investment • Support to local communities	• AfDB worked out loan and was no longer involved in the project.
52	Sep. 2015	Mali	Diversification of Moulin Moderne du Mali (M3) Project	• Resettlement • Compensation	• The complaint did not fulfill the criteria for registration of the Request. • The Request made some reference to relevant case before the national courts, limiting BCRM from handling it (see Para. II.b.2.d of IRM Rules 2015). • This case was later registered in 2016 after BCRM verified there was no pending court case and received additional information from the Requestor.
53	Apr. 2015	Nigeria	Urban Water and Sanitation Improvement Project in Oyo and Taraba States	• Allegation of presentation of fraudulent documentation during procurement process in Oyo State	• The complaint is beyond the scope of the IRM. • Complaint was referred to mandated Procurement Department and IACD for action.
54	Mar. 2015	Democratic Republic of Congo	Rural and Peri-Urban Electrification Project	• Compensation	• Complaint related to a project that the Bank is not financing.-
55	Nov. 2014	Republic of Congo	Support to the Monitoring and Evaluation System of the Poverty Reduction Strategy Project	• Private company claiming payment by government for work done	• The Bank Management and the Government of the Republic of Congo, through dialogue facilitated by the BCRM, handled the complaint. • The BCRM did not register this Request based on IRM Rules 2010 on prerequisites to be Requestor (Para. III.b).
56	Jul. 2014	Kenya	Olkaria Geothermal Project	• Resettlement • Compensation	• Request was not registered since it was related to a project that the Bank was not financing.
57	Apr. 2014	Kenya	Outer Ring Road Project	• Resettlement • Compensation	Requestors did not contact management prior to filing complaint with the BCRM (a prior condition that should have been fulfilled under the previous IRM Rules 2010). Request was later registered in 2015 as Requestor could not reach an agreement with the PIU. • BCRM intervened to facilitate the resolution of complaint through the Country Office in Nairobi.
58	2014	Republic of Congo	Support to the Monitoring and Evaluation System of the Poverty Reduction Strategy Project	• Facilitation	• The Bank's funding in this project had no link with the concerns of the Requestors. • The Bank had not violated any of its policies and procedures in this project. • Issues raised were not within the scope of the Bank.

No.	Date Received	Country	Project	Issues	Reason for Non-Registration
59	2012	Senegal	Public Road Project	• N/A	• Complaint successfully handled by Senegal Field Office in line with IRM Rules 2010 (Para. III.b.5.e).
60	2012	Kenya	Public Road Project	• N/A	• Complaint successfully handled by Kenya Field Office in line with IRM Rules 2010 (Para. III.b.5).
61	2012	Madagascar	Mining Project	• N/A	• Request made by one individual and was not registered since IRM Rules 2010 require any group of two people to file a complaint (Para. III.3.a.4.a). • Requestor could not come up with proof of other groups similarly affected by the project.
62	Sep. 2010	South Africa	Power Project	• N/A	• Complaint relating to corruption referred by the BCRM to mandated IACD in line with IRM Rules 2010 (Para II.b).
63	2009	Tanzania	Public Road Project	• N/A	• Complaint successfully handled by Tanzania Field Office.
64	2009	Kenya	Public Road Project	• N/A	• Complaint successfully handled by Kenya Field Office.





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