

11 February 2019

**Board of Directors  
African Development Bank  
Avenue Joseph Anoma  
01 BP 1387 Abidjan 01  
Côte d'Ivoire**

**CC : Dr Akinwumi Adesina, President of the African Development Bank  
CC : Sekou Toure, Director of the Compliance Review and Mediation Unit  
(BCRM)**

Re: Consultation Process for Review of the Independent Review Mechanism and External Stakeholder Participation in the Selection of the Next Compliance Review and Mediation Unit Director

Dear Board of Directors:

As organizations that support communities impacted by internationally financed projects, including African Development Bank (AfDB) projects, we are writing to provide input on the consultation process for the review of the Independent Review Mechanism (IRM) of the AfDB. The IRM is a crucial forum for addressing community concerns with the AfDB's activities and providing important lessons learned for the institution. Several of the signatories to this letter participated in the 2014 review of the IRM, and found that process to be inconsistent with standard practice at other independent accountability mechanisms (IAMs). We ask the Board to ensure that the upcoming review is transparent, meaningful, and inclusive. This is a great opportunity for the AfDB to engage with civil society organization (CSOs) and local communities, and value stakeholder contributions to the Bank's accountability policy.

In 2014, only the consultant's report was initially disclosed for public comment, and full drafts of the revised policy documents were only disclosed following civil society requests. CSOs were then only given a short period of time in which to analyze and prepare comments. In order for the upcoming review process to comprehensively incorporate stakeholder input, particularly from the region, and address any challenges for the IRM in fulfilling its potential as a fully effective mechanism for accountability and remedy, the shortcomings from the 2014 process must not be repeated.

The upcoming review should, at a minimum:

- Include regular updates on the process and opportunities to provide feedback, including feedback on the current Resolution and Operating Rules and Procedures;
- Disclose the full draft of revisions to the Resolution and Operating Rules and Procedures;
- Provide for two rounds of public comments on the drafts – one initial round on the draft documents and another round on the updated drafts;
- Disclose a matrix of all comments received on the drafts that outlines which comments were adopted, which ones were not adopted, and why;

- Publish the final draft prior to Board approval; and
- Include several opportunities for in-person consultation and hold outreach meetings across in the region in order to solicit input not just from CSOs but also complainants and local communities.

Since the 2014 review, many other IAMs have undergone their own reviews. We encourage the AfDB to learn not only from the innovations adopted at other institutions but also from their consultation processes. For example, the European Bank for Reconstruction and Development (EBRD) is currently undertaking a review of its Project Complaint Mechanism (PCM). The PCM has regularly engaged with the CSOs for more than a year and a half, including by soliciting detailed feedback on needed changes prior to the commencement of the official review and through regular updates during the review process. It has provided translations of its draft in several languages, including Arabic, and has organized eight regional, in-person consultations.<sup>1</sup>

On a related note, we understand that the current director of the Compliance Review and Mediation Unit (CRMU) will soon be leaving his position. So as not to prejudice the outcome of the review, which could result in a different institutional structure, and to ensure continuity throughout the process, we recommend that an interim director be appointed, with civil society input, until the new policy comes into effect. At that time, we urge that external stakeholders, including civil society, be included in the selection process of the mechanism's leadership, which would help ensure its independence and bolster its legitimacy among users of the IRM.<sup>2</sup> Several IAMs include external stakeholders in the leadership selection process, including the EBRD's PCM, the International Finance Corporation's Compliance Advisor Ombudsman, the Inter-American Development Bank's Independent Consultation and Investigation Mechanism, and the independent Examiners for the Guidelines of the Japan International Cooperation Agency and the Japan Bank for International Cooperation. Providing for external stakeholder input into the CRMU director hiring process would be in line with the inclusivity and transparency that we would like to see during the policy review.

Thank you for considering our recommendations for these crucial processes. We look forward to ongoing engagement with the Board to ensure that the IRM is an effective resource for communities and the AfDB.

For further information or questions please contact Aly Sagne, LSD ([alsagne@aim.com](mailto:alsagne@aim.com)), Kindra Mohr, Accountability Counsel ([kindra@accountabilitycounsel.org](mailto:kindra@accountabilitycounsel.org)), Kris Genovese, SOMO ([k.genovese@somo.nl](mailto:k.genovese@somo.nl)) or Anna van Ojik, Both ENDS ([a.vanojik@bothends.org](mailto:a.vanojik@bothends.org)).

Sincerely,

---

<sup>1</sup> *EBRD Good Governance Policy Consultation – Kiev*, EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, <https://www.ebrd.com/news/events/ebrd-good-governance-policy-consultation-kiev.html> (last visited 6 February 2019).

<sup>2</sup> GLASS HALF FULL? THE STATE OF ACCOUNTABILITY IN DEVELOPMENT FINANCE 47 (Caitlin Daniel, Kristen Genovese, Mariette van Huijstee, & Sarah Singh eds. 2016), <https://www.somo.nl/glass-half-full-2>.

## **Africa**

1. Lumiere Synergie pour le Developpement (LSD), Senegal
2. Enda Tiers Monde Lead Francophone, Senegal
3. Societe Internationale pour les droits de l'homme (SIDH), Senegal
4. Africa Development Interchange Network (ADIN), Cameroon
5. African Law Foundation (AFRILAW), Nigeria
6. Arab Watch Regional Coalition for Just Development, International
7. Buliisa Initiative for Rural Development Organisation (BIRUDO), Uganda
8. Collectif Camerounais des Organisations des Droits de l'Homme et de la Démocratie (COCODHD), Cameroon
9. Green Advocates International, Liberia
10. Human Rights Council, Ethiopia
11. Jamaa Resource Initiatives, Kenya
12. Narasha Community Development Group
13. Network Movement for Justice and Development (NMJD), Sierra Leone
14. NGO Forum on ADB, the Philippines
15. Observatoire d'Etudes et d'Appui à la Responsabilité Sociale et Environnementale (OEARSE), D.R. Congo
16. ONG Mer Bleue, Mauritania
17. CREDDHO (Centre de Recherche sur l'environnement, la Démocratie et les Droits de l'Homme), Democratic Republic of Congo
18. Sustainable Holistic Development Foundation (SUHODE), Tanzania
19. Institut de Recherche et de Promotion des Alternatives en Développement (IRPAD), Mali
20. Fondation pour le Developpement du Sahel (FDS), Mali
21. AFREWATCH, Democratic Republic of Congo
22. ACADHOSHA, Democratic Republic of Congo

## **Canada and United States of America**

23. Accountability Counsel, United States
24. MiningWatch, Canada
25. Inclusive Development International, United States
26. International Accountability Project (IAP), International
27. Oil Change International, United States
28. Maryknoll Office for Global Concerns, United States
29. Friends of the Earth United States, United States
30. Center for International Environmental Law (CIEL), United States
31. Bank Information Center (BIC), United States

## **Europe**

32. Both ENDS, the Netherlands
33. Center for Research on Multinational Cooperation (SOMO), the Netherlands
34. Urgewald, Germany