

AFRICAN DEVELOPMENT BANK GROUP



THE INDEPENDENT RECOURSE MECHANISM



Operating Rules and Procedures

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Abbreviations, Terms and Definitions

Advisor	An individual or organization who has been engaged by a Complainant to provide them with advice and/or support throughout the complaints-handling process. Advisors may not represent the Complainant or make decisions on their behalf.
Bank Group-Financed Operation	Any operation funded by the AfDB/ADF, The Nigeria Trust Fund and other special funds administered by the Bank, approved by the Boards of Directors or Management or under consideration for financing by Bank Management.
Boards of Directors	Boards of Directors of the African Development Bank and African Development Fund.
Borrower/Client	Borrower: The party to the Loan Agreement to whom the Loan is made. Client: An entity that is eligible to receive financing, investment, or technical assistance from the Bank on non-sovereign terms, to whom financing or investment flows will be disbursed, and who is responsible for fulfilling specific conditions and for repayments to the Bank as per financing agreements, in the case of non-grant resources.
Business Days	Days in which the Bank is open for business at headquarters.
CODE	Boards Committee on Operations and Development Effectiveness.
Compliance Review Report	Report resulting from a Compliance Review of a Complaint to IRM.
Compliance Eligibility Assessment Report	Report prepared by IRM to evaluate a Complaint for Compliance Review.
Complainant	Signatories to a Complaint, those who have submitted a Complaint.
Complaint	A written Complaint submitted to the IRM raising issues of actual or potential harm resulting from alleged non-compliance by the Bank Group with its policies and procedures.
CSO	Civil Society Organization include but are not limited to non-governmental organizations, peoples and professional organizations, trade unions, cooperatives, consumer and human rights groups, women's associations, youth clubs, independent radio, television, print and electronic media, neighbourhood or community-based coalitions, religious groups, academic and research institutions, grassroots movements and organizations of Indigenous Peoples" AfDB Framework for Enhanced Engagement with Civil Society Organizations, 2012, P4.
Financial Intermediaries (FIs)	Entities that act as middle agent between two parties in a financial transaction such as a Commercial Bank or Investment Bank. Financial Intermediaries are a key instrument for AfDB to promote sustainable financial markets and provide a vehicle to channel AfDB funding to the micro, small and medium size enterprise (SME Sector).
Independent Recourse Mechanism	The independent complaints mechanism of African Development Bank Group established by Board Resolution.
Management	African Development Bank Group as an institution involved in the design, appraisal and/or implementation of Bank Group-Financed Operations.
MAP	Management Action Plan.
Party	One of the people or sides involved in a formal agreement or dispute
Policies and Procedures	Policies and Procedures of relevance to IRM Complaints decided upon in agreement between IRM and Management, and subject to constant update.
Problem-Solving Assessment Report	Assessment Report prepared upon registration of a Complaint for Problem-Solving.
Problem-Solving Report	Report prepared at the end of a Problem-Solving exercise.
Register	A Complaints Register is a web-based tool to record details of Complaints received by the IRM and tracks the Complaints handling process.
Representative	An individual or organization who has been retained and authorized by a Complainant to represent their interests and make decisions on their behalf with their consent.
Reprisal	A Reprisal is any adverse act taken against someone because they made a Complaint disclosure or participated in a Complaint investigation. Reprisals can come in many forms and may not always be obvious.

I. Introduction

1. The Independent Recourse Mechanism (IRM) is the African Development Bank Group's Complaint Mechanism. It is headed by a Director who is assisted by professional and support staff to carry out Compliance Review, Problem-Solving and Advisory functions. Initially established pursuant to Resolutions B/BD/2004/9 - F/BD/2004/7 and B/BD/2004/10 adopted by the Boards of Directors on 30th June 2004 (collectively the 'Enabling Resolution'), the Enabling Resolution has since been amended twice, with the latest amendment being adopted pursuant to Resolution B/BD/2021/16 – F/BD/2021/11.
2. The Amended Enabling Resolution establishes the IRM's authority and these Operating Rules and Procedures ('Rules') to provide detail to the operational provisions of that Resolution. The following text is based on the Amended Enabling Resolution.

a. Purpose

3. The IRM was established for the purpose of providing people adversely affected by an Operation financed by the African Development Bank, the African Development Fund, the Nigeria Trust Fund and other Special Funds administered by the Bank (collectively the 'Bank Group') with an independent mechanism through which they can request the Bank Group to comply with all its own policies and procedures. The IRM provides people adversely affected by an Operation financed by the Bank with an independent mechanism through which they can seek redress and hold the Bank to account to ensure that it complies with its own policies and procedures related to sustainability. The mechanism is, therefore, available when an individual or a group of affected persons believe that they have been harmed or could be harmed by a Bank Group-Financed Operation.
4. The IRM will disseminate information about the mechanism and the Complaints process to Bank staff and Management, the Boards of Directors, civil society organizations, affected communities and Borrowers/Clients. Management shall make significant efforts to make the IRM better known among affected communities and Borrowers/Clients and shall mainstream information about the IRM in community consultations, and in Bank policies and procedures and Operations documents. Any AfDB Borrowers/Clients and sub-clients (including Financial Intermediaries) shall be required to disclose the existence of the IRM to project-affected communities.
5. The IRM will ensure that the Complaints process is culturally appropriate, gender responsive, and equally available to all.

b. Functions

6. The role of the IRM is to perform Compliance Review, Problem-Solving and advisory functions.
7. The Problem-Solving (described below in Section VI) and the Compliance Review (described below in Section VII) functions of the IRM will be triggered when it receives a request for Compliance Review and/or Problem-Solving. The IRM will conduct a preliminary review of the Complaint while respecting the Complainant(s) preference for either Problem-Solving,

Compliance Review or both.

8. The advisory function (described below in Section VIII) will provide independent opinions on systemic issues, technical advice on any operations and policies of the Bank Group, and to support efforts of staff and Management to strengthen the positive social and environmental impact of Operations financed by the Bank Group.

c. Relevant Policies and Procedures

9. The IRM's scope of work covers all Operations financed by the Bank Group and may consider all relevant policies, guidelines and procedures that are approved by the Boards of Directors, Management or Bank Committees as of the date they are effective. The policies relevant to the IRM tend to cover social and environmental aspects of Bank Group-Financed Operations and include the following policies among others:
 - AfDB Policy on Access to Information;
 - AfDB Integrated Safeguards System Policy Statement; and
 - Any other relevant policy guideline or procedure.
10. The IRM shall work with Bank Group Management to establish, maintain, and update an indicative list of relevant policies and procedures of the Bank Group pertaining to its work and post this on its website.

II. Subject Matter of Complaints

11. The IRM is authorized to accept Complaints for review from an individual or group of persons with a common interest ('Complainant(s)') who allege that an actual or potential harm has arisen or may arise from a failure of the Bank Group to follow its own policies and procedures during the design, appraisal and/or implementation of a Bank Group-Financed Operation.

a. Exclusions:

12. IRM shall not handle Complaints filed more than 24 months after the physical completion of the concerned operation or more than 24 months from the date the complainant becomes aware of the adverse impacts, whichever comes later.
13. A Complaint received by the IRM will not be eligible if it relates to any of the following exclusions:
 - (a) Any procurement by the Bank Group or its Borrowers/Clients from suppliers of goods, works and services financed by or expected to be financed by the Bank Group under a financing agreement, or from losing tenders for the supply of such goods, and works and services which shall continue to be addressed under other existing procedures. These are handled by the Procurement unit of the Bank Group;
 - (b) Allegations of fraud or corruption since they are handled by the Office of Integrity and Anti-Corruption (PIAC) within the Bank Group;
 - (c) Fraudulent, frivolous, or malicious Complaints;
 - (d) Anonymous Complaints;
 - (e) Complaints motivated by an intention to gain competitive advantage;

- (f) Complaints regarding matters over which the IRM has already reached a decision, unless justified by clear and compelling new evidence or circumstances not known at the time of the prior Complaint;
- (g) The adequacy or unsuitability of Bank Group policies or procedures.

III. Submitting a Complaint

a. Advice on Preparation of a Complaint

14. People or entities seeking advice on how to prepare and submit a Complaint may contact IRM, which will provide information and discuss the requirements with potential Complainants.

b. Who can file a Complaint?

15. The following persons or entities can file a Complaint:
 - (a) Any individual or group with a common interest ('Complainants') in the country or countries where the Bank Group-Financed Operation is located or has impact, who allege that actual or threatened harm has arisen or may arise from the failure of the Bank Group to follow its own policies, procedures and requirements during the design, appraisal and/or implementation of a Bank Group-Financed Operation;
 - (b) A duly appointed representative(s) acting on instructions as the agent of adversely affected people;
 - (c) An Executive Director of the Boards of Directors of the Bank Group; or
 - (d) The IRM Director (See Section VII).

c. Mandatory Information

16. No specific format is necessary to file a Complaint. In instances where complaints are made verbally, the IRM will assist Complainants to submit them in writing. However, the names, address and telephone number, email and other contact information of the complainant must be provided. In addition, a Complaint must contain the following information:
 - (a) A reference to the relevant operation or sub-project of concern that is sufficiently detailed to identify it as a Bank Group-Financed Operation (e.g., Project or Borrower/Client name, Project location and/or sector);
 - (b) A brief description of all the relevant facts of the Complaint including the harm or potential harm suffered by or threatened to the affected party or parties;
 - (c) A description of either: i) any good faith efforts the Complainants have made with the Bank and/or Borrower/Client to address the issues raised in the Complaint and a description of the results of those efforts, or ii) an explanation why such efforts were not undertaken, or (iii) The IRM will waive the requirements for good faith efforts to have been undertaken if it deems that such efforts would be futile or potentially harmful to the Complainants.

d. Optional/Non-Mandatory Information for Complainants

17. Complainants are also encouraged to provide the following non-mandatory information:

- A description of the relevant or applicable Bank Group policies in question, especially when requesting a Compliance Review;
- Their preference for either Compliance Review, Problem-Solving or both;
- An indication of whether confidentiality is requested by the Complainants and if so, why.
- A description of the desired outcomes that they are aiming to achieve through the use of the IRM process;
- Any concerns the Complainants may have regarding risks of retaliation;
- The name of a representative (individual or organization) who has been invited to assist the Complainants with their Complaint (Note: In such cases the Complaint must contain written proof of the Representative's authority to act on behalf of the Complainants in relation to the Complaint); and/or
- Any other information or materials relevant to the Complaint including documents, media reports, maps, photographs and other audiovisual materials that might facilitate the IRMs processing of the Complaint.

Additional information regarding Preparation of a Request:

18. The requirements for submission of Complaints will be interpreted with flexibility with the view to allowing affected people and communities to use the means at their disposal to submit Complaints.
19. A Complaint form and a model complaint letter in English and French is Annexed to this document.

Confidentiality and Protection of Complainants at Risk of Reprisals:

20. The Complainants and any other interested persons may, at the time of submitting their Complaint, request that their identities be kept confidential, and the reasons for such confidentiality.
21. If the Complaint contains a request for confidentiality under paragraph 17 above, the IRM will respect such a request and shall agree on the terms of proceeding with the Complainants. The IRM will also undertake, in consultation with Complainants, a risk analysis to identify and monitor potential risks of retaliation, and plan and adopt preventative measures to address and reduce these risks. However, if in the opinion of the Director, after consultation with the Complainant, a Compliance Review or Problem-Solving process cannot proceed with the requested confidentiality maintained, it may have to be terminated by the Director.
22. If despite preventive measures a risk of reprisal materializes, the IRM will discuss with the concerned person or group what the appropriate course of action for this person or group of persons in relation to the Complaint might be. In this context not having any direct ability to physically protect Complainants or otherwise safeguard person from possible negative consequences IRM will seek to be clear about the limitations of its ability to respond to such instances of threat and reprisal. In addition, IRM will inform and escalate the matter to Senior Management, the Boards of Directors and the President as necessary so that the AfDB may take appropriate action. Any proposed measures should prioritize the safety of persons under threat. IRM may reflect significant security concerns in case related reports for context, if safe and with the concern person or groups concerned and will report aggregate information on threats and reprisals in its Annual Reports.

Language:

23. The working languages of the IRM shall be the official languages of the Bank (i.e., English and French). Complaints may be submitted directly by affected people themselves in their local language. Where Complaints are not in either English or French, IRM will inform the Complainants of the estimated translation time and this will be taken into account in the Complaints processing timeline.
24. The IRM will endeavor to respond to Complaints in the language of submission, but will in any event, respond in either of the official languages of the Bank Group with which the Complainants are most comfortable.

Representation:

25. Complainants can have both representatives and advisors. Both roles can have new people designated as the process moves forward as availability can change as well as the nature of support needed. Complainants are free to choose who to represent them be they local or international organizations. Both advisors and representatives are subject to Complainant's decision-making authority. Where the Complainants are entities representing affected people/communities they shall provide evidence of representational authority and include the names and contacts of the affected parties.

e. Delivery of Complaint

26. Complaints must be sent to the IRM at the Bank Group's Headquarters by any suitable means or to any of the Bank Group country offices. In both cases, an acknowledgement of receipt should be issued within seven (7) Business Days. In the latter case, the Bank Group's Country Manager shall, after issuing an acknowledgement of receipt to the Complainants, promptly and without reviewing the content of the Complaint forward it to the Director of the IRM.

f. Effect of Filing a Complaint

27. Notwithstanding any other provision in these Rules, the filing, assessment, registration or processing of a Complaint or the carrying out of a Compliance Review or Problem-Solving exercise shall not have the effect of suspending processing of, or disbursements in respect of the relevant Bank Group-Financed Operation. However, if at any time during the processing of a Complaint, the Director is of the opinion that serious, irreparable harm shall be caused by the continued processing or implementation of the Bank Group-Financed Operation, the Director may make an interim recommendation to the Boards of Directors and the President to suspend further work or disbursement. Such recommendation shall be considered in light of any contractual obligation or other relevant policies of the Bank Group and the decision concerning such recommendation shall be made in accordance with the Bank Group's applicable Rules and Procedures.

IV. Procedures upon Receipt of a Complaint

a. Acknowledgement of Receipt

28. When the IRM receives a Complaint, it shall send a written acknowledgement to the Complainants within seven (7) business days of receipt. The Complaint shall be logged in the IRM Register of Complaints ("The Register").

b. Preliminary Review

29. The IRM shall within twenty-one (21) Business Days of receipt of the Complaint, conduct a preliminary review on the basis of the information contained in the Complaint to determine if the Complaint contains a bona fide allegation of harm arising from a Bank Group-Financed Operation and undertake a reprisals risk check to ensure that adequate protections are in place for the Complainants. The Director may also request information and clarification about the Operation from Management. The IRM will thereafter either:
- (i) register the Complaint;
 - (ii) ask for additional information from the Complainants; or
 - (iii) find the Complaint ineligible in accordance with paragraphs 12 and 13.

c. Request additional information

30. If the IRM finds the contents of the Complaint or documentation on representation insufficient, it may temporarily suspend the registration process to ask the Complainants to supply additional information within 21 Business Days. If the IRM does not receive additional information within this period, it will not register the Complaint due to insufficient information. The Complainant(s) will be able to resubmit their Complaint at any time thereafter as a new Complaint and have it reconsidered by IRM.

d. Registration

31. If a Complaint falls within the mandate of the IRM, meets the mandatory criteria set out above and contains the information listed in Paragraph 16 above (“Format”), the complaint will be registered and appear on the Register.
32. Where the IRM finds that the matter of a Complaint is not eligible, it will notify the Complainants of its refusal to register the Complaint and the reasons supporting that refusal.
33. If several Complaints have been filed by different persons concerning the same Operation they can be grouped into a single Complaint or processed at the same time.

V. Actions Following the Registration of a Complaint:

a. Notification

34. Once a decision has been taken to register a Complaint, the IRM will promptly notify and transmit a Notice of Registration to the Complainants, the Management, the Boards of Directors and the President, together with a copy of the original Complaint, and any other relevant documentation. The Notice of Registration and the original Complaint shall be posted on the Register.

Contents of Notice:

35. The Notice of Registration will include:
- (a) The date the Complaint was received by the IRM and the date of registration of the Complaint;
 - (b) The name of the Operation, the country or countries where the Operation is located, and a summary of the Complaint brief description of the Request;
 - (c) The name of the individual(s) and/or Representatives(s) submitting the Complaint (unless

confidentiality has been requested); and

- (d) An indication, if known, of the IRM function requested (Problem-Solving, Compliance Review or both).

36. Once a Notice of Registration has been publicly issued the case will enter a Complaints data gathering stage, in which the IRM staff will request a response from Management on the Complaint and gather additional information on the Complaint and its context.

b. Management's Response

37. Within twenty-one (21) Business Days after being notified of the Registration of a Complaint, Management shall provide IRM with a Management Response, to issues alleged in the Complaint including:

- A description of any relevant policies and procedures in question;
- Whether or not Management believes it has complied with the relevant Bank Group policies and procedures;
- A description of the steps Management intends to take to ensure compliance with the applicable Bank Group policies and procedures;
- A description of all efforts to date made by Management or its Borrower/Client to resolve the issues raised in the Complaint; and
- Any additional information on the Operation or Borrower/Client which may prove useful.

38. After IRM receives Management's response, it shall promptly enter the date of receipt in the Register. A copy of the Management Response shall be sent to the Complainants for information and posted on the Register.

39. The time limit for receipt of Management Response should be strictly abided by except in circumstances clearly beyond the Management's control. In such cases, after consulting with IRM, Management should inform the Boards of Directors of and justify any proposed extension of the deadline.

c. Extension of Time Periods

40. Any time period referred to in these Rules may be extended, provided there are circumstances beyond IRM and Management control. In consultation with the Management and the Boards of Directors IRM will decide on new dates. Any such extension shall be promptly notified to the Complainants and posted on the Register.

d. Information Gathering:

41. In addition to reviewing Management's response to the Complaint, the IRM staff may also begin to gather additional information during this time to develop a clearer understanding of the Complaint. This step may include a site visit and inter-alia the following activities:

- Information gathering on the issues raised in the Complaint through additional research;

- Identifying and reviewing potentially relevant Bank Group policies or procedures as appropriate;
- Identifying and reviewing relevant local or national laws if appropriate;
- Identifying and reviewing previous IRM cases which may be of relevance to the present Complaint;
- Confirming whether the Complainants have raised issues in the Complaint with any other grievance redress mechanism, independent accountability mechanism of a co-financing institution or if the issues raised in the Complaint have ever been (or currently are) before a court, arbitration tribunal or other dispute resolution mechanism.

e. Internal Review of Complaint:

42. Following the data gathering stage the IRM Director will review all the information together with Management's Response and in consultation with Complainants decide if the case should be temporarily suspended or if it should proceed to either Problem-Solving or Compliance Review for further processing. In cases where the Complainants have made a request for both functions, the IRM will determine which function should be pursued first or whether both functions can be pursued simultaneously. These decisions will be published in the Register.

f. Temporary Suspension of Complaints:

43. If the Complainants did not make good faith efforts to address the issues raised in the Complaint with Bank Management and/or the Borrower/Client's project level grievance redress mechanism (and did not provide a satisfactory explanation to IRM as to why such efforts could not be undertaken), the IRM may in consultation with the Complainants, temporarily suspend the Complaint and invite Bank Management and the Borrower/Client to make good faith efforts and attempt to address the issues raised in the Complaint, for an initial period of up to 45 business days. During this period, the IRM will monitor the status and progress of the issues raised in the suspended Complaint. At the end of the agreed upon suspension period, the IRM will consult with the Complainants, Bank Management and/or Borrower/Client and decide whether to lift the suspension and register the case with IRM for further processing if there is insufficient progress and/or the issues raised in the Complaint remain unresolved. All temporary suspensions will be noted in the Register.

VI. Problem-Solving

a. Objectives

44. The objective of a Problem-Solving exercise is to restore effective dialogue between the Complainants, and other relevant Parties with a view to resolving the issue/issues underlying a Complaint. A Problem-Solving exercise may be conducted only if the Complaint has been registered.

b. Problem-Solving Assessment

45. In considering whether a Problem-Solving exercise should be undertaken, the Director shall assess:
- (i) Whether the Parties are amenable to such Problem-Solving exercise and agree to participate voluntarily;

- (ii) Whether the Parties agree to negotiate in good faith and are willing to put forward options for the resolution of the dispute;
 - (iii) Whether the Parties have the appropriate authority to settle the dispute; and
 - (iv) Whether the Parties will agree to respect principles of confidentiality, unless otherwise agreed, or if disclosure is required by law.
46. If the Parties agree to a Problem-Solving exercise, the Director shall include this in a Problem-Solving Assessment Report to be prepared within 40 Business Days of the Internal Review and after receiving the Management Response to the Complaint. The IRM shall invite all the relevant Parties to participate in the exercise.
47. In undertaking the Problem-Solving exercise, the Director may use a variety of Problem-Solving techniques, including independent fact-finding, mediation, conciliation and dialogue facilitation.
48. The Problem-Solving exercise shall be particularly sensitive to the existence of power asymmetries between the negotiating parties, particularly concerning the availability of information needed and the capacity of the parties to participate effectively in these processes. The IRM may propose capacity building exercises to facilitate meaningful participation by the parties.
49. The IRM will only support Problem-Solving resolutions or agreements that are non-coercive, align with AfDB policies, and do not violate domestic laws of the parties and or international law.

c. Problem-Solving Report

50. The Director shall prepare a Problem-Solving exercise report ('Problem-Solving Report') within thirty (30) business days of the conclusion of the Problem-Solving exercise which, while respecting confidentiality if requested by Complainants, shall include:
- (a) A summary of the original Complaint;
 - (b) A summary of the considerations on which the conclusions and recommendations, if any, are based;
 - (c) Any relevant comments from the participants in the Problem-Solving exercise; and
 - (d) If relevant, any issues to be referred for Compliance Review.
51. The Director, while respecting confidentiality of the process may provide updates to the Boards of Directors and the President for information on the progress of a Problem-Solving exercise.

Successful Problem-Solving Exercise:

52. If the Problem-Solving exercise results in an agreement, the terms of the agreement will be published in the Register unless parties request confidentiality in which case the IRM will record the result and publish a summary of the agreement. The Problem-Solving Report shall be provided to all parties in the Problem-Solving exercise and to the President and the Boards of Directors for information.

Monitoring implementation of Problem-Solving agreement(s):

53. Based upon the parties' agreement IRM will help to monitor the implementation of the agreement(s). This may be achieved by setting mutually agreed timelines for implementation of the action items within the body of the agreement. The IRM will monitor whether the agreements have been implemented, and with the agreement of the parties publicly disclose the outcomes on the IRM page.

Unsuccessful Problem-Solving Exercise:

54. If the Problem-Solving efforts do not show meaningful progress or do not result in an agreement between the Parties, either within a period of one year from the commencement of the Problem-Solving exercise or prior to that by common consent of the Parties, the Director will terminate the Problem-Solving exercise and declare it unsuccessful. The Director will include in the Problem-Solving Report a description of the efforts made, the reasons for their failure and make recommendations on the steps the Bank could take to deal with the unresolved issue(s). The Problem-Solving Report should be submitted to the Parties in the Problem-Solving Exercise, and to the President and the Boards of Directors for consideration.
55. The Boards of Directors will decide whether to accept or reject the Director's recommendations for remedial action. If the Boards of Directors decide to reject the recommendation, they will inform all participants in writing of their reasons for doing so.

d. Notification

56. A summary of the decision and the Problem-Solving Report shall, subject to any requests for confidentiality, be published on the IRM's website.

e. Conversion of a Problem-Solving Exercise to Compliance Review

57. At the conclusion of a Problem-Solving exercise, if not successful, or there remain issues that are not addressed by the Problem-Solving Agreement, the Complaint may be transferred to the Compliance Review Assessment process at the IRM Director's discretion.

VII. Compliance Review

a. Objective:

58. The purpose of a Compliance Review is to examine whether the Bank Group has complied with its policies and procedures applicable to the concerned project/operation and, if in cases of non-compliance, whether such non-compliance has caused or may cause harm to the Complainants and/or the environment.

b. Scope of Compliance Review:

59. The Compliance Review process investigates allegations of non-compliance with relevant operational policies and procedures related to Operations financed by the Bank Group. The IRM's Compliance Review mandate applies solely to the Bank Group. It does not have the authority or power to investigate actions of governments, public entities, local authorities, borrowers or lenders or investors related to specific operations.

c. Approach:

60. Once the IRM receives Management Response to a Complaint and the Director makes a determination that the Complaint will be processed through a Compliance Review, the IRM will undertake a Compliance Review Eligibility Assessment.

d. Eligibility

61. The Compliance Review process will be initiated with a determination of the eligibility of a Complaint by IRM. The IRM Director with the support of IRM staff and/or external experts will conduct a Compliance Review Eligibility Assessment. The determination of eligibility will be included in a Compliance Review Eligibility Assessment Report which will be produced after an eligibility assessment which in turn will only be undertaken after receipt of Management Response.
62. The IRM Eligibility Assessment will include the following:
- Preliminary review of the Complaint and any supporting documentation included with it as applicable, any publicly available information and the relevant project documents to assess whether the project may have caused or is likely to cause harm to the Complainants, project affected people and/or the environment;
 - Review of the Management Response to assess whether there is an indication that the Bank Group may not have complied with the operational policies and procedures applicable to the concerned project/operation;
 - Review of additional information received from the Complainants and other interested stakeholders;
 - Interviews with the Complainants to obtain additional information;
 - Interviews with Bank project team and the Project team of the Borrower/Client;
 - Site visits may be conducted where necessary.

e. Eligibility Assessment Report

63. As part of the Compliance Eligibility Assessment, the IRM will determine whether there is *prima facie* evidence that the Complainants have been harmed or threatened with harm by a Bank Group-Financed Operation and whether the harm or threat may have been caused directly or indirectly by the failure of the staff and Management of the Bank Group to comply with any of the relevant policies and procedures of the Bank Group. The IRM will make its recommendation to conclude or continue the Compliance Review in its Compliance Eligibility Assessment Report which will be completed within sixty (60) Business Days of the initiation of the Eligibility Assessment by the IRM. The Compliance Eligibility Assessment Report will be issued to the Boards of Directors with a copy to the President.
64. If the Compliance Eligibility Assessment Report recommends a Compliance Review, it shall include draft Terms of Reference which shall set out the scope and time frame for the Compliance Review, and a description of external expertise required to complete the Compliance Review. The criteria for assessing compliance will include AfDB policies, standards, guidelines, environmental and social assessments, project requirements, host country legal and regulatory requirements, and international standards. The Compliance Eligibility Assessment Report will be posted in the Register.

f. Conduct of a Compliance Review

65. The IRM shall conduct the Compliance Review in accordance with the relevant Terms of Reference and within the determined time frame. It shall take any appropriate steps required to conduct the Compliance Review, and in particular shall:
- (a) Consult with the Complainants and any other interested party during the Compliance Review process;
 - (b) Consult with Management during the Compliance Review process and ensure accuracy and completeness of information;

- (c) Consult with the Executive Director(s) concerned;
- (d) Undertake site visits to the Operation(s) if appropriate;
- (e) Retain additional expertise as per the requirements of the Terms of Reference.

g. Preparation of Compliance Review Report

66. Within thirty (30) Business Days of completion of its data gathering investigation, the IRM shall:

- (a) Prepare a draft Compliance Review Report containing the IRM's findings and recommendations; and
- (b) Circulate it promptly to Management for review and comments on factual matters only.
- (c) Share the draft Compliance Review Report with the Complainants for review and comments on factual matters only, with clear indication of its draft status and thus, confidentiality attached to it;
- (d) The Management and Complainants shall submit their comments to IRM within twenty-one (21) Business Days from the date of receipt of the draft report; both sets of comments shall relate to factual accuracy only. Upon receipt of comments from Management and the Complainants, IRM shall finalize the Report within twenty-one (21) Business Days and submit it to Management for information, and the Boards of Directors, for consideration and decision.

h. Contents of Compliance Review Report

67. The Compliance Review Report shall:

- (i) Explain the steps taken and methodology followed to conduct the Compliance Review;
- (ii) Set out the findings of the IRM which, unless otherwise provided in the Terms of Reference, shall be limited to determining whether or not any action by the Bank Group, or failure to act, in respect of a Bank Group-Financed Operation has resulted in any material non-compliance in accordance with Paragraph 9;
- (iii) If the Compliance Review Report concludes that any Bank Group action, or failure to act, in respect of a Bank Group Financed Operation has resulted in any material non-compliance in accordance with Paragraph 9, it may recommend:
 - a. Any remedial changes to policies, systems or procedures of the Bank Group to avoid current and future situations of non-compliance;
 - b. Any operation specific actions to bring the Bank back into compliance with respect to the operation subject of the Complaint, and address harm and potential harm associated with the findings of non-compliance;
 - c. That redress be provided to those harmed, which may include financial and/or non-financial considerations, as the case may be;
 - d. Promoting institutional learning and relevant capacity building;
 - e. Any steps to be taken to monitor the implementation of the changes referred to in (a) and (b) above.

- (iv) Attach a copy of or link to the original Complaint, the Management response to the

Complaint, Management's comments on the draft Compliance Review Report, Complainants comments on the draft Compliance Review Report and a list of supporting documents relied upon in the Compliance Review.

Communication of the Compliance Review Report:

68. Subject to the provisions of the Bank Group's Disclosure and Access to Information Policy (in particular those relating to the disclosure of confidential information and/or documents), the Compliance Review Report shall be made available to the Complainants at the same time as it is submitted for consideration and decision.

Management Response and Action Plan:

69. If IRM finds the Bank to be non-compliant, Management shall:
- (a) Prepare a Management Action Plan based on the recommendations of the Compliance Review within sixty (60) Business Days of submission of the Compliance Review Report.
 - (b) Include in the Management Action Plan clear time-bound actions for returning the Bank to compliance and achieving remedy for affected populations.
 - (c) Identify any changes to AfDB practices, policies, guidance or systems to bring the Bank into compliance and/or avoid recurrence of similar situations.
 - (d) Consult the IRM and Complainants before finalization of the proposed Management Action Plan by providing a draft copy of the plan.
 - (e) Submit the final Management Response, Action Plan, and any comments from Complainants on the Action Plan to the President, the Boards of Directors and IRM.
70. Management will consult with IRM to agree on a date for a joint presentation of the Compliance Review Report and the Management Response and Action Plan to the Boards of Directors through CODE at a meeting within a time period not normally exceeding thirty (30) Business Days from the date of distribution of the Management Response and the Action Plan to the Boards of Directors. The IRM Director will communicate to the Boards of Directors whether in IRM's view the commitments made in the Management Action Plan adequately address the findings and recommendations of the Compliance Review Report.

Decision by the Boards of Directors

71. The Boards of Directors shall decide whether or not to accept the recommendations in the Compliance Review Report, and the Management Action Plan.

Monitoring Implementation of Board Approved Management Action Plan

72. The Director of the IRM will review implementation reports and provide an annual assessment of the progress achieved based on a desk review of relevant documents, consultations with the Complainants, Management, and Borrower/Client, and/or findings of a field mission. The IRM will share the findings with Management and the Complainants for clarification of issues before submitting its report to the Boards of Directors for consideration.
73. The monitoring reports will be submitted to the Boards of Directors for consideration. Monitoring will continue until the implementation of the Action Plan is fully completed. The final monitoring report will conclude the Compliance Review process.

i. Communication of agreed Management Response and Action Plan and the IRM Monitoring Report(s)

74. The above documents will be promptly posted on the IRM website. Management and the Director of IRM will issue a joint press-release summarising the decisions by the Boards of Directors on the case.

j. Compliance Reviews Initiated by IRM

75. Under specific circumstances, the Director of IRM may initiate Compliance Reviews. These circumstances could relate to:
- (i) Complaints raised to the IAMs of co-financiers in a Bank Group co-financed Operation for which no complaint has been submitted to IRM;
 - (ii) Operations in the public domain where there is a reputational risk for the Bank Group;
 - (iii) Cases where IRM receives information from a credible source that a Bank Group Financed Operation has adversely impacted or may impact persons, a community or the environment; or
 - (iv) Cases where IRM is informed of a risk of retaliation if a Complainant came forward.
 - (v) If a Compliance Review could provide an important learning opportunity.
76. Compliance Reviews initiated by IRM shall not prevent project-affected communities from filing a subsequent Complaint.

k. Cooperation with other International Accountability Mechanisms (IAMs):

77. If IRM receives a Complaint that has also been submitted to an IAM of another multilateral development bank (MDB) or International Financial Institution (IFI) for a co-financed Operation, all efforts will be made to cooperate with the other IAM, while remaining within the rules and mandate of each IAM, including on requirements of confidentiality and disclosure of information. These cooperation principles will be included in a Memorandum of Understanding to be signed by IRM and the IAM of the other institution. If deemed necessary IRM may also notify other IAMs of registered Complaints not subject to co-financing but located in overlapping countries or territories of operation. If a similar Complaint is submitted to the IAM of other institutions in relation to the same project and the substance of the Complaint is reasonably related IRM may collaborate with those mechanisms in a manner that is consistent with these rules to ensure that cases are handled efficiently. If a Complaint is submitted to a co-financing institution only, but it relates to an AfDB Client and IRM is made aware by the IAM of the co-financing institution, the IRM will brief Management and the Boards of Directors – as publicly available information on such cases becomes available.

VIII. Advisory Function

a. Objectives, Triggers and Principles of Advisory Function

78. The specific objectives of the advisory function of the IRM include:

- (a) Bringing about systemic improvements in environmental and social policies, procedures, strategies and/or guidelines of the Bank Group by addressing deficiencies in systems, policies, procedures, strategies or guidelines;
- (b) Improving on the social, environmental and governance impacts of Operations financed by the Bank-Group by advising Management on emerging, strategic, or systemic issues or processes based on lessons learned and trends identified by the IRM during the handling of Complaints whether through Problem-Solving exercises, Compliance Reviews or outreach activities;
- (c) Helping the Bank Group to understand how the environmental and/or social obligations contained in Bank Group policies and procedures may be met more effectively by Regional Member Countries and non-sovereign clients to safeguard development impacts; and
- (d) Providing information and recommendations on emerging trends arising from the experience of the IRM and other IAMs.

79. *Advisory function of IRM will be triggered:*

- (a) Upon receipt by IRM of a request for advice or technical opinion from the President and/or Boards of Directors/CODE;
- (b) When the Director of IRM decides on the production of Advisory Notes for purposes of sharing lessons learned from IRM casework and best international practice.

80. *The Principles that underpin the advisory service of IRM are that:*

- (a) It will consist of independent opinions on systemic issues and technical advice on Bank-financed Operations;
- (b) The primary purpose shall be for institutional learning; it will not give advice on specific Operations, thereby preserving its independence and impartiality should the Operation be subject to subsequent IRM processes;
- (c) It provides advice on broader environmental and social policies, procedures and guidelines, trends and systemic concerns;
- (d) The advice is primarily derived from IRM experience gained through the Problem-Solving and Compliance Review functions;
- (e) Management will report on changes undertaken by the Bank in policies, procedures and/or guidelines as a result of advisory work of the IRM.

b. Transparency and information Disclosure:

81. The IRM shall carry out its advisory function in a transparent manner and ensure the disclosure of Advisory Notes on the IRM website are subject to the provisions of the Bank Group Policy on Disclosure and Access to Information.

IX. Governance and Administration of the IRM

82. The Board of Directors oversees and holds accountable the Independent Recourse Mechanism through the Boards' CODE Committee (See list of definitions). It is responsible for safeguarding the independence of the complaint handling process and for providing oversight and guidance to IRM. The key functions of CODE, on behalf of the Boards in relation to IRM, are listed below:

- Review IRM's Problem-Solving, Compliance Review and advisory reports and Management's responses and Action Plans to identify general policy or strategic issues for consideration by the Boards of Directors.
- Review and advise the Boards of Directors on the adequacy of the Bank Group's IRM and guide the IRM Policy Review Process.
- Hold the Management accountable in ensuring that the lessons learned through the Complaint handling process are reflected in the Bank Group's policies and procedures as well as in its Operations.
- Consider the IRM monitoring reports on the implementation of approved MAPs responding to IRM recommendations.
- Take part in the Board-led selection, appointment, and removal for cause, of the Director of the IRM.
- Endorse the IRM annual work programs and budget for approval by the Boards' Directors.

a. Independence of IRM

83. IRM operates independently of Bank Management with a direct reporting line to the Board of Directors through CODE. The IRM Director is directly accountable to the Boards and is linked to the President's Office for administrative purposes only, given that the Director of the IRM and the IRM staff are staff members of the Bank.

b. Appointment of IRM Director and Term

84. The Director shall be selected by a panel composed of Chair of CODE, two (2) representatives of Senior Management and two (2) external advisors (at least one of whom should be a civil society representative). They shall be appointed by the President with the concurrence of the Boards of Directors, for a non-renewable six (6) year term. The Director shall not have worked for the Bank Group in any capacity whatsoever for a period of at least five (5) years prior to their appointment and shall not be entitled to work for the Bank Group in any capacity whatsoever following the expiry of his or her appointment. The Director may only be removed from their position through the same process that was followed for their appointment.

c. Removal of IRM Director

85. Removal of the IRM Director for cause is subject to approval by the Boards. Such a decision is made on the basis of a recommendation prepared by CODE to be transmitted by the President to the Boards, in the transmission memo the President may express their disagreement with the course of action recommended by CODE. The IRM Director may only be removed on the same grounds that staff members can be terminated for cause. A decision taken by the Boards for the removal of the IRM Director shall be deemed an administrative decision subject to recourse directly before the Bank's Administrative Tribunal and in accordance with the Rules of procedure for Appeals.

d. Performance Appraisal of Director

86. In place of standard Bank performance appraisal by Management, the Director presents to CODE,

copied to the President, an account of activities and achievements during the year which are published on its website. To preserve independence and remove potential conflict of interests the annual salary change of the Director (if any) is based on the average change for all staff members of similar grade to the Director in any given year.

e. Responsibilities of the IRM Director

87. The Director shall have the overall responsibility for the day-to-day operations and external relations of the IRM, which shall include, but not be limited to:
- (a) Establishing such administrative procedures and guidelines necessary for the proper functioning of the IRM;
 - (b) Overseeing the establishment and maintenance of the IRM Register of Complaints open to the public on the IRM Website, which shall contain relevant data concerning the case management of Complaints, as well as the conduct and outcome of Problem-Solving exercises and Compliance Reviews;
 - (c) Maintaining a documentary record for each Complaint, as well as a library of all materials relevant to the functioning of the IRM;
 - (d) Undertaking preliminary review of Complaints and deciding on registration. Sending out notices of registered Complaints to all interested persons; noting the progress of each Complaints on the Register and, if required by the circumstances, providing additional updates on such progress to the Complainants and other interested persons; responding to requests for information from Complainants and other interested persons in respect of a particular Complaints;
 - (e) Dealing with any requests for information about the IRM; communicating about and being the spokesperson of the IRM;
 - (f) Ensuring that all timeframes are met and justifying and informing the Boards of Directors and Management of any proposal for extension.
 - (g) Hiring staff and ensuring that IRM staff fulfill their responsibilities generally and in accordance with any applicable Terms of Reference and/or Job Description;
 - (h) Without prejudice to the powers of the Boards of Directors and the President under these Rules, taking any steps required to ensure the integrity of IRM processes;
 - (i) Arranging for any translations of Complaints, reports or other documents that may be required;
 - (j) Ensuring administrative and technical support to IRM staff and consultants, including overseeing arrangements for meetings and site visits, and ensuring availability of relevant documentation during Complaint handling process, and IRM documentation in the Bank Group's Headquarters and Country Offices;
 - (k) Exercising independent authority on the use of IRM's budgetary allocations for the IRM;
 - (l) Overseeing the establishment and maintenance of one or more databases of consultants, researchers, technical experts, mediators, conciliators, facilitators, translators, interpreters,

editors, etc., whose services may be called upon in connection with Compliance Reviews and Problem-Solving exercises and advisory functions;

(m) Provide advice and technical opinion to the President and/or the Boards of Directors, under the advisory function of IRM.

(n) Undertaking any other tasks that may be necessary or incidental to the administration of the IRM.

f. Technical Experts / Consultants

88. The IRM may engage technical experts and consultants to assist in carrying out any of its functions and to help ensure that it can meet its desired timelines. Any such consultant shall be selected and engaged in accordance with the Bank Group's Procurement Rules and Procedures. In an effort to ensure timely responses to Complaints, the IRM may pre-qualify technical experts and consultants and provide them with an orientation on the IRM and the Bank Group.

89. When performing IRM functions, consultants engaged by the IRM will serve in their individual, personal capacity and will be subject to the same privileges and immunities, relevant code of ethics provisions, conflict of interest rules and confidentiality provisions as experts performing missions on behalf of the Bank. All technical experts and consultants will act under the supervision of the Director of the IRM.

90. Technical experts may be invited to attend CODE meeting sessions (virtually or in person) at the invitation of the CODE Committee Chair as provided for under the Office of the Secretary General and General Secretariat Policies, Boardroom and Meeting Guides (PSEG Policies (*Boardroom and Meeting Guide (2021)*)) who shall consider recommendations from the IRM Director.

g. Delegation by IRM Director

91. In their absence, the Director may delegate their authority to members of staff in their office in accordance with the Bank Group's Delegation of Authority Manual as may be periodically amended.

h. IRM Staff

92. IRM staff are staff of the Bank Group to whom Bank Group's Code of Ethics and Human Resources policies and procedures apply. The Director IRM is free to make staffing decisions within the approved budget limits without the Boards or Management's involvement.

i. Conflict of Interest

93. IRM staff members and consultants engaged by the IRM are expected to act impartially and independently. An IRM staff member or a consultant engaged by the IRM who has a conflict of interest in relation to a Complaint will be required to inform the IRM Director immediately and withdraw from the Complaint. If the IRM Director has a conflict of interest in relation to a Case, they will immediately inform the Boards of Directors, withdraw from the Complaint, and assign the IRM Chief Advisory and Compliance Officer to perform their duties in relation to that Complaint.

j. Access to Information.

94. When conducting any inquiry, assessment or review for a Problem-Solving exercise or a Compliance Review, the IRM Director, staff and consultants shall have full access to relevant Bank Group staff and files, including electronic files, cabinets and other storage facilities and Bank Group staff and consultants shall be required to cooperate fully with the IRM.

k. Disclosure of Information

95. Disclosure of any information gathered by the Director, a technical expert or a consultant during the Complaint handling process shall be subject to the Bank Group's Disclosure and Access to Information Policy, as well as respecting any agreement to protect any sensitive commercial information. No IRM staff, Bank Group staff member, consultant, researcher, interpreter, translator and other technical expert engaged by the IRM may release a document, or information based thereon, which has been provided on a confidential basis. However, the IRM may refer generically to non-public information, following consultation with the relevant parties.

l. Contractual Obligations

96. Financing agreements between the Bank Group and Borrowers/Clients will include requirements for Borrowers/Clients to disclose project-related information to the IRM in connection with a Complaint and subject to any applicable laws and regulations.

m. Legal matters

97. The General Counsel shall, upon request, provide all legal information and advice needed in respect of the Bank Group's policies and procedures and the Bank Group's rights and obligations in respect of the Bank Group Financed Operations to which a Complaint relates, as well as such advisory opinions and interpretations on points of law as the President or the Boards of Directors shall determine. The Director may also seek external legal advice on a Complaint, grievance or complaint-related matter or with regard to any matters concerning the IRM. The Boards of Directors will have the authority to interpret these rules and procedures.

X. General Provisions

a. Annual report

98. The Director shall prepare an Annual Report describing the activities of the IRM during the preceding year, including any material data, performance measures and/or a discussion of any identifiable trends relating to the activities of the Bank Group that have emerged from the IRM's Problem-Solving exercises and Compliance Reviews, and lessons that the IRM has learnt about the impacts and challenges in implementing the Bank Group's operating policies and procedures.
99. The Annual Report shall be prepared and submitted to the Boards of Directors and the Boards of Governors for information and published on its Website.

b. Budget

100. The Bank Group shall provide such budgetary resources as shall be sufficient to allow all of the activities permitted by these Rules to be carried out. The Director shall prepare an annual budget indicating the level of resources required by the IRM to carry out its mandate. The budget shall be approved by the Boards of Directors through CODE and it shall also include contingency funds.

c. Costs of Participation

101. The IRM shall bear all reasonable costs associated with conducting Problem-Solving, Compliance Review and monitoring as well as ensuring meaningful participation of Complainants, witnesses and stakeholders in Problem-Solving, Compliance Review or monitoring. For purposes of the cost provisions, ‘stakeholders’ refers to a person, group of persons or community who is/are or may be directly affected by the implementation or outcome of an AfDB-funded project under consideration in a Complaint, and who is participating or has participated in Problem-Solving, Compliance Review or monitoring in some manner other than as the complainant.

d. Information from IRM Complaints

102. Before Management submits a newly proposed Operation to the Boards of Directors it will first establish if the proposed Borrower/Client has ever been a party to a case reviewed by the IRM and ensure that this information and the outcome of the Complaint is included in the documentation submitted for consideration by the Boards of Directors.

e. Outreach

103. The IRM shall develop and update its outreach strategy regularly. Bank staff working with Borrowers/Clients will disseminate information to Operations affected people early in the project cycle about the IRM and its availability as a recourse mechanism. The IRM should undertake two types of outreach activities:
- Internal: The outreach should improve awareness and disseminate lessons from IRM to Bank staff. This should be included as part of regular staff training and onboarding for new members of the Boards of Directors;
 - External: The IRM shall hold regular outreach and information dissemination activities in Bank’s RMCs. The outreach will be intended to enhance interactions with IRM stakeholders through activities such as meetings and the production of written and electronic information and publications.

f. Retaliation

104. The IRM does not tolerate retaliations against Complainants or any other individuals involved in the Complaints process and rejects any form of threat, intimidation, harassment, violence or discrimination based on the fact that they have exercised their right to raise concerns.

g. External Advisory Group

105. The IRM shall have an external stakeholder advisory group comprised of stakeholders from for example civil society organizations, the private sector, academia and/or international organizations to regularly provide strategic guidance, advice and feedback to ensure the effectiveness of the mechanism.

h. IRM Register

106. The IRM shall maintain a transparent and comprehensive online Register. The information posted on the Register shall include pending, completed and closed cases and all relevant documentation relating to Complaints processing, including Complaints with links to complaint letters (redacted if Complainant(s) request confidentiality), decisions on Complaints eligibility, assessment reports, Problem-Solving report and agreements, terms of reference for Compliance Review reports,

monitoring reports and final monitoring reports. All material shall be provided in full and posted online as they become available and remain there indefinitely.

i. Independent Accountability Mechanisms Network

107. The IRM is a member of the Independent Accountability Mechanisms Network (IAMNet).

j. Business Days

108. Any reference to ‘Business Days’ in these procedures shall be deemed to be a day on which the Bank Group is open for business in its Headquarters.

k. Immunities and Privileges

109. Nothing contained in these Rules shall be deemed to be a waiver by the Bank or the Fund of the immunities and privileges conferred by the Agreement establishing the African Development Bank, the Agreement establishing the African Development Fund, the Agreement establishing the Nigeria Trust Fund and the agreements establishing any other Special Funds administered by the Bank.

l. Guidance Notes

110. From time to time, guidance on these Operating Rules and Procedures may be developed to complement and of provide guidance on implementing these Rules and Procedures.

m. Amendment and Effect of the Rules

111. The Boards of Directors may amend these Rules at any time. In the event of any inconsistency between these Rules and any other Bank Group document, these Rules shall prevail unless there is any express provision to the contrary. The Boards of Directors shall review the IRM every four (4) years or as otherwise decided, and this review shall include a public consultation process.

XI. Transitional Provisions:

112. These Rules will apply to cases where a Complaint was submitted to and/or registered by IRM following the date on which these Rules became effective.

Annex I: IRM Indicative Timelines

Stage	Description	Timeline Benchmarks
Complaint	Receipt of completed Complaint	Day 0
Acknowledgement	Acknowledgement of receipt and explanation of process	Within 7 days of receiving completed Complaint
Complaint Registration	Decision on registering Complaint including anti-retaliation assessment; assessment of Complaint against criteria, and confirmation of Bank project	Within 21 days* of acknowledging Complaint.
Management Response and IRM Data Gathering	Management responds to allegations in Complaint and IRM begin data gathering exercise	Within 21 days* of the Complaint being registered
IRM Internal Assessment	Confirm whether to pursue Problem Solving and/or Compliance Review based on information gathered in previous stages or to temporarily suspend Complaint	Within 7 days of receiving Management Response
Temporary Suspension	If decision is made to suspend Complaint this may be done for up to 45 days	Up to 45 days
Problem-Solving Assessment	Determination if Complaints meets the criteria for a Problem-Solving exercise	within 21 days* of the internal assessment decision
Problem-Solving Process	Carrying out Problem-Solving activities in pursuit of an agreement/ resolution	No set period, but sufficient progress must be demonstrated within 12 months to continue
Problem-solving Monitoring	If there is an agreement IRM may be requested to monitor the agreement's implementation	No set period. To continue to monitor until the full implementation of agreement
Compliance Review Eligibility Review Assessment	Conduct eligibility assessment (which may include a mission), and draft the CR assessment report which (if deemed eligible) will include the ToRs for the Compliance Review	Within 60 days* of the initiation of the compliance assessment by IRM
Compliance Review Investigation and Draft Report	Conduct investigation and complete the Draft Compliance Review Report	No set period for investigation but Draft Report to be completed within 30 days* of completion of the data gathering investigation
Compliance Review Final Report	Based on comments from both Management and the Complainant, the Report is then finalized by the IRM	Within 42 days of receiving the Draft Report. (<i>Management and Complainants have 21 days to review draft report. IRM will finalize the Report within 21 days of receiving these comments</i>)
Management Action Plan	If the Report finds the Bank in non-compliance Management will then develop a Management Action Plan	Within 60 days* of receiving the CR Final Report
Compliance Monitoring	If the Report finds the Bank in non-compliance the IRM will Issue regular monitoring reports	No set period. To continue to monitor until the full implementation of Management Action Plan is achieved

*These timings do not take into account additional time required for translations or for issuing reports to the Board(s).

Annex II: IRM Process

