

ANNEX 5

THE INDEPENDENT REVIEW MECHANISM OF THE AFRICAN DEVELOPMENT BANK

INTRODUCTION

This section assesses the African Development Bank's (AfDB) independent accountability mechanism – the Independent Review Mechanism (IRM). The assessment uses a standardised framework based on the UNGPs, which is available in Annex 2. This assessment framework clarifies how each of the UNGP criteria was operationalised for the purpose of assessing individual mechanisms. The assessment is based on the following sources: the written policies of the AfDB and IRM; reviews of and reports on these policies, including the 24 September 2014 Report of the Consultant prepared for the Second Review of the IRM (hereinafter 'Consultant's IRM Report');¹ and the website of the AfDB, including the webpage of the IRM.

Although a survey seeking input from users of independent accountability mechanisms, including the AfDB's, was widely distributed, no responses were received regarding the AfDB's IRM. Therefore, the analysis contained in this section is mainly a policy analysis and does not assess the actual practice (policy implementation) of the IRM or the AfDB.

MECHANISM AT A GLANCE

The AfDB's IRM was established in 2004 and provides problem-solving, compliance review and advisory functions. The IRM is administered by a Compliance Review and Mediation Unit (CRMU), which houses the IRM's permanent staff and carries out the problem-solving function. A panel of experts are on call to conduct compliance reviews. The IRM Operating Rules and Procedures (IRM Rules) were most recently updated in January 2015.

TABLE 1: IRM/AFDB CASE ATTRITION

TOTAL COMPLETED CASES	FOUND ELIGIBLE	REACHED SUBSTANTIVE PHASE	ACHIEVED RESULTS
15	7	7	5

TABLE 2: IRM/AFDB PERFORMANCE INDICATORS

	RESEARCH PERIOD	TOTAL
CASES FILED	1	17 ²
CASES CLOSED WITHOUT REACHING SUBSTANTIVE PHASE ³	0	8
CASES ACHIEVING RESULTS	0	5

KEY FINDINGS AND RECOMMENDATIONS

Since establishing the IRM, the AfDB has made incremental improvements to the IRM Rules over the years. These include increased employment restrictions at the AfDB on the Director of the CRMU and IRM Expert Panel members, adding an independent external advisor to the panel who selects the Director of the CRMU, and more explicit allowance for complainants⁴ to select the IRM function of their choice. Despite these improvements, however, much can still be done to improve the compatibility of the IRM Rules with the UNGPs.

Table 3 on the next page contains the recommendations derived from the UNGP assessment that follows. The recommendations describe the reforms needed to the policy and practice of each actor, the IAM and the DFI. It should be noted, however, that the power to implement some of these recommendations regarding the IAM rests with the DFI's Board of Directors.

UNGP ASSESSMENT

LEGITIMACY

IAM: Overall, the IRM Rules now have good hiring and post-employment requirements that are in line with other IAM policies and that support the legitimacy of the IRM. These requirements were improved in the most recent update to the IRM Rules in 2015. As far as AfDB personnel who leave to work for the IRM, a five-year 'cooling off period' must be observed before anyone is appointed to the position of Director of the CRMU,⁵ and AfDB staff are prohibited from joining the roster of experts.⁶ The Director of the CRMU may not work for the Bank Group in any capacity whatsoever once their appointment expires.⁷ If a member of the roster of experts is called to work on a case during their term, they may not work for the AfDB after their term ends.⁸ The IRM does not have an external stakeholders advisory to provide it with guidance on its activities, which could assist the IRM in addressing the issues noted below, such as the lack of transparency

TABLE 3: RECOMMENDATIONS DERIVED FROM UNGP ASSESSMENT

	IRM	AFDB
LEGITIMACY	<ul style="list-style-type: none"> Establish an advisory group of external stakeholders to provide feedback on the IRM's activities. 	<ul style="list-style-type: none"> Include CSOs in selection process for the CRMU Director and Roster of Experts. The AfDB should allow the Roster of Experts to select its own chair. Increase the CRMU's independence with regard to recommending a compliance review.
ACCESSIBILITY	<ul style="list-style-type: none"> Improve information available on the website, such as online complaint forms, including by providing material in other languages. Conduct more outreach to make project-affected communities aware of the IRM. 	<ul style="list-style-type: none"> Require clients to disclose availability of the mechanism to project-affected people. Improve the visibility of the IRM on the homepage.
PREDICTABILITY	<ul style="list-style-type: none"> Adhere to posted timelines and/or provide public notices, with reasoning, regarding delays. Monitor the project until all instances of non-compliance found have been rectified. 	<ul style="list-style-type: none"> All IRM to conduct an investigation without the approval of the Board or President.
EQUITABILITY	<ul style="list-style-type: none"> Provide complainants with equal opportunities to review draft documents during the complaint process. Allow complainants to be represented by whomever they choose, including so-called 'foreign representatives', without requiring clear evidence that local representation is inadequate. 	<ul style="list-style-type: none"> Consult with complainants on the development of the Management Action Plan.

	IRM	AFDB
TRANSPARENCY	<ul style="list-style-type: none"> On the IRM webpage, provide information on rejected complaints, including the reasons for such rejection. Provide case summaries and easy-to-understand information regarding the status of complaints. 	<ul style="list-style-type: none"> On the AfDB's website, ensure that all AfDB-financed activities are listed, and collate all relevant information regarding such projects in a single location to make documents such as impact assessments, environmental and social management plans easily accessible. Disclose loan agreements.
RIGHTS COMPATIBILITY	<ul style="list-style-type: none"> Allow the IRM to receive complaints involving violations of all human rights, and not just social and economic rights. Develop protocols for protection of complainants who face security risks. Take measures to ensure rights compatibility of outcomes, for instance by not endorsing agreements that are clearly coercive, etc. 	<ul style="list-style-type: none"> Commit not to finance activities that cause, contribute to or exacerbate human rights abuses. Require clients to assess the human rights impacts of their operations. Develop a protocol to address retaliation against complainants.
LESSONS LEARNED	<ul style="list-style-type: none"> Standardise the consultation process for the Mechanism review, including by committing to disclose the draft changes to the policy. 	<ul style="list-style-type: none"> Provide verifiable information on how lessons learned from the IRM's cases are being incorporated into AfDB practices. Commit not to provide additional financing for similar activities to clients found to be in non-compliance until the non-compliance has been remedied.

related to complaints and complainants' lack of access to reports, as indicated in the equitability section.

DFI: The Director of the CRMU is selected by a panel composed of a Board member, a representative of Management and an independent external advisor.⁹ The IRM Rules do not specify how the external advisor is chosen, although according to the IRM, the process is conducted by an outside firm hired through a bidding process. External stakeholders are not involved in the selection of the Roster of Experts. The members of the Roster are appointed by the AfDB Board of Directors on the recommendation of the AfDB President. In regard to the Chair of the Roster of Experts, the AfDB President, after consultation with the IRM Experts, makes a recommendation to the AfDB Board of Directors, who appoints one of the members of the Roster as Chair.¹⁰ This is unlike other mechanisms, such as the World Bank Inspection Panel, where the members themselves select the Chair, helping to minimise potential interference by the Board in the Mechanism's work. Additionally, legitimacy is weakened by the Board's ability to veto a compliance review, as discussed in the predictability section.

ACCESSIBILITY

IAM: The IRM Rules reduce accessibility of the Mechanism in a number of ways. For example, complaints must be filed by two or more people.¹¹ However, on a positive note, the IRM allows complaints filed within 24 months after the physical completion of the project or the final loan or grant disbursement, whichever comes first.¹² This creates a comparatively greater level of temporal accessibility than some other mechanisms. The information provided on the IRM webpage could be improved to increase accessibility. At the time of writing, the IRM webpage does not provide an online template or form for the complaint. And while the IRM's webpage does explain what information the complaint should contain, at the time of writing that explanation was not consistent with the updated IRM rules, which took effect in January 2015.¹³ It also appears that the information is available only in English and French. The IRM website states that "the CRMU applies a multi-channel approach" to reach out to project-affected communities.¹⁴ Despite these efforts, the Consultant's IRM Report noted that the IRM remains unknown and more efforts are needed to raise awareness of the IRM.¹⁵ It is also important to note that not a single complaint was registered with the IRM during the year prior to the preparation of this report (although one was registered on 9 July 2015). While there may be many reasons for this, the dearth of registered complaints does not support a determination that the IRM is accessible.

DFI: The AfDB's policies do not promote proactive disclosure of the IRM to project-affected communities. Nothing in the AfDB's Integrated Safeguard System (ISS) or Disclosure and Access to Information Policy requires the AfDB or its clients (borrowers) to disclose information regarding the IRM. Accessibility is also undermined by the AfDB's failure to provide visibility to the IRM on its website. While the IRM has its own webpage, it

is not featured at all on the AfDB's homepage (routine Google searches will generally return the IRM as a top hit). Instead, it takes at least two clicks to get to the IRM's webpage from the AfDB's homepage, through link headings that are not intuitively associated with the IRM.¹⁶

PREDICTABILITY

IAM: The IRM Rules establish deadlines and steps for the complaint process that help increase predictability.¹⁷ If the Director of the CRMU recommends a compliance review, the recommendation will include draft Terms of Reference that set out the scope and time frame for the compliance review, which does provide complainants with information regarding how the Mechanism will handle their complaint.¹⁸ In terms of monitoring outcomes, the IRM will consult with affected communities when preparing monitoring reports on the implementation of any agreements reached through problem-solving.¹⁹ However, the rules are different regarding monitoring of the Management Action Plan. In that case the IRM only provides an assessment of the implementation of the Management Action Plan "if necessary".²⁰ If the IRM prepares such an assessment, it shares its findings with complainants for clarification of issues before submitting its report to the Boards for consideration.²¹

DFI: The IRM Rules set forth procedures for Management to respond to complaints. With regard to compliance reviews, predictability of the IRM is reduced by the fact that, even if the Director of the CRMU and IRM Experts decide that compliance review is appropriate, they cannot undertake the review without further approval. Instead, they must make a recommendation to the President or the Boards, respectively, for their consideration.²² The scope of this consideration is unclear, but it appears that the Boards can veto a recommendation for compliance review.²³ However, there is no corresponding paragraph regarding the President.²⁴

EQUITABILITY

IAM: The opportunities for complainants to review draft documents during the problem-solving/compliance review process is relatively limited under the IRM Rules. The Director of the CRMU can provide interim reports to the Boards and the President regarding progress on problem-solving efforts, but there is no mention in the IRM Rules of providing interim reports to complainants.²⁵ Where the compliance function is used, the Panel prepares a draft compliance review report that is circulated to Management, but there is no provision requiring it to be shared with complainants.²⁶ In its comments to a draft of this report, the IRM indicates that "in practice, there is lots of sharing of information, including the draft report with the Requestors".²⁷ Additionally, once the compliance report is finalised, there is no opportunity for complainants to communicate their views on the report to the President and/or the Boards before decisions are taken.²⁸ On a positive note, complainants do receive the final Compliance Review Report at the same time as it is sent to the Board.²⁹

One important aspect to an equitable process is allowing complainants to choose their own representative and advisors. At present, it is still difficult for communities to obtain “non-local”³⁰ representation despite incremental improvements in this area in the 2015 IRM Rules.³¹

DFI: In response to the Compliance Review Report, Bank Management must prepare a Management Action Plan (Action Plan) to respond to any findings of non-compliance. However, Management is not required to consult with complainants in the preparation of the Action Plan,³² thus there is no guarantee that the actions taken, if implemented, would address the complainant’s concerns. Management is responsible for submitting progress reports on the implementation of the Action Plan to the Board, but there is no requirement to incorporate the complainant’s perspective in these reports.³³ In terms of budgetary support for the IRM, the IRM Rules require the AfDB to provide sufficient resources to allow the CRMU to carry out all of its activities.³⁴ The most recent available figures are from 2013 and show that in that year the AfDB’s total administrative budget was 298.26 million “Units of Account”.³⁵ According to the IRM’s 2013 Annual Report, the IRM’s total budget was UA 887,713 (approximately US\$1,375,147) and UA 798,570 (approximately US\$1,237,056) of that budget was expended.³⁶

TRANSPARENCY

IAM: One of the elements of transparency is that sufficient information is provided about the Mechanism’s performance to build confidence in its effectiveness and meet any public interest at stake. By this metric, the IRM is relatively non-transparent because it is difficult to understand the status of a particular complaint, including those that may have been rejected.³⁷ According to the Consultant’s IRM Report, “since the IRM’s inception” the AfDB has decided not to register seven of the sixteen total complaints it received through 2014.³⁸ Six of these were “resolved by Management”, and one was rejected because it did not meet the registration requirements.³⁹ It is not clear what happened in the cases that were ‘resolved’ because no information is available on the IRM webpage. For the complaints that were registered, varying levels of documentation are maintained on the IRM webpage. No case synopsis is provided on the webpage, so in order to understand the status of a particular case, one must open and review the linked case documents. The IRM’s annual reports also provide an overview of complaints, but as these are published annually and several months to over a year after the reporting year (the 2014 annual report was not yet available as of 11 September 2015), they do not provide an up-to-date picture of the complaints the IRM is handling.⁴⁰

DFI: The AfDB Disclosure and Access to Information Policy is premised on a principle of maximum disclosure subject to a list of exceptions, such as deliberative information and certain types of communications within the AfDB.⁴¹ However, at least as far as the AfDB’s website is concerned, the manner in which information on specific projects is provided makes it difficult for communities to understand a project’s potential impacts. Information

about individual projects can be located in different places on the AfDB’s website, making it difficult to understand their status.⁴² The AfDB has launched a new resource called MapAfrica,⁴³ which shows where projects are located on an interactive map. MapAfrica could be very useful to complainants to find out whether an AfDB project is taking place on or near their lands, territories and resources. At the time of writing, however, little information is provided regarding the specific projects identified on the map, so it does not yet resolve the significant information gaps on the AfDB website. Additionally, if the map is not regularly updated it might further undermine transparency if it gives the impression that projects are not taking place when in fact they are.

RIGHTS COMPATIBILITY

IAM: A full review of whether the remedies provided by the IRM accord with internationally recognised human rights is beyond the scope of this report. With regard to the IRM Rules, it is important to note that rights compatibility is undermined in the first instance because complainants are prohibited from raising violations of civil and political rights with the IRM. A similar prohibition exists regarding alleged violations of human rights on the part of borrowers alone (i.e., without AfDB complicity through its own policy violation). Instead, the IRM is only authorised to review allegations “involving social and economic rights alleging any action or omission on the part of the Bank Group”.⁴⁴ On the other hand, rights compatibility is supported in the IRM Rules because complainants are allowed to request that their identities remain confidential⁴⁵ and the Director or the Compliance Review Panel is authorised to make an interim recommendation to suspend a project if they believe it will cause harm.⁴⁶ This is an important measure for preventing human rights violations from occurring.

DFI: Human rights receive relatively little mention in the policies of the AfDB. They are referred to only in the Preamble to the AfDB’s Integrated Safeguards System (ISS), which provides that the principles and values of human rights set forth in the UN Charter and the African Charter on Human and Peoples’ Rights were among the principles that guided the development of the ISS.⁴⁷

LESSONS LEARNED

IAM: The AfDB resolution establishing the IRM provides that “the Boards shall review the IRM every four (4) years, or as otherwise decided by the Boards”.⁴⁸ The IRM became operational in 2006, and since then there have been two reviews, one in 2009 and one in 2014. As a practical matter the reviews allow for public consultation, although to date, consultations have been ad hoc and procedures are not formalised in the IRM Rules. In the most recent review, initially, only the consultant’s report was disclosed for CSO comment. CSOs had to request the disclosure of the draft rules and additional time for comment, which was granted. In terms of capturing lessons learned from its cases, the Expert Panel can recommend remedial changes to systems or procedures within the

Bank Group to prevent policy violations in the future.⁴⁹ The CRMU Director is also required to include in the IRM annual report identifiable trends 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.⁵⁰ The IRM also has a new advisory function that is supposed to provide recommendations on emerging trends experienced by the CRMU, although there is not yet any publicly available information on activities that have been carried out by this function.⁵¹

DFI: In July 2012, the AfDB stated that it would establish a CSO Portal that would provide “robust and targeted dissemination of results of its operations and policies” support outreach, and seek to support CSO consultation on AfDB policies and operations by giving an opportunity to citizens in Africa to comment on Bank activities.⁵² However, at the time of writing, the civil society webpage on the AfDB's website does not live up to those promises.⁵³ In general, it is difficult to track the extent to which the AfDB is learning from experience and changing its policies in response to IRM cases and reports on trends and challenges.

NOTES

- 1 Edward Ayensu, *Second Review of the Independent Review Mechanism (IRM) of the African Development Bank Group*, Report of the Consultant (Sept. 2014), http://www.afdb.org/fileadmin/uploads/afdb/Documents/Compliance-Review/2nd_IRM_Review_-_Consultant_s_Report_-_ENG.pdf [hereinafter Consultant's IRM Report].
- 2 This number may differ from the 'total completed cases' in the previous table, because it includes all cases filed, including those pending a decision of the mechanism.
- 3 This row includes cases that were not registered, were found ineligible or were closed after being found eligible, but before reaching a substantive phase.
- 4 The IRM refers to complaints as 'Requests', and those filing a Request are called 'Requestors'. 'Complaint' and its variations are used throughout this analysis for purposes of consistency.
- 5 African Dev. Bank Group, *The Independent Review Mechanism: Operating Rules and Procedures* 16, ¶ 78 (Jan. 2015), available at http://www.afdb.org/fileadmin/uploads/afdb/Documents/Compliance-Review/Revised_IRM_Operating_Rules_and_Procedures_2015.pdf [hereinafter IRM Rules].
- 6 *Id.*, at 18 ¶ 85.
- 7 *Id.*, at 16, ¶ 78.
- 8 *Id.*, at 18, ¶ 85 (“If an Expert is called upon to work for the IRM during his or her term, the Expert shall not be entitled to work for the Bank or the Fund (either as staff member, Elected Officer, Senior Adviser or Adviser to an Executive Director or Consultant) after the expiry of his or her term.”).
- 9 *Id.* at 16, ¶ 78.
- 10 *Id.* at 17 ¶¶ 81, 82.
- 11 *Id.* at 3, ¶ 6(b).
- 12 *Id.* at 3, ¶ 3.
- 13 For example, the IRM website states that complaints should “Describe the steps taken by the affected parties to resolve their problems with Bank staff in charge of the project (whether with the Bank's field office in the country where people are affected or the Bank Department in charge of project), and explain why the response of the Bank staff was inadequate”. The IRM Rules, on the other hand, require “An indication if there has been any previous communication between the affected parties and the Bank Group concerning the issue (s) raised in the Request”. (Para. 7(d).)
- 14 African Dev. Bank Group, *Outreach and Training*, <http://www.afdb.org/en/about-us/structure/independent-review-mechanism-irm/outreach-training/>.
- 15 Consultant's IRM Report, *supra* note 1, at 20.
- 16 From the AfDB homepage, the headings are “About Us” > “Structure” > “Independent Review Mechanism.” African Dev. Bank Group, Home, <http://www.afdb.org/en/>.
- 17 While Paragraph 22 states that “The Requestors' preference for problem-solving exercise or compliance review or both shall be granted subject to the Request meeting the requirement for registration”, Paragraph I.b. provides that the “CRMU will conduct a preliminary review of the complaint to determine whether the case is more appropriate for problem-solving or compliance review while respecting the requestor(s) preference.” IRM Rules, *supra* note 5, at 6, ¶ 22; *See also Id.*, at 1, Paragraph 40 also *Seems* to put the decision in the hands of the Director. *See Id.*, at 9, ¶ 40.
- 18 *Id.*, at 10, ¶ 52.

- 19** *Id.*, at 9, ¶ 46.
- 20** *Id.*, at 13, ¶ 64(d).
- 21** *Id.*, at 13, ¶ 64(d). The IRM Rules do not elaborate on when an IRM assessment of implementation of the Management Action Plan would be necessary.
- 22** *Id.*, at 10-II, ¶¶ 51, 55. It is the President's decision if the complaint relates to a Bank Group-financed operation that has not been approved by the Boards, and the Boards' decision if the complaint relates to a Bank Group-financed operation that has been approved by the Boards.
- 23** Pursuant to Paragraph 53, the President/Boards can approve the recommendation on a non-objection basis, OR they can send the recommendation back to the Director and IRM Experts "to reassess the recommendation regarding the draft Terms of Reference". Paragraph 53 is ambiguous as to whether the reassessment refers to the draft Terms of Reference or to the recommendation for compliance review. *See Id.*, at 10, ¶ 53. Additionally, Paragraph 54 states that "Where the Boards do not authorize a compliance review, the Director of CRMU shall inform the Requestors accordingly." *Id.* at 11, ¶ 54.
- 24** *See Id.*, at 10-II, ¶¶ 53-55.
- 25** *Id.* at 9, ¶ 44.
- 26** *Id.*, at 11, ¶ 59(a).
- 27** IRM Comments to draft report, received 22 October 2015.
- 28** *See Id.* at 11-13 ¶¶ 59, 62, 63.
- 29** *Id.* at 13, ¶ 63.
- 30** "Non-local" is not defined in the IRM Rules but it presumably means organisations other than national NGOs. *See IRM Rules, supra* note 5.
- 31** IRM Rules Para 16 now reads: "in cases of non-local representation, CRMU *should* require clear evidence that there is inadequate or inappropriate representation in the country or countries where the project is located or has a direct and material impact." IRM Rules, *supra* note 5, at 5, ¶ 16 (emphasis added). In the prior version of the IRM Rules, this paragraph stated that the CRMU "will require clear evidence ..." African Dev. Bank Group, *The Independent Review Mechanism: Operating Rules and Procedures* 6, ¶ 13 (June 2010) (emphasis added). The current rules appear to give the IRM greater discretion regarding non-local representation. *See IRM Rules, supra* note 5, at 5, ¶ 16.
- 32** *Id.*, at 13, ¶ 64.
- 33** *Id.*, at 13, ¶ 64(d).
- 34** *Id.*, at 19, ¶ 98.
- 35** The AfDB uses "Units of Account" (UA) rather than currency. In December 2013, 1 UA = 1.54 USD. African Dev. Bank Group, *2014-2016 Rolling Plan and Budget*, Annex 12 (Dec. 2013), <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Budget-Documents/The%202014-2016%20Programme%20and%20Budget.pdf>.
- 36** African Dev. Bank Group, 2013 Annual Report of the Independent Review Mechanism 51 (2013), *available at* <http://www.afdb.org/en/documents/document/2013-annual-report-of-the-independent-review-mechanism-50989/>.
- 37** The IRM's webpage on complaints lists those that have been registered, but not those that have been rejected. *See* African Dev. Bank Group, *Request Register*, <http://www.afdb.org/en/about-us/structure/independent-review-mechanism-irm/requests-register/>.
- 38** Consultant's IRM Report, *supra* note 1, at 17.
- 39** *Id.* at 14, 17.
- 40** IRM Annual Reports are available on its website. African Dev. Bank Group, *IRM Annual Reports*, <http://www.afdb.org/en/documents/compliance-reviews/irm-annual-report/>.
- 41** AfDB Disclosure and Access to Information Policy (AfDB DAI Policy). Examples of information that is to be proactively disclosed include: policy based loans, prospective project briefs, project appraisal reports, environmental impact assessments and environmental and social management plans, contract awards and disbursements, project implementation reports, and supervision reports. African Dev. Bank Group, *AfDB Policy on Disclosure and Access to Information Policy*, Annex 1 (2013), <http://www.afdb.org/en/consultations/closed-consultations/afdb-group%E2%80%99s-policy-on-disclosure-and-access-to-information/>.
- 42** Information about individual projects can be located in different places on the AfDB's website, making it difficult to understand. It is happening with a particular status of particular projects. For example, on the "Project Portfolio" page, information is provided on projects associated with the Lake Turkana Wind Farm. *See* African Dev. Bank Group, *Lake Turkana Wind Power Project-Sub Debt Tranche*, <http://www.afdb.org/en/projects-and-operations/project-portfolio/project/p-ke-fz0-005/>. However, on the "Documents" page, more information about the Turkana Wind Farm can be found, such as a resettlement action plan, that is not provided on the "Project Portfolio" page. *See* African Dev. Bank Group, *Kenya-Lake Turkana Wind Project-Resettlement Action Plan (RAP) Summary-03 2015*, <http://www.afdb.org/en/documents/document/kenya-lake-turkana-wind-power-project-resettlement-action-plan-rap-summary-03-2015-51725/>.
- 43** African Dev. Bank Group, *Map Africa*, <http://mapafrica.afdb.org/>.
- 44** IRM Rules, *supra* note 5, at 3, ¶ 2(j).
- 45** *Id.* at 4, ¶ 10.
- 46** *Id.* at 5, ¶ 20.
- 47** African Dev. Bank Group, *Integrated Safeguard Systems: Policy Statement and Operational Safeguards I* (Dec. 2013), http://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/December_2013.
- 48** African Dev. Bank Group, *Boards of Directors Resolution B/BD/2015/03 - F/BD/2015/02 Amending Resolution B/BD/2010/10 - F/BD/2010/04 Concerning the Independent Review Mechanism 7*, ¶ 39 (Jan. 2015), *available at* http://www.afdb.org/fileadmin/uploads/afdb/Documents/Compliance-Review/Boards_Resolution_on_Establishment_of_IRM_2015.pdf [hereinafter Board of Director Resolution].
- 49** IRM Rules, *supra* note 5, at 12, ¶ 59(b)(iii).
- 50** *Id.* at 20, ¶ 96.
- 51** *Id.* at 14, ¶ 71.
- 52** African Dev. Bank Group, *Framework for Enhanced Engagement With Civil Society Organizations* (July 2012), <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/Framework.pdf>.
- 53** *See* African Dev. Bank Group, *Civil Society*, <http://www.afdb.org/en/topics-and-sectors/topics/civil-society/>.