

SUMMARY OF PUBLIC COMMENTS AND PROPOSALS ON IRM REVIEW

No.	Issue	Comments	Name of submitting person/organization
1.	Access to the IRM	<ul style="list-style-type: none"> -Agree that there is need to open up access to IRM to facilitate filing of more requests (p. 8 & 9 of Draft Report). - ‘Threat’ or “likelihood of harm” should be sufficient to initiate a complaint and should replace the words “adversely affected” (p. 9 of Draft Report) -A user-guide with simplified language should be developed for use by local communities instead of redefining the terms used in the Enabling Resolution (p.10). - Greater resources allocated for outreach. - Bank’s policies and procedures should be distributed (in full and summary form) and publicized in local languages where possible. 	Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)
		The language of the Enabling Resolution and Rules is overly technical and legalistic.	John d. Zielinski Integrity Management Consultant (USA)
		The Rules should be provided in a more user-friendly format understandable by ordinary people to encourage potential requestors to use the mechanism.	-Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA) - Serge Selwan (USA)
		- Suggest the possibility of extending the period of eligibility for filing a request to the point of repayment of the loan to give more access to potential requestors. They point out that this would also bring the practice into conformity with the generally acceptable legal position that the Bank policies apply so long as the loan is outstanding.	Richard Bissell & Suresh Nanwani
2.	Requirements for Submission of Complaints/ Requests	<ul style="list-style-type: none"> - Support recommendation that the CRMU should be able to receive complaints orally, and by telephone, fax, email or other means (p.15). - Determination of whether confidentiality of the Requestors is “warranted” should NOT be left to the discretion of the Director, as is the case now. -Agree that citation of AfDB policy with which there has been alleged non-compliance is not a realistic expectation and should not be required. However, they point out that the current rules provide “where possible” such policy/procedure should be cited. Therefore there is no need for change but rather that guidance given to staff and communities should emphasize that this information is not required, but may be 	Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)

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		useful.	
		<p>-Supports recommendation that the CRMU should be able to receive complaints by e-mail in view of the weak postal capacity in certain African countries.</p> <p>-Suggests that in addition to having a written request, CRMU should also be able to receive submission of recordings of conversations CRMU can have with potential requestors where requestors are asked few guiding questions, for example, on the harm caused to them by the project, what the Bank did or omitted to do that caused the harm, and whether requestors have brought their complaint to the attention of the Management of the Bank.</p>	Serge Selwan (USA)
3.	Who can file a request	<p>CRMU should be empowered to receive requests submitted by any person (ONE or individuals) or organization, whether international or local.</p> <p>Alternatively, IRM can borrow from EBRD's Project Complaints Mechanism (May 2009) which allows one or more individual(s) in an impacted area or who has an economic interest in an impacted area to file a complaint on problem-solving initiative, and one or more individual(s) or civil society organization or group to file a complaint on a compliance review.</p> <p>Support recommendation that Bank Executive Directors and local governments should have standing to submit complaints. (p.16).</p>	<p>- Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)</p> <p>- Richard Bissell & Suresh Nanwani</p> <p>- Henry M. Bazira of Water Governance Institute(Uganda)</p> <p>Richard Bissell & Suresh Nanwani</p> <p>- Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)</p>
4.	Location of Requestors and issue of <i>locus standi</i>	<p>- The request should be submitted by individual persons or organization or group of persons whether based in the project area or not. However, it is essential that representatives whether local or international secure prior consent of the affected parties or communities where this is practical, and submit proof where it is not practical. (p.15).</p> <p>- Requirement that the Requestor must bring the problem to the attention of Bank Management should be</p>	Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)

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		removed. In the alternative, a waiver should be provided if the requesters claim that such contact would be futile or harmful to the requester.	
5.	Public and private sector projects	IRM should be empowered to receive complaints regarding any of the AFDB Group entity's operational policies and procedures <i>for both public & private sector projects</i> . No exception should be made for the scope of policies and procedures for private sector operations that IRM should entertain.	<p>- Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)</p> <p>-Ted Downing of International Network on Displacement and Resettlement (INDR)</p> <p>-Richard Bissell & Suresh Nanwani</p>
6.	Bank Group Policies	<p>Support that the Bank Group should ensure early and timely distribution of its policies and procedures (in full and summary form) and publicized in local languages where possible, especially to all communities likely to be impacted by AfDB projects.</p> <p>The Bank should develop a deliberate programme to train Management in interpretation and application of its relevant policies, procedures and guidelines.</p>	<p>- Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)</p> <p>-Ted Downing-INDR</p> <p>Ted Downing-INDR</p>
7.	Choice between Problem solving & Compliance Review	Requesters should be empowered to determine which function(s) of the IRM they require; problem-solving or compliance review, instead of leaving this decision to be made by the director of CRMU as is the case now.	Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)
8.	Outreach	<p>-Supports that the Resolution establishing IRM should make a provision giving IRM mandate to do outreach.</p> <p>-The Enabling Resolution should clearly give CRMU the authority to establish and carry out its own outreach schedule to allow for flexibility in the implementation of CRMU activities.</p> <p>Sufficient resources should be allocated to CRMU to conduct and intensify its outreach programmes.</p>	<p>Serge Selwan (USA)</p> <p>- Aboubakkar Limbisa of the Africa Movement of Grassroots Non State Organization (AMGO) –DRC</p> <p>- Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut</p>

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		<p>-A staff guide should be developed to help in training AfDB staff about IRM.</p> <p>- AfDB should actively distribute simple, pictorial-based, local-language, user-friendly descriptions of the mechanism, simplified copies of the CRMU Operating Procedures, and simplified copies of the AfDB policies and procedures to all communities likely to be impacted by AfDB projects.</p> <p>- Outreach about IRM can be enhanced by including a direct link to the CRMU on the AfDB homepage.</p>	<p>(USA)</p> <p>- Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)</p>
9.	Action by Management on IRM Reports	<p>Deadline should be put by which Management must respond to IRM reports and suggest 30 days as is the case in ERBD, as the 3 months proposed in the draft IRM review report are excessively long (p.25).</p>	<p>- Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)</p>
		<p>Proposes that Management be given two months within which to respond to IRM reports as the 3 months proposed in the draft IRM review report are to long (p.25).</p>	<p>Serge Selwan (USA)</p>
10.	Decision to conduct Compliance Review	<p>CRMU should have the sole mandate and authority to determine whether or not to undertake a compliance review (and not the Boards or the President). This will increase independence and effectiveness of the process. (p.26).</p>	<p>- Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)</p>
11.	CRMU staffing	<p>-A provision should be included to provide removal of the Director of CRMU by the Boards “for cause”.</p> <p>-Agree Director should be appointed by the Boards and not the President as is presently the case.</p> <p>-The Director’s post-employment ban should remain to increase independence of the mechanism.</p> <p>-Proposes that any member of the CRMU or IRM Experts that have a role in determining eligibility, problem-solving or compliance review should have a post-employment ban. They therefore disagree with recommendation one at p.30 of the Draft Report which provides that “While safeguarding IRM independence, restrictions on CRMU Staff terms and conditions of service should be reviewed with the view to enable them be guaranteed their career prospects and the Bank to benefit from their experiences.”</p> <p>-An alternative solution should be offered to address the likely stagnation of CRMU staff due to pre-employment ban.</p> <p>-Support that CRMU should have access to contingency funds to be able to carry out its functions (p.29).</p> <p>-The number of experts should remain the same (THREE) and should NOT be increased.</p>	<p>- Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)</p>
12.	Allowing	<p>They propose an inclusion of a provision in the IRM Operational Rules and Procedures which allows the</p>	<p>-Richard Bissell & Suresh</p>

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	participation by Requestors	requestors (as the same time as Management) to comment on the Compliance Review Panel's draft investigation report, and the responses of both the requestors and Management are posted on the IRM's website when the Boards decision is made. This will enhance participation of requestors in the accountability procedures and make the mechanism more effective and meaningful.	Nanwani
13.	Proposal to allow CRMU to invoke problem-solving at post-compliance review (p.33)	They point out that this recommendation should be viewed with caution as MDBs' accountability mechanisms are actually testing the waters when it comes to monitoring the outcomes of their activities. Secondly, problem-solving and compliance review are two different activities requiring different skills. In any case, monitoring calls for investigative and auditing skills.	Richard Bissell & Suresh Nanwani
14.	Independence of IRM	He totally agrees with Recommendation 9 at page 5 of the draft IRM Review report which states that "The Boards should review the CRMU in its capacity as the focal unit of the IRM to make it truly independent from Bank." He points out that credibility will enhance credibility of IRM.	Serge Selwan (USA)
15.	African Traditional Problem-solving Techniques	Agrees that African traditional techniques should be listed as one of the techniques of problem-solving in the Enabling Resolution. However, he points out that the underlying principles of such techniques should not be listed in the Resolution as this will make the Resolution too technical.	Serge Selwan (USA)
		There is need to elaborate on the proposed inclusion of African techniques of problem-solving and their implication to the IRM.	Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)
16.	Interpretation of Enabling Resolution	There should be a provision in the enabling Resolution indicating who should interpret the Resolution itself- (the Legal department or the Board). In the case of the Inspection Panel, it is the Board and not the legal Department that interprets the Resolution establishing the Inspection Panel.	Serge Selwan (USA)
17.	Separate IRM Website	Support recommendation that a separate IRM website be created to enhance the visibility and independence of the IRM. (p.30).	-Richard Bissell & Suresh Nanwani - Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)
18.	Protection of	The office of the Auditor General should handle complaints of alleged retaliation by requestors under the	John d. Zielinski

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	Requestors	Whistle Blowing Policy “where retaliation is alleged by a covered reporting party”.	Integrity Management Consultant (USA)
19.	General comment	The scope of the Draft Review Report is unclear because a number of recommendations appear to be aimed at changes or additions to AfDB policies or approaches generally, beyond the scope of the AfDB IRM Operating Rules and Procedures and the AfDB IRM Enabling Resolution.	Natalie Bridgeman, Anne Perrault, David Hunter, Terri Hathaway & Jennifer Kalafut (USA)