African Development Bank (AfDB)

The Independent Recourse Mechanism (IRM)

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Established in 1964, the African Development Bank (AfDB) Group is a development finance institution consisting of three entities: the AfDB, the African Development Fund (ADF), and the Nigeria Trust Fund (NTF). It is owned by 54 African and 27 non-African countries. The Group's mission is to promote sustainable economic growth and reduce poverty across Africa. [1] *The* ***Independent Recourse Mechanism (IRM)*** *serves as the AfDB Group's official complaint mechanism. It offers individuals or communities who believe they have been, or may be, adversely affected by a Bank-financed project an independent platform to seek redress.* [2]

STANDARDS AND SAFEGUARDS

The standards of the IRM are based on the AfDB operational policies, procedures, and formally adopted norms governing project implementation. At the core of these standards is the **Integrated Safeguards System (ISS),** [3] which outlines the key principles of environmental sustainability, social inclusivity, transparency, and accountability. The ISS applies to all projects, activities, and other initiatives involving AfDB financing. Although these standards are specific to the AfDB, they are informed by international best practices adopted by other multilateral development banks and align with widely accepted accountability principles.

LAND TENURE

Grievances related to land tenure—including ownership, access, usage, eviction, and displacement—are explicitly addressed under the AfDB 2023 ISS. Land tenure and land rights are primarily covered by **Operational Safeguard 5 (OS5)** on *Land Acquisition, Involuntary Resettlement, Population Displacement and Compensation*, and **Operational Safeguard 7 (OS7)** on *Vulnerable Groups*, which includes *Indigenous Peoples* and *Historically Vulnerable and Marginalized (HVRM)* communities.

OS5 applies when projects require land acquisition, lead to displacement, or restrict land use. It covers expropriation, negotiated settlements, land titling, and customary or informal tenure systems. The safeguard stipulates that land rights or claims—whether formal or customary—must not be relinquished without compensation. Borrowers are obligated to ensure that displaced persons receive legally recognized documentation granting security of tenure, at least equivalent to what they previously held. Where displacement is unavoidable, affected households must be provided with replacement land or housing that ensures enforceable tenure rights. Additionally, OS5 requires that resettlement frameworks

[1] AfDB. n.d. Overview. https://www.afdb.org/en/about/overview
[2] IRM. n.d. https://irm.afdb.org/
[3] AFDB. 2023. Integrated Safeguards System. https://www.afdb.org/en/documents/african-development-bank-groups-integrated-safeguards-system-2023

account for the land rights of women and vulnerable groups—through mechanisms such as joint or collective titling—and that land titling or regularization projects include social, legal, and institutional assessments to identify potential risks.

OS7 complements OS5 by addressing the unique circumstances of Indigenous Peoples and HVRM groups, whose livelihoods and cultural identities are deeply tied to land, territories, and natural resources. Borrowers must respect the customs, traditions, and land tenure systems of these groups. Where feasible, customary land tenure systems should be granted legal recognition. If this is not possible under national law, long-term renewable custodial or use rights must be provided. OS7 also mandates that affected groups be informed of their land rights under national law—including the recognition of customary use rights—and that Free, Prior, and Informed Consent (FPIC) be obtained in cases where project activities may affect their land or resources. Compensation and development benefits must be provided on terms equivalent to those available to formally recognized landowners.

Together, OS5 and OS7 establish requirements for the recognition, protection, and, where necessary, restoration of land tenure and land rights in AfDB-financed operations. Where these safeguards are not upheld, remedies may include revising resettlement plans, recognizing or strengthening tenure rights, providing replacement land or housing with secure tenure, and offering compensation. These safeguards clearly outline the obligations of borrowers to identify, mitigate, and address risks related to land tenure and land rights.[4]

OUTREACH AND ADMISSIBILITY

The AfDB **raises awareness** of its IRM through regional workshops, training sessions, and outreach initiatives targeting civil society, governments, and affected communities. The IRM maintains a dedicated website that serves as a central platform for filing complaints, accessing procedural information, and reviewing past cases.[5] [6] [7] A complaint is considered **admissible** if it alleges actual or potential harm resulting from the AfDB Group's failure to comply with its own policies or procedures during the design, appraisal, or implementation of a Bank-financed operation.

Complaints may be submitted by any individual or group with a common interest who is located in the project's host country, or by a duly authorized representative. Submissions can be made in any format and through multiple channels, including mail, email, SMS, telephone, online forms, and voice or video recordings. The IRM provides both a complaint letter template and an online submission form to assist complainants in converting verbal submissions into written form. Complaints may be submitted in local languages or in the AfDB's official languages (English and French), with translation support available as needed.

Each complaint must include:

- The complainant's contact details;
- A clear reference to the relevant Bank-financed project (e.g., project name, location, or sector);

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[4] AFDB. 2023. Integrated Safeguards System. Operational Safeguard 5 (OS5) and Operational Safeguard 7 (OS7) https://www.afdb.org/en/documents/african-development-bank-groups-integrated-safeguards-system-2023

[5] See for example the activities outlined in AfDB. 2023. IRM Accountability Report 2023. https://irm.afdb.org/sites/default/files/documents/IRM%20Accountability%20Report%202023_0_1.pdf

[6] Paragraph 103.I RM. 2021. Operating rules and procedures, https://www.afdb.org/en/documents/independent-recourse-mechanism-operating-rules-and-procedures-january-2015-updated-july-2021

[7] IRM. n.d. IRM https://irm.afdb.org/en

- A brief description of the facts and the actual or potential harm; and
- A summary of any good-faith efforts made to resolve the issue with the AfDB or the borrower/client, or an explanation of why such efforts were not possible.

Importantly, the IRM may waive the good-faith effort requirement if it determines that such efforts would be futile or could potentially endanger the complainants.[8] [9] The IRM may also consider the admissibility of a complaint even when it is the subject of parallel judicial or non-judicial proceedings.[10]

Complaints submitted to the IRM will be considered **ineligible** if they fall under any of the following categories:

- Procurement-related issues, which are handled by the Bank's Procurement unit;
- Allegations of fraud or corruption, which are addressed by the Office of Integrity and Anti-Corruption;
- Complaints that are fraudulent, frivolous, malicious, anonymous, or aimed at gaining a competitive advantage;
- Complaints previously decided by the IRM, unless supported by new and compelling evidence;
- Challenges to the adequacy or suitability of the Bank's policies or procedures.

Additionally, the IRM will not consider complaints that are submitted more than 24 months after a project's completion, or more than 24 months after the complainant became aware of the harm—whichever is later.[11]

FILING A COMPLAINT

Complaints within the AfDB system may escalate through progressively higher levels of review. Complainants are generally encouraged to first make good-faith efforts to resolve their concerns directly with AfDB management or through the borrower's project-level grievance mechanism. If these efforts fail to achieve resolution, the matter may be referred to the IRM, which provides independent oversight.

The IRM covers all reasonable costs associated with problem-solving processes, compliance reviews, and monitoring activities, ensuring the meaningful participation of complainants, witnesses, and stakeholders. *Stakeholders* refers to individuals, groups, or communities directly affected by an AfDB-funded project who are engaged in the process but are not themselves complainants.[12] Once a complaint is registered and the IRM has received AfDB management's response, the IRM, in consultation with the complainant, will determine whether to:

1. Pursue a **problem-solving exercise**;
2. Conduct a **compliance review/investigation**;

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[8] Paragraph 16. IRM. 2021. Operating rules and procedures. https://www.afdb.org/en/documents/independent-recourse-mechanism-operating-rules-and-procedures-january-2015-updated-july-2021
[9] IRM. n.d. File a Complaint https://irm.afdb.org/en/page/file-complaint
[10] IRM. n.d. African Development Bank adopts new policy to strengthen accountability and support people affected by its operations. https://irm.afdb.org/en/article/african-development-bank-adopts-new-policy-strengthen-accountability-and-support-people?utm_source=chatgpt.com
[11] Paragraph 11-13. IRM. 2021. Operating rules and procedures. https://www.afdb.org/en/documents/independent-recourse-mechanism-operating-rules-and-procedures-january-2015-updated-july-2021
[12] Paragraph 101. IRM. 2021. Operating rules and procedures. https://www.afdb.org/en/documents/independent-recourse-mechanism-operating-rules-and-procedures-january-2015-updated-july-2021

3. Undertake **both functions**, either simultaneously or consecutively; or
4. **Temporarily suspend** the complaint, allowing the complainant and AfDB management a **time-bound opportunity** to resolve the issues under the IRM's supervision. [13]

Although anonymous complaints are not accepted, the IRM has provisions to protect confidentiality. If, after consulting with the complainant, the IRM Director determines that confidentiality would hinder the effectiveness of the problem-solving or compliance review process, the Director may decide to lift confidentiality.[14]

DESCRIPTION OF THE PROCESS

The IRM of the AfDB provides two distinct avenues for addressing and resolving complaints: **problem solving (dispute resolution)** and **compliance review**.

The **problem-solving process** is designed to facilitate dialogue between complainants and other relevant parties, with the aim of resolving the underlying issues raised in a complaint and restoring constructive engagement. As part of this process, the IRM Director assesses whether the parties are willing to participate voluntarily, negotiate in good faith, possess the authority to resolve the dispute, and agree to maintain confidentiality, unless legal obligations require disclosure. If the issues cannot be resolved through this approach, the IRM Director may refer the complaint to the compliance review process for a more formal investigation.[15]

The **compliance review** investigates whether the AfDB has adhered to its own policies and procedures in connection with the project concerned, and whether any failure to do so has caused or may cause harm to the complainants or the environment.[16] This review focuses solely on the actions of the AfDB Group and does not extend to the conduct of governments, borrowers, local authorities, or third parties. When the IRM determines that non-compliance has occurred, Bank management is required to prepare a formal response and an action plan to address the findings and propose appropriate remedies. This response is then submitted to the AfDB Board of Directors, which decides whether to accept or reject the recommendations and the proposed course of action.

Both problem solving and compliance review processes may involve complainants—whether individuals, groups, or communities affected by a Bank-financed project—along with their representatives or advisors. Other participants may include AfDB management, the borrower or client responsible for implementing the project, and witnesses or stakeholders directly impacted by the project, even if they are not the complainants. Depending on the nature of the case, these parties may be involved not only during the resolution or review stages but also in subsequent monitoring efforts. Throughout the process, relevant documentation, decisions, and reports are shared with all involved parties to ensure transparency and accountability.

Although there are no statutory deadlines for completing either process, internal target timeframes are used as administrative benchmarks and can be adjusted depending on the circumstances. However, in

[13] IRM. n.d. File a Complaint https://irm.afdb.org/en/page/file-complaint
[14] Paragraph 2. IRM. 2021. Operating rules and procedures. https://www.afdb.org/en/documents/independent-recourse-mechanism-operating-rules-and-procedures-january-2015-updated-july-2021
[15] Paragraphs 44-57. IRM. 2021. Operating rules and procedures. https://www.afdb.org/en/documents/independent-recourse-mechanism-operating-rules-and-procedures-january-2015-updated-july-2021
[16] IRM. n.d. IRM Functions. https://irm.afdb.org/en/page/independent-recourse-mechanism-irm/irm-functions

the case of the problem-solving process, sufficient progress must be demonstrated within 12 months for the process to continue.[17] If a resolution is reached, the IRM monitors the implementation of the agreement based on timelines mutually agreed upon by the parties. Importantly, there is no formal mechanism for appealing either the procedure or the substance of a case once a compliance review has been completed and the Board of Directors has issued its decision.

The IRM maintains a publicly accessible **Complaint Registry**,[18] which provides ongoing updates on the progress of individual cases. In addition, it publishes annual accountability reports that summarize the cases handled throughout the year, highlight key insights, and identify institutional lessons learned. These reports contribute to internal policy improvements and aim to enhance broader stakeholder understanding of the AfDB's accountability framework.

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[17] Paragraphs 40. IRM. 2021. Operating rules and procedures. https://www.afdb.org/en/documents/independent-recourse-mechanism-operating-rules-and-procedures-january-2015-updated-july-2021

[18] IRM. n.d. Complaint Registry. https://irm.afdb.org/index.php/en/page/registered-complaints?combine=&field_project_country_target_id=All&field_project_region_target_id=All&field_function_requested_target_id=All&field_current_process_target_id=All&page=1