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To: Prof. Vincent O. NMEHIELLE, Secretary General of the African Development Bank

**Cc: Ms. Bajabulile Swazi TSHABALALA, Ag. Senior Vice President / Vice President
Mr. Simon MIZRAHI, Director /Acting Director
Mr. Maman-Sani ISSA, Director, Safeguards and Compliance Department
Ms. Zeneb TOURE, Manager, Civil Society and Social Innovation
Ms. Nathalie B. CHINJE-N BODIONG, Lead Advisor to the Secretary General**

Dear Prof. Vincent O. Nmehielle,

Re: Concerns Over Stakeholder Consultations on Implementation Review of the Disclosure and Access To Information Policy

We make reference to your letter of 2 June 2021 addressed to us, the civil society organizations calling for transparency and meaningful engagement and consultation around the Disclosure and Access to Information (DAI) Policy implementation review. We appreciate the Bank’s attempt through your letter to address specific issues that were raised in our civil society letter to the Bank dated 10 May 2021.

However, for reasons listed below, we find your response and attempts at openness, transparency and meaningful consultation quite unsatisfactory, particularly given international standards and the best practices of other International Financial Institutions.¹

¹ For instance, the [World Bank’s](#) Access to Information policy review was “informed by external and internal consultations held in 33 countries and through the Bank’s external website, which were undertaken from March – June 2009. It reflects the views of member countries, civil society organizations, academia, parliamentarians, media, the private sector, international organizations, donor agencies, and Bank staff.” Similarly, the [IDB invest’s preparation of its access to information policy](#) involved face-to-face meetings with stakeholders in various

The issues of openness and transparency that we have shared seem emblematic of a broader lack of space for civil society to engage meaningfully with the Bank, its policies and projects. One recent example of this is the lack of a forum for civil society to engage with the Bank during its Annual Meetings. While the [2021 AfDB Annual General Meetings](#) have involved Bank staff, senior government officials, development partners, academics and journalists to discuss concrete initiatives to support African countries in their Covid-19 recovery plans, CSOs have not been included for the discussions. It is also not quite clear what CSOs' contribution during the events will be beyond participating as guests.

Specifically, we note that:

- The Bank has not shared publicly on its website information about the DAI Policy implementation review, including the scope and timeline for the review process. Transparency is pivotal to a meaningful consultation process. The Bank, as stated on its website, recognizes the *"timely, active and effective provision of information about the Bank Group and its activities... is essential to keeping stakeholders informed..."* This however has not been put into practice by the Bank's unwillingness to publicly disclose on its website information about the review process. In your response letter, you have also stated, *"...we would like to assure the International Accountability Project and other CSOs mentioned in your correspondence of our continued commitment to doing business with its stakeholders in a transparent and accountable manner and ensuring that all information on its projects is accessible to them."* The Bank is also failing to commit to its statement of transparency and accountability.
- In your response letter, the Bank has asked us or any other CSOs in Africa to complete the discussion guide -- a list of questions -- and return it to you by no later than 4 July 2021. This gives us about a month, which is a short time for us to organize ourselves and input into the review process, while you did not make an advance communication for CSOs to prepare themselves in gathering and organizing the necessary information.
- Moreover, the discussion guide and the background and context documents have been made available in English only, making it inaccessible for CSOs working in other regional languages, including Arabic and French. The consultation with CSOs has also limited contribution to be done in written format. This is also limiting for other communities and

countries in Latin America and the Caribbean, in addition to virtual consultations. The review of the [EBRD's](#) Public Information Policy in 2019 was "developed as a result of a formal review of the 2014 Public Information Policy. This review involved extensive internal and external consultation over 18 months, culminating in a 45-day public consultation period on the draft Policy and in-person consultation events in eight countries."

civil society groups affected by the Bank's investments who are unable to provide input in writing, and would find other formats more accessible, like virtual meetings and in-person consultations.

- You have acknowledged in your response letter that the number of CSOs consulted in the DAI Policy implementation review process thus far is inadequate, as stated, *"[i]n this preliminary review, the Bank engaged with a large number of CSOs registered in its database of which a mere 30 CSOs accepted to participate in this review."* This speaks to the failure of the Bank to create a consultation process that would facilitate a wider group of CSO and community stakeholders to be consulted. Apart from the lack of transparency on the review process - evident through the Bank's failure to make information about the review public - the approach of reaching out to only the CSOs registered in the Bank's database for consultations is a problematic practice. Additionally, for CSOs that may have security concerns in being formally registered with the Bank's database, this poses another barrier to meaningful engagement with the Bank.

The [third review](#) of the Independent Redress Mechanism (IRM) showcased well how a meaningful and effective review process should be conducted. Notably, the review process was publicly disclosed on the Bank's website, consultations with CSOs were done openly and not exclusive to those registered in the Bank's database, and the consultations were done in two rounds of 45 days each. We recommend the AfDB to adopt that model as the minimum standard for all its reviews.

To have a robust, meaningful and inclusive DAI Policy implementation review process, we urge the Bank to use openness and transparency as a prerequisite for an effective review process. We strongly recommend to the Bank to meet the recommendations made in our initial letter to the Bank. We highlight them again below sharing additional information for the processes.

- **Make publicly available, including in local regional languages, information about the implementation review process, including materials, timelines, and opportunities for stakeholders to engage.**
 - This information should be disclosed on the Bank's website, which should include communication and consultation plans detailing steps and a timeline for consultations. Apart from disclosing the information in the official languages of the Bank, it should also be published in other regional languages, including Arabic, Kiswahili and Portuguese.

- The website should be used, in combination with other platforms like virtual meetings and in-person meetings where possible, for providing ongoing communications and updates with stakeholders.
- **Ensure that a wide range of stakeholders, including civil society and affected communities across the continent, are consulted and can meaningfully contribute and inform the implementation review process, preferably through two rounds of consultations of 45 days each.**
 - In the first phase, we recommend the AfDB to organize a first round of consultations with external stakeholders prior to developing a first draft. Stakeholders should be given a minimum period of 45 days to offer comments in written, through virtual meetings and in-person consultations where possible.
 - In the second phase, we recommend the public disclosure of the first draft followed by a second round of external consultations, involving virtual meetings (and in-person meetings where possible). Stakeholders should be given a minimum period of 45 days to offer comments in written, through virtual meetings and in-person consultations where possible.
 - The AfDB should send invitations for consultations with a minimum of 30 days prior to each consultation phase to provide ample time for stakeholders to prepare and effectively contribute.
 - Disclose a full consultation report of all comments received with translated versions, outlining which comments were adopted, which ones were not adopted, and why.
 - Publish the final draft to be submitted to the Board for approval and provide translated versions of the same in official languages of countries of operation.
- **Improve overall stakeholder engagement and simplify information and project details during consultations, more especially for those that involve local communities.**
 - Apart from translation of materials and information in local regional languages, we also recommend the AfDB to simplify information for community and CSO groups who might find technical information difficult to understand.
 - As noted above, we recommend for the Bank to meaningfully inform and involve civil society during the Bank's Annual Meetings so that we can have the opportunity to not only participate, but contribute during the annual meeting events. While the [2021 AfDB Annual General Meetings](#) have involved Bank staff, senior government officials, development partners, academics and journalists to discuss concrete initiatives to support African countries in their Covid-19 recovery plans, it does not appear that CSOs have been included in the discussions.

- **Encourage the country offices to be more civil society friendly and engage more with the civil society on the ground.**
 - Additionally, we strongly encourage active participation by staff from country offices and safeguard teams in consultations processes, rather than external consultants.

We support the DAI Policy implementation review and we are confident that the Bank will uphold the principles of openness, transparency, access to information, accountability, inclusivity and accessibility. **To make this exchange more effective, we request a meeting with you to further discuss the above and other issues related to the DAI Policy implementation review at your earliest convenience.**

Sincerely,

The undersigned organizations:

Abibinsroma Foundation (Ghana)

Accountability Counsel (USA)

African Forum and Network on Debt and Development (Africa)

Arab Watch Coalition (MENA)

ARTICLE 19 (Kenya, Senegal, Tunisia, UK)

Association Talassemiane pour l'environnement et le développement (Morocco)

Association Tunisienne de Droit du Développement (Tunisia)

ATGL Tunisia (Tunisia)

Bank Information Center (Global)

Botswana Watch Organization (Botswana)

Buliisa Initiative for Rural Development Organisation (Uganda)

Cairo Institute for Human Rights Studies (MENA)

Center for International Environmental Law (Global)

Centre de Recherches et d'Appui pour les Alternatives de Développement - Océan Indien
(Madagascar)

Centre for Human Rights and Rehabilitation *(Malawi)*

Centre for Human Rights, University of Pretoria *(South Africa)*

Centre for Research and Advocacy Manipur *(Manipur)*

Centre for Social Accountability and Transparency *(Malawi)*

Community Initiatives for Sustainable Development *(Kenya)*

Enda Lead Afrique Francophone *(Senegal)*

Endorois Welfare Council *(Kenya)*

Espace de Solidarité et de Coopération de l'Oriental *(Morocco)*

Foundation for Environmental Management and Campaign Against Poverty *(Tanzania)*

Foundation for Environmental Rights, Advocacy and Development *(Nigeria)*

Foundation for the Conservation of the Earth *(Nigeria)*

Global Rights *(Nigeria)*

Green Advocates International *(Liberia)*

Initiative for Climate Action and Development *(Malawi)*

International Accountability Project *(Global)*

International Rivers *(USA)*

IRPAD & Coalition des OSC africaines sur la BAD *(Mali)*

Jamaa Resource Initiatives *(Kenya)*

LawAge Consult & Advocates *(Tanzania)*

Lumiere Synergie pour le Developpement *(Senegal)*

Mazingira Network - Tanzania *(Tanzania)*

Nature Tropicale ONG (Benin)

Network Movement for Justice and Development (Sierra Leone)

Observatoire d'etudes et d'appui a la responsabilite sociale et environnementale (Democratic Republic of the Congo)

Oil Workers' Rights Protection Organization Public Union (Azerbaijan)

Oyu Tolgoi Watch (Mongolia)

Peace Point Development Foundation (Nigeria)

Phenix Center for Economic and Informatics Studies (Jordan)

Resonate!Yemen (Yemen)

Sustainable Holistic Development Foundation (Tanzania)

Tensift Regional Centre for Development (Morocco)

Ugandan Consortium On Corporate Accountability (Uganda)

Witness Radio - Uganda (Uganda)

Women Action Towards Economic Development (Tanzania)

Yemeni Observatory for Human Rights (Yemen)

Zambian Network for Human Rights Defenders (Zambia)

Individuals

Houda BELGHAJI - Energy expert, Arab Watch Coalition founding member (Tunisia)