04 August 2021

African Development Bank
Avenue Joseph Anoma
01 BP 1387 – Abidjan 01
Côte d'Ivoire

Dear Records Management and Information Disclosure Secretariat,

Comments and Recommendations On the DAI Policy Implementation Review

We thank you for providing us with an opportunity to contribute to the African Development Bank's (AfDB) review of the implementation of its policy on Disclosure and Access to Information (DAI Policy). We, the undersigned signatories to these recommendations, are human rights and environmental organizations that support communities affected by the AfDB projects. Our recommendations draw on our past engagement in policy reforms at a number of international financial institutions[1] in relation to advancing communities' rights to access information, as well as our experience supporting communities and civil society groups in monitoring and accessing information on development projects through the Early Warning System initiative.[2]

For your consideration, we submit the International Accountability Project's (IAP) *In Practice* analysis of the AfDB's disclosure practices for projects approved in 2019. This analysis was submitted to your office in February 2021 for comment and is attached in full to this submission.

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[1] By way of background, IAP and partners have monitored the online disclosure practices of several development finance institutions through the *Early Warning System*, to better understand what project information is being disclosed, when it is being shared, and ultimately, how accessible the information is for communities. Here are the past analyses: Dutch Development Bank, European Bank for Reconstruction and Development, IDB Invest, New Development Bank, and the United States International Development Finance Corporation.

[2] The *Early Warning System* is available at: https://ews.rightsindevelopment.org/.

At the outset, we wish to reiterate our disappointment at the limited opportunities provided for civil society to share comments and recommendations on the implementation of the DAI Policy, notably at a time when people in many of our countries face repression and instability. Transparency is pivotal to a meaningful consultation process, including at this purported preliminary stage where the outcomes of this implementation review informs the need for a DAI Policy review. Regrettably, transparency has been all but lacking in the process related to the review of the DAI Policy's implementation. We strongly recommend that the AfDB ensures that subsequent phases of its consultation process on the DAI implementation and the Policy are preceded by transparency and meaningfully consult with a wider range of civil society and communities affected by the Bank's investments in the region.[3]

The issues of openness and transparency we have raised are emblematic of a broader lack of space for civil society to engage meaningfully with the Bank, its policies, activities and projects. As recent examples, the Bank did not share publicly on its website information about the DAI Policy implementation review, including the scope and timeline for the review process. Additionally, while our organizations were provided with an opportunity to provide written inputs, it was done so only after request for additional information. Further, background materials shared were only in English and French, making it inaccessible for CSOs working in other regional languages, including Arabic, Kiswahili and Portuguese. This is limiting for other communities and 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 and with respect to the COVID-19 sanitary measures.

We urge the AfDB to ensure that its information disclosure policy and practices and the processes around stakeholder engagement are people-centered and reflect that access to information, as a fundamental human right, is integral to the successful implementation of its mission as a bank aiming to further development. Fulfilling the right to information is the foundation for meaningful participation and stakeholder engagement, and is key to ensuring that projects and policies actually better the lives of those they affect. Our collective experiences have shown that having early access to information can mean the difference between a community learning about a development project when the bulldozers arrive, and a community engaging with investors to co-design a project that avoids harm and creates real benefits. In practice, the right to access information goes far beyond simple information disclosure — it ensures that communities are equipped with the necessary information to substantively engage in and influence the development processes that will ultimately shape

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[3] At a minimum, the AfDB should replicate aspects of the recent AfDB IRM review, which included two rounds of public consultation.
https://www.afdb.org/en/news-and-events/third-review-of-african-development-banks-independent-review-mechanism-to-take-place-this-year-19007

their lives.

OUR RECOMMENDATIONS

Below, we highlight recommendations that build upon IAP's *In Practice* analysis of information disclosed on the AfDB's projects website from January 1, 2019 to December 31, 2019, a total of **179 approved projects**, using the Bank's self-reported list of projects. Between July to October 2020, we monitored AfDB's disclosure practices by reviewing and assessing the information disclosed on each project's webpage, based on criteria, which are aimed at maximizing community access to information. The criteria and full analysis can be found [here](#).

Section 1- Assessing that the DAI objectives have been met

> ### 1.1 Maximizing Bank Information Disclosure

To what extent has the Bank succeeded in maximizing the disclosure of its information? And what measures should the Bank take to ensure maximum disclosure of Bank information?

- **RECOMMENDATION: Maximize Bank information disclosure by prioritizing affected communities - the purported beneficiaries of development projects.**

Despite consistently disclosing project information summaries for all projects, **the overall accessibility of information disclosed by AfDB is poor and should be strengthened**. Based on our analysis, we found that while project information summaries are published for [all projects](#), the substance of the disclosure is inconsistent and inadequate to facilitate community access to information. To begin, at the time of writing, there was moderate disclosure of adverse environmental and social impacts, with 97 of 179 projects (54%) of the dataset having no such information disclosed.[4]

The majority of projects in our dataset, or 97 (54%), did not have project-specific impacts disclosed. In addition, the disclosure of information on applicable AfDB safeguards that have been triggered by the project is poor -- **123 of 179 projects (69%) did not clearly indicate which AfDB's safeguards were triggered**. Additionally, this analysis could not analyze the number of days communities are provided notice of a project before it is approved because the date these project documents were first made publicly available (known as the date of

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[4] Of the 97 projects, 11 only disclosed positive impacts.

disclosure at other development finance institutions) is not disclosed.

Given the inconsistency of this disclosure, **we recommend that AfDB publicly disclose all projects in the pipeline, regardless of risk category, in a timely manner that facilitates community engagement.** We recommend that communities be given as much time as possible, ideally at least 120 days in line with international best practice, in order to meaningfully engage in the proposal stage of a project. Dates relating to disclosure, updates to project information, and the date of project approval should also be clearly disclosed throughout the life cycle of the project.

Beyond publicly disclosing project related information and to provide opportunities for interested and concerned stakeholders' to contribute to improving the AfDB's policies and their implementation in accordance with the Bank's stakeholder participation policy, **we recommend that the AfDB proactively and publicly disclose information related to all phases of planned, upcoming and ongoing reviews, including the preliminary phase.**

- **RECOMMENDATION: Increase the linguistic accessibility of project information**

As a development finance institution that regularly invests in non-English speaking contexts, **AfDB should increase the linguistic and technical accessibility of the information it discloses by ensuring that its project information summaries are available in the relevant national language, at a bare minimum, and that it provides translated Environmental and Social Impact Assessment packages to ensure the meaningful fulfillment of the right to information.[5]**

Although AfDB often discloses documents, including environmental studies, procurement and expressions of interest, in French and English, this practice could be strengthened to include other regional languages. More specifically, **while it is commendable that 122 out of 179 projects (68%) in our dataset included technical documents in French, none of the projects included translations in Arabic, Kiswahili, Portuguese or other local languages, despite the geographic scope of AfDB's investments**. For example, 18 of the projects in the dataset (10%) are being implemented in North Africa, while 15 more (8%) are regional projects. Additionally, there was a lack of consistency in the documents where translations were available - not all English documents had corresponding French translations, and vice versa.

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[5] Ideally, these documents would also be translated into and available in the local languages and dialects of potentially affected communities.

**How do you access Bank records/Information? And how easy or challenging is it to have access to AFDB operations information?**

- **RECOMMENDATION: Redesign AfDB's publicly available database of project information to provide clear, consolidated, accessible project information**

In its [2015 Framework for Enhanced Engagement with Civil Society Organizations](#), the AfDB noted:

> _Despite the Bank's extensive efforts to communicate with CSOs through its public information strategies and instruments—through its website, publications, press releases, network of depository libraries, videos, and other awareness-raising vehicles—many Africans still lack awareness and understanding of the Bank's policies, country-level programs and operations, and decision making processes and structures._

The AfDB's publicly available database of project information should be redesigned to provide clear, consolidated, and accessible project information. The current layout and limitations of AfDB's website only serve as a barrier to access. As currently designed, the project web pages routinely provide a project summary, a brief description of the project and an AfDB project contact. However, as discussed below, information about environmental and social impacts and contacts for the borrower or client, when available, are found only in the attachments, requiring communities to dig through often highly technical documents to retrieve this critical information.

Moreover, communities seeking to access complete information about a project's environmental and social impacts or to further engage with AfDB or its borrowers are required to connect the dots and pore through the institution's online infrastructure and technical documents. The project websites do not provide information about the independent accountability mechanism or procedures to file an access to information request. Further, the project websites do not provide information on the environmental and social safeguards that are triggered by the project or where the project risk rating is provided, the rationale for that categorization. Additionally, the structure of the web pages containing project information may

be confusing and inaccessible.[6] **We strongly recommend AfDB redesign its online project information pages to clearly identify the information outlined throughout our *In Practice* analysis.**

We access information on the Bank's operations through the AfDB's website. For example, on this DAI implementation review, the information was not published on the AfDB's website. We were therefore not aware that the Bank is undertaking this process until it was mentioned in the Bank's response to the draft *In Practice* analysis. When information is not readily and timely provided on the website, it makes it difficult for us to be informed of the Bank's operations and effectively contribute to these processes when needed.

1.3 Promoting good governance, transparency, and accountability and providing leadership in these areas to RMCs

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How would you rate the Bank's efforts so far? And what other steps must the Bank take to promote good governance, transparency and accountability in RMCs?

- **RECOMMENDATION: Encourage the country offices to commit to the citizen engagement policy and 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.

- **RECOMMENDATION: Make publicly available information about all activities of the Bank as it is required by the DAI policy.** Case in point is the DAI Policy implementation review which, despite CSO efforts calling for the Bank's transparency, the AfDB has refused to publish information about the review process on its website.

1.4 Providing visibility into the Bank Group's mission, strategies, and activities to its stakeholders

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Is there any Bank information category not currently disclosed that you would like to see the

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[6] Project information--namely, the status of the project, investment amount, sector and a link to the project website -- can also be found at Map Africa. We recommend consolidating this information on the specific project website to facilitate access to this information.

Bank disclose going forward? Besides positing its records/information on the AFDB website, how else can the bank make its activities, programs, and operations visible to external stakeholders?

The Bank has continuously failed to proactively disclose information related to planned and ongoing policy reviews, with two most recent examples being the DAI Policy implementation review and the integrated Safeguards System (ISS) reviews.

- **RECOMMENDATION**: Promote external stakeholder engagement, transparency and accountability towards the AfDB's constituents as well as civil society by not limiting information about the Bank's activities, programs, and operations to a cross-section of CSOs but adopting public disclosure measures that make information available and accessible to all stakeholders.

- **RECOMMENDATION:** Provide contact information for all the members of the AfDB Board on the AfDB website.[7] External stakeholders should have a way to get in contact with Board members, but currently only the email addresses of non-regional members are provided on the AfDB's website. Information on the Board should include information on committee memberships and meeting calendars as well as minutes from Board and committee meetings.

In addition, the last DAI policy review in 2010 was met with hesitation from the Bank to engage with broader civil society organisations through public consultations.

> 1.5 Supporting the Bank Group's consultative processes in its activities, and stakeholder participation in the implementation funded by the Bank Group

How would you rate the Bank's engagement with external stakeholders?

As noted above, the AfDB's engagement with external stakeholders on its activities has been poor. For example, the DAI Policy implementation review requires consultations with external stakeholders. However, the Bank did not publicly disclose its activities on the implementation review to facilitate meaningful engagement with CSOs and ensure their meaningful participation to contribute to the process. This was also denied despite CSOs calling for it through two CSO letters to the AfDB.[8]

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[7] For example, both the World Bank Group and the Asian Development Bank provide this information.
[8] The first letter was sent to the RMID Secretariat on May 10, 2021

We understand that in the [AfDB's 2015 Framework for Enhanced Engagement with Civil Society Organizations](#), the Bank stated that it would establish, among other measures, a dedicated CSO portal to enhance engagement. Until today, we have not found any information regarding this portal which is supposed to be a great opportunity of engagement with civil society in a larger broad area. Without real commitments towards CSOs' engagement, these measures will remain completely meaningless.

To add, the country offices of the AfDB are not active and visible to civil society. We therefore recommend for the country offices to be more civil society friendly and engage more with the civil society on the ground.

Further compounding barriers to CSO engagement with the AfDB, the Bank has introduced a requirement for CSOs to register before gaining access to the CSO database and this involves meeting a certain number of set criteria. This automatically excludes some stakeholders who might otherwise be relevant institutions with expertise that can promote the Bank's work. This includes CSOs that may have security concerns in being formally registered with the AfDB's database. As explained above, the Bank's consultative processes are not transparent, especially when it comes to engaging a wide and diverse range of CSOs.

In addition, in its 02 March 2021 response to the IAPs *In Practice* analysis to the AfDB, the RMID Secretariat referenced: "*In line with this, the Bank is currently in the process of finalizing guidelines for mainstreaming civil society engagement in CSPs. These guidelines will enable the systematic integration of the voices, views, and aspirations of CSOs, communities and citizens into key practical and operational policies that lay the ground for effective community engagement at country and regional levels.*"

In addition, the letter states: "*The Bank is also finalizing a tool that will revolutionize the civil society/community engagement approach: The Toolkit for mainstreaming civil society engagement in projects. It will boost non-state actors and citizens' capacity to demand transparency and accountability from both the Bank and its implementing partners, including national Governments, donors, and the private sector.*"

These initiatives would benefit greatly from the input of a wider range of civil society groups who have firsthand experience on monitoring AfDB projects and supporting affected communities - the purported project beneficiaries. And yet, we have no additional information

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The second letter was a response to the June 2, 2021 letter from theSecretary General of the AfDB, and this was sent on June 18, 2021.

about these processes. The AfDB needs to disclose information about these initiatives on the Bank's website and not only to those who request for the information.

In sum, the overall stakeholder engagement of the AfDB needs to be improved. The Bank should 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.

Based on your knowledge and experience, how does AfDB compare to other development partners in how they engage with civil society (effective, speed):

Compared to the best practices of other International Financial Institutions more especially regarding the Bank's consultation on its review processes, the AfDB is performing poorly. 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 2009 – 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 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."

Section 2 - Gaps in the implementation of the Policy during the periods 2012 and 2020

2.1 Responding to information requests

Has your organization submitted any requests for records/information through the DAI online system   in the past? and what has been your experience? And has your organization sent a written request for   information to any Bank personnel/staff, country or   Regional Office? How would you rate your experience?

Several of our organizations have requested information from the AfDB, either about projects or ongoing processes, using a number of different channels. From our experience, the process of requesting information was simple and straightforward. In some cases, even though the requested document was not obtained due to the Bank's own internal processes, the Bank was generally responsive to our requests.

2.4 Recommendations that can inform a future policy revision

What key recommendations can you make that can inform future policy revision?

- **RECOMMENDATION:** We refer to our *In Practice* analysis in whole (attached), which provides in-depth recommendations to improve the disclosure practice of the AfDB, and the aforementioned recommendations in this submission. These recommendations are built on centering community access to project information, as many of these communities will be directly affected by AfDB projects. We encourage the AfDB to codify these recommendations into the DAI Policy, ensuring that staff and borrowers are clear on their roles and responsibilities.

Our analysis of AfDB's disclosure practices shows that the institution has some strong disclosure practices. Of note, the bank consistently discloses AfDB lead contact information on its project webpage, accounting for 145 of the 179 projects in the dataset (82%). At the time of writing, documents were also disclosed in other languages apart from English for the majority of the projects in the dataset -- 122 of 179 projects (69%). It is important to note, however, that the only other language that documents were disclosed in was French. These points are further discussed below.

Despite these positive disclosure practices, the overall quality of information disclosed remains inadequate. AfDB's disclosure practices fall considerably short of fulfilling communities' right to information, thereby erecting substantial barriers to access and meaningful participation for project affected communities.

- **RECOMMENDATION:** The AfDB should review the DAI Policy and strengthen its commitments to maximizing transparency, first and foremost by altering section 3.3. List of Exclusion, clause D on 'Information provided in confidence by member countries, private-sector entities or third parties', which states that, "the Bank Group will not provide access to information provided to it by a member country or a third party that has indicated in writing that such information be kept confidential."

Signatories:

Accountability Counsel
Arab Watch Coalition
Bank Information Center
Both ENDS
International Accountability Project