TERMS OF REFERENCE OF THE CONSULTANT

THE THIRD REVIEW OF THE INDEPENDENT REVIEW MECHANISM (IRM)
OF THE AFRICAN DEVELOPMENT BANK GROUP

MARCH 2019
1. BACKGROUND INFORMATION

The Boards of Directors (“the Boards”) of the African Development Bank Group (AfDB) approved the establishment of the Independent Review Mechanism (IRM) on 30 June 2004, and subsequently the IRM Operating Rules and Procedures in July 2006. The IRM became operational from mid-2006 with the appointment of the first Director of the Compliance Review and Mediation Unit (BCRM), which administers the IRM. The First Review of the mechanism commenced in July 2009, following the approval of the Terms of Reference (TOR) of the Consultant which had undergone review by the Boards of Directors on 10 March 2009. The review resulted in the approval of the amendment of the IRM Establishing Resolution and Operating Rules and Procedures by the Boards on 16 June 2010. The Second Review commenced in December 2013, following the approval of the Terms of Reference of the Consultant which had undergone review by the Boards of Directors on 17 September 2013. The Boards of Directors approved the proposed amendments to the IRM Establishing Resolution and Operating Rules and Procedures on 28 January 2015.

The IRM is one of the Bank Group’s accountability instruments and serves as both a recourse mechanism and an institutional learning tool. As a recourse mechanism, the mandate of the IRM is to provide people who are affected or are likely to be adversely affected by any project financed by the Bank Group, with the opportunity to submit their complaints to the Bank. As an institutional learning tool, the rationale of the IRM functions is to contribute to enhancing the effectiveness and accountability of the operations of the Bank Group. The mandate of the IRM covers both the public- and private-sector projects financed by the Bank Group.

The IRM handles the complaints through problem-solving (mediation) exercises, facilitated by the Director of the BCRM, or through compliance reviews (investigation), which are conducted by the Independent Roster of IRM Experts.

Functionally, the Director of the BCRM reports to the Boards for approved projects and to the President for projects under consideration for financing by the Bank Group. Administratively, the Director reports to the President. The Director of the BCRM receives, assesses, and registers complaints; prepares their eligibility reports for compliance reviews together with the IRM Experts; undertakes problem-solving exercises; and conducts outreach activities and advisory services. The main objective of outreach activities is to raise awareness about the IRM’s mandate, functions, rules, and procedures among government agencies, civil society organizations (CSOs), local communities, and the Bank staff. The BCRM also conducts information-sharing and problem-solving training sessions specifically for Bank staff, CSOs, and project promoters.

The IRM’s Roster of Experts comprises three (3) external Experts appointed by the Boards of Directors upon the recommendations of the President for a fixed term of five (5) years. The Experts conduct compliance reviews authorized by the Boards or the President. They also conduct spot-check advisory reviews of project compliance, which are meant for institutional learning, and to
encourage a culture of compliance by the Bank staff. Moreover, the IRM Experts undertake other tasks assigned to them by the Director of the BCRM. The IRM Experts constitute Compliance Review Panels that investigate alleged non-compliance with the Bank Group’s policies and procedures and assess whether or not, as a result, harm has been or is likely to be caused to people and/or the environment by the projects in question.

The IRM Enabling Resolution\(^1\) requires that, upon approval of the Boards, IRM performance should undergo a review every four (4) years. The First Review started in July 2009 and was completed in June 2010. The Second Review commenced in December 2013 and was completed in January 2015. The Third Review of the IRM is due to commence once the Boards approve the IRM Review Concept Note and these Terms of Reference in 2019.

2. THE SCOPE OF THE THIRD IRM REVIEW OF 2019

2.1 Objectives

The central objective of the upcoming Third Review is two-fold:

(i) To undertake a thorough assessment of the extent to which the IRM has been an effective recourse mechanism for people affected by a project and a useful accountability instrument to the Bank. This analysis will also consider the effectiveness of the BCRM in administering the IRM and handling cases through problem-solving exercises; and

(ii) To revise the present IRM Enabling Resolution and its Operating Rules and Procedures to clarify ambiguities and to review the roles and functions of the BCRM and the IRM Experts in order to enhance their support of the Boards’ overall responsibilities.

The ultimate aim is to have in place an IRM that effectively redresses complaints from people affected by Bank Group-financed projects, contributes to the Bank’s learning culture in a meaningful way, promotes the objectives of AfDB’s Ten-Year Strategy (2013-2022) and the High 5,\(^2\) and supports the decentralized structure of the recent Development and Business Delivery Model (DBDM) of the Bank, thereby reinforcing development effectiveness actions.

2.2 Scope of Work

The Third Review of the IRM will draw on the lessons learned from requests handled by the IRM Experts and the BCRM over the last four (4) years (i.e., from January 2015 to January 2019), the lessons that have emerged from spot-check advisory reviews of project compliance, and best practices of other Multilateral Development Banks (MDBs); in addition to the IRM operational context with the Boards’ adoption of the Integrated Safeguards System (ISS), its Environmental

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\(^1\) The IRM Resolution, Operating Rules and Procedures, and the Register of Requests along with other complaints-related reports are accessible on the IRM website at <http://www.afdb.org/irm>.

\(^2\) High 5 priorities: (i) Light Up and Power Africa; (ii) Feed Africa; (iii) Integrate Africa; (iv) Industrialize Africa; and (v) Improve the Quality of life for the People of Africa.
and Social Assessment Procedures (ESAP), and associated Guiding Notes; the ongoing evaluation of the ISS, the Policy on Non-Sovereign Operations (2018), the proposed update of the Bank Group Operations Manual by the Senior Management, and other guidelines pertinent to the work of the IRM.

Accordingly, the Third Review will focus on a wide range of issues, including:

(i) Assessing IRM performance with regard to complaints handled through compliance reviews in terms of independence, integrity, effectiveness, and credibility of the IRM;

(ii) Assessing IRM performance with regard to complaints handled through problem-solving exercises in terms of independence, integrity, effectiveness, and credibility of the IRM;

(iii) Evaluating the contributions of the BCRM’s outreach, capacity-building and knowledge-management activities conducted to enhance the visibility of the IRM;

(iv) Appraising the success and relevance of the advisory function of the IRM as a tool to enhance knowledge development and institutional learning in the Bank;

(v) Examining whether the IRM’s institutional arrangements are in harmony with the orientation of the Bank’s Ten-Year Strategy, the High 5, and the decentralized nature of the Bank’s DBDM. The review will identify ways of ensuring effectiveness and efficiency of the compliance review, problem-solving/facilitation, outreach, and advisory functions of the IRM/BCRM, and propose changes where these are required;

(vi) Assessing the implications of recent relevant developments in the Bank on the IRM, including the new Policy on Non-Sovereign Operations (2018), the ISS, its ESAP, the Disclosure and Access to Information Policy (2012), the engagement framework with CSOs, and the AfDB Gender Strategy;

(vii) Identifying means of assessing cost effectiveness of the IRM in achieving benefits for the complainants vis-à-vis efficiency and effectiveness of the Bank’s operations;

(viii) Examining the extent and contribution of the IRM/BCRM to learning and knowledge development for the Bank in the spheres of problem-solving (mediation) exercises and compliance reviews; and

(ix) Identifying gaps associated with the current IRM Enabling Resolution and Operating Rules and Procedures and recommending the best approach to address them in order to enhance the effectiveness of the IRM and remove any ambiguities.
3. THE CONSULTANT’S ASSIGNMENT

The Consultant shall prepare a set of recommendations for consideration by the Boards of Directors including, if applicable, proposals for the review of the structures and functions of the BCRM/IRM, and amendments to the IRM Enabling Resolution and Operating Rules and Procedures.

3.1. Duties and Responsibilities

The duties and responsibilities of the Consultant will include the following:

   (i) **Experience Gained by the IRM and Strengthening of the IRM/BCRM Institutional Framework:**

   The Consultant will:

   - Conduct an analysis of the experiences gained and lessons learned by the IRM since its establishment, with emphasis on the successes of the reforms implemented as a result of the last two IRM reviews. In the assessment, the Consultant will analyze, in particular, the extent of the IRM’s autonomy and institutional independence, including with respect to the mechanism’s mandate, operational activities, and Bank Management;
   - Assess what the overall role and implications of the IRM is in the context of promoting the objectives of the Bank’s Ten-Year Strategy (2013-2022), the High 5, the DBDM, and the decentralized operations of the Bank Group;
   - Examine the terms of reporting of the BCRM and the IRM to the Boards and the collaboration and coordination between the BCRM, the IRM, and the Bank Management and propose how these can be further strengthened, especially how there can be greater involvement of CODE in guiding the work of the IRM;
   - Assess the frequency and most effective means of reporting by the IRM Experts and the Director of the BCRM to the Boards, and the modalities of coordinating and sharing findings and recommendations of compliance review reports and spot-check advisory reviews of project compliance. The compliance review and monitoring functions will be further clarified, as appropriate. He/she will establish how the reporting of the IRM to the Boards can be further strengthened, and its reporting lines to BCRM and the Boards can be clarified;
   - Seek to know how the IRM stands out in practice from the work of the Ombudsman, the Administrative Tribunal, Auditor-General, Ethics Office, the Independent Development Evaluation (BDEV) and the Integrity and Anti-Corruption Department. Is there any overlaps and if yes, how can this be dealt with?
   - Assess how the IRM compares with other comparable Independent Accountability Mechanisms (IAMs)? and the best practices which should be introduced to the IRM from practices established in other IAMs. Furthermore, **the consultant will established whether** the organizational setup of BCRM and IRM is fit for purpose.
in view of the fact that mediation and problem-solving though useful functions, may draw the Board attention away from its oversight role, namely; holding the Bank Management and project implementing parties accountable for complying with environmental and social safeguards of the Bank.

(ii) **Effectiveness of the IRM.**

The consultant will:

- determine what is the status of satisfaction of stakeholders in the IRM process;
- address the following questions: Does the IRM adhere to the IRM policy? Are the complaints handled within the timelines stated in the Policy? How effectively are non-compliances stated in the IRM investigation reports addressed by the Bank? How effectively and how regularly does the IRM use its monitoring mandate? What is the evidence that systemic recommendations listed in the compliance investigation reports, to assure that non-compliances will not reoccur, are being addressed by the Bank?
- How effectively and how regularly does the IRM use its monitoring mandate?
- To what extent is the budget allocated to IRM appropriate to the efficient and effective functioning of BCRM/IRM? How effective is the IRM in attracting professionally qualified experts? Are expert positions filled on a timely basis? What is the contribution of the IRM in the implementation of the Bank Group’s policies and procedures, especially the ISS, its related Environmental and Social Assessment Procedures (ESAP), and the Guiding Notes—particularly as they apply to non-sovereign operations and private-sector investments?
- explore ways to improve the protection of individuals or communities who bring cases to the IRM, because in some instances, people who speak out against development projects can face serious reprisals from those who do not want to hear critical comments. In this regards, he/she will take a look at the Bank’s whistle-blowing policy and assess what efforts the AfDB is making and how this can be bolstered.

(iii) **Successes of Internal IRM Engagements:** The consultant will review the IRM work programs to measure the success of the IRM’s engagement with the Board’s Committee on Operations and Development Effectiveness (CODE) and the Board itself;

(iv) **Bank Policy Framework:** The Consultant will examine the Bank’s ISS and highlight its implications for the work of the IRM concerning issues such as resettlement, rights of affected peoples, effective project’s recourse system, and additional effort necessary to enhance problem-solving/project facilitation functions. The Consultant will study the interface between the ongoing evaluation of the ISS and the IRM review, and propose any areas that require IRM coordination with the Bank Management or
modification/revision of the ISS and/or IRM Enabling Resolution and Operating Rules and Procedures. The Consultant will also explore the possibility of the IRM exercising an overseeing role in the context of the implementation of the Bank’s ISS as well as opportunities with the African Legal Facility;

(v) **Private-Sector and Other Non-Sovereign Operations:** The Consultant will examine the ongoing effort to strengthen the Bank’s private-sector approach and make recommendations on how the IRM, as a recourse mechanism for people affected by projects financed by the Bank Group, can best support the goals and the High 5 priority areas of the Bank. The newly approved AfDB Policy on Non-Sovereign Operations (2018) states clearly that the ISS, and its related ESAP and the Guiding Notes are applicable to private-sector clients to ensure sustainability of AfDB-financed projects. The policy qualifies that the ESAP for Non-Sovereign Operations (NSOs) differ in a limited number of instances from sovereign operations, taking account of slight variation in the Bank’s project cycle requirements for NSOs. These include, among others, the following: (i) the exploratory review process and inclusion of the NSO in the Bank’s project pipeline; (ii) the concept note format, including E&S content and the review process; it also clarifies steps required for the NSO in instances of co-financing; (iii) the appraisal report format, including the E&S content, annexes, and the review process; (iv) the NSO disclosure requirements for Category 1 projects; (v) the environmental and social (E&S) loan conditions, covenants, and the negotiation process; and (vi) the format and E&S content of monitoring and completion reports. Through its compliance review, the IRM focuses on the compliance of private-sector- and/or non-sovereign-guaranteed Bank Group-financed projects with any of the applicable Bank Group policies and procedures. The Consultant will suggest approaches to enable the IRM to adequately follow-up with the implementation of the newly approved AfDB Policy on Non-Sovereign Operations (2018) in projects which are the subject of complaints. The Consultant will also explore the possibility of the BCRM handling complaints related to NSOs through the problem-solving approach;

(vi) **Complaint Handling Function:** The Consultant will analyze issues that have arisen in the course of handling complaints through compliance reviews to determine the effectiveness of the IRM in processing complaints. He/she will assess whether complaints are handled within the timelines stated in the policy. Moreover, the Consultant will suggest ways in which the efficiency of the IRM with regard to the “protraction of case-handling and the longevity of some of the investigations” can be enhanced? Additional issues to look at are the delays in Management responses and action plans, the nature and extent of engagement between Compliance Review Panels (which comprise IRM Experts), Bank Management, and Requestors. In addition, the Consultant will assess the results of complaints handled through problem-solving exercises. In particular, the

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3 See AfDB Policy on Non-Sovereign Operations (2018), Section 10, para. 10.2.
Consultant will examine the linkages/sequence between the compliance review and the problem-solving functions, and the BCRM’s experience in handling cases. The Consultant will explore how the IRM in general can best respond to emerging challenges such as the need for timely conclusion of cases, potential conflict of interests regarding the assignments of the IRM Experts, and ways of making the compliance review work more objective and strategic;

(vii) **Advisory Function:** The Consultant will assess whether the advisory mandate of the IRM has been carried out in line with the Board Resolution. The Consultant will examine how recommendations resulting, e.g. from spot-checks, have been integrated into Bank procedures. She/he will assess also the effectiveness and success of the advisory services offered by the BCRM to the Bank Management and spot-check advisory reviews of project compliance conducted since January 2015 in more details, scrutinize the methodologies adopted, and report what the views of the stakeholders are. The analysis will dwell on whether this advisory function is a relevant instrument for enhancing knowledge development and institutional learning within the Bank. The consultant will assess and look for evidence to show that systemic recommendations listed in the compliance review reports, to ensure that non-compliances will not reoccur, are being addressed by the Bank. The Consultant will obtain the views of members of the Boards and Bank Management on the suitability of this function of the IRM in fostering development impacts in Regional Member Countries (RMCs) and the credibility of the Bank to its clients and borrowers;

(viii) Often, Board members have expressed the urgency to see the IRM move to play a more proactive role, explore opportunities to anticipate the risks associated with projects to avoid complaints and to help prevent complaints from being filed with BCRM. The Consultant will examine the possibility of mandating the BCRM to intervene in the early stages of project development and see how the IRM might prevent rather than manage complaints;

(ix) **Best Practices:** The Consultant will compare the AfDB’s complaint-handling mechanism with its counterpart Independent Accountability Mechanism (IAMs) of other MDBs to propose a model that best fits the specificity of the Bank. The Consultant will in particular draw on results of reviews undertaken by other IAMs concerning institutional arrangements, changes in the Resolution (Matthew Turner) establishing them, their operational rules and procedures, and the articulations between compliance review, problem-solving/project facilitation, and advisory functions. The Consultant will also look at the compliance review and problem-solving strategies utilized by the AfDB’s accountability instruments. This information will help in making recommendations concerning the functions of the BCRM and the IRM;

(x) **Mainstreaming Lessons Arising from IRM Activities:** The Consultant will compile information from AfDB’s Independent Development Evaluation (BDEV) and the
Knowledge Management Division about strategies and best practices to mainstream lessons learned by the IRM at the institutional level. This is to serve diverse goals, which include improving project delivery; triggering operational changes; strengthening the handling of complaints; and availing information, knowledge, and skills relating to compliance review and problem-solving to the Bank’s operations staff. Particular emphasis will be put on exploring the setting up of strong feedback channel(s) at the institutional level and what could be done to improve learning. The consultant will assess how effective the IRM interaction with Management has been while safeguarding the IRM independence. Moreover, the consultant will assess the effectiveness of knowledge being generated to help the Bank Management to avoid repetition of policy failures in projects funded by the AfDB. The Consultant will address in particular the issues of resettlement and compensation that are reported in all the IRM reports to be systemic issues that have a huge potential to damage the reputation of the Bank. A careful look at the current practice of dealing with resettlement and compensation will be assessed and mitigation ideas such as the option of including the cost of resettlement and compensation as part of Bank financing explored;

(xii) Outreach Activities: Making the IRM known, especially to people potentially affected by AfDB-financed projects, is crucial for the success of the IRM. The Consultant will scrutinize the current BCRM outreach strategy, methodologies and approaches and provide recommendations on how to improve the efforts and IRM’s visibility, in order to be effectively used as a mechanism by affected people;

(xii) Strategic Alignment: The Consultant will examine the Bank’s Ten-Year Strategy, the High 5, the Bank’s DBDM, and its ISS, and propose areas where the work of the IRM/BCRM can be aligned effectively so as to contribute to the effectiveness of Bank’s operations and in dealing with potential complaints;

(xiii) Terms of Office: The Consultant will review the terms of office of the staff, including the Director of BCRM and the IRM Experts, in light of new developments at the AfDB and in similar IAMs;

(xiv) Amendments of the IRM Resolution and Operating Rules & Procedures: The Consultant will review the Resolution establishing the IRM and its Operating Rules and Procedures of 28 January 2015 to propose amendments. These duties will include, but will not be limited, to the following:

(a) Remove any procedural ambiguities, in particular regarding the roles and responsibilities of the IRM Experts vis-à-vis the BCRM;

(b) Clarify the IRM Enabling Resolution and Operating Rules and Procedures governing the conversion of problem-solving initiatives into compliance review processes;

(c) Clarify procedures governing the handling of requests that are being simultaneously
dealt with by IAMs of other MDBs, particularly in projects co-financed by the Bank Group;

(d) Revise the requirements for preparing and submitting a request/complaint;

(e) Provide an explicit IRM Rule on the protection of requesters under the Bank’s Whistle Blowing and Complaints Handling Policy (2007);

(f) Clarify modalities for undertaking IRM monitoring actions;

(g) Clarify modalities for undertaking eligibility assessments of requests;

(h) Prepare a potential list of the policies of the Bank Group that could be subject to compliance reviews under the IRM Rules;

(i) Define modalities of consultations between the Compliance Review Panel and the Bank Management during the preparation of a compliance review report, Management response and action plans, spot-check advisory review reports, and Management’s comments on factual matters only in such draft reports;

(j) Review the time required by the Bank Management to prepare a Management response and action plan following the completion of a compliance review report by the Compliance Review Panel. This should take into account the issue raised by the Bank Management multiple times that longer time is required to consult with the clients, especially in private-sector projects, to prepare a Management Action Plan, which may have cost implications on the client. On the other side, some stakeholders, including some of the Requestors, have expressed their frustrations with the IRM process on several occasions because the IRM does not adhere to the timelines provided in the IRM Rules. This prolongs the compliance review process and risks making the IRM lose its relevance and credibility;

(k) Review and propose amendments to the coordination modalities between the IRM and the Bank Management in submitting and presenting the IRM compliance review report and Management response and action plan to the Boards of Directors;

(l) Specify modalities governing the composition and diversity of the IRM Roster of Experts;

(m) Clarify, if necessary, the recruitment and selection process of the IRM Experts and the terms and conditions of their services;

(n) Clarify, if necessary, the recruitment and selection process of the Director of the BCRM and his/her term of office;

(o) Assess the adequacy and hierarchy, resources, and optimized use of skills for BCRM
staff to fulfill their duties, considering that the staff take the lead in assignments to compensate for additional consultancy resources required by the IRM to make it function efficiently;

(p) Define the potential role and structure of the BCRM beyond the administration of the IRM to fit well in the context of the Bank’s priority High 5 and the new DBDM; and

(q) Clarify the extent to which the IRM Experts can make recommendations concerning possible policy areas for the Bank to explore, i.e. recommendation for new policies, guidelines, strategies, updating of new policies, and/or developing guidance notes.

3.2 The Methodology

The review methodology will involve the following:

(i) **Desk Review:** The Consultant will conduct an initial comprehensive desk review to address the issues raised above;

(ii) **Consultations and Interviews:** The Consultant will interview former and current BCRM Directors, IRM staff, IRM Experts, Bank Group’s Executive Directors, Senior Management, General Counsel, and relevant professional staff. The Consultant will also solicit views from the IRM stakeholders, including the Requestors, CSOs, Bank clients, and governments who have experience with the IRM. The heads of other IAMs of International Financial Institutions (IFIs), especially those that the IRM has collaborated with on compliance review, problem-solving, and outreach activities will also be consulted. The views of CSOs will specifically be taken into account through an organized consultative process. The Consultant will prepare and make presentations of findings of the Third Review and discuss with members of the Boards of Directors, the General Counsel, the Legal Department, and the Bank Management. This will feed into a draft review report, which will be posted on the Bank’s website for public comments for a period of not less than forty-five (45) days. Thereafter, the Consultants will incorporate the comments from this first public consultation and finalize a revised draft report which will posted again on the Bank website for comments for another forty-five (45) days. Thereafter, the Consultants will finalize the draft report for consideration by the Boards. The record of all inputs at the consultation stage, along with responsive comments by the Consultant, will be posted on the IRM webpage;

(iii) **The Board of Directors:** The IRM review will be considered in two sessions of the Board. The members will approve the TOR of the Third Review during the first session. The second meeting will be devoted to considering the recommendations of the Consultant and the approval of the new IRM Resolution and Operating Rules and Procedures respectively. An informal Board seminar could be an alternative to the second meeting; and

(iv) **CODE:** The IRM review will involve two sessions with CODE. The first session will take place to discuss the initial draft report by the Consultant. The second meeting will review and
provide comments on the revised draft of the Consultant’s report before it is finalized for consideration by the Board.

3.3 Key Qualifications for Undertaking the Assignment

The assignment requires a qualified consultant (the option of a team of two consultants will be explored) with substantial experience gained from both practical work and academic research on independent handling of complaints and/or recourse mechanisms similar to the IRM. In addition to these professional and academic credentials, the Consultant must be highly familiar with current development issues in Africa. The individual must have experience with public- and private-sector operations of MDBs, and be knowledgeable about community outreach strategies and issues related to impacts of projects on people, communities, and the environment. Experience in project facilitation will be an additional asset.

It is essential for the Consultant to have excellent verbal and written command of one of the Bank Group’s official languages, English or French, as well as a good working knowledge of the other official language of the Bank.

The Consultant must have at least a Master’s or higher academic degree in a relevant field such as, but not limited to, international law, international development, human rights, environmental and social development, sociology and anthropology, engineering, or any other relevant field.

3.4 Work Phases and Timeframes

The assignment will take eighty (80) working days, with the possibility of extending it by ten (10) additional working days. The assignment will be delivered in five (5) phases as follows:

(i) **Phase One**: The Consultant will conduct a desk review, hold discussions with the Director and the staff of the BCRM, and prepare an *Inception Report* which will identify and propose the main tasks and challenges of the assignment in a detailed work plan. The time allocated for this phase will not exceed ten (10) working days, including travel time;

(ii) **Phase Two**: This will be a consultation phase inside the Bank with Senior Management and Executive Directors (members of the Boards of Directors), the IRM Experts, the Director and staff of the BCRM, and operations staff. The Consultant will also conduct interviews with relevant stakeholders outside the Bank, including the Requestors, CSOs, and RMCs. The Consultant will analyze the information received and prepare a *Draft Report* with recommendations. The time allocated for this phase will not exceed thirty (30) working days, including travel time. The Draft Report will be circulated to CODE members and Senior Management for review and comments. The Consultant, after consultation with the Director of the BCRM, will take into consideration these comments and prepare a *Revised Draft Report*;

(iii) **Phase Three**: This will be an open consultation phase, during which the Consultant’s *Revised Draft Report* will be posted on the Bank’s website for a period of not less than forty-five (45) days to enable external stakeholders and interested parties to make comments on the Report. This period is not part of the Consultant’s working days. The Consultant will review comments
received during the open consultation period, incorporate them as appropriate, and prepare a revised Draft Report. In addition, the Consultant will produce a detailed summary in comment-and-response format, which will be annexed to the Consultant’s Draft Report. The time of the Consultant allocated to this phase will not exceed ten (10) working days. After taken into account comments from the first public comment phase and any other feedback, the Consultant will prepare a revised draft report, which will be posted again on the Bank’s website for another period of not less than forty-five (45) days. On the basis of the comments, the Consultant will prepared another revised draft report.

(iv) **Phase Four:** The Consultant will present the Draft Final Report with recommendations to a CODE session in Abidjan, Côte d’Ivoire. The time allocated for this phase shall not exceed twenty (20) working days, including travel time. During this phase, additional consultations can take place between the Consultant, the Bank Management, and Executive Directors, upon request; and

(v) **Phase Five:** Following the deliberations of CODE, the Consultant will revise the Draft Final Report, taking into consideration the views and issues raised by CODE members, and prepare the Final Report, which he/she will present to the Boards of Directors for discussion. The time allocated to this phase will not exceed ten (10) working days, including travel time;

Subject to the deliberations and decisions by the Boards, the timeframe of the Consultant may be extended by another ten (10) working days, if necessary, to allow the Consultant to integrate the recommendations, directions, or decisions of the Boards in the Revised Final Report. The Revised Final Report will be presented for consideration and approval by the Boards of Directors.

**4. REPORTING AND DELIVERABLES OF THE REVIEW ASSIGNMENT**

The Consultant will submit the following Reports to the Director of the BCRM at the end of each phase:

(i) **Inception Report** (not a public document) by no later than ten (10) working days after the commencement of the services, which will identify and propose the main tasks and challenges of the assignment in a detailed work plan;

(ii) **A Draft Report** (not a public document) by no later than thirty (30) working days from the completion of Phase One activities described in Section 3.4 of this report to be reviewed by CODE;

(iii) **A Summary of Comments** (not a public document) received from CODE and Senior Management, by no later than two weeks after the Draft Report has been circulated to them. To the extent possible and feasible after consultations with the Director of the BCRM, the Consultant will take into consideration the comments received from Executive Directors and Senior Management and prepare a Revised Draft Report;
(iv) The Revised Draft Report (public document) will be posted on the Bank’s website for open consultations for two consecutive comment period of at least forty-five (45) days each. Public meetings with civil society in appropriate locations may also be arranged if there is strong interest for such a meeting;

(v) A Draft Final Report should be provided no later than sixty (60) working days from the date of commencement of services, for discussion by the CODE. This Report will take into account the comments received from the public and will include the following annexes:

(a) A Summary of Comments received from all sources during the consultation phases.

(b) A Table comparing the revised issues with other IAMs of IFIs.

(c) A Table including proposed changes to the IRM Resolution and Rules, and

(d) A Table of public comments received during the formal consultation period, along with responses explaining reasons for accepting or declining to include within suggestions.

(vi) The Final Report should be provided no later than eighty (80) working days from the date of commencement of services, for consideration by the Boards. This Report will include the views and recommendations of CODE and will include the four (4) annexes listed above; and

(vii) The Revised Final Report, if necessary, should be provided no later than by ten (10) working days following the Boards’ session that considers the Final Report. This Report will incorporate all the views, directions, and recommendations of the Boards of Directors. The Revised Final Report will be submitted to the Boards for consideration and approval.

Following the approval by the Boards, the Revised Final Report along with the Annexes will be posted on the IRM webpage.