



BANQUE D'INVESTISSEMENT ET DE DEVELOPPEMENT DE LA CEDEAO
ECOWAS BANK FOR INVESTMENT AND DEVELOPMENT
BANCO DE INVESTIMENTO E DE DESENVOLVIMENTO DA CEDEAO

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POLICY AND PROCEDURE ON INTEGRITY, FRAUD PREVENTION AND ANTI-CORRUPTION



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FOREWORD

Considering Decision A/Dec.3/06/06 of 14 June 2006 relating to the Reorganization of the ECOWAS Bank for Investment (EBID);

Considering Articles 24, 25, 26 and 27 of EBID's Articles of Association on the composition, powers meetings and decision-making procedures of the board of Directors;

Considering Resolution n°RES.8/12/06 of 13 December 2006; of the Board of Directors establishing the audit committee of EBID;

Upon recommendation of the audit committee during the 32th meeting of the committee held on 17 December 2018;

The Board of Directors, by **Resolution n°RES/14/12/18/BIDC/EBID/CA/BD/60** of **18 December** 2018, approves the policy and procedure on integrity, Fraud prevention and anti-corruption.



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Tasks	Structures/Responsible person
Implementation of PPIFC	<ul style="list-style-type: none"> • Legal and Corporate Services Department • Person in charge of Compliance
Interpretation of PPIFC	<ul style="list-style-type: none"> • Ethics Committee • Person in charge of Compliance • Director of the Administration and General Services • Director of Legal and Corporate Services • Staff Representative
Managing investigations	<ul style="list-style-type: none"> • Ethics Committee
Conducting investigations	<ul style="list-style-type: none"> • Internal Audit and Evaluation of Operations Department
Decision-making process	<ul style="list-style-type: none"> • President (on the basis of the information provided by the Ethics Committee)
Implementing disciplinary measures, sanctions and enforcement procedures	<ul style="list-style-type: none"> • For staff: see the Staff Rules and Regulations and the disciplinary system operated by EBID for corruption and fraud and other related practices • For the interpretation of contractual provisions: Ethics Committee • For contracting parties, such as clients: Ethics Committee and Vice President - Operations • For contracting parties, such as third parties: Vice President in charge of Operations and Ethics Committee • In case any of the officers charged with the responsibility of investigating wrong doings is any way involved in an act to be investigated, the Ethic Committee will set up a neutral and independent sub committee to investigate the issue.
Audience targeted	All EBID staff and all third parties working with the Bank such as clients, business associates, suppliers, partners, agents, consultants and other service providers.
Related documents	<ul style="list-style-type: none"> • Code of Ethics • Compliance Verification Procedure • Whistle Blower Protection Policy • Grievances Handling Procedure • Policy on Disclosure and Access to Information.
Version	2018
Endorsed on/by	December 18,2018
Effective date	December 18,2018
Review	



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I. PREAMBLE

1.1 The Policy and Procedure on Integrity, Fraud Prevention and Anti-Corruption (PPIFC) of the ECOWAS Bank for Investment and Development (hereinafter "the Bank" or "EBID") sets forth the policy implemented by EBID to detect and prevent any act of corruption, fraud, collusion, coercion and obstruction in the performance of its business activity.

1.2 EBID is a regional and international financial institution established by the Additional Act of 19 January 2007 of the Revised Treaty of the Economic Community of West African States (ECOWAS), which currently comprises fifteen (15) Member States: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

1.3 As the ECOWAS Bank for Investment and Development, EBID is a key contributor to the economic development of West Africa. Aware of the threats posed by corruption and fraud to the proper functioning of its activities and its reputation, the Bank is committed to the highest ethical, moral and legal standards to address this challenge.

1.4 EBID thus undertakes to prevent any form of resource mismanagement and to adhere to the highest principles and standard of integrity and probity, both within the institution itself and in the projects it funds. To achieve this, the Bank is committed to setting the tone from the top on the values of ethics and integrity which are essential for the social progress and economic development of the African continent.

II. INTRODUCTION

2.1 By virtue of this PPIFC, EBID shall promote the highest standards of ethics and integrity and apply a "zero tolerance" policy to acts of corruption and fraud. All staff, clients, business associates, suppliers, partners, agents, consultants and other service providers, and all those who perform work or any other business activity for the Bank, are expected to adhere to the Bank's values and act ethically, fairly and honestly. Any conduct likely to damage EBID's reputation and compromise investors' confidence in the Bank's integrity and professionalism will be punished. To identify and prevent any illicit acts, EBID shall:

- a. strictly adhere to its internal control framework and systematically apply EBID standards to guarantee transparency and accountability of EBID activities. As a consequence, the Bank will take the requisite measures to ensure that its activities are not tainted by fraud and corruption;
- b. require beneficiaries of its funding to adhere to the ethical standards set forth in this document and apply them rigorously to their business activities;
- c. define a framework that facilitates the detection of fraud and corruption risks and encourage effective risk management;
- d. develop a policy of transparency by implementing processes to protect persons who have witnessed acts of fraud or corruption;



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- e. ensure that prompt and appropriate disciplinary action is taken against persons engaged in corrupt or fraudulent practices;
- f. ensure that its financing and various actions serve the purposes for which they are intended, and guarantee that no unlawful practice undermines its activities;
- g. Define a structured ex-ante and ex-post process for combating corruption and fraud within EBID and in relation to projects and actions sustained by EBID.

2.2 Under this PPIFC, EBID seeks to promote an environment where fraud and corruption are prevented, detected, investigated, reported and sanctioned in the most efficient, effective and cost-effective manner.

2.3 This PPIFC applies to all EBID staff, Senior Management and the Bank's business as a whole. The Bank has extended the EBID anti-corruption and fraud prevention policy to its business associates, notably suppliers, partners, clients, agents, consultants and other service providers, who must also comply therewith.

2.4 Third parties in relations with the Bank are therefore subject to strict control of their activities and must comply with the Bank's PPIFC. The Bank exercises adequate supervision and monitoring of the conduct of its activity through a particularly strict control and risk management mechanism. This mechanism is comprised of the following policies and procedures:

- a. Policy and Procedure on Integrity, Fraud Prevention and Anti-Corruption;

- b. Whistle blower protection policy;
- c. Compliance verification procedure;
- d. Complaints handling policy;
- e. Procedure for disclosure and access to information;
- f. Code of Ethics;
- g. Bank staff training.

2.5 To ensure that EBID staff are aware of this PPIFC and the procedures for its implementation, EBID provides them with a plan for implementation of PPIFC, set forth in Appendix 1 herein.

III. LEGAL AND REGULATORY FRAMEWORK

3.1 EBID is a major player in the financing of public and private projects relating to infrastructure and basic services in the areas of transport, energy, telecommunications, rural and environmental development, as well as social, industrial and service sectors. Given the many strategic assistance programs in which all financial institutions participate, the Bank ensures compliance with supranational, regional, national and internal legislation.

3.2 As parties to international conventions such as the United Nations Convention against Corruption (UNCAC) and the African Union Convention on Preventing and Combating Corruption (CUACC), West African countries that are signatories to these conventions are required to set up special bodies within their



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legal systems dedicated to preventing corruption. In addition, Article 5 of the African Union Convention renders it mandatory for African states to establish anti-corruption bodies, such as national anti-corruption agencies.

3.3 Pursuant to its commitment to align its policy and procedures with international and regional practices, the Bank subscribes to the principles enshrined in the following policies: **(i)** the United Nations Convention against Corruption; **(ii)** the United Nations Convention against Transnational Organized Crime (UNTOC); **(iii)** the African Union Convention on Preventing and Combating Corruption; and **(iv)** the ECOWAS Protocol on the fight against Corruption.

3.4 EBID also strives to comply, to the extent possible, with the provisions of the international standard ISO 37001¹ on Anti-Corruption Management Systems . It sets out the principles that the Bank shall adhere to via the introduction of an anti-corruption management system designed to provide it with effective means to maintain a proactive system to combat any violations. Under such Standard, the Bank undertakes to implement the following measures within its institution:

- a. communicate the PPIFC and the program to all stakeholders ranging from staff members to business partners, such as suppliers, shareholders, investors and consultants;
- b. appoint a compliance officer to oversee the program;
- c. provide PPIFC training to staff;

- d. assess the corruption risks, including appropriate due diligence;
- e. take reasonable and proportionate action to ensure that the audited organizations and business partners have implemented ad hoc anti-corruption control systems;
- f. verify that staff are complying with the PPIFC;
- g. verify that gifts, hospitality, donations and other similar benefits comply with the policy;
- h. implement financial controls capable of preventing corruption risk;
- i. implement reporting and whistleblowing procedures;
- j. investigate and deal appropriately with any actual or suspected cases of corruption.

IV. "ZERO TOLERANCE" PRINCIPLE AND POLICY

4.1 Under the zero-tolerance position, EBID shall not tolerate corruption and/or fraudulent practices in any type or form whatsoever, and under no circumstances, from its staff members, its President and Vice-President, third parties involved in activities financed by the Bank, or from beneficiaries of its financing.

4.2 Whenever EBID is aware of cases of alleged fraud and

¹ L'ISO 37001 est une norme de système de gestion anti-corruption publiée en octobre 2016.

• Il est conçu pour aider une organisation à établir, mettre en œuvre, maintenir et améliorer un programme de conformité anti-corruption.

• Il comprend une série de mesures et de contrôles qui représentent les bonnes pratiques mondiales en matière de lutte contre la corruption.



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corruption by an employee(s), the Bank shall take all necessary action to examine the situation, investigate and apply the disciplinary measures provided for in Chapter XIII of the Staff Rules (Article 75).

4.3 In the event of fraud or proven corruption by a contracting party, the Bank will apply sanctions pursuant to the contractual terms binding the parties. These sanctions may include suspension of disbursements, recovery of all expenditures, statement of inadequate supplies, withdrawal of funding, declaration of ineligibility of an organization, rejection of a loan proposal or disciplinary action. (Cf. Chapter XII of this Policy on disciplinary measures and sanctions).

4.4 All recorded cases of illicit practices must be reported expeditiously and will be investigated in compliance with principles of fairness, efficiency and confidentiality. (Cf. Chapter XI of this PPIFC). Offenders will be sanctioned in accordance with existing policies and procedures and the appropriate legal action will be taken to recover the misappropriated funds.

4.5 EBID requires all beneficiaries of its financing and actions to comply with the terms of this PPIFC and implement and/or strengthen their internal control systems to ensure that their organizations are vigilant in detecting and preventing any acts of fraud or corruption. Beneficiaries of the Bank's funding shall, by means of appropriate administrative and fiduciary controls, ensure that EBID funds are used for the declared purposes.

4.6 This Policy should be circulated to all beneficiaries of EBID funding, as appropriate, and to all members and stakeholders of funded projects. They undertake to cooperate fully with EBID staff in the investigation of allegations of fraud and corruption and to transmit the information necessary for an investigation.

4.7 To combat corruption and corruption culture EBID must:

- Enhance transparency and accountability in the Bank's activities and management systems;
- Encourage compliance through deterrence;
- Build a higher level of trust in the Bank's activities.

V. SCOPE OF THE POLICY

5.1 This PPIFC should be read in conjunction with the Staff Rules and Regulations, the Code of Ethics and any other EBID internal document defining acceptable standards of behavior to be adopted by staff members.

5.2 This PPIFC covers all EBID activities, including projects financed by the Bank, as well as the services and third parties used by the Bank on its own behalf. It applies to the following persons and entities : EBID staff members as well as EBID officers and consultants irrespective of the position they hold, their rank or years of service.

5.3 This PPIFC applies to all initiatives supported by EBID, beneficiaries of EBID funding and to its members, including the staff present during preparation of the projects, regardless of the country in which the activities occur. It covers all circumstances



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where an employee effects work, or performs functions, as well as related activities such as duties related to work, travel, conferences and all circumstances where a person represents a beneficiary of EBID financing, or the Bank itself.

VI. TERMINOLOGY

6.1 Under this PPIFC, illicit practice means any act of corruption, fraud, coercion, collusion, and obstruction defined as follows :

- a. Corruption:** shall mean the behavior by a person in the public or private sector who improperly and unlawfully enriches themselves or those close to them or provokes such enrichment by misusing the position in which they are placed. The offering, granting, receiving, soliciting, directly or indirectly, of something of value to unduly influence the actions of another party constitutes an act of corruption;
- b. Fraud:** commonly recognized as a subset of corruption, shall be defined as dishonest activity that causes actual or potential financial loss to another person or entity, including theft of money or other property by employees or persons outside the entity, with or without the use of deception, immediately before or immediately after the activity. This also includes the deliberate falsification, concealment, the destruction, the use or intent to use forged documents in a normal transaction or the inappropriate use of information or of a position, in order to obtain a financial or other benefit or to avoid an obligation;
- c. Connivance:** shall mean an arrangement between two or more entities to achieve an improper objective,

including improperly influencing the actions of another party;

- d. Coercion:** shall mean impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of another party ;
- e. Collusion:** shall mean an arrangement between two or more parties to achieve an improper objective, including unduly influencing the actions of another party;
- f. Obstruction:** shall mean an act by which a person seeks to destroy, falsify, alter or conceal evidence in an investigation or to make false statements to investigators in order to materially interfere with an EBID investigation into allegations of corrupt, fraudulent, coercive or connivance practices; and/or threaten, harass or intimidate a third party to prevent them from disclosing what they know about the investigation or from continuing the investigation, or (ii) actions aimed at materially impeding the exercise of EBID's contractual right to deliberately conduct audits or access information;
- g. Whistle blowers:** shall mean any employee or any third party who witnesses an act of corruption or fraud executed as part of a project supported by EBID and who contacts either anonymously or non-anonymously EBID, EBID lenders / sponsors or a beneficiary of EBID funding to report such an act;
- h. "zero tolerance" Policy:** shall mean that EBID will not tolerate any acts of corruption or fraud and will investigate all allegations within the framework of this PPIFC and



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that appropriate disciplinary measures and sanctions will be taken when the allegations are substantiated;

- i. Active corruption:** is defined as offering an undue advantage, directly or indirectly, to a person who exercises public or private sector functions, for carrying out, facilitating or refraining from performing an act that is part of his activity or his function, contravening his legal, contractual or professional obligations.
- j. Passive corruption:** is defined as consenting to approve or to claim, an undue advantage, directly or indirectly, for himself or for others, to accomplish or have accomplished, to refrain or be refrained from accomplishing an act that it is part of his activity or his function, contravening his legal, contractual or professional obligations.
- k. Income and expenditure fraud** includes any intentional act or omission, such as: The use or presentation of false, inaccurate or incomplete statements or documents having the effect of collecting or withholding funds unduly; failure to communicate information in breach of a specific obligation; misappropriation of such funds for purposes other than those for which they were originally granted.

VII. IDENTIFICATION OF CORRUPTION AND FRAUD

7.1 Cases of fraud and corruption: Corruption and fraud can occur at each stage of a project cycle, from identification through ordering to completion. The purpose of this PPIFC is to define corruption and fraud and to provide examples of what constitutes fraud and corruption so that employees can easily identify and deal with these

illegal practices. The list of practices presented below constitutes what is frequently referred to as fraud and corruption in this PPIFC. i.e.:

- *misuse of the revenues resulting from EBID financing;*
- *bid rigging/contract splitting to avoid tendering, acceptance of late bids, collusion with suppliers and processes to obtain the required results;*
- *accepting bribes for the identification, preparation and submission of project appraisal reports from a particular person or constituency;*
- *complacent/excessive spending;*
- *unauthorized and unsecured advance payments;*
- *disclosure of confidential information before the procurement process is completed, in order to give a third party an advantage over other the competition;*
- *the falsification of documents and signatures;*
- *recruitment to a position due to personal relationships or motives and not on the basis of merit;*
- *assigning an excessive number of responsibilities to a person;*
- *not blowing the whistle on a real, perceived or potential conflict of interest;*
- *the loss of independence due to a conflict of interest;*



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- accepting a personal gift to help an individual, a potential funding beneficiary, obtain work or make a quick submission to a project's Board of Directors for approval or payment;
 - the use of funds from financing for personal gain;
 - the use of resources of a project/program for personal gain;
 - the fraudulent obtaining of payments, such as the remuneration of fictitious jobs, or for tasks not performed;
 - excessive operational expenditure without supporting documents;
 - claims for reimbursement of expenses related to an unmade trip or trip made without its purpose being realized;
 - certification of the performance of a service without certainty that the service was actually performed or that the conditions for payment were satisfied;
 - written cancellation of all receivable property and debts;
 - manipulating the selection process to appoint staff;
 - use of an organization's time and resources for private tasks;
 - misuse or disclosure of official information;
 - the issuance of cheques in favour of bogus beneficiaries;
 - the use of copies or reproduction of false invoices resembling the original;
 - violation of procurement regulations for beneficiaries of funding by deliberately bending established rules and procedures;
 - Manipulating tender documents to give an unfair advantage to one or more bidders in violation of transparency requirements and fairness in the tendering process.
- 7.2** Areas and activities requiring special vigilance:
- During the project design phase, ensure that project requirements and budget are not overstated for the pocketing of kickbacks during the implementation phase;
 - in procurement and use of resources, ensure that the tendering procedures are equitable, and that regulatory requirements and controls are in place to ensure that all is correct and compliant, and that the use of resources is pursuant to the EBID financing contract;
 - during the recruitment phase, ensure that the recruitment processes exclude any favoritism, nepotism, conflict of interest and any discrimination, and that the terms and conditions of employment and remuneration are acceptable, fair and meet the needs of the organization and its staff;
 - regarding the use of information technologies, ensure that confidentiality is maintained, and that data is secure;
 - Regarding financial activities and accounting, ensure that the systems cannot be exploited for alternative purposes, and ensure an appropriate level of accountability in the expenditure and the security of financial data.



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VIII. IMPLEMENTATION AND INTERPRETATION OF THE EBID POLICY AND PROCEDURE ON INTEGRITY, FRAUD PREVENTION AND ANTI-CORRUPTION

8.1 Any staff member or third party may submit a question relating to the operation and implementation of this PPIFC to the Compliance Officer who is empowered to implement the EBID PPIFC.

8.2 If the Compliance Officer finds that neither this PPIFC, nor any other relevant policy, provides a clear solution to a matter referred to him by a third party, the matter shall be brought before the Ethics Committee responsible for interpreting the PPIFC.

This Committee is comprised of the Compliance Officer, the Director of Administration and General Services Department, the Director of the Department of Legal and Corporate Services, Director of Internal Audit and Operations Department (as an observer) and the Spokesperson of the Staff Representatives.

8.3 The issue raised shall be handled confidentially with the aim of finding a reasonable solution in accordance with the principles set forth in the PPIFC and other relevant policies. The members of the Ethics Committee shall be bound to confidentiality of their deliberations even after they have ceased to hold office with EBID.

8.4 If no unanimous solution is found in the months following the beginning of the collective assessment, the Chairman of the Ethics Committee shall have a casting vote for a decision on the interpretation of the relevant rules or principles of the PPIFC.

IX. GUIDELINES FOR THE PREVENTION, DETECTION AND FIGHT AGAINST FRAUD AND CORRUPTION

9.1 Since acts of fraud and corruption, collusion, coercion and obstruction practices can severely undermine the quality and legitimacy of goods and services financed by EBID, the Bank has developed a strong preventive framework to detect acts of fraud and corruption during the project selection and implementation processes.

9.2 Design phase of the projects: The bank's internal controls system is its main bulwark against corruption and fraud. A key task that EBID has implemented is to ensure that each department or unit has an approved Project Monitoring and Evaluation Manual and uses such Manual for project preparation, evaluation, monitoring and supervision. This Manual provides a rigorous framework during the various phases of project identification and selection by guaranteeing the quality of projects and implementing review and approval processes. EBID considers the project approval phase to be a crucial stage, as it is during this stage that fraud, and acts of corruption can be detected. In the identification and preparation of projects stage, EBID ensures that potential beneficiaries of its financing are provided with adequate financial management and supply systems.

9.3 During project implementation: The Loan Disbursement Manual, the Procedures and Guidelines for Borrowers and the Manual of Procedures for Loan Disbursement, Invoicing and Recovery, approved by the Board require that arrangements be stipulated to ensure that funding allocated to beneficiaries is used uniquely for the purposes intended. Beneficiaries will thus have



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to ensure that stringent management systems are in place to prevent and detect corruption and fraud on resources. At the implementation stage of a project, supervision and control missions, as well as annual audits, should be established for risk mitigation of a project being exposed to fraud and corruption of resources.

9.4 In order to ensure its effectiveness, this PPIFC is communicated to beneficiaries of funding so that they are aware of it and comply therewith. The EBID requires that the beneficiaries of its financing adopt appropriate fiduciary and administrative practices that ensure such financing is used for the approved purposes; that they share this document with all project stakeholders for its implementation; that they undertake to cooperate fully with EBID staff in any investigation of fraud and corruption charges involving the use of financing proceeds; and that they report to the Bank all allegations of fraud and corruption relating to funding/financing/loans granted. Furthermore, EBID, on a sample basis, will establish regular reports on its beneficiaries' compliance with the PPIFC.

X. PROCEDURES FOR COMBATING CORRUPTION AND FRAUD

10.1 EBID and the borrower share responsibility in the fight against corruption and fraud in light of the projects financed by the Bank. However, EBID staff as well as its employees have an inherent responsibility and duty to prevent corruption and fraud, by maintaining high levels of moral integrity and probity in their respective areas of competence. Since it is EBID's duty to protect any person who denounces an illicit act committed in the course of the Bank's activities, the Bank has introduced a whistle blower protection procedure based on this PPIFC, which should be used where necessary.

10.2 Each staff member is duty bound to immediately report incidents or suspected acts of fraudulent behaviour or corruption either to the Compliance Officer or through EBID's anonymous reporting channels. The EBID has set up a hotline number / EBID online report form (accessible to staff members and external parties) for potential whistle blowers and complainants to report cases of fraud and corruption. Continued efforts will be made to alert beneficiaries of EBID funding to this whistleblowing procedure. In principle, EBID will accept all reports regardless of their sources, including those from anonymous sources. These reports may be verbal or written and provide details on the problem and any evidence to support the allegations. All information reported will be treated with the strictest confidentiality.

10.3 EBID will grant the necessary protection to any staff members who report suspected cases of corruption and fraud, in accordance with the provisions established by its regulations, against any risk of retaliation, reprisal or discriminatory or detrimental treatment. This protection will not be provided in cases of frivolous accusations for the purpose of creating disorder or with the primary intention of testing the effectiveness of the Bank's strategy or in an attempt to avoid dismissal or disciplinary action.

10.4 EBID is committed to the protection of any person suffering harassment, intimidation or discrimination. Action will be taken against staff members who attempt to cause harm to their colleagues who have made a protected disclosure. In the event that the identity of the whistle blower has to be revealed to ensure proper handling of the file, EBID will discuss this beforehand with the whistle blower concerned.



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10.5 All reports of suspected cases of fraud and corruption should be recorded and archived for future reference.

10.6 The Audit and Evaluation of Operations Department identifies the main areas of activity of the organization exposed to fraud and corruption risks and assesses the nature and extent of any risk of fraud and corruption. This Department assesses the adequacy and effectiveness of the internal control system and coordinates investigations with the Ethics Committee responsible for leading the investigations.

XI. INVESTIGATION

11.1 An investigation into the matter must be opened within two weeks. In addition, it must be conducted in full accordance with the standards of due process as well as the information collected by the Department of Audit and Evaluation of Operations responsible for conducting investigations. This Department assesses the adequacy and effectiveness of the internal control system and coordinates investigations with the Ethics Committee responsible for leading the investigations. The Department of Audit and Evaluation of Operations receives the allegations of malpractice and proceeds with an investigation but does not have the authority to make disciplinary decisions.

The findings of the investigations shall be submitted to the EBID President.

11.2 Consequently, the Department of Internal Audit and Evaluation of Operations must have full and unrestricted access to relevant information, records, staff and assets of the organization. All results and findings of the investigations must be clearly documented, and appropriate confidentiality procedures must be implemented to prevent their disclosure.

EBID staff members must provide their full cooperation and assistance to the Department of Audit and Evaluation of Operations in its investigations.

11.3 The Committee of Ethics, in charge of leading the investigations, will provide the President of EBID with the necessary elements for decision-making. These elements will be based on the investigations carried out by the Department of Internal Audit and Evaluation of Operations.

11.4 The results of the investigations will only be revealed on "needs-to-know" basis, in order to avoid tarnishing the reputation of innocent people initially suspected of misconduct and to avoid other parties claiming damages from the beneficiaries of EBID financing.

11.5 The results of the investigation will only be debated and disclosed in the presence of authorized representatives of EBID who are responsible for anti-corruption activities. EBID will institute disciplinary measures to combat fraud and corruption according to its own rules, regulations and contractual commitments.

XII. DISCIPLINARY ACTION

12.1 Any staff member who violates the provisions of this PPIFC is liable to one of the disciplinary measures and sanctions provided for in Article 75 of the EBID Staff Rules and Regulations. In the case of violation, the Compliance Officer shall notify the President of the need to refer the matter to the Disciplinary Board for a penalty to be imposed. The implementation of a penalty shall not preclude EBID from instituting any legal proceedings that it deems appropriate.



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12.2 In the case where a third party involved in EBID projects is suspected of having committed an act of fraud or corruption, the Vice-President in charge of Operations or the Vice-President finances and Corporate Services, in accordance with the decisions taken by the Ethics Committee, will enforce appropriate disciplinary measures and sanctions on the offenders.

12.3 In the event that a client is suspected of having committed an act of fraud or corruption, the Ethics Committee and the Vice President Operations/Vice-President finances and Corporate Services or the President will enforce appropriate disciplinary measures and sanctions on the offenders.

12.4 The members of the Ethics Committee shall ensure enforcement of the sanctions prescribed in the contractual arrangements binding the two parties.

12.5 In case of the absence of contractual arrangements sanctioning violations of the PPIFC by a third party, the Compliance Officer, in accordance with the Ethics Committee and the President of EBID shall:

- *suspend disbursement of the project concerned;*

- *cancel project funding if evidence of corruption and fraud is established;*

- *claim mis-procurement and the reimbursement of all sums disbursed;*

- *declare ineligible for funding any natural or legal person who has previously been guilty of corruption and fraud ;*

- *demand that disciplinary measures and/or criminal action is instituted against the person(s);*

- *refer the matter to the appropriate authorities for investigation and prosecution.*

XIII. MUTUAL EXCLUSION

13.1 EBID and the sub-regional banks may decide in concert to introduce an agreement for the mutual enforcement of exclusion decisions to combat fraud, corruption and other forms of malpractice in the context of development projects. This agreement, which will be signed by the parties, will enable the participating sub-regional banks to mutually enforce the exclusion decisions they take on cases of corruption, fraud, coercion or collusion committed by an individual or entity.

XIV. STAFF TRAINING

14.1 Individuals in managerial positions and other staff members are expected to behave in an exemplary manner with regard to the principles and rules set forth in this PPIFC as well as in the Staff Rules and Staff Rules and Regulations, the Code of Ethics and any other internal EBID document.

14.2 In order to comply with the principles set forth in the aforementioned documents, the Bank shall train its staff members. All Individuals in managerial positions undertake to undergo training and in turn to train EBID staff members on this PPIFC and any other EBID document setting out the conduct to be adopted by staff members.



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Officers in charge	Missions	Date of implementation
	Take into consideration the comments of the EBID Task Force	
	Obtain the necessary approvals of the EBID board of directors	
	Signature by the President of EBID	
	Training of managerial staff within EBID	
	Launch enforcement of this Policy	
	Dissemination of the policy to beneficiaries of EBID funding	
	Training of managerial staff within EBID and beneficiaries of EBID funding	
	Review and enhancement of the anti-corruption and fraud prevention Policy	



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APPENDIX 2: COMPLAINT FORM

EBID urges persons who have knowledge of instances of malpractice to report them to the Compliance Officer. Even though the Compliance Officer accepts anonymous complaints, he encourages whistle blowers to identify themselves since allegations made anonymously are likely to be more difficult to investigate and may not address the complainant's concerns. EBID has adopted a Whistleblowing and complaints handling Policy to protect whistle blowers against reprisals.

INFORMATION ON THE ALLEGATIONS MADE

What happened? Please describe the facts fully providing all useful detail. Avoid making vague statements, which omit useful information

.....
When did the facts occur? Please indicate the date, time, and provide other credentials

.....
Where did the facts occur? Please specify where you think the malpractice occurred and when. Give information on the country, the State, the region, the office and the sector where applicable.

.....
Who are the people and/or the entities concerned? Please provide the names and contact information of persons or businesses, which you think are concerned by, or involved in the malpractice described above or have knowledge thereof.

.....
How are these facts relevant to EBID? Explain the association between these allegations and internal institutional procurement activities or operations financed by EBID.

.....
Voluntary disclosure of information

Name

Contact details

SUBMIT





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Tasks	Structures/Responsible person
Ensure the confidentiality of the identity of the whistleblowers	<ul style="list-style-type: none"> • Ethics Committee • Person in charge of Compliance
Audience targeted: Launch alerts	<ul style="list-style-type: none"> • Staff • Bank partners (physical person)
Related documents	<ul style="list-style-type: none"> • Code of Ethics • PPIFC • Compliance Verification Procedure • Grievances Handling Procedure • Policy on Disclosure and Access to Information.
Managing investigations	<ul style="list-style-type: none"> • Ethics Committee
Conducting investigations	<ul style="list-style-type: none"> • Internal Audit and Evaluation of Operations Department
Version	2018
Endorsed on/by	December 18, 2018
Effective date	December 18, 2018
Review	



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I. PREAMBLE

1.1 The President of the ECOWAS Bank for Investment and Development (EBID), concerned that the Bank should operate in a transparent and equitable environment has established this whistle blower protection policy (WBPP) to protect any person who discloses information on fraud, corruption or any other misconduct or who assists in duly authorized audit processes and/or investigations.

1.2 The Bank is committed to the highest ethical, moral and legal standards and ensures that all projects, programs and activities it finances conform to these same standards. In line with this commitment, and for reasons of good governance and transparency, this WBPP aims to protect any person who discloses or blows the whistle, in good faith and without personal gain or interest, on reprehensible practices (according to the Code of Ethics), cases of fraud and corruption as well as any misconduct or deeds that could undermine Bank operations and projects.

II. INTRODUCTION

2.1 The Bank is committed to maintaining the highest possible standards of ethical, transparent and responsible conduct within its institution. EBID commits to providing a premium service to clients and guaranteeing its business partners rigour, efficiency and transparency. EBID has accordingly set up policies and procedures to reinforce its integrity mechanisms and combat corruption, fraud, and any punishable and illicit practices.

2.2 The implementation of a WBPP will reinforce the Bank's good governance, particularly in the context of the projects it finances. This whistle blowing mechanism provides the Bank with a reliable, effective and efficient alert mechanism which allows its staff members, third parties, and business partners to

confidentially red flag cases of corruption, fraud, misconduct and other unlawful acts committed by Bank staff members or any other third party involved in EBID financed projects and activities.

III. DEFINITION OF A WHISTLE BLOWER

3.1 A whistle-blower is a natural person who conveys or is proven to be about to convey a concern, allegation or any information indicating that fraud, corruption or any other misconduct is occurring or has occurred in the Bank or in a Bank project; with knowledge or good faith belief that the concern, allegation or information is true.

3.2 A whistle-blower can be characterized as follows:

- *He is a natural person and not a legal entity;*

- *The whistle blower has **personal knowledge** of the facts that he reported: the facts have therefore been personally observed and not described or reported by others;*

- *The whistle blower is not **acting for personal** gain or interest: he does not benefit from any advantage and is not remunerated for his actions. The support that the whistle blower may seek if he feels threatened does not challenge the fact that he has no incentive to act ;*

- *The whistle blower acts in **good faith**: when he blows the whistle, he believes that the information pertains to acts of corruption or fraud and that these same facts are detrimental to the Bank's operations and missions. In reporting, he must not have intent to cause harm to others (whether colleagues, employer, any third party). In this respect, it is recalled that the person reporting allegations, which he knows to be false, cannot be deemed to be "acting in good faith".*



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3.3 It should be noted that whistle blowers are reporting parties. They do not determine if corrective measures are necessary; and they do not determine the appropriate corrective or remedial action that may be warranted.

3.4 Moreover, the success of the WBPP depends in part on the conscience and professional ethics of the whistle blower as well as the guarantee of confidentiality. The whistle blower shall not accept any payment or other benefit from anyone in exchange for the information he provides.

IV. SCOPE OF THE WHISTLE BLOWER PROTECTION POLICY

4.1 In line with the EBID PPIFC and its Code of Ethics, EBID staff members are required to disclose acts related to fraud, corruption, or any other misconduct or reprehensible practices (according to the Code of Ethics) that come to their attention.

4.2 Similarly, the Bank requires its business partners and stakeholders to disclose acts of fraud, corruption and misconduct as well as actions that have an adverse effect on operations and mission of the Bank.

4.3 The typical disclosures thus required of Bank staff members and concerned third parties include, without limitation, the following:

- **(i)** *unlawful acts or orders requiring violation of a law, abuse of authority, substantial and specific dangers to public health or safety;*
- **(ii)** *failures to comply with statutory obligations in host countries, duty stations, or countries of assignment;*

- **(iii)** *fraud;*
- **(iv)** *corruption;*
- **(v)** *coercion;*
- **(vi)** *collusion;*
- **(vii)** *reprehensible practices (according to the Code of Ethics)*
- **(viii)** *any other act endangering the Bank's operations and mission.*

4.4 This WBPP does not apply to complaints of EBID staff members associated with performance evaluations, discriminatory work assignments, equal employment opportunities, or any other personal grievances. These shall be referred to the Department of Administration and General Services and/or other mechanisms established by the EBID for such grievances. If a staff member makes frivolous accusations maliciously or is aware of their defamatory nature, he shall be liable to disciplinary action.

4.5 Should the whistle blower judge that the Bank is using retaliatory measures such as performance evaluations, discriminatory work assignments, principle of equal opportunity or any form of harassment in retaliation, the WBPP shall apply.

4.6 In view of the risk of coercion or moral harassment to which whistle blowers are exposed, the Bank undertakes to guarantee their safety and afford them protection. Thus, any person who reports a case of fraud, corruption, misconduct or any other offense liable to harm the Bank's operations and missions, as



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well as any person assisting in an audit or investigation, is a whistle blower and shall therefore be protected against any reprisals, retaliation or adverse action. "Retaliation" shall mean any act of discrimination, reprisal, harassment, or vengeance, direct or indirect, recommended, threatened or taken against a whistle blower.

V. CONFIDENTIALITY POLICY

5.1 The Bank shall protect the whistle blower's identity and person. For a whistle blowing mechanism to be effective, the concerned parties must be adequately assured that the information given will be treated in a confidential manner and above all that they will be protected against retaliation from within or outside the Bank. The Bank will maintain as confidential the whistle blower's identity unless:

- **(i)** such person agrees to be identified;
- **(ii)** identification is necessary to allow the Bank or the appropriate law enforcement officials to investigate or respond effectively to the disclosure;
- **(iii)** identification is required by law or under the Bank's rules and regulations, where a false accusation has been maliciously made, or;
- **(iv)** the person accused is entitled to the information as a matter of legal right or under the Bank's rules and regulations in the disciplinary proceedings. In such an eventuality, the Bank shall inform the whistle blower prior to revealing his identity.

5.2 Subject to the provisions of this section, the Bank may, depending on the circumstances, resort to the following protective measures:

- *The person responsible for Compliance as well as members of the Ethics Committee shall ensure the confidentiality of the identity of the whistle blower and protect the identity of a person who files a complaint or witnesses an investigation; even if cases are transferred to national authorities;*

- *Where a party external to the Bank reasonably believes he is threatened with retaliation because it assisted in an investigation or an audit by the Bank, on the recommendation of the Ethics Committee, the President shall commit the Bank to provide reasonable and appropriate assistance to secure that party's protection.*

VI. PROTECTION OF WHISTLE BLOWERS AGAINST RETALIATION

6.1 EBID shall not tolerate any act of retaliation or reprisal against a whistle blower. The Bank's financing and loan agreements will include provisions in the framework of its activities under which the Bank undertakes to take punitive action against any persons who engage in retaliation.

6.2 Any act of retaliation by an EBID staff member against a client and/or a third party related to EBID because of information disclosed by such persons shall be considered a violation of this WBPP and shall be subject to disciplinary action.

6.3 Any act of retaliation by a client and/or a third party linked to EBID against a staff member due to the information disclosed by this person is considered a violation of this WBPP and will be treated as misconduct and subject to disciplinary action or possible termination of the contract.



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6.4 Any staff member who is convinced that an act of retaliation has been taken against him as a result of his whistleblowing or cooperation in an investigation or audit should address the Ethics Committee, substantiating his complaint with all available information and documentation. The Ethics Committee shall examine, as a matter of urgency, the evidence provided, make a decision or order an immediate investigation by the Department of Audit and Evaluation of Operations. The Ethics Committee recommends that the President immediately guarantees the staff member protection from any reprisals.

6.5 In addition to the remedies mentioned above, the Ethics Committee has the scope to recommend other action if appropriate:

- Where there is a reasonable concern that a staff member may suffer personal injury or that the safety and well-being of the staff member's close family may be at risk, the Ethics Committee upon recommendation by the EBID President, shall grant the staff member whistle blower status and take available measures to secure his or her personal and family safety and security;

- If the Ethics Committee determines that the whistle blower is in a life-threatening situation, it shall promptly inform the President, who shall immediately ensure actions are taken to protect the whistle blower;

- Where a staff member has suffered retaliation or is threatened with retaliation because of assistance he gave in an investigation or audit, on the recommendations of the Ethics Committee the President shall take steps to prevent such actions from taking effect or otherwise causing harm to the staff member;

- Where there is no case to a claim raised by a whistle blower but it is clear that the staff member making such claim acted in good faith, the Ethics Committee shall ensure that the staff member suffers no retaliation. When established, retaliation for a disclosure made in good faith shall be by itself a misconduct;

- Where a staff member can show evidence that prior to the alleged retaliation, the staff member had reported or was in the process of reporting an instance of fraud, corruption or any other misconduct, the Ethics Committee shall make such recommendations to the President for interim relief as necessary, pending a full investigation following which the Ethics Committee shall recommend to the President a permanent relief for the whistle blower;

- Where a staff member can show evidence of being mistakenly identified as a whistle blower and consequent retaliatory action taken against him or her, the affected staff member shall report the matter to the Ethics Committee with all information and documentation available to them in support of their complaint. The Ethics Committee shall as a matter of exigency, review the evidence and make appropriate recommendations to the President for remedial relief.

6.6 Where the alleged retaliation or threat of retaliation is by the Ethics Committee, the report should be made to the President of the Bank.

6.7 Where the alleged retaliation or threat of retaliation is by the President, the report should be made to the Ethics Committee.



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VII. REPRISALS - WHAT SHOULD A WHISTLE BLOWER DO

7.1 Any person who believes they have been victimized for participating in a protected activity may apply to the person responsible for Compliance for protection by regular mail or email, a hotline number/ EBID online report form (accessible to staff members and external parties). The applicant must contact the person responsible for Compliance as soon as possible, with all information and supporting documents to substantiate his complaint.

7.2 Applications for protection against reprisals must be submitted to the person responsible for Compliance no later than six months after the date on which the person concerned knew or ought to have known that retaliatory action had been taken.

7.3 Upon receipt of a complaint of retaliation or threat of retaliation, the person responsible for Compliance forwards it to the Ethics Committee responsible for conducting a preliminary review of the complaint. The Audit and Evaluation of Operations Department will investigate to determine whether the applicant has participated in an activity protected by this WBPP and/or whether the protected activity should be presumed to have been a factor in the retaliation - or threat of retaliation - of which the applicant believes he is a victim.

7.4 The Compliance Division, the Ethics Committee and the Audit and Evaluation of Operations Department shall guarantee the confidentiality of all information transmitted by the applicant and third parties. The applicant may authorize the Audit and Evaluation of Operations Department to contact any service to gather additional information or to consult the records relating to the application for protection.

7.5 Where there has been an unauthorized disclosure of the identity of a whistle blower or someone assisting in the inquiries made by the Department of Audit and Evaluation of Operations, those leading the enquiry shall institute the appropriate disciplinary measures available in the Bank's rules and regulations notably the procedures provided for in Articles 71 to 78 of the Staff Rules and Regulations.

7.6 All departments must assist the Department of Audit and Evaluation of Operations and must provide it with any documents and files it requests.

7.7 The Audit and Evaluation of Operations Department undertakes to complete its review **within 30 days** following the receipt of all the information requested concerning the complaint.

7.8 If the Ethics Committee considers that there is no reason to assume that retaliation or threat of retaliation has occurred but finds that there is a management problem in a department or service, it shall inform the EBID President.

**VIII. COMPENSATORY DAMAGES AND REMEDIES FOR
WHISTLE BLOWERS**

8.1 Using the findings of the Internal Audit and Evaluation of Operations Department and the recommendations of the Ethics Committee, the President shall determine the relief available to a whistle blower who has suffered retaliation.

These remedies shall include but not be limited to:

- Reinstatement to the same or comparable position in salary, responsibility, opportunity for advancement and job security;



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- *Back benefits and pay, with consideration of the likely advancement and salary increases that a staff member would have received;*

- *Compensatory damages by the Bank, including financial losses linked to the retaliatory action, and significant emotional distress, including any physical ailments suffered as a result of that distress and related medical costs;*

- *Adjudication expenses, including representation fees, costs of expert witnesses, travel and other costs associated with the claim*

of retaliation. These costs should be automatically paid to the whistle blower whose claim(s) has been confirmed;

- *Transfer upon the request of the whistle blower to another part of the Bank;*

- *Intangible benefits, including public recognition of the exculpation of the whistle blower, and in appropriate circumstances public recognition of the contributions of the whistle blower to the Bank.*



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APPENDIX 1: WHISTLE BLOWER REPORT FORM - CONFIDENTIAL

Staff members can use this form to report an incident anonymously and confidentially. The form should be placed in an envelope marked "Confidential" and addressed to the competent member of staff.

▪ Name (optional)	
▪ Supervisor	
▪ Address	
▪ Do you accept to be interviewed?	
▪ Nature of the suspected crime, evidence underlying the allegations, dates and times	
▪ Information on suspected offender(s) if he/they are known	
▪ Provide names of external parties if involved	
▪ Are there any witnesses who can be contacted?	
▪ Information on the witness(es)	
▪ Accompanying documents	



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Tasks	Structures/Responsible person
Supervision and implementation of the EBID compliance verification procedure	<ul style="list-style-type: none"> • Compliance Officer
Implementing the control mechanism	<ul style="list-style-type: none"> • Department of Audit and Evaluation of Operations • Department of Risk Analysis
Managing investigations	<ul style="list-style-type: none"> • Ethics Committee
Conducting investigations	<ul style="list-style-type: none"> • Internal Audit and Evaluation of Operations Department
Decision-making process	<ul style="list-style-type: none"> • EBID President
Disclosing EBID documents and compliance reports on the dedicated website	<ul style="list-style-type: none"> • Legal Department and corporate Services (Communication and Marketing Division)
Related documents	<ul style="list-style-type: none"> • Code of Ethics • PPIFC • Grievances Handling Procedure • Policy on Disclosure and Access to Information.
Version	2018
Endorsed on/by	December 18, 2018
Effective date	December 18, 2018
Review	



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I. PREAMBLE

On 14 June 2006, during the thirtieth session of the ECOWAS Authority of Heads of State and Government, important institutional reforms were undertaken, including the transformation of the ECOWAS Executive Secretariat into a Commission. This process to strengthen regional integration continued with the adoption in June 2007 in Abuja (Nigeria) of Vision 2020 designed to transform the "ECOWAS of States" into an "ECOWAS of People". This places the people at the centre of regional policies, so they can participate in all stages of the regional integration process between now and 2020.

In line with the inclusive policy promoted by ECOWAS, the ECOWAS Bank for Investment and Development (hereinafter "EBID" or "Bank") actively supports a range of projects whose objectives are consistent with the following five EBID strategic pillars:

- *Promotion of broad-based economic growth and inclusive social development;*
- *Reinforcement of regional cooperation and integration;*
- *Promotion of environmental sustainability;*
- *Reinforcement of the process of internal and external resource mobilization;*
- *Improvements to the Bank's effectiveness and organizational efficiency.*

² This procedure complements the EBID Complaints Handling Policy which allows those who have suffered injury as a result of a project financed by the Bank, to file a complaint.

II. INTRODUCTION

EBID in its commitment to complying with the highest ethical standards has adopted policies and procedures that hold it accountable for resource management, the fight against corruption and fraud, protection of whistle blowers and information disclosure. It has also set up an operational procedure intended to verify the design, execution and supervision, completion and ex post assessment of the projects it finances, as the contribution made by financial partners to its development projects depends in part on the development of a credible and stable system that guarantees protection and accountability.

Conscious that the introduction of standards must be coupled with a process to audit their implementation, EBID has developed this Compliance Verification Procedure (CVP). It is a process and a control mechanism for verifying the Bank's compliance in regards to enforcement of its own policies, procedures, directives, rules and commitments.

The purpose of verifying that directives have been implemented is to assess whether EBID has fulfilled its obligations, and if non-compliance has harmed the complainant and how the Bank can remedy any non-compliance². In order to make these decisions, the scope of the Bank's compliance obligations must be clearly defined.

This CVP will enable the Bank's compliance requirements to be satisfied via inception of a verification mechanism under the authority of the Compliance Division and the Audit and Operations Evaluation Department.



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III. NEED FOR COMPLIANCE VERIFICATION

3.1 Management of EBID financial resources

Through its development activities, EBID receives funds which render it accountable for resource management. These include funds from capital resources, concessional, semi-concessional and commercial borrowing resources, special funds and equity capital as well as resources from the Community Levy³.

There are also financial instruments that provide additional liquidity for West Africa's gradual transition towards responsible development, notably via the Green Climate Fund, the Adaptation Fund, the Global Environment Facility, the Climate Investment Fund, etc.

EBID has indeed initiated the Bank's accreditation process to become an executing agency for the Adaptation Fund (AF)⁴ and the Green Climate Fund (GCF) in the ECOWAS region. In July 2013, the Bank became one of the accredited international observer organizations of the Green Climate Fund. The Bank's accreditation as an executing agency enables it to mobilize significant financial resources to combat climate change in the ECOWAS region.

Given that the Bank is responsible for the quality of work and for the financial accounts of projects funded and implemented at national or regional level, it has a duty to set an example when it comes to management of resources allocated to it. To comply with the funding partner's financial policies, procedures and directives, EBID, with the agreement of the funding partner,

receives delegation to apply the rules laid down by the relevant financial procedure; though EBID always remains principal administrator of the funds received and is therefore responsible for management thereof.

Concerning relations with the States, bodies, institutions or Officers responsible for the implementation of projects in the field, EBID follows its normal project procedures for execution of projects financed. In this context, the general framework of the Bank's project development activities is applied.

3.3 Project management

As regards relations with such States, bodies, institutions or project implementation structures, the operational instructions for the preparation and implementation of programs and projects are governed by the various EBID project manuals. Therefore, each of the States, bodies, institutions or project implementation Officers is required to sign a standard basic agreement with EBID.

This agreement covers, inter alia, responsibilities, project management conditions, accounting, financial and procurement procedures, financial records management, account verification, audits, etc. In addition to this agreement, the various aforementioned issues are addressed in each project document.

The quality of project management (in-depth project assessments, project progress reports, convening of tripartite project review meetings, etc.) is monitored in accordance with

³ In addition to the funds from the Member States, provision is made for non-regional members to subscribe to the Bank's capital. Regarding projected borrowing resources, efforts are being made to mobilize them both on financial markets and from development partners.

⁴ The AF is the Climate Change Adaptation Fund to which EBID is accredited.



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EBID procedures for project monitoring and assessment. Each executive body shall submit the regular financial accounts to EBID in accordance with established procedures. These accounts are audited in accordance with the internal and external audit procedures prescribed in the financial regulations, rules and directives of EBID.

IV. SCOPE AND EXCEPTIONS

4.1. Scope of the policy

The purpose of this control process is to implement the compliance verification function when:

- *Identifying instances of non-compliance with its operational policies and procedures during project inception, execution, supervision and completion;*
- *enhancing EBID's development effectiveness by ensuring that the environmental and social aspects of EBID's policies and procedures are complied with;*
- *providing access to processes that empower and protect the rights and interests of vulnerable groups giving them more voice and enabling them to be heard in EBID's development process;*
- *promoting results-based management and quality programs through processes that control enforcement of the directives;*
- *formulating recommendations for systemic or institution-wide improvements based on lessons learned in specific cases;*

- *completing EBID's existing accountability framework and policy to foster transparency, accountability and efficiency in its operations;*

- *enabling EBID to compete successfully in the future for funding from donors, particularly in climate-related contexts or in contexts presenting equally sensitive problems for sustainable development;*

- *Reflecting the best practices of partner international finance development institutions and ranking among the leaders in terms of the development and enforcement of accountability procedures in international financial institutions.*

4.2. Exceptions

This policy does not include applications for:

- *Complaints against procurement decisions taken by the Bank or its borrowers, from suppliers of goods and services financed or to be financed by the Bank under a loan or grant agreement, or from bidders who were not selected for the provision of such goods and services, to be examined, as in the past, in accordance with the relevant procedures in force;*
- *Complaints relating to cases of fraud or corruption;*
- *Complaints relating to cases brought before judicial review bodies or similar bodies;*
- *Futile or malicious complaints;*
- *Complaints motivated by the intention to obtain a competitive advantage;*



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- Applications relating to cases on which the Bank or its Board of Directors have already made a recommendation or a decision following the review of a previous application, unless this is justified by convincing evidence or new circumstances which were not known at the date on which the previous application was filed;

- Complaints filed more than 12 months after the date of completion of the project to which they relate or more than 12 months after the last disbursement under the loan or grant agreement or more than 12 months after the date of cancellation of the undisbursed amount;

- Complaints relating to acts for which third parties, such as the borrower or potential borrower, are liable and which do not involve any action or omission on the part of the Bank;

- Complaints about the adequacy or appropriateness of the Bank's policies and procedures;

- Complaints relating to private sector projects or other projects not under State guarantee.

V. PRINCIPLES OF SUCCESSFUL COMPLIANCE VERIFICATION

The process for controlling the enforcement of EBID policies, procedures, directives, rules, etc. is based on the principles of ethics, fairness, transparency, professionalism, accessibility and efficiency.

5.1 Ethics

The ethics principle requires that the Departments in charge of the implementation of this Procedure, i.e. the Compliance Division and the Audit and Operations Evaluation Department, are free from undue influence by the Bank's operational decision-makers, States, NGOs or applicants. Ethics also requires that those who handle complaints be carefully recruited and dismissed if they have been involved in insider dealing or nepotism. They would be disqualified in the event of an actual or potential conflict of interest.

5.2 Fairness

Fairness and objectivity require that the Procedure accords equal weight to the arguments of all parties in conducting independent and impartial investigations. The procedures for control of enforcement of directives must treat all parties in a fair and equitable manner.

5.3 Transparency

Transparency requires public participation in the design and functioning of the compliance verification mechanism, as well as clear, tangible and publicly accessible procedural rules. Besides, the Internal Audit and Evaluation of Operations Department and the Risk Analysis Department, in charge of the inspection mechanism, must publicly report on their investigation methods, their benchmarks and their factual and operational findings in terms of compliance.



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5.4 Professional conduct

Decision makers and staff members should conduct themselves according to a high standard of discretion and professionalism. The compliance mechanism should use consultants to provide specific expertise when needed.

5.5 Accessibility

To ensure accessibility to injured parties, the compliance verification mechanism will need to provide clear communication lines and information in the requisite languages and formats so that affected persons have maximum access thereto. Accessibility also implies that there are no unnecessary impediments to the initiation of verification processes and that complainants can submit their grievances without fear of reprisal, intimidation, claims for payment, or restrictions on their access to legal or judicial recourse. Where appropriate they can file a complaint to the Compliance Division, in accordance with the EBID Complaints Handling Policy ⁵.

5.6 Effectiveness

The enforcement control process set up by EBID to monitor its own commitments and directives should prove to be effective in a number of ways:

- *in the assessment of complaints from communities or persons with an interest in taking action, including non-governmental organizations;*
- *in conducting controls of directive enforcement;*

- *in communicating with all stakeholders, including complainants, the Bank and the public.*

VI. ORGANIZATIONAL STRUCTURE

6.1 Organizational Structure

The process for overseeing implementation of this CVP is established within the Compliance Division. The operational verification of compliance is carried out by the Internal Audit and Evaluation of Operations Department and by the Risk Analysis Department, both of which shall assist the Compliance Officer, assess the admissibility of a complaint and perform the necessary inspections and investigations.

The prerogatives of the Compliance Division are as follows:

- *Receive and assess the admissibility of complaints;*
- *In partnership with EBID's Communications and Marketing Division, develop a communication plan to launch the verification procedure for enforcement of the directives, with the creation of a web page for the public, press releases and other public announcements or presentations;*
- *Develop a system of recording and monitoring of incoming complaints, based on the existing practices and databases;*
- *Develop a format for the public complaints registry and a web-based "case summary" template for links to the reports*
- *Provide advice on procedures to potential complainants;*

⁵ See Appendix 1 of the Complaints Handling Policy on the procedure for filing a complaint.



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- The Compliance Officer is responsible for guaranteeing independence of the compliance review. He also serves as main contact point for the Bank's rule enforcement process and oversees investigations conducted by the Audit and Operations Evaluation Department and the Risk Analysis Department into any complaints deemed admissible. He makes findings of non-compliance and submits his recommendations to the EBID President.

VII. PROCEDURES FOR RECEIVING AND HANDLING COMPLAINTS

7.1 Admissibility of a complaint

Any individual or group of individuals likely to suffer prejudice by an EBID assisted project must be able to file a complaint. Complaints can be transmitted by regular mail, email, fax or via the Compliance Division's dedicated hotline. Anonymous complaints will not be accepted, but the names of complainants will be kept confidential upon request. Cases may also be investigated at the request of the Compliance Officer, the Internal Audit and Evaluation of Operations Department and the Risk Analysis Department, or upon instruction of the EBID President.

Once a complaint is received, its admissibility is assessed. The criteria for admissibility of complaints shall require that the complaint :

- is part of a project or program in which EBID has a role (lender, arranger, guarantor, financial adviser, etc.);
- was presented by or on behalf of one or more persons harmed by the project or program;

- raises potential questions on the enforcement of Bank policies and procedures, including environmental and social policies.

The EBID shall reject any complaint that is made fraudulently, or with malicious intent. The Bank requires that the complainant identify a policy violation. However, the staff members in charge of compliance verification may interpret alleged violations in the complaint even if they are not explicitly stated, based on the fact that those affected are probably not familiar with all the relevant EBID policies and procedures.

7.2 Receipt and initial handling of complaints

The investigation procedures and guidelines of the Audit and Operations Evaluation Department and the Risk Analysis Department provide that complaints be received by telephone, email, website, fax or regular mail by the Compliance Division. These communication channels are available both to EBID staff members and external parties.

7.3 Compliance verification process

The main objective of the process is to investigate the alleged violations of the policies and the commitments of EBID in a project funded or to be funded by the Bank, or any other project governed by EBID policies. This verification process leads to findings of non-compliance and makes recommendations on how the project can restore enforcement of the procedural policies and directives and, where appropriate, mitigate any damage resulting from EBID's non-compliance with its policies or procedures.



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7.4 Process Specific Activities

Specific activities of the compliance verification process include, but are not limited to, the following:

- *Receipt and ascertainment of admissibility of verification requests;*
- *Achievement of a thorough and objective review of policy compliance, including country inspections, interviews with persons affected by the project, and the gathering of comprehensive information to allow factual identification of issues raised and provide a reliable basis for all recommendations made;*
- *Transmission of reports containing the conclusions on policy compliance to EBID staff members and complainants;*
- *Transmission to EBID staff members and complainants, of draft recommendations aimed at restoring enforcement of the policies by the project;*
- *Gathering comments from and in consultation with EBID staff members, complainants and host governments on any recommendations;*
- *Transmission of final reports to the EBID President with findings and recommendations;*
- *Monitoring the implementation of the decisions taken by the EBID President;*
- *Sending reports providing systemic advice based on lessons learned from the past to the EBID President;*

- *Submitting reports at least annually to the EBID President on the functions, operations and results of the control process for directive enforcement;*

- *Awareness-raising actions aimed at potentially impacted persons, explaining the processes for controlling policy enforcement.*

In carrying out their duties, compliance reviewers shall require full access to EBID staff members, policies and files. They should also be given access to EBID project sites.

7.5 Procedural Steps and calendar

The elements described below are indicative procedural steps and a suggested timetable for enforcement control. These steps are only intended to give a general indication of how the process could work.

7.6 Filing of the application

A complaint for control of policy enforcement must be filed with the Compliance Division.

7.7 Recording and acknowledging receipt of the application

Within 5 working days of receiving a complaint regarding a control for directive enforcement, the Compliance Officer will register the complaint and acknowledge receipt of such complaint to the complainant. This step is mainly administrative. If the Compliance Division can immediately determine that the complaint is not admissible, the Compliance Officer shall notify the complainant in writing. The complaint will be recorded in a register accessible to the public via the website controlling directive enforcement.



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7.8 Determination of the admissibility of the complaint requesting directive enforcement control

Within 20 working days after the registration of the complaint, the Compliance Division, in consultation with the Internal Audit and Evaluation of Operations Department as well as the Risk Analysis Department, shall decide whether the complaint is admissible and inform the complainant of the decision. If the complainant does not allege any specific policy violations, the Compliance Division will assess the complaint itself to determine whether it raises issues of possible violations of backup policies.

During the admissibility phases, the Compliance Division will be able to interview the applicant, EBID staff members and the project promoters and review the documents available. If the complaint is deemed inadmissible by the Compliance Division because, for example, it does not raise compliance issues, the Compliance Officer may refer the complainant to the grievance process.

7.9 Drafting of reference terms for control of enforcement of regulations and commitments

Within 20 working days of determining whether a complaint is admissible, the Compliance Division will publish a response to the complainant based on the information provided by the Audit and Operations Evaluation and Risk Analysis Departments. EBID staff, the complainant and other interested parties will be given **10 working days** in which to produce the first draft reference terms. After reviewing all comments, the Compliance Division will publish the final reference terms, which may be amended at any time after giving complainant and the public a similar opportunity to comment.

7.10 Achieving the control of policy enforcement

The Internal Audit and Evaluation of Operations and Risk Analysis Departments shall have all prerogatives to conduct investigations, including on-site visits. Supervision by these two Departments is not time limited unless a timetable is indicated in the reference terms, as the time required may vary considerably depending on the nature, complexity and scope of the project and potential policy violations.

7.11 Draft Compliance Verification Report

After having completed their investigation, drawn conclusions and proposed recommendations, the Audit and Evaluation of Operations and Risk Analysis Departments will provide the Compliance Officer with a draft report, which, under authorization of the EBID President, will then be disclosed to EBID staff members, complainants and the public. The EBID, complainants or any other interested parties will be given **20 working days** in which to supply their comments.

7.12 Submission of final report

Within 20 working days following receipt of the comments on the draft report, the Compliance Officer will submit to the Board of Directors a final report on the policy enforcement, with his findings and recommendations. The Compliance Division after obtaining the opinion of the Board of Directors will submit the report to the EBID President with copy to the applicants, and disclosure to the public.



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7.13. Decision of the EBID President

Within 25 working days following receipt of the final version of the report on the control of policy enforcement the EBID President will make the final decision on the action necessary to restore enforcement of the directives by the project or program and/or mitigate any prejudice to the complainants.

The decision of the EBID President will be transmitted to the complainants and rendered public. If for any reason, the timetable indicated cannot be respected, the complainants and the public will be informed of the delay, the reasons therefore and the new schedule.

7.14 Reactions and remedies

The Compliance Division must be able to formulate recommendations with a view to enhancing enforcement, both on a case by case basis and at EBID level.

Although the Compliance Division does not have the right to order changes to the project or program, the EBID President has the right to condition EBID's future funding of a project or program to compliance with the Bank's policies.

When damage is about to be caused to a person or group of persons in the context of an EBID-financed project, the President of the Bank has the right to suspend EBID financial disbursements or other forms of aid to a project, pending the outcome of the process for directive enforcement controls - at least where continuance of the project would present a risk of irreversible damage to the affected persons.

The EBID President may order the permanent suspension of all payments assuming that no EBID compliance policy can be applied in the present case. Underlying legal documents must clarify that any violation of environmental and social policies constitutes serious violations of project documents.

7.15 Findings of non-enforcement of directives

The main authority of the directive enforcement control functions is the publication of findings of non-compliance and associated reports.

The compliance function of the Compliance Division primarily reports on the Bank's non-compliance with its own relevant policies. The public findings of non-compliance, even if they are mainly focused on the Bank, could encourage an improved performance by EBID as well as by the project promoter, albeit it indirectly.

7.16 Compensation and Restitution

The EBID President may also request the promoter to take steps to have the affected persons compensated or restored to their pre-damage state. However, it should be noted that the control function for the enforcement of policies, procedures and directives is not a judicial body and that no finding can alter any legal liability, immunity or obligation of EBID.

Nothing in the proposed process for controlling enforcement of policies, procedures and directives shall be construed as a waiver, express or implied, of EBID's privileges. This is simply an internal process which should not imply that a specific remedy is required, nor authorize any legal action against EBID.



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7.17 Supervision and Reporting

The Compliance Division has a duty to supervise the implementation of decisions taken following a compliance investigation.

Supervision and reporting will generally be conducted on an annual or biannual basis until the process confirms that compliance has been enforced, which will bring the supervisory period to an end. This may result in the implementation of control measures to restore EBID's enforcement of policies, procedures and directives in cases where non-compliance has been documented.

Responsibility for supervision is delegated to the Compliance Officer. Reporting the results of supervision to the Bank's Senior Management, complainants and the public is another key-element ensuring transparency of the process and the results and enabling the Bank and all parties involved in the complaint process to comprehend the situation and promote implementation of the results.

7.18 Disclosure of information

The disclosure of information is a key element in guaranteeing the transparency and effectiveness of the grievance resolution procedures that complement this CVP. The functioning of the processes for directive enforcement control and grievance resolution will comply with EBID's Disclosure and Access to Information Policy. Printed documents on the process of

controlling the enforcement of environmental and social standards should be disclosed as widely as possible, including through the interface between the Bank and the persons affected by the project or program.

The Bank's website presenting the process of supervision of directive enforcement must also be set up by the Communications and Marketing Division. The information to be made publicly available on the website is:

- *Basic information on procedures for controlling enforcement of policies, procedures and directives;*
- *Instructions on how to file a complaint;*
- *Detailed rules of procedure;*
- *Complaints register, including basic information about the complaint and its status;*
- *Draft and final reference terms and investigation reports referred to above;*
- *Annual reports describing enforcement control activities of environmental and social directives.*



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In addition to its complaint-handling prerogative, the Compliance Division has the right to initiate a project compliance investigation. This proactive approach to enforcement will boost EBID's overall understanding of the impact of its projects, identify strengths and weaknesses in EBID's policy approach, and broaden the impact of lessons learned from external complaints about specific projects.

EBID's Compliance Division should explicitly have the right to formulate systemic or general advice derived from its work on the control of directive enforcement. Although advising on specific projects may lead to a potential conflict of interest in the event of subsequent complaints about the project, the Compliance Division is in a unique position to gather lessons from the past concerning implications and issues affecting local communities.



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Grievances!





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Tasks	Structures/Responsible person
Investigating grievances	<ul style="list-style-type: none"> • Compliance Officer
Assessing the admissibility of applications and handling of grievances	<ul style="list-style-type: none"> • Internal Audit and Evaluation of Operations Department • Risk Analysis Department
Managing investigations	<ul style="list-style-type: none"> • Ethics Committee
Conducting investigations	<ul style="list-style-type: none"> • Internal Audit and Evaluation of Operations Departments
Decision-making body	<ul style="list-style-type: none"> • Board of Directors
Disclosing EBID documents and compliance reports on the dedicated website	<ul style="list-style-type: none"> • Legal Department and corporate Services (Communication and Marketing Division)
Associated document	<ul style="list-style-type: none"> • EBID Compliance verification procedure • Policy on Disclosure and Access to Information
Audience targeted	Any group of persons, organization, association, enterprise or any other group of individuals alleging injury by the execution of EBID funded projects
Version	2018
Endorsed :	December 18, 2018
Effective date :	December 18, 2018
Review :	



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I. PREAMBLE

The ECOWAS Bank for Investment and Development (hereafter “the Bank” or “EBID”), in its efforts to promote sustainable development in the West African sub-region, actively supports businesses that are committed to developing projects that reflect the strategic vision of the Economic Community of West African States (ECOWAS). It sets standards for inclusive growth, poverty reduction, sustainable development and improved social well-being.

Aiming to become a benchmark development bank in the inter-regional community, EBID has adopted a Strategic Plan 2016-2020, the main lines of which correspond to the principles of the ECOWAS Community Strategic Framework (CSF). It is against this background that the Bank conducts many operational activities within the Environment and Sustainable Development Unit (ESDU) and is committed to protecting both the public and the environment from any negative impact emanating from any of its funded projects.

II. INTRODUCTION

EBID remains convinced that despite the precautions it has taken, natural persons or legal entities may be prejudiced by the projects it finances. Therefore, in anticipation, the Bank has decided to introduce a grievance handling policy for the receipt and processing of possible grievances.

The EBID Grievance Handling Policy (GHP) aims to establish an effective dialog between third parties impacted by the projects it finances and the Bank, without seeking to attribute the responsibility or fault to any party. The Bank's objective is to ensure that a fair and effective procedure is implemented and is operational throughout the project life cycle.

This GHP supplements the EBID Compliance verification procedure which is an independent control mechanism whereby those who have suffered injury due to an EBID financed project, may file a claim requesting the Bank to uphold its own rules, policies, procedures and directives. Such procedure will be implemented when those who have suffered injury as a result of a project funded by the Bank have submitted their claims to EBID, to resolve the problems that gave rise to the grievance.

III. GENERAL RULES GOVERNING GRIEVANCES HANDLING

The purpose of the GHP is to enable dialogue to be initiated with third parties or affected communities as early as the design phase of the project. In this respect, the costs of a GHP at project level will be considered as part of the underlying project or program. Thus, in most cases, grievances will be dealt with as part of the project.

In addition to project-level processes, national grievance procedures may also be proposed either by the host country or by the Bank. That is why the EBID GHP is governed by the principles of decentralization, complementarity, and flexibility.

3.1 Decentralization

The EBID GHP will rely as far as possible on the existing procedure at country level, in each program or project. Addressing grievances through dispute resolution mechanisms as opposed to supervising the enforcement of directives requires the voluntary, ongoing and active participation of communities, project sponsors and, in some cases, the Bank itself.



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3.2 Complementarity

The EBID grievance handling policy will be built on the existing complaints handling procedure at program or project level available for a specific complaint. Thus, the Bank will seek to provide expertise or additional resources to support dispute resolution in the grievance procedure implemented by the project sponsor or host country.

The procedure will therefore be initiated by the Bank, especially in cases where there are no existing grievance procedures at program or project level or if these prove to be ineffective.

3.3 Flexibility

In order to facilitate the resolution of disputes or grievances, the procedure will allow a degree of flexibility in the use of different techniques according to the requirements of each case or specific contexts. Dispute resolution involves the voluntary participation of various stakeholders in a consensual grievance handling procedure through mediation, conciliation, facilitation, negotiation or other comparable means. Facilitators of the procedure must be able to use a wide variety of techniques and be very flexible in terms of timing and methods.

IV. CONDITIONS FOR IMPLEMENTATION OF THE GRIEVANCE HANDLING POLICY

4.1 Means

The GHP requires the use of dispute resolution professionals. Depending on the workload and the type of disputes to be managed, the Bank may use the services of external consultants.

The cost of controlling directive enforcement and grievance handling procedures will include both fixed costs that primarily include the necessary staff, and variable costs that depend on the number and complexity of the cases subject to enforcement control or dispute resolution. The GHP must be backed by an adequate, accountable and reliable budget. This funding will need to be available for the handling of each grievance procedure.

4.2 Staff training

Enforcement by EBID of the GHP means an increased need for staff training and capacity building. These training and capacity building requirements include the following:

- *Staff members must be informed of the content of the compliance policy, as well as the grievance process and procedures;*
- *The EBID compliance policy is based on a corpus of policies which must be made available to the Bank's management, as well as to all third parties doing business with the Bank, so that they may act accordingly;*
- *Staff members should be trained in the control of directive enforcement and grievance handling as well as in the means deployed for advising potential complainants on how to submit their grievances;*
- *Staff working in the targeted countries should be trained in dispute resolution in light of the guidelines provided by EBID. In the long term, all countries involved in high-risk projects will have to appoint a person responsible for resolving Community disputes.*



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4.3 Confidentiality Policy

Since the GHP is based on the voluntary and active participation of all stakeholders, the identity of the persons or entities affected and effectively involved in the grievance process will not necessarily and automatically be treated as confidential.

However, EBID will as a rule make all reasonable efforts not to disclose the identity of the complainant(s) or any other party involved. If the Internal Audit and Evaluation of Operations Department and Risk Analysis Departments should consider that the control cannot be carried out if the confidentiality request is complied with, the complainant(s) and any other involved parties shall be notified. The complainant(s) and any other involved parties shall then be informed of the terms for continuation of the procedure. (Refer to the conditions of eligibility for processing a grievance in Appendix 1)

V. FRAMEWORK FOR IMPLEMENTATION OF THE GRIEVANCE HANDLING POLICY

5.1 Centralized processing of grievances at EBID headquarters

Third parties, stakeholders or communities affected by Bank-financed projects may submit their grievances to EBID's Compliance Officer using any channels made available for this purpose.

The file will be examined by the Compliance Officer who shall be assisted by the Internal Audit and Evaluation of Operations Department when processing the file. Consequently, the Internal

Audit and Evaluation of Operations Department must have full and unrestricted access to relevant information, records, staff members and the EIBD assets.

On the basis of the assessments conducted by the Audit and Operations Evaluation Department, the Compliance Officer shall submit his recommendations to the Board of Directors for decision.

The Compliance Division will maintain a centralized record of all grievances and results and findings of investigations which will be clearly documented. The supervision and follow-up of the grievance handling process will enable EBID to:

- *Understand and report on the type and frequency of the complaints, and how efficiently they are handled;*
- *Identify systemic trends concerning environmental and social conflicts with the communities;*
- *Accord the Bank a greater role in resolving Community disputes.*

5.2 Decentralized handling of grievances as part of "Local Missions"

To date, EBID does not yet have permanent representation offices in the ECOWAS countries in which it operates. However, EBID plans to set up offices or representation offices in the ECOWAS countries to track the progress of EBID projects (hereinafter "local missions") and assess their impact on populations and the environment. This will allow aggrieved persons to submit their grievances directly to the EBID offices or representations in their country of residence.



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EBID offices or representations in ECOWAS countries will play a significant role in the handling of grievances. It is in fact the staff members of these offices who are in direct contact with the aggrieved persons, and who inform, support and guide them in the grievance filing process.

This grievance procedure may be used at project level by the host government or the project promoter. The heads of local missions will be responsible for upholding the GHP in their capacity as interface between the Compliance Division at EBID headquarters and the complainants.

Thus, once a complaint is received at the office of the local mission, the latter will determine its validity and forward it to EBID's Compliance Division. The Compliance Division will then submit the request to the Internal Audit and Evaluation of Operations Department which will decide whether it is admissible and assess the grievance according to the dispute resolution possibilities available.

VI. GRIEVANCE HANDLING POLICY

6.1 Filing of application

The complainant submits a grievance to the EBID Compliance Division or to the office of the local mission where grievances are received.

6.2 Recording and acknowledging receipt of the application

Within five working days of receiving the application, the Compliance Division records it and sends an acknowledgment of receipt to the complainant, with copy to the project promoter.

6.3 Review of the admissibility of the application

The Internal Audit and Evaluation of Operations Department will decide whether the application is admissible and shall inform the Board of Directors thereof.

6.4 Assessment of the feasibility of resolving the dispute

Within twenty-five working days of determining whether the application is admissible, the Compliance Division will deliver an assessment of the feasibility of resolving the grievance to the complainant, the local mission and other stakeholders involved. The assessment will also include recommended actions that EBID will be willing to undertake or facilitate to encourage continued efforts to resolve the dispute.

6.5 Obtaining consent for dispute resolution

Any dispute resolution effort relies on the consent of key stakeholders. No dispute resolution procedure can proceed without the consent of the main parties involved. The EBID Board of Directors shall be competent to validate the EBID decisions concerning dispute resolution.

6.6 Grievance resolution procedures

In the event that key stakeholders agree on a course of action to attempt to resolve their dispute or address the aggrieved parties' concerns, the GHP will implement the agreed course of action. Some flexibility will be necessary as the approach chosen will inevitably be adapted to the individual request and to agreement of the parties. Without consent, opportunities for dialogue and consultation will be reduced. If the consultation procedure works, all parties may continue the procedure until agreement is reached.



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6.7 Agreement or non-agreement

After conclusion of the dispute resolution procedure, the Compliance Division shall submit its report, including the settlement agreement (if any) and any recommendations for further action by EBID, to the President of the Bank, and to all stakeholders involved.

6.8 Discontinuation of the consultation procedure

All parties involved in the consultation may, at any time, terminate the dispute settlement procedure if they no longer agree with the course of action adopted. In certain circumstances, the consultation procedure can be terminated even if no solution has been proposed. In such circumstances, a detailed report summarizing the request and the action proposed to resolve the grievances invoked shall be submitted to the EBID President.

This final report will also be transmitted to the complainant, to the project promoter and the government of the country of the resident mission. If for any reason, the timetable indicated cannot be respected the complainant and the public will be informed of the delay, the reasons therefore and of the new schedule.

VII. RAISING PUBLIC AWARENESS

Raising public awareness is an integral component of the Bank's GHP. EBID should be given sufficient resources to remain proactive both at internal level and at operating country level to instruct potential complainants in the procedures for controlling directive enforcement and resolving grievances. The Communications and Marketing Division of EBID will disseminate awareness and training materials, while the Compliance Division will conduct awareness and training sessions on directive compliance. Training and raising awareness of staff at the level of the countries in charge of grievance procedures will be developed over time with the aid of consultants recruited for this purpose.

VIII. ASSESSMENT OF POLICY EFFECTIVENESS

This EBID GHP provides an overview of the process for handling and resolving grievances. The GHP will be fully evaluated three years after its implementation to allow for its revision and/or improvement in order to meet the expectations of EBID and its stakeholders.



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APPENDIX 1: HOW TO FILE A GRIEVANCE

Who can file a grievance?

Have you or your community been harmed by an EBID funded project or has your organization been approached by a third party or community to help it address social and/or environmental impacts related to an EBID funded project? Have you been in discussions with the Bank on the issues arising from these impacts?

With regard to recourse, on the proviso that the project in question affects at least 2 people the EBID Compliance Division receives the complaint submitted to it by a group of people, an organization, an association, an enterprise or any other group of individuals, or by a representative duly mandated by the persons concerned, who must demonstrate that their rights and/or interests have been, or risk being harmed as a result of non-compliance with EBID existing policies.

Who can request a compliance audit or mediation?

- Any group of two or more persons, who consider that their rights or interests have been, or are likely to be directly and materially harmed as a result of a project financed by EBID and implemented in the country or countries from which it derived, and because of Bank negligence; it can also be an organization, association, enterprise or any other group of persons;
- A local representative duly mandated, acting on specific instructions of the aggrieved persons;
- EBID Board of Directors

Anonymity

The complainant(s) or any other individual involved may request anonymity, provided that such a request is justified. The Internal Audit and Evaluation of Operations Department shall determine the merit of such a request. They will generally do their utmost not to reveal the identity of the complainant(s) or any other party involved. If the Internal Audit and Evaluation of Operations Department deems that the control procedure cannot proceed if the confidentiality request is complied with, the complainant(s) and any other involved parties shall be notified. The complainant is then informed of how the procedure will continue and whether it will be terminated if no agreement is reached.

What should be specified in an application for a compliance audit or a mediation?

- Refer to the project by setting out all relevant facts, including the damage that the parties have suffered or are at risk of suffering.
- How an action or oversight by EBID has caused, or is liable to cause, serious damage. And specify what rights or interests are directly affected.
- For a compliance audit, explain how EBID policies, procedures or contractual provisions have been violated.
- Indicate whether there has been any previous exchange(s) between the affected parties and EBID departments regarding the issues raised in the application.
- Describe the evidence or new circumstances that justify the Internal Audit and Evaluation of Operations Department re-examining a case that was previously referred to it.
- If these details have not been fully provided, please explain why.



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The following documents must be attached to the application:

- Any relevant correspondence relating to the problem(s) raised with EBID departments or any other authority.
- A description of the location of the injured party or area affected by the project.
- Any other evidence in support of the complaint.
- If some of the requested information cannot be provided, an explanation should be provided whenever possible.

Format and filing of a grievance

- Grievances shall be filed according to the application form template provided.
- The Compliance Division and the Internal Audit and Evaluation of Operations Department shall be flexible in their interpretation of grievances raised.
- The complainant (s) can use the resources available to them to submit their application (if the application is made verbally, the Compliance Division will help the complainant to transcribe it).
- All grievances must be submitted in writing; they must be dated and signed by the complainants (s) and include their name(s) and address, as well as the address to which correspondence should be sent. The complainant(s) or any other parties involved are however entitled to request anonymity; in which case they should supply the reasons why.

- The request must be sent to: EBID Office.

The Compliance Officer is not authorized to accept the following complaints:

- Complaints against procurement decisions taken by EBID or its borrowers.
- Complaints relating to cases brought before other judicial review bodies or similar bodies.
- Futile or malicious complaints.
- Complaints made with the intention of gaining a competitive advantage.
- Complaints relating to cases on which the Board of Directors, the President or Boards have already made a recommendation or a decision following the review of a previous application, unless this is justified by convincing evidence or new circumstances which were not known at the date on which the previous application was filed.
- Complaints relating to acts for which third parties, such as the borrower or potential borrower, are liable and which do not involve any action or oversight by EBID.
- Complaints about the appropriateness or relevance of EBID's existing policies and procedures.
- Human rights violations other than those concerning social and economic rights in connection with actions or oversights by EBID.



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APPENDIX 2: APPLICATION FORM TEMPLATE

- Name of the project
- Describe all relevant facts
- Damage suffered or likely to be suffered by the parties concerned
- Describe how an action or oversight by EBID has caused or is liable to cause serious damage
- Indicate which rights or interests are directly harmed
- Explain how EBID policies, procedures or contractual provisions have been violated
- Indicate whether there has been any prior exchange(s) between the aggrieved parties and EBID departments regarding the issues raised in the claim
- Disclose the evidence or new circumstances that justify the Internal Audit and Evaluation of Operations Department re-examining a case previously referred to it
- Explain why some of the above information cannot be disclosed

ATTACHED DOCUMENTS:

Any relevant correspondence relating to the problem(s) raised with EBID departments or any other authority

A description of the location of the injured party or area affected by the project

Any other evidence in support of the complaint

If some of the requested information cannot be provided, an explanation should be provided as to why.



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Tasks	Structures/Responsible person
Disclosure and access to EBID information	<ul style="list-style-type: none"> • Department of Legal and Corporate Services (Communications and Marketing Division)
Appeals process	<ul style="list-style-type: none"> • Department of Internal Audit and Evaluation of Operations (Internal Audit and Standards Division)
Decision to release information from the list of exceptions	<ul style="list-style-type: none"> • President of EBID
To allow the disclosure of documents of the Board of Directors from the list of exceptions	<ul style="list-style-type: none"> • Board of Directors
Approving the disclosure of any other document from the list of exceptions:	<ul style="list-style-type: none"> • Person in charge of Compliance • Department of Legal and Corporate Services
Approval the procedures prior to their implementation	<ul style="list-style-type: none"> • Board of Directors
Reviewing the procedures, three years after their entry into force	<ul style="list-style-type: none"> • Department of Internal Audit and Evaluation of Operations (Internal Audit and Standards Division)
Divisions responsible for disseminating these procedures at local level	<ul style="list-style-type: none"> • Regional offices representing local missions (where they exist)
Implementing the procedures	<ul style="list-style-type: none"> • Department of Legal and Corporate Services
<p>Main tasks :</p> <ul style="list-style-type: none"> • Process legitimate requests concerning access to the information and determine the criteria of legitimacy of such requests. • Issue procedural clauses for implementation of the information requests. • Advise management and staff members on implementation of the Procedure, by providing guidance on the classification, declassification and archiving of information. • Determine the pricing arrangements for the provision of printed copies of documents in response to requests. 	<ul style="list-style-type: none"> • Department of Legal and Corporate Services



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Taches	Structure / Personne Responsable
<ul style="list-style-type: none"> • Exercise the Bank's prerogatives for premature disclosure of certain documents from the list of exceptions. 	<ul style="list-style-type: none"> • The Department of Legal and Corporate Services will be supported by other EBID divisions, namely :
<ul style="list-style-type: none"> • The Communications and Marketing Division will provide guidance and support for the screening and optimum use of the communication tools for Procedure implementation, in line with EBID's communication strategy. • The Department of Legal and Corporate Services/the Compliance Division will provide advisory services and assistance for interpretation of Procedure implementation. • The Information Technology Division will provide guidance on the issues of data security. • The Communications and Marketing Division will receive from the departments the documents to be circulated and will transmit them to the regional offices for broader circulation; it will also monitor the volume and nature of information requests and submit regular reports thereon to the Secretary-General. <ul style="list-style-type: none"> - Regional offices will play a key role in Procedure dialogue, knowledge management and information disclosure, and will serve as the first point of contact in member states. 	
Related documents	<ul style="list-style-type: none"> • Compliance Verification Procedure • Policy on Disclosure and Access to Information
Version	2018
Endorsed on/by	December 18, 2018
Effective date	December 18, 2018
Review	



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I. PREAMBLE

The ECOWAS Bank for Investment and Development (hereinafter the "EBID" or the "Bank") has always strived for transparency and openness of its operations to maximize development impact, and its directors have thus established this document to make control instruments for EBID funded projects accessible to the public as well as to other persons involved with the Bank's business.

EBID is a financial development institution whose activities depend on the financial resources granted by its Member States. It therefore has to guarantee its stakeholders that the Bank's policies and procedures on governance and accountability are flawless. This is why the Bank commits itself to rendering the information and documents for the supervision of its activities accessible to everyone at the beginning stages of the project cycle.

II. INTRODUCTION

The purpose of the Procedure for Disclosure and Access to Information (PDAI) is to set forth and formalize EBID rules in terms of disclosure of information on its operations and activities. Besides the Bank is guided by the principle that the successful execution of the projects it funds depends on achievement of the following objectives:

- *Encourage the Member States to make information available to the public and especially the groups directly affected by operations in the Member States;*
- *Raise public awareness to the operations, activities, policies, programs, procedures and functioning of EBID and facilitate the participation of the local populations concerned by EBID funded projects, including eligible NGO's recognized by EBID and other community-based organizations;*

- *Promote transparency and accountability in the Member States;*
- *Forge closer cooperation and enhance coordination with other development partners, including bilateral and multilateral financing institutions, international financial institutions and sources of private funding;*
- *Improve and expand the dialogue on Procedure formulation and institutional reforms, as well as on the formulation of ad hoc strategies, programs and procedures;*
- *Improve the quality of EBID operations after consulting the opinions and observations of the public and experts.*

III. PROCEDURE FOR DISCLOSURE AND ACCESS TO INFORMATION

3.1 Guiding Principles

3.1.1 EBID is aware that the effectiveness and sustainability of its projects will be enhanced if it proactively communicates information to the people concerned by its operations. By implementing this PDAI of EBID information, the Bank commits itself to actively cooperating with the stakeholders involved in the projects it finances and proactively disseminating the documents that could be made public, through various communication channels.

3.1.2 This Procedure means that EBID will substantially increase the information it makes available to the public, including data relating to ongoing projects assessed ex-post and decisions of the Board of Directors.



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3.1.3 The Procedure will provide for a right of appeal for persons with legitimate concerns about the degree of disclosure of information by EBID. To this end, the Internal Audit and Standards Division of the Internal Audit and Evaluation of Operations Department will implement appeal procedures against decisions denying access to information, accompanied by a specific time limit for a response within the framework of an appeal process.

3.1.4 The Procedure will be monitored and revised to ensure that best practices are applied, so that the Procedure remains relevant to stakeholders and comparable to the policies of partner development institutions.

3.1.5 The Procedure will establish an equilibrium between the need to guarantee the public maximum access to information held by EBID and the Bank's confidentiality obligation, notably during the deliberations.

3.2 List of Exceptions

3.2.1 Notwithstanding the fact that this Procedure aims at maximizing information disclosure, EBID is obliged to derogate from total disclosure of its data in order to function effectively to safeguard its relations with stakeholders and partners. The categories of information that will be subject to public disclosure restrictions are set out below:

3.2.2 EBID will make public the results, communiqués on loan agreements and decisions resulting from its deliberative processes. However, anxious to preserve the integrity of the deliberative process, it will not circulate the documents exchanged with the stakeholders and customers on issues of common interest relating to the decision-making process of EBID

and these entities, as well as the information relating to the Bank's internal deliberative processes. The information that will not be disclosed is:

Deliberative information and preparatory reports

- (i) All correspondence, draft reports or other documents prepared for EBID's deliberations or exchanged during the same deliberations with member states or other entities cooperating with EBID;
- (ii) All correspondence, draft reports or other documents prepared for EBID's own internal deliberations or exchanged during the same deliberations, including documents relating to the deliberations of the board of directors;
- (iii) Statistics prepared, or analyses carried out solely to assist EBID's internal decision-making processes (such as country creditworthiness analyses, credit and risk assessments, and checklists);
- (iv) Audit reports prepared by the Department of Internal Audit and Evaluation of Operations.

Communications involving the EBID President, the Directors and the Governors

- (i) Communications between the EBID President and member states or other entities, except where disclosure is authorized by the President, member states and other entities;
- (ii) Communications between directors and governors or other entities, except where disclosure is authorized by directors, governors and other entities;



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- (iii) Communications between directors and the EBID President, except where disclosure is authorized by the directors or Board of Directors (where applicable) and the President;
- (iv) The minutes of the deliberative processes of the Board of Directors, including the statements, documents and accounts thereof which are protected by the Rules of Procedure for EBID Boards of Directors, unless the boards of directors authorize its disclosure.

Legal, disciplinary or investigation issues

- (i) EBID will not provide access to attorney-client privileged information, including inter alia communications issued and/or received by EBID's legal counsel and other legal advisors;
- (ii) EBID will not provide access to disciplinary or investigative information produced within EBID or on its behalf;
- (iii) EBID will not provide access to information whose source must remain confidential nor will it reveal the identity of whistle blowers or persons cooperating with EBID in an investigation for fraud, corruption or malpractice in connection with the activities it finances, such as protected information and remedies granted to whistle blowers who are victims of reprisals. To encourage whistleblowing and ensure the safety of whistle blowers, the Bank will maintain the confidentiality of this information unless the revised Whistle blower Protection Procedure and Complaint Handling Procedure permit its disclosure;

- (iv) The Bank will not disclose information about any investigation it is conducting. However, the Bank reserves the right, in certain cases, to disclose the identity of the parties in a dispute; the information to be disclosed pursuant to the rules laid down in the Staff Rules and Regulations⁶, in the EBID PPIFC⁷, in the CH P⁸, in the WBPP⁹ as well as in the CVP¹⁰.

Information provided on a confidential basis by member states of private sector entities or third parties

- (i) EBID will not provide access to the information received from a member states or a third party who has indicated in writing that such information must not be released.
- (ii) EBID will not make public documents of a proprietary nature, such as trade secrets or price-related information, without the explicit consent of the owner of such information.
- (iii) The documents held by EBID whose copyright is shared with other parties may be made available for consultation, but their reproduction or distribution may be limited to respect copyright.
- (iv) EBID will not provide access to financial, commercial or proprietary information of private entities received by it through the analysis or negotiation of loans, unless the private entities in question provide consent to disclose such information.

⁶ See articles 68 and 74 and 77 on the EBID Privacy Procedure of the Disciplinary Board.

⁷ See Chapter XI of the EBID Anti-Corruption and Fraud prevention Policy.

⁸ See Chapter IV on the conditions for implementation of the Complaints Handling Procedure.

⁹ See Chapter IV on the EBID Policy for the protection of Whistle blowers.

¹⁰ See Chapter VII on the conditions for receiving and processing of complaints.





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Internal administrative information

- (i) EBID will not provide access to information relating to the Bank's institutional administrative matters, including (but not limited to) those related to institutional expenditure and real estate;
- (ii) The tender evaluation process shall remain confidential until the publication of the award of the contract, in accordance with the EBID Rules of Procedure for the Procurement of Goods and Services.

Financial Information

EBID will not provide access to the financial information below:

- (i) Estimates of EBID's future borrowings, details in terms of payment installments, collection profiles and payment periods of contributors, financial forecasts and credit assessments, as well as data on investments, hedging operations, borrowings, cash management operations generated by or for treasury operations undertaken on behalf of EBID entities and other parties;
- (ii) Documents, analyses, correspondence or other information used or produced to execute financial and budgetary transactions, or to assist in the preparation of internal and external financial reports;
- (iii) The details of each transaction in terms of loans and other financial operations, information on amounts due from short-term borrowers, or actions taken before a loan is declared unproductive;
- (iv) Bank or billing information of EBID entities, member states, clients, lenders, beneficiaries or vendors, consultants.

Safety and Security

EBID will not provide access to:

- (i) Information the disclosure of which would harm the safety or security of employees or their family members, consultants, other individuals and the Bank's assets;
- (ii) Information on the transport arrangements relating to the Bank's assets and documents, on the transport of the personal belongings of the team, the Vice-Presidents and President of EBID, the members of the Board of Directors and/or their advisers;
- (iii) Information the disclosure of which is likely to endanger the life, health, safety or security of staff members, the Vice-Presidents and President of EBID, the members of the Board of Directors and/or their advisers.

Personal information

The guiding principles of EBID in terms of staff employment require the institution to establish and maintain appropriate safeguards to ensure the respect of privacy of staff members, the Vice-Presidents and President and protect the confidentiality of the personal information it holds on them. EBID will not provide access to the information below:

- (i) Personal information, including personal files of staff members as well as medical data and personal communications by the following persons and their family members:
- (ii) the Directors, their alternates and advisers; the Vice-Presidents, the President of EBID; other officials of EBID; staff members; consultants and partners;



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- (iii) information about the appointment and selection process of staff members;
- (iv) information on the minutes of the EBID internal dispute resolution mechanisms;
- (v) information about investigations into allegations of staff misconduct and conflicts between staff members.

3.3 EBID's right to disclose or withhold Information

3.3.1 EBID reserves the right to disclose the information on the list of exceptions if the situation so requires.

This prerogative will be exercised by the President of the Bank under exceptional circumstances, according to the general understanding that the overall benefits of such disclosure outweigh the potential harm.

3.3.2 EBID considers that disclosure and maximum access to information are essential to the proper functioning of the Bank, which is why restrictions on the disclosure of categories of information to the public will be limited. EBID shall refrain from disclosing information only if it becomes aware that such disclosure would result in material, financial or reputational harm to the institution, its management or staff, and would compromise the interests protected by the exceptions to this Procedure or EBID's ability to fulfil its development mandate.

3.3.3 Disclosure of the information on the list of exceptions shall be subject to the following levels of approval:

- (i) Authorization by the Board of Directors of the early release of the documents or records of the Board;

- (ii) The written consent of the party concerned by the early release of information provided to EBID on a confidential basis;
- (iii) Approval by the Compliance Division / Department of Legal and Corporate Services of the early release of any other document on the list of exceptions.

3.3.4 EBID also reserves the right, under exceptional circumstances, not to disclose information that it otherwise would have made public. This prerogative will be exercised by:

- (i) The Board of Directors for (a) the documents or recordings of the Board of Directors, (b) the consent in writing of the member states or the third party about the information provided by the member states or the third party;
- (ii) The Compliance Division/Department of Legal and Corporate Services for other information.

3.4 Effectiveness and review of Procedure

3.4.1 Before the Procedure becomes effective, the Communications and Marketing Division of the Legal and Corporate Services Department will adopt an implementation plan to begin immediately putting into place the administrative and operational measures necessary to implement **this Procedure which will take effect nine (9) months after its approval by the Board of Directors.**



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3.4.2 Three years after this Procedure has been in effect,

the Internal Audit and Standards Division of the Department of Internal Audit and Evaluation of Operations will undertake a review of its implementation and submit to the Board of Directors a report on its observations regarding implementation of the Procedure, including the activities of the Communications and Marketing Division and of the Appeals Panel. The same type of Procedure review will occur annually.

IV. IMPLEMENTATION OF THE PROCEDURE

4.1 Critical Success Factors

4.1.1 If the EBID PDAI is to succeed, each EBID department must be responsible for disclosing information. Information disclosure requires systematic integration into all EBID operations. Therefore, all staff members should be required to disclose information in their day-to-day operations. The establishment of a Disclosure and access to information handbook complements implementation of this Procedure. Interdepartmental cooperation and greater use of partnerships, capacity building, effective information technology (IT) systems, and the allocation of resources commensurate with needs will also be critical to the successful implementation of this Procedure. In addition, it must be aligned with EBID's existing policies, strategies, related administrative rules, procedures and guidelines.

4.1.2 The success of the Procedure will also depend on the Bank's effectiveness in communicating information to its stakeholders, notably ECOWAS member states. EBID will take advantage of its African presence, its partnerships with the national media and the development partners, the local information channels to regularly reach its main public and in the long term its decentralized structure once the Procedure is implemented.

4.1.3 Although EBID does not yet have permanent offices in the ECOWAS countries in which it operates, it intends to set up offices or representational offices in the ECOWAS countries to track the progress of EBID projects (hereinafter "local missions"), and to assess their impact on populations and the environment. In the long term, EBID will use its local offices or representational offices to facilitate the disclosure of information to member states during implementation of this Procedure. The Bank will thus be able to inform the populations concerned about its activities, namely the organization of information sessions with the media, support for the creation of information relays, the establishment of links with relevant websites/pages, and the promotion of information/awareness-raising activities for the populations.

4.1.4 In order to promote the brand image of the Bank on the continent and worldwide, EBID will deploy an extensive communication program to inform the media, the business community and general public about the Bank's activities in each region, to enhance the visibility and image of EBID and keep its stakeholders informed. Local representation offices of will thus render staff members available and in charge of communications and information technology. They will serve as relays for sharing information on EBID operations and disseminate country-specific analyses.

4.2 Department of Legal and Corporate Services

4.2.1 Expanding access to information will require an institutional arrangement that renders all departments and units accountable and responsible for the implementation of this Procedure.



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4.2.2 The Department of Legal and Corporate Services in close cooperation with the Department of Audit and Evaluation of Operations will play a leading role in the implementation of the PDAI by virtue of its experience and capabilities in the area of records management and information disclosure. The responsibilities of the Department of Legal and Corporate Services will be as follows (this list is not exhaustive) :

- Monitor the disclosure of documents pursuant to this Procedure;
- Integrate and raise awareness of the information disclosure obligation;
- Ensure compliance with the Procedure;
- Establish reports on the Procedure implementation;
- Receive and process requests for information disclosure;
- Designate a special office to present EBID's work on information transparency to the public;
- Consult the Secretary General, Senior Management and the members of the Board of Directors on issues regarding the dissemination of documents to the Board.

4.2.3 Main tasks of the Department of Legal and Corporate Services:

- Process legitimate requests concerning access to the information and determine the criteria of legitimacy of such requests;
- Issue procedural clauses for implementation of the requests for information;

- Advise management and staff members on implementation of the Procedure, in particular by providing guidance on the classification, declassification and archiving of information;

- Determine the pricing arrangements for the provision of printed copies of documents in response to requests;

- Exercise the Bank's prerogatives for the early disclosure of certain documents from the list of exceptions;

- Make decisions on requests for derogation from Procedure provisions.

4.2.4 The Department of Legal and Corporate Services shall also be empowered to reject requests for information that are unreasonable, multiple and general; and any application that would require EBID to develop and compile the information or data that do not already exist.

4.2.5 The Department of Legal and Corporate Services will be supported by the following EBID divisions:

- The Communications and Marketing Division will provide guidance and support for the selection and optimum use of the communication media with a view to implementing the Procedure, in accordance with EBID communication strategy, and will receive from the departments the documents to be circulated and will transmit them to the regional offices once they are established for broader dissemination; it will also monitor the volume and nature of information requests and submit regular reports thereon to the Secretary-General;

- The Information Technology Division will provide guidance on the issues of data security;



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- *The Department of Legal and Corporate Services will provide advisory services and assistance for interpretation of the Procedure implementation;*

- *Regional offices will play a key role in Procedure dialogue, knowledge management and information disclosure, and will serve as the first point of contact in member states.*

4.2.6 The Department of Legal and Corporate Services shall also be empowered to reject requests for information that are unreasonable, multiple and general; and any application that would require EBID to develop and compile the information or data that do not already exist.

4.3 Respond to information requests

4.3.1 The Department of Legal and Corporate Services through the Communication and Marketing Division will strive to ensure access to the information likely to be disseminated and will make it available on request. Requests may be made electronically, by postal mail or by fax, and shall specify the type of information wanted, and if possible the title and date the document was produced. EBID will render public the channels for submitting information requests. It will acknowledge receipt of written applications **within 5 working days** and respond to enquiries **within 20 working days**.

Sometimes additional time is needed to respond satisfactorily to information requests for special circumstances and complex requests, or requests requiring review or consultation from the Internal Audit and Standards Division of the Department of Internal Audit and Evaluation of Operations.

4.3.2 EBID staff members will not conduct an enquiry on the identity or the intentions of the person requesting access to an

EBID document, unless such enquiry is necessary for the Bank to judge whether according to the exceptions list there are any impediments to rendering the document public.

4.4 Appeal process

4.4.1 Persons with legitimate concerns about the omission or the refusal, by EBID, to disclose information pursuant to this Procedure will have the right to appeal through a process for which the Department of Internal Audit and Evaluation of Operations (Internal Audit and Standards Division) is responsible. The latter will be subject to the direct authority of the EBID President.

4.4.2 The role of the Internal Audit and Standards Division will include the review and handling of legitimate appeals concerning failures to provide them with information eligible for disclosure.

4.4.3 In situations where a complainant is not satisfied with the decision of the Department of Legal and Corporate Services he may appeal, within a time period of **5 working days** to the Department of Internal Audit and Evaluation of Operations. The decisions of the Internal Audit and Standards Division will not be reviewed by any other EBID authority or jurisdiction.

4.4.4 All appeals must be submitted in written form to the Department of Internal Audit and Evaluation of Operations. Appeals must be submitted in writing, **within 30 calendar days** after initial decision of EBID to deny access to the requested information. The decision on appeals will be made **within 30 calendar days** of receipt of an appeal, unless relevant time limits and justifications are communicated in writing to the applicant, prior to expiry of the **30 calendar day period**.



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4.5 Document Management Systems

4.5.1 To facilitate access to the information, EBID will ensure that its document management system provides systems and procedures for the labelling, classification, declassification and archiving of documents. The system rules will be defined in the information disclosure guide that is linked to implementation of the Procedure.

4.6 Classification and Storage

4.6.1 In principle, most information will be disclosed subject to the "exception list". Information on this list may, at a given time be released when its sensitivity decreases. Such an approach will require EBID to adopt a classification system that categorizes the information according to its accessibility at the time. Such a system will require a nomenclature and a clear labelling of all information produced by EBID at the time of its creation, either as "public" or as "restricted".

Restricted information can however always be declassified at a later date. In such case, each document will clearly show the date at which it can potentially be circulated after declassification.

4.6.2 The information received by EBID from its clients and development partners will be classified from the outset using EBID's classification system, based on the classification level ("public" or "restricted") indicated by the information provider. If EBID receives confidential information from a member states or a third party, the receiving department or unit will ensure that this information is properly classified according to the expectations of the provider, using EBID's classification levels, and EBID will not make the information in question public without the prior written consent of the party concerned.

4.7 Declassification and archiving

4.7.1 Aware that the sensitivity of the information on the list of exceptions may change over time, EBID management will adopt a declassification system to make most information previously classified as "restricted" available at a later date.

4.7.2 Under the declassification system, "restricted" information may be made public **after five, ten or 20 years or more**, depending on its sensitivity and the detrimental effects of its release.

4.7.3 The Disclosure and access to information handbook will provide a list of documents for each classification level, along with timelines and procedures for classification and declassification.

4.7.4 A list of restricted documents deemed ineligible for declassification will also be provided and the Department of Legal and Corporate Services will update it as necessary.

4.7.5 In addition, the Department of Legal and Corporate Services will develop and publish a systematic archiving method for an improved declassification process and protect information that should not be disclosed. The archiving process will consist of scanning the documents to ensure that the information is stored in both electronic and printed formats.

4.8 Electronic Messages

4.8.1 Given that the information exchanged by email may contain information classified "public" or "restricted", the Procedure provides for the following treatment for e-messages:



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- (i) Emails containing information on decisions or results that are classified under EBID's document management system as "public" may be disclosed.
- (ii) Emails that are classified under EBID's document management system as "restricted" will not be eligible for disclosure unless their content is declassified over time.
- (iii) Access will not be provided for emails that are not under EBID's document management system (including unofficial emails and emails containing personal information or correspondence from EBID staff members and other officials).

4.9 Simultaneous disclosure

4.9.1 The simultaneous disclosure of information to the public will apply in the following cases:

- (i) Documents classified as "public" under EBID's document management system and provided by management to directors for their consideration should be simultaneously made public at the time of their circulation to the Board.
- (ii) The operational Procedure and sectoral strategies provided to any committee of the Board of Directors should be made public if a previous version of those documents has been previously examined by the Board of Directors. This gives stakeholders the opportunity to see how their comments provided during the public consultations have been taken into account.

- (iii) Country and regional strategy papers and sovereign guarantee loan proposals should be made public simultaneously at the time of their circulation to the Board of Directors, subject to non-objection by the countries concerned.

4.10 Disclosure of information relating to clients and business partners

4.10.1 The documents prepared by EBID in consultation with the governments concerned and the development partners and other stakeholders in member states containing information relating to the strategic objectives of the country, its challenges, its development prospects and its priority intervention areas, will be shared in their preliminary version through a consultative process. Prior to the submission of these operational documents to the Board of Directors for approval, the Bank's services may review the draft, with other stakeholders as appropriate.

4.10.2 However, if the drafts contain information deemed sensitive, confidential, commercial and/or containing proprietary rights information by the other party and EBID endorses this, then the draft documents will exclude such information. In the final review of these documents with the party concerned, the Bank and the government of the country concerned, or any other entity shall agree on the legitimacy of including or extracting any information deemed confidential or sensitive prior to their finalization and distribution to the Boards of Directors. The draft documents will be simultaneously broadcast via the EBID website before their formal review by the Board of Directors. The non-deliberative part of the aide-memoire relating to operational missions may be disseminated, if the Bank and the country concerned authorize it.



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4.10.3 Within the framework of their collaboration with EBID, the member states are requested to make certain of their documents available to the institution. These documents may be circulated by the Bank unless the country has defined conditions for circulation of said document. In this case, EBID will respect these conditions or obtain written consent of the member states before any circulation.

4.11 Strengthening of the IT systems

4.11.1 The existing information technology (IT) system must be adapted:

- *At internal level, to take into account new processes relating to classification, declassification and archiving of documents.*

- *At external level, to ensure the website remains user-friendly and that new information is posted in an orderly and timely manner.*

4.11.2 The website, managed by the Communications and Marketing Division will allow the public to submit information requests.

4.12 Budgetary and financial implications

4.12.1 In view of the expected sharp increase in the volume of requests, the subsequent availability of documents eligible for disclosure and the need for EBID to invest in technologies to strengthen the capacity of smooth information flow, the Procedure must be implemented as cost-efficiently as possible. There will be resource implications related to the updating of the disclosure handbook, the Bank's archives, IT systems, staff recruitment, training, information disclosure, Procedure alignment, and other requirements for effective Procedure implementation. Senior Management will accordingly include in the 2019 budget the requirements for the implementation of this Procedure. Senior Management will also include the implementation needs of this Procedure in subsequent budgets.



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