



**BANQUE OUEST AFRICAINE DE
DEVELOPPEMENT**

Manual of policy and Procedures of verification of the conformity of the
BOAD

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List of acronyms and abbreviations

BOAD	: West African Development Bank
DAJ	: Directorate of Legal Affairs
DCR	: Division in charge of compliance and regulations
AF	: Adaptation Fund
GEF	: Global Environment Fund
GCF	: Green Climate Fund

1. INTRODUCTION

The West African Development Bank (BOAD) has adopted a Strategic Plan 2009/2013 which concentrates its activities on key priority areas of activities aiming at sustainable development in the sub-region of West Africa. Printed in said plane vision is to make a bank BOAD strong development and global benchmark in the regional common market. Such prospects include strong requirements of change in the plan, of the culture of business and organizational and institutional structure. Thus, BOAD is reinforcing its positioning in niches where, obviously, it has recognised strengths. Similarly, bold initiatives are being implemented to clear the poles of weakness emerged in the implementation of its missions. Ultimately, it is to build a modern and competitive development Bank and moreover efficient triple point of view of its customers, its shareholders and its partners.

In this context, one of the Bank's efforts has been to strengthen or adopt and enforce rules, texts of policies, procedures, guidelines in all its areas of intervention including those relating to environmental and social issues by aligning it with those of international financial institutions. The promotion by the BOAD of appropriate practices reflects the desire of the Bank to strengthen its goal of sustainable development, including the need to integrate economic, environmental and social objectives into development activities and to improve the effectiveness of long-term development while preserving the interests of the affected communities. Given the importance of ongoing efforts, the Bank is committed to ensuring that the application of his texts is effective and that it can expect in return the expected benefits.

This manual provides a process for checking conformity with regard to the application by the BOAD of its own policies, procedures, directives, rules and commitments including those relating to environmental and social issues.

2. OBJECT

The object of this manual is to put at the disposal of all those who have suffered injury, resulting from a project financed by the West African Development Bank, an independent mechanism by which they can ask the Bank to act in accordance with its own rules, policies, procedures and guidelines.

3. NEED FOR VERIFICATION OF CONFORMITY

In its relations with the financial partners including financial mechanisms environmental to which it adheres as the FA¹, the GEF², the FVC³, BOAD is responsible for the quality of the work and financial accounts of the projects funded and executed at national or regional level.

BOAD, to comply with the policies, procedures and financial guidelines of the financial partner, receives, with the agreement of the said partner, delegation to implement the rules laid down by the relevant financial mechanism. In this case, the BOAD remains principal administrator of funds received so responsible for their management.

With regard to relations with States, organizations, institutions or structures which will be responsible for the implementation of projects on the ground, BOAD follows its normal procedures of project for the implementation of

¹ The FA is the Fund Climate Change Adaptation from which BOAD is accredited.

² BOAD has initiated a certification process for Entity of the Global Environment Facility (GEF) project. Accreditation of the BOAD and sustainable development of its business requires it to have a mechanism to ensure the implementation of its policies for environmental and social safeguards.

³ The President of the BOAD seat in the Green Fund Board climate (FVC). In addition, the Bank is preparing for its accreditation audit Fund.

projects funded by the financial mechanism concerned. In this context, the general framework of the activities of development of Bank projects is applied.

In terms of relations with such States, organizations, institutions or structures of implementation of projects, operational as well as detailed preparation instructions and the implementation of programmes and projects are governed by the various manuals of BOAD projects. As a result, each of the States, organizations, institutions or structures of implementation of projects is required to sign a standard basic with BOAD agreement. This agreement will cover, inter alia, the responsibilities, the conditions of management of the project, accounting, financial procedures and procurement, the management of financial records, verification of accounts, audits, etc. In addition to this agreement, the above issues are addressed in each project document.

The quality of project management (evaluations in-depth projects, presentation of the State of progress of the project reports, convening of meetings of tripartite review of projects, etc.) is controlled in accordance with the BOAD in relation to results-based monitoring and evaluation of the projects. Each executing organ shall submit regular accounts to BOAD in accordance with established procedures. These accounts are audited according to internal and external auditing procedures laid down in the financial regulations, rules and directives of the BOAD.

In light of the foregoing, the participation of the BOAD in the financing of the development or the environment through an international finance facility depends in part on the development of a credible and solid protection and accountability system⁴. This manual of policy and procedures for verification of compliance is developed to meet different requirements. They is

⁴ By its nature, international financial assistance in the environmental context, for example, generates more institutional risks and scale of projects than many other decisions of development assistance.

supplemented by another grievance workbook when those who have suffered injury, resulting from a project financed by the Bank have complaints or grievances against BOAD.

4. SCOPE OF THE POLICY AND EXCLUSIONS

4.1. Scope of policy

BOAD has set up several instruments of operational policies and procedures for the design, execution and supervision of projects as well as the policies, procedures and directives, environmental and social.

The purpose of a process of monitoring the application of the directives is to assess whether the institution has met its obligations, if non-compliance has prejudiced the applicant and how the institution can remedy the non-compliance. In order to make these decisions, the scope of the obligations to which the compliance is determined to be clearly defined. In other words, the question is this: what obligations must BOAD account through the process of monitoring the application of the directives? The process of monitoring the application of the directives must be able to examine compliance with policies, procedures, guidelines, rules or commitments made by BOAD. The scope could also include the commitments made in the programmes or projects for funding, as well as the obligations imposed by international law.

This control process is designed to implement the function of verification of conformity when it comes:

- noted cases of non-compliance with its operational policies and procedures during the design, execution and supervision of projects;
- to improve the effectiveness of the development of the BOAD ensuring compliance with the environmental and social aspects of the policies and procedures of the BOAD;

- allow access to processes that empower and protect the rights and interests of vulnerable groups and enable them to better speak and to be heard in the process of development of the BOAD;
- promote management focused on results and quality programs through the process of monitoring the application of the guidelines;
- Make recommendations for systemic improvements or across institutions based on lessons learned in specific cases;
- To complete the frame and the current political accountability BOAD to promote transparency, accountability and efficiency of its operations;
- Enable BOAD to compete effectively in the future donor support, particularly in the climate context or contexts with problems equally sensitive to sustainable development;
- Reflect the best practices of other international financial institutions and development to be among the best in terms of development and implementation of accountability mechanisms among international financial institutions.

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4.2. Exclusions

This policy does not cover the requests concerning:

- Complaints against the decisions taken by the Bank or its borrowers in procurement, from suppliers of goods and services financed or to be financed by the Bank in respect of a loan or grant, or from bidders who have not been selected for the provision of those goods and services,

these complaints to be considered, as in the past, in accordance with the procedures in this regard;

- -Complaints relating to cases of fraud or corruption;
- Complaints relating to cases before judicial bodies or similar bodies;
- Frivolous or malicious complaints;
- Complaints motivated by an intention to gain a competitive advantage;
- Queries relating to matters over which the Bank or its Board of Directors has already made a recommendation or ruling following the review of an earlier application, unless it is justified by compelling new evidence or circumstances that were not known at the time of the introduction of the previous application;
- Complaints more than twelve (12) months after the date of completion of the project to which they relate or more than twelve (12) months after the final disbursement under the loan agreement or donation or more twelve (12) months after the date of cancellation of undisbursed amount;
- Complaints concerning acts under the responsibility of others, as borrower or potential borrower, and do not involve any action or omission on the part of the Bank;
- Complaints about the accuracy or adequacy of policies and procedures of the Bank and

- complaints relating to projects of the private sector or other projects not guaranteed by a State, unless there is an alleged breach of the policies of the Bank in the field of agriculture, education, health, the human gender, good governance and environmental management.

5. PRINCIPLES TO ENSURE THE SUCCESS OF VERIFICATION OF CONFORMITY

The process of monitoring the implementation of policies, procedures, guidelines, rules, etc.. BOAD must be based on principles that ensure its success: the principles of independence, fairness, transparency, professionalism, accessibility and efficiency. Ces principes, qui sont fondés sur l'expérience d'autres fonctions semblables de contrôle de l'application des directives, doivent servir de points de repère pour mesurer la création et la mise en œuvre du processus de contrôle de l'application des directives environnementales de la BOAD.

5.1. Independence

Independence requires that the mechanism be set up and operated without undue influence of operational decision-makers of the Bank, states, NGOs or applicants. Independence requires that those who deal with complaints mechanism are carefully recruited and rejected if they were involved in insider dealing or nepotism. They recuse themselves in cases of conflict of interest or potential.

5.2. Equity

Fairness and objectivity require that the mechanism gives equal weight to the arguments of all parties to carry out independent and impartial investigations. Procedures for monitoring the application of the directives must treat all parties equitably, and equity must be a regardless of the results.

5.3. Transparency

The principle of transparency requires the comments and participation of the public in the design and the operation of the mechanism, as well as of the rules of procedure clear, tangible and accessible to the public. In addition, the mechanism is accountable publicly and in a timely manner of its methods of investigation of its terms of reference, its factual findings, quotations of the non-confidential parts and final reports. Transparency also requires that the mechanism publicize its existence and its operations.

5.4. Professionalism

Policy makers and personnel of the mechanism will have to behave in accordance with international standards of discretion and professionalism. The mechanism should be able to engage consultants to provide specific expertise needed.

5.5. Accessibility

To be accessible to those affected, the mechanism should maintain open lines of communication and providing information in languages and formats required to enable the widest possible access to those affected. Accessibility also implies that unnecessary obstacle impedes the release process of this mechanism and that the applicants can submit their complaints without fear of reprisal, intimidation, requests for payment, or restrictions on their ability to access to legal or judicial process.

5.6. Efficacy

The process of monitoring the implementation of the guidelines should be efficient in several ways: in the evaluation of complaints from communities or any other person having an interest in acting, in this case, non-governmental organizations in conducting control application of the Directives, and in communication with all stakeholders, including the applicants, the institution and the public. Effectiveness also requires that the mechanism works is timely and responsive.

6. ORGANIZATIONAL STRUCTURE, STAFF AND INDEPENDENCE OF ACTIONS INITIATED

6.1. Organizational structure and staff

With objective to rely as far as possible on existing structures within the BOAD for the process of monitoring the application of this policy is established within the Division of compliance and Regulation (DCR) to the Directorate of Legal Affairs (DAJ). The fact that the compliance function is sheltered by the DCR enjoys the existing expertise of the DAJ in the conduct of investigations and development evidence on which you can base decisions in controversial cases. The DAJ is also known and respected within the BOAD for his professionalism, fairness and independence.

The compliance audit function is implemented by a Director or Deputy Director level compliance officer. It is responsible for overseeing the effective functioning of the compliance function, including through the recruitment of panels of experts, if necessary consultants. This approach has the advantage of being relatively profitable, because the system can easily be expanded or reduced depending on the workload. In addition, such an approach allows the use of a panel of consultants in cases where the additional contribution or credibility requires it.

The expansion of the mandate of the Division of compliance and regulation to deal with checks relating to the application of the texts of the BOAD will require the following resources:

- a Professional to :

- support the work of the Chief Compliance Officer under the compliance mechanism BOAD;
- receive and consider the admissibility of complaints;
- guide inadmissible complaints for enforcement guidelines to the appropriate window mechanism grievance BOAD;
- develop and implement a communications plan for the launch of the interim mechanism of monitoring the application of the guidelines, with developing a public web page, press releases and other announcements or public presentations;
- working with the company that manages the overall control hotline reporting system to customize forms, web pages, and selection guide used by staff to answer telephone calls;
- working with the DILC staff to develop a system for recording and monitoring of incoming complaints, in relying on practice and existing databases;
- develop a format for the public register of complaints and a "summary of case" model on the web for the establishment of links to reports;
- provide potential applicants by providing advice on procedures.

- the head of compliance Division, is responsible for independent verification of compliance, and will be the main point of contact for the process of monitoring the application of the texts of the Bank and conduct or supervise investigations into any complaint for non-compliance considered responsive, make findings of non-compliance and report on its recommendations to the President.

In addition, the DCR will be supported by other such specialized organizational units that are responsible for environmental management and Executive control of the Bank, and will have the possibility to require the President of the Bank to hire expert consultants to support it, to respond to complaints where the areas concerned are their work commitment.

6.2. Guarantee of the independence of personnel of the verification of compliance

The independence of the actions undertaken within the framework of the verification of compliance is critical to its acceptance by claimants and its effective functioning. The promotion of the independence of the compliance audit function is ensured by:

- accountability of independent consultants to conduct investigations;
- existing accountability mechanisms guarantee clear hierarchical lines to the top decision makers;
- the prohibition to the members of the panel of consultants or key employees of the Bank to have a contract duration determined in the prior two years when they left the Bank;

- the enactment of clear rules in the Code of ethics for the resolution of conflicts of interest;
- setting up an adequate budget and without any interference from the operational staff;
- the Bank's commitment to protect the members of the Panel or other key staff members so that they can be removed only by the President of the Bank, with a pattern without ambiguity.

7. RECEPTION AND PROCESSING OF COMPLAINTS PROCEDURES

7.1. Eligibility of a complaint

Any individual or group of individuals likely to be affected by a project supported by the BOAD must be able to file a complaint. Complaints may be received by mail, e-mail, fax or the hotline dedicated the DILC. Anonymous complaints will not be accepted, but the names of the applicants will be kept confidential if they so request. Investigations may also be triggered at the initiative of the head of compliance, at the request of general control or on the instruction of the Chairman of the BOAD.

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

- fits in a project or program in which the BOAD has a role (funder, arranger, surety, financial advisor...) ;
- be submitted by or on behalf of one or several of the persons affected by the project or program; and
- raises potential issues relating to the implementation of the policies and procedures of the Bank including environmental and social policies.

BOAD rejects any complaint that is filed fraudulently or maliciously.

The Bank requires the applicant to identify a violation of policy. However, staff responsible for the verification of conformity may interpret the violations alleged in the complaint, even if these are not listed explicitly, based on the fact that those affected are probably little familiar with all - even with all - the relevant policies and procedures of the BOAD.

7.2. Reception and initial management of complaints

The procedures and guidelines for the investigation of general control provide the receipt of complaints by a hotline, e-mail, website, fax, or mail. These contact channels are available to persons working and not working for BOAD.

Public orientation of procedures for checking the conformity of BOAD would require involvement of the public. The ability to request and the reasonable expectation of receiving information about an investigation and its status are

a feature of the transparency of the mechanisms of accountability where the confidence in the process depends on the applicants access to the information on the treatment of complaints. In addition, given the general absence of punitive referred and sanctions on staff within the framework of compliance, confidentiality requirements relating to the investigation are much less strict.

7.3. The compliance audit process

The main objective of the process is to investigate alleged violations of the texts and commitments of the BOAD in a project funded or to be funded by the Bank or any other project where the policies of the Institution shall apply. The verification process leads to findings of non-compliance and make recommendations on how to restore the application of the texts of procedures and directives by the project and, where appropriate, to mitigate any damage resulting from the disrespect by the BOAD of its policies or procedures.

7.4. Specific activities of the process

The specific activities of the compliance audit process include, inter alia, the following elements:

- reception and determination of the admissibility of requests for verification; conducting a thorough and objective review of compliance with policies, including through inspections carried out in the country, interviews with people affected by the project, and the collection of comprehensive information to allow for a factual determination of the issues raised and provide a reliable basis for all recommendations;

- transmission, BOAD staff and applicants, reports containing conclusions on compliance with the policy;
- transmission, the staff of BOAD and seekers, drafts of recommendations aimed to restore the application of the texts by the project;
- collection of comments from and in consultation with staff of the BOAD, applicants and host on all recommendations Governments;
- transmission of final reports to the Chairman of the BOAD with the conclusions and recommendations;
- monitoring the implementation of the decisions taken by the President of the BOAD;
- transmission to the President of the BOAD of reports providing systemic advice based on lessons learned from previous cases;
- reports, at least annual, the President of BOAD concerning the functions, operations and results of the process of monitoring the application of the guidelines;
- awareness-raising actions destined to those potentially affected, explaining the process of monitoring the application of the texts.

In the exercise of their functions, compliance Examiners will have complete access to personnel, policies and BOAD records. They must also be able to visit the sites of projects supported by the BOAD.

7.5. Procedural steps and timetable

The elements described below are illustrative procedural steps and timelines proposed for a control application of the texts. These steps are only intended to give a general indication of how the process might work.

7.5.1. Filing of the application

A complaint concerning a monitoring of the texts is filed with the Division in charge of compliance;

7.5.2. Registration and acknowledgement of receipt of the request.

Within five (5) working days following receipt of a complaint concerning a control of implementation of the guidelines, the compliance officer will record the complaint and will acknowledge receipt of the complaint to the complainant. This is a mainly administrative step. If the Division in charge of compliance can immediately determine that the complaint is not admissible, the compliance officer must notify the applicant in writing. The registration of the complaint will be made in a register accessible to the public via the website of monitoring the application of the guidelines.

7.5.3. Determination of the admissibility of the complaint seeking control of the implementation of the guidelines

Within twenty (20) working days following the registration of the complaint, the Division in charge of compliance determines the admissibility of the complaint and shall inform the applicant of the decision. Assuming that the claimant alleges no violation of specific policy, the Division in charge of compliance will evaluate the complaint itself to determine if it raises questions of possible violations of storage policies. During the admissibility stage, the Division in charge of compliance may consult the applicant, staff BOAD and the promoters of the project, and examine the documents available. If the complaint is deemed inadmissible by the Division in charge of compliance, because, for example, it raises no questions of compliance, the compliance officer may refer the applicant to the grievance process.

7.5.4. Drafting of the terms of reference of the enforcement of the texts and commitments

Within twenty (20) working days of the determination of the admissibility of a complaint, the Division in charge of compliance will strive to develop and publish a draft terms of reference and a schedule for the inquiry. BOAD staff, applicants and other interested parties will have ten (10) working days to decide on the draft terms of reference. After reviewing all the comments, the Division in charge of compliance will publish the final version of the terms of reference, which may be changed at any time after giving the applicants and the public a similar opportunity to express their comments.

7.5.5. Realization of monitoring the application of the texts

The Division in charge of compliance will have all the powers in the conduct of its investigations, including the power to conduct visits on the spot. The Division in charge of compliance will be also an adequate budget and the right to engage consultants in accordance with the legislation in force, if it deems it necessary to carry out an effective control of the application of policies, procedures and directives, given the cultural and political context of the complaint. The review conducted by the Division in charge of compliance is not limited in time, unless a schedule is specified in the terms of reference, because the time required may vary considerably depending on the nature, complexity and the extent of the project and potential violations of policy.

7.5.6. Draft compliance audit report

After completing its investigation, conclusions and proposed recommendations, the compliance officer shall transmit to the Director of the responsible organizational unit (OU) Legal Affairs, a draft report, which will be then passed on authorization of the President of the Bank, to the staff BOAD, the applicants and the public. BOAD, the applicants or any other interested parties will have twenty (20) working days to submit their comments.

7.5.7. Submission of the final report

Within twenty-five (25) working days following receipt of comments on the draft report, the compliance officer will transmit to the Director of the responsible organizational unit of Legal Affairs a final report on the implementation of the texts, with its findings and recommendations. The Division of compliance, after receiving the opinion of the Director of the

responsible organizational unit of Legal Affairs will submit the report to the Chairman of the BOAD with copy transmitted to the applicants, and dissemination to the public.

7.5.8. Decision of the President of the BOAD.

Within 25 working days from the receipt of the final version of the report of monitoring of texts, BOAD President will take the final decision on the measures necessary to restore the application of the directives by the project or the program and/or mitigate any damage, if appropriate, to the applicants. The decision of the Chairman of the BOAD will be forwarded to the applicants and made public.

If for some reason the indicated timetable cannot be met in a particular case, the applicant and the public will be informed of the delay, the reasons for it and new schedule.

7.6. Reactions et remedies

The powers that in theory could be linked to a function of compliance include the following:

7.6.1. Findings of non-compliance of the guidelines

The main power of the functions of monitoring the application of the guidelines within the other institutions is the right to publish the findings of non-compliance and associated reports. In the case of the offices of accountability of the international financial institutions, the findings of non-compliance mainly concern the underlying institution. Thus, the BOAD compliance function would primarily make accounts on the lack of enforcement by BOAD, its own relevant policies. Such disclosure to the public

can put pressure on the BOAD and encourage them to take additional measures to remedy the situation (with perhaps, also, the compensation for damage, in charge of the project proponent), even if these remedies are not clearly listed in the mandate of monitoring the application of the guidelines. The findings public non-compliance, even if they are primarily centered on the Bank, may also encourage a better performance by the project proponent, albeit indirectly.

7.6.2. Right to issue recommendations

The Division in charge of compliance must be able to make recommendations for improvement of the implementation, at a time, case by case and across the BOAD;

7.6.3. Right condition changes of the project or program payments

Although the Division in charge of compliance does not have the right to direct modifications to the project or program, the Chairman of the BOAD has the right to condition the future participation of the BOAD to a project or programme by the policies of the Institution;

7.6.4. Right to suspend payments for a temporary

When damage to the affected people is imminent, President of BOAD has the right to stop the financial disbursement of BOAD or other forms of support to a project, pending the outcome of the monitoring process of the implementation of the guidelines, at least where there is a risk of irreversible damage to the affected persons in the event of continuation of the project.

7.6.5. Right to suspend payments to final

The Chairman of the BOAD may order the permanent suspension of all expenses, assuming that the project is not otherwise able to start to implement the policies of the BOAD. The underlying legal documents must clarify that any violations of environmental and social policies constitute serious violations of the project documents;

7.6.6. Compensation and restitution

The BOAD President may also ask the proponent to take appropriate measures so that those affected are compensated or reduced to their State from before the injury.

It should be noted that in all cases, the ultimate remedy is determined by the Chairman of the BOAD. No decision is required by the Act. The function of monitoring the implementation of policies, procedures and guidelines is not a Court of law and any constat cannot alter one any legal liability, immunity, or obligation of BOAD. Nothing in the proposed process of policy enforcement, procedures and guidelines shall be construed as a waiver, express or implied, the privileges of the BOAD. It is an internal process that cannot, suggest that a specific action is required, nor allow one any cause of action against the Institution.

7.7. Monitoring and reporting

the Division in charge of the compliance of the Bureau of investigation has a duty to monitor the implementation of decisions taken following an investigation of compliance. The monitoring and reporting must generally be performed on an annual or biannual basis until the process confirms the implementation and/or compliance, which will end the follow-up period. This

can lead to the implementation of the monitoring measures to restore the application, by the institution, policies, procedures and directives in cases where non-compliance has been documented. This is consistent with current practice within the general control, which will ensure the follow-up of the recommendations contained in the guidelines signed for that purpose by the President of the Bank to ensure that they are fully implemented or are no longer applicable.

The responsibility of monitoring is vested in compliance auditor. To account for the results of the follow-up to the senior management of the Bank, to the applicants and the public is another key element, which ensures the transparency of the process and the results, and allows the Bank and all parties to the complaint process to understand the situation and to promote the implementation of the results.

7.8. Disclosure of information

Disclosure of information is a key element needed to ensure transparency and the effectiveness of the mechanisms of resolution of grievances. The operation of the control of application of the directives and the grievance process shall comply with the policy dissemination and access to information of the BOAD. Handouts on the process of monitoring the application of environmental and social guidelines should be disseminated as widely as possible, including the interface between the institution and the people affected by the project or the program. The WEB site of the Bank with the process of monitoring the application of the guidelines should also be put in place. The information to be widely disclosed on the WEB site are:

- basic information on procedures for monitoring the application of the policies, procedures and guidelines;

- The instructions for how to file a complaint;
- Rules of detailed procedures;
- The register of complaints, including basic information about the complaint and the status thereof;
- The draft and final version of the terms of reference and investigation reports mentioned above, and
- Annual reports describing the activities of control application of environmental and social guidelines.

8. FUNCTION OF PREVENTION AND COUNCIL ;

Also responding to external complaints, charged UO of compliance control, has the right to initiate an audit of the compliance by projects. Proactive approach to enforcement of the texts could improve overall understanding of the BOAD of the impact of its projects, identify strengths and weaknesses in the political approach of the BOAD, and broaden the impact of lessons learned in the context of complaints from abroad about specific projects.

The Division in charge of the compliance of the BOAD must have explicitly the right to formulate systemic advice or General drawn from his work on the control of the implementation of the guidelines. While giving advice on specific projects may lead to a potential conflict of interest in the event of subsequent complaints concerning the project, the Division in charge of compliance is in unique position to gather lessons learned regarding the impacts and issues affecting local communities. The Council shall normally be submitted in writing to the Chairman of the BOAD and must be conducted in a transparent and open with the possibility, where appropriate, public

participation.