

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt. Hon. Andrew Mitchell, former Deputy Foreign Secretary and Minister of State for Development and Africa. Paid appointment with the African Development Bank Group.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) on taking up a role as Senior Advisor with the African Development Bank (AfDB).
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions you made during your time in office, alongside the information and influence you may offer AfDB. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
4. The Rules¹ set out that former minister must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration of the risks presented

5. AfDB is an African regional multilateral development finance institution - a financial provider to African governments and private companies investing in

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The King's Regulations and the Diplomatic Service Code.

the regional member countries. Majority shareholding countries are regional within Africa but the UK is also a shareholding member, alongside a large number of non-regional members. The Board of Governors is the AfDB's highest decision-making board, composed of one Governor and one Alternate Governor appointed by each member country - including the UK. The UK is a leading supporter of its missions and the largest overall donor to the AfDB's fund for the poorest countries.

6. As Minister of State for Development and Africa, you were appointed to the role of the UK Governor within AfDB. As such, you had contact with your proposed employer as part of its governing body alongside other member countries. The Committee² did not consider that your collective decision making as part of the board of governors within the bank raises a reasonable risk of reward in relation to this role.
7. You were recused from funding discussions and decisions relating to the AfDB because you had been working with the AfDB prior to returning to government in 2022; and you made no decisions benefiting the organisation whilst in office. It is also significant that you confirmed you will receive a nominal payment of £1.00 p/a - reducing the risk this role could be perceived as a reward for decisions made, or actions taken in office.
8. There is a clear overlap between your responsibilities in office and the work of AfDB. You had oversight over Africa, International Development Strategy, British Investment Partnerships and international finance; and worked directly with and alongside the organisation and its members. The Committee recognised that any organisation with an interest in international development and related financing could be considered to gain from your insights. The risk of any unfair advantage conferred as a result is limited because:
 - i. the FCDO confirmed that you did not have access to privileged information specific to AfDB and you were recused from funding matters related to the organisation.
 - ii. in light of the change in government and decisions made since you left office, any relevant information is now available in the public domain.
 - iii. it has been six months since you were last in office and had access to privileged information and insight.
9. As with any former minister, there are risks associated with your contacts and influence within government and the potential for the AfDB to gain unfair access or influence as a result. The Committee considered it significant that there exists an established relationship between AfDB and government - with

² This application for advice was considered by Hedley Finn OBE; Sarah de Gay; Isabel Doherty; Dawid Konotey-Ahulu CBE DL; The Rt Hon Lord Pickles; Michael Prescott; and Mike Weir. Andrew Cumpsty and The Baroness Thornton were unavailable.

the UK sitting on its Board of Governors and with a central role in strategic decision-making. Further, you confirmed your role as Senior Advisor excludes dealings with or lobbying of government, in accordance with the lobbying ban that applies to all former ministers for two years after leaving office.

The Committee's advice

10. This is an unusual application in that AfDB is a multilateral development bank owned and operated by shareholder governments, including the UK. Notably you were previously an advisor to the AfDB between 2017 and 2022 before reentering government; then you were the UK's representative on the board of governors at the AfDB when you reentered ministerial office in 2022.
11. The risks of this appointment giving rise to risks to the integrity of government are limited given the AfDB does not operate wholly separately and outside of the UK government. However, this is an advisory role to the President and not a UK government appointment. In the circumstances the Committee determined the risks identified can be appropriately mitigated by the conditions below. These make it clear that you cannot make use of privileged information, contacts or influence gained from your time in ministerial service to the unfair advantage of the AfDB.
12. In accordance with the government's Business Appointment Rules, the Committee advises this appointment with the **African Development Bank Group** be subject to the following conditions:
 - you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arm's length bodies on behalf of the African Development Bank Group (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage the African Development Bank Group (including parent companies, subsidiaries, partners and clients); and
 - for two years from your last day in ministerial office, you should not provide advice to the African Development Bank Group on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of the UK Government.

13. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests.³ You are reminded that as a Member of Parliament you have a separate ban on paid lobbying under the Parliamentary Code of Conduct. It is an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.
14. By '*privileged information*' we mean official information to which a minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Ministerial Code or otherwise.
15. The Business Appointment Rules explain that the restriction on lobbying means that you "should not engage in communication with government (ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place – with a view to influencing a government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office".
16. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so. Please inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
17. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

The Rt Hon Lord Pickles

³ All Peers and Members of Parliament are prevented from paid lobbying under the the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on your obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

Annex – Material Information

The organisation

1. The African Development Bank Group (AfDB) is a regional multilateral development finance institution, headquartered in Abidjan, Ivory Coast since 2014. It is a financial provider to African governments and private companies investing in the regional member countries.
2. It comprises three entities:
 - The African Development Bank
 - The African Development Fund (the Development Fund)
 - Nigeria Trust Fund
3. AfDB is owned entirely by shareholder countries, with the UK holding a 1.8% share. The UK is also the fourth highest core contributor (2023-2025) to the African Development Fund, and the highest when the Fund's Climate Action Window is considered.
4. The Board of Governors is the AfDB's highest decision-making organ, composed of one Governor and one Alternate Governor appointed by each member country – usually a government minister or high-ranking official. Governors represent their countries, with voting powers proportionate to their country's capital subscription. Memberships include the UK and countries from throughout Africa alongside the rest of the world.

The role

5. You said that you have been offered a nominally paid (£1.00 p/a), part-time appointment as a Senior Advisor with AfDB, with all travel and accommodation expenses paid.
6. In your role as Senior Advisor, you stated that you would provide occasional advice to the President of AfDB, Dr Akinwumi A Adesina. This is a return to a role you held previously between October 2017 to October 2022.
7. You have confirmed that you would have no contact with or lobbying of government.

Dealings in office

8. As Minister of State for Development and Africa, you were appointed UK Governor to AfDB and was part of its Board of Governors.

9. As Minister, you had no involvement in funding-related decisions specific to AfDB and were recused from such decisions due to your previous role with AfDB. You stated that there is a departmental relationship between the FCDO and AfDB, as the UK government is a shareholder of AfDB. You also said that you did not have any access to privileged information.

Departmental assessment

10. The FCDO was consulted on this appointment. The department confirmed the above information and provided the following:
- You did not make any funding or specific policy decisions that would have affected AfDB, and were recused from making funding-related decisions.
 - There is a relationship between FCDO and AfDB, by virtue of the UK government being a shareholder of AfDB.
 - You do not possess sensitive information that would confer an unfair advantage to AfDB, outside that which is available in the public domain.
11. The department recommended the standard conditions.