

Asian Development Bank Accountability Mechanism

Listening to Communities Affected by ADB-Assisted Projects
and Enhancing Development Effectiveness

About the Asian Development Bank

The Asian Development Bank (ADB) is a multilateral development finance institution owned by its 63 members. Its vision is an Asia and Pacific region free of poverty. By providing loans, technical assistance, grants, equity investments, and guarantees to governments and private enterprises in its developing member countries, ADB helps improve the quality of people's lives through a broad range of development activities.



What is the ADB accountability mechanism?

In May 2003, ADB approved a new accountability mechanism to replace the previous Inspection Function. The mechanism was established to provide better access for people adversely affected by ADB-assisted projects to voice and seek solutions to their problems and also report alleged violations of ADB's operational policies and procedures.

Establishment of the mechanism is also an effort to enhance ADB's development effectiveness, project quality, and transparency in operations.

The key feature of the mechanism is its two related functions: consultation and compliance review. The first is consultation among stakeholders focusing on problem solving. If a satisfactory solution cannot be reached, a filing of complaint for consultation is found ineligible, or the consultation process has reached an advanced stage and there are concerns on compliance issues, it is possible to request a compliance review.

What is the consultation phase?

- The consultation phase aims to assist people who are adversely affected by ADB-assisted projects to find solutions to their problems. It is led by ADB's Special Project Facilitator.
- The consultation phase starts with consideration of the eligibility of the complaint. If accepted, the focus will be on seeking agreement among all the parties involved such as the complainant, project implementer, developing member country government or private sector sponsor, and ADB. The Special Project Facilitator will, however, not interfere in the internal matters of a developing member country.
- The Special Project Facilitator offers an additional avenue for problem solving but does not supplant the role of project administration carried out by ADB's operations departments. He/she reports directly to the President of ADB and recommends actions to deal with the complaint. He/she will also monitor implementation of agreements resulting from the consultation process.

"I am confident that with support from all stakeholders, the Accountability Mechanism will satisfy their demand that ADB address the complaints of project-affected people on the ground and establish a transparent process that will increase ADB's accountability."

TADA0 CHINO
ADB President
Statement on ADB Accountability Mechanism becoming effective
December 2003



What is the compliance review phase?

- The compliance review is focused on the direct and material harm suffered by project-affected people, and whether this is caused by ADB's violations of its operational policies and procedures in formulating, processing, or implementing the project. The compliance review is done by an independent Compliance Review Panel.
- The compliance review starts with the Panel making a recommendation to the ADB Board of Directors on the eligibility of the request for compliance review. If approved, the Panel conducts an independent investigation and makes recommendations to the Board of Directors to ensure project compliance, including remedial changes in the scope or implementation of the project.
- The Panel is supported by a secretariat, the Office of the Compliance Review Panel. The Panel will also monitor implementation of any remedial actions approved by the Board of Directors.

Who can file a complaint/request?

- Any group of two or more people in the country where the ADB-assisted project is located or in an adjacent member country. This can be an organization, association, society, or other group of individuals.
- A local representative appointed by people adversely affected by the project.
- A nonlocal representative, in exceptional cases where local representation cannot be found and the Special Project Facilitator agrees; and in the case of a request, the Compliance Review Panel agrees.
- Any Board member can in special cases file a request relating to ongoing projects.



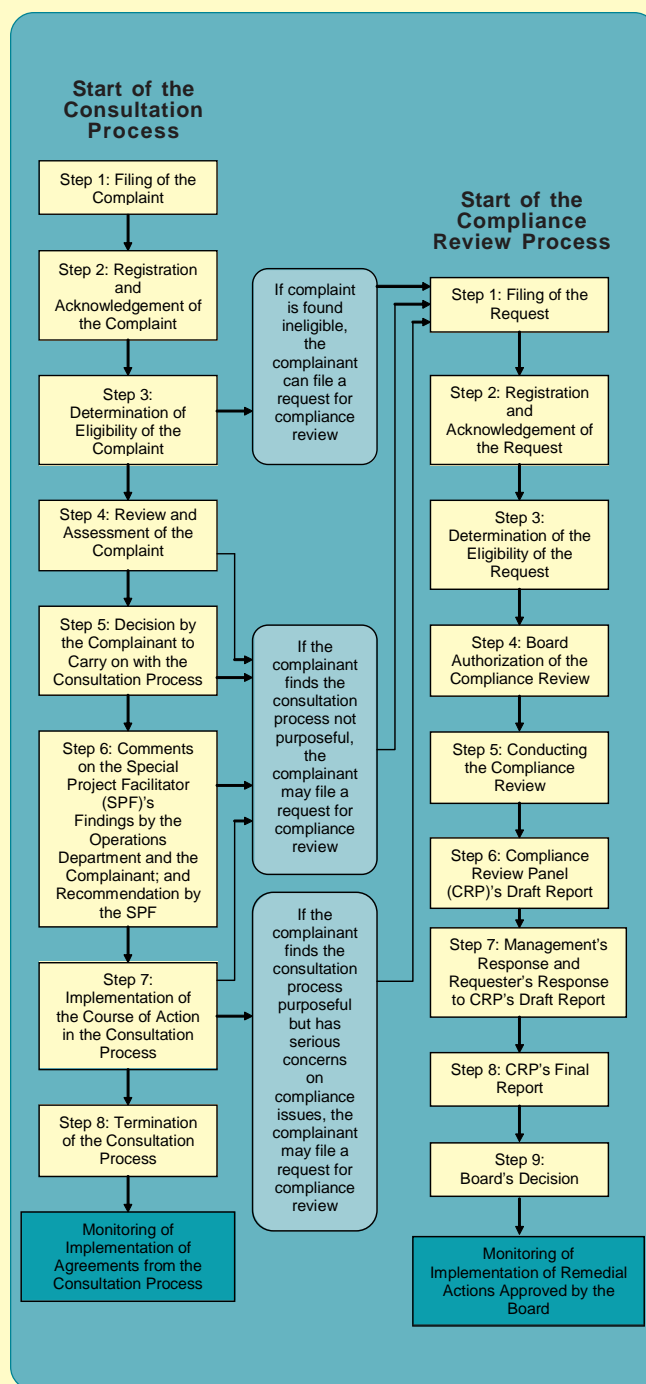
How to file a complaint/request

Claimants need to first file a complaint with the Special Project Facilitator. They can file a request with the Compliance Review Panel if their complaint is found ineligible, if they are not satisfied with the consultation process, or if the consultation process is at an advanced stage and there are concerns on compliance issues.

Complaints/requests must be made in writing and sent to the Special Project Facilitator/Secretary, Compliance Review Panel by mail, facsimile, or electronic mail, or be hand delivered to ADB headquarters or to any ADB resident mission or representative office. Complaints/requests may be submitted in English or in any of the official or national languages of ADB's developing member country, if the complainant/requester is unable to provide an English translation. The identity of claimants will be kept confidential if requested, but anonymous complaints will not be accepted.

What matters are not eligible for complaints/requests?

- Decisions made by ADB or the project implementer regarding procurement of goods, services, and consulting services. These matters should be addressed to ADB's Central Operations Services Office, which can be contacted through www.adb.org/COSO.
- Allegations of fraud and corruption in projects and by ADB staff. These matters should be addressed to ADB's Anticorruption Unit, Office of the Auditor General, which can be contacted through www.adb.org/Anticorruption/unit.asp.
- The project completion report for the project has been issued, normally within two years after physical completion of the project.
- Matters already considered under the previous Inspection Function or by the Compliance Review Panel.
- Private sector projects with concept clearance before 29 May 2003.



For more information on the ADB accountability mechanism, go to www.compliance.adb.org

Contents of a complaint

The complaint must specify the following:

- The complainant is, or is likely to be, directly affected materially and adversely by an ADB-assisted project
- The direct and material harm claimed is, or will be, the result of an act or omission of ADB in the course of the formulation, processing, or implementation of the ADB-assisted project
- A description of the rights and interests that have been, or are likely to be, directly affected materially and adversely by the ADB-assisted project
- Identification of the complainant (and any representatives) and contact information, and if there is a request that the complainant's identity be kept confidential, the reasons for such a request
- If there is any representative, identification of the people affected by the project and evidence of authority to represent them
- A brief description of the ADB-assisted project, including the name and location if available
- The desired outcome or remedies that people affected by the project believe ADB should provide or help obtain through the Special Project Facilitator
- A description of the complainant's good faith efforts to address the problems first to the operations department concerned
- An explanation of why any of the above information cannot be provided
- Any other relevant matters or facts with supporting documents

The Special Project Facilitator can be reached at

Special Project Facilitator
Asian Development Bank
6 ADB Avenue
Mandaluyong City 1550
Philippines

Tel: +632 632-4825
Fax: +632 636-2490
E-mail: spf@adb.org
Web site: www.adb.org/spf

Contents of a request for compliance review

The request must specify the following:

- The requester is, or is likely to be, directly affected materially and adversely by the ADB-assisted project
- The direct and material harm claimed is, or will be, the result of an act or omission of ADB's alleged failure to follow its operational policies and procedures in the course of the formulation, processing, or implementation of the ADB-assisted project
- A description of the rights and interests that have been, or are likely to be, directly affected materially and adversely by the ADB-assisted project
- Identification of the requester and contact information, along with the reasons for any request for confidentiality
- If there is any representative, identification of the people affected by the project and evidence of authority to represent them
- A brief description of the ADB-assisted project, including the name and location
- The desired outcome or remedies that people affected by the project believe ADB should provide
- An explanation of the results of the requester's efforts to address the complaint first to the Special Project Facilitator (or if the Special Project Facilitator has rejected the complaint as ineligible an explanation of why the request is nonetheless eligible for compliance review)
- An explanation of why any of the above information cannot be provided
- Any other directly relevant matters or facts with supporting documents

The Compliance Review Panel can be reached at

Secretary, Compliance Review Panel
Asian Development Bank
6 ADB Avenue
Mandaluyong City 1550
Philippines

Tel: +632 632-4149
Fax: +632 636-2088
E-mail: crp@adb.org
Web site: www.compliance.adb.org