

Comments on the Review of ADB's Accountability Mechanism

September 15, 2010

Japan Center for a Sustainable Environment and Society (JACSES)

Comment 1:

The two-step structure of Consultation Phase and Compliance Review Phase should be reformed. Direct complaint to Compliance Review Panel (CRP) should be accepted.

Rationale:

- Affected people should have the right to choose Consultation Phase and/or Compliance Review Phase.
- If affected people prefer to engage with CRP, the commencement of Compliance Review Phase has to be delayed due to perfunctory process of Consultation Phase.
- If a process of Compliance Review Phase is delayed, potential policy violation can be hidden or corrected by borrowers/clients in Consultation Phase. Such unreasonable opportunity should not be provided.

Comment 2:

Complaint should be accepted after the issuance of Project Completion Reports (PCRs).

Rationale:

- Subsequent social and environmental impacts (e.g. unpredictable sediment deposition) can be caused after the issuance of PCRs.
- In Khulna-Jessore Drainage Rehabilitation Project (Bangladesh), the complaint was rejected by Special Project Facilitator (SPF), since the PCR had been made. Such case should be avoided in the future.
- The Compliance Advisor Ombudsman (CAO), which is the independent recourse mechanism for International Finance Corporation (IFC) and Multilateral Investment Guarantee Agency (MIGA), does not require the time limitation.

Comment 3:

Site visit by SPF and CRP should be ensured under a clause in legal agreements (loan and investment agreements).

Rationale:

- The site visit is an indispensable element for SPF and CRP to carry out their investigations.

- In the Fuzhou Environmental Improvement Project (China), the proposal of site visit by CRP was rejected by Chinese Government, as well as the case of Samut Parakarn Wastewater Management Project under the old Inspection function.¹ Such case should be avoided in the future.

Comment 4:

SPF² should follow cases which SPF determined as “non-eligible” since “complainants have yet to address the problem with concerned operations department,” and results of follow-up activities should be disclosed on the SPF’s website.

Rationale:

- Out of 27 complaints received by SPF since 2003, 10 complaints were determined as “non-eligible” since “complainants have yet to address the problem with concerned operations department.” However, it is unclear whether requesters’ concerns have been fully addressed or not.
- SPF can restart smoothly, if requesters’ concerns have not been addressed in the negotiation with operations department.

¹ In the Samut Prakarn Wastewater Management Project (Thailand), the Inspection Panel’s proposal on site visit was rejected by Thai Government, and the Panel could not conduct the site visit.

² If Comment 1 is reflected, CRP should also follow the cases as well as SPF.