

Comments on the Consultation Paper of ADB's Accountability Mechanism

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Comment 1:

W-Paper should be made available to the public at the same time as they are distributed to the Board of Directors.

Rationale:

- ADB should provide opportunities for stakeholders to review how their comments are considered before the Board approval.
- World Bank's Disclosure Policy requires the Bank to disclose operational policy papers and sector strategy papers at the same time as they are distributed to the Board, and they are prepared following a public consultation process, if a draft version of the paper has already been revised by the Executive Directors.

Comment 2:

"Option V. Full Choices for Requesters" should be sustained. (Paras. 87 and 88)

Rationale:

- Affected people should have the right to choose Problem Solving Function and/or Compliance Review Function.
- If affected people prefer to engage with CRP, the commencement of Compliance Review Function has to be delayed due to a perfunctory process of Problem Solving Function.
- If a process of Compliance Review Function is delayed, potential policy violation can be hidden or corrected by borrowers/clients in Problem Solving Function. Such an unreasonable opportunity should not be provided.
- "Option V. Full Choices for Requesters" is recommended in the Consultation Paper, and it should be sustained.

Comment 3:

Request on Indirect harm should not be excluded. (Para. 147)

Rationale:

- The Consultation Paper proposes that two or more people, who are directly, materially and adversely affected, can file a request. (Para. 147)
- However, Safeguard Policy Statement (SPS) requires clients/borrowers to identify, avoid, minimize, mitigate, and/or offset direct, indirect, cumulative, and induced impacts.

Comment 4:

Cut off date for requests should be 10 years after the disclosure of Project Completion Report. (Para. 150)

Rationale:

- The Consultation Paper proposes that “cut off date for filling requests can be one year after the loan closing date.”
- However, subsequent social and environmental impacts (e.g. unpredictable sediment deposition) can be caused after the project completion. In fact, project evaluations by IED have been conducted several years after project completion.
- In Khulna-Jessore Drainage Rehabilitation Project (Bangladesh), the complaint was rejected by Special Project Facilitator (SPF), since the PCR had been made. Such unreasonable rejection should be avoided in the future.
- Even if ADB’s leverage is low after the project completion, direct harm should be addressed appropriately, and ADB’s non-compliance should be cleared and remediated.