

Comments on the 2nd Consultation Paper of ADB's Accountability Mechanism

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Comment 1:

Employment of former SPF at ADB should not be allowed within several years after the turnover of SPF.

Rationale:

- While the former CRP members are barred from employment at ADB, there is no regulation for the former SPF, in order to ensure the independence of SPF. (Para. 139)

Comment 2:

Good faith efforts with a project-specific grievance mechanism should not be a requirement of filing to SPF.

Rationale:

- Under problem solving function, the draft requires complainants to make good faith efforts with a project-specific grievance mechanism, in addition to the ADB operations department. (Para. 171)
- Under the current Accountability Mechanism, ADB accepts a complaint submitted by representatives, since there are some cases, if disclosed, human rights are in danger. However, such complaint is not always accepted under project-specific grievance mechanisms. It is difficult to file a complaint for people who are living in a limited human rights country. It is inconsistent with the principle of the Accountability Mechanism.
- Out of 27 complaints have been received by SPF since 2003, 10 complaints were determined as "non-eligible" since "complainants have yet to address the problem with concerned operations department." The additional requirement could be a significant constraint for complainants, and a significant dilution from the current policy.
- In some cases, it could be important to use a project-specific grievance mechanism before problem solving by SPF. However, there is no plausible reason in the ADB's response¹ to require good faith efforts with a project-specific grievance mechanism in all projects.

¹ EXTERNAL COMMENTS ON THE APRIL 2011 WORKING PAPER AND ADB'S RESPONSE

<http://www.adb.org/documents/policies/Accountability-Mechanism-Review/wp26-external-comments-july-2011.pdf>

Comment 3:

Cut off date for requests should be longer than the current one, at least, it should be the same period as project evaluation timing.

Rationale:

- The draft proposes that “cut off date for filling requests can be one year after the loan closing date.” (Para. 171)
- 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 the project completion.
- In Khulna-Jessore Drainage Rehabilitation Project (Bangladesh), the complaint was rejected by SPF, since the Project Completion Report had already 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.

Comment 4:

Switching from compliance review to problem solving and requesting for problem solving upon the completion of compliance review should be allowed.

Rationale:

- The draft states that “complainants cannot switch from compliance review to problem solving, or request for problem solving upon the completion of compliance review” (Para. 180)
- However, social and environmental harms could be caused, if there is no violation of ADB policies. Problem solving should also be provided after the CRP process.