

Listening to Communities Affected by
ADB-Assisted Projects

The Consultation Phase of ADB's Accountability Mechanism



Asian Development Bank

What is the ADB Accountability Mechanism?

On 29 May 2003, ADB approved a new Accountability Mechanism to replace the more cumbersome Inspection Function. The Mechanism was established to provide an independent forum where people adversely affected by ADB-assisted projects can voice and resolve their problems, as well as report alleged violations of ADB's operational policies and procedures.

Guiding Principles

The Mechanism is part of ADB's efforts to enhance development effectiveness and improve project quality by being responsive to the concerns of people affected by projects, and fair and transparent to all stakeholders.

Key Feature

It has two key components: a problem-solving role (the Consultation Phase) handled by the Special Project Facilitator and an investigative role (the Compliance Review Phase) under the responsibility of the Compliance Review Panel (Panel).

What is the Consultation Phase?

- Its purpose is to provide a venue and process for people affected by projects to find satisfactory solutions to problems caused by ADB-assisted projects.
- The Special Project Facilitator will lead the Consultation Phase and will accept eligible complaints from people affected.
- Activities in the Consultation Phase will seek consensus and agreement among the stakeholders—including ADB, the complainant, the executing agency, the developing member country government, or the private project sponsor—regarding the complaint, the acceptable method for resolution, and the timeframe for resolving issues in the complaint.
- The Special Project Facilitator will use a flexible problem-solving approach including convening meetings with various stakeholders, organizing consultation processes, or engaging in a fact-finding review of the situation.
- The Special Project Facilitator will suggest actions to deal with the complaint directly to the ADB President.
- The Consultation Phase does not replace the existing project administration and problem-solving functions of ADB's operational departments.
- The Special Project Facilitator's role is limited to ADB-related issues on ADB-assisted projects and does not interfere in the internal matters of any developing member country.



Who Can File a Complaint?

- Any group of two or more people in the country where the ADB-assisted project is located. This may be an organization, association, society, or other group of individuals in the country concerned.
- A local representative duly appointed as the agent of the people adversely affected by a project.
- A nonlocal representative in exceptional cases where local representation cannot be found.
- Communities need to first file a complaint with the Special Project Facilitator. They can choose to file a complaint with the Panel if their requests are found ineligible or if they are not satisfied with the resolution of their complaints.

How Can You File a Complaint?

Complaints must be filed in writing and sent to the Special Project Facilitator by mail, facsimile, or electronic mail, or be hand delivered to the ADB headquarters or to any ADB resident/regional mission or representative office.

Complaints may be submitted in English or in any of the official or national languages of ADB's developing member countries if an English translation is not available.

The identity of complainants will be kept confidential if requested, but anonymous complaints will not be accepted.

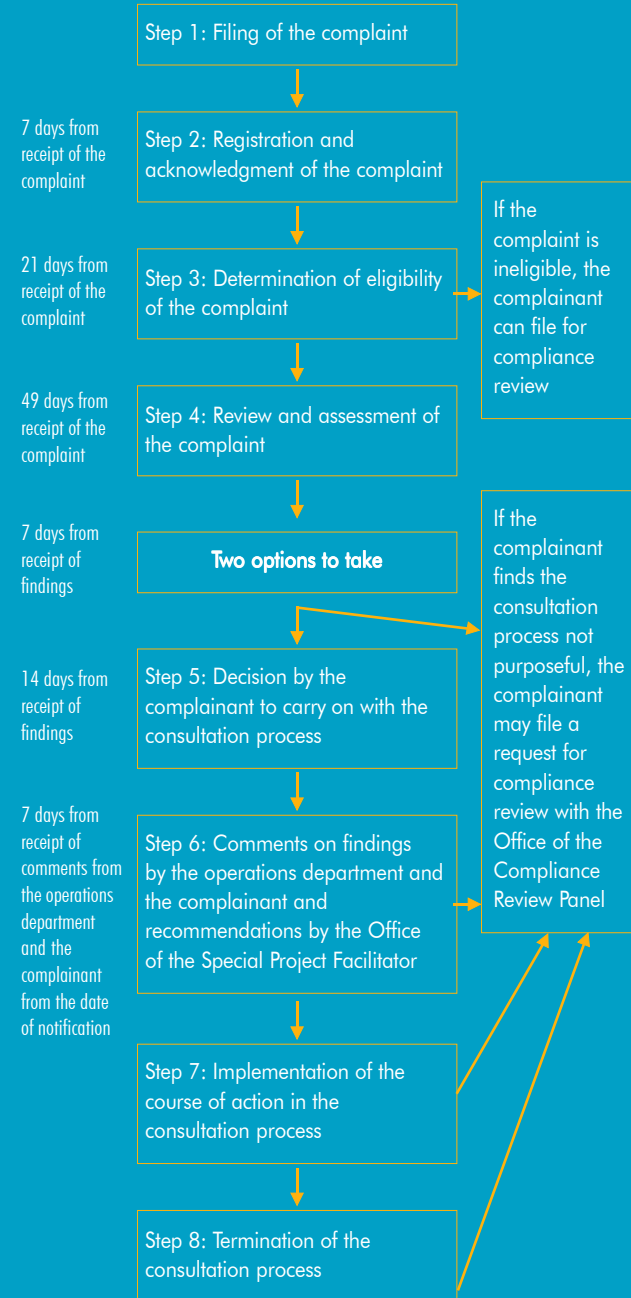


What Matters are Not Eligible for Complaints?

Any of these matters are excluded:

- Those not related to ADB's actions or omissions in the course of formulating, processing, or implementing ADB-assisted projects
- Decisions made by ADB or the project implementer regarding procurement of goods, services, and consulting services in ADB-assisted projects
- Allegations of fraud and corruption in ADB-assisted projects and by ADB staff
- ADB-assisted projects for which a project completion report has been issued
- Matters already considered under the previous Inspection Function or by the Panel (unless there is new evidence presented that was not known when the original complaint was received or unless the subsequent complaint can be readily consolidated with the earlier complaint)
- Adequacy or suitability of ADB's existing policies and procedures
- Matters that are frivolous, malicious, trivial, or generated to gain competitive advantage
- Matters that are within the jurisdiction of ADB's Appeals Committee or ADB's Administrative Tribunal or relate to ADB personnel matters
- Matters regarding ADB's non-operational housekeeping, such as finance and administration

The Consultation Process



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 formulating, processing, or implementing ADB-assisted projects
- 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 and contact information of the complainant (and any representative), 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 the complainant believes ADB should provide or help obtain through the consultation phase
- 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 Metro Manila, Philippines
Tel: +632 632-4825, Fax: +632 636-2490
E-mail: spf@adb.org
Web site: www.adb.org/spf

For matters related to Compliance Review, contact:

Secretary, Compliance Review Panel
Asian Development Bank
Tel: +632 632-4149, Fax: +632 636-2088
E-mail: crp@adb.org

About ADB

The Asian Development Bank (ADB) is a multilateral development finance institution owned by 63 members, 45 from Asia and the Pacific and 18 from other parts of the globe. ADB's **vision** is an Asia and Pacific region **free of poverty**. Its mission is to help its developing member countries reduce poverty and **improve their living conditions** and quality of life. ADB pursues a strategic agenda—pro-poor sustainable economic growth, inclusive social development, and governance for effective policies and institutions—with three crosscutting themes: private sector development, regional cooperation, and environment sustainability.

ADB's main instruments in providing help to its developing member countries are policy dialogues, loans, technical assistance, grants, guarantees, and equity investments. In 2003, ADB's total lending volume was US\$6.1 billion. Technical assistance, which is used for preparing and implementing projects, supporting advisory activities, and undertaking regional activities, amounted to US\$176.5 million. Grants totaling US\$483.5 million were also provided.

ADB's headquarters is in Manila. It has 23 offices around the world.

ADB's staff numbers more than 2,000 employees from over 50 countries.

Headquarters

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