ENHANCING ACCOUNTABILITY AND PROJECT-LEVEL GRIEVANCE REDRESS MECHANISMS

ADB Accountability Mechanism
Annual Report 2019

JUNE 2020

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Note:

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On the cover: An effective Accountability Mechanism to address the grievances of people adversely affected by ADB-assisted projects and ensure compliance with ADB operational policies and procedures is fundamental to equitable and sustainable development. Photo taken during the field review and assessment of a complaint in Nepal lodged for problem-solving (photo by OSPF).

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Preface

ADB's Accountability Mechanism provides a forum where people adversely affected by ADB-assisted projects can seek solutions to their problems and report alleged noncompliance with ADB's operational policies and procedures.

In 2019, there were 39 complaints lodged with the Accountability Mechanism. Of these 14 admissible complaints, two requested compliance review, one of which was determined ineligible by the Compliance Review Panel while the other is still under assessment. Twelve complaints requested problem-solving, three of which were determined eligible by the Special Project Facilitator (SPF), seven were ineligible, one was withdrawn, and one is under assessment. One complaint is still with the complaint receiving officer pending compliance with the request for additional information, while the remaining 24 complaints were closed for failure to comply with the minimum requirements under para. 151 of the 2012 Accountability Mechanism Policy.

The 14 admissible complaints came from eight developing member countries (DMCs). Most of these were related to (i) land acquisition, resettlement, and compensation; (ii) information, consultation, and participation; and (iii) livelihoods. The transport sector generated the largest number of complaints with five, followed by water and other urban infrastructure and services and energy sectors with three each; agriculture, natural resources and rural development with two; and finance with one.

In 2019, a joint learning report on the *2018 Learning Report on Implementation of the Accountability Mechanism Policy* was published through the collaborative efforts of the Office of the Special Project Facilitator (OSPF) and the Office of the Compliance Review Panel (OCRP), together with the Independent Evaluation Department and the

Sustainable Development and Climate Change Department. The report analyzed the complaints received by the Accountability Mechanism in 2016–2018, when the highest number of complaints were received. Two recommendations resulting from the analysis were the improvement of project-level safeguards risk screening and the enhancement of the effectivity of project-level grievance redress mechanisms (GRMs).

In the same year, OCRP held eight outreach events in ADB DMCs, published materials on compliance review, and organized workshops that resulted in a working draft of a regional and a national accountability mechanism framework for financial intermediaries. OSPF delivered 10 demand-based capacity building and training programs for ADB staff and executing and implementing agencies from ADB DMCs on GRM and problem-solving tools.

Based on the increasing demand from ADB operations departments and clients, OSPF and OCRP are taking proactive steps to strengthen advisory services and expand inreach/outreach. This is to ensure that the Accountability Mechanism remains relevant and effective in addressing the grievances of people adversely affected by ADB-assisted projects. Some of these steps include preparation of OSPF Case Management Protocols to ensure efficient and effective complaints management, development of eLearning courses on GRM and problem-solving, and initiation of a training program on mediation and dispute resolution for operations staff and project stakeholders to be piloted in early 2021.

Abbreviations

ADB	-	Asian Development Bank
AMP	-	Accountability Mechanism Policy
BCRC	-	Board Compliance Review Committee
CRO	-	complaint receiving officer
CRP	-	Compliance Review Panel
CSO	-	civil society organization
CWRD	-	Central and West Asia Department
DMC	-	developing member country
GRM	-	grievance redress mechanism
IAM	-	Independent Accountability Mechanism
IAMnet	-	Independent Accountability Mechanisms Network
IED	-	Independent Evaluation Department
IFC	-	International Finance Corporation
IFI	-	international financial institution
JLR	-	joint learning report
NGO	-	nongovernment organization
OCR	-	Office of the Compliance Review Panel
OSPF	-	Office of the Special Project Facilitator
PRC	-	People's Republic of China
SARD	-	South Asia Department
SDCC	-	Sustainable Development and Climate Change Department
SERD	-	Southeast Asia Department
SPF	-	Special Project Facilitator
TA	-	technical assistance

2019 at a Glance

Problem-solving

Compliance review

Breakdown of 2019 New Complaints

Sector

Region

Number of Complainants

PROBLEM-SOLVING

167

COMPLIANCE REVIEW

118

Issues of Complaints

7 Resettlement, compensation, and land acquisition

7 PROBLEM-SOLVING

35%

2 Environment¹

1 PROBLEM-SOLVING

1 COMPLIANCE REVIEW

10%

4 Information, consultation, and participation

3 PROBLEM-SOLVING

1 COMPLIANCE REVIEW

20%

2 Community and social issues²

2 PROBLEM-SOLVING

10%

4 Livelihood

3 PROBLEM-SOLVING

1 COMPLIANCE REVIEW

20%

1 Village infrastructure³

1 PROBLEM-SOLVING

5%

20 TOTAL COMPLAINTS

¹ This includes those with issues pertaining to biodiversity conservation and sustainable management of natural resources, pollution prevention and abatement, occupational and community health and safety, and conservation of physical cultural resources.

² This includes issues on gender, health, social uplift program, environmental studies, social impact assessment, customary land, and indigenous people.

³ This includes school and road reconstruction and rehabilitation, bus stops, multipurpose hall, toilets and cowsheds, bridges, beaten tracks, underpass for agricultural machinery, cattle passes, and distributary links.

Safeguard Categories

AM-Related Complaints Processed and Forwarded by the CRO to the SPF or CRP

SPF
CRP

Closed for failure to comply with minimum requirements under para. 151, AMP 2012
Pending with CRO

AM = Accountability Mechanism, AMP = Accountability Mechanism Policy, CRO = Complaint Receiving Officer, CRP = Compliance Review Panel, SPF = Special Project Facilitator.

Source: CRO.

Photo taken during the joint fact-finding mission of the first complaint on Tanahu Hydropower Project lodged for problem-solving in 2018 (photo by OSPF).

Chapter

1

Introduction

The Asian Development Bank (ADB) ensures that its operations adhere to high standards of accountability, transparency, openness, and public participation. ADB's Accountability Mechanism aims to (i) increase ADB's development effectiveness and project quality; (ii) be responsive to the concerns of affected people and fair to all stakeholders; (iii) reflect the highest professional and technical standards in its staffing and operations; (iv) be as independent and transparent as possible; (v) be cost-effective and efficient; and (vi) be complementary to the other supervision, audit, quality control, and evaluation systems at ADB.

ADB's Accountability Mechanism provides a forum where people adversely affected by ADB-assisted projects can voice and seek solutions to their problems and report alleged noncompliance with ADB's operational policies and procedures. It consists of two separate but complementary functions: compliance review and problem-solving.

The compliance review function is done by the Compliance Review Panel (CRP) with support from the Office of the Compliance Review Panel (OCRCP). The CRP is a fact-finding body of the ADB Board of Directors (Board). People who are directly, materially, and adversely affected by an ADB-assisted project during formulation, processing, or implementation can file a request for compliance review with the independent CRP which investigates compliance with ADB's operational policies and procedures. A compliance review does not investigate a borrowing country, an executing agency, or a private sector client. The conduct of these parties will be considered only to the extent that they are directly relevant to the assessment of ADB's compliance with its own operational policies and procedures. A compliance review does not provide judicial-type remedies such as injunctions or payment for monetary damages.

The problem-solving function is under the Office of the Special Project Facilitator (OSPF). It is designed to respond to the concerns of people affected by ADB-assisted projects through fair, transparent,

and consensus-based problem-solving. The problem-solving function is outcome driven. It does not focus on the identification and allocation of blame, but on finding ways to address the problems of the affected people. OSPF works closely and collaboratively with the concerned operations departments and government counterparts for eligible complaints to find satisfactory solutions that are mutually acceptable to all concerned parties. The general approaches used during problem-solving include (i) consultative dialogue, (ii) information sharing, (iii) joint fact-finding, and (iv) mediation. The Special Project Facilitator (SPF) may also suggest various specific approaches to resolve problems, such as convening meetings, organizing and facilitating consultation processes, or engaging in a fact-finding review of the situation.

In 2019, the Accountability Mechanism received 39 complaints. Of these, two requested compliance review; one of which was determined ineligible by the CRP and the other is still under assessment. Twelve requested problem-solving; three of which were determined eligible by the SPF, seven were determined to be ineligible, one was withdrawn, and one is under assessment. One complaint is still with the complaint receiving officer (CRO) pending request for additional information, while the remaining 24 complaints were closed for failure to comply with the minimum requirements under para. 151 of the 2012 Accountability Mechanism Policy (AMP).¹

The 14 admissible complaints (two for OCRCP and 12 for OSPF) were from 14 ADB-assisted projects in eight developing member countries (DMCs). Most of the complaints were related to (i) land acquisition, resettlement, and compensation; (ii) information, consultation, and participation; and (iii) livelihoods. The transport sector generated the largest number of complaints with five, followed by water and other urban infrastructure and services and energy sectors with three each, agriculture, natural resources and rural development with two, and finance with one.

¹ ADB. 2012. *Accountability Mechanism Policy 2012*. Manila.

The problem-solving function is outcome driven. It will not focus on the identification and allocation of blame, but on finding ways to address the problems of the project-affected people. Photo taken during the field review and assessment of a complaint in Georgia lodged for problem-solving (photo by OSPF).

Of the 12 complaints that requested problem-solving, three were deemed eligible, seven were ineligible, one was withdrawn, and one is still under assessment. Five of the seven ineligible complaints were forwarded to the concerned operations department as the complainants did not attempt to resolve their issues first with the concerned operations departments, which is a prerequisite before submitting complaints to the Accountability Mechanism. For the three eligible cases, the resolution process is ongoing.

In 2019, OSPF resolved one complaint from Georgia on a transport project which was filed in 2018. In addition, problem-solving of four complaints received in 2017 and 2018 from Sri Lanka, Pakistan, and Mongolia is ongoing.

Chapter

2

Problem-Solving

2019 Complaints

Pakistan: Pehur High Level Canal Extension Project

(formerly Khyber Pakhtunkhwa Water Resources Project)

OSPF received a complaint from 10 families on 13 March 2019. The complainants were objecting to have the project pipeline cross their farmland. They alleged that there would be reduction in farm productivity and income loss due to the resulting change in the configuration of their farmland and land acquisition as a result of the project design. The complaint was deemed eligible on 23 April 2019.

OSPF facilitated discussions among the complainants, project management office, and concerned ADB project staff at the Pakistan Resident Mission. The dialogue which is still ongoing is focused on how to minimize direct (physical) impacts on the complainants of the construction and installation of the pipeline, and how to optimize project benefits to the complainants by enhancing their access to irrigation and modernizing agricultural practices to maximize income opportunities.

Portion of the complainants' farmland that will be affected by the project (photo from the complainants).

Project Number: 47024-004

Approval Date: 24 November 2016

Closing Date: 30 June 2023

Source of Funding:

Loan 3470: \$86.41 million

Ordinary Capital Resources

Project Description: The project will develop a new irrigated area of over 8,727 hectares in Swabi and Nowshera districts located in the Khyber Pakhtunkhwa Province. Water for agriculture in the project area currently depends on rainfall. As a result, cropping intensity and crop yields are low. The project will finance the extension of Pehur High Level Canal irrigation system, which will become a part of the Indus Basin irrigation system. This will increase agriculture production by increasing availability of water, improving water-use efficiency and farm management capacity in the project area.

Safeguards Categories:

Environment: A

Involuntary Resettlement: A

Indigenous Peoples: C

Complaint Received: 13 March 2019

Status: Eligible, 23 April 2019

The project involves land acquisition that will result in loss of crops, trees, residential and community structures as well as other community and public infrastructures. It was originally estimated that more than 500 households will be affected by the project. However, based on the survey throughout the alignment and data from district revenue departments, 400 potential displaced households have been identified. The rest of the potential displaced households will be identified following the notification of Section-IV under the Land Acquisition Act by the Revenue Department and accordingly, the figure of displaced households will be updated.

Source: ADB. 2016. *Land Acquisition and Resettlement Plan of Pehur High Level Canal Extension Project*. Manila. <https://bit.ly/2CiSD3C>; <https://bit.ly/2YbwSLJ>

Mongolia: Ulaanbaatar Urban Services and Ger Areas Development Investment Program – Tranche 1 (1st and 2nd Complaints)

On 28 March 2018, OSPF received a complaint from a group of 31 affected people supported by Mongolia-based nongovernment organizations (NGOs). Among other issues, the complainants alleged that the land acquisition process was flawed and that the property and asset valuations were too low. By the time the OSPF problem-solving process was underway, the number of complainants had increased to 110. The complaint was declared eligible after the OSPF fact-finding mission in April 2018 found bases for it. An additional, but similar complaint from 35 affected families was submitted to OSPF on 29 March 2019. This complaint was also deemed eligible for problem-solving.

To resolve this issue, a memorandum of understanding (MOU) was signed by representatives from the municipality, program management office, ADB, and the complainants. This MOU established a framework for all aspects of dispute resolution in terms of process and consistency in valuation of land and assets. The provisions were applied to all affected people, even benefiting the 1,000 households who were non-complainants. OSPF successfully facilitated case to case household negotiations for all the complainants under these two complaints. Monitoring of all the agreements is in process and is expected to be concluded in the second quarter (Q2) of 2020 and the case is expected to be closed in Q3 2020.

Improving infrastructure within the ger area subcenters and connectivity with the city core center is critical for inclusiveness and important to facilitate the movement of people and goods, develop urban corridors, and create clusters of subcenters (photo by OSPF).

Project Number: 45007-004

Approval Date: 17 December 2013

Source of Funding:

- Grant 0380: \$3.70 million
Urban Environmental Infrastructure Fund
under the Urban Financing Partnership Facility
Closing Date: 21 November 2019
- Loan 3098: \$27.50 million
Ordinary Capital Resources
Closing Date: 30 June 2021
- Loan 3099: \$22.50 million
Concessional Ordinary Capital Resources Lending/
Asian Development Fund
Closing Date: 30 June 2021
- Loan: \$28.38 million European Investment Bank

Project Description:

The project supports the Ulaanbaatar City master plan in upgrading priority services and economic hubs in *ger* (vast low-density peri-urban) areas. Combining spatial and sector approaches, the project will provide an integrated solution in response to the growing demand for basic urban services. It involves developing subcenters as catalysts for growth in the *ger* (traditional tent) areas, including financing core urban infrastructure and basic services in priority road sections, investing in socioeconomic facilities needed by the communities, and improving operations management by service providers.

Safeguard Categories:

Environment: B
Involuntary Resettlement: A
Indigenous Peoples: C

Complaint Received: 28 March 2018 and 29 March 2019

Status: Eligible and under monitoring of course of actions, 12 April 2018 and 29 March 2020

There are 1,400 affected households (825 landowners), including 342 that are fully affected and 458 that are partially affected by the project. A total of 29 affected households are considered vulnerable households. The project will also affect about 12 residential structures, 32 toilets, 21 ground attachments, five *gers*, and 75 fences.

Source: ADB. 2013. *Report and Recommendation of the President to the Board of Directors for the Proposed Multitranchise Financing Facility Mongolia: Ulaanbaatar Urban Services and Ger Areas Development Investment Program*. Manila. <https://bit.ly/2zG5wnh>

Pakistan: Power Transmission Enhancement Investment Program II - Tranche 3

OSPF received a complaint from 120 farm families on 19 June 2019.² The complainants raised issues on land acquisition for a 500 kilovolt (kV) grid station. They alleged that there are other suitable and available sites nearby that would affect fewer people and that they were not adequately consulted about the site selection. The complainants attempted to resolve their issues with the Central and West Asia Department (CWRD) and the Pakistan Resident Mission but were not satisfied with the resolution. The complaint was deemed eligible on 20 June 2019. An OSPF review and assessment mission in early September 2019 resulted in an agreement-in-principle among the executing agency, National Transmission & Dispatch Company, and ADB. In the agreement, the grid station design would be modified to substantially reduce the number of people who would be affected and the impacts on them. However, there has been a delay in facilitating the resolution of the complaint because of the lack of clarity on people who will be affected by the land acquisition. Despite this, it is expected that the final list of affected persons will be confirmed in Q2 2020 and that OSPF will then be able to resume facilitating agreement among parties.

² A second complaint on this project was received on 29 August 2019 from three complainants who raised concerns on land acquisition by the project. Based on available information on the location of the project, complainants' names do not appear as affected people. Thus, the complaint was deemed ineligible on 25 September 2019.

About 120 farm families raised issues on land acquisition for the grid substation in Lahore North. They alleged that there are other suitable and available sites nearby that would result in fewer affected people and that the complainants were not adequately consulted in the site selection (photo from complainants).

Project Number: 48078-005

Approval Date: 28 June 2018

Source of Funding:

- Grant 0578: \$4 million
High-Level Technology Fund
Closing Date: 31 December 2023
- Loan 3677: \$280 million
Ordinary Capital Resources
Closing Date: 31 December 2023

Project Description:

The program will support meeting quality and reliability of power supply standards, serving the increasing customer demand, and developing a more balanced generation mix with more renewable energy through expansion and reinforcement of a stronger, smarter and more climate resilient transmission system. Tranche 3 will expand 500 kV and 220 kV transmission system to meet demand at load centers in Punjab Province.

Safeguard Categories:

Environment: B
Involuntary Resettlement: A
Indigenous Peoples: C

Complaint Received: 19 June 2019

Status: Eligible, 20 June 2019

The proposed 500 kV and 220 kV double circuit combined transmission line route of 194 km passes through 93 villages located in 5 subdistricts of Sheikhpura, Muridke, Ferozwala, Nowshehra Virkan, and Nankana Sahib of the Punjab province.

Source: ADB. 2018. *Draft Land Acquisition and Resettlement Plan of Lahore North Grid Station*. Manila. <https://bit.ly/3hDhKOO>; <https://bit.ly/3ed6Vko>

India: Karnataka State Highways Improvement III Project

On 6 February 2019, the CRO and the South Asia Department (SARD) received a complaint from two project-affected persons alleging undervalued land compensation and misclassification of land from rural to urban. In a teleconference with one of the complainants on 22 February 2019, the complainant informed OSPF that they had met with the project authorities the day before and that their concerns were satisfactorily being acted upon. The complaint was therefore deemed ineligible for the problem-solving process on 8 March 2019.

Project Number: 42513-014

Approval Date: 8 December 2017

Source of Funding:

Loan 3619: \$218.04 million

Ordinary Capital Resources

Closing Date: 30 June 2024

Safeguard Categories:

Environment: B

Involuntary Resettlement: A

Indigenous Peoples: B

Complaint Received: 19 February 2019

Status: Ineligible, 8 March 2019

Nepal: Regional Urban Development Project

OSPF received a complaint from four complainants from the same family on 21 February 2019. They were dissatisfied with the compensation payments determined for loss of income and property. The complaint was deemed ineligible for problem-solving process on 13 March 2019 since the complainants had not attempted to resolve their issues with SARD and the Nepal Resident Mission. The complainants resubmitted their complaint on 22 December 2019, this time, with additional documents and evidence. OSPF is reassessing the complaint and further discussions with the project's executing agency, SARD, and the Nepal Resident Mission are ongoing. The decision on the eligibility is due in January 2020.

Project Number: 47252-002

Approval Date: 22 September 2017

Source of Funding:

• Loan 3566: \$150 million

Concessional Ordinary Capital Resources/

Asian Development Fund

Closing Date: 30 June 2023

• TA 9384: \$1 million

Technical Assistance Special Fund

Closing Date: 30 June 2020

Safeguard Categories:

Environment: B

Involuntary Resettlement: B

Indigenous Peoples: B

Complaint Received: 21 February 2019

Status: Ineligible, 13 March 2019

The project will improve road capacity and maintenance, promote safer roads, and increase access to markets and basic services (photo by ADB).

Front view of the complainants' property affected by the project. The complainants claimed that they were dissatisfied with the compensation payments determined for loss of income and property (photo from the Structural Vulnerability Assessment and Restoration Report submitted to OSPF).

Papua New Guinea: Bridge Replacement for Improved Rural Access Sector Project

The complaint from two project-affected entities alleged that the project contractor did not provide temporary bridges prior to the construction of the new ones. The lack of bridges severely impacted their business operations and resulted in loss of income for about 3,700 smallholders who were unable to harvest and sell their products to them. On 7 March 2019, the complainants met with the Country Director of the Papua New Guinea Resident Mission and other concerned ADB project staff to discuss the problems. The resident mission coordinated with the project's supervision consultant and confirmed that the contractor was already then repairing the bridges and steps were underway to provide temporary ones. Given these developments, the complainants expressed satisfaction with the resolution of the issues. As the complainants did not engage with the Pacific Department prior to reaching out to the Accountability Mechanism, and the fact that an agreement on the resolution to the complaint was already reached, the complaint was deemed ineligible for the problem-solving process on 13 March 2019.

Project Number: 43200-024

Approval Date: 28 September 2011

Source of Funding:

- Loan 2783: \$40 million
Ordinary Capital Resources
Closing Date: 30 June 2020
- Loan 2784: \$50 million
Concessional Ordinary Capital Resources/
Asian Development Fund
Closing Date: 30 June 2020
- TA7874: \$800,000
Technical Assistance Special Fund
Closing Date: 31 December 2014
- Loan: \$58.4 million
European Investment Bank

Safeguard Categories:

Environment: B
Involuntary Resettlement: B
Indigenous Peoples: B

Complaint Received: 28 February 2019

Status: Ineligible, 13 March 2019

Sri Lanka: Northern Province Sustainable Fisheries Development Project

On 4 April 2019, OSPF received a complaint from five project-affected persons raising concerns on the safety and security of the school children attending the Point Pedro Methodist Girls' High School as the proposed extension of the Point Pedro Fisheries Harbour would be built right in front of the school. The complainants were requesting that the proposed harbor should not be extended to reach directly in front of the school. During a teleconference on 17 April 2019, the complainants confirmed that the project authorities, SARD, and the Sri Lanka Resident Mission were engaged in a dialogue and their concerns were being discussed with them. SARD and resident mission project staff then worked with the project authorities and the complainants to resolve the issues. However, at this time, the proposed project had not yet been considered by ADB's Board for approval and the concerns of the complainants could still be addressed during project preparation. In this context, OSPF discussed with the concerned ADB project staff and the complaint was made ineligible for problem-solving process on 25 April 2019.

Project Number: 49325-002

Approval Date: Proposed Loan

Source of Funding:

- Loan: \$155 million
Ordinary Capital Resources

Safeguard Categories:

Environment: B
Involuntary Resettlement: B
Indigenous Peoples: C

Complaint Received: 4 April 2019

Status: Ineligible, 25 April 2019

One of the temporary bridges under the project scheduled for replacement by a permanent structure (photo by ADB).

Area of the proposed project (photo by ADB).

Pakistan: Peshawar Sustainable Bus Rapid Transit Corridor Project

The complainants were six shop owners representing project-affected persons who raised concerns on the delay in compensation payments due to them since December 2018 and requested for its immediate payment. To determine the eligibility of the complaint and to better understand the issues, OSPF reviewed documents and communicated with concerned project staff from CWRD and the Pakistan Resident Mission. However, the complaint was withdrawn on 15 July 2019 prior to eligibility determination as the complainants were satisfied with the actions taken by the project authorities and CWRD to resolve their issues.

Project Number: 48289-002

Approval Date: 23 November 2017

Source of Funding:

- Loan 3543: \$335 million
Ordinary capital Resources
Closing Date: 31 December 2023
- Loan 8336: \$150 million
Agence Française de Développement
- Loan: \$75 million
European Investment Bank

Safeguard Categories:

Environment: A
Involuntary Resettlement: A
Indigenous Peoples: C

Complaint Received: 8 July 2019

Status: Withdrawn, 15 July 2019

People's Republic of China: Air Quality Improvement in the Greater Beijing–Tianjin–Hebei Region—Shandong Clean Heating and Cooling Project

The complainants, residents at the Jinan location of the cooling tower, alleged that there was inadequate consultation on the location of the cooling tower to be constructed. They raised concerns on the legal and administrative procedural compliance of the project and that the cooling towers would be built in densely populated areas where 900,000 residents would be affected. They further requested a review of the subproject and the immediate cancellation of the funding for this. To determine the eligibility of the complaint, OSPF reviewed documents and met with concerned project staff from the East Asia Department to better understand the issues. The complaint was determined ineligible on 23 August 2019 as ADB would no longer be financing the said subproject following a request from the borrower.

Project Number: 51418-001

Approval Date: 31 December 2018

Source of Funding:

- Loan 3765: \$399.91 million
Ordinary Capital Resources
Closing Date: 31 October 2024
- TA 9682: \$750,000
Clear Energy Fund under the Clean Energy
Financing Partnership Facility
Closing Date: 31 December 2021

Safeguard Categories:

Environment: A
Involuntary Resettlement: C
Indigenous Peoples: C

Complaint Received: 9 August 2019

Status: Ineligible, 23 August 2019

The project will develop a sustainable urban transport system in Peshawar through the creation of the city's first integrated Bus Rapid Transit Corridor (photo by ADB).

Closed coal storage room (photo by ADB).

India: South Asia Subregional Economic Cooperation Road Connectivity Investment Program - Tranche 1

The complainants alleged that there were various social and environmental impacts caused by the project including lack of consultation and inadequate information dissemination. However, when OSPF contacted the complainants' NGO representative, the latter informed OSPF that they were supportive of the project and had no complaint. Thus, on 2 December 2019, the SPF concluded that the complaint is ineligible for problem-solving.

Project Number: 47341-002

Approval Date: 1 April 2014

Source of Funding:

Loan 3118: \$300 million

Ordinary Capital Resources

Closing Date: 30 June 2022

Safeguard Categories:

Environment: A

Involuntary Resettlement: A

Indigenous Peoples: A

Complaint Received: 4 November 2019

Status: Ineligible, 2 December 2019

Sri Lanka: Greater Colombo Wastewater Management Project

OSPF received a complaint on 19 April 2017 related to vibration and noise impacts, damage to property, and health issues resulting from the project. The complaint was deemed ineligible at that time as the complainants had not attempted to resolve their issues with SARD and the Sri Lanka Resident Mission. After attempting to resolve the issues with SARD, resident mission, and the project's executing agency, Colombo Municipal Council (CMC), the complainants went back to OSPF on 11 September 2018 as they were dissatisfied with the proposed compensation payment in relation to their complaints. CMC, at that time, indicated unwillingness to consider any additional compensation. Thus, it was not possible for OSPF to facilitate a negotiated settlement and the complaint was deemed ineligible for the problem-solving process on 9 October 2018. On 22 November 2019, the complainants reverted to OSPF with new evidence and expressing continued dissatisfaction with the compensation payment arrangement proposed by CMC. OSPF is completing its assessment and is engaged in a dialogue with all stakeholders to reach a resolution.

Project Number: 36173-013

Approval Date: 28 September 2009

Source of Funding:

• Loan 2557: \$80 million

Ordinary Capital Resources

Closing Date: 31 December 2020

• Loan 2558: \$20 million

Concessional Ordinary Capital Resources

Lending/Asian Development Fund

Closing Date: 31 December 2020

Safeguard Categories:

Environment: B

Involuntary Resettlement: B

Indigenous Peoples: C

Complaint Received: 22 November 2019

Status: Under Assessment

The project area under the investment program is a key strategic thoroughfare integrating the regions of South and Southeast Asia, with the corridor connecting Bangladesh, Bhutan, Myanmar, and Nepal (photo by ADB).

The access road is being rectified by the contractor to ensure safety (photo by ADB).

Updates on Active Eligible Complaints

Georgia: Adjaristsqali Hydropower Project

The complaint from 17 villagers was related to alleged impacts of the project on the natural and social environment of their village. The project is a private sector investment cofinanced by the International Finance Corporation (IFC) and the European Bank for Reconstruction Development (EBRD). An agreement between the cofinanciers' accountability mechanisms and the OSPF was reached in May 2018. The agreement is that IFC and EBRD would take the lead in the mediation and dispute resolution process with monitoring by OSPF. The mediation is still ongoing.

Project Number: 47919-014

Approval Date: 19 May 2014

Source of Funding:

- Loan 3130: \$75 million Ordinary Capital Resources Closing Date:
- Loan 8281: \$15 million Canadian Climate Fund for the Private Sector in Asia under the Clean Energy Financing Partnership Facility (Collaborative Cofinancing)

Safeguard Categories:

- Environment: A
- Involuntary Resettlement: A
- Indigenous Peoples: C

Complaint Received: 8 March 2018

Status: Eligible, 12 March 2018

Pakistan: National Highway Network Development in Balochistan Project

The government and the complainants claimed ownership of a section of the project road right-of-way. The complaint was lodged by two project-affected persons who want compensation for the disputed land. The SPF conducted a review and assessment in the field from 26 to 29 June 2018. This included dialogue with key stakeholders to draft mutually acceptable course of actions to resolve the complaint. The Balochistan High Court decided on 15 November 2018 that compensation be paid in accordance with the Land Acquisition Act 1894. The SPF then sent a letter to the executing agency, the National Highway Authority (NHA), on 6 December 2018 asking for the steps it would take in response to the court order. Although there was no formal response from the NHA, it was indicated that they dispute the court's decision. The case is still pending with the Supreme Court. At the request of ADB, the NHA agreed to establish an escrow account for the purpose of compensation to the complainants in the event the Supreme Court rules in the complainants' favor.

Project Number: 47281-001

Approval Date: 27 June 2014

Source of Funding:

- Loan 3134: \$122.60 million Ordinary Capital Resources Closing: 15 January 2020
- Grant 0451: \$72.40 million Department for International Development of the United Kingdom Closing: 15 January 2020

Safeguard Categories:

- Environment: B
- Involuntary Resettlement: B
- Indigenous Peoples: C

Complaint Received: 6 April 2018

Status: Eligible, 7 May 2018

View of the Chirukhi Valley seen from a village nearby Makhalakidzebi. Chirukhi is one of the rivers used for the project (photo by OSPF).

Road works and construction along the highway in Balochistan (photo by OSPF).

Sri Lanka: Clean Energy and Network Efficiency Improvement Project

The complaint raised by affected persons organized into “Magamma Adibala Viduli Rahanin Peedawata Pathwanna Sangamaya” (organization of those affected by the Magamma high tension power line) and alleged that the alignment of the transmission line differed from the approved plan and that no environmental and social studies were done. In October 2017, OSPF conducted a review and assessment and, building on work initiated by SARD, the mission facilitated a discussion to reach an agreement on the course of actions. The discussion was to include the financial, technical, environment, and social impacts of the project. However, reaching an agreement was delayed because of cases filed in court by both the complainants and the government. The delays resulted in the project loan being closed without financing the section of the transmission line that was under dispute. Thus, OSPF was no longer in a position to facilitate resolution of the dispute.

Project Number: 43576-013

Approval Date: 18 September 2012

Source of Funding:

- Grant 0303: \$1.50 million
Clean Energy Fund under the Clean Energy Financing Partnership Facility
Closing Date: 30 June 2019
- Loan 2892: \$100 million
Ordinary Capital Resources
Closing Date: 30 June 2019
- Loan 2893: \$30 million
Concessional Ordinary Capital Resources Lending/Asian Development Fund
Closing Date: 30 June 2019
- TA 8167: \$900,000
Technical Assistance Special Fund
Closing Date: 31 July 2015

Safeguard Categories:

Environment: B
Involuntary Resettlement: B
Indigenous Peoples: C

Complaint Received: 16 August 2017

Status: Eligible, 13 September 2017

The review and assessment of OSPF proved that the complainants have grounds for frustration with regard to communications and information from the CEB and, regardless of fault, this complaint has been a pending issue for the past 2 years (photo by OSPF).

Georgia: Batumi Bypass Road Project

The complainants alleged loss of business and properties due to incorrect appraisal by an agency engaged by the project. An initial OSPF review indicated that the original project valuation was indeed low. Thus, OSPF and CWRD encouraged the executing agency, the Roads Department, to increase the compensation. However, as the complainants had already been paid based on the original valuation, the Roads Department was no longer willing to reopen the issue.

In early 2019, however, CWRD contracted the services of an independent international company that specialized in property valuation to reassess some of project-related valuations including that of the complainants' property. The assessment confirmed the findings of the previous assessment. In June 2019, the Roads Department agreed to pay the complainants the difference between the paid amount and the newly assessed value. CWRD, with oversight from OSPF, assisted the Roads Department to establish an agreement on the process and timeline for payment to which the complainants agreed. OSPF fielded a case closing mission to Georgia from 24 to 28 June 2019 to ensure that the contract is signed with an informed decision by the complainants to close the case. The complainants and the Roads Department signed the legal agreement on 22 June 2019 in Batumi, witnessed by the SPF. Payment was confirmed by the complainants to have been received on 28 June 2019. A complaint closure report was prepared by OSPF on 30 June 2019. This was shared with stakeholders and disclosed on OSPF's website.

Project Number: 50064-001

Approval Date: 28 March 2017

Source of Funding:

- Loan 3520: \$114 million
Ordinary Capital Resources
Closing: 31 December 2025
- Loan 8328: \$114 million
Asian Infrastructure Investment Bank
Closing: 30 June 2023

Safeguard Categories:

Environment: A
Involuntary Resettlement: A
Indigenous Peoples: C

Complaint Received: 2 October 2018

Status: Closed, 3 September 2019

Portion of the project affected area (photo by Colliers International for ADB).

Operational Support and Advisory Services

In 2019, OSPF continued to provide operational support and advisory services to strengthen the capacity and problem-solving processes of operations departments.

Regional Capacity Building on Grievance Redress Mechanisms and Problem-Solving Tools for ADB-assisted Projects

OSPF continued its efforts to conduct demand-driven capacity building and training workshops on problem-solving and GRM for ADB-assisted projects. These workshops are implemented under the ADB technical assistance (TA) grant of \$750,000 through TA9598-Regional: Capacity Building for Grievance Redress and Dispute Resolution During Project Implementation.³ In 2019, a total of 10 training sessions were completed in the Philippines, Fiji, Georgia, Mongolia, Bhutan, Bangladesh, Uzbekistan, Indonesia, and Viet Nam with over 250 participants from multiple project executing and implementing agencies, including resident mission staff. OSPF has continued to receive requests for training from ADB operations departments, borrowers/clients, and project management unit staff including contractors, particularly from DMCs where there are active complaints.

³ ADB. 2018. *Technical Assistance for Capacity Building for Grievance Redress and Dispute Resolution During Project Implementation*. Manila.

On the move. The workshop on the grievance redress mechanism and problem-solving adopted a very interactive learning approach, incorporating group exercises, energizers, and opportunities for participants to learn from each other (photo by OSPF).

2019

March

- 4-6 Manila, Philippines
- 3-15 Nadi, Fiji
- 25-27 Tbilisi, Georgia

July

- 16-18 Thimphu, Bhutan
- 21-23 Dhaka, Bangladesh

September

- 9-11 Tashkent, Uzbekistan

November

- 4-6 Bali, Indonesia

December

- 4-6 Ha Noi, Viet Nam
- 9-11 Ho Chi Minh City, Viet Nam

Grievance Redress Mechanism Case Studies

To document lessons learned and good practices in designing and implementing GRMs for ADB-assisted projects, and to understand how complaints were handled by the project GRMs, OSPF undertook GRM analytical work in Georgia, Mongolia, Sri Lanka, and Viet Nam. The analytical work also included analyzing the strengths, limitations, and challenges encountered in addressing complaints. The lessons learned from the case studies will be used for capacity-building programs that will target ADB operations staff and other development partners across ADB-financed projects in Asia and the Pacific.

From 14 to 18 October 2019, OSPF, together with the Sustainable Development and Climate Change Department (SDCC), held meetings and consultations with World Bank counterparts to start the preparation of the case study analyses on project-level GRMs. It is expected that these will result in a joint ADB–World Bank publication in 2020/21.

OSPF also conducted multistakeholder consultation workshops with the participating agencies on the GRM case studies in Georgia. The workshops aimed

to present the results of the case studies conducted, including the lessons learned and findings from GRM analytical work of other countries.

OSPF Mediation and Dispute Resolution Program

OSPF, together with five national facilitator consultants who support day-to-day OSPF complaint management, participated in a customized 4-day workshop on mediation and dispute resolution from 18 to 21 November 2019 at the Singapore International Mediation Centre (SIMC). The workshop aimed to (i) equip participants with skills and knowledge to conduct interest-based mediation, and (ii) apply mediation concepts and processes complementary to OSPF's problem-solving framework. Much time was spent on getting participants to create role plays that best describe a typical ADB project-related complaint. Participants also had the opportunity to lead various mediation sessions and exercises. After the workshop, OSPF tasked SIMC to develop a customized mediation training program for ADB operations staff to be piloted in early 2021.

OSPF undertook analytical work in Georgia, Mongolia, Sri Lanka, and Viet Nam to understand how complaints of affected people were handled by the project grievance redress mechanisms (photo by OSPF).

OSPF together with its five national facilitator consultants participated in a customized 4-day workshop on mediation and dispute resolution at the Singapore International Mediation Centre (photo by OSPF).

OSPF Case Management Protocols

With the increasing trend in complaints submitted to the Accountability Mechanism in 2016–2019, OSPF initiated the development of OSPF Case Management Protocols (protocols) to establish a process so that lessons learned from various experiences in case management are documented. These will be used to analyze scenarios and to outline good practices to guide OSPF national facilitator consultants on how to respond to similar experiences. The protocols were designed to provide guidance for internal decision-making and, more importantly, guidance for OSPF national facilitator consultants in the field. A 2.5-day workshop was held from 16 to 18 December 2019 at the ADB headquarters to brainstorm and develop the initial protocols. The workshop was attended by OSPF national facilitator consultants, OCRP, representatives from operations departments, and Safeguards Division of SDCC. The protocols will be continuously updated as new issues and scenarios arise from the field.

OSPF's Warren Evans and Sushma Kotagiri welcomed participants and outlined the purpose and objective of the workshop (photo by OSPF).

2019

February

14-15

TA 9598
Inception Workshop
ADB headquarters, Manila, Philippines

April

18

Capacity Building
Workshop on Grievance
Redress Mechanism
Ulaanbaatar, Mongolia

July

29-3 Aug

Analytical work on
Grievance Redress
Mechanism Case Study
Georgia

August

13-18

Analytical work on
Grievance Redress
Mechanism Case Study
Mongolia

October

14-16

ADB-World Bank
Joint Publication
on Grievance Redress
Mechanism Kick-off Meeting
Washington, DC, United States

November

8-9

Consultation Workshop
on Grievance Redress
Mechanism Case Study
Borjomi, Georgia

18-21

OSPF Mediation and
Dispute Resolution
Program
Singapore

December

11

Consultation Workshop
on Grievance Redress
Mechanism Case Update
Viet Nam

17-19

OSPF Case Management
Protocols Workshop
Viet Nam

Outreach Activities

In 2019, OSPF continued to engage with people from communities, civil society, ADB staff, government, private sector, academia, and other multilateral development banks to inform them of the activities of ADB's Accountability Mechanism and of OSPF's advisory role in building the capacity of the stakeholders in managing complaints at the project-level GRM.

Some of OSPF's activities in 2019 included presentation on the ADB Accountability Mechanism and, in particular, the problem-solving function and processes with emphasis on GRMs to the Asian Infrastructure Investment Bank (AIIB) staff via a videoconference in March. In October, OSPF participated in an outreach activity with civil society organizations (CSOs) and academia organized by the ADB North America Representative Office and held consultations with the Independent Consultation and Investigation Mechanism of the Inter-American

Development Bank and the Compliance Advisor Ombudsman of the IFC. OSPF was also involved in a range of events organized and hosted by the World Bank's Inspection Panel during the World Bank Annual Meeting.

● **March**
27

ADB Accountability Mechanism Presentation to Asian Infrastructure Investment Bank Staff

via Video Conference, ADB headquarters, Manila, Philippines

● **October**
15

ADB Accountability Mechanism Presentation

ADB North America Representative Office, Washington, DC, United States

Panelists discussed the experiences of the past 3 years documented in the Learning Report on Implementation of the Accountability Mechanism at the 52nd ADB Annual Meeting (photo by ADB).

A photograph showing three people standing on a large pile of construction material or debris. A woman in the center, wearing a black jacket and a patterned skirt, is pointing her right hand towards the horizon. To her left, a man in a light-colored striped shirt is looking in the same direction. To her right, another man in a dark jacket is looking through binoculars. The background shows a hazy landscape with some buildings and hills under a cloudy sky.

The CRP on top of the pile of construction material/debris while discussing with the project contractor restoration works for it (photo by OCRP).

The CRP, with support from OCRP, determined the India: Accelerating Infrastructure Investment Facility in India - Tranche 1 ineligible, conducted its second annual monitoring of remedial actions for the Georgia: Sustainable Urban Transport Investment Program - Tranche 3, and held 10 outreach activities in ADB DMCs.

Funded by two TAs,⁴ OCRP published information materials on compliance review and held workshops that resulted in a working draft of a regional and a national accountability mechanism framework for financial intermediaries.

There was no new complaint that was eligible for compliance review in 2019. The CRP assessed and determined the eligibility of two complaints submitted to it and monitored the implementation of remedial actions post compliance review for two projects.

⁴ ADB. 2019. *Technical Assistance for Developing an Accountability Mechanism Framework for Financial Intermediaries (financed by People's Republic of China Poverty Reduction and Regional Cooperation Fund)*. Manila. ADB. 2017. *Technical Assistance for Strengthening Compliance Review and Accountability to Project Affected Persons of Financial Intermediaries (financed by People's Republic of China Poverty Reduction and Regional Cooperation Fund)*. Manila.

Chapter

3

Compliance Review

Determination of Eligibility of Complaints

India: Accelerating Infrastructure Investment Facility in India - Tranche 1 (Loan No. 3048)

The CRP received a complaint on ADB Loan No. 3048: Accelerating Infrastructure Investment Facility in India - Tranche 1 on 24 July 2019.⁵ The complaint was submitted by:

- (i) Apolinar Tolentino
Regional Representative
Building and Wood Workers' International (BWI) Asia and Pacific (based in Malaysia)
- (ii) Rayyan Hassan
Executive Director
NGO Forum on ADB
(based in the Philippines)

The complainants sought (i) the payment by ADB of unpaid wages and claims amounting to INR17,450,741 to a group of former workers and (ii) the establishment by ADB of a strong safeguard mechanism or special fund to cover the failure in payment to workers or any such payment violations in case of bankruptcy, as in this case of Infrastructure Leasing & Financial Services Limited (IL&FS). The complainants also asked that CRP investigate the issue of debt allegedly incurred by workers as a result of unpaid wages and claims. Through their representatives, the complainants confirmed that, in addition, they would like the CRP to consider the other allegations, with the goal of improving ADB's practices in the future.

According to ADB Management's response, the parent company of Kiratpur Ner Chowk Expressway Ltd. (KNCEL) which is IL&FS Transportation Networks Limited, was awarded the role of engineering, procurement, and construction contractor. KNCEL additionally entered into subcontracts with a

Project Number: 47083-002
Country: India
Borrower: Government of India
Approval Date: 21 October 2013
Closing Date: 25 January 2017
Complaint Received: 24 July 2019
Status: Ineligible

The complaint relates to ADB part-finance for the four-laning of the Kiratpur to Ner Chowk Expressway in India. ADB's finance was provided by means of a financial intermediation loan facility to the India Infrastructure Finance Company Limited (IIFCL). ADB's contribution to the four-laning of the Kiratpur to Ner Chowk Expressway constituted one of 19 subprojects under Tranche 1 of a multitranche financing facility, the Accelerating Infrastructure Investment Facility in India (AIIF). Tranche 1 consisted of a \$400 million loan. ADB's borrower, IIFCL, committed a subloan of INR2,799 million to the concession-holder for the subproject, Kiratpur Ner Chowk Expressway Limited (KNCEL).

(See details of the project at <https://bit.ly/2Y9W84H> and complaint at <https://bit.ly/2YFYKOR>.)

number of other firms to provide services to the project. Construction started in November 2013, but completion was delayed. In 2018, insolvency proceedings commenced for KNCEL, IL&FS Transportation Networks Limited and its parent company, IL&FS Limited. Construction was suspended sometime in July 2018.

The complaint appended information connected with the claims of 116 former workers of contractors or subcontractors of the project. The CRP treated these persons as the complainants who requested that their identities be kept confidential. The representatives of the complainants confirmed their authority to represent these workers through an undated letter of authority signed by officials of BWI affiliate, the All Himachal PWD-IPH & Contractual Workers Union (AHPWDIPHCU). It is relevant to note that five of the signatories in this letter are included in the list of complainants.

⁵ Basic project details are at <https://www.adb.org/projects/47083-002/main#project-pds>.

In its response, ADB Management highlighted potential grounds on which, it believed, the complaint should be excluded from compliance review (as described in paras. 142 and 148 of the AMP), namely:

- (i) that the complaint was submitted to the CRP more than 2 years after the loan closing date;
- (ii) that the complaint was about an action that was not related to ADB's action or omission in the course of formulating, processing, or implementing an ADB-assisted project; and
- (iii) that the complaint was related to actions that were the responsibility of other parties and that "such conduct is not directly relevant to an assessment of ADB's compliance with its operational policies and procedures."

While the complainants' representatives had been engaging in dialogue with ADB on issues raised in the complaint since August 2018, the CRP had no discretion to apply any time limit other than that specified in the AMP. Considering the strict time requirement for submission of complaints to the Accountability Mechanism, the CRP did not find it necessary to consider the second and third grounds for exclusion argued in ADB Management's response. The CRP considered the complaint ineligible for compliance review and duly notified the complainants about the outcome of the CRP's eligibility determination through A. Tolentino and R. Hassan. Similarly, the Government of India (including its representative in the ADB Board) and ADB Management were also informed of the CRP's eligibility determination.

Georgia: North–South Corridor (Kvesheti–Kobi) Road Project (Loan No. 3803)

On 12 November 2019, a complaint was received by the CRP concerning ADB Loan No. 3803: North–South Corridor (Kvesheti–Kobi) Road Project in Georgia with Peter Nasmyth and Marine Mizandari, co-chairs of the National Trust of Georgia, as complainants.

The project management and construction supervision consultant contract had been awarded to UBM Uluslararası Birlesmis Musavirlik A.S. in June 2019 and the contractor was mobilized in August 2019.

Project Number: 51257–001
Country: Georgia
Borrower: Government of Georgia
Approval Date: 01 August 2019
Complaint Received: 12 November 2019
Status: Under assessment

The North–South Corridor connects Tbilisi to the Mtskheta–Mtianeti region in the north and to the Kvemo Kartli region in the south. Specifically, this project includes the (a) construction of a road [which has (i) about 23 km of climate-resilient bypass road between Kvesheti and Kobi, and (ii) about 5 km of climate-resilient all-weather access roads to roadside towns and villages]; (b) establishment of a Khada Valley visitor center; and (c) capacity-building of the Roads Department on project and contract management. The Project is a greenfield project that passes through difficult mountainous terrain and is categorized as "A" for environmental impacts and for involuntary resettlement as it will directly displace about 616 people.

(See details of the project at <https://bit.ly/2UUnbPM> and complaint at <https://bit.ly/2YbmqUj>)

An individual external monitoring contract in respect of the Land Acquisition and Resettlement Plan was awarded in July 2019. Two civil works contracts for the construction of the Kvesheti–Kobi Road were awarded to China Railway 23rd Bureau Group Co., Ltd. in August 2019 (Road Section), and to China Railway Tunnel Group Co., Ltd. in September 2019 (Tunnel Section).

The complaint is related to the construction of a 10-km portion of the North–South Corridor in the Khada Valley. It included the following issues: (i) compliance conditions were not met; (ii) an alternative route through Lakatkhevi was never considered; (iii) the Banks encouraged the Georgian government to breach their obligations under international agreements to which it is party; (iv) Tourism potential was mis-assessed and Georgia's inward tourism companies were ignored, generating long-term economic damage; and (v) ADB's systematic non-response to questions, complaints and publicity processes. The complaint alleged that road construction along the Khada Valley alignment would result in loss of cultural heritage and of ecotourism opportunities for residents in the area. The complainants requested that the loan be put on

North-South Corridor (Kvesheti-Kobi) Road Project

Source: Video grab from the ADB multimedia web page of North-South Corridor (Kvesheti-Kobi) Road.

hold, that proper due diligence be carried out, and that a different route for the road be chosen.

The CRP is determining the eligibility of the complaint and will submit its report to the ADB Board in January 2020.

Monitoring of Implementation of Board Decisions

Georgia: Sustainable Urban Transport Investment Program - Tranche 3 (Loan No. 3063)

The CRP submitted to the ADB Board its second annual monitoring report on this project on 12 November 2019 following its site visit in September. In its report, the CRP informed the Board that of the six items in the remedial action plan, all, with the exception of the environmental categorization of the project, were in partial compliance. The CRP monitored the implementation of the Remedial Action Plan approved by the Board in June 2017, including the Remedial Action Plan-Final Solutions which had been submitted to the Board Compliance Review Committee in April 2018. The CRP also formulated its suggestions to ADB Management on the basis of these documents.

Project Number: 42414-043

Country: Georgia

Borrower: Government of Georgia

Approval Date: 25 November 2013

Closing Date: 31 December 2018

Complaint Received: 14 March 2016

Monitoring Status: Implementation of remedial actions, ongoing; 2nd year of monitoring

(Source: Project Data Sheet at <https://www.adb.org/projects/42414-043/main>)

(Source: Project Data Sheet at <https://bit.ly/3hOePmy>)

The project is part of an overall investment program of the Government of Georgia valued at \$1.1 billion to be implemented in 2010–2020. Partial funding for this program was through an Asian Development Bank (ADB) loan using a multitranches financing facility (MFF) with a maximum financing amount of \$300 million. The subject of the complaint is Subproject 1: Tbilisi-Rustavi Urban Road Link (section 2), which is one of the two components of Tranche 3 of the MFF.

CRP's final report on the project at <https://bit.ly/3fEIJIT> and the Remedial Action Plan-Final Solution at <https://bit.ly/3ftQ1hw>

The CRP also completed the review of additional studies on noise, vibration, and ecological impact to the Mtkvari River. It also conducted consultations with different groups of people affected by the project. Specific activities and actions to avoid harm are expected to be formulated and implemented based on results of these studies and consultation.

From its discussion with the ADB Management, the CRP understood that the borrower requested a

change in the project scope which would subsequently exclude the stretch of new road that was mentioned in the complaint. However, this had not yet been approved by ADB when the CRP submitted its second annual monitoring report to the Board in November 2019.

Cambodia: Greater Mekong Subregion: Rehabilitation of the Railway in Cambodia Project - Loan 2288 and Loan 2602/Grant 0187 (Supplementary)

The original project (Loan 2288-CAM) amounting to a \$42 million loan approved in December 2006 was for reconstructing the railway between Sihanoukville and Poipet and for reestablishing a railway link with Thailand. Supplementary finance (Loan 2602-CAM) of an additional \$42 million was approved in December 2009 to (i) establish a new freight and rolling stock maintenance facility at Samrong, (ii) upgrade or strengthen parts of the mainline to provide integrated multimodal services soon, and (iii) establish additional sidings to terminals to provide multimodal connectivity. The project also received \$13 million from the OPEC Fund for International Development (Loan 8228-CAM) which was approved together with the original loan. The Department of Foreign Affairs and Trade (Australia) provided additional finance of \$960,000, which was approved by the ADB President in January 2012, for an expanded income restoration program. Additionally, a TA project of \$0.45 million (funded by the Government of Australia and administered by ADB) was provided to Cambodia's Ministry of Public Works and Transport for (i) outcome monitoring and (ii) procurement review of works to be added to the project scope by means of variations to the existing contracts.

A request for compliance review was submitted to the CRP on 28 August 2012 by 22 persons affected by the project. They were represented by David Pred of Inclusive Development International and Eang Vuthy of Equitable Cambodia. The CRP conducted an eligibility assessment and concluded that the complaint was eligible. Considering the CRP's recommendation, the Board authorized the conduct of a compliance review of the project. Subsequent

Loan Number: 2288 and 2602/Grant 0187 (Supplementary)
Country: Cambodia
Borrower: Government of Cambodia
Approval Date: 10 January 2007 (for 2288); 15 December 2009 (for 2602)
Closing Date: Both loans and the grant are already closed
 (Loans 2288 and 2602 on 01 November 2016; Grant 0187: 20 April 2016)
Complaint Received: 28 August 2012
Complaint Status: Monitoring of remedial actions (year 5) following Accountability Mechanism Policy of 2003

CRP Recommendations and Status:

1. Establish a compensation deficit payment scheme (Implemented)
2. Improve facilities at the resettlement sites (Implemented)
3. Improve the functioning of the grievance redress mechanism, to be reflected in a time-bound and verifiable action plan (Closed)
4. Develop an appropriate program to build capacity for resettlement in the IRC, to be reflected in a time-bound and verifiable action plan (Implementation completed)
5. Establish a debt workout scheme to help highly indebted families repay their accumulated debts through a dedicated credit line and a debt workout facility (Partially implemented)
6. Implement the expanded income restoration program (EIRP) in a sustained and sustainable manner (Implemented)

compliance analysis resulted in the following findings by the CRP:

- (i) major design flaws in the original 2006 Resettlement Plan;
- (ii) inadequate compensation for livelihood restoration;
- (iii) considerable inaccuracies in the detailed measurement survey;
- (iv) serious infrastructure problems in most resettlement sites;
- (v) inadequate income restoration programming to support resettled people; and
- (vi) high levels of project-induced indebtedness among the resettled people.

Upon conclusion of its investigation, the Board approved the CRP's recommendations on 31 January 2014 with

some modifications. To address these recommendations, the ADB Management prepared an action plan, the implementation of which has been monitored by the CRP. In formulating the action plan, ADB Management held several policy dialogues with the Government of Cambodia. In comments dated 3 April 2014, the CRP noted that several aspects of the action plan fell short of the Board-approved CRP recommendations.

In its fourth annual monitoring report to the Board on the implementation of these recommendations, the CRP confirmed implementation of four of the six recommendations, including one which has been considered closed and one which has been partially implemented. Because the CRP was unable to visit the project site or directly talk to the affected persons, it was unable to ascertain the status of implementation of recommendation 3 on GRM. Since the loans and grant that were associated with the project had already been closed in 2016, the project GRM also ceased to exist.

In the absence of a site visit and detailed monitoring reports, the CRP is preparing its fifth and last monitoring report related to the compliance review of the project. The monitoring is based on a desk review of TA consultant's documents, including completion and evaluation reports and additional information/data provided by ADB Management in response to the CRP's request, and a meeting with relevant staff and consultants from the Southeast Asia Department.⁶ At the time of writing, the monitoring report was still being finalized.

Outreach and Other Activities

In 2019, OCRP conducted outreach with various project stakeholders in Tajikistan, Pakistan, Viet Nam, Myanmar, the People's Republic of China (PRC), and Bangladesh where it explained the ADB Accountability Mechanism and introduced it to government representatives and international NGOs.

The CRP/OCRP represented the ADB Accountability Mechanism at the 10th Anniversary Event of Complaints Mechanism of the European Investment Bank held from 14 to 15 January 2019 in Luxembourg.

On 18 January 2019, OCRP conducted outreach among select NGOs in London, United Kingdom and had separate meetings with the Department of International Development and EBRD's Project Complaint Mechanism.

Aside from outreach with government project partners, NGO and CSO representatives, and the private sector, OCRP also conducted focused dialogues where it discussed cases with ADB resident mission staff during outreach sessions in the following DMCs:

2019

Tajikistan

14-15 February

35 participants

Pakistan

19-20 February

50 participants

Viet Nam

(Ha Noi and Ho Chi Minh)

26-27 and 29 March

87 participants

Myanmar

(Nay Pyi Taw and Yangon)

4 and 6 June

40 participants

PRC-Urumqi

17 July

40 participants

Bangladesh

26-27 September

39 participants⁷

⁶ The CRP's fifth annual monitoring report for the Cambodia Railway Rehabilitation Project will be submitted to the ADB Board of Directors in March 2020.

⁷ This was done jointly with independent accountability mechanism representatives from the World Bank, IFC, GCF; and international NGOs such as NGO Forum on ADB and Accountability Counsel and participated by NGOs and CSOs representing five South Asian countries. For OCRP, D. Tang presented and co-chaired the session on "Understanding the Independent Accountability Mechanisms: Who they are, what they do, how to access them" with GCF.

Tajikistan

Pakistan

Myanmar

Viet Nam

OCRP conducted several outreach sessions on ADB's Accountability Mechanism and a training workshop on the guidebooks on compliance review in Myanmar, Pakistan, Tajikistan, and Viet Nam, among others (photos by OCRP).

TA9718-Regional: Developing an Accountability Mechanism Framework for Financial Intermediaries

OCRP implemented TA 9718 with support from the PRC Regional Cooperation and Poverty Reduction Fund. This TA focused on developing an accountability mechanism framework (AMF) for financial intermediaries (FIs) at the regional and national levels in order to strengthen the capacity and standards of partner FIs in redressing complaints.

Under this TA, Regional Workshop for the Development of Environmental and Social Safeguard Compliance and Accountability Mechanism Framework for Financial Intermediaries was held from 20 to 21 May 2019 in Shanghai, PRC where a draft AMF was discussed. This workshop was conducted in partnership with the Policy Research

Bureau of the China Banking and Insurance Regulatory Commission (CBIRC) and supported by the International Economic and Financing Cooperation Department of the Ministry of Finance, the International Environmental Cooperation Center of the Ministry of and Environment (MEE), the China Banking Association, and the Shanghai Municipal Bureau of Ecology and Environment. Other partners included the United Nations Environment Programme, the Energy Foundation, the Environmental Defense Fund, AIIB, and the New Development Bank. The event was attended by about 220 participants from 16 ADB DMCs, independent accountability mechanisms of international financial institutions (IFIs), international NGOs and development institutions, and public and private FIs, including state-owned banks and enterprises in the PRC.

Subsequently, the draft AMF was revised based on comments from the participants and which became

the basis for the drafting of an AMF at the national level. This was piloted by the PRC, through the support of the national consultant for this TA. OCRP also met officials of CBIRC, MEE, and the PRC FIs in Beijing on 19 July 2019 where about 30 representatives exchanged ideas on how to improve the PRC AMF and next steps.

To synthesize the gains from the TA implementation, OCRP organized the Wrap-up Workshop for the Development of Environmental and Social Safeguard Compliance and Accountability Mechanism Framework for Financial Intermediaries on 29 October 2019 at ADB Headquarters, Manila. This one-day workshop presented and discussed the draft regional and the PRC's national accountability mechanism frameworks, with representatives from CBIRC and MEE of the PRC, India Infrastructure Financial Corporation Limited (IIFCL) of India, PT Indonesia Infrastructure Fund (PT IIF), and PT Sarana Multi Infrastruktur (PERSERO) from Indonesia with the view of enhancing these outputs. Selected ADB staff including those from the Safeguards Division of SDCC and OSPF joined to provide their inputs to the discussions. The workshops for exchanging good practices among the regional countries created a starting point for networking among regulatory agencies, FIs and IFIs and other participants who intended to continue the objectives of the TA in their own ways and capacity. The participants hoped that this will progress to a deeper collaboration among the participants and more information exchange towards promoting environmental and social safeguard compliance and accountability/complaints

mechanisms, not only for FIs, but, eventually, also for government regulatory agencies in Asia. The draft regional AMF as well as the draft national AMF of the PRC were posted on the CRP website in November 2019 so interested parties can access these in reviewing or enhancing their local accountability mechanisms.

TA9466-Regional: Developing an Accountability Mechanism Framework for Financial Intermediaries

Implemented mainly in 2018 and the precursor of TA 9718, the output of this TA was posted only in 2019 following the receipt of comments from project stakeholders and the subsequent enhancement of the final output of the TA. This TA supported by the PRC Regional Cooperation and Poverty Reduction Fund (PRCF) produced a knowledge note on Strengthening Accountability Mechanisms in Financial Intermediaries to Support Environmental and Social Sustainability of Subprojects. It is a compilation of good international practices on environmental and social safeguard compliance and accountability to project-affected persons. This benefited from the discussions and presentations during the workshops conducted in 2018 in Beijing and Xiamen in the PRC and in Delhi, India. It is available for viewing and downloading from the CRP website.⁸

⁸ www.compliance.adb.org

On 20-21 May, OCRP conducted a regional workshop in Shanghai supported under the TA on Developing an Accountability Mechanism Framework for Financial Intermediaries, financed by the PRC Fund (photo by OCRP).

TA9289-Regional: Strengthening Awareness for Effective Outreach for Ensuring Compliance with ADB's Policies and Procedures for ADB-Assisted Projects

The production of the awareness-raising and reference materials on compliance review was completed in May. Among these are the three guidebooks (i.e., one each for NGOs, CSOs, and project-affected persons; ADB private sector clients; and government) and the Sourcebook on Compliance Review. In addition, brochures on compliance review and a digital compilation of all the materials produced under this TA were prepared and distributed during OCRP outreach sessions in ADB DMCs.

Elisea “Bebet” G. Gozun, New Chair, Compliance Review Panel

The ADB Board approved the appointment of Ms. Elisea G. Gozun as full-time member for a 5-year term. Her appointment took effect on 25 November 2019.

Ms. Gozun is a national of the Philippines. She has extensive experience in environmental policy gained

largely from alternating roles in government and as a consultant for various environment and urban development projects with IFIs and private sector companies. Her most notable executive public sector experiences were as Secretary of the Department of Environment and Natural Resources in the Philippines from 2002 to 2004 and as Presidential Assistant II on Climate Change from 2011 to 2013. She introduced innovative environmental policies in the country such as the Environmental User Fee system, the Ecowatch Program (public disclosure of environmental performance) and promoted community-based environmental solutions. She co-founded, headed, and is a member of over 20 local and regional NGOs. Due to the extent of her contributions in environmental policy and management, she was conferred two honorary doctorate degrees in environmental management by Xavier University and the Ramon Magsaysay Technological University. In 2007, the United Nations Environment Programme awarded her as Champion of the Earth for Asia Pacific.

On 19 July 2019, then CRP Chair and OCRP Head, Dingding Tang and OCRP Advisor Munawar Alam, participated in the Seminar on Environmental and Social Safeguard Compliance and Accountability Mechanism Framework for Financial Intermediaries (FIs), in Beijing. This was jointly organized by OCRP and the Policy Research Bureau of China Banking and Insurance Regulatory Commission (CBIRC) and supported by International Environmental Cooperation Center of the Ministry of Ecology and Environment, the PRC (photo by OCRP).

OCRP conducted a wrap-up workshop in ADB HQ on 29 October supported under the TA for Developing an Accountability Mechanism Framework (AMF) for Financial Intermediaries, financed by the PRC Fund, with resource speakers from the People's Republic of China, India, and Indonesia (photos by OCRP).

Welding workers at the Western Marine Shipyard in Chittagong (photo by ADB).

In 2019, OSPF and OCRP continued to work together in conducting outreach activities aimed at making the Accountability Mechanism better known and understood both within and outside ADB.

A group of five welders are posed on a rusty steel structure. They are wearing various protective gear including helmets, gloves, and coveralls. Two are wearing pink headscarves, one is wearing a yellow headscarf and safety glasses, and two are wearing black head coverings. The background is a large, rusted metal wall.

Chapter

4

Awareness-Raising and Knowledge- Sharing Activities

Accountability Mechanism in ADB In-house Programs

OSPF and OCRP were able to jointly brief at least 350 new ADB staff on the Accountability Mechanism during the Induction Program for New ADB Staff which was organized in six batches by the Budget, Personnel and Management Systems Department. Further, at least 50 ADB safeguard staff were briefed and given the opportunity to interact with OSPF and OCRP presenters on the Accountability Mechanism during the regular training for ADB safeguard staff on 18 March and 22 October 2019. This training was organized by SDCC.

2018 Learning Report on Implementation of the Accountability Mechanism Policy

OSPF, with OCRP and SDCC, convened an institutional event at the ADB Annual Meeting in Fiji on 3 May 2019 to present the discussion draft of the *2018 Learning Report on Implementation of the Accountability Mechanism Policy*.⁹ This joint learning report¹⁰ is a collaboration among OSPF, OCRP, the Independent Evaluation Department, and SDCC. It focused on the implementation of the AMP in 2016–2018 which recorded the highest number of complaints received. Analyses indicated that the reasons for the increasing number of complaints were

⁹ ADB. 2019. 2018 Learning Report on Implementation of the Accountability Mechanism Policy. Manila.

¹⁰ ADB's 2012 AMP mandates a triennial analysis of lessons learned, with a focus on the management of complaints elevated to Accountability mechanism. <https://bit.ly/3eorUk4>

2019

Induction Program for New Staff

ADB headquarters, Manila, Philippines

Environmental and Social Safeguards in ADB Operations (Introductory Course)

ADB headquarters, Manila, Philippines

Improving Project-Level Grievance Redress Mechanism and Accountability

ADB Annual Meeting, Nadi, Fiji

IAM Annual Meeting

Abidjan, Côte d'Ivoire

ADB Accountability Mechanism Meeting with ADB Management

ADB headquarters, Manila, Philippines

challenges in safeguards implementation, increased lending volumes for large infrastructure projects, and easy access to web platforms by affected people. The report concluded that there was a need to strengthen risk management approaches and complaint tracking system in ADB operations, including strengthening project level GRM to effectively address complaints.

Annual Meeting of the Independent Accountability Mechanisms Network of International Financial Institutions

Representatives of the CRP and OSPF attended the annual meeting of Independent Accountability Mechanisms (IAMs) Network of IFIs held at the African Development Bank (AfDB) headquarters in Abidjan, Côte d'Ivoire from 25 to 28 June 2019. On a panel with representatives of the Independent Review Mechanism of AfDB and the Inspection Panel of the World Bank, OSPF presented the challenges in implementing safeguard policies in countries affected by fragility, conflict, and violence. ADB representatives also exchanged views and experiences with counterparts on the future of IAMs based on recent policy reviews and creation of new mechanism structures.

The IAM network annual meetings and secretariat are rotated based on offers of hosting by different members. The 2020 annual meeting will be hosted

by the Inter-American Development Bank. IFC's Compliance Advisor Ombudsman assumed the role of secretariat for the IAM Network in July 2019 for a 2-year term.

OCRP/CRP and OSPF Meeting with ADB Management

On 22 November 2019, ADB's Accountability Mechanism team (OCRP/CRP/OSPF/SPF), the Office of the General Counsel, the Office of the President, and Directors General and senior staff from operations departments, and SDCC convened the first of a planned series of high-level meetings to discuss measures to strengthen ADB's approach to project complaints (before they reach the Accountability Mechanism) as well as to improve management of complaints that reach the Accountability Mechanism. The meeting participants agreed to the following action points: (i) ensuring effective GRM at the project-level, (ii) tracking ineligible complaints by operations departments, (iii) ensuring confidentiality of identity of complainants and reducing the risk of retaliation, (iv) ensuring early and effective information dissemination on ADB's Accountability Mechanism, and (v) qualities of a good remedial action plan. SDCC, through its Safeguards Division, is taking the lead in creating a working group to pursue and implement these actions.

CRP Chair and concurrently OCRP Head, Dingding Tang (left photo, third from left); OSPF's Sushma Kotagiri (right photo, second from left); and CRP part-time member, Ajay Deshpande (not in photo), attended the annual meeting of Independent Accountability Mechanisms Network of international financial institutions held on 25-28 June at the African Development Bank headquarters in Abidjan. (photos by OCRP).

Box: 2018 Learning Report on Implementation of the Accountability Mechanism Policy

The 2012 Accountability Mechanism Policy (AMP) requires a collaborative triennial analysis of lessons learned by the Office of the Special Project Facilitator (OSPF) and Office of the Compliance Review Panel (OCRP), together with the Independent Evaluation Department and the Sustainable Development and Climate Change Department (SDCC). A Joint Learning Report (JLR), the second triennial iteration of such a synthesis under the AMP was published in 2019. The JLR focused on evidence-based lessons learned by ADB and comparator organizations from the complaints that were escalated to the AM. Further, it attempted to put into perspective the number, nature, and management of complaints from project-affected people dealt with by project-level grievance redress mechanisms (GRMs) and by operations departments.

Over the study period (2016–2018), there was an increase in the number of complaints (88), compared with 2012–2015 (21), elevated to the ADB Accountability Mechanism. Of the 88 complaints, 39 were found to have sufficient information to be escalated for either compliance review or problem-solving. The remaining 49 complaints are still with the complaint receiving officer pending additional information. Ten of the complaints requested compliance review, of which four were found eligible by the Compliance Review Panel, with three complaints relating to two projects and one complaint to a technical assistance. Five complaints were deemed ineligible (one of which overlapped with an eligible complaint), and one was withdrawn. Twenty-nine of the complaints requested problem-solving. These included 20 projects in nine developing member countries (DMCs) with seven complaints relating to seven projects found eligible by the Special Project Facilitator. The remaining 22 were found ineligible, of which 11 were ineligible because the complainants had not attempted to resolve issues with an operations department as required by the AMP. Other reasons for ineligibility were harm not linked to the project or no material harm (four), complainants not directly affected by the project or not within project scope (three), complaints being dealt with or already dealt with by the compliance review process (two), no new evidence submitted (one), and operations department and executing agency already addressing the issues (one).

There has been a disproportionate distribution of country sources of complaints. Of the 88 complaints, 64 came from four DMCs—Georgia (19), Sri Lanka (17), India (15), and Pakistan (13). Several projects have generated more than one complaint. Land acquisition, resettlement, and compensation are the major issues raised in 37% of complaints; followed by environment at 27%; and information, consultation, and participation at 19%. Other complaint issues relate to loss of livelihoods, village infrastructure, and community and social issues.

The JLR analysis points to a number of possible reasons for the increased number of complaints over the last 3 years. The increased number and scale of ADB-assisted projects acquiring land that triggers involuntary resettlement affecting a large number of people is one likely cause of increased complaints. These include a number of large-scale transport, energy, and urban infrastructure projects. Indeed, the transport sector generated the largest number of complaints at 45%, followed by the energy sector at 28%, and the urban development sector at 18%.

The ADB Accountability Mechanism trends in terms of increasing complaints, sectors generating complaints, and issues that are of most frequent concern to complainants are highly consistent with the experience of comparator international financial institutions (IFIs). Other possible reasons for the increase in complaints to the ADB Accountability Mechanism may be attributed to (i) inadequacy or absence of project-level GRMs; (ii) increased awareness by project stakeholders and civil society organizations of project-affected people's access to the ADB Accountability Mechanism as a result of outreach programs (including by other IFIs); and (iii) lack of adequate participation and meaningful consultation during project preparation and implementation.

Two of the issues that emerged repeatedly during the analyses are the need for improved safeguard risk screening and the effectivity of GRMs. As GRMs are a relatively new “tool,” there is a need to improve analytical work to capture good practices by GRMs and effective complaint-handling. In this context, the JLR proposed two distinct conceptual approaches for further testing and development to improve (i) systematic review of relevant safeguards-related risks, and (ii) design of project-level GRMs.

The JLR review (i) concluded that the number of projects with complaints reaching the ADB Accountability Mechanism is a very small fraction of ADB's active portfolio, and (ii) demonstrated that numerous project-level complaints are being effectively managed by well-functioning project GRMs, and that most complaints elevated to operations departments/resident missions are generally well-managed and therefore not elevated to the ADB Accountability Mechanism. Nevertheless, among stakeholders consulted and interviewed for the JLR, there was a strong consensus that ADB, in partnership with borrowers/clients, should (i) strengthen participation and meaningful consultation throughout the project cycle, (ii) improve complaint tracking systems and consider adopting an ADB-wide system for improved risk assessment and management, and (iii) substantially strengthen the capacity of key stakeholders to plan, implement, and manage well-functioning GRMs. In response to the recommendations from JLR, OSPF, OCRP and the Safeguards Division of SDCC are engaged in a joint dialogue with operations departments and resident missions in building capacities to strengthen effective implementation on participation and consultation including risk management approaches.

Source: ADB. 2019. *2018 Learning Report on Implementation of the Accountability Mechanism Policy*. Manila.

Education for future progress, Laxmi Magar studying during her holiday in Syang, Nepal (photo by ADB).

Chapter

5

**Looking
Forward**

ADB, as a multilateral financial institution, strives to address the development challenges of Asia and the Pacific region, while maintaining high standards of accountability, transparency, openness, and public participation in all aspects of its operations. ADB's Accountability Mechanism recognizes that addressing the grievances of people adversely affected by ADB-assisted projects, through its problem-solving and compliance review functions, is essential to equitable and sustainable development.

OSPF and OCRP will continue to ensure that ADB's Accountability Mechanism remains adequate, efficient, and effective, and that it keeps current international good practices. It will continue to strengthen its knowledge base through the conduct of more analytical work on the project-level GRM and to draw lessons from case management. The richness and complexity of the cases brought to the Accountability Mechanism will be documented to provide critical advice and guidance to ADB operations staff, government and private sector clients, CSOs, academia, relevant project stakeholders, and other IFIs and bilateral agencies.

OSPF and OCRP will continue to strive to remain relevant and to provide advisory services through more targeted capacity-building and learning activities including eLearning on GRM and problem-solving and certified mediation training. Using the One ADB approach, more comprehensive and meaningful awareness-raising initiatives involving the Safeguards Division of SDCC and concerned operations departments is being initiated to ensure that the Accountability Mechanism, its two functions (problem-solving and compliance review), and project-level GRMs are well understood, particularly its importance in improving and achieving project outcomes.

To ensure efficient and effective complaints management, OSPF and OCRP will work together in establishing a more prescriptive, real-time complaints management protocols. Case management within ADB's Accountability Mechanism will be integrated and be made more cohesive, from initial complaint handling at the CRO level, to strengthening OSPF Case Management Protocols developed in 2019 and to streamlining of compliance review processes.

Appendix: Accountability Mechanism-Related Complaints Received by the Complaint Receiving Officer in 2019

Number	Date Received	Country	Project Name	Type of Complainant	Categorization	Status
1	16 January	Sri Lanka	Integrated Road Investment Program-Tranche 2 https://www.adb.org/projects/47273-004/main	Individuals	Implementation (road repairs, lack of public transport)	Complaint closed.*
2	18 January	Sri Lanka	Second Integrated Road Investment Program-Tranche 1 https://www.adb.org/projects/50301-002/main	Individuals	Implementation, Environment (several accidents, labor law violations)	Complaint closed.*
3	1 February	India	South Asia Subregional Economic Cooperation Road Connectivity Investment Program-Tranche 2 https://www.adb.org/projects/47341-003/main	Individuals	Compensation	Complaint closed.*
4	5 February	Pakistan	Pehur High Level Canal Extension Project (formerly Khyber Pakhtunkhwa Water Resources Project) https://www.adb.org/projects/47024-004/main	Individuals	Resettlement, Loss of income	Forwarded to OSPF on 13 March. Eligible
5	6 February	India	Karnataka State Highways Improvement III Project https://www.adb.org/projects/42513-014/main	Individuals	Compensation	Forwarded to OSPF on 19 February. Ineligible Complainants' issues being resolved by concerned operations department.
6	12 February	India	South Asia Subregional Economic Cooperation Road Connectivity Investment Program-Tranche 2 https://www.adb.org/projects/47341-003/main	Individuals	Compensation	Complaint closed.*
7	12 February	India	South Asia Subregional Economic Cooperation Road Connectivity Investment Program-Tranche 2 https://www.adb.org/projects/47341-003/main	Individuals	Compensation	Complaint closed.*
8	20 February	Papua New Guinea	Bridge Replacement for Improved Rural Access Sector Project https://www.adb.org/projects/43200-024/main	Representative	Loss of income, Road access	Forwarded to OSPF on 28 February. Ineligible Concerned operations department is working with the project implementation unit to resolve the complaint.
9	24 February	Sri Lanka	Northern Province Sustainable Fisheries Development Project https://www.adb.org/projects/49325-002/main	Representative	Project design and location (plea to ADB Board of Directors not to approve the proposed project)	Forwarded to OSPF on 29 March. Ineligible Forwarded to concerned operations department which can better address the issues since the project is still in the preparation stage. Status of project is proposed.

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Number	Date Received	Country	Project Name	Type of Complainant	Categorization	Status
10	28 February	India	Uttarakhand Power Sector Investment Program https://www.adb.org/projects/37139-053/main	Individuals	Environment	Complaint closed.*
11	28 February	Pakistan	Peshawar Sustainable Bus Rapid Transit Corridor Project https://www.adb.org/projects/48289-002/main	Individuals	Road access, Decrease in value of land Complaint closed.	Complaint closed.*
12	15 March	Mongolia	Ulaanbaatar Urban Services and Ger Areas Development Investment Program - Tranche 1 https://www.adb.org/projects/45007-004/main	Representative / NGO	Compensation, Land valuation, Loss of income	Forwarded to SPF on 29 March. Eligible
13	18 March	Nepal	Integrated Urban Development Project https://www.adb.org/projects/42161-013/main	Individuals	Road construction without approval of landowners	Complaint closed.*
14	21 March	Samoa	Alaoa Multi-Purpose Dam Project https://www.adb.org/projects/52111-001/main	Individuals	Compensation, Lack of consultation	Complaint closed.*
15	29 March	People's Republic of China	Air Quality Improvement in the Greater Beijing-Tianjin-Hebei Region—Shandong Clean Heating and Cooling Project https://www.adb.org/projects/51418-001/main	Individuals	Environment, Lack of consultation, Location of project	Complaint closed.*
16	4 April	Pakistan	Peshawar Sustainable Bus Rapid Transit Corridor Project https://www.adb.org/projects/48289-002/main	Individual	Not specified yet	Complaint closed.*
17	4 April	Kazakhstan	Scoping the Green Investments Finance Program https://www.adb.org/projects/52312-001/main	Individual	Not specified yet	Complaint closed.*
18	4 April	Nepal	Tanahu Hydropower Project https://www.adb.org/projects/43281-013/main	Individual / Representative	Compensation. Resettlement, Lack of consultation	Complaint closed.*
19	16 April	Samoa	Alaoa Multi-Purpose Dam Project https://www.adb.org/projects/52111-001/main	Individual / Representative	Environment, Resettlement, Safety	Complaint closed.*
20	7 May	Sri Lanka	Railway Efficiency Improvement Project https://www.adb.org/projects/49111-005/main	Individual	Resettlement	Complaint closed.*
21	15 May	India	Climate Adaptation in Vennar Subbasin in Cauvery Delta Project https://www.adb.org/projects/44429-013/main	Individual / Representative	Environment, Lack of consultation, substandard work / implementation	Complaint closed.*
22	18 May	Pakistan	MFF Power Transmission Enhancement Investment Program II Tranche 3 https://www.adb.org/projects/48078-005/main	Individual	Resettlement, Safety, Location of project	Forwarded to OSPF on 20 June. Eligible
23	20 May	India	Chennai-Kanyakumari Industrial Corridor Power Sector Investment Project https://www.adb.org/projects/51308-001/main	Individual	Loss of income/ livelihood	Complaint closed.*

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Number	Date Received	Country	Project Name	Type of Complainant	Categorization	Status
24	12 June	Pakistan	Peshawar Sustainable Bus Rapid Transit Corridor Project https://www.adb.org/projects/48289-002/main	Individuals	Compensation	Forwarded to OSPF on 8 July. Complaint withdrawn on 15 July. Complainants' issues resolved by concerned operations department.
25	28 June	India	Accelerating Infrastructure Investment Facility in India https://www.adb.org/projects/47083-001/main	NGO	Payment of workers' wages	Forwarded to OCRP on 24 July. Ineligible Filed out of time [para. 142 (iv) of the AMP].
26	7 July	Pakistan	Peshawar Sustainable Bus Rapid Transit Corridor Project https://www.adb.org/projects/48289-002/main	Individual	Implementation, Safety, Project Design	Complaint closed.*
27	16 July (First Complaint)	People's Republic of China	Air Quality Improvement in the Greater Beijing–Tianjin–Hebei Region—Shandong Clean Heating and Cooling Project https://www.adb.org/projects/51418-001/main	Individual / Representative	Lack of consultation, Location of project, Environment	Forwarded to OSPF on 9 August. Ineligible ADB will no longer finance the component of the project that is subject of the complaint.
28	17 July (Second Complaint)	People's Republic of China	Air Quality Improvement in the Greater Beijing–Tianjin–Hebei Region—Shandong Clean Heating and Cooling Project https://www.adb.org/projects/51418-001/main	Individual	Lack of consultation, Location of project, Environment	Complaint closed.* ADB will no longer finance the component of the project that is the subject of the complaint.
29	22 July	Pakistan	MFF Power Transmission Enhancement Investment Program II Tranche 3 https://www.adb.org/projects/48078-005/main	Individual	Location of project	Forwarded to OSPF on 29 August. Ineligible Complainants are not project-affected persons.
30	23 July (Third Complaint)	People's Republic of China	Air Quality Improvement in the Greater Beijing–Tianjin–Hebei Region—Shandong Clean Heating and Cooling Project https://www.adb.org/projects/51418-001/main	Individual	Lack of consultation, Location of project, Environment	Complaint closed.* ADB will no longer finance the component of the project that is the subject of the complaint.
31	23 July (Fourth Complaint)	People's Republic of China	Air Quality Improvement in the Greater Beijing–Tianjin–Hebei Region—Shandong Clean Heating and Cooling Project https://www.adb.org/projects/51418-001/main	Individual	Lack of consultation, Location of project, Environment	Complaint closed.* ADB will no longer finance the component of the project that is the subject of the complaint.

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Number	Date Received	Country	Project Name	Type of Complainant	Categorization	Status
32	31 July	Georgia	North-South Corridor (Kvesheti-Kobi) Road Project https://www.adb.org/projects/51257-001/main	Individual / Representative	Environment, Damage to cultural heritage	Complaint closed.*
33	5 September	Georgia	North-South Corridor (Kvesheti-Kobi) Road Project https://www.adb.org/projects/51257-001/main	Individual / Representative	Compensation	Complaint closed.*
34	7 October	Pakistan	Flood Emergency Reconstruction and Resilience Project https://www.adb.org/projects/49038-001/main	Individual	Environment, Implementation	Complaint closed.*
35	15 October	Georgia	North-South Corridor (Kvesheti-Kobi) Road Project https://www.adb.org/projects/51257-001/main	Individual / Representative	Environment, Lack of consultation, Location of the project	Forwarded to OCRP on 12 November. Under assessment Complainants have not demonstrated that they are persons who are directly, materially, and adversely affected by the ADB project for the purpose of meeting the relevant requirement of para. 138 of the AMP.
36	21 October	India	South Asia Subregional Economic Cooperation Road Connectivity Investment Program-Tranche 1 https://www.adb.org/projects/47341-002/main	Individual / Representative	Environment, Loss of income	Forwarded to OSPF on 4 November. Ineligible Complainants have not attempted to resolve the issues through the project grievance redress mechanism or by engaging the concerned ADB operations team.
37	19 December	India	Tamil Nadu Urban Flagship Investment Program - Tranche 1 https://www.adb.org/projects/49107-004/main	Individual	Environment, Access to property, Safety	Incomplete Pending under CRO process

*Failed to meet minimum requirements for filing a complaint under para. 151 of AMP 2012.

Note: Excludes procurement and OAI-related complaints and complaints not involving ADB-assisted projects.

ADB = Asian Development Bank, AMP = Accountability Mechanism Policy, CRO = Complaint Receiving Officer, OAI = Office of Anticorruption and Integrity, OCRP = Office of the Compliance Review Panel, OSPF = Office of the Special Project Facilitator.

Source: ADB.

ADB Accountability Mechanism Team

Office of the Compliance Review Panel

Elisea Gozun
Head

Munawar Alam
Advisor

Compliance Review Panel Members

Elisea Gozun
Chair

Ajay Achyutrao Deshpande
Member
(Since 11 April 2017)

Halina Ward
Member
(Since 3 September 2018)

Josefina Miranda
**Senior Compliance
Review Officer**

Julie Anne
Mapilisan-Villanueva
**Associate Compliance
Review Coordinator**

Office of the Special Project Facilitator

Photo (left to right): Mary Jane David, Senior Consultation Officer; James Warren Evans, Special Project Facilitator; Sushma Kotagiri, Principal Facilitation Specialist; and Wilfredo Agliam, Associate Facilitation Coordinator.

Enhancing Accountability and Project-Level Grievance Redress Mechanisms

ADB Accountability Mechanism Annual Report 2019

This annual report presents the initiatives and activities of the ADB's Accountability Mechanism of the Asian Development Bank (ADB) toward achieving its mandate to provide people adversely affected by its projects an avenue to voice their concerns, seek solutions to their problems, and report alleged noncompliance with the bank's operational policies and procedures. The offices under ADB's Accountability Mechanism conduct outreach and capacity building in developing member countries and published knowledge products, including the *2018 Learning Report on Implementation of the Accountability Mechanism Policy*. In 2019, there were 39 complaints lodged with ADB's Accountability Mechanism, of which 14 were admissible.

About the Asian Development Bank

ADB is committed to achieving a prosperous, inclusive, resilient, and sustainable Asia and the Pacific, while sustaining its efforts to eradicate extreme poverty. Established in 1966, it is owned by 68 members—49 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.

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