RESPONDING TO AFFECTED PEOPLE DURING THE PANDEMIC

ADB ACCOUNTABILITY MECHANISM
ANNUAL REPORT 2020

RESPONDING TO AFFECTED PEOPLE DURING THE PANDEMIC

ADB ACCOUNTABILITY MECHANISM
ANNUAL REPORT 2020

Creative Commons Attribution 3.0 IGO license (CC BY 3.0 IGO)

© 2021 Asian Development Bank
6 ADB Avenue, Mandaluyong City, 1550 Metro Manila, Philippines
Tel +63 2 8632 4444; Fax +63 2 8636 2444
www.adb.org

Some rights reserved. Published in July 2021.

ISBN 978-92-9262-967-0 (print), 978-92-9262-968-7 (electronic), 978-92-9262-969-4 (ebook)
Publication Stock No. TCS210269-2
DOI: <http://dx.doi.org/10.22617/TCS210269-2>

The views expressed in this publication are those of the authors and do not necessarily reflect the views and policies of the Asian Development Bank (ADB) or its Board of Governors or the governments they represent.

ADB does not guarantee the accuracy of the data included in this publication and accepts no responsibility for any consequence of their use. The mention of specific companies or products of manufacturers does not imply that they are endorsed or recommended by ADB in preference to others of a similar nature that are not mentioned.

By making any designation of or reference to a particular territory or geographic area, or by using the term “country” in this document, ADB does not intend to make any judgments as to the legal or other status of any territory or area.

This work is available under the Creative Commons Attribution 3.0 IGO license (CC BY 3.0 IGO) <https://creativecommons.org/licenses/by/3.0/igo/>. By using the content of this publication, you agree to be bound by the terms of this license. For attribution, translations, adaptations, and permissions, please read the provisions and terms of use at <https://www.adb.org/terms-use#openaccess>.

This CC license does not apply to non-ADB copyright materials in this publication. If the material is attributed to another source, please contact the copyright owner or publisher of that source for permission to reproduce it. ADB cannot be held liable for any claims that arise as a result of your use of the material.

Please contact pubsmarketing@adb.org if you have questions or comments with respect to content, or if you wish to obtain copyright permission for your intended use that does not fall within these terms, or for permission to use the ADB logo.

Corrigenda to ADB publications may be found at <http://www.adb.org/publications/corrigenda>.

Note:

In this publication, “\$” refers to United States dollars.

On the cover: Representatives of a nongovernment organization hold a consultation with family members from a community in Fiji (photo by ADB).

Contents

Tables and Box	iv
Foreword	v
Abbreviations	vi
2020 at a Glance	vii
1 Introduction	1
2 Compliance Review and Problem-Solving Updates	3
A. Compliance Review	4
B. Problem-Solving	13
C. Operational Support and Advisory Services	29
3 Reaching Out Wider and Deeper during the Pandemic	31
4 Accounting for Accountability during the Pandemic	35
Appendix: Accountability Mechanism-Related Complaints Received by the Complaint Receiving Officer in 2020	39
ADB Accountability Mechanism Team	42

Tables and Box

Tables

1	Status of Board-approved Recommendations	6
2	Participants to the 2020 Induction Session on Accountability Mechanism	32

Box

1	Case Management in the Time of COVID-19	37
---	---	----

Foreword

The year 2020 was indeed very remarkable not only for the whole world and the Asian Development Bank, but also for our work at the ADB Accountability Mechanism. The complaint receiving officer of the ADB Accountability Mechanism received 25 complaints in 2020, a 34% decline compared to 38 complaints in 2019. The decline may be attributed to coronavirus disease (COVID-19)-related factors such as shifting of priorities to deal with the emergency, restrictions on the movement of people, and slowing down of project activities, in general.

One complaint in particular presented substantial challenges because it was filed by an indigenous peoples community living in a remote, mountainous region of Nepal. We could not meet these affected people face-to-face and hence communicating with them became more challenging. But our office did not let the accountability process get derailed due to these challenges of the COVID-19 pandemic.

During this taxing 2020, just like in any other development-related work, we also managed to swiftly adjust to the work-from-home arrangement and to the restrictions to travel and mobility, more so because our responsibility toward the vulnerable increased with the pandemic. Our offices shifted to (i) making increased use of available technology, (ii) employing a different approach to outreach to ensure its effectiveness, (iii) leveraging partnerships, and (iv) ensuring that the stakeholders retain confidence in our mechanism through focused awareness-raising and knowledge mining.

Through this report, we are sharing with you how the Accountability Mechanism creatively adapted to the situation and the complaints that were brought to it throughout the year. Necessarily, there were some delays and glitches along the way but overall, complaint processing moved within prescribed timelines.

For us, 2020 witnessed the production of several awareness-raising materials and development of knowledge products that culled lessons from previous complaints and project experiences. Through these products, we reflected on how we performed in the past and added value to ADB operations. This knowledge production became a springboard for closer collaboration with operations departments and the Sustainable Development and Climate Change Department. We took this opportunity to design and conduct more targeted and relevant outreach and capacity-building activities focusing on an integrated approach toward safeguards and accountability for comprehensive understanding of these systems by our stakeholders.

Truly, with or without the pandemic, the Accountability Mechanism continued to rise to the challenge. Project-affected people must be heard. No complaint can wait. No project-related issue should remain unaddressed. In this annual report, we invite you to read through our achievements and how we surmounted challenges in 2020.

Warren Evans

Special Project Facilitator

Elisea Gozun

Chair, Compliance Review Panel and concurrently,
Head, Office of the Compliance Review Panel

Abbreviations

ADB	-	Asian Development Bank
AMP	-	Accountability Mechanism Policy
BCRC	-	Board Compliance Review Committee
CRO	-	complaint receiving officer
CRP	-	Compliance Review Panel
CWRD	-	Central and West Asia Department
CWUW	-	Urban Development and Water Division
EIB	-	European Investment Bank
GRM	-	grievance redress mechanism
IAM	-	Independent Accountability Mechanism
INRM	-	India Resident Mission
MDF	-	Municipal Development Fund, Georgia
MOU	-	Memorandum of Understanding
NGO	-	nongovernment organization
NTG	-	National Trust of Georgia
OCRP	-	Office of the Compliance Review Panel
OSPF	-	Office of the Special Project Facilitator
PSOD	-	Private Sector Operations Department
RAP	-	remedial action plan
RAP-FS	-	remedial action plan-final solution
SARD	-	South Asia Department
SPF	-	Special Project Facilitator
TA	-	technical assistance

2020 at a Glance

Problem-Solving

New complaints	11*
Eligible complaints	2
Ineligible complaints	6
Under assessment	3
Active complaints	6
Complaints closed**	3

Compliance Review

New complaint	0
Eligible complaint	0
Ineligible complaint	1
Complaint under monitoring	1
Complaint closed**	1

9

Forwarded to Special Project Facilitator

0

Forwarded to Compliance Review Panel

9

Complaints that did not meet
minimum technical criteria

7

Still being processed by
the complaint receiving officer***

* The complaint receiving officer forwarded to the Office of the Special Project Facilitator (OSPF) nine complaints that requested problem-solving. Two complaints which were previously declared ineligible by the Special Project Facilitator (SPF) were refiled directly with the SPF, bringing the total number to 11.

** A complaint is closed when a final report (for problem-solving) or a final monitoring report (for compliance review) has been issued by the Special Project Facilitator or the Compliance Review Panel, respectively.

*** These are complaints awaiting further details or clarification from the complainants.

Breakdown of Complaints in 2020*

Complaints by Sector

Complaints by Location

* Data refer to new complaints received by the OSPF only, as there was no new complaint forwarded to the Compliance Review Panel (CRP) in 2020.

Issues of Complaints*

* Issues refer to the 11 complaints that were forwarded to the Office of the Special Project Facilitator. Total number does not add up to 11 as several issues are often raised in a complaint.

Complaints Sent to the Accountability Mechanism

as of 31 December 2020

CRO = complaint receiving officer, CRP = Compliance Review Panel, OCRP = Office of the Compliance Review Panel, OSPF = Office of the Special Project Facilitator, SPF = special project facilitator.

Source: CRO.

Eligible Complaints by Year from 2012 to 2020

as separately determined by the Special Project Facilitator and the Compliance Review Panel

CRP = Compliance Review Panel, SPF = special project facilitator.

Source: CRO.

Introduction

1

As of 31 December 2020, the Accountability Mechanism of the Asian Development Bank (ADB), through its complaint receiving officer (CRO), received a total of 25 complaints. Of these, nine were forwarded to the Special Project Facilitator (SPF), nine were closed for failure to meet the minimum requirements for complaint processing, and seven remained with the CRO pending the complainants' submission of complete complaint details. None requested for compliance review. The number of complaints filed with the Accountability Mechanism of ADB decreased from 38 in 2019 to 25 in 2020.

This annual report lists and summarizes information on the complaints that were submitted to the Office of the Special Project Facilitator (OSPF) and the continuing work of the Compliance Review Panel (CRP). It also provides information on ongoing and ineligible complaints of both offices. Furthermore, this report discusses the joint outreach and knowledge work, including the production and dissemination of awareness-raising materials on the Accountability Mechanism.

Compliance Review and Problem-Solving Updates

Site Visit. The CRP confirmed the identity of a number of complainants during its mission to Georgia on 11-14 May 2016 (photo by the CRP).

A. Compliance Review

In 2020, the Compliance Review Panel (CRP) concluded the monitoring of the implementation of the remedial actions for the Greater Mekong Subregion Rehabilitation of the Railway in Cambodia Project by submitting its fifth monitoring report to the ADB Board of Directors (Board).

Now on its third monitoring year, the CRP actively followed the progress of implementation of the remedial actions for the Sustainable Urban Transport Investment Program - Tranche 3 (Loan No. 3063) in Georgia. However, to ensure implementation of remaining remedial actions for the project which were delayed due to the coronavirus disease (COVID-19) pandemic, the submission of the CRP's third annual monitoring report to the Board was deferred for 2021 as agreed with the Board Compliance Review Committee (BCRC).

Lastly, it continued to update the BCRC on the implementation of remaining actions relating to the Visayas Base-Load Power Development Project (Loan No. 2612) in the Philippines.

In January, the CRP also completed its eligibility report on North-South Corridor (Kvesheti-Kobi) Road Project (Loan No. 3803) in Georgia where the CRP deemed the complaint ineligible.

NEW COMPLAINT

Georgia: North–South Corridor (Kvesheti–Kobi) Road Project

A request for compliance review (complaint) was forwarded to the CRP on 12 November 2019 with respect to this project. The complaint was submitted by Peter Nasmyth and Marine Mizandari (the complainants),¹ in their capacity as co-chairs of the National Trust of Georgia (NTG).² In addition to the complaint form, the complainants also submitted to the CRO on 14 October 2019 a separate letter on NTG's letterhead describing five grounds for complaint: (i) compliance conditions not met by ADB; (ii) failure to consider an alternative Lakatkevi route for the project road; (iii) the Georgian government's breach of international agreements upon encouragement of the lending banks; (iv) wrong assessment of tourism potential and ignoring of Georgia's inward tourism companies, with consequent long-term economic damage; and (v) failure of ADB to respond to questions, complaints, or concerns raised but focused only on promoting the merits of the project. The document also claimed that if the project road was constructed along the approved Khada Valley alignment, harm would be caused by loss of physical cultural heritage and ecotourism opportunities. The NTG letter concluded with a request that the loan be suspended until additional due diligence by ADB has been conducted. In an e-mail dated 20 November 2019, M. Mizandari informed the CRP that P. Nasmyth would

represent NTG in a videoconference call with the CRP and would summarize the complainants' main concerns.

After a thorough review of available relevant documents and materials, including a response from the ADB Management to the complaint, a meeting with the ADB project team, e-mail, and the videoconference with P. Nasmyth, the CRP concluded that the complaint was ineligible. In its report that was submitted to the Board on 23 January 2020, the CRP cited that the assessment of ineligibility was based on the following findings:

- (i) The complainants had not demonstrated that they were persons who were directly, materially, and adversely affected by the ADB project for the purposes of meeting the relevant requirement of para. 138 of the Accountability Mechanism Policy (AMP).
- (ii) The complainants had not demonstrated that they had authority to represent any two or more persons directly, materially, and adversely affected by the project for the purposes of para. 138 of the AMP.

¹ Complainants did not require confidentiality of identities.

² The National Trust of Georgia (<http://www.nationaltrustofgeorgia.org.ge/about-us/>), formed in October 2016, is a membership organization which provides a means for individuals to express their concern and affection for Georgia's heritage, as well as a practical means of helping to preserve buildings and land.

Georgia's Road to the Future. ADB approves \$415 million to Georgia for a new highway to enhance the country as a regional trade and tourism hub (photo by ADB).

Request no.: 2019/2

Project no.: 51257-001

Approval date: 1 August 2019

Funding source:

Loan 3803: \$415 million (OCR) **Closing date:** 31 December 2026

EBRD: \$60 million **Closing date:** 31 December 2026

Project description:

The project will improve connectivity and safety along the North–South Corridor by (i) constructing about 23 kilometers (km) of climate-resilient, two-lane highway between Kvesheti and Kobi (the project road) and about 5 km of all-weather access roads, and increasing road safety awareness; (ii) establishing a visitor center in the Khada Valley to support tourism activities; and (iii) enhancing the capacity of the roads department on project and contract management. The project expands efforts of ADB and other development partners to upgrade the country's national highway network along key economic corridors. It will enhance inclusive economic growth and regional connectivity.

The project is aligned with the following impacts: (i) enhanced economic growth and regional connectivity; and (ii) improved trade, tourism, and economic corridors. The project will have the following outcome: improved connectivity, safety, and livelihoods along the North–South Corridor.

Safeguard categories:

Environment: A

Involuntary Resettlement: A

Indigenous Peoples: C

Complaint received on: 12 November 2019

Complaint acknowledged and registered: 19 November 2019

Complainants: Two project-affected people

Complaint:

- compliance conditions not met by ADB;
- an alternative Lakatkhevi route that was not considered for the project road;
- the lending banks that encouraged the Georgian government to breach international agreements;
- tourism potential that had been misevaluated and Georgia's inward tourism companies that had been ignored but with consequent long-term economic damage;
- the failure of ADB to respond to questions, complaints, or concerns raised but focused only on promoting the merits of the project; and
- harm that would be caused by the loss of physical cultural heritage and ecotourism opportunities if the project road was constructed along the approved Khada Valley alignment.

Eligibility: Determined ineligible on 24 January 2020

ADB = Asian Development Bank, EBRD = European Bank for Reconstruction and Development, OCR = ordinary capital resources.

Source: ADB.

UPDATE ON ACTIVE COMPLAINTS

This section reports the complaints that are under monitoring.

Cambodia: Greater Mekong Subregion Rehabilitation of the Railway Project

The CRP completed its fifth year of monitoring the implementation of remedial actions for this project and issued its fifth and final monitoring report to the Board on 23 March 2020 through the Board Compliance Review Committee (BCRC).

The CRP did not conduct a monitoring mission to Cambodia in its fifth monitoring period and was not able to gain insights from the borrower. Consequently, the monitoring report was prepared without the benefit of direct observation of resettlement sites or of the direct views of relevant agencies of the Government of Cambodia, the complainants, or other affected persons.

Instead, the final monitoring report was based on the review of (i) the final quarterly progress report of 30 November 2019, submitted by the Management on actions taken on the Board-approved recommendations, (ii) reports by technical assistance (TA) consultants, (iii) ADB Management's written responses to additional queries from the CRP, and (iv) additional insights and information provided to the CRP by relevant ADB project staff and TA consultants. In addition, the CRP wrote to Eang Vuthy of Equitable Cambodia, who was the local representative of the complainants when the complaint was filed in 2012, inviting him to provide complainants' views on the progress of the implementation of the Board-approved recommendations. E. Vuthy responded that it was difficult to offer comments as Equitable Cambodia had not been actively monitoring the project.

After 5 years of annual monitoring of the remedial action plan by the CRP, the complaint was closed in March 2020.

At the conclusion of its monitoring, the CRP considered four of the six Board-approved recommendations implemented, two of which have been closed (Table 1).

Table 1: Status of Board-approved Recommendations

Board-approved Recommendations	Status of Implementation
• Establish a compensation deficit payment scheme.	Implemented
• Improve facilities at resettlement sites.	Implemented
• Improve the functioning of the grievance redress mechanism, to be reflected in a time-bound and verifiable action plan.	Recommendation closed
• Develop an appropriate program to build capacity for resettlement in the Inter-Ministerial Resettlement Committee, to be reflected in a time-bound and verifiable action plan.	Implemented and brought into compliance
• Establish a debt workout scheme to help highly indebted families repay their accumulated debts through a dedicated credit line and a debt workout facility.	Recommendation closed
• Implement the expanded income restoration program in a sustained manner.	Implemented

Source: [https://lnadbg4.adb.org/dir0035p.nsf/attachments/CRP-Cambodia-5thMonitoringReport-Final.pdf/\\$FILE/CRP-Cambodia-5thMonitoringReport-Final.pdf](https://lnadbg4.adb.org/dir0035p.nsf/attachments/CRP-Cambodia-5thMonitoringReport-Final.pdf/$FILE/CRP-Cambodia-5thMonitoringReport-Final.pdf).

Life Along the Railway. Houses were built and people settled along the railway line while it was deserted (photo by the CRP).

Request no.: 2012/2

Project nos.: 37269-013 and 37269-023

Approval dates: 10 January 2007 and 15 December 2009, respectively

Funding source:*

Loan 2288: \$42 million (concessional OCR lending/ADF)

Original closing date: 30 June 2010 **Actual closing date:** 1 November 2016

Loan 2602: \$42 million (concessional OCR lending/ADF)

Original closing date: 30 September 2013 **Actual closing date:** 1 November 2016

Grant 0187: \$960,000.00 (Government of Australia)

Original closing date: 30 September 2013 **Actual closing date:** 20 April 2016

Project description:

The original project (ADB Loan 2288-CAM) involves (i) rehabilitating 594 km of existing railway track and associated structures, passing loops, and spur lines in Cambodia; (ii) reconstructing 48 km of destroyed railway line to Thailand; (iii) constructing direct railway access to the container terminal in the port of Sihanoukville; (iv) restructuring the railway subsector; (v) assisting employees made redundant because of the restructuring; and (vi) providing consulting services and training for project monitoring, engineering design, and supervision of civil works. The original project was estimated to cost the equivalent of \$73 million.

The supplementary financing (ADB Loan 2602-CAM) will be used to (i) establish a new freight and rolling stock maintenance facility at Samrong, 10 km west of Phnom Penh; (ii) upgrade or strengthen parts of the main line to enable early initiation of integrated multimodal services; and (iii) establish additional sidings to terminals to facilitate multimodal connectivity. The supplementary financing investment cost was estimated to be the equivalent of \$68.6 million. The combination of the original project and the supplementary financing will be referred to as the modified project and will increase the total cost of the modified project to the equivalent of about \$141.6 million.

Safeguard categories:

Loan 2288

Environment: B

Involuntary Resettlement: A

Indigenous Peoples: B

Loan 2602/Grant 0187

Environment: B

Involuntary Resettlement: A

Indigenous Peoples: C

Complaint received on: 28 August 2012

Complaint acknowledged and registered: 4 September 2012

Complainants: 22 project-affected persons (with assistance from NGO)

Complaint:

Failure of ADB to comply with its operational policies and procedures on:

(i) Involuntary Resettlement, (ii) Safeguard Policy Statement, (iii) Incorporation of Social Dimensions into ADB Operations, (iv) Public Communications, (v) Gender and Development in ADB Operations, (vi) Processing Sovereign and Sovereign Guaranteed Loan Proposals, (vii) Loan Covenants, and (viii) Promotion and Cooperation with NGOs

Eligibility: Determined eligible on 11 October 2012.

ADF = Asian Development Fund, km = kilometer, NGO = nongovernment organization, OCR = ordinary capital resources.

* The project included financing from the Government of Cambodia amounting to at least \$20.3 million, together with other cofinancing as follows: (i) \$13.00 million - OPEC Fund for International Development (ADB-administered), (ii) \$2.80 million - Government of Malaysia, and (iii) \$22.46 million - Government of Australia.

Source: ADB.

The CRP's final monitoring report also offered some brief reflections on lessons learned in the compliance review of the project.³ First, it noted the importance of comprehensive baseline data to provide a reliable basis for ascertaining socioeconomic interventions and success of livelihood restoration. The project illustrated the value of technology-enabled data gathering, such as the use of a drone-enabled aerial survey of the community to be resettled from areas adjacent to the railway alignment. The use of drone surveys (complemented by household interviews and survey), provided accuracy and impartial observation, and enabled retention of digitized data.

Second, it is useful for remedial action plans to provide space for adaptive programming in response to emerging evidence of outcomes and impacts. In the case of remedial actions implemented through technical assistance, sufficient time needs to be factored in for end-of-TA evaluation prior to drawing

firm conclusions on the status of implementation. The outcomes of resettlement processes and associated initiatives are significantly impacted by the characteristics of each resettlement site, including the economic opportunities in its surrounding areas as well as the demographics of the target population group.

Third, CRP site visits are integral to adequate assessment of progress in implementation of remedial actions and to understanding the operational issues on the ground.

Further, monitoring reports always benefit from physical observations and often, from face-to-face dialogues with project partners, and particularly with affected persons. Site visits and site-based verification provide empirical and contextualized observations and findings that are important in assessing the progress of implementation of action plans, particularly if monitoring by the CRP is done only annually.

³ Recently, the Office of the Compliance Review Panel (OCRP) also published an independent comprehensive report on lessons learned from this project that is available at <https://www.adb.org/sites/default/files/publication/677206/ocrp-lessons-rehabilitation-railway-project-cambodia.pdf>.

CRP Site Visits. These are integral to adequate assessment of progress in implementation of remedial actions (photo by the CRP).

Georgia: Sustainable Urban Transport Investment Program – Tranche 3

In 2016, the CRP received two complaints, one in March and another in November, requesting compliance review of ADB Loan 3063: Sustainable Urban Transport Investment Program (Tranche 3) in Georgia. The complaint received in March was filed by residents of building 12 VG and the one received in November was filed by residents of building 16 A/B, in the Ponichala area of the Rustavi Highway in Tbilisi, Georgia. Both were determined to be eligible for compliance review. Both complaints raised issues relating to noise and vibration, and inadequate consultation with the disadvantaged- and the differently abled-affected persons. The CRP's final compliance review report as submitted to the Board on 13 February 2017 took into consideration both complaints. Subsequently, the ADB Management submitted to the Board its proposed remedial action plan (RAP) on 8 June 2017.⁴ The RAP, as approved by the Board on 30 June 2017, envisaged that in some areas, remedial actions would be further specified in the light of the outcome of studies (e.g., on noise).⁵ These studies were duly carried out, and thereafter, based on the results of the studies, ADB Management submitted a proposed RAP Final Solution (RAP-FS) to the CRP and the BCRC on 15 December 2017.

In June 2018, a third complaint was submitted to the CRP by 30 residents of building 28a of Rustavi Highway, Tbilisi on the project's noise and vibration impact on their residential building and its inhabitants. The CRP considered that the complaint was eligible but did not require a separate compliance review because the complainants' concerns could be addressed by means of site-specific actions that could be included in the RAP-FS.

⁴ The CRP's Final Report on the Compliance Review of Loan 3063: Sustainable Urban Transport Investment Program (Tranche 3) is available at [https://lnadbg4.adb.org/dir0035p.nsf/attachments/GEO-CRP-Final%20Report-6March-Board.pdf/\\$FILE/GEO-CRP-Final%20Report-6March-Board.pdf](https://lnadbg4.adb.org/dir0035p.nsf/attachments/GEO-CRP-Final%20Report-6March-Board.pdf/$FILE/GEO-CRP-Final%20Report-6March-Board.pdf).

⁵ The Board-approved Remedial Action Plan for the Project is at [https://lnadbg4.adb.org/dir0035p.nsf/attachments/GEO-Board%20Approved-RAP-30June2017-ForWeb.pdf/\\$FILE/GEO-Board%20Approved-RAP-30June2017-ForWeb.pdf](https://lnadbg4.adb.org/dir0035p.nsf/attachments/GEO-Board%20Approved-RAP-30June2017-ForWeb.pdf/$FILE/GEO-Board%20Approved-RAP-30June2017-ForWeb.pdf).

Request no.: 2016/1

Project no.: 42414-043

Approval date: 25 November 2013

Funding source:

Loan 3063: \$73 million (OCR)

Original closing date: 31 December 2018

Revised closing date: 18 July 2020

Project description:

Under Tranche 3, ADB lent to the Government of Georgia (the Borrower) \$73 million from its ordinary capital resources. The project is expected to improve the transport system and infrastructure in urban areas and comprises two subprojects: (i) section 2 (km 4.0–10.8) of the international standard Tbilisi–Rustavi Urban Road Link and (ii) phase 2 of Anaklia Coastal Improvement. Both are in line with the components of the investment program. The Municipal Development Fund of Georgia is the project executing, implementing, and disbursing agency. The objective of the project is to develop an efficient, affordable, and environmentally sustainable transportation system that forms part of the south to east route of the country. The project has been planned to focus on the improvement of the existing transport services linking Rustavi to Tbilisi. It targets the provision of facilities such as interchanges, underpass, wider bridge road, bus stops, retaining wall, footbridge to ensure a quick, safe and reliable bus services and to guarantee proper physical connection with Tbilisi and Rustavi at the entrance of the city. The program was developed as the government's response to the transportation problems in urban areas, which include large traffic volumes between Tbilisi and Rustavi route causing increasing delays in implementation.

Safeguard categories:

Environment: B

Involuntary Resettlement: A

Indigenous Peoples: C

Complaint received on: 14 March 2016

Complaint acknowledged and registered: 21 March 2016

Complainants: 81 project-affected people

Complaint: Noise and vibration, and inadequate consultation with disadvantaged- and differently abled-affected persons

Eligibility: Determined eligible on 21 June 2016*

OCR = ordinary capital resources.

* The ADB Board of Directors (Board) authorized compliance review of the Project on 14 June 2016. The Board's decision is at [https://lnadbg4.adb.org/dir0035p.nsf/attachments/GEO-BoardDecision21June2016.pdf/\\$FILE/GEO-BoardDecision21June2016.pdf](https://lnadbg4.adb.org/dir0035p.nsf/attachments/GEO-BoardDecision21June2016.pdf/$FILE/GEO-BoardDecision21June2016.pdf).

Source: ADB.

In October 2018, the CRP received a fourth complaint on the project. This concerned compensation due to four households on Marneuli Street. CRP determined that the complaint was ineligible at this time, since the complainants and the Central and West Asia Department (CWRD) had already expressed their willingness to continue to resolve the issues between them. As of August 2020, three of the households have received their compensation and the fourth household has been informed about the availability of compensation funds which had been deposited in an escrow account.

Since the approval of the RAP in 2017, the CRP has submitted two annual monitoring reports to the Board. A third monitoring report was due in 2020.

In August 2020, CWRD informed CRP in a written update on progress that the implementation of the RAP-FS had not progressed further because of COVID-19-pandemic-related mobility restrictions. In addition, the complainants had refused contractors' access to their respective buildings. The remaining actions described in the RAP had not been implemented along the stretch of the new road to be constructed in Ponichala district by the time the multitranchise financing facility (MFF) closed on 18 July 2020. However, the implementation of the relevant actions in the RAP-FS had not been cancelled and are targeted to be completed by September 2021 subject to availability and release of funds from the relevant government agency.

The mobility and travel restrictions worldwide due to the COVID-19 pandemic forced the CRP to rely on virtual rather than face-to-face meetings with CWRD; the three groups of complainants; and the Municipal Development Fund (MDF), the implementing agency of this project. It was not possible to conduct a site visit. However, the complainants and MDF each shared photographs from the project site to provide the CRP with a better understanding of the situation on the ground. The CWRD project team informed the CRP about the remaining relevant actions in the RAP and the government's continued commitment to complete those actions despite closure of MFF and delays due to COVID-19 restrictions. The CRP was informed that once the COVID-19 restrictions had eased and funding made available to it, MDF would be able to complete all the remaining remedial actions to bring the project into compliance within 6 months. Restoring the site to its pre-project condition through actions such as revegetation and restoration of the riverbanks might take 1–3 years. The CRP concluded that it was appropriate to continue the monitoring of the remaining remedial actions for an extended period and requested the BCRC for such an extension, with submission of the final monitoring report to the Board in 2021. The BCRC confirmed the extension and the CRP, therefore is expected to submit its third monitoring report in 2021.

Preparation of landing pits for tree planting in Tbilisi Sea district (photo by the Municipal Development Fund of Georgia for the Government of Georgia).

Philippines: Visayas Base-Load Power Development Project

In its continuing commitment to report to the BCRC its assessment of progress made towards full compliance of recommendations 1 and 4 of the CRP's final compliance review report, the CRP requested the Private Sector Operations Department (PSOD) for updates on the implementation of the technical assistance (TA) to the Republic of the Philippines for Air Quality Management for the Visayas Base-Load Power Development Project (CDTA 8338-PHI).⁶ After reviewing the draft report validating the air quality modeling study, the CRP met with PSOD and its consultant on 9 November 2020 to clarify the contents and technical details of the report. The CRP also requested the PSOD to set up a meeting with the Central Office of the Department of Environment and Natural Resources for it to gain a better understanding of the next steps after the presentation of the findings of the validation of the air quality modeling study and the completion of the ADB TA.

The COVID-19 pandemic also stalled presentation and consultation of the results of the validation of the air quality modeling study to stakeholders. This also delayed the completion of the TA and the CRP will further update the BCRC on this project as developments come.

Visayas Base-Load Power Plant. The ADB loan supported the construction of a 200-MW power plant in Naga City, Cebu (photo by the CRP).

Request no.: 2011/1

Project no.: 43906-014

Approval date: 11 December 2009

Funding source:

Loan 3063: \$120 million (OCR)

Closing date: 27 December 2013

Project description:

The Project involves the construction and operation of a 200-megawatt coal-fired power plant in Naga City in the Bicol region, and Cebu, in the Visayas region. The plant is needed to address the power shortage in the region and will adopt a more environment-friendly technology by using circulating fluidized bed combustion boilers. It will provide base-load power to the grid.

Safeguard categories:

Environment: A

Involuntary Resettlement: B

Indigenous Peoples: C

Complaint received on: 25 May 2011

Complaint acknowledged and registered: 2 June 2011

Complainants: Four project-affected people (with a representative)

Complaint:

- the complainants claimed that the project would cause skin, respiratory, and other illnesses among residents of the area and nearby communities.
- failure of ADB to follow the policies and procedures under its Safeguard Policy Statement, Public Communications Policy, and policy on clean energy, as well as the required public consultation and disclosure of the environmental impact assessment, with details about coal ash disposal.

Eligibility: Determined eligible on 20 June 2011.*

OCR = ordinary capital resources.

* 5-year monitoring of remedial actions ended in 2017.

Source: ADB.

⁶ Paragraph 33 of the CRP's Fifth Annual Monitoring Report for this project submitted to the Board on 8 November 2017 notes that two of the four recommendations have been partially complied with and that the project would benefit from CRP's continued involvement in monitoring the remaining actions. As such, the CRP continued to provide the BCRC updates on the progress of actions relating to Recommendations 1 and 4 based on reports from the Private Sector Operations Department.

The background image is a landscape photograph of a mountain valley. A river flows through the center of the valley, surrounded by lush green vegetation. The mountainsides are steep and covered in dense forest. The sky is hazy, and the overall lighting is soft, suggesting a misty or early morning atmosphere. The text is overlaid on the upper left portion of the image.

The Office of the Special Project Facilitator serves as a fair, trusted, and independent resource where affected people can voice their concerns and seek solutions to their problems if they believe that an ADB-assisted project is causing them or their community any direct or material harm.

The photo shows the location of a possible site for land swap for an indigenous peoples community affected by the Tanahu Hydropower Project in Nepal. The OSPF's problem-solving process is ongoing (photo by OSPF).

B. Problem-Solving

In 2020, OSPF received 11 complaints that requested problem-solving.⁷ Two of these 11 complaints were previously considered ineligible in 2019 and were refiled directly with OSPF in 2020. Of these 11, two were determined to be eligible and are undergoing the resolution process, six were ineligible, and three are undergoing eligibility assessment.

Four of the six ineligible complaints were forwarded to the concerned operations department as the complainants had not yet engaged them to resolve their issues. This action is a prerequisite before lodging complaints to the Accountability Mechanism.

The remaining two were determined to be ineligible as the project proponents have yet to approach ADB for financing. Environment, resettlement, compensation, and land acquisition are the major issues raised by complainants with a total share of 38%. The remainder pertain to information, consultation, and participation; community and social issues; livelihoods; and village infrastructure.

OSPF closed three cases before the end of 2020. These were the two complaints in Mongolia on the same project (Ulaanbaatar Urban Services and Ger Areas Development Investment Program, Tranche 1) which were both processed and closed on 27 October 2020; and one in Georgia (Adjaristsqali Hydropower Project) which was closed on 7 December 2020.

⁷ Two complaints, which were previously considered ineligible were re-filed directly with OSPF and thus, was not reported among the nine complaints that were forwarded to OSPF by the CRO in 2020.

NEW COMPLAINTS

Nepal: Regional Urban Development Project

OSPF received the first complaint regarding compensation on 21 February 2019 and which was deemed ineligible on 13 March 2019. The complainants attempted to resolve their issues with the South Asia Department (SARD) and Nepal Resident Mission (NRM), and the project's executing agency but were dissatisfied and thus, resubmitted their complaint for reconsideration on 3 January 2020. The complaint was made eligible for OSPF problem-solving on 14 January 2020. An OSPF mission in February 2020 led to a final offer of compensation, deemed a fair offer by OSPF based on independent analyses of reconstruction costs and business losses. However, in a letter to the ADB President, the complainants declined the offer. Based on agreement with OSPF on next steps, the resident mission requested the executing agency to draft an agreement with the complainants outlining the final offer, time limit for accepting the offer, and the deposit in escrow. On 14 July 2020, just before the offer expired, the complainants accepted it. They also confirmed that the agreed amount was transferred into their account on 18 July 2020.

On 14 December 2020, the complainants sent another letter to ADB complaining that the project authorities were not complying with a provision in the agreement ensuring that the project would not encroach on their land. A review by OSPF and the resident mission revealed that there is a dispute on the property lines. Resolution of this issue is stalled pending a cadastral survey which has been delayed due to objections from the complainants' neighbors. OSPF continues to monitor the case.

The complainants' property was affected by the road widening for the project (photo by OSPF).

Case no.: SPF-2020-01-02-0093

Project no.: 47252-002

Approval date: 22 September 2017

Funding source:

Loan 3566: \$150 million (COL/ADF)

Closing date: 30 June 2023

TA 9384: \$1 million (TASF)

Revised closing date: 15 June 2021

Project description:

The project will improve the resilience and delivery of urban services and facilities in eight municipalities in the southern Terai region of Nepal bordering India, including four municipalities from the less-developed Province 7 in far western Nepal. The project will support municipal infrastructure investments, urban planning, and institutional strengthening.

Safeguard categories:

Environment: B

Involuntary Resettlement: B

Indigenous Peoples: B

Complaint received on: 3 January 2020

Complaint acknowledged and registered:

3 January 2020

Complainants: Four project-affected people

Complaint: Dissatisfaction on compensation payments for structural damage caused to the property, loss of income, and loss of business

Eligibility: Determined eligible on 14 January 2020

ADF = Asian Development Fund, COL = concessional ordinary capital resources lending, SPF = special project facilitator, TA = technical assistance, TASF = Technical Assistance Special Fund.

Source: ADB.

Nepal: Tanahu Hydropower Project

On 12 February 2020, three complainants representing 32 households of a Magar Indigenous Peoples community together with two nongovernment organizations (NGOs) filed a complaint with the OSPF for problem-solving. The same complaint was filed with the Complaints Mechanism of the European Investment Bank (EIB). The complainants alleged inadequate compensation for titled and non-titled agricultural land and lack of recognition of their indigenous rights. On 12 August 2020, OSPF, together with EIB, held a virtual meeting with the complainants and their NGO advisors to discuss their comments on the draft OSPF review and assessment report which was the basis for moving the problem-solving process forward. Despite the challenges posed by the COVID-19 situation, OSPF completed its review and assessment phase virtually and issued its final review and assessment report on 16 November 2020. The report is available in three languages: English, Nepali, and Magar. The second phase of the problem-solving process has been initiated with the recruitment of an expert anthropologist who is also a Magar indigenous person. Field surveys and consultation led by this expert and involving the OSPF national facilitator are expected to start in January 2021.

Agricultural land of the complainants affected by the project (photo by OSPF).

Case no.: SPF-2020-02-02-0094

Project no.: 43281-013

Approval date: 21 February 2013

Funding source:

Loan 2990: \$120 million (OCR/ADF)

Loan 2991: \$30 million (OCR/ADF hard-term)

Closing date: 30 June 2021

EIB: \$85 million

JICA: \$184 million

Abu Dhabi Fund: \$30 million

TA 8329: \$1.5 million (JFPR)

Revised closing date: 31 December 2016

Project description:

ADB is helping Nepal develop a 140-megawatt hydropower plant to be located on the Seti River in Tanahu district. The project will build the medium-sized plant with water storage facilities and transmission system. It will also provide rural electrification and community development in the area, and a reform and restructuring plan for the national utility, the Nepal Electricity Authority.

Safeguard categories:

Environment: A

Involuntary Resettlement: A

Indigenous Peoples: A

Complaint received on: 12 February 2020

Complaint acknowledged and registered: 18 February 2020

Complainants: A group of 32 project-affected people representing 31 indigenous households and a group of six indigenous persons with collective ownership of a land plot

Complaint:

- dissatisfaction on: (i) compensation determined for loss of properties, livelihood, and village infrastructures; and (ii) adequate consultation, information, and participation;
- incomplete impact assessment on grazing and farmlands; and
- lack of representation of indigenous peoples in the local consultative forum

Eligibility: Determined eligible on 20 February 2020

ADF = Asian Development Fund, EIB = European Investment Bank, JFPR = Japan Fund for Poverty Reduction, JICA = Japan International Cooperation Agency, OCR = ordinary capital resources, SPF = special project facilitator, TA = technical assistance.

Source: ADB.

India: Tamil Nadu Urban Flagship Investment Program – Tranche 1

The complaint, submitted by two project-affected people, alleged that the project contractor was conducting poorly controlled blasting for the construction of a sewer line and was not cleaning up the construction debris resulting in environmental and social impacts on the residents. The complainants noted that blasting was not included in the project's initial environmental examination. OSPF held a teleconference with the complainants on 21 July 2020 and had several discussions with the ADB project team from SARD and India Resident Mission. ADB project team informed OSPF that: (i) while unanticipated during project preparation, blasting was essential for completing the project; and (ii) actions taken by the project authorities and the assurances given to the complainants to resolve the problem would result in effective management and monitoring of project impacts on affected households. OSPF reviewed the proposed corrective actions, which included updating of the project's environmental management plan, consultation with affected households, dissemination of blasting schedule, and clean-up activities. OSPF also assured the complainants that, if these agreements would be strictly adhered to, the complainants should not be adversely affected any further. Hence, the complaint was made ineligible on 28 August 2020 due to lack of good faith efforts by the complainants to address their issues with the concerned ADB operations department. The concerned ADB operations department is already working with the project authorities to address the issues raised in the complaint.

Current status of road for balance work at Zone III underground sewerage scheme to Rajapalayam Municipality under the Atal Mission for Rejuvenation and Urban Transformation scheme (Package I) collection system in PSK Nagar (photo by ADB).

Case no.: SPF-2020-03-01-0095

Project no.: 49107-004

Approval date: 28 September 2018

Funding source:

Loan 3718: \$169 million (OCR)

Closing date: 31 December 2023

Grant 0613: \$2 million (ACEF)

Closing date: 31 December 2021

TA 9599: \$1 million (TASF)

Revised closing date: 31 December 2021

Project description:

The program will develop priority water supply, sewage, and drainage infrastructure in at least 10 cities located within strategic industrial corridors of Tamil Nadu. It will support innovative pilots, including India's first solar-powered sewage treatment plant to offset greenhouse gas emissions and enhance operational efficiency, strengthen urban governance, and build capacity of state and local institutions to enhance services delivery, environmental sustainability, and climate resilience.

Safeguard categories:

Environment: B

Involuntary Resettlement: B

Indigenous Peoples: C

Complaint received on: 17 July 2020

Complaint acknowledged and registered: 21 July 2020

Complainants: Two project-affected people

Complaint:

- safety issues on the use of explosives for excavation works
- health impact of dust and noise pollution

Eligibility: Determined not eligible on 28 August 2020 since complainants have not made good faith efforts to address their concerns with the concerned ADB operations department

ACEF = Asia Clean Energy Fund, OCR = ordinary capital resources, SPF = special project facilitator, TA = technical assistance, TASF = Technical Assistance Special Fund.

Source: ADB.

Pakistan: Jalalpur Irrigation Project

The complaint, submitted by a father and his son, alleged that the project's land acquisition process has misclassified their land being acquired under the project and that the compensation proposed is substantially below market value. They also alleged that the project has initiated construction on a part of their property without their consent or compensation. OSPF held discussions with the ADB project team from CWRD on 3 September 2020 and had a teleconference with the complainant on 4 September 2020. The complainants confirmed that they had exhausted the project level and government processes to appeal the land acquisition and compensation decisions and thus filed their complaint with the Accountability Mechanism. After discussions with CWRD, Pakistan Resident Mission, and the complainants, the complaint was made ineligible on 9 September 2020 as the complainants admitted that they had not yet engaged with CWRD to resolve their issues. Further, as this is not the first case relating to land acquisition and compensation in Pakistan, OSPF encouraged CWRD to undertake an independent property valuation to assess the validity of the complaint. Currently, CWRD is in discussion with the project management office that has reached out to the complainants. OSPF will continue to monitor developments in this case.

The complainant is showing the demarcations installed on his property. This is a screen grab from the video clip sent by complainants to OSPF (photo by OSPF).

Case no.: SPF-2020-04-01-0096

Project no.: 46528-002

Approval date: 24 November 2017

Funding source:

Loan 3599: \$274.63 million (OCR)

Closing date: 30 June 2024

Project description:

The project is located along the right bank of River Jhelum in Punjab, Pakistan. It will create new non-perennial irrigation services for enhanced agricultural production on 79,750 hectares in Pind Daden Khan and Khushab districts. The project will increase kafir crop intensity by 50%, improve crop yield, and reduce land degradation. It will directly benefit over 200,000 rural people, mostly poor. The project will (i) construct over 200 km of new irrigation canals, (ii) introduce institutional reforms and establish farmers' organizations, and (iii) build farmers capacity. It will also contribute to food security and economic growth and will alleviate rural poverty in the project area.

Safeguard categories:

Environment: A

Involuntary Resettlement: A

Indigenous Peoples: C

Complaint received on: 1 September 2020

Complaint acknowledged and registered: 2 September 2020

Complainants: Two project-affected people

Complaint:

- misclassification of land to be acquired
- low compensation

Eligibility: Determined not eligible on 9 September 2020 since complainants have not made good faith efforts to address their concerns with the concerned ADB operations department

km = kilometer, OCR = ordinary capital resources, SPF = special project facilitator.

Source: ADB.

Georgia: Natakhtari– Jinvali Road Project

Three complainants from the Lower Aragvi Valley alleged that the proposed project would cause loss of agricultural production; impact on livelihoods and tourism; and damage the ecosystem. OSPF held separate videoconferences with ADB project team, CWRD, and Georgia Resident Mission on 20 October 2020 and with the complainants on 26 October 2020. The complaint was deemed ineligible for the problem-solving process on 28 October 2020 and was forwarded to CWRD/the resident mission for appropriate action as the proposed project is in the ADB pipeline but has not yet been processed for Management or Board consideration. The ADB Accountability Mechanism is a last resort mechanism and complaints should be dealt first at the project level and the complainants were advised to engage first with CWRD/the resident mission to resolve their concerns before resubmitting their complaint to the Accountability Mechanism.

Case no.: SPF-2020-05-01-0097

Project no.: Not applicable

Approval date: Not applicable

Funding source: Not applicable

Project description: Not applicable

Safeguard categories:

Environment: Not applicable

Involuntary Resettlement: Not applicable

Indigenous Peoples: Not applicable

Complaint received on: 8 October 2020

Complaint acknowledged and registered:
9 October 2020

Complainants: Three project-affected people
(with assistance from an individual)

Complaints:

- loss of agriculture production
- impact on livelihoods and tourism
- damage to the ecosystem

Eligibility: Determined not eligible on 28 October 2020 since complainants have not made good faith efforts to address their concerns with the concerned ADB operations department

SPF = special project facilitator.

Source: ADB.

Road design plan from the feasibility study and detailed design for E-60 highway section from Natakhtari to Rustavi (Tbilisi Bypass).

India: Karnataka State Highways Improvement III Project

Two project-affected people submitted the complaint alleging nonpayment of compensation for tamarind trees that would be affected by the road widening works under the project. The same complainants submitted a complaint in 2019 on the same project claiming misclassification of their land and low compensation. OSPF held teleconferences with ADB project team from South Asia Department/India Resident Mission (SARD/INRM) and complainants on 15 and 20 October 2020, respectively. SARD/INRM agreed to work with the complainants and the executing agency to attempt to resolve the issues raised. The complaint was therefore deemed ineligible for the problem-solving process on 21 October 2020 due to lack of good faith efforts by the complainants to address their issues with the concerned ADB operations department. The concerned ADB operations department is already working with the project authorities to address the issues raised in the complaint.

The land use along the roadside consists of agriculture, settlements, open scrub, and plantations. About 30 tree species had been identified along the proposed road sub-project (Initial Environmental Examination, January 2017) (photo by ADB).

Case no.: SPF-2020-06-02-0098

Project no.: 42513-014

Approval date: 8 December 2017

Funding source:

Loan 3619: \$346 million (OCR)

Closing date: 30 June 2024

Loan: \$148 million (Private Sector)

Project description:

The project will improve about 418 km of state highways in the state of Karnataka, in line with the state's core road network development plan. It will involve upgrading identified state highways to two- and four-lanes with paved shoulders, depending on traffic requirements; and reconstruction, widening, and strengthening of culverts and bridges. Contracts will be based on a hybrid-annuity model with a 7-year annuity period, post-construction. The project will carry out a road safety audit to identify critical accident spots across state highways on the core road network, and implement suitable measures to solve these. The project will also strengthen institutional capacity and efficiency in Karnataka Public Works, Ports, and Inland Water Transport Department.

Safeguard categories:

Environment: B

Involuntary Resettlement: A

Indigenous Peoples: B

Complaint received on: 12 October 2020

Complaint acknowledged and registered: 13 October 2020

Complainants: Two project-affected people

Complaint: Nonpayment of compensation

Eligibility: Determined not eligible on

21 October 2020 since complainants have not made good faith efforts to address their concerns with the concerned ADB operations department

km = kilometer, OCR = ordinary capital resources, SPF = special project facilitator.

Source: ADB.

Pakistan: Khyber Pakhtunkhwa Provincial Roads Improvement Project

Three residents of Hattar Industrial Estate submitted a complaint alleging that the road rehabilitation and construction works under the project will detrimentally affect their small businesses as the project would block access to their shops. OSPF held videoconferences with the ADB project team from CWRD and Pakistan Resident Mission on 29 October 2020 and with the authorized representative of the complainants on 3 November 2020. The complaint was deemed ineligible for the problem-solving process on 9 November 2020 due to lack of good faith efforts by the complainants to address their issues with the concerned ADB operations department and was forwarded to CWRD/the resident mission for resolution. An agreement to resolve the issues was subsequently reached and is now being implemented.

The elevated carriageway and road pass near the shops for which the shop owners complained. The design was revised, and access was provided to shops from both sides (photo by ADB).

Case no.: SPF-2020-07-01-0099

Project no.: 47360-002

Approval date: 28 November 2017

Funding source:

Loan 3601: \$121.50 million (OCR)

Loan 3602: \$18.50 million (COL/ADF)

Closing date: 30 June 2023

Project description:

The project will: (i) rehabilitate 214 km of provincial roads in the Province of Khyber Pakhtunkhwa, (ii) pilot two performance-based maintenance contracts covering 104 km of provincial roads, and (iii) enhance road asset management.

Safeguard categories:

Environment: B

Involuntary Resettlement: C

Indigenous Peoples: C

Complaint received on: 21 October 2020

Complaint acknowledged and registered: 22 October 2020

Complainants: Three project-affected people (with assistance from an individual)

Complaint:

- loss of access to shops due to reduced commercial activity as result of the project
- impact on livelihoods

Eligibility: Determined not eligible on 9 November 2020 since complainants have not made good faith efforts to address their concerns with the concerned ADB operations department

ADF = Asian Development Fund, COL = concessional ordinary capital resources lending, km = kilometer
OCR = ordinary capital resources, SPF = special project facilitator.

Source: ADB.

Philippines: Infrastructure Preparation and Innovation Facility

Two resort owners in Samal Island, Davao City lodged a complaint alleging there was lack of consultation with them on the proposed alignment of the Samal Island and Davao City Connector Project and that the baseline study and impact assessment prepared for the project was incomplete and misleading. OSPF reviewed relevant project-related documents and materials including videos provided by the complainants, held videoconferences with the ADB project team from the Southeast Asia Transport Division and Philippine Country Office (SETC/PHCO) on 18 November 2020 and with the complainants on 19 November 2020. The complaint was deemed ineligible for problem-solving process on 20 November 2020 for lack of good faith efforts to resolve issues with the ADB operations department. Instead, SETC/PHCO has been having discussions with the complainants and has requested the executing agency to take into consideration the environmental reviews undertaken by experts supporting the arguments of the complainants.

The Philippines: Infrastructure Preparation and Innovation Facility technical assistance loan financed a feasibility study commissioned by the Philippine's Department of Public Works and Highways (DPWH) for the Samal Island and Davao City Connector Project (photo by DPWH).

Case no.: SPF-2020-08-01-0100

Project no.: 50288-001

Approval date: 27 October 2017

Funding source:

Loan 3589: \$100 million (OCR)

Closing date: 30 June 2020

Loan 3886: \$200 million (OCR)

Closing date: 30 June 2025

Project description:

The project will directly support the Department of Public Works and Highways and Department of Transportation in delivering more effective and more innovative infrastructure projects. The key benefits include: (i) effective identification, analysis, and planning for infrastructure gaps, especially roads, urban transport, urban water, sanitation, and flood management; (ii) addressing critical constraints such as resettlement processes and inadequate access to international knowledge, best practices, innovation, and technology; and (iii) implementation management of sophisticated public infrastructure projects with international expertise to supplement national expertise and resources. The project will also help address key operational areas for ADB through gap analysis and support for country system development in key areas such as: (i) land acquisition, (ii) procurement, and (iii) start-up delays.

Safeguard categories:

Environment: C

Involuntary Resettlement: C

Indigenous Peoples: C

Complaint received on: 11 November 2020

Complaint acknowledged and registered:

16 November 2020

Complainants: two complainants (with a lawyer as representative)

Complaint:

- lack of consultation
- incomplete and misleading baseline study and impact assessment

Eligibility: Determined not eligible on

20 November 2020 since complainants have not made good faith efforts to address their concerns with the concerned ADB operations department

OCR = ordinary capital resources, SPF = special project facilitator.

Source: ADB.

Pakistan: Peshawar Sustainable Bus Rapid Transit Corridor Project

The complainants claimed that the construction of the underpass would cause: (i) loss of business and livelihoods, (ii) devaluation of their properties and shops, and (iii) unsafe pedestrian road access. OSPF reviewed relevant project-related documents and held a videoconference with the complainants, the ADB project team from CWRD's Urban Development and Water Division (CWUW), and the resident mission to better understand the issues. The Peshawar Development Authority which is the implementing agency, and the CWUW/the resident mission have been engaging with other project-affected people with similar complaints. In response, the Peshawar Development Authority redesigned the underpass which reoriented foot traffic flow, provided for safer road access and better access to affected shops. In early December 2020, complainants agreed to the revised design. They also agreed to drop their request for confidentiality and were willing to engage with CWUW/the resident mission. OSPF eligibility assessment is ongoing.

Staircase at Hashtnagri underpass and pedestrian traffic during business operation hours (photo by ADB).

Case no.: SPF-2020-09-03-0101

Project no.: 48289-002

Approval date: 23 November 2017

Funding source:

Loan 3543: \$335 million (OCR)

Closing date: 31 December 2021

Loan 8336: \$150 million

(Agence Française de Développement)

Closing date: 31 December 2022

Loan: \$75 million

(European Investment Bank)

Project description:

The project will help develop a sustainable urban transport system in Peshawar by delivering the city's first integrated bus rapid transit (BRT) corridor, directly benefiting 0.5 million people. The project includes: (i) the construction of a 26km BRT corridor and associated facilities, and (ii) effective project management and sustainable BRT operations through institutional developments. The project is economically justified by substantial reduction in travel time for future BRT passengers, savings on vehicle maintenance, better air quality, and reduced carbon emissions that which will improve the health of Peshawar's citizens and mitigate climate change. The project will also make Peshawar more livable and safe; boost private sector investment; and foster gender equity.

Safeguard categories:

Environment: A

Involuntary Resettlement: A

Indigenous Peoples: C

Complaint received on: 10 December 2020

Complaint acknowledged and registered:
15 December 2020

Complainants: Two project-affected people

Complaint:

- loss of business and livelihood
- devaluation of properties/shops
- unsafe pedestrian road access

Eligibility: Assessment is ongoing and due on 15 January 2021

km = kilometer, OCR = ordinary capital resources, SPF = special project facilitator.

Source: ADB.

Mongolia: Ulaanbaatar Urban Services and Ger Areas Development Investment Program – Tranche 1 (3rd complaint)

Two local nongovernment organizations, Oyu Tolgoi Watch and Zurgaan Buudal Citizens' Rights Protection, submitted the complaint on behalf of 13 project-affected people from the Selbe subcenter. The complaint raised issues on adherence to: (i) Mongolian road standards, (ii) safety and noise standards, (iii) requirements for technical and management monitoring of project implementation, and (iv) nondisclosure of information and lack of meaningful consultation. OSPF eligibility assessment is ongoing.

A complainant's ger in the Selbe subcenter that was impacted by the land acquisition and resettlement under the Ulaanbaatar Urban Services and Ger Areas Development Investment Program (photo by OSPF).

Case no.: SPF-2020-10-03-0102

Project no.: 45007-004

Approval date: 17 December 2013

Funding source: Grant 0380: \$3.70 million (Urban Environmental Infrastructure Fund)

Closing date: 21 November 2019 |

Loan 3098: \$27.50 million (OCR) **Revised closing date:** 30 June 2021 | Loan 3099: \$22.50 million

(COL/ADF) **Revised closing date:** 30 June 2021 |

Loan: \$28.38 million (European Investment Bank)

Project description:

Tranche 1 of the investment program will support the implementation of a city master plan to develop Selbe and Bayankhoshuu subcenters by: (i) extending the sewerage network from the city core: collector main (6.1 km) and sewer pipes (2.9 km); (ii) developing priority roads (15 km), water supply network (18.6 km), sewerage network (20 km), district heating network (21 km), and five heating facilities using the most suitable state-of-the-art environmentally friendly technologies within subcenters; (iii) constructing social and economic facilities, i.e., two kindergartens, green areas, and small squares, two business incubators, associated with two vocational training centers; (iv) improving Ulaanbaatar Water Supply and Sewerage Authority operations and service delivery efficiency of water supply and wastewater collection; and (v) providing institutional and capacity development to: a) prepare detailed design and construction supervision; b) support community participation, awareness, and small and medium-sized enterprises development; c) improve subcenter redevelopment; d) strengthen the program management office capacity; and e) support service provider reforms.

Safeguard categories:

Environment: B

Involuntary Resettlement: A

Indigenous Peoples: C

Complaint received on: 28 December 2020

Complaint acknowledged and registered: 4 January 2020

Complainants: 13 project-affected people (with assistance from an NGO)

Complaint:

- violation of Mongolian road standards;
- violation of safety and noise standards;
- noncompliance with the requirements for technical and management monitoring of project implementation; and
- nondisclosure of information and lack of meaningful consultation on potential risks, negative impacts, and the mitigation measures the project will provide

Eligibility: Assessment is ongoing and due on 28 January 2021

ADF = Asian Development Fund, COL = concessional ordinary capital resources lending, km = kilometer, NGO = nongovernment organization, OCR = ordinary capital resources, SPF = special project facilitator.

Source: ADB.

Mongolia: Ulaanbaatar Urban Services and Ger Areas Development Investment Program - Tranche 2

The same local NGOs that represented the complainants under Tranche 1 of the investment program, submitted the complaint on behalf of four project-affected people from the Damba subcenter. The complaint on Tranche 2 raised issues on: (i) delayed payment of compensation to non-title holders, (ii) misevaluation of land and property, (iii) misclassification of land to be acquired and low compensation, (iv) lack of reliable and meaningful consultation, and (v) ineffective project grievance mechanism. OSPF eligibility assessment is ongoing.

Despite the challenges posed by the COVID-19, the OSPF's review and assessment phase for this complaint was conducted and completed to ascertain the dynamics of the proposed joint problem-solving and to recommend a course of action and next steps (photo by OSPF).

Case no.: SPF-2020-11-01-0103

Project no.: 45007-005

Approval date: 31 March 2017

Funding source:

Loan 3525: \$37.11 million (OCR)

Closing date: 28 February 2022

Loan 3526: \$29.24 million (COL/ADF)

Closing date: 28 February 2022

Loan: \$19.64 million

(European Investment Bank)

Project description:

Tranche 2 of the multitranche financing facility will (i) extend the urban infrastructure upgrading and spatial restructuring to two additional subcenters in the northern *ger* areas, namely Dambadarjaa and Denjiin, and provide additional investments in Selbe and Bayankhoshuu subcenters under Tranche 1; (ii) support the delivery of socioeconomic facilities; and (iii) further improve institutional strengthening and capacity building.

Safeguard categories:

Environment: B

Involuntary Resettlement: A

Indigenous Peoples: C

Complaint received on: 28 December 2020

Complaint acknowledged and registered:

4 January 2021

Complainants: Four project-affected people

Complaint:

- delayed payment of compensation to non-title holders;
- misevaluation of land and property to be acquired;
- misclassification of land to be acquired and low compensation;
- lack of meaningful consultation; and
- ineffective project grievance mechanism

Eligibility: Assessment is ongoing and due on 28 January 2021

ADF = Asian Development Fund, COL = concessional ordinary capital resources lending, OCR = ordinary capital resources, SPF = special project facilitator.

Source: ADB.

UPDATE ON ACTIVE COMPLAINTS

Sri Lanka: Greater Colombo Wastewater Management Project

OSPF received two complaints from the same complainants on 19 April 2017 and 11 September 2018 regarding project construction and health impacts. Both complaints were deemed ineligible for OSPF problem-solving. A third complaint submitted in November 2019 was deemed eligible on 15 January 2020 based on additional documents and evidence and on further discussions with the executing agency and ADB project team. Following discussions with the executing agency, OSPF assessed the final offer and found that it was reasonable and consistent with ADB and government policies. On 19 December 2020, the executing agency sent its final offer to the complainants. OSPF has informed them that unless the executing agency indicated that it was open to further negotiations, it could not continue to play any role in the complaint and would close the case. OSPF added that if the complainant agreed to the offer, it would monitor the implementation of the agreement.

The complainant raised concern on the damages to his house caused by the project construction activities (photo taken from the environmental condition survey shared by the complainant to OSPF).

Case no.: SPF-2019-12-03-0092

Project no.: 36173-013

Approval date: 28 September 2009

Funding source:

Loan 2557: \$80 million (OCR)

Revised closing date: 31 December 2021

Loan 2558: \$20 million (COL/ADF)

Revised closing date: 31 December 2021

Project description:

The project is designed to improve the urban environment for and public health of the urban and suburban residents in Colombo through improvements to wastewater management services. It will support: (i) upgrading of the sewerage infrastructure, including pumping stations, sewer pipes, and discharge outfalls; (ii) strengthening of the institutional and operational capacity in asset management, financial management, operational performance monitoring, environmental regulatory compliance, customer services, and pro-poor sanitation services; and (iii) project management and implementation.

Safeguard categories:

Environment: B

Involuntary Resettlement: B

Indigenous Peoples: C

Complaint received on: 22 November 2019

Complaint acknowledged and registered: 22 November 2019

Complainants: Two project-affected people

Complaint:

- nonpayment for house repairs;
- lack of assistance for the mother's medical expenses incurred in 2016;
- lack of assistance for the mother's hospitalization expenses during house repair; and
- lack of compensation for mental stress, disturbances, other contingency and loss of business opportunity caused by the project.

Eligibility: Determined to be eligible on 15 January 2020

ADF = Asian Development Fund, COL = concessional ordinary capital resources lending, OCR = ordinary capital resources, SPF = special project facilitator.

Source: ADB.

Pakistan: Power Transmission Enhancement Investment Program II – Tranche 3

One hundred and twenty farm families from north of Lahore complained about the acquisition of their land for a 500 kilovolt grid station to be constructed in their area. The land acquisition process was just beginning and OSPF was preparing for a multistakeholder meeting when COVID-19 interrupted the negotiations. Since then, OSPF has had periodic virtual meetings with the executing agency and the resident mission to discuss how to resolve any outstanding issues of the complaint, including ensuring the social and environmental integrity of the project layout and land acquisition process. An agreement has been drafted and the ADB project team, supported by the OSPF national facilitator, recently fielded a mission to meet with the complainants and the executing agency to accelerate the process of finalizing the list of project-affected people and the agreement on the course of actions for the resolution of the issues.

A hundred and twenty farm families complained about the acquisition of their land for a 500 kV grid station to be constructed north of Lahore in Pakistan. OSPF held periodic virtual meetings with the project's executing agency and ADB project staff to discuss in detail how to resolve any outstanding issues of the complaint (photo by OSPF).

Case no.: SPF-2019-07-01-0087

Project no.: 48078-005

Approval date: 28 June 2018

Funding source:

Grant 0578: \$4 million

(High Level Technology Fund)

Closing date: 31 December 2023

Loan 3677: \$280 million (OCR)

Closing date: 31 December 2023

Project description:

The program will support: (i) meeting quality and reliability of power supply standards; (ii) serving the increasing customer demand; and (iii) 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 the 500 kilovolt (kV) and 220 kV transmission systems to meet demand at load centers in Punjab Province.

Safeguard categories:

Environment: B

Involuntary Resettlement: A

Indigenous Peoples: C

Complaint received on: 19 June 2019

Complaint acknowledged and registered: 20 June 2019

Complainants: 120 project-affected families

Complaint: Lack of adequate consultation regarding project site selection leading to displacement of complainants

Eligibility: Determined to be eligible on 20 June 2019

OCR = ordinary capital resources, SPF = special project facilitator.

Source: ADB.

Pakistan: Pehur High Level Canal Extension Project (formerly Khyber Pakhtunkhwa Water Resources Project)

The project includes a section of pressure pipeline that will traverse the farm of 10 families who complained that the project would significantly reduce their farm productivity and income, that the pressure pipe would present serious safety hazards to the complainants, and that they were not consulted regarding the pipe alignment. Supported by its national facilitator and the resident mission project team, OSPF facilitated an agreement in principle on a memorandum of understanding (MOU) between the complainants and the executing agency on compensation and other special provisions to offset the losses to the farm families. OSPF had virtual meetings with the complainants, the project management office, and the resident mission to follow-up the status of the problem-solving process since the MOU has not yet been signed by the concerned parties. Independent engineering integrity reports prepared in December 2020 recommended surge analysis modeling to confirm the safety of the pipe and is now under preparation. It is expected that a virtual joint stakeholder meeting will be convened by OSPF in the 1st quarter of 2021 to secure agreement of parties on the final MOU.

Case no.: SPF-2019-04-01-0084

Project no.: 47024-004

Approval date: 24 November 2016

Funding source:

Loan 3470: \$86.41 million (OCR)

Closing date: 30 June 2023

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 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.

Safeguard categories:

Environment: A

Involuntary Resettlement: A

Indigenous Peoples: C

Complaint received on: 13 March 2019

Complaint acknowledged and registered: 13 March 2019

Complainants: 10 project-affected families

Complaint:

- reduced farm productivity and income
- potential safety hazards to residents
- lack of consultation regarding pipe alignment

Eligibility: Determined to be eligible on 23 April 2019

OCR = ordinary capital resources, SPF = special project facilitator.

Source: ADB.

OSPF held meetings with complainants, project management office, and ADB project staff to monitor the status of the problem-solving process of the complaint (photo by OSPF).

C. Operational Support and Advisory Services

Compliance Review Capacity Building. Internal cooperation and meaningful participation are crucial for effective compliance review. For this, OCRP initiated internal outreach to operations departments. These awareness-raising sessions were planned to be delivered based on the needs and requirements of each operations department. Based on the preference of responding operations departments, OCRP conducted intensive sessions on compliance review which detailed the activities and expectations of the different participants in the process. These sessions were done with SARD on 3 November 2020 with about 70 participants, and with CWRD on 12 December 2020 with around 100 attendees. Attendees included Management, staff, and consultants of both departments. OCRP focused on principles and procedures of compliance review, and discussed lessons learned. OCRP received very positive feedback from both departments and the operations departments requested for additional sessions for their resident missions in 2021.

Lessons Learned from Compliance Reviews Series.

In 2020, OCRP initiated documenting the lessons learned from compliance review through a series that examined the completed compliance reviews for eight ADB-assisted projects that were the subject of complaints during 2004–2020.

The Lessons Learned from Compliance Reviews series explores the challenges, gaps, and good practices in each project as highlighted through the compliance review process. The insights presented in these reports are gathered through a comprehensive review of documents, surveys, and interviews of all available stakeholders and partners, including ADB project staff from headquarters and resident missions, former members of the CRP, former staff of the OCRP, representatives of the borrower (government or private

sector), and relevant affected persons and/or NGO representatives. Though the series is being prepared by the OCRP, it does not reflect OCRP's opinion unless so specified in each report.

This series aims to provide practical insights for development practitioners, safeguard specialists, nongovernment organizations, civil society organizations, government personnel, project beneficiaries, and ADB Management and staff seeking to learn more about project design, implementation, and the process of compliance review. It aims to contribute to capacity development on project management and good institutional governance.

The series covers lessons learned from the compliance reviews of the following projects:

- Greater Mekong Subregion Rehabilitation of the Railway in Cambodia Project – Loans 2288 and 2602–Cambodia
- CAREC Transport Corridor 1 (Bishkek–Torugart Road) Project 1 – Grant No. 0123–Kyrgyz Republic
- Fuzhou Environmental Improvement Project – Loan 2176–People's Republic of China
- Southern Transport Development Project – Loan No. 1711–SRI (SF)–Sri Lanka
- Integrated Citarum Water Resources Management Investment Program – Project 1 – Loans 2500 & 2501(SF)–Indonesia
- Visayas Base-Load Power Development Project – Loan No. 2612–Philippines
- Mundra Ultra Mega Power Project – Loan 2419–India
- Sustainable Urban Transport Investment Program – Tranche 3 – Loan 3063–Georgia

By the end of 2020, OCRP has completed the research, drafted and partially edited three case reports⁸ in this series and these are now nearly ready for online publication. The remaining five reports are in the data gathering, analysis, or early drafting stage. Publication of all the case reports in the series is expected to be completed in 2021. A knowledge-sharing event will be organized with the relevant operations departments and resident missions to discuss each of the case reports.

In 2020, OSPF successfully launched various knowledge products and services targeting ADB operations staff, and government and private sector partners in ADB developing member countries (DMCs) to boost its operational support and advisory services.

Problem Solving Capacity Building. OSPF developed two e-learning modules to supplement its capacity building and training programs. The [Foundational Course on Grievance Redress Mechanism](#) was launched on 7 July 2020 and provides an appreciation of the need and benefits of a well-functioning project level grievance redress mechanism (GRM) to ensure smooth project implementation. The [Introduction to Problem-Solving Tools](#) was launched on 19 October 2020 and offers insights into key problem-solving tools that can be used in day-to-day project management. The course teaches ADB project officers how to integrate problem-solving and problem collaboration into projects to ensure that problems are identified early and are dealt with promptly before they can have an impact on projects. As of 31 December 2020, 286 learners have taken either or both courses.

Case Studies. The OSPF's Lessons Learned series was launched in the fourth quarter of 2020 with three case studies already published. These are the: (i) [Batumi Bypass Road Project in Georgia](#); (ii) [Sustainable Urban Transport Investment Program, Tranche 3 in Georgia](#); and (iii) [Ulaanbaatar Urban Services and Ger Areas Development Investment](#)

[Program, Tranche 1 in Mongolia](#). The series is based on OSPF's complaint management experience and distills lessons learned from project preparation and design, to processing, implementation, and monitoring. It aims to support ADB operations departments, government and private sector partners, and other project stakeholders by documenting grievance redress management experiences and identifying important lessons and good practices on problem solving that are useful for future ADB projects.

In addition, OSPF also produced case study videos based on its problem-solving experience from complaints in [Mongolia](#) and [Armenia](#), and a [GRM best practice video on a Viet Nam project](#). These case studies and videos were translated into different languages to provide information to project-affected people and other stakeholders in a language that allows them to understand and to help raise awareness about ADB and its operations, to share knowledge, and aid stakeholder engagement.

⁸ Greater Mekong Subregion Rehabilitation of the Railway in Cambodia Project, CAREC Transport Corridor 1 (Bishkek–Torugart Road) Project 1, and Fuzhou Environmental Improvement Project.

Reaching Out Wider and Deeper during the Pandemic

An Afghan volunteer health worker
distributes free face masks in downtown Kabul,
Afghanistan, 9 June 2020 (photo by ADB).

Approach to Outreach

In 2020, the Accountability Mechanism adopted a new approach in its outreach program that ultimately had to be conducted virtually due to the restrictions imposed by the COVID-19 pandemic. This approach was based on a joint outreach and training program conducted by accountability mechanism offices (OCRP and OSPF), the Safeguards Division (SDSS) of the Sustainable Development and Climate Change Department and other relevant partners for all project stakeholders. The joint training program was planned to raise awareness on ADB's Environmental and Social Safeguards and Accountability Mechanism principles and processes. The joint outreach program was designed to cover the following objectives: (i) provide an integrated and systems perspective on the safeguards and accountability mechanism at ADB; (ii) share with the stakeholders project-based experiences on safeguards and accountability mechanism implementation; (iii) provide an overview of the internationally recognized good practices on safeguards and accountability mechanism, especially on the implementation experience; (iv) provide opportunity for discussions to obtain inputs for updating of ADB's Safeguard Policy Statement; and (v) receive feedback on the ADB Accountability Mechanism including issues such as access, and effectiveness and possible future directions to strengthen ADB's accountability to project-affected persons.

To start this new approach, on 17 February 2020, the Accountability Mechanism heads briefed new Board members and advisors on the problem-solving and compliance review functions of the Accountability Mechanism jointly with the briefing on safeguards by SDSS.

To start rolling out the joint outreach training program to internal audience (i.e., ADB staff and consultants) and external stakeholders (i.e., government executing

and implementing agencies), the Accountability Mechanism offices and SDSS piloted a webinar series, in collaboration with SARD, specifically its India resident mission. From 27 July to 18 August, four virtual sessions of 2 hours each were delivered. Each session focused on principles, processes and lessons relating to either (i) accountability mechanism, (ii) environment safeguards, (iii) involuntary resettlement, and (iv) indigenous peoples' safeguards. Thirty-nine staff from the INRM and 108 personnel from ADB project executing and implementing agencies in India attended these webinars. These also included discussion on cross cutting areas of concern like access to information, climate change, and gender.

Enhanced Understanding of ADB's Compliance Review through Strengthened Partnerships

Internal:

The Accountability Mechanism took part in the review and redesign of the ADB Induction Program for New Staff in February and March, and in the pilot virtual session in April which were organized by the Budget, People, and Management Systems Department. These shorter but focused briefings highlighted relevant information to strengthen ADB's accountability to project-affected persons, with the ultimate objective of enhancing ADB's development effectiveness. In the redesigned virtual induction program, Office of Anticorruption and Integrity, Independent Evaluation Department, and the Accountability Mechanism included a 1-hour briefing session on how ADB strengthens its development effectiveness through addressing corrupt and fraudulent practices-related issues, conducting independent project and policy evaluation, and ensuring ADB's compliance with its policies through complaints from project-affected persons. Through these induction sessions, the Accountability Mechanism was able to inform at least

200 staff about the objectives, function, structure, and scope of the Accountability Mechanism. These sessions were conducted on the following dates.

Table 2: Participants to the 2020 Induction Session on Accountability Mechanism

Date	Number of Participants	Mode of delivery
21 February	58	Face-to-face
14 May	19	Virtual (pilot)
25 June	24	Virtual
10 September	30	Virtual
22 October	43	Virtual
19 November	43	Virtual

Source: OCRP.

External:

To keep itself abreast of issues and ideas relating to accountability of the international financial institutions (IFIs), the ADB Accountability Mechanism participated in the activities of the network of independent accountability mechanisms (IAMs) of IFIs. Almost all accountability mechanism personnel attended the 17th annual meeting of IAMs on 23 and 24 September 2020, done virtually and co-organized by the Independent Consultation and Investigation Mechanism of the Inter-American Development Bank and the Compliance Advisor Ombudsman of the International Finance Corporation and the Multilateral Investment Guarantee Agency. The meeting discussed member organizations' updates of activities, selected experiences of the review of accountability mechanisms in some IFIs, and the impact of COVID-19 on IAM operation. Some lessons learned from cases and outreach activities were also shared.

To deepen the understanding of issues relating to accountability and to addressing complaints of project-affected persons, ADB Accountability Mechanism also attended the International Accountability Mechanism-Civil Society Organization Round Table on complaint eligibility and admissibility on 22 September 2020. This event brought together

100 individuals, representing 23 civil society organizations and 17 IAMs.

To widen the reach and strengthen the collaboration among international institutions that are engaged in accountability work, ADB Accountability Mechanism took part in the soft launch of Grievance Redress and Accountability Mechanism partnership. This event was held on 1 December 2020 and was organized by the Independent Recourse Mechanism of the Green Climate Fund.

The year 2020 saw colleagues at the Office of the United Nations High Commissioner for Human Rights (OHCHR) reflecting on the role of independent accountability mechanisms in enabling remedy in development finance as part of a wider initiative on accountability and remedy. To contribute to OHCHR's work and hear from different stakeholders, in June 2020, OSPF and OCRP staff, and CRP members joined the regional consultation on this subject co-hosted by OHCHR and the Green Climate Fund's Independent Redress Mechanism. Discussions during the session, which is part of a series, will feed into a research report to be published by OHCHR.

Enhanced Understanding of ADB's Accountability Mechanism through Knowledge Materials

Videos on the Accountability Mechanism and best practices on GRM and problem solving. OSPF and OCRP partnered in the translation of captions of the following short videos into Bahasa Indonesia, Burmese, Chinese, Dari, Georgian, Hindi, Japanese, Khmer, Lao, Mongolian, Nepali, Russian, Urdu, Vietnamese, and Japanese:

- [ADB's Accountability Mechanism Video – An Introduction](#)
- [Building Foundation for Effective Social Inclusion in Ger Areas](#)
- [Building Bridges: Lessons from Problem-Solving in Viet Nam](#)

Additionally, OSPF also produced a [4-minute video on its problem-solving experience in Armenia: Sustainable Urban Development Investment Program – Tranche 1](#). These materials, which were uploaded on YouTube for wider reach, will form part of the resources to be used in future outreach and trainings on the Accountability Mechanism.

Accountability Mechanism’s 25 years story. In 2020, Accountability Mechanism turned 25 considering that ADB’s first inspection function was established in 1995. Since then, accountability has gradually become part of the culture of ADB and manifested in small yet concrete steps towards strengthening ADB’s development effectiveness. To commemorate this event, OCRP and OSPF are preparing an innovative

and interesting story of Accountability Mechanism’s 25 years through scrollytelling, that will highlight the evolution, challenges, and ups and downs of the Accountability Mechanism. It will also narrate how the Accountability Mechanism evolved structurally, how it works to resolve problems and address grievances, and how it holds ADB accountable by complying with its own policies and procedures. Finally, the story will share some inspirations and vision of the Accountability Mechanism leadership for the people of prosperous, inclusive, resilient, and sustainable Asia and the Pacific. As of December 2020, OCRP has prepared a brief story outline together with exploring various innovative storytelling methods, which are now being finalized by the team.

Accounting for Accountability during the Pandemic

Shazia Aziz, mother of 6-year-old Zahira Aziz, helps her daughter sanitize her hands to keep her safe during the COVID-19 lockdown in Pakistan (photo by ADB).

4

As the world continues to reel from the impacts of COVID-19, not just on the economic health of nations but on the health of each citizen, ADB has been quick in its response to the call for assistance from all fronts. While doing so, ADB's Accountability Mechanism has remained steadfast to its values of high standards of accountability, transparency, openness, and public participation. Though the needs were urgent, the Accountability Mechanism continued to provide an independent forum, responsive to the concerns of people potentially or adversely affected by ADB-assisted projects.

How did the Accountability Mechanism do its job in the face of lockdowns?

Complaints management. To ensure accessibility to affected people, the Accountability Mechanism took steps to improve the communication lines with complainants at the complaint-filing stage. This included a more proactive engagement by the CRO with the complainants by sending follow-up letters explaining clearly what the next steps would be and by providing personal contact number in case complainants have more pressing needs.

The pandemic may have limited OSPF's problem-solving missions, face-to-face capacity building and training workshops, and outreach activities, but it continued to respond to complaints in a timely manner and ensured a problem-solving process that is fair to all stakeholders. OSPF promptly addressed new complaints lodged for problem-solving and held frequent virtual meetings with the complainants, concerned ADB project team, and project authorities. At the same time, it adapted to the mode of communication preferred by the complainants and other stakeholders.

OSPF carried out its monitoring and facilitation actions through regular virtual meetings on ongoing cases and relied heavily on its roster of facilitators (national consultants) and independent experts

(international consultants) for immediate mobilization in the field, subject to clearances from resident missions. It increased its resources towards the use of information and communication technology by closely collaborating with ADB's Information Technology Department to get additional technology and resources to help better facilitate communication with complainants especially those residing in areas where internet and mobile connections are unreliable, and to efficiently facilitate negotiations between complainants and borrowers/clients while problem-solving missions are on hold. In 2019, OSPF prepared a case management protocol for its facilitators to ensure consistent, efficient, and effective complaints management. This protocol has been proven to be timely and useful for the facilitators to supplement OSPF guidance on day-to-day case management. OSPF radically adjusted its problem-solving function due to the COVID-19 pandemic.

The implementation of remedial actions by borrowers and relevant operations department as well as monitoring of these remedial actions by the CRP were also hampered by mobility and travel restrictions brought about by the COVID-19 pandemic. In monitoring the Sustainable Urban Transport Investment Program - Tranche 3 (Loan No. 3063) of Georgia, because of its inability to conduct a project site visit, the CRP virtually met with the three groups of complainants separately with the assistance of a local interpreter and an NGO coordinator. CRP also had a virtual meeting with the staff and consultant of

MDF, the implementing agency of the government. It likewise conducted a virtual meeting with the project team which was supported by documents with pictures, and a Google map fly-by to provide it with the idea of what transpired in the project since its last monitoring visit. Photographs and video clips e-mailed by the complainants and MDF helped CRP to understand the changes to the project site and compare those with its physical observation during its visit in September 2019. As the implementation of the remedial actions for this project was not completed as scheduled and since the loan closed already in July 2020, CRP requested BCRC to extend its monitoring. With the understanding that the implementation of the remaining relevant actions in the RAP-FS is targeted by MDF to be completed by September 2021, subject to availability and release of funds from relevant government agency, BCRC did not express any objection to the submission of the CRP's third and final monitoring report to the Board on this project in 2021.

While there is no substitute for actual project site visit and face-to-face meetings in assessing project impacts and ascertaining the views of complainants, available technology should be harnessed not only during this pandemic but also in instances when site visits are not possible. Complainants and complaint resolution cannot wait as every delay may mean more harm, more people adversely affected, more complicated negotiations, more remedies needed, higher costs, and greater risk to ADB, in general.

Capacity building and outreach. The two offices of the Accountability Mechanism, the OCRP and the OSPF, planned several face-to-face capacity building workshops and outreach activities lined up at the start of 2020 for ADB operations staff, and executing and implementing agencies in ADB DMCs. However, due to the global travel restrictions, a different strategy had to be adopted to deliver its commitments using various virtual applications and multimedia platforms. The Accountability Mechanism initiated two innovative virtual capacity-building training and awareness programs that were launched in 2020. One was the e-learning foundational courses on GRM and problem-solving tools. These two e-learning modules

are open not just to ADB staff but to all external users. And the other one was a pilot Safeguards and Accountability Mechanism webinar series that was conducted in India and a collaboration of OCRP, OSPF, SARD, and the SDSS. Done in the spirit of One ADB, the webinar series helped communicate cohesion between both the Safeguard Policy Statement 2009 and the Accountability Mechanism Policy 2012 and was able to get insights from various stakeholders to feed into the ongoing Safeguard Policy Statement update. And has been mentioned, OSPF also launched its case study series on its complaint management experience. The series aims to support ADB operations departments by documenting GRM experiences and identifying lessons on problem-solving for future ADB projects.

Operational and non-operational support during work-from-home. The pandemic has caused many ADB staff to make substantial adjustments to their work plan to maximize team and individual productivity while working from home. Each Accountability Mechanism staff continued to support different ADB units in various capacities. These included support on human resources work, support to ADB project teams, and SDSS on safeguard reviews for new projects, and advisory support on a range of strategic and policy issues, particularly on the safeguard policy update. Each staff made themselves available for non-Accountability Mechanism-related support to other units across ADB where there is demand and they are able to contribute to the One ADB COVID-19 response.

The pandemic brought with it serious disruptions to many lives but accountability includes remaining accessible, keeping vigilant, and sustaining engagement and collaboration with the people who look to the Accountability Mechanism as their last string of hope. Thus, despite the pandemic, the ADB Accountability Mechanism remained agile and ready to listen to people adversely affected by ADB projects and committed to work towards addressing their complaints.

Box: Case Management in the Time of COVID-19

Perhaps the worst thing that can happen when you are trying to facilitate a solution to a problem is being unable to communicate face-to-face with the parties involved. The pandemic has certainly limited the ability of the Office of the Special Project Facilitator (OSPF) to assure project-affected people that they are being heard because the team is not with them in the field. It does not help either when the people being assisted live in far-flung areas where internet and mobile connections are unreliable.

OSPF has to manage many such situations but the most severe situation is a complaint on a hydropower project in Nepal where the complainants are from an indigenous peoples community living in a remote mountainous area without access to internet and only have poor telephone connections.

In August 2020, OSPF held a virtual meeting with the complainants and their nongovernment organization advisors to discuss their comments on the draft OSPF review and assessment report which was the basis for moving the problem-solving process forward. The call was scheduled in the early evening (Manila time) and lasted for 4 hours due to the intermittent connection of the complainants.

To resolve this concern on connection, OSPF reached out to the Information Technology Department and the resident mission to get additional technology/resources that could help improve the internet and mobile connections of the project-affected community. Various options were explored including the use of a satellite phone during field visits to the indigenous peoples community. The application that has proven to be most reliable is Zoom, especially in meetings that required simultaneous translation. Frequent Zoom calls with the concerned ADB project teams, project authorities, consultants, and complainants have worked very well in keeping all stakeholders engaged and committed to the problem-solving process.

OSPF also had a local facilitator who worked on the case and supported OSPF's active engagement in the complaint. This facilitator was able to visit the site together with other consultants, with clearance from the resident mission. The facilitator regularly updated the OSPF on developments on the case, including adherence to safety protocols followed during field visits.

Generally, the most challenging OSPF cases are when there are indigenous peoples complainants or indigenous peoples-related issues. Hence, OSPF engaged two independent indigenous peoples experts. One is a local social/indigenous peoples expert to provide an independent assessment of the complaint. This expert undertakes meaningful consultations with and conducts a comprehensive socio-cultural-economic survey of the indigenous peoples community. The other is an international indigenous peoples expert who provides advisory support on all indigenous peoples-related OSPF cases.

Despite the challenges posed by the pandemic, OSPF completed its review and assessment phase virtually and initiated the second phase of its problem-solving process.

Source: ADB.

Appendix: Accountability Mechanism-Related Complaints Received by the Complaint Receiving Officer in 2020

Number	Date Received	Country	Project Name	Type of Complainant	Categorization	Status
1	26 January	Pakistan	Central Asia Regional Economic Cooperation Corridor Development Investment Program - Tranche 1 https://www.adb.org/projects/48404-003/main	Individual	Loss of livelihood	Complaint closed.*
2	10 February	India	Strengthening Capacity to Design and Implement Transport Infrastructure Projects https://www.adb.org/projects/53225-001/main	Individual	Loss of livelihood, Relocation	Complaint closed.*
3	25 May	Bangladesh	South Asia Subregional Economic Cooperation Road Connectivity Project https://www.adb.org/projects/40540-014/main	Individual	Valuation of property, Compensation	Complaint closed.*
4	8 June	Pakistan	Punjab Intermediate Cities Improvement Investment Project https://www.adb.org/projects/46526-007/main#project-pds	Individual	Land acquisition, Compensation	Complaint closed.*
5	23 June	India	Tamil Nadu Urban Flagship Investment Program - Tranche 1 https://www.adb.org/projects/49107-004/main	Individual	Access to property, Safety	Forwarded to OSPF on 17 July. Ineligible on 28 August. Complainants should not be adversely affected considering the proposed corrective actions.
6	11 July	Afghanistan	Transport Network Development Investment Program - Tranche 1 https://www.adb.org/projects/44482-022/main	Individual	Compensation	Complaint closed.*
7	17 July	Georgia	Proposed North-South Corridor (Natakhtari Jinvali) Road Project	Individual / Representative	Environment	Forwarded to OSPF on 8 October. Ineligible on 28 October. No efforts yet by complainants to resolve issues with operations department.
8	18 July	India	South Asia Subregional Economic Cooperation Road Connectivity Investment Program - Tranche 2 https://www.adb.org/projects/47341-003/main	Individual	Compensation	Complaint closed.*

continued on next page

Number	Date Received	Country	Project Name	Type of Complainant	Categorization	Status
9	1 August	Pakistan	Jalalpur Irrigation Project https://www.adb.org/projects/46528-002/main	Individual	Compensation	Forwarded to OSPF on 1 September. Ineligible on 9 September. Complainants have not attempted to resolve issues at operations department level.
10	21 August	India	Karnataka State Highways Improvement III Project https://www.adb.org/projects/42513-014/main#project-overview	Individual	Compensation	Forwarded to OSPF on 12 October. Ineligible on 21 October. Complainants have not attempted to resolve issues at operations department level.
11	28 September	Pakistan	Peshawar Sustainable Bus Rapid Transit Corridor Project https://www.adb.org/projects/48289-002/main	Individual	Livelihood	Forwarded to SPF on 10 December.
12	10 October	Bangladesh	South Asia Subregional Economic Cooperation Railway Connectivity: Akhaura–Laksam Double Track Project https://www.adb.org/projects/46168-001/main	Individual / Representative	Damage to Property / Compensation	Complaint closed.*
13	12 October	Pakistan	Khyber Pakhtunkhwa Provincial Roads Improvement Project https://www.adb.org/projects/47360-002/main	Individual	Road Access, Loss of Income	Forwarded to OSPF on 21 October. Ineligible on 9 November. Issues being resolved at operations department level.
14	22 October	Philippines	Infrastructure Preparation and Innovation Facility https://www.adb.org/projects/50288-001/main	Individual / Representative	Violations committed during conduct of Environmental Impact Assessment Report	Forwarded to OSPF on 11 November. Ineligible on 20 November. Issues to be resolved at operations department level.
15	23 October	India	Chennai–Kanyakumari Industrial Corridor: Power Sector Investment Project https://www.adb.org/projects/51308-001/main	Individual / Representative	Health, Environment, Loss of Income	Complaint closed / withdrawn. Issues to be resolved at operations department level.

continued on next page

Number	Date Received	Country	Project Name	Type of Complainant	Categorization	Status
16	3 November	Mongolia	Ulaanbaatar Urban Services and Ger Areas Development Investment Program - Tranche 1 https://www.adb.org/projects/45007-004/main	Individual	Compensation	Complaint closed.*
17	9 November	Nepal	Disaster Resilience of Schools Project https://www.adb.org/projects/51190-001/main	Individual	Substandard construction of pipes, walls, ditches	Pending with CRO.
18	9 November	Pakistan	Jalalpur Irrigation Project https://www.adb.org/projects/46528-002/main	Individual	Compensation	Pending with CRO.
19	19 November	Pakistan	Khyber Pakhtunkhwa Provincial Roads Improvement Project https://www.adb.org/projects/47360-002/main	Individual / Representative	Damage to property, Access to property, Environment	Pending with CRO.
20	27 November (First Complaint)	Mongolia	Ulaanbaatar Urban Services and Ger Areas Development Investment Program - Tranche 1 https://www.adb.org/projects/45007-004/main	Representative	Damage to property	Forwarded to OSPF on 28 December.
21	27 November (Second Complaint)	Mongolia	Ulaanbaatar Urban Services and Ger Areas Development Investment Program - Tranche 2 https://www.adb.org/projects/45007-005/main	Representative	Compensation, Nondisclosure of information	Forwarded to OSPF on 28 December.
22	8 December	Georgia	North-South Corridor (Kvesheti-Kobi) Road Project https://www.adb.org/projects/51257-001/main	NGO	Environment, Compliance with safety standards, Loss of livelihood	Pending with CRO.
23	20 December	Pakistan	Punjab Intermediate Cities Improvement Investment Project https://www.adb.org/projects/46526-007/main#project-overview	Individual	Lack of consultation, Loss of livelihood	Pending with CRO.
24	21 December	Sri Lanka	Mahaweli Water Security Investment Program https://www.adb.org/projects/47381-001/main	Individual	Environment	Pending with CRO.
25	28 December	Pakistan	Punjab Intermediate Cities Improvement Investment Project https://www.adb.org/projects/46526-007/main#project-overview	Individual	Lack of consultation, Loss of livelihood, Compensation	Pending with CRO.

ADB = Asian Development Bank, AMP = Accountability Mechanism Policy, CRO = complaint receiving officer, NGO = nongovernment organization, OAI = Office of Anticorruption and Integrity, OCRP = Office of the Compliance Review Panel, OSPF = Office of the Special Project Facilitator, SPF = special project facilitator.

Notes: This list includes only the Accountability Mechanism admissible complaints. It excludes procurement and OAI-related complaints and complaints not involving ADB-assisted projects.

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

Source: ADB.

ADB Accountability Mechanism Team

Compliance Review Panel Members

Office of the Compliance Review Panel

Office of the Special Project Facilitator

Complaint Receiving Officer

Responding to Affected People during the Pandemic

ADB Accountability Mechanism Annual Report 2020

This annual report details the activities and accomplishments of the Office of the Special Project Facilitator and the Office of the Compliance Review Panel—two offices under the Accountability Mechanism of the Asian Development Bank (ADB)—during the challenging times brought by the coronavirus disease (COVID-19) pandemic. The Accountability Mechanism adjusted processes to allow complainants to continue expressing their concerns, seek solutions to problems, and report noncompliance with ADB’s operational policies and procedures during the COVID-19 pandemic. The Office of the Special Project Facilitator and the Office of the Compliance Review Panel continues to conduct outreach activities and capacity building to strengthen ADB’s response mechanism and ensure the safety and security of people from project-affected areas in Asia and the Pacific.

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.

ASIAN DEVELOPMENT BANK

6 ADB Avenue, Mandaluyong City

1550 Metro Manila, Philippines

www.adb.org