

Asian Development Bank (ADB), Accountability Mechanism, Complaint Form

(Add rows or pages, if needed)

A. Choice of function - problem solving or compliance review (Choose one below)



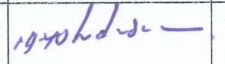


☒ **Special Project Facilitator** for problem solving (Assists people who are directly and materially harmed by specific problems caused, or is likely to be caused, by ADB-assisted projects through informal, flexible, and consensus-based methods with the consent and participation of all parties concerned)

☐ **Compliance Review Panel** for compliance review (Investigates alleged noncompliance by ADB with its operational policies and procedures in any ADB-assisted project in the course of the formulation, processing, or implementation of the project that directly, materially, and adversely affects, or is likely to affect, local people, as well as monitors the implementation of remedial action relates to the harm or likely harm caused by noncompliance)

B. Confidentiality

Do you want your identities to be kept confidential? **NO**

C. Complainants (Anonymous complaints will not be accepted. There must be at least two project-affected complainants.)

Name and designation (Mr., Ms., Mrs.)	Signature	Position/ Organization (If any)	Mailing Address	Telephone number (landline/mobile)	E-mail address
1. Mr. Muttukrishna Sarvananthan		Founder & Principal Researcher, Point Pedro Institute of Development, Point Pedro, Northern Province, Sri Lanka	'Shanthi Mahal', Thambasetty, Puloly West, Point Pedro, Northern Province, Sri Lanka.	+94-21-2262283 +94-776263873	sarvi@pointpedro.org
2. Mr. Karthalingam Annamalai		Parent of a pupil at the Point Pedro Methodist Girls' High School, Sri Lanka.	Point Pedro, Northern Province, Sri Lanka.	+94-774018374	None
3. Mr. Mylvaganam Yohadasan		Parent of a pupil at the Point Pedro Methodist Girls' High School, Sri Lanka.	Point Pedro, Northern Province, Sri Lanka.	+94-779678785	None
3. Mrs. Ratnam Arumugam		Secretary , Past Pupils' Association, Point Pedro Methodist Girls' High School, Sri Lanka.	Point Pedro, Northern Province, Sri Lanka.	+94-776648759	None
4. Ms. Santhadevi Tharmaretnam		Past Pupil, Point Pedro Methodist Girls' High School, Sri Lanka.	Point Pedro, Northern Province, Sri Lanka.	+94-773249099	tsanthadevi@yahoo.com

Authorized Representative or Assistant(if any).(Information regarding the representatives, or persons assisting complainants in filing the complaint, will be disclosed, except when they are also complainants and they request confidentiality.)						
Complainant represented	Name and designation (Mr., Ms., Mrs.)	Signature	Position/ Organization (If any)	Mailing Address	Telephone number (landline/mobile)	E-mail address

D. Project

Name	Point Pedro Port Development Project (PPDP) under the Northern Province Sustainable Fisheries Development Project (NPSFDP) in Sri Lanka
Location	Point Pedro, Jaffna District, Northern Province, Sri Lanka
Brief description	Construction of a modern fisheries harbour in Point Pedro to facilitate deep sea fishing and enhance the livelihood of fisher folks in the Vadamarachchi area of the Jaffna peninsula in northern Sri Lanka.

E. Complaint:

What direct and material harm has the ADB-assisted project caused, or will likely cause, to the complainants?

The proposed fisheries harbour project directly opposite the school (just across the road) is likely to be a threat to the life, liberty, security, dignity, and honour of the girl children of the Point Pedro Methodist Girls' High School, which is nearly two hundred years old and one of the oldest missionary schools established in Ceylon/Sri Lanka in 1823 https://en.wikipedia.org/wiki/Methodist_Girls%27_High_School,_Point_Pedro during the construction phase (a minimum of four years) as well as beyond.

Moreover, the proposed infrastructure project is likely to cause the ab/use of narcotic drugs in the vicinity of the school, including among schoolchildren, and could facilitate child abuse and violence against women as a consequence. https://en.wikipedia.org/wiki/Murder_of_S._Vithiya <https://www.bbc.com/news/world-asia-32820033> Point Pedro in the northern tip of Sri Lanka is, in recent times, one of the hubs of narcotic drug (mostly Marijuana - aka Kerala Ganja, as well as Heroin) smuggling/trafficking from India across the Palk Strait.

It is important to highlight the fact that this school has been under the so-called 'high security zone' from about 1996 to 2010 during the course of the civil war in Sri Lanka, and the children and teachers of the school have undergone untold inconveniences, violence, and trauma as a result. The schoolchildren and teachers should not be subjected to such traumatic experience once again in the name of a post-civil war development project/activity.

Have the complainants made prior efforts to solve the problem(s) and issue(s) with the ADB operations department including Resident Mission concerned?

YES

If YES, please provide the following: when, how, by whom, and with whom the efforts were made. Please describe any response the complainants may have received from or any actions taken by ADB.

The parents of the schoolchildren have expressed their deep concern about the proposed fisheries harbour in Point Pedro to be extended directly in front of the school to the Country Director of the ADB at the Sri Lanka Resident Mission through Muttukrishna Sarvananthan by way of letters dated October 14, 2018, November 05, 2018, December 17, 2018, and February 05, 2019.

The ADB representatives, along with Sri Lanka government officials, fishing community representatives, parents, teachers, et al, had attended a stakeholder meeting at the school on December 15, 2018 in which two alternative options were proposed to the school to choose from. The choice of the school community (out of the two options proposed) was promptly conveyed to the government officials in writing dated December 18, 2018. However, to date (March 05, 2019), there has been no written assurances from the Government of Sri Lanka that the choice of the school community is accepted.

When Muttukrishna Sarvananthan, the chief legal representative of the schoolchildren, enquired with the Country Director of the ADB about the delay in a letter dated February 05, 2019, she promptly forwarded that letter to the Secretary, Ministry of Fisheries, and the Secretary, Northern Development in Colombo. However, to date (March 05, 2019) there has been no communication from the relevant ministries to the school regarding the unanimous choice of the school.

F. Optional Information

1. What is the complainants' desired outcome or remedy for the complaint?

Our collective request has always been (and remains so to date, and will remain so forever) that the proposed Point Pedro fisheries harbour should not be extended directly in front of the school, even if there won't be any buildings constructed directly in front of the school. That is, the sea directly in front of the school should remain a public space and NOT under the ownership of the Ceylon Fisheries Harbour Corporation, which would be the owner and operator of the proposed Point Pedro fisheries harbour (or any other government authority for that matter). Therefore, the EXTENT of proposed Point Pedro fisheries harbour to the west of the existing jetty should terminate at the junction of the College Road, Point Pedro, where the Point Pedro Urban Council is situated.

2. Anything else you would like to add?

We have already appealed to the Board of Directors of the Asian Development Bank NOT to approve the loan requested by the Government of Sri Lanka

for the proposed project (if already approved to suspend the disbursement of the loan) until the aforementioned condition is met irrevocably. Along with that appeal we have attached a dossier of documents highlighting our attempts up to date to resolve this dispute with the Sri Lanka Resident Mission of the ADB and the officials of the Sri Lankan government.

Instead of trying to resolve this dispute amicably, the provincial government officials (especially the Chief Secretary of the Northern Provincial Council, Mr. A. Pathinathan, through the Secretary to the Provincial Ministry of Education, Mr. S. Sathiyaseelan) are applying severe pressure on the Principal of the Point Pedro Methodist Girls' High School to canvas/mobilise support for the proposed fisheries harbour in front of the school among the parents of the schoolchildren. We strongly suspect that one of the ADB Consultants to this project, Mr. Croos (retired District Secretary for the Mannar District in the Northern Province) is strongly involved in instigating the provincial public officials. For example, Mr. Pathinathan worked under Mr. Croos in the District Secretariat of the Mannar District several years ago.

The following are examples of the ways in which the school Principal is being intimidated/harassed by the provincial government officials.

1. The Principal is being threatened with transfer from the Point Pedro Methodist Girls' High School if she does not convince the parents to support the project in front of the school. This is being intermittently done since around mid-September 2018.
2. The school Principal's cellular phone is being tapped/recorded by unknown persons (most likely by the state intelligence services on the instigation of the provincial public officials), since early-January 2019.
3. The email account of the school Principal is being hacked in recent times, since early-2019.
4. Ironically, we have reasonable grounds to suspect that one of the Consultants working for the ADB on the proposed project, namely Mr. Croos, is instigating the fishing community from faraway places against the school Principal in particular, and the parents and past pupils (who are staunchly opposed to the proposed fisheries harbour to be extended directly in front of the school) in general, which could potentially result in use of violence against the people who are opposed to the project being extended just in front of the school across the road.

Name of the person who completed this form: Muttukrishna Sarvananthan

Signature:



Date: March 05, 2019

Please send the complaint, by mail, fax, e-mail, or hand delivery, or through any ADB Resident Mission, to the following:

Complaint Receiving Officer (CRO), Accountability Mechanism

ADB Headquarters, 6 ADB Avenue, Mandaluyong City 1550, Philippines,

Telephone number: +63-2-6324444 local 70309, Fax: +63-2-6362086, E-mail: amcro@adb.org