



ASIAN DEVELOPMENT BANK ACCOUNTABILITY MECHANISM

Operating Procedures for the Compliance Review Panel

5 June 2004

ABBREVIATIONS

ADB	—	Asian Development Bank
BCRC	—	Board Compliance Review Committee
CRP	—	Compliance Review Panel
DMC	—	developing member country
OCRCP	—	Office of the Compliance Review Panel
OD	—	operations department
OM	—	Operations Manual
SPF	—	Special Project Facilitator
TOR	—	Terms of Reference

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I. INTRODUCTION

A. ADB Accountability Mechanism and Compliance Review Panel

1. These are the operating procedures for Asian Development Bank's (ADB) Compliance Review Panel (CRP). CRP is an independent forum established by ADB's Board of Directors (Board) on 29 May 2003 to carry out the compliance review phase of the ADB Accountability Mechanism (Mechanism). The Mechanism, effective from 12 December 2003 has two phases: (i) a consultation phase implemented through the Special Project Facilitator (SPF) and (ii) a compliance review phase implemented by CRP. Although CRP and SPF are functionally separate, they are linked for the purposes of responding to the complaints of project-affected people.

2. These operating procedures clarify and add detail to the operational provisions reflected in the Board paper establishing the new ADB Accountability Mechanism: "Review of the Inspection Function: Establishment of A New ADB Accountability Mechanism" (R79-03 dated 8 May 2003). These procedures are based on the Board paper, taking into account the provisions of the Operations Manual Section L1/BP and L1/OP on the ADB Accountability Mechanism issued 29 October 2003. CRP has adopted these procedures pursuant to paragraph 98 of the Board paper, and will revise them as necessary.

3. In accordance with the following principles underlying the Mechanism, CRP will:

- (i) enhance ADB's development effectiveness and project quality;
- (ii) be responsive to the concerns of project-affected people and be fair to all stakeholders;
- (iii) reflect the highest professional and technical standards in its staffing and operations;
- (iv) be independent and as transparent as possible; and
- (v) be cost-effective, efficient, and complementary to the other supervision, audit, quality control, and evaluation systems already existing at ADB.

B. Composition and Basic Features

4. CRP consists of 3 members, one of whom serves as the Chair. The Office of the Compliance Review Panel (OCRCP) provides secretariat support to CRP. A CRP member is disqualified from participation in a compliance review where CRP considers that he/she may be perceived to have a personal interest or has had significant prior involvement.

5. Two CRP members are from regional countries, with at least one from a developing member country (DMC). The third CRP member is from a nonregional country. One of the first 3 CRP members is appointed as the Chair to work full-time for a minimum of 1 year. The remaining 2 CRP members are appointed part-time to work only when the workload of CRP requires its time. If necessary, CRP will recommend alternative arrangements to the Board.

6. CRP reports directly to the Board on all activities, except on two specific activities where CRP reports to the Board Compliance Review Committee (BCRC). BCRC (i) clears CRP's proposed terms of reference (TOR) and time frame for conducting each compliance review authorized by the Board before CRP releases them and (ii) reviews CRP's draft reports on monitoring implementation of any remedial actions approved by the Board as a result of a compliance review before CRP finalizes them. BCRC's function in clearing the proposed TOR

and time frame is to ensure that CRP operates within the scope of compliance review. BCRC will review CRP's draft monitoring reports to ensure that CRP has carried out a satisfactory process in monitoring the implementation of any remedial actions.

C. Purpose and Scope

7. The purpose of CRP is to enhance ADB's accountability in its operations by providing a forum in which project-affected people (and in special cases, a Board member) can present their complaints against ADB by filing requests for compliance review. CRP investigates alleged violations by ADB of its operational policies and procedures in any ADB-assisted project that directly, materially, and adversely affects local people in the course of the formulation, processing, or implementation of the ADB-assisted project.¹

8. CRP will determine whether ADB has or has not complied with its operational policies and procedures in connection with the particular project under compliance review. CRP will also examine whether the direct and material harm complained of by the requester is the result of ADB's alleged failure to follow its operational policies and procedures in the course of the formulation, processing and/or implementation of the particular project.

9. The scope of compliance review is "ADB's operational policies and procedures" as they relate to the formulation, processing, or implementation of an ADB-assisted project, and excludes matters relating to the procurement of goods and services, including consulting services, and non-operational housekeeping matters, such as finance and administration as spelt out in paragraph 26 of these procedures. Such operational policies and procedures are included in the Operations Manual (OM) issued in October 2003, the Project Administration Instructions, and the New Business Processes, as updated from time to time. Board-approved operational policies and procedures will be used in the absence of corresponding OM sections, staff instructions, or similar documents that are intended to be issued as OM sections or in the event that there is a conflict between a Board-approved policy and an OM section, the policy prevails.

10. On a project processed or approved prior to the updating of the OM issued in October 2003, the operational policies and procedures that apply will be those approved by the Board, whether or not they were expressly incorporated into any existing OM. CRP will determine the relevant policies and procedures based on the information provided in the request for compliance review and through consultation with the operations department (OD) concerned and other stakeholders.

11. ADB's operational policies and procedures that apply to the project under compliance review are:

¹ The term "ADB-assisted project" refers to a project financed or about to be financed, administered or about to be administered, by ADB and covers both public and private sector operations (such as project loans, program loans, sector loans, technical assistance loans, financial intermediation loans, investment loans, guarantees, equity investments, and technical assistance grants) that are covered by ADB's operational policies and procedures. The term "ADB-assisted project" includes "project components" regardless of whether the source of financing is ADB, its cofinanciers, the government, or the private project sponsor. However, the term "project components" does not cover components or facilities that are not under the influence of the borrower, executing agency, or any project sponsor for which due diligence must be conducted by ADB to determine the level of risk to affected people and to ADB by association.

- (i) in the case of a proposed project, those that were in effect when the complaint was filed with the SPF; and
- (ii) in the case of an ongoing project, those that were in effect at the time of Board approval of the Project with respect to the formulation or processing of the project, and those that were in effect when ADB's alleged act or omission took place with respect to the implementation of the project.

12. A "proposed project" refers to a project under preparation that has not yet been approved by the Board or the President (as delegated by the Board), and an "ongoing project" refers to a project that has been approved by the Board or the President (as delegated by the Board).

II. FILING REQUESTS

13. Before submitting a request to CRP, all potential requesters (other than a Board member) must first file a complaint with the SPF and attempt to resolve their issues through the consultation phase. Potential requesters should refer to the *Operating Procedures for the SPF*, which can be obtained from either the SPF or CRP. This document is also available on the CRP website at www.compliance.adb.org and the SPF website at www.adb.org/spf. After filing a complaint with the SPF, a request for compliance review can be filed with CRP:

- (i) if and when the complaint is found ineligible by the SPF (step 3 of the consultation process); or
- (ii) when the complainant receives the SPF's findings and assessment of the complaint, and decides not to proceed with the consultation phase (at the end of step 4 of the consultation process); or
- (iii) if the complainant finds the consultation process not useful (at step 5, 6 or 7 of the consultation process); or
- (iv) if the consultation phase is terminated by the SPF or because other stakeholders abandon the consultation process.

14. In most instances, filing a request for compliance review indicates that the consultation phase has been abandoned or has otherwise ended. In certain instances, however, where the complainant has concerns on compliance issues, the requester may also file a request at any time during the implementation of the course of action (step 7 of the consultation process), without necessarily abandoning the consultation process.

15. In cases where the complainant files a request for compliance review, the SPF will share with CRP documents and information relating to eligibility and fact-finding gathered under the consultation phase with CRP. If the SPF has rejected the eligibility of the complaint, CRP will determine independently whether in its judgment the request for compliance review meets CRP's eligibility criteria.

A. Who Can File a Request for Compliance Review

16. The following can file a request for compliance review:

- (i) any group of two or more people (such as an organization, association, society, or other grouping of individuals) in a borrowing country where an ADB-assisted project is located or in a member country adjacent to the borrowing country;
- (ii) a local representative of the affected group;
- (iii) a nonlocal representative, in exceptional cases where local representation cannot be found and CRP agrees; or
- (iv) any one or more members of the Board, after raising their concerns first with Management, in special cases involving allegations of serious violations of ADB's operational policies and procedures relating to an ongoing ADB-assisted project that have or are likely to have a direct, material, and adverse effect on a community or other grouping of individuals residing in the country where the project is being implemented or residing in a member country adjacent to the borrowing country.

17. The filing of a request for compliance review does not suspend or otherwise affect the formulation, processing, or implementation of the project unless agreed to by the DMC government or private project sponsor concerned and by ADB.

B. Confidentiality for the Requester

18. CRP will keep the identity of requesters confidential if requested to do so, but anonymous requests will not be accepted.

C. How to File a Request for Compliance Review

19. Requests for compliance review must be in writing and should be addressed to the "CRP Secretary ". Requests will be accepted by mail, facsimile, electronic mail, or hand delivery to the CRP Secretary at ADB headquarters. In the case of facsimile or electronic submissions, a paper copy should also be dispatched to the CRP Secretary for the record.

Secretary, Compliance Review Panel
Asian Development Bank
6 ADB Avenue
Mandaluyong City
1550 Metro Manila, Philippines

Tel: +632 632 4149
Fax: +632 636 2088
Email: crp@adb.org

20. Requests will also be accepted by any ADB office such as a resident mission or representative office, which will forward all requests unopened to the CRP Secretary.

D. Format

21. No specific format for a request for compliance review is required. The requester may use the sample form provided in Appendix 1 for guidance.

E. Language

22. The working language of the ADB Accountability Mechanism is English, but requests may be submitted in any of the official or national languages of the ADB's developing member countries, if the requester is unable to provide an English translation. If a request is submitted in a language other than English, additional time may be required.

F. Contents of the Request for Compliance Review

23. OCRP will be available to provide advice or guidance to potential requesters on how to file a request for compliance review.

24. A request for compliance review must specify the following and if request does not have sufficient information, CRP may seek further information and documentation from the requester before determining eligibility of the request:

- (i) that the requester is, or is likely to be, directly affected materially and adversely by the ADB-assisted project;
- (ii) that the requester claims that the direct and material harm is, or will be, the result of an act or omission of ADB's alleged failure to follow its operational policies and procedures (specified or otherwise) in the course of the formulation, processing, or implementation of the ADB-assisted project;
- (iii) a description of the direct and material harm, i.e., the rights and interests that have been, or are likely to be, directly affected materially and adversely by the ADB-assisted project;
- (iv) the identification of the requester and contact information, with a request for confidentiality if required;
- (v) if a request is made through a representative, identification of the project-affected people on whose behalf the request is made and evidence of authority to represent them;
- (vi) a brief description of the ADB-assisted project, including the name and location;
- (vii) the desired outcome or remedies that the project-affected people believe ADB should provide through the compliance review phase;
- (viii) an explanation of the results of the requester's efforts to address the complaint first to SPF (or if the SPF has rejected the complaint as ineligible, an explanation of why the request should still be considered for compliance review);
- (ix) an explanation of why any of the above information cannot be provided; and
- (x) any other directly relevant matters or facts with supporting documents.

25. The request for compliance review includes much of the same information as is required in complaints filed with the SPF, with information required in paragraph 24 (vii) and (viii) of these procedures. While the requester is not required to cite alleged violations of specific policies in the request, the requester is free to allege any policy violations that the requester believes are linked to an action or omission of ADB because of ADB's alleged failure to follow its operational policies and procedures.

G. Exclusions

26. CRP cannot take into consideration requests:

- (i) that are not related to ADB's actions or omissions in the course of the formulation, processing, or implementation of ADB-assisted projects;
- (ii) about decisions made by ADB, the borrower, the executing agency, or the private project sponsor, relating to procurement of goods and services, including consulting services;
- (iii) about allegations of fraud or corruption in ADB-assisted projects and by ADB staff;
- (iv) about an ADB-assisted project for which a project completion report² has been issued;
- (v) relating to matters already considered under the previous inspection function or by CRP unless there is significant new evidence presented that was not known at the time of the original complaint or unless the subsequent complaint can be readily consolidated with the earlier complaint;
- (vi) about the adequacy or suitability of ADB's existing policies and procedures;
- (vii) that are considered by CRP frivolous, malicious, trivial, or generated to gain competitive advantage;
- (viii) within the jurisdiction of ADB's Appeals Committee or ADB's Administrative Tribunal or relating to ADB personnel matters;
- (ix) relating to actions that are the responsibility of other parties, such as a borrower, executing agency, or potential borrower, unless the conduct of these other parties is directly relevant to an assessment of ADB's compliance with its operational policies and procedures;
- (x) relating to matters that otherwise do not involve an action or omission by ADB's failure to follow its operational policies and procedures;
- (xi) relating to the laws, policies, and regulations of the executing agency or DMC government concerned unless they directly relate to ADB's compliance with its operational policies and procedures;
- (xii) relating to a private sector project that received concept clearance before 29 May 2003; and/or
- (xiii) when a corresponding complaint has not first been filed with the SPF (This exclusion does not apply to requests from Board members.)

27. In the case of requests under paragraph 26(ii), (iii) and (viii) of these procedures, CRP will notify the requester to address the matters with the ADB's Anticorruption Unit, Office of the Auditor General; ADB's Central Operations Services Office; and ADB's Budget, Personnel, and Management Systems, respectively.

III. THE COMPLIANCE REVIEW PROCEDURE

A. Procedural Steps and Time Frames

28. The following are the procedural steps and time frames for the compliance review process (see the flowchart in Appendix 2). All "days" referred to in these operating procedures are calendar days. Except for requests filed by any Board member, all requests for compliance

² A project completion report is issued by ADB within 1-2 years after the project is physically completed and in operation. In the case of private sector projects for which a project completion report is not issued, the cut-off date is 2 years after the project is physically completed and in operation; or, where physical completion is waived or is not relevant (e.g., financial intermediation projects), 1 year after the date of the final disbursement or termination of ADB's involvement in the project, whichever occurs earlier.

review must first file their complaints with the SPF through the consultation phase according to the procedures set by the SPF.

29. **Step 1: Filing of the Request.** A request for compliance review is filed with CRP.

30. **Step 2: Registration and Acknowledgement of the Request.** Within 7 days from receipt of a request with the requisite basic information, CRP will:

- (i) register the request on a register accessible to the public through the CRP website;
- (ii) acknowledge receipt of the request;
- (iii) inform the Board that a request has been registered; and
- (iv) release a press advisory that it has registered the request.

31. **Step 3: Determination of Eligibility of the Request.** Regardless of the SPF's decision on eligibility, CRP will determine independently whether the request meets its eligibility criteria. Within 14 days from registration of the request for compliance review, CRP will determine the eligibility of the request and will inform the requester of its decision. If the SPF has already determined that the complaint is ineligible for the consultation phase, CRP will determine the eligibility of the request within 21 days from registration of the request for compliance review.

32. If the SPF has already determined that the complaint meets the eligibility criteria for the consultation phase, CRP will determine whether in the request for compliance review the direct and material harm claimed by the requester is likely to be linked to ADB's alleged failure to follow its operational policies and procedures in the course of the formulation, processing, or implementation of the ADB-assisted project. CRP will obtain from SPF all materials and analyses relating to the complaint in the consultation phase, including the SPF's determination on the eligibility criteria.

33. If the requester does not allege any specific policy violations, CRP will evaluate the request itself to determine if, in its opinion, the request raises issues of potential policy violations. During the eligibility stage, CRP may consult all stakeholders, including Management and staff, the requester, the executing agency or DMC government or the private project sponsor, and the Board member representing the country concerned. The determination of eligibility includes a desk-based review and/or a site visit.

34. CRP will provide the Board with a report on its review of eligibility. If CRP determines that the request is ineligible, it will inform the Board of the ineligibility of the request. If CRP determines that the request is eligible, it will recommend to the Board that a compliance review be authorized. The report will include:

- (i) the nature of the request and any supporting information provided by the requester;
- (ii) an explanation of the CRP's findings regarding the eligibility of the request; and
- (iii) a recommendation that a compliance review be authorized if CRP determines that the request is eligible.

35. **Step 4: Board Authorization of the Compliance Review.** Within 21 days from receipt of CRP's recommendation, the Board will authorize the compliance review on a no-objection basis and without making a judgment on the merits of the request. Within 7 days from receipt of

Board authorization, the requester will be informed of the Board's decision on authorization of the compliance review, and the Board's decision will then be posted on the CRP website.

36. **Step 5: Conducting the Compliance Review.** As soon as the Board authorizes a compliance review, CRP will initiate the review process. CRP's review is not time bound, because the amount of time will vary considerably depending on the nature, complexity, and scope of the project and the alleged policy violations. CRP will conduct the review in an expeditious manner.

37. As soon as CRP receives the Board's authorization, the CRP Chair will (i) designate one CRP member to take primary responsibility for the review; and (ii) arrange for all CRP members to prepare the proposed TOR, including the scope of review, method and time frame. To facilitate expeditious clearance by BCRC, CRP will provide its TOR to BCRC as soon as practicable after the Board has authorized the compliance review, and will give BCRC adequate time for its consideration. CRP will clear with BCRC the proposed TOR and time frame before CRP releases them. Within 14 days from receipt of Board authorization of the review, CRP will release the TOR and time frame that will indicate the methodology and estimated duration of the review. The TOR and time frame will be provided to the Board and to all stakeholders, and posted on the CRP website.

38. The review by CRP may include the following steps, depending on the nature of the request:

- (i) consulting all concerned stakeholders, the Board member representing the country concerned and representatives of interested nongovernmental organizations, all of whom will be given an opportunity to record their views;
- (ii) reviewing ADB files;
- (iii) carrying out site visits in its investigation while conducting the compliance review;
- (iv) holding public hearings in the project area;
- (v) hiring consultants to assist CRP in its work; and
- (vi) using any other investigatory methods that CRP considers appropriate to carry out its work.

39. Before conducting a visit to the site, CRP shall obtain the consent of the country concerned or the private project sponsor, as appropriate.

40. **Step 6: CRP's Draft Report.** At the completion of its review of compliance, CRP will issue a draft report of its findings and recommendations to Management and the requester for comments.

41. **Step 7: Management's Response and Requester's Response to CRP's Draft Report.** Both Management and the requester will have 30 days from receipt of CRP's draft report to provide their responses to it. Each party is free to provide comments on the draft report, however only the CRP's final view on these matters will be reflected in its final report.

42. **Step 8: CRP's Final Report.** Within 14 days from receipt of the responses to CRP's draft report from Management and the requester, CRP will consider their responses and make any changes it deems necessary before issuing to the Board its final report with its findings and recommendations to ensure project compliance, including recommendations, if appropriate, for any remedial changes in the scope or implementation of the project.

43. CRP's final report will include the following:
- (i) a description of the request, relevant facts, and the steps taken in the compliance review;
 - (ii) CRP's findings and recommendations; and
 - (iii) the majority and minority views, in the absence of a consensus in CRP's findings and recommendation.
44. CRP will issue as attachments to its final report the following:
- (i) the responses from Management and the requester; and
 - (ii) a list of supporting documents which will be available upon request from CRP.
45. **Step 9: Board's Decision.** Within 21 days from receipt of CRP's final report, the Board will consider the report and make the final decision regarding any recommendations on how to bring the project into compliance and/or mitigate any harm, if appropriate. Within 7 days from the Board's decision, the Board decision and CRP's final report, with the responses attached, will be released to the requester, and then posted on the CRP website.

IV. REMEDIAL ACTIONS

46. Any remedial actions in project scope or implementation approved by the Board (or, if warranted, the suspension or cancellation of the project) will be carried out in accordance with applicable ADB procedures (which will require the consent of the borrower or grant recipient concerned or the private project sponsor concerned, except as otherwise provided in ADB's Loan Regulations, as applicable, or other relevant legal documents).

A. Monitoring Implementation of Remedial Actions

47. CRP will monitor implementation of any remedial actions approved by the Board as a result of a compliance review. Unless the Board specifies a different timetable, CRP will report as frequently as required or at least annually for a period of 5 years to the Board on implementation of Board decisions related to remedial measures, including its determination of the progress in bringing the project into compliance. After 5 years, CRP may recommend further monitoring of the project as necessary. The methodology for monitoring may include the following:

- (i) consultations with concerned stakeholders and Board members;
- (ii) document review;
- (iii) site visits; and
- (iv) any information received from the requester(s) and the public regarding the status of implementation.

B. Draft Monitoring Report

48. CRP will forward a draft monitoring report to BCRC for its review. BCRC will provide its comments on CRP's draft monitoring reports within 21 days after receipt of such report. CRP will finalize the reports in consultation with BCRC before making them available to the concerned stakeholders and the public.

C. Monitoring Report

49. CRP's monitoring report will include the following:

- (i) a summary of the original request and any original Board decision on that request;
- (ii) a summary of any information provided by the requester(s), the concerned stakeholders, and any other interested parties;
- (iii) CRP's findings regarding the current status of implementation of the Board's decision; and
- (iv) any further recommendations by CRP as necessary to bring the project into compliance.

V. PARTICIPATION OF THE REQUESTER AND THIRD PARTIES**A. Provision of Information**

50. CRP encourages the requester and all other interested stakeholders to provide it with information throughout the compliance review process.

B. Revised Request

51. If the requester receives significant new evidence at any time after filing the request for a compliance review but before Board authorization of the compliance review, the requester may file a revised request. If a revised request is filed, and the CRP deems the new evidence to be significant, the time period for determining eligibility may be determined by CRP to begin again from the time the revised request is received by the CRP Secretary. Otherwise, that evidence will be treated as supplemental, and treated as described in paragraph 52 of these procedures.

C. Supplemental Information

52. In addition to any information requested by CRP, the requester (and project-affected people if the requester is the representative of affected people or a Board member), ADB staff, or any member of the public may provide CRP members, the CRP Secretary or the CRP Associate Secretary with supplemental information that they believe is relevant to CRP's review of the request. The provider of the information can request that his/her identity be kept confidential. CRP may notify the requester of any new material facts provided by these persons. CRP may request more details from any stakeholders if necessary upon receipt of such information.

VI. TRANSPARENCY AND CONFIDENTIALITY**A. Transparency**

53. CRP's operations at all stages of the compliance review phase will be as transparent as possible consistent with relevant ADB policies and procedures.

B. Confidentiality

54. CRP members and OCRP staff are subject to ADB's confidentiality and disclosure of information policy, including those provisions aimed at ensuring that confidential business information is not disclosed. When requested, CRP will withhold the identity of the claimants and other providers of information from other parties.

55. Any material or information submitted to any CRP member or OCRP staff specifically providing that such item is confidential may not be released to any other parties without the consent of the submitting party. The submitting party should note that the substance of the material or information may be used by CRP in carrying out its work..

VII. PUBLIC RELEASE OF INFORMATION

A. Public Outreach

56. CRP members and OCRP staff welcome opportunities to meet with the public to discuss the ADB Accountability Mechanism both on general aspects and on matters specifically relating to the compliance review phase, CRP's activities and any potential requests for compliance review. They are available to provide advice and guidance for any potential requesters or their representatives considering filing a request. CRP will also prepare outreach materials describing its activities and providing advice to prospective requesters.

57. OCRP will carry out information dissemination and conduct public outreach regarding the Mechanism both within ADB and in member countries.

B. Press Releases and Public Communications

58. CRP will issue its own press releases and media communications. Prior to releasing any news releases or other media communications, OCRP will inform the Office of External Relations, with copy to the Office of the President, in order to provide ADB with an opportunity to prepare a response to queries from the media or public.

59. With regard to compliance reviews, CRP maintains a low profile in the borrowing country and does not give media interviews about the review while making site visits in the borrowing country. CRP does not give any media interviews at any stage of the compliance review or post-decision monitoring, except to clarify procedural matters.

C. Website

60. CRP maintains its own website at www.compliance.adb.org, which includes the items listed in paragraphs 61 and 62 of these procedures.

D. Public Registry

61. CRP will notify the requester directly and the public through the registry of requests maintained on the CRP website of the following specific milestones during the compliance review process:

- (i) registration and acknowledgement of the request (step 2),

- (ii) determination of eligibility of the request (step 3),
- (iii) Board authorization of the compliance review (step 4),
- (iv) that the draft TOR and time frame for conducting the compliance review have been sent to BCRC for its clearance (step 5),
- (v) that final TOR and time frame for conducting the review have been released and are available;
- (vi) that the CRP's draft report has been sent to Management and the Requester (step 6),
- (vii) that the CRP's final report has been sent to the Board (step 8),
- (viii) the Board's decision (step 9);
- (ix) that CRP is commencing to monitor the status of implementation of a project that had been the subject of a prior request;
- (x) CRP has forwarded its draft monitoring report to BCRC; and
- (xi) that CRP has sent a final monitoring report to the Board and that it is available to the public.

E. Public Release of Reports

62. CRP will make the following reports or documents available on its website and to any person who requests a copy:

- (i) CRP's report on eligibility and the Board's decision, within 7 days from receipt of the Board's decision on authorization of a compliance review,
- (ii) the TOR, including scope of review, proposed methodology and time frame, within 14 days from receipt of the Board's authorization of a compliance review,
- (iii) Board's final decision and CRP's final report along with any attachments, within 7 days of the Board's decision,
- (iv) CRP's monitoring reports at the same time they are provided to the Board and other stakeholders, and
- (v) CRP's annual report within 4 months after the end of each calendar year.

VIII. GENERAL

A. Access to ADB: Staff and Information

63. CRP members and OCRP staff will have access to all ADB staff and Management, and all ADB records that CRP under its mandate deems relevant.

B. CRP Administrative Procedures

64. CRP has adopted Administrative Procedures for its internal functioning. These Administrative Procedures are available on the CRP website.

C. Annual Report

65. CRP will publish an annual report within 4 months after the end of each calendar year that will include:

- (i) a description of the requests considered,
- (ii) a summary of CRP's activities in responding to each request,

- (iii) a summary of CRP's monitoring activities,
- (iv) information regarding CRP's budget and expenses, and
- (v) policy advice based on lessons learned from previous requests for compliance review.

D. Legal Advice

66. CRP will seek the advice of the ADB's General Counsel on any matters concerning ADB's legal status, rights, and obligations under the ADB charter and any agreement to which ADB is a party, and on any other matters relating to ADB's rights and obligations with respect to any request for compliance review.

E. Review of CRP Operating Procedures

67. Any interested party is welcome to send to CRP suggestions on revisions to these procedures. CRP may periodically revise these procedures, including adjusting the procedural requirements for compliance review of private sector projects consistent with the provisions of the Board paper.

F. Coordination

68. CRP will coordinate its activities, to the extent appropriate, with those of the accountability mechanisms of any other cofinancing institution that is conducting a separate review of the same project. CRP will seek to build relationships and share experiences and lessons learned with the accountability mechanisms at other comparable institutions.

69. CRP works closely with the SPF consistent with their respective functions. CRP will coordinate with SPF in carrying out public outreach on the ADB Accountability Mechanism; and work with the ODs, the Regional and Sustainable Development Department and its NGO Center and the Office of External Relations to ensure that CRP's information dissemination and public outreach activities are integrated with ADB's other activities to promote interaction with project beneficiaries or stakeholders including civil society groups.

G. Secretariat Support to BCRC

70. OCRP provides secretariat support to BCRC, including administering the yearly operating expenses of BCRC.

H. Contacting CRP and SPF

71. Questions regarding CRP or these procedures should be directed to:

Secretary, Compliance Review Panel
Asian Development Bank
6 ADB Avenue
Mandaluyong City
1550 Metro Manila, Philippines
Tel: +632 632 4149
Fax: +632 636 2088
Email: crp@adb.org

72. Any questions regarding the SPF's operations or its operating procedures should be directed to:

Special Project Facilitator
Asian Development Bank
6 ADB Avenue
Mandaluyong City
1550 Metro Manila, Philippines
Tel: +632 632 4825
Fax: +632 636 2490
Email: spf@adb.org

SAMPLE REQUEST FOR A COMPLIANCE REVIEW

We provide below a sample letter to the Compliance Review Panel (CRP), including the information that a requester should provide in a letter asking for a review of ADB compliance. It is not necessary to follow this approach, but the provision of this information will speed the registration of a compliance review request. Some of the information will have been provided already to the SPF, and can simply be repeated here. The additional information should be spelled out in as much detail as possible, and any identification of policy violations will assist the CRP in compliance review.



Date of this request: _____

To: Secretary, Compliance Review Panel
Asian Development Bank
6 ADB Avenue
Mandaluyong City
1550 Metro Manila, Philippines

Tel: +632 632 4149

Fax: +632 636 2088

Email: crp@adb.org

Dear Secretary:

We, who have signed this letter, live/represent people who live in _____, and ask that the Compliance Review Panel help us by examining ADB's compliance with its own policies and procedures with regard to the project mentioned below. We are familiar with the Operating Procedures of the CRP, and understand that the CRP will first examine whether this request meets its eligibility requirements.

The name of the project that has harmed us, or is likely to harm us in the future, is _____, located at _____.

We believe that the ADB has failed to follow its policies/procedures, especially with regard to _____, and that in doing so, we have suffered or will suffer direct and material harm that we can describe. The specific harm related to these policy violations is _____.

We would like ADB to help to remedy the harm in the following way _____.

We have previously attempted to take care of our concerns with the Bank staff and with the Special Project Facilitator. This is a brief record of what happened: _____. We are referring our complaint to the CRP because the outcome of those previous contacts was unsatisfactory in the following way: _____.

Aside from the information already provided above, there are various documents that would help the CRP to understand our situation. We attach a list of those documents, noting where the CRP can obtain copies.

Our names, addresses, and contact information are provided below.

Signature

Signature

[Address, telephone and fax numbers, and email for each person, where available]

In those situations where we represent an organization or a large group of people, please contact us through the person with the address and contact information as described below.

THE COMPLIANCE REVIEW PROCESS



