What is the ADB Accountability Mechanism?

The Asian Development Bank (ADB) Accountability Mechanism provides an independent forum for people adversely affected by ADB-assisted projects. It allows project-affected people to voice their concerns and seek solutions to their problems. They can also request compliance review of alleged noncompliance by ADB with its operational policies and procedures. ADB, through its project design and implementation procedures, makes every effort to prevent problems and ensure compliance from the outset. The Accountability Mechanism is a last resort.

The Accountability Mechanism has two functions. The problem-solving function is led by the Special Project Facilitator (SPF), and the compliance review function by the Compliance Review Panel (CRP). Project-affected people can choose whether they want to go to the problem-solving or the compliance review function.

To provide an easily accessible single entry point for project-affected people, a complaint-receiving officer will receive all complaints.

Guiding principles
- Responsive to project-affected people’s concerns
- Fair to all stakeholders
- Independent and transparent
- Cost effective and efficient
- Complementary to other systems at ADB (including supervision, audit, quality control, evaluation)

What is the problem-solving function?

The problem-solving function responds to problems of local people affected by ADB-assisted projects. It assists people who are directly, materially, and adversely affected by problems caused by ADB-assisted projects. It uses nonformal, flexible, and consensus-based approaches to solve the problems. It does not blame, but focuses on finding ways to address the problems of project-affected people. The SPF heads the problem-solving function and reports directly to the President of ADB.

The problem-solving function of the Accountability Mechanism does not replace the project administration and problem-solving functions of the operations departments.

What is the compliance review function?

The compliance review function investigates alleged noncompliance by ADB with its operational policies and procedures. The CRP consists of three members, one of whom is the chair. The CRP is a fact-finding body on behalf of the ADB Board of Directors. It investigates alleged noncompliance by ADB with its operational policies and procedures in any ADB-assisted project. Noncompliance might have occurred during the formulation, processing, or implementation of a project that directly, materially, and adversely affects local people. A compliance review does not investigate the borrowing country, the executing agency, or a private sector client.
Who can file a complaint?  
For both the problem-solving and the compliance review functions, complaints may be filed by 
- any group of two or more people in a borrowing country where the ADB-assisted project is located or in a member country adjacent to the borrowing country, and who are directly, materially, and adversely affected;  
- a local representative of such affected persons;  
- a nonlocal representative in exceptional cases where local representation cannot be found and the SPF or the CRP agrees; or  
- for the CRP, one or more ADB Board members.

Confidentiality  
The identities of complainants are kept confidential if the complainants request confidentiality. The identities of representatives will not be kept confidential. Anonymous complaints are not accepted.

Cutoff date for filing a complaint  
The latest date by which a complaint can be filed is 2 years after the loan or grant closing date. This date is known in advance, disclosed to the public, and can be found on the ADB website.

How to file a complaint  
Complaints must be in writing and preferably addressed to the complaint receiving officer at amcro@adb.org. Complaints can be submitted by mail, facsimile, e-mail, or hand delivery to the complaint-receiving officer or through any ADB office. Complaints may be submitted in any of the official or national languages of ADB’s developing member countries.

What matters are not eligible for complaints to both the problem-solving and the compliance review functions?  
- matters that are not related to ADB’s actions or omissions;  
- matters that the complainants have not made good faith efforts to address with the operations department concerned;  
- ADB-assisted projects for which 2 or more years have passed since the loan or grant closing date;  
- decisions related to procurement of goods and services, including consulting services;  
- frivolous, malicious, or trivial complaints, or complaints made to gain competitive advantage; and  
- allegations of fraud and corruption.

Additional matters not eligible for the problem-solving function  
The problem-solving function will also exclude matters being dealt with or already dealt with by the CRP, except complaints considered ineligible for compliance review by the CRP.

Additional matters not eligible for the compliance review function  
The compliance review function will also exclude matters being dealt with by the problem-solving function up to the completion of step 3 of the problem-solving process (see flowchart).

What complainants have to do before filing a complaint  
Make good faith efforts to solve the problems with the ADB operations department.
**PROCESS FOR RECEIVING COMPLAINTS**

**Step 1: Receiving and registering the complaint**
- The complaint is filed with the complaint-receiving officer (CRO).
- The CRO informs the SPF, the CRP chair, and the operations department (OD) about the complaint, with a copy of the complaint letter.
- The CRO registers the complaint on the Accountability Mechanism (AM) website.

**Notes:**
1. Complaints received by other ADB departments should be forwarded to the CRO.
2. The CRO ensures the confidentiality of complainants’ identities if requested.

**Step 2: Acknowledging the complaint**
- The CRO acknowledges receipt of the complaint and sends an information packet to the complainants.
- The CRO gives complainants who have clearly chosen for either problem solving or compliance review 21 calendar days to change their choice and to notify the CRO.
- If the choice is not clear, the CRO requests complainants to clarify their choice.

**Step 3: Forwarding the complaint**
- The CRO decides to forward the complaint for handling to (i) the SPF, or (ii) the CRP chair, or (iii) other departments or offices (if the complaint falls outside the AM mandate).
- The CRO sends his/her decision to (i) the SPF; (ii) the CRP chair; (iii) the OD; and (iv) other departments or offices, if any.
- If there are no objections to the CRO’s decision (see Note below), the CRO will forward the complaint to the relevant party to be handled.

**NOTE:** Within 3 days of the CRO’s decision, the SPF, CRP chair, OD or any other relevant department or office may object if they feel that the CRO has misinterpreted the complainants’ choice of function.

**Returning complaint to complainants (if needed)**
- The CRO will return the complaint to the complainants with a request to clarify the choice of function if:
  i. the choice was unclear; or
  ii. an objection is raised by the SPF, CRP chair, OD, or other relevant department or office.
- The complainants must clarify their choice within 60 calendar days of the CRO’s request for clarification.

**Note:** If the complaint needs to be returned, the CRO again sends the information packet to explain the two available functions.

**Step 4: Informing the complainants**
- The CRO informs the complainants and their representative(s), if any, which party will handle the complaint and the contact person(s).
- If the complainants did not clarify their choice within 60 calendar days, the CRO informs them that the AM process has ended.
THE PROBLEM-SOLVING PROCESS

Step 1: Determining eligibility
- The Office of the Special Project Facilitator (OSPF) screens the complaint to determine eligibility.
- OSPF consults with the complainants, borrower, and OD concerned.
- OSPF ensures the confidentiality of complainants’ identities if requested.
- The SPF reports the decision on eligibility to the President, with a copy to the vice-president and OD concerned, and the CRO.
- OSPF informs the complainants upon determination of eligibility.

Step 2: Review and assessment of eligible complaint
- The review may include site visits; interviews; and meetings with complainants, borrower, and any others as deemed helpful and beneficial by the SPF.
- OSPF obtains information from the OD and, if necessary, requests the OD’s advice and support.
- OSPF fields fact-finding missions on its own initiative; or participates, in consultation with the OD, in special project administration missions of the OD.
- OSPF completes the review and assessment, and the SPF reports the findings to the President, with a copy to the vice-president concerned.
- OSPF sends the findings to the complainants, borrower, and OD, with a request for their comments.
- The SPF (i) decides to proceed with problem solving, or (ii) determines that further problem-solving efforts will not be purposeful and concludes the process.

Step 3: Problem solving
- OSPF assists all parties to engage in resolving the problem.
- OSPF may facilitate a consultative dialogue, promote information sharing, undertake joint fact-finding, facilitate establishment of a mediation mechanism, and/or use other approaches to problem solving.
- Remedial actions involving a change in the project require approval following applicable ADB procedures, and agreement by the borrower.
- Upon completion of step 3 (with or without agreement), the SPF submits a report to the President, with a copy to the vice-president and OD concerned, summarizing the complaint, steps to resolve the issues, the parties’ decisions, and the parties’ agreement, if any. OSPF provides this report to the complainants, borrower, CRP, and Board for information. If no agreement is reached, the problem-solving process ends.

Step 4: Implementation and monitoring
- OSPF monitors the implementation by all parties of the agreed-upon remedial actions.
- As part of monitoring process, OSPF consults with the complainants, borrower, and OD.
- OSPF prepares monitoring reports on the implementation of remedial actions, to be sent to the complainants, borrower, and OD; and submits them to the President and the Board for information.

Step 5: Conclusion of the problem-solving process
- After monitoring of remedial actions is completed, OSPF prepares a final report and submits it to the President, complainants, borrower, OD, CRP, Board Compliance Review Committee (BCRC), and the Board for information.
The Compliance Review Process

Step 1: Requesting Management response
- The CRP carries out the initial assessment of the complaint and determines whether it falls within its mandate.
- If the complaint falls within its mandate, the CRP forwards it to Management for response, with a copy to the BCRC.
- The CRP informs the borrower and the Board member representing the borrowing country concerned about receipt of the complaint.
- The CRP ensures confidentiality of the identities of complainants, if requested.

Step 2: Determining eligibility
- The CRP reviews the complaint, Management’s response, and other relevant documents, and determines the eligibility of the complaint.
- The CRP informs the complainants, borrower, Board member representing the country concerned, Management, and OD of its determination concerning eligibility.

Step 3: Board authorization of compliance review
- The CRP submits its eligibility report through the BCRC to the Board.
- If the CRP determines that the complaint is eligible, it will recommend, through the BCRC, that the Board authorize a compliance review.

Step 4: Conducting compliance review
- The CRP prepares, and the BCRC clears, the terms of reference (TOR) for the compliance review.
- OCRP provides the TOR to the Board for information, with a copy to Management.
- The CRP begins the compliance review upon TOR clearance by the BCRC.

Step 5: Compliance Review Panel’s draft report
- The CRP issues a draft report of its findings to the complainants, borrower, and Management for comments and responses.
- The CRP provides the draft report to the BCRC for review.

Step 6: Compliance Review Panel’s final report
- The CRP revises the report as it finds warranted.
- The CRP issues a final report to the Board through the BCRC.

Step 7: Board consideration of the Compliance Review Panel report
- The Board considers the CRP report.

Within 21 days of receiving Management’s response

Within 21 calendar days from receipt of the CRP’s recommendation

Within 7 days from receipt of Board authorization

Within 10 days from receipt of Board authorization

The time required for compliance review depends on the project’s nature, complexity, and scope, and the alleged noncompliance

Upon completion of compliance review

Comments and responses to be given within 45 days of issue of the draft report

Within 21 calendar days of receiving the CRP final report

About 60 days after Board consideration of the CRP report

Within 7 days after Board consideration of the CRP report

About 60 days from step 7

Generally not longer than 60 days

The Accountability Mechanism is a last resort.

For complaints falling within its mandate, the CRP forwards the complaint to Management for response, with a copy to the BCRC.

The CRP informs the borrower and the Board member representing the borrowing country about receipt of the complaint.

The CRP ensures confidentiality of the identities of complainants, if requested.

The CRP consults all relevant parties.

The compliance review may include desk reviews, meetings, discussions, and a site visit.

The CRP comments on Management’s proposed remedial actions.

If the CRP report concludes that ADB’s noncompliance caused direct and material harm, OCRP releases the CRP report to the complainants and borrower.

The CRP monitors the implementation of remedial actions and prepares annual monitoring reports.

The CRP issues a final report to the Board through the BCRC.

The Board considers the CRP report.

The Board decides whether to authorize a compliance review.

The Office of the Compliance Review Panel (OCRP) informs the complainants of the Board’s decision.

The Board decides whether to authorize a compliance review.

The CRP forwards the complaint to the OD if complainants did not make prior good faith efforts to resolve the issues with the OD.

The CRP carries out the initial assessment of the complaint and determines whether it falls within its mandate.

The CRP reviews the complaint, Management’s response, and other relevant documents, and determines the eligibility of the complaint.

The CRP informs the complainants, borrower, Board member representing the country concerned, Management, and OD of its determination concerning eligibility.

The CRP submits its eligibility report through the BCRC to the Board.

The CRP begins the compliance review upon TOR clearance by the BCRC.

The CRP consults all relevant parties.

The compliance review may include desk reviews, meetings, discussions, and a site visit.

The CRP comments on Management’s proposed remedial actions.

If the CRP report concludes that ADB’s noncompliance caused direct and material harm, OCRP releases the CRP report to the complainants and borrower.

The CRP monitors the implementation of remedial actions and prepares annual monitoring reports.

The CRP issues a final report to the Board through the BCRC.

The Board considers the CRP report.
Management to respond in 21 days

Within 21 days of receiving Management’s response

Step 7: Board consideration of the Compliance Review Panel report
- The Board considers the CRP report.
- The Board decides whether to authorize a compliance review.
- The CRP submits its eligibility report through the BCRC to the Board.
- If the CRP determines that the complaint is eligible, it will recommend, through the BCRC, that the Board authorize a compliance review.
- The CRP issues a draft report of its findings to the complainants, borrower, Board member representing the borrowing country, and Management for comments and responses.
- The CRP monitors the implementation of remedial actions and prepares annual monitoring reports for the Board.
- The CRP issues a final report to the President of ADB.

About 7 days after Board consideration of the CRP report

Step 8: Management’s remedial actions
- OCRP releases the CRP report to the complainants and borrower.
- If the CRP report concludes that ADB’s noncompliance caused direct and material harm, Management proposes remedial actions.
- Management must obtain the borrower’s agreement on remedial actions.

Within 7 days from receipt of the CRP report

Step 3: Board authorization of compliance review
- The BCRC clears the terms of reference (TOR) for the compliance review.
- The CRP issues a draft report to the BCRC for review.
- The CRP provides the draft report to the BCRC for review.
- The CRP begins the compliance review upon TOR clearance by the BCRC.
- The CRP carries out the initial assessment of the complaint and determines whether it falls within its mandate.
- The CRP informs the complainants, borrower, Board member representing the borrowing country, and Management for comments and responses.
- The CRP ensures compliance from the outset. The Accountability Mechanism is a last resort.

Step 9: Board decision
- The Board decides on Management’s proposed remedial actions.
- The CRP comments on Management’s proposed remedial actions.
- Management submits a report on proposed remedial actions to the Board, with the CRP comments attached.

About 60 days from step 7

Step 10: Monitoring and conclusion
- The CRP monitors the implementation of remedial actions and prepares annual monitoring reports (or at such other times as specified by the Board).
- The CRP finalizes draft reports in consultation with the BCRC. OCRP makes the reports available to the complainants, borrower, Board, Management, staff, and public.

Within 60 days after Board consideration of the CRP report

About 60 days after Board consideration of the CRP report

Within 5 days of Management’s submission of draft remedial actions

Within 21 calendar days of receiving Management’s report

Generally not longer than 3 years