



A GUIDEBOOK ON THE COMPLIANCE REVIEW FUNCTION OF ADB'S ACCOUNTABILITY MECHANISM

For ADB Management and Staff

MAY 2018

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Contents

FIGURES AND BOXES	vi
PREFACE	vii
ACKNOWLEDGMENTS	ix
ABBREVIATIONS	x
BACKGROUND	1
Accountability Mechanism	1
Compliance Review and its Distinction from Problem Solving	2
Addressing Complaints in ADB-Assisted Projects	3
ROLES IN THE COMPLIANCE REVIEW	6
Operations Departments—ADB Management and Staff	6
Compliance Review Panel	7
Office of the Compliance Review Panel	7
ADB Board of Directors	7
Board Compliance Review Committee	8
Complaint Receiving Officer	8
Office of the General Counsel	9
Borrowers or Project Owners (Government and Private Sector)	10
Government	11
Private Sector	11
Affected People	12
Nongovernment Organizations and Civil Society Organizations	13
THE COMPLIANCE REVIEW PROCESS	14
Initiating a Compliance Review	14
The 10-Step Compliance Review Process	16
INFORMATION DISCLOSURE REQUIREMENTS UNDER THE COMPLIANCE REVIEW FUNCTION OF ADB'S ACCOUNTABILITY MECHANISM	29
FREQUENTLY ASKED QUESTIONS	31
I. ADB's Accountability Mechanism	33
II. Filing a Complaint	34
Iii. Compliance Review	42
APPENDIX: ADB'S OPERATIONAL POLICIES AND PROCEDURES COVERED BY COMPLIANCE REVIEW	50
RESOURCES FOR FURTHER REVIEW	53

Figures and Boxes

FIGURES

Figure 1: Typical Complaint Resolution Flowchart for ADB-Assisted Projects	5
Figure 2: Filing a Complaint and Requesting for a Compliance Review with ADB's Accountability Mechanism	15
Figure 3: Problem Solving and Compliance Framework	40

BOXES

Box 1: Confidentiality Guidelines Summary	36
Box 2: Eligibility Criteria for Complaints	45

Preface

The **Asian Development Bank** (ADB) is mandated to help reduce poverty in Asia and the Pacific and promote social and economic development across the region.

ADB works toward this goal by helping developing member countries improve the quality of life of their people who comprise most of the world's poor. It extends loans, grants, technical assistance, and equity investments that seek to catalyze sustainable and all-inclusive economic growth across the region.

ADB strives to ensure that the projects it funds will not result in any direct, adverse, and material harm to the communities and people concerned, by adhering to ADB's operational policies and procedures, which are aligned with international standards and practices. As an institution involved in sustainable development, one of ADB's priorities is preventing further impoverishment from involuntary resettlement and environmental degradation, especially of the poor.

ADB aims to effect compliance with operational policies and procedures in the course of the design, processing, and implementation of ADB-assisted projects, from the preparatory phase until operation. Well-developed audit, supervision, quality control, and evaluation systems prevent and address most issues that occur during the planning and implementation of ADB-assisted projects. ADB has also instituted its accountability mechanism that complements these systems, particularly with a policy compliance review function as a grievance redress platform of "last resort" for affected people and communities. First established in 2003, the Accountability Mechanism was updated and improved with the issuance of the Accountability Mechanism Policy 2012.

ADB's Accountability Mechanism has two functions: problem solving and compliance review. **This guidebook seeks to explain in detail and improve one's understanding of one component of the Accountability Mechanism: the compliance review.**

This document is one among a series of four guidebooks prepared particularly for (i) ADB Management and staff, (ii) government, (iii) affected people and their representative or partner nongovernment organizations (NGOs) or civil society organizations (CSOs), and (iv) private sector borrowers. This series of guidebooks aims to aid comprehension of the compliance review and its processes, particularly to address the stakeholders' need to understand their roles in its proceedings. These guidebooks also serve as training material on the Office of the Compliance Review Panel's outreach missions.

With these guidebooks, it is hoped that ADB will be even better equipped to take on the decisive role of responding to the needs of people who may be unduly and adversely affected or potentially harmed by ADB-assisted projects that fail to meet the rigorous standards of ADB's policies.

This guidebook does not replace the Accountability Mechanism Policy, but is an instrument to provide a better understanding of the actions required from each stakeholder under the policy. **Should discrepancies arise between this guidebook and the Accountability Mechanism Policy, the policy and its relevant operations manual section (Operations Manual L.1) prevails.**

Dingding Tang

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

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This guidebook benefited from feedback received from the workshops held by the OCRCP in Baku (Azerbaijan), Dhaka (Bangladesh), Tbilisi (Georgia), Ulaanbaatar (Mongolia), Manila (Philippines), and Bangkok (Thailand). Various stakeholders, including representatives of governments and the private sector, civil societies and nongovernment organizations, and ADB Management and staff participated in these workshops. Peter King facilitated and Araceli Knaik organized the workshops in Baku, Bangkok, Dhaka, Manila, and Tbilisi. This guidebook was also improved by the contribution of Ajay Deshpande, part-time member of the Compliance Review Panel of ADB. Irum Ahsan, Senior Counsel, Office of General Counsel, provided strong support and critical review of these documents.

ASSIST is a self-sustaining Pan-Asian nongovernment organization focused on social improvement and sustainable transformation through capacity building efforts and technical assistance in key sectors. The ASSIST team for this project was managed by Karthikeyan Subburaman (Regional Director); headed by Mary Anne Maglipon (Team Lead); supervised by Adelaida Baltazar (Communications Specialist) and Geeta Keswani (Project Coordinator). The publication was produced by Kelvin Tee (Creative Director), Mark Christian B. Villena (Senior Writer), and Nicole Marie R. de Leon (Graphic Designer).

Abbreviations

ADB	Asian Development Bank
BCRC	Board Compliance Review Committee
CRO	complaint receiving officer
CRP	Compliance Review Panel
CSO	civil society organization
DMC	developing member country
FAQ	frequently asked questions
NGO	nongovernment organization
OCR	Office of the Compliance Review Panel
OSPF	Office of the Special Project Facilitator
OGC	Office of the General Counsel
OM	Operations Manual
PCP	Public Communications Policy
SDCC	Sustainable Development and Climate Change Department
SPF	special project facilitator
TOR	terms of reference

The Accountability Mechanism offers two approaches:

- (i) Problem solving function.** This seeks to address complaints involving at least two directly affected or likely to be affected persons on any aspect of an ADB-assisted project; it is pursued through a range of informal and flexible methods, in building consensus and negotiating to solve the problem.
- (ii) Compliance review function.** This investigates allegations of noncompliance by ADB of its operational policies and procedures that resulted in, or will likely result in direct, adverse, and material harm to people affected by an ADB-assisted project.

ADB's compliance review function investigates allegations of noncompliance through the compliance review process. The compliance review process consists of 10 steps, namely:

- (i) requesting Management response;
- (ii) determining eligibility;
- (iii) Board authorization of compliance review;
- (iv) conducting compliance review;
- (v) compliance review panel's draft report;
- (vi) compliance review panel's final report;
- (vii) Board consideration of the compliance review panel report;
- (viii) Management's remedial actions;
- (ix) Board's decision; and
- (x) monitoring and conclusion.

This guidebook deals specifically with the compliance review function to provide guidance to ADB Management and staff, on their role in the compliance review process.

 The Accountability Mechanism Policy 2012 (paras. 103–107 on page 21) provides more details.

COMPLIANCE REVIEW AND ITS DISTINCTION FROM PROBLEM SOLVING

Compliance review is triggered by a complaint regarding noncompliance by ADB with its operational policies and procedures as a probable cause of harm. In comparison, the problem solving function can be triggered when people complain of being adversely affected by an ADB-assisted project, without regard to any issues of noncompliance.

To file a complaint for problem solving, no contentions need to be made on whether or not ADB's operational policies and procedures were followed. On the other hand, **noncompliance with ADB's policies and procedures as the probable cause of harm is the fundamental qualifying aspect** of a request for compliance review.

As a means of redress of “last resort,” the compliance review function of the Accountability Mechanism provides **an independent forum** for people with a legitimate claim on being adversely affected by ADB-assisted projects to articulate their concerns and be assisted in addressing the issues they have identified. It results in a **Board-approved remedial action**—a corrective function expected to bring a project back from noncompliance into compliance with ADB's operational policies and procedures. The remedial action benefits all affected people, regardless of whether they were or were not party to the complaint. In comparison, problem solving more often focuses on solving only the concerns of the specific complainants. However, in some cases, remedial action from problem solving may also benefit the greater community.

Compliance review also has a systemic function beyond solving a particular issue of affected people on ADB-

assisted projects. It serves as an internal governance and learning mechanism for ADB, to improve project design and implementation in the future since the process of compliance review involves an analysis of design and operational decisions that had led to noncompliance issues, which resulted in or will likely result in harm.

This makes compliance review an instrument with several objectives:

- (i) help affected people seek recourse for their concerns over harm or likely harm caused by an ADB-assisted project,
- (ii) address issues of noncompliance that resulted in such harm or likely harm, and
- (iii) improve developmental effectiveness and reinforce compliance with ADB's operational policies and procedures.

Compliance review is a corrective measure aimed to address issues that may ensue from noncompliance with ADB's operational policies and procedures in ADB-assisted projects. It is not a judicial mechanism presided by an adjudicatory body, as it is different from, and in no way related to national legal systems or international courts. It does not result in judicial remedies such as injunctions or monetary damages, but it is expected to result in a recommendation for practicable solutions that must be approved by the Board and would require the consent of the project owner to be implemented.

A compliance review will not investigate the borrowing country, its executing and implementing agencies, nor the private sector client, as the investigation is focused on ADB's role in how it enacted compliance with ADB's operational policies and procedures for all parties to the project.

This guidebook seeks to clarify the role of ADB Management and staff involved in a compliance review.

The cooperation and support of every ADB personnel is critical to the success, not only of the compliance review, but also of the entire Accountability Mechanism.

 [The Accountability Mechanism Policy 2012 \(paras. 126–127, 129–130, and 141–149 on pages 24–30\) provides further information.](#)

ADDRESSING COMPLAINTS IN ADB-ASSISTED PROJECTS

When affected people allege that there is material or direct harm caused by an ADB-assisted project, complainants may seek redress through ADB's well-established complaint addressing mechanisms. The flowchart in Figure 1 explains how complaints are best addressed on ADB-assisted projects.

The project-level grievance redress mechanism and operations department's problem solving and compliance efforts are recommended as more immediate ways to arrive at solutions to address a complaint. While it is recommended for a resolution to be sought at the lowest organizational level possible, it is important to note that these primary means of seeking redress are only "best practice" suggestions to affected people.

ADB does not pose any barrier to affected people, should they intend to seek redress by directly filing a complaint through the Accountability Mechanism.

These redress mechanisms, including the Accountability Mechanism, does not supplant any grievance redress mechanism offered by a developing member country's

systems, which may include project-specific methods or legal remedies (such as courts or paralegal bodies) in place to address the complainants' concerns. The filing of a complaint in ADB's systems should not preclude any concurrent effort at seeking redress through government institutions or mechanisms, as the scope and goals of each institution's instruments are different.

ADB has several mechanisms already in place to address complaints. The first is the project-level grievance redress mechanism, where concerns are expected to be raised and attended to at this primary opportunity.

Should concerns remain unresolved, complaints may be elevated to the operations department level, where problem solving and compliance efforts may address these particular concerns. The recommendation for project-level grievance redress or the requirement for operations department-level address is not to be seen, however, as a precondition for access to the Accountability Mechanism.

Should affected people remain unsatisfied with the proposed solutions after seeking recourse through those means, they may file a complaint under the Accountability Mechanism. ADB's Accountability Mechanism has two options available to the complainants: problem solving or compliance review. This is a critical decision that complainants must make.

This guidebook focuses only on the compliance review function of ADB's Accountability Mechanism. The ADB web page on Accountability Mechanism (www.adb.org/site/accountability-mechanism/main.) has general information on the Accountability Mechanism and its problem solving function.


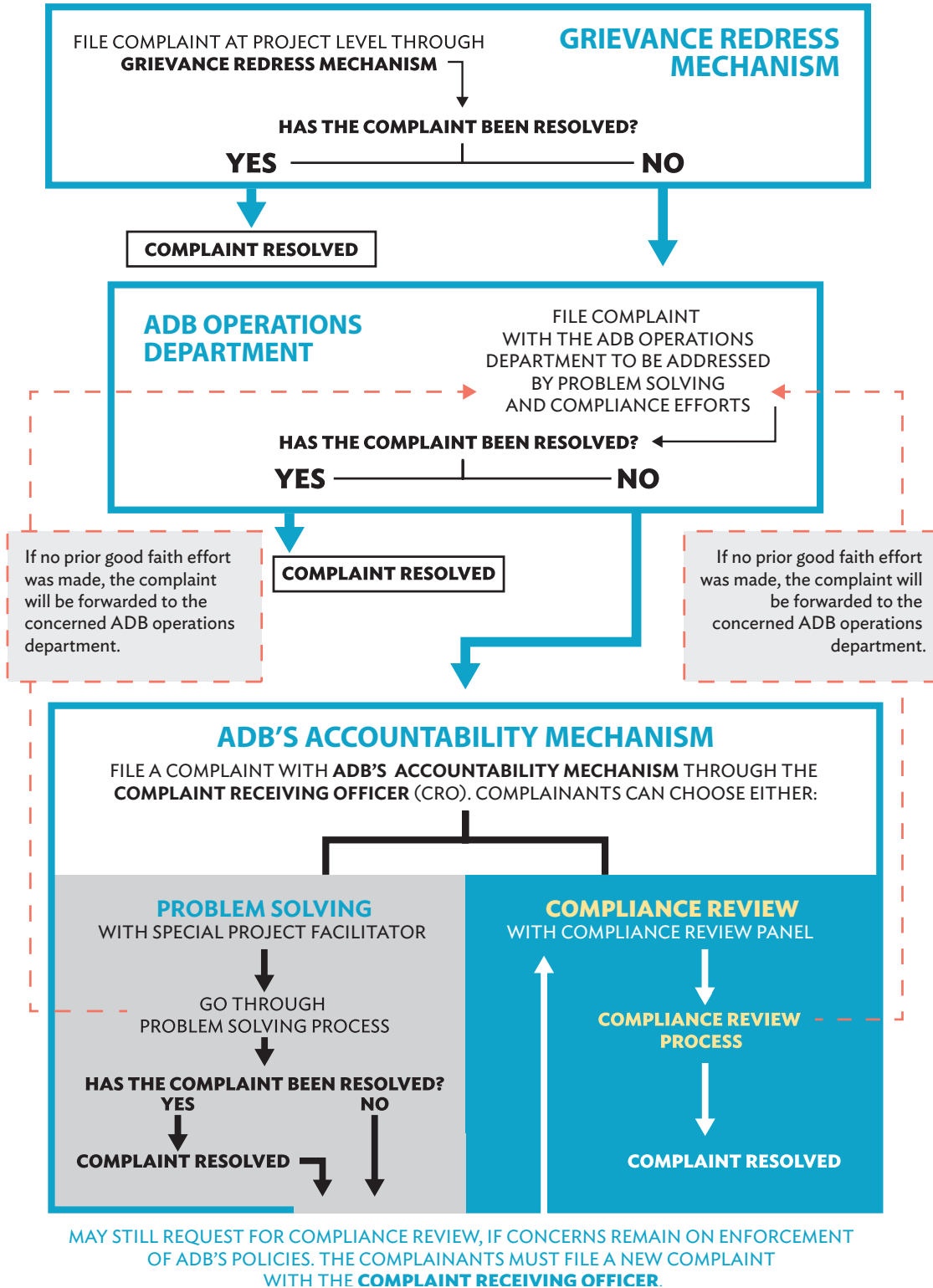
 The Frequently Asked Questions (FAQs) section of this guidebook, (specifically questions # 7–21, 24–28 and 31) provides more information on filing an Accountability Mechanism complaint.

Figure 1: Typical Complaint Resolution Flowchart for ADB-Assisted Projects



Roles in the Compliance Review

OPERATIONS DEPARTMENTS—

ADB Management and Staff

In this guidebook, operations department refers to the five regional departments (i.e., Central and West Asia Department; East Asia Department; South Asia Department; Southeast Asia Department; and Pacific Department) including their respective resident mission, regional representative office, and/or extended mission. Also considered as operational departments are the Private Sector Operations Department, and the Office of Public–Private Partnership. Actions, tasks, or roles described in this guidebook as the responsibility of ADB Management and staff to perform, would be the duty of those concerned operations departments. The term “ADB Management and staff” refers collectively to the operations department, from ADB headquarters and resident mission staff up to the vice-president to which the concerned operations department reports.

The operations departments ensure that ADB’s operational policies and procedures are followed so that the people who are most at risk are protected as development projects are planned and implemented. Measures are already in place at the operations departments to identify potential problems and mitigate them quickly whenever they arise.


When a complaint is lodged with the complaint receiving officer (CRO), the Accountability Mechanism is triggered and action is taken by either the special project facilitator (SPF) or the Compliance Review Panel (CRP). Whether the complaint goes through problem solving or the 10-step compliance review process, the cooperation of the operations departments is necessary so that ADB can respond more effectively.

If prior good faith effort to address the problem with operations departments have not been made, the complaint is forwarded by the CRP chair or SPF to the operations departments concerned, so it can be addressed with problem solving and compliance efforts at the operations department level.

ADB operations departments have the primary responsibility of disseminating information about the Accountability Mechanism at the project level. As part of operations departments, resident missions at ADB’s developing member countries may be requested to provide assistance that the problem solving or the compliance review function may require. In addition, at each resident mission, a single staff member is designated as the focal person for handling grievances caused by ADB-assisted projects.

ADB Management and staff play a crucial role should there be a compliance review case, by serving as liaison between the CRP and government and private sector borrowers. Such duties include facilitating access to documents on the project, securing mission clearances for site visits (FAQs 34–36), and arranging consultations and coordinating with the government and the private sector borrower.

ADB Management also designs and implements remedial actions, should noncompliance be found, and the remedial action plan is approved by the Board.


 [The Accountability Mechanism Policy 2012 \(paras. 26, 35, 54, 64, 73, 90, 129, 131, 133, 142, 155, 174–176, 180, and 210 on pages 7–40\) provides further information on the role of ADB Management and staff.](#)

COMPLIANCE REVIEW PANEL

The CRP is a three-member, independent, fact-finding body of the ADB Board of Directors (or “Board”) that processes complaints requesting compliance review. Serving for 5 years, the CRP has a full-time chair who sits at the ADB headquarters and two part-time members, one of whom is from a nonregional country. While owing its duty only to ADB and adhering to the Code of Conduct for ADB staff, the CRP members are not ADB staff. Headed by the CRP chair, the CRP is specifically mandated to conduct compliance review, and to monitor the implementation of remedial actions, should the review find noncompliances. Additionally, the CRP chair also heads the Office of the Compliance Review Panel (OCRCP).


The CRP consults with project owners (government or private sector), governments, and with affected people and their nongovernment organization (NGO) or civil society organization (CSO) representatives, during the conduct of a compliance review, and in the monitoring of remedial actions. Working closely with the project owner, and ADB Management, the CRP provides comment on ADB Management’s proposed remedial measures, prior to its submission to the Board.

Except for its communication with complainants and their representatives, it must be noted that the CRP routes all requests for information and coordination with government and project owners through ADB Management.

 [The Accountability Mechanism Policy 2012 \(paras. 130–132 on pages 25–27\) provides further information on the CRP’s role.](#)

OFFICE OF THE COMPLIANCE REVIEW PANEL

The Office of the Compliance Review Panel (OCRCP) operationally and administratively supports the work of the CRP. The OCRCP facilitates the CRP chair’s communication and coordination with the Board, Management, staff, and the SPF. It also conducts outreach programs on compliance review for various project stakeholders.


 [The Accountability Mechanism Policy 2012 \(para. 133 on page 27\) provides further information on the OCRCP’s role.](#)

ADB BOARD OF DIRECTORS

The ADB Board of Directors, or the Board, is responsible for the direction of the general operations of ADB. With respect to the Accountability Mechanism, it is responsible for the following:

- (i) authorizing a compliance review,
- (ii) overseeing the CRP’s work through the Board Compliance Review Committee (BCRC),
- (iii) considering the CRP’s compliance review reports;
- (iv) considering and deciding on ADB Management’s proposed remedial actions in response to the CRP’s findings,
- (v) overseeing appointments in the CRP, and
- (vi) approving annual work plans and budgets of the CRP and OCRCP.

The 12 directors of the Board are elected by the Board of Governors. Of the 12, eight are elected from within Asia and the Pacific, with four others elected from outside the region. The interests of each developing member country are represented by a particular Board member among the 12 directors.

 The Accountability Mechanism Policy 2012 (para. 136; pages 27-28) and ADB website (www.adb.org/about/board-directors) contain more information about the Board's role.

BOARD COMPLIANCE REVIEW COMMITTEE

The Board Compliance Review Committee (BCRC) is a committee of the Board that directly oversees the CRP's work. It is responsible for the following:

- (i) approving the CRP's terms of reference for compliance review,
- (ii) reviewing the CRP's draft reports,
- (iii) deciding on monitoring time frames,
- (iv) reviewing and endorsing the work plan and budget of the CRP and the OCRP,
- (v) overseeing the selection and appointment of CRP members, in consultation with the ADB President,
- (vi) engaging in dialogue with ADB Management, following a member country's refusal of site visits for the CRP, on the reasons behind such refusal, should this adverse situation arise, and
- (vii) serving as the Board's focal point for the CRP's communication and dialogue with the Board on the Accountability Mechanism.

 The Accountability Mechanism Policy 2012 (paras. 134-135 on page 27) provides further information on the BCRC's role.

COMPLAINT RECEIVING OFFICER

Based in ADB headquarters, the complaint receiving officer (CRO) ensures easy accessibility as the single entry point for complaints from people affected by ADB-assisted projects,

and is the point of first contact for the Accountability Mechanism. The CRO is an independent officer solely dedicated to receiving complaints from project-affected people and forwarding those for either problem solving or compliance review. The CRO is not an ADB staff. The CRO is engaged by both the Office of the Special Project Facilitator (OSPF) and the OCRP, and reports to both the SPF and the CRP chair. The CRO is expected to be efficient, impartial, and capable of dealing with the complainants' confidentiality requirements.

The CRO facilitates the processing of complaints from project-affected people, following specific, time-bound steps:

- (i) The CRO acknowledges receipt of the complaint and provides the complainants with an information packet with all the essential information on the Accountability Mechanism within 2 working days of receiving the initial letter of complaint.
- (ii) The CRO registers the complaint on the Accountability Mechanism website, based on the description in the complaint (i.e., project name and number, web page, and salient dates), appended with information on the project provided by the operations department, as may be requested by the CRO. The web page (www.adb.org/site/accountability-mechanism/complaints-receiving-officer/complaints-registry) serves as the registry of complaints.
- (iii) The CRO then checks the documentary requirements for filing the complaint to ensure that all required information have been submitted.
- (iv) The CRO verifies the complainants' identities. If the complainants request that their right to confidentiality be enforced, the CRO redacts any references to complainants' identities on all documentation.


- (v) The CRO informs the SPF, CRP chair, and operations department (through the director general) on the receipt of the complaint. The CRO then provides a copy of the complaint with the redacted information, unless permission is given by the complainants for their identities to be revealed.
- (vi) The CRO determines if the complaint is outside the scope of the Accountability Mechanism, and forwards such complaints to the relevant ADB office for appropriate action (such as the Office of Anticorruption and Integrity; or the Procurement, Portfolio, and Financial Management Department).
- (vii) The CRO then provides the complainants a maximum period of 21 calendar days for any change of request on the Accountability Mechanism function to apply on their complaint.
- (viii) The CRO renders a decision in accordance with the complainants' choice in requesting for either a compliance review or problem solving. If the complainant requests for a compliance review, it is forwarded to the CRP chair, and if the choice is problem solving, it is sent to the SPF.
- (ix) The SPF, CRP chair, and the operations department are given a maximum period of 3 working days to communicate any concerns or objections to the CRO's decision regarding the appropriateness of the chosen Accountability Mechanism function.
- (x) Within 2 working days from acknowledgment of the petitioned office receiving the complaint, the CRO informs the complainant that their complaint has been received.
- (xi) The CRO requests clarification from the complainant, within 60 calendar days, on their choice of Accountability Mechanism function, if the complainants'

choice of function was unclear or should objections be raised by their petitioned office.

Additionally, on a complaint forwarded by the CRP chair or the SPF to the operations department for lack of prior good faith efforts to address the issue, a closure report submitted by the operations department is posted to the project website by the CRO, after the complaint is addressed through problem solving and compliance efforts by the operations department.

The CRO also seeks clarification from complainants prior to processing a complaint that is not specifically addressed to the Accountability Mechanism.

It must be noted that the CRO's duty ends once the complaint is forwarded to the office that needs to address the complaint.

 [The Accountability Mechanism Policy 2012 \(paras. 74, 75, 107, 121, 124–125, 150, and 138–161 on pages 15–32 provides further information on the CRO's role.](#)

OFFICE OF THE GENERAL COUNSEL

ADB's Office of the General Counsel (OGC) handles all legal aspects of ADB's operations and activities, including providing legal advice. It advises the (i) OSPF; (ii) OCRP; (iii) CRP; (iv) BCRC; (v) Board of Directors; (vi) ADB Management; and (vii) ADB staff on matters relating to ADB's legal status, rights and obligations based on its charter, with respect to any complaint pertaining to the Accountability Mechanism.

In addition to assigning a counsel to the project team to assist in drafting ADB Management’s response and other matters, the OGC also assigns a separate counsel to advise the SPF, CRP, and Board. By assigning a different counsel to each party, the OGC ensures independence of advice provided to Accountability Mechanism bodies. This is to ensure that actual or apparent conflicts of interest can be avoided by OGC personnel in connection with the performance of their duties during the compliance review process.

 [The Accountability Mechanism Policy 2012 \(paras. 122–123 on page 24\)](#) provides further information on the OGC’s role.

BORROWERS OR PROJECT OWNERS (Government and Private Sector)

As owners of ADB-assisted projects, government and private sector borrowers are valuable partners in preventing and solving problems related to ADB-assisted projects. Just as ADB exists to provide necessary financial services to developing member countries and private sector borrowers, the borrower’s active involvement to ensure compliance with ADB’s operational policies and procedures provides for the continued advancement of inclusive and sustainable development in the region. Such responsible and active involvement in compliance with ADB’s operational policies and procedures encompasses all stages of the project, from planning to implementation, and through remedial action, should the need for it arise.


As partners in addressing specific complaints, ADB asks for the full cooperation of both the government and the private sector borrower, and their proactive

involvement during the fact-finding process of the CRP. This includes granting access to site visits and project documentation, and facilitating consultations with all parties concerned. Most importantly, they are asked to proactively participate in finding appropriate remedies, allocate resources, and actively implement the ADB Board-approved remedial actions.

Project ownership, on either sovereign or nonsovereign projects, entails a responsibility and a commitment to improve the lives of local communities. In exchange for the overall benefits of a project to a country, region, or to the stockholders of a corporation, borrowers have a responsibility to maintain environmental sustainability, and a commitment to improve the welfare of local citizens and communities, to serve the aims of an ADB-assisted project.

Borrowers are also urged to provide the space that allows grievances to be heard, and to facilitate remedies that will bring the project back into compliance, in line with the best practices provided by ADB’s operational policies and procedures. Such goodwill in fostering the aims of sustainable and inclusive development ensures the continued and fruitful engagement between ADB and its partners in development.

In this guidebook, “borrowers” are synonymous to “project owners,” and refers to either government or private sector borrowers.

 [The Accountability Mechanism Policy 2012 \(paras. 77–79, 82, and 190 on pages 16–37\)](#) provides further information on the role of borrowers and project owners.

GOVERNMENT

On a government-owned ADB-assisted project, government is defined by its capacity in three fundamental roles: as a borrower, as an executing agency, and as an implementing agency for a project. The borrower is the authorized agency within the government that is the signatory to loan and project agreements, and delegates the executory and implementing functions to agencies under its directive. In this guidebook, the term “government” encompasses all of its three functional roles, as the executing agency and implementing agency behind a project, with overall responsibility residing with the borrower.

Among the borrower, the executing agency, and the implementing agency, the specific delineation of duties within the compliance review is left to the discretion of sovereign authorities, as assignments differ in the context of each developing member country’s systems.

Governments have the duty on both government-owned and ADB-assisted private sector projects to safeguard the rights of its citizens, improve their welfare, and preserve the integrity or oversee the utility of natural resources, for the benefit of all.

Governments have the authority to grant permissions for the entry of an official mission of ADB and the CRP into a country (FAQ 34-36). Such permissions are sought even for site visits of private sector projects. Governments are customarily expected to grant such permissions that

would allow investigation, consultation, and monitoring of compliance efforts that may arise.

As each developing member country is represented in ADB’s Board membership, governments are part of ADB, and take active roles in the policy- and decision-making processes of ADB, including that of the Accountability Mechanism. Through a Board representative for each country, the interests of a country and that of their respective citizens are well represented.

 [The Accountability Mechanism Policy 2012 \(paras. 77–80 on page 16\) provides further information on the government’s role .](#)

PRIVATE SECTOR

The private sector² plays a vital role in bringing inclusive economic growth and prosperity to Asia and the Pacific by providing investments and employment in developing countries. As economic growth and job creation reduces poverty, ADB encourages the development of the private sector, especially in countries where the need for private sector-driven growth is greatest.

ADB’s private sector financing, also known as nonsovereign financing, supports projects that have a clear development impact or a demonstrable social impact beyond a beneficial financial rate of return. This creates conditions that generate business opportunities, and catalyzes private investment. ADB’s partnership with the private sector places greater


²“ADB undertakes nonsovereign operations to provide financing to eligible recipients in developing member countries. Nonsovereign operations comprise the provision of any loan, guarantee, equity investment, or other financing arrangement to privately held, state-owned, or subsovereign entities, in each case, (i) without a government guarantee; or (ii) with a government guarantee, under terms that do not allow ADB, upon default by the guarantor, to accelerate, suspend, or cancel any other loan or guarantee between ADB and the related sovereign.” ADB. Nonsovereign Operations. *ADB Operations Manual*. OM D10. Manila. para.1.

resources toward encouraging inclusive economic growth, sustainable management of the environment, and regional integration in Asia and the Pacific.

All loans made by private sector entities must align with the objectives and priorities of ADB and the developing member country in which the project is located. Complying with ADB's operational policies and procedures during project planning and implementation protects the interests of both borrowers and affected people. Should any complaint arise, immediate mitigation with project-level grievance redress mechanisms and operations departments' problem solving and compliance efforts prevent a compounding of effects and escalation.

Should complainants resort to the compliance review function, the private sector borrower is urged to lend support to ADB Management and the CRP in doing compliance review. Through the borrower's active involvement in a compliance review, the shared goal of advancing sustainable and inclusive development is best served.

In this guidebook, "private sector borrower" refer to loan beneficiaries for nonsovereign projects.

 [The Accountability Mechanism Policy 2012 \(paras. 10, 198, and 207 on pages 3, 38 and 39\) provides further information on the private sector borrowers' role.](#)

AFFECTED PEOPLE

In the context of the compliance review, "affected people" means the aggregation of two or more individuals whose person or property was directly and materially harmed by


an ADB-assisted project in its formulation, processing, or implementation, or would potentially be harmed by such, should a proposed ADB-assisted project continue.

Whenever ADB funds projects, the welfare of people affected by such projects is of paramount importance to ADB. This is why ADB ensures disclosing information about the Accountability Mechanism to project-affected people, as a means to express their project-related concerns, for a resolution of these complaints.

When filing a complaint under ADB's Accountability Mechanism (or the project's grievance redress mechanism or operations department-level problem solving), people affected by an ADB-assisted project are referred to as the "complainants."

Should the affected people find it difficult to formally file their complaints, they are advised to coordinate with nongovernment organizations (NGOs) or civil society organizations (CSOs) in their area for representation and assistance, or to seek nonlocal representation in exceptional cases.

In this guidebook, the term "affected people" includes the complainants and the other people in the community surrounding a project who are affected by the conditions described in the complaint (but not initially or necessarily party to the complaint), who may benefit from remedial actions that may result from a compliance review.

 [The Accountability Mechanism Policy 2012 \(para.138 on page 28\) provides further information on the affected people's role.](#)

NONGOVERNMENT ORGANIZATIONS AND CIVIL SOCIETY ORGANIZATIONS

People adversely affected by an ADB-assisted project may approach NGOs or CSOs to represent their interests and facilitate the filing of a complaint under ADB's Accountability Mechanism. Affected people who have already filed a complaint may also approach an NGO or CSO to represent their interests in the advancement of their case.


In this guidebook, NGOs and CSOs refer to the organizations authorized by the affected people to represent their interests, in their effort to seek remedy through ADB's Accountability Mechanism. This authorization is specific to a particular person assigned by the NGO or CSO to advocate on behalf of the complainants. For any change in this assignment, a new authorization is issued by the complainants.

Such organizations are preferred to be based in the region of the community surrounding the project site, or in broader confines, within the country where the project is located. Where local representation cannot be found, with the agreement of the CRP, a nonlocal representative of affected people can, in exceptional cases, be allowed (such as when adjoining regions of two member countries are involved, absence of local representative due to the political climate in the country, or when specific competencies are required of the representing NGOs or CSOs, among others).

NGOs and CSOs may file a complaint on behalf of affected people, with written authorization from the complainants. NGOs and CSOs may also assist in the

filing of a complaint, and provide support in the preparation of the required documentation, as needed by the affected people.

The full cooperation and proactive involvement of NGOs or CSOs and affected people in the compliance review are important for the Accountability Mechanism to successfully address the affected peoples' concerns.

 [The Accountability Mechanism Policy 2012, paragraph 138 on page 28 provides more details on the role of NGOs and CSOs.](#)

The Compliance Review Process

Compliance review investigates allegations of noncompliance by the Asian Development Bank (ADB) with its operational policies and procedures, which may have caused, or is likely to cause direct and material harm to people in ADB-assisted projects. As one of two functions in the Accountability Mechanism, it has a relatively longer and far-reaching impact on ADB's operations than problem solving, as it is expected to result in the improvement of ADB's operational policies and procedures as well as their implementation. The recommendations that result from the findings of a compliance review will be applied to projects that ADB and its partners will support in the future.

INITIATING A COMPLIANCE REVIEW

The flowchart in Figure 2 describes the process of initiating a compliance review with ADB's Accountability Mechanism.


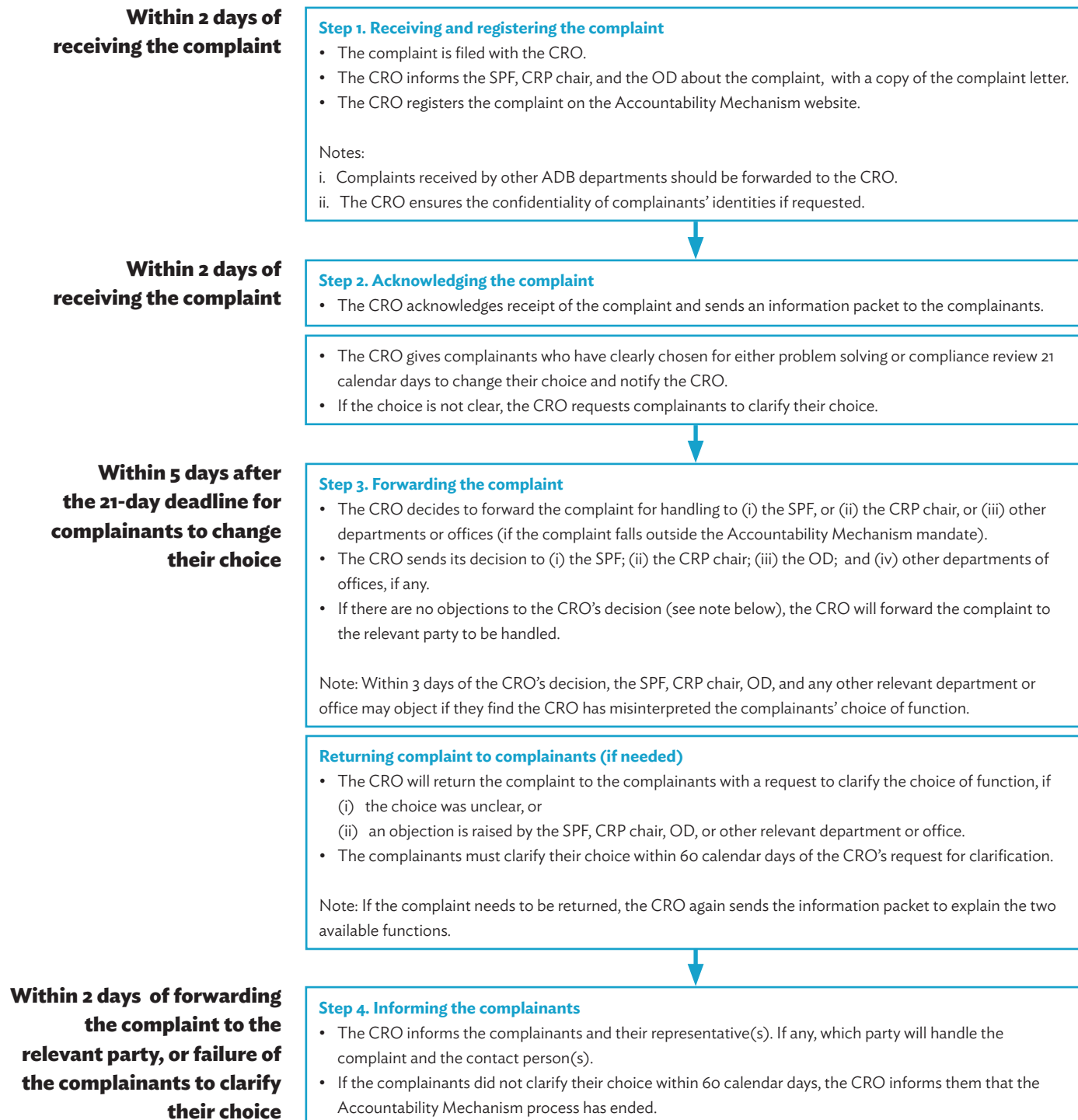
 FAQs 7–21, and the role of the complaint receiving officer (CRO) on pages 8–9 of this guidebook, contain further information.

Figure 2: Filing a Complaint and Requesting for a Compliance Review with ADB’s Accountability Mechanism



ADB = Asian Development Bank, CRO = complaint receiving officer, CRP = Compliance Review Panel, OD = operations department, SPF = special project facilitator.

Source: ADB. 2012. Bank Policies. *ADB Operations Manual*. OM L1/BP. Manila. <https://www.adb.org/sites/default/files/institutional-document/31483/oml1.pdf>.

THE 10-STEP COMPLIANCE REVIEW PROCESS

ADB's 10-step compliance review process begins when the complaint is forwarded by the complaint receiving officer (CRO) to the Compliance Review Panel (CRP) chair. Underneath each of these 10 steps are several tasks that the CRP and the various stakeholders undertake during a compliance review. Listed beside each task of the CRP is

the corresponding action of ADB Management and staff. These actions are recommended for the stakeholder, in order to actively participate in the 10-step compliance review process. ADB Management and staff are requested to familiarize themselves with these 10 steps as well as with their roles in the process.

1 Requesting Management Response

2 Determining Eligibility

3 Board Authorization of Compliance Review

4 Conducting Compliance Review

5 Compliance Review Panel's Draft Report

6 Compliance Review Panel's Final Report

7 Board Consideration of the Compliance Review Panel Report

8 Management's Remedial Actions

9 Board's Decision

10 Monitoring and Conclusion

1 Requesting Management Response



COMPLIANCE REVIEW PANEL

LEAD TIME:

Within 5 working days from the CRP's receipt of the complaint.

The CRO forwards to the CRP chair the complaint requesting for a compliance review.

The CRP chair sends a letter or memo to inform ADB Management, the complainants (and their representative, if any), the borrower, and the Board member representing the concerned member country, regarding the CRP's receipt of the complaint.

The CRP chair appoints a lead CRP reviewer, in concurrence with the chair of the BCRC.

The CRP makes an initial assessment of the complaint, to confirm if the complaint falls within the mandate of the compliance review function.

The CRP lead reviewer, with the support of the OCRP, prepares an assessment report substantiating this initial assessment with the rationale and the basis for the CRP's discussion and decision.

After completing the initial assessment, if the CRP deems that the complaint falls within the mandate of the compliance review function, the CRP sends a memo to ADB Management to

- (i) inform them of the receipt of the complaint, and
- (ii) request submission of a response to the CRP within 21 working days from receipt of the same memo.

If in the initial assessment, the CRP deems that the complaint does not fall within the scope of compliance review, the compliance review process stops.

If the complainants or affected people identify and report a security risk due to the complaint, the CRP and ADB Management shall prepare an appropriate mitigation plan, to address security risks.



ADB MANAGEMENT and STAFF

Upon receipt of the letter or memo from the CRP chair regarding the complaint filed with the Accountability Mechanism, the operations department may already

- (i) assemble a team to prepare the response to the CRP;
- (ii) gather facts about the complaint and the project; and
- (iii) consult with project counsel, as needed, to respond systematically and comprehensively to the CRP, in a timely manner.

Should affected people, particularly the complainants, or their NGO or CSO representative identify any threat to their security, or likelihood of threat to their security, due to the complaint, the CRP and ADB Management shall prepare an appropriate mitigation plan to address the security risk.

1 Requesting Management Response (*continued.*)



COMPLIANCE REVIEW PANEL



ADB MANAGEMENT and STAFF

LEAD TIME:

Within 21 working days from receipt of the CRP's request for ADB Management's response to the complaint.

ADB Management's response is prepared by the operations department concerned, with the assistance of specialists in relevant departments (such as the Sustainable Development and Climate Change Department or SDCC) and legal support from the Office of the General Counsel (OGC), the concerned ADB staff members need to prepare ADB Management's response, and provide this response to the CRP through a memo duly signed by the vice-president concerned.

A suggested template of Management's response will be contained in the compliance review sourcebook.³

 FAQs 7–19 and 21–23 contain more information on step 1 of the compliance review process.

? Frequently Asked Questions on Step 1 of the Compliance Review Process

1 Q: What makes a complaint fall within the compliance review mandate?

A: Five requirements need to be fulfilled at this initial stage:

- (i) The complaint is about an ADB-assisted project.
- (ii) No more than 2 years have lapsed since the closing date of the project.
- (iii) At least two individuals directly, materially, and adversely harmed or likely to be harmed by the project are filing the complaint.
- (iv) Alleged harm may be linked to noncompliance with ADB's operational policies and procedures.
- (v) Prior good faith effort to address the problem was made with the concerned operations department.

2 Q: What happens when the CRP finds the complaint is not within the compliance review mandate?

A: If these five conditions are not met, the complaint cannot proceed to a compliance review. If prior good faith effort was not made to resolve the complaint, then the complaint is rerouted to the relevant operations department to be addressed. The CRP chair sends a reply to the complainant (and their representative, if they have one) to inform them why the request for compliance review was declined.

3 Q: Should ADB Management encourage the borrower (government or private sector) to attempt to address the complaints of the affected people before the compliance review begins?

A: Yes. The concerned borrower, with the cooperation of the concerned operations department, is encouraged to address complaints at the soonest time feasible, to avoid more harm and cost in time and resources.

4 Q: What should Management's response contain?

A: ADB Management must provide evidence that (i) ADB has complied with the relevant ADB operational policies and procedures; or (ii) there are serious failures attributable exclusively to ADB's actions or omissions, in complying with its policies and procedures, but ADB Management intends to take action to ensure compliance, as appropriate.

³An accompanying sourcebook on the Compliance Review is being prepared by OCRP, detailing case studies and scenarios, and other useful information to aid comprehension and facilitation of the compliance review.

2 Determining Eligibility



COMPLIANCE REVIEW PANEL

LEAD TIME:

Within 21 working days from receipt of ADB Management's response to the complaint.

The CRP reviews the complaint, ADB Management's response, and all relevant documents on the project. The CRP typically conducts a mission to the country where the project is located, to verify the facts of the complaint and ADB Management's response, to determine the eligibility of the complaint.

At this stage, the CRP will

- (i) check the identity of the complainants and establishes whether or not they are directly harmed or will likely be directly harmed by the ADB-assisted project;
- (ii) check that there is evidence or prima facie⁴ evidence of probable noncompliance by ADB with its operational policies and procedures; and
- (iii) initially assess if there is a strong likely link between the harm caused or likely to be caused and the noncompliance by ADB with its policies and procedures.

The CRP informs the complainants, the borrower, the Board member representing the country concerned, and ADB Management of the CRP's determination concerning eligibility.



ADB MANAGEMENT and STAFF

Upon request by the CRP, ADB Management may discuss with the CRP to clarify its response, or discuss other relevant issues.

Upon request by the CRP, ADB Management needs to provide all project-related documents and information to the CRP.

ADB Management will provide the necessary assistance to the CRP or OCRP in arranging for the CRP's site visit to the project, including meeting with the borrower and other government agencies concerned, as needed.

If the complaint is found eligible, the operations department concerned may hold an informal meeting with the CRP or OCRP, to better understand how to proceed with the compliance review, in accordance with the requirements of the Accountability Mechanism policy.

 FAQs 10–13, 16–17, 26–28, and the appendix provide more information on step 2 of the compliance review process.



Frequently Asked Questions on Step 2 of the Compliance Review Process

1 Q: When is a complaint considered eligible?



A: To be eligible for a compliance review, the CRP must be satisfied that (i) there is evidence of noncompliance; (ii) there is evidence that the noncompliance has caused, or is likely to cause, direct and material harm to project-affected people; and (iii) the noncompliance is serious enough to warrant a compliance review. Further details can be found under Eligibility Criteria and Exclusions on pages 45 of this guidebook, and the scope of a compliance review on page 43 and the Appendix on pages 50–52.

2 Q: What happens when a complaint is considered ineligible?

A: The CRP informs the complainant on the reasons why the complaint was found ineligible. All CRP reports, including determination of eligibility or status of a complaint, are posted on its website (www.compliance.adb.org). Complainants may request for further clarification by requesting for a meeting with the CRP.

⁴ Prima facie evidence is initial evidence that is sufficient to establish an assertion, subject to further verification with proof.

3 Board **Authorization** of Compliance Review

 COMPLIANCE REVIEW PANEL	 ADB MANAGEMENT and STAFF
<p>LEAD TIME: Within 21 calendar days from the CRP's submission of its report to the Board.</p> <p>The CRP submits its eligibility report to the Board, through the BCRC.</p> <p>If the CRP determines the complaint is eligible, the CRP will recommend, through the BCRC, for the Board to authorize a compliance review.</p> <p>The Board makes a decision on whether or not to authorize a compliance review.</p>	<p style="text-align: center;">↓</p> <p>Upon request by the BCRC or a Board member, ADB Management may be requested to provide clarification regarding its response, within the 21 days taken by the Board for consideration of the CRP's eligibility report.</p>
<p>LEAD TIME: Within 7 working days from Board authorization of a full compliance review.</p> <p>The CRP informs the complainants, ADB Management, and the borrower of the Board's decision.</p> <p>The CRP uploads its eligibility determination report on its website (www.compliance.adb.org).</p> <p>If necessary, the CRP translates the eligibility determination report into the local language, and uploads a copy on the CRP website.</p>	<p>ADB Management may request an informal meeting with the CRP or OCRP, for the purpose of improving engagement in the next steps of the compliance review.</p> <p>ADB Management may consider providing a link to the report on the ADB project website.</p>

 FAQs 23, 26–30, 33, and the appendix provide further details on step 3 of the compliance review process.





Frequently Asked Questions on Step 3 of the Compliance Review Process

1 Q: What would happen if the Board does not authorize a compliance review?

A: No compliance review will happen. The CRP informs the complainant of the Board's decision. No further action is taken. The Board's decision on the complaint is posted on the CRP website (www.compliance.adb.org). The Board's decision is considered final and an appeal to change the decision cannot be made. Complainants may request for further clarification by requesting for a meeting with the CRP.

4 Conducting Compliance Review

 COMPLIANCE REVIEW PANEL	 ADB MANAGEMENT and STAFF
<p>LEAD TIME: Within 10 working days from Board authorization of a full compliance review.</p> <p>After Board authorization of a compliance review, the CRP submits the terms of reference (TOR) of the compliance review for the specific complaint to the BCRC, for clearance. Once cleared, the CRP submits the TOR to the Board, for their information, with a copy sent to ADB Management.</p>	<p style="text-align: center;">↓</p> <p>Upon the request of the CRP or OCRP, ADB Management needs to provide needed information for the CRP’s consideration, in preparing the TOR for a compliance review.</p>
<p>LEAD TIME: Indefinite, due to variable factors such as complexity of the project, translation requirements, scheduling of site visits, among others. No time limits apply to this investigative stage.</p> <p>The CRP begins the compliance review once the TOR has been cleared by the BCRC.</p> <p>The CRP consults with all stakeholders, including ADB Management and staff, government, private sector borrowers and affected people (including complainants, if possible) and other relevant parties, such as consultants or experts.</p> <p>The compliance review may include desk reviews, meetings, discussions, and site visits.</p> <p>The CRP may engage technical experts to assist in fact-finding.</p>	<p>ADB operations departments</p> <ul style="list-style-type: none"> (i) provide documents required by the CRP. (ii) respond to interviews and fact-finding queries by the CRP. (iii) assist the CRP in arranging site visits to the project, including meetings with the borrower and relevant government agencies as needed. (iv) in the adverse event of a refusal of a site visit, prepare an information paper on the reasons behind the borrowing country’s and private sector borrower’s refusal of site visits.

 FAQs 23, 26–28, 30, and 34–39 provide more information on step 4 of the compliance review process.

Frequently Asked Questions on Step 4 of the Compliance Review Process

- 1 Q:** What happens if approval for a project site visit by the borrower (government or private sector) is not allowed for one reason or another?
- A:** The CRP will prepare and complete its report using available information and appropriate assumptions. If a site visit is declined, ADB Management will discuss with the borrower and/or government the reasons for not accepting the requested visit. In consultation with the BCRC and the borrower and/or government, ADB Management will convey the reasons to the Board through an information paper.

5 Compliance Review Panel's **Draft Report**



COMPLIANCE REVIEW PANEL



ADB MANAGEMENT and STAFF

LEAD TIME:

Comment from the complainants, the borrower, and ADB Management are expected within 45 working days from issuance of the draft CRP report.

The CRP issues a draft report of its compliance review to the complainants, the borrower, and ADB Management, to request for comment. The draft report is also forwarded to the BCRC for review.

ADB Management prepares its comments to the CRP's draft report. At this stage, if found necessary, ADB Management may consult with the borrower and relevant ADB departments, such as OGC or SDCC, in preparation for providing comment on the CRP's draft report.

If necessary, an informal meeting with the CRP may be requested, to help the staff better understand the issues of noncompliance which may have resulted, or is likely to result, in direct and material harm to the affected people.

 FAQs 26–28 provide more information on step 5 of the compliance review process.

6 Compliance Review Panel's **Final Report**



COMPLIANCE REVIEW PANEL



ADB MANAGEMENT and STAFF

LEAD TIME:

Within 14 working days from receiving comments from the complainants, the borrower, and ADB Management.

The CRP finalizes the report. In considering comments received from the various stakeholders, it may affirm or reject the comments based on the CRP's findings, and on the CRP's determination of materiality of the comments to its report.

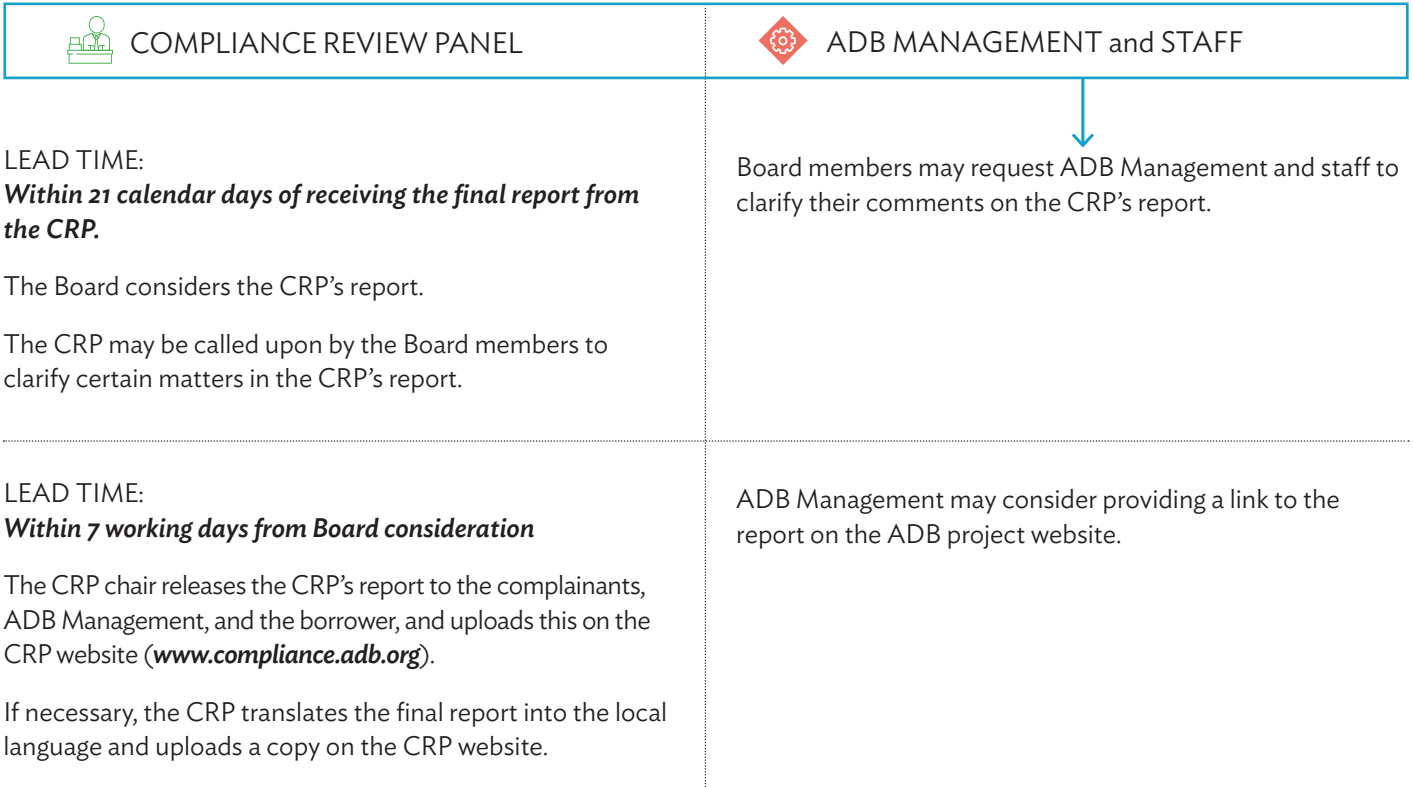
The CRP's final report includes a matrix summarizing the response of the CRP to each of the comments made by the complainants, the borrower, and ADB Management.

The CRP issues a final report to the Board, through the BCRC, for its consideration.

If necessary, ADB Management may be requested by the CRP to clarify their comments on the CRP's draft report.

FAQs 26–28 provide further w on step 6 of the compliance review process.

7 Board **Consideration** of the Compliance Review Panel’s Report



 FAQs 26–28 contain further information on step 7 of the compliance review process.

8 Management’s Remedial **Actions**



COMPLIANCE REVIEW PANEL

LEAD TIME:

Within 60 working days of the Board’s consideration of the CRP’s final report.

If the CRP’s report concludes that ADB’s noncompliance caused direct and material harm, or will likely result in harm, ADB Management needs to propose remedial actions.

LEAD TIME:

Within 5 working days from receipt of proposal.

The CRP reviews and comments on the proposed remedial actions.



ADB MANAGEMENT and STAFF

In consultation with the borrower, ADB Management prepares its proposed remedial actions, in response to the findings of the CRP’s report. It is also recommended that ADB Management consults with project-affected people (including the complainants, if possible).

The remedial actions should ensure that the project will be brought back into compliance with ADB’s operational policies and procedures. ADB Management must obtain the borrower’s (government or private sector) agreement on the proposed remedial actions.

The draft of the proposed remedial action plan will be provided to the CRP, for review and comment, before finalization.

If necessary, the proposed remedial action plan may be revised based on comments of the CRP, or a matrix of responses to the CRP’s comments may be prepared, prior to submission to the Board.

ADB Management submits its proposed remedial action plan to the Board for consideration, with the CRP’s comments attached.

Upon request by any Board member, a pre-Board meeting may be arranged with ADB Management, to clarify any concerns on the proposed remedial actions.

ADB Management may need to revise its proposed remedial action plan, in accordance with the discussion and any decisions reached in the pre-Board meeting.

FAQs 31–34 and 38–41 provide more details on step 8 of the compliance review process.





Frequently Asked Questions on Step 8 of the Compliance Review Process

1 Q: What should the remedial action plan contain?

A: It should identify the actions to be done to bring the project back into compliance; the time frame for such actions; parties responsible for implementation; estimate of costs for remedial actions; and parties to shoulder the costs.

9 Board's Decision

 COMPLIANCE REVIEW PANEL	 ADB MANAGEMENT and STAFF
<p>LEAD TIME: Within 21 calendar days</p> <p>Upon receipt of the proposed remedial action plan, the Board reviews and decides on the proposal.</p>	<p style="text-align: center;">↓</p> <p>To expedite remedies that may prevent the incurring of higher costs, the concerned operations department may proactively undertake activities toward the implementation of the remedial actions.</p>
<p>LEAD TIME: Within 7 days from Board decision.</p> <p>The approved remedial action plan, with the CRP's comments, are released to the complainants and the borrower, and posted on the CRP website (www.compliance.adb.org).</p> <p>If necessary, the CRP translates the approved remedial action plan into the local language, and uploads a copy to their website.</p>	<p>ADB staff may arrange for a meeting between the affected people (including the complainants, if possible) and the borrower, to discuss the implementation of the remedial actions.</p> <p>ADB Management may also consider requesting an informal meeting with the CRP to discuss implementation of the remedial actions.</p> <p>The proposed remedial action plan may be revised by ADB Management, upon the recommendation of the Board, and until the Board finds the plan satisfactory.</p> <p>Once finalized, it is recommended that the remedial action plan be translated into the local language in a timely manner and uploaded at ADB project website and the local project website (if possible), so that affected people (including the complainants) are able to read it.</p>

 FAQs 31–32, 34, and 38–41 contain further information on step 9 of the compliance review process.





Frequently Asked Questions on Step 9 of the Compliance Review Process

1 Q: Should remedial actions start only after Board approval?

A: No. The operations department, with the project owner's consent and support, can start implementing remedial actions at the soonest time feasible, to avoid more harm and cost in time and resources.

10 Monitoring and Conclusion

 COMPLIANCE REVIEW PANEL	 ADB MANAGEMENT and STAFF
<p>LEAD TIME: Generally up to 3 years from Board approval of the remedial action plan.</p> <p>The CRP monitors the implementation of remedial actions for up to 3 years, and prepares annual monitoring reports to be submitted to the Board.</p> <p>The CRP reports quarterly to the BCRC on the progress of the implementation of remedial actions. These reports are based on information received by the CRP from ADB Management’s quarterly or biannual progress reports, as well as on information received from other parties.</p>	<p>Alongside the borrower, ADB Management implements the Board-approved remedial actions.</p> <p>In consultation with the borrower and the affected people (including the complainants, if possible), ADB Management prepares progress reports (in quarterly or semiannual periods, at a minimum) on the implementation of Board-approved remedial actions. ADB Management submits these reports to the BCRC and the CRP, for their information, prior to uploading this report or providing a link on the ADB project website.</p> <p>Upon the CRP’s request, ADB Management assists the CRP in arranging for site visits and meetings with the borrower or other government agencies concerned.</p>
<p>LEAD TIME: Annually or at such other times specified by the Board.</p> <p>The CRP prepares annual monitoring reports, based on the following:</p> <ul style="list-style-type: none"> (i) its review of ADB Management’s periodic progress reports (submitted quarterly or semiannually, at a minimum) on the implementation of remedial actions; (ii) its assessment of the progress of implementation of remedial actions, and the degree of compliance found in the project; (iii) consultations with ADB Management, the borrower, the affected people (including the complainants), and the NGOs or CSOs concerned; and (iv) The conclusions of a site visit, if such a mission is found necessary. 	<p>The CRP may opt to share the draft of the annual monitoring report with ADB Management for fact checking purposes only, prior to the CRP’s submission of this report to the BCRC, for review.</p>

10 Monitoring and **Conclusion** (*continued.*)



COMPLIANCE REVIEW PANEL

LEAD TIME:

As soon as the annual monitoring reports are available.

The CRP submits the annual monitoring report to the Board (through the BCRC) for information.

The CRP makes the annual monitoring reports available to the complainants, the borrower, the ADB Board, Management and staff, and to the public on the CRP website at (www.compliance.adb.org).

Should there be a need for an extension on the monitoring, the BCRC must recommend and endorse such an extension, for approval by the Board.

If necessary, the CRP translates the annual monitoring report(s) into the local language, and uploads a copy to their website.



ADB MANAGEMENT and STAFF

ADB Management continuously implements the remedial action plan, until all actions are done, and results are achieved to indicate full project compliance.

In its monitoring reports, the CRP provides feedback and specific recommendations on actions that need to be taken by ADB Management to bring a project back into compliance with ADB's operational policies and procedures.

ADB Management may consider providing a link to the report on the ADB project website.

 FAQs 31–32, 34, and 38–43 provide more information on step 10 of the compliance review process.



Frequently Asked Questions on Step 10 of the Compliance Review Process

1 Q: What happens if the Board-approved remedial actions are not fully implemented within 3 years?

A: Since the CRP provides annual progress reports on the implementation of remedial actions, slow progress is identified early and reported to the Board on the CRP's annual monitoring report, as coursed through the BCRC. Hence, it is expected that appropriate corrective actions are taken before the end of the 3-year monitoring period. If further remedial action and monitoring is recommended by the CRP to the BCRC, the BCRC must endorse this recommendation to the Board for authorization.

Information Disclosure Requirements under the Compliance Review Function of ADB's Accountability Mechanism

The Compliance Review Panel (CRP) will upload the following information and documents on the CRP website (www.compliance.adb.org) at the times specified below:


- (i) the complaint letter (or the request for compliance review)—upon the CRP's receiving the complaint letter and subject to the agreement of the complainants—within 7 days of receipt of the complaint;
- (ii) a general description of the complaint—within 7 days from the CRP's receiving of the complaint letter if the complainants have not consented to disclose the complaint letter;
- (iii) the CRP report determining that the complaint is eligible and the Board decision on authorization of compliance review, together with Asian Development Bank (ADB) Management's response—within 7 days of the Board decision;
- (iv) the CRP report determining that the complaint is ineligible, together with ADB Management's response—within 7 days of circulation of the report to the Board;
- (v) the terms of reference for the compliance review within 10 days of the Board's authorization of the compliance review;
- (vi) the CRP's final compliance review report, attaching comments to the draft report from ADB Management and, subject to their consent, from the complainants and the borrower—within 7 days of the Board's consideration of the final report;
- (vii) ADB Management's proposed remedial actions, the CRP's comments on the remedial actions, and the Board's decision—within 7 days of the Board's decision; and
- (viii) monitoring reports on implementation of remedial actions approved by the Board—upon circulation to the Board and other stakeholders.

ADB Management will publish, at the minimum, the following reports on the ADB or project website:

- (i) quarterly or semiannual progress reports by the operations department on the implementation of remedial actions, and
- (ii) subject to confidentiality requirements, all additional public reports that are part of the remedial actions.

The project owner (either government or private sector borrower) may upload the following reports on its project website, or provide links to such information:

- (i) the compliance review report of the CRP;
- (ii) quarterly or semiannual progress reports by ADB operations department on the implementation of remedial actions;
- (iii) monitoring report by the CRP on the implementation of remedial actions; and
- (iv) subject to confidentiality requirements, all additional public reports that are part of the remedial actions.

 [Appendix 9 of the Accountability Mechanism Policy 2012, contains more information.](#)

Frequently Asked Questions

This section provides additional information to help Asian Development Bank (ADB) Management and staff better appreciate the Accountability Mechanism's compliance review function as well as their role in it.

I. ADB's Accountability Mechanism

1. What is an ADB-assisted project?
2. How is the Accountability Mechanism a governance tool for ADB, particularly with the compliance review function?
3. How is the Accountability Mechanism a development effectiveness tool for ADB?
4. How does the Accountability Mechanism relate to the other complaint addressing mechanisms of ADB?
5. How does one access the Accountability Mechanism?
6. If a CRP member had a previous involvement in a project that received a complaint, how will conflict of interest be avoided, especially in a compliance review?
7. When can complaints be filed with the Accountability Mechanism?
8. Why is 2 years after project closing date the cutoff date for the Accountability Mechanism to accept complaints?
9. Can complaints be filed even if the Board has not yet approved the project?
10. What can be complained about?
11. Who may submit complaints?
12. Why is it necessary to have two complainants request for a compliance review?
13. Can complainants come from the same family?
14. Would anonymous complaints be accepted, and will the complainants be assured of privacy by keeping their identities confidential?
15. How is a complaint filed?
16. What are the submission requirements for complaints?
17. What is a good faith effort by complainants, in seeking to address their concerns prior to lodging a complaint under the Accountability Mechanism?
18. What differentiates a compliance review from problem solving?
19. How will the complainant decide on which Accountability Mechanism function to pursue?
20. Can the complainants change their mind anytime in the Accountability Mechanism process, in terms of the specific function they want to pursue?

II. Filing a Complaint

7. When can complaints be filed with the Accountability Mechanism?
8. Why is 2 years after project closing date the cutoff date for the Accountability Mechanism to accept complaints?
9. Can complaints be filed even if the Board has not yet approved the project?
10. What can be complained about?
11. Who may submit complaints?
21. Can ADB Management and staff inform affected people on the means of redress made available through the Accountability Mechanism?
22. How should ADB Management and staff and other stakeholders, including government and private sector borrowers, treat complainants?
23. Once compliance review is ongoing, what kind of interaction with affected people is allowable for ADB Management and staff?


III. Compliance Review

24. How can projects avoid a compliance review?
25. Are borrowers (government or private sector) aware of ADB's Accountability Mechanism Policy and of their responsibilities under its terms?
26. What is the mandate of the CRP?
27. In the context of a compliance review under ADB's Accountability Mechanism, what is noncompliance with ADB's operational policies and procedures?
28. What is the scope of a compliance review?
29. Does ADB's Accountability Mechanism Policy apply where country safeguard systems are used for ADB-assisted projects?
30. If compliance review is focused on ADB's compliance with its policies and procedures, to what degree does the CRP engage with developing member countries' governments and ADB's private sector borrowers?
31. What are the practical solutions that may result from a compliance review?
32. Who pays the cost of remedial actions?
33. Can complaints go through the local or national legal system and to the CRP simultaneously?
34. Since site visits may be part of the compliance review process, what happens when the government or the private sector borrower declines to grant the requested site visit?
35. Would the postponement of a site visit be tantamount to a refusal by the government or the private sector borrower for a site visit?
36. Should representatives of the project owner (both governments and private sector borrowers) accompany the CRP during site visits?
37. How long does it take for a compliance review to be completed? Why does ADB have specific deadlines for certain compliance review steps while other steps have a flexible time frame?
38. Should complainants withdraw their complaint, will the compliance review cease?
39. What if the complaint gets resolved while compliance review is ongoing?
40. How long are remedial actions to be monitored?
41. What reports are required during the monitoring stage of the compliance review?
42. If the remedial action plan requires an adjustment, will the Board reconvene to approve any revision on the resolution?
43. If more complainants come forward after the remedial action plan is approved by the Board, how will that affect the implementation of the remedial actions?
44. Does the CRP have enough resources to manage the myriad of complaints that the office has to handle?

I. ADB'S ACCOUNTABILITY MECHANISM


1. What is an ADB-assisted project?

An “ADB-assisted project” is a project financed or to be financed, or administered or to be administered by ADB and covers both sovereign and nonsovereign operations.

 More information can be found in the [Accountability Mechanism Policy 2012 \(para. 140, footnote 40, on page 28\)](#).

2. How is the Accountability Mechanism a governance tool for ADB, particularly with the compliance review function?

As a governance tool, the Accountability Mechanism enables ADB to self-correct and hold itself responsible for any direct and material harm brought about by ADB-assisted projects to affected people.


 More information can be found in the [Accountability Mechanism Policy 2012 \(para. 105, on page 21\)](#).

3. How is the Accountability Mechanism a development effectiveness tool for ADB?

The design of the Accountability Mechanism recognizes that ADB already has several well-developed audit, evaluation, process improvement, and learning systems. In problem solving or compliance review through the Accountability Mechanism, ADB is able to ascertain policy compliance and enable itself to find solutions to complaints or address noncompliance with remedial actions. Lessons learned from these mistakes are

also fed back to operations to improve the way ADB designs and implements projects in the future.


ADB Management and staff and ADB's borrowers, as its partners in development, are enjoined to look at complaints as a forum for constructive criticism, an opportunity for correction and learning, and a means to improve on project performance.

 More information can be found in the [Accountability Mechanism Policy 2012 \(paras. 30, 37, 103-105, and 212 on pages 7-40\)](#).

4. How does the Accountability Mechanism relate to the other complaint addressing mechanisms of ADB?

The Accountability Mechanism strengthens and supplements the other complaint redressal avenues in ADB. To facilitate prompt resolution of complaints, ADB encourages complainants to first seek redress with the grievance redress mechanism at the project level, by filing complaints directly with the project Management unit concerned. If yet unresolved, complainants may elevate the issue to the operations department level, either through the resident mission or directly to the operations department at ADB headquarters, for a complaint to be addressed. The recommendation for project-level grievance redress is not to be seen however as a precondition for access to the Accountability Mechanism.


Complainants have the option of filing their complaint for redress through the Accountability Mechanism. The Accountability Mechanism has a clear workflow on how to deal with complaints, including timelines and which parties are responsible for certain actions.

 More information can be found in the [Accountability Mechanism Policy, 2012](#) (paras. 24–27 on page 6 and para. 105 on page 21).

5. How does one access the Accountability Mechanism?


Addressing a complaint through the Accountability Mechanism begins by filing a complaint with the complaint receiving officer (CRO). The CRO ensures easy accessibility as a single-entry point for complaints from project-affected people. The CRO facilitates and tracks the progress of the complaint in its initial stages.

Complaints to be filed through the Accountability Mechanism are also accepted at any ADB office, such as resident missions or representative offices, which will forward such complaints to the CRO.

 More information can be found in the [Accountability Mechanism Policy 2012](#) (paras. 124–125 on page 24 and para. 150 on page 30).

6. If a CRP member had a previous involvement in a project that received a complaint, how will conflict of interest be avoided, especially in a compliance review?

Any CRP member with previous involvement in a project undergoing a compliance review must declare such involvement and inhibit from participating in the process. This maintains the CRP's independence and prevents any conflict of interest.

 More information can be found in the [Accountability Mechanism Policy, 2012](#) (para. 113 on page 22).


II. FILING A COMPLAINT

7. When can complaints be filed with the Accountability Mechanism?

Complaints can be lodged during project formulation, processing, implementation, and up to 2 years after the project closing date.

From the closing date of a loan or grant for an ADB-assisted project, there is a 2-year period within which complaints on the project can be received for consideration.

For programmatic operations, such as multitranchise financing facilities, additional financing, and policy-based lending, the cutoff will be tranche-based (or its equivalent). For projects whose loan or grant closing dates are kept open after project completion for purposes such as capitalizing interest payments and liquidation, the cutoff date will be 2 years after the project completion date.


 More information can be found in the [Accountability Mechanism Policy 2012](#) (para. 87 on page 18 and para. 142 on page 29).

8. Why is 2 years after project closing date the cutoff date for the Accountability Mechanism to accept complaints?

The ownership of a project lies with the borrower, and ADB's influence to initiate changes wanes over time. Thus, 2 years is a fair period to ensure project guarantees. Consultations were made in drafting Accountability Mechanism Policy 2012, and a 2-year cutoff from the closing date of a project was deemed


most reasonable, as an improvement over the Accountability Mechanism Policy, 2003, which had a shorter prescriptive period. To serve notice to the public, project completion and loan or grant closing dates are published on the ADB website.

Beyond the 2-year cutoff for ADB's Accountability Mechanism, the complainants have the option to lodge a complaint with the project owner through internal redress mechanisms of the concerned government agency or private company, or through their national legal systems, should it be found necessary to address their complaints.

 More information can be found in the [Accountability Mechanism Policy 2012 \(para. 87 on page 18 and para. 142 on page 29\)](#).


9. **Can complaints be filed even if the Board has not yet approved the project?**

Yes. However, based on ADB's experience, complaints are typically elevated to the CRP during the implementation stage (i.e., after Board approval) when the project scope has been firmed up and impacts to affected persons are more defined. Also, recall that a good faith effort is recommended in addressing complaints through the operations department concerned, prior to submission of the complaint to the CRO. At earlier stages of the project, complainants also have the option of seeking redress through the project's grievance redress mechanism, though it is not a requirement.

 More information can be found in the [Accountability Mechanism Policy 2012 \(para. 145 on page 29\)](#).

10. **What can be complained about?**


People affected by ADB projects can file a complaint on ADB's actions resulting in direct, adverse, and material harm (or likely future harm) while a project is being designed or formulated, processed, or implemented. Specifically, the CRP entertains complaints about harm to affected persons or the likelihood of causing harm that are directly linked to ADB's noncompliance with its operational policies and procedures.

 More information can be found in the [Accountability Mechanism Policy 2012 \(paras. 145–149 on pages 29–30\)](#).

11. **Who may submit complaints?**

For the compliance review function, complaints may be filed by the following:

- (i) any group of two or more people directly harmed or likely to be harmed by a project, in a borrowing country where the ADB-assisted project is located, or in a member country adjacent to the borrowing country (complainants can be from the same family);
- (ii) a local representative of such affected persons, with proof of authorization;
- (iii) a nonlocal representative of such affected persons, in exceptional cases where local representation cannot be found, and the CRP chair concurs; or
- (iv) an ADB Board member, after first raising concerns with ADB Management, in cases involving allegations of serious violations of ADB's operational policies and procedures.

 More information can be found in the [Accountability Mechanism Policy 2012](#) (paras. 138–140 on page 28).

12. Why is it necessary to have two complainants request for a compliance review?

While the process of lodging a complaint by a singular complainant is much easier from a complainant's perspective, there is a need for more than one complainant in lodging a complaint under the Accountability Mechanism, to ensure that

- (i) another person also experiences the harm; and
- (ii) the complaint is not motivated solely by self-interest or vendetta.

13. Can complainants come from the same family?

Yes. The concern is to verify the occurrence of severe effects that may be linked to an aspect of the project.

14. Would anonymous complaints be accepted, and will the complainants be assured of privacy by keeping their identities confidential?

To ensure personal security, complainants have the right to request for their identities to be kept confidential. The CRO, CRP, OCRP, SPF and OSPF respect the complainants' right to confidentiality, and adhere to such throughout the process, by ensuring strict compliance with confidentiality procedures. (See Box 1)

To ascertain the veracity of the grievance, however, anonymous complaints will not be accepted. The identities of representatives, if any, will not be kept confidential, and will be disclosed to ensure transparency.

Box 1: Confidentiality Guidelines Summary


Understand that filing a complaint may entail risks for complainants. To keep identities of the complainant confidential, the complaint receiving officer (CRO), the Compliance Review Panel (CRP), and the Office of the Compliance Review Panel (OCRCP) observe the following good practices:

- Redact names, signatures, and any contextual information relating to the identities of the complainants, particularly in documents for publication.
- Conceal details that might reveal complainants' identities in all reports and communications with the borrower and ADB Management.
- Liaise with complainants through NGO or CSO representatives and rely on these relationships as conduits of information between complainants, the CRP, and other stakeholders.
- If necessary, and only as permitted by NGO or CSO representatives, when scheduling meetings with complainants, consider potential sources of threat (such as police, government, or private borrowers' presence) that might risk the safety and obstruct free communication for complainants. It is recommended to avoid the direct participation of affected people on meetings that may entail security risks, such as being identified for intimidation and possible retaliatory measures.
- When using interpreters, the OCRCP informs the interpreters about the nature of the compliance review process and the importance of maintaining confidentiality of the (i) identity of the complainants, (ii) the contents of documents that may be provided to the interpreter in the course of their engagement with the OCRCP, and (iii) the information and substance of discussions during meetings. The OCRCP's interpreters must sign a nondisclosure and confidentiality agreement with the OCRCP whenever they are engaged in the compliance review processes.

Source: ADB Guidelines for the Protection of Key Stakeholders during the Accountability Mechanism Process.

Upon filing the complaint, the CRO treats all complaints as confidential, withholding any identifiable information, unless permission is granted by the complainants. Unless permission is given by the complainants for their identities to be revealed, the identities of the complainants will only be known to the CRO and the CRP (or the SPF, on a request for problem solving) throughout the process.

In handling complaints at their level, operations departments should ascertain if confidentiality is being requested by the complainants, and take necessary actions as done by the CRO to ensure such confidentiality.

 More information can be found in the [Accountability Mechanism Policy 2012](#) (paras. 150, 155, and 204–206, on pages 30–39).


15. How is a complaint filed?

The complainants may file their complaints in writing, addressed to the CRO at ADB headquarters. The complaint can be submitted by e-mail, fax, mail, or personal delivery. Complaints under the Accountability Mechanism may also be accepted at any ADB office, and it is the responsibility of that office to forward these to the CRO.

The CRO ensures easy accessibility as the first point of contact for project-affected people. The CRO facilitates and tracks the progress of the complaint in the initial stages of filing, and provides a measure of transparency and responsiveness in the Accountability Mechanism.

Recall though that should prior good faith efforts to address the problem had not been made, the complaint

is forwarded by the CRP chair or SPF to the concerned operations department. If complainants request for confidentiality as a function of the Accountability Mechanism, such confidentiality will be maintained, in addressing the complaint with the operations department, through the operations department's problem solving and compliance efforts.

 More information can be found in the [Accountability Mechanism Policy 2012](#) (paras. 150–152 on pages 30–31).

16. What are the submission requirements for complaints?

Complaints must be written in English or in any official language of the country where the project is located. Should the complainants require assistance in filing, they may approach an NGO or CSO that they trust, for advice or to seek representation. If a complaint is submitted in a language other than English, additional time will be required for its translation.

The complaint must specify the following:


- (i) name, designation, address, and contact information of each complainant and their representative;
- (ii) if a complaint is made through a representative, identification of the project-affected people on whose behalf the complaint is made and evidence of the authority to represent them;
- (iii) whether the complainants choose to keep their identities confidential;
- (iv) whether the complainants choose to undergo either problem solving or a compliance review;
- (v) a brief description of the ADB-assisted project, including the name and location;

- (vi) a description of the direct and material harm that has been, or is likely to be, caused to the complainants by the ADB-assisted project;
- (vii) a description of the complainants' good faith efforts to address the problems first with the operations department concerned, and the results of these efforts; and
- (viii) if applicable, a description of the complainants' efforts to address the complaint with the OSPF, and the results of these efforts.

For efficiency, a complaint form is available online (www.adb.org/site/accountability-mechanism/how-file-complaint). This is a 3-page document requiring the minimum information to file a complaint.

Complainants may also provide the following optional information:

- (i) An explanation of why the complainants claim that the direct and material harm alleged is, or will be, caused by the alleged failure by ADB to follow its operational policies and procedures in the course of formulating, processing, or implementing the ADB-assisted project;
- (ii) A description of the operational policies and procedures that have not been complied with by ADB in the course of formulating, processing, or implementing the ADB-assisted project;
- (iii) A description of the complainants' good faith efforts to address the problems with the project-level grievance redress mechanisms concerned, and the results of these efforts;
- (iv) The desired outcome or remedies that complainants believe ADB should provide or help through the Accountability Mechanism; and
- (v) Any other relevant matters or facts with supporting documents.

 More information can be found in the [Accountability Mechanism Policy 2012](#) (paras. 150–152 on pages 30–31).


17. What is a good faith effort by complainants, in seeking to address their concerns prior to lodging a complaint with the Accountability Mechanism?

A good faith effort means that the complainants made an earnest effort in seeking redress or in voicing their concerns through the operations department concerned, prior to filing a complaint under the Accountability Mechanism. Past this primary opportunity for remedy with the operations department, as a means of “last resort,” affected people may then file with the Accountability Mechanism for a complaint that has yet to be addressed to their satisfaction.

Even prior to seeking redress with the operations department, complainants are also encouraged to first approach the project's grievance redress mechanism, to facilitate prompt resolution of issues on the ground. Though prior redress efforts made through the project's grievance redress mechanism is not a requirement in filing a complaint under the Accountability Mechanism, it is recommended as a more immediate means to address concerns.

The recommendation for project-level grievance redress or the requirement for operations department-level address is not to be seen however as a precondition for access to the Accountability Mechanism. The lack of a good faith effort made with the operations department is, however, grounds for ineligibility (see Eligibility Criteria, page 45). If a complaint was filed with the Accountability Mechanism, but prior good faith

effort to address the complaint has not been made, the complaint will be forwarded by the CRP chair or the SPF to the concerned operations department, for appropriate action.


 More information can be found in the [Accountability Mechanism Policy 2012](#) (paras. 24–27, 105, 142, 144, and 151–152, on pages 6–31).

18. What differentiates a compliance review from problem solving?

Compliance review is triggered by a complaint regarding noncompliance with ADB's operational policies and procedures, alleging it to be the cause of harm or potential cause of harm. In comparison, problem solving can be sought when people complain of being adversely affected by an ADB-assisted project, even where no contention is made on the application of ADB's operational policies and procedures.

Compliance review has a corrective function, as it brings a project back from noncompliance into compliance with ADB's operational policies and procedures, with the implementation of Board-approved remedial actions that result from a compliance review. The findings would benefit all affected people, regardless of whether or not they were party to the complaint.

Figure 3 illustrates the two Accountability Mechanism functions and how they relate to the operations departments' compliance and problem solving efforts and project-level grievance redress mechanism.

 More information can be found in the [Accountability Mechanism Policy 2012](#) (paras. 126 and 129–130, on pages 24–26).

19. How will the complainant decide on which Accountability Mechanism function to pursue?

Part of the information required upon filing a complaint is the complainants' choice of whether to undergo **problem solving** with the SPF, or to opt for a **compliance review** with the CRP.

Within 2 days of receiving the complaint, the CRO furnishes an Accountability Mechanism information packet to the complainants. Since the CRO must, at all times, remain neutral in the process, complainants are advised to study this material, which informs of their options. It is not within the purview of the CRO to advise the complainant on which option to choose.

The complainants must inform the CRO within 21 calendar days on their choice of either problem solving or compliance review for their complaint. This gives the complainants an opportunity to study the Accountability Mechanism information packet, and make an informed choice on which office to address their complaints. They can either confirm their initial choice, as indicated in their complaint letter upon filing, or change it.


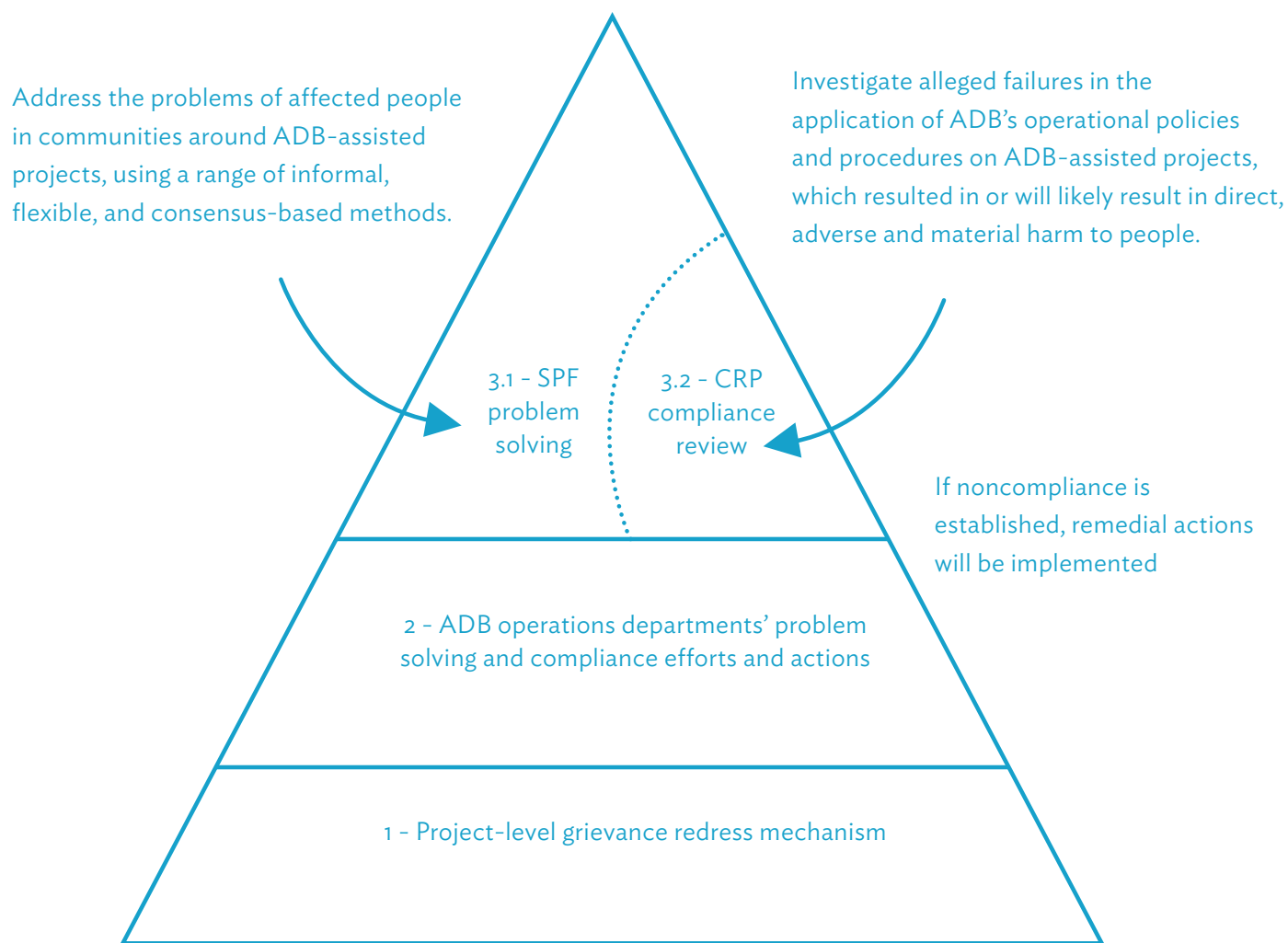
 More information can be found in the [Accountability Mechanism Policy 2012](#) (paras. 153, 156, and 160, on pages 31–32).

Figure 3: Problem Solving and Compliance Framework




ADB = Asian Development Bank, CRP = Compliance Review Panel, SPF = special project facilitator.

Source: ADB. 2012. *Accountability Mechanism Policy 2012*. Manila.

20. Can the complainants change their mind anytime in the Accountability Mechanism process, in terms of the specific function they want to pursue?

When complainants opt for problem solving, and the process is completed (with or without agreement reached on remedial measures), the complainant may subsequently file a new complaint with the CRO, requesting for a compliance review, should there still be serious concerns over noncompliance with ADB's operational policies and procedures.

On the other hand, complainants cannot switch from compliance review to problem solving once the process is under way. Complainants cannot also request for problem solving upon completion of a compliance review. This is because compliance review warrants a broader application of remedial measures that benefit not only the specific complainants, but an entire class of affected stakeholders.

 More information can be found in the Accountability Mechanism Policy 2012 (para. 143 on page 29, para. 153 on page 31, and para. 173 on page 34).

21. Can ADB Management and staff inform affected people on the means of redress made available through the Accountability Mechanism?


Project documents, such as the project administration manual and safeguard documents, include information about the Accountability Mechanism, as a means of redress of “last resort” for project-affected people. While operations departments are obliged to provide this information on the Accountability Mechanism to project-affected people, operations departments are also highly encouraged to ensure project compliance

and address any complaints on the project at their organizational level, to avoid an escalation of concerns.

22. How should ADB Management and staff and other stakeholders, including government and private sector borrowers, treat complainants?

Complainants will be treated with utmost care and respect. **The right of a complainant to keep their identities confidential must be respected by all stakeholders**, as filing a complaint may entail a personal risk for complainants.

Even as ADB's Accountability Mechanism ensures that the confidentiality requirement for complainants is met, a high degree of transparency in information disclosure is enforced in the Accountability Mechanism's processes. In pursuit of the goals of the Accountability Mechanism, complaints are to be viewed as a mechanism for constructive feedback, and an opportunity for learning and correction, toward improvement of performance in projects.

 More information can be found in the Accountability Mechanism Policy 2012 (paras. 150, 155, and 204–206, on pages 30–39).

23. Once compliance review is ongoing, what kind of interaction with affected people is allowable for ADB Management and staff?

ADB's compliance review is an independent function, and as such, ADB Management and staff's interaction with affected people is allowed. In fact, interaction that solves the complaint before the compliance review concludes is encouraged.

III. COMPLIANCE REVIEW

24. How can projects avoid a compliance review?

Before a project even begins, it is important for ADB Management and staff to ensure that projects are compliant with ADB's operational policies and procedures. ADB's well-developed audit, supervision, quality control, and evaluation systems prevent and address most issues that occur during the planning and implementation of ADB-assisted projects. In addition to these system checks, having an effective and accessible grievance redress mechanism is important at the project level, as well as compliance efforts and problem solving at the operations department level, to ensure that any complaint is addressed immediately, to keep concerns from escalating to a compliance review.


As a project goes from design to operation, operations departments are urged to be thorough and circumspect at ensuring compliance with ADB's operational policies and procedures. This effort begins at the project planning level by ensuring that borrowers

- (i) make thorough studies pertaining to the social and environmental impact of a project,
- (ii) study factors that may impinge on the feasibility of a project as it fits the advancement of inclusive and sustainable development,
- (iii) seek consultation and consensus with communities that may be affected by a project,
- (iv) seek consultation and consensus with experts who could impart well-founded advice.
- (v) execute preventative action that reduces the probability of harm that may ensue,

- (vi) have a thorough awareness and application of a country's safeguards system and ADB's operational policies and procedures, and
- (vii) apply any and all measures that would produce better outcomes for the project.

If adverse situations arise despite best efforts at ensuring compliance, immediate mitigation prevents further harm. This is the reason why easy access to a country's and ADB's primary redress mechanisms should be made available to affected people. This would do well to keep concerns from escalating to a compliance review later on.

Ultimately, the reduction or elimination of adverse effects is premised on good design and proper implementation, grounded on consultation and consensus, in compliance with both ADB's operational policies and procedures and a country's policies and safeguards.

 More information can be found in the [Accountability Mechanism Policy 2012 \(para. 62 on page 13\)](#).

25. Are borrowers (government or private sector) aware of ADB's Accountability Mechanism Policy and of their responsibilities under its terms?

Yes. Coverage by ADB's Accountability Mechanism Policy on projects is included in loan agreements made between ADB and the borrower (both government and private sector).

Such conditions on loan agreements that include the institution of the Accountability Mechanism serve the interests of all ADB members in furthering the objectives of sustainable and inclusive development, and poverty alleviation in Asia and the Pacific.


26. What is the mandate of the CRP?

The CRP is a fact-finding body on behalf of the ADB Board. It reports to the Board through the Board Compliance Review Committee (BCRC). The CRP examines whether direct and material harm alleged by complainants is the result of ADB's failure to follow its operational policies and procedures in the course of formulating, processing, or implementing an ADB-assisted project. It also monitors the implementation of Board-approved remedial actions if noncompliance was found during a compliance review.

For projects already under implementation, the CRP examines the applicable operational policies and procedures at the time of the ADB Board's or President's approval of the project.

For proposed projects that have yet to meet the Board's or President's approval, the operational policies and procedures to be examined are those that are applicable at the time of the filing of the complaint.

Relative to a request for problem solving with the SPF, a request for compliance review is not an appeal to a higher authority.

 More information can be found in the [Accountability Mechanism Policy 2012 \(paras. 131–133 and 145–149, on pages 26–30\)](#).

27. In the context of a compliance review under ADB's Accountability Mechanism, what is noncompliance with ADB's operational policies and procedures?

Noncompliance is the failure of ADB to abide by its operational policies and procedures (i.e., ADB's

operational policies), with relevant operational procedures in the ADB Operations Manual (www.adb.org/documents/operations-manual) in the course of formulating, processing, or implementing ADB-assisted projects. When a complaint is lodged, the CRP determines if noncompliance has occurred in an ADB-assisted project through its fact finding (i.e., step 4 in the compliance review process).

28. What is the scope of a compliance review?

Compliance review covers specific ADB operational policies and corresponding sections on procedures in ADB's Operations Manual, where it is indicated that such policies and procedures are subject to a compliance review. Only on these specific operational policies and procedures can any question of noncompliance be framed. These policies and procedures subject to compliance review will not cover guidelines and similar documents or statements.

Due to their direct impact on project-affected people, the operational policies and procedures most often subject to a compliance review include:


- (i) ADB's Safeguard Policy Statement (which has provisions covering environment, indigenous peoples, and involuntary resettlement safeguards);
- (ii) Public Communications Policy 2011;
- (iii) Gender and Development Policy, 2003; and
- (iv) Incorporation of Social Dimension into ADB Operations.

Currently, of the 51 sections of ADB's Operations Manual, 37 are subject to compliance review. In general, when these operational policies and

procedures are not complied with, it may result in projects causing direct and material harm. The list of ADB's operational policies and procedures that may be covered by a compliance review is found in the Appendix of this guidebook.


The CRP does not consider the policies and procedures of other institutions, except when ADB's policies and procedures have explicitly incorporated those in its operational policies and procedures.

Equally important to see as part of the scope of the compliance review is the aspect of the eligibility of the complaint, which can be distinguished further according to (i) the eligibility criteria for grievances and (ii) exclusions from eligibility (Box 2).

 More information can be found in the [Accountability Mechanism Policy 2012 \(paras. 142 and 144–149, on pages 29–30\)](#).

29. Does ADB's Accountability Mechanism Policy apply where country safeguard systems are used for ADB-assisted projects?

Yes. In cases where country safeguard systems are used for ADB-assisted projects, in accordance with ADB's Safeguard Policy Statement, the use of the country safeguard systems will not alter the role and function of ADB's Accountability Mechanism, including the roles of the SPF and the CRP.

 More information can be found in the [Accountability Mechanism Policy 2012 \(para. 207 on page 39\)](#).


30. If compliance review is focused on ADB's compliance with its policies and procedures, to what degree does the CRP engage with developing member countries' governments and ADB's private sector borrowers?

Compliance review is focused on ADB's capacity to advise the borrower toward performing in accordance with ADB's operational policies and procedures. Compliance review does not directly inquire about the conduct of government or the private sector borrower, unless this information is relevant in assessing how ADB complied with its operational policies and procedures.

A compliance review will not investigate the borrowing country, the executing agency, nor the private sector client. The review of these other parties will be considered only to the extent that they are directly relevant to an assessment of compliance by ADB with its operational policies and procedures.

On site visits and meetings, the CRP seeks to understand how ADB conducted itself with government officials or private sector personnel in ensuring compliance with ADB's operational policies and procedures, across all stages of the project, from design to implementation.

It is important to note that all official requests from the CRP for project documents or consultative meetings are routed through ADB Management, as the operations departments deal directly with ADB's borrowers or clients and not with the CRP.


 More information can be found in the [Accountability Mechanism Policy 2012 \(para. 130 on page 25 and paras. 177–194 on pages 34–37\)](#).

Box 2: Eligibility Criteria for Complaints

The compliance review will address grievances that concern and impact the entire Asian Development Bank (ADB)-funded project, and not just specific, individual components.


Complaints are excluded from the compliance review function if they are as follows:

- (i) actions not related to ADB's actions or omissions in the course of formulating, processing, or implementing ADB-assisted projects;
- (ii) matters that complainants have not made good faith efforts to address with the operations department concerned;
- (iii) issues concerning an ADB-assisted project for which more than 2 years have passed since the loan or grant closing date;
- (iv) matters that are frivolous, malicious, trivial, or generated to gain competitive advantage;
- (v) decisions made by ADB, the borrower or executing agency, or the private sector client regarding procurement of goods and services, including consulting services;
- (vi) allegations of fraud or corruption in ADB-assisted projects and/or misconduct by ADB staff;
- (vii) issues on the adequacy or suitability of ADB's existing policies and procedures;
- (viii) issues regarding the jurisdiction of ADB's Appeals Committee or ADB's Administrative Tribunal, or issues relating to ADB personnel matters; and/or
- (ix) ADB's nonoperational administrative matters, such as finance and administration.

 More details can be found in the Accountability Mechanism Policy 2012 (para. 142 on page 29).

The compliance review function also excludes complaints that

- (i) relate 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;
- (ii) do not involve ADB's noncompliance with its operational policies and procedures;
- (iii) are being dealt with by the OSPF up to the completion of step 3 under the problem solving function;
- (iv) relate to the laws, policies, and regulations of the borrowing country, unless they directly relate to ADB's compliance with its operational policies and procedures; and
- (v) about matters already considered by the CRP, unless the complainants have new evidence previously not available to them and the subsequent complaint can be readily consolidated with the earlier complaint. In such cases, any resubmission or consolidation of a complaint, as the case may be, should occur within 2 years after the loan or grant closing date.

 More details can be found in the Accountability Mechanism Policy 2012 (para. 148 on page 30).


31. What are the practical solutions that may result from a compliance review?

While remedies for the adverse effects of an ADB-assisted project may vary depending on the circumstances of noncompliance, such practical solutions may include appropriate compensation, resettlement, retraining for alternative livelihoods, and technical assistance in many forms (such as in monitoring environmental conditions, conduct of technical studies, or capacity building activities). Such remedies may only be provided as may be justified by the facts established in the compliance review, where remedial actions proposed by ADB Management must be approved by the Board, and would require the consent of the project owner to be implemented.

32. Who pays the cost of remedial actions?

While ADB instigates the remedial actions, legal ownership of the project lies with the borrower. The project owner's cooperation is critical to the implementation of remedial actions that ADB Management formulated in consultation with the borrower, and which was then approved by the Board. This may entail the cost of additional compensation and infrastructure relating to resettlement and other environment-related mitigation measures. Studies may be warranted prior to implementation. ADB can facilitate grants and extend technical assistance for such studies, to capacitate government agencies in resettlement, aid other agencies in facilitating livelihood training and other interventions, and provide the means for monitoring the effectiveness of the remedial measures, such as requisitioning for air or water quality monitoring equipment.


Both ADB and the borrower or project owner share the commitment to ensure that ADB projects improve and do no harm to people and the environment. As such, both have a stake in ensuring that ADB projects are brought back into compliance with ADB's operational policies and procedures.

 More information can be found in the [Accountability Mechanism Policy 2012 \(paras. 59–62 on pages 12–13 and para. 190 on page 36\)](#).

33. Can complaints go through the local or national legal system and to the CRP simultaneously?

Yes, they can go through the local or national legal system, as they are independent systems with different rules, objectives, and expectations. Since their investigative goals are distinct from each other, different conclusions may result, providing for different outcomes.

Compliance review provides a determination on the issue of project compliance particular only to ADB's operational policies and procedures. It does not provide judicial remedies, such as injunctions or monetary damages. Unlike a court verdict, compliance review is not a punitive but a constructive measure, as the focus is on bringing back a project from noncompliance with compliance with ADB's operational policies and procedures. Its purpose is institutional effectiveness and improved governance. As a corrective measure, it addresses complaints through remedial actions, with the end view of improving project outcomes.


 More information can be found in the [Accountability Mechanism Policy 2012 \(para. 130 on page 26\)](#).

34. Since site visits may be part of the 10-step compliance review process, what happens when the government or the private sector borrower declines to grant the requested site visit?

For both sovereign and nonsovereign projects, site visits take place in consultation with the government of the member country where the project is located. Site visits may proceed only with the government's and private sector borrower's consent. As partners in development, ADB expects governments and private sector borrowers to cooperate.

If requests are declined, the CRP will continue its compliance review and deliver findings without a site visit, drawing appropriate inferences from all available information. In the absence of a necessary site visit, the CRP may give added weight to the complainants' views. In such case, ADB Management will discuss with the borrower the reasons for not allowing the requested visit. In consultation with the BCRC and the government of the country where the project is located, ADB Management will convey the reasons behind the refusal through an information paper submitted to the Board.

The concerned operations department is requested to facilitate the site visit by liaising with the project owners and the government of the country where the project is located.

 More information can be found in the [Accountability Mechanism Policy 2012](#) (paras. 76–82 on pages 16–17 and paras. 198–201, on page 38).

35. Would the postponement of a site visit be tantamount to a refusal by the government or the private sector borrower for a site visit?

Not necessarily, as postponements for a site visit may be justified with good reason by the government or the private sector borrower. Justifiable reasons include the threat of inclement weather, an inhospitable season during the time for a proposed site visit, or security concerns in a project location that need to be mitigated prior to allowing entry for an inspection team. Such reasonable deferment should still result in the grant of permission for a site visit, to be scheduled when favorable conditions are met. Such reasonable deferments would not prejudice the position of the government or the private sector borrower with regard to any assertion of noncompliance.

36. Should representatives of the project owner (both governments and private sector borrowers) accompany the CRP during site visits?


The CRP appreciates the assistance extended by project owners in the coordination of site visits. However, it is not advised to have representatives of the government or the private sector project owner accompanying the CRP during site visits, as their presence may inhibit the affected people in voicing their concerns without fear, jeopardizing the earnest results to be gained from a compliance review. The CRP will definitely not meet with the complainants or their representatives in the presence of the borrowers or ADB Management.

37. How long does it take for a compliance review to be completed? Why does ADB have specific deadlines for certain compliance review steps while other steps have a flexible time frame?

While some procedures in a compliance review are time-bound, some processes are complex and dependent on factors that may take an indefinite period.


Postponements or rescheduling may also happen due to unforeseen circumstances, like weather or security concerns. Time is also flexible for language translation on documentation; on requests for extension to provide information or to file documents; and the conduct of the compliance review itself.

In general, complainants are expected to be informed of the outcome of the Board decision on the CRP's final report approximately 200 working days after registration of the complaint, although this excludes the time for processes that have an indefinite time prescription.

 More information can be found in the [Accountability Mechanism Policy 2012 \(paras. 177 -188 on pages 34-36\)](#).

38. **Should complainants withdraw their complaint, will the compliance review cease?**

Yes. Complainants can exit or disengage from the compliance review process at any time. If at any point in the compliance review process (i.e., steps 1 to 6), the complainants disengage, the process will come to an end.

 More information can be found in the [Accountability Mechanism Policy 2012 \(para. 153 on page 31\)](#).

39. **What if the complaint gets resolved while compliance review is ongoing?**


Compliance review continues, in accordance with its mandate as an institutional mechanism to improve ADB's project design and implementation. The CRP will complete the compliance review

by producing its report. In this report, the CRP will recognize the efforts of ADB Management in addressing the issue of noncompliance, and note that while noncompliance existed at some point in the project cycle, by rectifying the circumstances behind noncompliance, the project has already been brought to compliance with the CRP's satisfaction, prior to the conclusion of the review. If ADB Management acted swiftly to address the noncompliance while the compliance review was ongoing, remedial actions will not be needed.

40. **How long are remedial actions to be monitored?**

To ensure that a project is brought back in compliance and any adverse effects are effectively addressed, implementation of remedial actions is monitored. Monitoring generally does not exceed 3 years from Board approval of remedial actions. Upon the CRP's request, site visits may need to be arranged on their behalf by ADB Management and staff, to include possible meetings with implementing agencies or stakeholders concerned.

Should there be a need for an extension of the monitoring, the BCRC must recommend and endorse such an extension, for approval by the Board.

 More information can be found in the [Accountability Mechanism Policy 2012 \(paras. 192-194 on page 37\)](#).

41. **What reports are required during the monitoring stage of the compliance review?**

Complaints lodged under ADB's compliance review are varied, necessitating a diversity of remedial actions. The monitoring methods and

reporting requirements are prescribed in the remedial action plan, as would be appropriate to the remedy involved to attain project compliance. Aside from the regular reports on the progress of remedial actions, and depending on the remedial action plan of the project, ADB Management may be required to undertake studies and submit reports based on particular indicators, such as on health conditions, livelihood studies, or noise impact assessment. Submission to the CRP of quarterly or semiannual progress reports on the implementation of remedial actions may also be indicated in the remedial action plan.

42. If the remedial action plan requires an adjustment, will the Board reconvene to approve any revision on the resolution?

The remedial action plan is a Board-approved document, which is the basis for the CRP's monitoring of the progress of the implementation of remedial actions to achieve compliance. As such, adjustments to the remedial action plan also need Board approval, unless these adjustments are delegated by the Board to the BCRC.


43. If more complainants come forward after the remedial action plan is approved by the Board, how will that affect the implementation of the remedial actions?

A compliance review may result in remedial actions that apply to the whole project and all the affected persons, not just the complainants. Affected people may provide their feedback on the implementation of remedial actions at any point during the monitoring by the CRP, particularly as the CRP

meets with these people during its annual project site monitoring visits.

44. Does the CRP have enough resources to manage the myriad of complaints that the office has to handle?

In the interest of efficiency and as stipulated under the Accountability Mechanism Policy, the number of CRP members is fixed at three persons, while the OCRP maintains a lean staffing of three permanent ADB staff members. The budget of the CRP is approved by the Board, and is allotted the flexibility to accommodate the demand-driven needs of the CRP. These needs include engaging technical experts as consultants, as necessary during the compliance review processes. If the CRP requires additional personnel and financial resources to address complaints, additional resources may be requested for approval by the Board, with the endorsement of the BCRC, in consultation with the ADB President.

 More information can be found in the [Accountability Mechanism Policy 2012 \(paras. 118–119 on page 23\)](#).

Appendix: ADB's Operational Policies and Procedures Covered by Compliance Review

Group	New OM No.	Subject	Old OM No.	Date Issued	Subject to Compliance Review
A	Country Classification and Country Focus				
	1	Classification and Graduation of Developing Member Countries	1	4-Sep-13	Yes
	2	Country Partnership Strategy	45	20-Sep-16	Yes
	3	Performance-Based Allocation of Asian Development Fund Resources	n.a.	3-Oct-14	Yes
B	Regional and Subregional Cooperation				
	1	Regional Cooperation and Integration	28	30-Jun-10	Yes
C	Sector and Thematic Policies				
	1	Poverty Reduction	48	14-Jul-04	---
	2	Gender and Development in ADB Operations	21	6-Dec-10	Yes
	3	Incorporation of Social Dimensions into ADB Operations	47	6-Dec-10	Yes
	4	Governance	54	23-Dec-10	Yes
	5	Anticorruption	55	4-Oct-10	Yes
	6	Enhancing the ADB's role in Combating Money Laundering and the Financing of Terrorism	56	1-Jul-10	Yes

n.a. = not applicable, OM = Operations Manual, --- = data not available.

Group	New OM No.	Subject	Old OM No.	Date Issued	Subject to compliance review
D	Business Products and Instruments				
	1	Lending Policies for Sovereign and Sovereign-Guaranteed Borrowers (Ordinary Capital Resources)	3	24-Feb-14	Yes
	2	Lending and Grant Policies (Asian Development Fund)	4	6-Aug-13	Yes
	3	Sector Lending	5	29-Oct-03	Yes
	4	Policy-Based Lending	6	8-Aug-16	Yes
	5	Sector Development Programs	17	29-Oct-03	Yes
	6	Financial Intermediation Loans	6	15-Dec-03	Yes
	7	Disaster and Emergency Assistance	24, 25	15-Apr-15	Yes
	8	Guarantee and Security Arrangements for ADB Loans	19	15-Dec-03	Yes
	9	Credit Enhancement Operations	31	18-Dec-07	Yes
	10	Nonsovereign Operations	7	24-May-16	Yes
	11	Sovereign Operations	34	27-Feb-17	Yes
	12	Technical Assistance Exposure and Investment Limitations on Nonsovereign Operations	18	13-Mar-17	---
	13	[Nondisclosable in accordance with the Public Communications Policy 2011, paragraph 97, (viii).]	n.a.	31-Jul-15	---
	14	Multitranche Financing Facility	n.a.	17-Feb-15	Yes

n.a. = not applicable, OM = Operations Manual, --- = data not available.

Group	New OM No.	Subject	Old OM No.	Date Issued	Subject to compliance review
E	Partnerships				
	1	Financing Partnerships	29	3-Oct-14	Yes
	2	Japan Fund for Poverty Reduction	n.a.	1-Mar-11	Yes
	3	Development Partnerships	26, 27	28-Aug-17	---
	4	Promotion of Cooperation with Nongovernment Organizations	23	29-Oct-03	Yes
F	Safeguard Policies				
	1	Safeguard Policy Statement	n.a.	1-Oct-13	Yes
G	Analyses				
	1	Economic Analysis of Projects	36	17-Mar-17	---
	2	Financial Management, Cost Estimates, Financial Analysis, and Financial Performance Indicators	35	12-Mar-14	Yes
	3	Poverty and Social Analysis	n.a.	Under preparation	---
H	Financial				
	1	Financing of Interest and Other Charges During Construction	9	18-Jul-06	Yes
	2	Financing Indirect Foreign Exchange Cost of Projects	10	22-Oct-08	Yes
	3	Cost Sharing and Eligibility of Expenditures for ADB Financing	11	12-Jan-17	---
	4	Retroactive Financing	12	12-Jan-17	---
	5	Additional Financing	13	24-Feb-11	Yes
	6	Use of Surplus Loan Proceeds	14	29-Oct-03	Yes

Resources for Further Review

Asian Development Bank. 2009. Safeguard Policy Statement 2009. Manila.

<https://www.adb.org/site/safeguards/main>.

_____. 2012a. Accountability Mechanism Policy 2012. Manila.

<https://www.adb.org/documents/accountability-mechanism-policy-2012>.

_____. 2012b. Accountability Mechanism. Operations Manual. OM L1. Manila.

<https://www.adb.org/sites/default/files/institutional-document/31483/oml1.pdf>.

_____. 2012c. Bank Policies. Operations Manual. OM L1/BP. Manila.

<https://www.adb.org/sites/default/files/institutional-document/31483/oml1.pdf>.

_____. Accountability Mechanism.

<https://www.adb.org/site/accountability-mechanism/main>.

_____. Board Compliance Review Committee.

<https://www.adb.org/about/board-compliance-review-committee>.

_____. Board of Directors. <https://www.adb.org/about/board-directors>.

_____. Compliance Review Panel. <http://www.compliance.adb.org/>.

_____. Departments and Country Offices.

<https://www.adb.org/about/departments-offices>.

_____. How We're Organized. <https://www.adb.org/about/how-were-organized>.

_____. Nonsovereign Operations. ADB Operations Manual. OM D10. Manila. para.1.

_____. Who We Are. <https://www.adb.org/about/main>.

The Law Dictionary. What Is Prima Facie? Definition of Prima Facie (Black's Law Dictionary)

<https://thelawdictionary.org/prima-facie>.

Disclaimer

This guidebook serves only to inform on the compliance review function of the ADB's Accountability Mechanism Policy 2012. Should discrepancies arise between this guidebook and the Accountability Mechanism Policy, the policy and its related operations manual section (Operations Manual L.1) will prevail.

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A Guidebook on the Compliance Review Process of ADB's Accountability Mechanism For ADB Management and Staff

A Guidebook on the Compliance Review Function of ADB's Accountability Mechanism was developed to explain in detail and improve one's understanding of the compliance review function of ADB's Accountability Mechanism.

This document is one among a series of four guidebooks prepared particularly for (i) ADB Management and staff, (ii) government, (iii) affected people and their representative or partner nongovernment organizations (NGOs) or civil society organizations (CSOs), and (iv) private sector borrowers. This series of guidebooks aims to aid comprehension of the compliance review and its processes, particularly to address the stakeholders' need to understand their roles in its proceedings.

With this guidebook, it is hoped that ADB Management and staff will be even better equipped to take on the decisive role of responding to the needs of people who may be unduly and adversely affected or potentially harmed by ADB-assisted projects that fail to meet the rigorous standards of ADB's policies.

About the Asian Development Bank

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to a large share of the world's poor. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.

