

December 12, 2023

Donald Bobiash

Chair, Board Compliance Review Committee
Asian Development Bank

CC: Members, Board Compliance Review Committee
President, Asian Development Bank
Managing Director General, Asian Development Bank
Special Project Facilitator, Accountability Mechanism
Chair, Compliance Review Panel, Accountability Mechanism

RE: External Review of ADB's Accountability Mechanism Policy

Dear Board Compliance Review Committee (BCRC),

We are civil society organizations interested in the effectiveness of the Asian Development Bank's Accountability Mechanism (AM). We are encouraged that the AM policy is under review, as it is far behind international good practice found elsewhere. We are concerned, however, about the review process. It has come to our notice that in preparation for the upcoming AM policy review, the AM is being reviewed by an external reviewer, whose draft report and recommendations for the new AM policy is expected to be shared first with the Management and then the Board in early 2024. **We are writing this letter to request that the external reviewer consult with civil society organizations, including and especially those that have previously engaged with the AM process, before completing a final draft. We are also requesting that the external reviewer share the report with the Board—not bank management—for comment before releasing it to the public.**

CSOs and project-affected communities are best-placed to evaluate how effective the AM has been in its mandate of providing effective accountability for harms linked to ADB projects. Meaningful consultation requires not only seeking feedback on the draft policy but also participation in the earlier stages of the process that will influence and inform the draft policy. At this stage, the external reviewer must be informed by views of CSOs to have a more holistic understanding of how effective the AM has been in its past ten years of functioning. Limiting the review's mandate to institutional documents or to institutional stakeholders creates the risk of a one-sided view of the AM that could affect the quality of the recommendations and undermine the purpose of an external review. Moreover we expect the draft report to first be shared with the Board and released for public feedback before final disclosure. The AM is meant to be an independent body within the ADB and the review of the AM policy should similarly follow an independent process. An open and public process increases both the legitimacy of the review and the trust affected communities have in the mechanism.

We request that you direct the external reviewer to consult with CSOs as he writes his report and direct him to submit the report first to the Board, not bank management. We also reiterate our earlier request that the BCRC disclose the terms of reference of the external review immediately.

We would be happy to speak with you more in this regard. We look forward to your considered response.

Sincerely,

Accountability Counsel

Aksi! for gender, social, and ecological justice

Asia Indigenous Peoples Network on Extractive Industries and Energy (AIPNEE)

Bank Information Center

BRICS Feminist Watch

Both ENDS

CEE Bankwatch Network

Centre for Financial Accountability, India

Centre for International Environmental Law (CIEL)

Community Empowerment and Social Justice Network (CEMSOJ)

DamSense

GAIA: Global Alliance for Incinerator Alternatives

Gender Action

Growthwatch

Initiative for Right View (IRV)

Inclusive Development International

International Accountability Project

International Rivers

MiningWatch Canada

NGO Forum on ADB

Oyu Tolgoi Watch

PakAid

Pakistan Fisherfolk Forum

Reality of Aid-Asia Pacific

Recourse

Rivers without Boundaries Coalition

Trend Asia

Urgewald

VOICE