

June 26, 2024

Mr. 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: Hiring Process for Chair, Compliance Review Panel

Dear Mr. Donald Bobiash,

We are writing this joint letter as NGO Forum on ADB with other concerned civil society groups around the world that share a common concern over accountability in international development finance, especially at the Asian Development Bank (ADB). We are writing to urge you, as Chair of the Board Compliance Review Committee (BCRC), to formally include external stakeholders, especially civil society in the hiring process for the Chair, Compliance Review Panel (CRP). Given the importance of the CRP's role in exercising independent oversight over the Bank's impacts on the environmental, social, and human rights of ADB's intended beneficiaries and its role in the ongoing Accountability Mechanism Policy (AMP) review, it is crucial that the person be appointed through an inclusive and transparent process.

We appreciate BCRC's recent acknowledgement¹ that an independent CRP is necessary for the Board to discharge its core oversight mandate and the Board's commitment towards ensuring that the "CRP can keep discharging its mandate in a way that is entirely free from interference." This echoes our own experiences as regional and international civil society groups closely following ADB projects and working closely with communities who regularly use the ADB's CRP to raise grievances and receive remedy. In our experience the Chair plays an invaluable role in ensuring that the rights of communities are duly protected at every stage of the investigation and that the Accountability Mechanism as a whole is able to withstand pressure from management, clients, and other interests within the Bank. Furthermore, the Asia-Pacific region is host to a diverse range of languages, cultures, and countries at various levels of development. The Chair must have the relevant background and experience to understand the political, economic, and social nature of project-related impacts on affected-communities and advocates.

¹ [Letter from Donald Bobiash in response to Dr. Dustin Schäfer](#) (29 January 2024).

Ensuring the Chair's independence becomes even more crucial at this critical juncture when the Accountability Mechanism Policy is undergoing review after more than ten years and the new Chair will play an important role in ensuring that the AMP review is done through an inclusive, transparent and culturally appropriate consultation process (both online and in-person methods) and the AMP is in line with international best practice at other IAMs.

According to best practice,² the Board should include independent external stakeholders, especially civil society, in the selection process for the Chair of the CRP. This was done by the Board in the 2019 selection process for the current Chair of the CRP and should be continued. This helps to legitimize the hiring process and builds trust in the independence and integrity of the selected individual.

Moreover various IAMs already do so. For example, the Independent Examiners for the Guidelines of the Japan International Cooperation Agency (JICA) and the Japan Bank for International Cooperation (JBIC) are chosen through a process that includes a selection committee that has members from academia and NGOs, among others.³ Additionally, the European Bank for Reconstruction and Development (EBRD) creates a nomination committee composed of members internal and external to the EBRD to select the head of the Independent Project Accountability Mechanism (IPAM).⁴ This committee is composed of external stakeholders who have expertise in the accountability and social or environmental fields, demonstrated integrity and independence, the ability to interact effectively with parties and civil society, and experience with the operations of the EBRD or similar institutions. Similarly for the selection process for the International Finance Corporation's (IFC) Compliance Advisor Ombudsman Director General, the external stakeholders on the selection committee are tasked with reviewing applications, determining a shortlist, and conducting interviews with shortlisted candidates.⁵ Finally the African Development Bank's Independent Recourse Mechanism (AFDB's IRM) Director is selected by a panel composed of the Board, two representatives of Senior Management and two external advisors (at least one of whom should be a civil society representative).⁶

Thus, in line with ADB's own practice in 2019 and with international good policy, we call upon the BCRC to ensure:

1. Transparency in the selection process;
2. Inclusion of at least one civil society stakeholder on the selection committee;

² Multiple Authors, [Good Policy Paper: Guiding Practice from the Policies of Independent Accountability Mechanisms](#) (2024).

³ Japan International Cooperation Agency (JICA), [Objection Procedures, para. 4](#) (2022); Japan Bank for International Cooperation, [Major Rules for Establishment of Examiner for Environmental Guidelines](#) (2022).

⁴ European Bank for Reconstruction and Development, [Independent Project Accountability Mechanism Policy, para. 3.3.a\(3\)](#) (2019).

⁵ International Finance Corporation, [Compliance Advisor Ombudsman Policy, para. 15](#) (2021).

⁶ African Development Bank, [Independent Recourse Mechanism Rules and Procedures, para. 84](#) (2021).

3. The ability for the external stakeholders on the selection committee to review applications, determine a shortlist of candidates, and conduct interviews with shortlisted candidates; and
4. The Board, in consultation with the selection committee, takes the final decision on the selection of the new Chair, CRP.

As the process of selection has already begun, we look forward to hearing your considered response and hope to further engage with the Board on this process.

Respectfully,

Accountability Counsel
NGO Forum on ADB

Endorsed by,

Asia Indigenous Peoples Network on Extractive Industries and Energy (AIPNEE)
African Law Foundation (AFRILAW)
Bank Information Center, D.C
CEE Bankwatch Network
Community Empowerment and Social Justice Network (CEMSOJ)
COMPPART Foundation for Justice and Peacebuilding, Nigeria
Fundación CAUCE: Cultura Ambiental - Causa Ecologista
Friends with Environment in Development
Gender Action
Green Advocates International
Inclusive Development International
International Accountability Project
Jamaa Resource Initiatives
Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP)
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