EFFECTIVENESS OF THE ACCOUNTABILITY MECHANISM IN CENTRAL ASIA AND THE CAUCASUS

BISKEK, 3 Sep 10 — “Thank you for the e-mail dated 29 July 2010, which the Office of the Special Project Facilitator (OSPF) received on 5 August 2010, presenting a complaint about the Education Sector Reform Project in Tajikistan. We acknowledge receipt of the complaint and will register it in our Complaints Registry.”

This was an email we got recently from the OSPF as a response to our complaint from Tajikistan. After the acknowledgment of the complaint, the OSPF paid a visit to assess and verify the complaint in August. On September 1, the case was declared as eligible. A good achievement, taking into account the difficult process of filing a complaint.

The problematic project

The Education Sector Reform Project aims to improve management efficiency; enhance access and equity through school rehabilitation effected in target districts and community participation in school decision-making; and improve the quality of teacher development programs, designed and delivered in pilot districts, and refined for future use.

The Asian Development Bank (ADB) approved the $7.5-million loan project on 17 December 2003 and was implemented on 14 July 2004. The Office of the President of Tajikistan is the executing agency, and the People’s Education Department under Ministry of Education is the implementing agency.

The complaint came from Roshtkala District, Gorno-Badakhshan Autonomous Region in Tajikistan. The complainants raised concerns about lack of information on the project and unwillingness of the implementing agency and ADB to release information, low quality of school rehabilitation and construction works and non-compliance to local standards; very low quality of the expensive furniture purchased under the project (for six pilot schools and Roshtkala Education Department); and some equipment supposed to be granted to Roshtkala Education Department were not given.

The complainant requested for an investigation since staff of the Resident Mission (RM) never took any measures and never visited the project area. The complaint also said the project failed in fulfilling the ADB’s main mission of eradicating
poverty through the improvement of the quality of education and participatory development of local communities. The benefits of the project did not reach Roshtkala beneficiaries and parents and school workers shouldered most of the project expenses.

The complainants tried to resolve the problems and addressed their concerns to the local government and Ministry of Education, as well as the ADB; but they were unsuccessful. Both the government and the ADB executed this project with low standard, both in terms of physical (construction of infrastructure such as school building) and institutional (e.g. confusing syllabus) aspects. There is no transparency in the project execution.

**Hurdles in identifying the real harm of the project**

On the ADB website, one wouldn’t find any document about the project except the Report and Recommendation of the President of the ADB (RRP) to the Board of Directors and technical assistance report. Absolutely zero project information on the website of the Tajik President, Ministry of Education or investment agency. The lack of access to information, weak supervision of its implementation from ADB’s part, poor control of funds, delay, and low management led to the poor and unsatisfactorily implementation of the project.

To file a complaint, one of the requirements of the ADB is to provide facts of relationship to the project. If communities and NGOs don’t have information about it, how can they provide facts and exact figures about direct and material harm of the project? If they don’t have full information, how can they rightly address their concerns to the government and the ADB?

It is a sort of endless cycle of problems, difficult to find justifications – lack of information leads to absence of transparency and lack of understanding by local people over a development project and its expected outcomes. It leads automatically to a weaker case against the ADB and the government resulting in the complaint being determined as not eligible. All these
happen due to lack of trust, inharmonious relationships, and bad reputation of the government and existing governing system in Tajikistan. People were able to collect information, piece by piece, and filed the complaint. They didn’t have the full picture of the project and couldn’t estimate the whole and real harm of the project. With such a situation in the country, complainants still seek the following outcome and remedies through the help of the Special Project Facilitator: determination of the needs and demands of the people in the project site; supervision and conduct of an audit of financial means; conduct of monitoring of the project after a certain period of time and then the provision of payment for the continuation of civil works; and the urgent conduct of audit of fulfilled works and investigation of above mentioned concerns over the project.

The CAREC Transport Corridor I: Eligible case under the OSPF

One complaint out of the five cases filed from Central Asia and the Caucasus, was deemed eligible. This is the CAREC Transport Corridor I (Zhambyl Oblast Section), also known as the Western Europe-Western People’s Republic of China International Transit Corridor Investment Program – Project 2. The project aims to improve road sections in the Kazakhstan portion of the Central Asia Regional Economic Cooperation (CAREC) Transport Corridor and to construct bypasses and new alignments to make the corridor suitable for international traffic. The ADB approved the first tranche amounting to $340 million on 30 December 2008 to improve 125 km, and the second tranche, which is $187 million, on 7 October 2009 to improve the remaining 79 km. The Ministry of Transport and Communications (MOTC) is the executing agency, and the Committee of Roads under the MOTC is the implementing agency, with the Zhambyl Oblast Committee of Roads being the implementing unit for the second tranche.

On 5 November 2009, the Office of the Special Project Facilitator (OSPF) received a complaint from Janaturmis, a village under the second tranche of the project. Taraz Press Club Public Union, a local NGO, facilitated the complaint. The OSPF registered the complaint on 10 November 2009 and determined it to be eligible on 3 December 2009. The complainants requested
for two cattle passages and a bridge, or underpass, for agricultural machinery, which they had also requested in earlier consultations. They are concerned about access to grazing pastures; the safe passage of agricultural equipment; adequate means of water flow from the south side to the north side of the road, where the village is located; accessing the highway; and obtaining information about the project.

OSPF proposed a course of action based on stakeholders’ suggestions including the ones suggested by the complainants. This includes consultations to review the design and reach agreement on any required changes in design; agree on the future flow of communication, sharing of information, and submission of concerns; details of project implementation, complaint handling by operation department, and so on. The consultations will be inclusive involving ADB OD, the Committee of Roads, PMC or other engineering expert, raion and village aim, selected group of villagers from Janaturmis, and two NGO representatives as observers.

Problem-solving institution and problem-prevention body
Three out of the five cases from Central Asia and the Caucasus were determined as not eligible. However, consultations with affected people and civil society groups have led to the formulation of new tools that could further make the ADB more accountable in the region. Based on findings by affected people and the OSPF field visits, the approach for the implementation of the project seemed to have been modified, and attention to information dissemination, consultation, and participation have increased.

Overall, stakeholders feel the implementation of the project has improved because of these changes. The lesson from highlighting a problem in the project by a community could lead to better implementation. OSPF became another tool for communities and civil society groups to make their respective governments more open and accountable. However further concerns still remain in the region.

Concerns about the Accountability Mechanism
In both cases, similar problems over ADB accountability problem can be observed. The biggest challenge of AM is it is too bureaucratic and too formalized. It is clear that accountability can be achieved through information sharing and transparency of decision-making process. First of all, complainants should find out if the “direct harm” is done under an ADB project. And this demand is one of the basic requirements for complaint’s eligibility, while situation over access to information in the region is very weak.
Agreeing on the future flow of communication, information sharing, and submission of concerns; details of project implementation, details of complaint handling by operations department. OSPF conducting consultation with representatives from Government, ADB project responsible staff and Kazakh NGOs. The access to information under the ADB’s Public Communication Policy (PCP) in the region has been under severe criticism. The political situations as well as the arbitrariness of government systems coupled with less awareness among a large section of the population on existing policies and rules and people’s lack of trust on the government and the ADB when it comes to transparency. The development model under the ADB in the region deprives people from exercising their right to participate in decision-making processes involving development.

Sometimes, it takes a minimum of one month to receive an answer from the government, and correspondence about a simple issue with government officials may last for a year. Some countries, like Mongolia and Kazakhstan, have no laws allowing citizens to demand for information or clarification about an issue.

It is obvious that even having good national laws and ratified international legislation would not necessarily translate into proper execution. The implementation of laws on access to information in respective countries together with ADB policy has been a problem for the society as a whole in the region. While the governments have not provided stronger access to information, mere and inadequate information posted on the ADB website, above all in English language, has deprived common people to participate in developmental process in the region.

Process wise, during preparation of a complaint, questions that usually seem to be simple from one look turn out to be very difficult for affected people to respond to because they don’t read policies and mechanisms or project documents in English.

How could we expect them to give an answer about what they expect from OSPF to solve? In its complaints form, OSPF asks: What do you expect from OSPF?
How do you suggest these problems could be solved? What outcome, what remedy do you expect ADB to provide to you? It means the OSPF will take steps based on the small understanding and not so-well-informed view of the affected people.

Lack of transparency leads to less of trust
Wooden floors in classrooms were not replaced. Pupils have a hard time studying in such rooms. OSPF expects complainants to address their concerns to implementing/executing agencies and if needed pass through the national court system. This is called the local grievance redress mechanism.
In a project, ADB puts a grievance redress mechanism. But local people don’t trust the local court system as well as the arbitrariness of government entities. There is less faith on the accountability systems in countries. There are instances wherein the judicial system marginalizes local communities. Although there exists a law on access to information, and Civic and Administration Code, which allows the general public to appeal in court any unlawful refusal, many citizens prefer not to file claims, as they commonly believe that executive government controls the judiciary. Sometimes, addressing problems under local grievance redress mechanism and court system takes years to solve.
The latest assessment of transparency of Central Asian countries gave Kyrgyzstan with 71 rating score among 85 countries in country assessment of budget transparency index. Based on the International Budget Partnership’s published first budget index in 2006 and in 2009, Kyrgyzstan got 71st-72nd place (8%) and shared it with Afghanistan; Georgia, 53% (30th place); Azerbaijan, 37% (43rd place); and Kazakhstan, 34% (55th place). This budget index is coherent with Kyrgyzstan’s 166th place among 183 countries in corruption level assessment rating. These figures have a direct impact on people’s trust on the government and their willingness to look for justice.
In addition, in countries like Uzbekistan, the use of Accountability Mechanism is absolutely impossible. The irony was the ADB president announced the review of AM during the Bank’s annual general meeting in May 2010 in Uzbekistan, the very country that has never been transparent and accountable to its own people.
ADB local staff unaware of bank’s policies

School #12. After ADB project and rehabilitation works in the school, some classes are not suitable for study and closed. They became as lumber-rooms. Another challenge is local staff of ADB Resident Mission offices don’t know ADB policies which leads to harsh behavior towards local people. During ADB’s PCP consultation in Tajikistan, one of the participants from the project site has her shared experience. When she came to meet ADB officials to talk about the project proposal, she was thrown out by security guards and was not even allowed to enter the building.

Sometimes, project affected people requests to take urgent actions to help them. Such kind of situation happened in Kyrgyzstan. During the preparation of resettlement plan under the road rehabilitation project Bishkek-Torugart, affected people were not included and compensation was not allocated. Affected people didn’t know about their losses till that day, when contractor came and started to demand to demolish their small shops — their single source of income. We had to visit ADB RM in Kyrgyzstan to address resettlement problems of the ADB road rehabilitation project Bishkek-Torugart. But local staff told me to address all concerns to the Executing Agency, not to ADB, because the bank provides only the financial means.

Being engaged in ADB advocacy and knowing ADB policies, I have requested them to give contact details of ADB HQ staff so we can give them a call and inform them about the situation on the ground and take immediate action to help affected people. In the meantime, what should we tell the people who don’t know about ADB policies and are not aware of their rights, and don’t know how to advocate with the ADB?

Way forward

According to ADB’s Aid Effectiveness Report in 2009, to increase aid efficiency, there is a need to strengthen ownership and alignment; projects should be results-oriented, but not only for the sake of project implementation; and last but important point is to increase mutual accountability and transparency of ADB and the government.
Unfortunately, all commitments are only on paper; no real implementation. So far, information about ADB’s activities in CA&C region is available only in English and mostly on the ADB website and absolutely zero information on the governments’ website. There is an urgent need to develop capacity of the borrowing countries to improve the transparency and predictability of ADB’s assistance; improve access to information in the countries and respond to disparities in the performance of ADB projects for more productive and inclusive outcomes. AM must be part of any project funded by the ADB to make affected people aware about where to file their grievances.