

Asian Development Bank (ADB), Accountability Mechanism, Complaint Form
(Add rows or pages, if needed)

A. Choice of function - problem solving or compliance review *(Choose one below)*

- Special Project Facilitator** for problem solving *(Assists people who are directly and materially harmed by specific problems caused, or is likely to be caused, by ADB-assisted projects through informal, flexible, and consensus-based methods with the consent and participation of all parties concerned)*
- Compliance Review Panel** for compliance review *(Investigates alleged noncompliance by ADB with its operational policies and procedures in any ADB-assisted project in the course of the formulation, processing, or implementation of the project that directly, materially, and adversely affects, or is likely to affect, local people, as well as monitors the implementation of remedial action relates to the harm or likely harm caused by noncompliance)*

B. Confidentiality

Do you want your identities to be kept confidential? **Yes** **No**

C. Complainants *(Anonymous complaints will not be accepted. There must be at least two project-affected complainants.)*

Name and designation (Mr., Ms., Mrs.)	Signature	Position/ Organization <i>(If any)</i>	Mailing Address	Telephone number (landline/mobile)	E-mail address
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Authorized Representative or Assistant (if any). (Information regarding the representatives, or persons assisting complainants in filing the complaint, will be disclosed, except when they are also complainants and they request confidentiality.)						
Complainant represented	Name and designation (Mr., Ms., Mrs.)	Signature	Position/ Organization (If any)	Mailing Address	Telephone number (landline/mobile)	E-mail address

D. Project

Name	<i>Loan 3389/Grant 0477-PHI: Water District Development Sector Project Metro Kidapawan Water District Subproject</i>
Location	<i>Notongon, Buhay Makilala, North Cotabato</i>
Brief description	<p><i>The proposed Metro Kidapawan Water District C.Y. 2020 to 2023 development projects aim to enhance the district's water operations with a range of activities to address supply and distribution elements. The development plan consists of: (i) source development; (ii) construction of storage tanks; (iii) laying of transmission/distribution pipeline; and (iv) procurement of pumping, treatment, solar power, and other facilities.</i></p> <p><i>This report will detail the screening of the project activities of source development in Notongon Spring Source and Matiboggo Spring Source for potential IR and IP impacts. A separate Due Diligence Report has been prepared for the other scope of works.</i></p> <p><i>Development of Notongon Spring source includes construction of concrete intake chamber and impounding chamber with a capacity of 200 cubic meters. Development of Matiboggo Spring source includes construction of river water intake structure and treatment facilities. MKWD will construct a concrete water catchment structure along Matiboggo River located at SitioApoy-Apoy, Brgy. Buena Vida, Makilala with a height of 1.80 m referred to a riverbed elevation of 785 m.</i></p> <p><i>It will cover a reservoir surface of 60 square meters with gross volume of 108 cubic meters at full capacity. It will also entail the construction of the following: (i) 10 meters long concrete dike on each side of the structure; and (ii) one (1) concrete tower on the left side which will serve as an impounding structure and treatment chamber. Maximum required flow is 6 MLD or 70 lps.</i></p> <p><i>(https://www.adb.org/sites/default/files/project-documents/41665/41665-013-ipp-en.pdf)</i></p>

E. Complaint:

What direct and material harm has the ADB-assisted project caused, or will likely cause, to the complainants?

The ADB-assisted project has resulted in or is likely to cause the following direct and material harm to the complainants:

1. Absence of Signed Resolutions:

- The Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) communities of Batasan and Biangan did not provide signed resolutions expressing their support for the project.
- This absence of support raises concerns about potential misunderstandings and chaos among the IP leaders in the four communities within the 4B Ancestral Domain.

2. Violations of FPIC Process:

- The communal nature of ownership in the Ancestral Domain requires proper consultation with ICCs/IPs' Indigenous Political Pstructure (IPS)
- The proponents of the project may have violated the Free and Prior Informed Consent (FPIC) process outlined in the Revised Guidelines on FPIC and Related Processes of 2012 - Administrative Order No. 3, series of 2012.

3. Potential for Disruption in Governance:

- The lack of support and potential violation of the FPIC process may lead to misunderstandings and chaos within the ICCs/IPs communities.
- This could result in a disruption of the customary law/traditional governance structure within the 4B Ancestral Domain, causing harm to the social fabric and communal harmony.

4. Exclusion of Batasan and Biangan ICCs/IP on the Memorandum of Agreement

- The exclusion of Batasan and Biangan ICCs/IPs from the Memorandum of Agreement stems from their non-endorsement due to a lack of signed resolutions supporting the ADB-assisted project. This omission highlights potential violations of the Free and Prior Informed Consent (FPIC) process, underscoring the importance of inclusive consultation in projects affecting Indigenous communities.

Have the complainants made prior efforts to solve the problem(s) and issue(s) with the ADB operations department including Resident Mission concerned?

Yes. If YES, please provide the following: when, how, by whom, and with whom the efforts were made. Please describe any response the complainants may have received from or any actions taken by ADB.

No

F. Optional Information

1. What is the complainants' desired outcome or remedy for the complaint?

The project team and NCIP Provincial Office should undertake the following, to wit:

1. We would like to request the project team leaders, **Mr. Alan Baird** and **Ms. Myra Ravelo**, together with the NCIP Provincial Office, to revisit the MOA and other pertinent documents relative to the project;

2. Inclusion of the two (2) Batasan and Biangan ICCs/IPs in the consultation and validation process is essential to ensure that the project is well-represented by the 4B Bagobo-Tagabawa Indigenous Political Structure (IPS);
3. Rectification of MAO Entered into by Bagogbo-Tagabawa ICCs/IP with well represented IP Elders of four(4) IP Communities/Barangays, Amount of Loan as it is reflected and stated in the IPP re: *The project will be implemented as a sector loan*, and Responsibilities of both parties; and
4. If possible, the Municipal Federation of IPS must also be included in the consultation and validation process to ensure transparency for all Bagobo-Tagabawa ICCs/IPs communities in the Municipality of Makilala, North Cotabato."

2. Anything else you would like to add? *Report should be submitted, if possible, to the NCIP Central office regarding the outcome of the validation process cc: the undersigned.*

Name of the person who completed this form: [REDACTED]

[REDACTED]
[REDACTED] Date: 01/23/2024

Please send the complaint, by mail, fax, e-mail, or hand delivery, or through any ADB Resident Mission, to the following:

Complaint Receiving Officer (CRO), Accountability Mechanism
ADB Headquarters, 6 ADB Avenue, Mandaluyong City 1550, Philippines,
Telephone number: +63-2-6324444 local 70309, Fax: +63-2-6362086,
E-mail: amcro@adb.org