

Asian Development Bank Written Responses to Bank Climate Advocates Queries on 10 October 2025 regarding questions on Energy Policy Review and legal aspects

Thank you for the questions. ADB acknowledges the issues you have raised. In response, we provide the following in accordance with ADB's Charter, policies, and directives.

As a multilateral development bank, ADB brings together members to foster economic growth and cooperation in Asia and the Pacific. ADB's mandate and operations are conducted in accordance with its Charter, which provides that only economic considerations will be relevant to ADB's decisions (Article 36.2). ADB remains committed to fostering cooperation through its mandate, and to supporting a prosperous, inclusive, resilient, and sustainable Asia and the Pacific.

The 2021 Energy Policy aims to help ADB's developing member countries accelerate the development of sustainable and resilient energy systems that provide reliable and affordable access to all, foster inclusive economic growth and social development, and support the low-carbon transition in Asia and the Pacific. In accordance with para. 118 of the policy, ADB is conducting a review of the policy in 2025 to assess the progress of implementing this objective.

With respect to the questions raised, we note at the outset that ADB is not in a position to comment on the legal obligations of its member states. With respect to ADB, it possesses an independent legal personality distinct from that of its member states and does not assume or enforce their legal obligations. Further, like its member states, ADB as an international organization, is bound only by those treaty obligations to which it itself is a party. ADB is not a party to any of the treaties, conventions or protocols cited, and accordingly is not subject to them. With respect to the ICJ and ITLOS advisory opinions cited, these are not applicable to ADB's activities for reasons including that ADB is a multilateral development bank, with its mandate as explained above, and is not a State subject to these institutions.

With respect to strategic environmental assessments (SEA) or environmental impact assessments, such assessments, where relevant, are a requirement under ADB's Safeguard Policy Statement (2009) and Environmental and Social Framework, for the projects that ADB finances, and those environmental assessments are carried out for such projects, where relevant.

With respect to consultations, we recap the consultations that have taken place to date. ADB has held consultations with the NGO Forum, its network members and Civil Society Organizations (CSOs) on the Energy Policy Review on at least seven occasions, virtually and in-person: 15 August 2024 (online); 27 March 2025 (online); 5 and 7 May 2025 (in-person at the ADB Annual Meeting); 4 June 2025 (hybrid session at the ADB Asia Clean Energy Forum); and 22 July 2025 (online). In addition, on 15 August 2025, ADB held two online consultations specifically on nuclear power. In parallel, ADB has been holding consultations with CSOs specifically on the Energy Transition Mechanism and Critical Minerals-to-Manufacturing Value Chains.

Given this, ADB believes that sufficient and timely updates have been provided on the progress of the review. In addition, the contents of the proposed seven amendments were posted on [ADB's website](#) on 29 July 2025 noting that the final wording of the amendments is still under internal discussion and evolving, with comments received by 10 September 2025.

Overall, ADB's 2021 Energy Policy remains well-suited to current global challenges. Key measures to enhance energy security—such as energy source diversification, improved energy efficiency, accelerated deployment of renewable energy, private sector development, and regional cooperation—are already effectively integrated into the policy.

Please be assured that ADB continues to uphold its Charter and policies with the utmost diligence and integrity and remains attentive to the perspectives of all stakeholders.