

# UPDATED CONSULTATION PLAN FOR THE PREPARATION OF SAFEGUARD POLICY STATEMENT

JANUARY 2009

1. This updated consultation plan (i) summarizes ADB's safeguard policy update (SPU) stakeholder consultation process, including 15 country/subregional consultations on the two drafts of the Safeguard Policy Statement (SPS): the consultation draft of October 2007) and the second draft of October 2008; (ii) outlines the means of communication for consultation and dialogue with stakeholder groups; and (iii) shares a tentative timetable for the SPU going forward.

## Purpose and Key Principles of the Consultation Process

2. The three objectives of the consultation process are to: (i) enhance ADB's understanding of stakeholders' perspectives; (ii) establish a shared understanding of safeguard objectives, principles, and requirements; and (iii) guide the formulation of the safeguard policy statement (SPS). ADB has designed the consultation process to ensure:

- *transparency* in documenting and reporting results of consultations by posting participants' comments and ADB staff responses on the dedicated SPU website;
- *broad participation* by reaching a diverse range of stakeholders, including ADB's member country governments, private sector, NGOs, academe, project affected persons, indigenous peoples' representatives, experts, partner development institutions, and others;
- *wide dissemination* of information and feedback channels through ADB's website and e-mail notification, translation of some policy documents, and face-to-face discussion during subregional consultation workshops; and
- *accessibility* to stakeholders of both the written information and details on the consultation process through a dedicated SPU website and email account.

## Consultation Overview

3. In 2005, the Asian Development Bank (ADB) initiated the SPU to improve the relevance of safeguards and strengthen their effectiveness. ADB has three safeguard policies: Environment Policy (2002); Policy on Indigenous Peoples (1998); and Policy on Involuntary Resettlement (1995).

4. In July 2005, ADB established a dedicated SPU website to announce the SPU and provide an open forum to seek continuous stakeholder feedback. A Discussion Note, including a consultation plan, was posted on the SPU website in October 2005 for a 90-day comment period as proposed by many stakeholders.

5. In November 2005, the Development Effectiveness Committee requested the Operations Evaluation Department (OED) to undertake special evaluation studies (SES) of the safeguard policies, which were conducted from the third quarter of 2006 to the first quarter of 2007.

6. After extensive internal discussions and consideration of external suggestions on the discussion note, a consultation draft of the SPS was made publicly available on 12 October 2007 for a six-month comment period and translated into Mandarin, Russian, Vietnamese, and Bahasa Indonesia.

7. During the comment period from October 2007 to April 2008, ADB engaged extensively with interested stakeholders, organizing 14 multi-stakeholder workshops including 10 country and subregional consultation workshops in ADB's developing member countries (DMCs) and four consultation workshops in North America, Western Europe, and Japan.

8. These workshops provided extensive opportunities to develop a shared understanding of key issues surrounding safeguard policies, principles, and requirements among the participants. A

total of 415 people participated, 45% representing Government; 34%, Civil Society Organizations (CSOs); 6%, academe; 7%, development agencies; and 8%, private sector. Consultation reports from each workshop have been posted on the SPU website, <http://www.adb.org/Documents/Events/2007/Consultation-Workshops-ADB-SPU/default.asp>. In addition, extensive written comments were submitted, primarily from CSOs, and these have also been posted on the SPU website.

9. In order for the new safeguard policy to be responsive to a wide range of views, ADB Management decided, in April 2008, to introduce an additional step and prepare a second draft of the safeguard policy statement and convene another consultation workshop in Manila before submitting a Working Paper on the SPS to the Board.

10. In June 2008, a draft Updated Consultation Plan was posted on the SPU website for a 14-day comment period. The final version was then posted, taking comments received into consideration. Among the suggestions reflected in the final version were: (i) an extension of the comment period on the second draft SPS from 30 days to 60 days; (ii) translation of the second draft SPS into Bahasa Indonesia and Russian; and (iii) provision of simultaneous translation for widely used languages during the consultation workshop on the second draft of the SPS, as required. Comments were also received on the proposed consultation workshops in Manila, including agendas, format and process, and these were taken into account.

11. The second draft of the SPS was made available for public comments on the SPU website for 60 days, from 3 October to 4 December 2008. A detailed comments-response matrix was posted on the SPU website on 9 October 2008, which included comments received during the 14 country/subregional consultations and written submissions.

12. In accordance with ADB staff instructions, a draft operations manual (OM) section is usually prepared when a final draft policy paper (R-paper) is readied for consideration by the Board of Directors. In response to various stakeholder requests, ADB decided, as an exception, to prepare a draft document describing the preliminary safeguard review procedures (draft OM) at the same time as the second draft of the SPS and share this draft with stakeholders. This document, which will go through several iterations during further processing of the W-paper and the R-Paper, contains guidance for ADB staff on internal review procedures, including:

- due diligence and review procedures by lending modality during project preparation;
- supervision and monitoring during the project implementation; and
- internal administrative responsibilities.

13. The preliminary draft safeguard review procedures (draft OM) was made available on ADB's SPU website on 24 October 2008. In addition, as requested by many stakeholders, a preliminary draft glossary of terms was also posted on the web. Furthermore, both the second draft of the SPS and the preliminary draft safeguard review procedures (draft OM) were translated into Bahasa Indonesia and Russian and posted on the SPU website.

### **Consultation and Dialogue on Second Draft of the SPS**

14. Consultation workshops on the Second Draft SPS were held in Manila on 18-21 November 2008 to allow a comprehensive and substantive discussion of the second draft SPS with an emphasis on ADB's response to stakeholder comments. Professional facilitation and interpretation were provided during the consultation workshops.

15. The workshops consisted of:

- A one-day consultation session with Indigenous Peoples (IP) organizations (18 November), which had 19 participants from 8 DMCs;
- A two-day multistakeholder consultation (19-20 November), which was attended by a total of 73 participants from 26 member countries, composed of 24 representatives from

- government; 24 from CSOs, 4 from IP organizations; 5 from academic institutions, 5 from the private sector, and 11 from multilateral development assistance agencies; and
- A half-day Post-Consultation Dialogue (21 November), where a total of 32 participants attended, including 9 from government, 13 from CSOs, 2 from IP organizations, 3 from academic institutions, 2 from the private sector, and 3 from multilateral development assistance agencies.

16. The consultation workshops on the Second Draft SPS were successful in providing ample opportunities for stakeholders to actively engage with one another and discuss all aspects of the SPS. ADB also received a large number of written comments, mainly from NGOs, many of which were raised during the consultation workshops on the second draft SPS. These are considered useful and relevant for the W-paper and associated OM sections and guidelines/handbooks.

17. The draft workshop reports were sent to the participants on 10 December 2008 for comments, for a period of 10 days. However, on the request of several participants, the comment period was extended to 2 January 2009. The workshop reports have been finalized by the Facilitator's Team and were posted on the ADB website on 16 January 2009, <http://www.adb.org/Documents/Events/2008/2nd-Draft-Safeguard-Policy-Statement/default.asp>.

18. In addition to the consultation workshops, ADB has engaged with external stakeholders on SPU through informal meetings, teleconferences, and other interactions with stakeholders, such as the NGO Forum on ADB and the United Nations Permanent Forum on Indigenous Issues.

### **Internal Consultation and SPU Management**

19. ADB is coordinating internal discussions and consultations with the bank's operations departments and the Office of the General Counsel (OGC), including departmental management teams, safeguard specialists, and other staff. The interdepartmental Working Group on the SPU, consisting of mission leaders, safeguard specialists, lawyers, and other relevant staff, has continuously provided expert inputs and support in the preparation of the draft policy papers. The Steering Committee composed of senior staff is responsible for overall guidance in the preparation and processing of the policy papers. Day-to-day management of the SPU process is handled by the Regional and Sustainable Development Department (RSDD).

20. Internal consultations will continue throughout the SPU until the final release of the Board-approved SPS and corresponding OM provisions.

### **Circulation of Draft Policy Paper for Board Consideration**

21. A W-paper is being finalized, reflecting ADB internal deliberations on the comments and suggestions received from external stakeholders during the consultation workshops and the formal comment period on the second draft SPS. The W-Paper will be posted on the SPU website and circulated to the Board of Directors on 19 January 2009. Relevant comments will be considered in the finalization of the R-paper (final policy paper), which will be submitted to the Board for its consideration in the second quarter of 2009.

22. Preparation of the final draft policy paper (R-paper) will be undertaken after taking into consideration the comments and feedback on the W-Paper. The R-Paper will then be submitted to the Board of Directors for its consideration.

### **Proposed Timetable**

<b>Action</b>	<b>Proposed Timetable</b>
Board circulation and webposting of the draft policy paper (W-paper)	19 January 2009
Board consideration of draft policy paper (W-paper)	10 February 2009
Board consideration of the final draft policy paper (R-paper)	Second quarter of 2009