

July 25, 2008

**MR. HARUHIKO KURODA**

President  
Asian Development Bank

Dear President Kuroda,

Thank you for the letter from the ADB dated July 18<sup>th</sup> responding to our previous communication on the Draft Updated Consultation Plan. We sincerely appreciate the productive exchange thus far and the accommodation of our concerns. We look forward to continuing to collaborate in shaping an effective consultation process on the 2<sup>nd</sup> Draft Safeguard Policy Statement.

Toward that aim, please find enclosed a proposed draft agenda for the Consultation. The proposed agenda is structured to include the following:

- **Three (3) full days for the general consultation.** We feel strongly that three full days are necessary, as the review/draft/consultation is dealing with three currently separate policies each of which require detailed individual focus, even if they are being compiled into one document. Furthermore, there will be multiple documents requiring feedback, including the SPS draft, the comment matrix, the proposed OMs, the implementation plan, and the resourcing budget proposal. Finally, given that the Consultation in Manila is the only Consultation event being held, the agenda must provide ample time for a comprehensive discussion of the important issues at play in this Update.
- **Completion and translation of the Operations Manuals (OMs) and proposed SPS implementation budget prior to Consultation.** *Fully developed* draft OMs and budget must be released at the same time as the draft SPS, given the substantial restructuring of the policies, and the fact that the OMs provide critical details as to how policy principles will be defined and implemented. The OMs are integral to ADB's Safeguard system; without them, it will not be possible to hold a meaningful Consultation.<sup>[1]</sup>
- **Systematic review of the SPS by multi-stakeholder working/break-out groups.** The enclosed Draft Agenda has been designed to systematically cover all sections and topics of the SPS and associated documents, in as logical a manner as possible. We are envisioning 4-5 working groups for each session, composed of representatives from all stakeholder groups. The working groups will all simultaneously review the same section during the time allotted for that section. Comments from each group will be submitted in writing to the Consultation facilitation team at the end of each day. We request that the ADB team then assemble the documents from the working groups and circulate them electronically and in print that evening.
- **Legal analysis/discussion integrated throughout.** Given that a separate legal roundtable will not be held in association with this Consultation, we appreciate ADB's assurance that relevant staff from the ADB's Office of the General Council will be active participants in the Consultation. Their participation is vital to ensure meaningful discussion on the legal implications of proposed policy changes, which will be discussed in many different sessions.
- **One (1) additional, separate day for discussion on Indigenous Peoples' concerns.** Because of the unique context and concerns of indigenous peoples. It is necessary for a separate full-day discussion

with representatives for indigenous organizations, to discuss the IP policy as well as the other two policies and the issues they raise for indigenous peoples in particular.

We have structured the enclosed draft agenda to incorporate all these elements, as well as other essential sessions for a general consultation of this nature. ***Please note*** that the enclosed Draft Agenda refers to sections and page numbers as they currently are in the 1<sup>st</sup> Draft SPS—they will need to be adjusted accordingly when the 2<sup>nd</sup> Draft is released.

We are happy to provide any additional clarification needed on the details of the proposed agenda.

Again, thank you for your efforts and openness, and we look forward to continuing to work together to design and implement a world-class consultation.

Sincerely,

**JOANNA LEVITT**  
International Accountability Project

**STEPHANIE FRIED**  
Environmental Defense

**RENATO REDENTOR CONSTANTINO**  
NGO Forum on ADB

-----  
[1] The process of developing the International Finance Corporation (IFC) Performance Standards incorporated such documents as integral components: the IFC Guidance Notes were drafted simultaneously with the Performance Standards, in order for the set of documents to be evaluated as a whole.

**Proposed Draft Agenda**  
**for Consultation on 2<sup>nd</sup> Safeguard Policy Statement Draft**

**DAY 1: INTRODUCTORY SECTIONS AND ENVIRONMENT**

<b>Time</b>	<b>Activity</b>	<b>Content to be Discussed</b>
8:00 – 8:30	Registration	
8:30 – 8:50	<b>Welcome and Opening Remarks</b> – SPU Team	<ul style="list-style-type: none"> <li>- <i>Introductions, Consultation Agenda and Ground Rules</i></li> <li>- <i>Overview of manner by which current consultation comments will be recorded, tracked, and acted upon</i></li> <li>- <i>Highlights of key changes made to October 07 consultation draft</i></li> <li>- <i>Overview of major recommendations submitted through public process which were not incorporated into new draft and explanation for decision not to incorporate</i></li> <li>- <i>Presentation of proposed next steps in the process and timeline</i></li> </ul>
8:50 – 9:30	<b>Key Stakeholder Remarks</b>  ADB Executive Director NGO Forum on ADB -	<ul style="list-style-type: none"> <li>- <i>Stakeholder overview and expectation-setting</i></li> <li>- <i>General comments to the 2<sup>nd</sup> consultation draft</i></li> </ul>
9:30 – 10:00	<b>Clarifications and Questions</b> – plenary	
10:00 – 10:15	<b>Tea Break</b>	
10:15-12:00	<b>Break-out Groups Session I -</b> The Draft Safeguard Policy Statement Overarching Statement on ADB’s Safeguard Commitment	<p>Section V(A) (p. 13): The Draft Safeguard Policy Statement Overarching Statement on ADB’s Safeguard Commitment</p> <p>Begin discussion of Section V(B)1 (p. 14): Objectives, Scope and Policy Principles on Environmental Safeguards.</p>
12:00-1:00	<b>Lunch</b>	
1:00-3:30	<b>Break-out Groups Session II -</b> Objectives, Scope and Policy Principles on <b>Environmental Safeguards</b> and Safeguard Requirements for Borrowers/Clients on Environment*	<p>Section V(B)1 (p. 14): Objectives, Scope and Policy Principles on Environmental Safeguards.</p> <p>Continue on to Attachment A (pp.1 – 12) Safeguard Requirements for Borrowers/Clients on Environment</p>
3:30 – 3:45	<b>Tea Break</b>	
3:45 – 5:30	<b>Break-out Groups Session III –</b> Continue on Safeguard Requirements for Borrowers/Clients on Environment*	<i>Same as Session II</i>
5:30 – 5:45	<b>Wrap-up and Submit comments to ADB facilitation team. ADB team circulates collected comments by 8:30pm (email, copies in hotel lobby).</b>	

\* including relevant sections of OMs, Implementation Plan, Budget, Glossary, Technical Notes [to be determined upon their publication]

## DAY 2: GENERAL REQUIREMENTS, ROLES & RESPONSIBILITIES, AND INVOLUNTARY RESETTLEMENT

8:00 – 8:45	<b>Report back: Presentation on comments compiled from Day 1, identification of common themes, recommendations</b> – Facilitator	
8:45 – 9:15	<b>Clarification and Response Session</b>	
9:15 – 10:30	<b>Break-out Groups Session IV</b> – General Requirements on:* <ul style="list-style-type: none"> <li>- Screening and Scoping</li> <li>- Categorization</li> <li>- Information Disclosure</li> <li>- Consultation and Participation</li> <li>- Due Diligence and Review of safeguard Assessments and Plans</li> <li>- Monitoring and Reporting</li> </ul>	Section V(C)1 (pp. 17-19)
10:30 - 10:45	<b>Tea Break</b>	
10:45 – 12:00	<b>Break-out Groups Session V</b> – Roles and Responsibilities and Resource Implications*	Section V(D) and VI (pp. 23-24)
12:00 – 1:00	<b>Lunch</b>	
1:00 – 3:30	<b>Break-out Groups Session VI</b> – Objectives, Scope and Policy Principles on <b>Involuntary Resettlement</b> and Safeguard Requirements for Borrowers/Clients on <b>Involuntary Resettlement</b> *	Section V(B)2 (p. 15) and Attachment B (pp. 13-23)
3:30 – 3:45	<b>Tea Break</b>	
3:45 – 5:30	<b>Break-out Groups Session VII</b> – <b>Continue</b> Safeguard Requirements for Borrowers/Clients on <b>Involuntary Resettlement</b> *	<i>Same as Session VI</i>
5:30 – 5:45	<b>Wrap-up and Submit comments to ADB facilitation team. ADB team circulates collected comments by 8:30pm (email, copies in hotel lobby).</b>	

\* including relevant sections of OMs, Implementation Plan, Budget, Glossary, Technical Notes [to be determined upon their publication]

### DAY 3: FRAMEWORK APPROACH, COUNTRY SAFEGUARD SYSTEMS, AND INDIGENOUS PEOPLES

8:00 – 8:45	<b>Report back: Presentation on comments compiled from Day 2, identification of common themes, recommendations</b>	
8:45 – 9:15	<b>Clarification and Response Session</b>	
9:15 - 11:30	<b>Break-out Groups Session VIII – Implementation Plan, Budget, Glossary, Technical Notes [to be determined upon their publication]</b>	Section V(C)2 (a-c and e) (pp. 20-21), also refer to Attachment A. Specific Requirements for different finance modalities: <ul style="list-style-type: none"> <li>- Application of Framework Approach</li> <li>- Multitranche Finance Facility</li> <li>- Financial Intermediaries</li> <li>- Equity Investments</li> <li>- Projects with Co-Financing</li> <li>- Private sector operations</li> <li>- Project, Program, Sector Loans</li> </ul>
11:30 – 11:45	<b>Tea Break</b>	
11:45 – 1:00	<b>Break-out Groups Session IX – Strengthening and Use of CSS; Approach for Strengthening and Use of Country Safeguard Systems to address Environmental and Social Safeguard Issues in ADB Operations</b>	Section V(C)2(d) and Appendix 3 (pp. 21-22 and 40- 44):
1:00 – 2:00	<b>Lunch</b>	
2:00 – 3:30	<b>Break-out Groups Session X – Objectives, Scope and Policy Principles on Indigenous Peoples Safeguards and Safeguard Requirements for Borrowers/Clients on Indigenous Peoples*</b>	Section V(B)3 (p. 15); Attachment C (pp. 24-38):
3:30 – 3:45	<b>Tea Break</b>	
3:45 – 5:30	<b>Break-out Groups Session XI – Safeguard Requirements for Borrowers/Clients on Indigenous Peoples*</b>	<i>Same as Session X</i>
5:30 – 5:45	<b>Wrap-up and Submit comments to ADB facilitation team.</b>	
5:45 – 6:00	<b>Closing remarks and explanation of future process – SPU Team</b>	
6:00 – 6:15	<b>Closing remarks by NGO Forum on ADB. ADB team circulates collected comments by 8:30pm (email, copies in hotel lobby).</b>	

\* including relevant sections of OMs, Implementation Plan, Budget, Glossary, Technical Notes [to be determined upon their publication]