

July 4, 2008

MR. HARUHIKO KURODA
President
Asian Development Bank

Dear Mr. Kuroda,

The decision of the ADB to release a second Safeguards Policy Statement and hold a follow-up regional consultation is a step in the right direction. Opportunities for meaningful dialogue with stakeholders, particularly civil society and representatives of affected communities, are vital in reaching the collective aim of crafting a relevant and effective Safeguards Policy.

We welcome the invitation extended to civil society by the ADB to help craft the proposed consultation plan which the ADB Safeguards Policy Update team sent to our network on June 19. We also recognize the efforts of the ADB's SPU Team to reach out to the NGO Forum.

Keeping in mind Forum's recent experience with the initial consultation phase, which fell short of the expectations of many stakeholders, not just civil society, we would like to stress the need for an over-all consultation agenda and process that would encourage open, sincere and active participation from Bank staff and other stakeholders. We therefore respectfully propose for your consideration the following recommendations that we feel can better shape the consultation plan:

1) Translation

As an international financial institution guided by its own Translation Framework, we believe nothing less than high quality translation of the (a) second SPS draft and (b) simultaneous translation during the Manila consultation proper is warranted and necessary. Similar to the first consultation phase, language translations should be accomplished in, though not necessarily limited to, Russian, Bahasa, Chinese and Vietnamese by professional translators who are familiar with and are guided by experts with a strong grasp of financial and safeguard terms that will be used in the new draft. We feel very strongly that the absence of translation effectively discriminates against participants who do not use English as a first language. The same is true for non-English-speaking individuals who are not attending the consultation but would still like to comment on the second SPS document via the website. We ask that translated documents be released at the exact same time as the English version to be fair to every relevant stakeholder.

2) Timing

Given that there would be three important documents released at the same time (second SPS document, Operations Manual, and the comment-response matrix), we request for a 60-day period between the release of the last translation of the SPS document and the start of the Manila consultation. Such a period will provide the time required for stakeholders - especially Indigenous and affected peoples - to fully understand and digest the information the drafts contain as well as to undertake the analysis necessary for informed comment. Further, we ask for an additional two weeks time for written submissions after the Manila consultation, to enable us to finalize and submit our written inputs that would be jointly based on the second SPS document and the discussions in the Manila consultation.

3) Length of Consultation and Number of Consultations

We believe that the length of any public consultation is dependent on the structure and focus contained in the consultation agenda. In view of the fact that three policies will eventually be consolidated into one, we suggest that a one-day consultation be held for each policy section, namely, environment, involuntary resettlement, and Indigenous Peoples. Discussion should also include, inter alia, over-arching issues and other Safeguards documents for which we recommend an additional half day.

Having accepted the invitation extended by the ADB to help its SPU team craft a meaningful agenda and as our contribution to shaping an effective process, we are finalizing a proposal which outlines the structure/format that would best address the needs of the Safeguards consultation. We will submit this to the SPU Team in the coming days.

4) Process of ADB's Response on Inputs on 2nd SPS Document

In view of the time and logistical constraints of the face-to-face consultation on the second SPS document, the Bank should allow for receiving written comments on the draft from the day of its release until after the Manila consultation. ADB should post written submissions on its website on the date of receipt of respective comments. As requested in section 2, the deadline for written submission should be extended two weeks after the Manila consultation.

5) Regarding Participants

While we appreciate that the consultation plan has mentioned the criteria for selecting participants, it did not provide the estimated number of attendees nor the preferences by which the SPU team will extend its invitation. This matter is of great importance because it allows us to gauge the number of possible participants from civil society and affected people. It also helps everyone determine if there will be equitable distribution of number of seats based on stakeholder orientation and role in the consultation process.

It is also vital to recognize that subjects that will be covered by the consultations will require particular expertise, concerning for instance the multidimensional, project-induced impoverishment risks confronting the involuntarily displaced and indigenous communities. We thus strongly recommend the participation of your senior economists in the process, along with specialists and leaders of professional associations to ensure a more robust discussion.

6) Legal Roundtable to Follow Consultation

Given the significant legal issues at stake with any significant restructuring of the safeguard policies, and following international best practice on updating safeguard issues, we believe the consultation must be accompanied by an additional legal roundtable event over which a diversity of legal experts, to be mutually agreed, on the issues facing indigenous peoples, resettlement and environment can openly discuss with the ADB's Office of General Counsel the legal framework within which these safeguards sit.

Thank you for inviting civil society to help shape the process. We hope to receive an official, written response from your office on this urgent matter.

Very truly yours,

RENATO REDENTOR CONSTANTINO	-	NGO Forum on ADB
TITI SOENTORO	-	Nadi (Indonesia)
HELEN LEAKE	-	Forest Peoples Programme (UK)
RAMANANDA WANGKHEIRAKPAM	-	North East Peoples Alliance on Trade
Finance and		

Development (Northeast India)

DANA SADYKOVA	-	Ecomuseum of Karaganda (Kazakhstan)
ISAGANI SERRANO	-	Philippine Rural Reconstruction Movement
AHMED SWAPAN	-	VOICE (Bangladesh)
JESSICA ROSIEN	-	Oxfam Australia
PHILA POHTHMI (Bangladesh)	-	Greater Sylhet Indigenous Peoples Forum
JOANNA LEVITT	-	International Accountability Project (USA)
MISHKA ZAMAN	-	Bank Information Center (USA)
GURURAJA BUDHYA	-	Urban Research Centre (India)
THEODORE E. DOWNING	-	International Network on Displacement and Resettlement (USA)
SAODAT SAIDNAZAROVA	-	CSSC "Kalam" (Tajikistan)
DODARBEK SAIDALIEV	-	CSSC "Shahrvand" (Tajikistan)
SHYNAR IZTELEUOVA	-	NGO "TAN" (Kazakhstan)
PIETER JANSEN	-	Both ENDS (The Netherlands)
GALINA CHERNOVA	-	NGO "Globus" (Kazakhstan)
SERGEY VORSIN	-	Youth EcoCenter (Tajikistan)
KNUD VOCKING	-	Urgewald (Germany)
STEPHANIE FRIED	-	Environmental Defense (USA)
RUSTAM MURZAKHANOV (Uzbekistan)	-	NGO Environmental Law Center "Armon"
ULRIKE BEY	-	Asienhaus (Germany)
DILOROM ATABAEVA	-	CSSC Consortium of Initiatives (Tajikistan)
ZAKIR KIBRIA	-	BanglaPraxis (Bangladesh)
FABBY TUMIWA (Indonesia)	-	Institute for Essential Services Reform

Cc:

URSULA SCHAEFER-PREUSS, VP for Knowledge, Management and Sustainable Development
 XIANBIN YAO, Acting Director General, RSDD
 NESSIM AHMAD, Director, ESSD
 XIAOYING MA, SPU Team Head
 CHANTELE DUFFY, SPU Administrative Manager
 BART EDES, NGO and Civil Society Center