



**CALL FOR REVISION OF ADB SAFEGUARD POLICY STATEMENT PRIOR TO
CONTINUED PUBLIC CONSULTATION PROCESS**

Unacceptable Weakening of ADB Environmental and Social Standards

**Concerns regarding Proposed Continuation of Public Consultations Based on Deeply Flawed
and Incomplete Documentation**

NESSIM N. J. AHMAD

Director, Environment and Social Safeguards
Asian Development Bank

February 7th 2008

Dear Nessim,

It is with a high level of concern and disappointment that we write this letter to you regarding the on-going public consultations on the current draft (October 2007) of the Safeguard Policy Statement and associated documents.

Those of us who have engaged in the Asian Development Bank's Safeguard Policy Update process during the past couple of years have done so on a good faith basis, taking at face value the commitment by ADB management that the new Safeguard Policy Statement would not entail the weakening of ADB safeguards. Unfortunately, the draft SPS presented by your office for public comment in October 2007 actively promotes a substantial weakening of most of the existing ADB safeguard protections.

We are writing to inform you that the draft issued in October 2007 is unacceptable and is not suitable as a basis for public consultation. Further, the process of consultations as currently designed and undertaken is inappropriate and exclusive. We urge the ADB to withdraw this draft and re-write it - prior to continued public consultation - to comply with existing ADB environmental and social protection measures and international good practices. As such, we call for a postponement of the consultation process until such time as a draft which does not weaken existing standards is presented to the public.

There are three points in particular about the consultation process that we would like to raise which have steadily increased our concern since our last collective communication with you in November 2007. Firstly, the draft was released (without any translations) with an unacceptably short time before the first consultations, and this lack of an adequate time period for comments made it impossible for our diverse coalition of groups to conduct detailed analysis before the consultations. Secondly, experiences of our colleagues at the consultations held to date have failed to provide reassurance that critiques provided are being taken on board and changes will be made. Thirdly, despite our detailed requests provided to you to improve the consultation process in various ways, the agenda of the consultations remains strongly weighted towards presentations by the ADB and does not represent an effective opportunity for affected communities to engage.

We would also like to remind you that during the NGO panel discussion on the SPS process held during the ADB's Annual General Meeting in Kyoto in May 2007, you made public assurances, recorded on videotape, that the ADB is committed to ensuring that there would be no weakening of the existing safeguard policies as a result of the SPS process. Japanese Ministry of Finance officials made the same guarantee to Japanese NGOs.

Our organizations and colleagues have spent a great deal of time analyzing the lengthy SPS document and we have articulated a large number of collective concerns regarding the content and context of the

current draft policy. We are clear that the content of the draft is regressive and damaging, reflecting a substantial weakening of existing ADB environmental and social policies in violation of the Bank's stated commitment to upholding – at a minimum – existing standards. Enclosed with this letter are detailed critiques that our organizations and colleagues have put together, to seek an effective response from you on these criticisms and to clearly articulate our difficulties with the current draft.

Due to the criticisms within these documents and our criticisms of the consultation process, we believe that both the draft and the process of consultation are so compromised that we do not see any value in the continuation of the process of public consultation on this version of the SPS. A good number of our organizations have strongly advocated with you and worked on details of the consultation process since the SPU process began in 2005. However our interest in the consultations was based on your assertion and the Bank's guarantee that the consultation draft would contain improved safeguard provisions. Given our interest in ensuring the ADB adopts effective and world standard safeguards and realizing after our analysis that the October 2007 draft not only reneges on previously made commitments but also contains other substantial flaws, we have decided not to participate in the current consultations.

We suggest that the ADB rewrite the October 2007 consultation draft of the Safeguard Policy Statement and release it for public review with sufficient lead time so as to enable project affected communities, civil society organisations and governments to engage in a substantive discussion on progressive and effective safeguard provisions. We will not participate any longer in the process of consultation until such a document exists as we do not view these consultations as effective or meaningful. We therefore urge that the consultations be halted until such time as an acceptable draft document that meets at least current ADB safeguard standards and best international practices at peer institutions is circulated.

We have provided our SPS critiques and copies of this letter to our respective governments and to the President and Board of the ADB for action.

We look forward to hearing your response to this letter.

Regards,

NGO Forum on the ADB, Manila, Philippines

BanglaPraxis, Bangladesh

Global Focus on the South, Bangkok, Thailand

Solidaritas Perempuan, Indonesia

Institute for Essential Services Reform (IESR),
Jakarta, Indonesia

Oxfam Australia

Bank Information Centre, United States of
America

Forest Peoples Programme, UK

Environmental Defense, USA

Affected Citizens of Teesta (ACT), Sikkim,
India

National Forum of Forest People & Forest
Workers, India

Centre for Environmental Justice, Sri Lanka

International Accountability Project (IAP),
USA

International Rivers, USA

Urban Research Centre, Bangalore, India

Rural Reconstruction Nepal, Kathmandu,
Nepal

Least Developed Countries (LDC) Watch,
Nepal

South Asia Alliance for Poverty Eradication
(SAAPE)

Irshad Abbasov, Ecological Renaissance,
Azerbaijan

Galina Chernova, Globus; Kazakstan

Saodat Saidnazarov, Kalam, Tajikistan

Himalayan and Peninsular Hydro-Ecological
Network (HYPHEN)

Ecological Society Green Salvation,
Kazakhstan

Umeedenao Citizen Community Board,
Pakistan

EcoCentre of Tajikistan, Tajikistan

Sri Lanka Green Movement, Sri Lanka

Oil Workers Rights Protection Organization
Public Union Azerbaijan

Asienhaus, Germany

Environmental Law Center "Armon",
Tashkent, Republic of Uzbekistan

Nadi, Indonesia

Rural Development Services Centre, Vietnam

Indian Confederation of Indigenous and Tribal
Peoples North East Zone, Guwahati, Assam,
NE India

Orissa Marine Resource Conservation
Consortium (OMRCC), India

Mekong Alumni Network, Chiang Mai
University, Thailand

Association for Sustainable Human
Development, Armania

Japan Center for a Sustainable Environment
and Society (JACSES), Japan

Global Association for People and the
Environment (GAPE), Canada

Water & Energy Users' Federation Nepal
(WAFED)
Environment and Social Development
Organization (ESDO), Bangladesh

Center for Economic and Social Development
(CESD) Azerbaijan

Urgewald, Germany

11.11.11 Colition of the Flemish North-South
Movement, Belgium

EQUATIONS, India

South Asia Network on Dams, Rivers &
People, Delhi, India

River Basin Friends (NE), India

Rural Volunteers Centre, Akajan, Assam,
India

Self Employed Boro Women's Association
(SEBWA), Bijni, Assam, NE India

Arunachal Citizen's Right (ACR), Itanagar,
Arunachal Pradesh, NE India

United Zo Indigenous Peoples, Aizawl,
Mizoram, NE India

Nagaland Children's Home, Dimapur,
Nagaland, NE India

Boroland Children's Home, Bijni, BTC,
Assam, NE India

Borosa Onsai Afat (BOA), BTC, Assam, NE
India

All Rabha Students'Union (ARSU), Goalpara,
Assam, NE India

All Dimasa Students' Union (ADSU), NC
Hills, Assam, NE India

All Rabha Women's Council (ARWC),
Goalpara, Assam, NE India

Diphupar Naga Students' Union, Dimapur,
Nagaland, NE India

Mainao Welfare Society, Bijni, Assam, NE
India

Society for Aie Valley and Manas Area Road
and Communication Development, Santipur,
Assam, NE India

Rege-regang, Kokrajhar, BTC, Assam, NE
India

Progressive Mother and Child Care Mission,
Dhaligaon, BTC, Assam, NE India

Panbari Alongbar Harimu Afat, Panbari, BTC,
Assam, NE India

Dimas People's Council, Haflong, NC Hills,
Assam, NE India

Boro People's Welfare Society, Kokrajhar,
BTC, Assam, NE India

Manthan Adhyayan Kendra, Badwani,
Madhya Pradesh, India

BothEnds, The Netherlands

Mushtaq Gaadi, MAUJ, Pakistan

Parviz Umarov , Tajikistan

Dana Sadykoa, Karaganda Ecological
Museum, Kazakstan

FIVAS, Association for International Water
Studies, Norway