



## **Safeguard Case Studies-**

**The case studies will be conducted by the NGO Forum on ADB to make a critical analysis of the implementation problems of the Environment, Indigenous People's and Resettlement policies of the Asian Development Bank. They will be used to make a submission to the ADB consolidated review of its safeguard policies.**

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### **Terms of Reference**

**Prepared by the  
NGO Forum on ADB**

#### ***Introduction***

The Asian Development Bank is currently undergoing through a Consolidated Review of its Safeguard policies namely **Environment, Indigenous People's and Involuntary Resettlement**. The recent ADB discussion note (October 2005) also refers to the Water, Energy and Forest Policies which also has certain safeguard provisions.

These main three policies have a weight we therefore refer to them as safeguard policies. NGOs think consolidation might weaken the standards in the policies rather than clarify and simplify implementation.

The recent discussion note also explains that countries have had serious problems implementing the existing policies as some have had inadequate resources. In addition, the discussion note states that the private sector has had serious problems following these policies.

Furthermore, it states that ADB's operations no longer include only lending through Asian Development Fund (ADF) and Ordinary Capital Resources (OCR) but other initiatives as well. The ADB would like to redraft the operation Manual provision too. This means that ADB Consolidation might bring serious changes to the existing Policies.

The current safeguard policies require that:

- (i) Impacts are identified and assessed early in the project cycle;
- (ii) Adverse impacts are avoided, minimized, or mitigated; and
- (iii) Affected people are consulted.

The requirements are detailed in the Operation Manual F1, F2 and F3 sections. The policies share similar implementation processes that:

- (i) Start as soon as the potential projects for ADB financing are identified, and continue throughout the project cycle;
- (ii) Apply to all projects, including private sector operations and to all project components whether financed by ADB, Government or co-financiers;
- (iii) Require affected people be consulted during project preparation and implementation, and that information is disclosed in a language and form appropriate to them;

- (iv) Involve assessment of impacts and preparation of safeguard documents that summarize impacts and mitigation measures, and arrangements for safeguard integration in project design and implementation; and
- (v) Provide for disclosure to the general public by placing safeguard documentation on the web at various stages in the project cycle.( source: ADB discussion note)

### ***How to approach?***

Other than the lobbying and analysing the existing policies of different IFIs, a working group of civil society organizations interested in the ADB policy review agreed to produce case studies from a few different countries. The case studies should cover the local experience in various countries and different types of ADB funded projects.

The objectives of the case studies are:

- (a) to expose the gaps/failures of ADB policies and
- (b) to exemplify impacts if the ADB policies were not used. What are the costs of no strong ADB safeguard policies?

### ***Selection Criteria for Case Studies***

The selection of projects for the case studies should follow the following criteria:

- Projects should be fully or partially funded by the ADB
- The projects should have been approved after the Board approval of three safeguard policies: i.e. the Policy on Involuntary Resettlement (1995); the Policy on Indigenous Peoples (1998); and the Environment Policy (2002).
- The selected cases should have been controversial due to environment problems, involuntary displacement of large number of people or due to the negative impacts to the Indigenous people.
- The cases which were not reported to the ADB OLD Inspection Mechanism or NEW Accountability mechanism will be given priority
- The project was delayed due to public demonstration or went to local judicial process or approval given without considering the Environmental Impact Assessment or Resettlement plan, proper compensation package etc
- A proper case study writer should be available and the commitment of the case study writer is essential for the selection.

### ***What should be studied?***

The case studies should include the following information:

- A description of the project, including its expected development impacts and financing arrangements.
- Whether the project has negative impacts on the environment, Indigenous people or resettles(**Photos should be provided by the Researcher**)
- Whether the project did produce the documents such as EIA, Resettlement plan, IP assessment, etc.
- Whether the affected people had access to the draft and/or final TA report, Loan agreement, Mission reports, EIA, Resettlement plans etc
- Whether public made contributions or were consulted in the EIAs , Resettlement plans etc and whether they were properly heard and that the necessary changes were made?
- Whether the executing agencies allowed public involvement in the decision making
- Whether public properly informed the government officials and the Bank officials of there issues and whether they heard them

- Whether the public complained to the Local judicial mechanism or the Banks staff and OLD Inspection Mechanism or NEW Accountability mechanism.
- What ADB (or national?) policy provision (or laws?) were violated and whether they were violated by the ADB or by the national executing agencies
- Whether people are happy with the project or do they still have concerns
- Whether the policy implementation was seriously taken by the Bank and the executing agencies and what percentage of cost of the project spent for executing these policies
- Whether the Executing agencies and the Bank were properly aware about the policies and whether these explained to the people
- Whether the contractors/sub contractors followed the policies and they were signed to any such agreement with the executing agencies
- Whether co-financers follow the same policies and standards
- Any relevance to the ADB water, energy, forest and other policies that has safeguard provisions

### ***Chapters for the case study***

**The case studies should follow a similar format.** Therefore we suggest the following chapters.

1. Title' Abbreviations, Content
2. Executive Summery
3. Introduction and project background
4. Research Methodology
5. Projects Impacts Negative and positive (including, at least, a description of the social, environmental and development impacts)
6. Relevant ADB policies and actual policy provisions and how they were violated and how this violation negatively affected to the people
  - a. Applicable national laws and if they were violate? If the ADB's policies were used instead of national laws?
7. The public response to the impacts and to the policy violations
8. The response of the ADB and the Executing agencies
9. Suggested policy recommendations and best practices
10. Conclusion
11. References

### ***Time Period***

The case studies should be start by February 2006

Abstract      28<sup>th</sup> February 2006

Final paper    30<sup>st</sup> April 2006

### ***For further information, contact:***

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**Author's guidelines—NGO Forum on ADB- December 2005,**  
**Prepared by Hemantha Withanage based on the original version provided by SDPI, Pakistan**

**NGO Forum on ADB**  
**Author's Guidelines**

**1. Abstract**

A soft copy of the abstract of not more than 400 words should be submitted by **February 28<sup>th</sup> 2006** at the address given below or email to [hemantha@forum-adb.org](mailto:hemantha@forum-adb.org). An abstract paper is a concise paragraph of two or more that summarizes your proposed case study covering the research rationale, objectives, proposed methodology, and a discussion of expected outcomes. It is concise that in a minute or two a reader can learn the rationale behind the case study.

It should clearly state the title, theme, sources of data, and major expected findings. It should include the author's full name, a brief bio-note as author of no more than 30 words, complete contact address (email as well as postal), telephone and fax numbers. **(Read the attached TOR to understand the theme and the objectives of the case studies.)**

**2. Case study**

Upon approval of the abstract, a soft and printed copy of the paper should be submitted by **April 30<sup>th</sup> 2005**. It should be concise not exceeding a maximum of 8,000 words, approximately 20 type-written pages (1.5 line spacing, 12 font size, times new roman font), including all tables, figures and references. An abstract of 150 should be provided at the beginning of the paper. The paper should include the author's full name, a brief bio-note as author of no more than 30 words, complete contact address (email as well as postal), telephone and fax numbers.

**3 Titles**

Titles for the manuscript, tables and figures should be concise and clearly indicate the subject matter being dealt with.

**4 Sections and Sub-Sections**

Bold all sections and a maximum of 3 digits numbering of sub-sections (you should use 3.2.1, and avoid 3.2.2.1). Sub-section headings should start at the left margin.

**5 Tables and Figures**

Present only important tables and figures that illustrate the points made. Tables and figures should be well designed and complete to avoid lengthy explanation in the text. Use 1, 2, and 3 for footnotes an asterisk (\*) for the bio-note. Each figure should be presented on a separate page and should not exceed half-a-page in size and should leave margins on both sides.

**6 Syntax and Language**

Each paragraph should contain a full message and use simple language. Avoid lengthy sentences. Use US spellings.

**7 References**

For longer explanations, use footnotes, not endnotes. All references should be listed alphabetically at the end of the paper.

The NGO Forum on ADB like to suggest the following bibliography style for chapters in books:

### For articles

Author's last name, first and middle name, title in upper case letters and in quotes, title of the book or journal capitalized and italicized, date of publication, page numbers.

Example: KHAN, Shaheen Rafi, "The environment-poverty nexus: Do poor communities really degrade the environment?" *SDPI Research & News Bulletin*, March-June 2000, pp. 1-4

### Report without author

Example: *Development and Environment*, Report and Working Papers of Experts convened by the Secretary General of the United Nations Conference on the Human Environment, Founex, Switzerland, Paris: Mouton, 1971

### Book chapter

Example: NAJAM, Adil and SAGAR, Ambuj, "Avoiding a COP-out: Moving towards Systematic Decision-Making under the Climate Convention," *Climatic Change*, vol. 39, no. 4, 1998, pp. iii-ix; NAJAM and PAGE, Thomas, "The Climate Convention: Deciphering the Kyoto Convention", *Environmental Conservation*, vol. 25, no. 3, 1998, pp.187-194

### For working papers, research reports, monographs, etc.

Example: HUNTER, David, SALZMAN, James and ZAELKE, Durwood *International Environmental Law and Policy*, New York: Foundation Press, 1998

M. LÉLÉ, Sharachchandra "Sustainable Development: A critical review," *World Development*, vol. 19, no. 6, 1991, pp. 607-21

NAJAM and CLEVELAND, Cutler "Energy and Sustainable Development at Global Environmental Summits: An Evolving Agenda", *Environment, Development and Sustainability*, vol. 5, no. 2, 2003

### For giving reference within the text

Example: According to media reports, an average of 630 violent deaths (95 per cent male) per year were recorded in the city during the ten-year period starting 1990 (Hisam, 2000, p. 23).

### Reference in the bibliography for above

Hisam, Zeenat, "Karachi 2000", *The News on Sunday*, 2000, p. 23

### Citing from the Web

Internet source should provide a document title or description, a date (either the date of publication or update or the date of retrieval), and an address (in Internet terms, a uniform resource locator, or URL). Whenever possible, identify the authors of a document as well. Reference specific documents rather than home or menu pages and provide addresses that work.

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