



October 24, 2007

**Mr. Nessim Ahmad**  
Director, Environment and Social Safeguards Division  
Regional Sustainable Development Department  
Asian Development Bank

Dear Mr. Ahmad,

We have been following the SPU closely and have fed into the review process in many ways over the past several years, including the submission of detailed analytical documents and publications. We have also engaged in discussions with the ADB's SPU team, senior management and Executive Directors about the update process, including proposed consultations with civil society groups. Last week, members of the NGO Forum on the ADB met again with the SPU team, Executive Directors, and management representatives.

We are writing to express substantial concerns about recent developments with the Safeguard Policy Update (SPU) process which call into question the possibility of genuine participation by civil society organizations. We would like to bring your immediate attention to the following pressing issues:

**1) Urgent need to reschedule the dates of Southeast Asia, East Asia, Central Asia, and Mekong regional consultations due to conflict with UN Convention on Climate Change meetings in Bali, Indonesia. Likewise, postpone the Central and West Asian consultation due to the delay in the Russian translation of the Safeguards Policy Statement (SPS).**

As representatives of the NGO Forum on the ADB informed you on October 12, 2007, the dates that you have recently suggested for the Southeast Asia (Indonesia, Philippines), East Asia and Mekong region SPU stakeholder consultations (November 28-29, December 6 - 7 and December 13-14, respectively) are in direct conflict with the dates of the 13th Conference of the Parties (COP) to the UNFCCC (United Nations Framework Convention on Climate Change) in Bali and the NGO preparatory meetings leading up to the Bali meeting. The proposed ADB CSO meeting was, as we understood, also planned for the same late November time period although there has yet to be any formal notification of such a consultation.

The Bali meetings have been scheduled for well over a year and many groups from around the world will be attending them. We note that Indonesia is one of the ADB's largest borrowing countries and that there are many Indonesian groups wishing to participate in the ADB Southeast Asia Regional stakeholder consultations that will be unable to do so due to this conflict of dates.

We underscore our strong request that you reschedule these consultations so that they do not conflict with the long-planned and very well known Bali climate meeting. **We urge you to reschedule the Southeast Asia Regional Consultation, the Mekong Regional Consultation, and the CSO consultation to early February 2008 (i.e. after the Pacific consultation, currently scheduled for 30 - 31 January 2008) to ensure maximum participation by NGOs in all phases of the consultation, including the stakeholder sessions as well as the CSO section.** We note that it is not sufficient to simply reschedule a CSO consultation and leave the regional consultation dates unchanged, with an expectation that those who cannot attend the

Southeast Asia and Mekong regional consultations could attend the CSO consultation. Those NGOs interested in participating in the safeguard review process wish to fully participate in the multi-stakeholder regional sessions.

As regards the Central and West Asian consultation, we were informed by our colleagues in Central Asia and Caucasus region that they have yet to read and receive the Russian translation of the SPS. They would need more time to completely understand and be familiarized with the contents of the document, at least 30 days prior to the scheduled consultation. **To ensure their meaningful and informed participation, we urge you to postpone the Central and West Asia consultation to early December 2007.**

## 2) Translation Requirements

There are deep concerns among the civil society community regarding the lack, to date, of translations of the SPU materials, including the draft policy statement which has been posted for comment. In order to ensure a meaningful consultation process, the SPU policy statement must be provided in the key national languages for the regional consultations, at least 30 days prior to the consultations. We note that in an ADB letter dated September 28, 2005, your then SPU Team Leader responded to our concerns on this topic with a pledge to make such translated materials available in a timely fashion. The letter said, *"We will, of course, provide documentation sufficiently in advance to participants at the consultations to review the papers and prepare for discussions. Translations will be provided in the major languages associated with the consultation workshops so that there is adequate outreach."*

In addition, ADB's Public Communication Policy (paragraphs 56, 57, 58) and the Translation Framework explicitly mention the necessity to translate documents to facilitate meaningful participation. The Policy states in paragraph 56 that *"English is the working language of the ADB. However, translation of documents and other information into languages other than English is often necessary to encourage participation in, as well as understanding and support of, ADB-assisted activities by its shareholders and other stakeholders."* The Translation Framework states in paragraph 40 that *"Documents should be translated when ADB consults - on its policies and strategies, country partnership and regional cooperation strategies and programs, and projects - with external stakeholders who cannot read English. The framework directly supports participatory development practices by encouraging translation of documents used in consultations."*

With the release of the Consultation Draft last week, Indonesian groups are among those to immediately raise translation concerns as a key issue. Given the size of the ADB's Indonesia portfolio, the timely provision of translated documents is of the utmost importance, if the Southeast Asian consultation is to be meaningful. Similarly, we also ask for a Vietnamese translation since Vietnam has been identified as a priority country for the proposed Country Systems pilots aside from having the largest loan portfolio in the Mekong Region. Furthermore, we request that the Russian translation be released as soon as possible. We understand that a Chinese translation will be made available, and request that you provide us with a full list of other Asian languages into which the SPU consultation documents will be translated and the dates for the public release of these translations.

## 3) Request for full participant lists

We appreciate the recent circulation by your office of copies of partial participant lists for the regional consultations. We note that these lists appear to be quite dated, limited in scope, and have significant errors. The NGO Forum on ADB is preparing substantial input regarding participants for the consultations, and we look forward to the ADB addressing these

recommendations, concerns, and corrections. Initially however, we would like to highlight a potential issue that the lists you have circulated have raised. The lists include participants from academia and civil society groups but no information has been distributed regarding the other participants, for example, from government agencies and the private sector. **Please send us the full lists of all planned participants for all consultation sessions, including government and private sector representatives.**

#### 4) Structure and format of consultation process

Given the manner in which the SPU process has unfolded, to date, including the resignations of key staff associated with the safeguards process and apparent repeated attempts to weaken existing Bank standards, we have substantial concerns regarding the structure and format of the proposed consultations. NGO Forum members are drafting basic process standards and guidelines which we propose will serve as a framework for the consultation process. Please share with us your current plans (which we understand are still in draft form) for the structure of the proposed consultations, the draft agenda, the mechanics of consultation, the number and identity of the facilitators, the number of Bank staff and consultants to be present at each consultation, their roles and manner of engagement/participation during the consultation process.

We look forward to your prompt and favorable response to these concerns. We will be following up shortly with additional process and substance concerns. Thank you.

Sincerely,

- 1 Stephanie Fried, Ph.D. Senior Scientist, Environmental Defense, USA
- 2 Titi Soentoro, IFI Campaigner, Nadi, Indonesia
- 3 Bruce Jenkins, Acting Executive Director. Bank Information Center, USA
- 4 Dang Ngoc Quang, Director, Rural Development Services Centre, Vietnam
- 5 Joanna Levitt, International Accountability Project, USA
- 6 Helen Leake, Policy Advisor, Forest Peoples Programme, UK
- 7 Hemantha Withanage, Executive Director, NGO Forum on ADB, Philippines
- 8 Ramananda Wangkheirakpam, North East Peoples Alliance on Trade Finance and Development, NE India
- 9 Jessica Rosien Advocacy Coordinator, Oxfam Australia
- 10 Yu Xiaogang, Green Watershed, China
- 11 Joan Carling, Cordillera Peoples Alliance, Philippines
- 12 Valli Sayorabekov, NGO "Buzurgmehr", Tajikistan
- 13 Gevorg Arakelya, Association "For Sustainable Human Development, Armenia
- 14 Rustam Murzakhanov, Environmental Law Center "Armon", Uzbekistan
- 15 Tini Sastra, Campaign Officer, Solidaritas Perempuan, Indonesia
- 16 Rini Yuni Astuti, Chair of Solidaritas Perempuan Yogyakarta Office, Yogyakarta, Indonesia
- 17 Kalia Moldogazieva, Tree of life, Kyrgyzstan
- 18 Sergei Vorsin, Youth Ecological Centre, Tajikistan
- 19 Ravindranath Dabare, Centre for Environmental Justice, Sri Lanka
- 20 Suranjan Kodithuwakku, Sri Lanka Green Movement, Sri Lanka
- 21 Dilena Pathragoda, Sri Lankan Working Group on Trade and IFIs, Sri Lanka
- 22 Norman Jiwan, Perkumpulan Sawit Watch, Indonesia
- 23 Lucky Sherpa, President, National Network of Indigenous Women, Nepal
- 24 Jiten Yumnam, Forum for Indigenous Perspectives and Action, Manipur, NE India
- 25 Layla Mamina, Director, Partnership for Development Organisation in Central Asia
- 26 Yuki Tanabe, Japan Center for a Sustainable Environment and Society (JACSES), Japan
- 27 Prof. Muatar Khaidarova, NGO "Society and Law", Tajikistan

28 Ulrike Bey, Asienhaus, Germany  
29 Gururaja Budhya,, Urban Research Centre, Bangalore, India.  
30 Anna Dreyzina, Oil Workers Rights Protection Organization, Azerbaijan  
31 Zakir Kibria, Bangla Praxis, Bangladesh  
32 Ashraf Alam Tutu, Coastal development Partnership, Bangladesh  
33 Sabrina Gyrovary, Coordinator, Mekong School, Chiang Mai, Thailand  
34 Chandra Singh Kulung, General Secretary, Kirat Welfare Society, Kathmandu, Nepal  
35 Nursuale Umbetova NGO, Ecological-lawful initiative center "GLOBUS", Kazakstan  
36 Endang Herdianti, Chair of Solidaritas Perempuan Palu Office, Palu, Central  
Sulawesi, Indonesia  
37 Mohsin Babbar, Sungi Development Foundation, Pakistan  
38 Knud Vöcking, Urgewald e.V, Von-Galen-Straße 4, D-48336 Sassenberg, Germany  
39 Puspa Dewy, Chair of Solidaritas Perempuan-Aceh office, Banda Aceh-Indonesia  
40 Al Obre, International South Group Network-Asia, Quezon City Philippines  
41 Pol Vandervoort, 11.11.11 Coalition, Belgium  
42 Sagolsem Anand, Citizens' Concern for Dams and Development (CCDD), Jupiter  
Yambem Center, Paona International Market, Imphal-795001, North East India.

Cc:

Ms. Ursula Schaefer-Preuss, Vice President, Knowledge Management and Sustainable  
Development

Mr. Xianbin Yao, Acting Director General, Regional Sustainable Development Department

Ms. Xiaoying Ma, Mission Leader, Safeguard Policy Update, RSES  
Board of Directors