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ADB Safeguard Policy Review and Update: Stakeholder Engagement, Grievances, Information Disclosure (SEID)

REGIONAL CONSULTATIONS

14, 17, 18 & 19 January 2022

SAFEGUARD POLICY REVIEW AND UPDATE

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Gentle Reminders

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- ✓ If possible, join from a quiet, distraction-free area
- ✓ Ensure your audio and video are working
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- ✓ Virtually raise your hand on the Zoom feature to raise a point or question
- ✓ Be respectful to other joining participants
- ✓ Be conscious of time as per the agreed agenda

The official online platform for ADB's Safeguard Policy Review and Update (SPRU) Regional Consultations

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1

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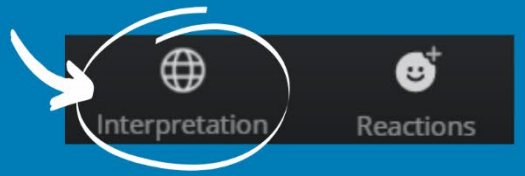

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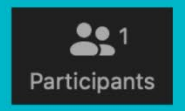
Select your preferred language among the list of available interpretations.

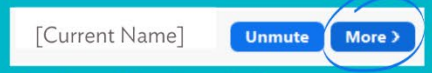
Click Mute Original Audio to mute the English audio.

3

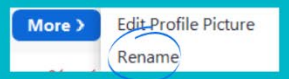
CHANGING YOUR NAME ON ZOOM

1 Click on the Participants button at the bottom of your Zoom screen

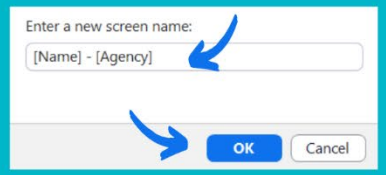




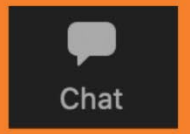
2 On the right hand of your screen, look for your name. Click on the More button on the right side of your name.



3 Click on the Rename button, type in your Name and Agency, then click OK.



USING ZOOM BUTTONS



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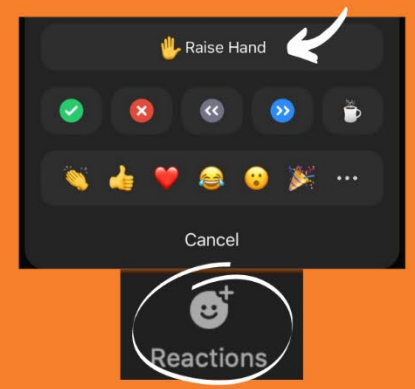

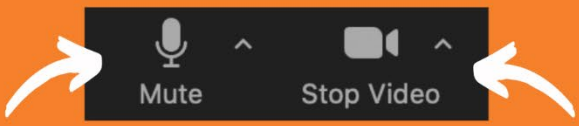

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safeguardsupdate@adb.org

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Simultaneous interpretations available!

Penerjemahan Simultan tersedia!
提供同声传译服务!
មានផ្តល់ការបកប្រែប្រដេញ!
ທ່ານສາມາດຮັບຟັງການແປເປັນພາສາຂອງທ່ານໄດ້!
Chúng tôi cung cấp phiên dịch đồng thời!

1

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Đề nghị nhấp chuột vào nút phiên dịch (Interpretation) trên thanh công cụ Zoom ở phía dưới màn hình của bạn.

2

Languages available:

Bahasa yang tersedia:
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ភាសាដែលមាន៖
ພາສາທີ່ສາມາດເລືອກຮັບຟັງໄດ້:
Ngôn ngữ sử dụng:

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  Bahasa Indonesia
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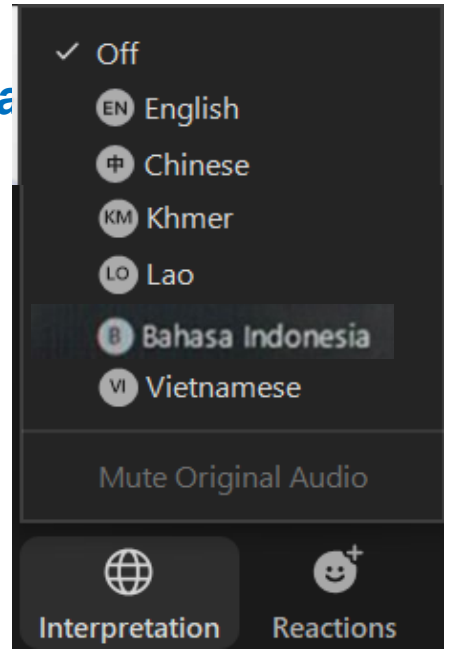
  中文
- ***Khmer***
  ខ្មែរ
- ***Lao***
  ພາສາລາວ
- ***Vietnamese***
  Tiếng Việt



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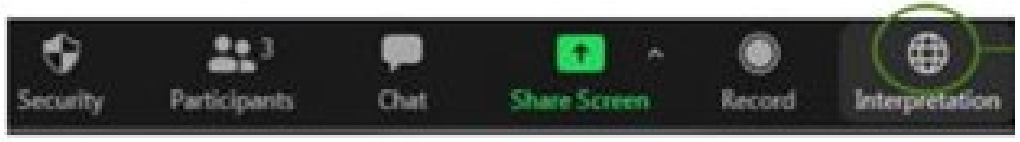
Simultaneous interpretations available!

समकालीन भाषांतरण उपलब्ध है!

رواں ترجمے کے لئے دستاب زبانیں

Осуществляется синхронный перевод!

1



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اپنی سکرین کے بالکل نیچے زوم کی بار پر گلوب کی تصویروالے انٹرپریٹیشن یعنی ترجمہ کے بٹن پر کلک کریں۔

Нажмите на кнопку «Перевод» внизу экрана.

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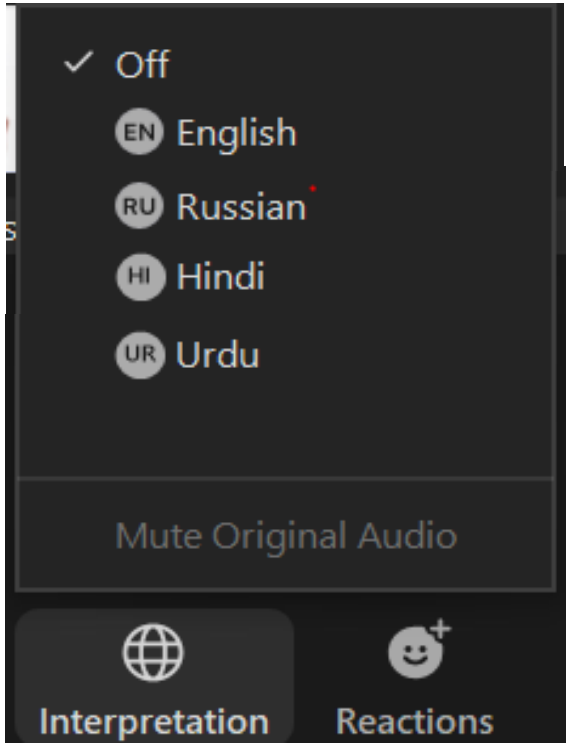
  اردو
- ***Russian***
  Русский язык



Restatement of ADB's Commitment to Meaningful Consultations

SAFEGUARD POLICY REVIEW AND UPDATE

ADB

The Safeguard Policy Review and Update Phase 2 consultations intend to provide opportunities for stakeholders to express their views and opinions on ADB's environmental and social safeguards in the most meaningful and safest manner possible.

All stakeholders are encouraged to articulate their inputs and concerns during the consultation sessions. These will be recorded and documented during each event. This allows the ADB to review, consider and respond to, if necessary, any comments and inputs made. Background materials on the thematic areas have been released in preparation for the consultations and dialogues.

All types of feedback are welcome. These will not be used for the purposes of retaliation, abuse, or any other kind of discrimination. Session documentation summarizing the feedback will be disclosed throughout the consultations process. This will ensure the accuracy and transparency of proceedings.

If you have any issues or concerns on confidentiality, potential risks, abuse, or any kind of discrimination during the course of the consultations, please get in touch with the SPRU Secretariat through safeguardsupdate@adb.org.

AGENDA

SAFEGUARD POLICY REVIEW AND UPDATE

ADB

1. **Introduction** (5 mins)
   Azim Manji, Session Moderator and SPRU Stakeholder Engagement Team Leader
2. **Welcome Remarks** (7 mins)
   Bruce Dunn, Director Safeguards Division (SDSS) SDCC
3. **Session 1: Overview of SEID under ADB SPS (2009) and its Update Process** (7 mins)
   Zaruhi Hayrapetyan, Social Development Specialist (Safeguards) SDCC
4. **Session 2: Study Findings and Key Issues** (18 mins)
   Elizabeth Mann, Lead Social Safeguards Specialist Consultant for SEID
5. **Session 3: Moderated Discussion** Part I (30 mins)
   Moderated by Marina Best, Senior Social Development Specialist (Civil Society & Participation) SDCC
6. **Break** (5 minutes)
7. **Session 3: Moderated Discussion** Part II (45 mins)
   Moderated by Marina Best, Senior Social Development Specialist (Civil Society & Participation) SDCC
8. **Wrap up** Bruce Dunn, Director SDCC (5 mins)

Welcome Remarks

Bruce Dunn, Director, Safeguards Division

SAFEGUARD
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Session I: Overview of SEID under ADB SPS (2009) and its Update Process

Zaruhi Hayrapetyan, Social Development Specialist (Safeguards)
Sustainable Development and Climate Change Department (SDCC)

SAFEGUARD POLICY REVIEW AND UPDATE

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ADB Safeguards Policy Statement, 2009:
Scope and Architecture

- **Approved July 2009**, effective March 2010
- **Scope**: 3 main policy areas: Environment, Involuntary Resettlement (IR), and Indigenous Peoples (IP)
- **Architecture**:
  - One umbrella policy statement. 3 sets of policy principles.
  - Borrower requirements for each of the 3 policy areas (Appendices 1-3)
  - Requirements for different finance modalities – e.g. sector loans, emergency assistance, policy-based lending, financial intermediaries, corporate finance. No coverage of results-based lending (Appendix 4)
  - Prohibited Investment Activities List (Appendix 5)
  - Strengthening and Use of Country Safeguard Systems (Appendix 6)

Stakeholder Engagement, Grievance Redress Mechanism and Information Disclosure under SPS (2009): Overview

- **Meaningful consultation**
- SPS paras 54-55 requires consultation with "communities, groups, or people affected by proposed projects, and with civil society" and indigenous communities (IPs)
- SR1, 2 and 3 text slightly different, but requires consultation with affected people, indigenous communities, host communities, and concerned nongovernment organizations
    - Begins and is carried out throughout the project cycle;
    - Provides timely disclosure of relevant and adequate information to affected people;
    - Is undertaken in an atmosphere free of intimidation or coercion;
    - Is gender inclusive and responsive, tailored to the needs of vulnerable groups;
    - Enables the incorporation of all relevant views into decision making.

- **Grievance redress mechanism** scaled to the risks and adverse impacts of the project.
    - Address affected people's complaints promptly,
    - Using an understandable and transparent process
    - Be gender responsive, culturally appropriate, readily accessible at no costs and without retribution.

Stakeholder Engagement, Grievance Redress Mechanism and Information Disclosure under SPS (2009): Overview cont.

- **Disclosure** of a draft environmental assessment, IR and IP frameworks and plans in a timely manner
  - before project appraisal, in an accessible place and in a form and language(s) understandable to stakeholders.
  - a draft full EIA at least 120 days prior to ADB Board consideration, and/or environmental assessment and review frameworks before project appraisal

- **Disclosure of monitoring reports** and relevant information from monitoring reports to affected people.
- If the provision of **broad community support** (BCS) for IP safeguards triggers , ADB will assure itself that BCS for the project has been demonstrated by the IP communities.

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Independent Evaluation Department: Findings for Stakeholder Engagement, Information Disclosure and Grievance Redress Mechanism

- **Project Implementation**
  - Weaknesses in stakeholder engagement, meaningful consultation, timely disclosure, and functioning of project level GRM.
  - Client confidentiality clauses influenced low disclosure for non-sovereign operations
- **SPS (2009)**
  - Limited guidance in SPS on how to make consultations and GRMs effective and how to monitor effectiveness.
  - Disclosure requirement of 120 days EIA for category A projects is not aligned with other MFIs.

Independent Evaluation Department: Findings for Stakeholder Engagement, Information Disclosure and Grievance Redress Mechanism

- Adopt an integrated approach covering environmental and social dimensions.
- Develop separate policy standard for stakeholder engagement, with provisions aligned with the recently updated MFI safeguard frameworks.
- Adopt stakeholder engagement plan (SEP) as best practice safeguards instrument;
- Consider shorter disclosure requirements, particularly for non-sovereign operations.
- Improve guidance and systematic training to staff, borrowers and clients was emphasized.

SEID and GRM Analytical Study Objectives and Methodology

- **Analytical Study Objective**
  - Study objective is to provide informed recommendations for the development of a policy standard on SEID and GRM

- **Analytical Study Methodology**
  - **Desk based document review** - IED Report and ADB Management Response; cases under Accountability Mechanism Policy Review, Draft ADB Study on Grievance Redress Mechanism implementation
  - **Benchmarking with other MFI polices** - Comparative analysis with IDB, IDB Invest, EBRD, WB, IFC latest safeguards policies and guidance documents
  - **Stakeholder consultations and workshops** - ADB staff, including technical working group, developing member countries, Private Sector clients and organizations, civil society organisations.

Session 2:
Study Findings & Key Issues

Elizabeth Mann, Lead Consultant for SEID, Social Safeguards Specialist

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Scope and Application

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SPS (2009)

- Aims, Objectives, Scope of Application scattered **in different safeguards requirements** and embedded in SPS
- **No** specific **SEP** required
- Environment and Social **synergies not clearly** covered

Other MFIs

- Different SEID policy requirements pulled together into **one Standard**
- **SEP required** proportionate to nature & scale of the project
- **Integrate** environment and social dimensions

** SEP = Stakeholder Engagement Plan*

Information Disclosure

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SPS (2009)

- Information disclosure requirements **varied.**
- Information disclosure guidance across SPS, Access to Information Policy, & Project Administration Manual (PAM)
- Draft EIA for Category A to be disclosed at least **120 days** before Board consideration
- **Full website disclosure** required for resettlement documentation

Other MFIs

- Information disclosure varied with further details on type of information required
- Information disclosure guidance in **one standard** and Access to Information Policies
- Draft ESIA disclosure requirement 60-120 **days** depending on private/public sectors

Grievance Redress Mechanism

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SPS (2009)

- Policy does not distinguish formal and informal mechanisms
- Anonymous complaints are not mentioned in the policy document
- Guidance is spread out in different guidance materials

Other MFIs

- Use of suitable existing **formal and informal** grievance mechanisms
- **Anonymous** complaints are specifically mentioned
- **More guidance** on the establishment, implementation and monitoring of the GRM in the policy

Key SEID issues for further consideration (Part 1)

- **A stand-alone SEID policy standard**
  - to align with other MFI safeguard frameworks, consider overlaps with cross-cutting and thematic areas; provide clearer provisions on stakeholder engagement, documentation, disclosure and GRM requirements for sovereign and non-sovereign operations.
- **Preparation of a stakeholder engagement plan (SEP)**
  - proportionate to the nature and scale of the project and its potential risks and impacts
  - stakeholder identification; information disclosure and communication; project GRMs; monitoring system; stakeholder roles and responsibilities, budget and training.
- **Information disclosure**
  - aligning with other MFIs for sovereign and non-sovereign operations,
  - strengthening continuous disclosure to project affected people.

Key SEID issues for further consideration (Part 2)

- **Grievance Redress Mechanisms included in the SEID policy standard**
  - Customized in a culturally appropriate way for different types of affected people; where possible, utilize acceptable and traditional dispute resolution methods, considers anonymous complaints.
- **Monitoring**
  - Clarifying requirements for Client/Borrower monitoring of SEP implementation (including GRM), updates in processes and approaches as appropriate;
  - Strengthen ADB's safeguard oversight and resources for monitoring safeguards implementation.
- **Guidance materials:**
  - Updated and improved guidance, toolkits, templates and good practice notes both for sovereign and non-sovereign operations.

Session 3: Moderated Discussion Stakeholder Engagement Planning, GRM & Information Disclosure

Moderator: Marina Best, Senior Social Development Specialist (Civil Society & Participation), SDCC

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Sequence for Q&A

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1st sequence – Open for statements and sharing of perspectives and recommendations (raised hands to speak)

2nd sequence – Questions sent in advance (through Zoom registration)

3rd sequence – Questions posted on the chat box and participants raising hands will be called in batches

Please share your Feedback

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1. What do you expect from Stakeholder Engagement, Grievance Redress Mechanism and Information Disclosure?

2. What issues need to be covered?

3. What changes and improvements would you like to see?

We will be having a short break

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What are your views on the following issues?

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Stakeholder Engagement:

- What are the main challenges with meaningful consultation and stakeholder engagement for a project?
- What aspects of the policy should be changed or strengthened to enhance meaningful consultations and stakeholder engagement?
- Should ADB have a separate standard for SEID?

Grievance Redress Mechanism:

- Different GRMs for different scope and stakeholder categories
- How flexible should a project be to update its GRM? (when should this be done, in which documents?)

Information Disclosure:

- Timing and duration of disclosure
- Content, language

Quick Poll

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Please rate your satisfaction with today's session:

5 – Highly satisfied
4 – Somewhat satisfied
3 – Neutral
2 - Somewhat dissatisfied
1 – Very dissatisfied

Quick written feedback via www.menti.com
Please Click the link on the chat box.

Wrap Up and Synthesis

Bruce Dunn, Director, Safeguards Division

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THANK YOU!

GET INVOLVED

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