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ADB Safeguards Policy Update:

In-Country Stakeholder Consultation with Government

People's Republic of China, 25 October 2022



SAFEGUARD
POLICY REVIEW
AND UPDATE



Technical Announcements and Acknowledgement of Participants



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The Safeguard Policy Review and Update Phase 2 consultations 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 these consultation sessions. By joining (and as noted in paragraph 47 of the Stakeholder Engagement Plan) stakeholders are consenting to the video and audio recording of these consultations. ADB will prepare consultation summaries for internal use. These will not be disclosed publicly. The purpose of the recordings is only to ensure the accuracy and transparency of proceedings.

Stakeholders wishing to exclude themselves from such recordings are asked to contact the Safeguards Policy Review and Update Secretariat at safeguardsupdate@adb.org within 2 weeks of this session to share their exceptions and exclusions.



All types of feedback are welcome. These will not be used for the purposes of retaliation, abuse, or any other kind of discrimination.

If you have any issues or concerns on the disclosure, recording, confidentiality, potential risks, abuse, or any kind of discrimination during the consultations, or wish to exclude yourself from the recording of events and discussions, please contact the Secretariat at safeguardsupdate@adb.org.

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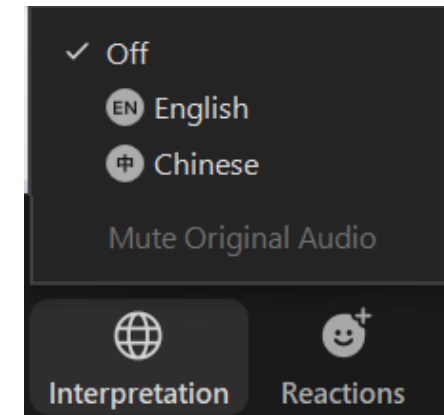
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1. Provide a briefing on review and update of ADB's Safeguard Policy Statement, 2009 (SPS):
 - Objectives and approach for the policy update
 - Overview on findings from benchmarking and analytical studies;
 - Highlights of feedback received from regional consultations;
 - Policy directions and issues for the new environmental and social policy.
2. Seek feedback lessons from SPS policy implementation and recommendations on new policy directions.

- I. **Technical Announcements and Acknowledgement of Participants** (5 mins)
- II. **Session 1: Brief Overview and Background of the ADB Safeguard Policy Update – Overview of Performance Standards** (30 mins)
Bruce Dunn, Director, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)
- III. **Session 2 (a): Safeguard Policy Directions and Recommendations: Findings from Analytical Studies and Feedback from Phase 2 Regional Stakeholder Consultations: Labor and Working Conditions** (20 mins)
Haidy Seang Ear-Dupuy, Head of NGO Center and Civil Society Center, Sustainable Development and Climate Change Department (SDCC)
- IV. **Session 2 (b): Safeguard Policy Directions and Recommendations: Findings from Analytical Studies and Feedback from Phase 2 Regional Stakeholder Consultations: Involuntary Resettlement** (20 mins)
Madhumita Gupta, Principal Social Development Specialist (Safeguards),
Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)

V. Session 3: Ongoing Studies – Climate Change (20 mins)

Zehra Abbas, Principal Environment Specialist (Safeguards) Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)

VI. Question, Answers and Discussion (20 mins)

VII. Wrap Up and Closing Remarks (10 mins)

Bruce Dunn, Director, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)

Sustainable Development and Climate Change Department (SDCC)
Safeguards Division (SDSS)



Session 1: Overview on Policy Update Process and Status

Bruce Dunn, Director, Safeguards Division (SDSS),
Sustainable Development and Climate Change Department (SDCC)



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Objectives of Safeguard Policy Update



- **Modernize and enhance existing Safeguard Policy Statement (SPS)**, addressing key policy gaps and addressing emerging issues and risks, and vulnerabilities for affected people and the environment.
- **Adapt the policy for different financing approaches**, including sovereign and non-sovereign financing and different financing modalities
- **Improve efficiency of safeguard business processes**, seeking opportunities for streamlining and greater clarity on requirements for ADB and borrowers
- **Increase convergence and harmonization** with policies and system of other multilateral financial institutions and cofinanciers.
- **Improve implementation outcomes from safeguards**, with increased support for strengthening country systems and client capacities, and enhanced monitoring and oversight.

Safeguards Policy Review and Update

Approach and Methodology

Policy update time frame: August 2020 to October 2023

Implementation phases:

1. **Policy update planning** (August 2020–June 2021):
 - [Background Information Paper](#) (November 2020).
 - [Stakeholder Engagement Plan](#) (April 2021, updated July 2021)
2. **Analytical Studies** (December 2020–December 2022):
 - Policy architecture, benchmarking standards / thematic issues
 - Review implementation experience
3. **Policy preparation** (April 2022–October 2023):
 - Working Paper for ADB Board consideration (March 2023)
 - Final ADB Board approval of R-Paper (October 2023)
4. **Policy roll out** (2023–2024):
 - Policy effectiveness from 2024 (date to be confirmed)
 - Implementation guidance, staff instructions, good practice notes,
 - Training and capacity building for staff and clients



**Stakeholder
Engagement &
Consultation**



Stakeholder Engagement Plan (SEP) and Schedule

OBJECTIVES



Promote diverse participation and an inclusive process



Build interest and ownership in safeguards and update process



Ensure active participation through open, safe & iterative process



Communicate process, content, and outcomes with clarity

PROCESS

PHASE 1
(June 2020–May 2021)

- ✓ Initial outreach
- ✓ Preparation of a Stakeholder Engagement Plan (SEP)
- ✓ Preliminary information sessions with DMCs and CSOs

PHASE 2
(Nov 2021–Dec 2022)

- ✓ Publish analytical studies
- ✓ Regional consultations (all DMCs & CSOs)
- ✓ Private sector client consultations
- ✓ DMC country consultations (11 DMCs)
- ✓ Project-affected people consultations (11 projects)

PHASE 3
(Dec 2022 – October 2023)

- ✓ Consultations on draft and final policy



Analytical Studies and Regional Consultations Topics

Completed Consultations: Nov. 2021- Jun. 2022

1. Policy Architecture
2. Indigenous Peoples
3. Resource Efficiency and Pollution Prevention
4. Labor and Working Conditions
5. Community and Occupational Health and Safety
6. Land Acquisition and Involuntary Resettlement
7. Biodiversity and Sustainable Natural Resource Management
8. Cultural Heritage
9. Stakeholder Engagement, Information Disclosure, and Grievance Redress Mechanisms
10. Lessons from Accountability Mechanism
11. Environmental and Social Impacts and Risk Assessment
12. Safeguards in Fragile and Conflict-Affected Situations (FCAS) & Small Island Developing States (SIDS)
13. Country Safeguard Systems (CSS)
14. Focus Group Discussions with Private Sector Clients
15. Climate Change
16. Gender and Safeguards
17. Sexual Exploitation, Abuse and Harassment (SEAH)
18. Sexual Orientation and Gender Identity and Expression, and Sex Characteristics (SOGIESC)

[See: Full list of Regional Consultations](#)

Planned Consultations

1. Safeguards in Different Financing Modalities and Private Sector

DIVERSITY & INCLUSION

1,880 participants
(including Private Sector Clients)

55 of 68 member countries represented

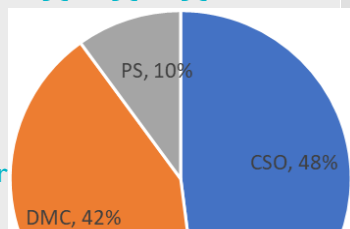
participants from **9** other countries outside the ADB network

56 private sector client companies

51% MALE 49% FEMALE



793 DMCs,
899 CSOs &
188 private sector participants



ACCESSIBILITY & QUALITY OF INFORMATION

all **18 consultations** have had the PowerPoint slides and summary papers disclosed and translated into **4 languages** prior to the consultation event

Consultations simultaneously interpreted in **9 languages**



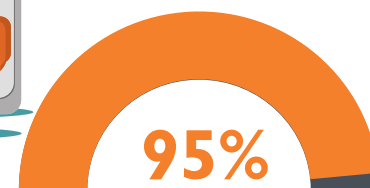
94% reported that presentations & other materials provided were **sufficient and understandable**

83% reported that they received materials with **sufficient time to review**



TRANSPARENCY

94% reported that they **understood how their feedback, would be used** in the process



95% felt **safe and secure** to voice their insights and to ask questions

87% of participants reported that they were either **very satisfied** or **satisfied** with the overall quality of sessions

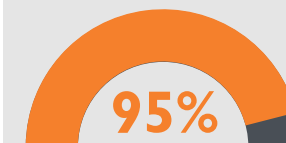
Post-event survey respondents (N=250)



RESPONSIVENESS

595 questions / comments received during/after consultations

95% responded to or consulted with or **through various channels / formats**



95% said their questions were **satisfactorily answered** by ADB

91% of participants were **satisfied** with the online platform used for consultations



High Level Summary of Stakeholder Feedback

SPS Update Regional Consultations

DMCs

- Current SPS is benchmark for good practice
- Need closer alignment with country safeguard systems (CSS), avoid duplication, costs
- Greater consistency between MFI policy and procedures would reduce transaction costs
- Greater integration between environmental and social issues important, yet capacity is challenge.
- Need improved guidance & enhanced capacity support from early stages for country and project

CSOs

- Don't water down safeguards
- Concerns on use of CSS without equivalence and acceptability.
- Enhance stakeholder engagement and disclosure.
- Need safe space and address risks of retaliation.
- Concerns on safeguards for financial intermediaries
- Some key issues – climate change, gender, vulnerable & disadvantaged groups, biodiversity, labor issues, Indigenous People's, human rights

Private sector

- Convergence with IFC Performance Standards and Equator Principles
- Closer alignment with CSS and requirements
- Simplify disclosure requirements in alignment with other MFIs (e.g., reduce 120-day disclosure for EIAs)
- Greater clarity & guidance on requirements; ADB technical support during preparation and implementation

ADBs Proposed Policy Architecture Model

Environmental and Social Policy



Environmental and Social Policy Standards (ESS)

Policy objectives, scope and requirements for borrowers and clients



Notes: Mapping new policy structure to previous SPS policy areas: ENV: Environment, IR: Involuntary Resettlement, IP: Indigenous People

Session 2(a):

Safeguard Policy Directions and Recommendations: Findings from Analytical Studies and Feedback from Phase 2 Regional Stakeholder Consultations: Labor and Working Conditions

Haidy Seang Ear-Dupuy, Head of NGO Center and Civil Society Center, Sustainable Development and Climate Change Department (SDCC)



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- ADB is updating the 2009 Safeguard Policy Statement (SPS)
- Labor and Working Conditions (LWC) is one of studies being conducted to feed into the Safeguard Policy Review and Update (SPRU).
- ADB commissioned Plexus Energy consultant Jay Wagner to review policy requirements on LWC and benchmark against peer MFIs (WB, AIIB, IFC, EBRD, and IDB)

Purpose and Scope



- Review ADB documents and policies inc. the 2009 SPS, Social Protection Strategy, Strategy 2030, Handbook for Poverty and Social Analysis, Handbook on Core Labor Standards (CLS), etc.
- Conduct comparative review of key similarities and differences on LWC standards/policies and implementation arrangements (guidance materials and requirements) of ADB and peer MFIs.
- Identify: best industry practices, standards and guidance; gaps, areas of convergence; strengths and weaknesses; critical issues to be addressed; and make recommendations.
- LWC includes: the core labor standards (child labor, forced labor, nondiscrimination, and freedom of association), health and safety, supply chain, other labor issues such as retrenchment.



Process and Deliverables



1. Document Review and Stakeholder Interviews

2. Draft Report

3. Final Report containing:

- A gap analysis of LVC in 2009 SPS and a comparative analysis of MFIs safeguard policies, implementation requirements and practices
- Recommendation for ways forward on LVC for ADB's updated Safeguard policy





- **Safeguard Policy Statement (2009)**
- **Social Protection Strategy (2001)**
 - » Social Protection Operational Plan
 - » Operation Manual C3: Incorporation of Social Dimensions into ADB Operations
 - » Initial Poverty and Social Assessment (IPSA) and Summary Poverty Reduction and Social Strategy (SPRSS) reports on Core Labor Standards due diligence
 - » Loan Covenant, Project Administration Manual and Contract Agreements

Key Findings

No. 1



- **ADB LWC Provisions are scattered**

- LWC provisions scattered over multiple documents – CLS Handbook, Handbook on Poverty and Analysis, etc.
- MDB peers (except AIIB) have a consolidated, stand-alone LWC Safeguard Standard

- **Lack of Clarity and Accessibility**

- A stand-alone LWC safeguard and associated specific guidance, like some ADBs peers have adopted, has proved beneficial in terms of clarity and accessibility for both staff and borrowers

- **Aspirational vs Practical**

- ADB provisions worded such that they aspire more to an overall development objective whereas other MFIs approach is more practical and applied
- No specific details on how to implement the CLS
- ADBs peers have defined clear, practical and auditable requirements for their clients, supported by operations-focused guidance notes

Key Findings

No. 2



- **Policy Principles vs Performance Standards (PS)**

- PS approach is seen as better suited to address LWC issues and to require compliance by borrowers
- Clear and binding safeguard requirements would likely enhance developmental outcomes

- **Absence of Guidance and Operationalisation**

- ADB lacks project-specific guidance
- LWC requirements are not implementation-focused and not operationalized

- **Loan Modalities**

- LWC transcend the different loan modalities and are equally applicable to private sector project finance as well as public sector lending

- **Descriptive vs Prescriptive**

- ADB focuses on a “what is”, explaining the LWC issue and how ADB can help address it
- Other MFIs chose a more prescriptive, “how to” approach for clients and projects
- Language of peer MFI LWC provisions is more binding. Absence of more binding language gives the impression that compliance with the CLS is optional, with national LWC provisions prevailing

- **Allocating Responsibility**

- IFC, VWB, EBRD and IDB put onus of managing and monitoring LWC on borrowers / projects
- ADB does not allocate clear responsibility to borrowers - where it is mentioned, it falls mainly to ADB/ADB staff

- **Gaps and Omissions**

- Compared to other MFIs, ADB has key gaps on cross-cutting and emerging issues, such as vulnerability, grievance mechanism, labor influx / migrant workers, supply chain, gender and gender-based violence etc.
- These themes reinforce the importance of LWC as a core issue in project finance and sustainable development
- Implicit reference to the CLS in the safeguards is not sufficient

- **Harmonisation with MFI Peers**

- The absence of a consolidated and up-to-date safeguard addressing LWC is becoming an obstacle to co-financing with other MFIs.
- Increased harmonization between MFIs would lower transaction costs and makes it easier for staff to evaluate and oversee projects and for borrowers to comply with LWC requirements

Recommendations

No. I



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Key Recommendation: Update SPS and adopt a LWC Performance Standard

- **R1 – Adopt a Stand-Alone LWC Performance Standard**
 - Consolidate LWC provisions and provide greater clarity for staff and borrowers
 - Understand the resource requirements involved
- **R2 – Safeguards Oversight and Quality Assurance**
 - Review the arrangements and steps needed to implement and oversee the roll-out of a LWC PS
 - Consider the kind of indicators needed
- **R3 – Tighten the Language of LWC Provisions**
 - Ensure that provisions are based on more definitive language such as "must" or "should"

Recommendations

No. 2



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- **R4 – Guidelines and Tools**
 - Develop, in parallel to a stand-alone LWC PS, operationally-focused LWC guidelines, guidance notes and tools for borrowers
- **R5 – Strengthen Bank Expertise in LWC**
 - Carry out a review of the technical expertise needed
 - Develop a capacity building and training program, learning lessons from other MFIs
- **R6 – Review CLS Implementation Status**
 - Review the extent to which the CLS are ratified and implemented in key ADB operating countries and establish where gaps exist

Sustainable Development and Climate Change Department (SDCC)
Safeguards Division (SDSS)



Session 2(b):

Safeguard Policy Directions and Recommendations: Findings from Analytical Studies and Feedback from Phase 2 Regional Stakeholder Consultations: Involuntary Resettlement

Madhumita Gupta, Principal Social Development Specialist, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)



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Land Acquisition and Land Use Restriction (LA/ LUR)

Analytical Study Findings and Policy Direction

Main Study Findings

- No significant gaps between ADB and MFIs for involuntary resettlement (IR) objectives and scope.
- Some MFI objectives have explicit mention of avoidance of forced eviction.
- Some MFIs have requirements for:
 - » Voluntary land transactions & voluntary land donations,
 - » Requirements for non-land acquisition livelihood impacts.
 - » Use of frameworks for projects without full impact assessments prepared before project approval;

Policy Direction

- » Cover both involuntary & voluntary forms of land acquisition (LA) & land use restrictions (LUR)
- » Strengthened livelihood restoration requirements due to IR
- » Clarity on livelihood impacts & asset losses not caused by land acquisition.
- » Valuation of assets to be based on principle of replacement cost
- » Separation of voluntary land acquisition from negotiated settlements under eminent domain
- » Provisions on forced evictions. Enhance focus on vulnerable and disadvantaged groups, and gender.
- » Link planning with the readiness of project technical design.
- » Develop guidance on how to address legacy issues.



Land Acquisition and Land Use Restriction (LA/ LUR)

Additional Requirements and Due Diligence

- **IR categorization** – remove numerical threshold - impact categorization through integrated risk-based approach.
- **Social impact assessment**, census and socio-economic survey strengthened and linked with project design and implementation.
- **Voluntary land acquisition** requirements clarified in terms of due diligence and documentation.
- **Valuation of lost assets** by valuation experts based on replacement principle and recognized valuation standards.
- **Associated facilities, cumulative social impacts and/or legacy issues** require mitigation of LA/LUR related risks and impacts, within the Borrower/Client's influence and control.
- **Mitigation of project-induced impacts** like adverse socio-economic impacts on assets, incomes and livelihoods, not directly resulting from LA/LUR will follow the requirements of standard 5.
- **Land Acquisition Frameworks** allowed only as an exception with detailed justification based on scoping
- **Project finance for filling gaps** between national legislation and practices for LA/LUR and SPS requirements.
- **Engagement of third-party monitoring experts** directly through ADB to enhance due diligence for projects with significant risks.
- **Undertake compliance monitoring** of LARP implementation before start of civil works, and completion monitoring of LARP implementation at the time of project closure



Stakeholder Engagement and Information Disclosure (SEID)

Analytical Study Findings, Policy Direction and Due Diligence

Study Findings

- ADB requirements are scattered across different safeguard areas and lack clarity on requirements.
- Recently updated MFIs have SEID requirements integrated in one policy standard.
- ADB has no specific requirements for stakeholder engagement plans.
- Enhance meaningful consultation & engagement across the project cycle

Policy Direction

- » Clarity on stakeholder engagement, information disclosure and GRM requirements; with dedicated budget.
- » Strengthen focus on gender, vulnerable and disadvantaged groups.
- » Establishing GRMs using existing formal and informal mechanisms, provision for anonymous complaints.
- » Provision against intimidation and reprisals
- » Develop verifiable indicators to monitor key SEID components
- » Considering aligning disclosure requirements with MFIs; e.g., 60-day EIAs disclosure for Cat A. 30 days for Cat B, social assessments before ADB appraisal.

Due Diligence Requirement

- » Develop a stakeholder engagement plan and GRM proportionate to the nature and scale of the project, with meaningful consultation throughout the project cycle.

Session 3: Ongoing Studies – Climate Change

Zehra Abbas, Principal Environment Development Specialist, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)



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Objectives and Methodology of the Analytical Study

- Review ADB's current safeguard policy framework and document practices and challenges in the area of safeguards and climate change.
- Overview of ADB's operational Level Climate Change program
- Undertake a broad comparison of the requirements of safeguard frameworks used by other multilateral finance institutions (MFIs) – AfDB, AIIB, EBRD, EIB, IFC, IDB, NDB, WB - and assess key differences in approaches to safeguards and climate change.
- Review related and emerging issues.
- Propose issues for further consideration in ADB's revised safeguards policy.

ADB's Policy Context for Climate Change and Safeguards:

Chronology of addressing climate change in ADB

- **1980s-1990s:** integrated solutions to address climate change
- **2010:** Board paper on Addressing Climate Change in Asia and the Pacific: Priorities for Action
- **2014:** Commitments reiterated in mid-term review of ADB's Strategy 2020
- **2015:** Commitment to double climate finance from ADB's own resources from \$3 billion in 2014 to \$6 billion in 2020
- **2017:** Climate Change Operational Framework 2017-2030
- **2018:** ADB Strategy 2030
- **2019:** Commitment to full alignment of sovereign operations with goals of Paris Agreement by 1 July 2023 and non-sovereign operations by 1 July 2025
- **2021:**
 - Announcement of ambition to provide \$100 billion in climate finance 2019-2030
 - Disaster and Emergency Assistance Policy
 - Energy Policy

Safeguard Policy Statement 2009

Policy Principles Related to Climate Change

- **Safeguards Requirements 1** of the SPS that relate to Environment include provisions on climate change.
- **Policy principle 2** on ***environmental assessment*** requires assessing risks and impacts on the environment, including climate change.
- **Policy Principle 9** on ***pollution prevention*** requires the borrower/client to promote the reduction of project-related GHG emissions in a manner appropriate to the nature and scale of project operations and impacts.

Safeguard Policy Statement 2009

Policy Provisions

- Promote reducing project-related GHG emissions appropriate to nature and scale of project impacts and risks
- Quantify direct and indirect emissions from a project
- Current significance threshold for a project's aggregate emissions is 100,000 tons of CO₂ equivalent per year
- Evaluate options to reduce or offset project-related GHG emissions during project design and operation

Benchmarking Findings on Safeguards and Climate Change

- 7 comparator MFIs: AIIB, EBRD, EIB, IFC, IDB, NDB, WB
- Only EIB has a stand-alone climate change safeguard standard
- All MFIs address climate change in the risk and impact assessment safeguard standard
- Climate change addressed as a cross-cutting issue in safeguards standards on pollution control, community health and safety, and biodiversity

Mitigation

- All 7 comparator MFIs have mitigation requirements related to:
 - GHG emission reduction
 - Low-carbon/decarbonized development and investment
 - Renewable energy
 - Thresholds for quantifying GHG emissions

Benchmarking Findings on Safeguards and Climate Change

Adaptation

- All comparator MFIs studied have adaptation requirements

Biodiversity and ecosystem services

- All comparator MFIs studied have requirements related to climate change impacts on biodiversity and/or ecosystem services

Resilience

- AIIB, EBRD, EIB, IDB, WB have resilience requirements

“Double materiality”

Assessing the impact of a project on climate change as well as that of climate change on the project

- EIB, IDB, NDB have double materiality requirements

Climate risk assessment

- EBRD, EIB, IDB have climate risk assessment requirements

Benchmarking Findings on Safeguards and Climate Change

Sequestration

- EIB has a requirement to report sequestration as well as GHG emissions

Transition

- EIB has a requirement to report transition risks

Other Findings

- Alignment with Paris Agreement and upstream planning
- Positive or prohibited investment activities list
 - EBRD and IDB exclude financing initiatives that contribute to climate change risks and impacts
 - ADB SPS has an exclusion list, but it does not include activities that have climate change repercussions, with the exception of exclusions related to commercial logging in primary forests.
 - ADB Energy Policy, 2021 has exclusions related to coal, oil/gas exploration, and limited investment in natural gas power generation.

Areas for Further Consideration

Climate change coverage in MFI safeguards

- Mitigation
- Adaptation
- Climate change impacts on biodiversity and ecosystem services
- Resilience
- Double materiality
- Climate risk assessment
- Sequestration
- Transition

Additional areas

- Review internal mechanisms for coordinating climate risk assessments to enhance their integration into the overall project risk and impact assessment process
- Review the use of double materiality
- Review the current threshold for project-level GHG emissions
- Strengthen existing procedures and mechanisms for portfolio-level GHG accounting
- Link project-level monitoring of GHG emissions to the country partnership strategy and NDC implementation plans through the ETM

Questions, Answers and Discussion



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Wrap Up and Closing Remarks

Bruce Dunn, Director, Safeguards Division (SDSS),
Sustainable Development and Climate Change Department (SDCC)



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Please send us your feedback and suggestions:

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E-MAIL

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Thank You

