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ADB Safeguards Policy Update:

In-country Stakeholder Consultations on Cultural Heritage with Government and Civil Society Organizations

Georgia, 26 January 2023



SAFEGUARD
POLICY REVIEW
AND UPDATE



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



Technical Announcements



SAFEGUARD
POLICY REVIEW
AND UPDATE





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.

Restatement of ADB's Commitment to Meaningful Consultations



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ADB

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.

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.

- **Technical Announcements and Acknowledgement of Participants** (5 mins)
Moderator: Zaruhi Hayrapetyan, Social Development Specialist (Safeguards), Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)
- **Welcome Remarks** (5 mins)
Kamel Bouhmad, Deputy Country Director, Georgian Resident Mission, ADB
- **Opening Remarks and Background** (15 mins)
Bruce Dunn, Director, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)
- **Session 1: Cultural Heritage** (25 mins)
Aaron Sexton, Environment Specialist, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)
- **Questions, Answers and Discussion** (100 mins)

Agenda

- **Wrap Up and Next Steps** (10 mins)
Bruce Dunn, Director, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)
- **Event Evaluation** (5 mins)
- **Lunch** (60 mins)

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



Welcome Remarks

Kamel Bouhmad, Deputy Country Director (DCD), Georgia Resident Mission (GRM),



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



Opening Remarks and Background

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



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POLICY REVIEW
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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 March 2024

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** (October 2023–March 2024):
 - Working Paper for ADB Board consideration (July 2023)
 - Final ADB Board approval of R-Paper (March 2024)
- 4. Policy roll out** (2024-2025):
 - 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**



Analytical Studies and Regional Consultations Topics

Completed Consultations: Nov. 2021- Dec. 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)
19. Safeguards in Private Sector Operations

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

Planned Consultations

1. [Safeguards in Different Financing Modalities](#)

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)

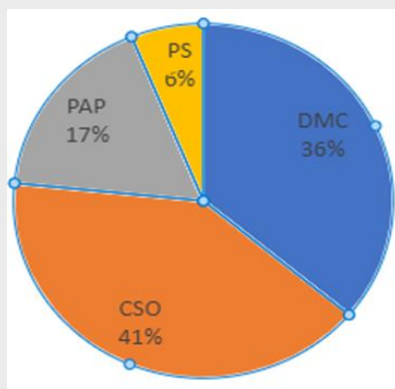
- ✓ Publish analytical studies
- ✓ Regional consultations (all DMCs & CSOs)
- ✓ Private sector client consultations
- ✓ DMC country consultations (11 DMCs)
- ✓ Project-affected people consultations (11 projects)

PHASE 3
(Dec 2022 – Oct 2023)

- ✓ Consultations on draft and final policy

STAKEHOLDER PARTICIPATION: DIVERSITY & INCLUSION

3,074 Stakeholders consulted in Regional, In-country, and Project-affected people consultations and private sector FGDs



REGIONAL CONSULTATIONS

55 of 68 DMCs represented

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

56 Private sector client companies joined FGDs



51% MALE 49% FEMALE



IN-COUNTRY CONSULTATIONS

Completed (2022)

1. Tonga
2. Papua New Guinea
3. Mongolia
4. People's Republic of China
5. Pakistan
6. Republic of Marshall Islands
7. Philippines
8. India
9. Indonesia

Planned (2023)

1. Georgia

PAP CONSULTATIONS

524 PAPs
8 Projects (6 sovereign, 2 non-sovereign)
43 FGDs
63 household interviews

ACCESSIBILITY & QUALITY OF INFORMATION*

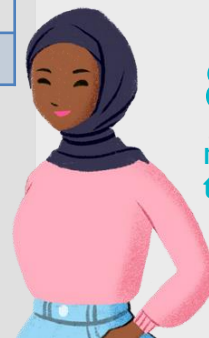
All **18 consultations** have had the PowerPoint slides and summary papers disclosed and translated into **4 languages** prior to the consultation event



Consultations simultaneously interpreted in **9 languages**

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

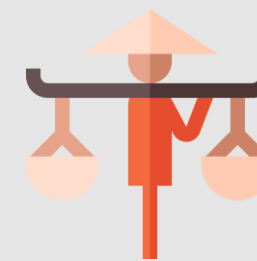
83% reported that they **received materials with sufficient time to review**



Post-event survey respondents (N=250)

RESPONSIVENESS & TRANSPARENCY*

88% of participants reported that they were either **very satisfied or satisfied** with the overall quality of sessions



92% said their **questions were satisfactorily answered** by ADB

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

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

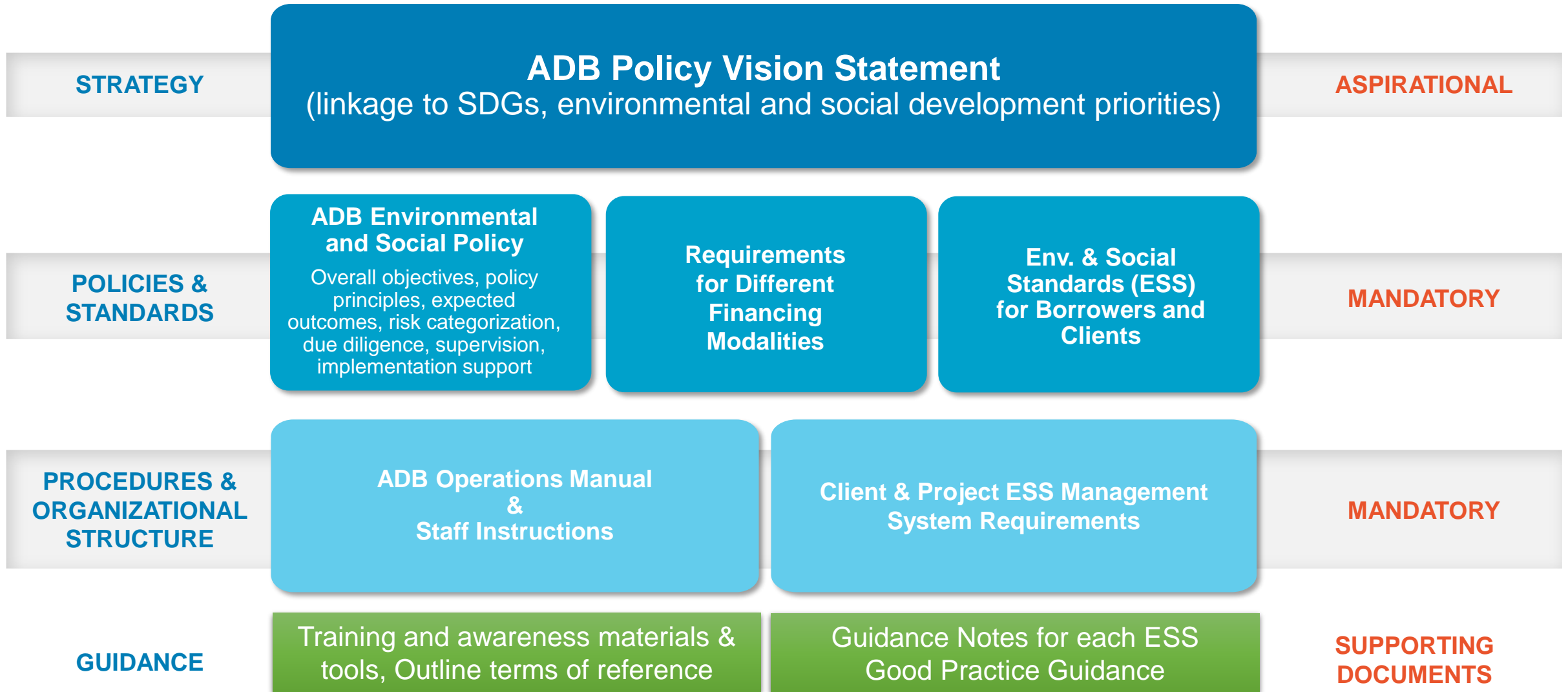
- Don't water down safeguards
- Concerns on use of CSS without equivalence and acceptability.
- Enhance stakeholder engagement and disclosure.
- Need safe space and address risks of retaliation.
- Concerns on safeguards for financial intermediaries
- Some key issues – climate change, gender, vulnerable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

ADB's Proposed Policy Architecture Model

Environmental and Social Policy



Environmental and Social Policy Standards (ESS)

Policy objectives, scope and requirements for borrowers and clients



 <p>1 Assessment & management of environment and social risks and impacts</p> <p>ENV, IR, IP</p>	 <p>2 Labor and working conditions</p> <p>New</p>	 <p>3 Pollution prevention and resource efficiency</p> <p>ENV</p>
 <p>4 Health, Safety and Security</p> <p>ENV</p>	 <p>5 Land acquisition and involuntary resettlement</p> <p>IR</p>	 <p>6 Biodiversity and sustainable natural resource management</p> <p>ENV</p>
 <p>7 Indigenous Peoples</p> <p>IP</p>	 <p>8 Cultural heritage</p> <p>ENV</p>	 <p>9 Stakeholder engagement and information disclosure</p> <p>ENV, IR, IP</p>

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

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



Session 1: Cultural Heritage

Aaron Sexton, Environment Specialist, Safeguards Division (SDSS), Sustainable Development and Climate Change Department (SDCC)



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Cultural Heritage

Safeguards Policy Statement (SPS) (2009)



Presentation Overview

1. Existing SPS policy and implementation challenges
2. Study objectives, approach and methodology
3. Findings from MFI comparative analysis
4. Areas for further consideration and emerging issues
5. Key messages



Cultural Heritage

Existing SPS (2009) Requirements



- Conserve and avoid damage / destruction of physical cultural resources (PCR)
- Ensure meaningful consultation
- Engage qualified and experienced experts
- Develop a chance finds procedure (CFP) and include in EMP
- If avoidance not possible, apply strict conditions



Cultural Heritage

Study Objectives, Approach and Methodology



- Evaluate ADBs current approach to assessment and management of impacts on cultural heritage
- Review policies of comparator MFIs - **AIIB, EBRD, IDB, IFC, World Bank**
- Identify sub-topics and gaps in ADB's safeguard framework.
- Consider emerging issues



Cultural Heritage

Key Differences and Gaps in SPS Scope and Coverage



Cultural
Heritage

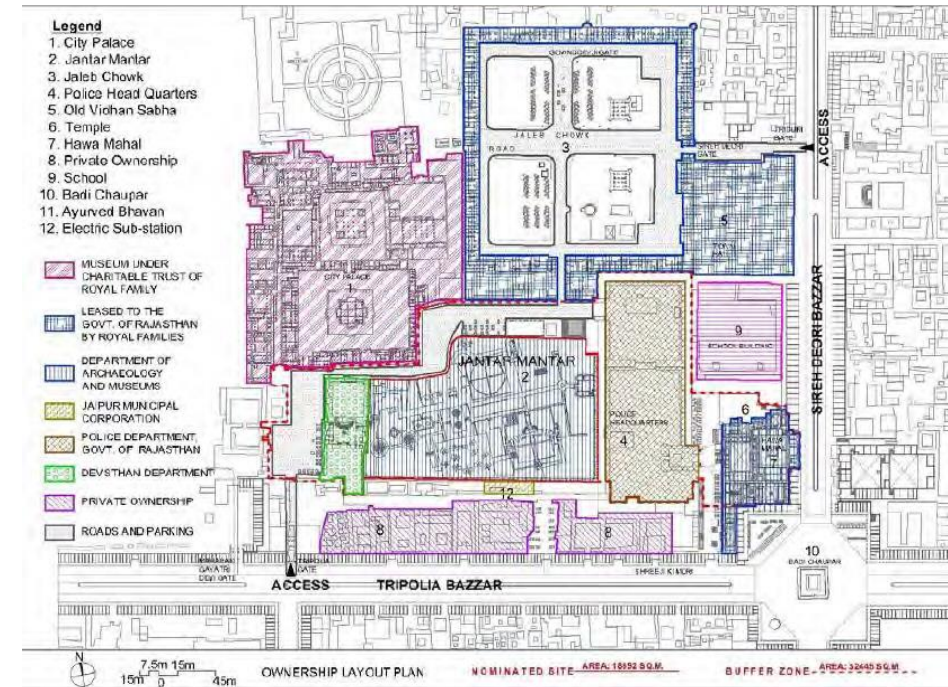
- Lacks definition on categories for tangible cultural heritage.
- ‘Intangible’ cultural heritage
- Fails to address user access
- No distinct reference to visual impact assessment
- Avoids consultation as a means of identifying cultural heritage.



Cultural Heritage SPS (2009) Implementation Challenges



- Infrequent application of safeguards across projects.
- Varied geographical presence of PCR across DMCs
- Misinterpretation / avoidance of international best practice
- Lack of recognition / awareness of internationally designated sites.
- Lack of guidance and requirements
- Poor integration of social/community PCR interests
- Lack of consideration for natural cultural features and landscapes.



Cultural Heritage

For Further Consideration



- Separate Standard and technical guidance
- Clear definitions of cultural heritage types.
- Consideration of intangible cultural heritage.
- Commercial use of cultural heritage.
- Indigenous People and their cultural heritage.
- Significance as defined by the impact assessment process and laws



Cultural Heritage

For Further Consideration



- Recurring challenges/issues:
 - User access to cultural heritage sites
 - Visual impacts
 - Chance finds procedures (CFP)
 - Confidentiality
 - Contractor and third-parties performance in protecting cultural heritage
- Improved data collection and storage



Cultural Heritage

Emerging Themes



- Underwater cultural heritage.
- Address human burial in local community settings.
- Improvement of assessment capabilities through new technologies.
- Assess natural feature with cultural significance
- Consider cultural heritage as a project opportunity



Key Messages



SAFEGUARD POLICY REVIEW AND UPDATE



Cultural
Heritage

- MFIs policy principles generally aligned
- SPS needs to fill gaps and enhance policy by:
 - Development of standards and guidance
 - Include more definitions and robust language
- Improve clarity and guidance
- Increase requirements to protect cultural heritage
- Opportunity for new concepts and emerging themes



Questions, Answers and Discussion



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POLICY REVIEW
AND UPDATE



- How to raise questions/feedback:
 - Raise your hands and provide your feedback live (please cite your name and agency first)
 - Write your questions/feedback on paper and submit to the moderator, these questions will be asked anonymously
 - Send questions through the Menti app: scan the QR code found on your table), these questions will be asked anonymously
- Participants will be called on a first-come, first-served basis. Participants may be called in batches to manage time.
- Question and feedback may be provided in English or Georgian

Guide Questions

1. What are your **views on the directions** for the updated policy?
2. What are the main **issues or challenges** on safeguards **based on your experience**?
3. What are your **recommendations** for the updated policy?

Wrap Up and Next Steps

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



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Event Evaluation



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Get involved

Please send us your feedback and suggestions:

WEBSITE

<https://www.adb.org/who-we-are/about/safeguard-policy-review>

FACEBOOK PAGE

<https://www.facebook.com/ADBsafeguardreview>

E-MAIL

safeguardsupdate@adb.org



Thank You

