

Written Submission on Asian Development Bank's (ADB) September 2023 Draft Environmental and Social Framework (ESF)

Submission from Japan Society for the Promotion of Science
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Overview/General Comments

- Although working paper almost relies on the World Bank Group policies and its best practices, there are several limitations as Inspection Panel cases show. The most important part is to reform Safeguards Standards by overcoming the limitations not by introducing new vocabularies, but by reflecting lessons from the past to the next updates.
- Since the concept of social well-being relates to wider range of livelihoods, it should be included all ESSs.

Draft Environmental and Social Policy

- Disclose replacement cost calculation method. Also, monitor and keep the dialogue with project affected persons to ensure the compensations received are enough to at least keep or increase their living standards together with ADB staff members.
- ADB ensure to pay compensation to projects affected persons in any case by introducing "Rehabilitation Fund" in case of the client/borrower states are financially difficult to pay adequate compensation money to the project affected persons.

Draft ESS 1: Assessment and Management of Environmental and Social Risks and Impacts

- Confirm project affected persons that any procedure (related to the assessment, feasibility study, public consultation, implements of a project, and after the projects completed) is carried out free from any fear and threat in an understandable way with dialogue. Also, ensure to report if there are certain concerns from project related persons.

Draft ESS 2: Labor and Working Conditions

- Include any options to ensure project related workers' health, informed public consultation and capability to submit grievance in case of pandemic, natural disaster and any emergent situations. There were several lessons during the COVID-19 era, for instance, in the case of India, Kolkata Environmental Improvement Investment Program - Tranche 2, public gathering is restricted until the situation permits. Following the directives by the highest authority, public consultation meetings have not been arranged during the reporting period. Then ADB received a grievance (URL: https://www.adb.org/sites/default/files/project-documents/42266/42266-025-smr-en_10.pdf).

Draft ESS 4: Health, Safety, and Security

- ESS4 lacks any references/requirements on social well-being of project affected persons, which is also the limitation of World Bank Group's standard. For example, a World Bank Inspection Panel case shows ongoing standards does not engage the concept of social well-being, India: Vishnugad Pipalkoti Hydro Electric Project <https://www.inspectionpanel.org/panel-cases/vishnugad-pipalkoti-hydro-electric-project-p096124-second-request>
- Since the concept of social well-being relates to wider range of livelihoods, it should be included all ESSs.

Draft ESS 5: Land Acquisition and Land Use Restriction

- Monitor and keep dialogue with project affected persons to ensure the compensations received are enough to at least keep or increase their living standards.

Draft ESS 7: Indigenous Peoples

- Regarding ESS7, refer to the exceptional case where the "Indigenous Peoples" exist according to the self-identification but do not exist according to the host country's definition of "indigenous Peoples". For example, a Inspection Panel case of World Bank of Kenya: Natural Resource Management Project shows the suffering of gap between self-identification and judgement regarding "Indigenous Peoples": <https://www.inspectionpanel.org/panel-cases/natural-resource-management-project>.
- Also, avoid conflicts between project affected persons categorized as "Indigenous Peoples" and not "Indigenous Peoples" when applying FPIC principles.

Draft ESS 10: Stakeholder Engagement and Information Disclosure

- Disclose calculations of compensation or replacement cost and its justifications to the loss of projects affected persons (including households, native plants or any necessities especially originate in the project sites)
- Ensure the notice of information disclosure and public consultation are delivered in an accessible manner and understood to affected persons. Also, ensure to disclose minutes of public consultation and confirm any procedure (e.g. sign by participants) with informed consent.
- Especially in the case of raising concerns during a public consultation is difficult to project affected persons with vulnerability specific to the project sites (e.g. marginalized groups, anyone having fear to voice out due to the existence of police or armed police, unable to participate to the consultation because of the handicap, far distance and disease), ensure to analyze contextual risks, take special considerations and disclose monitoring reports related to them.

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