

COMMENTS OF NGO FORUM ON ADB ON THE DRAFT STAFF INSTRUCTIONS

Note: ADB responses are preliminary and subject to subsequent consultations and approval

ISSUE	QUESTIONS AND COMMENTS	ADB RESPONSE
NGO FORUM ON ADB, 31 July 2017		
General	We strongly recommend that the Public Communication Policy/ Access to Information Policy and the Staff Instructions should clearly state that any violations or non-compliance of either or both documents in any ADB operation can be lodged as formal complaints through ADB's Accountability Mechanisms.	The new policy and its Operational Procedures (currently called "Staff Instructions" and to be included in ADB's Operations Manual) are mandated to be followed by staff. Both will be subject to compliance review.
Glossary	We also recommend to include a definition of the project data sheet (PDS), key information provided under the PDS, and a definition of the project cycle.	A description is included in the Operational Procedures (currently called "Staff Instructions"). The required information in the PDS is listed in the current PCP Operations Manual Section L3/OP (https://www.adb.org/sites/default/files/institutional-document/31483/oml3.pdf). This will be included in the proposed policy's Operational Procedures (currently called "Staff Instructions"). The project cycle is detailed here: https://www.adb.org/site/disclosure/public-communications-policy/cycle with a link from a number of webpage including the Access to Information webpage
Country Partnership Strategies (CPS) and Regional Cooperation Strategies (RCS)		
Schedule of Consultations	The schedule of consultations should also be disclosed and included in the Notes/ Remarks section. It is critical that civil society participation is included in the shaping of the CPS.	Consultation schedules vary for each CPS. The rolling list of new CPSs/RCSs scheduled for preparation over the course of the next year with consultation periods and contact points are listed here: https://www.adb.org/countries/documents/country-strategies-programs-under-preparatio
Mode and timing of Disclosure of in-country consultations	We recommend to omit the word "on" in the timing and mode of disclosure of in – country consultations. The draft CPS/ interim CPS and other background information should only be disclosed before the in – country consultations.	The suggestion of sharing background information on the proposed CPS direction before in-country consultations with CSOs is noted and has been shared with relevant departments. We are keen to engage with CSOs early to help shape thinking for the drafts.

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	To facilitate consultations with stakeholders, we recommend to add that it should be undertaken with adequate time for review in the Notes/ Remarks section.	Noted. We have shared this with relevant departments.
Chair's Summary of Board Discussion on the CPS and RCS	We propose that the Bank should ensure easy access (e.g. links on the Chair's Summary of Board Discussion on the CPS/ interim CPS and RCS).	Board meeting minutes, Chair summaries on CPS/RCS and other issues are all posted here: https://www.adb.org/about/board-directors
Projects and Programs		
Item No. 1: Project Data Sheet	We recommend that ADB maintain a separate list of terminated projects on the website with PDS links.	Terminated projects can be found in a single list through the "projects and tenders" page by selecting the status: https://www.adb.org/projects/status/dropped-terminated-1362
	Information or link on ADB's Accountability Mechanism and the email address of the responsible ADB officer be included in the PDS.	The PDS provides the name of the project officer. The PDS also has an inquiry form whereby emails are directed to the project officer as well as to others so that responses can be tracked and responded to more quickly than through a single email address. Accountability Mechanism details can be found in other places on the ADB website. Eg: https://www.adb.org/site/accountability-mechanism/main
Environment		
Item No. 2: Information to Affected People and Interested Stakeholders	We recommend that the Staff Instructions be more explicit at which phase of the project implementation will this project or communication plan be developed.	The policy's Operational Procedures will be clear that communications plans start during project design. Project Preparatory Technical Assistance reports and safeguard reports, for example, which are prepared early in the project cycle, also include information on consultation and communication. Communications plans are required in the Project Administration Manual and describe communications and participation throughout the project cycle.
Item No. 3: Project Safeguards Document	The draft initial environmental examination (IEE) should also be disclosed at a particular time frame rather than upon request and Board approval of a project.	The Safeguard Policy Statement: https://www.adb.org/documents/safeguard-policy-statement provides the website disclosure timing of the

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	<p>The 2014 operational review of safeguards by the Independent Evaluation Department (IED) cited the share of category B projects increased by 55%. IED noted that there is a need for the Bank to scrutinize the large share of Category B projects given its wide range of potential impacts anticipated and that the volume of work mandated is through IEEs. IED called out that there should be appropriate scrutiny for Category B projects as they are no longer independently reviewed in detail.</p> <p>The PCP review is an opportunity to act on the findings of IED and to be a standard bearer across multilateral development banks in information disclosure practices.</p>	<p>IEE, which is at Board approval (at the same time that the RRP is disclosed).</p> <p>ADB's institutional arrangement and review process for determining safeguard categories of projects remains vigorous and stringent. The level of detail and complexity of environmental assessments and planning documents are commensurate with the project's impacts and risks.</p>
Resettlement		
Draft Resettlement Plan and/or Framework	ADB could improve its disclosure requirement for the draft resettlement plan and/or framework by including a time frame for disclosure. This should also apply for Category B- sub projects under a sector project or a financial intermediary.	<p>The Safeguard Policy Statement sets the timeframe for disclosure of draft resettlement plan and framework which is at appraisal.</p> <p>Subprojects of ongoing sector and Financial Intermediary projects categorized B will follow national laws and provisions in the resettlement frameworks or Environment and Social Management System.</p> <p>The level of detail and complexity of resettlement plans and/or frameworks are commensurate with the project's impacts and risks.</p>
Resettlement documents for Category A & B	<p>The following should have clear disclosure requirements, both for Category A and B:</p> <ul style="list-style-type: none"> a) Draft resettlement plan for each tranche of a multi-tranche financing facility; b) Final resettlement plan endorsed by the borrower and/or client; c) New or updated resettlement plan and a corrective action plan; d) Resettlement monitoring reports. 	Following the Safeguard Policy Statement and Operation Manual (OM) Section F1, the draft resettlement plans and frameworks are disclosed at appraisal. New, updated or revised resettlement plans prepared after Board approval or for subprojects of sector projects and financial intermediaries identified during implementation, are disclosed upon submission by the borrower. Draft resettlement plans of MultiTranche Financing Facility tranches are disclosed before management consideration of the tranche.

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		The level of detail and complexity of resettlement plans and/or monitoring reports are commensurate with the project's impacts and risks.
Indigenous Peoples		
Indigenous Peoples Plan (IPP)	The IPP should be translated into local languages and/or dialects and should be culturally sensitive.	Translations of project documents, including safeguard information and other materials, are translated per the needs of each project. This differs project by project.
Project documents related to Indigenous Peoples	A clear time frame for the disclosure of project documents related to Indigenous Peoples should be incorporated by the ADB.	Indigenous Peoples safeguard documents are disclosed following requirement of section F1 in ADB's Operations Manual. See B3c of the disclosure policy's operational procedures (currently called "Staff Instructions"). Timing of posting is related to project milestones that are determined during project preparation or by borrowers/clients.
Country Safeguards Systems (CSS)	Time frame for the disclosure needs to be made public when assessments are underway.	Provisions on the CSS are contained in ADB's Safeguard Policy Statement. These CSS are made public 14 days after ADB receives the finalized document. Preparation of the final document can vary by project so exact timings cannot necessarily be defined when assessments are underway.
Other Items under the Projects and Programs		
Item No. 4: Initial Poverty and Social Analysis (IPSA)	In addition to the IPSA, project categorization should also be highlighted explicitly.	IPSAs are required for all loans. As such, categories are not mentioned in the policy's operational procedures, currently called "Staff Instructions."
Item No. 7: Technical Assistance Reports	We recommend that Technical Assistance (TA) reports related to the strengthening and use of CSS should also be listed explicitly in ADB's website.	The TAs for CSS are listed on the ADB safeguard webpage: https://www.adb.org/site/safeguards/country-safeguard-systems
Other Information Pertaining to Projects and Programs		
Item No. 2: Co-financing agreement and relevant documents	We recommend that the timing and mode of disclosure should be in ADB's website rather than available only upon request. There should also be available links of the other co-financier/s project documents as well.	There has typically been little demand for these documents and since disclosure can only occur with cofinancier concurrence and redaction, we provide these on a case-by-case basis as requested and where we can.
Board Calendar	World Bank Board calendar posts the schedule of Board meetings in the next three months compared to ADB's schedule of formal Board discussions in the next 3 weeks.	Your suggestion is noted and has been shared with relevant department.

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Policies and Strategies Item No. 3: Consultation Draft of Policy or Strategy Paper	We recommend that the consultation draft of a policy or strategy paper that will undergo public consultation be disclosed 90 days before consultation.	Your suggestion is noted and shared with the relevant department.