

December 4th, 2008

Nessim Ahmad
Director, Environmental and Social Safeguard Division
Asian Development Bank
6 ADB Avenue,
1550 Mandaluyong City, Manila, Philippine

Concerns with Involuntary Resettlement Provisions of the ADB's 2nd Draft SPS
Submitted by the International Accountability Project
4 December 2008

Dear Mr. Ahmad and SPU team,

The International Accountability Project (IAP) is writing to submit our recommendations regarding the 2nd Draft of the Safeguard Policy Statement (SPS), and express our concern, in particular, with the components related to involuntary resettlement. Attached you will find our analysis of the Objectives, Scope and Policy Principles on the Involuntary Resettlement Safeguards as well as a matrix commenting upon the Safeguard Policy Statement sections that pertain to involuntary resettlement. These documents will hopefully be of use to you in ensuring that the forthcoming W-paper ensures effective and robust protections for all displaced persons.

We believe the commentary and recommended changes contained within are essential to ensuring the Second Draft fulfills President Haruhiko Kuroda commitment of "no dilution" of the existing protections and to harmonize their policy with the best practices of other public multilateral development banks as well as with international human rights norms and standards.

Please note that we limited our narrative analysis to the Objectives, Scope and Policy Principles on the Involuntary Resettlement Safeguards rather than extending this detailed analysis to all relevant sections. Our primary concerns are explained through this analysis of the Principles, and our matrix extends the necessary language changes that need to be made throughout the document based on these issues of concern. We hope these two tools serve to provide clarity on the science, economics and law behind successful involuntary resettlement and the necessary structural changes that must be made to the Second Draft.

The attached comments are intended to be read along with the earlier submissions made by IAP on involuntary resettlement (attached; also available at www.accountabilityproject.org), as well as with recent comments submitted by many of our peer organizations, including NGO Forum on ADB, Bank Information Center, and the March 8th letter submitted by resettlement experts Ted Downing and Thayer Scudder. Please note that there may be inconsistencies between the matrix submitted here and the version submitted collectively with other matrices prepared by our colleagues in NGO Forum on ADB, due to the challenges of collaborative drafting across multiple time zones. In the case of such inconsistencies, the attached documents should be understood as the governing version.

Finally, do not hesitate to contact either Joanna Levitt or Mike Burstein at the International Accountability Project in the case of ambiguities or the need for further clarification.

Sincerely,
Joanna Levitt & Mike Burstein
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