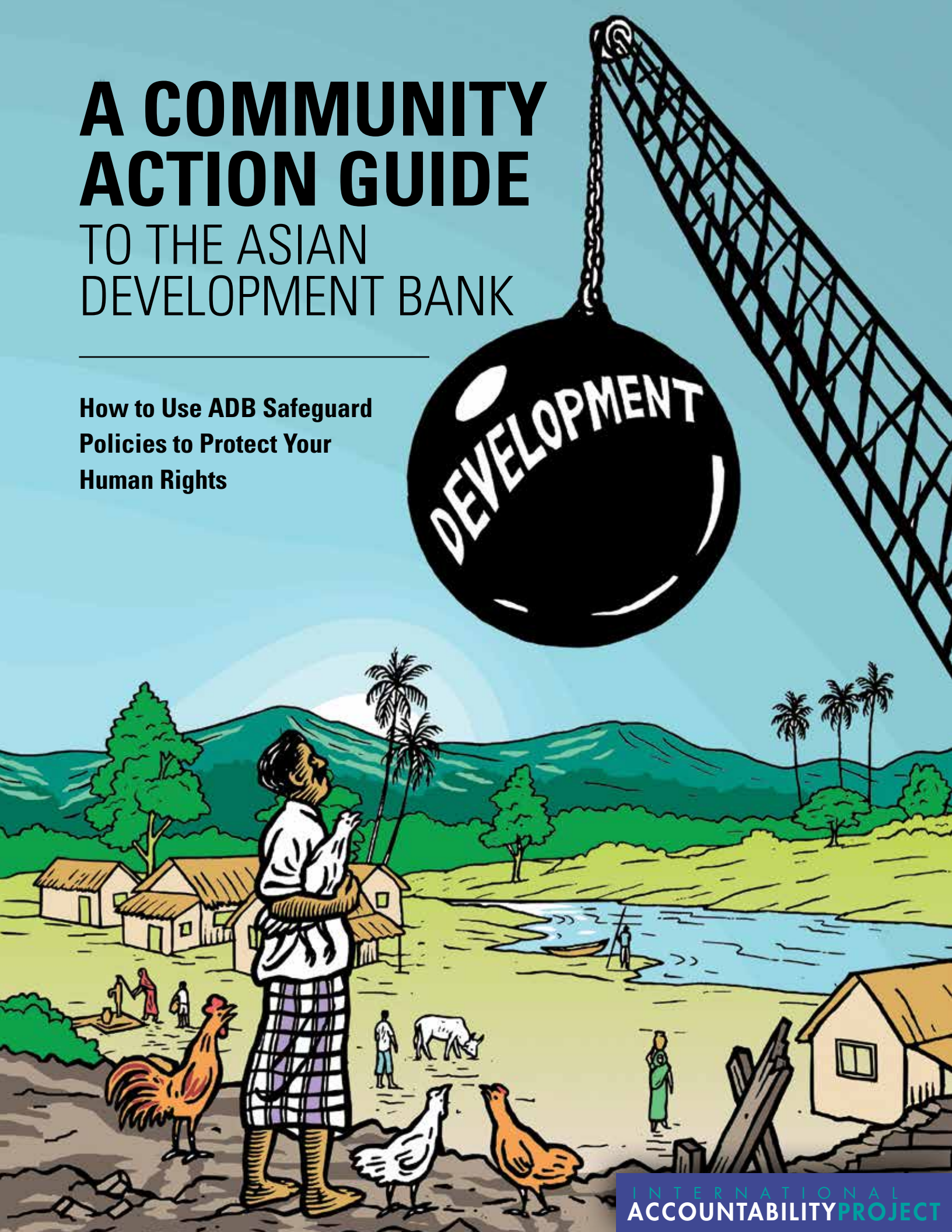
A COMMUNITY ACTION GUIDE
TO THE ASIAN DEVELOPMENT BANK

How to Use ADB Safeguard Policies to Protect Your Human Rights



INTERNATIONAL ACCOUNTABILITY PROJECT

A Community Action Guide to the Asian Development Bank

How to Use ADB Safeguard Policies to Protect Your Human Rights

Written by Jeff Conant and Joanna Levitt
Illustrations by Haris Ichwan
Project management and editorial oversight by Emily Joiner
Layout and design by Design Action Collective

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International Accountability Project
2201 Broadway, #508
Oakland, CA 94612 USA
iap@accountabilityproject.org
www.accountabilityproject.org
+1 510 281 9024

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Part 3: Community Action for Justice and Rights-Based Development

INTRODUCTION

This action guide is for communities and their **allies** who are working for **development** that honors human **dignity** and the earth.

All over Asia, governments and companies are building huge, destructive projects that they say are for "development". But communities often experience that these projects—such as dams, mines, and power plants—cause terrible harm to the environment, forcibly **displace** communities, impoverish families, and threaten many people's **human rights**. More and more, communities are mobilizing to *stop* these destructive projects and are raising their voices to say: *Real development does not violate human rights.*

In Asia, some of these destructive projects are funded and supported by an institution called the Asian Development Bank. One goal of this guide is to help communities understand the Asian Development Bank (also called the ADB) and utilize the ADB's **safeguard policies** as tools in the struggle to make sure development respects human rights.

While this guide focuses on the ADB, it also contains information that is useful for any campaign against **destructive development**—even if the ADB is not involved. The information in this guide about human rights, rights-based development, and community actions can be helpful for community campaigns in general**.**

Many people and organizations from all across Asia helped to create this guide. They shared their ideas, technical expertise and experiences in organizing to stop destructive projects. As you use this guide, it is up to you to decide what information is useful to you. Every community is different, and we all live with different political realities.

> As you read this guide, it is up to you to decide which actions are appropriate and safe for your specific situation and political reality.

Dignity and human rights are not given by institutions or governments. We are born with human rights and dignity, and no one can take them away. But human rights can be violated, and they often are. Human dignity can be severely wounded and degraded, and it often is.

Governments have the duty to uphold human rights. Corporations and financial institutions like the ADB must respect human rights. Unfortunately, in a world where our rights are often violated, we must constantly remind these institutions of their responsibility to uphold, protect, and respect our rights. Often, this means we must organize and use **people power** to make sure they hear us.

We hope that this guide will be useful to you in your work to uphold human rights and protect our earth. We also hope that the stories and tips in this guide show you that you are not alone: Many people all over Asia and all over the world are organizing to stop destructive projects and to demand respect for human rights.

Why this guide is needed

The ADB safeguard policies contain some rules that can help communities protect their environment and uphold their human rights. These rules were created by communities and organizations that demanded that the ADB improve its practices and **policies** so that its projects and activities do not violate rights or harm the environment. However, while they contain some useful rules, ADB policies, including the safeguard policies, are very complicated and difficult to understand. The ADB does not usually help people learn about or understand the safeguard policies. Because of this, it is difficult for communities to hold the ADB **accountable** to its policies, and ADB projects often do not follow these rules. This causes suffering and injustice for communities affected by ADB projects.

With this guide, we have tried to provide a simple yet complete resource to help communities to understand these policies and use them for justice. The guide has been reviewed by many people and field-tested in several Asian countries to make sure it will be as understandable and as useful as possible.

This guide is just one among many tools that communities can use in their struggles. We hope that over the years we will have the opportunity to create new editions of this guide, improved and strengthened by the experiences of the people who use it, and translated into local languages so that it can easily be used by communities.

How to use this guide

The guide contains several different kinds of information, including:

- ↳ Information about human rights and rights-based development
- ↳ Information about the Asian Development Bank and its safeguard policies
- ↳ Learning activities for community workshops
- ↳ Stories of the **impacts** of development projects, and ways that communities have defended themselves
- ↳ Advocacy tools to defend against destructive projects, to influence ADB plans, and to build campaigns for **development justice**
- ↳ Tips from community activists who have spent many years defending community rights

Many of the words used in this guide may be new or unfamiliar. There is a list of words and their meanings on page 152. Words that you will find in this list are printed **like this** in **bold type** the first time they appear in each section of the guide to make it easy to look them up and remember them.

The guide does not contain strict lesson plans, but it is designed so that a skilled facilitator can develop lesson plans to meet the needs of the community, group, or local context. To use this guide as a training tool in community or group work will require a facilitator or team of facilitators.

The guide has 3 main sections:

- Part 1 is about **development** and **human rights**: what do these ideas mean, why are they important to know about, and what do we need to know about them in order to ensure the well-being of ourselves and our communities?
- Part 2 is about the Asian Development Bank: what is it, how does it work, and what kind of projects does it fund? What are the safeguard policies, and how can they be used to defend our rights?
- Part 3 is about community actions that can influence or halt ADB-funded projects to reduce harm, ensure benefits, and actively protect our rights.

Following the main text of the guide are several sections that contain additional information, links to further resources, and contact information for organizations that will be helpful in defending human rights and justice.

THE STORIES IN THIS GUIDE

In each section of the guide there are true stories of ADB projects, set in curved boxes. Reading these stories will help you understand both the negative impacts and the benefits these projects can bring, as well as how communities have resisted their harmful impacts. These stories have been selected to show a range of issues, countries, and **advocacy strategies**, in hopes that they will be useful in teaching. We encourage facilitators to adapt these stories as needed and to use other examples from their own experience.

At the end of each story are questions to think about or discuss in a group. On page 37 there is a learning activity called "What is the human rights story?" Together, these stories, as well as your own stories, can be discussed as part of this activity to help understand how to uphold community rights in the face of ADB projects.

THE LEARNING ACTIVITIES IN THIS GUIDE

The learning activities in this guide are set in boxes so they are easy to find.

Each activity box shows these things:

- ↳ The activity's objective: what we hope people will learn from it
- ↳ The time that it will take to do the activity
- ↳ The materials needed for the activity
- ↳ The steps or different parts of the activity
- ↳ Many of the activities ask the facilitator to give a short talk after the activity about what everyone learned. This is called a **debrief**.

The activities in this guide are different from the formal, classroom style of education. Rather than having a teacher tell a group of students what to think, these activities are designed to help participants share their experiences, give voice to their feelings, and deepen their knowledge through respectful exchange with the facilitator and with each other. They are intended to teach about rights, development, and the ADB, and to encourage **critical thinking**, organizing, and collective learning for community-based action.

Because these are **popular education** activities, it is up to the educator or facilitator to breathe life into them, and to adapt them to the needs of the group. If you plan to teach with these activities, be sure to look over the activities ahead of time and have all the necessary materials on hand.

This guide is meant to be one among many resources to support community advocacy.

We also hope that readers and users of the guide will make us aware of resources that can complement the material presented here. To share ideas, make suggestions, or offer additional resources, please write to: iap@accountabilityproject.org .

PART 1: DEVELOPMENT AND OUR HUMAN RIGHTS

1.1. What is Development?

There are many ways to improve living conditions in our communities. For example:

- Maybe in your community, people want to build a new school or a better health clinic.
- Maybe the roads need to be repaired or wells and pipes are needed to bring clean drinking water.
- Maybe members of your community want a new job-training program or irrigation systems to water crops and animals during the dry season.
- Maybe some people want modern technologies like electricity or computers, while others want to recover older ways of doing things, like practicing traditional farming methods or reviving languages that few people speak anymore.

These are all examples of **development**. As you can see, the word "development" has many meanings. There are as many different ways to understand the idea of development as there are communities in the world. These different understandings are based on people's different beliefs and different priorities.

Often, governments and companies declare that big projects, such as roads, mines, hydropower dams, or modern buildings, are necessary for the development of the whole country.

But are these projects always good for people? Who should decide what kinds of projects and **policies** are best for the future of our communities and our countries? What are the harmful **impacts** of development? What happens if you disagree with a proposed development project? And how do you find out what **alternatives** are possible?

Most of us do not ask these questions, because we feel we have no power to affect the answers. But in order for development to meet the real needs of people, real people must be involved in development planning – not just big institutions like the government and the Asian Development Bank (ADB).

ACTIVITY

WHAT DOES DEVELOPMENT MEAN TO YOU?

OBJECTIVE: There are many different ideas and models of development. This activity helps people to think about what development means to them.

TIME: 60-90 minutes, depending on the size of the group

MATERIALS: Flipchart, drawing paper, markers

1. Ask participants to relax, close their eyes and prepare to use their imaginations. When they are relaxed, say to them: "Think about your community – your family, your neighbors, all the people in your village or town. Think about what they do in their daily lives. What are their hopes and their concerns? Now, think about your home, your land, the land and buildings all around, and all of the places that your community uses and enjoys."

Give them some time to think. Then, ask them to keep their eyes closed, and ask them more questions, with a pause for them to think between questions:

Q: "What are some projects that can help improve people's lives in your community? What types of things would help everyone to be healthier, happier, and to have more opportunities?"

Q: "There are many different possibilities for projects. Maybe you are thinking about education for children, or job training for adults, or better food for families. Maybe you are thinking about a new road or market or health clinic. Or maybe you have an idea for a business you want to start in your community. It could be something just for your community, or something for the whole country."

After they have had time to think, tell them they will now have a chance to share their thoughts.

ACTIVITY CONTINUED FROM PREVIOUS PAGE

2. Break into small groups of no more than 5 people. Give each group or each person a large sheet of paper, with a line drawn across the middle dividing the top from the bottom. Ask them to talk briefly about their ideas of community development and then to draw their ideas on the top half of the paper. Ask them to do this in no more than 15 minutes. Make sure that everyone has a chance to speak and to draw.

3. Bring the large group back together, and ask each person to show her or his drawing and talk about their visions of development.

4. After everyone has shared, ask them to think about what kinds of development projects are being promoted in their community and their region by the government and by companies. Allow them a few minutes to think about this.

5. Break into the same small groups. Ask them to share their ideas and then to use the bottom half of their papers to draw the kinds of development projects promoted by the government and by companies. Tell them that this can include both projects they like and projects they do not like.

6. Have everyone tape her or his drawing to the wall. Bring the group back together, and ask each person to tell the group about her or his drawing.

7. After everyone has shared, lead a discussion about the different ideas of development. Do all of these pictures represent development, or just some of them? Are the ideas of the people similar or different from the projects proposed by governments and companies? What is different? What are the reasons behind these differences? Who has the right to say what kind of development a community should have?

DEBRIEF: Thank everyone for sharing. Point out that, as we saw in our drawings and conversations, people have different ideas about development. While it may be impossible for all of us to agree, the important thing is for all of us to participate in deciding what kind of development happens in our community and our country—not just companies and government officials. When more people are truly able to be part of the debate and decisions, development is much more likely to meet everyone's needs and actually advance everyone's **human rights**.

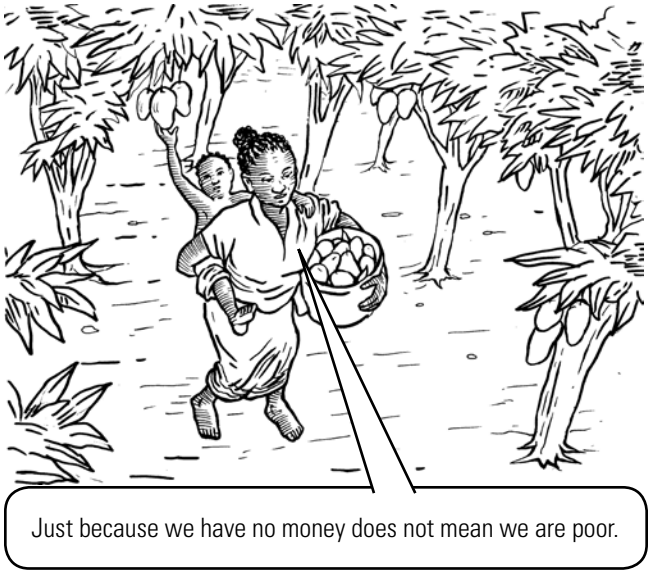
What is poverty?

The ADB says its mission is to reduce poverty, but what do they mean? The word poverty may mean very different things depending on who defines it.

Some people who are considered poor by the ADB and other development agencies do not see themselves as poor at all.

Other people *do* feel that they are struggling with poverty, and they may feel that they are poor because:

- They were not given opportunities for education, or do not have access to education for their children.
- Their land and livelihood were taken away.



- They do not have access to healthcare when they or their family members become ill.
- They belong to a group that is oppressed and not given full human rights.

It is important to recognize that, often, people who are poor have been **impoverished** by political and economic policies.

Impoverishment is when people become poorer than they were before. There are many communities who were displaced from their lands and then were not given **compensation** or **rehabilitation**. Their **displacement** made them **vulnerable** to increased poverty, and the government's failure to compensate them or rehabilitate their livelihoods led to their impoverishment.

STORY: ADB AGRICULTURE PROJECT IN NEPAL IGNORES INDIGENOUS CULTURAL KNOWLEDGE

When the ADB funded the Commercial Agriculture Development Project (CADP) in eastern Nepal, the project's goal was to reduce poverty in 5 hill districts, 5 lowland districts, and 1 mountain district in eastern Nepal. The project aimed to improve the production, marketing and processing of high value crops such as vegetables, fruits, tea and spices. This area is home to many indigenous groups who have been farming here longer than anyone remembers – but the **initial poverty and social assessment (IPSA)** by the **project developer** claimed that the project would not have any impacts on **Indigenous Peoples**, and therefore did not require special provisions for them. (See page 96 to learn about **project screening**.)

The people in this region have always used local seeds, natural fertilizers and traditional methods of pest management. In order to make their agriculture more efficient, the Commercial Agriculture Development Project promoted the use of **hybrid seeds**, chemical fertilizers, pesticides and insecticides. Local farmers were aware of the harm caused by these **agrochemicals**, but in order to increase their production and their earnings they went along with the proposal.

Soon after the project started, farmers began to experience new health problems and to observe the loss of birds, insects and plants from their fields. One of the indigenous groups in the project area, the Rai, have rituals called *ubhauli* and *udhauli* that celebrate the seasons of planting and harvest. But the crops they now grow for more efficient production are not planted or harvested at the same time, so these celebrations no longer make sense.

Some of the farmers involved in the project have earned more money. But they are losing traditional seeds and farming methods, as well as the cultural celebrations that helped to bond the communities and strengthen their identity and their ties to the land and the seasons.

The people now see that it was wrong for anyone to believe that the project would not impact Indigenous Peoples. Though the project did not take away their land or force them to move, it changed one of the most important parts of their lives – their traditional celebrations of the fertility of their farm lands.

What can we learn from this story?

This project intended to reduce poverty by generating income, but the actions were not consistent with the traditional practices of the affected Indigenous Peoples. Some of the activities, like pest, seed and soil management techniques were not compatible with the affected Indigenous Peoples' traditional systems. Therefore, the project had negative impacts that were not expected, but are nevertheless very serious, because it has impacted the way of life and cultural practices of the community.

QUESTIONS FOR DISCUSSION

- ↳ Aside from money, what other kinds of value does farming bring?
- ↳ Is efficiency and increased production the best or only goal of farming? Is commercial agriculture more sustainable than traditional farming practices?
- ↳ How are these other values important to Indigenous Peoples' worldviews, livelihoods and identities?
- ↳ How does ADB's focus on income generation clash with other needs and ways of living?
- ↳ What could have been done to make sure this project met the needs of the affected people?

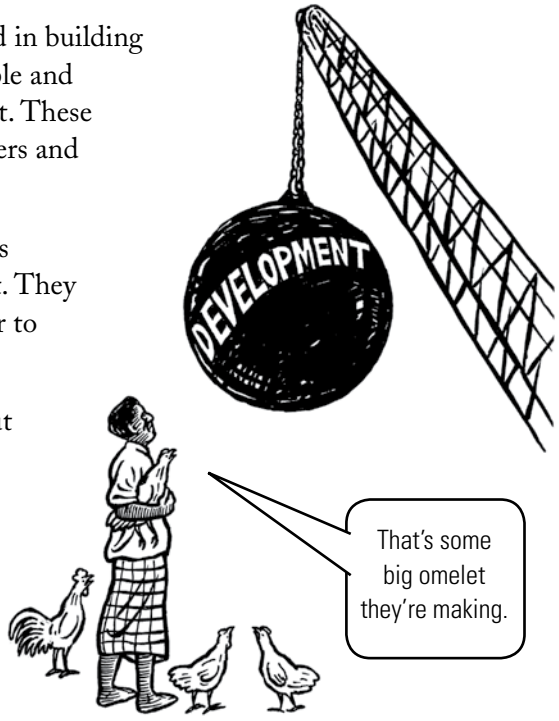
Benefits and problems of megaprojects

Many governments and big banks say that development must include huge projects like massive dams, big open-pit mines, 100,000-hectare palm oil plantations, and 6-lane highways. They say that these **megaprojects** are necessary to create **economic growth**. Government officials and bankers—including economists at the ADB—say that this growth will benefit everybody, especially poor people.

Megaprojects create profit for the companies involved in building them and the banks that finance them, but local people and the environment are the ones who often lose the most. These huge projects often destroy entire villages, forests, rivers and urban neighborhoods.

The officials and bankers promoting the megaprojects say that these damages are necessary for development. They say it is necessary for some people to sacrifice in order to enable the whole country to develop.

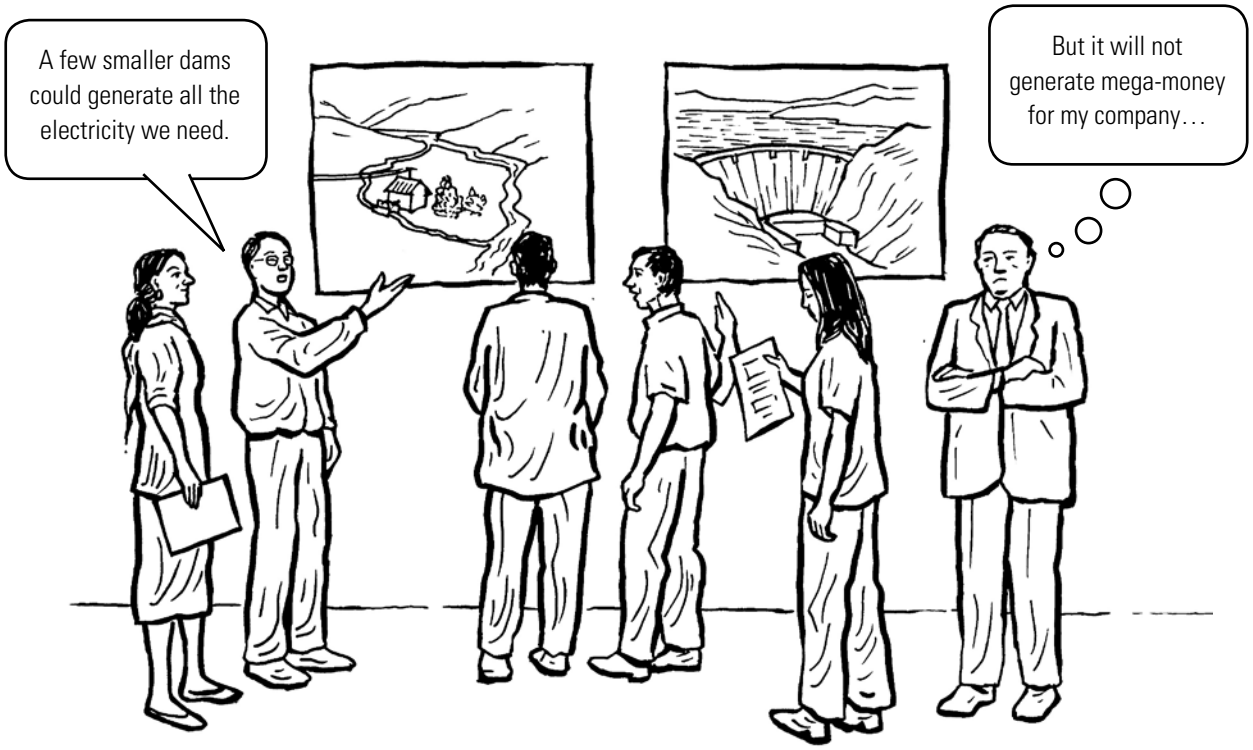
For example, dams often displace rural people without bringing them any benefits. Around the world, millions of people have been forced to leave their homes when dams are built. Millions more living downstream from dams have lost resources and their traditional livelihoods.



Large dams are one example of megaprojects, but there are many others. Mining, logging, and drilling for oil and gas, for example, often remove the natural resources that local communities depend on, and destroy forests, rivers and other natural areas.

Thanks to efforts by communities and organizations to win increased rights, people now can get some compensation for what is taken from them in these kinds of development projects. But no amount of compensation can bring back the culture, heritage and livelihoods that were lost along with the forests and rivers.

More and more people around the world say that megaprojects are not actually helping the development of their country or their community. They are saying that it is time to stop promoting megaprojects and instead promote alternatives that respect everyone's human rights and enable everyone to benefit.



ACTIVITY

IMPACTS AND BENEFITS OF DEVELOPMENT

OBJECTIVE: To open discussion about the reasons for and against a certain development project

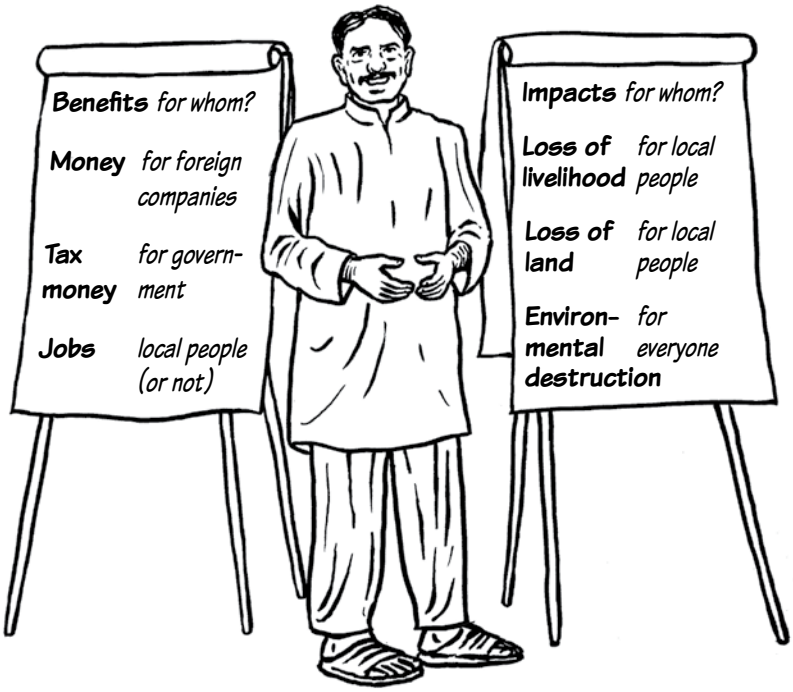
TIME: 30 minutes

MATERIALS: Flipchart, markers

1. Discuss the development project that your community is facing. What is the intention, and what is the reality? After a short discussion in which everyone is able to have a say, use a flipchart to note the benefits that the project promises and the impacts it may bring.
2. Ask the group to name the benefits of the project and list them on a large sheet of paper.
3. Ask the group to name the negative impacts of the project and list them on another piece of paper.
4. Return to the first list of benefits. Read each one and ask, who will receive this benefit? Note the answers on a large sheet of paper.
5. Return to the list of negative impacts. Read each one and ask, who will live with this risk? Note the answers on a large sheet of paper.

DEBRIEF: Have a group discussion about how each person sees the balance of benefits and impacts, and what can be done to reduce the impacts and increase the benefits.

- ↳ Can the project give more real benefits to affected people? Or should the group mobilize to stop the project altogether?
- ↳ What alternatives would bring more benefits and fewer impacts?



The harmful impacts of megaprojects

Sometimes communities welcome big development projects because they bring jobs that are urgently needed. Often, companies that build megaprojects also promise to build schools, water systems, or other **infrastructure** that communities want. But over time, many communities find that the impacts outweigh the benefits, and they regret the loss of their land and resources.

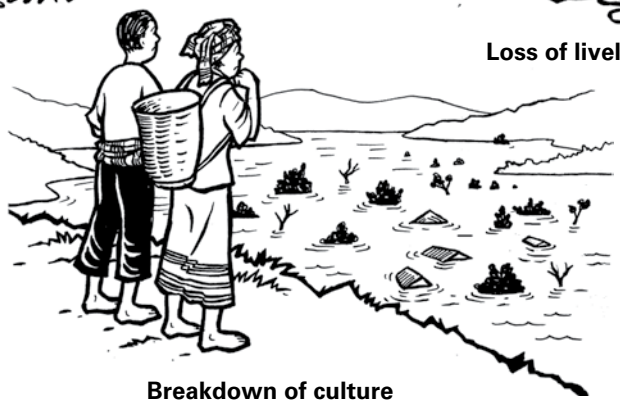
Megaprojects cause a wide range of harmful impacts

Loss of home and loss of land

Pollution

Poverty

Loss of livelihood



Breakdown of culture

The ADB and donor countries may think they are doing a service to developing countries. But development is not only about economic growth. It must also protect livelihoods, human rights and the environment.

STORY: BAN MAI VILLAGE IN LAOS SUFFERS AFTER A DAM IS BUILT

Ban Mai village is located on the Hinboun River in central Laos. In 1998, the ADB helped pay to construct the Theun-Hinboun Hydropower Project. As part of this project, a dam was built on the Theun River, and the water was sent down a mountain to generate electricity. The water was then diverted through a tunnel to spill into the Nam Hai River and the Nam Hinboun River.

There is now much more water in the Nam Hai and Nam Hinboun Rivers than before the dam was built, and the water is muddier and flows faster than before.

These changes in the river have affected many people. Villagers in Ban Mai, who have long relied on fish for their livelihood, say there were lots of fish in the river before the dam. Even in the dry season, there were deep pools along the river for the fish to live in. But after the dam was built, there were far fewer fish in the river. The pools where the fish lived are now filled with sediment. Now the people of Ban Mai and the other villages on the river only catch small fish.

The dam has caused more flooding as well. Many families now lose their rice crops every rainy season because of the flooding. Floods last longer than they did before and come more often. Since the dam, there has also been more erosion along the banks of the Nam Hinboun River. Villagers say this is because the water levels go up and down in the river and because there is now much more water in the river. Villagers cannot grow vegetables along the riverbanks anymore.

The company that owns the Theun-Hinboun Hydropower Project has given some money to the people in Ban Mai as compensation for the loss of their livelihoods and their river. But it has not been enough to support a decent living, and many people are much poorer than they were before.

What can we learn from this story?

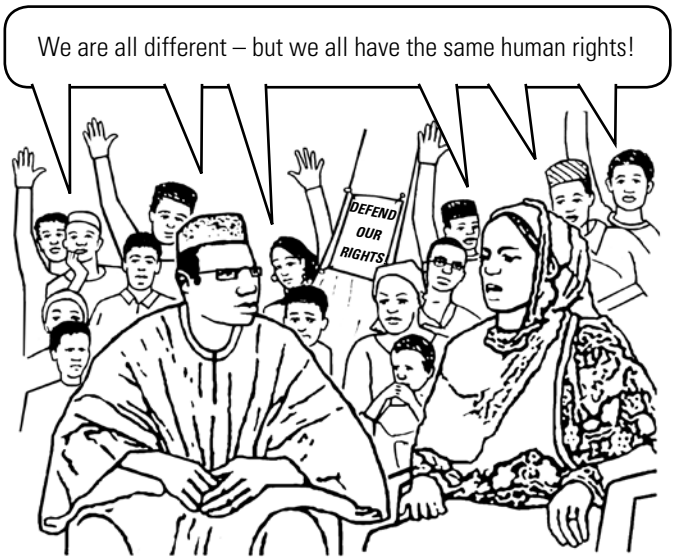
The Theun-Hinboun Hydropower Project has had very harmful impacts on the environment that local people depend on for their food and livelihood. The project was paid for by the ADB. Many local people believe it is the responsibility of the ADB to repair the damage it has caused and to help the local people rebuild their livelihoods.

QUESTIONS FOR DISCUSSION

- ↳ Whose rights have been violated in this story? How?
- ↳ Did receiving compensation make up for the violations of people's rights?
- ↳ What less harmful alternatives might have been possible?

1.2 What are Human Rights?

We all have basic needs, such as enough food, clean water, and healthcare when we get sick. We also have basic freedoms, such as the freedom not to be attacked, to spend time with our family and friends, to express our thoughts and beliefs, to have a safe home, and to practice our religion. Every human being also has **dignity** – the very essence of being human and deserving the respect of others.



The ability to meet our basic needs, to enjoy our basic freedoms, and to live in dignity, are all part of our **human rights.**

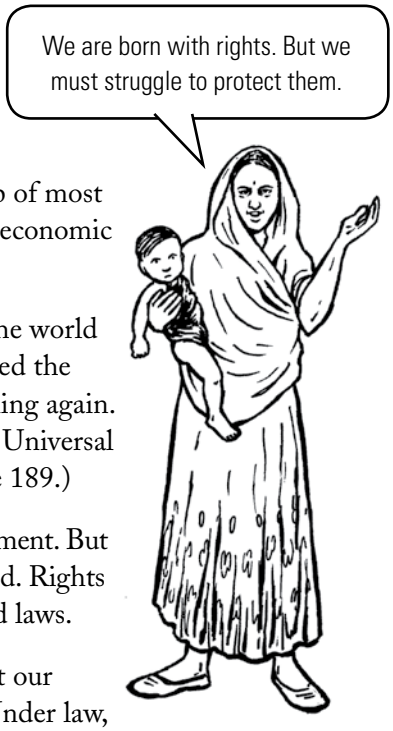
Everyone everywhere has these human rights – men and women, young and old, rich and poor, no matter where they were born or what they believe. Just like our dignity, our rights cannot be taken away and must be respected at all times.

Where do human rights come from?

Different peoples and cultures have different values and ways of understanding the world. But most people believe that they, and the people around them, have dignity and should be treated with respect. Human rights come from this common belief – that certain basic forms of respect are due to every person in every society around the world.

Unfortunately, throughout history, people have lived through terrible suffering caused by governments and militaries that are trying to take or maintain power. For example, many countries in Asia—such as Cambodia and Indonesia—have lived through brutal dictatorships. Many of their citizens were murdered, tortured, starved, and worked to death. Events like these have made most people believe that rules must exist to prevent such violence. Today, governments are required to respect and protect the human rights of everyone in their countries by following certain basic rules. These rules are called **human rights law**.

Human rights are inherent to all of us – but it took people's struggles to get governments to make and agree to follow human rights laws. And people's struggles are necessary to continue to uphold human rights and to make governments, corporations and other institutions respect them.



The Universal Declaration of Human Rights

The United Nations (UN) is an international organization made up of most of the world's countries. Its purpose is to prevent conflicts, support economic **development**, and promote human rights.

After World War II, when millions of people in countries around the world suffered and died under terrible conditions, the countries that formed the United Nations agreed to prevent these atrocities from ever happening again. They agreed upon certain basic rights and wrote them down in the Universal Declaration of Human Rights. (To find a copy and read it, see page 189.)

The Universal Declaration of Human Rights is a very important document. But putting our rights on paper does not ensure that they will be protected. Rights are not respected simply because they are made into declarations and laws.

The Universal Declaration of Human Rights was written to protect our most basic rights, such as the right to life and the right to health. Under law, every nation must respect and protect these rights.

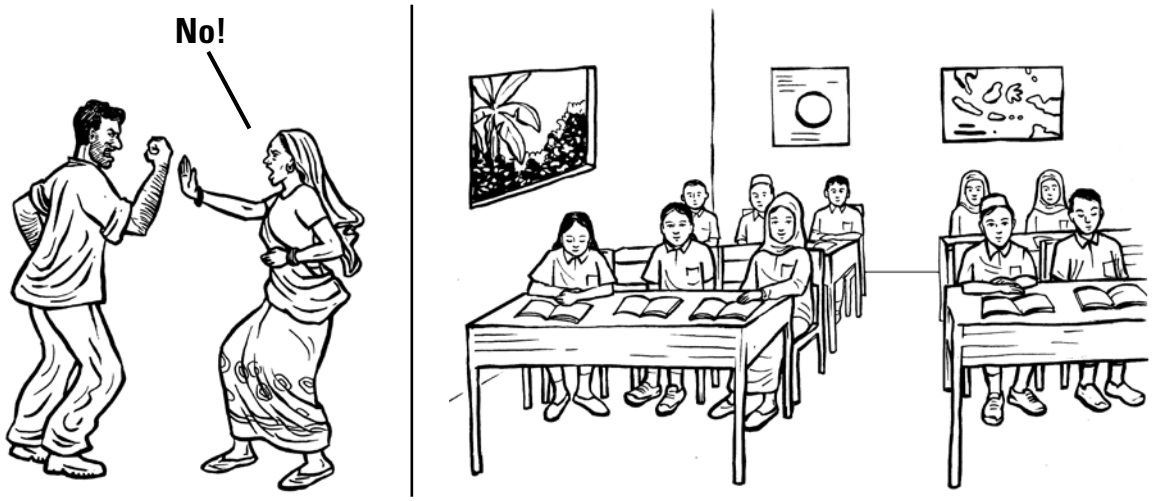
Extreme acts of violence, like murder and torture, are one form of **human rights abuse** – and governments have a duty to prevent them. Extreme hunger and thirst, **displacement**, and lack of access to education are also forms of violence – and governments are responsible for preventing these problems.

Soon after the Universal Declaration of Human Rights was written, it became clear to people everywhere that there were still many rights left unprotected. What about the rights of women, which require special protections? And what about the rights to culture, or to basic needs like water and food? All of these are part of human dignity, but they were not considered in the Universal Declaration of Human Rights.

These concerns led people's movements to demand legal acceptance of many other rights, including **economic, social and cultural rights** and **civil and political rights** under new agreements, such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of Discrimination Against Women (CEDAW), and many more. (To learn more about these agreements, see page 189.)

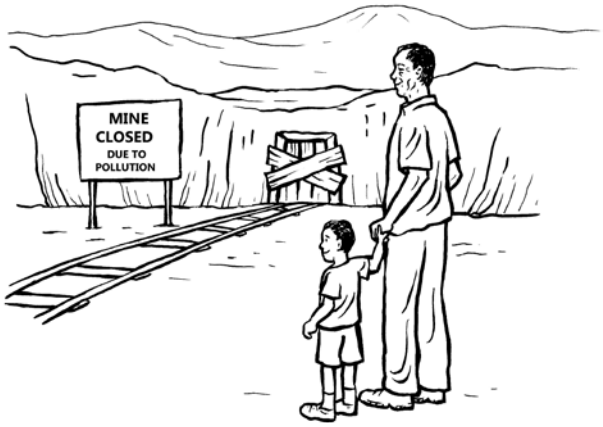
Human rights in action

Political rights



Social and cultural rights

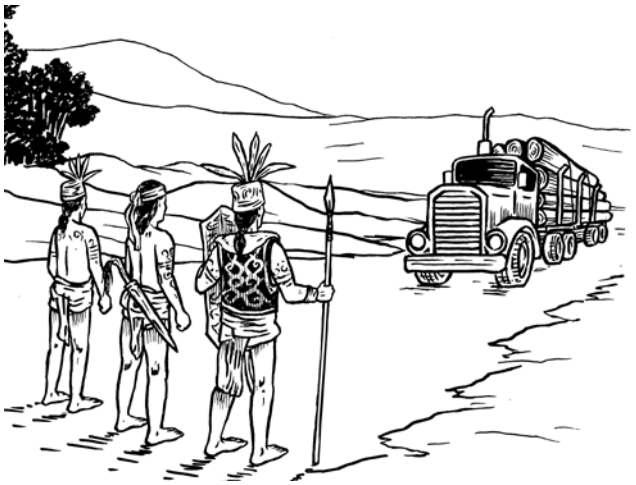
Economic rights



Environmental rights

Human rights in international law

Governments around the world are still debating which human rights should be recognized and protected in international law. At the same time, corporations and other private interests continue to abuse human rights – often with the support of governments.



The Universal Declaration of Human Rights says, "every organ of society … shall strive … to promote respect for these rights and freedoms". This means that no one should be allowed to violate or abuse human rights. Governments (sometimes called "**state actors**") are responsible for upholding international human rights law. Corporations, **non-government organizations (NGOs)**, indigenous and autonomous groups, individuals, and other private entities (sometimes called "**non-state actors**") are responsible for complying with international human rights law.

We need to teach our governments about which rights are most important to our families and communities, and how to protect and promote these rights. By doing this, over time, we can all play a part in influencing our governments and international institutions to understand and protect our rights.

In 2007, the United Nations agreed to the Declaration on the Rights of Indigenous Peoples (see pages 57 and 189). The governments that agreed to it must now protect **Indigenous Peoples** and their territories and cultures in ways they never did before. Unfortunately, even though this agreement is now signed on paper, governments and corporations continue to violate these rights.

In 2010, after many years of popular pressure, the United Nations declared the Human Right to Water and Sanitation. This means that the United Nations recognized that access to water is not just a luxury for some, but a human right for all. Now, all governments must do everything they can to make sure all people have access to good water and sanitation. Unfortunately, many things still prevent the fulfillment of this right for billions of people.

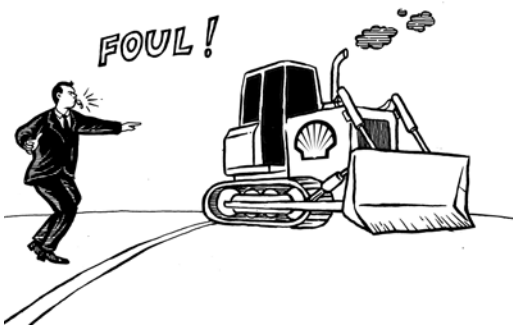
Part of protecting human rights is recognizing that we must constantly work to have these rights made into law, to have these laws enforced, and to broaden the ways that both rights and laws can protect us.

Business and human rights

The Universal Declaration and other human rights law focuses mostly on the responsibilities of governments to respect, protect, and fulfill the human rights of their citizens. However, it is not only governments that have this responsibility. Private businesses, banks and corporations also have important responsibilities to respect human rights in all of their activities and projects.

In 2005, the United Nations asked a man named Professor John Ruggie to take the job of Special Representative on Business and Human Rights, and to define what responsibilities governments and businesses each have in protecting human rights from impacts that business activities might cause.

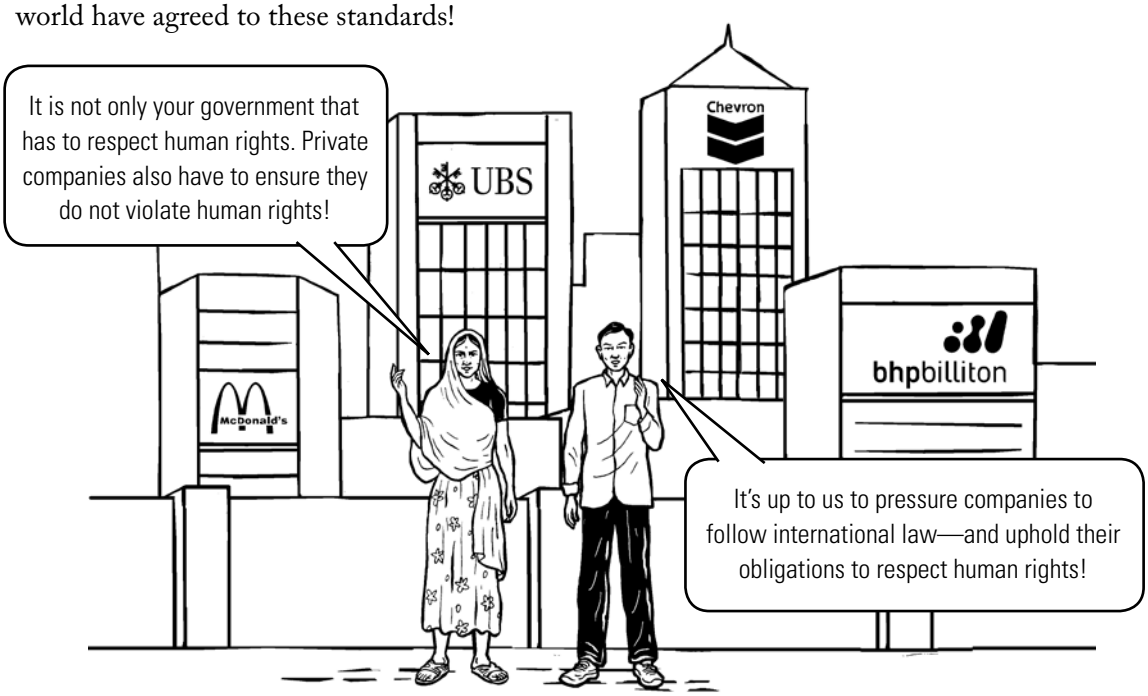
Ruggie created the UN Framework on Business and Human Rights, also known as "protect, respect and remedy". The framework defines what government, business and ordinary people can and must do to protect human rights:



- Governments must protect people from **human rights abuses** by corporations.
- Businesses must respect the human rights of all people in their activities.
- People who feel they have suffered a human rights abuse must have access to effective **remedy.** (Remedy means that people should be able to present their situation to a court or **grievance mechanism** in order to resolve their problem and hold businesses or governments **accountable** for the harm they have done.)

The United Nations adopted the Framework in 2008 and developed a set of principles called the United Nations Guiding Principles for Business and Human Rights. The Guiding Principles explain how businesses should act on their responsibility to respect human rights. Together, the United Nations Framework and the Guiding Principles are an internationally recognized standard on the responsibilities of private-sector business to respect human rights.

Unfortunately, there is not yet any way to enforce that companies follow these rules. However, communities can use the United Nations Framework and Guiding Principles to support their struggles for rights-based development and to show companies that we are not the only ones who are telling them that they need to respect our human rights—in fact, governments all over the world have agreed to these standards!



ACTIVITY

CHECK YOUR HUMAN RIGHTS TEMPERATURE

OBJECTIVE: To discuss the human rights situation in different societies and in relation to specific development projects

TIME: 1 hour

MATERIALS: Flipchart, drawing paper, markers

1. Draw a thermometer on a large sheet of paper or chalkboard, with marks from 1 to 10, like this:

2. Ask the participants to rate how much they are able to fulfill their human rights in their societies by circling a number in a colored marker, with 0 being not at all and 10 being fully. Then ask each person to explain her or his answer.

3. Ask them to name two or three rights that they feel are well respected, and two or three that are not.

4. Point out that human rights are not just words on paper. Learning about human rights is about examining our lived experience. The documents that define human rights are measured by the lived experiences of people every day.

5. Draw a new thermometer.

6. Ask the participants to name two human rights affected by a development project they are facing, for better or for worse. For example, a new school that is bringing education to girls will protect the right to education, but an open-pit coal mine may violate the right to housing, food and a healthy environment. Ask them to circle the number that represents to what degree each right is being fulfilled or denied, with 10 representing fulfillment of each right, and 0 representing denial of the right.

DEBRIEF: End the session by opening a discussion about how to inform **project developers**, governments and the ADB about abuses of human rights.

↳ What can be done to make these agencies understand that they are abusing human rights?

↳ What can be done to pressure them to change?

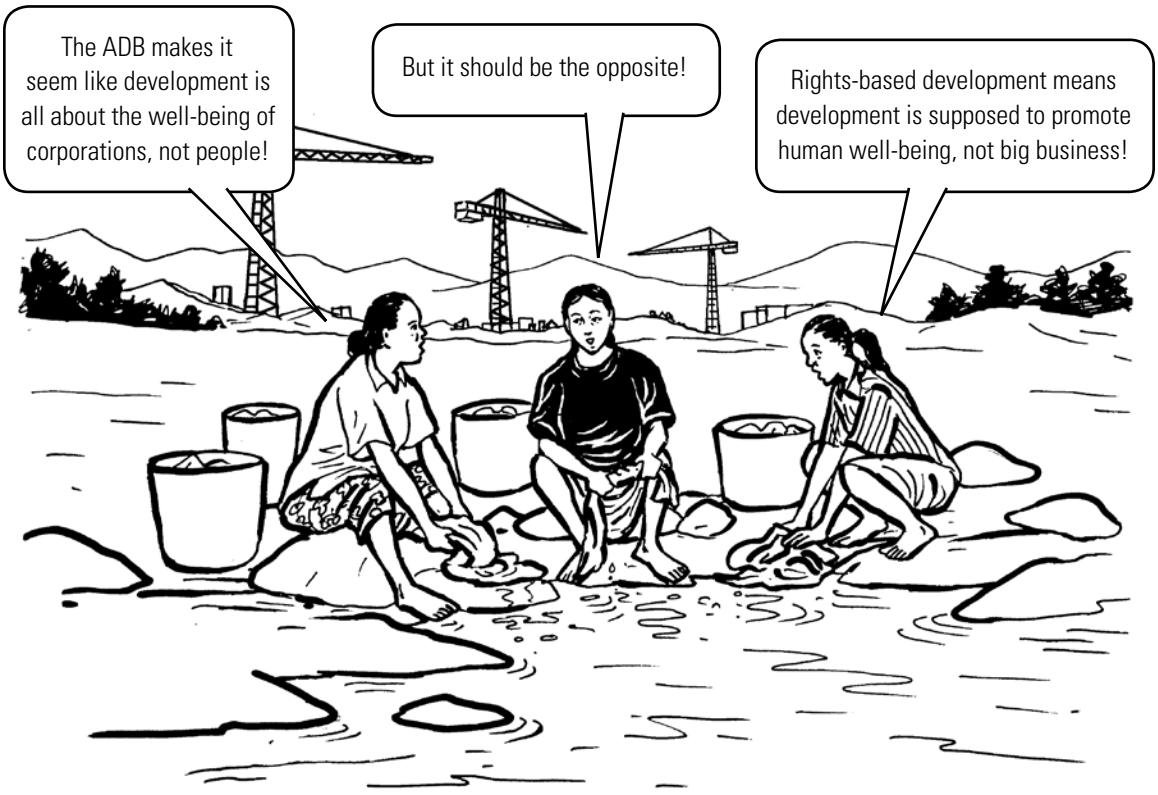
1.3 The Human Rights Approach to Development

For over 50 years now, the big banks that pay for development projects have said that **development** must be all about money. They have said that anyone without lots of money is poor and that countries need big development projects to fight poverty. They have tried to tell us that, when projects like a new dam or a mine bring more money to a national economy, this money will "trickle down" to the poorest people and make everyone better off.

But after years of waiting for this to happen, many people around the world believe that the main result of huge development projects like mines, oil pipelines and dams, is actually *more* poverty and more pollution.

People around the world have seen "development" projects destroy livelihoods, culture and the environment, and they are calling for a new kind of development based on human rights and care for the natural world around us.

The Declaration on the Right to Development was adopted by the United Nations in 1986. It says that every person has the right to benefit from development. But it does not define development the same way that big banks like the ADB do. The Declaration on the Right to Development says: "the human person is the central subject of development and should be the active participant and the beneficiary of the right to development." (To learn about this Declaration, see page 189.)



As we will learn in the next section, the ADB has a lot of influence over how development happens in our countries. That is why we need to push the ADB to respect our human rights, our environment, and our ways of life!

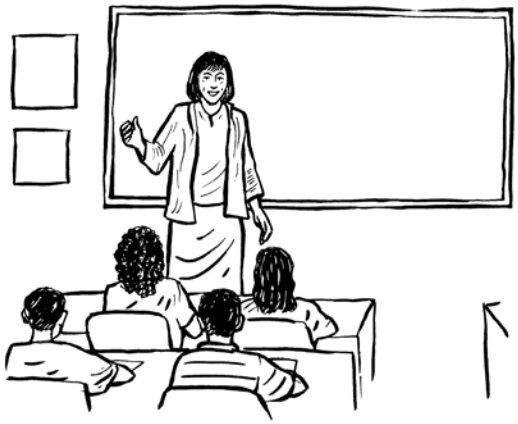
Development that serves human rights

Health centers

Childcare centers

Small business loans

Farmer field schools



Schools

Public parks

Development that serves human rights (continued)

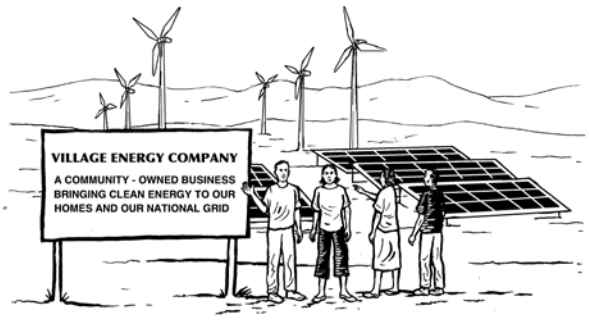
Water and sanitation

Infrastructure that helps people with disabilities enjoy their rights

Improvements in safety

Education for women and girls

Demarcation of Indigenous Peoples' territories



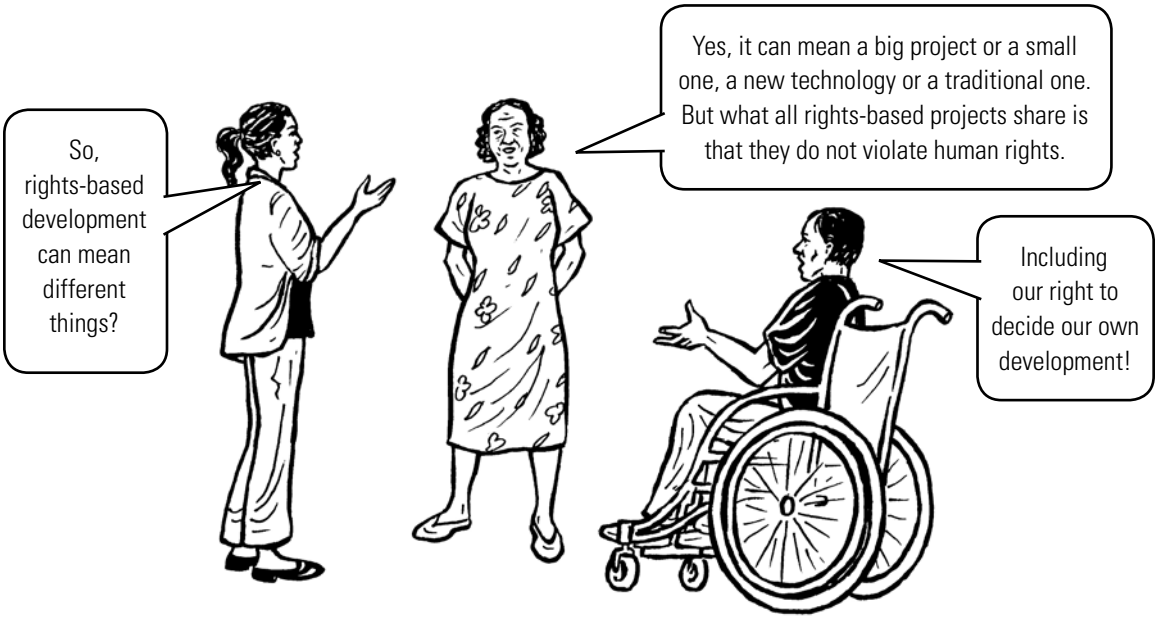
Clean energy

Rights-based development means…

A rights-based approach to development says **human rights** should be the core principles in any national development plan. A human rights-based approach to development means:

- Making people's well-being the focus of development. Instead of measuring development by whether your national economy improves, you measure development by seeing whether people have better access to healthy food, good schools, healthcare, and participation in the decisions that affect them.
- Building the capacity of people to demand their human rights, and the ability of governments to better protect human rights.
- Instead of sacrificing some people's well-being in order to promote "the greater good," we ensure that development benefits everyone. For example, rather than building a huge dam that **displaces** people in order to bring electricity to everyone, we can build a series of smaller dams that do not displace anyone—and that still provide abundant electricity. Or, if a project to build a new hospital will need to displace some families, we can make sure those families are assisted to resettle and rebuild their homes and lives in a way that actually advances their human rights—according to their own ideas and priorities.
- The development process is designed to prioritize the needs of the people or groups at greatest risk of discrimination or exclusion. Development is measured by how well the most vulnerable people in our society are doing.

For governments, which are responsible for upholding human rights, this means that the Universal Declaration of Human Rights and the other human rights agreements should be the principles they follow for development. It also requires corporate and government **accountability**: in order to protect human rights, governments must hold corporations, development banks, and other **non-state actors** accountable when they violate these rights – even if these violations happen in the name of development.



ACTIVITY

WHAT IS RIGHTS-BASED DEVELOPMENT?

OBJECTIVE: To understand and envision the differences between **destructive development** and rights-based development. This activity has several steps and will work well following the previous activity, "What does development mean to you?" (see page 2).

TIME: 2 ½ hours

MATERIALS: Drawing paper, markers, pre-prepared drawings, cardboard boxes

PART I: WHAT IS DEVELOPMENT?

TIME: 1 hour

MATERIALS: Drawing paper, markers

The facilitator could do a longer version of this activity by switching part 1, below, for the activity "What does development mean to you?" on page 2. If you have not used that activity, or only have time for a shorter version, simply follow the instructions below.

1. With the participants in a large group, begin a discussion about human rights and development. You might say something like this: "One idea of development is the ability to fully realize our human rights. Imagine yourself, your family, and your community fully enjoying their human rights. What does this look like?" Ask participants to name some of their human rights and to say what kind of development would support these rights. Continue the discussion until many people have been able to participate.

2. Hand out drawing paper and markers. Ask each person to divide his or her paper into 3 sections and draw pictures showing:

- ↳ Things you enjoy in your community now
- ↳ Things you want to improve on a personal or community-wide level (the things you would like to change – for example, more pay for your work, more time with family, less pollution, new schools, sports fields, agricultural improvements, building a central market area where everyone can meet to sell their goods, better roads, and so on)
- ↳ Projects that could disrupt your life and your community's well-being

3. One by one, have each person share their drawings and tell which human rights are being expressed and which human rights are being violated in their drawings.

4. Begin a discussion by asking, "What needs to happen in order to achieve full enjoyment of your human rights?"

PART II: FILL IN THE MIDDLE OF THE STORY

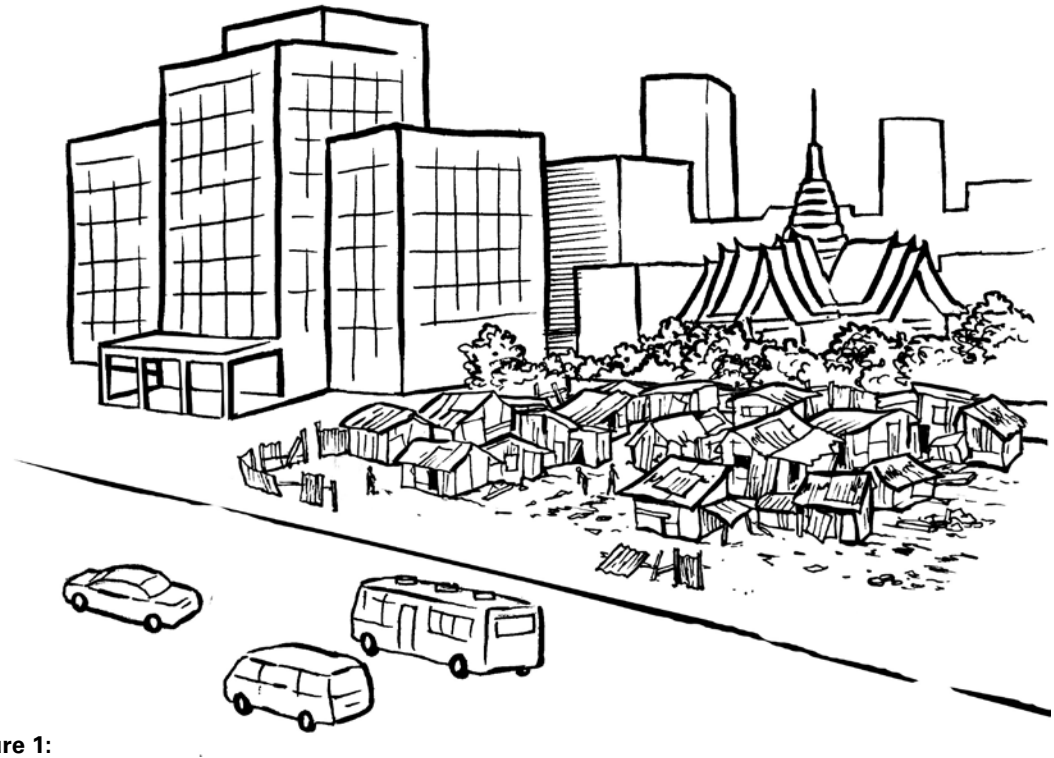
TIME: 1 hour

MATERIALS: Pre-prepared drawings

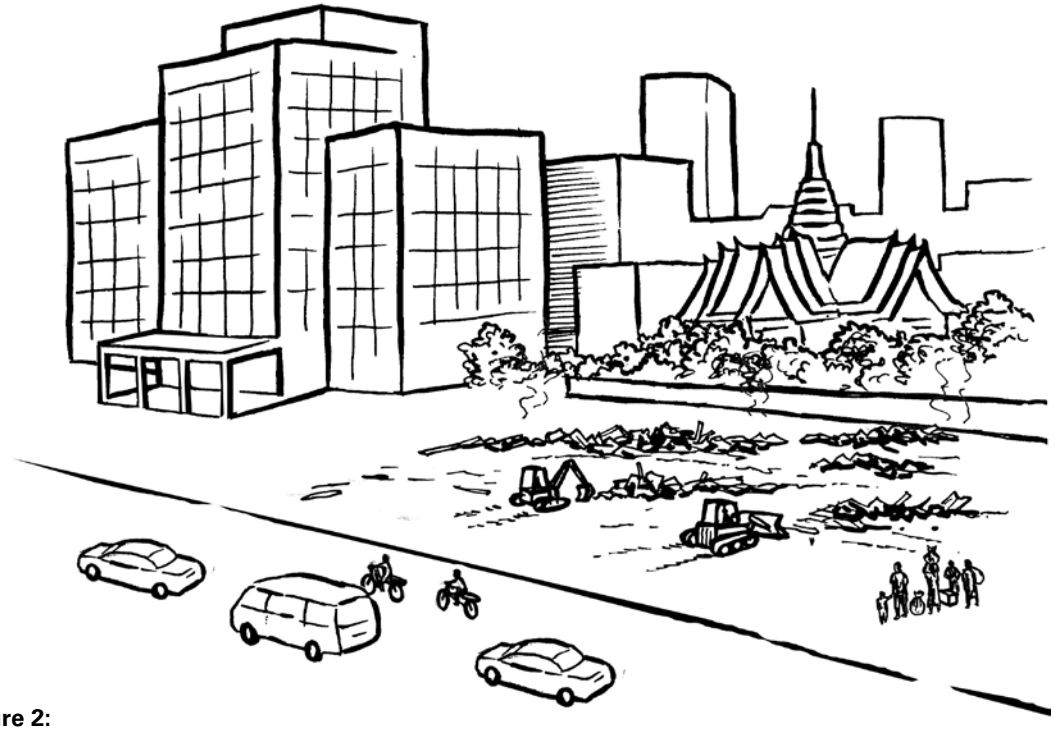
1. Show the drawings on the next 2 pages, and tell the group very clearly what is happening in the drawings. The first drawing is a "before" picture showing a community that has lived for many years on land in the middle of the city – but now the authorities want to remove them. The second drawing shows one possible outcome: the decision to displace the residents has already been made, and the community has no choice but to move. The third drawing describes a different outcome: the authorities meet with the community and recognize their land rights and their right to be involved in decisions to develop the area. Instead of forcing them to move, the authorities agree to fix up the area to make it safer, cleaner and more attractive. Tell this story, making sure to add details to "bring the story to life": give the city a name, tell why the authorities want to displace the community, what they plan to do with the land, and so on.

2. Ask the group to make up a story about what happened to bring about the different outcomes in drawings 2 and 3. What did the people in the settlement do that led to the outcome in drawing 2? Discuss for a while, until a story emerges about what led to the people being forcibly evicted. Have the group tell the full story as they imagine it.

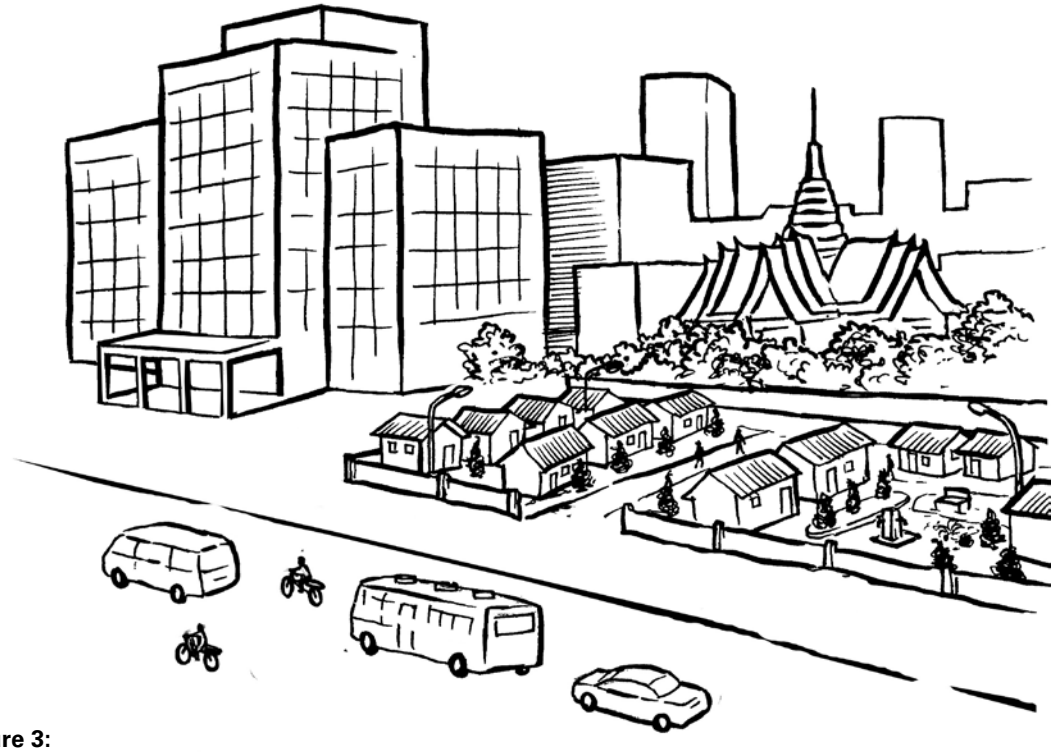
3. Do the same with picture 3. What did the people in the settlement do to achieve the outcome in this drawing?



Picture 1:
This community has lived on this land in the middle of the city for many years. The government calls it an informal settlement. The people who live here call it home. The government wants to remove them to build a luxury hotel. They want to stay.



Picture 2:
The government cleared their land and forced them to move. They don't know where they will go.

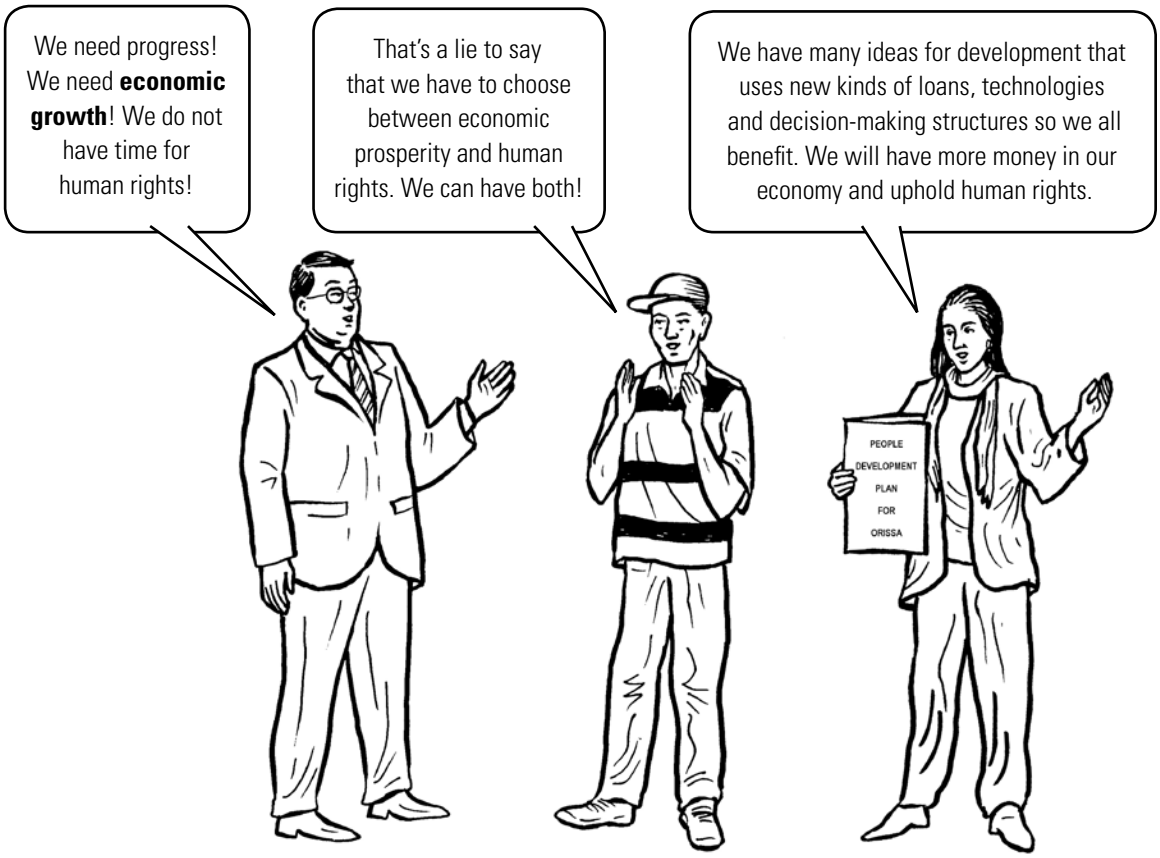


Picture 3:
The government agreed to give them title to their land and to support the community's alternative development proposal. This led to safer housing, and a small hotel and restaurant owned by community members so they could benefit from tourism.

DEBRIEF: Many people may have a hard time imagining the outcome in drawing number 3, because people who live in informal settlements are more accustomed to having their rights abused than to having them respected. This is an opportunity to imagine what would be best for the community in this settlement, and what they can do for their struggle to succeed. If human rights were truly respected, what would this settlement look like? Who must the residents pressure in order to achieve this outcome? What kind of pressure may be needed? The facilitator can look at part 3 of this guide, or speak from her or his own experience, to share ideas about advocating for rights-based development.

Conclusion: To protect rights and dignity, people's voices must be heard

Development means different things to different people and institutions. It may mean one thing to a government agency, another to a private sector company, something else to a rural community, an urban community, women, men and so on. Because of this, development is pursued in different ways and produces different **impacts** on different people.



In almost every country in the world a very small group of people decides what kinds of development projects will happen. When these people have a lot of money and political power, they are often able to force their plans onto everyone else—even if most people disagree with them. They often have links to big companies and want development projects that will earn money for these companies above all else.

As a result, the current path of development in almost every country is aimed at earning profits for corporations and not at protecting human **dignity** and human rights. This kind of development frequently excludes people and communities from development decisions, ignores their needs, hopes and beliefs—and even violates their human rights.

Around the world more and more people are rising up to say *real development does not violate human rights*. The most fundamental way to support human dignity, to protect human rights, and to ensure that everyone's basic needs are met, is to ensure that people's voices are heard – and valued above the greed of corporations and industry. The needs, hopes and beliefs of all people—especially those at risk of discrimination or exclusion—should be central to all development efforts.

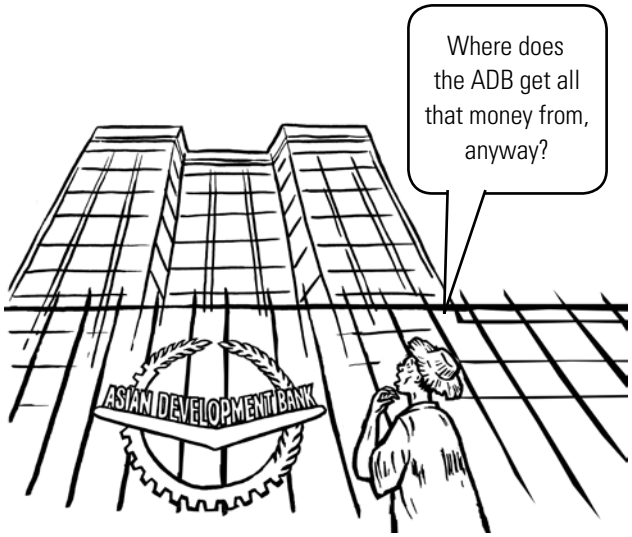
Real development does not violate human rights!

PART 2: UNDERSTANDING THE ASIAN DEVELOPMENT BANK AND ITS POLICIES

2.1 The ADB is Not Just a Bank – it is an International Development Institution

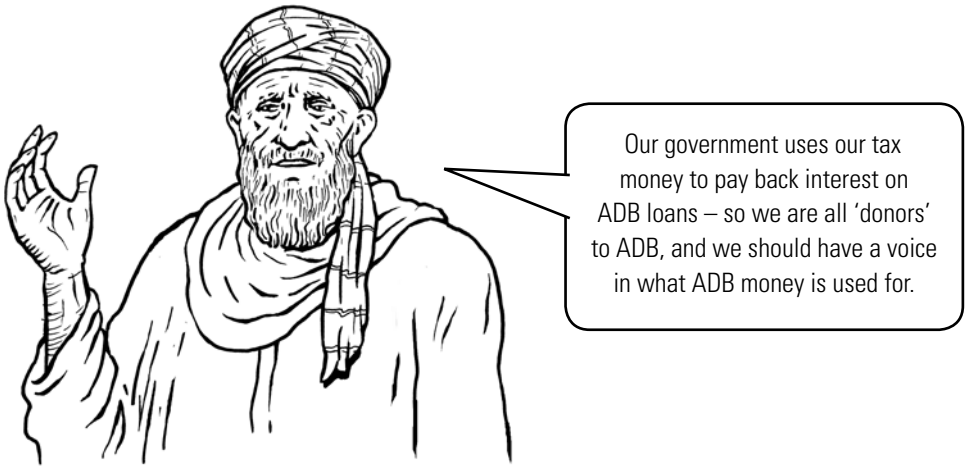
The Asian Development Bank (ADB) is an international organization that provides money to governments and corporations for **development** projects. The ADB has almost 3000 employees and offices in more than 50 countries.

It is called a bank, but the ADB is more than just a bank. The money that the ADB controls pays for projects that change the course of rivers, rewrite countries' laws, and affect the lives of millions and millions of people.



The ADB's mission is "to reduce poverty and improve the quality of life in developing countries in Asia". The ADB says that the money it invests improves the economies of countries in Asia and the Pacific and brings people a better quality of life. But many communities and groups across Asia say that ADB projects have had a very destructive **impact** on people's lives.

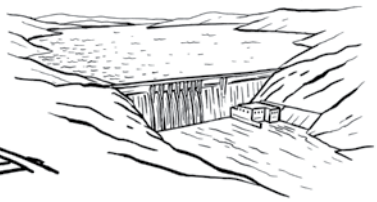
The ADB is made up of member countries. These include all the countries of Asia, as well as governments in North America, Europe and the Pacific. Some member countries are "donor countries" that "donate", or give money, to the ADB. Some member countries are "borrowing countries" that "borrow", or take loans and grants from the ADB. The ADB's money comes not only from the donor countries, but also from **interest** that borrowing countries pay on their loans. Often this money comes from taxes paid by citizens.



The ADB funds many types of projects

The ADB funds a wide range of projects, including **megaprojects** like dams, mines, railways or roads, as well as education, health and micro-finance.

Railroads



Dams

Airports

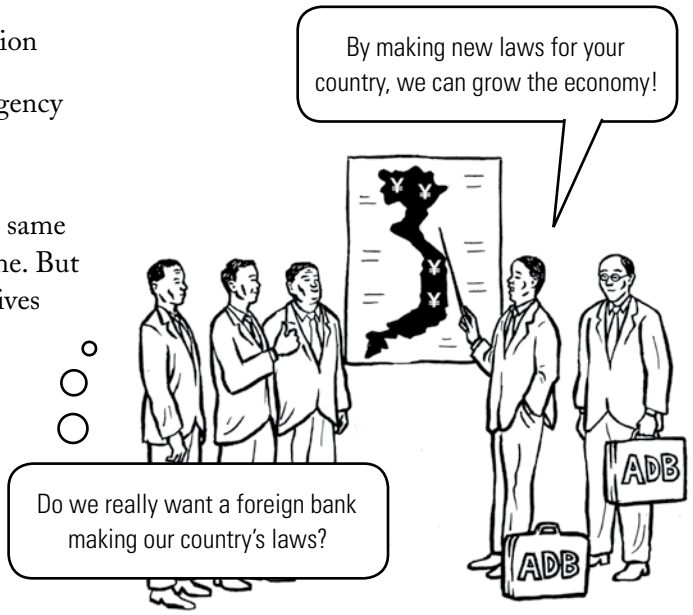
Irrigation systems

Health clinics and schools

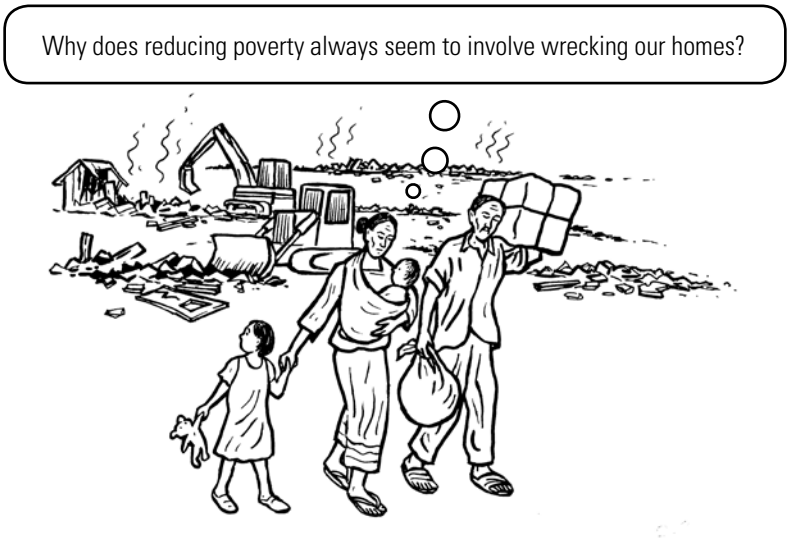
The ADB also provides **technical assistance** to governments. For instance, the ADB might send its staff to help a government:

- ↳ Design and build projects
- ↳ Train government employees
- ↳ Do research and collect information
- ↳ Help set up a new government agency
- ↳ Help make **policies** and laws

This kind of support does not have the same visible effect as building a dam or a mine. But it still has a strong impact on people's lives and on a country's policies and laws.

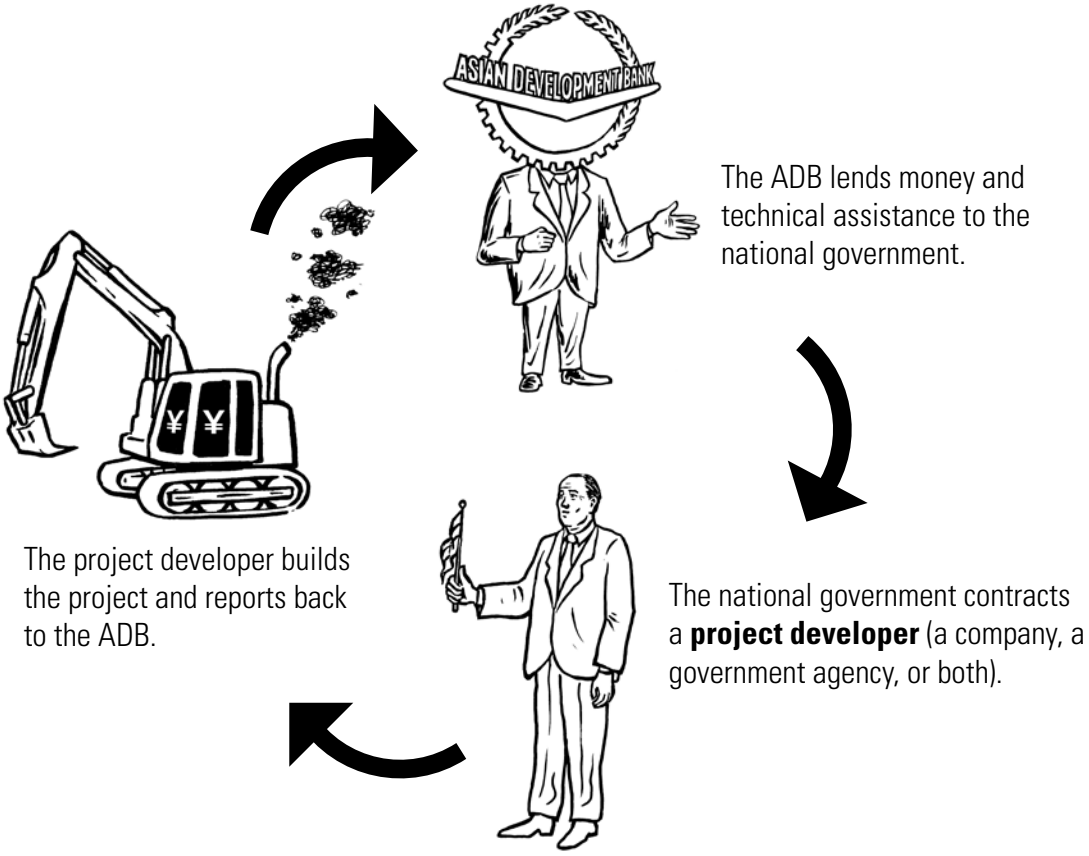


The ADB says that its loans and grants will help reduce poverty and improve the lives of people in developing countries. But the experience of millions of people in Asia shows that many ADB projects do not achieve either of these goals.



How the ADB lends money to governments

When you see a project like a dam, a school, or a mine being built, there may not be any sign that the ADB is responsible for it. That is because the ADB does not build the projects. The bank's role is to lend money to governments and private companies who then build the projects.

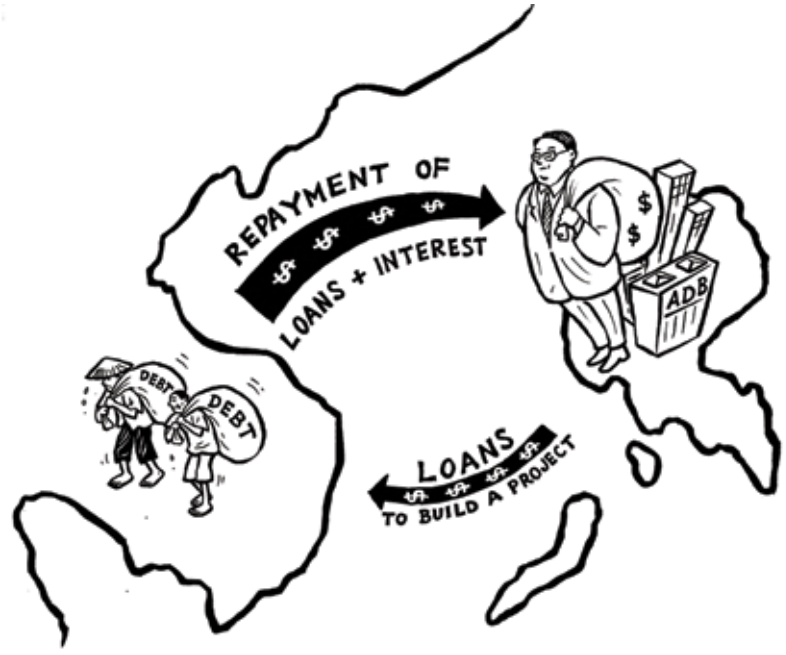


How the ADB and other development banks leave countries in debt

Megaprojects like dams, mines, coal-fired power plants, or major highways cost a lot of money to build. So governments and companies usually need to borrow money to build these projects. The ADB is one of the agencies that loans money for these kinds of projects.

When the ADB agrees to fund part of a proposed megaproject, the ADB's involvement makes it easier for the project to get additional loans from private banks, too. These other banks see that the ADB is involved, and it makes them feel safe to lend their money to the project. Rich countries like Japan, Germany, China, the United States and others also give grants and loans to governments to build big projects.

After the project is built, the government has to pay these loans back. Even if the project does not make as much money as it was supposed to, the government still has to pay back the **debt**.



This model of **development** has caused many countries to accumulate millions—even billions—of dollars of debt. Instead of spending the country's money to provide health, education, and other basic services, borrower governments have to use much of the country's money to pay back the big banks that funded megaprojects.

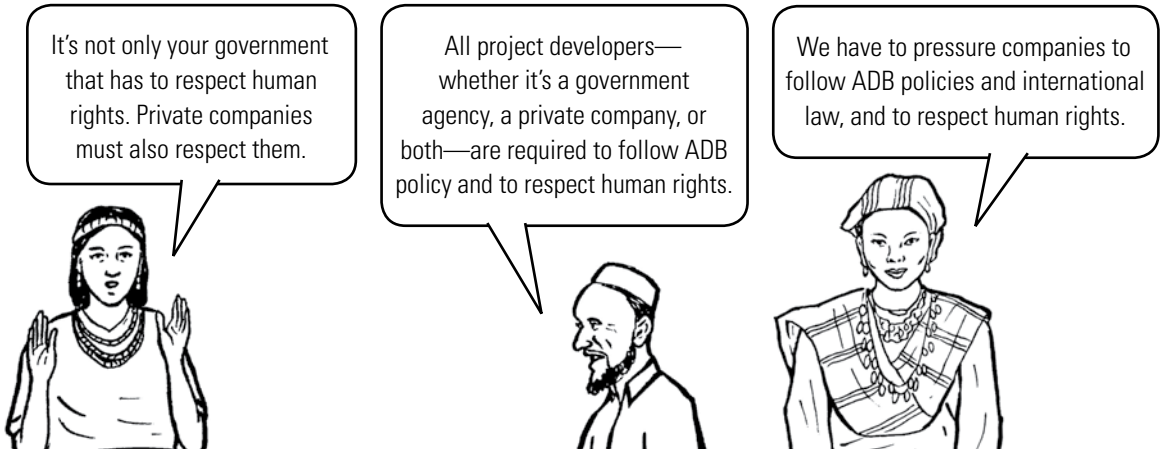
It takes many years to pay back a big loan, and the government has to pay **interest** on the loan every time it makes a payment. Interest is a fee for borrowing the money that increases over time. By the time the loan and the interest are paid back, the banks get back much more money than they originally loaned.

The ADB also lends to private companies

The ADB often lends money to private companies also. The bank believes that if companies have more money, this will create jobs and lead to "poverty reduction". But ADB loans and grants do not usually help small businesses owned by local people. Instead, most ADB funding for private companies goes to help big companies, including corporations that work in many countries. These kinds of companies do not usually hire local people from affected communities. Even when they do hire locally, it is often for short-term jobs during a project's construction phase.

When a company receives a loan from the ADB, that company has to follow the ADB's rules, just like governments do. Private companies also are required by international law to respect **human rights**. (For more information on this, see page 14.)

It is up to communities and their **allies** to make sure that every project funded by the ADB, whether it is run by a private company or by a government, respects human rights.



STORY: THE PHULBARI COAL MINE THREATENS TO RIP A HOLE IN THE HEART OF BANGLADESH

In the heart of one of Bangladesh's most productive farming regions, a company called GCM Resources wants to build a huge open-pit coal mine called the Phulbari Coal Mine. For 3 years, the ADB helped the company to plan and prepare the project, and it even considered giving the company a loan. The ADB assured that, if the bank is involved, its **safeguard policies** would make the project safer for people and better for the environment.

But the Phulbari coal mine would cause massive destruction. If the company gets permission from the Bangladeshi government to start the project, they will force more than 130,000 people to move off their land and leave their homes. Then they will dig huge pits 1,000 feet deep to take out the coal. The air and water for miles around will become polluted with toxic dust. Additional dangerous pollution will be caused by burning the coal to produce electricity.

The coal that is not burned for energy in Bangladesh will be shipped to other countries in coal barges that will travel up and down the rivers and through a very important mangrove forest, with a high risk of accidents and oil spills.

To build the mine and prevent it from flooding, huge pumps would run all day for more than 30 years, pumping millions of liters of water out of the ground. This will leave farmers for miles around without water in their wells. This alone will destroy food security in a country where half the people already do not have enough to eat.

The company says it will offer cash payments to the many thousands of families who would lose their homes and farming lands. But the company cannot offer land where families could resettle, because there is none available. Since many people in the Phulbari region are farmers, they would have no way to earn a living if they do not have farmland. There is no doubt that the project will impoverish many thousands of people.

Since the Phulbari coal mine was first proposed, local communities have organized huge marches to say *no* to the project. Sometimes they have faced fierce repression from the government of Bangladesh. In 2006, 80,000 people held a peaceful protest in Phulbari. Paramilitary soldiers opened fire on the gathering, killing 3 people, including a 14-year old boy, and wounding hundreds more.

After the protest, a local official signed an agreement with the protesters to kick GCM Resources out of the country and to ban open-pit mining. The next year, the national government made public protest illegal. Nevertheless, community representatives wrote to the president and executive directors of the ADB to say that the project will increase poverty and cause environmental disaster, and that they do not want the project. The community also built relationships with allies—including students in the capital and international **non-governmental organizations (NGOs)** that helped the community send representatives to meet with staff at the ADB.

The ADB staff were surprised to learn that so many people were opposed to the project, because the company had been reporting to the ADB that everyone had been "consulted" and had agreed with the project. In 2008, as a result of this advocacy targeting the ADB, the bank agreed not to fund the project.

Those who argue that Bangladesh needs the Phulbari coal mine say the country needs the energy and the income that the project will produce. But those who are against it say that the environmental, social and cultural destruction it will cause cannot be justified by any amount of energy or money. They say there are many alternative ways to create electricity for Bangladesh that will not **displace** so many people or violate human rights.

To date, the project has not begun yet, but the government of Bangladesh is still considering it.

What can we learn from this story?

The Phulbari case is an extreme example of a project that a company wants because it will make them rich. They call it a "development" project—even though thousands of people think that the project would bring only destruction, not development. The story shows how far a company will go to impose a project that local people do not want. It also shows that local people sometimes pay a very high price for saying *no* to these projects. The Phulbari example makes clear that communities and their allies need to work together to show ADB what is really happening on the ground—because companies will often tell the ADB that everything is fine, so they can keep getting the bank's money.

QUESTIONS FOR DISCUSSION

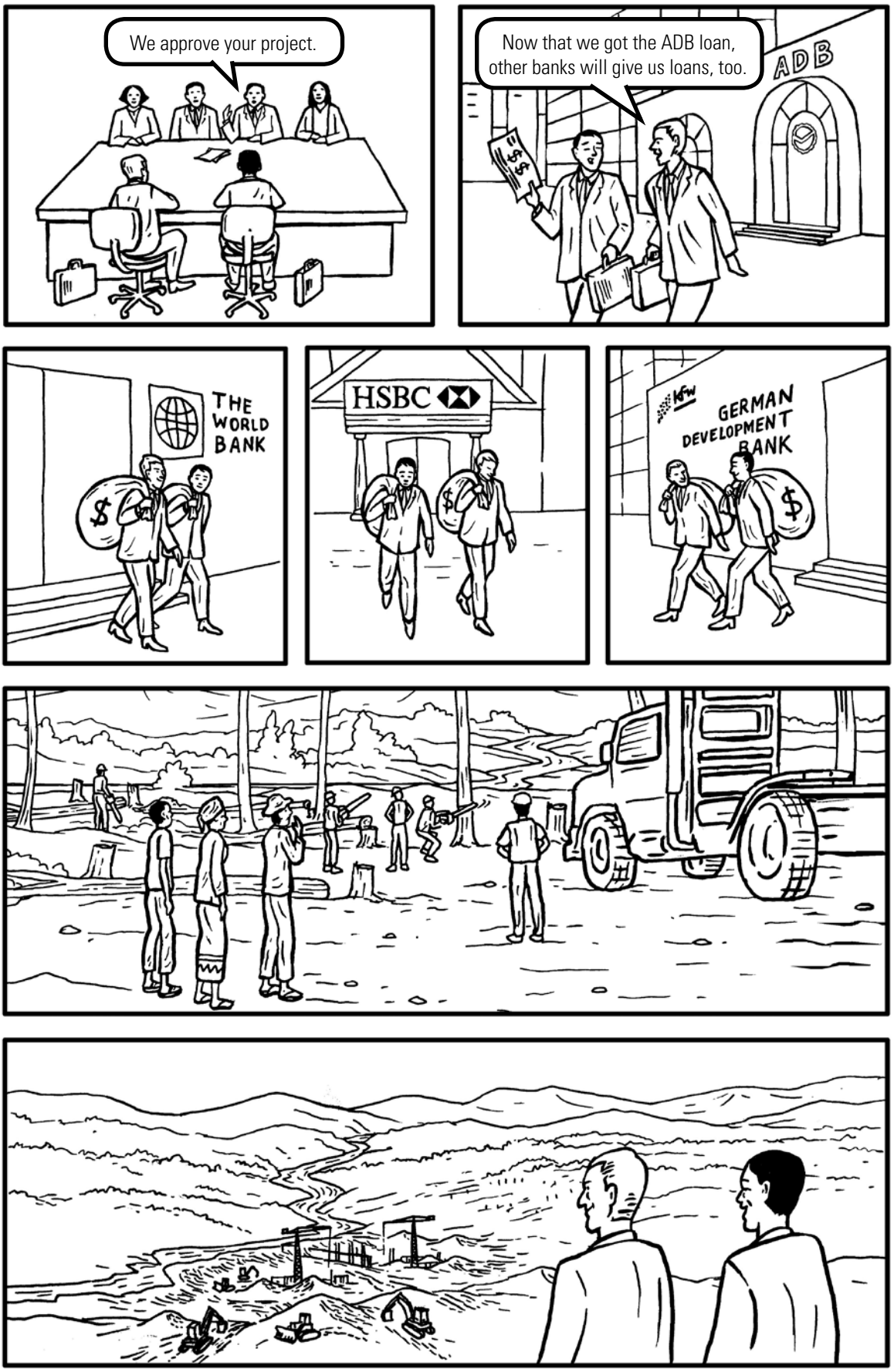
- If the project goes forward, what rights may be violated?
- Even before the project has begun, what rights have already been violated?
- Why was it important for the community members to tell their story and experience to the ADB?
- What would you and your community do in a similar situation?

Who is in charge of ADB projects?

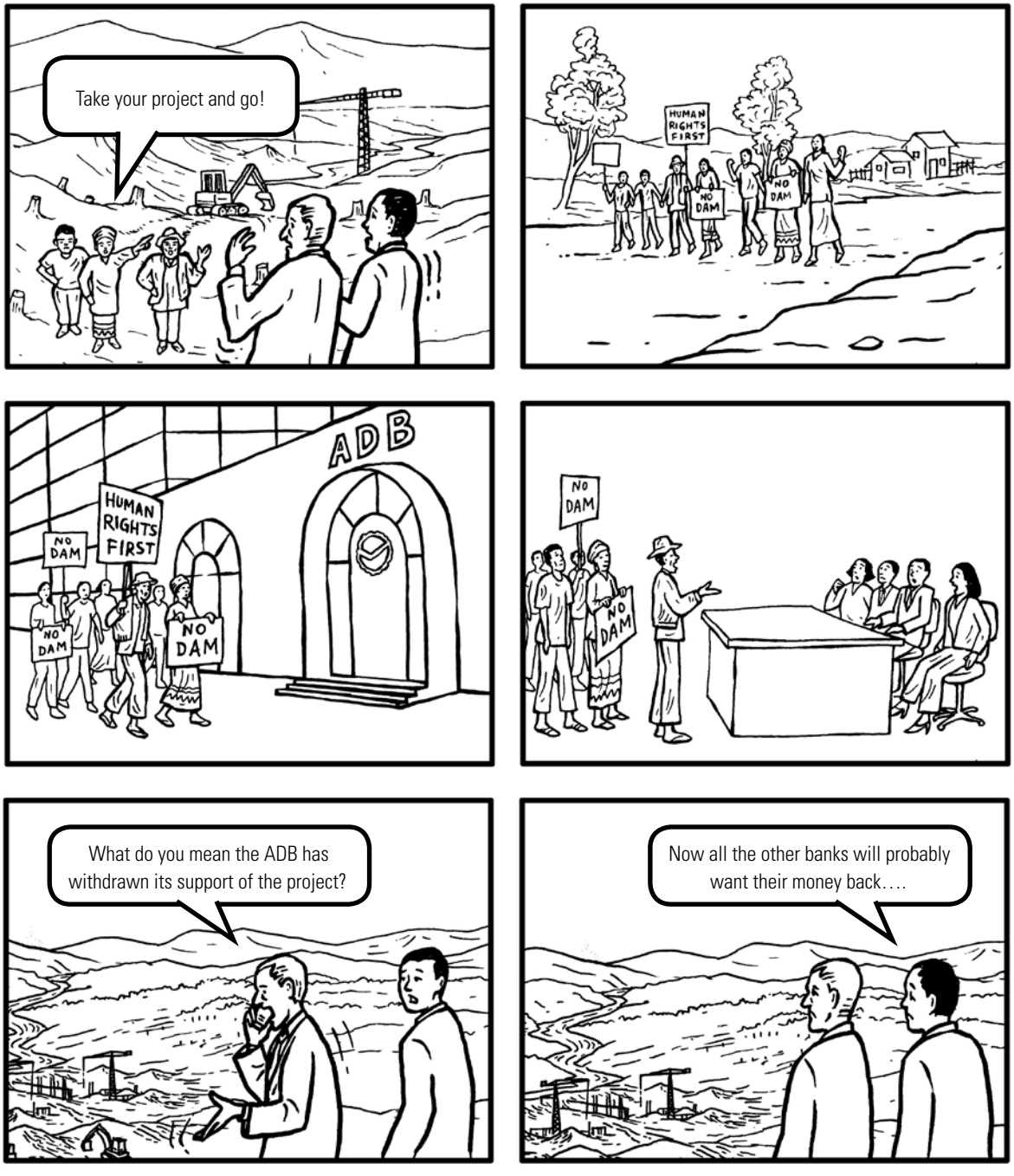
ADB projects usually involve many groups and actors. They are often run by a combination of these groups:

- An international company
- A local company
- A government agency of the country where the project is taking place
- Funders (private banks, other international development banks, and the ADB)

With so many groups involved, it is often difficult to figure out who is in charge and who has a say in important decisions about the project. This also means it is difficult to affect change or stop a project. For a community or group of people to be successful in changing project plans and protecting community rights, it is important to know which actors to pressure.


We approve your project.
Now that we got the ADB loan, other banks will give us loans, too.
ADB
THE WORLD BANK
HSBC
KfW
GERMAN DEVELOPMENT BANK

There are many institutions involved in **financing**, implementing and approving big development projects. But the ADB is often the only agency involved that has safeguard policies (see page 38)—requirements to share information and staff people to **monitor** project impacts. When communities are able to pressure the ADB—either to better enforce its safeguards or to withdraw funding from the project—it can be a powerful way to influence the whole project.




We did it! We stopped the dam! But look at the damage they've done!
They must be held responsible for fixing it!

STORY: SRI LANKA'S SOUTHERN TRANSPORT DEVELOPMENT PROJECT IS A DEAD-END ROAD

The Southern Transport Development Project is Sri Lanka's first major expressway to be built since the country's independence in 1948. The project is funded by the ADB and the Japan Bank for International Cooperation. The stated goal of the highway is to improve the economy in the southern region of the country and to reduce road accidents.

The project began in 1992, but more than 20 years later it is still not complete, because it has been met with non-stop controversy. Local communities from every district the highway passes through have protested the project's design, the **resettlement** and **compensation** policies, and its impacts on the local environment.

Communities affected by the project say there has been no proper evaluation of assets and lands affected by the highway, and very little compensation for their losses. Many people were not compensated for the loss of trees and crops, which were a major source of earnings before the project. Most of the resettlement sites have no drinking water, no proper sewerage systems, and no access to schools for their children. Many affected people have had to spend the little compensation money they received to construct new houses. This left them little money for sustenance and pushed them into poverty.

The impacted communities and their allies have filed many **complaints** with the ADB's **accountability mechanism**—an office where people can file their complaints about projects (see page 100). The ADB has reviewed many of the complaints but has done little to improve the lives of people harmed by the expressway construction. Twenty years after the project began, it has not been able to uphold many of the most important rules and goals of the ADB safeguard policies.

What can we learn from this story?

The ADB safeguard policies are supposed to prevent harm and ensure that affected people receive benefits. But when the national government or the agencies that implement ADB projects fail to follow the policies, they do no good. Also, when people suffer real losses to their livelihoods and ways of life, small amounts of compensation do not improve their lives.

QUESTIONS FOR DISCUSSION

- Why did the safeguard policies fail to protect people affected by the new highway in Sri Lanka?
- What agency or group of agencies is responsible for the harm that was caused?
- When the new highway is completed, will it be worth the cost to people's lives?

ACTIVITY

WHAT IS THE HUMAN RIGHTS STORY?

OBJECTIVE: In this activity the group will discuss ADB-funded projects in order to understand the impacts the projects have on community rights. This activity helps participants think about the relationships between the ADB's idea of reducing poverty and communities' ideas about protecting their rights.

TIME: 1 hour

MATERIALS: A coin

1. Have the group sit in a circle, and ask this question: "The ADB says that its goal is to reduce poverty. What do they mean by this?" Ask the group to think about the question but not to answer it yet.

2. Pass the coin around the circle. As each person receives the coin, she or he should answer the question to the best of their ability. There are no right or wrong answers. When each person has answered, she should pass the coin to the next person. A note-taker writes down each person's answer on a flipchart.

3. Have someone share a story of an ADB project that is affecting them and their community, or read one of the stories from this guide to the group. Those sharing should make their stories brief and to the point. (The facilitator may want to time each story and keep it to three or four minutes, so everyone can understand it.)

4. Make sure everyone understands what happened in the story. Then, ask the group to discuss and answer these questions with as much time and discussion as the group needs:

   - ↳ Did the project reduce poverty? Did it make poverty worse? For whom?
   - ↳ What human rights were violated in the story?
   - ↳ Who benefited? Who suffered?
   - ↳ How could the project have been done differently in order to truly reduce poverty and increase community empowerment?
   - ↳ How could the project have been done differently in order to respect people's human rights?

Also, note that at after each story in this guide there are questions to prompt discussion.

2.2. The Asian Development Bank Safeguard Policies

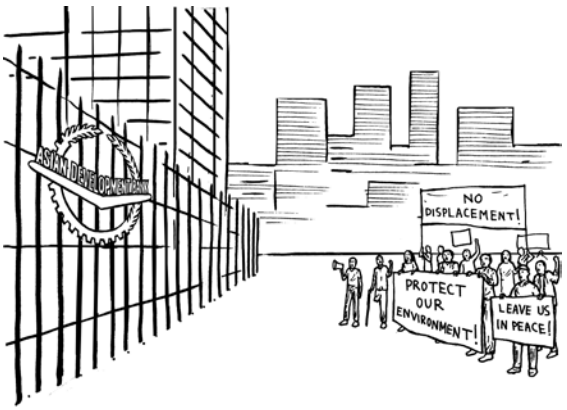
ADB **safeguard policies** are the bank's policies to protect local people and the environment from harm caused by ADB-financed projects. The safeguard policies are supposed to ensure that people who will be affected by an ADB project will be properly informed and consulted, and can participate in **project planning** in a way that benefits them.

When we understand the requirements of the ADB safeguard policies, we can use them to help protect our rights.

The ADB, and other banks like the World Bank, established safeguard policies in the 1980s and 1990s in response to people's demands to prevent the harmful **impacts** of bank-funded projects. For many years, people and community groups have seen ADB projects do more harm than good. Some of their concerns are:

- ↳ It is difficult to get information about ADB projects.
- ↳ Communities and **civil society** groups are not consulted by the ADB about the projects it funds. Even if they are consulted, the ADB does not listen to their ideas and opinions.
- ↳ The ADB is not **accountable** for the harm done by its projects.
- ↳ The ADB does not do a good job of preventing harm to people or the environment.
- ↳ The ADB rarely cancels projects, even when it is clear that serious harm will result.
- ↳ The ADB often fails to ensure that people **displaced** by its projects receive fair **compensation** and assistance.
- ↳ The ADB funds projects that may help **economic growth**, but often do not respect **human rights**.

These are serious problems. In many countries in Asia, millions of people have been resettled by ADB projects, or have lost their livelihoods, the health of their environment, and their cultures.



After many years of protest, the ADB created safeguard policies to prevent harm.

The safeguard policies are a step in the right direction. We can use them as tools to protect our rights. But the ADB still has a long way to go to fully respect human rights.

What are the ADB safeguard policies?

The ADB **safeguard policies** are rules that apply whenever the ADB funds a project in any country. Both the government and the ADB must respect these policies when they plan and implement any project. If a private company is getting ADB funding to implement a project, the company also is required to follow the safeguards.

If a government or company violates the safeguard policies in an ADB-funded project, the ADB is supposed to remove its funding from the project. For this reason, governments and companies pay attention to the safeguards – because if they don't, they'll lose their money.

The safeguard policies cover 3 areas:


1) ENVIRONMENT


2) INVOLUNTARY RESETTLEMENT


3) INDIGENOUS PEOPLES

Another rule, called the public communications policy (PCP), is closely related to the safeguards, because it requires the ADB to help people learn about the safeguards. The public communications policy also has clear rules about how the bank must share information about its projects and activities.

Each of the safeguard policies requires that:

- The project developer must identify possible harmful impacts early in the **project cycle.**

In other words, when the project is first planned, the ADB and project developers must show how the project might harm people and the environment.

- The **project developer** must plan to avoid, minimize, mitigate or compensate harm.

In other words, once they show how the project will harm people and the environment, the ADB and project developer must redesign the project so that there is no harm—or as little harm as possible.

- ADB and the project developer must inform and consult with all affected people before the project begins and during the entire project cycle. (See page 93 to learn about the project cycle.)

In other words, people who will be affected by the project must be able to participate in decisions about the project.

The 3 safeguards

The ADB has 3 kinds of safeguards: environmental safeguards, **involuntary resettlement** safeguards, and **Indigenous Peoples'** safeguards. The rules that govern these safeguards are described in a long document called the **safeguard policy statement (SPS).** (To find and read the safeguard policy statement, and to learn how to understand it, see page 160.)

ENVIRONMENTAL SAFEGUARDS

The ADB says the aim of environmental safeguards is: *"To ensure the environmental soundness and sustainability of projects and to support the integration of environmental considerations into the project decision-making process."*

This means that projects must be designed and carried out with the least possible **environmental damage**.

INVOLUNTARY RESETTLEMENT SAFEGUARDS

The ADB says the aim of involuntary resettlement safeguards is: *"To avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other **vulnerable groups**."*

This means that projects must cause the least possible **displacement**.

When people are displaced, the ADB must do everything necessary to ensure that the displaced people recover their belongings, their livelihoods, and their wellbeing.

Why do they say 'involuntary resettlement' if they mean 'forced **eviction**'?

That's a good question. Especially since a lot of people never even get help to be resettled!

INDIGENOUS PEOPLE'S SAFEGUARDS

The ADB says the aim of Indigenous Peoples safeguards is: *"To design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, **dignity**, human rights, livelihood systems, and cultural uniqueness as defined by Indigenous Peoples themselves so that they 1) receive culturally appropriate social and economic benefits, 2) do not suffer adverse impacts as a result of projects, and 3) can participate actively in projects that affect them."*

This means that any group that defines itself as Indigenous People, and who may be affected by a project, has the right to decide whether or not the project should go ahead, and to participate in the design of the project so that it creates real benefits for them.

It also means Indigenous Peoples' territories are off-limits to projects unless we give **free, prior and informed consent** for the project.

To learn about free, prior and informed consent, see page 59.

THE PUBLIC COMMUNICATIONS POLICY

The ADB says that the aim of the Public Communications Policy is to: *"Provide information in a timely, clear, relevant manner and to share information with project-affected people early enough to allow them to provide meaningful inputs into project design. As a public institution, ADB should be publicly accountable."*

This means the ADB must give us information that we can understand—in our language, and in a format that everyone who is affected can understand – not a huge technical report in English!

ADB projects must respect national laws

The ADB's safeguard policy statement (see page 160) clearly states that ADB-financed projects must respect national laws, in addition to upholding the rules of the safeguard policies.

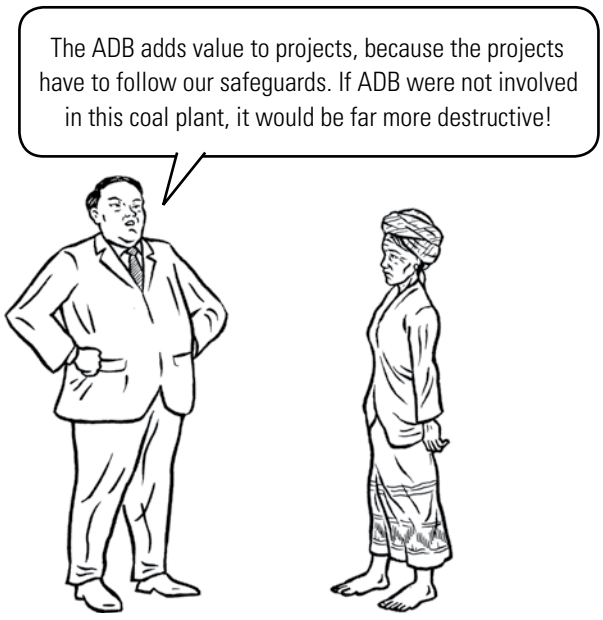
If a country has its own national laws guiding environmental protections, Indigenous Peoples' rights, resettlement, and access to information, then ADB-financed projects must respect these laws. If there are differences between national laws and ADB **policies**, the government and project developer must comply with whichever standards are higher. ADB-financed projects must also respect any international legal agreements and treaties that the country has agreed to or signed. If the project developer breaks these laws or policies, then the ADB is supposed to withdraw its financial support for the project.

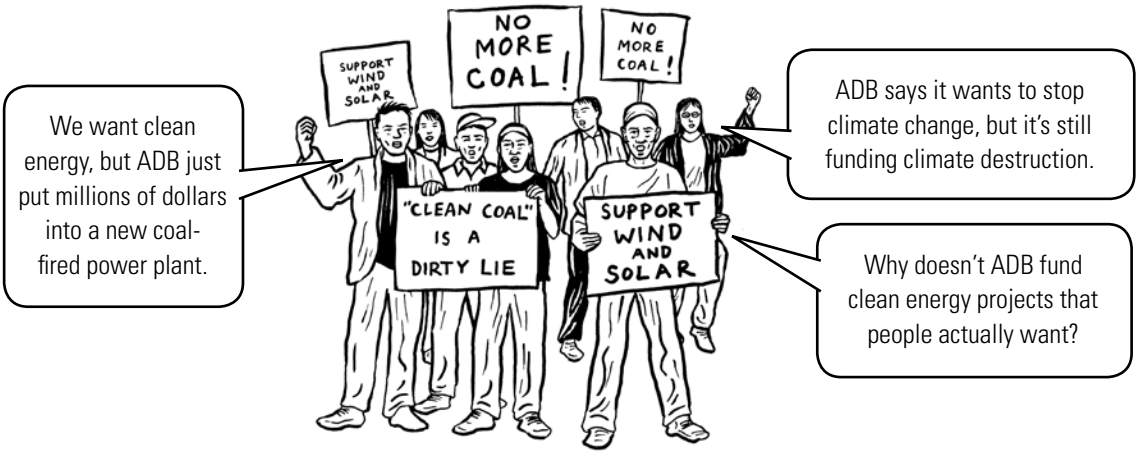
Can safeguards improve a bad project?

Communities and **civil society** organizations agree that the safeguard policies contain useful rules for protecting local people and the environment. However, having a good written policy is only the first step. The next step is to make these rules work in real life.

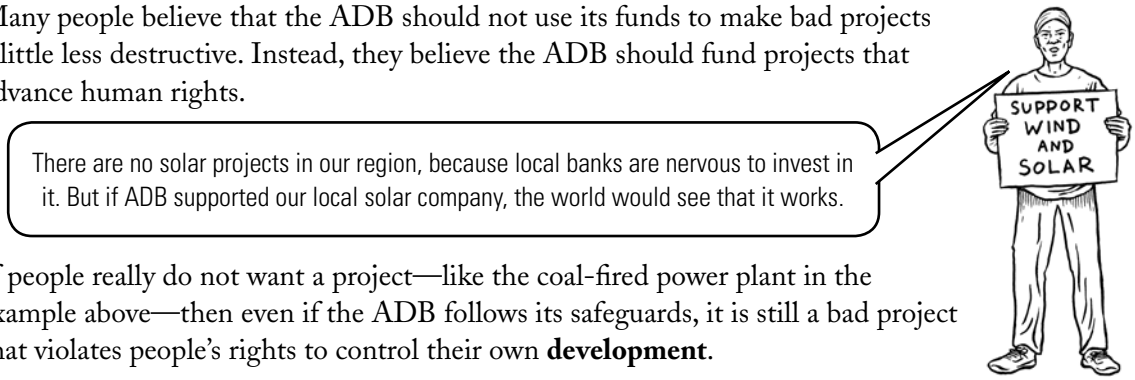
The ADB says that its safeguard policies bring value to the projects it finances and make ADB projects safer and more sustainable than projects funded by other agencies or by private companies.

This can be true sometimes, but communities have also experienced that ADB often funds projects that local people are trying to stop. When ADB gets involved and brings new financial resources and attention to a project, this can make it even harder to stop.





Many people believe that the ADB should not use its funds to make bad projects a little less destructive. Instead, they believe the ADB should fund projects that advance human rights.

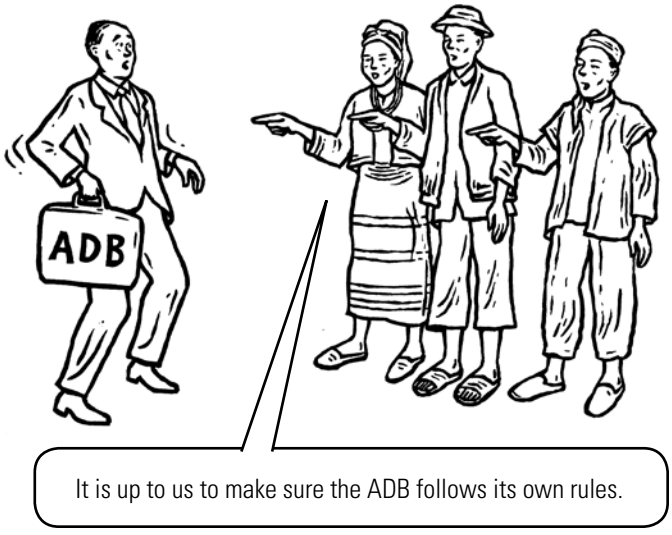


If people really do not want a project—like the coal-fired power plant in the example above—then even if the ADB follows its safeguards, it is still a bad project that violates people's rights to control their own **development**.

For this reason, a central idea of rights-based development is that any development project must truly support communities' priorities. For the ADB to truly respect human rights, it is not enough to use safeguards to make bad projects a little better. Instead they need to work with people to support project ideas that truly advance people's priorities, needs and human rights.

Who is responsible for implementing the safeguard policies?

When the ADB gives a loan or grant to a development project, the money goes to the project developer (a private company or government agency, or both working together). When the project developer receives money from the ADB, they agree to follow the ADB's rules, including the safeguard policies. If the project developer does not follow the safeguard policies, the ADB must stop funding the project until all the problems are solved.



The agency within the ADB that is responsible for enforcing this rule is the **Environment and Social Safeguard Division.** If this agency does not solve the problem, there are other ways that communities can pressure the ADB to follow its own rules (see Part 3).

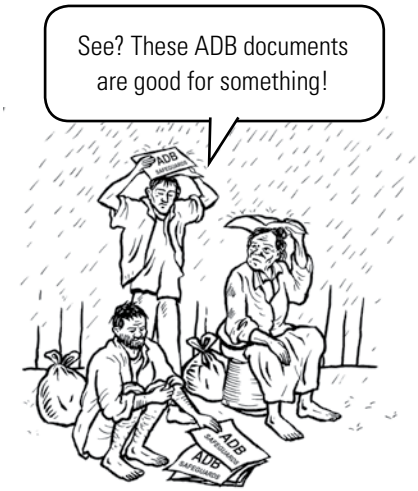
WHAT THE ADB SAYS ABOUT THE SAFEGUARD POLICIES

The ADB says that its safeguard policies show its commitment to protecting communities and the environment. The ADB says that these policies have helped make the bank a leader in **sustainable development**. They say that the bank's policies ensure that people get the information they need to participate in project planning and can even benefit from the project.

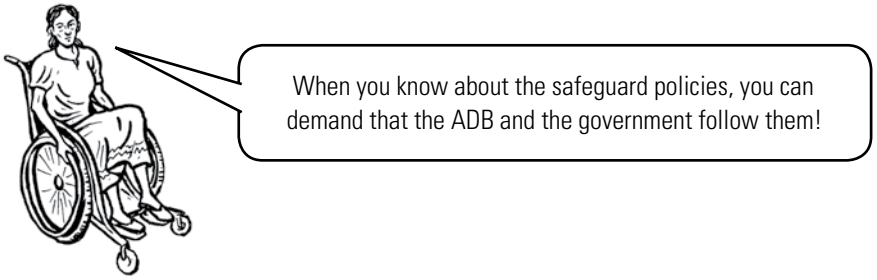
They also say that the safeguard policies are an important part of the value that ADB brings when it chooses to finance a project, because many other banks and funding institutions do not have such safeguard policies.

WHAT COMMUNITIES HAVE EXPERIENCED

The ADB often funds projects that people do not want in the first place, and after these projects begin, the safeguard policies are often not enforced. For example, when Highway 1 was built in Cambodia (see page 73), none of the people displaced received fair compensation—even though the ADB safeguard policies require this. Even worse, it took the ADB several years to admit to the violations. The ADB is supposed to **monitor** the projects it finances, but communities have found that ADB staff often have no idea about what is really happening.



On the other hand, many communities have found that the ADB safeguard policies did help them to get fair compensation, to participate in project planning, and to prevent harm to their environment. These communities knew about the safeguard policies and were able to demand that the ADB and the project developer implement them.



Why is it important to know about safeguard policies?

The safeguard policies contain rules that can help protect our homes, environments and communities. But they do not always truly protect our human rights.

The purpose of the safeguard policies is to protect people and the environment from being harmed by ADB projects. However, many ADB-financed projects continue to cause harm. Land and water are polluted, people are still displaced and not properly **resettled** or **compensated**, and their living conditions are often made worse.

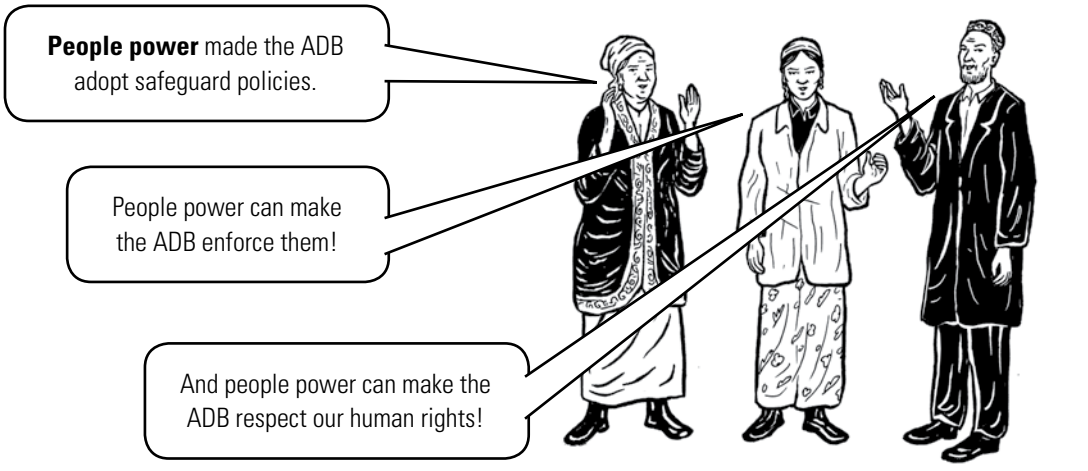
It is important to know how the ADB safeguard policies work so that communities can hold the project developer, the ADB and the government accountable for any harm. If the ADB and the government fail to respect the rules, they should be held responsible for repairing any harm that has been caused. It could also mean that they have to stop the project from going ahead. The safeguard policies only work when people act to enforce them.

WHAT THE ADB SAYS ABOUT COMPLIANCE WITH SAFEGUARDS

The ADB will not finance projects that do not comply with its safeguard policy statement, nor will it finance projects that do not comply with the host country's social and environmental laws and regulations, including international law.

WHAT COMMUNITIES HAVE EXPERIENCED

The ADB seems to care only about making money on the projects – not following the safeguards. The ADB only cares about the safeguards after people organize to enforce them.



STORY: PROBLEMS WITH THE BISHKEK-TORUGART ROAD IN KYRGYZSTAN

The ancient silk road crosses many countries in Central Asia. It is one of the oldest trade routes in the world. Today, this important route links the Kyrgyz Republic with the People's Republic of China and other Central Asian countries, as well as with Russia and Europe.

In recent years, parts of the road that pass through Kyrgyzstan have been destroyed by the constant traffic of heavy trucks and lack of maintenance since the collapse of the Soviet Union. In order to repair the road, the Kyrgyz government took loans and grants from donor agencies, private investors and the ADB.

The work of repairing the road began in the capital city of Bishkek. Most Kyrgyz citizens were happy that the road would be upgraded. They hoped it would improve safety, help their cars last longer, and make it faster to travel between the rural areas and markets in the capital.

But not everyone was happy with the way the project was being done.

In the Naryn region, far from the capital, local communities didn't know how the road repair would impact their lives. In one village, 2 women who ran small shops along the old silk road only learned about it when a project official came and told them their shops were obstacles to the road repair work. The official ordered them to remove their shops.

The shops were on public land, which the owners did not pay for, and they had been built illegally. But the shops had been there for many years, and the government knew about them. One of the shop owners had taken out 3 loans to run her business. But the government refused to compensate the owners for the loss of their businesses.

The ADB's social and environmental safeguards assessment reports said the project would not cause any **involuntary resettlement**. But more than 40 people in 2 villages were affected by the work on the road. They were not compensated for the loss of trees, fences, buildings, access to farmlands, or other impacts. Instead, government officials intimidated and harassed them.

With the help of a local **non-governmental organization (NGO)**, the affected communities sent a **complaint** to the Kyrgyz Ministry of Transport. But the government refused to address their **grievances**, even though the government's agreement with the ADB required them to do so.

Finally, the affected people wrote a complaint to the ADB **accountability mechanism** (see page 100). They complained about the project design and lack of access to project information, and they explained how the project violated ADB policies. They requested compensation for lost assets like shops, trees and fences, as well as lost income.

The ADB accepted their complaint, and the project was changed from a category C, which said there would be no environmental and social impacts, to a category B, which said there would be impacts. (See page 96 to learn about what this means.)

The government formed a commission to study how properties in the right of way of the road would be impacted and hired an independent group to decide how much compensation each affected person should receive. Based on the report, the government prepared and approved a **resettlement plan**. The government also set up a forum for addressing grievances, and local villagers were able to participate.

A year after the complaint was filed, the project came into compliance with ADB policies, and the shop owners received their compensation.

The government, the ADB, the organizations and the communities all learned a lot from this case. In the end, the road was improved, which benefited many people. And the people who were badly impacted in the beginning ultimately benefited as well.

What can we learn from this story?

Compared to some projects, few people were harmed by this project. But by showing ADB officials that the safeguard policies were being violated, they changed the course of the project. The government had not listened until the communities used the accountability mechanism to get the attention of the ADB. This is one case where the ADB's accountability mechanism helped people to hold both the ADB and their government accountable and win improvements in the project.

QUESTIONS FOR DISCUSSION

- ↳ Whose rights were violated by the Bishkek-Torugart project?
- ↳ What rights were violated?
- ↳ Who violated these rights? Why?
- ↳ What does this story teach about the importance of communication between the ADB, the government, and affected communities?

2.3 Safeguard Policies and Human Rights

When we understand the requirements of the ADB **safeguard policies**, we can use them to protect our rights.

In this section, we discuss several important legally protected **human rights**, and the ways that these rights may be violated by ADB-financed projects. We learn how we can protect each right using specific rules in the safeguard policies. We also consider how ADB policies can help to protect each right.

THE RIGHT TO A HEALTHY ENVIRONMENT

From toxic chemicals in our air and water, to the destruction of forests, to the piles of trash that clog up our cities, towns and waterways, harm to the environment affects all of us. For this reason, the constitutions of at least 50 countries and several international treaties recognize the right to a healthy environment. If your country has the right to a healthy environment in its constitution, it is helpful to refer to it when pressuring the ADB to protect your community.

The right to a healthy environment is recognized by several international treaties, including:

↳ **The Universal Declaration of Human Rights**

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing and housing.

↳ **The Rio Declaration on Environment and Development**

In order to achieve **sustainable development**, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

↳ **The International Covenant on Economic, Social and Cultural Rights**

All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation. In no case may a people be deprived of its own means of subsistence.

(To learn more about these agreements, see Resources, page 189.)

What must the ADB do to protect the environment?

ADB-funded projects are required to cause as little environmental destruction as possible. But the fact is, most **development** projects, and especially **megaprojects** like dams, mines and power plants, cause very serious environmental destruction. The purpose of the environmental safeguard (see page 40) is to reduce this destruction.

The main way that the ADB **safeguard policies** can help to protect our right to a healthy environment is through **environmental impact assessments (EIAs)**. Before a loan is approved for an ADB project or before major changes are made in a project, the developer is required to do an **initial poverty and social assessment** (**IPSA**, see page 95) to **screen** the design to decide what kind of **impacts** it will have on the environment (see page 96). If it will have environmental impacts, the **project developer** is required to do an **environmental impact assessment** to study the ways the project might harm the environment. The developer is also required to prepare an **environmental management plan (EMP)** to show how they will reduce the impacts.

ENVIRONMENTAL IMPACT ASSESSMENTS

An environmental impact assessment describes how a project will affect the people, animals, land, water, and air quality in an area. It should also study potential social problems related to environmental destruction, such as **displacement**, loss of traditional livelihoods, and damage to places of historic and spiritual importance. If the assessment finds that the project will cause harm, it must propose less harmful ways for the work to be done, or recommend that the project be stopped.

The environmental impact assessment is publicly available and must be translated into local languages. For these reasons, it may be one of the best sources of information on the project. (However, as we discuss below, sometimes the assessment is only available in the form of a large, detailed technical report, and communities may need to find help from students, lawyers or **non-governmental organizations (NGOs)** to understand the document.)

Environmental impact assessments involve 2 basic activities:

1. A study of the project's impacts and a written report describing these impacts. This is done by the project developer or a **consultant** that the developer pays.

2. Public meetings and times called "public comment periods" that give affected people an opportunity to express their views about a project's impacts before it begins and before each new stage in the **project cycle** (see page 93).

Participating in the public meetings of the environmental impact assessment process is an important way to influence a project. It is also an opportunity to organize and educate your community. Even if it appears impossible to stop a harmful project, educating and organizing around the assessment can help reduce harm.

During the early preparation of the environmental impact assessment, the project developer is required to hold public **consultations** and take all affected people's views into account – including the view that the project should not go ahead at all. The project developer, government or ADB must then share the draft assessment with affected communities and hold a second round of consultations. After the second round of consultations, the assessment is revised and posted on the ADB website at least 4 months before the project begins.

People from affected communities should participate in the consultations, or can ask an ally, such as an NGO or a lawyer, to participate with them and represent their concerns. If community representatives take part in the assessment process, they can then report back to the community about what the company is planning. Participation can also help build understanding about the community's rights and responsibilities, and the ways they may prevent harm or stop a project altogether.

Preparing the environmental impact assessment report requires more than one full year because it must take into account seasonal changes like the flow of rivers, movements of nomadic people, and migration routes of animals and birds. The ADB safeguard policy requires that the project developer and the ADB make the completed report available at least 4 months before the project begins. During this 4 month period, people can still comment on the report.

What to look for in the environmental impact assessment

No project should be approved until all affected people understand how it will impact the environment. When people know what the full impacts are, they might decide that the project is not going to bring enough benefits to make up for the harm it will cause.

The safeguard policies require that the environmental impact assessment be shared in a form and language that is understandable to the affected communities, but this rule is often ignored. Often the assessment is a huge document, up to hundreds of pages, with lots of technical language. Many communities have found it useful to get help to analyze the document and identify the most important information. Often communities get this kind of help from a student, a lawyer who wants to help the community for free, or through an NGO.

The problems described in an environmental impact assessment, as well as the problems ignored by it, can be shared with media, government officials, and the public to help organize people to stop or change harmful projects.

The most important parts of an environmental impact assessment to study are: (1) comparison of the proposed project to possible alternative projects; (2) expected social impacts and impact on the environment; (3) cost-benefit analysis; (4) proposed mitigation measures; and (5) recommendations. environmental impact assessment reports often include sections called “Security Risks”, “Social Risks”, “Health Risks”, and “Clean-up Costs”. These sections are also very important, because they describe problems the project developer would rather not share, especially at public meetings. Study them closely!

Because the ADB’s idea of development depends on extracting resources from the earth, many projects that intend to bring **economic growth** violate the right to a healthy environment. There has never been any such thing, for example, as an ‘environmentally-friendly’ mining project or coal-fired power plant.

THE RIGHT TO PARTICIPATION

As people struggle to maintain control over their lands and resources, and to maintain their identities, languages and ways of life, it is very important for them to participate in the decisions that affect them. The right to participation in decision-making is essential to any just and democratic society. It is also important in order to protect all other **human rights**.

Effective participation in decision-making requires that people be able to work with and influence governments, public agencies and corporations, and that their opinions will not be ignored. It also requires **meaningful consultations** on issues that affect their lands and resources. For **Indigenous Peoples'** groups who follow **customary laws**, participation also means that national governments and institutions like the ADB must respect their traditional ways of making decisions and governing themselves (see page 56).

The right to participation is recognized by many international treaties, including:

- **The Universal Declaration of Human Rights**
- **The International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights**
- **The United Nations Declaration on the Right to Development**
- **The Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

(To learn more about these agreements, see Resources, page 189.)

What must the ADB do to safeguard the right to participation?

Participation is only meaningful if all people's voices and opinions are listened to and make a difference in the way projects are implemented. For the ADB, this means that it is not enough to simply hold meetings and **consultations**. Merely inviting project-affected people to meetings, without giving them power to make decisions in meaningful ways, is false participation.

WHAT THE ADB SAYS ABOUT PARTICIPATION

ADB officials must follow up on community recommendations and concerns. The ADB must ensure that affected communities have real information and real education about the benefits and **impacts** of projects – as well as all the possible alternatives.

WHAT COMMUNITIES HAVE EXPERIENCED

For participation to be meaningful, community members need opportunities to propose different plans from the ones the developer has come up with—for projects that really respect all people's human rights. According to the safeguard policy, if we come up with ways for a project to cause less damage and more improvements in people's lives, the **project developer** needs to listen to us and change their plan!

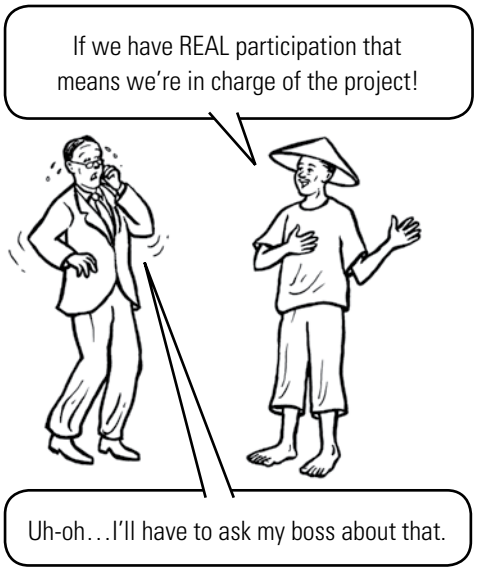
What do the ADB safeguard policies say about participation?

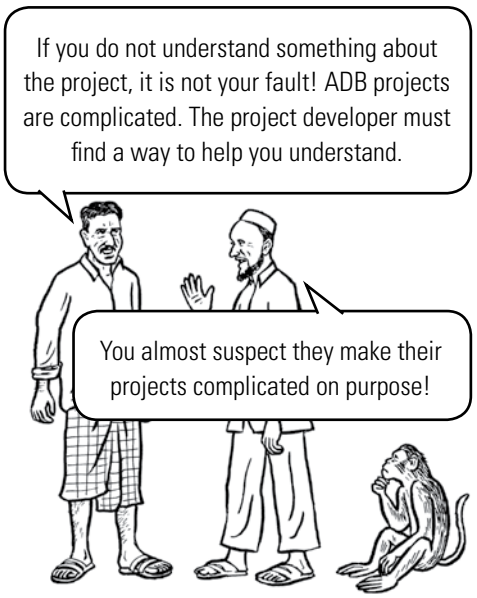
All of the ADB's **safeguard policies** require meaningful consultation and participation. This means that the project developer must ask all affected people what they want from the project, and must make it easy for all affected people to share their opinions, ideas, and suggestions for how to make the project better – or to stop it altogether.

According to the ADB's own rules, consultation and participation must:

- Begin early in the **project preparation stage** and go on for the entire length of the project
- Provide information when it is asked for, in a way that is understandable and accessible to everyone
- Provide information *without intimidation or* ***coercion***
- Provide information in a way that is understandable and useful to **people at risk of discrimination or exclusion** (referred to as **vulnerable groups** by ADB) including women, Indigenous Peoples, elderly people, and people with disabilities
- Make it easy for affected people to participate in decision-making, planning, and deciding the best ways to share the project's benefits

The project developer also has to inform affected people about their **entitlements** (specific things the policy requires, such as **compensation** and replacement housing)**,** in a way they can understand.





WHAT THE ADB SAYS ABOUT CONSULTATION AND PARTICIPATION

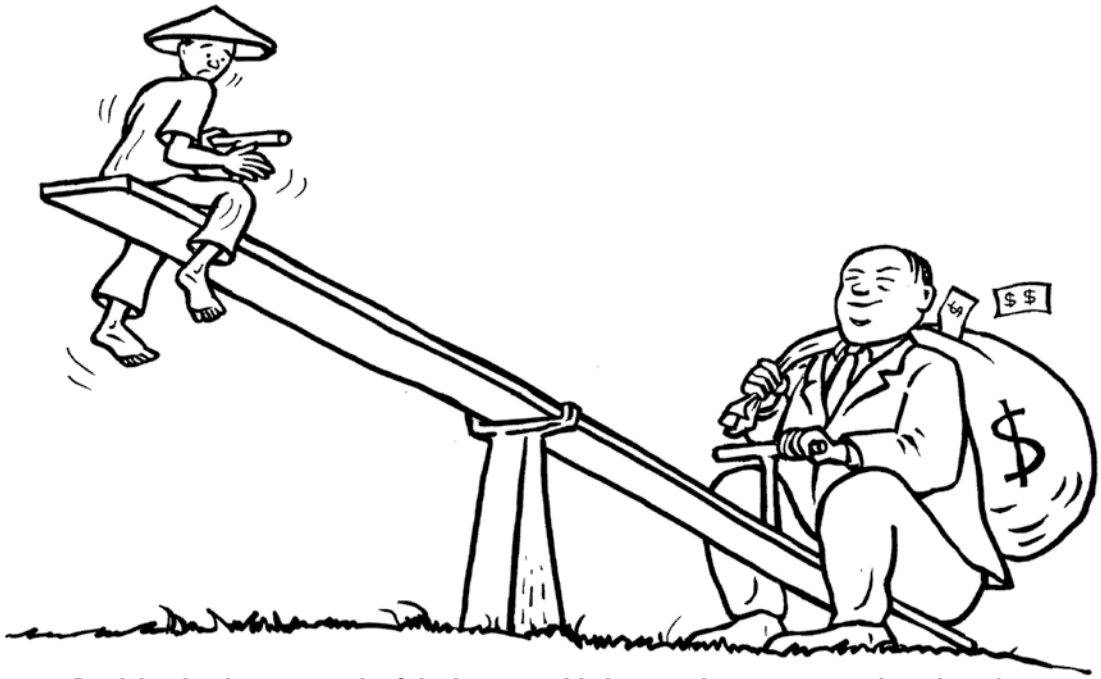
Consultation and participation apply to all of the safeguard policies. ADB says it "cooperates with **civil society** on the policy level, on the country strategy level, and on the level of projects". In the language of the ADB, this means that:

- The project developer actively consults with civil society and community-based organizations in developing and reviewing ADB **policies**.
- The project developer gives civil society and community-based organizations reasonable opportunity to be involved in setting policy and making strategy.
- Civil society and community-based organizations can participate in ADB projects in a variety of ways, from sharing information or participating in formal consultations, to serving as project advisors, partners or evaluators.

WHAT COMMUNITIES HAVE EXPERIENCED

When ADB says that "civil society is one among many key internal and external **stakeholders**", this means that if the views of communities, women, Indigenous Peoples, and the needs of the environment are considered at all, they are considered alongside the interests of corporations, industries and governments.

Because corporations, industries and governments have much more power than people, it is easy to see where this approach to participation leads. This is why civil society – that is, all of us – must work together to challenge the ADB, by participating in our own **development** in ways that the ADB may not welcome.



Participation is not meaningful when one side has much more power than the other.

STORY: CITARUM WATER PROJECT, INDONESIA

The Citarum River in West Java is one of the most important rivers in Indonesia. The Citarum River Basin is home to more than 9 million people, and it supplies 80 percent of the water to the capital city of Jakarta. It also provides irrigation and generates electricity for millions of people.

But the Citarum Basin is badly polluted, and accessing clean water now costs more money than most people can afford. To cope with this problem, ADB came up with a project called the Integrated Citarum Water Resource Management. The project began in 2007 with a 15-year plan to improve the water supply. This project is expected to cost $500 million US dollars, beginning with a grant for $1.7 million for the preparation stage.

Such a large project raised many concerns among local people. A group called the People's Alliance for Citarum formed in 2007 to ensure that the river would be used for people's welfare, as mandated by the Indonesian Constitution. The group came together to analyze the ADB project documents and hold community meetings to uphold community rights.

The first phase of the project was to fix a canal that serves for irrigation, industrial use, and household needs for metropolitan Jakarta and surrounding areas. The canal passes through 3 districts where thousands of people live. When the People's Alliance for Citarum saw the plan for the project, they discovered that the **resettlement plan** said that 872 households would be **displaced**. But they knew that the plan was supposed to count people, not households – and that, in reality, thousands of people would be displaced. But the project documents did not address this problem.

They also knew that affected communities had not participated in making the resettlement plan. The plan did not guarantee that people's livelihoods would be restored, and there was no compensation plan or information on how the project would be implemented. Even the local government was unaware of important project information, including the resettlement plan. These problems meant that the project was in violation of many of the ADB's own rules, including the involuntary resettlement policy (see pages 40 and 76) and the public communications policy (see page 86). They also knew that the Indonesian government was supposed to review the resettlement plan in order to get the loan approved by the ADB.

The People's Alliance for Citarum submitted their criticism of the resettlement plan to the ADB Operations Department and the ADB Board of Directors. In response, ADB said it had held 3 "beneficiary consultation meetings" for stakeholders. When the group asked who attended these meetings, they saw that very few people had attended. When they asked how the participants were selected, there was no good answer. Worse, when the group looked at the attendance lists for the meetings, they found false signatures. It was clear that the project officials were lying.

The ADB's public communication policy says that "ADB will proactively share knowledge and information about its works with stakeholders and the public at large". The People's Alliance for Citarum knew that the project was in violation of this policy. After much searching, they found some project documents on the internet. But no single complete document was shared directly with the affected people. And even the documents available on the internet failed to answer basic questions such as: Who will benefit? What exactly is to be done in the main river? How will the project be managed? Who will be responsible for the project?

At the People's Alliance for Citarum last meeting with the ADB Project Office, ADB promised to share several documents that had been kept private. One of these documents said resettlement would begin in 2010 – but the group already knew about 3 displacements in 2009. They filed a **complaint** to the **office of the special project facilitator** (see page 101), but nothing has been done to fix the problems. Despite the project's huge problems, the affected communities are still not receiving the information they need.

What can we learn from this story?

Even projects that appear to have very good intentions, such as providing clean drinking water, may have harmful impacts if they are not done with the full and effective participation of affected people. This story shows the need for communities to **monitor** every aspect of the project, and not accept what the ADB says as the truth.

QUESTIONS FOR DISCUSSION

- ↳ Which ADB policies have been violated by the Citarum Water Project?
- ↳ What rights have been violated?
- ↳ What can the communities in the Citarum River Basin do to hold the ADB and project developer **accountable**?

INDIGENOUS PEOPLES' RIGHTS

In Asia as well as around the world, the greatest part of the natural resources, biodiversity and intact environments that remain are in the territories of **Indigenous Peoples**. This means that these territories are increasingly under threat as **extractive industries** seek to exploit the resources found there.

ADB has a safeguard policy for Indigenous Peoples who may be affected by its projects (see page 40). Why do Indigenous People have their own safeguard policy? They have special rights and **sovereignty**, often with their own systems for governing their people and territory. Indigenous Peoples have faced discrimination and rights violations, especially in the form of governments and companies taking their land, natural resources and knowledge.

Indigenous Peoples also often have an understanding of their lands that is based in collective management of territory, rather than private ownership of land. This means that efforts to undertake projects in Indigenous Peoples' territories are subject to different rules than projects on private or state-owned lands.

Indigenous Peoples have organized around the world to demand respect for their rights and create new **policies** to protect them. Indigenous Peoples' organizations were very important in making the ADB and other banks create **safeguard policies**.

While other peoples have the protection of their national governments and the United Nations, many Indigenous Peoples' groups do not see themselves as part of their nation – or their nation does not offer them the respect and rights that other citizens have. Therefore, after many years of struggle by Indigenous Peoples, the United Nations has made it clear that their rights require special consideration and protection.

The United Nations Declaration on the Rights of Indigenous Peoples

For many years, Indigenous Peoples have advocated at the United Nations to make their concerns heard. This advocacy has influenced many international declarations and treaties, including:

- The United Nations Declaration on the Rights of Indigenous Peoples
- The International Covenant on Economic, Social and Cultural Rights
- The United Nations Framework Convention on Biodiversity

The United Nations Declaration on the Rights of Indigenous Peoples (also called UNDRIP) protects the **individual and collective rights** of Indigenous Peoples, as well as their rights to culture, identity, language, employment, health, education and other rights. It also "emphasizes the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions, and to pursue their **development** in keeping with their own needs and aspirations". The declaration also prohibits discrimination against indigenous peoples, and it promotes their full and effective participation in all matters that concern them and their right to pursue their own visions of economic and social development.

Since the United Nations adopted the Declaration on the Rights of Indigenous Peoples in 2007, international agencies like the ADB are expected to respect it. Unfortunately, they are not *required* to respect it, and there are no penalties if they do not.

Still, the Declaration on the Rights of Indigenous Peoples is important. Because of strong organizing by Indigenous Peoples' organizations in Asia, the ADB is the first international bank to refer to the Declaration in its safeguard policies. Now that indigenous communities and their **allies** have won this important first step to get their rights mentioned in the policy, we need to hold the ADB **accountable** to respect these rights.

Different ways that governments approach indigenous communities

How do ADB projects violate Indigenous Peoples' rights?

Indigenous Peoples in Asia and around the world have suffered severe rights violations from **destructive development** projects and **megaprojects**. Indigenous Peoples rely on their land and ecosystems for their livelihood, their identity, their religious freedom and their cultural survival. If an ADB-financed project causes Indigenous Peoples to lose their land and ecosystems, the **human rights impacts** are devastating.

What must the ADB do to safeguard Indigenous Peoples' rights?

If a project's **initial poverty and social assessment** (see page 95) shows that there will be direct impacts on Indigenous Peoples, the project developer must prepare an **Indigenous Peoples plan (IPP)**.

The Indigenous Peoples plan must include the following elements:

- A framework for ongoing **consultation** with affected Indigenous Peoples during the project
- Measures to ensure that Indigenous Peoples receive culturally appropriate benefits
- Measures to avoid, minimize, mitigate or compensate for any harmful project impacts
- Culturally appropriate **grievance** procedures, and **monitoring** and evaluation arrangements
- A budget and time-bound actions for implementing the planned measures

WHAT THE ADB SAYS ABOUT INDIGENOUS PEOPLES PLANS

Meaningful consultation and participation is central to the ADB Indigenous Peoples safeguard requirements. Consultation and participation begin at the time of the initial poverty and social assessment and continue throughout project design, appraisal, implementation and completion.

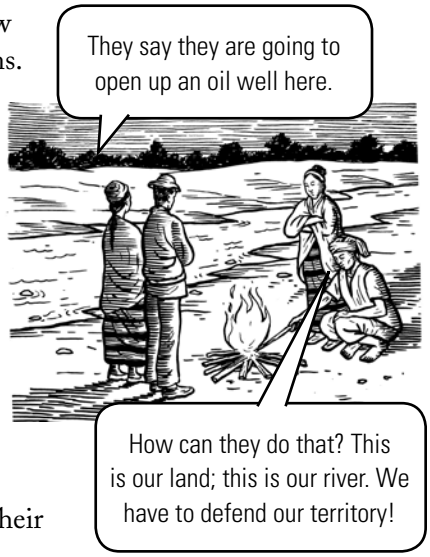
WHAT COMMUNITIES HAVE EXPERIENCED

The Indigenous Peoples plan is supposed to be comprehensive, but in many cases it is not. Sometimes it is just a short note hidden inside the environmental impact assessment, with no consultation. The ADB must make and carry out the plan in full consultation with affected Indigenous Peoples and should seek Indigenous Peoples' communities' consent for the plan.

FREE, PRIOR AND INFORMED CONSENT

An important part of Indigenous Peoples' rights under international law is the right to **free, prior and informed consent (FPIC).** This right means that Indigenous Peoples have the right to say *yes* or *no* to any project that will affect their lands, territories, natural resources, knowledge or culture. Many groups—especially Indigenous Peoples' organizations—have worked hard to make free, prior and informed consent an internationally recognized right.

When people have a clear and complete understanding of how their choices will affect them, they tend to make wise decisions. But when development decisions are made by corporations, governments, and agencies like the ADB without involving the people who will be affected by these plans and decisions, this violates people's rights, their territorial sovereignty, and their ability to have control over their own lives and livelihoods.



Free, prior and informed consent is a right, a process, and a mechanism.

As a right, free, prior and informed consent is recognized in international law as an important part of Indigenous Peoples' **self-determination**, or the right to control what happens to their lands, resources and traditional knowledge.

As a process and mechanism, free, prior and informed consent describes the ways that Indigenous Peoples can independently make collective decisions in matters that affect them. Each community can decide exactly what this means to them—including the specific steps and process that an outside group would need to follow if the group wanted to seek the community's consent about a project.

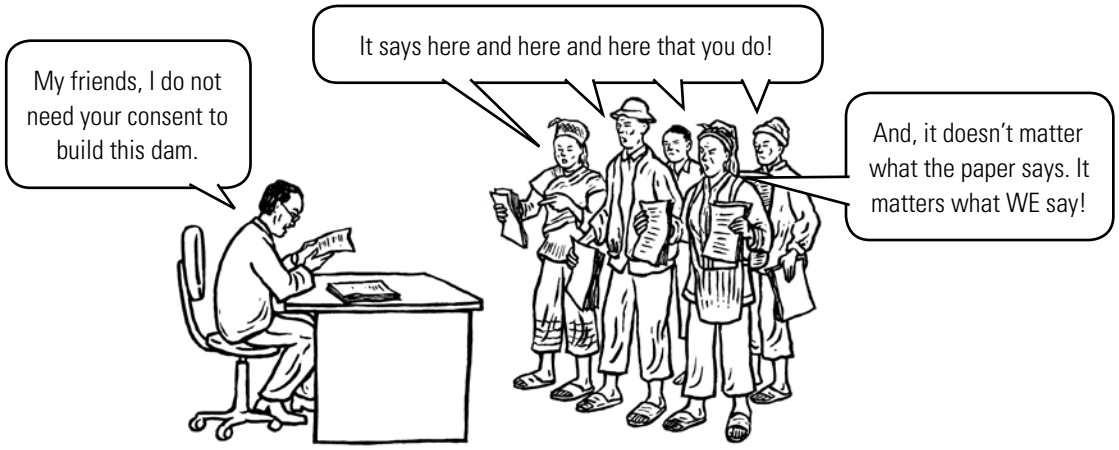
The specific process for free, prior and informed consent may vary in different communities, but there are some common elements that communities agree on:

Free means without threat of force, **coercion**, intimidation or bribery of any kind. This means that all information is freely given, and no one can force you to sign or agree to anything.

Prior means "before". Any people who will be affected by a project must give their approval *before the project starts*, or the project cannot go ahead. It also means that affected people should be involved in the planning process at the very beginning, when the project is just an idea – not after the plan has already been made. And because collective decision-making takes time, project developers must wait until the affected community comes to a decision – no matter how long it takes.

Informed means that all of the important facts must be understood by everyone impacted by a project. No possible problems, impacts, or risks arising from the project can be hidden from anyone. Impacted communities must be able to gather information from other sources – not just the project developer – and to verify the information given by the project developer.

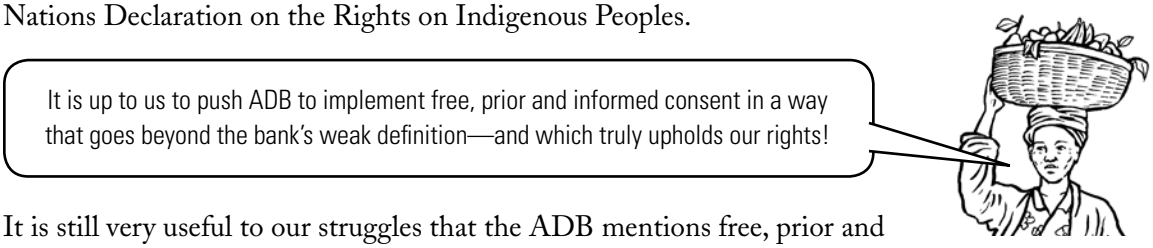
Consent means collective and ongoing agreement or approval. It also means that the authorized representatives of the communities—the real community leaders—are the ones to communicate this decision, not just any person that outside groups or companies might pay to say yes. Even then, affected community members must confirm that the decision was made freely and on their behalf.



Free, prior and informed consent and the ADB

In 2009, the ADB agreed to recognize free, prior and informed consent in the ADB safeguard policy on Indigenous Peoples. This was a very important step, as the ADB is the first international development bank to put free, prior and informed consent in its policies. The ADB agreed to do this only because Indigenous Peoples' groups from across Asia pressured the bank for many years.

While it is a positive step that the ADB policy recognizes free, prior and informed consent, the policy defines this requirement in a way that is much weaker than the definition that indigenous groups have fought for and which international law now recognizes, including in the United Nations Declaration on the Rights on Indigenous Peoples.



It is still very useful to our struggles that the ADB mentions free, prior and informed consent in its policy. We can push ADB to implement this part of its policy in a way that is consistent with international law and with Indigenous Peoples' rights. To do this, there are several important points we need to keep in mind—and push ADB to understand and respect:

↳ FREE, PRIOR AND INFORMED CONSENT IS A COLLECTIVE RIGHT.

In order for a project to go ahead, the community must make a decision together, according to its own collective decision-making processes. If these decision-making processes lead the community to reject a project, this decision must be respected by the project developer, the government and the ADB.

↳ IF A PROJECT CAUSES CONFLICT, THERE IS NOT CONSENT.

In many cases, some people in a community may support a project while others oppose it. Project developers often try to divide the community into those who are "for" and those who are "against". This undermines the ability of a community to make a collective decision on the project, and it can lead to serious conflict.

It is also possible that several communities will be impacted by a project but that one community will be affected more than others. If this is the case, it is important to try to develop a common approach with other communities so that the most adversely affected communities have a strong voice.

↳ COMMUNICATION IS NOT CONSENT.

It is important to talk to project developers and ADB officials as you monitor a project. But talking with the developers does *not* mean you agree to the project. You are simply claiming your right to gather information. Make sure to tell the person you talk with that you know this.

↳ ONLY INFORMED CONSENT IS REAL CONSENT.

When we make a decision without having all of the information about the possible future impacts that decision may have, we might make a bad decision. In the case of large development projects, no consent should be given without having as much information as possible. It is the responsibility of the project developer to make this information available.

At the same time, communities need to be able to seek and access independent information from sources other than the company and project developer.

↳ CONSENT MUST BE COLLECTIVE, BUT NEED NOT BE UNANIMOUS.

In the traditional ways of decision-making of many Indigenous Peoples, consensus is always the desired outcome to uphold the collective interest and welfare of the community. Some people's views may run counter to the majority, but as long as those with opposing views agree to abide by the position of the majority, this is considered a consensus decision. This outcome still upholds the collective voice, views and interests of the community. Each community decides how to reach and define consent.

↳ CONSENT MUST BE ONGOING.

Free, prior and informed consent is not a one-time act but an ongoing process that must be respected throughout the project. Even if the community agrees to the project in the early stages, the developer must ensure at every stage that they still have the community's consent. If at any stage, a community says "no", *this means no*.

To learn more about free, prior and informed consent, see Resources, page 187.

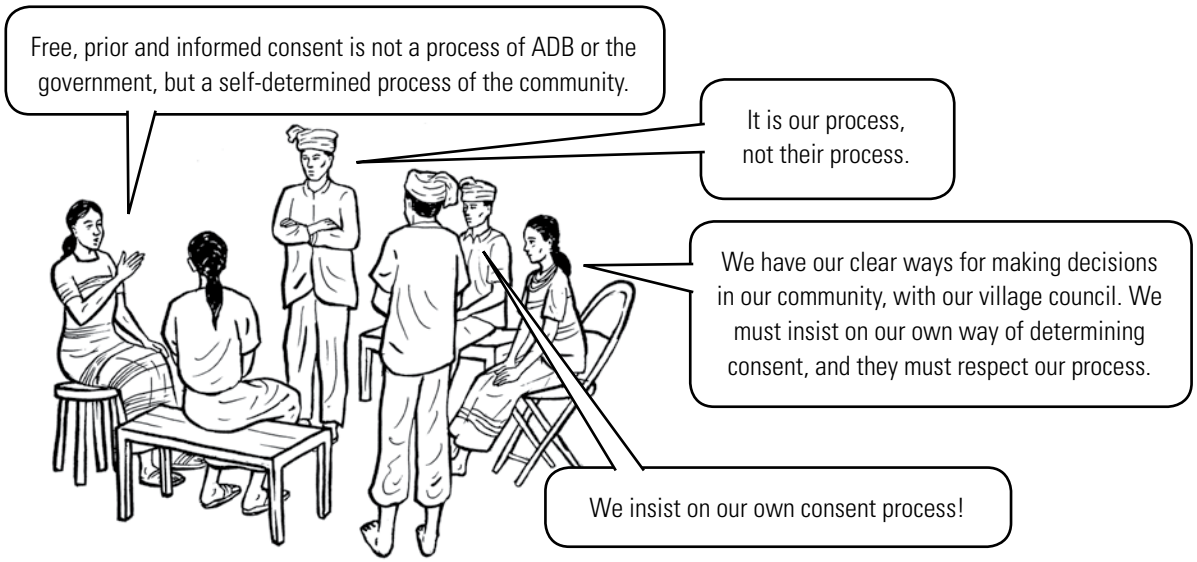
To make ADB respect free, prior and informed consent, we have to constantly push the bank and project developers to go beyond the weak definition in their policy. We have to make them implement this requirement in a way that truly respects our self-determination.

WHAT THE ADB SAYS ABOUT FREE, PRIOR AND INFORMED CONSENT

Free, prior and informed consent is a collective expression by the affected Indigenous Peoples' communities, through individuals and/or their recognized representatives, of broad community support for the project.

WHAT COMMUNITIES HAVE EXPERIENCED

"Broad community support" is not the same thing as "consent" – and the ADB knows that. If free, prior and informed consent were respected in practice, we would see much more respect for the territories and rights of Indigenous Peoples. The ADB and other institutions only respect this requirement when communities demand it.



COMMUNITY TIPS: FREE, PRIOR AND INFORMED CONSENT

Free, prior and informed consent is a powerful tool to stop harmful projects – so project developers do everything they can to break the rules. Often, they only give positive information, while hiding or denying potential harmful impacts. Be prepared for the company and government to try to divide your community with lies and tricks.

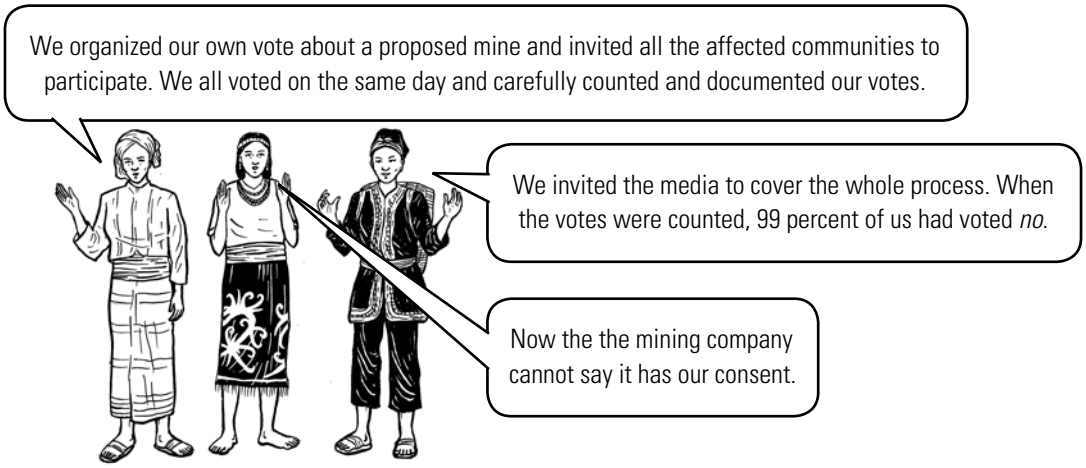
Project developers may try to bribe people in your community. Stay united!

Be clear about who can communicate consent for your community. Companies often try to pay one person and identify this person as the spokesperson for the whole community. Be loud and public about who your legitimate authority is—an elected leader, your community assembly, elder council, or whoever it is. Make sure the company recognizes and respects this.

Sometimes companies hold consultations far away from the community, and invite only people who want the project. Find out where the company is holding consultations, and send representatives to make sure your voices are heard.

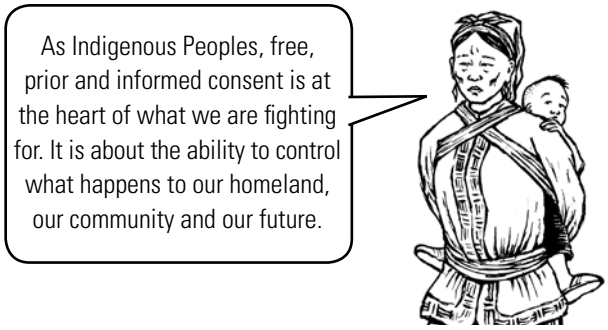
Be prepared to gather your own information and evidence. The ADB will try to show that there is "broad community support" for the project. To prove them wrong, organize your own consent and survey process. Show how many people are opposed to the project.

The ADB requires the project developer to document how it gained broad community support. Demand to see the proof. Document the process with photos and video. If there was coercion by police or military, document their presence and actions so you can show it was not legitimate consent.



Be very careful if anyone from the company or government asks people in your community to write down their names on a list. Sometimes they will then use this list to say those people gave their consent.

Remind people in your community that they have a right to say "no" if they want. It can be scary to do this, so remember that this right is supported by international law. It is often easier and safer for people to do this together in groups. Organize so that people do not feel alone in resisting the project!



THE RIGHT TO FOOD

No one can live without healthy food. The right to food is about ensuring that all people can feed themselves with **dignity**, free from hunger, food insecurity and malnutrition.

Protecting the right to food means that governments must not do anything that will increase people's hunger, food insecurity and malnutrition. It also means that governments must protect people from the actions of powerful actors – such as the ADB and big companies – that might violate the right to food.

The right to food is recognized by these international agreements:

- **The Universal Declaration of Human Rights**
- **The International Covenant on Economic, Social and Cultural Rights**

(To learn more about these agreements, see Resources, page 189.)

How do ADB projects violate the right to food?

Some of the most common **impacts** of large **development** projects are that food-producing lands are taken or destroyed, waterways are polluted or dried up, and community food production is disrupted. All of these impacts destroy people's livelihoods, homes or lands, and violate their right to food.

Dams destroy fisheries, leading to hunger.

Mines destroy farmland, leading to hunger.

How can we use the safeguard policies to protect our right to food?

By using information available through the ADB, community activists can study each stage of the **project cycle** (see page 93) to consider whether it could badly impact livelihoods and access to food. Also, every ADB project must have an **environmental impact assessment** (see page 49) that should state how the project will affect people's access to food.

If an ADB-financed project causes people to lose their livelihoods or resources they depend on, the **project developer** is required to apply the involuntary resettlement policy. The ADB's involuntary resettlement safeguard policy covers not only **physical displacement** and **eviction**, but also **economic displacement** – when people lose their livelihoods and basic resources (see page 75).

If you are experiencing these impacts, or are concerned that you will, you can demand that the project developer implement a **resettlement plan**. This document must be designed with the participation of the affected people, and it must contain a clear plan for how people's livelihoods will be protected, restored and improved so that no one is **impoverished**.

COMMUNITY TIPS: DEFENDING THE RIGHT TO FOOD

In your advocacy to stop a project, show how people will lose their sources of food, because everyone can see how harmful this is. For example, the campaign to prevent big dams on the Mekong River uses the slogan, "Save the Mekong! Our river feeds millions." This has been very effective.

Community-based research (see page 128) can show how much food villagers get from their land and river, and demonstrate all the natural and community wealth that could be lost if a project goes ahead.

For farming communities, lost land means hungry people. The ADB resettlement policy (see pages 76 and 77) requires that the bank provide replacement land for people with land-based livelihoods. Demand this, and hold them **accountable**.

If you lose your livelihood or resources you depend on due to an ADB project, demand that the ADB and project developer prepare a resettlement plan and involve you in designing the plan.

STORY: PROTESTING WITH GIFTS FROM OUR GARDEN

In an agricultural area outside the city of Mangalore, India, the government wants to create a vast "special economic zone" with a sewage treatment plant, a petro-chemical factory, and other massive industrial developments. But the people who live in the farming villages there do not want their beautiful homes, farms, forests and temples turned into an industrial wasteland.

India has a national law that says special economic zones can only be built on "barren land" – not in areas rich with paddy fields, farm lands, forests, lakes, rivers, wells or productive gardens. Even though this area is one of the richest farming areas in all of Mangalore, corrupt government officials had declared the area to be "barren land".

The local villagers tried to tell the government and media that the area was not barren, but no one listened. Finally, they came up with a plan to show that they did not live on barren land, and thus to prove that plans for the special economic zone were illegal. Their plan was also designed to win them more friends and **allies** in the government and in the urban neighborhoods in Mangalore.

The villagers organized a peaceful protest walk in which everyone would carry a gift from their garden or farm: fruit, flowers, vegetables, rice and more. The peaceful protest march would be a beautiful show of the richness of the land and would end at the government offices in Mangalore city, where they would leave their gifts on the desk of a government official responsible for classifying land as barren.

Before the march, they called reporters at all the newspapers and media outlets in Mangalore. They invited all the media outlets to the march and told each reporter that they were calling the other papers. To each outlet they said, "Hello, will you come tomorrow to our march? We are also calling the *Deccan Herald,* and their lead reporter will be there…" This created competition among the media outlets, and each paper made sure to send a reporter.

The march was a success. The media took photographs of the many marchers carrying rich gifts from their land and of the government office that overflowed with flowers and fruits and vegetables. No one was arrested, and images of the march were printed in newspapers across the country.

The action was peaceful and showed the joyfulness and generosity of the villagers, as well as the richness of their land. It also helped their movement grow: when people in the city saw all this richness from the land, they thought, "We need to protect this rich area of our state!"

What can we learn from this story?

When we use non-violence, beauty and creativity in our actions, we build support from the public and can often change the minds of decision makers. This action reminds us how powerful it is when we do not simply focus on what we are fighting *against*, but on the richness we are fighting to *defend*. This way, people are inspired to join us in our effort to protect life on earth.

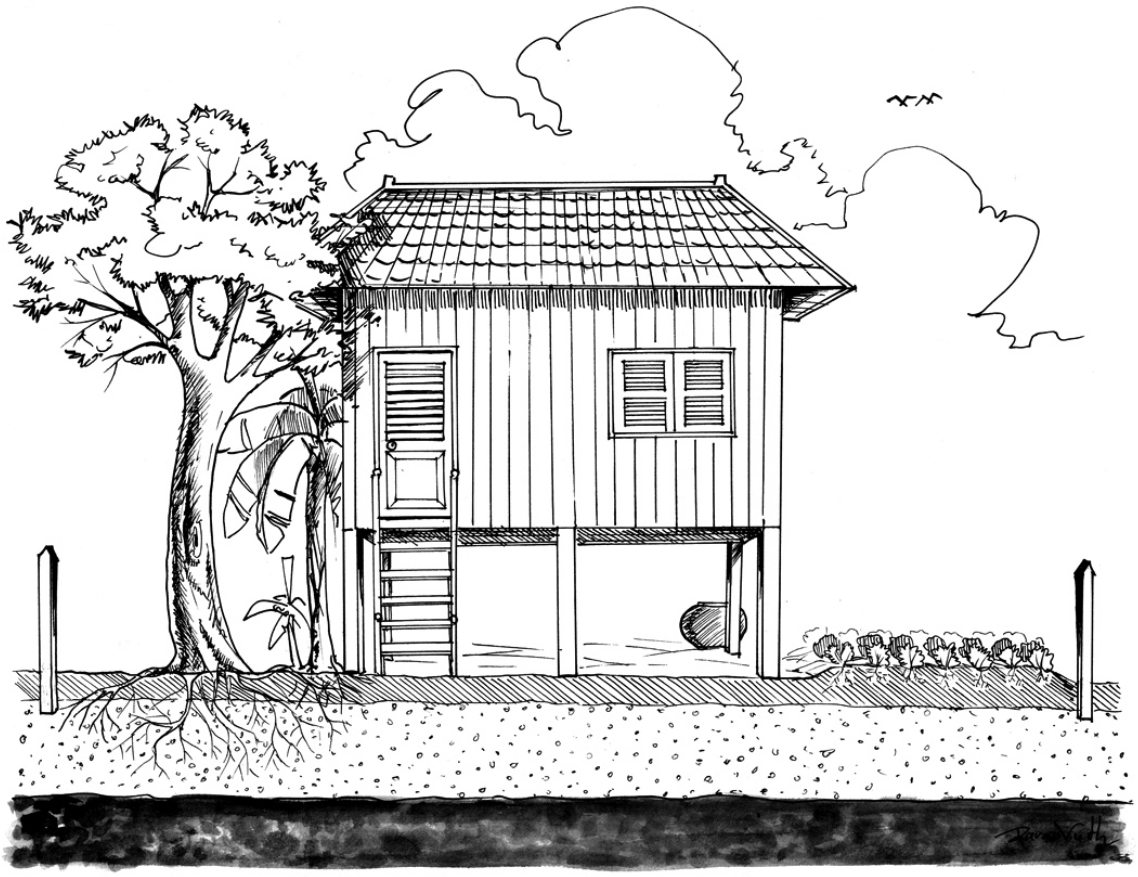
THE RIGHT TO ADEQUATE HOUSING

Housing provides security and shelter, privacy, communal space for the family, and the foundation for our ability to work and earn a livelihood. The Universal Declaration of Human Rights says:

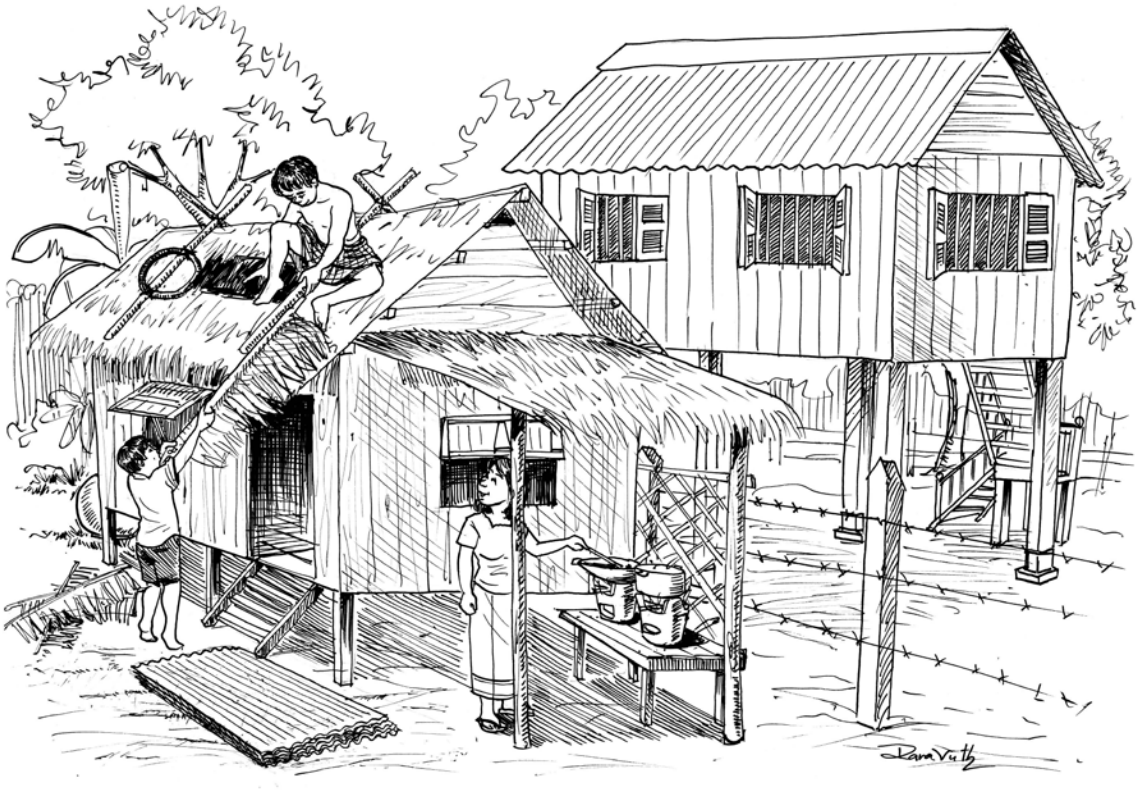
"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

The right to adequate housing is also recognized by **the International Covenant on Economic, Social and Cultural Rights** (see page 189).

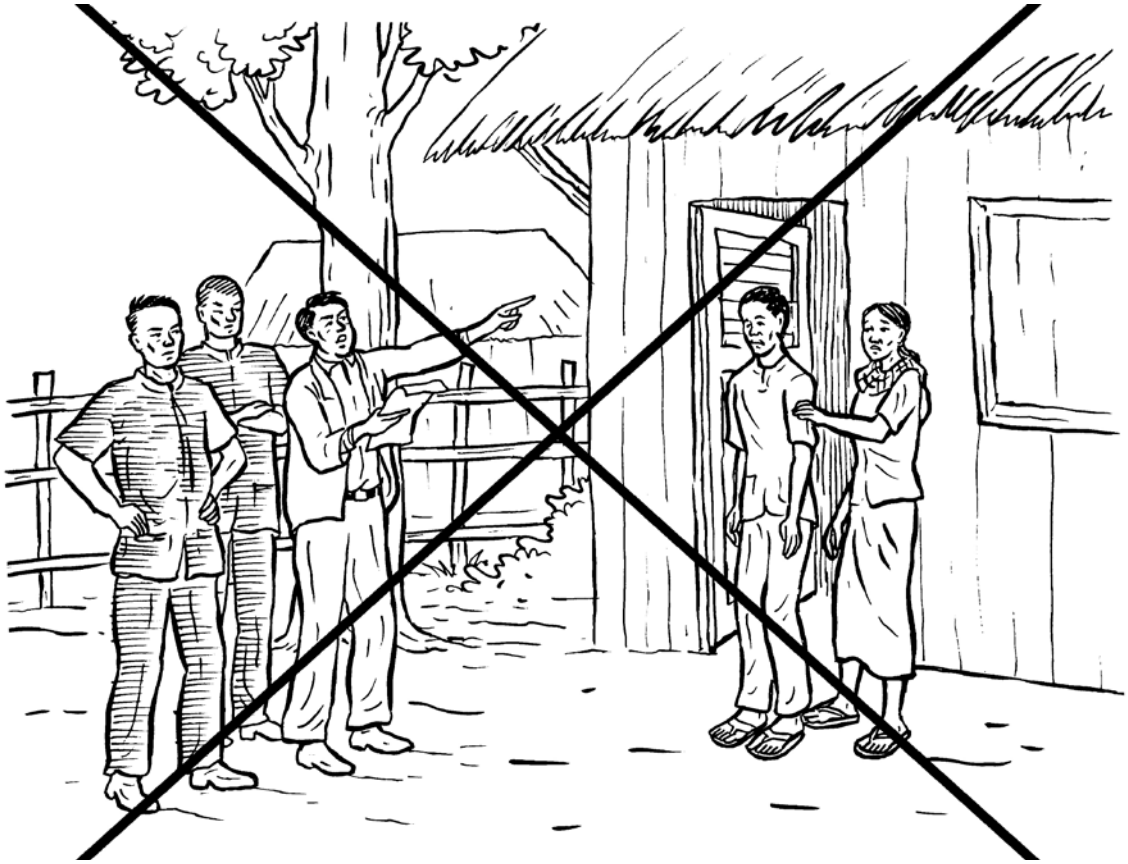
International law recognizes that the right to **adequate housing** is about much more than just a roof and walls. The right to adequate housing includes 7 elements:



The house must have enough space, privacy and protection.

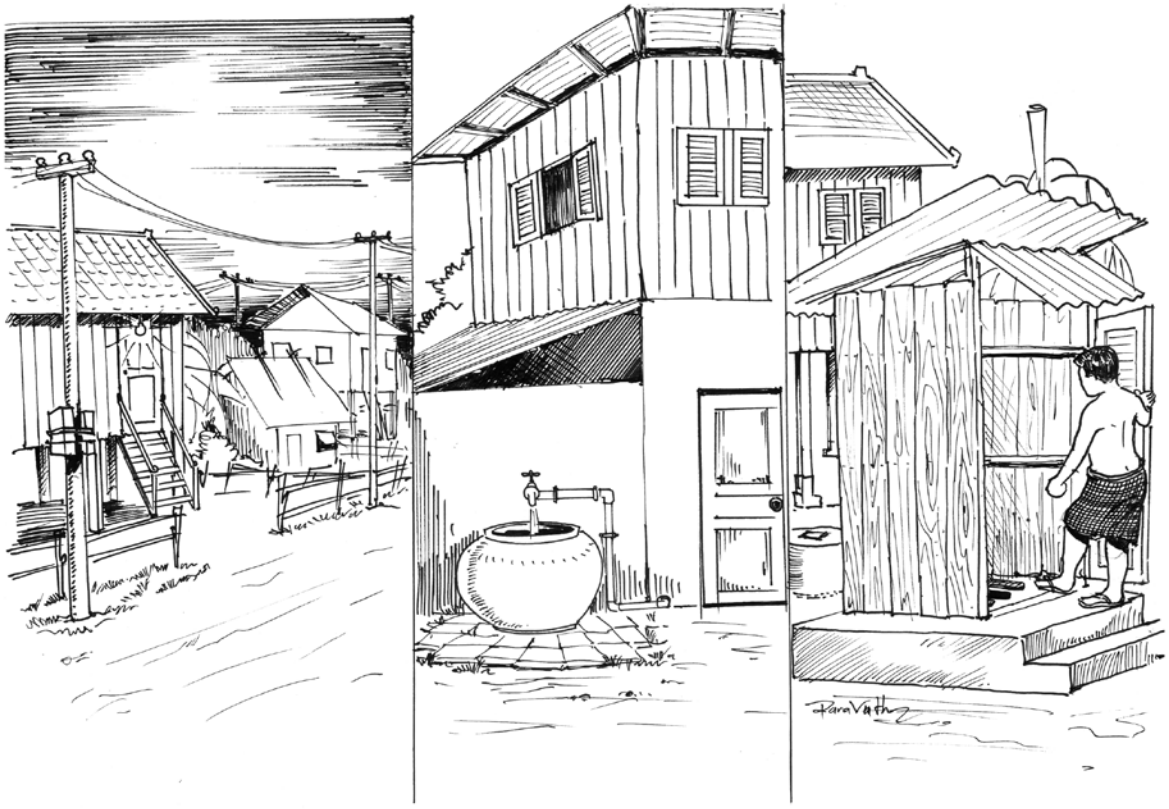


The cost of housing must not be too expensive.

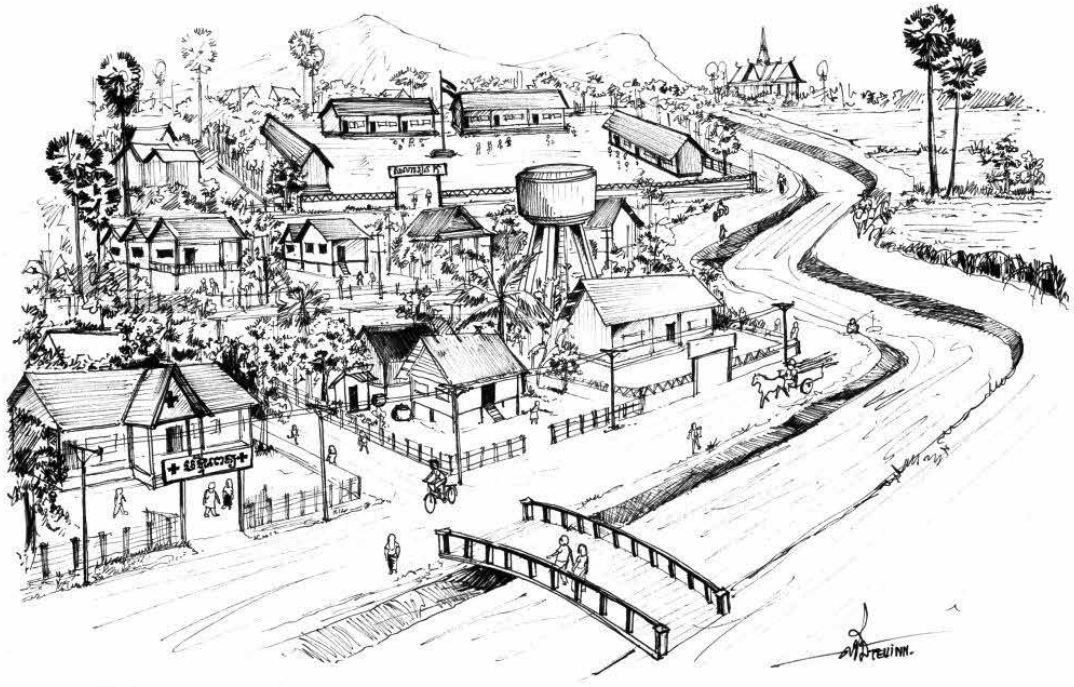


All people must have security of land tenure to be protected against forced evictions.

Housing must not discriminate due to ethnicity or for any other reason.



The house must have access to basic services.



The house must be in an appropriate location.

The house must be designed and built in a way that respects people's traditions and culture.

One of the worst **impacts** of **large-scale development** is **forced displacement**. This is when people are evicted from their homes to make way for a project. Many people around the world have become **impoverished** due to forced displacement.

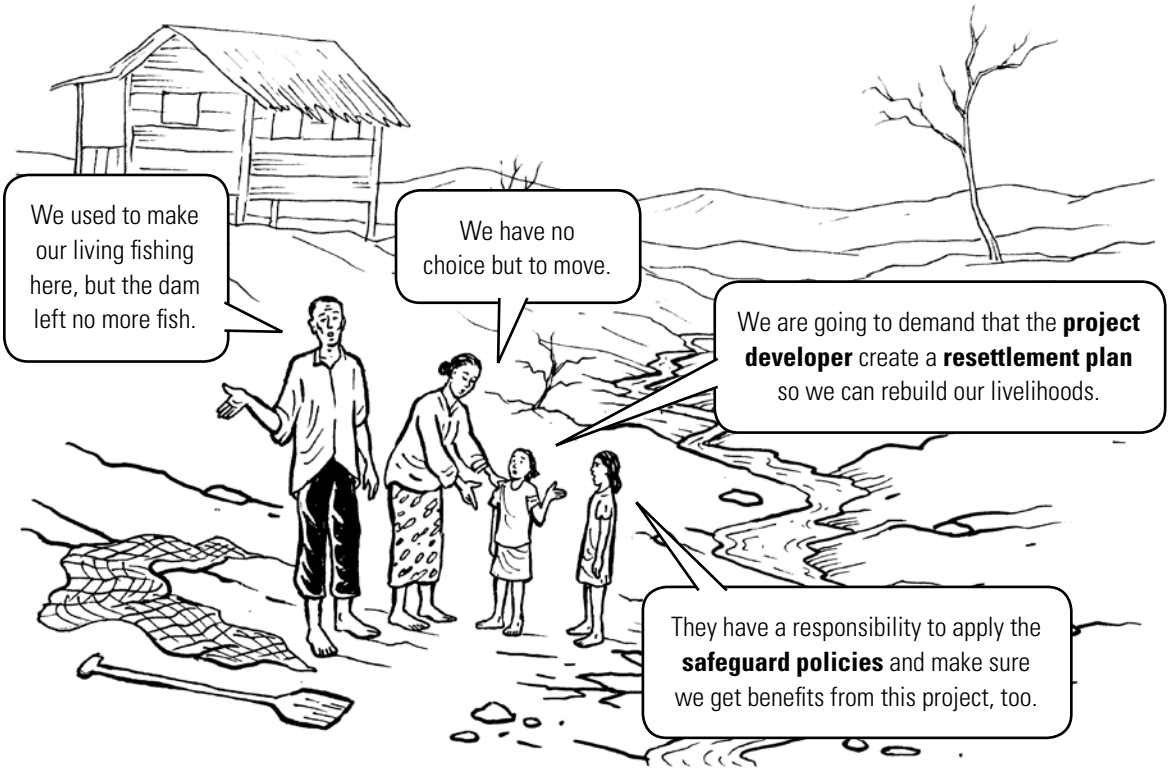
Sometimes, people are directly evicted when their homes and lands are taken to make way for a project. In other cases, pollution and other project impacts become so bad that people must leave their homes and lands to survive. Both kinds of displacement violate the right to housing.

When people lose their homes, they also lose:

- ↳ Access to resources such as forests for collecting fuel, fodder and medicines, or rivers for fishing
- ↳ Access to services such as schools and health clinics
- ↳ Land they depend on for food and livelihoods

Forced displacement often leads to the breakdown of communities and social support, causing isolation, depression, and the loss of cultural knowledge and identity.

When the right to adequate housing is violated, it often leads to other rights being violated as well. For example, people who have no home or land are much more likely to face extreme poverty, degrading treatment, exploitation, and arbitrary arrest.



STORY: HIGHWAY 1 IMPOVERISHES PEOPLE IN CAMBODIA

In 1998 the Asian Development Bank loaned the Cambodian government $40 million to build a road between the capitol in Phnom Penh and the border of Vietnam. The ADB said that the road, called Highway 1, would make it easier, cheaper, faster and safer for people to travel between Phnom Penh and Vietnam. The new road, they said, would bring more business to communities along the highway. They said it would be good for the country, because it would increase trade.

Many local people wanted Highway 1 to be built. They thought it would be good to have safer, faster travel and more opportunities for trade and commerce. But after construction began, it turned out that Highway 1 was not being built in a way that was good for everyone.

Because a lot of land was needed for the highway, around 6,000 Cambodian villagers were displaced from their homes and their farmland. They became homeless and landless. Because they were farmers, losing their land meant losing their livelihoods as well. To make matters worse, the project did not offer them a new place to live (**relocation**), help restore their livelihoods (**rehabilitation**), or even give them any money (**compensation**) to help them start over.

In order to survive, many of the farmers had to borrow money. But the money was loaned at high **interest** rates. They ended up with large **debts** that they could not pay back.

Some of the community members began organizing to demand that the project give them compensation for the homes they lost. Community members learned about the ADB and filed a **complaint**. This forced the ADB to investigate and pressured the government of Cambodia to provide compensation money. Still, not everybody got money, and many people are poorer than they were before.

If you travel on Highway 1 between Phnom Penh and Vietnam today, you might think it is a great improvement over the old road. But thousands of farmers lost their land and livelihoods for the highway to be built.

What can we learn from this story?

By allowing the project to happen in a way that made many people poorer and that damaged their homes and livelihoods, Highway 1 did not comply with the ADB safeguard policies meant to protect impacted people from being harmed. By actually making many people poorer, Highway 1 failed to achieve the ADB's stated mission: to reduce poverty.

QUESTIONS FOR DISCUSSION

- What rights were violated by the Highway 1 Project?
- How was the ADB's involuntary resettlement policy violated in this case?
- If the people who were displaced had known that the highway would cause them to lose their lands and homes, what could they have done to prevent this?
- If the ADB gave **human rights** the same importance as economic development, how would the Highway 1 project be different?

Even when people are not formally evicted, they often still suffer violations of their right to adequate housing. If the impacts of an ADB-financed project cause people to lose their livelihoods or the resources they depend on, the project developer is required to apply the involuntary resettlement policy.

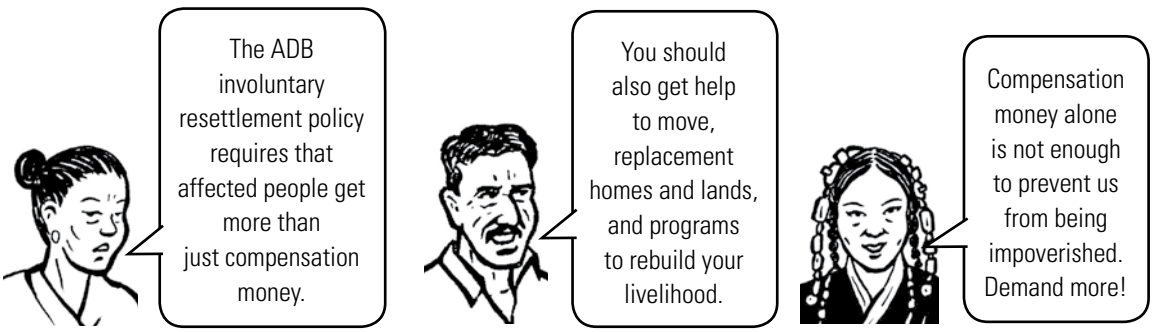
This means the project developer must make a resettlement plan together with the affected people to protect, restore and improve their livelihoods.

Involuntary resettlement, forced displacement and impoverishment

One of the most common injustices when people are forcibly displaced is that they become poorer. Corporations and government agencies often promise that everyone will receive compensation and rehabilitation, including a new home, livelihood support, and other help. But often these promises are not kept.

In many cases, people do not receive any compensation, or they may receive only a small amount. Sometimes, the agencies responsible for providing compensation and rehabilitation simply fail to build new homes as promised. Very often the homes or resettlement sites are badly constructed, inappropriate to community needs, and far away from running water, electricity, schools and jobs.

Big projects take a long time to plan, approve and build—sometimes 10 or 20 years. Often, the rehabilitation plan is made at the beginning, but people are not resettled until years later. In the meantime, children grow up and have their own children, and the rehabilitation and compensation plan no longer meets their needs.

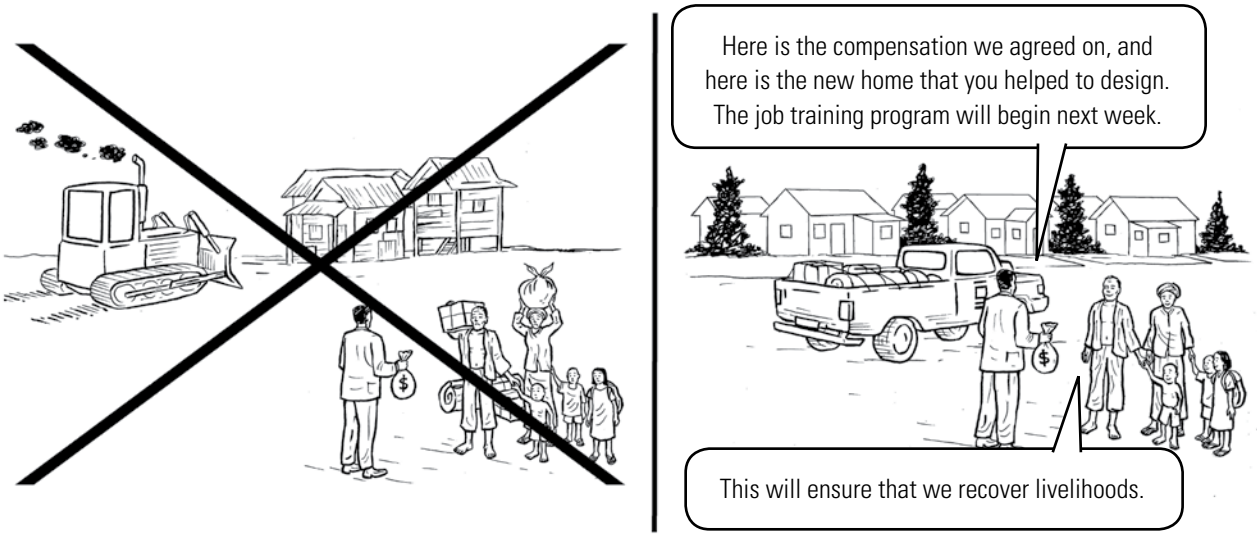


WHAT THE ADB SAYS ABOUT INVOLUNTARY RESETTLEMENT

If people are forced to move because of a project, the ADB's safeguard policies say that they should be consulted in order to reduce the harm they suffer and that they must be **resettled** (given new homes). This applies to all affected people, regardless of whether the resettlement is permanent or temporary, physical or economic.

WHAT COMMUNITIES HAVE EXPERIENCED

Many communities have been resettled against their will, and there are many cases where the ADB has promised compensation, but the communities never received anything. Many people are never told where they will be relocated, whether they will lose their livelihoods, if there will be schools for their children, or how to rebuild their businesses after resettlement.

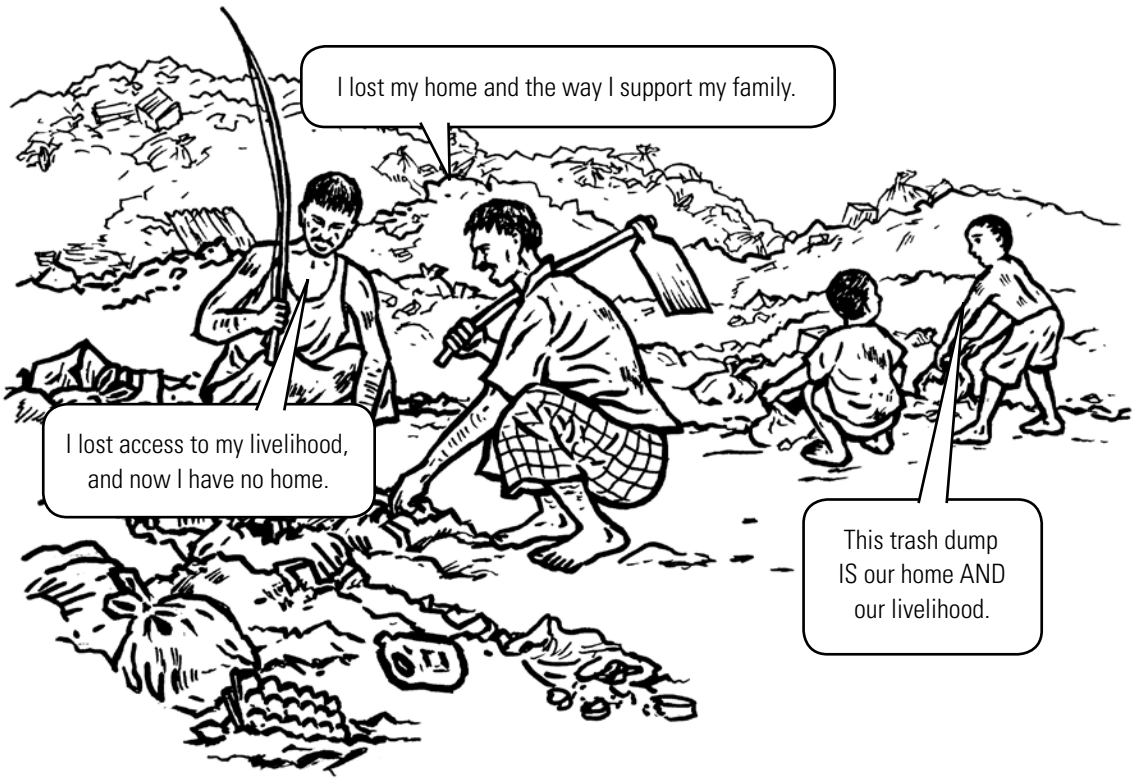


Physical and economic displacement

People may be displaced from their homes for reasons that are either physical or economic. The ADB safeguard policy covers both kinds of displacement.

Physical displacement means loss of the land or shelter that you call home. This is also called **eviction** or involuntary resettlement.

Economic displacement is when you lose access to the resources or the environment you need to make your living, such as non-timber forest products, fish and game, water, agricultural land and crops. It also means you lose sources of income or means of livelihood (such as farming, hunting or collecting forest products and resources), or that you lose access to the marketplace where you sell your products.



Different rules may apply to people who have been displaced physically or economically. But often, the results of this displacement are the same.

How can the safeguard policies protect the right to adequate housing?

The ADB safeguard policy on involuntary resettlement (see page 40) is supposed to protect the right to adequate housing by ensuring that people are not displaced – or, if they are, that they be given secure housing to replace what was lost.

Experience shows that this safeguard is not enforced as it should be. Sometimes, communities are simply evicted from their homes and receive no compensation or assistance to resettle. Often, a community is moved to a resettlement site, but the project developer fails to provide running water, electricity, a school, or a health clinic.

The hardest thing to rebuild is people's livelihoods. Sometimes, even when a resettlement site is built, families cannot stay there because they have no way to earn a living.

Communities facing forced displacement and involuntary resettlement can use the right to adequate housing in international law as part of their campaign to pressure the ADB to enforce this safeguard.

MONITOR THE RESETTLEMENT PLAN

If the **initial poverty and social assessment** (see page 95) shows that any people are to be evicted, the government and the project developer have to prepare a resettlement plan. The plan must "ensure that livelihoods and standards of living are improved", and must include:

- ↳ Options for relocation, rehabilitation and compensation
- ↳ **Meaningful consultation** with everyone affected
- ↳ Effective participation in the decision about where, when and how to relocate

If there are national laws guiding resettlement, these laws must be followed. If there are differences between national laws and ADB **policies**, the government and project developer must follow whichever standard is higher, and work with affected people to ensure their needs are met in compliance with these laws and policies. If the project developer breaks these laws or policies, affected people may file a **grievance** (see page 100).

Before the ADB can make a loan, the developer must ask what affected people think about their plans and inform them about alternatives. If there are no alternatives, they must provide information about resettlement, such as where they plan to build new homes, and they must allow everyone to accept or reject their offer.

Any costs of resettlement are part of the project costs and must be paid by the ADB and other project financiers. If affected people are forced to pay for any of the costs of resettlement, they should file a grievance and demand that the ADB pay them back.

The ADB's rules say that when a project is "highly complex and sensitive", the government and project developer must work with an independent agency to **monitor** the resettlement plan. Communities' experiences have shown that *any* development project that causes resettlement is "sensitive" and should have an independent monitoring agency.

If there is no such agency, communities can demand that the ADB and the government contract one. Communities can demand participation in choosing the agency and make sure that the agency works closely with affected people to monitor the resettlement.

As part of the resettlement plan, the government and project developer must publish a report twice a year that describes how the resettlement is going, including any problems or **complaints**. These reports can be opportunities for communities to have their voices heard, by demanding participation in writing them. These reports can also be used in a media campaign (see page 135), especially if there is a strong difference between what the report says and the reality on the ground.

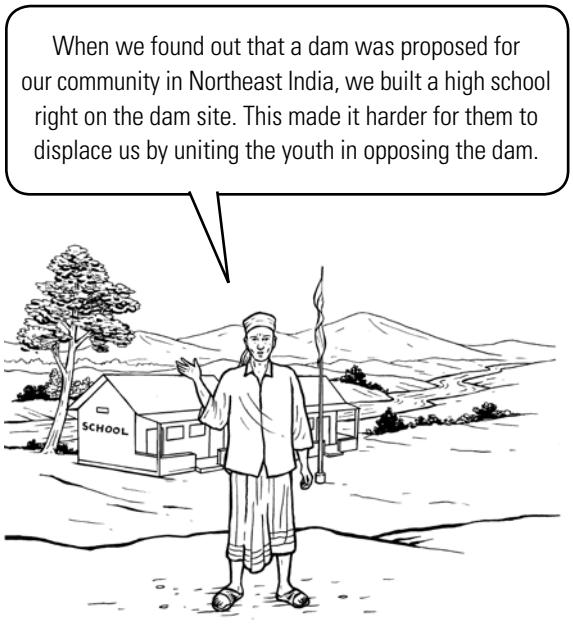
COMMUNITY TIPS: DEFENDING THE RIGHT TO ADEQUATE HOUSING

Laws are often very complicated and hard to understand. It is helpful if your community can identify a trusted individual with experience in defending housing rights, like a lawyer or **non-governmental organization (NGO)** that can help analyze the relevant laws.

If you are threatened with eviction, document everything about your house and land—your fruit trees, your fishponds, your neighborhood, everything. Use photos, videos, maps, and lists to show why your land should be protected. If the displacement occurs, you can use this documentation to show all the things that should be replaced and rebuilt. (See Community-based Research, page 128.)

Document the design of your village with photos and maps, so that you can advocate for this design in the new resettlement site. Otherwise the ADB and the government will try to put you in box houses and apartment buildings.

Demand to be part of the design and planning of the resettlement. First, demand access to the documents; then, demand to participate in making the resettlement plan.



If you are going to be resettled, demand that resettlement and rehabilitation be completed before the project begins.

Sometimes affected people wait years to get resettled and to get the help that was promised to them. If the resettlement is taking a long time, demand a review and update of the compensation and rehabilitation plans. Protest and use direct action (see page 141) if you have to, to pressure the government to agree. (see page 186 for guides on remaining safe when taking these actions.)

Ensure that the project gives special attention to women and woman-led households. Too often, women are excluded from receiving land titles, and from compensation and decision-making.

Educate your community that the right to housing is about much more than just a house. You have a right to culturally appropriate housing, to basic services like water and electricity, schools and health clinics, and more. Know your rights and demand them.

ACTIVITY

MONEY ISN'T EVERYTHING

OBJECTIVE: Often, when people hear about threats of displacement from a big project, they believe that it cannot be stopped, and their first concern is for compensation: how much will I be paid to leave my home? People may even be excited to receive money. But this makes them forget that many things are more valuable than money, last longer, and are much more difficult to get back once they are lost.

This is a role-play activity that helps people think about what might happen to compensation money they receive.

TIME: 30 minutes

MATERIALS: Fake money (made up before the activity with cut paper), imagination

1. Select 3 people to play the role of a family: a man, a woman and a child. The rest of the participants will play the role of salespeople and debt collectors.

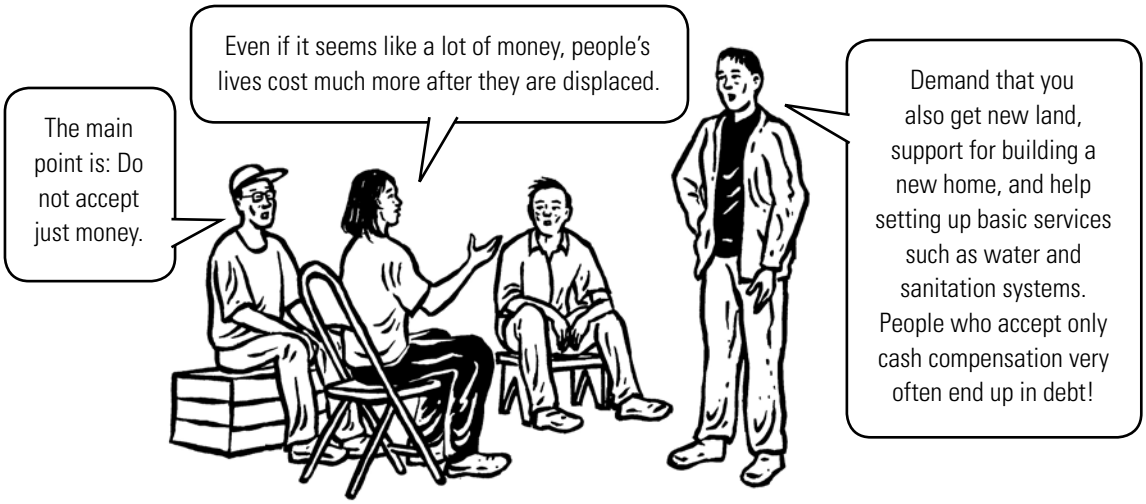
2. The facilitator tells the family that their land has been taken away, then gives them a bag of money, and says, "Don't worry. Now you are rich! You can spend this money however you like! Go in search of your future."

3. The salespeople and debt collectors line up, and the family walks down the line, seeking their future. Each person in the line will then offer to sell them things they need to make a living. Each person can create these things using her imagination. The important thing is for each salesperson to tell the family that they have to pay for each service and to take a handful of money from the family, so they end up with little or nothing at the end. The things they must pay for include:

   - ↳ New land. Salesperson says: "You need new land. I will sell you this land, but it is not cheap!"
   - ↳ Building a new house. Salesperson says: "You will need to build a house. I'm afraid you cannot cut wood to build a house like you did in your old place. But I will sell you wood."
   - ↳ Food and produce. Salesperson says: "It will take you a few years to get your garden planted. In the meantime, you can buy all the food you need at my market."
   - ↳ Medicine. Salesperson says: "Before, you could harvest medicinal plants in the forest and garden. But I have modern medicines at my store. It would be such a shame if the child got sick!"
   - ↳ Fish. Salesperson says: "When you lived by the river you caught your own fish. But those days are over, my friend. I will sell you fish."

- ↳ Taking the bus. Bus driver says: "Now that you live far from where you work, you'll need to take the bus every day. But listen, if you pay for the whole month at once, I'll give you the best seats and a good price."
- ↳ Debt. The last person in line should be the debt collector. He can say something like: "You owe money for your child's school and for the health clinic and your taxes. Pay now!" He takes whatever money is left. If there is no money left, he threatens to call the police.

4. After the activity, talk about what happened and why the money disappeared so fast. How did it feel to have to pay all those people? What else could the family have done? Where could the family look for help?



DEBRIEF: ADB's most important responsibility with resettlement is to ensure that people do not become impoverished. The resettlement plan (see page 77) must comply with national laws and international human rights standards. When people are displaced, both the ADB and the government are required to provide them with many kinds of support beyond cash compensation, such as:

- ↳ Assistance to move themselves and their belongings to a new home
- ↳ Land titles that prove they are owners of the new land so it cannot be taken from them
- ↳ Replacement of any belongings or common property they have lost
- ↳ Livelihood opportunities and job training

Research and people's experiences have shown that when people receive only money compensation, they become very poor soon after they are displaced. When people receive other support in addition to the compensation money—such as help to move, replacement homes and land, job programs, benefits from the project, and more—this can help people actually have a good standard of living.

WOMEN'S RIGHTS

Women are often excluded from decision-making in **development** projects. But women's opinions and women's rights are central to protecting all other rights – not only for women themselves, but for everyone. Protecting women's rights protects children as well, and it improves the health and welfare of the whole community.

When men and women have equal rights and equal roles in decision-making, this helps children grow and thrive, and it ensures a healthier future for all. Women's rights and gender equality are very important for the rights and well-being of our communities as a whole.

Women's rights are recognized in the laws of many countries and by an international treaty called the **Convention on the Elimination of All Forms of Discrimination Against Women** (see Resources, page 189).

Why are women's voices important?

Women are at risk of violence and exclusion from development decision-making processes. If women are not safe to speak out, and if they are not recognized as fully equal members of a community, then their needs and contributions go ignored, and they are not able to exercise their **human rights**. Women's ideas, contributions and work are so important to community life that they must be considered at every stage of a development project. The ADB's rules require that all decision-making for projects must be fully accessible to women.

Women's rights are human rights!

How do ADB projects violate women's rights?

The ADB and other development agencies are supposed to improve women's lives and protect their rights. But sometimes development projects make women's lives harder rather than easier. Development projects, and especially **megaprojects**, can have big **impacts** on the environment and on people's homes and livelihoods. This affects women in many ways, such as the following:

- ↳ Increases domestic violence by increasing alcoholism, putting more pressure on men, and increasing violence and stress in the community
- ↳ Adds to women's 'double-burden' of working and supporting the family by forcing women to work even more
- ↳ Reduces opportunities for education and career advancement when families are made poorer or forced to move far away from schools
- ↳ Reduces access to health services, particularly for reproductive health
- ↳ Makes women more vulnerable to sexual exploitation and violence
- ↳ Forces women to take low-wage jobs
- ↳ Excludes women from being part of development decision-making

What must the ADB do to safeguard women's rights?

Early in the **project cycle** (see page 93), when the ADB does the **initial poverty and social assessment (IPSA),** they must study the possible impacts on women. If there will be impacts, the project requires a **gender plan** to ensure that women are consulted and involved in all stages of the project. Any costs of developing or implementing this plan must be paid as part of the project. When the project is recommended to the ADB president (see page 97), the gender plan must be included. The **project developer** is responsible for carrying out and **monitoring** the gender plan.

THE ADB SAYS THAT WOMEN MUST BE INCLUDED AT ALL STAGES OF A PROJECT

The ADB's rules require that special attention be given to the project's impacts on women and women's participation in decision-making. According to the ADB itself:

- ↳ Specific impacts on women must be considered during **environmental impact assessments** (see page 49).
- ↳ Gender must be considered in resettlement planning (see the right to housing, page 68). The policy on **involuntary resettlement** requires improving conditions for **displaced** people, including women and other groups at risk of discrimination or exclusion. The **income restoration program** in the **resettlement plan** must be developed by consulting women and women's groups. It also must establish women-centered income generation activities and involve **non-governmental organizations (NGOs)**, women's groups and other community-based groups.
- ↳ The policy on **Indigenous Peoples** requires that project benefits be gender-inclusive (see Indigenous Peoples' Rights, page 56).

There is no specific safeguard policy on the rights of women, but the **safeguard policy statement** (the official document about the **safeguards**) says that women must be protected from project impacts and risks; women must be involved in **consultations**; and the **grievance mechanism** (see page 97) must respond to women's needs and interests.

STORY: CITARUM RIVER PROJECT IN INDONESIA DISPLACES COMMERCIAL SEX WORKERS

In the town of Karawang along the Citarum River in Indonesia, the ADB is funding a water management project (see story on page 54). In this area there are many small cafes used by commercial sex workers. When the ADB project was approved, it did not include a resettlement plan for these women. But they were resettled anyway, without any warning, and without any **compensation** or support to rebuild their lives.

The human rights and **dignity** of women working as commercial sex workers are just as important as the needs of all other people. But women whose livelihoods are marginal and not respected by much of society are much more vulnerable to the harmful impacts of development projects. ADB safeguards require that the project developer pay special attention to meeting the needs of people at risk of discrimination or exclusion (referred to as **vulnerable groups** by the ADB).

All ADB projects require that steps be taken to restore livelihoods, housing and other basic needs of *all* resettled people. The ADB and the Indonesian government took advantage of the Citarum project to displace these women. By failing to create a resettlement plan, ADB and the project developer blatantly violated these women's human rights.

COMMUNITY TIPS: DEFENDING WOMEN'S RIGHTS

Across Asia, there is great diversity in women's roles and customs. In some communities, women are the leaders and speak out very publicly. In other communities, women speak in their own homes to help the family make decisions, but only the husbands and brothers speak publicly. But everywhere that communities organize to protect people's rights, women play an active role.

Women can come together to decide the best ways to participate and take the lead in decision-making. If most women in your community are busy during the day but have time in the evening, demand that the developer hold meetings in the evening. If it is uncomfortable for village women to speak to male ADB officials, ask that the ADB project have women on staff.

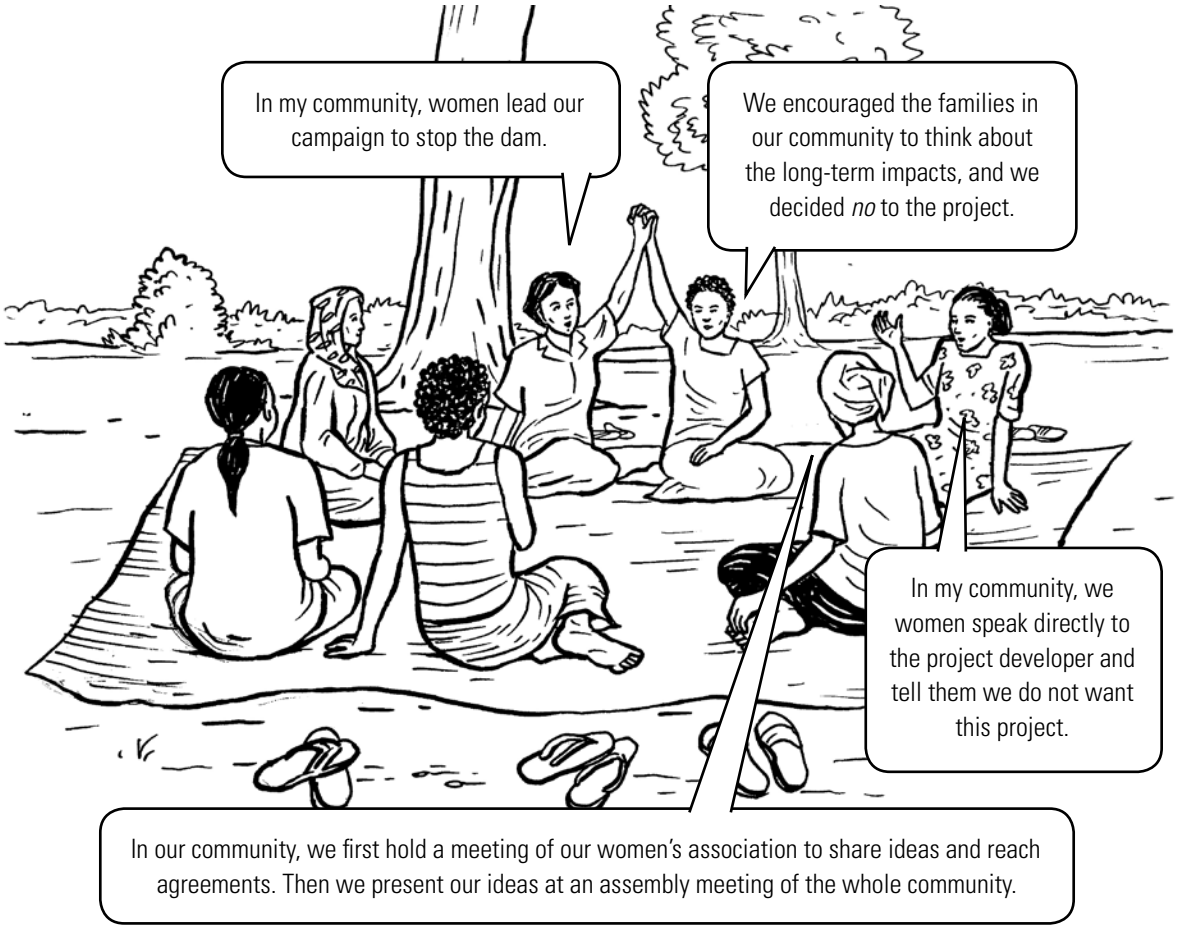
In cases where projects cause resettlement, women can play a lead role in designing resettlement sites and be included in plans for job creation and income generation.

Community activists should always be sensitive to the needs of women. Ask women how to organize meetings in a way that helps them feel comfortable and strong to speak up. For instance, many women prefer to speak in a small, informal group rather than a large formal gathering. Although they may be informal, such discussions should be taken seriously and be properly documented. Make sure that the person facilitating the meeting is sensitive to gender issues so that women's voices are heard and respected.

To gather input and ideas from women, go where women work and spend time, whether this means fields, kitchens, schools, worksites or homes.

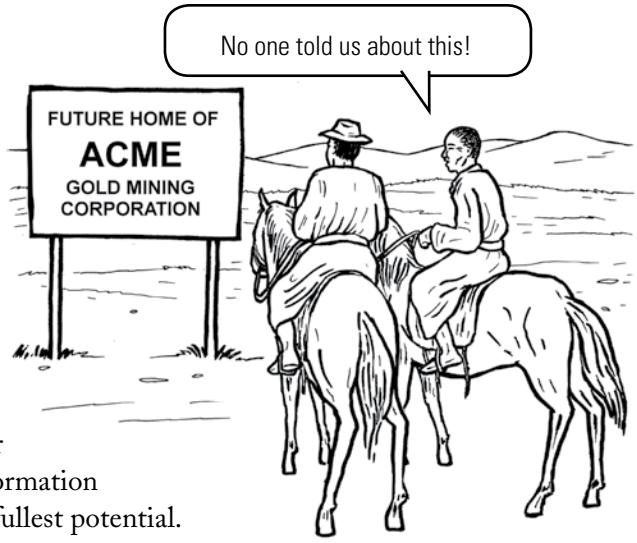
Even within groups of women, there are power relations, such as: elder and younger, high caste and low caste, elite and not elite. When encouraging women to lead, take these power relations into account and beware of the biases and unequal power of certain groups.

If some men are not supporting women to speak out, remind them that we need *all* members of our communities to lead and participate strongly if we are going to succeed.



Across Asia and the world, women are leaders in the movement to make development respect human rights.

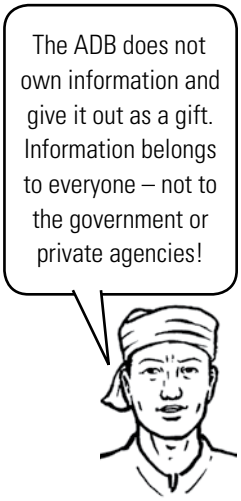
THE RIGHT TO INFORMATION



In order to make decisions that protect our communities' rights, we need information. The right to information allows people to know when their rights are at risk and to know what to do when there are violations of their rights. For this reason, the Universal Declaration of Human Rights says, "*Freedom of Information is a fundamental human right and the touchstone for all freedoms.*"

Information does not belong to the government or any other institution, but to everyone. Lack of information denies people the opportunity to develop to their fullest potential. Therefore, the right to information is essential to protecting other rights, such as the right to a healthy environment and the right to participation.

What must the ADB do to safeguard the right to information?



All ADB-funded projects require **project developers** to provide information in ways that are understandable to all affected people, and to allow for **meaningful consultation**. In order to ensure that the ADB does this, affected people can appeal to the ADB's public communications policy (see page 41) and the **accountability mechanism** (see page 100), and can demand their right to **free, prior and informed consent** (see page 59).

When the ADB makes it difficult for affected people to be informed about projects, it violates the right to information.

The public communications policy

ADB's public communications policy is an important tool to ensure that the **safeguard policies** work. According to this policy, all ADB staff are responsible for sharing information openly and directly with affected people and the public.

WHAT THE ADB SAYS ABOUT PROVIDING INFORMATION

"ADB seeks to provide information in a timely, clear, relevant manner and to share information with project-affected people early enough to allow them to provide meaningful inputs into project design. As a public institution, ADB should be publicly **accountable**."
— from the ADB public communications policy.

WHAT COMMUNITIES HAVE EXPERIENCED

ADB rarely provides information in a way that we understand, at the time that we need it, and in a form that helps us know how to take action.

Get project documents

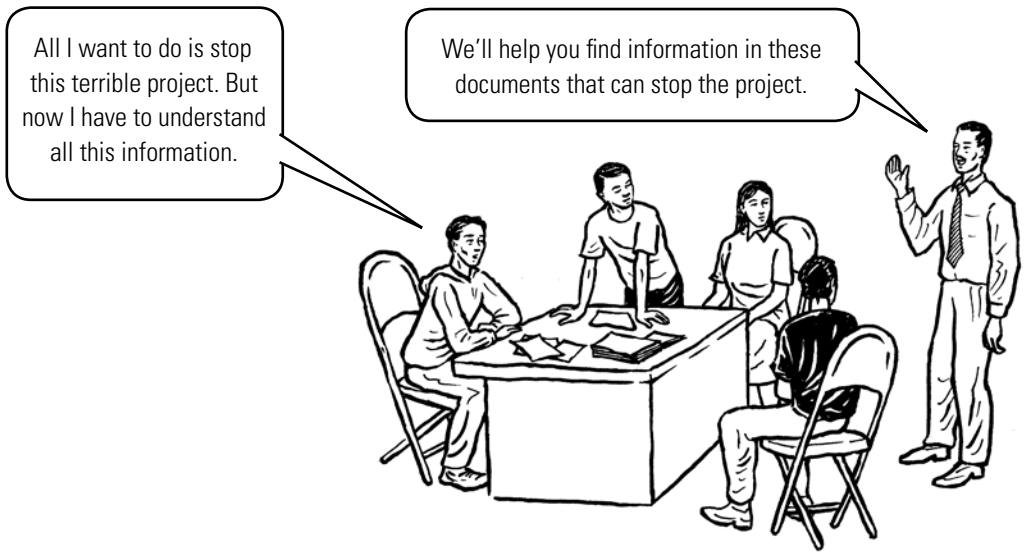
Under the public communications policy, the ADB is required to publish many documents about every project they fund. The most important is the **project information document (PID)**. This document explains the technical details of a project. It must be made available as soon as **project planning** begins, and it must be updated by the ADB every 3 months.

To get the project information document at the beginning of the project, and also when it is updated, you must know the project's exact title and number. Often, a **non-governmental organization (NGO)** or student may be able to help you search for this information on the internet. You can then find the project information document on the ADB website or ask for it from the ADB resident mission or project executing agency.

Other documents for **monitoring** an ADB project at different stages of the **project cycle** (see pages 93 to 99) include:

- **Initial poverty and social assessment (IPSA)**
- **Technical assistance report (TAR)**
- Social and environmental monitoring reports (SEMR)
- **Environmental impact assessment (EIA)**
- Resettlement planning documents (RPD)
- Indigenous Peoples planning documents (IPP)
- **Project preparatory technical assistance** document **(PPTA)**
- **Project administration memorandum (PAM)**
- **Report and recommendation of the president (RRP)**

To find these documents on the internet, go to http://www.adb.org.



Project evaluations

ADB evaluates all of its projects on an ongoing basis. The bank publishes a list of all project evaluations for the year ahead on its website in December of each year. When the ADB is conducting these **evaluations**, make contact with bank officials and project developers and draw their attention to the harmful impacts of projects.

To get the project information document, reports, and evaluations:

- ↳ If you know which government department is responsible for the project, you may ask directly or send a letter to the project executing agency.
- ↳ Ask directly or by letter to the ADB resident mission office in your country. The address can be found on the ADB website by clicking the name of the country (see page 185).
- ↳ If you know the project document number and know how to use the internet, trace the project from the website and check the email address of the project officer or responsible ADB officer. An NGO or students can be helpful with this too.
- ↳ When you write to ADB officials at ADB headquarters or in your country office's resident mission, always send a copy of your email to the ADB's public information and disclosure unit (InfoUnit) at disclosure@adb.org.
- ↳ You can also send your request to ADB's office in your country and the public information disclosure unit:

Public Information and Disclosure Unit (InfoUnit)
Department of External Relations
Asian Development Bank
6 ADB Avenue
Mandaluyong City 1550
Metro Manila, Philippines
Email: disclosure@adb.org

When you include the InfoUnit on your emails, it will help make the people that you write to respond, since they know the InfoUnit is watching what happens!

If your request is not answered, if you are not satisfied with the answer, or if your request is denied, you may write within 90 days to:

Public Disclosure Advisory Committee (PDAC)
Department of External Relations
Asian Development Bank
6 ADB Avenue
Mandaluyong City
1550 Metro Manila, Philippines
Email: pdac@adb.org
Fax: +63 2 636 2649.

Communications addressed to the Public Disclosure Advisory Committee may also be sent to its Secretariat through the e-mail: disclosure@adb.org.

The Committee must reply within 5 working days and must give a formal answer within 20 days.

If you are not satisfied with the Committee's decision, you can send your petition within 90 days to the independent appeals panel:

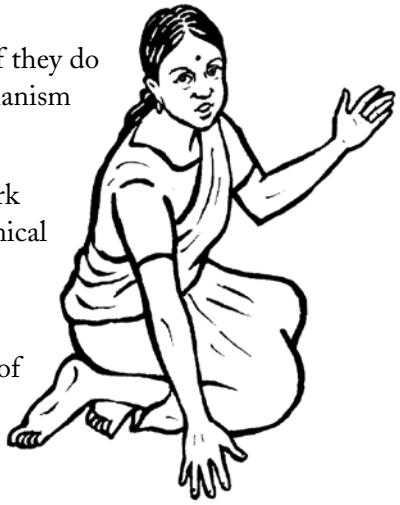
Independent Appeals Panel (IAP)
Asian Development Bank
6 ADB Avenue
Mandaluyong City
1550 Metro Manila, Philippines
Email: iap secretariat@adb.org
Fax to +63 2 636 2481

All appeals should contain:

- A description of the information originally requested
- A statement of the facts showing that ADB violated its **policies** by restricting access to information

The Panel must reply within 5 working days and must give a formal answer within 20 days.

COMMUNITY TIPS: GETTING THE INFORMATION



The ADB should provide all documents in your local language; if they do not, cite this if you file a **complaint** with the accountability mechanism (see page 100).

To get information from the government, it can be helpful to work with a trusted organization. And, ADB documents are very technical and difficult to understand. Seek support from **allies** to interpret the documents.

If you want information from the ADB and you know the name of the officer in charge of the project, the email address is usually the first letter of the name and the surname, followed by "@adb.org". Example: if the official is named Christopher Tanaka, the email address will be ctanaka@adb.org.

Requests for documents should contain the project description and explain why the particular document should be disclosed. The letter should also describe how ADB has violated its own policies and the rights of the community.

Find out which government agency is responsible for implementing the project and then try to get information from that agency. Some countries have laws like a right to information act. Use these laws to push your government to disclose information about the project. (If you do not have a right to information act in your country, start organizing for one.)

It is often difficult to get private companies to give information. But sometimes you can push a government agency, such as the national **human rights** commission, to get the information for you.

Get alternative information

A company wanted to build a coal plant in our community. I bought a few shares in the company—just 30 Baht each! This made me officially a **shareholder**. I was then able to go into the shareholder meeting and ask my community's questions directly to the company!

In reality, even if the ADB shares information, it is likely to share only information that makes the project look good. Do not rely on bank officials to tell the whole truth. In addition to having the ADB and the developer share information in ways your community can understand, you should:

- Research the company. Can you find any news on the internet or in the newspaper about similar projects they have done in the past? Get students or an NGO to help you do this research. (For tips on research, see page 128.)
- Research the impacts that this type of project frequently has. For example, if it is a mine, what are common impacts from that kind of mining? Is there any reason to think this project will be different?
- Watch for newsletter or media articles about projects being planned for your region. Sometimes no one tells us that projects are being planned, and we have to find out for ourselves.
- Make friends with journalists, and ask them to help you investigate the project (see page 135).
- Visit and talk to other communities facing similar issues (see page 119).

ACTIVITY

LOOK CLOSELY AT THE PROBLEM TO FIND THE SOLUTIONS

OBJECTIVE: To have a critical discussion about the impacts of some ADB projects, and collect peoples' ideas about how to work toward solutions.

TIME: 60-90 minutes

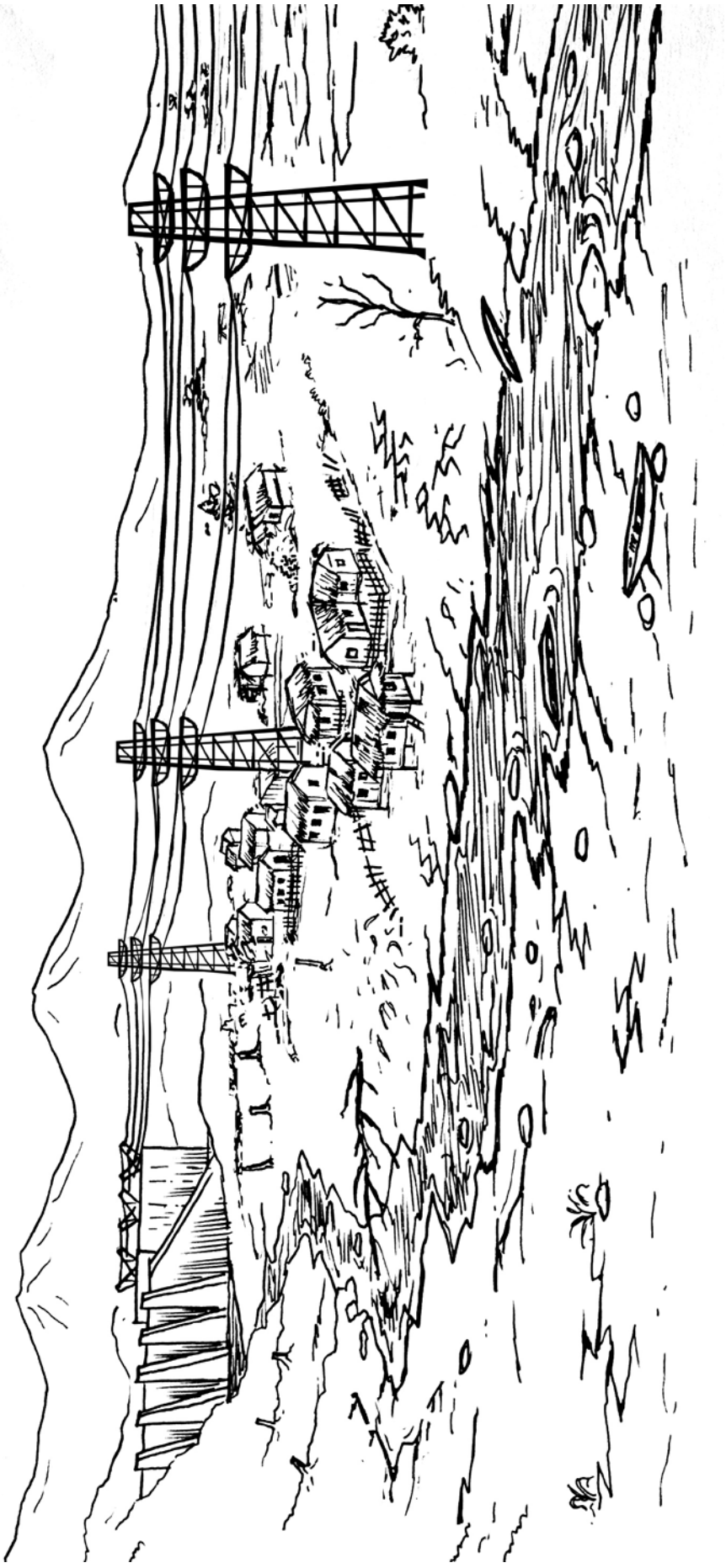
MATERIALS: The drawings on the next two pages, and your collective imagination

After learning about the ADB **safeguard policies**, look at the drawings on the next 2 pages and talk about them in a group. The group may want to have an open-ended discussion about the drawings or to use the questions for discussion that follow.

Or, try a more challenging activity by using the list of **safeguards** and rights on page 47. Match the problems in the drawings to specific safeguards and rights that are being violated.

Questions for discussion

- There is an ADB-funded project being built in this community. What is happening in this picture?
- What problems do you see? Are there problems for the environment? For people's health and safety? For the community?
- Are any of the problems you see in violation of the ADB safeguard policies? In what ways?
- Which safeguards are being violated?
- What rights are being violated?
- What other problems may exist that you do not see in the picture?
- What can be done to prevent these violations and to hold the ADB accountable?

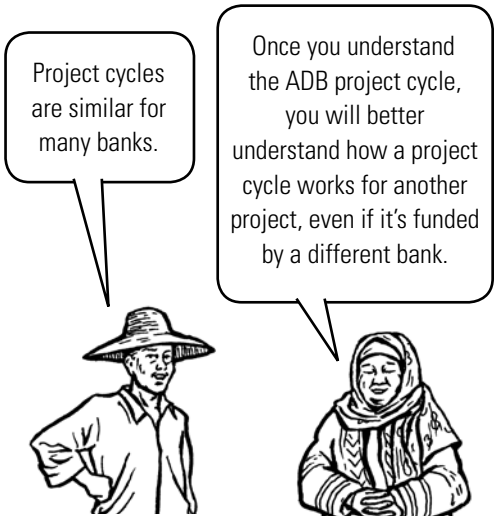


2.4. The ADB Project Cycle

ADB projects take many years to plan and develop. In order to know what to expect during a project, it is important to understand the different stages, from before it starts to after it is completed. This is called the **project cycle.** At each stage in the project cycle, communities can take action to hold the ADB **accountable**.

During the entire development of a project, the ADB, the government and the **project developer** must provide communities with information and make it easy for them to participate under principles of **meaningful consultation**. This means that information must be shared in ways that are:

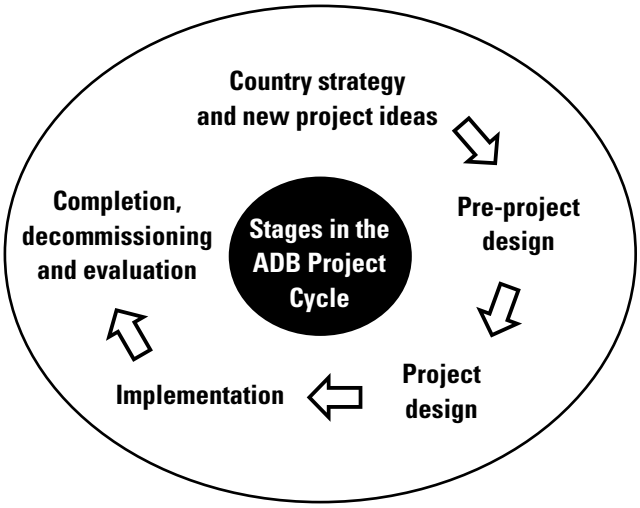
- ↳ Timely
- ↳ Understandable to the community
- ↳ Free of intimidation or **coercion**
- ↳ Inclusive of women and responsive to women's needs
- ↳ Considerate of the needs and capacities of people at risk of discrimination or exclusion (referred to as **vulnerable groups** by the ADB)
- ↳ Supportive of the full and effective participation of all affected people



At most stages of the project cycle, the ADB and the project developer must willingly share all information that affects the community. Unfortunately, the ADB often fails to do this, and affected people must take responsibility for getting information and for participating in project decisions.

If the ADB does not provide the required information, communities can file a **grievance** using the bank's own rules, through the **accountability mechanism** (see page 100). Communities can, and should, also take independent action to reduce harm, uphold rights, and get the kind of **development** they really want.

The project cycle has 5 stages. At each stage, communities can take action to prevent harm and to pressure the ADB to respect **human rights** and the environment. The next several pages describe what happens at each stage in the project cycle, and what actions communities can take to protect and defend their rights at different points of intervention.



Stage 1. Country strategy and program

Before any project begins, the ADB and the national government develop a **country partnership strategy (CPS)**. This is a plan for the country's development priorities and the goals of ADB-funded projects in that country.

The bank is then supposed to meet with the government and other groups, including **civil society**, **nongovernmental organizations (NGOs)**, private companies, and other ADB-member governments, to decide what projects to pursue.

When they begin to design a project, they develop a **loan agreement** to fund it. At this stage, the ADB posts the plan to its website and must begin seeking comments from everyone who may be involved or affected (sometimes called **stakeholders**).

Community actions

Because the country partnership strategy is done at the national level, it is difficult for communities to get information about it. But even at this stage, the ADB is required to engage in meaningful consultation and share information, and to enable the full and effective participation of any communities that may be impacted by its projects.

To be prepared for problems ahead, communities should ask local officials and community authorities to seek information on the national development plan and how it may affect the community. Begin forming community institutions that can work with non-governmental organizations, civil society organizations, and other groups to seek support for future advocacy efforts. Communities can also educate themselves about human rights and the potential impacts of development projects.

Communities that have a strong and clear vision of the future they want are better able to resist **destructive development** projects.

Stage 2. Pre-project design

The ADB lends the government money to prepare a project through an agreement called **project preparatory technical assistance.** ADB posts a description of the project and all related documents on its website. This is called a **project profile** or **project information document**.

During the early stage of the PPTA, the bank does an **initial poverty and social assessment** to identify if people and the environment may be harmed by the project. The bank usually hires outside **consultants** to visit the project area in a **fact-finding mission**. These missions must be done in consultation with the government and all other groups involved. Their goal is to examine every aspect of the project and the impacts it may have. They then write a **technical assistance report**.

If the technical assistance report shows that the project may cause people to be **displaced**, harm to the environment, or impacts on **Indigenous Peoples**, then the ADB must prepare **safeguard assessments** and determine whether the project will be categorized as A,B,C, or FI (see page 96). These assessments must be shared with affected people both before and after they are completed.

ADB and the government agree on a project developer (also called the project owner, **executing agency**, or **implementing agency**). The developer then prepares a loan proposal report and a draft loan agreement for negotiation.

Community actions

This is the most important stage of the project cycle in which to act to prevent harm. Communities should take the lead in identifying social and environmental impacts through community-based field research (see page 128).

Impacted communities should also participate in the initial poverty and social assessment by speaking directly with the consultants, and should pressure the project developer to ensure that all ADB rules are followed and people's rights are respected.

The project developer must share all information in a way that can be understood by the community and must ensure the full and effective participation of all affected people. Communities should demand that the project design includes a formal way to respond to grievances.

With help from NGOs, find out about the project developer: what other projects have they been involved in? Do they have a history of **corruption** or scandal? Are there reporters or media outlets that have uncovered problems or unsettled legal claims with this company? If so, this is useful material for a media campaign (see page 135).

Contact the ADB officials who are preparing safeguard assessments. Make them aware of any concerns about displacement, livelihood, loss of land or resources and impacts to Indigenous Peoples.

If you are concerned about a project, talk to people in your community to plan actions to investigate and challenge the project plans. This is the time to use all possible tools in the toolbox for community action (see page 116).

CATEGORIZATION OF PROJECT IMPACTS

The initial poverty and social assessment screens projects according to type, location, scale, sensitivity and potential environmental impacts. Projects may be labeled as A, B, C or FI. The way a project is **screened** determines what happens next in the project cycle.

This is what the project labels mean:

CATEGORY A PROJECT: The project is likely to have strong harmful impacts on the environment, to cause **involuntary resettlement**, or to directly impact Indigenous Peoples. "A" projects require an **environmental impact assessment**, and an **environmental management plan (EMP)**. If people will be displaced, there must be a **resettlement plan** (see page 77). If Indigenous Peoples will be impacted, there must be an **Indigenous Peoples plan** (see page 58).

CATEGORY B PROJECT: The project will have fewer impacts on the environment or Indigenous Peoples, or will cause some involuntary resettlement. "B" projects require an initial environmental examination (IEE) and an **environmental management plan**. If people will be displaced, there must be a resettlement plan (see page 77). If Indigenous Peoples will be impacted, there must be an Indigenous Peoples plan (see page 58).

CATEGORY C PROJECT: The project will have little or no harmful environmental impacts. Neither an environmental impact assessment nor an initial environmental examination is required.

CATEGORY FI PROJECT: The project will be carried out by a private company or agency. ADB requires that the private agency manages any environmental and social impacts. FI projects are much harder to monitor than A, B or C projects. (Note: This does *not* mean that all privately-financed projects are FI projects.)

WHAT THE ADB SAYS ABOUT PROJECT CATEGORIES

The bank screens all proposed projects to determine their potential environmental and social impacts. For environmental impacts, resettlement impacts, and impacts on Indigenous Peoples, we carefully assess different aspects of the projects to decide what category the project should be. Category A projects are the ones with the greatest potential impacts and which require the strongest **safeguards**.

WHAT COMMUNITIES HAVE EXPERIENCED

Sometimes the ADB classifies projects as Category B, when in fact there are serious potential impacts and risks, and the project should really be treated as Category A. If you gather evidence and key facts, you can challenge the ADB and project developer to change the category and get stronger safeguards.

Stage 3. Project design

The project developer prepares a draft loan and **project proposal** for the government to review. The government then enters into negotiations with the bank. If the ADB decides to approve the loan, it is submitted to the bank's board of directors. *When the ADB board is preparing to vote on whether to approve a project, this is a very important time for action.*

We knew when ADB was going to vote on a project in the Philippines, so we organized a protest outside the ADB office on the morning of the vote, so all the ADB board members would know we were opposed to it.

Even if you cannot show up in person, there are many ways to make your voice heard. Get articles in the media. Call all board members in advance and on the day of the vote too. Send them letters. There are many ways to get involved.

The board writes a **report and recommendation of the president** and posts it on ADB's website along with the legal agreements that are part of the loan agreement. The agreement is then signed by ADB's president and by a representative of the government.

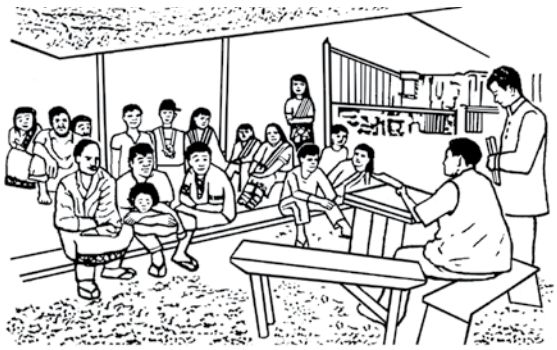
Once legal requirements are met, the loan is approved. After 90 days the bank releases initial money to begin the project.

Community actions

Community members should participate in the project developer's environmental and social impact assessments and raise all concerns at this time. Have the community's inputs been written into the project report and the report and recommendation of the president? Has the project developer conducted the required human rights impact assessments? Is there a formal **grievance mechanism**? Is there a resettlement plan, and have affected people participated in it? Continue documenting the project through community research.

The community can demand that local offices be set up to address grievances, with both male and female ADB officials assigned to local offices (so that women are comfortable to speak there too). If grievances are not handled well locally – and they often will not be – consider using the ADB's accountability mechanism (see page 100) or taking action beyond the ADB's own rules (see page 108).

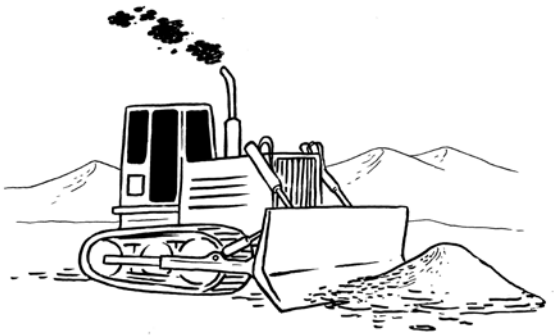
Communities can also negotiate a **benefit-sharing agreement** with the project developer at this stage. Affected people should come to agreements about what kinds of benefits they will and will not accept from the project developer.



Stage 4. Project implementation

At this stage, a **project administration memorandum** sets out the project's schedule and the details of what is expected to happen, and the ADB releases the money to begin the project. Machinery and equipment are purchased, and the project begins.

The government may begin the purchasing of lands and the resettlement process, if it has not begun already.



Most projects take 2 to 5 years to construct, depending on what kind of project it is. ADB officials visit the project at least twice a year to monitor its progress. The ADB requires regular reports from the project developer on environmental or social impacts.

Community actions

Continue organizing among affected communities. Have affected people been given the jobs they were promised? Are workers and project managers respecting community rights? If there is a community benefits agreement, is it being honored?

To ensure that the project complies with safeguards as well as national and international laws, the community should seek legal support (see page 122)—and also conduct its own research (see page 128 on community research). Demand **transparency**, **accountability**, and full and effective participation. Monitor pollution, accidents, and access to land according to the social and environmental management plans. Document any accidents, pollution or damage caused to people or the environment, and maintain good relations with the media and allied NGOs to spread the word about these issues.

If the project developer has not complied with requirements in earlier stages of the process, the community should file grievances. Grievance resolution offices should be set up for communities to file formal complaints. Use the accountability mechanism (see page 100) to file **complaints**.

If the project information document does not address grievances, communities may decide at this stage to take different kinds of **nonviolent direct actions** – to hold protests and to educate themselves, potential **allies** and the general public about the project and its impacts on human rights, health, livelihoods and the environment. (See page 141.)

Stage 5. Project completion, decommissioning and evaluation

Within 12 to 24 months after the project is completed, ADB prepares a final report. The report must cover all aspects of the project and its impacts. Several other reports are written at this time, including sector assistance program **evaluations**, special evaluation studies, and project and program performance evaluations.

Community actions

Communities should continue to monitor and document the results of the project. Are there people and communities who have not received agreed-upon benefits, **compensation**, resettlement or livelihood **rehabilitation**? Use the accountability mechanism (see page 100) to make formal **complaints**.

If the project has caused harm, continue seeking justice through national and international human rights mechanisms, and continue using all the tools in the toolbox for community action (see page 116).

2.5 How to Make a Formal Complaint to the ADB

One way that the affected people can demand **accountability** from the ADB is to bring their complaints to the **accountability mechanism (AM)**, an independent office created by the ADB to receive and address complaints for safeguard violations. This is called filing **complaints.**

You can file **grievances** at the local project office in your area, though this may be dangerous in some cases – for example, where local project officers are threatening your security.

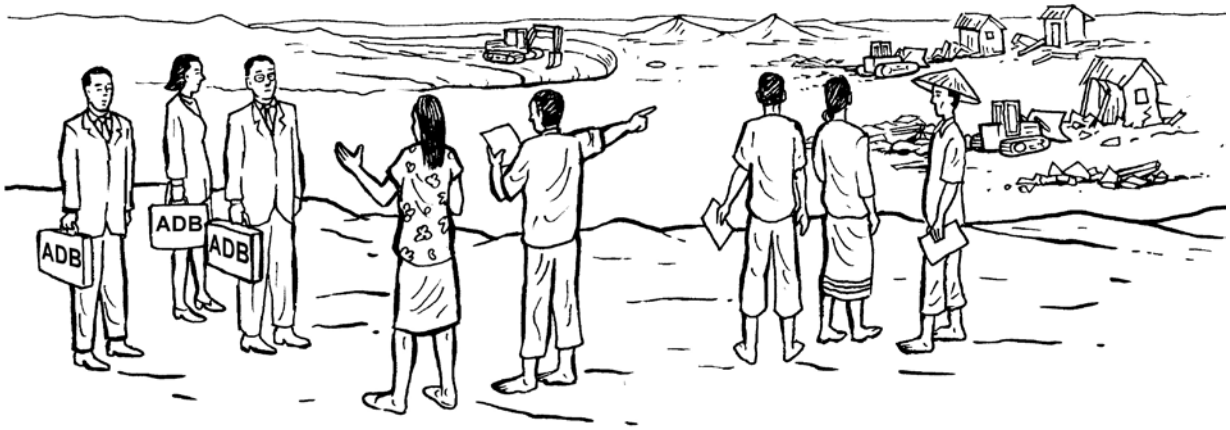
Whether or not you file a complaint at the local office, you must also inform the ADB management directly about your problems, by contacting them at ADB headquarters in Manila, at regional offices, or in your country's capital.

A complaint to ADB management may result in a visit by ADB staff to the project site or community. Be sure to prepare the community to handle such a visit and later visits by the staff of the accountability mechanism.

In most cases, ADB management will not offer to make real changes to the project. But they may take some small steps and then claim that the complaint has been resolved. If the grievance is *not* resolved, keep a detailed record of your efforts and of any visits by officials, and then go on to use the accountability mechanism.

IMPORTANT: You can only use the accountability mechanism after filing your complaint with ADB staff. You have to show that you first tried to solve your problem with the project development team and with ADB staff. Most complaints to the accountability mechanism get dismissed for not completing this first step. To prove that you tried, keep notes and records of:

- ↳ All emails you sent to ADB staff
- ↳ Notes from calls you made
- ↳ Any responses from the bank
- ↳ If the ADB or **project developer** did *not* respond



To prepare for an official visit of ADB staff to your community, plan the questions you will ask and the sites you will show them. Take detailed notes during the visit.

Using the accountability mechanism

The accountability mechanism is a process within the ADB to help resolve disputes between communities and project developers and to investigate whether problems have been resolved by the ADB.

If you have filed a grievance with ADB management and have not received a satisfactory response, you may take your complaint to the **complaints receiving officer (CRO)**. You can file complaints using the accountability mechanism for up to 2 years after the last project loan payment has been made by the ADB.

The accountability mechanism addresses only complaints that show direct impacts or material harm caused by the ADB's projects. But in filing a complaint, do not be concerned about whether the harm is direct or not – go ahead and file the complaint, and then show why the impact is the direct result of ADB **financing**.

Impacts handled by the **compliance review panel** (see page 103) include the ADB's failure to follow its own **policies**, including the **safeguards**, but you can send a complaint to the complaints receiving officer about any kind of harm. Another office, called the **office of the special project facilitator (SPF)**, will handle complaints "regardless of whether ADB operational policies and procedures have been complied with".

If you are afraid that you will be harmed by an ADB project in the future, you may also file a complaint. However, there is some question as to what the accountability mechanism will do about this, especially if there is no proof of harm yet. They may say they have to wait for harm to take place before they can resolve the problem – even though this violates their policies.

WHAT THE ADB SAYS ABOUT ADDRESSING COMPLAINTS

During the project and the **resettlement** period, the ADB process must make it easy for you to raise concerns and have them addressed. The developer must write down all complaints. The accountability mechanism is a space for communities to receive fair treatment and justice if they have been wronged.

WHAT COMMUNITIES HAVE EXPERIENCED

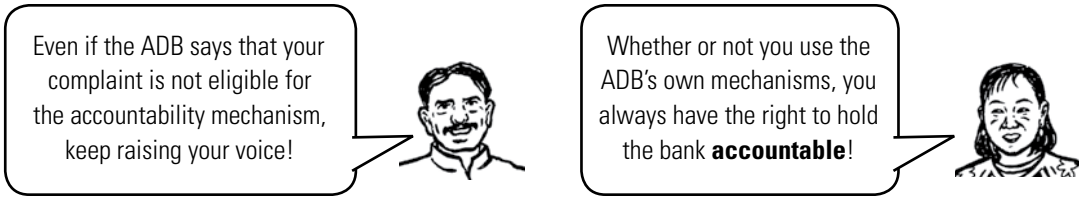
In reality, it is difficult for communities' complaints to be heard, due to the complex organization of the ADB and the project developers. Local **grievance mechanisms** may be controlled by people who work for the company or are connected to government and do not want to address the problems. Past accountability mechanism staff have been unfriendly, disrespectful, and unhelpful. Despite these challenges, some communities have successfully used the accountability mechanism to protect their **human rights.**

Who can file a complaint to the accountability mechanism?

A complaint can be filed by any group of two or more people affected by an ADB-assisted project, both in the project country or a neighboring country. **Complainants** (people filing a complaint) can also request a representative to file a complaint on their behalf if they feel unsafe. (Complainants can be kept confidential, but the accountability mechanism has said it cannot keep representatives' identities confidential.) If no local representation can be found, a complaint can be filed by a representative from outside the affected community.

What is an eligible complaint, and what is not?

The ADB will not accept complaints about its policies, about individual project staff, or about fraud or **corruption**. It will not accept complaints that are not related to ADB's actions, or about its basic operations, such as finance and administration. It will also not accept complaints if efforts have not been made to address the problem with the appropriate ADB operations department, or if 2 or more years have passed since the loan or grant closing date**.**



How to file a grievance with the complaints receiving office

To qualify as a formal complaint, you must show that there are direct impacts caused by an ADB-funded project. To develop your complaint, answer these questions:

- Is the problem caused by an ADB-assisted project?
- How many people are affected?
- In what ways have we experienced direct impacts or harm to our lives, livelihoods, environment or community?
- What do we want done to solve the problem? Make sure the group agrees on what should be done. Within the accountability mechanism, you have two options: **problem-solving** (also called **dispute resolution**) or **compliance review** (see the box on page 103). Your group can choose either one, but only one at a time. If you select problem-solving, you can request compliance review after. If you choose compliance review first, you cannot then request dispute resolution.

All the members of your group can sign the complaint if they want to, or you can choose one or more people to represent your group. You can also request that an outside person or organization act as your representative. If you cannot find anyone locally to be your representative, you can also request a non-local person, **non-governmental organization (NGO)** or other group to represent you – but you may have to show that there was no one available locally.

Provide representatives with letters of authority from the community to show they represent affected people. Have them discuss the complaints with the local project office if this is possible and if it will not be dangerous. Have them also file a complaint with the project officer from the ADB operations department. If the problem is not solved, write a letter of complaint to the accountability mechanism.

PROBLEM-SOLVING OR COMPLIANCE REVIEW?

There are 2 ways the accountability mechanism can address your complaints: problem-solving and compliance review. When you file a complaint, it is important to identify which of these functions you are requesting. You can also request both, but problem-solving must be carried out before compliance review. If you request compliance review, be aware that you cannot request problem-solving once an investigation has begun.

1. Problem-solving involves finding a resolution to the complaint through discussion between you and the project developer. This process is carried out by the office of the special project facilitator. Usually, the office will appoint a neutral person to facilitate a discussion where you can share your complaints and request a solution. Your request may be for more information about the project, independent studies of project impacts, **rehabilitation**, remediation of harm, measures for preventing future harm, changing the project design, and so forth.

To request problem-solving, your complaint does not have to be based on violations of ADB policies. It will require your sustained participation in a discussion with the project developer, and it could take many months to come to a conclusion. In some cases, the parties are not able to find a solution.

Problem-solving can only be carried out if all parties agree to be involved – and the project developer may refuse to participate. If the process is not meeting your expectations, you can withdraw at any time and request a compliance review (see below). However, if you end the process, you will not be able to restart it later.

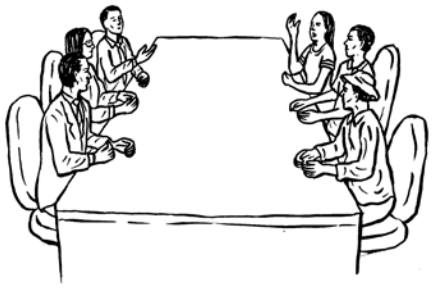
The community and the project developer will set the rules for the negotiation with help from the accountability mechanism. Make sure you understand any rules proposed by the developer, or seek help in understanding them. You can request that supporters such as representatives, lawyers, **civil society** organizations, or government officials, be present or speak during these meetings. Project developers are often opposed to outside participation in problem-solving, so it is best to clarify from the beginning if you intend to have any outsiders involved.

2. Compliance review is an investigation into whether the ADB followed its own policies and practices. The **office of the compliance review panel** will carry out this investigation. The compliance review will only look at the ADB's policies, so it is best to include in your complaint a list of the policies that you think were violated. It is also important to include proof of these violations if you have it.

If the office reviews your complaint and accepts it, they will then conduct an investigation. This may involve interviews with the complainants, ADB staff and project developers, and visits to the project site, and with any other people or places that you think are important. They will make

findings and publish them in a report. You will have a chance to comment on the draft report, but the office has the final say about what will be included in the report.

The ADB will then issue a set of steps to manage the problems discussed in the report, and the accountability mechanism will **monitor** implementation. While the office may consult you during the investigation, you will not have much control over the outcome. You should be prepared with your own action plan in case the final report does not meet your expectations.



Problem-solving is when the ADB tries to help your community and the project developer reach an agreement to fix the problem.

Compliance review is an investigation of the ADB to see if they have followed their standards and policies.

Writing a letter of complaint

It is important that complaint letters contain very specific information. A letter of complaint should contain these elements:

- ↳ The letter must be written in your national language or in English.
- ↳ Identify your group by name, and include the name and contact address of any representatives. Also provide the letter in which your group gives your representative the authority to represent you. If you do not want your names shared, explain why not, and request confidentiality. (Note: This does *not* mean the accountability mechanism staff will not have these names, but that they will not share them with others.)
- ↳ Include the name and location of the project that has caused harm.
- ↳ Write down the affected people's complaints as clearly as you can. This will be the main content of the letter.
- ↳ Describe the efforts you have made to address the problems with the ADB operations department (required) and with the local project office, if you did that.
- ↳ Explain if any information is missing, and why this information cannot be provided.
- ↳ If you have supporting documents, such as letters from allied groups, news articles, photos, or other information that helps to explain the problem, include them with your letter.
- ↳ State which function you want to use – problem-solving or compliance review (see box, page 103). If you do not state this, the complaints receiving officer will return the complaint and ask which function you want to use, making the whole process take longer.

↳ Keep several copies of your letter for your own records, and send the original to your local resident mission or regional ADB office, or directly to:

Complaints Receiving Officer
Asian Development Bank
6 ADB Avenue, Mandaluyong City
1550 Metro Manila, Philippines
Email: amcro@adb.org, crp@adb.org

Special Project Facilitator
Asian Development Bank
6 ADB Avenue, Mandaluyong City
1550 Metro Manila, Philippines
Email: ospf@adb.org

Sample complaint letter

Here is an example of a real letter sent to the ADB by an affected community:

Complaints Receiving Officer
Asian Development Bank
6 ADB Avenue 1550 Mandaluyong City
Metro Manila, Philippines

Dear Complaints Receiving Officer –

We, the citizens of the Kyrgyz Republic, authorize our representative to file this complaint on our behalf, as confirmed by our signatures.

1. At present, we are facing problems under the ADB-assisted Project No. 42399-01 as of 18 November 2009, Loan 2533/Tranche 0153-KGZ, Project 2 - CAREC Transport Corridor I (Bishkek-Torugart Road) being implemented in Kara Bulun Ail, At-Bashinsk Raion, Naryn Oblast in the Kyrgyz Republic.

2. Direct damage caused to us is as follows: In July 2010, the Road Administration of Naryn Oblast informed us that a shop at the bus stop would be demolished without payment of compensation. In summer 2010, we have erected a new shop behind the existing one subject to dismantling. The cost of the shop building to be pulled down we estimate as 120,000 (one hundred twenty thousand) Soms.

3. We aim at obtaining the following results and taking measures as follows with help of the Special Project Facilitator:

Firstly, payment of money compensation for the shop building to be taken down.

Secondly, assisting in the execution of permits to register a new building of a shop and covering expenses incurred due to registration of a new shop on the basis of receipts, bills and orders.

4. We have already attempted to solve this problem through the ADB Operations Department associated with this project as follows:

On 23 August 2010, we sent an official inquiry to the KR Ministry of Transport and Communications, and also to the Central and West Asia Department of the ADB. We are not satisfied with the response received, and therefore we file the present complaint.

The ADB also has a sample of the format for complaint letters, available at http://www.adb.org/SPF/Documents/information-guide.pdf.

What happens after your grievance is filed?

The accountability mechanism must send you a reply within 2 days of receiving your letter and register on their website that your complaint was received. Within 49 days (for problem-solving) and about 70 days (for compliance review), they must decide if your complaint is eligible for an official response. Someone from the ADB may visit your community to discuss the complaint. If they decide that the complaint is eligible for compliance review, they will visit and conduct an investigation (if your government consents). From the time they receive your complaint, it should take about 200 days to complete the compliance review.

After the investigation, the ADB will send you their draft recommendations (also known as **remedial actions**). When you receive this, discuss it with your community so everyone understands the bank's decision. You can comment on draft recommendations, but communities cannot stop the compliance review process if they disagree with the recommendations.

If the accountability mechanism confirms your grievances, show them to the media and to government officials as proof of your case.

STORY: SAMUT PRAKARN WASTEWATER MANAGEMENT PROJECT OVERTURNED IN THAILAND

Klong Dan, Thailand, is a village near Bangkok, on the edge of the sea. The people of Klong Dan live by fishing and harvesting shellfish in the rich coastal mangrove forests. One day in 1998, the villagers of Klong Dan saw construction equipment being moved into their village. This alarmed them, because they were unaware of any planned construction project. They asked the workers, but the workers did not know what the project was – they only knew they had to clear the land of trees to prepare for building.

The men of the village were busy fishing all day, so the women took the lead in investigating the problem and organizing their community. They found out that the Thai government's Pollution Control Department was going to build a giant facility at the edge of their village to treat wastewater from factories in nearby Samut Prakarn Province. The villagers learned that it was going to be one of the largest wastewater treatment plants in Southeast Asia. They discovered that the project would cost $687 million US dollars, including a loan of $150 million from the ADB.

The villagers understood that this project would change their home forever, and they became very concerned. They soon learned that the government had begun planning the project 3 years before without telling them. They also found out that the plant was not equipped to treat the factories' poisonous wastes, such as heavy metals and hazardous chemicals. These poisons would be dumped into the sea, where they could destroy local fisheries.

The plant would be built right on the coast, on soft soil that would be easily impacted by flooding and erosion. The area also had public land and canals which were not for sale. Worse still, the land for the plant was sold by a local politician without talking to any of his neighbors. In order to loan money to the project, the ADB required an **environmental impact assessment** (see page 49). But the company broke the rules by studying the environment somewhere else, not in Klong Dan.

When bank officials came to Klong Dan, the villagers gathered and told them they did not want the project – but the officials said there was nothing they could do. The villagers then learned that they could file an official complaint using the ADB's accountability mechanism (see page 100), so they did. Other ADB officials came to Klong Dan and admitted that there were many problems and that the ADB had violated its own policies. But instead of cancelling the project, they suggested paying **compensation** money to the villagers.

The villagers began a campaign to stop the project. Community leaders, especially women, spoke out against the project. With help from an NGO, villagers traveled to an international meeting, where they spoke in front of all the member countries of the ADB and brought a lot of negative media attention to the project.

The Thai government felt so much pressure that it had to respond. Thailand's new prime minister promised to review all **large-scale infrastructure** projects, including the Klong Dan plant. The prime minister visited Klong Dan and said, "This project is not transparent and we need to investigate."

When officials studied the project plans, they found many problems, including corruption, and they ordered construction to stop. The government then charged 19 private companies and individuals with breaking the law. One of the people charged was the man who had bought and sold the land illegally. Because this man was a former deputy minister of the interior, it brought even more media attention. After all of this controversy, the ADB withdrew its funding, and the Samut Prakarn Wastewater Management Project was shut down.

Today, if you travel along the canals in Klong Dan, you will be surprised to see how quickly the mangrove forests, once cleared for construction, are coming back. It is as though nature knows the best way to develop Klong Dan.

What can we learn from this story?

The Samut Prakarn case was the first time that a community used the ADB's accountability mechanism to stop a project. This story shows the power of ordinary people to take control of the decisions that affect them. Because ordinary people spoke up and took action, their concerns reached the ears of the government, and the project was stopped.

QUESTIONS FOR DISCUSSION

- If the project had gone forward, which rights might have been violated?
- Even before the project was begun, which rights were violated?
- The women in Klong Dan were leaders in taking actions to stop the project. Do women in your community take action to defend human rights? How?
- Which **strategies** did the villagers use to stop the project?
- What rights did they exercise when they organized to stop the project?

PART 3: COMMUNITY ACTION FOR JUSTICE AND RIGHTS-BASED DEVELOPMENT

3.1. Development Justice

In Part 2 we showed how communities can use the ADB **safeguard policies** to defend their rights – but only if communities take action themselves. In Part 3 we offer some **strategies** communities have used to defend their rights and take control over **development** decisions.

Decisions about which ADB projects will be carried out are influenced by the power of corporations, the state of the world economy, the demands of governments, and the interests of local officials. Because these actors have a lot of power and influence, the ADB responds more to them than to local communities.

But ordinary people can, and must, organize to make the ADB, the government and corporations respond to them. **Civil society** must insist that the ADB respect community rights and pressure the ADB and other development banks to engage only in projects that communities really need.

In order to make the ADB and other development agencies meet community needs, communities must define their own needs for themselves. Otherwise, communities will always be stuck defending against what they do not want, rather than creating projects that truly support **human rights**.

Three circles strategy chart

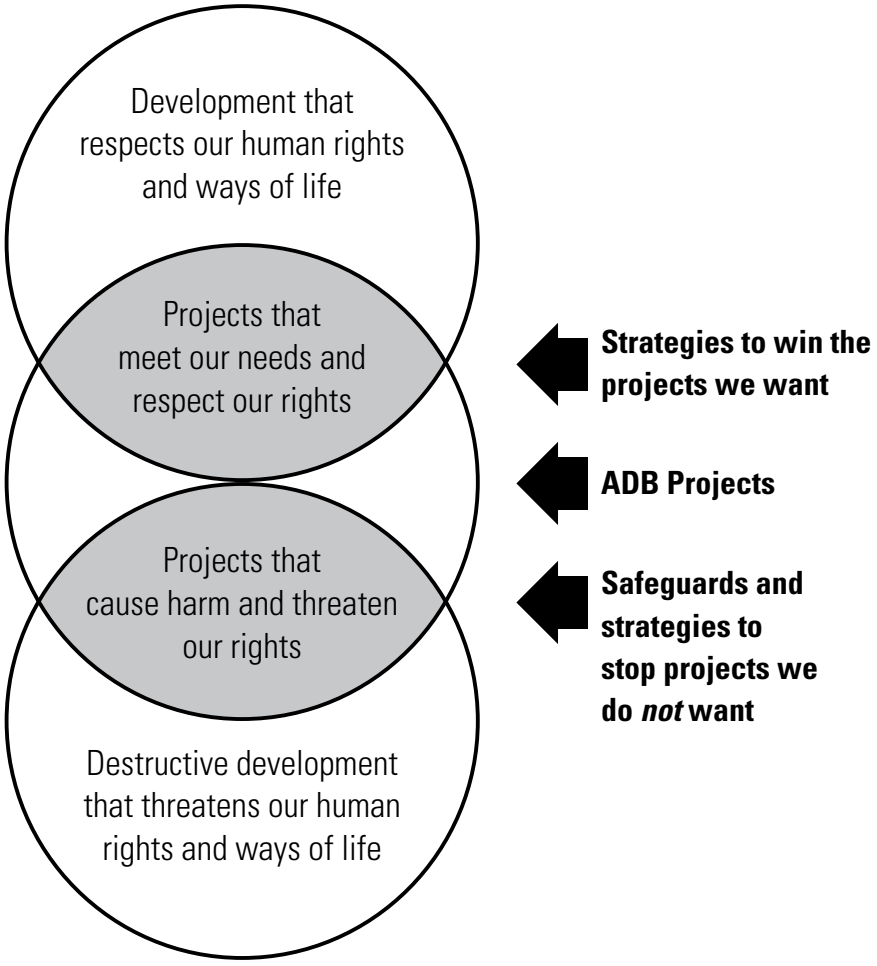
This drawing, and the activity that follows, can help us to think about what kinds of destructive activities are best resisted and to envision what is needed to bring about rights-based development.

Some things that communities need may overlap with what the ADB offers. But much of what the ADB promotes will never meet communities' real needs and will cause more harm than good.

Looking at the overlapping areas in the three circles can help us to envision strategies to stop the projects we do not want and to win support for the kinds of development we do want.

Our vision of the kind of development we want for ourselves and our communities should not be limited by what the ADB currently does – even if we cannot yet get the ADB or our governments to support what we really want. The idea of the three circles strategy chart is to come up with strategies to shrink the bottom circle (destructive development) and grow the top circle (rights-based development) by acting in the overlapping spaces.

An important part of this chart is that it helps us see a very basic point: rights-based development and **destructive development** *never* overlap.



ACTIVITY

THREE CIRCLES STRATEGY

OBJECTIVE: To recognize the difference between reducing harm from destructive projects and demanding projects that promote rights and justice – and to plan strategies to meet real needs.

TIME: 60-90 minutes

MATERIALS: Plastic or metal hoops, ropes or strings; blank paper or cards.

1. In the space where the group is meeting, use hoops, ropes, or strings to arrange 2 circles that do not quite touch, like the top and bottom circles on the chart on the previous page. (Leave the third circle out for now.)

2. If the group is large, break into small groups; if the group is small, stay together. Pass out blank cards or paper. Have everyone write down projects or programs they think are needed to uphold people's human rights, daily needs, and chosen ways of life. It does not matter if it is realistic to demand these things right now. What is important is that they are real needs, and that they are as concrete as possible: community schools, potable water, no-**interest** loans, land for farming, and so on. These are "too good to be true" cards. When everyone has written several cards, place them all on the floor in the top circle.

3. Pass out more cards or paper and have everyone write down examples of destructive projects or programs that the ADB is funding, or projects that *do not* meet the community's needs. These are "too destructive to go ahead" cards. Put these inside the bottom circle.

4. Use rope or a hoop to form the third circle, overlapping the other 2 (as in the chart on the previous page). Pass out a third set of cards or paper and ask everyone to write down examples of projects that would help the community and which the ADB or the government would support. Unlike the first set of cards, these should be projects that are both positive for the community and practical enough that the government and ADB would implement them. These are "politically realistic" cards. Place them in the space that overlaps both the top and the middle.

5. Have one person step into each of the spaces and read the cards aloud. Look at the chart on the previous page to make sure the cards are all where they should be. In the overlapping spaces, all cards should represent ADB projects, while the top and bottom circle are projects that are not happening either because they are "too good to be true" (top) or so destructive that the ADB and the government would not get away with supporting them (bottom). Having people read the cards aloud should help everyone understand how they feel about each project and if it is in the correct space.

ACTIVITY CONTINUED FROM PREVIOUS PAGE

6. From here, the goal is to figure out how to make things that are "too good to be true" become "politically realistic". By doing this, over time we make destructive projects that are politically realistic now become "too destructive to go ahead", because people will organize to stop them.

Split into 2 groups and have each group stand where the arrows are on the 3 circles chart on the previous page. Have one group stand where the top and the middle circles meet (the *"strategies to win projects we want"* arrow) and have the other group stand where the middle and bottom circles meet (at the *"strategies to stop projects we do not want"* arrow). Now give each person a blank card.

7. Starting at the bottom circle, ask each person to name a strategy that can be used to stop the destructive projects: *"what strategies could help to stop these projects?"* Discuss each one, until everyone agrees it is good. Then write it on a card. When you have several cards, move on to naming strategies to win projects you want: *"what strategies could help make the government and the ADB support these project ideas?"* Discuss each one until everyone agrees it is good. Then write it on a card.

8. Finish the exercise by reading these cards aloud to the group. The strategies that are named on the cards, if they are successful, should make destructive projects politically impossible and positive projects politically realistic. Now, begin planning to take steps to implement these strategies.

DEBRIEF: This is a "big picture" activity that should engage participants in thinking about the larger vision of what they want and need, whether it seems possible or not. In terms of the ADB **project cycle** (see pages 93 to 99), the "big picture" is the **country partnership strategy** – the plan for the country's development priorities and the goals of all ADB-funded projects in the country.

With the facilitator's help, this activity can lead into a sharing discussion about the country partnership strategy. Before the activity, and then together with the group, read and come to an understanding about the basic points of the country partnership strategy. Does it include a positive vision of development that honors community rights and dignified livelihoods? Or is it purely devoted to the kind of **megaprojects** that will extract resources and violate rights?

Based on an understanding of the situation, the group may be willing to develop their own vision for their region's development and work toward this vision in their advocacy. If the group is very ambitious, this activity and others in the guide can help develop an alternative community-based development strategy to present to the ADB and national government.

ACTIVITY

DEVELOPMENT DETECTIVES

OBJECTIVE: This activity can help communities think about how they can influence a project and what might happen if they do, or if they do not.

TIME: 60-90 minutes

MATERIALS: Drawing paper, flipchart, markers and 3 drawings from the next pages of this guide.

1. Show the *before* picture to the group. Tell them this is an ordinary village, with its share of difficulties. Use your imagination to describe the life of this village: how do people earn their livelihood? What do they do for enjoyment? What challenges do they face? The purpose is to bring the village to life. Then, ask the group to give the village a name.

2. Show *after* picture number 1. Ask the group to describe what they see. Tell them that many things happened between the *before* drawing and the *after* drawing. They are "development detectives", and it is their job to figure out what happened that changed the village for the worse.

3. Break into groups of no more than 5 people, and give each person a sheet of drawing paper. Ask the group to discuss what they think happened in the village. Each person then draws one thing that happened in the village (or outside of the village) that led from the *before* picture to the *after* picture.

4. Reconvene in a large group, and share everyone's pictures and stories.

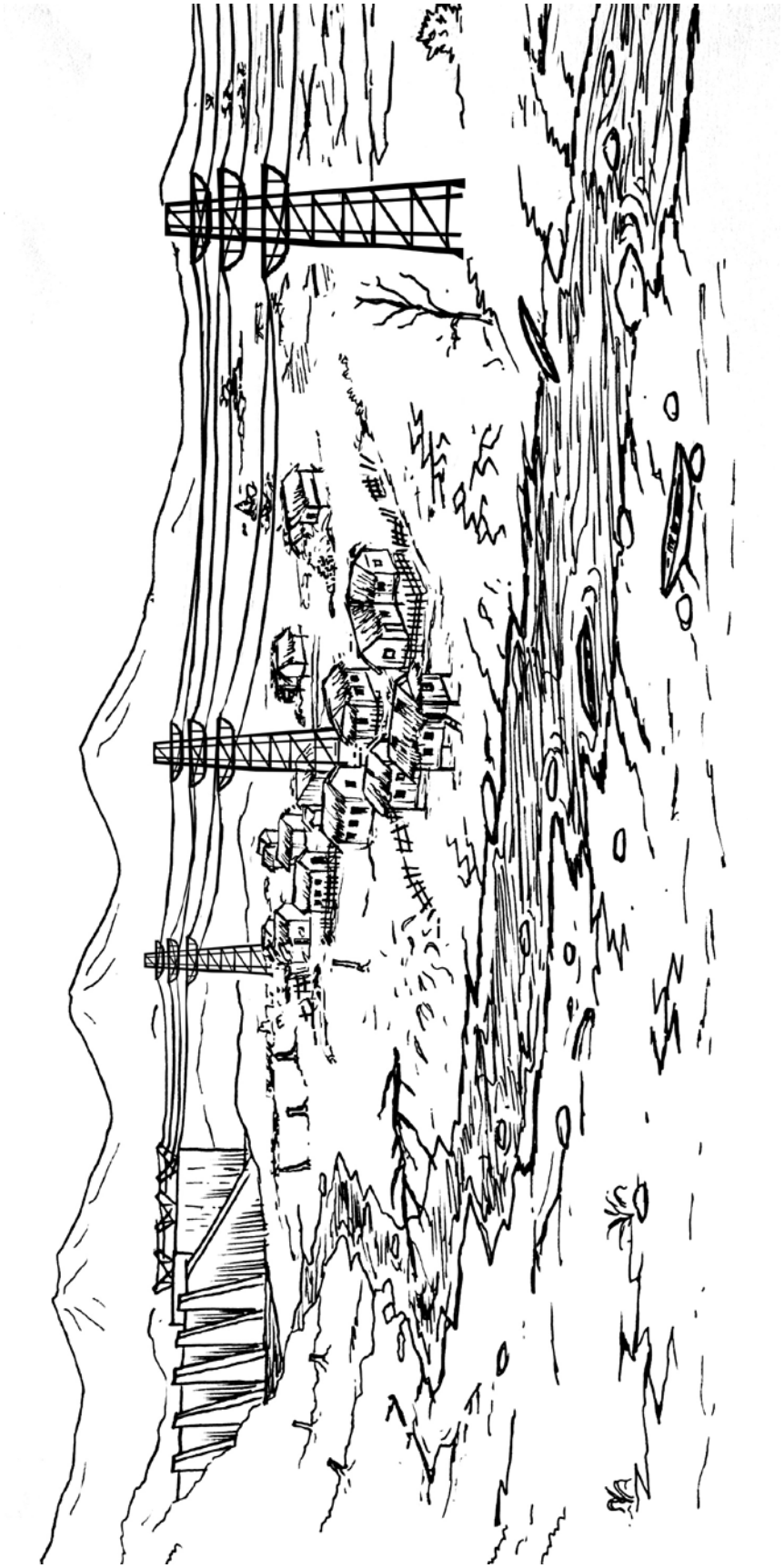
5. Show *after* picture number 2 to the group. This is the same village, but different events happened that led to a more positive change. Ask the group to discuss what they see in this drawing, making sure that everyone understands the picture.

6. Break into new groups of no more than 5 people, and give each group a sheet of paper. Ask the group to discuss what they think happened in the village. Each person then draws one thing that happened in the village (or outside of the village) that led from the *before* picture to the *after* picture.

DEBRIEF: Come back into the large group and share everyone's pictures and stories. Then ask people to talk about situations in their own lives and communities and the steps they can take to avoid negative change and to bring about positive change.

BEFORE:

AFTER #1:



AFTER #2:

3.2. Toolbox for community action

This section offers key **tactics** your community can use to hold the ADB **accountable.** Each of these tactics is like one tool in a toolbox. To build a strong campaign that really puts pressure on the ADB, you have to use as many tools as necessary.

COMMUNITIES KNOW IT IS IMPORTANT TO STAY SAFE

Confronting powerful people and companies can be dangerous. It is important to work with your community and allies to create a plan to stay safe.

Video documentation draws attention and makes activists safer. If you can, get handheld video cameras, and learn how to use them. Get everything – especially confrontations with authorities – on video.

International friends and **human rights** observers can create a 'shield' and bring attention to any danger you and your allies may experience.

Going to meetings in big groups can prevent people from being isolated and attacked.

Every country, every community, and every case is different. You and your allies know your situation and need to decide what is smart and safe.

For more information, see the guides on personal security and safety for human rights defenders by Bridges Across Borders Cambodia and Amnesty International and by Frontline Defenders.

ORGANIZE IN YOUR COMMUNITY

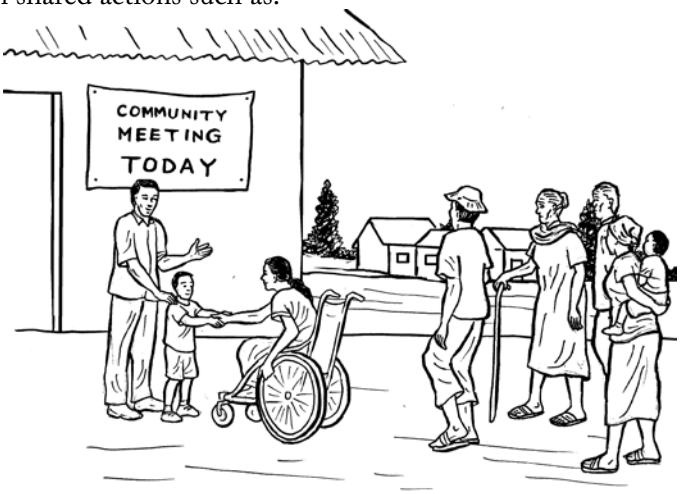
The key to confronting **destructive development** projects is to build **people power**. Community organizing brings people together to act collectively to fix the problems they share in common.

A strong organization, based in the community, can influence politicians and the ADB in ways that no single person or small group can. Community organizers work to develop local leadership, to build alliances among neighbors, and to achieve trust in order to represent the interests of the community as a whole.

Like the way unions can represent the demands of workers, organized community groups can represent communities. If these groups can win the trust of large numbers of people, this can enable them to influence the government and the ADB. Representatives of community organizing groups are often able to get key government officials or business leaders to negotiate simply because of their reputation and their ability to take collective action.

Community organizing happens through shared actions such as:

- Holding meetings to listen to community concerns and to inform people about threats and opportunities they may not know about
- Coordinating activities and planning actions
- Organizing workshops to offer critical education and to build skills and confidence
- Having celebrations to keep people's spirits up



The key to community organizing is building trust and making sure everybody's concerns are met.

- Spending time with people to understand their hopes, challenges and ideas
- Keeping the community safe. Always have discussions with community members to evaluate whether a proposed idea is safe and what steps can be taken to minimize the risks.

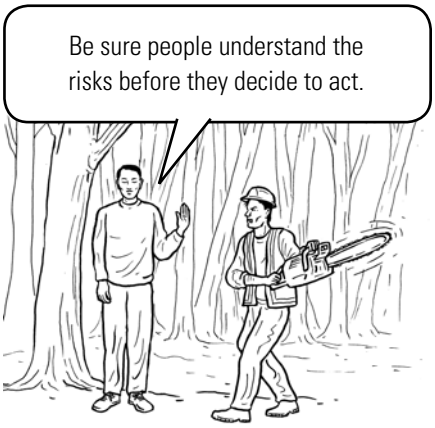
Every community is unique, so organizing in each community will be unique. But many common practices are helpful in many communities. Community organizing demands respectful engagement of community members. The more people you have leading your struggle, the stronger it will be. This means making sure lots of different people participate in meetings, make shared decisions, speak to the media, and travel to meet with officials.

This has 2 benefits: first, many people in the community become aware of the struggle and help to lead it. Second, the media and decision makers can clearly see that the whole community is against the project—not just a few isolated people. For these reasons, every good community organizer knows that the most important thing is to try to include everyone in the community—youth, elders, men, women, and members of any group at risk of discrimination or exclusion. If some people are excluded, there will be less unity and less chance of winning.

Anyone can organize in their community. One of the greatest skills an organizer can have is the ability to ask questions in ways that make people think deeply, and in unexpected ways, about what the answers might be. By asking key questions, you can determine the areas of concern that are most important to community residents.

A creative community organizer is always trying to figure out people's common interests, because this is the glue that binds political organizations and movements. Once the common interests of the community are clear, the organizer's job is to help figure out how to advocate for these interests.

Make sure everyone in the community can participate—including those who typically have fewer opportunities to speak and lead. Check with women, youth, elders—many different kinds of people—about what times they can meet and what you can do to help them fully participate.



Organizers should also create opportunities for learning and building skills. For example, they can hold workshops on communication skills, conflict management, gender roles, political advocacy, **human rights**, and other important topics. This will help to mobilize the community, educate decision makers about the community's concerns, and to advocate for successful outcomes.

COMMUNITY TIPS: ORGANIZING

Maintain communication, trust and solidarity with your community or the communities you work with. Identify the needs of the community as a whole, paying attention to people and groups at risk of discrimination or exclusion.

Organize frequent community meetings and other opportunities for residents to work together. If there is a plan for resisting a project, communicate the plan's **strategies** and progress to the community clearly and frequently—and be open to suggestions for changing the plan.

Build relationships with people who are seen as leaders in the community and who have residents' support and can help organize others.

Create an action plan that is developed and supported by the whole community, not just a few community leaders. Include short-term, achievable goals to produce success early on. Because it often takes years to stop a project, long-range goals will require more time and commitment. Some short-term goals might be:

- Get our story covered in our main national newspaper
- Have 2 more communities join our struggle
- Get an international **non-governmental organization (NGO)** to support your campaign

Every time you reach one of these goals, celebrate! This helps keep the resistance strong even when it is a long journey.

Organize training for community members in skills—such as human rights, advocacy skills, campaign planning, or talking to the media. This helps make the movement stronger, and keeps people's spirits up, too.

Recognize community members for their ongoing participation, and celebrate success. This helps everyone keep their hope and spirits strong.

BUILD ALLIANCES

No campaign can win without strong **allies**. Sharing experiences builds strength and **people power**. Building bridges between organizations, communities and sectors can make the difference between struggling in isolation and fighting to win. It is also very important for safety and security. When you have allies in the capital city and in other countries who can help get your story in the news, it shows the authorities that the world is watching.

Any alliance is made up of groups with their own interests and priorities, joining together with a common goal. As long as your final goal is clear and agreed upon, a strong alliance should allow for different groups to use different **tactics** (short-term actions you take to gain ground, such as holding a protest, setting up a website, or blocking a road) and different **strategies** (the methods you use over time to achieve victory).

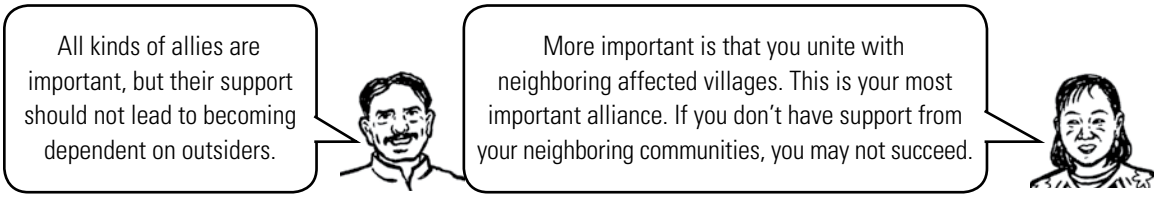
As one organizer said, "Community ownership of our struggle is our best asset." When we work together, we can contribute our time, our knowledge, our ideas, even our money and food and resources, and this sharing becomes an important source of power.

Important allies can include:

- **Non-governmental organizations (NGOs)**, legal organizations and students who can give many kinds of support
- Workers' collectives and trade unions who can bring large numbers of people and strong moral authority
- Supportive politicians and celebrities who can help get your message out
- Trusted reporters who can get your struggle into the media
- Other communities that have faced similar struggles who can share strategies on how to resist
- International organizations that share your concerns, whether it is fighting the same corporation or working on the same issue as you

COMMUNITY TIPS: BUILDING ALLIANCES

Alliances are like any other relationship: you must build trust through facing challenges together. Rather than insisting that others join your struggle, find common ground between your struggle and theirs. Identify issues and demands that are important to the groups you aim to work with. Figure out what you can offer to others, and be very clear about what you need from them.



Be conscious of who is the "public face" of your group – the spokespeople and leaders. If others do not feel comfortable with these people, they will not join your struggle even if they agree with the cause.

Identify individual allies within groups. This will help to bring the whole group to your cause.

Not everyone interested in your issue will or should join your group. Accept that people or groups will join you if and when they are ready.

Alliances, like community struggles, have ups and downs. Don't give up.

ACTIVITY

SPECTRUM OF ALLIES

OBJECTIVE: To identify possible allies to support your community's struggle.

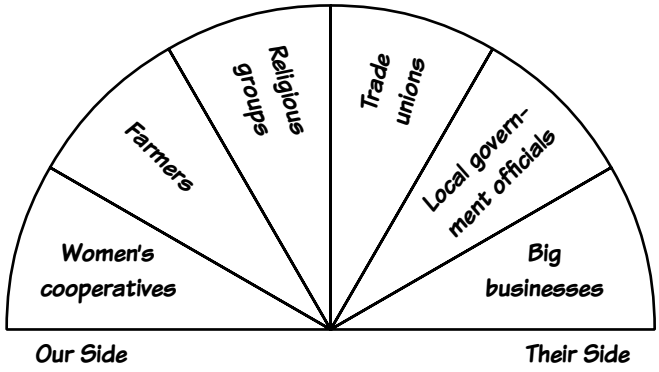
TIME: 60-90 minutes

MATERIALS: Flipchart, markers, handouts with the picture below.

Note: It may be helpful to do the activity on page 8, "Impacts and benefits of development", before doing this activity.

1. The facilitator begins by explaining to the group, in terms that make most sense in the local setting, the following idea: *In most social change situations there is a struggle between those who want change and those who do not. In the case of a* ***megaproject****, for example, some people will want the project because they believe in the economic benefits it may bring, while others will not want it because they believe it will cause too much harm. This activity can help identify who the best allies may be in pushing for change, and how to move others to support the cause.*

2. On the flipchart, draw a horizontal line, and write "our side" on one end and "their side" on the other. Explain that there is probably a range of groups that can be put on the line, from closest to sharing our point of view to the farthest away. Then, draw a half-moon or half of a pie with wedges (as in the picture below, but without any words in the wedges).



3. Ask for an example of an issue people in the group are working on. Suggest a demand they might have (for example: local wind energy instead of a large dam), and ask who in society might be most supportive, least supportive, and in the middle. Give examples: "trade unions?" "farmers' groups?" "villages downstream?" and so forth. As the participants identify groups, write them into the "pie" according to how close or how far they are from the group's interests. Do this only enough to make the idea clear.

4. Share the good news about building alliances: in most social change campaigns it is not necessary to win the opponent to your point of view, even if the opponent is a major power holder, like the ADB or the government. It is only necessary to move each of the pie wedges one step in your direction. History has shown that many struggles win not because they convince the power holder to agree, but because enough people want the change that it becomes impossible for the power holder *not* to change. Pause to make sure that is clear.

5. Now complicate the picture: sometimes struggles push potential allies further apart. Some wedges may move away from you and toward the opponent. You can still win, if enough people move in your direction. Let the group digest the good news for a bit: activists often

ACTIVITY CONTINUED FROM PREVIOUS PAGE

have the mistaken idea that they need to win everyone to their side or that their whole attention needs to be on the power holders. Both of these approaches can lead to despair. The goal of a "spectrum of allies" activity is to envision how to move different groups closer to your side.

6. Create small groups joining together people working on similar issues. Pass out the handout, and invite everyone to fill in the wedges for their own campaign, issue or struggle. Rove among them to answer questions as they work.

7. After they have worked for a while, ask each group to explain their "spectrum of allies" to the larger group. Who is closest, who is farthest, who can be moved closer through alliance building, and why?

8. After they have all shared, have them go back to small groups and think of tactics that may help move more allies to their side. As they work, point out that there are many forms of victory: it is a huge win if you can get a group that was slightly hostile to move a little closer. It is a huge win if you can get the group next to your end of the spectrum to move into struggle with you. It is usually not necessary to move the opponents toward you in order to win, although it can help.

9. Return to the large group, and have each of the breakout groups state out loud one or two things they are going to do in their campaign to bring allies closer to their side.

GET LEGAL SUPPORT

The safeguard policy statement says very clearly that ADB projects must comply with national and international laws. Having legal specialists on your side will help to launch lawsuits, slow down the project, and support demands that your rights be protected. Legal help is important to find out if the project is violating any laws. If it is, the ADB has to be held **accountable**. It is also helpful to have a good lawyer to help you file **grievances** with the **accountability mechanism** (see page 100).

National laws

Many countries have laws preventing violence, **forced displacement**, environmental destruction, and other abuses. Many countries also have constitutions that say the country must respect international **human rights** standards.

The best way to put these laws into effect in your struggle is to find an organization that can provide free legal support. Many cities have environmental law firms that provide this kind of support for struggles involving environmental impacts. For **Indigenous Peoples**, legal support can help identify whether the project is violating or threatening collective rights. International laws that protect Indigenous Peoples can be invoked to support the struggle.

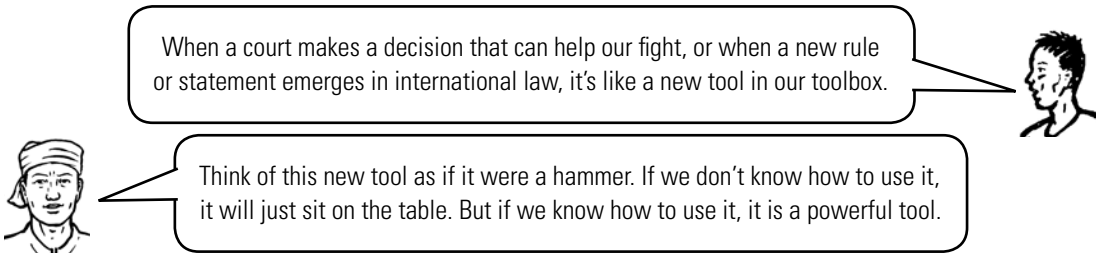
Where national laws are less strong than ADB policies, the **project developer** must follow ADB **policies** and international standards. Where the national laws are stronger than the bank's rules, the project developer must follow those. In other words, the highest standard must be followed.

International laws

International laws apply to ADB projects, but in most countries, international laws are difficult to enforce. There are no international police who will come and enforce the law. In some countries, like most of the Central Asian republics, international laws are written in the national constitution, and so they must be followed by all projects. Unfortunately, even in these countries many officials are not aware of this.

Even if local project officials do not understand the need to apply international law, when these laws are violated, lawyers and human rights agencies can take legal action that may slow down harmful projects by raising questions about them.

International law offers tools in the form of decisions, rulings, and guidelines that you can use in your fight. These tools can strengthen your position, bring shame to the companies and agencies you are fighting, galvanize the media, and reinforce your claims.



COMMUNITY TIPS: GETTING GOOD LEGAL SUPPORT

Ask students, **non-governmental organizations (NGOs)** and other local groups to help find legal support.

Be careful when you choose a lawyer. Find one who has a lot of experience with your issue.

Make sure the lawyer truly helps your struggle. Remember that the community is in charge, and the lawyer must respect your needs and do certain things, such as meeting with the community regularly to give updates and explaining clearly what is happening with the case.

Be very clear that the lawyer cannot make decisions for the community. Instead, the lawyer should explain the options, and then the community should decide and tell the lawyer what to do.

MEET WITH ADB AND GOVERNMENT OFFICIALS

ADB officials and staff are required to respond to requests for information about projects (including all the requirements of the ADB's public communications policy), and they should be open to meeting with people and groups concerned about an ADB project. Meeting with ADB staff and directors can be a very effective way to make your voice heard and influence project plans.

WHAT THE ADB SAYS ABOUT ENGAGING WITH COMMUNITIES

ADB's public communications policy has clear guidelines about our responsibility to meet with communities and resolve conflicts.

WHAT COMMUNITIES HAVE EXPERIENCED

Many people come away from meetings where the officials never asked for their opinions, but just talked and then handed out project documents. It is important to get information from the ADB, but communication is a 2-way street. To comply with the bank's mission—and with community rights—ADB officials need to listen and act on the demands of communities.

In order to have a real impact on the project, take every opportunity you get to meet with officials. Before these meetings, prepare yourself with information, documentation, and questions.

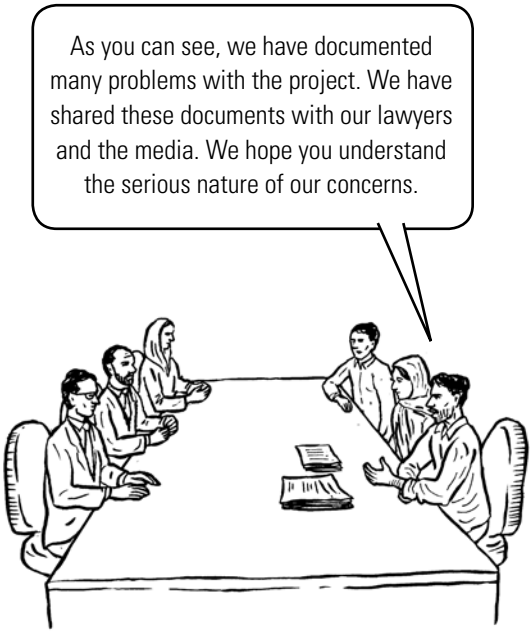
The first step in seeking meetings with the ADB is to try to meet with officials at the ADB office in your country. If you immediately try to communicate concerns with ADB headquarters in Manila, they will ask if you have raised the concern with your country office.

If the country office does not respond, at that point it is important to show that you indeed did try. Bring documents, such as copies of emails you wrote that never got a response, to show that you made efforts to resolve the problem locally.

Things to prepare before meeting with officials include:

- Letters of authorization for community representatives, which show that many people share the concerns that are being raised by the group meeting with officials
- A list of points developed with the community that you will make in the meeting, including the community's demands for the ADB or government officials. Before the meeting, work with your community to think carefully about this and decide what you want to do about the problem.
- A list of **grievances** and copies of any letters that the community has sent to the ADB or **project developer**

- Community-based research (see page 128) and lists of common and individual goods that have been lost or damaged, or are at risk
- Names of people who have been harmed by the project, and medical notes or records showing the harm
- Photographs of harmful impacts, affected people, or important resources that may be threatened by a project
- Documentation of similar projects in other places
- Most importantly, *practice for the meeting.* Acting out the meeting as a way to practice exactly what you will say is a powerful way to prepare to be confident and effective during the meeting. (See page 127 for a role play activity to prepare for important meetings.)



COMMUNITY TIPS: MEETING WITH OFFICIALS

If you have personal contacts with officials, talk to them first and ask for their support in meeting who you need to meet with.

When selecting participants, decide who will best represent the community in the meeting. They should speak the language they are most comfortable speaking, even if this is not your national language nor English. Inform the ADB in advance about which languages will be spoken in the meeting.

Before the meeting, decide with your community on the key points you wish to raise, and make a strong plan for the conversation to make it as effective as possible.

Propose a meeting agenda and process to the ADB based on your community's plan. Be sure to share in advance any information you want officials to review prior to the meeting.

Wear whatever will make you feel confident during the meeting. Some people choose to wear their traditional clothes.

At the beginning of the meeting, thank officials for meeting with you, and be clear about the purpose of your visit. Establish at the beginning how much time you have for the meeting.

During the meeting, speak clearly and confidently. Try to focus on one main question or concern, and do not let the officials avoid answering. Refer to specific requirements in ADB policy rather than making general complaints (see page 126 for help figuring out questions).

Be sure someone in your group takes notes during the meeting to share with your community and to inform your campaign planning.

At the end of the conversation, summarize what has been said, and establish how you will be in touch in the future.

Follow up with a note or letter afterwards asking for any unanswered questions to be addressed.

Questions to ask at public meetings

When ADB, company or government officials are coming to your community to do a **consultation**, what questions should you ask them?

1. First, start by questioning the justification of the project. For example: "How was it decided that an oil pipeline (or whatever the project is) is needed for our region?" "What other options were considered?"

2. Then begin each question with, "If this project goes forward…" For example: "If this project goes forward, how will our village be affected?" "If this project goes forward, where will we be resettled?" "If this project goes forward, what sort of **compensation** will you offer for lost land? For lost livelihood?"

   These sorts of questions emphasize that **development** projects should not be seen as inevitable.

3. As you ask questions, assert your rights. For example:

   "We have a right to be consulted in the earliest stages of the project plan. Why is this the first time that we are hearing about the project, now that it seems ready to be implemented?"

   OR: "We know that the ADB is required to avoid or at least minimize **displacement**. Can you prove to us that there are no alternative options to this project that would prevent us from being displaced?"

   OR: "We know that ADB is required to prevent **impoverishment** of affected people and to improve our standards of living. How exactly will you ensure that?"

   The idea is to emphasize the rights and requirements discussed in this guide, and to present a unified and powerful community voice—a voice that says, "We are a community that is ready to fight and to reshape development for our region!"

4. Ask specific questions about the impacts of the project that you can use to speak with lawyers and the media. For example, "If this project goes ahead, how many people will be displaced? If so, will we be resettled? Where is the new village site? Can we see it? Will you give new land for the land we lose? How much land will you give? Is the land good quality or bad quality? Will we get titles to the land? What sort of food support will you offer if we have to move to a new site? What sort of livelihood programs will you offer?

For more questions, see Appendix 3, page 161.

ACTIVITY

ROLE PLAY

OBJECTIVE: To prepare people to speak at a consultation about a project that will impact their community. A role play is an activity where people act out a situation in order to prepare for it in real life. Role plays are powerful tools to help people prepare to speak in public, to confront public officials, or to take other kinds of actions that may make them feel nervous or afraid.

TIME: This activity can take 1-2 hours, depending on your group.

MATERIALS: Imagination, and a few items of clothing, like a hat, jacket or tie, to help distinguish different roles.

1. Tell the participants the goal of the activity. You might ask if any participants feel nervous speaking in public or asking difficult questions of authorities, and then assure them that most people feel that way. A role play is a way to practice these skills and to feel less nervous.

2. Have one person, possibly the facilitator, dress up in a suit or some formal clothes and pretend to be an official from the ADB. This person can announce to everyone that they will be starting a project soon for the benefit of the village, the region and the nation as a whole, and that the villagers are welcome to ask questions and express their concerns. For example, they could say that a big coal-fired power plant is going to be built, and everyone in the village and the 3 neighboring villages has to move, because this is the most convenient place to put the plant.

3. Divide into small groups, and in each group discuss what questions to ask. One person can pretend to be the official, so everyone can practice asking questions. It can be especially helpful to come up with questions that include clear *demands*. What are the most important things that your community wants? Rather than re-stating the problem (for example, a new coal plant), focus your questions on your demands (for example, sustainable, healthy livelihoods). Practice asking questions several times, and have others in the group give input to make the questions and the presentation as clear and direct as possible.

4. Return to the large group, and set the scene as if it were an official consultation meeting with the ADB. The person playing the official stands at the front of the group, and one by one each person stands up and asks a question. He or she should try to speak clearly and forcefully. The "official" should answer in a way that a real official might answer. This may lead to a discussion or argument, or you may simply accept the answer and let the next person take a turn.

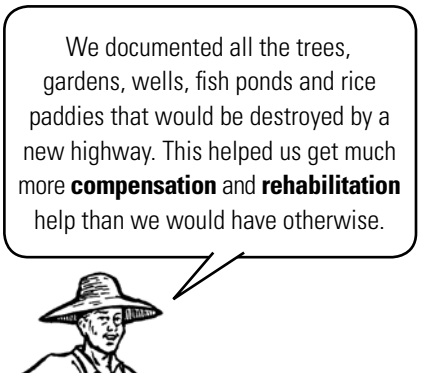
5. After everyone has had a few turns, end the role play and discuss what each person found to be easy, what was not easy, and how each person might find the strength in themselves to confront public officials and demand solutions to the problems that could be caused by **destructive development**. Take notes about exactly what you want to say when the real meeting is happening.

DO COMMUNITY-BASED RESEARCH

Community-based research is when the members of a community work together as researchers to collect information that will help the community engage in successful advocacy and action.

Community **allies** like **non-governmental organizations (NGOs)** and legal organizations can do important research, but there is no substitute for local knowledge that is gathered by the community. Community-based research can be used to learn about:

- The potential impacts and benefits of a project facing the community
- The history of the community
- The resources, allies, and opportunities available to the community



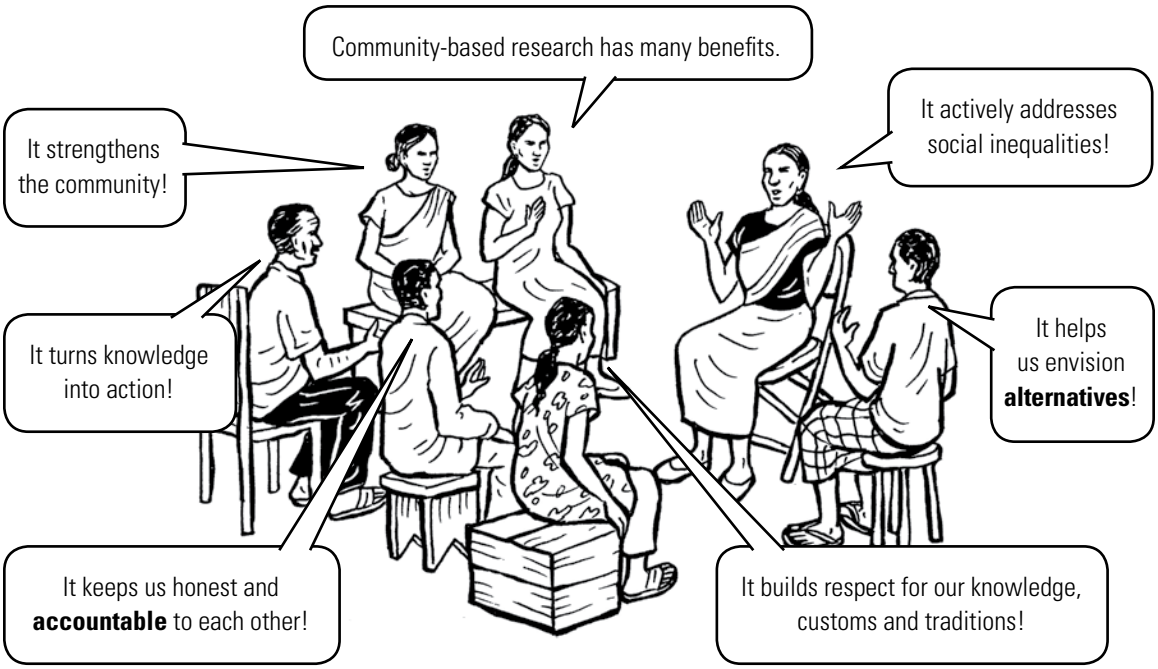
Community-based research is usually done in ways that are participatory, with many people involved. This is important because it builds on strengths and resources within the community, creates long-term relationships and trust, builds skills, generates ideas, and helps identify what people are good at and interested in. In this sense, it is a part of community organizing—helping to define problems and come up with a common solution. Community-based research can also help identify community needs that may be best met by asking for support from outside. It is important to document our research very well, in a way we can easily share with people outside our community.

COMMUNITY TIPS: HOW TO DO COMMUNITY-BASED RESEARCH

Community-based research can be done as a single project, but it is best done as a series of steps over months or even years. Keep in mind that the goal is not just to gather information, but also to build trust, to share experiences, and to solve real problems.

To get as many people involved as possible, hold a meeting to awaken the interest of the community. Tell them what community-based research is, and explain that participants can decide what they should research. A facilitator or group of facilitators can bring together as many people from the community as possible, with the goal of building a dedicated team, or several teams who can carry out different research tasks.

Once research tasks are chosen, decide how the work will be divided up, how each person and each group will share their research, and how much time to spend.



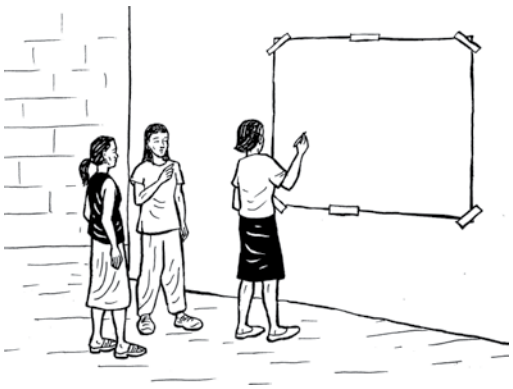
ACTIVITY

COMMUNITY-BASED RESEARCH

In order to demonstrate to the government and the **project developer** the value of the community's resources, and to receive proper compensation if a project moves forward, it helps to collect and record information about which resources you use, how you use them, and what their value is in the life of the community. This is especially useful when there are no written records of property. It is also useful when lands and other resources are owned in common or are a community resource.

OBJECTIVE: To collect information that can be used to stop a project, ensure better community benefits, or promote **human rights** and community-led development. This can take many forms, such as creating a record of the natural resources your community relies on, documenting where and how food is grown and gathered, recording stories from old people in the community, or mapping sacred sites that may be endangered by an ADB project.

TIME: Unlike most of the activities in this guide, this is an ongoing activity that can take several weeks, months or even years to complete, depending on how it is done.



1. Figure out who you want to show your findings to and with what purpose. Is it a government official? Several government offices? ADB staff and board? The media? Try to get as specific as possible. Think about specific people who can take actions to help your community achieve its goals. Now, think about what information will convince them to support you, and how to present the information to them in a way that will be most convincing.

2. Organize a meeting with everyone who may want to take part in the research. Invite people from as many affected communities as possible. Talk about what information would be helpful to stop a project or produce less impact and more benefit. For example, if the project has not yet begun, what information is needed to show that the project will be too harmful? If the project is underway, what information can you use to demand fair and just compensation? If you are facing the possibility of **resettlement**, what information can help ensure **relocation** to a site where similar kinds of resources are found?

3. Talk to each other. Talk about all the resources you depend on and how they might be affected by the project. Talk about the assets the community has to promote rights-based **development**. Talk about the national laws that can be used to resist the project, what you need to get these laws to work for you, and how your lives will be impacted if the project does or does not go forward.

4. Discuss what kinds of support you need to do the research. Who would be best able to organize research teams? Are there students in the community or at nearby schools or universities who can help? Are there NGOs that can give support? Who can contact them?

5. Make a clear plan for what needs to be researched. Are there some parts of the research that have already been done? If so, collect it and keep it to document your research later (see step 7).

6. Divide into teams to conduct the research. The teams should include people who are experts in the area that is being studied. For example, fishermen should research fish that the community relies on, vegetable growers should lead the garden research, and those who collect forest products for fuel, food, and fodder should lead this area of research.

7. Decide what each group will research and which method to use. Here are some ideas:

   RESOURCE MAPPING: Make a complete list of the kinds of resources you use, and document the value of these resources – including if they are of such high value that no amount of money can buy them. Examples of resources include animals that are hunted, water sources, earth used for building, temples, health clinics, schools, burial grounds, and all other resources, places and objects that the community uses or holds sacred. Some topics for resource mapping include the following:

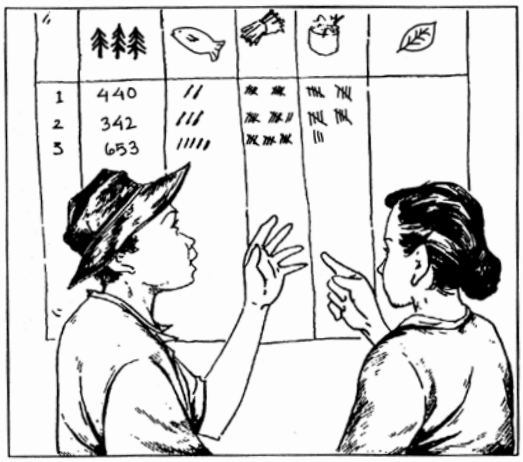
   Fisheries: Divide the river into zones. Assign a team of fishermen to research each zone. After every fish catch, collect a sample of the kinds of fish. Organize a meeting so people can identify each kind of fish by its local name. Talk about their habitat, migration patterns, size, weight and spawning patterns. If you have a camera, take a photograph of each kind of fish that is caught. Put each photo into a book, and write all the information about the fish underneath the photo.

Riverbank gardens: Divide the river into zones. In each zone, walk along the riverbank and take measurements of each garden. Write down who owns the garden, what each person grows in the garden, and how they use the vegetables (for example, for eating or selling). If the vegetables are sold at the market, write down how much money they are sold for.

Forest products: Divide the areas where forest products are gathered into zones. Walk through each zone, and note what kinds of products are collected and how each of these things is used. If any of them are sold at the market, write down how much money they are sold for. If they are used for ritual purposes, or for fuel, or building or eating, make a note of that.

Community assets: This research focuses on material resources, such as homes, community centers, tools and belongings—as well as social resources such as organizations, clubs, or media outlets. This creates a record of the material and cultural resources your community relies on and that can be helpful in resisting an ADB project.

POLICY MAPPING AND SAFEGUARDS RESEARCH: This research can help build understanding of the ADB **safeguard policies** and national laws, and help identify gaps between the policies and the ways they are implemented.



First study the safeguard policies, and then come up with interview questions that will help identify if the policies are being implemented or not. Choose a small group of local people who are affected by the project and interview them. Develop a standard survey form, and ask each person the same questions, so you get a set of answers that tell a story about what is happening in the community. Allow the people you interview to keep their names private if they want in order to protect them from any problems later.

You can develop questions for each safeguard, such as:

To find out if the project is complying with the environment safeguard:
Has there been any damage to water sources, trees, soil or fisheries? Has there been air pollution?

To find out if the project is complying with the resettlement safeguard:
Have people been **displaced**? Have their livelihoods been affected, or have they become poorer? If so, has there been any compensation? Did people agree to be moved?

To find out if the project is complying with the Indigenous Peoples safeguard:
Are there cultural sites that have been disrupted or practices that can no longer be observed? Have **Indigenous Peoples** been targeted in any way? Did local Indigenous Peoples give consent?

To find out if the project is complying with the public communications policy:
Have they received any information about the project? From what sources? What kind of information? Have they attended any meetings or trainings held by the project developer? Did the project developer listen to affected people? Have they heard of the safeguard policies?

8. Record your findings. You can use photos, video, drawing, writing, maps, or any other form of recording to show what you have found. Discuss the best ways to use what you have learned to influence the project.

STORY: RESETTLED COMMUNITIES IN CAMBODIA FIGHT FOR JUSTICE FROM THE ADB

In Cambodia there is an old railroad network that was damaged in war in the 1970s. After the war, many people built homes and businesses along the railroad tracks. In one area, people even built bamboo platforms with engines to transport goods on the rails.

People lived along the tracks for many years. But this changed in 2006, when the ADB and the Australian Agency for International Development gave loans to rebuild the railroad. It was a good project that would help the country, and many people were happy about getting the railroads working again.

But the project involved plans to resettle more than 4000 families who lived along the railroad tracks. Many people were not given information about the resettlement plan, or any opportunity to participate in planning how it would be done. Many families were moved and were given very little compensation money. Some resettlement sites had no running water or electricity. People were moved far from their old jobs, schools and communities. Many families became very **impoverished**.

What seemed like a good project turned bad because of how it was carried out. People affected by the Railways Rehabilitation Project felt it was unfair to be forced deeper into poverty. They believed that the ADB and the Cambodian government should help them fully rebuild their lives.

In response, a local NGO called Equitable Cambodia went to work with the communities to demand justice. They produced a book, similar to the one you are reading now, called *A Community Guide to the ADB Involuntary Resettlement Safeguards*. Together with the communities, they created a training program about the ADB policy on **involuntary resettlement**. They learned how to **monitor** ADB-funded projects to see if a project was complying with the safeguard policies. And they learned **strategies** to hold the Cambodian government and the ADB accountable.

After conducting a workshop, they began monitoring the resettlement process and helping families to write and submit **complaints** to the project **grievance mechanism**. They interviewed many people and found many violations of the ADB's resettlement policy, such as:

- ↳ People were not being involved in **meaningful consultations**.
- ↳ People did not have information about grievance mechanisms.
- ↳ People received very little compensation.
- ↳ The resettlement sites were too far from people's livelihoods.
- ↳ Resettled people had become very impoverished.

The community monitors worked with Equitable Cambodia to write a report and to make a video and to present them to ADB officials in Cambodia and in Manila. As a result, the ADB put pressure on the Cambodian government to make changes. The Australian government provided 1 million dollars for a new **income restoration program** to help resettled families get back on their feet. The government began delivering water to the resettlement sites and paying for electricity connections. The ADB promised to work with the government to improve other resettlement processes in Cambodia as well.

Since then, the community monitors continue to help. They have assisted affected households in submitting over 500 official complaints to the project grievance mechanism and a collective complaint to the ADB **accountability mechanism** and the Australian Human Rights Commission. As a result, many people have now received money or land that they would not have gotten without demanding it.

What can we learn from this story?

The story of the Railways Rehabilitation Project shows us that when communities learn and share information about their rights, they can effectively demand justice and win changes that make a real difference in people's lives.

ACTIVITY

MAP YOUR COMMUNITY AND CHART YOUR RESISTANCE

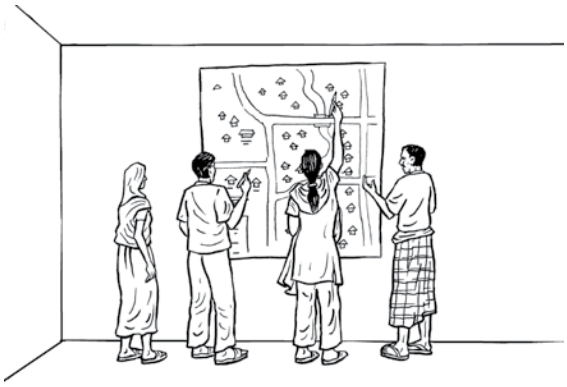
Community mapping is a kind of community-based research that can help people think about and clearly identify the resources they have at hand and the things that provide value in daily life. Sometimes communities use mapping for their own internal purposes, such as for deciding how to better manage and protect their natural resources. Sometimes people use maps to show outsiders the richness of their community.

OBJECTIVE: To help understand the current situation of the community, to identify resources, and to define problems and solutions.

TIME: Hours, days or weeks, depending on how it is done.

MATERIALS: Large paper and markers.

1. Bring participants together and ask them to relax and think about their community: the roads or paths they walk or drive, the water sources, fields or paddies where they work; temples, canals, and so forth.

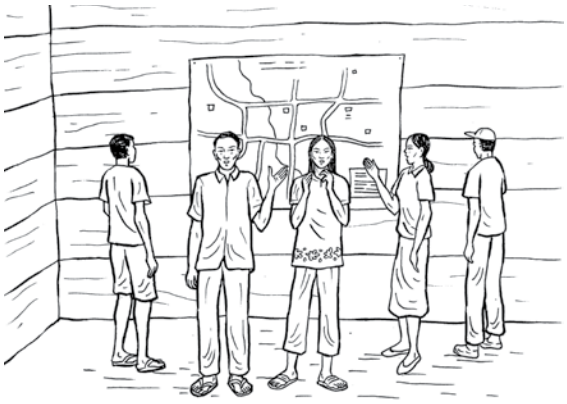


2. Tape one or more large pieces of paper to the wall, and ask the group to draw a map, or several maps, that show houses, streets, schools, temples, water sources, gardens and other important places.

3. Draw an even larger map that shows what is around the community and used by the community, such as fields, water sources, forests, places people work, and so forth.

4. Talk about how the resources of your community affect people beyond the edges of these maps. Does a river or other water source flow through and impact people downstream? Is food grown here used for export or sale somewhere else?

5. Now imagine that the government and a company want to bulldoze your community to build a big coal-fired power plant. The government says: "We are planning to build the plant here because there is nothing important here, so it's a good place to build a coal plant."



How would you use the map you made in this situation? There are no wrong or right answers. Possible answers could include:

↳ To show all the value that this land and community provides for us—and to show all

ACTIVITY CONTINUED FROM PREVIOUS PAGE

the value that it provides to people outside our community, in what we sell, produce, share and protect

- ↳ To show that the plant should not be built here, because there are lots of important things here
- ↳ To show that if the plant goes forward all the things in your map will have to be replaced, rebuilt and compensated

DEBRIEF: After this discussion, are there new things you have thought of that should be included in your map? What is a real situation today in your community for which mapping could be a useful tool? Consider expanding the maps, and talk about how to use them to advocate for your community's rights.

USE MEDIA

For years, rights activists have made use of face-to-face meetings, the mass media, and public actions to spread their message. Today, you can also reach audiences through "social media" such as Facebook or Twitter. Using the media to share your story can help to build support and alliances, to pressure project developers, the government and the ADB to respect your rights, and to hold decision makers accountable for respecting your rights.

Making a media plan

Developing a message, thinking through how to present it, and deciding whom you are trying to reach, are important parts of your advocacy work. Decision makers are often sensitive to public opinion inside and outside of the country, and a media campaign can help pressure them to agree to your demands and hold them accountable to commitments they make. This section gives a brief overview of some ways to develop your own media plan.

The key steps to take in making a media plan are:

- ↳ Develop a message for a target audience
- ↳ Cultivate relationships with editors and reporters
- ↳ Deliver the message
- ↳ Respond and engage the media

Develop a message for a target audience

Knowing whom you are trying to reach (your target audience) will help you develop your message and decide how you want to present it. Everybody is **biased** in one way or another, whether we realize it or not. Presenting your issue with a carefully designed message can help your target audience to understand your issue and perspective, and can help ensure that the media includes it in their reporting.

An example of a clear message is "Housing rights are human rights. Thirty percent of people in the capital city live in sub-standard housing without access to clean water. Any development plans for their neighborhood should be created with these people to improve their lives, instead of impoverishing them."

When you develop your message, use language that your target audience will understand and find meaningful. You may need to describe complex issues in brief points that are easy to understand. Use facts and examples to reinforce the points you make. Do not try to explain the entire issue – it may not be necessary to do so, and it could actually confuse the target audience.

In your message, it may be important to name the targeted decision makers and what decision or action you want them to take. Otherwise, your audience may assume incorrectly that the individual affected person (and not the policy of a corporation or government department) is responsible.

Develop catchy ways of delivering your message in a few memorable words. If these phrases are clear, strong and memorable, reporters are more likely to pick them up and use them.

An example of a message that names the decision maker is "The Ministry of Justice should urgently develop protocols for accountability for police abuses during an eviction."

An example of a strong, simple phrase is "Development should not cause human rights abuses."

THE 4 MAIN PARTS OF A MESSAGE

Consider these 4 parts in developing your message:

1. Statement — The main idea of the message. Present the most important parts of your message in one or two strong, memorable sentences.
2. Evidence — Facts and/or figures that support your statement or central idea. This should include a small amount of concrete information that the reporter and the audience can easily understand.
3. Example — Add a human story that your audience will identify with. An anecdote or short story based on a personal experience helps the facts and figures come alive.
4. Action desired — What do you want the target audience to do? Your advocacy goals should be clearly stated as an invitation to action.

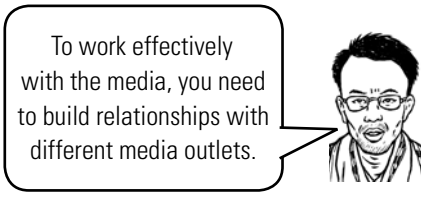
Cultivate relationships with editors and reporters

Reports and press releases (see next page) are an important tool for getting your message to the media. But, before you send out a press release or report, it is important to have relationships with people in the media.

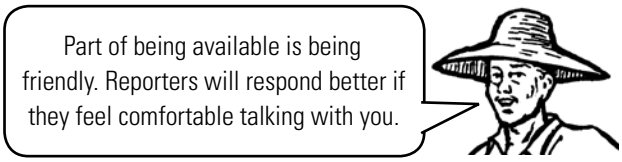
Personal contact with reporters is crucial!

Keep copies of articles on your issue that fit with your objectives and look for other articles by the reporters that wrote them. This will help you know what these reporters are interested in. Develop a contact list of editors and journalists, and update it regularly. The time you spend reading the news everyday will be helpful.

Contact a larger NGO, a national association or network, and ask if they are willing to share their list of editors and journalists (called a "press list"). Some will not share this information, but others might. They also may be willing to make introductions and give you advice on how to approach specific journalists.



It may be a good idea to meet one-on-one with journalists who show interest in your issue. You can invite them out for tea or lunch to tell them stories from your work and suggest ideas for stories they could write about. If they are interested, you can offer to help arrange interviews or field trips so that they have the information to write a good story. Journalists are always looking for new stories, and if they care about your issue, they will appreciate your help.



Without overwhelming your media contact, keep them informed of important issues or changes in your campaign. For example, invite them when there is an important meeting to review a policy on land rights. Be aware of their time limitations, deadlines and other stories that may be competing for their attention. When you develop a strong relationship with a journalist, they may automatically call you for an interview when they have to cover a relevant story.

If you do not have any trusted media contacts, or if you feel unsafe contacting the media, you can also make anonymous phone calls to the media about something they may be interested in. While this may be less effective than direct, transparent contact, it could still help to bring media attention to the abuses you have faced.

Deliver the message

One of the most important documents for use with media is the press release. A press release is a document sent to journalists to assist them in producing stories by informing them of the key details of an event. It is the standard method of distributing a story to the media.

You can use a press release to:

- ↳ Get media to report on your group's response to a news event
- ↳ Give advance notice of an event
- ↳ Announce a new campaign
- ↳ Publish a rights report
- ↳ Circulate speeches in advance

Journalists receive hundreds of emails and press releases each day. If you want to get their attention, a press release should provide new information and insight. It should have reliable information about an event, statement or publication, and you should add in some brief quotes from community members that journalists can use to bring their stories to life. Your press release

should be written so a journalist can borrow or copy it for a news story without much additional work. To learn how to do this, you should read news stories from the major news agencies in your country. Study their style and approach when communicating with them. (To learn more about how to write and use press releases, see resources, pages 187 and 188.)

Press conferences, meetings or public actions provide opportunities to deliver your message directly to the press. If you are holding one of these events, invite journalists and provide them with advance notice and background information. Identify individuals willing to talk with the journalists about their personal experiences, and make sure those people are fully aware of any risks to their personal safety and security. Prepare short public comments that include some personal stories to bring the issue to life.

You can also invite journalists on field trips to learn about an issue. Also, getting public officials to make statements in the media, or using statements they have made in the past, are good ways to enable many people to hear the message over time.

Before you deliver your message to the press in writing or at an event, action or interview, make sure that your organization (and any of your partner organizations) agrees on the information being released. If separate organizations within the campaign want to present the facts differently, make sure the individual spokespeople are clearly speaking on behalf of only their group, not the entire network. Beyond the official spokespeople, everyone involved in the campaign should be prepared to share the same facts with the press, and they should also know what not to discuss.

TIPS ON DELIVERING YOUR MESSAGE

Never lie to a reporter. If a reporter asks you a question you cannot answer, say that you do not know the answer but will call them back. Avoid giving journalists conflicting or confusing information. The media is not free from political bias: if you give reporters one or two incorrect facts, your entire campaign could be misunderstood.

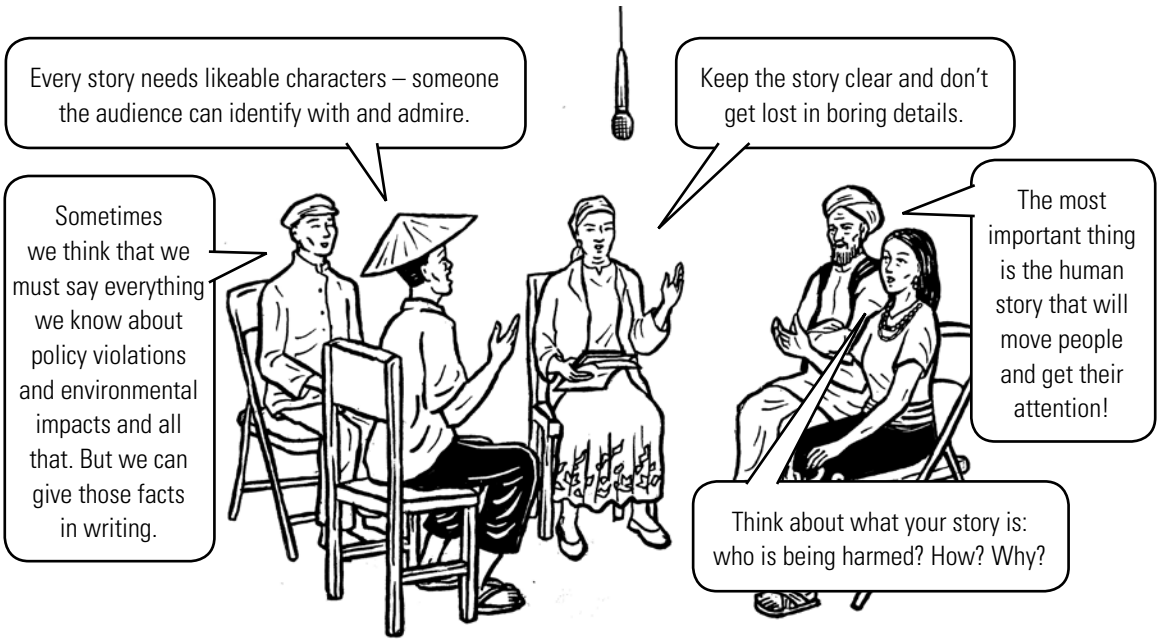
Find out exactly when reporters need information in order to help them to meet their deadline. If you are reliable and consistent, they will learn they can depend on you and will come back for more stories.

If a journalist asks you to comment on a news story, be brief, stick to the facts, and say something memorable that the journalist can use. Avoid rambling or complicated sentences like, "On the one hand...but on the other hand..." because some journalists only choose one part of the sentence to quote, and this may misrepresent your message. Avoid saying something that can be used against you later. The last thing you need in your advocacy work is a news report with a statement that can get you or your organization in trouble.

Control your message. This means that once you have created your message, you should decide who will be your spokesperson and represent your group to the media. Role-play interviews in the office and with friends, and ask your spokesperson some challenging questions that may come up during an interview with the media. (For a role-play activity, see page 127.) Any calls from the media should be directed to your appointed spokesperson.

If you see people with microphones, tape recorders and/or cameras at an event, introduce yourself and ask them which media outlet they represent. Guide them to the selected spokesperson and interviewees. Ask for their contact information, and offer yours. Provide them with your press release, and ask when they will release the story. You may even want to catch them on film yourself, with a handheld camera, for example, in the case that they are "plants" (people working undercover for the police or your opponents) or on your opponent's side.

After an event, follow up and maintain the relationship with the media person. If you liked the coverage, let the journalist know.



Responding and engaging press

Some media reports may make your community look bad, contain factual errors or spread misinformation. In these cases, you can sometimes turn a negative event into a positive advocacy opportunity.

The first step may be to contact the journalist or news organization directly. You can write a letter to the editor, comment on their website or email your supporters to urge them to contact the media organization or post comments to the article.

If the problem is an article in which you were interviewed and you believe the journalist made an error, you can call the editor and ask him or her to publish a correction. (Be aware that this will make the journalist less likely to interview you again.)

You can also use negative stories as an opportunity to start a dialogue that could lead to better coverage in the future. Call the newspaper or TV station and politely request a meeting to share your community's concerns about the news story. Prepare what your group will say and how you will say it. Tell the editor how negative stories affect community members and why they are harmful. Share information and resources to inform the journalists about your issue.

You also can hold a briefing for journalists on the issue or suggest interviews with community representatives to share your perspective.

In some cases, these tactics may lead to new partnerships and better press coverage. But if your attempts to dialogue do not work, then you can increase the pressure.

Newspapers, television and radio are usually run as businesses that need to make a profit. They rely on customers and audience support to sell advertising. You can organize community members and supporters to boycott the media organization until they apologize. You can also boycott companies that advertise with the media organization.

Boycotts of advertisers can be a very powerful tactic for getting a media outlet's attention. If the editor does not seem to have the time to meet with you before a boycott, it is surprising how quickly she will find the time once her advertisers start to walk away.

Video and photography

Sometimes using the media might not be the most effective way to communicate your message. Instead, you may want to focus on making your own media. Video and photography have the potential to reach a lot of people in a short time, and they can overcome language and literacy barriers by using images rather to communicate your message. Video and photographic documentation can be directed to your target audiences by showing them at protests and conferences, and by sharing them on social media.

As with other media work, developing video or photographic content must have a specific purpose that will help you achieve the end goals of your campaign. Otherwise, the investment of work needed to complete the project requires time and money that would be better spent in other ways.

WITNESS, a US-based organization, trains activists around the world to use video to document rights violations and advocate to end them. WITNESS believes the following elements are essential to creating a successful advocacy video:

- ↳ Design your video for a specific purpose. You should have a clear objective for your video, rather than just filming about something;
- ↳ Know your audience. Whose eyes, not how many eyes, is what matters;
- ↳ Know the action you want your audience to take;
- ↳ Choose the best message, people and story to move your audience to action; and
- ↳ Choose the right time and the right place to ensure your audience sees your video.

The steps and advice for developing a message for a target audience described in this section apply to your social media, video and photography as much as to your mass media plan.

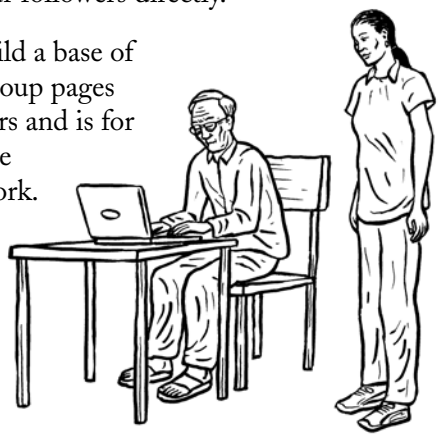
Once the message has been determined, as well as the audience you would like to reach, select the best way to communicate with your target audience. And video does not necessarily require the use of the Internet.

Keep in mind that the privacy and confidentiality of your subjects must be protected at all times. Informed consent procedures must be obtained for any material you use.

Social media

Social media allows you to quickly and inexpensively communicate with a potentially wide range of people connected through different social networks. Most social media uses the Internet and mobile phones to spread information in different ways. You can create and share your own content, re-publish content from mass media outlets and engage your followers directly.

Social networking websites like Facebook and Twitter are ways to build a base of supporters and keep them updated. Facebook allows users to build group pages to report news and publicize events. Twitter allows only 140 characters and is for quicker, shorter communication. Both sites allow you to communicate news or an event and ask for information and advice from your network.



Another important form of social media, online petitions such as those circulated by Avaaz.org are regularly used by human rights activists. An online petition allows you to present information and request others to publicly confirm their agreement with you. Online petitions can easily be shared, greatly expanding their reach.

HOLD CREATIVE DEMONSTRATIONS

Marches and demonstrations in public gathering places, road blockades, occupation of project sites and protests outside the offices of project developers are all actions that may get the ADB, the government and the project developer to respect your demands—and bring support for your cause and raise the profile of the problem.

Part of the purpose of creative demonstrations is to attract the media and, in some cases, to physically block the project. Both of these goals make the project more costly for the developer. Make every effort to keep demonstrations nonviolent. You want the world to see that the project is violent, and the best way to do that is to show that you are peaceful.

Use culture, music, art, dance and spectacle

In Cambodia, several musicians and filmmakers made a music video called "Land and Life", about the struggle of the Dey Krahom community to prevent its illegal forced **eviction**. The song became so popular that communities all over Cambodia could sing the words. It helped unite and inspire a bigger movement.

In Thailand, people organizing against the proposed Kaeng Sua Ten Dam have delayed this project for over 30 years. Recently, the villagers made a video on YouTube of a village leader saying: "We will do anything required to stop this dam. If you try to build it, we will take action to stop the project." Many people saw the video, and it gained a lot of attention in the national media.

You can make hundreds of t-shirts that carry a message about the campaign as a way for people within the struggle to show their unity, and for other people to show their support. When a group in Cambodia made shirts saying: "Stop Evictions! Land and Life Now!", many people in Phnom Penh wore these shirts to actions and protests.

These kinds of spectacles are very effective at building support for your cause, and they are especially helpful when organizing creative demonstrations and **civil disobedience**.

STORY: ADB—QUIT COAL NOW!

In 2007, the ADB held its annual meetings in Kyoto, Japan. The ADB planned an opening ceremony and reception on the first day where the bank president and Japanese government officials would give opening remarks. After their welcome speech, there would be a performance of traditional Japanese dance with many reporters and photographers present.

A group of activists from the organization Greenpeace Southeast Asia had an idea: they would use the event to bring attention to ADB-financed coal mines and coal-fired power plants that were creating terrible environmental and human rights impacts.

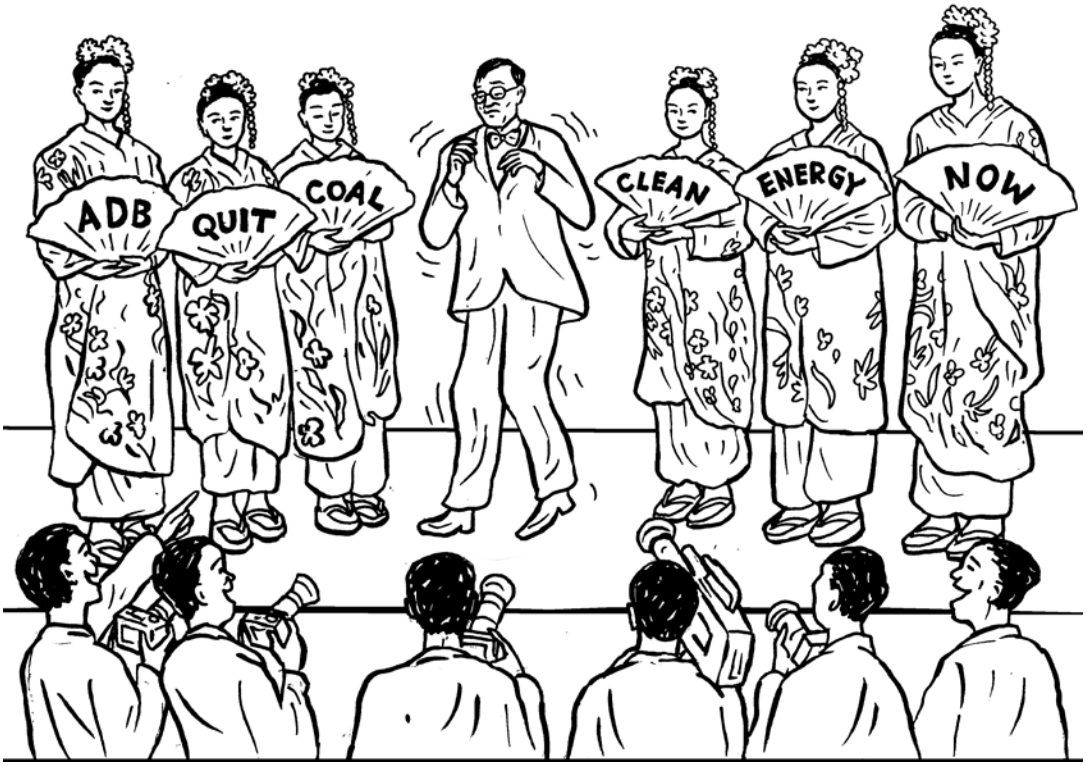
Greenpeace contacted a student group called Solar Generation that promotes renewable energy and asked them to help plan a creative action. Six young women would come to the ADB reception and make themselves part of the ceremony in a way that would surprise everyone. They prepared by bringing *kimonos* (the traditional dress of Japan) and Japanese fans containing special messages that would show when the fans were opened. They also made a safety plan in case the young women were arrested and contacted legal support to ensure the women's safety.

When they got inside the meeting building, the women secretly put on their kimonos and make-up and walked to the opening ceremony. When the ADB president stepped to the microphone to begin his welcome speech, the young women quietly approached and stood in a line behind him. No one stopped them, because they looked like part of the ceremony.

As the president began to speak, the women stepped forward and opened their fans at the same moment. Across the fans was written in big letters: "ADB QUIT COAL! CLEAN ENERGY NOW!"

Suddenly all the media photographers started taking pictures, and the reporters started reporting. The women left the stage and began handing out bookmarks featuring a list of demands to the ADB. The bookmarks also showed a cherry blossom, Japan's national flower, to symbolize the impacts of climate change; everyone knew that the blossom was a lot earlier than usual this year due to the warmer winter. Even though the women had disrupted the ceremony, they did it so artfully that all the officials smiled and wanted to have their photograph taken with them.

The next day, newspapers all over Asia carried the story and a photo on their front page. The photo carried the message to everyone in Asia and around the world: ADB quit coal! Clean energy now!



What can we learn from this story?

This story shows that we can create powerful actions even when we have only a small group of people participating.

This action succeeded for several reasons. They chose a moment when media were already going to be present. They planned an action that would create a photo opportunity in which their message was both clear and central. And their action was playful, beautiful and fun, involving young women students and traditional Japanese culture. By making people laugh and enjoy the creative spectacle, the women were able to stay and complete the action instead of being arrested or kicked out.

Last but not least, the women had a safety plan. This action was smart and safe for the context of these meetings in Japan. Of course, there are many situations and many countries where even this kind of peaceful protest might not be safe for the people involved.

Nonviolent direct action and **civil disobedience** are forms of demonstration where people intentionally break laws in order to draw attention to injustice. The point is to create tension so that the project developer, the government or the ADB is forced to address the issue.

If you decide to engage in civil disobedience, it is important to train participants first (see Resources, page 188). Be aware that companies might try to influence your group and the decisions you make. It is also important to have legal counsel and know what the legal issues are.

Often, communities with strong leadership from women lead strong campaigns in defense of their homes, lands and lives.

Civil disobedience may or may not be a good strategy, depending on the level of national and local support for the project. The greatest risk of civil disobedience is that the power of the state and the military can come crashing down on your organization. If your leaders are arrested or if your campaign loses support, you can pay a big price. It may also backfire and turn public opinion against your struggle, and the legal costs involved could drain your resources.

Safety always comes first. Before any action, hold discussions with everyone involved to think through together what the risks are, whether it is a good idea or not to do the action, and steps you can take to minimize the risks.

Questions to consider before engaging in civil disobedience

- What planning must be done in advance to obtain the greatest benefits from an action? For example, will members of the press and **human rights** observers be present? Often, the main goal of direct action is to reveal a problem, confront an injustice and have witnesses report on it.
- What are the possible negative consequences, and what can be done to avoid them or manage them?
- What are the likely short, medium and long-term results?
- What follow-up activities can you do so your actions have the strongest effect?

Despite the risks, there are times when direct action can build important support for your cause and become a powerful organizing force. If you decide to go ahead with civil disobedience, plan it out in advance, train well, and make sure the media and human rights observers are present.

BE SAFE

You must have a safety strategy before any action. Prior to any action, meet with everyone involved to talk through the possible safety problems, and make a responsible choice about whether or not to do the action and how to avoid injury. Think about who to invite—allies, media, famous officials—so that people will be there to make sure the action is not invisible, and to protect everyone from harm. For more information see the guides by Bridge Across Border Cambodia and Amnesty International and by Frontline Defender in Resources, page 186.

COMMUNITY TIPS: CREATIVE DIRECT ACTION

Direct actions can happen at different places: whether you are defending your community or holding a demonstration in a city far away, the actions you take should be consistent with your long-term goals, your media strategy, and any agreements you have with your **allies** and supporters.

If your action is meant to defend your territory, think of creative ways to prevent suspicious people from coming onto your land.

Another kind of direct action is to meet the needs of the community directly, and show that the community is creating its own form of **development**. For example, when one community in Northeast India learned that a dam was proposed, they built a new school right on the dam site. This made it harder to **displace** people, created new value for the community, and united the youth in resistance.

Occupy the meeting. In Thailand, the government once organized a **consultation** where they said they only had seats for 30 people. But many community members wanted to attend – so they attended anyway, with 3000 people. When they entered, they politely sat on the floor and began to ask questions. Then they grabbed the microphone to talk about their concerns.

Occupy the office of the local government official who is in charge of the project. For example, in Thailand a group of 1000 people went peacefully to a government office, sat on the ground outside, and refused to leave until the government canceled the project.

You can hold actions outside the ADB office in your country or at its headquarters in Manila, Philippines. You can peacefully sit outside with a banner, signs, and media and send a clear message: *we do not want this project! We want real development that respects human rights and our environment and that brings benefit to the people!*

Consider whether applying for a permit to protest from your government or local authorities will be strategic. In some cases this can help to protect your group from arrest.

DEVELOP ALTERNATIVES

One of the saddest things about the kind of **development** imposed by the ADB is that it forces our communities to fight bad projects, instead of working toward building good ones. Proposing what we really want and need is not only an important way to fight the ADB—it is an important step toward actually getting what we want and need, and upholding everyone's **human rights**.

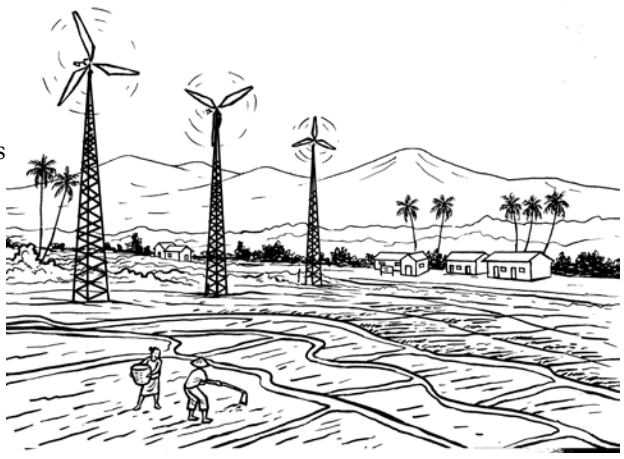
In Section 1 of this guide we discussed rights-based development—the idea that all development should be based on fulfilling and expanding human rights and promoting healthy ecosystems and environments. Ultimately, rights-based development means choosing our own path, rather than letting the ADB and other large institutions decide what is right for us.

In the ADB **safeguards**, there is a requirement for the ADB and its client to undertake an "options assessment". This means that the ADB and its client are required to explore other options besides the project being proposed. They often violate this requirement and do not look seriously at other possibilities. So we should hold them **accountable** to this, and propose our own ideas during the early stages of the **project cycle** (see page 93) as part of our right to participation (see page 51).

In contrast to large, centralized projects that displace people and destroy the environment, we can propose alternative projects that respect rights and build **resilience**—the power of communities to meet our needs and solve our problems on our own.

As **alternatives**, consider projects that:

- ↳ Work best at small and medium scale (such as small dams to meet local energy needs, rather than large dams to power entire regions)
- ↳ Respect traditional forms of land and resource management
- ↳ Improve people's livelihoods and standards of living
- ↳ Prevent or eliminate pollution and waste
- ↳ Ensure that people can stay in their communities rather than be displaced



COMMUNITY TIPS FOR PROPOSING ALTERNATIVES TO DESTRUCTIVE DEVELOPMENT

Look around for examples of the way your community wants to live, and work together to develop alternative proposals based on community priorities.

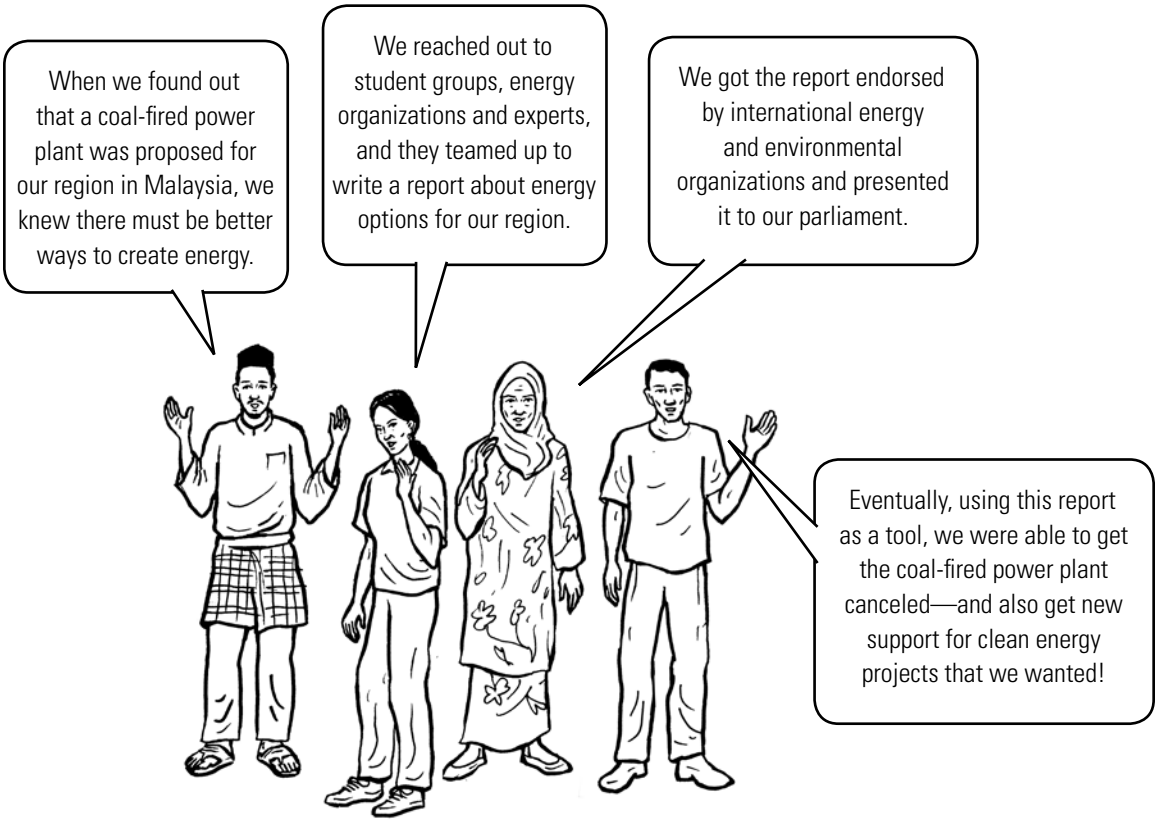
Learn about and document what your community or region was like in the past, and let this help you think about what meets people's needs and what does not.

Start to build dialogue with decision makers, and try to influence their way of thinking.

Build alliances with the scientists and academics who can study and endorse your proposed alternatives.

Hold a workshop to decide what real "development" means for you. (See activities on pages 2, 21 and 148.) Some communities have done this and then painted their ideas into a mural for all to see.

Sometimes an alternative can promote alternative designs for an existing project, such as proposing a new route for a road or railway or pipeline. Other times your alternative might be opposing one project completely and proposing a different one, like stopping a coal plant and building a wind plant instead.



ACTIVITY

ENVISION YOUR COMMUNITY

OBJECTIVE: To facilitate a discussion that helps people in a community to envision the future they want.

TIME: 3 hours

MATERIALS: Flipchart, markers, paper, tape

This is a simple and fun way to discuss among a group of people about the kind of positive changes they want to bring about in their communities.

1. Plan the event

Plan to hold the gathering in a place where everyone will feel comfortable to talk and share. Consider how to best use the space and your supplies to support the conversation. If possible, plan to have enough paper and pens for everyone to write and draw.

Identify questions for the discussion. The questions should move the conversation and address real-life concerns. Some questions may not have a simple yes or no answer. Depending on the time available and your objectives, the group may explore a single question or several questions instead.

Examples:

- ↳ How would we live if we could live any way we wanted?
- ↳ What must change in our community to make life better for everyone?
- ↳ If we could tell the ADB how to spend its money, what would we say? What would be the effects in our community?

2. Set up and welcome

Welcome participants and give an introduction to the event. Tell the participants what the event is for and what to expect. You may tell them that the goal of the event is not to come up with a plan or conclusion, but to ask big questions and explore possible ways forward.

3. Small group discussion

The event begins with several rounds of discussion in small groups. Each round lasts 20 minutes and begins with a discussion question. The question can be the same for all groups, or each group can have a different question. After 20 minutes, each person moves to a different group, except one person who stays to welcome the next group and to fill them in on what happened in the previous round. Possible questions can include:

- ↳ Think of the kindest, wisest person you know. What kind of development would he or she want for the community?
- ↳ How do we want our children to live when they are grown? What must we do together to help make that happen?
- ↳ In what ways can we work together for human rights that we are not already doing?

4. Record and share

After the small groups or between rounds, invite people to share ideas from their conversations with the rest of the large group. Have someone record the discussion with drawings in words or pictures on paper. Having a person play the role of listening to the conversations and "capturing" ideas on paper with colored markers has several benefits:

- ↳ Documenting each participant's contribution to the whole increases participation and builds trust.
- ↳ Displaying the information weaves together diverse ideas and helps people to build on each others' ideas.

Try to find patterns or agreements in the discussion. Ask participants to identify the key themes and questions that emerge.

5. Debrief

The way to end the gathering depends on what questions were discussed and how the group feels. You could make plans to put your ideas into practice or plan another event to continue the discussion. You could also end with a celebration, a song, a physical activity, or even a meal. The important thing is that people leave with energy and excitement to continue working together for change.

NOTE: *This activity was adapted from a methodology developed by the World Café. For more information or additional resources see http://www.theworldcafe.com.*

Keep your spirits up!

Community campaigns to stop **megaprojects** and influence development decisions are often long, multi-year struggles. Along the way, we may sometimes feel tired or lose hope. It is very important to take good care of ourselves and to celebrate our victories along the way. The work of defending our human rights and communities does not happen overnight—it takes a long time. When we are creative about keeping our spirits strong throughout the struggle, we are able to build powerful campaigns that stay strong for the long haul.

3.3 Conclusion: Toward just, transformational development

Every day, communities around the world win victories for **human rights** and for our earth. Using creative actions, people are inspiring their communities that a better kind of **development** is possible. Using **people power**, communities and social movements are pressuring governments, international banks and corporations to make these changes.

It takes a lot of work to stop bad development projects. It takes even more work to transform the way development is done and to create a world where every person can live to his or her full potential. It demands that we stand up to powerful governments, challenge big banks and fight multi-national corporations. It is overwhelming and difficult. It takes strong commitments over many years. There are failures and successes.

But when we work together, when we build collective leadership, and when we exchange experiences and knowledge, we grow into powerful and resilient movements for change. By working together to challenge the ways of **destructive development**, in small personal ways and large collective ways, we bring human rights to life. When we stand up for what is right, in ways both small and large, and in ways both local and global, we transform the world.

APPENDIX 1

List of words and technical terms

Accountability – The obligation of an individual, business, or organization to account for its activities, to accept responsibility for them and to publicly disclose information about them. The ADB's **accountability mechanism** provides a forum where communities can demand accountability for harm caused by the ADB's actions.

Accountability mechanism – A forum in the ADB where people can raise **complaints** about problems caused by ADB projects and ensure they are following ADB policy.

Accountable – Responsible for one's actions and committed to respect one's commitments.

Adequate housing – In international law, adequate housing is defined as the right of everyone to have a safe and secure home in which to live in peace and dignity. Adequate housing is housing with secure legal tenure, that is affordable, accessible and secure, that provides access to basic services, space and privacy, in a good location and respectful of the residents' culture.

Advocacy strategies – Ways to influence decision makers to make changes in **policies**, laws, or the actions of corporations, banks, and governments.

Agrochemicals – Pesticides and fertilizers made from industrial chemicals.

Allies – People or organizations who will join with you to fight for a common cause or to work for a shared purpose.

Alternatives – Ways of doing things that are different from official **policies** or **development** programs.

Benefit-sharing agreement – An agreement between communities and **project developers** that ensures that communities receive benefits from a project.

Biased – Having a strong opinion about something.

Civil and political rights – A class of **human rights** that ensures every person's ability to fully participate in political decisions. Civil and political rights are upheld by various international law documents, including the International Covenant on Civil and Political Rights, as well as in many national laws and constitutions.

Civil disobedience – A form of demonstration or protest where people intentionally break laws in order to draw attention to an injustice. (See also: **nonviolent direct action**.)

Civil society – Ordinary people, families, and organized groups as they act to control the decisions that affect their lives.

Coercion – Forcing someone to act against their will by the use of threats, intimidation or other forms of pressure.

Compensation – Something that is done or given to make up for damage or other loss.

Complaints receiving officer (CRO) – The person at the ADB **accountability mechanism** who receives complaints submitted by communities or **non-governmental organizations (NGOs)**. The **complaints receiving officer (CRO)** works closely with the **special project facilitator (SPF)** and the **compliance review panel (CRP)**.

Compliance review panel (CRP) – The ADB staff people who carry out a **compliance review**. Their office is called the **office of the compliance review panel (OCRP)**.

Complainant – A person who files a **complaint** or **grievance**.

Complaint – The concern that harm has been caused; the process of raising this concern. (See also: **grievance**.) At the ADB, the office that receives formal complaints is the **complaints receiving officer (CRO)**.

Compliance review – A formal process for reviewing whether or not an ADB-funded project violated the **safeguard policies**.

Consultant – Someone who gives professional advice or services. During ADB projects, companies or governments may hire consultants to do many kinds of work.

Consultation – A meeting in which a person or group is asked for their opinion and feedback (See also: **meaningful consultation.**)

Corruption – The use of power for illegitimate private gain.

Country partnership strategy (CPS) – A plan written by government and ADB officials that identifies the country's **development** priorities and the goals of all ADB-funded projects in the country.

Critical thinking – Logical thinking that evaluates information and opinions in a systematic and purposeful manner.

Customary laws – Traditional laws, usually of **Indigenous Peoples**. Customary laws may or may not be written down, but are based on what has always been done and accepted. National legal systems may or may not respect customary laws.

Debrief – A short talk to reflect on an activity or experience.

Debt – When money is borrowed from a bank or other lender, the money must be paid back. The money that must be paid back is called debt. Usually, it costs more money to borrow money (See also: **interest**.), and this extra money becomes part of the debt.

Destructive development – Development that harms people and the environment.

Development – Growing or creating something over a period of time. The word "development" may be used to describe material projects, such as building roads or dams ("**infrastructure** development"), business activities that earn money ("economic development"), or non-material ways to bring positive changes, like promoting education or gender equality. However, not all forms of development bring positive change.

Development justice – Receiving fair and reasonable treatment during the process of development, including informed consent and participation, and equity of outcomes—ensuring that all affected people benefit from the development project, and no one is harmed or **impoverished**.

Dignity – Deserving and being worthy of respect.

Displacement – A process by which people lose their land, home or other assets, or access to livelihoods or resources. Development projects may cause people to be displaced physically (See also: **physical displacement**.), or economically. (See also: **economic displacement**.)

Dispute resolution – Reaching a solution to a problem through discussion. (See also: **problem-solving**.) The ADB **accountability mechanism** conducts dispute resolution to help communities reach agreements with project developers when there is a conflict.

Disclosure – The act of making something known or providing access to information.

Economic, social and cultural rights – **Human rights** that have to do with people's livelihoods and quality of life, such as the right to education, housing, a good standard of living and health. Economic, social and cultural rights are recognized and protected in international human rights agreements such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as in many national laws and constitutions.

Economic displacement – When someone loses their livelihood due to a **development** project. Many development projects cause economic displacement by damaging the resources people depend on and destroying their source of livelihood.

Economic growth – The increase in the amount of the goods and services produced over time. Most **development** plans are based only on increasing economic growth, without considering other human needs.

Entitlements – The right to have, do, or receive something.

Environment and Social Safeguards Division – The office at the ADB responsible for ensuring that projects follow the **safeguard policies**.

Environmental damage – Any harmful change or disturbance to the environment.

Environmental impact assessment (EIA) – A study of the possible positive or negative impacts that a proposed project may have on the environment. All ADB projects that could potentially affect the environment must complete an environmental impact assessment.

Environmental management plan (EMP) – A document prepared by a **project developer** that explains how the project's impacts on the environment will be avoided, minimized, or managed. The impacts managed under this plan will be identified as part of the **environmental impact assessment (EIA)**, which must be completed first.

Evaluation – A process of studying the success or failure of a project.

Eviction – Forcing someone to leave their home, land, and often livelihood.

Executing agency – The agency that is conducting a project. Also known as the **implementing agency** or **project developer**.

Extractive industries – Industries whose main business is to extract resources from the earth—like oil drilling, mining or logging.

Fact-finding mission – An official visit by a group of people to investigate or learn about a situation. For example, ADB **consultants** may travel to the site of a proposed project to learn what the impacts of the project might be.

Financing – To provide money for someone or something. The ADB finances **development** projects by giving governments and companies loans or by investing money in companies.

Forced displacement – When people have to move away from their home or lose their land or livelihood against their will.

Free, prior and informed consent (FPIC) – Consent, or explicit agreement to a project, which should be given without threats, pressure or manipulation (free), before decisions about the project are made (prior), and based on adequate and accurate information about the project (informed).

Gender plan – A plan an ADB-funded **project developer** must create that describes how women will be fully consulted and included in the project planning.

Grievance – A formal **complaint**.

Grievance mechanism – A forum or process for communities to submit **grievances** or **complaints** to a project developer or independent party to seek solutions to the problem or **remedy** for harm.

Hybrid seeds – Seeds that are bred to produce specific plant traits and sold to farmers year after year.

Human rights – Fundamental rights that belong to all human beings, regardless of their nationality, gender, religion, or any other status. All human beings are born free and equal in **dignity** and rights. Human rights include the right to life and to live freely and in safety, the right to freedom of expression, and the right to marry and have a family.

> **Collective human rights** – Collective rights protect a group of people, for example **Indigenous People** who have collective rights to property, **self-determination**, etc. as an entire group.
>
> **Individual human rights** – Individual rights protect the singular person, for example one specific child.

Human rights abuse – Violations or harms that prevent someone from enjoying all of their human rights.

Human rights law – National, regional and international laws that protect human rights. Human rights law includes international treaties and covenants such as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

Impact – A powerful or substantial influence or effect.

Implementing agency – The agency that is conducting a project. Also known as the **executing agency** or **project developer**.

Impoverishment – Causing people to become poorer by taking or destroying what they have.

Income restoration program – Part of the **resettlement plan** that helps people recover their livelihood after **displacement**.

Indigenous People – There is not one universally accepted definition of Indigenous People. Some elements common to most definitions include: a group of people who refer to themselves as indigenous people, who occupy traditional or ancestral lands, or who share a unique culture and/or language. Historically, Indigenous People have been marginalized by state governments and have faced increased risks of poverty and discrimination compared to members of the dominant culture in the country. In 2007, the United Nations recognized the special rights of Indigenous People in the Declaration on the Rights of Indigenous People.

Indigenous Peoples plan (IPP) – A plan made by ADB-funded **project developers** for addressing project impacts on **Indigenous Peoples**.

Infrastructure – Anything that is built, such as roads, irrigation systems or buildings.

Initial poverty and social assessment (IPSA) – The first study the ADB and the **project developer** do when starting a project, to understand how it will affect all the people in the project area.

Interest – Money that a bank or other lender earns by loaning money. When you take a loan, you often must pay back the amount you borrowed plus an extra amount based on how much you borrowed and how long you borrowed it for. This extra amount is called the "interest" on the loan.

Involuntary resettlement - Moving people to a new home or place without asking them for permission or giving them a choice about whether they want to move. (See also: **resettlement**.)

Large-scale – Involving many people or things, or covering a large area. Many **development** projects are large-scale because they use a lot of land and resources.

Loan agreement – The agreement between the ADB, the **project developer**, and the government that the ADB will give a loan to the project.

Meaningful consultation – An official term used by the ADB and other international agencies that means a process of consultation and information-sharing must be carried out in ways that are timely; understandable; free of intimidation or **coercion**; inclusive and considerate of the needs and capacities of marginalized and **vulnerable groups**; and that guarantees the full and effective participation of all affected people.

Megaproject – A huge **infrastructure** project, like a dam, mine, or power plant.

Monitor – To keep a close watch on something over a period of time.

Non-governmental organizations (NGOs) – Organizations that work outside of the government. **NGOs** often provide social services, **monitor human rights**, or protect the environment.

Non-state actors – Corporations, **NGOs** and other private agencies and groups, which must respect **human rights law**. (See also **State actors**.)

Nonviolent direct action – A form of nonviolent demonstration or protest in which a group of people take an action which is intended to reveal an existing problem, highlight an alternative, or demonstrate a possible solution to a social issue. (See also: **civil disobedience**.)

People power – The collective power a group of people can have when they organize and act together. A well-organized group of people can have much more power and effect than the same number of people working individually.

Physical displacement – When someone is forced to move from the land or shelter they call home. Many **development** projects physically displace people when a corporation or government takes the land they live on to build a road, mine, plantation or other project.

Point of intervention – An opportunity for people to intervene in a project or process to take action or push for change. For example, there are various points of intervention during the ADB **project cycle** when people can act to change the course of the project.

Policies – Officially accepted sets of rules that guide the way an organization like the government or the ADB acts.

Popular education – A form of teaching and learning based in the idea that everybody has knowledge and experience to share and that the goal of education is to free people from oppression.

Problem-solving or **dispute resolution** – A part of the **accountability mechanism** that involves finding a resolution to a complaint through discussion between the affected people and the project developer.

Project administration memorandum – A written document prepared by the ADB and the project developer that outlines all of the things necessary to implement the project: the schedule, costs, anyone who must be hired, etc.

Project cycle – The different phases that a project must go through from beginning to end.

Project developer – The agency or company that is running a project. Also known as the **implementing agency** or executing agency.

Project information document or **project profile** – This is the ADB's document that describes a project.

Project preparation stage – The part of the ADB project cycle before the ADB's board of directors votes to approve the project. This is the time when the government, **project developer** and the ADB are expected to assess **alternatives** to the project, plan the project, conduct **meaningful consultations** with local communities, analyze project impacts, and complete other requirements (such as **EIAs**) that must be done before a project can be approved.

Project preparatory technical assistance (PPTA) – Grants or loans that the ADB makes to governments to encourage them to identify possible ADB projects. During a **PPTA**, the government or a **consultant** may also conduct an **initial poverty and social assessment (IPSA)** or **safeguard assessments** about a specific project they would like to propose for ADB funding.

Project proposal – The proposal for building a project that the **project developer** brings to the government and the ADB to get the project approved and funded.

Project screening – A method used by the ADB to classify the level and kind of impacts a project will have. Also called "categorization of project impacts".

Rehabilitation – To improve someone or something's condition, or at least bring it back to a normal, healthy condition.

Relocation – Moving people from where they live to another place.

Remedy – The right of people to appeal to a court or **grievance mechanism** in order to resolve their problem and hold businesses or governments **accountable** for the harm they have done.

Remedial actions – Actions taken to **remedy** harm or reduce negative impacts of a project.

Report and recommendation of the president (RRP) – A complete report about a project proposed for ADB financing that describes the project, its purpose, costs and schedule, and that includes the recommendation of ADB's president about whether a project should be approved by the board of directors. The report is prepared by ADB staff and senior managers who consult with the ADB president about the final recommendation.

Resettlement – Moving people to a new home or place, usually for reasons beyond their control. Often people are **resettled** because their old homes have been taken or destroyed by other **development** projects. In most cases of resettlement, the new homes are not appropriate to the needs or culture of the resettled people.

Resettlement plan – The plan that is made by the ADB and the **project developer** if a project will force people to be **displaced**, **relocated** and **resettled**.

Resilience – The ability to recover from injury and adapt to change, and the power of communities to meet their needs and solve their problems.

Safeguard assessments – Reports written by ADB staff or **consultants** during project **screening** that identify impacts a project might have that are related to the safeguard policies on the environment, involuntary resettlement and **Indigenous Peoples**.

Safeguards or **safeguard policies** – Laws, regulations or **policies** intended to prevent or reduce harmful impacts from other laws, regulations or policies.

Safeguard policy statement (SPS) – The official document that describes the ADB safeguards. The three **safeguard policies** it describes cover the environment, involuntary resettlement and **Indigenous Peoples**.

Screen – A process of analyzing projects to determine what their impacts will be. ADB projects are screened to determine the kinds of impacts they may cause to people and the environment.

Self-determination – The right and ability of all people to control the decisions that affect them.

Shareholder – Someone who owns part of a business or company due to making a payment to that company.

Sovereignty – Having independent authority or **self-determination**.

Special project facilitator – Part of the ADB **accountability mechanism** that carries out **problem-solving** or **dispute resolution** after receiving **complaints** from people affected by an ADB project. The **office of the special project facilitator (OSPF)** is the department at the ADB that manages this part of the **accountability mechanism**.

Stakeholder – A person or group that is affected by a project or has an interest in it. This includes people who invest money in the project, the company working on the project, all the people affected by the project, the government and **NGOs**.

State actors – Governments, which must uphold **human rights law**. (See also **non-state actors**.)

Strategies – Methods that are used over time in a community's struggle to achieve justice.

Sustainable – A project or practice that does not use up or destroy natural resources and that is able to last or continue for a long time.

Sustainable development – Development that is supposed to provide for the needs of people today without using up resources that will be needed by people in the future. Often, "sustainable development" projects are not truly sustainable.

Tactics - Short-term actions you take to gain ground in your campaign or struggle. These can include holding a protest, setting up a website, or blocking a road.

Technical assistance – Support the ADB gives to its member countries, including advice, policy-making, planning and other non-material support.

Technical assistance report (TAR) – A report written by ADB staff to recommend that the ADB finance a **technical assistance** project. It describes the project, its purpose, costs and schedule, among other details.

Transparency – Acting in such a way that it is easy for others to see what actions are performed and what the results of the actions are intended to be. Transparency is based on openness, communication and **accountability**.

Vulnerable – At risk of harm, attack, exclusion, poverty or discrimination. (See also: **vulnerable groups**.)

Vulnerable groups – A term used by the ADB to refer to groups that experience a higher risk of poverty, social exclusion or discrimination than everyone else. Members of ethnic minorities, disabled people, homeless people, the elderly and children are all examples of vulnerable groups.

APPENDIX 2

Finding your way through the ADB Safeguard Policy Statement

The safeguard policy statement is the ADB document that explains the safeguard policies. It can be found here in many languages: http://www.adb.org/documents/safeguard-policy-statement.

Like many ADB documents, the safeguard policy statement is long and difficult to read. The information below shows which sections of the document are relevant for project monitoring.

NOTE: This index is taken from *Understanding the ADB Safeguard Policy* by Oxfam Australia.

APPENDIX 3

Questions to ask project developers

This is a list of questions that community organizations may want to consider asking project developers in order to learn more about a project and to ensure transparency and accountability.

Understanding the project

- ↳ What is the project? What will it do?
- ↳ How big is the project? When will it be built? How long will it operate?
- ↳ Who are the project developers? (for example: private company, government)
- ↳ What is the history or past performance of the company?
- ↳ Who is providing the investment loans? (for example: commercial bank, World Bank, investment fund)
- ↳ What is each project developers main business?
- ↳ What is the nationality of the project developers?
- ↳ What else will be built as part of the project? (for example: roads, dams, electric lines)
- ↳ Who will be involved in the project, in addition to the company or government? (for example: suppliers, contractors)
- ↳ What support is the government providing? (for example: no or reduced taxes for the project developers, reduced charges for land access and use)
- ↳ What is the opinion of local governing bodies regarding the project?
- ↳ Where will the products of the project go? Who will use them or benefit from them?

Project impacts

- ↳ What land or bodies of water will be affected?
- ↳ Are there any maps showing affected lands? Will any effects on land and other resources be permanent?
- ↳ Will the project developer conduct human rights, environmental, gender and social impact assessments?
- ↳ What are the potential impacts of the project? (for example: pollution or entry into a sacred area)

- ↳ Are there any independent reports detailing these risks and are they available for the community?
- ↳ What benefits will there be for local communities? Will the benefits be permanent or temporary?
- ↳ What will the company contribute to the community? (for example: schools, roads, hospitals and other social development programs)
- ↳ Will the project contribute to securing community land holdings? If the developers take away our land, will we be compensated with new land?

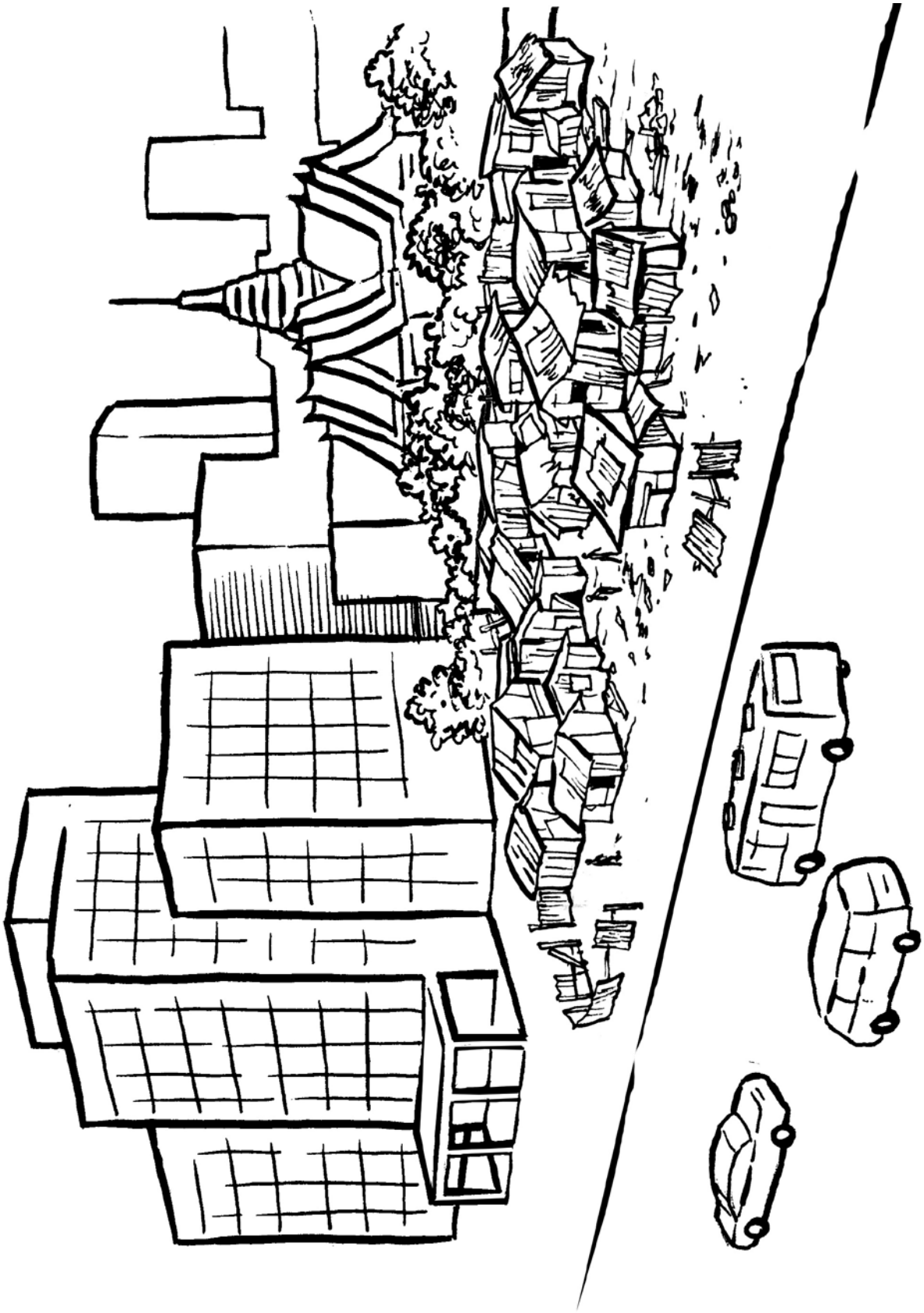
Community consultation and negotiation

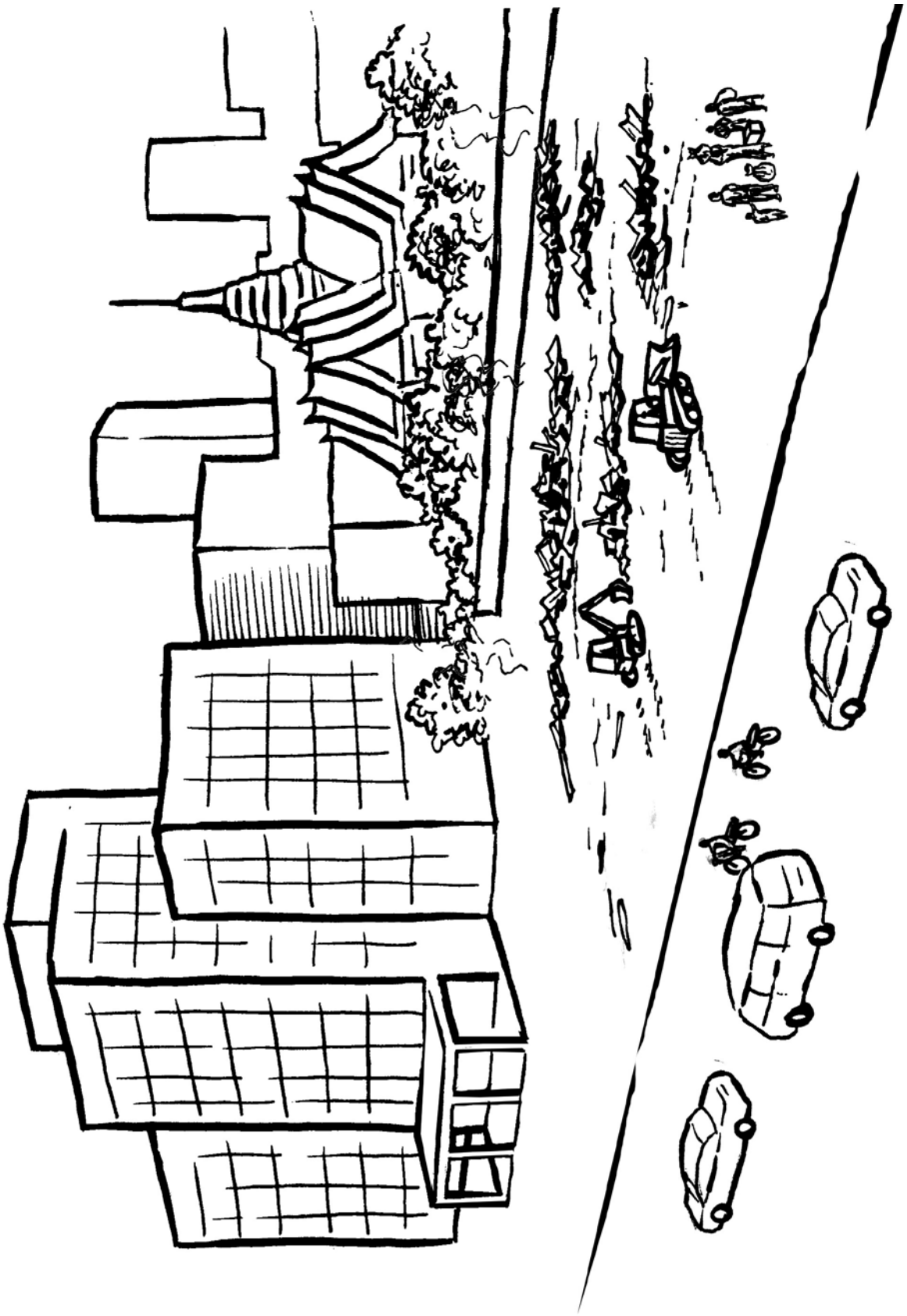
- ↳ What opportunities will the community have to provide input into the project design? How will this be managed? Can the community propose alternatives to the project?
- ↳ How can communities participate in the environmental and social impact assessment process?
- ↳ Who will conduct the environmental and social impact assessments? Will the project documents be available in local languages?
- ↳ With whom has the company consulted? Does the company think they have community consent?
- ↳ What process will be followed if there is any change to the project design?
- ↳ Will the company negotiate with communities at each stage of the project?
- ↳ How will the project developer respond to community concerns?
- ↳ Is the project developer prepared to disclose all profits and payments connected with the project?
- ↳ Where will the profits from the project go?

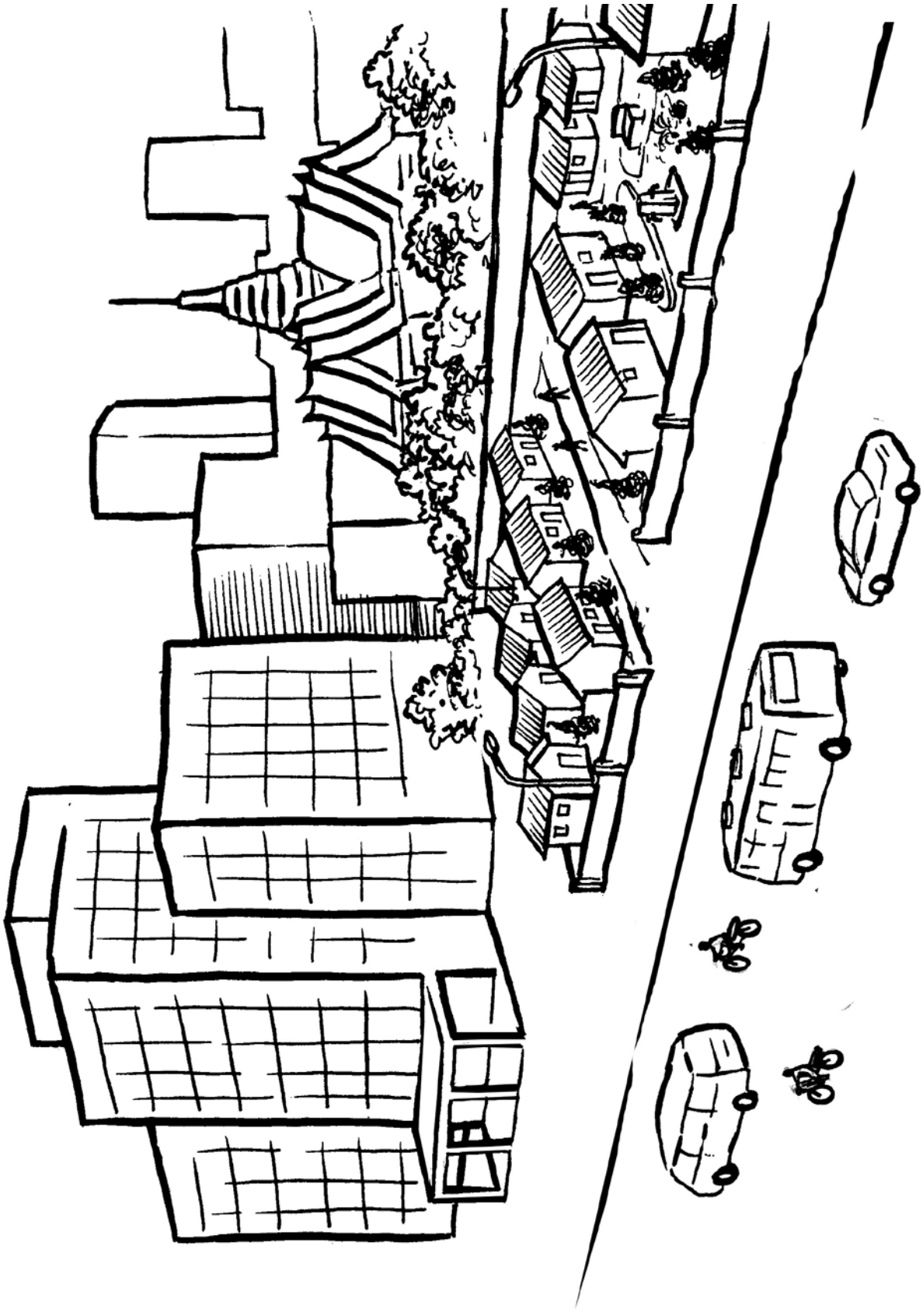
APPENDIX 4

Pictures

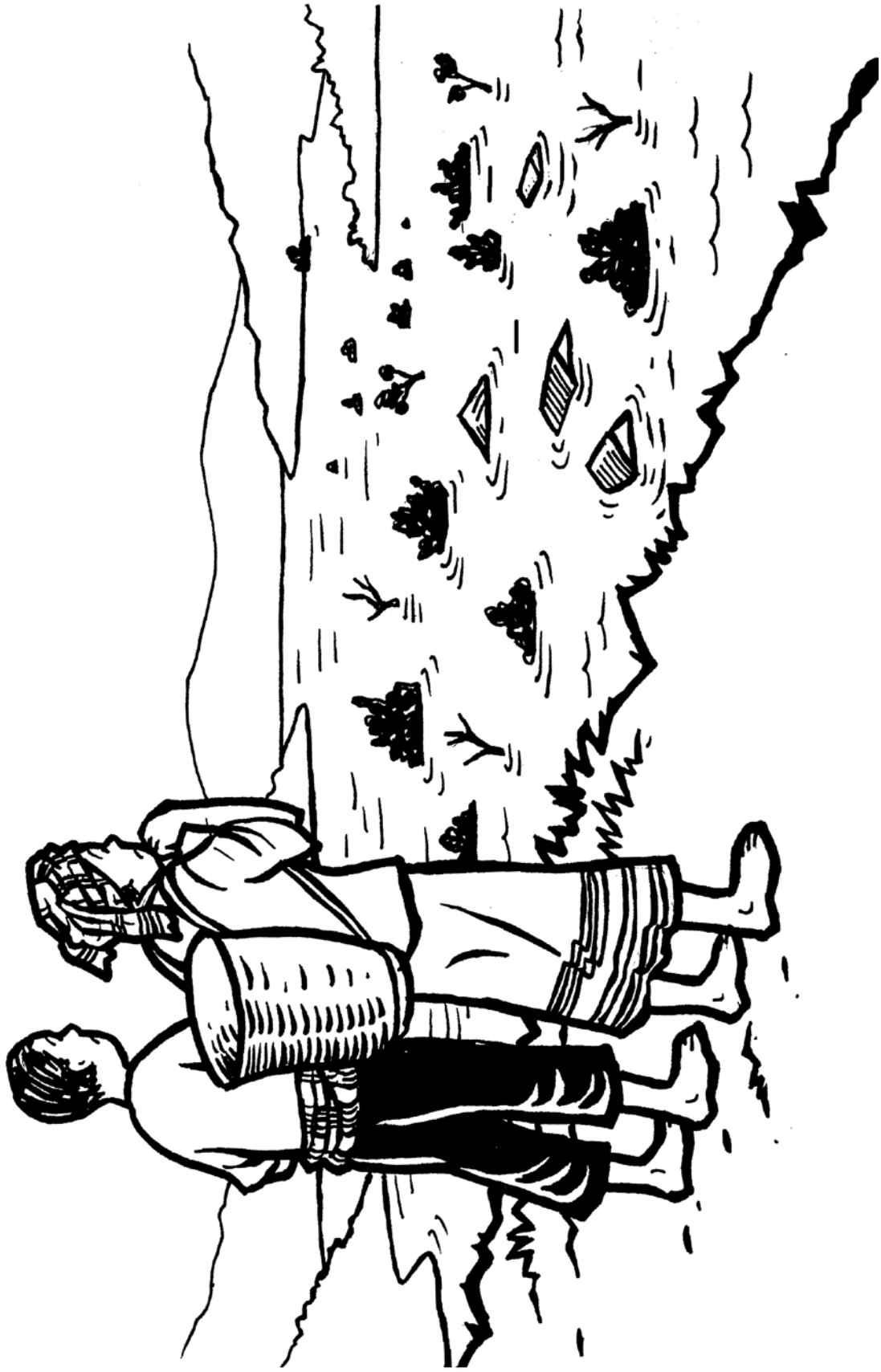
The full-page drawings in this section and on pages 91, 92, 113, 114, and 115 can be copied for use in community education. In addition, all of the drawings in this guide can be downloaded at no cost from: http://accountabilityproject.org/.



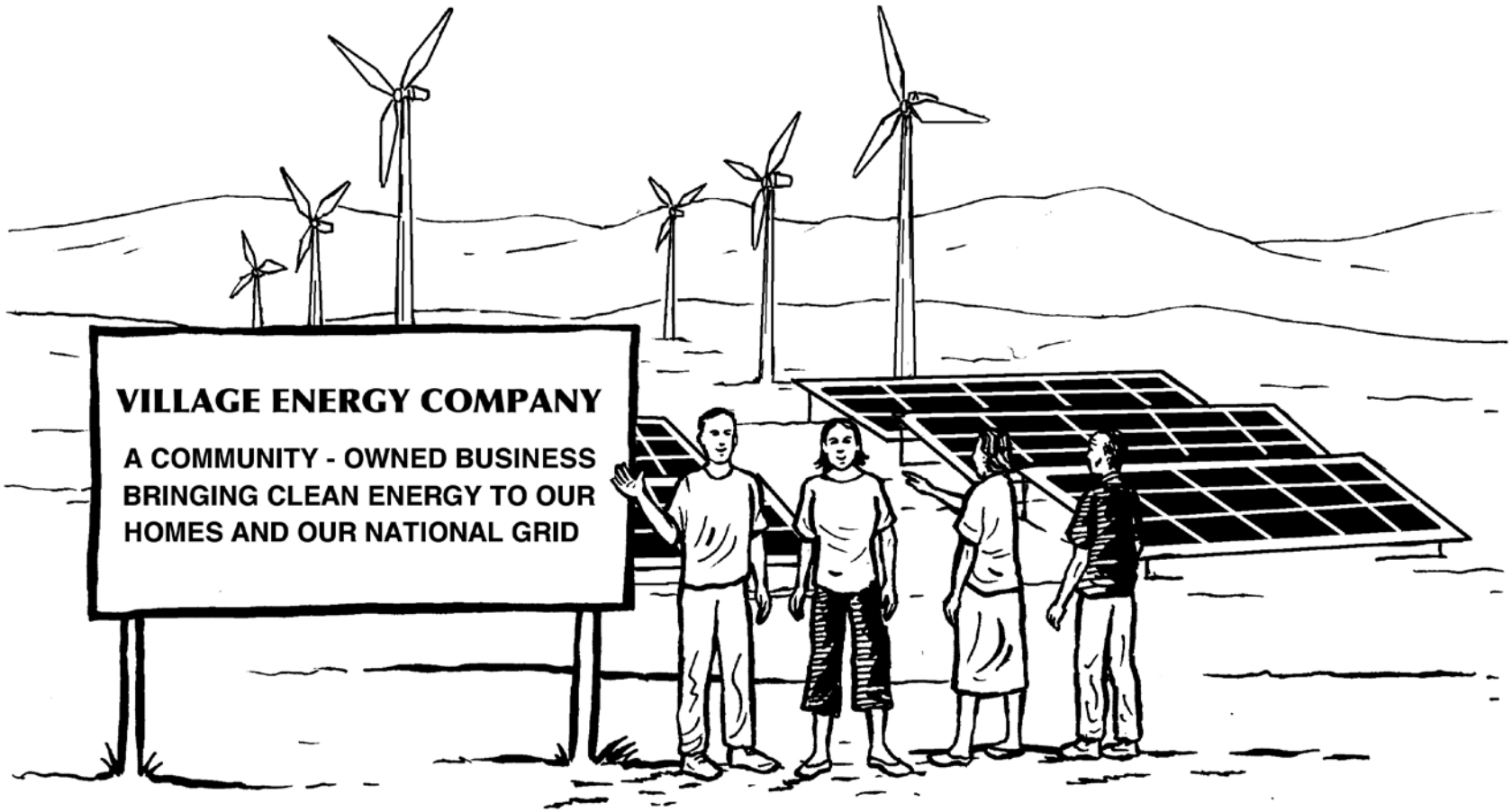




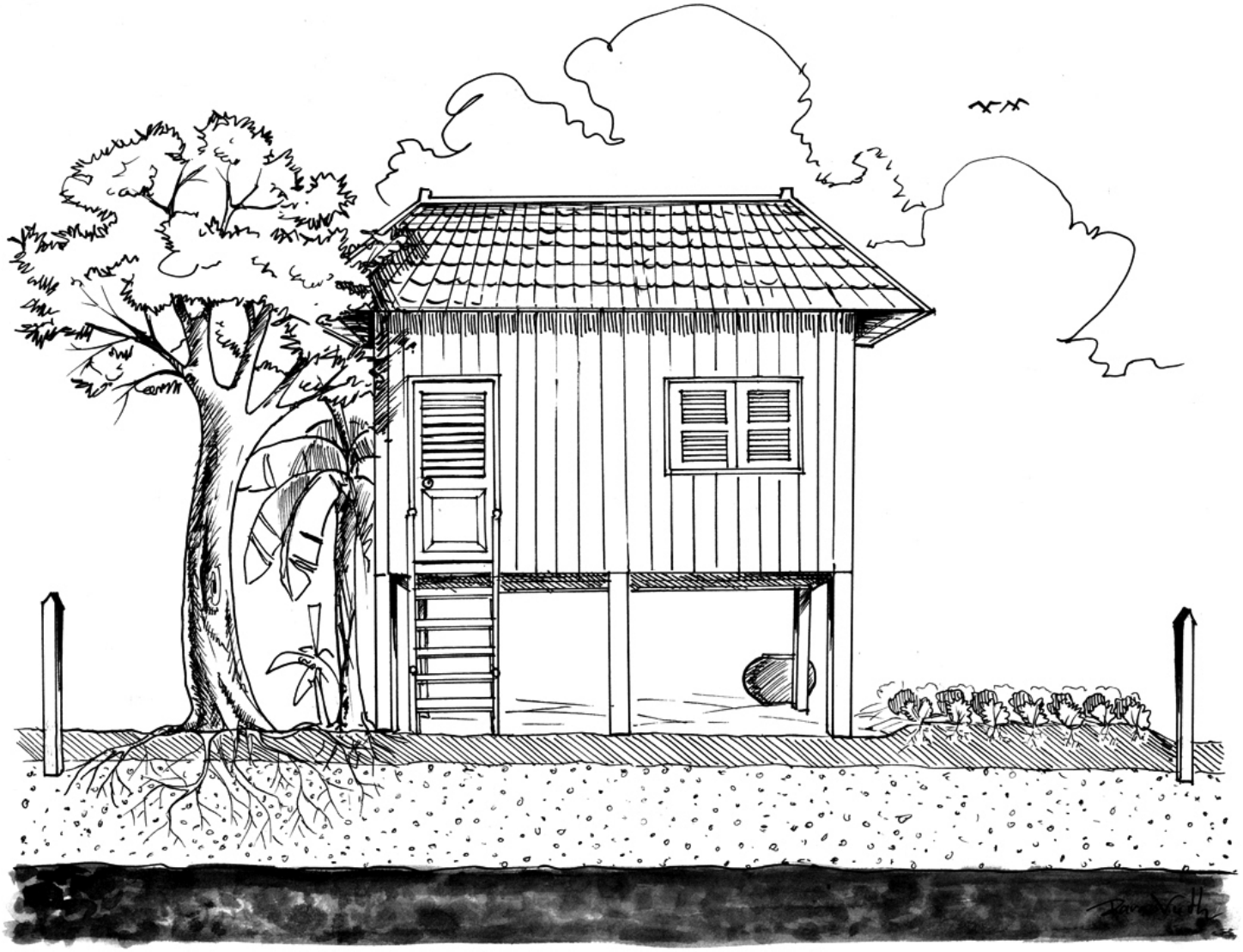
ADB
LOANS
TO BUILD A PROJECT
REPAYMENT OF
LOANS + INTEREST
DEBT
DEBT



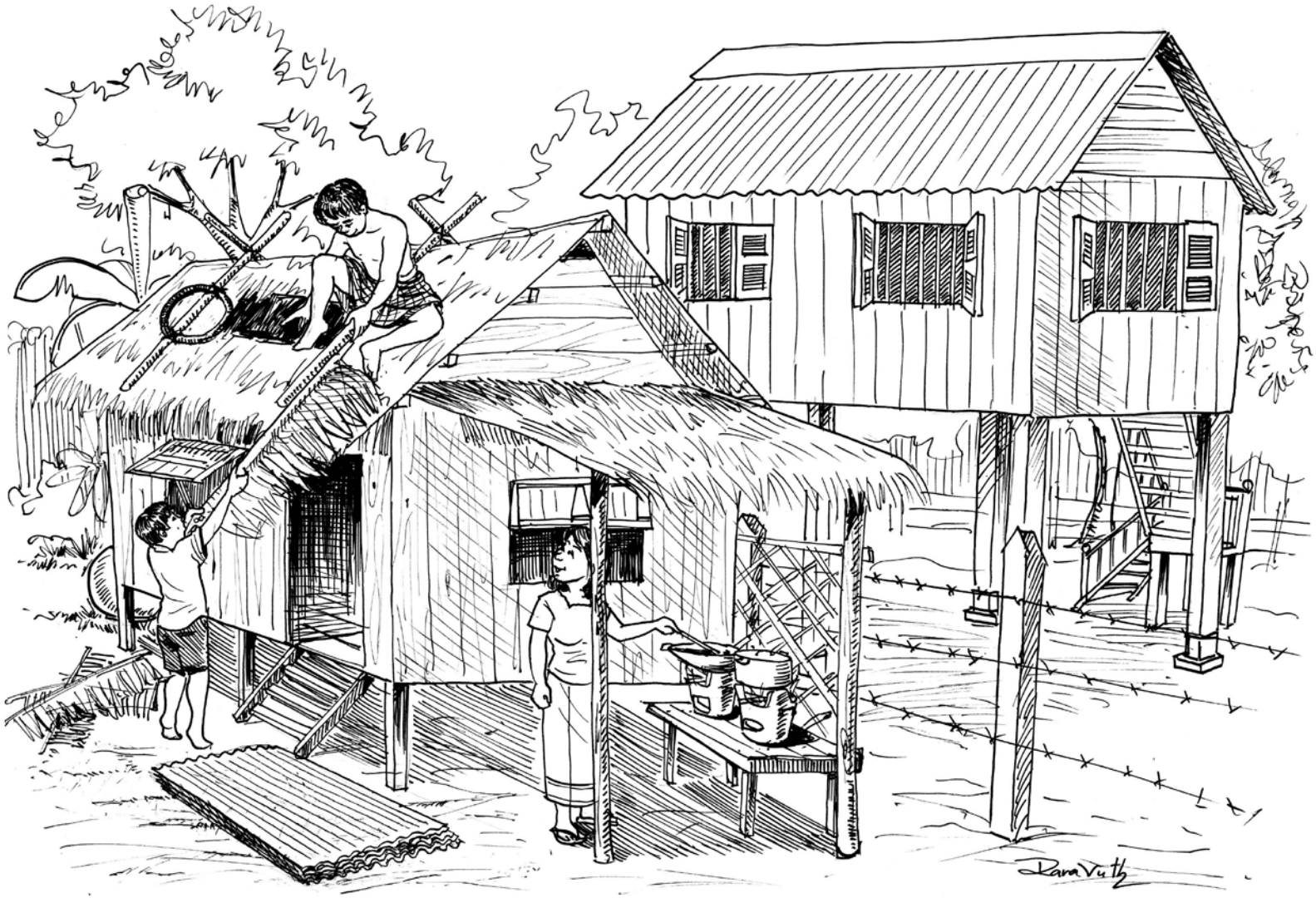

FREEDOM NOW!
JUSTICE!
RIGHTS!


VILLAGE ENERGY COMPANY
A COMMUNITY - OWNED BUSINESS
BRINGING CLEAN ENERGY TO OUR
HOMES AND OUR NATIONAL GRID

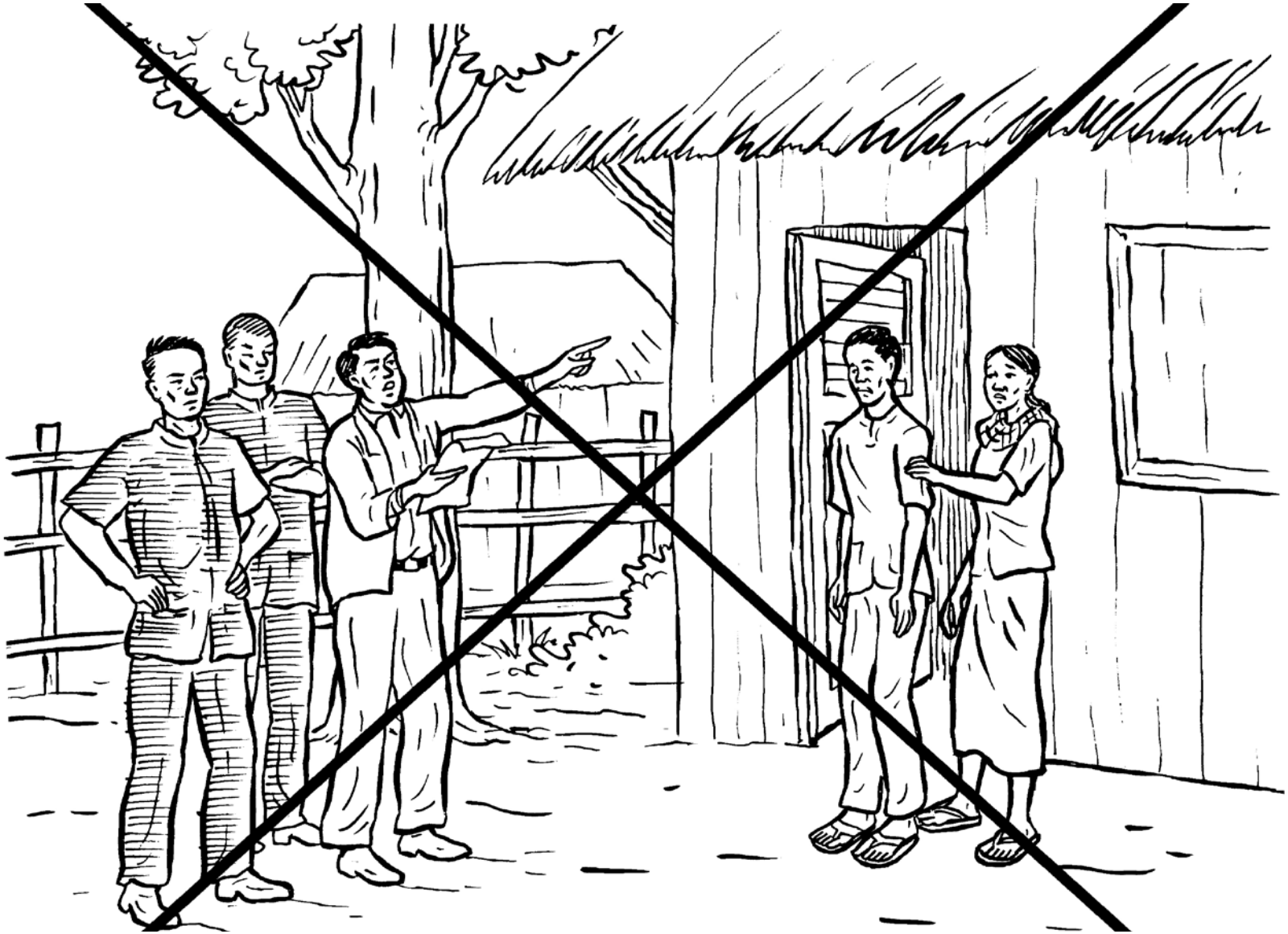
DO NOT ENTER!



The house must have enough space, privacy and protection.

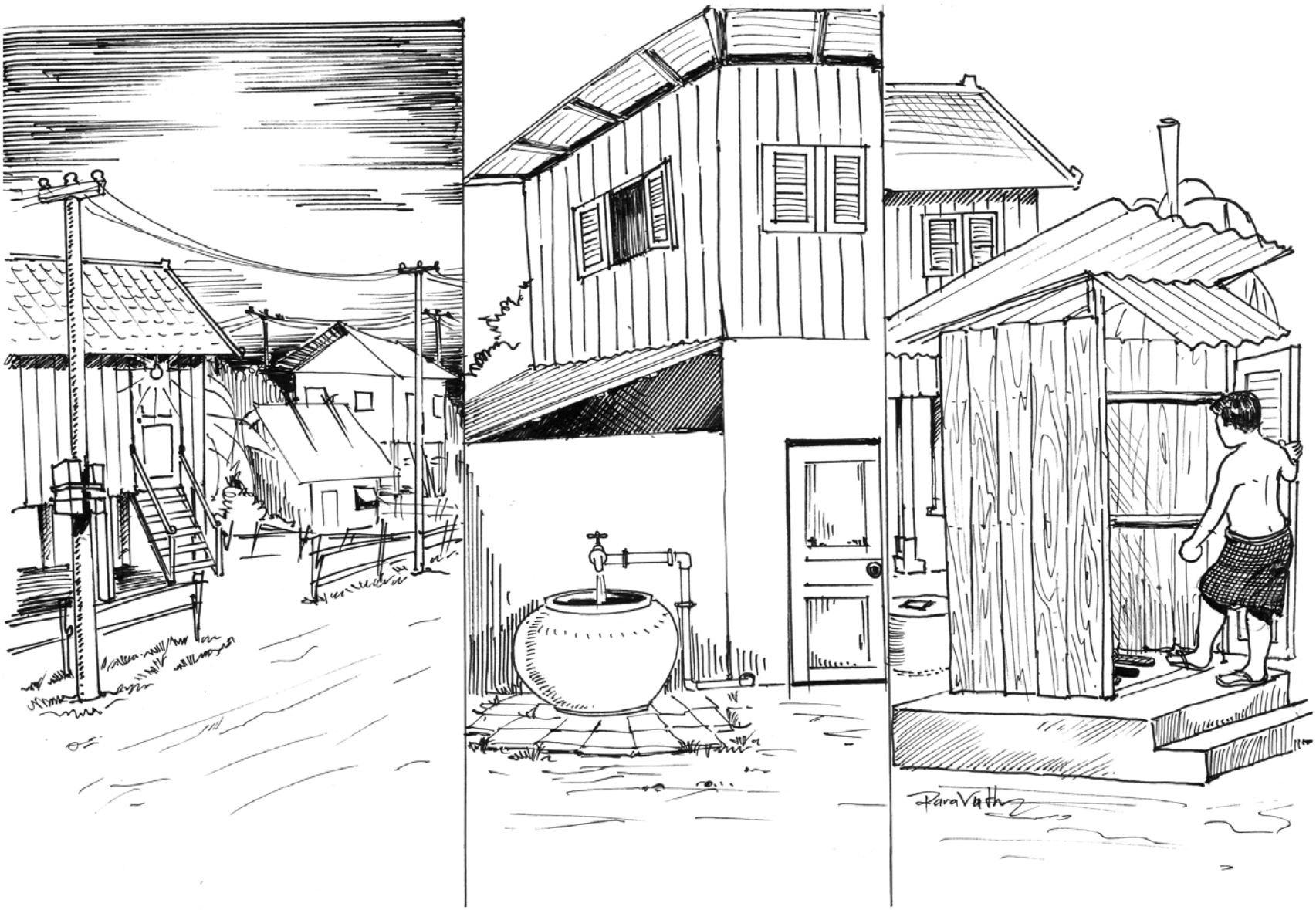


The cost of housing must not be too expensive.

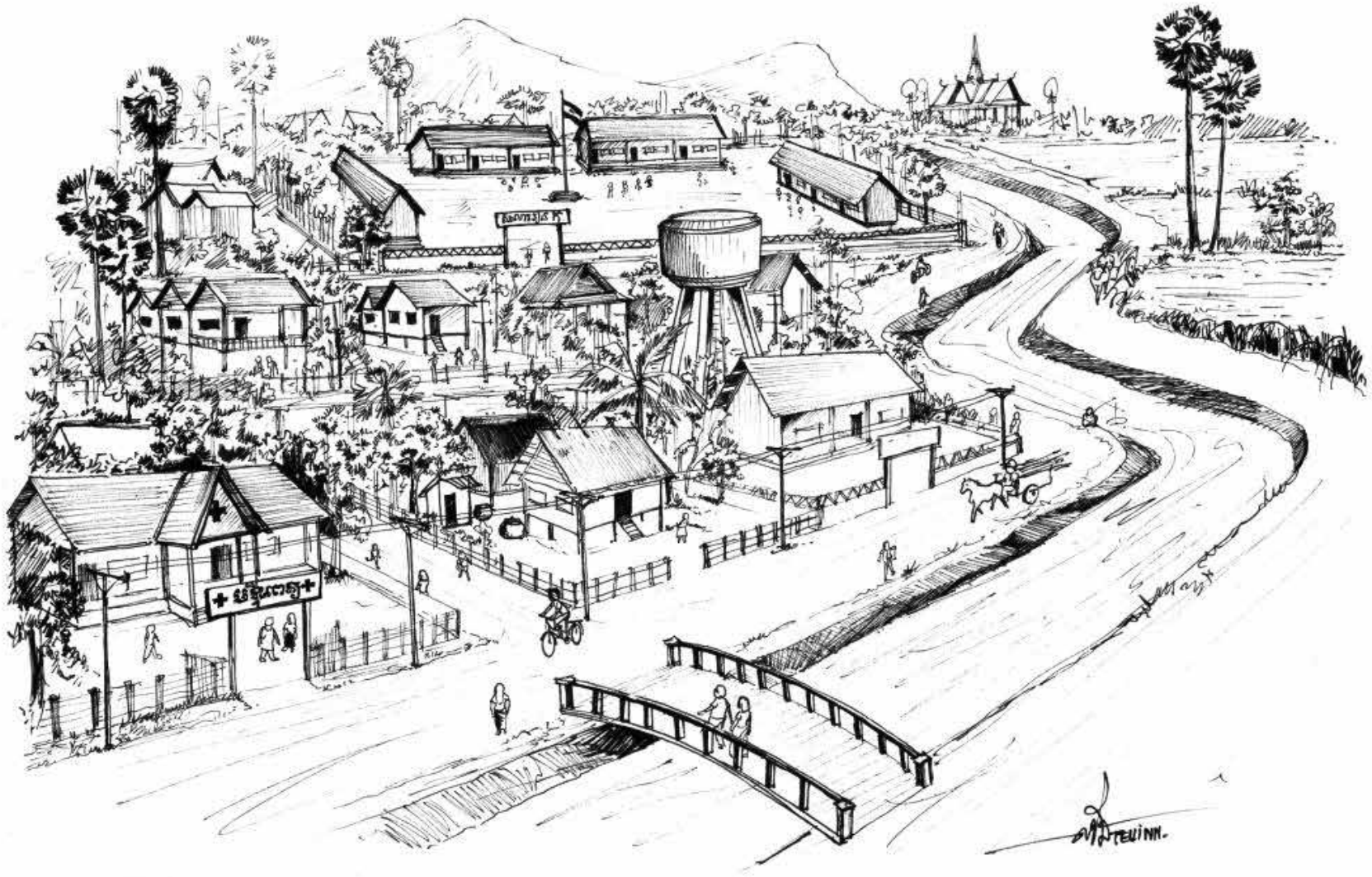


All people must have security of land tenure to be protected against forced evictions.

Housing must not discriminate due to ethnicity or for any other reason.

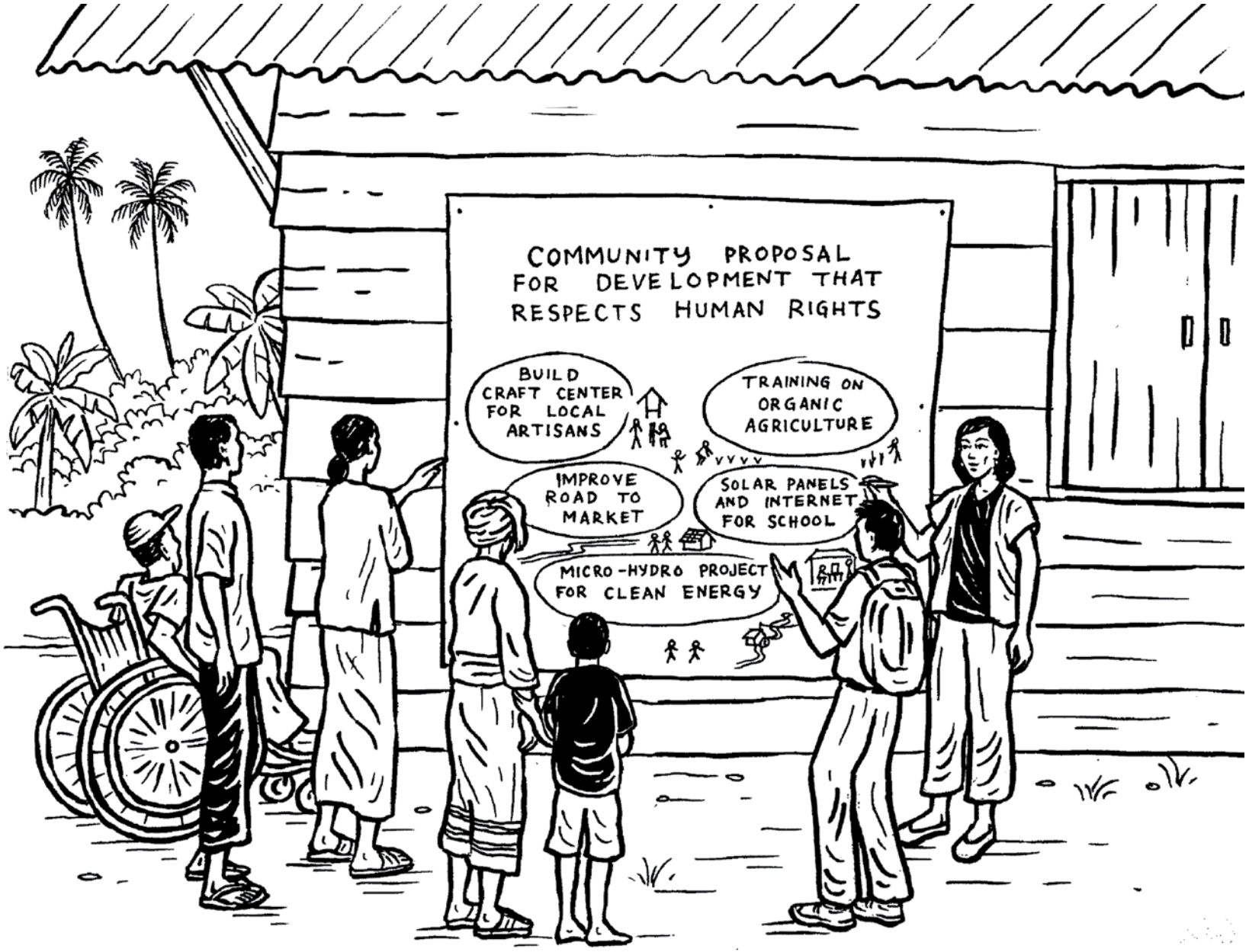


The house must have access to basic services.

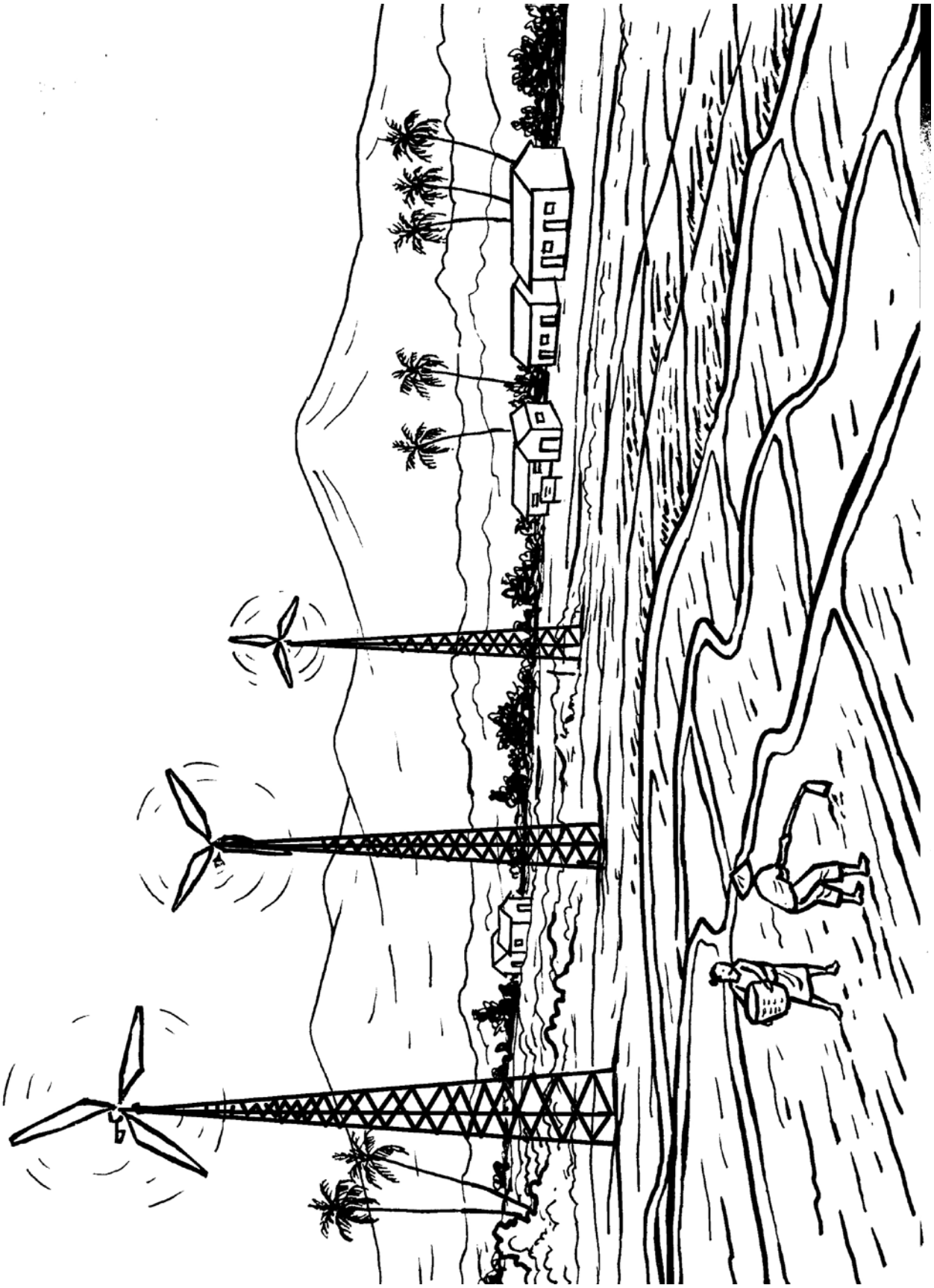


The house must be in an appropriate location.

The house must be designed and built in a way that respects people's traditions and culture.


COMMUNITY PROPOSAL
FOR DEVELOPMENT THAT
RESPECTS HUMAN RIGHTS
BUILD CRAFT CENTER FOR LOCAL ARTISANS
TRAINING ON ORGANIC AGRICULTURE
IMPROVE ROAD TO MARKET
SOLAR PANELS AND INTERNET FOR SCHOOL
MICRO-HYDRO PROJECT FOR CLEAN ENERGY

NOW
CLEAN ENERGY
ADB QUIT COAL



APPENDIX 5

Contacts and resources

There are many organizations and resources that can help support human rights and development justice. This list includes just a small selection. Many of these resources were helpful in creating this guide.

The Asian Development Bank

Asian Development Bank Headquarters
6 ADB Avenue, Mandaluyong City, 1550
Metro Manila, Philippines
Tel: +652 632 4444
Fax: +652 636 2444
E-mail: information@adb.org
Web site: http://www.adb.org

To request information about past projects of the ADB:

Information Resources and Services Section
Asian Development Bank
6 ADB Avenue, Mandaluyong City, 1550
Metro Manila, Philippines
Email: adblibrary@adb.org
Fax: +63 2 636 5020

To file a complaint about the way a request for information was handled:

Public Disclosure Advisory Committee
Asian Development Bank
6 ADB Avenue, Mandaluyong City, 1550
Metro Manila, Philippines
Email: pdac@adb.org
Fax: +63 2 636 2640

RESOURCES FROM THE ASIAN DEVELOPMENT BANK

Accountability Mechanism Summary Brochure

This short brochure, written by the ADB, provides a summary of what the ADB's Accountability Mechanism is and how it works.

DOWNLOAD: http://www.adb.org/

A Guide to the Consultation Phase of the ADB Accountability Mechanism

This guide, written by ADB, provides an overview of the Consultation Phase of the ADB Accountability Mechanism that, in the ADB's words, "aims to actively respond to the concerns of people affected by ADB-assisted projects through fair, transparent, and consensus-based approaches".

DOWNLOAD: http://www.adb.org/

An OCRP Case Study: A Primer on the Office of the Compliance Review Panel

This ADB brochure describes the steps that are needed to investigate ADB's compliance with its policies and procedures, following complaints received from project-affected communities.

DOWNLOAD: http://www.adb.org/

DEVELOPMENT FINANCE

Unpacking the ADB: A Guide to Understanding the Asian Development Bank

Written by NGO Forum on ADB and Bank Information Center, this publication was written to help those unfamiliar with the ADB to gain an understanding of the institution, its projects and policies and to serve as a resource for activists with key information regarding the ADB's policies and opportunities for lobbying and advocacy.

DOWNLOAD: http://www.bicusa.org/ or http://www.forum-adb.org/

ENVIRONMENTAL ADVOCACY

Protecting Your Community Against Mining Companies and Other Extractive Industries: A Guide for Community Organizers

This guide describes aspects of the mining process, the dangers you and your community face when mining companies seek to operate in your community, and the many ways you can fight back.

DOWNLOAD: http://www.culturalsurvival.org/

A Community Guide to Environmental Health

This guide contains information, activities, stories, and instructions for simple technologies that help health promoters, environmental activists, and community leaders take charge of their environmental health.

DOWNLOAD: http://www.hesperian.org/

Dams, Rivers and Rights: An Action Guide for Communities Affected by Dams

International Rivers published this guide that provides general information about dams and their impacts, and gives concrete ideas on how to challenge dams.

DOWNLOAD: http://www.internationalrivers.org/

SECURITY FOR HUMAN RIGHTS DEFENDERS

A Guide to Personal Security for Human Rights Defenders

This guide by Bridges Across Borders Cambodia and Amnesty International covers basic practical tips for improving personal security of human rights defenders, including how to identify risks, how to minimize them, and how to react in the event that a threat becomes real.

DOWNLOAD: http://www.babcambodia.org/

Workbook on Security: Practical Steps for Human Rights Defenders at Risk

This guide by Frontline Defenders provides strategies human rights defenders can use to protect their security. It identifies situations, risks and threats and seeks to prevent problems and manage stress.

DOWNLOAD: http://frontlinedefenders.org/

FREE, PRIOR, AND INFORMED CONSENT

Guide to Free, Prior, and Informed Consent
Oxfam Australia

DOWNLOAD: http://resources.oxfam.org.au/

Training Manual on Free Prior and Informed Consent (FPIC) in REDD+ for Indigenous Peoples
Asia Indigenous Peoples Pact

DOWNLOAD: http://www.aippnet.org/

ADB INDIGENOUS PEOPLES POLICY

We Have Rights: A Community Guide for Indigenous Peoples on the 2009 ADB Safeguard Policy Statement and Accountability Mechanism
Asia Indigenous Peoples Pact

DOWNLOAD: http://www.aippnet.org/

INVOLUNTARY RESETTLEMENT

Community Guide to the ADB Involuntary Resettlement Safeguards
Bridges Across Borders Cambodia

DOWNLOAD: http://www.babcambodia.org/

LEGAL AND ACCOUNTABILITY MECHANISMS

The Accountability Resource Guide
Designed to be used together with trainings by Accountability Counsel, *The Accountability Resource Guide* offers tools for redressing human rights and environmental violations by international financial institutions, export promotion agencies and private corporate actors.

DOWNLOAD: http://www.accountabilitycounsel.org/

MEDIA RESOURCES

"Preparing the Press Packet"
This webpage provides a checklist for how to prepare a press packet for journalists or other media people about the issues faced by you or your community.

DOWNLOAD: http://www.uwsp.edu/cnr/neeap/Media/

Understanding and Engaging the Media for NGOs
This guide to media relations has been created by the United Nations Association-Canada to assist NGOs in working more effectively with the media and developing more routine collaborations with media representatives.

DOWNLOAD: http://www.unac.org/

"How to Write a Great Press Release"
This website provides a short explanation of how you can write a press release that will interest journalists and clearly present the issue you want them to report on in the news.

DOWNLOAD: http://www.publicityinsider.com/

The CAAT Media Guide
This guide by the Campaign Against Arms Trade describes how campaigners or community organizers can use the media to spread the word about their issue to as many people as possible.

DOWNLOAD: http://www.caat.org.uk/

An Activists' Guide to Exploiting the Media
This website describes why and how to be sure that the media will cover your issue in the news.

DOWNLOAD: http://www.urban75.com/

NONVIOLENT CIVIL DISOBEDIENCE

Nonviolent Action Handbook
This online publication by Sanderson Beck provides a guide to nonviolent direct action that can be adapted to any issue or situation.

DOWNLOAD: http://www.san.beck.org/NAH1-Nonviolence.html

Opening Space for Democracy: Third-Party Nonviolent Intervention Training Curriculum
This website provides tools and activities for training people to participate in nonviolent intervention and other nonviolent strategies in their work for justice, peace and the environment.

DOWNLOAD: http://www.TrainingForChange.org

ORGANIZING

Counting Our Victories: A Training Guide on Popular Education and Organizing
This guide by Denise Nadeau of Repeal the Deal Productions offers activists, organizers, and educators a range of popular education methods, tools, and resources that they can use with any group experiencing injustice and wanting to make changes.

DOWNLOAD: http://www.buildthewheel.org/

HUMAN RIGHTS CONVENTIONS NAMED IN THIS GUIDE

The United Nations Declaration of Human Rights
http://www.un.org/en/documents/udhr/index.shtml

The International Covenant on Civil and Political Rights
http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

The International Covenant on Economic, Social, and Cultural Rights
http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx

The Rio Declaration on Environment and Development
http://www.unep.org/Documents.Multilingual/Default.asp?documentid=78&articleid=1163

The Declaration on the Right to Development
http://www.un.org/en/events/righttodevelopment/declaration.shtml

The United Nations Declaration on the Rights of Indigenous Peoples
http://social.un.org/index/IndigenousPeoples/DeclarationontheRightsofIndigenousPeoples.aspx

The Convention on Biological Diversity
http://www.cbd.int/intro/

The Convention on the Elimination of All Forms of Discrimination Against Women
http://www.un.org/womenwatch/daw/cedaw/

INTERNATIONAL ORGANIZATIONS AND CONTACT INFORMATION

This list contains a small selection of international organizations whose work focuses on issues of human rights and development finance. Far from being a complete list, it is meant as a starting point to help you to find organizations engaged in this type of work.

NGO Forum on ADB
The NGO Forum on ADB is a network of over 250 organizations that has been monitoring the projects, programs and policies of the Asian Development Bank for more than 20 years. Members of NGO Forum come from many regions of Asia and the Pacific, Europe, Japan, Australia and North America. To find and contact organizations in your region, go to: http://www.forum-adb.org/inner.php?main=4.

ADDRESS: 85-A Masikap Extension
Barangay Central, Diliman,
Quezon City
Philippines
EMAIL: secretariat@forum-adb.org
WEBSITE: www.forum-adb.org
PHONE: +632 436 1858

Accountability Counsel
An NGO that assists communities around the world to defend their environmental and human rights through direct support to communities and policy advocacy.

ADDRESS: 8 California Street, Suite 650
San Francisco, California 94111
USA
E-MAIL: info@accountabilitycounsel.org
WEBSITE: www.accountabilitycounsel.org
PHONE: +1 415 296 6761

Asia Indigenous Peoples Pact

A regional network organization of indigenous peoples' movements, alliances and organizations committed to promoting and defending indigenous peoples' rights and human rights.

ADDRESS: 108, Moo 5, T. Sanpranate, A. Sansai
Chiang Mai 50210
Thailand
EMAIL: aipp@aippnet.org
WEBSITE: www.aippnet.org

Bank Information Center

An independent NGO that advocates for the protection of rights, participation, transparency, and public accountability in the governance and operations of the World Bank Group and regional development banks.

ADDRESS: 1100 H Street NW, Suite 650
Washington, DC 20005
USA
EMAIL: info@bicusa.org
WEBSITE: www.bicusa.org
PHONE: +1 202 737 7752

BankTrack

A global network of civil society organizations and individuals tracking the operations of the private financial sector (commercial banks, investors, insurance companies, pension funds) and its effect on people and the planet.

ADDRESS: Vismarkt 15
6511 VJ Nijmegan
Netherlands
EMAIL: contact@banktrack.org
WEBSITE: www.banktrack.org
PHONE: +31 24 3249220

Earthrights International

An NGO that specializes in fact-finding, legal actions against perpetrators of earth rights abuses, training grassroots and community leaders, and advocacy campaigns.

Office in Thailand

ADDRESS: P.O. Box 123
Chiang Mai University
Chiang Mai, 50202
Thailand
EMAIL: infoasia@earthrights.org
WEBSITE: www.earthrights.org
PHONE: +66 81 531 1256

Office in the United States

ADDRESS: 1612 K Street NW
Washington, DC 20006
USA
EMAIL: infousa@earthrights.org
WEBSITE: www.earthrights.org
PHONE: +1 202 466 5188

Engage Media

A non-profit media, technology and culture organization that uses video, the internet and free software technologies to create social and environmental change.

Office in Australia

ADDRESS: 6/225 Bourke Street
Melbourne, 3000, Vic
Australia
WEBSITE: www.engagemedia.org
PHONE: +61 0 3 9015 9744

Office in Indonesia

ADDRESS: Jalan Cikatomas no. 27
Kebayoran Baru Jakarta Selatan 12180
Indonesia
WEB: www.engagemedia.org

Focus on the Global South

An international organization established in 1995 to challenge neoliberalism, militarism and corporate-driven globalization while strengthening just and equitable alternatives.

Office in Thailand

ADDRESS: 4th Floor Wisit Prachuabmoh Building
Chulalongkorn University,
Phayathai Road
Bangkok 10330
Thailand
WEBSITE: www.focusweb.org
PHONE: +66 2 218 7363 68

Greenpeace India

An independent global campaigning organization currently focused on climate change, sustainable agriculture, preserving the oceans and preventing another nuclear catastrophe.

ADDRESS: 60, Wellington Street
Richmond Town
Bangalore 560025
India
WEBSITE: www.greenpeace.org/india/
PHONE: +91 80 42821010

Greenpeace Southeast Asia

An independent global campaigning organization currently focused on deforestation, decentralized and renewable energy, genetically engineered rice, and national policies to stop pollution of water sources.

ADDRESS: 138/1, 2nd floor, Thong Building
Sutthisan Road, Samsen-nai,
Phayathai
Bangkok 10400
Thailand
EMAIL: info.th@greenpeace.org
WEBSITE: www.greenpeace.org/seasia/
PHONE: +66 2 3571921

International Accountability Project

A human rights advocacy organization that seeks to end development-forced eviction and create new global policy and practice for development that respects people's homes, environment and human rights.

ADDRESS: 2201 Broadway, #508
Oakland, CA 94612
USA
E-MAIL: iap@accountabilityproject.org
WEBSITE: www.accountabilityproject.org
PHONE: +1 510 281 9024

International Network for Economic, Social and Cultural Rights (ESCR-Net)

An international network of organizations and activists worldwide focused on economic, social and cultural rights that works to facilitate mutual learning and strategy sharing, develop new tools and resources, engage in advocacy, and provide information-sharing and networking opportunities.

ADDRESS: 211 East 43rd Street, #906
New York, NY 10017
USA
EMAIL: info@escr-net.org
WEBSITE: www.escr-net.org
PHONE: +1 212 681 1236

International Rivers

An NGO that protects rivers and defends the rights of communities that depend on them by working to stop destructive dams and promote water and energy solutions.

ADDRESS: 2150 Allston Way, Suite 300
Berkeley, CA 94704
USA
WEBSITE: www.internationalrivers.org
PHONE: +1 510 848 1155

Oxfam Australia

An international organization focused on economic justice; essential services such as water, healthcare, education and sanitation; rights in crisis; and gender justice.

ADDRESS: 132 Leicester Street
Carlton 3053
Victoria,
Australia
ABN 18 055 208 636
WEBSITE: www.oxfam.org.au
PHONE: +61 3 9289 9444

The Ruckus Society

An NGO that offers trainings and other resources for organizations planning direct actions.

ADDRESS: P.O. Box 28741
Oakland, CA 94604
USA
EMAIL: ruckus@ruckus.org
WEBSITE: www.ruckus.org
PHONE: +1 510 763 7078

Tactical Tech

An organization that focuses on the use of data, design and technology in campaigning and on helping activists understand and manage their digital security and privacy risks.

ADDRESS: Prenzlauer Allee 231
Berlin 10405
Germany
EMAIL: ttc@tacticaltech.org
WEBSITE: www.tacticaltech.org
PHONE: +46 30 6096 1816

WITNESS

An international NGO that trains and supports human rights defenders to use video to fight injustice and to transform personal stories into powerful advocacy tools.

ADDRESS: 80 Hanson Place, Floor 5
Brooklyn, NY 11217
USA
WEBSITE: www.witness.org
PHONE: +1 718 783 2000

Across Asia, governments and corporations are building huge, destructive projects that they say are for "development". But communities often experience that these projects—such as dams, mines, and power plants—cause terrible harm to the environment, forcibly displace communities, impoverish families, and threaten human rights. Many of these destructive projects are funded and supported by the Asian Development Bank, or ADB. The ADB also influences development plans for the whole region.

When we understand the ADB's policies and how to influence decisions at the ADB, we can use the institution as a leverage point to stop destructive projects—and to advance our ideas for true development that respects human rights.

Written in plain language and filled with drawings to bring key messages to life, **A Community Action Guide to the Asian Development Bank** can help communities defend their rights when facing such projects. The Community Action Guide contains:

- Lessons about human rights and rights-based development
- Information on the Asian Development Bank and its safeguard policies
- Learning activities for community workshops
- Stories of communities defending themselves against harmful projects
- Advocacy tools to defend against destructive projects, to influence ADB plans, and to campaign for rights and justice

Praise for A Community Action Guide to the Asian Development Bank:

"I can use this guide for training young generations in the Mekong Delta affected by projects from big banks. The illustrations and activities make it easy to use so everyone can understand and participate."

Ly Quoc Dang, Director of Delta Youth Association, Vietnam

"It is not enough to inform people what their rights are – advocates must also build local capacity to proactively defend and protect their rights. By spelling out how to successfully take such action as filing a grievance and demanding development projects that reflect community interests, this guide does exactly that."

Rachael Knight, Director, Community Land Protection Program, Namati: Innovations in Legal Empowerment

"This guide can enlighten those who read it about the rights of their community and inspire them to develop their own understanding of their rights—and not merely limit them to the ADB's definition of their rights."

Diana Gultom, Indonesian activist on development finance, environment, gender and human rights

"The way this guide was created with people from across Asia has resulted in a tool that is easy to use, inspiring, and very practical."

Ram Wangheirakpam, indigenous activist, Manipur, Northeast India

INTERNATIONAL ACCOUNTABILITY PROJECT