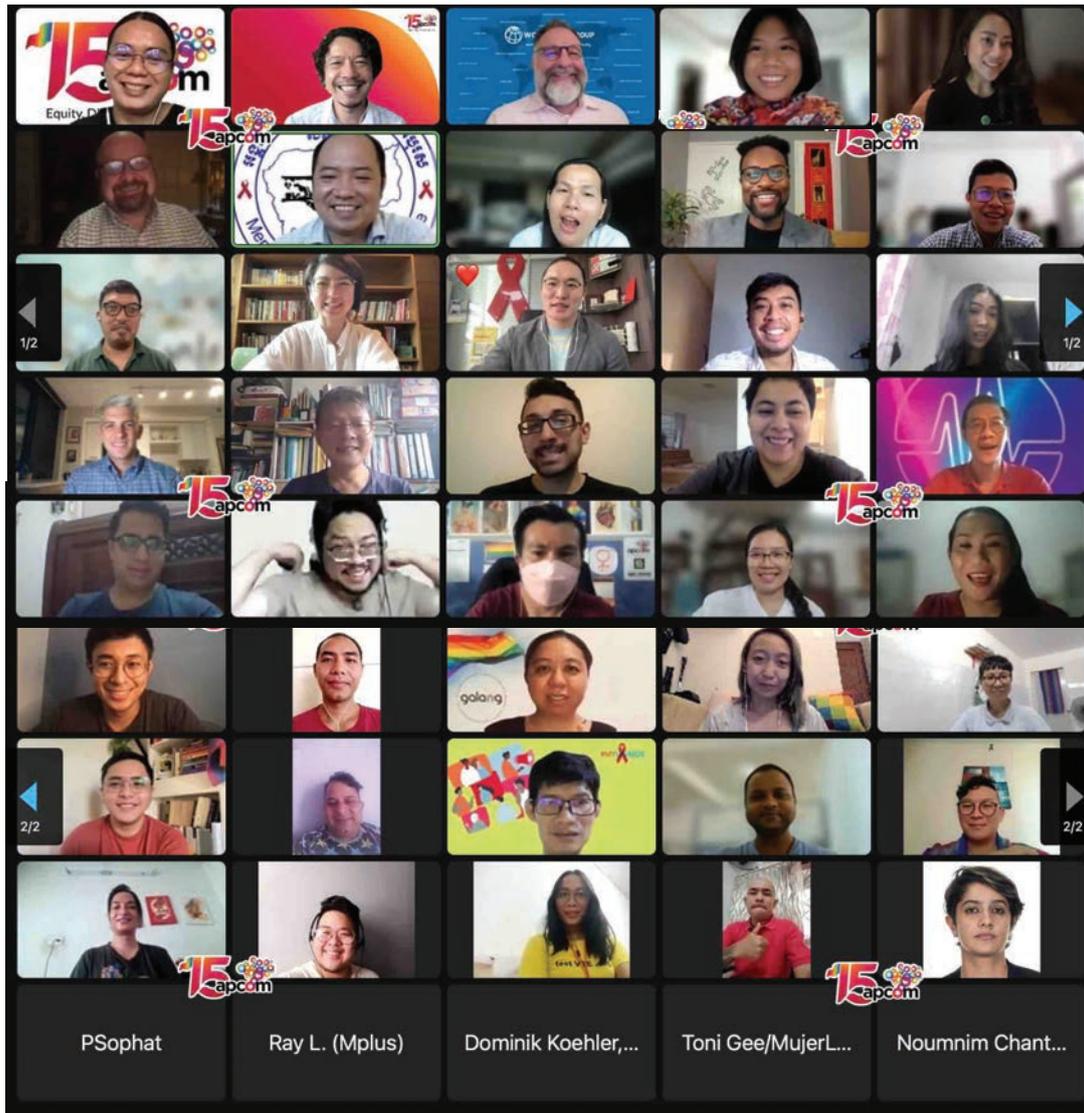




Community Consultation In preparation for the ADB Safeguard Review on SOGIE

Thursday 12 May, 2022 | 09:00 - 10:30 ICT | Zoom



OVERVIEW

The online community consultation was convened by APCOM in relation to the upcoming ADB Safeguards Review consultation on Sexual Orientation and Gender Identity with Civil Society and Non-Government Stakeholders. Target participants were LGBTQI community organizations in Asia and the Pacific with the following objectives:

1. Contribute to increased awareness of LGBTQI organization about the ADB Safeguards review
2. Discuss how we can maximize the ADB regional consultations on SOGIE for our collective goal of equality, non-discrimination and inclusion
3. Discuss positions on how SOGIESC can be addressed in the Safeguards policy review which can be forwarded by the community during the ADB consultations with civil society and non-government stakeholders on SOGI

The 90 minutes consultation format was a combination of information sharing from resource persons regarding multilateral development banks (MDBs), importance of safeguards, experiences of MDB with non-discrimination in their safeguard, development agency as well as CSOs who have experiences in engaging the MDBs and are planning to engage with ADB's safeguards policy review on SOGIE.

The information sharing was followed by brainstorming session by participants guided by the following questions:

1. How to meaningfully engage during ADB's safeguards review consultations on SOGIE
2. How to engage the ADB on SOGIESC inclusion beyond the Safeguards consultations on SOGIE

The online community consultation was attended by 46 participants representing 31 LGBTQI organizations from at least 9 countries in the region. Participants came from Cambodia, India, Indonesia, Lao PDR, Nepal, Pakistan, Philippines, Taiwan, as well as regional networks of LGBTQI organizations. Nine participants did not indicate their country.

The consultation was moderated by Midnight Poonkasetwattana, Executive Director of APCOM



ON OBJECTIVE 1

Contribute to increased awareness of LGBTQI organization about the ADB Safeguards review

Resource persons for this session were

- **Chad Dobson**, former Executive Director of the Bank Information Center and Senior Fellow of Foundation Earth, who gave a brief introduction on how multilateral development banks are organized and how they operate
- **Clifton Cortez** – World Bank Global Advisor on SOGIE, who shared insights about the experiences of World Bank in relation to having non-discrimination in their Environmental and Social Framework
- **On Multilateral Development Banks – Asian Development Bank** (Presentation by Chad Dobson)

ADB, this international development bank for Asian regions, was founded in 1966 by 31 states, including the USA, Japan, and other countries, with the aim of being a financial institution that would be Asian in character and foster economic growth and cooperation.

ADB is not a commercial bank but a regional financial institution for governments in Asia that need loans for development projects such as basic infrastructure, health care, and education investments

There are geographical politics around the bank's administration including the safeguard policy. It is important to know the position of the bank as financial institution for Asian countries because the amount money they invest.

How can LGBTIQ communities benefit for this investment illustrates why we need to work closely with ADB toward LGBTIQ inclusion.

A standalone SOGIESC safeguard policy, a potential approach that we CSOs could propose with ADB, follows the successful SPS review and update towards IP communities 10 years ago. It is our responsibility to draw out a clear obligation with LGBTQI communities when governments take the loans, as well as inform them of what rights they have and how to ensure meaningful participation with both ADB and governments.

A mindset of intersectionality of poverty must be identified (for example LGBTQI with disabilities) to ensure we leave no one behind. In order to achieve this

ADB and governments need to focus and contribute to disaggregated data development. It would help ADB and governments understand the context of marginalized communities so they could provide proper solutions with respect to the SPS.



A

Insight into the World Bank's operations and its safeguard policies

(Presentation by Clifton Cortez)

Besides the World Bank and the ADB, which is the main focus, there are other regional development banks.

It is important to understand the relationship between banks and governments. Banks are the financial institutions and governments are the banks' clients for the purpose of countries' development activities. It is not the same funding that countries receive from international development agencies such as USAID.

Multi-literal banks play their crucial roles as:

1. financial institutions providing loans for governments and
2. acting as development agencies that will grant any loans related to development projects proposed by state members of the banks.

What makes the development bank unique is that the financial support comes with an obligation, which is generally understood as the safeguard policies.

Presently, the essential purpose of having safeguard policies is to ensure the protection of the environment and prevent negative social impact, to simplify 'do no harm'. These are the learning experiences that the banks use to improve their responsibility as the financial sponsor.

The World Bank recently updated its safeguarding policy a few years ago to cover 10 standards, of which 6 of them touch upon social protection and 4 of them focus on environmental issues. The non-discrimination principle has been adopted from those six social protection standards, which means that any governments seeking World Bank financial assistance must not spend it on or contribute to discrimination based on personal characteristics on any grounds. It becomes mandatory for States to conduct meaningful participatory consultation with stakeholders to ensure that the non-discrimination principle is applied during the implementation or the results of the development projects funded by the World Bank. It is also the World Bank's obligation to work toward minimization of discriminatory actions or situations that have already happened or to have the possibility of happening.

To ensure LGBTIQ people or SOGIESC are included in the safeguard policy, it took a long time to discuss, especially on the inclusive language of LGBTIQI, because the shareholders of the bank, which are the wealthy governments, could not have an agreement with clients, who are the governments who also sit on the board of the shareholders.



The compromise resolution was the ‘non-discrimination standard’ as a common ground that shall apply to everyone, including LGBTQI people. However, not having inclusive language such as SOGIESC leaves room for governments to exclude LGBTQI people during their interpretation of the safeguard policy commitment (which already happens in reality).

Therefore, there is a good practice from multi-literal development banks such as the Inter-American Development Bank to overcome this challenge by approving a standalone safeguard policy “Gender Equality Standard” that includes SOGIESC.

To conclude, it is essential for us to discuss what the needs of our communities are as calls to ADB regarding SOGIESC safeguarding, whether the standalone documents or an inclusive SPS version, but it must be clear with the goal that the safeguard policy must have stakeholder engagement with LGBTQI individuals, communities, and CSOs to ensure our voice will be heard and counted when clients (governments) apply safeguards.

B

An example of how a development agency advocates for policy reform in the United States

(Presented by Jay Gilliam, Senior LGBTQI+ Coordinator, USAID)

Prioritizing LGBTQI+ inclusion into the policy framework is USAID’s commitment. As the US government agency specializing in the development area, the ADB safeguard policy review and update have become a unique opportunity for USAID to contribute and advocate with our national government agencies to ensure that our countries that USAID operates in Asia benefit from this procedure.

Key action that has been taken by USAID to provide a strong recommendation on ADB’s SPS regarding SOGIESC inclusion.

Noting that presently, there is no official US position with ADB, but the LGBTQI+ multilateral development bank safeguard experts working group has made some progress with the Department of Treasury, which is the main agency dealing with multi-literal development banks.

The expert working group also convene with other states’ departments to provide recommendation on how to engage with multilateral development banks, including ADB.



Among the recommendation proposed to the Treasury:

- Meaningful participation with CSOs.
- The working group is also documenting the significant works related to LGBTIQ+ human rights contributed by US government agencies to extract into our recommendation to elevate LGBTIQ equity and protection.
- Sex Characteristic to be included in the update to ensure intersex people are one of the beneficiaries of the SPS.
- USAID together with the safeguard working group are planning to develop the standalone gender and SOGIESC safeguard policy at the ADB.
- Emphasized the importance of involvement of CSOs across the region today to hear directly from all of us.

C

The ADB Safeguard Policy Review and Regional Consultations with non-government stakeholders on SOGIE

(Presented by Ramil Andag, SOGIESC Rights Officer, APCOM Foundation)

Note: These information are available at:

[ADB Safeguards Policy Review and Updates](#) and [List of Topics](#)

The Safeguards Policy Statement (SPS), established in 2009, aims to build the Bank's comprehensive policy principles by compiling the main 3 previous safeguard policies, such as environmental protection, involuntary resettlement, and IP. in addition to expanding its coverage in the area of social impacts and risk management as well as sustainability to ensure they avoid negative impacts or harm to the environment and people on the projects they fund.

The ADB Safeguards Policy Statements are undergoing review. There are 3 phases to complete, and work is currently under way on the 2nd phase. The Bank has approached based on a series of background analytical studies to identify the directions for improving the elements of the SPS.

Presently at Phase 2, regional consultations are thematic and grouped into regions.

The upcoming thematic consultations are:

- Climate Change (May 17, 19-20)
- Gender and Safeguards (May 24, 26-27)
- Sexual Exploitation, Abuse, and Harassment (May 30-31)
- Sexual Orientation, Gender Identity, and Expression (June 6-7)
- Safeguards in different financing modalities (June 14, 16-17)
- Safeguards in private sector operations (June 21-22)



The consultation we are focusing on is on sexual orientation, gender identity and expression.

The ADB regional consultations on SOGIE aim to:

- Share preliminary findings from a benchmarking study on Sexual Orientation and Gender Identity and Expression (SOGIE) which compares ADB's current policy environment and practices on the topic to those of other multilateral financial institutions.
- Seek feedback from stakeholders to help ADB understand where there are gaps and convergences in this area, and where it needs to go further in meeting evolving safeguards needs.
- The views and opinions received during the consultations will inform appropriate entry-points for SOGIE and safeguards and linkages to safeguards needs of other potentially vulnerable groups.

The consultations' agenda is below:

- Introduction of Participants and Meeting Reminders (10 minutes)
- Welcome Remarks (5 minutes)
- Findings from the Sexual Orientation and Gender Identity and Expression (SOGIE) Study (20 minutes)
- Open Forum/Q & A (75 minutes)
- Wrap-up and Synthesis (10 minutes)

Schedules and registration links to ADB Regional Consultations on SOGIE

- 6 June 2022, 5:00 p.m., Manila (GMT +8) / 2:00 p.m., Pakistan (GMT +5) / 2:30 p.m., India (GMT +5:30)
Sexual Orientation, Gender Identity and Expression: Consultation with Civil Society and Non-Government Stakeholders in South Asia and Central and West Asia
[Register for this event](#)
- 7 June 2022, 10:00 a.m., Manila (GMT +8) / 2:00 p.m., Fiji (GMT +12)
Sexual Orientation, Gender Identity and Expression: Consultation with Civil Society and Non-Government Stakeholders in East Asia, Pacific, and Southeast Asia
Register for this event
- 7 June 2022, 9:00 p.m., Manila (GMT +8) / 9:00 a.m., Washington DC (GMT -4) / 3:00 p.m., Frankfurt (GMT +2)
Sexual Orientation, Gender Identity and Expression: Consultation with Civil Society Organizations and other Non-Governmental Stakeholders in North America and Europe
[Register for this event](#)



Other important dates after the consultations:

The Second Informal Board seminar on the draft revision regarding the input of the regional consultation will be held between October and November 2022

It will be proposed to the ADB Board review in November 2022.

The ADB Board Meeting will take place in March 2023 for approval of the final version.

D

APCOM's Initial Positions on ADB Safeguards on SOGIESC

- Reflect the ADB's vision in Strategy 2030 to 'expand its vision to achieve a prosperous, inclusive, resilient, and sustainable Asia and the Pacific' and to 'promote inclusiveness to ensure that economic gains are widely shared' in the Safeguards and Policy Statement
- Include equality, non-discrimination, and inclusion, regardless of sexual orientation, gender identities, gender expressions, and sex characteristics in the Safeguard Policy Statement Overarching Statement on ADB's Commitment and Policy Principles.
- A standalone SOGIESC safeguarding policy for our long-term goal.
- Be cognizant of lack of SOGIESC protective policies in various parts of the Asia Pacific region in monitoring of compliance and accountability with SOGIESC related policy at the ADB.
- Appointment of a SOGIE Advisor to ensure commitment to implementation of equality, non-discrimination, and inclusion
- Ensure meaningful participation of LGBTQI community and organizations not only during the Safeguards policy review process but in the entire implementation of the policy.



ON OBJECTIVE 2 AND 3

Discuss how we can maximize the ADB regional consultations on SOGIE for our collective goal of equality, non-discrimination and inclusion and discuss positions on how SOGIESC can be addressed in the Safeguards policy review which can be forwarded by the community during the ADB consultations with civil society and non-government stakeholders on SOGIE

Break-Out Session: This is a brainstorming session aimed for participants to share ideas on how to engage during the June 6 and 7 ADB Regional Consultations on SOGIE and beyond. Participants were divided into four breakout rooms and each group responded to the following guide questions:

1. Given the presentations and our experience in working with LGBTQI issues, how do we meaningfully engage and what do we need to bring up and highlight during the ADB Consultations with civil society and non-government stakeholders?
2. Beyond the June 6 and 7 ADB SOGIE consultations, how do you think we can engage the ADB to lobby for LGBTQI inclusion in their safeguards?

Below is the summary of the group discussion. Note: Responses have been processed according to capture both common and unique responses from each group.

Responses for Question 1: How do we meaningfully engage and what do we need to bring up and highlight during the ADB Consultations with civil society and non-government stakeholders?

- We need to share LGBTQI situations and evidence from the ground from our community to strongly to highlight the need for SOGIESC protection in the safeguards
- Identify projects from development programs that have impacted the LGBTQI community.
- CSOs to demand to know loan conditions policies and how they affect marginalized communities.
 - More awareness raising for communities to be able to meaningfully participate in ADB processes. A handbook that explains how to engage with the ADB at the regional, national, and local levels. The handbook must be translated to local languages.
 - Continue to raise awareness about what safeguards are and why they are important.



- Clarification on what inclusion means in the process of SPS review and update.
- Make sure that the language that is used is accessible with respect to local communities.
- How can the safeguards ensure government accountability in implementation to protect LGBTQI and vulnerable groups?
- Grievance mechanisms and procedures, for example, a reporting system when violations of safeguards appear, including penalties. What actions will be taken by ADB when funded projects violate certain safeguards (as a whole).
- Highlight the intersectionality within local communities, such as LGBTQI in an agricultural environment where there is a very high incidence of poverty.
- Provide the existing commitments on SOGIESC from the countries/governments according to legal frameworks, if any.
- Review existing social policies and services of governments to be more inclusive, including their protection.
- Additional data/report related to financing should be provided.
- Provide a wide range of services to support LGBTQI people in economic empowerment.
- Ensuring meaningful participation of LGBTQI communities in the implementation of Safeguards
- For specific countries such as Cambodia, there will be a high-level meeting with the Cambodian government, ADB, and WB for Cambodia – which communities have to get involved with.

Responses to Question 2: Beyond the June 6 and 7 ADB SOGIE consultations, how do you think we can engage the ADB to lobby for LGBTQI inclusion in their safeguards?

- How can we advance and further LGBTQI in governments that are not LGBTQI friendly – so that we CSOs and communities have more room for discussion?
- Participation matters, thus a series of diverse consultations must continue until we reach the goal.
- Inform, involve other LGBTQI+ organizations/groups (province-based/community-based/grassroots orgs, with respect to their local communication to overcome language barriers) as well as the effects of the ADB safeguards on LGBTQI individuals (before and after ADB consultations so that more organizations can join the ADB consultations)
- ADB should appoint a community focal point. This is to ensure continuity in regular engagement with the communities.
- Request a process to engage with ADB in the respective country.
- Conducting meetings with the ADB in the country, especially with the department that is taking care of the safeguard process.
- Establish a platform where communities can communicate with ADB.
- Drafting a position paper to be submitted to ADB.



Next Steps:

1. Safeguards review of multilateral development banks do not happen very often. Further, there is a space for LGBTQI organizations to participate at the upcoming ADB Regional consultations specifically for SOGIE. LGBTQI communities and organizations are encouraged to register and participate at the dedicated SOGIE consultations for their respective regions.
2. We need to secure meaningful participation throughout and beyond the consultation.
3. LGBTQI organizations can submit position papers to ADB. APCOM could initiate the draft and will disseminate with our CSOs partners for comments/suggestions, and sign-ons.

Agenda:

<ul style="list-style-type: none"> • Opening and Activity Rationale • APCOM's engagements with ADB 	5 minutes	Midnight Poonkasetwattana APCOM
<ul style="list-style-type: none"> • How MDBs work 	5 minutes	Chad Dobson Foundation Earth
<ul style="list-style-type: none"> • ADB's Safeguard Review on SOGIE overview 	5 minutes	Ramil Andag APCOM
Sharing: The World Bank Experience in SOGI Inclusion	10 minutes	Clifton Cortez Global Advisor on SOGI, World Bank
Sharing: Advocacy on SOGI Inclusion in MDBs	10 minutes	Chad Dobson Senior Fellow, Foundation Earth Former Executive Director, Bank Information Center
Presentation of positions on SOGI and ADB's Safeguards Policy	15 minutes	APCOM Foundation Earth Jay Gilliam (Senior LGBTQI+ Coordinator, USAID)
Breakout Groups <ul style="list-style-type: none"> • Instructions (2 minutes) • Breakout Discussion (20 minutes) • Report Back (8 minutes, 2 minutes per group) 	30 minutes	All participants with 4 designated facilitators
Next steps	10 minutes	APCOM and participants

