

**Consultation on ADB's Draft Public Communications Policy**  
**Bank of America Building, Washington, D.C., USA**  
**Summary of Participant Recommendations**  
**21 June 2004**

ADB organized a consultation workshop with representatives of NGOs, academe, the private sector, and government from the United States. Participants critiqued the draft Public Communications Policy (PCP) in break-out groups comprising individuals from different sectors. Following is a synthesis of the participants' recommendations. A list of workshop attendees is attached.

**A. Strengths of the Draft PCP**

- Development of the new PCP is an extremely useful initiative.
- The policy is proactive.
- ADB's consultation process is good.
- ADB is moving in the direction of disclosing documents sooner.
- The Project Information Document provides more information than the current Project Profile.
- The Initial Poverty and Social Assessment is now available.
- The draft PCP pays greater attention to disseminating project information during implementation.
- The policy gives attention to effective implementation and communications.
- Footnote 35 for paragraph 87 related to the type of information required to be disseminated to project affected persons is welcomed.
- The release of a list of CSPs and policies expected to be developed or reviewed is welcomed.

**B. Recommendations for Improvement**

**1. Presumption in Favor of Disclosure**

- The policy seems more tilted to nondisclosure rather than disclosure, e.g. in paragraphs 130, 89, 92, 118 and 126 and the entire section E.
- A clear definition of "presumption" should be included.

**2. Structure and Format of the Paper**

- The paper is an awkward mix of a legal document and a communications policy. ADB could create a separate communications policy and place the "legalese" in an appendix.
- The language should be clearer.
- The document is too long and the language too obfuscatory.
- The paper should be preceded by a summary.

**3. Operational Information (General)**

- ADB should not be creating new documents, and thereby creating more work for staff. It would be more efficient to disclose existing documents. World Bank documents developed for the sole purpose of public disclosure are not updated regularly. Instead of producing a new Project Information Document, ADB should release aide memoire and staff monitoring reports. These will get information out

faster and be easier for staff (since no new work is required). ADB can redact sensitive information.

- External communications -- getting information out about what is available and where it is available -- could be strengthened.
- The audiences are well defined but local, affected communities are missing from the list in paragraph 67.
- The Project Information Document template should include a description of how public input was incorporated into project design.
- ADB should make available (on its web site and proactively to affected persons) a complete list of documents that exist, identifying those that are disclosed and not disclosed. Since the list would change, it should not be put into the policy. However, a reference to the list could be included in the policy.
- ADB needs an integrated, centralized database of all information (about projects, about the Bank itself, historical information, etc.). A centralized repository of knowledge should be developed so there is one standard place where accepted information resides.

#### **4. Draft Documents**

- All Board docs should be released at least 15 days prior to Board discussion. This is the way to get back to people regarding how their input has been included in the Board document.
- Not all of policies and strategies are being released in draft – they should be, without exception. Paragraph 82 is too vague, and allows for drafts to be withheld.
- ADB should be at least as transparent as the AfDB in requiring the disclosure of draft country strategy papers (AfDB discloses 50 days prior to Board approval). Paragraph 31 is too broad.

#### **5. Information to Project Affected Groups**

- Paragraph 74 reads as if to say that if a member government does not engage in an appropriate participatory process, it is the fault of the government and not ADB. There is too much reliance on member governments to disclose the necessary information – ADB must assume responsibility.
- The Initial Poverty and Social Assessment should be proactively made available to affected stakeholders.
- A comprehensive list of project documents produced should be made available to affected stakeholders.
- ADB and the borrower must communicate early enough to civil society by making project concepts available as early as possible, even if they are very broad.
- Footnote 35 should be included in the text instead of a footnote.

#### **6. Historical Information**

- Information should automatically be available after 20 years unless the decision has been made to keep it classified. The U.S. Freedom of Information Act follows this rule; one still has the option of considering whether the information is classified at the time of a request.
- Participants noted that the World Bank often takes 6-9 months to respond to requests for archived material. ADB should learn from the experience of the World Bank and reduce the response time.

## **7. Translation**

- Translation requirements and criteria should be fleshed out in a translation framework. There are often many national languages. The PCP provisions do not go far enough; documents used in consultation should be translated.

## **8. Approaches to Delivery**

- Improve the web site to better disseminate information. While the web is not the only means, it is the one most widely used. On ADB's site, it is difficult to sort data by country, sector, or theme. IMF's site has the ability to view all information about one country, including future payments and outstanding debt. The World Bank's new disclosure catalog was also cited as a positive example.

## **9. Process Guarantees**

- Draft PCP should be more precise and contain process guarantees, e.g., documents will be made available "x" number of days before Board approval. For requests, the policy should clearly indicate the response time: the standard is within 5 days to give notification that the request was received, then get back to requester and the public within 15-20 days.
- The document needs a policy statement indicating that whenever information is redacted from a document, reference to such information would be made in the document, and the reason for the nondisclosure also noted.

## **10. Constraints/Exceptions to Presumed Disclosure**

- Who will weigh public interest against the constraints? The PCAC? CRP? If CRP, the turnaround time should be faster than the CRP's processing time for project-related cases.
- Narrowly define the constraints with specific rules and guidelines. The current constraints are too broad and poorly defined.
- The constraints do not allow for the disclosure of personal financial information about management/decision-makers. There is good reason to disclose information about a senior official of a public institution.

## **11. Board of Directors Information**

- Disclose and post written statements from Executive Directors (EDs) on major policies and projects. They often prepare a formal statement. Currently, citizens have no way to know how their EDs are representing them.
- Voting by individual EDs should be released with the Board minutes.

## **12. Staff Training and Guidelines**

- Develop communication and consultation guidelines and criteria.
- Staff training and accountability should be addressed in the paper. ADB needs to place sanctions on staff for nondisclosure and provide incentives for staff to disclose. ADB should train staff to embrace the PCP and routinely disclose.
- The policy needs to be much more specific; there is too much room for individual judgment. If staff procedures and the policy are clear enough, the "guesswork" of what should be disclosed is removed and balancing between the presumption in favor of disclosure with legal/practical constraints is carried out only in exceptional circumstances.

### **13. Implementation Arrangements**

- Elevate external communication and its role in ADB by giving the Office of External Relations more clout. External relations should report to the president to enforce the PCP.
- The role of the Resident Missions should be strengthened; the external relations liaisons should have clear idea of what they can do to communicate with stakeholders.
- ADB staff should have clear implementation plan for this policy. It is important that staff understand clearly what is expected of them, with timelines, etc.
- Clarify the relationship between and the responsibilities of the Public Communications Advisory Committee, Public Information Centers, depository libraries, and the InfoUnit.

### **14. Monitoring and Evaluation**

- In general, the policy needs an effective implementation plan that is measurable (timing, compliance, etc.).
- Suggestions for an evaluation plan included: user surveys in member countries; staff and user focus groups; hits on the web site (e.g., when the CSP is posted); and an analysis of a sub-sample of denied requests to assess staff interpretation of the policy. Full assessments, like those prepared by the Operations Evaluations Department, could also be undertaken.
- Measurability – Is there an attempt to structure the entire universe of interested stakeholders by category? ADB should identify subgroups within the general population of stakeholders, so that results can be measured.

### **15. Recourse Mechanism/Role of the Public Communications Advisory Committee (PCAC)**

- People should have the opportunity to appeal if their requests are denied. Will the PCAC play this role? The redress procedures need to be clear. The terms of reference for the PCAC are unclear.
- It was suggested that the PCAC report directly to the President in order to strengthen its independence.
- When there is a challenge to a denied request for information, the review process should be efficient, and the requester should have more direct access to the decision-makers. Perhaps the objective should be to find individuals or groups within the Bank who are more independent and neutral.
- When a request is denied by the PCAC, the redress procedures should also be clear. Some participants suggested that the Compliance Review Panel play the role of an appeals mechanism. Others suggested that the Operations Evaluation Department serve this purpose.

### **16. Private Sector Operations**

- If the loan contracts for private sector operations contain environmental or social agreements with the host government, ADB should disclose them (even if the host government does not want to). Some participants thought the policy should mandate the release of agreements/contracts, e.g., power purchase agreements. The sponsors themselves should not determine confidentiality.
- The timeframe (30 days prior to Board consideration) for the release of the Summary of Project Information is too short.

- Para 90 requires ADB to explain why a project is terminated. IFC cautioned that sometimes there are obvious reasons why you would drop a project, but sometimes there are reasons that go to the business fundamentals. If you disclose that, you could damage their reputation, thereby affecting their competitiveness.

#### **17. Other Editorial Comments**

- Define “indigenous peoples.” ADB should explain the context in which it uses the term “indigenous peoples”.
- The draft mentions Article 19 as a principle guiding policy; Article 2 on the right to self-determination should also be noted.

#### **18. Resource Implications**

- While it is clear that ADB understands how a policy should work, what’s missing is an indication that there are enough resources to properly implement the policy. Ensure that resources for implementation are available and built into the Bank’s operational procedures.

#### **C. Suggestion for the Consultation Process**

- The PCP requires the release of some new documents, such as the Initial Poverty and Social Assessment, social and environmental monitoring reports, Project Information Documents, Board meeting minutes, and summaries of Board discussions. Participants requested to see samples of these documents so they can more fully understand what information they contain.

**Review of the ADB's Draft Public Communications Policy (PCP)  
Washington DC Workshop, 21 June 2004**

**List of Participants**

**GOVERNMENT**

- |   |   |                                       |
|---|---|---------------------------------------|
| 1 | Mr. Jay Branegan<br>Majority Professional Staff Member                                      | Senate Committee on Foreign Relations |
| 2 | Ms. Anne M. Galer<br>Financial Economist<br>Asian Development Bank Liaison Officer          | U.S. Department of State              |
| 3 | Mr. Atticus F. Weller<br>International Economist<br>Office of International Monetary Policy | U.S. Department of Treasury           |
| 4 | Mr. John Hurley<br>Development Policy Office  | U.S. Department of Treasury           |
| 5 | Ms. Chantale Wong<br>Assistant Director<br>Office of Performance Budgeting                  | U.S. Department of Treasury           |

**ACADEME**

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|---|---|-----------------------------------|
| 6 | Mr. Ebo Otuya<br>Government Affairs Manager<br>Communications & Public Affairs  | Educational Testing Service (ETS) |
| 7 | Mr. Karti Sandilya<br>Board Member  | The Aspen Institute               |
| 8 | Ms. Fiona Shukri<br>Director Public Relations & Information<br>Center for Institutional Reform & The<br>Informal Sector | University of Maryland            |
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**INTERNATIONAL ORGANIZATIONS**

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11	Ms. Suellen Lazarus Senior Advisor, Environment & Social Development Department	IFC
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#### **PRIVATE SECTOR**

17	Mr. Robert J. Berry Senior Vice President - International Banking	Bank of America
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22	Mr. Frank Vogl President	Vogl Communications, Inc.
23	Ms. Kathleen Wilkens-Van Hollen President	World Affairs Council
24	Amb. Juli Bloch Member	World Affairs Council
25	Ms. Elizabeth Coira Director of Public Relations	World Affairs Council
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| 27 | Mr. Walter Landry<br>Member    | World Affairs Council |
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#### **CIVIL SOCIETY**

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| 32 | Ms. Mishka Zaman<br>Manager, Asia Program                              | Bank Information Center        |
| 33 | Ms. Jane Garrido   | Bank Information Center        |
| 34 | Mr. Toby McIntosh  | Freedom of Information         |
| 35 | Ms. Veena Siddharth<br>Washington Director, Asia Division              | Human Rights Watch             |
| 36 | Mr. Ali Hassan<br>Researcher   | Human Rights Watch             |
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