

**Consultation on ADB's Draft Public Communications Policy**  
**Pinara Hotel, Bishkek**  
**Summary of Participant Recommendations**  
**9 July 2004**

ADB organized a consultation workshop with representatives of civil society organizations, academe, the private sector, and government from the Kyrgyz Republic. Participants critiqued the draft Public Communications Policy (PCP) in small working groups organized by sector. Following is a synthesis of the participants' recommendations. A list of workshop attendees is attached.

**Evaluation of Civil Society Organizations**

**A. Strengths of the Draft Policy**

- The PCP will help the public understand both the information they can acquire and cannot obtain from ADB.
- It is appropriate for ADB to develop a policy of openness and transparency.
- Key documents will be provided in official and state languages.
- It is expected that a public information center will be developed in Kyrgyz to assist the public in obtaining information from ADB.
- A mechanism will be established to address complaints.
- The policy paper helps the public further their understanding of ADB operations and is useful to the work of CSOs.
- The PCP calls for more information to be made publicly available.
- The geographic coverage of the consultation process is widespread, giving many an opportunity to comment. Many independent CSOs that do not receive financing from ADB were invited to the Kyrgyz workshop.
- The policy demonstrates ADB's willingness to reform.
- The new policy that establishes the new mechanism of accountability is a big step forward
- Using this mechanism the population can express views and resolve project-related impact problems, and also to inform on alleged infringements of operational policies and procedures of ADB
- The policy is aimed at the overall ADB objective of poverty reduction

**B. Recommendations for Improvement**

**1. Operational Information (General)**

- Although reference is made to environmental assessments in paragraph 94, the PCP should also specify the disclosure requirements for *each* environmental category (A, B, C).
- The timeframe for information provision is provided for some documents, but it should be for all. The policy should specify exactly the number of days within which each document will be provided, in both draft and final form, before Board consideration. Specify "who," "when," and "how" for each document. It should be concentrated in one place in the document.
- The timeframe for information provision does not comply with the national legislation of the Kyrgyz Republic (where the timeframe for information provision is 30 days)

- ADB should provide a list of all documents related to the project, indicating whether they are available or not.
- ADB should disclose the documents that reflect the commitments made with the government, e.g., aide memoire and memorandums of understanding.
- The Project Information Document posted on ADB's web site should contain a summary of the project, the names of the contractors (including the grounds/criteria for the tender), and the executing and implementing agencies.
- The public should be able to access more detailed information on the project's results and impact. Information should be provided on the extent to which the project was successful and what improvements should be made.

## **2. Information for Project-Affected Persons**

- The following information is needed at the concept paper stage, even if it is preliminary:
  - Contractors;
  - Preliminary assessment (including project benefits);
  - Costs;
- The following information is needed during preparation:
  - Study reports;
  - Environmental Impact Assessment;
  - RRP's (project appraisal documents);
  - Who initiated or requested the project;
  - With whom the project's appropriateness was discussed;
  - What alternative options been reviewed (an alternative/independent assessment should be disclosed);
  - Project description and objectives;
  - Budget;
  - Timeframe for loan repayment;
  - Project beneficiaries;
  - Implementing and executing agencies;
  - Contractors;
  - How affected communities are involved in the contract signing (indicating their representatives); and
  - Monitoring and evaluation plan (including who developed it).
- Documents should be provided in official and state languages.
- Assistance projects are criticized because the Kyrgyz Republic now faces a large national debt. Stakeholders should know who conceptualized the project and the rationale for the project, in order to avoid repeating mistakes. They should also know what alternatives were considered. ADB clarified that these decisions are made during the development of the Country Strategy and Program.
- ADB staff recommended to workshop participants that they copy ADB's Kyrgyz Resident Mission (KYRM) on any correspondence with ADB headquarters' staff so that KYRM can follow up; stakeholders may hold KYRM responsible.
- Prior informed consent -- agreement of well-informed affected people -- should be obtained for any development initiative.
- There should be reports about implemented projects, about their effectiveness and impact of projects after their completion, in the form of reports or success stories.

## **3. Editorial Comments**

- Many of the policy's disclosure provisions lack precision, e.g., "when necessary," "at the discretion of ADB," etc. These phrases allow ADB staff to avoid disclosure.
- The introductory sections should more forcefully indicate how a lack of information affects poverty and how provision of information supports poverty reduction.
- ADB should define "transparency," "privileged information," "historical information," and "contractor." The PCP should include a glossary and translate this glossary into both the Russian and Kyrgyz languages.
- The title of the policy should be more specific, e.g., Policy and Mechanism of Providing Information to the Public.
- The draft PCP is complicated and difficult to understand and assess.
- The PCP has too many objectives; the document should be reduced, especially in the sections that do not require specific procedures to be clearly identified.
- The PCP should be reorganized to place all restrictions (e.g., as contained in paragraph 92) in one part of the document.

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

- No information should be withheld from the public information; even information about personnel can be relevant, such as a marital connection between a Bank employee and government official, or a Bank employee whose health condition may affect their job performance.
- The term "confidential information" is used frequently, especially regarding private sector lending. The PCP should define confidentiality and provide criteria for determining which information is confidential.

#### **5. Dissemination Mechanisms**

- The PCP often does not indicate the mode and procedure for information dissemination; it should indicate the mode of dissemination for each type of document.
- ADB's Kyrgyz Resident Mission web site should be presented in Russian and Kyrgyz, and updated regularly.

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

- Twenty years is too long to access archived information. Project information should be readily available immediately after a project's completion.
- Paragraph 126 should include members of the parliament.

#### **7. Board of Directors Information**

- The minutes of the meetings of the Board of Directors should be publicly available within 30 days of Board meetings.

#### **8. Translation**

- All documents should be available in both state (Kyrgyz) and official (Russian) languages.

#### **9. Recourse Mechanism**

- The PCP lacks a clear mechanism for resolution of disputes regarding information requests. When a request is denied, the requester should be able to appeal to a body for resolution of the dispute. Although the PCP calls for the creation of the Public Communications Advisory Committee, it does not indicate clearly how this mechanism will be used to resolve disputes.

## **10. Process Guarantees**

- Information should be provided within 30 days of a request. The PCP allows for more time if the request is more detailed or research is needed, or if the client's consent is needed. However, 30 days should be sufficient to provide the information. Kyrgyz's Law on Information Access calls for this (participants promised to provide ADB a copy of the law).
- When a request comes to the Bank, ADB should confirm its receipt within 5 days.
- The PCP should clearly indicate the cost that may be charged the requester.

## **11. Anticorruption Information**

- The names of companies blacklisted for fraud and corruption should be made publicly available.

## **12. Models of Transparency**

- United Nations
- National Democracy Institute
- Soros Foundation reports, which indicate the projects implemented, how much was spent, etc. Once a document has been written, it is given a code and publicly disclosed.

## **13. Models of Good Web Sites**

- United Nations
- European Commission

## **Evaluation of Representatives of the Business Sector, Mass Media and Academia**

### **A. Strengths of the Draft Policy**

- The *Information* and *Disclosure* policies complement each other, so it is appropriate that they have been merged into one.
- The policy is timely; ADB should keep pace with other international organizations and public expectation.
- The provision of documents in local languages is a strong feature.
- The attention given to mass media is positive.
- The PCP will increase the amount of information available on ADB's web site.
- Creating more public information centers is encouraged.
- Confidentiality is taken into account.

### **B. Recommendations for Improvement**

#### **1. Operational Information (General)**

- Feedback received from stakeholders should be welcomed in either Kyrgyz or Russian. NGOs and other stakeholders should be able to express feedback in their own language.
- The policy should indicate how feedback from the public and stakeholders would be received and analyzed, especially so, on the overview map/chart, where it is missing.

- While target groups are mentioned at the beginning of the strategy section, guidelines are needed for communicating with each group. Also, the policy should indicate the type of information provided for each target group.
- The timing when consultations will occur should be made clear in the policy.
- ADB should consult with the domestic business sector on projects planning and inception stages, alongside with the government and local donor agencies..
- ADB should harmonize with other international organizations and coordinate information dissemination on projects. . Perhaps a statement on how ADB's new public relation and communication policy would comply with the general theme of Aid Harmonization efforts in Low-income and Middle-income countries is due in this document.
- The PCP should reference the documents where the definitions for indigenous peoples and procedures for environmental assessment are located. Generally, any terms that may be jargon or profession-specific must be indicated / defined / explained in a document glossary.
- Make separate web sites for private sector, NGOs, academe, public sector, mass media.
- Management of local ADB resident mission should conduct on a regular basis press conferences (quarterly), and also on the results of the work of ADB missions and informs journalists and the public on activity,
- ADB should strengthen the work on distribution of academic researches on economics, management, ecology, finance, and to propel research activity in the countries using grant programs.

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

- ADB's requirements for confidentiality should be in sync with the laws of its member countries regarding information on private enterprises and individuals. ADB should be guided by a country's data protection laws.
- There should be specific policies for information related to particular audiences, e.g., tender information. The business sector has different procedures than the public sector.

## **3. Other Issues**

ADB should raise public awareness regarding the differences between ADB and the World Bank, especially in paragraph 17. Clarify, what exactly sets ADB apart from the World Bank as a positioning exercise.

Any consulting companies blacklisted for fraud and corruption should be aware of their status and responsibilities. ADB clarified that the Anticorruption Unit is in direct communication with the companies.

## **4. Editorial Comments**

The policy document is difficult to read and understand. It should be shorter. It is too long and reads like a contract. It should be shorter and in a more reader-friendly format.

## **Evaluation of Government Representatives**

### **A. Strengths of the Draft Policy**

- ADB wants to ensure greater transparency of information flows.

- Strengthening of tripartite relations “Donors – ADB – Recipients”. At the foundation of the document is the need for trust between ADB, its shareholders and beneficiaries.
- The draft policy aims to combat and overcome poverty.
- The PCP allows for “non-dissemination of information”. Any country may have projects where dissemination of project-related information is not in the interests of the state or risks national security (e.g. information on mineral resources).
- The merger of two technically separate but interlinked policies makes sense.
- The document is based on extensive review and analysis.
- The policy calls for dissemination of information through various channels and in different forms, e.g., detailed information will be provided in different languages and through varied means.
- Many documents related to the work of the Board of Directors will become publicly available.
- ADB will be responsible for providing information within a set timeframe, as specified in paragraph 145.

## **B. Recommendations for Improvement**

### **1. Operational Information (General)**

- The PCP should indicate the methods that will be used to exchange information with project-affected persons who cannot access the Internet.

### **2. Donor Decisions and Commitments**

- The policy calls for disclosure and dissemination of information related to the project cycle only; ADB should also require disclosure of donor contributions to (and negotiating positions on) the replenishment funds of ADF, OCR and JFPR. The draft is silent on this. In the PCP, information dissemination pertains more to public relations or explaining the results and outcomes of projects. This is too limiting. For example, the PCP should also provide information regarding how many businesses from donor countries have won tenders and are “eating from/living on” ADB resources.
- The PCP should call for disclosure about ADB’s decision-making with its large shareholders. For example, many borrowing countries use regional projects as an instrument for removing various obstacles for the country that cannot be resolved bilaterally. ADB and its large shareholders use such projects as a political tool. The PCP should provide information about the activities of ADB with its shareholders to “level the playing field” and ensure that donors are meeting the same disclosure standards they expect ADB to enforce.

**Review of ADB's Draft Public Communications Policy (PCP)  
Bishkek Workshop, 9 July 2004**

**List of Participants**

**CIVIL SOCIETY**

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| 1  | <b>Ablova</b> , Natalia (Ms.)      | Bureau on Human Rights and Rule of Law   |
| 2  | <b>Umetalieva</b> , Toktayim (Ms.) | Association of Nongovernmental and Noncommercial Organizations of the Kyrgyz Republic and Social Foundation Ai-Danek |
| 3  | <b>Myrzabekova</b> , Asel (Ms.)    | Association of Nongovernmental and Noncommercial Organizations of the Kyrgyz Republic and Social Foundation Ai-Danek |
| 4  | <b>Akbagysheva</b> , Zamira (Ms.)  | Congress of Women of Kyrgyzstan  |
| 5  | <b>Geriugova</b> , Zhanna (Ms.)    | Congress of Women of Kyrgyzstan  |
| 6  | <b>Karimov</b> , Kazimir (Mr.)     | Environmental Protection Foundation  |
| 7  | <b>Abdikerimova</b> , Maisa (Ms.)  | Family Group Practice Association of Kyrgyzstan  |
| 8  | <b>Djoldosheva</b> , Jyldyz (Ms.)  | Fund Kurmandjan-Datka  |
| 9  | <b>Mamatova</b> , Tatyana (Ms.)    | Kyrgyz-American Human Rights Bureau  |
| 10 | <b>Mavlyanova</b> , Elmira_(Ms.)   | NGO Support Center   |
| 11 | <b>Musaeva</b> , Asipa (Ms.)       | Republican Independent Association of Disabled Women of Kyrgyz Republic  |
| 12 | <b>Mamytbekova</b> , Gulnar (Ms.)  | Center of Joint Changes Hygiene and Sanitation   |
| 13 | <b>Aiylicheva</b> , Rosa (Ms.)     | Public Association "SHOOLA"  |
| 14 | <b>Jeenbaeva</b> , Jamilya (Ms.)   | Bishkek Center of Social Initiatives, and Company Dialect ICON   |
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| 18 | <b>Nazarbekova, Anara_(Ms.)</b>     | Public Association "Surakan", information and legal center "Oi-Aikyn" |
| 19 | <b>Uleev, Valery_(Mr.)</b>          | Spravedlivost (Justice), Jalal-Abad                                   |
| 20 | <b>Imankozhoeva, Erkingul (Ms.)</b> | Karek (Eye), Issyk-Kul oblast   |
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| 22 | <b>Ismailova, Tolekan (Ms.)</b>     | Civil Society Against Corruption                                      |
| 23 | <b>Sasykbaeva, Asiya (Ms.)</b>      | Centre "Interbilim"   |
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| 25 | <b>Alisheva, Atyrkul (Ms.)</b>      | Institute for Regional Studies  |
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- |    |                                  |   |
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| 28 | <b>Tashbaev, Uchkunbek (Mr.)</b> | Ministry of Finance   |
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| 30 | <b>Artykbaeva, Nurgul (Ms.)</b>  | State Agency on Information Resources and ITC   |

#### **ACADEME**

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33 **Mejiritskaya, Nina (Ms.)** Center of Law Information

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34 **Djumashev, Samat (Mr.)** Financial Company for Support and Development of Credit Unions

35 **Aripov, Kanat. (Mr.)** Association of Trade Unions of the Kyrgyz Republic

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37 **Kulsarieva, Gulzina (Ms.)** Press Service of the Office of the President of the Kyrgyz Republic

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- 2 Bart Édes  
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