

Consultation on ADB's Draft Public Communications Policy
Dhaka, Bangladesh
Summary of Participant Recommendations
19 July 2004

ADB convened a workshop with representatives of NGOs, academe, the private sector, and government from Bangladesh. Participants critiqued the draft Public Communications Policy (PCP) in working groups organized by sector. Following is a synthesis of the participants' recommendations according to stakeholder group. A list of workshop attendees is attached.

Evaluation by Government Participants

The following does not necessarily represent the view of the Government of Bangladesh, but rather that of the individuals represented at the meeting.

A. Strengths of the Draft Policy

- Translation of the CSP into official languages, e.g., in Bangla, is appropriate.
- Group members supported making consultants' final reports (feasibility studies) publicly available.
- Consultation is mandatory for Bangladesh's environmental assessment process; the PCP supports this.
- Budget information, both for projects and ADB in general, is made public.

B. Recommendations for Improvement

1. Project Information

- The requirement for providing information to affected stakeholders (paragraph 87) should be dropped. This may result in generating conflict between groups/communities. In general, information should not be disseminated during the project's preparation or there will be cases in the High Court, and the Government will be lobbied not to implement the project. The project should be implemented on the basis of the feasibility study only. Affected peoples may be informed about project benefits and resettlement compensation rates during project implementation.
- Resettlement planning documents should be kept between the Government and donors at the initial stage and not disseminated.
- Social and environmental monitoring reports should not be released without government consent; current ADB practice should continue.
- The complete breakdown of each consultant's remuneration should be disclosed.
- The Bangladeshi Government should introduce e-governance to be more transparent.

2. Monitoring the Policy

- ADB should review the PCP after 2 years, not 5.

3. Exceptions to Presumed Disclosure/Information that Should Not Be Disclosed

- Information that might hamper project implementation should not be disclosed (see reasons above).

Academic and Business Representatives

A. Strengths of the Draft Policy

- The greatest strength of the PCP is its emphasis on the peoples' right to know about the impact of development projects.
- Although it needs further elaboration, the call for more translation of documents into local languages is welcomed.
- Steps have been taken for disseminating information to local public.

B. Recommendations for Improvement

1. General Comments

- The subject matter of the policy should be *information* and communications, not simply communications.
- Discrepancies between the policies of ADB and its member governments should be reduced. A huge gap exists between ADB's Policy on Involuntary Resettlement and that of the Government of Bangladesh.

2. Operational Information (General)

- Once documents are translated, culturally appropriate means, such as radio and television, should be employed to disseminate them widely.
- All stakeholders should be identified, and the level of participation of those stakeholders outlined for each stage of the operational cycle.
- Information about trans-boundary or regional projects should be explicitly made public through the widest possible means so that everyone's views are considered. Also, when a national project impacts neighboring countries or the region, the nature, level and magnitude of the impact should be disseminated to all affected persons. For example, the River Linking Project in India affects the life and livelihoods of the people of Bangladesh because of its geographical location. The people of Bangladesh should be informed and appropriate mitigation measures considered, like all ADB-assisted projects.
- Information regarding resettlement should be monitored to ensure the disclosure requirements are being implemented properly.

3. Delivery Mechanisms

- The mechanism for disseminating ADB's research findings and programs should be identified in the PCP.
- Hard copies of ADB documents should be available at universities, research organizations, and chambers of commerce. ADB's Resident Mission library is inaccessible; it is in the back of the office, unorganized, and lacks full-time staff.
- Special attention needs to be given to reaching women. Information dissemination can be provided through government ministries and NGOs working closely with women.
- ADB should establish a permanent information desk in its Resident Mission for regular interaction with the media.

4. Exceptions to Presumed Disclosure/What Should Not be Disclosed

- The level of confidentiality should be determined on the basis of each project's nature.

Evaluation by NGO Representatives

NGO and other civil society representatives formed two groups to critique the draft policy. One group wrote a statement http://adb.org/Disclosure/first_draft/Ban-NGO.pdf which included comments on the draft; recommendations for improving the draft have been integrated with that of the other group's below.

A. Strengths of the Draft Policy

- ADB is participating in the global trend of providing more information and has better addressed this demand for more information in the PCP.
- The PCP demonstrates that ADB has expertise and resources dedicated to communications and information disclosure.
- The PCP calls for public information centers; these will improve the information flow.
- ADB's overall accountability will be enhanced.
- Recognizes demand of the affected people particularly indigo populations
- Specific time frames are mentioned for specific activities.

B. Recommendations for Improving the PCP

1. General Comments

- The draft document is too long, difficult to read, and occasionally repetitious.
- The PCP should describe what happens when ADB's policy clashes with that of the government.
- The policy should be strengthened with regard to the people's right to know. Selectivity is used in some passages.
- The methodology for preparing the PCP is not adequately explained.
- Affected peoples should be included in the list of target audiences (paragraph 67).
- ADB, as a public institution established for public good, should clearly state a binding commitment that it has a legal and moral responsibility to the communities affected by its projects and should clearly outline a process through which all its policies, practices, and documents should be made public before all decisions are made.

2. Operational Information

- Information about private sector projects should be fully disclosed, since they are borrowing money from a public entity, and the impact of their projects is on the general public. Paragraph 62 should be changed. ADB should foster greater transparency in its corporate clients and require at least the same disclosure standards for private sector information as is required for public sector operations.
- Paragraphs 91-100, which address the disclosure of project-related documents, do not address disclosure consistently.
- Complete financial information about a project should be disclosed.
- Throughout the project cycle, ADB should disclose project and program documents that are already produced by the Bank and that provide regular updates on project and program status.
- Prior informed consent of affected communities should be built into the project's feasibility phase. The process for formulating CSPs should undergo complete overhaul, in which people participation should not be merely cosmetic.
- The ADB should disclose detailed budgetary information including information on actual expenditures and outlays.

- All the proceedings between the Bank and the government, formal or informal, must be made public.

3. Information for Affected Groups

- All types of information should be provided to locally affected stakeholders. When risk analysis is conducted during project preparation, the probability of effects and types of effects should be disseminated to affected groups. Resettlement compensation information should be provided. The responsible entity for a given type of information should be indicated.
- Information should be disseminated during project planning, implementation, and at completion, and continue to be disseminated thereafter.
- It is critical to provide substantive information in local languages to affected people. It is the right of the affected people that they receive information of the projects at early stages of negotiations and not during the implementation phase only.

4. Translation

- Documents and information should be translated widely and properly. The draft PCP was translated into old Bengali. The language should be more user-friendly, non-technical language.
- Translated documents should be concisely written.
- ADB should provide accurate translations; paragraph 76 should be deleted.

5. Feedback Mechanism

- Affected people and civil society views and concerns must be considered on par with that of ADB's and the government's. A public feedback mechanism should be incorporated in order to ensure such equity.

6. Implementation Arrangements

- The procedures for implementation need to be fleshed out.
- The mechanisms for monitoring the policy should be included.
- "Unreasonable" requests (paragraph 146) should be described; this could be misused.
- Information should be provided without cost to those in project areas.
- Timely responses are essential. The request process in the draft policy allows up to 90 days for ADB to respond to a request for information. If the requestor used the Accountability Mechanism, this can take another 195 days. Altogether, it can take up to six months to receive a decision on whether certain information will be disclosed.

7. Monitoring of the Policy

- The PCP lacks a mechanism for checks and balances. What happens if the policy is not implemented as intended? An independent monitoring system should be employed.

8. Appeals Mechanism

- An appropriate independent appeal mechanism is needed to interpret ADB's "presumption in favor of disclosure."

9. Exceptions to Presumed Disclosure

- Responses to request for information should include detailed explanations of the "harms" associated with disclosure.

- A specific and “harm-based” definition of business confidentiality is necessary to ensure accountability.
- Paragraph 130 of the Constraints section allows ADB to selectively withhold information; this violates the presumption in favor of disclosure.
- All operational information should be disclosed, except that related to state sovereignty and national security.

10. Board of Directors Information

- The proceedings of the Board of Directors should be open to the public. Transcripts and summaries should be publicly available.

11. Anticorruption Information

- Corruption can happen at both ends. The PCP mentions only the receiving end.

Comments on the Consultative Process

- Representatives from the Parliament, local government (UP chairman and members), affected communities, and ethnic minority groups should have been included.
- All participants agreed that public representatives (especially union or municipal level) should have been invited/present at the workshop.

**Review of ADB's Draft Public Communications Policy (PCP)
Dhaka Workshop, 19 July 2004**

List of Participants

ACADEME/RESEARCH

- | | | |
|---|--|---|
| 1 | Muhammad Eusuf (Dr.)
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- | | | |
|----|---|--|
| 4 | Khodeza Begum (Ms.)
Director | Implementation Monitoring and Evaluation Division |
| 5 | Md. Amir Khasru (Mr.)
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| 6 | Md. Muijul Shahan Khan (Mr.)
Director General, Defense Audit Directorate | Office of the Comptroller and Auditor General of
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| 7 | Md. Alauddin Fokir (Mr.)
Deputy Secretary | Dev. Budget wing Finance Division
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| 9 | Md. Ehsanul Hoque (Mr.)
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| 10 | Md. Mahiuddin Abdullah (Dr.)
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13	Ahmed Hossain Majumder (Mr.) Director	DCCI
14	S. M. Al-Husany (Mr.) Advisor	FBCCI
15	Jahangir Bin Alam (Mr.) Secretary	FICCI
16	Maksud, Khan (Mr.) Chairman	ICC, Bangladesh

CIVIL SOCIETY ORGANIZATIONS

17	Mausumi Mohapatra (Ms.) Associate Coordinator	Action Aid
18	Enamul Haque (Mr.) Executive Vice President	Association for Social Advancement
19	Zakir Md. Golam Kibria (Mr.) Executive Director	Bangla Praxis
20	Jahanara Sedeque (Ms.) Director Administration	Bangladesh Women Health Coalition
21	Sayed-UI-AlamKazal (Mr.) Program Manager	Campaign for Popular Education (CAMPE)
22	Md. Emdadul Haque (Dr.) Executive Director (In-charge)	Centre for Development Services (CDS)
23	M. Abdul Mannan (Mr.) Executive Director	Credit and Development Forum (CDF)
24	M. Tajul Islam (Mr.) Member-Secretary	Federation of NGO in Bangladesh (FNB)
25	Saha Dipak Kumar (Mr.) Advocacy Officer	NGO Forum for Drinking Water Supply and Sanitation
26	Khadiza Khanam (Ms.) Researcher	Society for Environment and Human Development (SEHD)

27	A.H.M. Bazlur Rahman (Mr.) CEO	Bangladesh NGO Network for Radio and Communications
28	Rashed Al Mahmud Titumir (Mr.)	THE INNOVATORS
29	Arup Rahi (Mr.) Executive Director	Lokoj
30	Engineer S. M. Shaheedullah Managing Director	Shaheedullah and New Associate Ltd.
31	Ahmed Firoze (Mr.) Member Secretary	Khulna, Nagarik Somaj
32	Ashraf-ul-Alam Tutu (Mr.) Coordinator	Coastal Development Partnership
33	Badrul Hasan (Mr.) Manager Advocacy	Marie Stopes Clinic Society
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