

Consultation on ADB's Draft Public Communications Policy
Over-Seas House, London
Summary of Participant Recommendations
11 June

ADB organized a consultation workshop with representatives of NGOs, academe, the private sector, and government from the UK and other European countries. 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 Policy

Participants noted that, while the draft policy has many strengths, most of the strengths are paired with a concern. Unless the concerns are addressed, the strengths will not be realized when the policy is implemented.

- In principle, the PCP provides a regulatory framework for the proactive provision of information, and commits to facilitate such provision (but good implementation is key).
- In general, the amalgamation of the two 1994 policies should be supported, but concern was expressed that the "public relations" component does not win out over disclosing information.
- The draft provides for early communication of project information, both through the Project Information Document and the information given to affected people. However, the policy should more specifically ensure fair, well-informed, and genuine participation of local stakeholders.
- The draft commits to translating key documents.
- The fact that ADB is concerned about the environmental impact of printing paper documents is welcomed.
- Using different forms of media, including radio, and emphasizing the form, manner, and language understandable to project-affected groups is laudable (paragraphs 95-96). The form and manner should be determined by the people themselves.

B. Recommendations for Improvement

1. Purpose of the PCP

- Clarify the PCP's purpose. Is it image-building or disclosure? If the latter, ADB could leave out parts 2 and 3. More time could be spent addressing those issues. Document flows too quickly into the need for more resources. While merging the two policies has merit, putting the two aims of "public relations" and stakeholder relations/participation together leaves the public participation part of strategy at risk; external relations will win out. When designing projects, international organizations tend to present projects in a positive light rather than promote neutral deliberations. ADB could address both aims within one unit as long as there are clearly defined subsections in that unit.
- The PCP attempts to cover 3 areas: public relations, communications, and consultation/participation. These areas require distinct skills and resources, and fulfill different agendas. Although they share common principles, they cannot be merged within a single framework or agenda. The PCP should therefore be more

detailed in terms of differentiating how each strand will be defined, implemented and monitored.

- If the policy's aim is to engage people and promote ownership, ADB should establish clear times for information release, starting from the inception stage. This will enable ADB to save time and resources down the line – this point should be emphasized in the policy paper.
- The direction and tone of the document needs to be refined to convince/ensure that the new PCP is being developed and implemented to improve programs and effectiveness of ADB based on best practice and lessons learned, rather than because of external pressure from critical NGOs or common IFI trends.
- Add a section to explain the framework, including an analysis of ADB's own experience and lessons learned. Right now it's an amalgamation of different goals.

3. Operational Information (General)

- The strategy does not always act on a presumption in favor of disclosure.
- The provision of information and channels of communication are very much “one-way” (information-giving) rather than a two-way dialogue. More detailed and practical recommendations are needed on how two-way dialogue will be promoted and sustained with stakeholders.
- While there is a clear timetable for documents released, are those documents sufficient? Is the timing sufficient for the purpose?
- A statement of the rights of access to information is missing from the document; all stakeholders (governments, NGOs, and citizens) have a right to access the information ADB holds.
- ADB is a public agency and therefore must be accountable to the public. The draft indicates that ADB will make information available to increase effectiveness and engage stakeholders, but includes no overall statement that ADB must make information available because it's a public entity.
- The policy should include mechanisms for addressing issues initiated by people since ADB is a public body and communicates with the public. ADB is deciding what information it is going to disclose as opposed to publicly initiating what it thinks should be disclosed. The public should be able to say that it wants access to “x” document.
- ADB needs to develop and disclose a comprehensive list of documents produced, especially throughout the project cycle, so that groups know what is produced, even if it is not disclosed. There are two needs for such a list: project-affected peoples should be aware of project-related documents produced, and ADB should be transparent.
- It was also recommended that ADB maintains and provides access to a register for all the documents that are produced – throughout a specific project cycle as well as in all its operations. It should also be noted that this is a matter of institutional integrity and accountability (and indeed, to put this into practice: a matter of data management).
- ADB should assist governments in implementing the PCP. However, it should also be clear that government cooperation is not a matter of benevolence, but rather a legal obligation that results from its doing business with ADB: a condition to any of the ADB's contractual relations. Paragraph 74 should be reworded.
- Divide the PCP into two sections: the first section would articulate high-level shared values and understanding (and governments would sign on to these

principles). The second would provide the implementation schedule. Participants highlighted the need for the responsibility for disclosure to rest with ADB as an institution, and ADB should not abdicate that responsibility to member governments. Individual states should not have veto power over the release of information that affects the people.

- ADB should take the opportunity to promote the highest standards on access to information to the international community. ADB could potentially develop a niche in this area that would strengthen both its international credibility and operations on the ground.
- ADB should also consider working to harmonize IFI disclosure standards.

4. Country and Regional Programming

- CSPs/RCSPs – The draft calls for information to be provided orally without guaranteeing participation; that is not adequate. The policy espouses participatory development, but the requirement does not support that. ADB should consider the AfDB model of requiring a specific review period on the draft CSP. Information provision and participatory development are closely linked, so the draft should address “to whom,” “how”, and “when.” Information should be provided in a manner allowing those with a stake to engage at the right point. In addition, ADB should ensure that stakeholders are alerted proactively about strategies and programs undergoing development, rather than merely posting the draft document or making an announcement.
- All draft CSPs, RCSPs, and PRPAs should be disclosed.

5. Project Information for Affected Groups (paragraph 87)

- Very early in the development of the Project Information Document, and before a fact-finding mission, stakeholders should be notified about the proposed project so that people who are interested can participate.
- The language of this paragraph should refer to information-sharing rather than information-giving. “Sharing” implies a participatory approach with greater local ownership.
- ADB must ensure that information is given to affected people before it is determined that the project will go ahead, and that people are properly engaged and have input over the decision.

6. Private Sector Information

- The disclosure requirements for public and private sector operations should be equally clear, stringent and unyielding. This relates not only to the timing for disclosing information, but also to the types of information that are made available or disseminated (e.g., the proposed comprehensive list of documents produced throughout the project cycle).

7. Constraints/Exceptions to Presumed Disclosure

- Some terms and phrases need to be defined, e.g., “business confidential.” ADB should develop a timely, defined concept with a benchmark for monitoring. As it is written, it could be used as a “blanket” reason for withholding information.
- Information should always be provided except that which harms. A “harm test” should be clearly articulated (the harm must be identifiable) with benchmarks, e.g., some organizations may define harm as an embarrassment rather than real harm. Perhaps ADB should raise the benchmark to “significant” harm. Balance

public interest with business interest. ADB should consider disclosing anything except where it harms progress toward the Millennium Development Goals, but it was noted that this is difficult to define and implement.

- Para 130 needs to be separated out – what are legitimate interests? They should be spelled out. Both CHRI and Article 19 will provide further written suggestions.
- Rather than withholding a document completely, ADB should edit sensitive information out and then release the document.
- Commercially sensitive information should have time bars on it wherever possible, e.g., a lapse upon completion of the contract or tendering process.
- Paragraph 133 should address the type of information but not the documents themselves.

8. Board of Directors Information

- Full transcripts of meetings of the Board of Directors should be released. Citizens must be able to hold their governments accountable for the decisions they make. Certain sections could be redacted if an Executive Director so deems. Since ADB has the transcripts anyway, it would help ensure correct information is reaching the public.
- The voting by individual Board members should be released with the Board minutes.

9. Translation

- The draft PCP's criteria for translating includes the level of public interest. Given that people in many countries are not aware of ADB, it seems that the decision regarding translation should not be made based on the level of public interest.
- The decision about what documents will be translated is largely left to ADB's discretion. Staff should have more guidance/criteria (include in Staff Handbook).
- One cannot merely translate some documents; they need to be rewritten for better communication.

10. Implementation Arrangements

- Concerns were voiced regarding the implementation of the policy, the types of information that may be disclosed, and the manner in which such information is provided, in particular to local stakeholders.
- The PCP should include definitions for terms used, with attached benchmarks and indicators. For example, what does participation look like in practice (suitable timeframe, good information flow, accessible and suitable language used, sound participatory methods, etc.).
- Staff training seems to be limited to distributing a manual; there should be much proactive training by information-access professionals. Staff need to understand how disclosure can help them; it is now seen by many as a threat.
- An appeals mechanism should be added; people should have a means of challenging the denial of information. UNDP has an oversight panel, with NGO representation. The proposed Public Communications Advisory Committee (PCAC) should have more independent internal oversight, but there is also scope for more independence; ideally, the PCAC should have external involvement. The draft should indicate how long the PCAC may take for decisions/resolutions.
- ADB should impose penalties for nondisclosure where it is called for under the policy, and provide incentives for staff to disclose.

- The draft lacks a clear procedure for requesting documents. It seems a person must write Manila; it is not clear that one can go to a Resident Mission. ADB needs to determine how the requesting can be decentralized while ensuring that requests are documented so the policy may be monitored.
- One should be able to visit a Resident Mission and indicate that they have heard about “x” type of project; the local staff should service them and help them articulate what they need. Public information centers are needed.
- ADB should ensure all stakeholders are aware of the policy and how to use it.
- Holding any IFI or government to account and questioning its actions or raising grievances carries certain implications or risks (for the one raising the concern). There is a need to ensure that protection mechanisms are in place to enable stakeholders to raise issues, access information and engage effectively with ADB without increasing their vulnerability.

11. Anticorruption Information

The following comments were discussed with Michael Stevens of ADB’s Anticorruption Unit:

- Paragraphs 119 and 134 should be expanded because more information is available about ADB’s anticorruption efforts than is stated.
- Whistleblower protection -- Incorporate protection mechanisms so that when someone raises a grievance, it does not result in a backlash.
- The names of blacklisted companies should be disclosed. ADB clarified that it does not “name and shame” because by not doing so it is best able to implement its Anticorruption Policy as companies are more cooperative with ADB investigations. ADB’s anticorruption investigations are administrative, not legal, and ADB does not need to prove reasonable doubt to blacklist firms. A complete discussion of this topic is on ADB’s Anticorruption web site.

Addendum: Written Submission by Workshop Participant Pieter Van Stuijvenberg, ARCADIS

To some extent, the current draft reflects more “amalgamation efforts” than an overall reconsideration of what a public communications policy is about. As such, some rewrite is needed to address:

- What purpose should be met through a public communications policy?
- How was/is this done so far/now?
- Why is it considered difficult, or at least in need of improvement?
- What lessons can be learned from comparable organizations? and
- What are the prime implications (and deviations) that answers to the above questions suggest for the present draft?

To clarify the above, my hunch is that the so-called “implementation arrangements” (pp. 29-31) hardly change, and that a very large number of the “information vehicles” (pp. 15-29) are neither new, nor include major and innovative “agents” that will help to overcome noted deficiencies in ADB’s current communication policy. To strengthen the present draft, one might consider to undertake a rather systemic review of information requirements among ADB’s main audiences (p. 16).

A more detailed suggestion is to drop the present Part II from the current draft. As it stands, it puts the reader on a trajectory which is decisively different from the rest of this document. More precise: it deals with integrity whereas most of the document is about the ADB's public image, and indeed comes close to rivaling other donors in competing for concessional funds from (bilateral) donors (paragraphs 87, 54, 58 and 65).

In amalgamating the two 1994 documents too many different objectives seem to have been retained in the present document. As a result, the main objective has been lost. Next step may be some priority setting regarding the many different objectives currently addressed in the document, and hopefully dropping some of them, and relegating these to other policy domains of the organization.

Paragraphs 13-14 emphasize (and quite correctly so) the urgent need for enhanced tripartite communication. Yet, one should avoid lip-service in a document like the PCP. One should give thought about avenues that could be used to indeed involve "persons affected by ADB-assisted operations." If this is not possible, one should be more careful in simply reiterating participation type of issues. Paragraph 73 in fact alerts the reader to such considerations, and these should impact the operational objectives of the document, including wordings used. A similar word of caution is necessary with respect to paragraph 74. In a way, referencing to member states may help to reduce the above translation problem (i.e., limit to national language only – and thus not to the "level of public interest" as mentioned in paragraph 73). Yet, paragraph 74 also has a major bearing on issues such as "good governance" and "full transparency."

Again, if you want to avoid lip-service here, than one should, for example, be much more discretionary (and demanding) in selecting beneficiary countries and projects. That, of course, will not make it easier for ADB to complete this draft, but it will surely help to render it into a more realistic document.

**Review of the ADB's Draft Public Communications Policy (PCP)
London Workshop, 11 June 2004**

List of Participants

CIVIL SOCIETY

1	Brink , Henneke (Ms.)	Both Ends, The Netherlands
2	Calaguas , Belinda U. (Ms.)	WaterAid
3	Caruso , Emily (Ms.)	Forest Peoples Programme
4	Cobley , Bethan (Ms.)	Christian Aid, Asia Team
5	Dvorak , Irina (Ms.)	Publish What You Pay
6	Morley , Danielle (Ms.)	Freshwater Action Network
7	Neligan , Caroline (Ms.)	One World Trust
8	Noorlander , Peter (Mr.)	ARTICLE 19
9	Peer , Carolyne (Ms.)	Marie Stopes International
10	Swingland , Ian R. (Mr.)	Durrell Institute of Conservation & Ecology (DICE)

GOVERNMENT

11	Brooks , Ian (Mr.)	Department for International Development (DFID)
12	Rankin , Frank (Mr.)	Department for International Development (DFID)

ACADEME

13	Fujita , Sanae (Ms.)	University of Essex
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14 **Morrison**, William (Mr.)

Adam Smith Institute

PRIVATE SECTOR

15 **van Stuijvenberg**, Pieter A. (Dr.)

ARCADIS BMB
The Netherlands

MEDIA

16 **Williams**, Tim (Mr.)

BBC World Service Trust

ADB

- 1 Robert Salamon
Principal Director, Office of External Relations
- 2 Bart Édes
Senior External Relations Officer
- 3 Rolf Zelius
Secretary, Compliance Review Panel
- 4 Michael Stevens
Principal Audit Specialist
- 5 Cindy Malvicini
ADB Consultant