

Consultation on ADB's Draft Public Communications Policy
International Development Research Centre, Ottawa
Summary of Participant Recommendations
17 June 2004

ADB organized a workshop with representatives of NGOs, academe, the private sector, and government from Canada. The participants critiqued the draft Public Communications Policy (PCP) in groups mixed across sectors. Following is a synthesis of the recommendations made by workshop participants. The list of attendees is attached to this summary.

A. Strengths of the Draft Policy

- ADB recognizes the need for a new communication and disclosure policy. The current policies have passed their shelf life.
- The consultative process to develop the PCP is positive, particularly consulting CSOs.
- The document itself is quite clear; the language is friendly.
- ADB's web site includes translated versions of the draft PCP.
- Paragraph 70 notes the need to strengthen the ability of DMCs to involve communities; this should be kept and possibly broadened.
- The role of ADB's Resident Missions has been enhanced; their interface with governments and civil society groups is important.
- The presumption in favor of disclosure is supported.
- Disclosing information during project implementation is welcomed!
- Proactive dissemination of information is supported.
- Paragraphs 65-66, noting the restructuring of ADB communications and the key messages ADB develops, are good.
- The emphasis on the disclosure of all CSPs is important, as is the translation of each CSP into at least one language.
- The 120-day rule for environmental assessments for private and public sector projects should be kept.
- The provision to disclose a list of policies expected to be reviewed is welcomed.

B. Recommendations for Improvement

1. General

- The policy should emphasize the importance of ADB's accountability to citizens and stakeholders of various kinds.
- Some participants were concerned that "knowledge management" could lapse into knowledge control.
- In articulating the ways in which transparency can enhance development effectiveness (paragraph 61), reference should be made to a process of generating dialogue, rather than merely providing information.
- In identifying stakeholders, emphasize the need to target the general public. Paragraph 67 may be too narrow. Opinion leaders should also be referenced.
- The document should emphasize partnering with bilaterals (government agencies for international development) and other MDBs on communication strategies, especially public information centers and joint project communications. Other agencies should be seen as partners not target audiences.

2. Operational Information (General)

- Drafts should be disclosed for all key operational documents – CSPs, policies/strategies, and RRP.
- The policy paper should be more clear on the timing for releasing drafts, i.e., how long before Board approval.
- Disclose final drafts when they go to the Board, but before the Board meets to discuss the document. If ADB commits to consult on a document, it must then show the public the final draft before the decision is made. Citizens have a positive contribution to make in designing a project, drafting a policy, and developing a country assistance plan. Sharing the final document with them is essential to the integrity of the consultative process. It is also important for monitoring the outcome of the consultative process. ADB may think it has heard one thing and integrated it, but did not actually do so – sharing the final draft can help bring this to light. If someone has a complaint about a final draft, s/he can contact his/her Board member. Otherwise, Board members are shut off from their citizens.
- The schedule of policies to be reviewed should be available earlier than 12 months if known.
- There is a need to strike a balance between protecting the deliberative process and ensuring citizen access to timely information. Some participants believe aide memoires and Back-to-Office Reports should be disclosed, since citizens have a right to know all facets of operations. Other participants think such disclosure may impact the candor of these documents and drive decisions to other parts of the institution.
- To encourage dialogue, ADB could set up a proactive notification system when new documents are developed and people could indicate the kind of information they want to receive notices about. The World Bank does this for particular countries. EBRD has electronic alerts for strategies.

3. “Two-Way” Communication Process

- There is too much emphasis on information provision rather than knowledge and information sharing.
- The draft should include some discussion regarding ADB learning about the successes and experiences of other stakeholders. Rather than ADB merely getting information out. Knowledge from stakeholders/country borrowers needs to be factored into the communication (paragraph 60 should be more outward focused).
- Communication should be “with” rather than “to” in order to encourage dialogue.

4. Information for Affected Persons (Paragraph 87)

- Throughout the document, “gender” is absent. Discriminated populations are not addressed. How are indigenous peoples defined? Migrant populations? These groups haven’t been addressed in the document. (Specific editorial suggestions were provided.)
- Project affected people are not homogeneous and should not be lumped together. Are they beneficiaries or communities negatively affected by the project? Ensure that all or most members of society have been taken into account. Cross-reference other policies upon which this policy depends.
- Paragraph 87 should apply both to the private and public sectors.

5. Translation

- “Local languages” in paragraph 71 should be defined.
- The policy paper should specify translation priorities, e.g., as much translation as possible when the target audience is the affected communities. Emphasize making information more accessible. Address the timing for the distribution of documents, i.e., providing adequate lead-time for comments.
- Use local translators to reduce cost, and package the cost of translation into the budget estimates for each project.
- Translation is sometimes complicated because of the terms used. Provide funding for each country to compile a glossary/dictionary to clarify and ensure consistency of translated terms.
- The draft PCP says translation will be done on a case-by-case basis, but ADB should promote maximum translation. Other documents such as RRP, PIDs, and resettlement/indigenous peoples’ planning documents should receive priority. The draft assumes that providing information to illiterate societies/communities in a form/language understandable to them is a suitable substitute for giving them the document; the document should also be provided in their language.

6. The Capacity of the Borrower

- Much of the communication is the borrower’s responsibility. How will their capacity be improved? The policy should provide for building the capacity of ADB members.
- Member governments should be encouraged to build communication strategies themselves.

7. Implementation Arrangements

- While there is clearly a need to balance between proactive disclosure and confidentiality, it is essential that an independent mechanism is in place to make such a judgment and review the policy’s implementation (how the presumption in favor of disclosure is being practiced). A citizen should be able to appeal to the independent mechanism for such a determination.
- “Will” is used throughout the document, but there is very limited mention of how its commitments will be carried out. The policy is well intentioned, but how will ADB ensure it is internalized, implemented and disseminated?
- The policy should address the mutual confidence building needed for ADB and its borrowers to implement the policy once it is approved.
- ADB’s implementation unit should be strong.
- ADB should cooperate with others around public information centers.
- Operational information should be free via the web.
- Citizens of a country where ADB is funding projects should be able to receive hard copies of operational information about those projects without charge, even if the document must be mailed. The World Bank asks for a copy of a passport to prove citizenship. It is important to have a policy basis for this, rather than merely incorporating it into guidelines.

8. Structure and Format of the Paper

- Who is the target audience for the policy? What is level of understanding among target audiences?

- Policy provisions should not be nested in footnotes but spelled out in the main text, e.g., paragraph 95/footnote 42 on the appropriate resettlement information for certain societies.

9. Private Sector Operations

- Information/transparency requirements should be the same for private and public operations. If ADB believes stakeholder participation is key to improving development effectiveness, and disclosure plays a role in creating conditions for participation, that logic applies equally to the private and public sectors. The timing and key issues of substance are virtually identical.
- While acknowledging the reality of business confidentiality, participants think the differentiation between the public and private sectors is a significant weakness of the policy draft. The rationale for early disclosure and disclosure at approval should be the same.
- The draft should address the timing for confidentiality, e.g., “x” information may be confidential today, but 3 months from now not. Who decides? ADB should not leave this to the business to decide. Japanese law may provide some useful criteria. Consider how ADB will apply the “harm test.”

10. Monitoring the Policy

- How will the borrower or ADB monitor the policy’s effectiveness? In many cases, the responsibility for communicating with project affected people is transferred to the borrower. In different cultural settings, this may not be done in similar manner and quality. To what extent does ADB ensure that it is well-informed? Some borrowing central or provincial governments do not represent the population. In those cases, their interests or views may not reflect those of the beneficiary population. ADB needs to ensure appropriate "depth, manner and quality" of consultations that take place. In what ways can the PCP address this?

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

- Ethical information, particularly that which is sensitive to the project-affected population, should not be disclosed. An example is for a mining project in a region where the population will gain considerably; there has to be some mechanism to be sensitive to groups in the community, some of which may not gain as much as others.
- The policy should respect the privacy of end-users, e.g., personal banking information.
- The consultants/firms who bid on projects, and the amount of the award, should be disclosed.
- Where ADB makes a commitment not to disclose an individual or group’s participation, such privacy should be maintained.
- The document overemphasizes the reasons for confidentiality.
- The policy needs a clear and tight description for business confidentiality.
- In general, it is important to identify clear and narrowly defined constraints. The Constraints section now allows for non-disclosure for anything that might negatively affect the relationship with the borrower or anything that might hinder the deliberative process. In the absence of a clear independent mechanism to decide, it is anticipated that ADB will practice a presumption in favor of non-disclosure.

12. Board of Directors Information

- The activities of the Board should be a matter of public record, including transcripts. Exceptions can be made in some cases, e.g., executive sessions.

13. Other Information

- The administrative budget of ADB should be disclosed to the public in the same level of detail as is provided to the Board of Directors.

14. Resource Implications

- The proposed measures should be fully resourced. While it may be costly, it is money well spent.
- Disclosure should be incorporated into project budgets wherever possible.

C. Models or Good Practices for Transparency and Access to Information

- GYST Care Canada – Care Canada developed a data collection system for all project documents. This is open to its employees worldwide, and accessible to the public upon request.

**Review of the ADB's Draft Public Communications Policy (PCP)
Ottawa Workshop, 17 June 2004**

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