

Comments on the Asian Development Bank's Draft Public Communications Policy

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17 May, 2004*

The author's comments on the Asian Development Bank's (ADB) Draft Public Communication Policy (PCP) take as given that the ADB is a public institution and must therefore, adhere to standards of transparency, accountability and responsibility expected of a public institution. Further, since the ADB is also a multilateral institution, these standards must be of the highest quality and applicable to its all its policies, programmes and operations, regardless of national contexts.

General Comments

1. At several places, the document accepts that the availability of timely and relevant operational information about the ADB's programmes and policies is important because: a) individuals and communities affected (beneficially or otherwise) by ADB programmes and policies can use this information to influence the decisions that affect their lives (paragraph 13); b) the opportunities to enhance the development effectiveness of ADB programmes and policies will not be lost (paragraph 11), and; c) ADB can receive local inputs to ensure project quality and sustainability (paragraph 14). The document also refers to the need for enhanced public responsibility and accountability for reporting results on the delivery of country assistance programmes and addressing the Millennium Development Goals (MDGs) following from the ADB's "results based management approach" (paragraph 19).
2. More than the other justifications outlined in the document (such as enhancing private sector operations, expanding the support base of ADB, becoming more competitive in the development arena, etc.), the above points should form the basis for a new PCP.
3. The draft PCP is misleading. It limits the role of citizens in decision-making about ADB led policies, projects and programmes to reacting to what is made available on the public domain. The document refers several times to "stakeholders" without any discussion about who constitutes these "stakeholders," what their respective negotiating capabilities and powers are, how their views and interests are integrated into ADB's policies, projects and programmes, and how the diverse interests of diverse "stakeholder" groups are prioritized.
4. Paragraphs 47-52 describe some of the criticisms of the ADB's past disclosure policies and practices. These criticisms still hold, and the effectiveness of the new PCP should be assessed in light of these criticisms.
5. The PCP's Approach to Delivery is more oriented towards strengthening the ADB's public relations work and increasing its public profile, than towards ensuring that those affected by ADB's policies and programmes participate in

decision making about them. Paragraph 70 outlines a broad but vague communications plan for strategies and programmes that are expected to generate a “high level of public interest or debate.” Paragraph 75 states what the ADB considers the responsibilities of governments on providing information about ADB supported policies and projects. However, the document does not present any clear plan from the ADB as to how it will proactively solicit and ensure the participation of affected peoples in project, policy and programme formulation, including their rights to say “no,” and to reject these projects, policies and programmes.

6. The timeline for ADB’s response to an information request should be amended (paragraph 145). Thirty days – which is the shortest timeline provided in the document – may turn out to be too long a time to wait for communities who need information urgently in relation to an ongoing project.
7. Many affected communities and individuals may not be able to afford any fees at all for obtaining information from the ADB (paragraph 147). It is the ADB’s responsibility to ensure that peoples and communities affected by the ADB’s policies, projects and programmes receive timely, relevant and high quality information without any further costs to them.

Presumption in Favour of Information Disclosure

1. Paragraph 59 states that the ADB maintains a presumption in favour of disclosure of information. However, language in many following paragraphs contradicts this presumption. Overall, the ADB seems unwilling to disclose information about its negotiations and agreements with governments and the private sector, especially during critical preparatory phases. This is unacceptable. Whether or not governments or private sector entities are willing to disclose information on their part, the ADB’s apparent willingness to accommodate them is an abdication of its own responsibility towards information disclosure and shows a leaning towards presumption in favour of secrecy, and not in favour of information disclosure.
2. The document refers at several places to information about operations, policies and negotiations that is considered confidential or too sensitive for public disclosure (for e.g., paragraphs 62, 63, 92, 93, 111). However, the document offers no clear and acceptable criteria by which information is assessed to be confidential or sensitive. It appears that judgments about what can and cannot be disclosed to the public are “as deemed appropriate by ADB.” This is unacceptable. At present, control over information disclosure already lies too much in the hands of ADB management and staff, and the draft PCP proposes no change to this level of control. If the ADB is indeed concerned that some information about operations, programmes, policies and negotiations is of a confidential and sensitive nature, it must present clear and acceptable criteria against which all such information should be judged.
3. Negotiations towards Poverty Reduction Partnership Agreements (PRPA) and all loan agreements must be made public; the public needs to know what are being negotiated before such agreements are finalised and have the opportunity to shape the direction of these negotiations.

4. The proceedings of the Board of Directors meetings must be made public (paragraph 137). Summaries of discussions are not sufficient. The ADB Board cannot be allowed to govern in secrecy any longer.

Information Disclosure with Regard to Private Sector Operations and Financing

The document states that, “access to timely and accurate information about the economy and government policies can be vital for economic decision making by the private sector” (paragraph 4). The ADB has indicated in the draft PCP and several other documents the importance it places on private sector participation in implementing development projects. Given that all development projects are (directly or indirectly) publicly financed, information pertaining to all private sector operations in ADB supported development projects must be on the public domain.

Summary of Project Information (SPI) for private sector projects must disclose full information about these projects to the public, if they are in any way financed, subsidised or guaranteed by public finances (paragraphs 88-89). The “business and competitive interests” of project sponsors cannot take precedence over the public’s right to know about the details of these projects, especially if the public will eventually shoulder the financial burden of these projects.

In all private sector projects, it is not sufficient for the ADB to disclose information pertaining only to social and environmental issues. The ADB must disclose full and accurate information about the financing arrangements in these projects including, information about the value and details of concession agreements, risk and profit distribution, contingent and other liabilities, details of actual financing agreements, and details of guarantee and counter-guarantee agreements.

Report and Recommendations of the President (RRP) for private sector projects must be on the public domain in their entirety, without any withholding of “business sensitive information” (paragraph 97) if these projects are in any way financed, subsidised or guaranteed by public finance.

All information pertaining to co-financing agreements between the ADB, governments and other financiers must be made publicly available whether or not the governments and other parties consent to it (paragraphs 117-118). Similarly, Agreements and Memoranda of Understanding between the ADB, international agencies and bilateral donors must also unconditionally be made public.

All deliberations within the ADB, and between the ADB and private sector entities and governments that have financial and policy implications for the public interest, must be made public (paragraph 133). It is not acceptable that the ADB can carry on such deliberations in secrecy and only choose to disclose the end results of these policies to the public as “done deals.”

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