

**Comment on ADB'S  
Public Communications Policy Working Paper (December 2004)**

TO: Vice President Van der Linden

FROM: Jessica Rosien, also on behalf of Sameer Dossani and Charmaine Rodriguez  
representing the Global Transparency Initiative

DATE: 17 January 2005

---

Dear Vice President Van der Linden,

Thank you very much for meeting with us last week. We appreciated your time and openness to suggestions. Below please find a summary of our key recommendations. In particular, we would like to draw your attention to the following:

1) Disclosure of W-papers and R-papers for policies

We recommend that all W-papers and R-papers pertaining to policy papers, sector policy papers and strategy papers should be proactively disclosed prior to Board discussion. Particularly for those policies on which ADB conducts consultations, we believe it essential that stakeholders have the opportunity to see the various drafts of the policy on which they may have provided input. To withhold particular drafts of W-paper or the R-paper undermines the purpose of the consultations on the respective policies.

2) ADB should disclose its operational budget

ADB should disclose its annual operational budget. The World Bank has recently decided to amend its policy so that annual budgets will be disclosed. By adopting this practice, the ADB will increase its accountability and create better public understanding of how ADB is fulfilling its objectives.

3) ADB should make available draft reports of the Operations Evaluations Department

Since the recent reforms of OED, all OED reports, including Management responses and responses by the Development Effectiveness Committee (DEC) are disclosed. We recommend that draft OED reports be also disclosed in draft form.

Thank you and best regards,

Jessica Rosien (Campaign Coordinator, NGO Forum on the ADB)  
also on behalf of Sameer Dossani  
and Charmaine Rodriguez representing the Global Transparency Initiative  
Quezon City, Philippines, Tel/Fax: ++632-921-4412  
[www.forum-adb.org](http://www.forum-adb.org)

The views expressed in this paper are the views of the authors and do not necessarily reflect the views or policies of the Asian Development Bank (ADB), or its Board of Directors or the governments they represent. ADB makes no representation concerning and does not guarantee the source, originality, accuracy, completeness or reliability of any statement, information, data, finding, interpretation, advice, opinion, or view presented.

**BRIEFING NOTE ON THE  
ADB PUBLIC COMMUNICATIONS POLICY WORKING PAPER  
Global Transparency Initiative  
12 January 2004**

The Global Transparency Initiative (GTI) is a global network of organisations committed to promoting the recognition of international financial institution (IFI) transparency as a basic human right.

The GTI recognizes the ADB's commitment to revise and enhance its information disclosure policy and note that there have been several improvements through the various public iterations of the Public Communications Policy (PCP). Nonetheless, the ADB has not incorporated critical civil society recommendations into the PCP Working Paper. We urge the ADB to take advantage of the review process to bring its policy in line with international transparency standards.

Below we have highlighted the key civil society recommendations not incorporated into the PCP Working Paper.

**1. Appendix 6 should be incorporated into the body of the Policy because the Compliance Review Panel should retain its mandate to decide which provisions in ADB policies are subject to compliance review.**

The Working Paper inserts a new Appendix 6, which purports to contain "Disclosure Requirements subject to Compliance Review". We are happy to note that the new Appendix uses more directive language (ie. "the ADB *shall*...") when describing the ADB's disclosure obligations. We urge the Board to retain this language but to incorporate the contents of the Appendix into the body of the Policy because:

- (a) It is inappropriate that the Appendix attempts to carve out only selected sections of the Policy and make them subject to compliance. While the Board is responsible for deciding which of the ADB's policies are subject to compliance, it is the prerogative of the CRP to determine which provisions within a policy are inspectable. The approach proposed would set a troubling precedent.
- (b) The Appendix appears mainly to replicate large tracts of the narrative from the body of the Policy. This may cause difficulty at the implementation stage as both staff and the public may be unclear on which provisions are applicable.

**2. The Compliance Review process should be streamlined.**

The Working Paper already recognises that the Policy will be subject to compliance review. However, the current Compliance Review mechanism, which requires first mediation by the SPF and then review by the CRP, should be streamlined as it is unnecessarily lengthy and involved in the context of the PCP. The requirement that the SPF mediate non-compliance complaints should be dispensed with (at the request of the complainant). The CRP can then simply directly receive and process complaints, preferably within a timeframe of 30 days. Notably, access to the CRP should not be limited only to project-affected people who can demonstrate material harm. If compliance review is to be meaningful in the context of the PCP, which will be relied upon by a

range of stakeholders, *any* person who has requested information and feels that the PCP was not complied with should be able to complain to the CRP.

In the event that the Compliance Review process is not streamlined, we recommend that the PCP at least include a specific requirement that the functioning of the PDAC (the new body which has been set up to handle complaints under the PCP) and the Compliance Review process in respect of the PCP be reviewed within 3 years of the Policy coming into force.

### **3. The ADB should strive to promote more transparency at the Board of Directors**

We recommend that public and private sector draft RRP, as well as W-papers and R-papers pertaining to safeguard policies, operational policies and sector and thematic strategies prior to Board discussion be proactively disclosed. Chairman's summaries should also be created and released for all discussions in relation to the policies and strategies mentioned above. ADB has stated that the disclosure of such documents would "negatively affect the deliberative and decision-making process (ADB Response<sup>1</sup> p.8). However, the disclosure of such drafts and other papers may improve decision-making by enabling the Executive Directors to receive input on crucial decisions before they meet as a Board. Additionally, the tentative schedule and topics of Board discussions should be published on the web on a 6 week (rather than the proposed 3 weeks) rolling basis to enable stakeholders to plan their inputs (see para 152).

### **4. The ADB should remove all blanket statements of non-disclosure from the policy and strategy sections of the PCP, most notably, in relation to private sector documents.**

The PCP Working Paper refers to several documents, including Project Completion Reports<sup>2</sup> and Legal Agreements that will not be disclosed for private sector projects (see paras 128, 130-132, 143), on the basis that such documents are not disclosed because they "contain only confidential information" (ADB Responses, p. 3). While we recognize that there may be legitimate reasons why some private sector information should not be publicly disclosed, such information will already be fully protected by the exemptions contained in Section J of the PCP (see paragraph 189(8), (9)). It is inconsistent with an exemptions-based approach to disclosure to refuse to release *all* documents of a certain type. It also restricts the ability of the ADB to disclose more private sector information in accordance with changing international disclosure norms.

### **5. The ADB should require that a register of documents be maintained on the ADB website of all key documents produced by the Bank and by projects, to enable the public to target their requests for information and thereby reduce the disclosure burden on ADB staff.**

The Policy currently requires the proactive disclosure of a range of documents (usually via the ADB website), but also envisages that the public can make requests for other documents. Maintenance of a register of documents (for example, like that produced by the European Union) would assist the public to

---

<sup>1</sup> Refers to the ADB's responses to these recommendations as stated in *Major Recommendations from External Stakeholders on ADB's 2<sup>nd</sup> Draft Public Communications Policy, December 2004*.

<sup>2</sup> The ADB states that Project Completion Reports cannot be disclosed because they "primarily evaluate the business side of the project (e.g. profitability)." However, for public sector project the ADB reports on development impacts and the ability of the project to meet stated objects. Such information should also be publicly available for private sector projects.

better understand what documents the ADB produces and/or holds and thereby to target their requests. This will reduce the burden on staff required to process requests.

- 6. The ADB should clarify what documents will be “publicly available” (defined in the Working Paper as “available on the ADB website”) and what will only be available upon request.**
- 7. The ADB should disclose detailed information on its operational budget, including a clear indication of departmental budgets and other aspects of resource allocations. The ADB should release detailed information on actual expenditures**

The ADB should publicly indicate how resources are allocated among departments within the institution. This contributes to greater accountability and a better public understanding of how the ADB is fulfilling its objectives.

- 8. The ADB should proactively disclose information which is already produced during the project cycle, particularly in respect of project implementation and monitoring.**

Currently, the PCP relies too heavily on the PID as the main mechanism for enabling the public to track project design and implementation. Documents already produced during the project cycle, such as project concept documents, aide memoires (redacted to protect sensitive information) and project reports received from implementing partners, should be proactively disclosed.

- 9. The ADB should make a clear commitment to allocating adequate resources for the full implementation of the PCP and strategies for the dissemination and translation of information**

Disclosure of information is meaningless unless people are able to (a) easily access that information and (b) access that information in a language they understand. While we appreciate the progress made on the PCP, we look forward to seeing appropriate staff and financial resources being directed towards implementing the policy effectively. In this context, staff incentives should be considered as a means of encouraging staff compliance with the PCP.