

**ADB Consultation on the draft Public Communications Policy**  
**London 11 June 2004 Over-Seas House**  
Notes by Henneke Brink, BothENDS

*These notes only relate to the PCP consultation, held in the first (morning) session. The second session, after lunch, was reserved for a presentation of the New Accountability Mechanism. The third session was for the Anticorruption Policy.*

**Present**

- 14 participants; 12 NGO reps and 2 govt reps (DFID; Dept Int'l Development)
- ADB: Rob Salamon (OER), Cindy Malvicini, Bart Edes

**Agenda**

Welcome, Agenda, Objectives

1. Introduction of the PCP by Rob Salamon & Preliminary Q & A
2. Participants Critique - Breakout Groups, two questions :
  - a. Strengths, weaknesses, gaps
  - b. Types and timing of Info needed ; good practices in info disclosure ; info that should not be disclosed
3. Group reports and Plenary discussion

**Re 1: Agenda and Objectives**

Cindy explained that ADB is interested in our comments and recommendations for changes to draft PCP. Participants were asked to introduce themselves, grade the policy with a brief explanation. Grades varied between 4 and 7,5. All participants noted that the ADB is moving in the right direction but still has a long way to go. A lot of strong, critical concern about the PCP's implementation was expressed.

**Re 2: Presentation of PCP**

Rob Salamon gave an overview of the PCP; background on how 2 policies were merged; the context, highlighting the 'global trend towards transparency' as well as 'public demands for accountability', the role of civil society and changes to the ADB's mission in light of MDGs. Summary of proposed changes.

Some (fairly random) particulars mentioned:

- PCAC was created to provide guidance on implementation. PCAC will be based in OER, include reps from other offices.
- Communication plans may (!) be adopted to ensure more info to affected groups;
- ADB will rely heavily on Resident Missions and internet.

This last remark was followed by a number of critical questions about grossly failing performance of residence missions in disclosing / providing information. Moreover, many affected communities will not have adequate internet access. Communication must be in a manner that conveys message most effectively; in particular Indigenous Peoples must be allowed to choose how they communicate and engage with ADB.

**Re 3: Breakout Groups**

We divided in two groups, ensuring that each group included people who had attended the pre-meeting and were familiar with the concerns. The discussions in the smaller group were very productive. Though not all participants were equally up-to-speed, but all were highly critical of the shortcomings of the PCP and ADB in general.

**Re 4: Group reports to plenary**

Following is an overview of the issues presented by the groups and discussed in the plenary:

- ADB is a public institution and therefore needs to be fully transparent. This requires full disclosure of everything. The ADB needs to take a role in pushing governments to greater transparency. It needs to set the highest standard.

- PCP constitutes some rhetorical commitment to information disclosure, yet only relates to one-way communication. It should substantiate a commitment to genuine participation. It needs to emphasize *exchange* and *sharing* of information, rather than merely 'providing.'
- Limitations to disclosure need to be inspired by concerns for needs and safety of local and/or vulnerable groups and stakeholders.
- Private and Public sector projects (including dealings with financial intermediaries) should be subject to equal and equally rigorous standards for transparency.
- Concept of 'Business Confidentiality' needs to be much better defined, including very strict benchmarks and criteria to determine what constitutes 'harm' and a legitimate claim for confidentiality in the light of public interest in disclosure and transparency. Time-limits need to be included – commercial concerns are often time-related.
- Where there are legitimate concerns that require confidentiality, documents should be released after sensitive matters have been erased (instead of a complete refusal to disclose).
- The PCP should include references to specific public interests for which business confidentiality must always yield (e.g. public health).

The previous three comments were the subject of a critical discussion. Bart Edes noted that the Freedom of Information Act was referred to in the PCP drafting process. \*\*The NGO 'Article 19' (Global Campaign for Freedom of Expression) was asked and agreed to assist in the drafting of more rigorous definition of business confidentiality and flesh out better criteria for that purpose.

- Minutes and transcripts of all board meetings should be available.

Rob Salamon referred to need to guard a space for free exchange of ideas allowing Board members to make up minds. He noted that summaries of meetings often provide a better picture of what happened during a meeting than 'sanitized' minutes. He considered transcripts unworkable documents you would not want to go through anyway. Participants made the point that this is not ADB's concern. ADB is under obligation to be transparent and should make full transcripts available for whoever is interested.

- Voting records should be made available. EDs represent governments and should be accountable to them. This is a democratic interest.

Rob Salamon: Board members are ambivalent on these matters. They generally believe that transparency is good, though not when it concerns their own dealings and matters.

- Regarding merger of two policies in PCP: fear that 'external relations' component will win. ADB will think: "How can we best 'sell' this project?", while stakeholders question: "How can we open space for real participation and debate?"
- Training of staff, at all levels and including Resident Missions, will be of crucial importance. In this respect, the PCP only refers to the "handing out of a handbook" in para 152.

Cindy agreed to this. She noted that ADB staff currently appears to be completely in the dark and not aware at all of the implications of the (current) 1994 disclosure policy.

- Para 77 refers to participatory preparation of CSPs and RCSPs. Para 78 refers to the provision of information for this purpose. However it follows from footnote 31 that "oral communication" may suffice in that context. Thus, para 78 allows for an unacceptable watering down of the obligation to adequately disseminate information, and might thus even undermine the participatory process referred to in para 78.
- Draft docs should be pro-actively provided to local stakeholders in the appropriate form and language, focussed on helping them get a thorough understanding. They should be engaged as of in the earliest stages of project conception. In particular in its communications with indigenous peoples, the ADB should use the language and manner of communication that the local communities prefer (para 96).
- The ADB needs to produce and make available a list of all documents that are produced throughout a project-cycle, regardless of whether these are publicly available. Currently, local groups may not know what documents to ask for, or what information might be available.
- The ADB, an international public institution that needs to ensure full transparency, must develop a register for *all* documents it produces. This register needs to be publicly available. See for instance the system maintained by the European Union. In this register, *all* documents produced by the different EU institutions are automatically numbered, registered and assigned a URL. You can search the database and put in requests. See [http://europa.eu.int/documents/registers/index\\_en.htm](http://europa.eu.int/documents/registers/index_en.htm) The ADB should develop a similar register – this is a matter of proper data management.
- PCAC (para 140) is not sufficiently independent. Suggestion to look at the UNDP Oversight Committee which includes two members non-profit sector (referred to in PCP Appendix 2, page 47).

Rob Salamon noted that OER will be biased towards disclosure. Also, the ADB will at this stage never accept external stakeholders to take a role in PCAP.

- PCP needs to include more cross-references to anti-corruption policy.
- ADB should respond in substance to *all* comments it receives, in particular to those it does not adopt or translate in draft.
- (In para 142) PCP only lists the (postal!) address of Headquarters for requests for information. At least all resident missions should be included.