

**Consultation on ADB's Draft Public Communications Policy
13 May, 2004, Melia Hotel, Hanoi, Vietnam
Report by Toshi Doi**

Italics: Information provided by ADB

Bold: Toshi's observation and/or suggestion

1. **[Workshop Agenda]** The following workshop agenda was distributed in an information packet on a table:

- (1) 8:30-8:40 *Welcome*
- (2) 8:40-9:00 *Context setting*
- (3) 9:00-9:05 *Workshop Objectives*
- (4) 9:05-9:30 *Introduction to the Public Communications Policy*
- (5) 9:30-9:50 *Clarification Questions/Answers*
- (6) 9:50-10:00 *Breakfast Group Instructions*
- (7) 10:00-10:15 *Tea/Coffee Break*
- (8) 10:15-12:00 *Small Group Work*
- (9) 12:00-1:00 *Lunch*
- (10) 1:00-1:45 *Group Reports*
- (11) 1:45-2:30 *Plenary discussion of participant recommendations*
- (12) 2:30-2:45 *Participant Closing Remarks, Next Steps*

The workshop proceeded more or less on time.

2. **[Participant]** 17 to 18 people participated in the workshop. The breakdown was: 4 academia/media (including a reporter from "*Kinhthe Saigon*"), 3 donors (CIDA, UNDP, and World Bank), and 10 to 11 NGO activists, including ActionAid Vietnam (2 members), IRN, WWF (2 members), International Development Enterprises, and Center for Reproductive Family Health. I was the only one who had come outside Hanoi/Vietnam. The gender distribution was 8 men vs. 10 to 11 women. 4 to 5 elderly people were there, too. IRN and the two ActionAid members had also attended a preparation meeting on the previous day.

6 to 7 ADB officials participated: 4 to 5 came from Vietnam Resident Mission (VRM) and 2 from the Manila Headquarters: Mr. Bart Edes and Ms. Cindy Malvicini. Cindy is a consultant. Two simultaneous interpreters sat at the back of the room.

The desks were arranged in square, so everyone was facing one another.

3. **[Welcome]** Mr. Brad Phillips, Country Director, VRM, read a welcoming speech. He had just started working for VRM in January this year. Shortly after giving opening remarks, he left the room [I think just about the only other VRM professional staff who was at the workshop was Mr. Ramesh B., Adhikari, Principal Governance Specialist. According to

ADB's website, Mr. Adhikari is in charge of Economics, Governance, NGOs, and External Relations. However, he also left the workshop before lunch. According to the same web page, at least 16 staff members are working at VRM].

The VRM's inability to ensure staff presence during the consultation can lead one to wonder if VRM takes such policies seriously and if it can play a central role in implementing the PCP, as proposed in the Draft.

One NGO participant pointed out that a copy of an English version of the Draft PCP received by some NGO invitees had poor quality, with the bottom of some pages blurred or cut off. The Appendices were not attached, either. Cindy had to ask VRM staff to make photocopies of the Appendices and distribute them to everyone. As soon as one receives a draft copy from ADB, s/he should check if it is in a good shape. The Appendices include important information.

4. **[Context Setting & Workshop Objectives]** The participants were asked to write their first impressions on the Draft PCP on a piece of paper. We were then requested to introduce ourselves and briefly report our impressions to the other participants. Most of the comments were positive. A few said the Draft was comprehensive. A few others voiced concerns over implementation of the new Policy. Cindy listed these impressions along with paper on a board and went over them again after everyone had spoken.

It was announced that some journalists were attending the workshop with the purpose to write an article. They will not identify individuals. They might, on the other hand, approach individuals for interview.

5. **[Introduction to the PCP]** Bart presented the Draft PCP on power point in the following way:

(1) **Overview:** *Review of Two Policies; Summary of the Draft PCP; Major Proposed Changes; Next Steps in the Review*

(2) **Context of the Review:** *Communications revolution; Global trend toward transparency; Public demands for accountability, growth in civil society; ADB's mission and priorities have evolved over last decade*

(3) **Review of Two Policies:** *Two distinct current policies - Disclosure Policy, and Information Policy and Strategy; Studied experience of the IFIs; Collected public comments on the policies; Discussed options with ADB staff; Considered both internal and external comments when drafting the new policy*

(4) **Under PCP, it is proposed that ADB will:** *Actively seek opportunities to explain ADB's work and solicit feedback; Presume the disclosure of information, subject to specified constraints; Seek to*

demonstrate development results; Promote awareness and understanding of ADB-assisted activities; Support participatory development

(5) **The Policy is Designed to...** *Support poverty reduction; Improve project design; implementation, and sustainability; Strengthen ADB's capabilities to share knowledge*

(6) **The Strategy:** *Messages to be determined, audiences identified, delivery modes selected; Publicly available documents and information are listed; Information is proactively supplied throughout operational cycle; Non-operational information provided; Confidentiality is protected*

(7) **Implementation Arrangements:** *Public Communications Advisory Committee provides guidance; InfoUnit in OER supports regional departments and monitors implementation; Resident Missions play a key role; More PICs created*

(8) **What's New (1):** *Communications plans support projects and programs; More information provided to affected groups about projects; Documents are proactively made available through Internet and RMs; Timeline for disclosure of project-related documents*

(9) **What's New (2):** *Draft assessments disclosed – initial poverty/social, resettlement, indigenous peoples, environment; Feasibility studies made available; Monitoring reports and other info related during project implementation*

(10) **What's New (3):** *CSP – Information provided during preparation, assessments disclosed, and final document translated; More details released on ADB's private sector operations; Board transparency enhanced; Historical information made available*

(11) **Next Steps:** *Consultation workshops held through July; Prepare revised draft and disseminate for public comment; Submit PCP to Board for consideration; Prepare implementation – training, awareness-raising, handbook, Info Unit, web site changes; Begin applying new policy in 2005*

Bart's spontaneous comments included: (1) "(The current Disclosure and Information Policies are) old history"; (2) A presumption in favor of disclosure has been expanded and strengthened; and (3) A lot more documents are specified in the Draft PCP.

Bart then started explaining more about project-related documents by using "ADB's Draft Public Communications Policy (28 February 2004) Timeline for Disclosure of Project-Related Documents," a hard copy of which was distributed in a packet.

It is advisable to familiarize oneself with the Timeline, which is also available on <http://www.adb.org/Disclosure/PCP-timeline.pdf>.

6. **[Clarification Questions/Answers]** The following are some of the questions asked about Bart's presentation, as well as answers that are given by Bart and Cindy to the questions:

Q1: What would be the impacts of the new Policy on various organizations, including GOs, NGOs, and private companies who work with ADB?

A1: Like other policies, ADB cannot hold outside organizations accountable for the PCP. Specific provisions are given in the Draft as to when governments' consent is needed.

Q2: Will there be a workshop tomorrow, too?

A2: Yes, but it is only for GOs. Non-GOs, including academia, donors, and media representatives, are invited to this workshop.

Q3: What is the definition of "historical information"?

A3: It is what is contained in "ADB's Records and Archives." Please also refer to paras. 123 to 127 for detail. The PCP will not apply retroactively.

Q4: When a project is executed by a private company but is supported by public fund, e.g., BOT, is such a project considered to be a public or non-public project?

A4: It is a public project.

Q5: A line, "**What's New (2): Draft assessments disclosed – initial poverty/social, resettlement, indigenous peoples, environment**", reads as if a draft Environment Impact Assessment is automatically disclosed. Is that the intention?

A5: No. For environmental documents, this part is only reinforcing the current practice. Putting "environment" here is confusing. It should be taken out.

Q6: RRP is now proposed to be disclosed "no later than" upon Board approval as opposed to the current practice whereby RRP is disclosed "after" Board approval. What will this difference bring about in practice?

A6: The Board may consider disclosing RRP before approval.

Throughout the workshop we heard ADB staff say several times that the Draft PCP is more "aggressive" than similar policies at the other MDBs and/or ADB's practices a few years ago, as a "response" to issues that were raised by the participants. While this might be true, and we realize that ADB tries to follow its sister organizations, it is not appropriate to overemphasize this point at this stage since it might hinder constructive and creative discussions.

7. **[Small Group Discussion]** The participants were asked to break up into three groups: Group one consisted of NGOs who wished to discuss in Vietnamese; group two, participants from other sectors discussing in Vietnamese, and group three, Non-Vietnamese English-speakers. We moved to a respective work station set up at the other side of the meeting room, with a round table and a writing board. Each group was given the following guiding questions, though we were also told that we could discuss other issues, too:

PART A

1. **Strengths** – Which elements or features of the draft PCP are essential and need to be maintained in the final policy paper?
2. **Weakness** – Which elements of the document are not useful and you would like to see dropped or significantly changed?
3. **Gaps** – What’s missing in this proposed policy and must be created?

PART B

1. Paragraph 87 calls for the dissemination of information to project-affected groups. What type of project information should be given to affected stakeholders? When in the project cycle? Please be as specific as possible.
2. What type(s) of information should **not** be disclosed?
3. What good practices or models of transparency and information dissemination would you recommend that ADB examine?

8. **[English-Speaking Group]** The English-speaking group, which consisted of 2 Vietnamese women from WWF, Justin from CIDA, and Jaime from International Development Enterprises. Jaime said that he had some previous experiences of working in the private sector. Nobody except for Toshi had read the Draft PCP before attending the workshop. While struggling to discuss details, we managed to come up with the following:

(1) As Strengths, the proposed PCP is comprehensive, especially with regard to what can be disclosed;

(2) Jaime feels, based on his private sector experiences, that documents, such as feasibility studies, do not entirely have to be kept secret. What is most crucial to the private sector is copy-righted methodologies to conduct such studies. Jaime sees no problem of disclosing the end product.

(3) “Sensitive” information may fall under the category of information which should not be disclosed. What is “sensitive,” however, is hard to define. Information related to national security may be too sensitive to be disclosed.

(4) More independence is needed for a mechanism to handle complaints over a denied information request. PCAC is not independent

enough. In order for implementation not to become subjective, it is good to hear external and more objective opinions

(5) It is important to clarify what information should be interesting to which audience. Then, define means, procedures, rationales, etc. of disclosing information.

(6) Type of information that should be given to affected people can be seen as information that enables the affected people to fully participate in projects, especially at their formative stages. Project-related information should also be disclosed at all stages, i.e., design, implementation, and evaluation.

I tried to raise three issues during group discussions. One was to draw their attention to the fact that we actually do not know what ADB has, because they all sounded happy about the “comprehensiveness” of the Draft PCP. I also pointed out that a channel through which an information request is handled has to be user-friendly and has some build-in flexibility. For example, requesters should be allowed to send a blanket request, without necessarily specifying the name and/or the category of a document. While the group members did not show any strong resistance to these suggestions, they seemed to have great difficulties in understanding what I was trying to advocate. To my great surprise, however, my message almost immediately clicked on them when I called for a more independent recourse mechanism. Reference to the UNDP’s practice cited on page 47 of the Draft PCP under “Advisory Body to Interpret Policy” seemed quite effective.

9. **[Group Reports 1]** By the time Group Reports started, about 7 participants had left the workshop.

The Vietnamese-speaking non-NGO group was the first to report. At the beginning of their presentation they said that they had difficulties strictly following the guiding questions and that they would simply report on what they had discussed. They felt that some changes introduced in the Draft were good and reflective of the information age we are in. Consultation [on the Draft PCP?] is good, as it has been “two-way.” Residents in Vietnam will face difficulties in counting on Internet due to low subscription rates, low speed, etc. Other means should also be tapped, including community media, channels of credible NGOs, posters, news bulletins, etc. The Draft PCP should be clearer on confidentiality. An implementation set-up is weak, especially in terms of how to reach the public, receive feedback, and give guidance [to ADB staff?]. People on the ground should be informed about a project but not necessarily through “scientific” jargons. It is difficult to answer what should not be disclosed, because it is better to disclose more in principle and also because we do not know what ADB possesses. We cannot think of any examples of good practice.

The presentation was followed by some additional comments, including: (1) The strategy section of the Draft PCP is not strategic enough; (2) ADB should have a clear slogan; (3) ADB staff should be the first-priority audience [of the Policy?]; and (4) the quality of information should also be attend to. For instance, at the UNDP Vietnam Office it is jokingly said that three languages are spoken, i.e., Vietnamese, English, and the UNDP language [Whether information is presented in understandable manners is also important].

10. **[Group Report 2]** My group presented [The content of the presentation is already incorporated into **[Small group discussion]** above]. The presentation was followed by a call for further discussions on a more independent recourse mechanism. It was also requested that the UNDP representative may kindly provide the other participants with UNDP experiences of the appeal mechanism, as reported in the Appendix 2 of the Draft PCP.
11. **[Group Report 3]** The last group, consisting of Vietnamese-speaking NGOs, said that the Draft PCP is an “art work.” However, how to implement the Policy is not clear enough. Information that shouldn’t be disclosed can include personal information. Communication internal to ADB should also be discussed.

The first group was right in saying that it was extremely difficult to specify what should not be disclosed in group discussions. This question might have been prepared for GOs. It is up to us which question(s) to discuss and in fact whether to discuss these questions, but this particular question is probably the first one to go. When confidential information was explained at the workshop, Bart and Cindy used their health record as an example. While such an example clearly made a case that confidential information does exist, it did not get us to in-depth analyses on where to draw a line. ADB should explain in much detail what the Draft PCP is proposing about non-disclosure with more controversial and provocative examples.

With the members who had not read the Draft PCP at all and who are not critical about ADB operations to begin with, it was quite difficult to talk in specific terms. My group ended up discussing at general levels such as “comprehensive” and/or “sensitive.” This seemed to be the case with the other two groups, too. It could be productive to discuss first principles of a particular policy, as was done at the Manila Regional Consultation on the Inspection Policy in June 2002. However, the guiding questions at the Hanoi workshop clearly assume the participants’ familiarity with the Draft.

The other tendency I found was for many participants to end up helping ADB generate ideas for external relations, such as creating slogans and using community-based channels (because it is much easier to discuss these ideas. See also 5. of [English-Speaking Group]), while forgetting the fact that ADB is a public institution which needs more transparency. It is also our right to know more about ADB. This diversion of the participants' attention from critical analyses on disclosure issues could be perpetuated by the title of the Draft Policy and the way the document is structured.

Is there any way to increase the rate of participants who have read the Draft before attending the future workshops? If it is difficult to get hold of ADB's invitee lists and send them an invitation to a preparation meeting, can ADB mention somewhere in their invitation that (some) NGOs are hosting a preparatory meeting? ADB should welcome participants' better understanding of the Draft PCP.

- 12. [Plenary Discussion 1]** During the group reporting time the participants suggested and agreed by Cindy's facilitations that the following four topics should warrant further discussions: (1) How feedback can be obtained from the civil society/affected communities; (2) If a more independent recourse mechanism, instead of just the proposed PCAC, is conceivable; (3) How to monitor implementation; and (4) How to ensure better communication within ADB.

Bart responded to the four issues one by one first, as the same issues had already come up during the previous consultations. For a more independent recourse mechanism, it is not that ADB did not think about the topic at all, but that ADB examined experiences at the other MDBs, which had also gone through the same debates during a recent review of their information policy and come up with a non-mechanism option [Bart did not explain why the other MDBs had decided not to have such a system, while implying that the reasons were convincing enough.] ADB's New Accountability Mechanism can also accommodate a grievance over non-disclosure as it relates to project-induced harm. Toshi pointed out that there is a conflict of interests with the proposed PCAC and it is unlikely that the same ADB management who makes a non-disclosure decision will override the decision after receiving a complaint. Cindy pointed out that PCAC members (OGC, OSEC, etc.) are different from people who actually handle information, because of which a check-and-balance is in operation. Toshi said that it is true that there is a certain amount of check-and-balance within ADB but at the same time ADB has more independent mechanisms such as SPF and CRP. The question is how far we would like to carry independence. From the perspective of outsiders the proposed PCAC does not appear sufficiently independent. It is also beneficial for ADB to have an opportunity to listen to the third

party's advice regarding its compliance with the policy. Unfortunately, the UNDP representative did not have any knowledge about the UNDP mechanism.

13. [Plenary Discussion 2] It was pointed out by one participant that an information requester might end up waiting as long as 90 days according a provision in para. 145 in the Draft. Bart and Cindy looked at the paragraph and admitted that it could read as maximum 90 days, whereas the intended proposal was 60 days. They thanked the participant for having pointed it out to ADB. At the same time, Bart emphasized that ADB would not just sit on a request without reasons. ADB sometimes receives blanket/bulk requests, i.e., a number of unspecified documents, and need some time to track down what is requested by circulating a memo among staff.

Finally, Bart explained that they had intentionally not included discussions on issues surrounding internal communication of ADB, as external communication has higher priorities. A line also had to be drawn somewhere to write a concise policy, which already has received a comment that it is too long. Bart did say, however, that a staff handbook on the new Policy would be made available to well-inform ADB staff.

14. [Closing Session] At the very end of the workshop we were asked to fill in a questionnaire, which included questions such as: (1) What we liked about the workshop; and (2) What we did not like about the workshop. My answers to these questions were: For (1) I did not feel any sense of being rushed; and for (2) So few participants had read the Draft PCP before coming to the workshop, which made it impossible to have in-depth discussions.