

Comments on the 2nd Draft¹ of ADB's Public Communication Policy (PCP)

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Comment 1: Disclosure of Terminated Project Brief

Disclosure of terminated Project Brief on the ADB website should be continued after the 6 months period.

Rationale:

- The 2nd Draft PCP requires ADB to disclose information on the terminated Project Brief for 6 months (See paras. 79 and 81). Stakeholders cannot get the terminated Project Brief after the date.
- However, it is important for affected people to know the projects' track records, especially on social and environmental information.
- This comment was submitted at Consultation on the 1st Draft. ADB did not respond to the comment in the ADB's Response Matrix.²

Comment 2: Inclusion of the Reason in Terminated Nonsovereign Project Brief

The reason for termination should be included in nonsovereign Project Brief, as well as sovereign Project Brief.

Rationale:

- The 2nd Draft PCP does not require ADB to disclose the reason for the termination in nonsovereign Project Brief, while it requires ADB to disclose that in sovereign Project Brief (See paras. 79 and 81). There is no clear reason for the difference.
- This comment was submitted at Consultation on the 1st Draft. ADB did not respond to the comment in the ADB's Response Matrix.

Comment 3: Immediate Disclosure of Verbatim Transcripts of Board Meetings

Verbatim transcripts of formal Board meetings should be made available to the public immediately upon request, after eliminating the information that falls within the Policy's exceptions.

Rationale:

- The 2nd Draft PCP only requires ADB to disclose verbatim transcripts of formal Board meetings 10 years after the date of their creation (See Para. 121).

¹ Public Communications Policy Review 2010 SECOND CONSULTATION DRAFT

<http://www.adb.org/Documents/Policies/public-communications-policy/pcp-consultation-draft02.pdf>

² Key Recommendations from External Stakeholders on the First Consultation Draft (June 2010) of the Public Communications Policy (PCP) and ADB's Response

<http://www.adb.org/Documents/Policies/public-communications-policy/external-comments-1st-draft.pdf>

- However, if social and environmental impacts are not appropriately avoided/minimized in ADB approved project/program, it is crucial to explain how the Board of Directors considers the social and environmental impacts immediately after the approval. 10 years after the approval is too late. As an international finance institution using public money, Board members have to be accountable to the public.

Comment 4: Abolishment of Public Disclosure Advisory Committee (PDAC)

PDAC should be abolished. Independent Appeals Panel (IAP) should review both alleged violation of PCP and public interest case.

Rationale:

- PDAC is composed on senior staffs of ADB (See Para. 157). Fair judgment cannot be expected.
- PDAC and IAP have duplicated roles and functions, and it is inefficient for both ADB and requesters (See Paras. 167-169).
- It is unclear why ADB proposes that only PDAC can review public interest cases, IAP cannot review them (See Paras. 167-169). Decisions in public interest cases have to be based on objectivity. External experts should also participate in the decision-making in public interest cases.
- India's Right to Information Act requires the Information Commissions, which consist on independent commissioners dealing on disclosure appeals, to identify all public interest factors in appeal process.³

³ Commonwealth Human Rights Initiative, Right to Information
<http://www.humanrightsinitiative.org/programs/ai/rti/rti.htm>