



17 July 2017

MR. ELI MILLER

Director, United States
Asian Development Bank

Dear Mr. Miller,

This is in response to the ongoing consultations related to the Review of the Public Communications Policy (PCP). The NGO Forum on ADB acknowledges the additional consultations that are being undertaken by the Department of External Relations (DER) in the current PCP review. However, we are writing to express our concerns on engaging this ongoing consultation process. Please be informed that NGO Forum on ADB and its members have participated in the Thailand (8 June 2017) and Germany consultations (27 June 2017). Both these consultations were scheduled for two hours each and attempted to sync other countries via video conference (Lao PDR and Cambodia for Thailand consultation; Netherlands and other European countries for the Germany consultation).

Considering the detailed content of the PCP review, the time of two hours was grossly inadequate as there were too many number of participants involved. Below are our reflections and key concerns in engaging these processes:

1. On the consultation process:

- a. There was a failure in technical feasibility of communication via video – conference in the Thailand consultation. The first half was riddled with technical glitches in setting up the connections. A presentation was made from the ADB side with hardly much chance for participants to express comments or questions due to the intermittent technical failures. Our colleagues who participated in the Germany consultation expressed dismay that there was constant echo in the background and those joining via video conference were barely understandable.
- b. For the Thailand consultation, the Lao PDR audio video link was lost for over 15 minutes with Cambodia not being able to hear what was being said in Thailand. Once connection was reestablished, the remaining 1 hour was divided for the participants in Cambodia, Lao PDR and Thailand. Even with the 30 – minute extension, the content discussion was limited to adequately identify concerns on the 9 – page Draft Consultation Paper and 22 – page Staff Instructions. Each participant was reduced to ask only one question. The ADB responded to some of the questions and their overall tone was to defend the new PCP approach rather than taking in the views.
- c. Hence we feel that there was a restricted space for dialogue and the process of gathering inputs were very inadequate to meaningfully discuss the issues on the draft Access to Information Policy and Staff Instructions. Consequently, the Forum will send a detailed submission of comments pertaining to the Staff Instructions.

2. Key issues raised during the consultation which were not addressed or remained unclarified:

- a. The issue of Staff Instructions being within the scope of the ADB Accountability Mechanism and Compliance Review Panel (CRP) was raised but was not clarified by the ADB. The Forum members also raised the need to have an explicit mention on the 120 – day disclosure of draft resettlement and indigenous peoples plan both for Category A and Category B projects.

- b. The title of the new policy was questioned by the participants in Thailand, as “Access to Information Policy” sends a signal that some information will be restricted unlike the tone of the title of the previous policy which is “Public Communications Policy”. As ADB is a multilateral development bank which uses public funds, its information disclosure approach should express the public’s right to information.
- c. In addition to the Thailand consultation, the ADB presentation was focused on information disclosure and did not address the issues of meaningful consultation between affected communities, local stakeholders and; the Bank and project officials.
- d. Translation of project documents was raised by civil society without clear response from ADB on how to address the local access to information gap.
- e. Further concerns on the timeline of information disclosure, key areas e.g. para. 47 and 48, focal point for access to information, shift to principles from procedure – based policy and function of the Access to Information Committee; and the function of the Independent Appeals Committee were not clearly described. This leads us to question the issue of non – compliance on violations of this new policy and how ADB will bring back the projects into compliance. This issue was also not discussed deeply as the time was too limited.
- f. As what we have iterated in our submission of comments on the PCP last December 2016, the NGO Forum on ADB still strongly subscribe for a prescriptive information disclosure policy and stringent implementation of the existing PCP.

In view of the foregoing, we hope that your office and the other Board of Directors take note of these urgent concerns and instruct Management to take necessary steps accordingly. We hope that the DER - Public Information and Disclosure Unit will reconsider allowing a more structured and a meaningful exchange of information. In case the new draft fails to include the key points made in this letter and in our submission last December 2016, we urge the Board of Directors and your office to consider retaining the old PCP 2011 and ensure its due diligent implementation.

Thank you.

RAYYAN HASSAN
Executive Director
NGO Forum on ADB

Signatories:

All India Forum of Forest Movements
BothENDS (Netherlands)
Center for Environmental Justice (Sri Lanka)
Coastal Livelihood and Environmental Action
Network (Bangladesh)
Equitable Cambodia

Initiative for Right View (Bangladesh)
Life Haven (Philippines)
Nash Vek (Kyrgyzstan)
Sri Lanka Nature Group
Urgewald (Germany)

Cc:

Board of Executive Directors
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Ms. Karen Lane, Head, Information Disclosure, DER
Mr. Chris Morris, Head, NGO and Civil Society Center