

Comment on ADB's 1994 Disclosure and Information Policies

TO: disclosure@adb.org

FROM: Michele Keegan
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Burma

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Altsean-Burma and numerous other organizations and individuals would like to submit these comments to the ADB. This brief outline of issues relates specifically to how the ADB's Disclosure and Information Policies relate to Burma and future programming in Burma.

These comments are made in the context of ensuring that ADB contributions to Burma are consistent with the goals of effectiveness, quality and sustainability of policies and programming. These comments also aim to promote transparency in information collection, analysis and dissemination as well as improving the access and capacity of groups in Burma and those working outside Burma with an interest in supporting peace, human rights and development in Burma to better access and provide input to the ADB's work.

The economic, political and social conditions in Burma severely limit the methods and practices that in other countries would be considered fundamental, in terms of conducting needs and other assessment procedures, planning, implementation, monitoring, analysis of project performance and evaluation of development programs. Indeed the very conditions required for public or community consultation, let alone dissemination or publication of materials and reports is lacking in Burma. These conditions are well documented and understood by those with even a cursory understanding of the country, so will not be detailed here.

We support ADB's review of their operating procedures of transparency and information disclosure and hope that the result of this review will indeed create a better, more sustainable partnership with ADB, especially with Burma.

Sincerely,

Altsean-Burma

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ALTSEAN-BURMA SUBMISSION ON INFORMATION DISCLOSURE & TRANSPARENCY PROCESSES VIS-À-VIS BURMA.

In the context of Burma/Myanmar, information disclosure and transparency in regards to development projects and loans are of particular importance. Burma is governed by an opaque system where democratic principles, let alone active consultation with technical experts, are not a part of political or decision-making processes. Human rights abuses have been often linked with development projects promoted by the ruling regime, labor unions have effectively been prohibited, and the International Labor Organization has condemned the regime for its lack of acceptable labor standards.


We therefore appeal to the Asian Development Bank to upgrade its information disclosure and consultation processes. In order to develop a realistic risk assessment and understanding of specific situations in order to make decisions that are both well informed and generally supported by the public, we feel it is essential that the ADB:

- Wait until there is genuine, democratic transition in Burma before engaging in projects there. Any more involvement by ADB in Burma at this time would serve to empower the ruling military regime and their oppressive policies far more than benefiting the people of Burma
- Consults widely and actively. Stakeholders to be included in consultative process comprise:
 - Local communities likely to be affected
 - Local officials
 - Political representatives including democratically elected representatives
 - Representatives of local health services
 - NGOs, other civil society groups and INGOs operating in the area
 - Overseas NGOs, other civil society groups and INGOs with an interest in Burma that may have access to information about the country and/or areas affected by specific projects.
- Provides information to local communities in their own language, through publications, social networks, alternative media and “Town Hall” type meetings
- Provides information that includes details concerning the type of project, location, time schedule, strategy aims, implementing agencies, funding agencies, complaint mechanism, feasibility studies, technical reports and impact assessments
- Allows sufficient time and opportunity for local communities to receive information and develop their responses
- Adopt an expanded and consistent information disclosure process prior to the finalization or approval of a proposal
- Takes diligent steps and precautions to ensure that projects do not directly or indirectly lead to human rights violations

ADB & BURMA – A BETTER PARTNERSHIP

The Burmese military regime has been consistently condemned by the international community for its mismanagement and abuses. Should the ADB not adopt more open and accountable

mechanisms in regard to dealing with Burma, it risks being tarred with the same brush. Conversely, an active commitment to consultative processes within and outside of the country could allow the ADB to develop a 'best practice' model that will contribute to reforms that will improve Burma's capacity as a partner.

We hope that the ADB will enact more inclusive and transparent policies, which will greatly assist in equitable and sustainable development projects in Burma and throughout the region. We believe that under the current political circumstances in Burma, it is inappropriate to implement projects as basic labor and human rights are not honored. Any further  involvement by ADB in Burma at this time would serve to empower the ruling military regime and their oppressive policies far more than benefiting the people of Burma. However, when the time is appropriate for ADB to become fully involved with Burma again, these policies of transparency and disclosure will be of key importance to creating beneficial and successful development projects.

CONSULTATION WITH STAKEHOLDERS

In Burma, the ruling regime is known for making decisions without consideration or input from relevant stakeholders. In order to allow the ADB to develop a realistic risk assessment and understanding of specific situations in order to make decisions that are both well informed and generally supported by the public, it is necessary to allow civil society (particularly affected communities), NGOs, and local organizations, including elected representatives and political parties to submit information and comment on proposals before the final decision by the board.

Consultation with the public/civil society: Since the ADB is essentially a publicly owned bank, there should be greater accountability to the public. The ADB should have an obligation to make information on the policies and opinions of country representatives available to all stakeholders including civil society (particularly affected communities), NGOs, and local organizations. This is especially important in such closed societies such as Burma.

Consultation with legislators: Since the ADB develops its strategy with the Executive branch of governments, legislators within the country should also have access to country strategies before they are finalized to ensure the most effective and appropriate strategies for that country. This implies that the ADB should develop a process of active interaction and communication with the elected MPs.



The sustainability of development programmes and development projects are likely to be greater if all stakeholders have an understanding of them and are given the opportunity to present informed concerns and related information. This also reduces the possibility for projects to degenerate into liabilities to the ADB and the stakeholders.

INFORMATION DISCLOSURE

There needs to be a greater amount of available information about proposed projects prior to their approval or rejection in order for stakeholders to contribute informed comments and concerns. This includes making available project-specific information, opinions of country representatives, and country-specific information and strategies before they are finalized.

Country Strategy and Programs: It is appropriate that the ADB has expressed desire to develop Country Strategy and Programs (CSP) with “active participation through consultation with the government and other stakeholders – civil society, NGOs, the private sector, and other aid agencies.” However, it appears that the tools to achieve this “active participation” are not in place. A requirement to disclose the CSP in sufficient time (perhaps 6-8 months) before it is finalized and/or approved could significantly increase participation and the formation of informed decisions. This process should apply to all country specific documents and performance reviews, including the Country Economic Review.

Types of information necessary: Disclosure and transparency cannot be limited to the national level, but rather they must be incorporated into all projects and proposals. It is necessary that a variety of information be made available in order for civil society organizations to make informed comments about project proposals. This includes the type of project, location, time schedule, strategy aims, implementing agencies, funding agencies, complaint mechanism, feasibility studies, technical reports and impact assessments.

Private sector lending: The ADB should not maintain any difference in the transparency and disclosure policies of private and public sector lending. The ADB has a responsibility to disclose information about private sector lending projects that will affect the local or national community. For example, if the private project is a water distribution project, the community should know how the cost of water will be affected, how water flows may be diverted, how crop plots may be affected, what impact assessment studies reveal, what land and water sources will be privatized and how the community will be compensated and the possible impacts to sources of income due to the privatization. Not only should they have access to this information, but they should be consulted as part of the drafting and implementing process of every project.

CONSULTATION PROCESS

The medium that information is made available is also important for the ADB to reconsider. In order to make information accessible to the general public and specifically to those who will be directly affected by the proposed projects, there needs to be more pro-active dissemination of information. Information and documents should be released and be accessible on a consistent basis and not by methods of ‘discretion’ which could fall prey to discrimination or pressure from powerful stakeholders.

Creative dissemination: In Burma, it is critical to remember that most people do not have access to cyber resources or to ADB offices or officials. It is therefore important to release information via radio broadcasts, local distributions and national or local newspapers. Use of diverse alternative or non-state controlled media that are popular with local residents should also be considered. This includes the multilingual services of independent radio programs and/or radio stations broadcast from Thailand, USA, UK and Norway (i.e. Shan language radio program, and the Burmese and ethnic language programs of Radio Free Asia, Voice of America, British Broadcasting Service and Democratic Voice of Burma).

Translation: In order to prevent discrimination and exclusion of local communities, information needs to be distributed in local languages. In Burma, like many other countries, a large percentage of Burmese are not ethnic Burman and may not speak the Burmese language. Literacy rates vary between and within countries and therefore it is essential that oral information and methods of contact be provided in addition to written communication.

Safe consultations: The ADB Resident Missions should be accessible to all stakeholders. In many areas of Burma this would mean hosting forums such as town hall-style meetings with independent interpreters to ensure the meeting is inclusive of all stakeholders. The ADB must also ensure that consultations are not vulnerable to real or perceived intimidation. For instance, when requesting comments from local stakeholders in a forum such as a town hall meeting, conditions should be set up in which the local community does not feel intimidated or fear consequences for presenting their comments or concerns. In Burma, consultations should not be dominated by the military regime or their political wing, the Union Solidarity and Development Association (USDA). Since having 'safe consultations' would be difficult at best in Burma, this further underscores the belief that the ADB should not be involved in Burma until there is democratic transition.

The ADB should also consult with organizations that conduct research and documentation in the proposed project areas as they may have access to information, which may have been sanitized or suppressed by the local or national authorities.

CREATING SUCCESSFUL DEVELOPMENT PROJECTS

Information disclosure and inclusive consultation processes are key factors in creating successful development projects. Consider the following examples to illustrate why such consultation is not only appropriate for the ADB, but also valuable for the longevity and success of a project:

Road building: In Burma, road building to further develop infrastructure may subject civilians or local communities to forced labor, bad working conditions, displacement without compensation, loss of livelihood due to land confiscation, unsustainable resource extraction, which may then lead to severe environmental destruction and thus further loss of livelihood, bio diversity and more displacement.

Drug control projects: A proposal to fund a drug eradication crop substitution programme may be missing essential information if there is not proper consultation with various stakeholders. There needs to be a proper assessment of the underlying reasons for drug cultivation in order to ensure that the project responds to those contributing factors to ensure a successful implementation. For example, in Shan State it has been reported that as much as poppy cultivation has decreased in the north where projects were being implemented, it has increased in the south and in the east. Locals have reported that intimidation, as well as offers of loans by local officials have been used to cultivate new poppy fields. This also demonstrates the need for consultation to occur not only before a proposal is accepted or rejected but also during the implementation.

CONCLUSION

When the time is appropriate for the ADB to become fully involved in Burma, policies of transparency, information disclosure and consultation with all stakeholders will be essential for creating successful and sustainable projects. It should also be noted that many people and organizations from Burma have made an intentional decision not to comment on this process as many people believe that the ADB should in no way be involved with Burma until political and social conditions are appropriate, which means that there is the implementation of genuine democratic transition. However, through reforms such as these the ADB can play a role in building equitable practices that can have far-reaching effects into societies and the region as a whole.

ENDORSEMENTS

Organizations

Altsean-Burma

Karenni Evergreen

Southeast Asia Rivers Network

Burma UN Service Office

Network for Democracy and Development – Burma (NDD)

EarthRights International (ERI)

National Council of the Union of Burma

Members of Parliament Union (MPU)

National League for Democracy - Liberated Area (NLD-LA)

Democratic Alliance of Burma (DAB)

National Democratic Front (NDF)

Member organizations under these groups includes:

All Burma Muslim Union (ABMU)

All Burma Students' Democratic Front (ABSDF)

All Burma Young Monks Union (ABYMU)

Araken League for Democracy (ALD)

Arakan Liberation Party (ALP)

Chin National Front (CNF)

Chin National League for Democracy (CNLD)

Committee for Restoration for Democracy in Burma (CRDB)

Democratic Party for a New Society (DPNS)

Democratic Patriotic Army (DPA)

Federation of Trade Unions –Burma (FTUB)

Kayan New Land Party (KNLP)

Karen National Union (KNU)

Lahu Democratic Front (LDF)

Mergui-Dawei United Front (MDUF)

Muslim Liberation Organization of Burma (MLOB)

Network for Democracy and Development (NDD)

New Mon State Party (NMSP)
Naga National League for Democracy (NNLD)
Overseas Burmese Liberation Front (OBLF)
Overseas Karen Organization (OKO)
People's Democratic Front (PDF)
People's Liberation Front (PLF)
People's Patriotic Front (PPF)
Pa-O People's Liberation Organization (PPLO)
People's Patriotic Party (PPP)
Palaung State Liberation Front (PSLF)
Wa National Organization (WNO)

Women's League of Burma (WLB)

Burmese Women's Union (BWU)
Kachin Women's Association - Thailand (KWAT)
Karen Women's Organization (KWO)
Kuki Women's Human Rights Organization (KWHRO)
Lahu Women's Organization (LWO)
Palaung Women's Organization (PWO)
Pa-O Women's Union (PWU)
Rakhaing Women's Union (RWU)
Shan Women's Action Network (SWAN)
Tavoy Women's Union (TWU)
Women's Rights & Welfare Association of Burma (WRWAB)

National Coalition Government of the Union of Burma (NCGUB)

Democratic Party for a New Society (DPNS)
Assistance Association for Political Prisoners -Burma (AAPPB)
Concerned Individuals from Burma
US Campaign for Burma (USCB)
Free Burma Campaign - South Africa
PD Burma - International Network of Political Leaders Promoting Democracy in Burma
Burma-Indonesia Solidarity
Burma Bureau Germany
Danish Burma Committee
Asian Forum for Human Rights and Development (Forum-Asia)
Think Centre Singapore
Center for Justpeace in Asia
Project Maje
German NGO working group on the ADB
Ulrike Bey Burma Initiative - Asienhaus
Dorothy Guerrero Asienhaus
Knud Vöcking Urgewald e.V.
Ingo Ritz Netz_Bangladesch
Dirk Saam Netz_Banhladesch
Chris Lang
Wolfram Schaffar
Warsito Ellwein

Bernd Schramm
Bernhard Höper
Ann Kathrin Schneider
Oliver Pye
Rica Cortes

Individuals

Chao-Tzang Yawnghwe - Advisor and Consultant to the National Reconciliation Program, United Nationalities League for Democracy, Shan Democratic Union, and Technical Assistance Network
Josef Silverstein - Professor emeritus, Rutgers University
Thin Thin Aung - Women Rights and Welfare Association of Burma
Moe Chan - Free Burma Coalition NY
Myint Cho – Director of Members of Parliament Union – Burma
Tyler Giannini - Co-Founder and Co-Director of EarthRights International
Tetz Hakoda - Burma Information Network- Japan
Yuki Akimoto - Burma Information Network-Japan
Maung Maung Yan - Burma Büro e.V.
Dominic J. Nardi - Member of Georgetown University's Amnesty International Chapter
Peter Mortensen

I apologize for the late comment, but please include the Shan Democratic Union (SDU) as endorsing - Altsean-Burma's Submission on Information Disclosure & Transparency Process Vis-A-Vis Burma - that was submitted to the ADB earlier today.

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