



Bank
Information
Center

NGO FORUM ON ADB

Robert H. Salamon
Principal Director
Office of External Relations
Asian Development Bank

August 25, 2003

Re: ADB Review of Disclosure Policy: Information Posted on ADB Website, August 14, 2003

Dear Mr. Salamon,

Thank you for informing us about the information posted recently on the ADB website regarding the review of the ADB's *Policy on Confidentiality and Disclosure of Information, 1994*. We would like to commend the ADB on accepting several process-related suggestions which civil society organizations proposed in their letter dated April 29, 2003.

A few questions remain and we hope you would be able to clarify. These are:-

1. Working Group: The website provides information on a Steering Committee (names and ToRs) but there is no mention of the Working Group which apparently also exists. Could similar information regarding the Working Group also be provided on the website?
2. Action Plan: Is the "Action Plan" the same as the "Review Schedule"?
3. Translations: The newly released information does not address the issue of translations of the "First Draft" and the "Working Paper". Can you please let us know how many languages the ADB intends to translate these documents into?
4. Other Relevant Documents: It is our understanding that there are a number of documents that need to be read in conjunction with the *Policy on Confidentiality and Disclosure of Information, 1994* for purpose of this Review. These are (a) Policy on Confidentiality and Disclosure of Information: A Guidebook (April 1996), (b) Operations Manual Section 52 Public Disclosure (March 2003), (c) Information Policy and Strategy (1994, 1999), and (d) Resident Mission Policy (February 2000). Could you kindly provide the necessary links to these documents on the dedicated Disclosure website and also, for our benefit, explain the relationship of these documents to the *Policy on Confidentiality and Disclosure of Information (1994)*?
5. Target Months and Timeframe: We welcome the 90 day period for the "Initial Comment Period" during which the existing Policy will be up for comment. While this is a very clear timeframe, some of the subsequent time periods are not as clear. For instance,
 - (i) Regarding the comment period on the First Draft of the new Disclosure Policy: Rather than guaranteeing a minimum number of days, as is the case with the first 90 day comment period, the Review Schedule simply identifies target months during which the comment and consultation period on the First Draft is expected to fall. We propose a minimum of 90 days for comments on the First Draft as well. This will help avoid any confusion should there be delays in the Review Schedule. Furthermore, we propose that this 90 day period be broken down into an initial 45 day period dedicated only for review and understanding of the First Draft. That is to say that Public Consultations on this First Draft should commence only after this initial 45 day review period. (For example, if a draft is released on Oct. 1, the period until Nov. 15 would

be for review of the draft and all consultations would be scheduled between Nov. 16th and Dec. 31st.)

- (ii) Regarding the above mentioned 90 days, and any subsequent time periods: We propose that more clarity be provided by, for example, stating that these comment periods will begin only after letters/emails informing external stakeholders about the web posting etc. have been sent out by the ADB.
 - (iii) Instead of merely highlighting the "Target Month", it would be useful if the week in which the task is to be accomplished is also mentioned in the Review Schedule. Ideally, an actual target date should be provided. This will allow external stakeholders to plan their input more effectively.
6. Consultations: We would like to propose that ADB and civil society actors jointly select the developing member countries where these external consultations shall take place.
 7. Incorporation of Comments in Working Paper/s: It is not clear yet how stakeholder comments will be incorporated in the Working Paper/s. We propose that Working Paper/s also have a Matrix explaining how external comments have been addressed in the text and that comments also be posted on the website.
 8. Comment Period for subsequent iterations of Working Paper: While the Review Schedule does not explain how subsequent versions of Working Papers will be addressed. i.e. the time period for review & comments, we propose that each subsequent iteration/version should at minimum have a 45 day comment period.
 9. Release of R-Paper for Comment: Finally, we would propose that the R-Paper also be released for external comments. Since civil society participants would have expended considerable time and energy during the course of the Review, it would only be fair if the final draft put before the Board is also shared publicly. This would be welcome step and hugely appropriate and relevant if this particular Review takes a step towards institutionalizing it. As you may recall, it is a precedent already set during the review of the ADB's Environment Policy.

A prompt response from your office will be most appreciated as we realize the 90-day comment period is ticking away as we correspond. Thank you once again and we look forward to working with your office on this important review process.

Sincerely,



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Sameer Dossani
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