

Via email 10 November 2003

Robert H. Salamon
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Asian Development Bank
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0980 Manila, Philippines

Dear Mr. Salamon,

Please accept the following recommendations as input into the Asian Development Bank's (ADB's) ongoing review of its disclosure policies. These recommendations reflect our belief that the ADB should fundamentally reevaluate its transparency standards.

Communities and citizens have a right to timely information about projects and policies that affect their lives and, as a public institution, the ADB has a responsibility to operate in a transparent manner. We believe that the ADB is currently failing in its duty to consistently provide timely and accessible information to the public.

We call upon the ADB to adopt the following measures:

Translation: Documents pertaining to ADB operations in a given country (such as country strategies and project documents) should be available in the national languages of the country concerned.

Meetings of the Board of Directors: With narrowly drawn exceptions, the meetings of the Board of Directors should be a matter of public record. Full transcripts of meetings should be disclosed in a timely way.

Institutional Policies and Strategies: All institution-wide policies and strategies should be released in draft form and adequate time should be provided for public comment. Final drafts should be disclosed when they are sent to the Board of Directors for approval.

Country Strategies: All country strategies should be disclosed in draft form and at least 60-90 days should be provided for public comment. Final draft country strategies should be disclosed when they are sent to the Board of Directors for approval.

Project Identification: A general description of a project/loan should be disclosed as soon as the ADB starts spending staff time on its preparation.

Project Preparation: Detailed information on the evolving agreements between the ADB and the borrower around a given project (Aide Memories) should be disclosed. These documents should continue to be made available throughout the life of the project.

The views expressed in this paper are the views of the authors and do not necessarily reflect the views or policies of the Asian Development Bank (ADB), or its Board of Directors or the governments they represent. ADB makes no representation concerning and does not guarantee the source, originality, accuracy, completeness or reliability of any statement, information, data, finding, interpretation, advice, opinion, or view presented.

Social and Environmental Documents: All social and environmental documents (Environmental Impact Assessments, Resettlement Action Plans, etc) should be available before project appraisal and no less than 120 days prior to approval. This includes, *inter alia*, supporting documents referenced in EIAs (such as detailed environmental studies or mitigation plans used to justify conclusions in EIAs (e.g. baseline studies, technical or ecological studies, accident prevention and response plans, endangered species protection plans, etc.)

Project Appraisal: Detailed project descriptions (Report and Recommendation of the President) should be disclosed in draft form prior to project appraisal.

Project Approval: Final project descriptions (the final drafts of the Report and Recommendation of the President) should be disclosed when they are made available to the Board of Directors for consideration, and no less than 30 days prior to project approval. All final project descriptions and loan agreements should be disclosed.

Project Implementation: Project supervision reports (Back to Office Reports) and social and environmental monitoring reports should be disclosed during project implementation.

Financial Intermediaries: Social and environmental monitoring reports for all ADB-supported financial intermediaries should be disclosed, including a list of all sub projects/on lending activity and all publicly available documents related to those sub projects/on lending activity.

Private Project Contracts with Host Governments: When projects are being developed on the basis of long-term contracts between private sponsors and host country governments, such as power or oil and gas projects, the ADB should condition its approval upon the ex-ante disclosure of those contracts. When those contracts supercede or amend that country's environmental and social laws, ADB should require public participation in the development of those contract provisions.

Compliance and Monitoring: The ADB's disclosure standards should be guided by a strong "presumption of disclosure." The ADB should appoint an independent Information Ombudsman in order to monitor the policy's implementation and receive complaints from citizens who feel that they have been wrongly denied information.

Public Information Centers: Documents pertaining to ADB operations in a given country should be readily available through ADB offices in the country concerned and offices in the project area. The ADB should develop a strategy to ensure that people affected by an ADB operation are able to easily access all disclosed documents.

Operational Budget: The ADB should disclose a detailed operational budget.

Private Sector Operations: ADB transparency standards should apply equally to public and private sector operations.

We look forward to seeing these measures reflected in the ADB's new disclosure policy.

Thank you,

Majibul Huq Dulu

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