

Comment on ADB's 1994 Disclosure and Information Policies

TO: disclosure@adb.org

FROM: Shaukat Omari
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Pakistan

SUBJECT: Invitation to Comment on ADB's Disclosure Policy

DATE: 12 November 2003

Dear Mr. Salamon

We have reviewed the ADB Transparency document sent to us by Tyler Curtis and appreciate the work done.

We are attaching along with the document with some comments that we feel are essential for complete transparency in ADB dealings which is not enough unless it directly involves Civil Society, and this is possible only through ADB country Specific Websites containing the information as laid out in the transparency document prepared by your department.

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November 13, 2003

TRANSPARENCY IN ADB

Dear Mr. Salamon

Please accept the following [recommendations of Transparency International – Pakistan in addition to those made by Tyler Curtis in his letter to you dated November 11, 2003](#), as an 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 your projects and policies that affect their lives and, as a public institution, the ADB has a responsibility to operate in a transparent manner. **BUT THIS CAN ONLY BE POSSIBLE IF AN ADB COUNTRY SPECIFIC contains all the information as detailed below.** We support the view of Tyler Curtis 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. [All BOD decisions should be made available on the ADB country specific website.](#)

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.

[Institutional Policies and Strategies: All institution-wide policies and strategies should be made available on ADB Country Specific website, and adequate time provided for comments of stakeholders and civil society. The final Policy paper shall only be firmed up after the comments are evaluated, and judiciously addressed. The comments and ADB actions of accepting or rejecting them shall also be put on the website prior to being sent to the BOD 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.

[Country Strategies: All country strategies should include anticorruption measures compatible with the law of the country and Transparency measures made statutory requirements of the borrower country.](#)

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 Memoires) should be disclosed. These documents should continue to be made available throughout the life of the project.

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 Approval: All project descriptions and loan agreements should be disclosed on the ADB country specific website.

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

Project Implementation: Project supervision reports including compliances of loan covenants and any modification to the Loan Agreement along with its rationale should be disclosed during project implementation. Comments of civil society on these reports shall be displayed along with measures taken by ADB to meet compliance should also be put on the ADB Country specific website.

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

Compliance and Monitoring: Disclosures of complaints and the remedial measures undertaken also to be put on website.

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.

Public Information Centers: All Documents pertaining to ADB operations shall be put on the ADB country specific website..

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.

Yours sincerely

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