

Comment on ADB's 1994 Disclosure and Information Policies

TO: disclosure@adb.org

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SUBJECT: Disclosure Review

DATE: 13 November 2003

Mr Edes,

Unfortunately the response to our request from the ADB has been extremely poor. The study we requested should have been released within a few days, sections have been produced in Court and to the ADB Board Inspection Committee so it is certainly not a secret document. It should explain clearly all about the Expressway and would presumably explain why it is such a good idea, and where it should be sited from the viewpoint of the Consultants.

We have sent the attached file to the Disclosure email address.

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13th November 2003

Disclosure Review

We are Affected People of one of your major projects in Sri Lanka. Our attitudes are a result of our dealings with ADB on the Southern Transport Development Project. More than anybody else our views should be heard and the relevant lessons learnt. It is important that we tell you about the failings of your policy on information disclosure.

Your Bank exists to help develop our countries. Development is only possible if it does not do unnecessary damage in the process. To avoid this ADB and other lenders have a series of policies and guidelines. These must be followed or else the bank will fail in its Objectives.

We have been very troubled by the difficulty in obtaining information from ADB. We the affected people only found out about this project going through our houses long after the decision had been made, loan had been signed and the social and environmental studies done (they were for completely different areas). Whilst not ADB's direct responsibility it certainly was ADB's duty to ensure that the Government informed the Affected People and disclosed the changed plans, before making a decision.

The most recent example is the refusal by ADB to release the Feasibility Study. This Study was the basis and the plan from which the project was defined, designed and funded. After almost six months from our original request we were advised that the Government of Sri Lanka was not giving permission for its release. Disclosure policy should be changed to ensure that Governments are not the arbiter.

The basic fact which the ADB chooses to ignore is that we, the affected people, are the ones who pay with our houses and livelihoods. Therefore we should be given the most information. Do we not have a right to know what we are paying for? ADB apparently does not think so.

The Feasibility Study is a primary document and was used by the ADB Management in refuting the Inspection Request on breaches of guidelines. It was selectively quoted, but whether it was quoted in context we cannot find out. Disclosure of this primary document is refused.

It is fairly obvious that if there is a suggestion that guidelines are being breached then disclosure should be maximised.

The handling of the actual Inspection process was also subject to considerable blocks and refusal to discuss. None of the various documents relied upon by the Bank Inspection Committee were disclosed until after their decision. The lack of these made the Inspection Request highly biased to ADB Management.

The lack of disclosure of meetings with representatives of the Government of Sri Lanka, and the total absence of any sort of minutes means that the ADB is not able to meet its guidelines for protecting the

affected persons. We have been made aware that ADB staff were told that the Government of Sri Lanka had decided not to meet its commitments with regard to compensation of resettled persons. This may be only a wild rumour, but with no disclosure requirements, it must be a cause for suspicion of ADB Management's commitment to adhering to their guidelines.

Monitoring is being done by a body that lies and cheats, none of their reports are disclosed. Copies requested from them of data given to them by Affected People are never supplied. Their report to ADB has never been seen by us.

We continue to be refused any sort of disclosure of information that would allow us to respond to the avarices of Government staff and the contractors. Letters written to the Management for information are responded to with only a rebuff.

If the Disclosure Policy simply acts as a barrier to releasing information then it has no value in protecting the poor or achieving sustainable development.

We only see bad from ADB. The failure to disclose information, the closure of discussion, the failure to listen, the wish to ignore reality makes ADB to be an enemy of Affected People. Policies must be reviewed and solutions found to ensure adequate disclosure to ensure that all those affected can be protected by the Guidelines and Policies of ADB.

The new Conciliation and Inspection process will not achieve anything if adequate Disclosure is not achieved and delivered as second nature, a matter of principle.

The Bank's duty is to ensure transparency, good governance and social and environmental responsibility. These principles will help to protect the people from the rampages of their Governments who are known for their corruptibility. It is pertinent to request you to always bear in mind that this is a loan that we as citizens of the borrowing nations will have to repay, often for generations.

Please use this opportunity to learn from those who are suffering from the Bank's failure to allow disclosure.

Gama Surakeema Sanvidhaniya and United Society for the Protection of Akmeemana