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Re: Review of ADB's Information Disclosure Policy

Dear Mr. Salamon:

I understand that the Asian Development Bank (ADB) is currently undergoing a review of its Information Disclosure Policies. I would like to submit the following views and recommendations towards this review.

In that the ADB is largely financed by the tax-payers of its member countries, it is a public institution. Therefore, it must operate with full transparency and integrity, and its information disclosure policies must meet the standards demanded of all public institutions. However, the ADB has consistently failed to meet these standards. The current review offers the ADB an opportunity to live up to its stated principles of transparency, accountability and good governance.

Today, the public's right to know is considered indisputable by proponents of democracy, and articulated in the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights. Policy and programme decisions have economic, social and political consequences. The ADB must ensure that those who bear the greatest costs of such decisions have been adequately and sufficiently involved in making these decisions.

Accordingly, the ADB's information disclosure policies and practices must aim to encourage and support genuine public participation in the development, examination, assessment and decision-making about its policies and programmes. Meaningful public participation requires informed discussion and debate. Unless a public is fully empowered with all the relevant and required knowledge within a relevant time frame, its participation in a given situation is cosmetic at best. Therefore, not only must ADB's disclosure policy provide full access to information, but also, it must facilitate timely and informed action by concerned actors, particularly those most seriously affected by the ADB's policies, programmes and operations.

The current policy review must address the following issues:

Full and timely disclosure: Information disclosure by the ADB thus far has been selective; i.e., the ADB discloses what it chooses to disclose, and when it chooses to disclose. Such practice contradicts universally accepted norms of information disclosure. Communities affected by ADB supported programmes and projects, and ADB promoted policies have the right to full information about them, and in a time frame that allows sufficient time for communities to take whatever action they deem necessary with regard to these projects, programmes and policies.

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.

Relevance to decision-making: simply making some information publicly available is not sufficient. The ADB must ensure that the public, especially affected communities are fully involved in decision making about policies, programmes and projects that directly or indirectly impact their lives. Just as governments have the right to say “yes,” the public has the right to say “no.” This right must be respected and upheld.

Translation: Documents pertaining to ADB policies and operations in a given country (such as country strategies and all project identification, preparation, appraisal, assessment, approval, implementation, monitoring and evaluation documents) should be available in the national languages of the country concerned.

The Meetings of the Board of Directors must be a matter of public record. Full transcripts of Board meetings should be disclosed in a timely manner. The ADB leadership should not govern in secrecy.

Institutional Policies and Strategies: All institution-wide policies and strategies must be publicly available. Changes to these documents and the formulation of new policies and strategies must be subject to public scrutiny. They should be released in draft form and adequate time should be provided for public comment. Final versions of the 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. Country strategies must be available in the relevant local and national languages. Final versions of the drafts 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. These documents must be made available in the relevant local and national languages.

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. These documents must be made available in the relevant local and national languages.

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, baseline studies, technical or ecological studies, accident prevention and response plans, endangered species protection plans, etc.). These documents must be made available in the relevant local and national languages.

Project Appraisal: Detailed project descriptions (Report and Recommendation of the President) should be disclosed in draft form prior to project appraisal. These documents must be made available in the relevant local and national languages.

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 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 contracts between private sponsors and host country governments, such as infrastructure, water, power or oil and gas projects, the ADB must condition its approval upon the ex-ante disclosure of those contracts. When those contracts supersede or seek to amend that country's environmental and social laws, ADB should require public participation and decision making in the development of those contract provisions.

Project Inspection Proceedings: All requests, deliberations, reports and recommendations in relation to project inspections must be made publicly available, and in the relevant national languages.

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.

I sincerely hope that the review process will pay attention to the above recommendations. I look forward to seeing the results of the review.

Sincerely,

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