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## Bank Information Center

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Mr. Robert Salamon,  
Principal Director,  
Office of External Relations  
Asian Development Bank  
Manila, Philippines.

May 28, 2004

Re: Comments on the 1<sup>st</sup> draft Public Communications Policy of the Asian Development Bank

Dear Mr. Salamon,

Thank you for this opportunity to comment on the first draft of the Public Communications Policy (PCP) of the Asian Development Bank (ADB).

While the draft policy makes several important improvements over the current transparency practices of the ADB, it still fails to address many of the problems associated with access to information at the institution. We point out these failings in our comments and look forward to understanding how our recommendations will be incorporated in the second draft of the PCP as the disclosure policy review continues.

We do acknowledge that in a select number of areas, the draft policy proposes higher disclosure standards than those currently in place at other Multilateral Development Banks (MDBs). These disclosure requirements include:

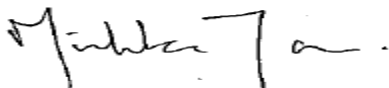
- A commitment to disclose information during project implementation, including the disclosure of an updated summary of project status (para. 85) and social and environmental monitoring reports (para. 98); and,
- A commitment to release draft reports produced under technical assistance (para. 93).

We commend these improvements and hope that the ADB will continue to pioneer superior transparency standards through the course of the disclosure policy review. However, as our comments indicate, there are several areas of the proposed policy that do not: effectively fulfill the ADB's stated commitment to a "presumption in favor of disclosure"; meet current disclosure practices at other institutions; or, take into consideration recommendations already made by several civil society organizations. We urge the ADB to re-examine these areas of the draft PCP in order to develop a policy that will truly support the ideals of participatory processes, accountability and development effectiveness.

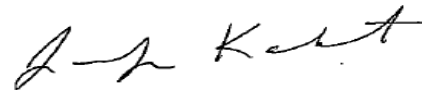
A Summary of our recommendations precedes the detailed comments. Our comments are arranged in two parts. Part 1 outlines *systemic problems* in the draft policy, namely: inadequate commitments to transparency and disclosure (1.1.); the lack of disclosure policy accountability (1.2), the secrecy of private sector operations (1.3), and the non-disclosure of key draft documentation (1.4). Next, Part 2 provides *detailed recommendations* regarding several vital areas of Bank operations, including: budgetary and financial information (2.1); transparency of the ADB's governing bodies (2.2); country programming (2.3); policies (2.4); projects and programs (2.5); and, lastly, access to information (2.6).

We look forward to the ADB's response to these recommendations and to an enhanced dialogue over the course of the disclosure policy review.

Sincerely,



Mishka Zaman  
Asia Program



Jennifer Kalafut  
MDB Policy Program

Enc: Summary  
Detailed Recommendations

## Summary of Recommendations on the Draft Public Communications Policy of the Asian Development Bank

Thank you for this opportunity to comment on the draft Public Communications Policy (PCP) of the Asian Development Bank (ADB). We look forward to the Bank's response to recommendations outlined in these comments and an enhanced dialogue around increased transparency at the ADB.

- The ADB should articulate in the draft PCP that it has a legal and moral responsibility for public accountability and transparency.
- The ADB should clearly outline a process in its disclosure policy that would enable better accountability to the "presumption in favor of disclosure." Special attention should be given to: (i) timely responses; (ii) the development of an appropriate appeals process; and, (iii) a narrow and harm-based definition of business confidentiality.
- The ADB should foster greater transparency in its corporate clients and require at least the same disclosure standards for private sector information as is required for public sector operations.
- The ADB should routinely disclose documents in draft form before all decisions are made on a policy, project or program.
- The ADB should disclose detailed budgetary information including information on actual expenditures and outlays.
- The proceedings of the Board of Directors should be open to the public. Transcripts and summaries should be publicly available.
- Drafts and final drafts of Country Strategy Papers and Regional Country Strategy Papers should be disclosed.
- Drafts and final drafts of Policy papers should routinely be disclosed.
- Throughout the project cycle, the ADB should disclose project and program documents that are already produced by Bank staff and that provide regular updates on project or program status.
- The ADB should more clearly define the selection criteria for projects that will be reviewed by the Operations Evaluations Department.
- The ADB should enhance access to information by: (i) collecting all relevant project information in a single place on the Bank's website; (ii) establishing Public Information Centers in all developing member countries; and, (iii) developing a comprehensive strategy to translate operational documents.

## 1. General Recommendations on draft PCP (1<sup>st</sup> draft)

### 1.1. Commitments to Transparency and Disclosure

The draft Public Communications Policy makes a number of statements regarding the importance of and the Bank's commitment to transparency and disclosure. Among these affirmations, the Bank states that "the effectiveness and reputation of ADB can be enhanced if its operations are conducted with a high degree of openness, accountability, and transparency" (para. 61). Additionally, the ADB outlines a number of objectives for transparency including: to support the Bank's overarching objective of reducing poverty; to enhance development effectiveness; and, to strengthen ADB's capabilities in knowledge management and dissemination (para. 60).

**Despite these statements, the ADB has failed to reaffirm a number of important messages articulated in its current *Policy on Confidentiality and Disclosure of Information (1994)* and *Information Policy and Strategy (1994)*. Specifically, these policies state that:**

- The Bank will promote better awareness and understanding of its activities, strategies, and objectives among the public and policymakers in all its member countries; marshal support for its activities; and fulfill its *legal and moral obligations for public accountability*.<sup>1</sup>
- As a public institution, the Bank is accountable to its shareholders and others providing support to the institution, and has a *responsibility to provide the fullest possible information to its supporters*.<sup>2</sup>

**As a public institution established for the public good, the ADB should reaffirm its commitment to accountable and transparent functioning by clearly stating this in the draft PCP.** This responsibility is not only contractual between the Bank and borrower, but a moral responsibility to the communities affected by ADB projects.

### 1.2. Disclosure Policy Accountability and Process Guarantees

The draft Public Communications Policy (PCP) lists several important objectives regarding transparency at the Asian Development Bank (ADB). Among other things, it states that a high degree of openness and transparency will:

- encourage constructive debate and dialogue;
- create opportunities for persons affected by ADB-assisted operations to be informed about and influence, decisions that affect their lives; and,
- increase accountability to shareholders, and through them, to ordinary people in member countries. (para. 61)

In order to support these objectives, the draft PCP is based on a principle that: "in absence of a compelling reason for confidentiality, ADB maintains a presumption in favor of disclosure of information. (para. 59) Under a "presumption in favor of disclosure" the ADB commits to

<sup>1</sup> *Information Policy and Strategy*, Asian Development Bank, 1994: p. 7. Emphasis added.

<sup>2</sup> *Policy on Confidentiality and Disclosure of Information*, Asian Development Bank, 1994: p. 13. Emphasis added.

releasing information to the public, upon request, except when it can prove that disclosure would be harmful and outweigh the public's interest.

However, **the draft disclosure policy fails to explain the process through which the ADB will hold itself accountable to this principle.** Although it states that there is a need to “strike a balance between transparency on the one hand, and certain legal and practical constraints, on the other,” (para. 62) it does not describe how the Bank will strike this balance.

The ADB should clearly **outline a process** in its disclosure policy that would enable better accountability to the “presumption in favor of disclosure.” Such a process should be roughly based on three steps:

1. **Request:** Citizens of member countries of the ADB have a right to request information from the Bank regarding Bank operations, policies, procedures, projects and programs. This applies to both information listed in the disclosure policy, and information not specifically mentioned in the policy.
2. **Response:** The ADB has a responsibility to respond to these requests in a timely manner. If a response is in the negative, the ADB should provide a detailed explanation as to *why* information is confidential including *how* the disclosure of the requested information would cause harm to the relevant parties.
3. **Appeal:** If citizens are denied information, they have a right to appeal that denial to a third independent party, such as the Compliance Review Panel (CRP), charged with *investigating non-compliance to the ADB's operational policies*. This body must be able to consider the type of information requested and consider if the public's interest in disclosure outweighs the harm that would incur if the information was disclosed. This body must also be able to respond to such appeals in a timely manner in order to ensure that information is available to the public before all decisions on a project, policy or other operations are finalized. It is at this stage that the ADB effectively “strikes a balance” between the harm to the project sponsor if information is disclosed and the harm to the public if information is kept confidential.

The ADB's draft policy outlines some initial steps towards implementing a process such as the one described above. However, there are several steps in the ADB's proposed process that still remain unclear or are acutely flawed. The ADB should re-examine the request-respond-appeal process outlined in the draft Public Communications Policy and should consider the following issues:

- **Timely responses are essential.** The request process in the ADB's draft disclosure policy allows up to 90 days for the ADB to respond to a request for information. This is before the requestor moves on to the appeal stage of the process, which can take another 195 days. **All together, it can take up to six months for a citizen to receive a final decision on whether or not requested information can be disclosed.** (See Box 1.) This is unacceptable for a request and appeals process regarding something as time-sensitive as public disclosure of information. The ADB should reconsider the time limits allowed for staff to respond to request for information and how its appeals function can incorporate a faster process in order to effectively meet the needs of disclosure policy accountability. Specifically, the ADB should

develop an **appeals process that responds to information within three months of the date the original request was made to the ADB**. This will entail reducing the time Operational Departments have for responding to information requests, eliminating the need for an appeal to go via the Special Project Facilitator (SPF), and shortening the time the Compliance Review Panel (CRP) has to process the appeal.

**BOX 1. Timeline of an information request according to the draft PCP:**

Once a request for information is made, the ADB has 30 days to respond. This time limit can be extended an additional 60 days if the request is for a large number of documents and/or when the government or project sponsor is required to give approval for disclosure (para. 145). Next, the requestor is asked to approach the proposed Public Communications Advisory Committee (PCAC) (para. 148) if s/he is not satisfied with management's response. However, the draft policy makes no mention of the authority the PCAC has to make opinions on the "balance" between constraints and the public's benefit in disclosure nor does it state how long the PCAC has to respond to a request.

If the requestor is not satisfied with the PCAC's response, s/he can be expected to go to the Special Project Facilitator (SPF) and wait up to 21 days for a response. If the complaint is deemed in-eligible by the SPF after these 21 days (at Step 3 of SPF process), the requester can approach the Compliance Review Panel (CRP). The CRP may be the most appropriate body to make opinions regarding the "presumption in favor of disclosure" since it's specifically designed to give recommendations on policy compliance. However, in cases where requesters approach the CRP after the SPF determines a request to be in-eligible (Step 3), the CRP could in total take up to **167 days** (more than 5 months since the initial request was made to the ADB) for it to start determining compliance with the Disclosure Policy. In instances where a requester appeals to the CRP after Step 5 of the SPF process, it can take up to **195 days** (more than 6 months) for the CRP to start determining compliance. The time taken to complete the compliance review and to get approval from the Board to endorse the findings of the CRP will take additional time which will vary from case to case.

A request for information made under such an appeals timeline, one which can take up to five months since the initiation of the request even in a "best case scenario", will invariably fail to meet the needs of the requesters and is thus unacceptable.

- **An appropriate independent appeals mechanism** is needed to interpret quickly and impartially the ADB's "presumption in favor of disclosure". This role can be performed by the compliance arm of the ADB Accountability Mechanism. The CRP is the appropriate entity to consider appeals because (i) it is independent, and (ii) the need for consultation/mediation, in the presence of a clear demand for specific information/documents, does not exist. Only the CRP, and not the SPF, is suited to interpret the "presumption" from the perspective of policy compliance. That said, **changes will need to be made** in the procedure of the Accountability Mechanism so that complaints that relate specifically to the disclosure of information can avoid the SPF (consultation/mediation) function and get speedier responses from the CRP, something which the current timeline of the Accountability Mechanism does not offer.
- **Responses to requests for information should include a detailed explanation of the "harms" associated with disclosure.** The ADB's draft disclosure policy states that "ADB indicates in writing the reason for the refusal [of disclosure of information]." (para. 148) However, it does not indicate what comprises an appropriate reason. This is greatly due to the fact that the constraints to disclosure, listed in the Bank's draft PCP are not narrowly defined,

do not specifically outline the harms associated with disclosure and, therefore, could include almost all types of information produced by the Bank. The ADB should provide the public with appropriate and complete reasons if it is going to deny a citizen access to information. To do this, the ADB must outline in its responses to information requests exactly what information cannot be disclosed and what harm would come, and to whom, if information was disclosed.

- **A narrow and harm-based definition of business confidentiality is necessary to ensure disclosure policy accountability.** An adequate and specific description of business confidentiality in the ADB's disclosure policy would allow the Bank to make more consistent and rational choices when deciding whether or not to disclose information. Such a description would include:
  1. A definition of business information (what specifically is business information? Trade secrets, proprietary information?)
  2. A description of how a business would be harmed if sensitive information was disclosed (would harm be caused to the business's competitive standing, would disclosure violate a legal right of the business?)
  3. A condition for information that is time sensitive (i.e. some information, like a business tender, is sensitive only up to the approval of that tender - after which, disclosure would no longer present "harm" to the business)
  4. A condition that documents containing business sensitive information can be redacted and then disclosed
  5. A condition that the Bank should not refuse to communicate information when that information is already publicly available

### 1.3. Transparency of Private Sector Information

The ADB's draft disclosure policy is wholly inadequate in its proposed transparency standards for private sector operations. The draft policy recommends that a Summary of Project Information (SPI) is disclosed "for each new private sector project no later than 30 days prior to consideration of the proposed project by the Board of Directors" (para. 88) except in projects that require an environmental assessment. In these cases, the SPI is disclosed 120 days in advance of project approval. (para. 89) This 30 or 120 day requirement is in stark contrast to the proposed disclosure requirement for Project/Program (PID) Information Documents, the public sector equivalent to the SPI. PIDs are recommended to be disclosed "within one month after the project concept paper is approved." (para. 84)

The ADB states that it cannot disclose the SPI until the project sponsor is satisfied that it does not contain any information that "would materially harm [a project sponsor's] business or competitive interest". (para. 89) However, the ADB fails to describe specifically what "business sensitive" information is, how the project sponsor would be harmed by its disclosure, and how that harm outweighs the benefit to the public in receiving project information early in the project cycle. (See recommendations regarding business confidentiality in part 1.2 above.)

Furthermore, the draft disclosure policy specifies other types of information that have different disclosure standards for their public and private sector operations. For example, the Report and

Recommendation of the President (RRP), Loan Agreements, Changes in Scope of Projects, and Project Completion Reports are all either disclosed **at a lower standard or are not disclosed at all for private sector operations.**

Although there are some legitimate business constraints to disclosure, maintaining less transparency in private sector operations is harmful for several reasons. Among other things, development objectives and results for private sector operations will be undermined due to inadequate disclosure standards.<sup>3</sup> The ADB should foster transparency in its corporate clients and require higher disclosure standards for private sector information than those currently envisioned in the draft PCP. At the very least, disclosure standards for private sector operations should be no less rigorous than the standards applied to the Bank's public sector projects and programs.

**1.3.1. Lending to Financial Intermediaries.** FI lending is a growing trend across many of the MDBs. For this reason, the ADB should use the disclosure policy review as an opportunity to develop disclosure standards related to FI operations. Other MDBs have already begun to address FI disclosure requirements. The African Development Bank, for instance, in its recently approved disclosure policy states that: "For Category 4 projects involving Financial Intermediaries (FI), the FI shall ensure that the sub-projects that require ESIA's undergo the same information disclosure process as Category 1 projects funded by the Bank Group."<sup>4</sup> In addition to meeting minimum requirements set by other institutions, the ADB should:

- Disclose the Report and Recommendation of the President for an FI loan according to the same standards applied to public sector operations.
- Require the FI to disclose a list of the projects that the FI is financing as well as a list of all public documents related to those projects.
- Require the disclosure of the social and environmental management plan and the annual report on operations, both developed by the FI; and
- Conduct an annual audit, perhaps through the ADB's independent Operational Evaluations Department, of selected projects funded by FIs.

#### **1.4. Disclosure of Draft Documentation**

The draft PCP states that the ADB is committed to creating "opportunities for persons affected by ADB-assisted operations to be informed about, and influence, decisions that affect their lives." The draft policy goes on to state that the ADB aims to encourage "constructive debate and dialogue on policies and operations, thereby providing different ideas and perspectives on development issues." (para. 61) In order to meet these objectives and promote informed participation, citizens must have access to information before all decisions on a project, program, or policy have been made. **However, the disclosure standards outlined in the draft PCP do not support the disclosure of information early in the decision-making process.** Namely, the draft policy does not recommend the disclosure of draft operational documents before they are finalized.

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<sup>3</sup> In its draft Public Communications Policy, the ADB itself asserts that transparency can "enhance ADB's development effectiveness by improving project design, implementation, and sustainability." (para. 60)

<sup>4</sup> African Development Bank Group Policy on Disclosure of Information, March 2004, Section 4.25.

For the public to effectively participate in Bank operations, the ADB should streamline the disclosure of draft operational documents. For example, the ADB should consistently release more draft Country Strategy Papers, draft policies and strategies, and draft Reports and Recommendations of the President.

## 2. Recommendations for the routine disclosure of information

Bank Information Center prepared comprehensive comments regarding ADB transparency in November 2003.<sup>5</sup> Although some of the recommendations from that paper are reflected in the ADB's draft PCP, several recommendations remain outstanding. In order to foster participatory processes in Bank operations, the ADB should consider disclosing more information on a routine basis. We request that the ADB respond to any recommendations provided by external stakeholders that are not incorporated in the next draft PCP and include in that response an explanation for their non-inclusion.

### 2.1. Budget and Financial Information

The disclosure of comprehensive budgetary and financial information allows citizens, as taxpayers, to be informed about how the ADB is allocating public funds. Such financial transparency is vital to combating corruption and increasing development effectiveness. However, the draft PCP only requires summary financial information to be disclosed. In order to foster public accountability, the ADB should:

- a. disclose detailed information on its operational budget, including a clear indication of departmental budgets and other aspects of resource allocation; and,
- b. release detailed information on actual expenditures and outlays including information such as balance sheets, statements of income, comprehensive income, changes in retained earnings and cash flows.

### 2.2. Governing Bodies

As government representatives, the ADB's Executive Directors (EDs) are ultimately accountable to the citizens of the countries they represent. This accountability is all but void when the public does not have access to information about how EDs are representing the priorities of the government at the Board.

Although the ADB's draft disclosure policy makes some recommendations to improve the transparency of the Board of Directors, **it does not go far enough**. The draft policy proposes to disclose a Board agenda three weeks in advance of Board meetings (para. 110) and to disclose minutes of Board meetings within 60 days. (para. 111) However, several recommendations made in the November 2003 comments submitted by BIC remain outstanding. The ADB should consider the following issues when developing a second draft of the PCP:

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<sup>5</sup> *An Analysis of ADB Transparency*, Bank Information Center, November 2003, [www.bicusa.org](http://www.bicusa.org).

- a. The proceedings of the ADB's Board of Directors should be a matter of public record, with certain exceptions made for executive sessions. Board discussions should be open to the public or available by closed circuit television or web cast. Transcripts and summaries, along with the minutes of Board discussions should be publicly available on the Bank's website and in hard copy by request.
- b. If the Board votes on a given issue, a record of voting should be kept and disclosed.
- c. Written statements of Executive Directors should be disclosed and available in national languages for the Directors' in-country constituents.
- d. The ADB should develop and disclose a 6-month work plan for the Board. This work plan should be disclosed in a timely manner and updated on a regular basis.
- e. Board committees should meet the same transparency standards that govern the entire Board.
- f. The ADB should disclose contact information, including phone numbers and email addresses, of its Executive Directors.
- g. The above provisions should also apply to the Board of Governors.

### **2.3. Country Strategy Program (CSP) and Regional Cooperation Strategy and Program (RCSP) (for public and private sector operations)**

The ADB's draft disclosure policy does not meet the minimum best practices regarding transparency of country strategies specifically in regards to the disclosure of draft country programming documents. The African Development Bank's new Policy on Disclosure of Information (March 2004), states that:

The draft [Country Strategy Paper] CSP will be released to in-country target audiences, as part of the consultation process, to enhance information for CSP consultation. Such drafts will however exclude confidential information as agreed with the government. Draft CSPs will be released via the Bank Group website at least 50 days prior to formal Board discussion.<sup>6</sup>

In its disclosure policy review, the ADB should *at least* meet the disclosure standards already in place at its sister institutions. However, the Bank should also strive to be a leader in the disclosure of country programming documents. In order to achieve these standards, the ADB should incorporate the following requirements into the PCP:

- a. Before a CSP or RCSP is reviewed, the ADB should disclose relevant background materials such as CSP evaluations, country economic and social analyses and the Country Environmental Analysis. The ADB should make use of in-country information dissemination methods to ensure broad awareness of the approaching review.
- b. Draft CSPs and RCSPs, in addition to "information" related to the draft (para. 78), should be disclosed for comment and consultation early in the development of the paper and translated into the national language of the country concerned.
- c. The ADB should disclose the final draft ("R-paper") of the CSP and RCSP when it is circulated to the Board and no less than 60 days prior to approval. This should be done in order to provide the public with an opportunity to give recommendations to their country's representative at the Board of Directors.

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<sup>6</sup> Policy on Disclosure of Information, African Development Bank, March 2004; section 4.3.

## 2.4. Policies

ADB policies and strategies dictate how the ADB functions and describe the institution's overarching objectives, priorities and goals. When a new policy or strategy is developed or when an existing one is reviewed, the ADB can greatly benefit from the public input which will ultimately contribute to the effectiveness and sustainability of the policy or strategy.

In this regard, the ADB makes some laudable recommendations regarding the development and review of policy and strategy papers. The draft disclosure policy recommends that the Bank disclose a consultation plan for each review and "a list of policies and strategies it expects to review during the next 12 months." (para. 82) However, language in the draft disclosure policy only allows for the disclosure of draft policies for consultation or comment "as deemed appropriate by ADB." (para. 82) This **language is vague and fails to effectively fulfill commitments made in the draft PCP regarding participatory development**. The Bank should routinely disclose all draft policies and strategies under consideration, either for consultation or for web-based comment. Specifically, the Bank should adopt the following requirements:

- a. Before a policy is reviewed, the ADB should disclose any relevant background materials, including management evaluations of the existing policy, so that external stakeholders can consider the ADB's own assessment of the effectiveness of a policy as they develop their recommendations.
- b. Drafts of proposed policies and strategies should be routinely released for public comment and at least 90 days should be provided for comment.
- c. External comments on a given policy or strategy should be made publicly available on the web.
- d. All drafts sent to the Board, including the final draft (the 'Restricted Paper') should be disclosed at the same time it is circulated to the Board and no less than 30 days prior to approval to provide citizens an opportunity to discuss and provide inputs on these drafts to EDs/their respective representative on the Board.

## 2.5. Projects and Programs

**2.5.1. Regular project and program updates.** The ADB should avoid relying on documents such as the Project/Program Information Document to update citizens on project developments. Although it is important to release such information early in the project cycle, the ADB already produces many types of documents that could be disclosed to the public, albeit in a redacted form. Disclosing existing documents, instead of relying on documents specifically created for public consumption, serves at least two purposes:

1. Evidence suggests that documents specifically designed for public consumption, are often released well into project preparation, do not contain sufficient detail, and are not routinely updated by project staff.<sup>7</sup>

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<sup>7</sup> The ADB's existing Project Profiles are very rarely updated by Operational Departments. Following are only some examples of Project Profiles (to be replaced by Project Information Documents) which are currently out-dated (some by more than 4 years) on the ADB's website: Kazakhstan-Farm Restructuring Sector Development Program

2. Requiring staff to create additional documentation on a project, program, policy or strategy is inefficient and places an extra burden on Bank staff.

Although we appreciate the ADB's proposal to develop and disclose PIDs and SPIs,<sup>8</sup> as they can provide a good summary of information early in the project cycle, the ADB already produces several documents that can serve the same purpose. This is especially true regarding the series of Back-to-Office-Reports (BTOR) and Aide Memoire that are developed during project preparation and implementation. To ensure regular updates on project or program development, the ADB should:

- a. Disclose documents already produced by staff and which routinely update management on the status of project or program development. (For an example of documents already produced by the ADB during loan preparation, see Box 2.)

**BOX 2. Some documents produced by the ADB during project preparation:**

- Loan processing schedule
- Agreement between the ADB and the Government on the scope of work, implementation arrangements, financing arrangements, and time frame
- **BTOR and Aide-Memoire** (developed during PPTA Fact-finding)
- Letter of Agreement (signed at PPTA approval)
- Invitation documents (developed during Recruitment of Consultants)
- Negotiated contract (developed during Recruitment of Consultants)
- Notice to proceed (developed during Recruitment of Consultants)
- **BTOR and Aide Memoire** (developed during project design – inception phase)
- Midterm report
- **BTOR and Aide Memoire** (developed during project design – midterm phase)
- Draft final report (developed during project design)
- Consolidated ADB comments for final tripartite review
- Draft detailed implementation plan
- **BTOR and Aide Memoire** describing the proposed investment project in sufficient detail
- First draft RRP (developed during loan processing)
- RSDD memorandum to chair of MRM on safeguard policies compliance
- **BTOR and Aide Memoire** (developed during appraisal)
- Second draft RRP (developed during loan appraisal)
- Third draft RRP (developed during loan negotiations)
- Minutes of loan negotiations
- Final RRP (signed at loan approval)

**2.5.2. Openness in project and program evaluation.** Although the ADB makes some criteria available on its website, it is still unclear how the Bank chooses various projects and programs for evaluation. For the ADB to truly measure development effectiveness, it should accept

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(<http://www.adb.org/Documents/Profiles/LOAN/30106013.ASP>); Cambodia-GMS Phnon-HCMC Road (<http://www.adb.org/Documents/Profiles/LOAN/30513013.ASP>); India-Gujarat Power Sector Development Program (<http://www.adb.org/Documents/Profiles/LOAN/29694013.ASP>); Samoa-Education Sector Project (<http://www.adb.org/Documents/Profiles/LOAN/30175013.ASP>); Philippines-Metro Manila Air Quality Improvement (<http://www.adb.org/Documents/Profiles/LOAN/30480023.ASP>).

<sup>8</sup> See our specific recommendations regarding the SPI in section 1.3.

nominations from civil society regarding which projects or programs to review. This would increase the ADB's accountability and commitment to achieving development goals.

- a. The disclosed criteria for the selection of projects, programs and technical assistance grants to be evaluated under annual performance audit reports should be elaborated.
- b. The ADB should disclose draft OED reports for comment when they are circulated to Management and borrowing member countries to allow for public comment before the document is finalized.
- c. All final and where applicable, final draft OED reports, including such major reports as the Country Assistance Program Evaluations, should be publicly available soon after they are circulated to the Development Effectiveness Committee (DEC) and should continue to include any response from management on the report and a Chairman's summary of the DEC discussion if applicable. This would provide full information to the public regarding the results of ADB evaluations and, therefore, the effectiveness of projects and programs.

## 2.6. Access to information

Currently the ADB does not make all information on a project or program available in one place. Instead, **documents are scattered throughout the ADB's external website** and users are forced to search the website for comprehensive information on a project or program. This practice is not in line with current information accessibility standards at the World Bank. The World Bank develops a "project page" for each of its operations which lists all disclosed documents related to the loan or grant. Furthermore, the World Bank recently developed a document "Catalogue" which contains a glossary of all types of information produced by the institution, including a definition of the information and its disclosure status.

In addition, the World Bank has begun a process to enhance information dissemination in borrowing countries. In 2003, the World Bank approved a strategy to improve its public information centers<sup>9</sup> which, among other things, demonstrates a commitment from the Bank to proactively disclose information to project affected communities.

Lastly, the World Bank has also approved a Translation Framework<sup>10</sup> which will guide a comprehensive approach to the translation of important operational information produced by the Bank. While the effectiveness of this Framework is yet to be determined, the World Bank has taken the first step towards making information, including such documents as the Project Information Document and Project Appraisal Document, available in local and/or national languages.

In order to provide better accessibility to project and program information and to meet the information accessibility standards at the World Bank, the ADB should:

- a. Provide a web page on each of its operations containing basic project information and a list of all project or program documents developed by the ADB, project sponsor, or project consultant. The ADB should indicate which documents are publicly available and which are

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<sup>9</sup> *Strengthen Public Information Centers*, World Bank Group, August 6, 2003.

<sup>10</sup> *A Document Translation Framework*, World Bank Group, August 6, 2003.

- confidential. For confidential documents, the Bank should provide a reason for their non-disclosure and to whom the public can address appeals.
- b. Develop a comprehensive strategy to enhance the performance of its resident missions. All resident missions should have a functional Public Information Center (PIC) no later than one year after approval of the PCP. Among other things, a PIC should: have all public documents related to ADB operations in their country and proactively provide these to citizens free of charge; and, provide public access to the ADB's external website where individuals should be able to find electronic copies of ADB documents and other information on ADB operations in a country. Furthermore, there should be a functional Public Information Center (PIC) in every developing member country two years after the approval of the final PCP.
  - c. The ADB should examine more closely its recommendations regarding translation. Documents pertaining to ADB operations in a given country (such as project documents) should be made publicly available in at least all the national language/s of the country. Some recommended standards include: (i) mandatory translation of documents used in consultations, (ii) documents such as EIAs and SIAs should be translated upon request from interested parties, (iii) draft Resettlement Action Plans and draft Indigenous Peoples plans should be translated and made available to the affected communities prior to Project appraisal, and (iv) all draft final translated project/program documents should be publicly released at least 30 days prior to Board approval.

## Conclusion

While the draft Public Communications Policy of the ADB makes some important improvements over existing transparency standards, several areas in the policy do not meet the disclosure standards at other MDBs or do not include recommendations already made by civil society organizations. In redrafting the PCP, the ADB should: clearly articulate when information will be disclose; expand the list of information the Bank will routinely disclose; narrowly define disclosure constraints; and outline an accountable request-response-appeal process.

The adoption of the recommendations proposed in this paper will help ensure that the Bank fulfills its commitments to participatory processes and development effectiveness. We look forward to the ADB's response to these comments and a continued dialogue around increased transparency at the institution.

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The Bank Information Center (BIC) is an independent, non-profit, non-governmental organization that aims to empower citizens in developing countries to influence World Bank and other Multilateral Development Bank (MDB) activities in a manner that fosters social justice and ecological sustainability. BIC advocates for greater citizen participation, transparency, and public accountability. BIC is not affiliated with any of the MDBs.

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