

Comment on ADB's 1994 Disclosure and Information Policies

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FROM: Delhi Forum
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DATE: 14 July 2004

Talking points for ADB Consultation on Public Communications Policy on July 14, 2004 at New Delhi

Overall structure: Policy is narrative rather than directive and is more about closure/shutting out information rather than disclosure. ADB always speaks of openness and confidentiality at the same time (para 33). The policy dwells at greater length on constraints to disclosure rather than disclosure itself

Questions to be asked

- 1) The policy part is very short – only four paragraphs, para 59 to 63 – in the first three paragraphs in the actual policy set out the purpose and objectives of the policy, while the last 2 paras (62 and 63) take away a lot of information that it says cannot be shared with the public
- 2) Para 62 – says certain types of information cannot be made available, such as “business proprietary information”. It flies in the face of ADB’s “presumption in favour of disclosure’ The private sector may be given importance, but ADB must categorise what specifically can be called “business proprietary information” and only if such criteria are satisfied, can it be kept in the private domain
- 3) Para 63 – Categorise what can be called “privileged information” for its borrowing members so that civil society organizations can understand exactly what will be kept out of access. This para looks like it has been deliberately kept vague.
- 4) Why is it that the policy has no provision of giving a breakup of dollar and rupee breakup – summary of budget for each year is made publicly available, but we want a detailed breakup by project.
- 5) Absence of ex-ante disclosure, which is made during important decision-making exercises (projects approvals country strategy exercises, policy development), does not “presume in favour of disclosure”.

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- 6) Why is it that the two important paras on disclosure (73 and 149) put translation entirely at the discretion of ADB. If the project cannot tell the local people in unambiguous terms the benefits they will get, and field any questions, it has got no right to exist in the first place.
- 7) Report of Recommendations to the President (RRPs) should be made available in the draft stage, before it is put up to the Board.
- 8) Appellate mechanism – in case wrong information has been made available to the public, it has not been clearly spelt out what are the redressal mechanisms. Only para 140 mentions about the PCAC – which is very much a part of ADB. There needs to be an independent appellate panel.
- 9) Back to office reports (footnote 49) and aide memoires (footnote 50), need to be disclosed in general, sensitive info can be excised.
- 10) Best practices in other banks: African Devt Bank – (a) blacklisted firms names disclosed (b) Profiles of private sector projects (project summary docs), para 11 not only made publicly available 30 days prior to Board meet but also kept up-to-date on website. ADB website does not keep enough of updated information (c) World Bank's PID lists all documents related to project info, sometimes also aide memoires (Annex 1, para 31) (d) para 35 WB's PIC unit – redressal.