

## Comment on ADB's 1994 Disclosure and Information Policies

TO: disclosure@adb.org

FROM: R. S. Cyber  
Students of Development Studies  
Nepal

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We are the students of 'Development Studies' and thus we were the representatives of the 'Development Society' (i.e. comprises of the students of development studies) in the meeting held at the ADB Resident Mission, Nepal, on the 22<sup>nd</sup> of July 2004.

We really learnt a lot from the interaction that we had live through the technology provided at the Resident Mission. Besides this, we were really pleased to have the golden opportunity to hear from you about the drafted ADB Policy. Moreover it was really kind of you to lend an ear to what we had to say on the ADB Policy and we do appreciate the response you gave to the recommendations, suggestions, and views put forth from our side.

We would like you to go through the recommendations put forth by the Development Society so as to arrive at a better understanding; therefore, we would like to take this opportunity of sending you the recommendations via email.

It would be very grateful if you would respond to us in case there's any information on the ADB that would be essential and useful for us to know.

We would also like to apologize if there are any mistakes on our part of understanding the ADB Policy.

Thanking you in anticipation.

Yours faithfully,  
BAL SUNDARI LIMBU  
NIRAJ TAMRAKAR  
SUMAN BARAKOTI

For further contact: [rc\\_ktm\\_metro@hotmail.com](mailto:rc_ktm_metro@hotmail.com) (Rotaract Club of Kathmandu Metro)

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## **OUR UNDERSTANDING ABOUT ADB'S POLICY:**

1. ADB's policy emphasize on the access to information by the public and raising awareness through providing information to the external audiences. But then ADB itself has adopted the legal and practical constraints to protect the legitimate interest of ADB and of those with whom ADB cooperates. Thus ADB doesn't make publicly available the information that it considers to harm the interest of ADB, its members, its private sector sponsors and ADB staffs. Hereby, it is obvious that ADB places more priority on the self-interest and those of its associates, rather than on the public interest. Since ADB doesn't make available the information to public when being demanded or requested or desired, this may be the reason why there is still lacking a proper access to information by public.
2. Protecting the interest of ADB and its Cooperatives may prove to be costly for the public in general as the essential information requiring the acknowledgement of public may be kept beyond the public's reach.
3. The Strategy of the ADB mentions that the Poverty Reduction Partnership Agreement is made available to public when it is signed by ADB and the government concerned. Similarly, the Poverty Analysis, Country Economic Review, Governance Assessment and Private Sector Development are made publicly available upon finalization. Therefore, there are some legal constraints that create difficulties for the public in reaching the information needed or desired.

## **SUGGESTIONS/RECOMMENDATIONS ON THE ADB'S POLICY:**

1. Besides ADB, the other Multilateral Development Banks have increased their resources for the External Relations and for enhancing the Public Relations such as the World Bank and Inter-American Bank, which as a consequence, their international profile has been raised and their reputation enhanced. Thus, alike them, ADB should also establish an efficient and effective Office of External Relations covering a wider areas or regions, so that the management will be well informed on the external perspectives of ADB and its operations.
2. For the implementation of the Public Communication Policy, ADB needs to continually build the capacity of the Public Communications Advisory Committee so that a proper guidance on the interpretation and applications of the policy is enabled. ADB also should take a heed to the formation of the new Info Unit in OER. In addition, ADB should also expand its PICs in the various regions were it works or intends to work.
3. ADB should also form a separate Committee comprising of the expertise who will be given the responsibility/task of monitoring, analyzing and finally deciding upon as to which of the information should be disclosed to public when demanded or requested, rather than ADB and its Cooperatives being the final authority for making such decisions.
4. ADB's primary mission is to reduce poverty in Asia and the Pacific region. Hence ADB's projects/programs are basically related or targeted towards the poor unprivileged people at large. Since they are the stakeholders, they have the right to access to information that relates to or influences their lives, as it is their right granted by the Article 19 of the International Covenant on Civil and Political Rights (i.e. signed by more than 20 ADB

members). Therefore, in such a circumstance, ADB should give top priority to public consent rather than seeking the consent of the individuals, groups, organizations, business or private sectors, involved in the ADB-assisted projects or programs.

5. ADB should attempt to provide information adequately and in an appropriate form, modes and language that is more comprehensible to the public, affected people, and the organizations concerned. Herewith, ADB should also give more emphasis on the public relations and grant considerations to the public interests, concerns and consensus in order to gain support and to have a sustainable programs or projects.
6. ADB's Depository Library Program, now comprising of 167 libraries in more than 40 countries is an attempt of accessing information and documents of ADB. As well as the ADB's web site for making information publicly available. But in a poor country like Nepal, these are not the effective means for information disclosure and access because majority of the population are poor and illiterate (especially the affected/local people, indigenous people, etc.) and it's impossible for them to comprehend the documents made available through the libraries, further they are not in a state of having access to the Internet or the Information Technology. Therefore, ADB should think of alternative means for appropriate information disclosure besides these. ADB should also ensure that the public understands the information disclosed and shouldn't only think about the availability of accessibility of information.
7. Clear criteria of Confidentiality needed for the information disclosure and people should be well aware about what sort of information will be disclosed or if kept confidential then on what basis or for what reasons needs to be disclosed to public.
8. Summary of Initial Poverty and Social Assessment Report is made publicly available for as a draft after agreement with the government, Technical Assistance Report is available publicly after approved by BoDs, Drafts of Report Produced under Technical Assistance made available in special circumstances and when ADB deems appropriate, Public Sector Report and Recommendations of the President made available after approved by the BoDs. All of these indicate that ADB is based on hierarchy. ADB adopts hierarchical approach rather than emphasizing on the grass-root level. In fact, ADB as a development institution should be having bottom-up approach, as it is essential to address to the interest, needs, priorities of the people at the grass root level who are the victims of poverty and underdevelopment. Therefore, ADB should not introduce or should eliminate the hierarchy-based policies, projects and programs in future.
9. Policy also states that the ANB makes the final Resettlement Planning publicly available, when ADB officially receives the documents from the borrowers or project sponsors. Rather than waiting until the documents are received from, ADB should put an obligation to them to prepare the required documents within the specific timeframe so that they will feel more responsible.
10. Historical information and documents are as valuable as the present information and documents because we can learn a lot from the past experiences. Therefore, ADB should provide it to public in lesser time than it has mentioned. Thus instead of 20 years of time, ADB should reduce it to 10 years for making the historical information available publicly.

## **SOME OF OUR QUERIES ARE:**

1. ADB has recognized its audiences as the Governments, Media, Civil Society, Private Sector and Academia. It doesn't mention the individuals. Why is not the interested individuals considered as the audiences with a right to seek information regarding ADB operations?
2. Project/Program Information Document for Public Sector Projects or Programs is made available within one month after the project concept paper is approved and updated on a quarterly basis, indicating "if and when" they will become publicly available. Why is there an uncertainty on the information disclosure?
3. Summary of Project Information for private sector project is made publicly available for each new private sector project no later than 30 days prior to consideration of the proposed project by the BoDs when project sponsors are satisfied the SPI is factually accurate and doesn't contain information that would materially harm their business or competitive interests. Therefore, no real or detail information is provided/made available to public. So then, how can ADB assure proper access to information in such a circumstance?
4. The policy states that the Project and Program Evaluation Reports of ADB are discussed in the Development Effectiveness Committee and the reports submitted to the DEC are made publicly available after a reasonable period of time. What does a reasonable period of time imply to? Is it days, month, year or years?
5. ADB does not comply with the unreasonable requests for information is mentioned in the policy. What sorts of information requests are considered unreasonable requests by the ADB?