

# ***NGO FORUM*** ON ADB

85-A Masikap Extension, Diliman, 1101 Quezon City, Philippines, Telefax: +632-921-4412

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President Tadao Chino  
Asian Development Bank  
Manila, Philippines

April 5, 2004

Dear President Chino,

We are writing regarding the recently released *Draft Public Communications Policy of the Asian Development Bank (28 February 2004)*. While we acknowledge that the Draft Policy includes some improvements over existing standards, it still remains an inadequate policy draft document failing to address many of the obvious problems associated with access to information at the ADB. We are therefore disappointed with the draft, as it may imply that there is insufficient political will within the institution to adopt critical transparency reforms. We hope this interpretation will be proven wrong, but we feel it is important to clearly state our concern with the ADB's refusal to adopt many of civil society's core recommendations.

As recently reported by the *Financial Times*, you have a keen desire for the ADB to emerge from this review as a leader among the Multilateral Development Banks (MDB). We are uncertain how this desire will be translated into reality if the ADB does not substantially improve the Draft Policy. If the ADB aspires to be a leader in the MDB community, the requirements outlined in the Bank's disclosure policy should not fall short of transparency standards that are well established and foster universal agreement.

We believe that all citizens have a right to information about ADB operations that affect them. As a Multilateral Development Bank, the ADB's governors represent nations that have legal obligations under the International Bill of Human Rights, yet the Draft Policy rejects many of civil society's key recommendations that are consistent with this international agreement.

The name of the policy, as well, does not properly represent citizens' right to information as described in international law. The use of the term "public communication" does not in any way completely address the reason for developing such a policy or explicitly state nor imply that the policy is an enforceable rule for disclosure that fully respects the citizen's right to information, applicable to all the Bank's officials and department. We would strongly recommend that the policy affirm this right unequivocally, and that the policy be named the *Public Communication and Information Disclosure Policy*.

The draft Public Communications Policy acknowledges that disclosure provides opportunities to "enhance development effectiveness by making more operational information available to the individuals and communities" that benefit from them, or that

are affected by them. We feel there are many ways in which the ADB could improve the Draft Policy in order to acknowledge and respect the right to information as enshrined in the International Bill of Human Rights. This affirmation and action on well established principles of democratic governance is exactly what the draft PCP is avoiding; and this failure is most disappointing.

Key recommendations from civil society absent in the draft Public Communications Policy include, among others:

- disclosure of detailed descriptions of proposed loans and grants in draft and final draft form (this refers to the Report and Recommendation of the President and the Technical Assistance Report), including those pertaining to private sector lending;
- disclosure of Aide Memoires;
- disclosure of all draft and final draft policy, country, and strategy papers, with adequate time provided for comment;
- opening the meetings of the Board of Directors, including the release of transcripts of Board proceedings or, as a preliminary measure, detailed summaries of Board discussions;
- making a commitment to translate a wide range of policy and operational information into relevant languages;
- providing citizens with an opportunity to appeal to an appropriate and independent body in cases where they feel the Bank has failed to adequately implement the Policy's guiding principle of "a presumption in favor of disclosure;" and
- strengthening the capacity of Resident Missions so as to prevent policy implementation from becoming overly dependent on Headquarters in Manila.

Detailed comments on the draft Public Communications Policy will follow from civil society organizations separately during the comment period.

Finally we hope and trust that you will reconsider the proposed Draft Policy and lead the institution towards adopting a Policy that will demonstrate the ADB's desire to play a leading role in promoting meaningful transparency in its own operations and among the Multilateral Development Banks in general.

Sincerely,

Sameer Dossani  
Executive Director

**Endorsed by:** please see next page

**Cc:** Board of Directors

<b>Australia</b>				
Michael Simon	Oxfam Community Aid Abroad	61 3 9289 9440	61 3 9419 5318	michaels@caa.org.au
Lee Tan	Australian Conservation Foundation	61 3 9345 1135	61 3 9345 1166	l.tan@acfonline.org.au
Binnie O'Dwyer	FoE - Australia			binnie.odwyer@foe.org.au
<b>Azerbaijan</b>				
Azad Aliev	Association of Social Economic Researchers			azad_aliev@hotmail.ru
<b>Bangladesh</b>				
Ashraf-ul-Alam Tutu	Coastal Development Partnership (COP)	88 041 732865		<a href="mailto:cdp@khulna.bangla.net">cdp@khulna.bangla.net</a>
Nasreen Pervin Huq	ActionAid Bangladesh	880 2 811 1763, 811 8378	880 2 913 7753	<a href="mailto:nasreen@actionaid-bd.org">nasreen@actionaid-bd.org</a>
Majibul Huq Dulu	Jamuna Char Integrated Development Project (JCDP)	+880 2 9660290	+880 2 9660291	<a href="mailto:charjcdp@bangla.net">charjcdp@bangla.net</a>
Zakir Kibria	BanglaPraxis			<a href="mailto:banglapraxis@yahoo.com">banglapraxis@yahoo.com</a>
<b>Bulgaria</b>				
Anelia Stefanova	Za Zemiata (For the Earth)			anelias@bankwatch.org
<b>Cambodia</b>				
Sithirith Mak	Fisheries Action Coalition Team	855 23 990342		<a href="mailto:factpp@camnet.com.kh">factpp@camnet.com.kh</a>
Thida Khus	SILAKA			<a href="mailto:silaka@forum.org.kh">silaka@forum.org.kh</a>
<b>Canada</b>				
Ian Baird	Global Association for People and Environment (GAPE)	856-31-251-427		<a href="mailto:ianbaird@shaw.ca">ianbaird@shaw.ca</a>
<b>Germany</b>				
Dorothy Guerrero	Asienhaus	49 201 8303811	49 201 8303830	<a href="mailto:D.Guerrero@asienhaus.de">D.Guerrero@asienhaus.de</a>
Knud Vöcking	Urgewald	49 2583 1031	49 2583 4220	<a href="mailto:knud@urgewald.de">knud@urgewald.de</a>
Carole Werner	W E E D - World Economy, Ecology & Development	49 - (0)30 - 275 82 - 249 o. - 163	49-(0)30-275 96 928	<a href="mailto:carole.werner@weed-online.org">carole.werner@weed-online.org</a>
<b>India</b>				
Shripad Dharmadhikary	Manthan Adhyayan Kendra (Manthan Research Centre)	91 7290 24 867	91 265 28 22 32	<a href="mailto:manthan_b@sancharnet.in">manthan_b@sancharnet.in</a>
Smitu Kothari	Lokayan. Programmes on	91 11-3969360	91 11 2940154	<a href="mailto:smitu@usa.net">smitu@usa.net</a> <a href="mailto:smitu@princeton.edu">smitu@princeton.edu</a>

	Seeds of Hope and Tribal Self-Rule			
Anna Pinto	Centre for Organization, Research & Education (CORE)	91 385 2444845, 91 361 2228730	91 361 2228730 (telefax)	
Debabrata Roy Laifungbam	South Asian Solidarity for Rivers and Peoples (SARP)			<a href="mailto:laifungbam@coremanipur.org">laifungbam@coremanipur.org</a>
Charmaine Rodrigues	Commonwealth Human Rights Initiative (CHRI)	+91 11 2686 4678	+91 11 2686 4688	<a href="mailto:charmaine@humanrightsinitiative.org">charmaine@humanrightsinitiative.org</a>
Himanshu Thakkar	South Asia Network on Dams, Rivers & People	0091 11 2747 9916	0091 11 2748 4654	<a href="mailto:cwaterp@vsnl.com">cwaterp@vsnl.com</a>
Ravi Rebbapragada	SAMATA			<a href="mailto:samatha@satyam.net.in">samatha@satyam.net.in</a>
<b>Indonesia</b>				
Fabby Tumiwa	INFID – Working Group on Power Sector Restructuring	+ 62-21 – 79196721/7919 6722	(62-21) 7941577	<a href="mailto:fabby@nusa.or.id">fabby@nusa.or.id</a>
Muhammad Riza	Yayasan Duta Awan	[62-271] 710816	[62-271] 729176	<a href="mailto:riza@dutaawam.org">riza@dutaawam.org</a>
<b>Italy</b>				
Antonio Tricarico	Campagna per la riforma della Banca mondiale			<a href="mailto:atricarico@crbm.org">atricarico@crbm.org</a>
<b>Japan</b>				
Kenji Fukuda	Mekong Watch Japan	81-3-3832-5034	81-3-5818-0520	<a href="mailto:fukudan@sol.dti.me.jp">fukudan@sol.dti.me.jp</a>
Yuki Tanabe	JACSES	+81-3-3447-9585	+81-3-3447-9383	<a href="mailto:tanabe@jacses.org">tanabe@jacses.org</a>
Kei Kurihara	Fukuoka NGO forum on ADB (FNA)	81-92-920-1873	81-92-920-1873 (telefax)	<a href="mailto:fna@minos.ocn.ne.jp">fna@minos.ocn.ne.jp</a>
<b>Kazakhstan</b>				
Yevgeniy Zhovtis	Kazakhstan International Bureau for Human Rights and Rule of Law	639461	639461 (telefax)	<a href="mailto:omaz@omaz.almaty.kz">omaz@omaz.almaty.kz</a>
<b>Malaysia</b>				
Adrian Goh	SOS Selangor			<a href="mailto:adrian_goh@yahoo.com">adrian_goh@yahoo.com</a>
<b>Nepal</b>				
Gopal Siwakoti	WAFED	0977-1-4429741	0977-1-4419610	<a href="mailto:wafed@ntc.net.np">wafed@ntc.net.np</a>
<b>Netherlands</b>				
Henneke Brink	Both Ends	31-20-623-	31-20-620-	<a href="http://hb@bothends.org">hb@bothends.org</a>

		0823	8049	
Vincent Brisard	ASEED Europe			vincent@aseed.antenna.nl
<b>Pakistan</b>				
Khadim Hussain	ActionAid Pakistan	92-51-2264689	92-51-2260678	khadim@actionaidpakistan.org
Mohammad Nauman	CREED Alliance			darvesh@super.net.pk
Zafar Lund	Hirrak Development Center			hirrak_devcen@hotmail.com
Mukhtar Ahmad Ali	CRCP (Consumer Rights Commission Pakistan)	92-51-2855402	92-51-2855403	crpc@isb.comsats.net.pk
Asim Nawaz Khan	NGO Network Welfare Association			asimnawazjee@yahoo.com
Khawar Mumtaz	Shirkat Gah			khawarm@lhr.comsats.net.pk
<b>Papua New Guinea</b>				
Ruth Pune	Center for Environmental Law and Community Rights (CELCOR)	(675) 3234509, 3234237	(675) 311 2106	campaign.celcor@global.net.pg
<b>Philippines</b>				
Sameer Dossani/Jessica Rosien	NGO Forum on ADB	(632) 436-1858	(632) 921-4412	sdossani@pacific.net.ph jrosien@pacific.net.ph
Joan Carling	Cordillera Peoples Alliance	63-74-4422115	63-74-4437159	joan.carling@skyinet.net
Sheila Coronel	Philippine Center for Investigative Journalism	+632 819 5817	+632 8123698/633587	scoronel@pcij.org
Nepomuceno Malaluan	Action for Economic Reforms	+632-4265626		nepo@aer.ph nepo_m@pacific.net.ph
<b>Switzerland</b>				
Bruno Gurtner	Swiss Coalition of Development Organizations	41 31 381 1715	41 31 381 1718	bgurtner@swisscoalition.ch
<b>Thailand</b>				
Pianporn Deetes	South East Asia Rivers Network (SEARIN)	6653 78 334		pai@chmai2.loxinfo-co.th
Penchom Saetang (Ae)	Campaign for Alternative Industry Network (CAIN) Bangkok			penchom_a@yahoo.com
Piyachet Klaewklad	Asian Labor Network on International Financial Institutions Thailand (ALNI Thailand)			alnithai@loxinfo.co.th
S. Parasuraman	ActionAid Asia			sparasuraman@actionaidasi

				a.org
Naing Htoo	EarthRights International (SE Asia)			nainghtoo@earthrights.org
<b>UK</b>				
Alex Wilks	Bretton Woods Project	44 (0)20 7561-7546	44 (0)20 7281 5146	<a href="mailto:awilks@brettonwoodsproject.org">awilks@brettonwoodsproject.org</a>
Tom Griffiths	Forest Peoples Programme	44 1608 652893	44 1608 652878	tom@fppwrn.gn.apc.org
Toby Mendel	ARTICLE 19	+1 902 431-3688	+1 902 431-3689	<a href="mailto:toby@article19.org">toby@article19.org</a> and <a href="mailto:a19law@hfx.eastlink.ca">a19law@hfx.eastlink.ca</a>
<b>USA</b>				
Mishka Zaman	BIC			
Susanne Wong	International Rivers Network	510 848 1155 x 312	510 848 1008	<a href="mailto:swong@irn.org">swong@irn.org</a>
Shannon Lawrence	Environmental Defense	202-572-3369, 387-3500	202-234-6049	<a href="mailto:shlawrence@environmentaldefence.org">shlawrence@environmentaldefence.org</a>
Doug Norlen	Pacific Environment	202 785 8700	202 785 8701	<a href="mailto:dnorlen@pacificenvironment.org">dnorlen@pacificenvironment.org</a>
John Fitzgerald	GAP			<a href="mailto:johnf@whistleblower.org">johnf@whistleblower.org</a>
Paul Orum	Working Group on Community Right-to-Know	202-544-9586	202-546-2461	<a href="mailto:paul_orum@yahoo.com">paul_orum@yahoo.com</a>

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