

## **B. Disclosure of Information**

## Chapter 4

# The Powerlessness of the Media in Pakistan

■ Zohra Yusuf

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As Pakistan does not have any disclosure or freedom of information laws, this chapter focuses on the role of the media in exposing corruption. It also looks at the state of media freedom in Pakistan in the context of how effectively the media have played their role and concludes with some recommendations.

### HISTORY OF COVER-UPS

To put the culture of secrecy that has been the norm in Pakistan in a historical perspective, we need to return to the time of Pakistan's independence. While many countries have been born out of bloody freedom struggles, India and Pakistan, created as a result of the division of the subcontinent in 1947, witnessed an unprecedented bloodbath following the announcement of their independence. Both countries had to cope with history's largest movement of refugees, and in addition, the seeds of suspicion and antagonism were sown with the unresolved status of Kashmir. Pakistan also felt vulnerable because of its separation by 1,000 miles of Indian territory from the former East Pakistan, now Bangladesh.

Pakistan's rulers believed that keeping the press under control and denying access to information was one of the ways to defend the country and cover up its weaknesses. However, corruption and cover-ups are inextricably linked. The mass migrations of the late 1940s led to windfalls for many bureaucrats in relation to properties left behind by Hindus. The exploitation of migrants' property for massive personal gain was the first instance of widespread corruption in Pakistan. The press, perhaps in the belief that exposing corruption in the newly independent state would be unpatriotic, exercised self-censorship and refrained from revealing what was going on. Moreover, bureaucrats trained in colonial ways had already introduced the system of "press advice," whereby formally, in writing, or

informally, over the phone, editors were asked not to publish certain news items or opinions.

Control of the press and of the flow of information ensured that the web of corruption grew unchecked. The only exposures of government corruption became the official white papers issued by each successive government about the government it had overthrown. Such attempts at exposure not only lacked credibility, but created an environment whereby all officially disclosed cases of corruption were suspect. This is one of the reasons why the electorate has brought back into power governments dismissed because of charges of corruption.

### **RESTRICTIVE LAWS**

The Byzantine workings of the bureaucratic mind in Pakistan (and of the prepartition colonial government) are revealed by the presence of 56 statutes, rules, and regulations dealing with the print media alone. In addition, about a dozen control mechanisms pertain to the audiovisual electronic media.

The mass media are also subject to other laws and to various sections of the 1860 Pakistan Penal Code as amended from time to time. Section 499, for example, relates specifically to defamation. The military government of General Ziaul Haq attempted to amend this section so as to make the publication of all negative stories about public officials, even if true, a punishable offense. In addition, the all-encompassing Official Secrets Act of 1923 classifies various documents so they cannot be revealed. The contempt of court law also restricts reporting about corrupt practices within the judiciary.

### **ABSENCE OF FREEDOM OF INFORMATION**

Thus a vast array of laws controls the flow of information in Pakistan, which has yet to introduce a freedom of information act. Surprisingly, it is Pakistan's interim governments that have initiated, albeit in a limited way, the process of ensuring greater freedom of information. In September 1988, following the death of General Ziaul Haq in a plane crash, the caretaker government amended Pakistan's notorious 1963 Press and Publications Ordinance to ease the process of acquiring a declaration for a publication (previously publishers had had to wait for approval from a district magistrate to commence publication). Similarly, the interim government that followed the ouster of Benazir Bhutto's government promulgated the 1997 Freedom of Information Ordinance. This was—and remains—the first and only effort to make official records accessible to the public, although it also added certain

restrictions, such as allowing the government to categorize banking company records, documents of a personal nature, and any other documents it chose as classified. An appeal, however, could be made to the federal ombudsman. The other ordinance promulgated during the same period was the Electronic Media Regulatory Authority, which would have allowed electronic media to broadcast news bulletins other than those produced by the state-owned Pakistan Television and Pakistan Broadcasting Corporation. The government of Nawaz Sharif, which came into power following the general elections in 1997, allowed both these ordinances to lapse.

## **EXPOSÉS FOLLOWING THE RESTORATION OF DEMOCRACY**

Ever since the press gained a relative degree of freedom in the mid-1980s following General Ziaul Haq's death in 1988, exposés and stories about corruption have frequently hit the headlines of the national newspapers. The press's new-found freedom coincided with the return to democracy, with the result that democratically elected governments found themselves facing journalists keen to engage in investigative reporting. Regrettably, the newly elected government that came into power after a long struggle against the military establishment felt the need to reward its supporters and party workers. Worse still, its leaders decided to reward themselves too, and somewhat lavishly.

While Pakistani journalists had achieved mastery in writing between the lines under restrictions placed on them by successive military governments, they had only begun to flex the muscles of freedom when general elections brought the government of Benazir Bhutto into power in 1988. Before this time, even under military rule, several journalists had showed exemplary courage in exposing the corruption of certain members of the ruling junta, with the foremost instance being the reporting of the involvement of the military governor of the Frontier province in the heroin trade. Many journalists suffered as a result of the risks they took in exposing corruption among the country's most powerful people. Many were picked up and held incommunicado, were threatened, and were sometimes assaulted by unidentified men.

The civilian government gave the press not only the freedom it sought, but also the opportunity to break sensational news on corrupt practices. The latter, of course, was inadvertent. Several factors accounted for this sudden upsurge in reporting about corruption that went right up to the Prime Minister's Office. To begin with Benazir Bhutto and her husband demonstrated

a certain degree of brazenness in their practice of corruption. When the president dismissed her based on charges of corruption and the misuse of power, newspaper reports formed the bulk of the evidence, and were even accepted by the superior courts that upheld the dismissal. This became a pattern. The two major parties ruled alternately until each was dismissed on charges of corruption under a controversial constitutional provision.

The source of information about corruption came primarily from press reports. Nevertheless, none of the cases resulted in conviction except for that against Benazir Bhutto, and that too was set aside by the Supreme Court following revelations that one of the judges who had heard her case had a conflict of interest. This reveals that the prosecution has failed to substantially prove the charges of corruption. Thus democratically elected governments have seen their terms of office end abruptly on the basis of disclosures in the press. On the one hand, investigative reporters in Pakistan have bemoaned the fact that their disclosures have been ineffective, and on the other hand have regretted their role in the bringing down of elected governments.

## **ROLE OF THE MILITARY AND OF INTELLIGENCE AGENCIES**

Even today which of the disclosures appearing in the press were true and which were planted by one of Pakistan's intelligence agencies is unclear. Since its inception, Pakistan has been largely under the control of the military-bureaucracy combine. Suppressing information is an obsession the bureaucracy inherited from its colonial masters. Meanwhile the military has deemed it beneath its dignity to share information with the civilian population. Such issues as defense spending, details of military contracts, and so on are not debated in Parliament even when there is one.

The military and intelligence agencies have also played a dangerous part in corrupting the political and democratic process without being held accountable. In the 1988 general elections the then army chief (according to his own statement, given voluntarily) used Pakistan's most powerful intelligence agency, Inter-Services Intelligence, to distribute funds among political parties opposing the Pakistan People's Party. The objective was achieved: the creation of a right-wing coalition that ensured that Bhutto's party would not have a clear majority in Parliament and would consequently remain at the mercy of the military, unable to liberalize Pakistani society.

To some extent the military-bureaucracy combine has also been responsible for corruption among journalists. In the highly secretive

environment of the military establishment, when a former chief of the Navy is exposed for corrupt practices in the purchase of submarines, the discerning reader knows that the exposé has in some way been facilitated. Journalists can also be used by vested interests in their differences with each other. An example is the sensational story that broke during Benazir Bhutto's first tenure as prime minister. According to press reports her husband, Asif Zardari, had a bomb tied to an expatriate Pakistani businessman and forced him to withdraw all his money from a bank and hand it over to a crony of Zardari. Years later it became clear that the story was totally fabricated and planted. Successive civilian governments have also made the bribing of journalists a part of their media policy. Known as *lifafa* (envelope) journalism, reporters and editors have been paid to plant stories against political opponents.

Nevertheless, journalists as a whole have fought valiantly for the freedom of expression. Some have lost their jobs, and others even their lives, in attempts to expose corruption. While civilian governments and politicians have been easier targets, when information has become available journalist have not spared the military.

The July 2001 issue of *Herald*, a Karachi news magazine, carried a story about the auditor-general's report on corruption in the armed forces. As written in the *Herald*: "According to inquiries made by the AGP's office, the armed forces have caused the national exchequer a staggering loss of 20 billion rupees between 1987 and 1998 under the head of defense purchases alone. This does not include the millions of dollars paid out in commissions and kickbacks, Mansoorul Haq's Agosta-90B deal being a case in point."

## **CURBING CORRUPTION**

Various governments have loudly proclaimed their efforts to combat corruption. In most cases, these efforts have been exercises in victimizing their political opponents or are generally perceived as such. In more recent years, the National Accountability Bureau of the military government has replaced the Accountability Cell of former Prime Minister Nawaz Sharif. The bureau (its acronym, NAB, always raises eyebrows) has itself not been forthcoming with information. It rarely explains the basis for releasing certain individuals arrested on corruption charges in a satisfactory way. Even today, the press carries speculative stories about the deal between the military government, the Sharifs, and the Saudis that resulted in the sudden exile of the entire family of the former prime minister.

## NEW INITIATIVES

The present government is, reportedly, working on the framework for a freedom of information act to ensure greater transparency in the public interest. It is also believed that the contempt of court law will be amended to bring the judiciary within the ambit of public scrutiny. The proposed draft ordinance needs to be closely monitored so that it does not contain all the exclusions present in the previous lapsed ordinance.

## MODEL FREEDOM OF INFORMATION LAW

Below are some of the recommendations arrived at by a group of representatives of international nongovernment organizations that met in Colombo in July 2001. The participants came up with the following set of recommendations as a guide to adopting information legislation:

- Establish a presumption in favor of disclosure, which is subject only to narrow and clearly drawn exceptions that include a harm test and a public interest override.
- Provide for an independent appeals mechanism for any refusals to disclose information that operates in a timely and low-cost fashion, and that has full powers to assess claims, including by viewing records, and to order disclosure.
- Ensure the existence of a body responsible for monitoring and promoting effective implementation of the law.
- Establish mechanisms for tackling the culture of secrecy, including through training.
- Require public bodies to publish and disseminate widely documents of significant public interest, subject only to reasonable limits based on resources and capacity.
- Impose the same obligations on private bodies that undertake public functions as on public bodies.
- Provide penalties for willful obstruction of access to information.
- Provide protection against legal, administrative, or employment-related sanctions for whistle-blowers and those who release information about wrongdoing or about serious threats to health and environmental safety, as long as they acted in good faith and in the reasonable belief that the information was substantially true and disclosed evidence of wrongdoing.
- Establish a right to receive information from private bodies where this information is needed to exercise or protect a right.

- Impose an obligation on private bodies to publish information in the general public interest, including where those bodies undertake activities posing a risk of harm to public health or safety or to the environment, or where this is necessary to enable consumers to make informed choices.

To be effective in checking corruption any freedom of information act will depend on an aware citizenry as well as on the opening up of the electronic media. The re-election of corrupt leaders stems from the choices made by a largely illiterate and ill-informed electorate. However, even illiterate citizens are suspicious of the government-controlled electronic news media and rarely believe the official disclosures of corruption. Exposure of corruption in the independent print media reaches an extremely small proportion of Pakistan's citizens, that is, the educated, who also happen to be the most apathetic when it comes to political participation.

In recent years Pakistan has improved its position on Transparency International's list of corrupt countries. Disclosure laws are essential to ensure that no backsliding occurs, and freedom of information laws need to be supported by a freer media and greater support from civil society.

Since the initial writing of this chapter, the government has introduced a new electronic media regulatory authority to facilitate the setting up of radio and television channels in the private sector. These would be allowed to broadcast independent current affairs programs and news.

The government is also discussing with representatives of the press, the drafts of a proposed freedom of information act, as well as a controversial defamation law.

## Chapter 5

# Establishing Mechanisms to Ensure Free Public Access to Information—Practices and Problems

■ Akira Yamada

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In Japan, the system for disclosure of administrative information started at the local government level. After Kanagawa prefecture introduced an information disclosure ordinance in 1982, many prefectures enacted their own information disclosure ordinances during the 1980s and early 1990s. The national Law on Information Disclosure was finally passed in 1999 and became law in April 2001. While the law's content is similar to that of equivalent laws in other industrial countries, for a number of reasons Japan adopted such a law later than many other nations.

To begin with, in a number of industrial countries opposition parties demanded that governments pass an information disclosure law, and when those opposition parties came into office, they were obliged to set up an information disclosure system whether or not they still wanted to. Thus in some cases a change of administration resulted in an information disclosure system. In Japan, the Liberal Democratic Party held on to power from the 1950s until 1993, when the opposition took over, which was around the same time that the movement for passage of an information disclosure law became serious.

The underlying philosophy of the current law on information disclosure is the government's accountability. The actual wording in the law is *setsumei sekinin*, which literally means "responsibility of explanation." Japanese does not have an exact equivalent of the word "accountability," and few Japanese understood this word in the 1980s. This suggests that the actual concept of accountability did not exist in the administration.

Until the mid-1980s, while the Japanese had little trust in politics or politicians, they generally appreciated the work of members of the civil service

and trusted them. Civil service bureaucrats themselves believed that they were doing good job and felt no need to explain the detailed workings of the administration to the public. However, following a number of scandals in the administration in the mid-1980s and the deteriorating economic situation in the mid-1990s, people began to lose their faith in the bureaucracy. They became more forceful in their opinions that the government should provide more explanation about its policies and administrative measures and should disclose more information so as to engender open discussion on public policies. Their demands included the passage of an information disclosure law.

The Law on Information Disclosure contains a review clause whereby after four years it will be reexamined. As the law has only been in effect for less than a year, it is currently too early to assess its impact; however, some problems have already become apparent. The most serious problem is the shortage of resources, especially human resources, to carry out the work involved in information disclosure. To do such work properly, officials should understand the law well, be able to identify documents requested and find them, and must follow stipulated internal procedures. If the disclosure is a partial one, the officials should know which parts of the documents requested should be blacked out.

All these procedures imply a huge work load. During the first six months about 26,000 requests for information disclosure were received. Some ministry departments received hundreds of requests at the same time. Thus civil servants could either neglect their routine work to comply with the time frame for information disclosure stipulated in the law or attempt to carry out some of their regular duties and risk contravening the law.

During the course of administrative reforms the number of civil servants has been decreasing every year. Only a few additional officials were added when the law came into effect, and most of these were assigned to work at windows where they deal directly with the public. In addition, interpretations of the law are still under way. Thus given the shortage of staff, the initial onslaught of requests for information, and a certain lack of clarity in relation to the law's intent, the system has been somewhat overwhelmed; however, once it becomes well established, such problems should diminish.

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The views in this chapter are the author's own and do not represent either the official views of the Japanese government or of the Information Disclosure Review Board.

Another problem is the balance between protecting personal information and disclosing administrative information. According to the law, anyone may request the disclosure of administrative information and administrative bodies must decide on access based on the requester. If individuals want to obtain information about themselves, in many cases such requests will be denied based on the law's prohibition against disclosing personal information. The law should address this type of problem, but currently does not. In this connection a committee recently issued a report and a new law is expected to be enacted shortly that will enter into force by July 2003.

In addition to the disclosure of official government information the public also called for information disclosure by independent administrative institutions and public corporations. A new law to this end has been passed and will take effect in July 2002.

The introduction of an information disclosure system changes and is changing work processes in the administration, both at the national government level and at local government levels in ways that are both positive and negative. On the negative side, officials tend to avoid writing documents on delicate issues under consideration, because they are afraid of the disclosure of such documents. They may be ready in principle to explain and be accountable to the people for their work, but they know that in practice explaining the reasons for some of their decisions may be difficult and time-consuming. There are also problems with policy options that are considered and then discarded. In Japan the mass media tend to criticize officials for their opinions even when these are not incorporated in final policies. Thus officials may fear that any radical and innovative options they put forward for consideration—and that they themselves may view as fallacious in the light of subsequent debate—will be criticized as though they were firm recommendations. Thus a reluctance to commit matters to writing may be unfortunate, but it is understandable. On the positive side, public officials now have a greater sense of responsibility and keep the spirit of accountability in mind during the course of their work. They are now more interested in doing a good job from the public's point of view than from the point of view of administrative insiders.

Given an information disclosure mechanism, if public servants believe they are doing a good job, they can feel that the public trusts their work more than in the past, because citizens now have the ability to monitor their activities. While an information disclosure system cannot by itself

eliminate corruption, it can create an environment in which engaging in corruption is more difficult.

Citizen groups have used information disclosure ordinances to check for the inappropriate use of public funds, and have achieved some concrete results. While there is plenty of room for improvement, information disclosure mechanisms at the local government level have played an important role in enhancing the transparency of local governments.

During the first eight months after the law came into effect, most of those requesting information were mass media journalists. Ordinary citizens do not request information disclosure often; however, to improve the public's perception of the administration, the government should attempt to make information public voluntarily without waiting for requests for information to be disclosed.

Remember above all that the system is new. Once it has become better understood by both civil servants and the public, I am confident that it will enhance the overall quality of life in Japan.

## Chapter 6

# Disclosure of Information by the Asian Development Bank

■ Clay Wescott

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**A** DB staff are increasingly recognizing that the Bank should provide the greatest possible degree of transparency and accountability in its activities to ensure the success of its mission and to sustain public support, while bearing in mind important legal and practical constraints. These are competing needs that must be reconciled under a readily understandable and consistent policy.

### **DEVELOPING CURRENT POLICY AND PRACTICE**

The ADB's policy on confidentiality and disclosure of information came into effect on 1 January 1995. Prior to that time, the Bank's policy had become relatively complex, inconsistent, and outdated. This had led to confusion on the part of the staff, which led to caution and defensiveness when they had to release information or documents. Moreover, the classification system did not reflect the trend within the ADB to encourage the dissemination of information as widely as possible.

The trend toward greater disclosure was also evident in other international finance institutions such as the World Bank, which shares both the same interests in disseminating information on its operations and activities and similar constraints and restrictions on such dissemination relating to the rights and interests of member countries, property owners, staff, and others. Starting in 1993, the World Bank has increasingly been making documents available to the public through public information centers, web sites, and other channels.

The ADB's disclosure policy (ADB 1996) benefited from the World Bank's experience. The advantages of a policy encouraging the fullest possible disclosure of operational information are readily apparent. Such advantages include the following:

- Encouraging debate and dialogue on the organization's policies and operations, which in turn results in an increased flow of information back to the ADB, thereby providing new and varied perspectives
- Helping to ensure effective local participation in decisionmaking, which leads to the "ownership" of decisions by involved participants, thereby improving project implementation and sustainability
- Broadening the understanding of the ADB's role among donor member countries, borrowing member countries, cofinanciers, nongovernment organizations, academic institutions, and the general public, thereby helping to ensure both financial and intellectual support for the ADB and its mission
- Facilitating coordination with others interested in the common goal of development of the region
- Recognizing that as a public institution the ADB is accountable to its shareholders and others that provide support to the institution and has a responsibility to provide them with the fullest possible information.

Notwithstanding these advantages, the ADB must also take into account legal and practical constraints relating to the disclosure of information in order to protect the ADB's interests and the legitimate interests of those who deal with the ADB, and to sustain cooperative relationships with its various member countries. These constraints, which should be balanced against the ADB's presumption in favor of disclosure, include the following:

- Information provided to the ADB on a confidential basis cannot be released without the prior consent or approval of the party providing such information. In some cases, such confidentiality relates to legal requirements in the jurisdiction of the party providing the information, or is governed by an agreement or understanding between the ADB and the party providing the information. In other cases maintaining confidentiality is simply a good business practice to ensure the continuous flow of information from the provider, which may be a government, a cofinancier, or a private party.
- Documentation or proprietary information may be the legal property of other parties, and therefore the ADB cannot release it without the permission of such owners.
- To encourage frank dialogue and the free flow of ideas internally, protecting the integrity of the ADB's deliberative processes is essential. Thus internal documents prepared by staff or management, including initial negotiating positions and committee deliberations, must be protected. For example, the Board's proceedings are confidential, and such proceedings have been interpreted to include the internal

processing of documents. The confidentiality that protects these decisionmaking processes ensures that all participants can candidly express their views without self-imposed limitations in anticipation of an external audience.

- The ADB has a working relationship with its borrowing members, often sharing privileged information, particularly with respect to policy dialogue on critical matters. Just as internal information must flow on a free and confidential basis to ensure frank and candid discussions, so borrowing members and the ADB must be able to undertake free and candid discussions on the basis of reciprocal respect for the confidential character of information.
- In private sector operations the ADB must protect the legitimate business interests and proprietary information of private sector clients to preserve its ability to carry on such activities.
- The ADB has a general obligation to establish and maintain safeguards with respect to the personal privacy of its staff and to protect the confidentiality of their personal information.

One additional constraint relates to the cost of information disclosure. While the ADB's policies should encourage the greatest possible disclosure of information, in the light of limited financial resources, the cost to the ADB of disseminating information and the issue of cost recovery, if appropriate, must be considered. To the extent feasible, ADB staff will provide summaries of or "information pieces" concerning ADB documents so as to facilitate the disclosure of information and minimize the cost to the public and the ADB of providing such information.

## **IMPLEMENTING THE POLICY**

The policy provides new procedures for classifying documents and makes them more readily available.

### **How Are Documents Classified?**

Under its new policy the ADB adopted a streamlined system with three document classifications: "confidential," "for official use only," and "unclassified." Confidential documents are those that contain particularly sensitive information and are intended for limited internal use within the Bank, and whose release is likely to have a serious adverse effect on, or be prejudicial to, the interests of the Bank or its stakeholders. In addition, documents classified as confidential should relate to at least one of the following categories:

- Information or documentation obtained by the Bank from another party with the expectation, expressed or implied, that it will be kept in confidence
- Documents or proprietary information owned by others but held by the Bank in the expectation, expressed or implied, that it will be kept in confidence
- Information derived from the Bank's deliberative or decisionmaking process, such as internal staff memoranda and minutes and summaries of discussions at Board meetings, unless authorization has been given to disclose such information
- Information derived from similar decisionmaking processes involving open and candid exchanges of ideas between the Bank and any of its member countries, particularly with respect to policy dialogue
- Legal and other documents relating to specific private sector investments, including private sector investments by a government or governmental entity, unless the parties concerned have consented to disclosure
- Staff information of a personal nature, such as personnel records and medical files (except for disclosure to the individual staff member concerned).

A confidential document is made available only to Bank staff with a demonstrated need to know the information contained in the document. In general, documents marked confidential by a government will be declassified and released only with the government's consent.

Documents classified for official use only are those determined to contain sensitive information for the internal use of the Bank, the release of which could jeopardize its activities or relationships with stakeholders, but which do not include confidential information. Information or documents classified as for official use only are normally declassified within five years of the date of classification. To the extent possible, the Bank will not permit information relevant to a significant allegation of criminal behavior or unethical conduct, including conflict of interest, to remain classified as confidential or for official use only.

This classification system is also applicable to all electronically-based and computer-generated information, as well as photographic and graphic materials.

When documents previously classified as confidential or for official use only are released to the public, sensitive information not appropriate for

disclosure is deleted from the documents when necessary pursuant to management instructions. In other cases the ADB may attach a statement to the document being released indicating that the ADB does not accept responsibility for the views expressed by the document's authors.

### **What Is Disclosed and When?**

Under the new policy, documents to be disclosed include those with basic information about the ADB, such as its annual report, and many others, including the following:

- Project or program profiles, which make project information available to interested parties while a project is still under preparation
- Report and recommendation of the president for a project or program loan
- Technical assistance reports
- Country economic reviews
- Country operation strategy studies
- Country strategy and program, previously referred to as the country assistance plan, which includes performance assessments and project pipelines for developing member countries
- Postevaluation reports
- Sector policy papers
- Environment-related documents, including summary environmental impact assessments, environmental impact assessments, initial environmental examinations, and summary environmental examinations
- Other technical information, such as additional information or technical documents relating to a public sector project, program, or technical assistance under preparation or implementation, which may be declassified in part or in full after consultation with the government, borrower, or recipient concerned.

For example, the ADB now publishes detailed project profiles that describe the main elements of a proposed project or program, including its environmental aspects; social information, including information about resettlement and indigenous peoples; and dates for public consultations if arranged by the proposed borrower or sponsor (ADB 2002). The purpose of the profiles is to provide as much information as possible to the public during the earliest stages of project preparation to ensure adequate debate, dialogue, and participation by the parties concerned, including affected populations, at the formative stages of a project. After approval, copies of the relevant project document are declassified, and can be obtained by the general public. Feasibility

studies arising from technical assistance reports can also be released except to the extent classified by the government concerned. Similarly, country strategy papers and other analytical papers are normally released following approval.

Similarly, the ADB adopts a presumption in favor of disclosure for its private sector operations where disclosure would not materially harm the business and competitive interests of ADB clients. Any disclosure by the ADB regarding the business plans and objectives of a private sector client is only made with the client's consent.

### **Where Can You Find and Order Documents?**

Under the disclosure policy, information is available through printed publications, web sites (the main portal is <http://www.adb.org>), news releases, advertisements, and depository libraries. Public information centers are also available at ADB headquarters in Manila, in resident missions, and in representative offices. Any department or office receiving a request for information or documents relays such a request within three working days to the Information Office, which will arrange for a review of the request by the relevant ADB office and, where appropriate, by the government concerned. The relevant ADB office will give particular regard to the classification of the information or documents and provide a response to the request, either by providing such information or indicating the reasons such information cannot be provided, within 22 working days of the ADB's receipt of the request.

Disclosure of documents is free, but the ADB charges \$10 for each hard copy provided to help defray costs with two exceptions: environment documents are provided free of charge, and documents on a particular country are free of charge to requesters from that country. Documents are sent by courier. The most recent publications are also available for free on <http://www.adb.org>. Documents can be requested by email from [adbpub@adb.org](mailto:adbpub@adb.org); by mail from ADB Publications Unit, P.O. Box 789, 0980 Manila, Philippines; or by fax from 632-636-2648.

### **NEXT STEPS**

In 2001 the World Bank revised its disclosure policy once again to provide for the release of more documents, including the chairman's summaries of key Board discussions, in a more timely manner, with improved access through World Bank country offices.

The ADB believes that its disclosure policy meets most current needs. Minor problems relating to implementation and outreach could be resolved by educating requesters and staff on who does what and what is disclosed. Many ADB departments are involved, which makes for some coordination problems. In some cases, requesters ask several staff for the same information, which means that different staff are all working on the same request. To address these minor problems, the ADB is preparing a list of all categories of documents to be disclosed, which will be made into a matrix for staff and will list document type, status (disclosed/not disclosed), how to request, how to respond to external requests, how to request document disclosure, and who to contact in case of problems. With training for staff and outreach for external requesters, the hope is that disclosure practices at the ADB will continue to improve.

## REFERENCES

ADB (Asian Development Bank). 1996. Policy on Confidentiality and Disclosure of Information: A Guidebook. Manila.

\_\_\_\_\_. 2002. *ADB Business Opportunities* (monthly). (On-line). Available: <http://www.adb.org/Business/Opportunities/default.asp>.