

## Information Disclosure of ADB: Experiences in Central Asia and Caucasus region

May, 2009

Access to information is a major component of the participatory development. The denial of information is denial of justice. The Central Asia and Caucasus region has been witnessing strong initiatives of monitoring of ADB projects in various sectors by the civil society organizations. A common understanding has emerged among the CSOs that being people are beneficiary of the projects implemented by a public institutions where own countries are share holder; there must be a public accountability of all the ADB investments in the Central Asia and Caucasus region.

To make this public oversight efficient, information on various ADB funded projects gathered from sources like the ADB through public communication policy (PCP), executive agencies and Parliament in the respective countries and affected people. On several occasions, the ADB has shared the required information. But, there were instances where ADB also refused to release information. Let's focus on couple of cases.

Unusual cold winter hit hard the population especially the poor in Tajikistan and Kyrgyzstan in 2006 and 2007-2008. People were cut off from electricity and heating supply. During summer 2006, several CSOs in Kyrgyzstan conducted campaigns under the slogan "Warm is not a commodity, but a right!" To be warmed is a right, as long as the need of heating requirements for population expands which is 145 days a year! The reason of this campaign was that in 1997, the ADB financed a \$ 27.5 m Power and District Heating Rehabilitation Project (Loan 1443-KGZ) with other co financer such as DANIDA (\$ 8.2 m), Nordic Development Fund (\$ 5.2m) and Swiss government (\$ 4.6) including a contribution of \$ 7.8 m to this project by the government of Kyrgyzstan. The loan objective was to provide good working modern heating system in Bishkek. Rehabilitation of plant project started in 1996 and yet to be completed. Although the target completion was set in 2002, the project had undergone prolonged delays in the implementation due to – corruption and wasteful use of funds. So far, the loan for the heating plant accumulated around \$ 200 million contributed from WB, EBRD, ADB, USAID, German Bank of Development, DANIDA, Switzerland government, Islamic Bank of Development, UNDP, DFID, Nordic Fund of Development, etc.

With such delay in completion and dozens of co financers, it is believed that something is wrong in the fund allocation. The CSOs who are keeping a watchful eye of IFI investment, asked certain information related to Bishkek Heating Plant project from ADB on 1 April 2008. On 10 April 2008, the CSOs received a response letter from InfoUnit of the ADB that *'they can't release the project information due to Para 126 item 3 of the PCP'*.

- **Para 126 item 2 of PCP says:** Information exchanged, prepared for, or derived from the deliberative and decision-making process between ADB and its members and other entities with which ADB cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ADB and its members and other entities with which ADB cooperates by inhibiting the candid exchange of ideas and communications, particularly with respect to policy dialogue with developing member countries.

The views expressed in this presentation are the views of the author and do not necessarily reflect the views or policies of the Asian Development Bank (ADB), or its Board of Governors, or the governments they represent. ADB does not guarantee the accuracy of the data included in this presentation and accepts no responsibility for any consequence of their use. Terminology used may not necessarily be consistent with ADB official terms.

- ⦿ And **item 3** of the same Para says: Information obtained in confidence from a government or international organization that, if disclosed, would or would be likely to materially prejudice ADB's relations with that party.

On April 18, we were suggested or guided to appeal to Public Disclosure Advisory Committee (PDAC). Accordingly, Bureau on Human Rights and Rule of law (an NGO based in Bishkek) appealed on 28 April 2008 to PDAC. On May 21, the NGO received letter from Info-Unit stating that PDAC received our letter only on May 15 due to problems with system (So far we don't understand which system!). On May 27, to our question "how come letter to PDAC didn't reach and how long it will take to answer", Info-Unit answered,

**"The PDAC is currently looking into your request and you will receive an answer as soon as practically possible. We are still investigating why your letter didn't reach the PDAC email box on the 28 of April. According to our Office of Information Systems and Technology, possible reason could be a problem on network connection at the time the email was sent. As you did a follow up on your request with the Board of Directors, the assistant of .....is the one who forwarded us your letter to PDAC on 15 may 2008. We recommend you to always copy [disclosure@adb.org](mailto:disclosure@adb.org) of all requests related to disclosure of information, so we can follow up."**

On June 13, InfoUnit sent the letter with the similar refusal to release the necessary project information due to Para 126 item 1, 2 and 3 as prescribed in PCP.

This is not an isolation case. Similar cases were also found in Tajikistan. On 1 October 2008, the Tajik based CSO requested information regarding of an aide memoire with covenants on Loan-2062 TAJ and Loan-2196 TAJ Road rehabilitation project Dushanbe - Kyrgyz border. On 2 October 2008, Info-Unit acknowledged the receipt of letter. On 30 October 2008, office of the Disclosure Unit in ADB refused to release the documents providing again the reasons due to Para 126 item (2) of the PCP.

The response was repetitive while the content of the request was different from the Bishkek Heating Plant. The explanation of not disclosing this information as ADB says that disclosing this information would worsen the relationship between the ADB and government. However, in the latest Implementation of PCP Report 2008, it is mentioned that Aide Memoire is a public document. Why then the ADB didn't disclose the aid memoire to the NGO?

Here, the refusal of this piece of information means certainly there are some problems in this project which the ADB and government don't want to make public. The ADB policy says "if a requester believes that a request has been unreasonably denied, or that the Policy has been interpreted improperly, a request for review may be submitted to PDAC". Zulfia Marat, Program coordinator of the Bureau on Human Rights and Rule of Law, the requester disagreed and said "PDAC is just an additional filter and its role is to protect ADB's interest".

The views expressed in this presentation are the views of the author and do not necessarily reflect the views or policies of the Asian Development Bank (ADB), or its Board of Governors, or the governments they represent. ADB does not guarantee the accuracy of the data included in this presentation and accepts no responsibility for any consequence of their use. Terminology used may not necessarily be consistent with ADB official terms.