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ADB's Openness Policy Still Needs Further Work

On 26 December 2010, the Global Transparency Initiative (GTI) provided Comments as part of a public consultation on the second draft Public Communications Policy prepared by the Asian Development Bank (ADB). The Comments, prepared by Toby Mendel of CLD and Nepomuceno Malaluan of the Philippine Access to Information Network, welcomed positive developments in the new draft, including the commitment to establish an Independent Appeals Panel. At the same time, the Comments highlighted the lack of progress in terms of narrowing the regime of exceptions and the need for the ADB to take more responsibility for ensuring access by affected people.

"The new draft Policy responds to some of our earlier recommendations, including by establishing an independent oversight mechanism," said Toby Mendel, Executive Director of CLD. *"However, it has been five years since the last policy was adopted. Given the consistent calls for significant reform from civil society in the 12 countries where the ADB held consultations, we still expect further progress."*

Some of the key outstanding reform needs highlighted in the Comments include:

- The exception in favour of third party businesses should be limited to commercially sensitive information, and should not be allowed to be extended by confidentiality agreements.
- The 'internal deliberations' exception should be clarified and background documents, such as facts and analysis of facts, should be excluded.
- The public interest override in favour of disclosure should be mandatory and the power to refuse to disclose information in the public interest should be removed.
- The ADB should commit to working jointly with project implementers and recipient governments to develop project communications strategies, rather than simply to assisting with their development.

The adoption of its (then) new policy in 2005 put the ADB at the forefront of the international financial institutions in terms of transparency. We call on the ADB to again make a strong commitment to openness by introducing further substantive changes before it adopts its new Public Communications Policy.

The full set of Comments is available at: http://www.law-democracy.org/wp-content/uploads/2010/07/Submission.10.12.26.final_.pdf and the second draft Policy is available at: <http://www.adb.org/PCP-Review/default.asp>.

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