

African Development Bank Information Disclosure Policy Implementation Research Project

prepared by Lindlyn Tamufor and Gary Pienaar



Idasa
on behalf of the Global Transparency Initiative

2011

Published by Idasa

© Idasa 2011

ISBN 978-1-920409-66-1

First published 2011

Produced by Idasa Publishing

www.idasa.org

All rights reserved. No part of this publication may be reproduced or transmitted, in any form or by any means, without prior permission from the publishers.

Contents	Page
1. Introduction	1
2. A brief history of the AfDB disclosure policy	2
3. Methodology	5
4. Findings	7
4.1 Older approved projects (i.e. projects that were approved by the AfDB shortly after the Disclosure Policy was adopted in 2005)	7
4.2 Recently approved ongoing projects (i.e. projects that were approved by the AfDB in 2009 and are ongoing)	10
4.3 Prospective projects (projects that had been proposed by November 2009 and are waiting for approval or have been recently approved by the AfDB)	13
4.4 General information requested from various Regional Offices	16
4.5 The case of Malawi in Southern Africa	18
5. Regional observations	23
6. Concluding remarks and recommendations	29
7. About the contributors	31
Annexure 1 – PIC / Field Office Survey Guide	35
Annexure 2 – GTI Transparency Charter	37
Endnotes	48

1. Introduction

During 2009 the World Bank (WB) announced a welcome review of its information disclosure policy. This was the latest in a series of reviews undertaken, at least in part, in response to civil society demands for expanded access to World Bank information in order to strengthen stakeholder engagement in development decision-making. The WB took the opportunity to incorporate in its new policy, adopted in early 2010,¹ important principles and standards of transparency long advocated by the Global Transparency Initiative (GTI).² Similarly, during 2009, the International Finance Corporation (IFC), a member of the World Bank Group, initiated an extensive consultation process as part of a review of its Performance Standards and Disclosure Policy.³ The World Bank has since announced the results of its revised access to information policy as aimed at increasing its 'effectiveness, efficiency, and accountability'.⁴

The African Development Bank (AfDB/the Bank) Information Disclosure Policy (the Policy) was last reviewed prior to adoption in October 2005, when the WB also undertook a review of its policy. Since then, practical experience and anecdotal evidence of both the content of the AfDB's Policy and of its implementation have indicated both limitations and compliance failures.

Several additional factors suggested that these reviews were an opportune moment to encourage the AfDB to undertake a review of its own Policy and the mechanisms available to ensure proper implementation. It was possible to argue for a review simply on the basis of (a) the lapse of time since the last review, and (b) the likely greater disparity between the WB's, the IFC's and the AfDB's policies after the first two institutions' extensive review processes and the relatively significant reforms in the WB's new disclosure policy.⁵ The GTI therefore commissioned research to assess the practical experience of the implementation of the AfDB's policy in various regional and country contexts. This report is the result of that research.

The international financial institutions (IFIs), or multilateral development banks (MDBs), appropriately seek to coordinate their policies in order to facilitate more efficient and effective operational collaboration. The current AfDB Policy, for example, includes a matrix comparing its policy to that of the World Bank and Inter-American Development Bank (IDB) in a number of categories of documents. This suggests that the AfDB recognises and accepts the necessity for its policy to be aligned with those of other similar institutions.⁶

The GTI and its members have also produced comparative studies on the various multilateral banks.⁷ Given the increasing scope and scale of inter-bank collaboration,⁸ it seemed appropriate, given the World Bank Group's members' review processes, that the AfDB 'catch up' with its counterparts and ensure continued compatibility between them.

However, during discussions between GTI members and AfDB officials at the Bank's May 2009 annual meetings, it was confirmed that concrete examples of experiences of actual shortcomings in the latter's policy would provide a more useful and compelling basis upon which to motivate for an AfDB Policy review.

For example, AfDB Vice-President, Mrs Zeinab El Bakri, on the final day of the Bank's 2009

annual meetings, acknowledged publicly the difficulty in accessing information and Bank documents, and said the AfDB was committed to improving compliance with its disclosure policy, mainly through the Bank's website. She also recognised the importance of diagnostics to be able to identify where real problems may lie. The Independent Review Mechanism's (IRM) reports and Operations Evaluations Departments (OPEV) reports were identified as potential diagnostic tools for this purpose. GTI believes that an independent review can provide additional useful insights as a contribution to the AfDB's deliberations.

Research into, and analysis of, such practical experiences of recent or current Bank-funded projects, together with any Bank reports on its projects, would provide a useful factual basis for a policy review.

During the 2009 annual meetings in Dakar, over 50 civil society organisations were convened and agreed to form a working group on the AfDB, the only CSO network dedicated to improving the operations and standards of the institution. In discussions held since the Dakar meetings, the working group identified the AfDB's current Disclosure Policy as the primary focus for initial advocacy work.

GTI therefore invited proposals from a range of organisations or individuals from across the African continent with relevant knowledge and expertise to assess their practical experiences of the implementation of the disclosure policy in the context of Bank-funded projects.⁹ This resulting research report is presented in support of the AfDB's posting of a 'Matrix of Institutional Reforms...'¹⁰, which appeared to envisage also a review of its Disclosure Policy.

2. Brief history and overview of AfDB disclosure policy

The African Development Bank Group's¹¹ current Policy on Disclosure of Information was adopted in October 2005, the first update since the Bank initially adopted the Policy in 1997, and which became effective in 1998, enjoins the Bank to disclose all documents on its operations and its activities unless there are compelling reasons not to do so.¹² The rationale of the Policy is that the effectiveness and sustainability of projects and programmes supported by the Bank Group will be strengthened by achieving the following objectives:

- Encouraging member states to make information available to the public, in particular, to groups directly affected by the Bank Group's operations within member states
- Increasing awareness of Bank Group operations, activities, policies, programmes, procedures and administration and, in particular, facilitating the participation of local groups affected by Bank Group-supported projects, including Bank Group recognized eligible non-governmental and other "grassroots" organizations ("NGOs")
- Improving accountability of member states;

- Forging and strengthening closer cooperation links, and enhancing coordination with other development partners, including bilateral and multilateral financing agencies, international financial institutions and private sources of finance;
- Enhancing and broadening dialogue on institutional policy formulation and reform, and the design of sound strategies, programmes and procedures; and
- Improving the quality of Bank Group operations through affording a reasonable opportunity for public consultation and comment, and expert opinion.

The Policy 'recognizes that as custodians of public funds, [the Bank] must seek to increase overall public understanding of development issues which, it is hoped, will engender increased support for the institution and its operations. The Bank and the Fund are directly accountable to their shareholders and State Participants and indirectly accountable to the legislatures and taxpayers of such shareholders and State Participants. Transparency of operations is an important element in ensuring this accountability. Overall understanding of development issues resulting from expanded availability of information also leads to increased public support for the Bank Group's mission and enhances the effectiveness of its operations.'¹³

The Bank Group Policy is therefore 'premised and anchored' on the following guiding principles:¹⁴

- 'Information concerning the Bank Group and its activities will be made available to the public in the absence of a compelling reason not to do so (restrictions on availability of information to the public is outlined in section 5) in accordance with this Policy and the processes and procedures to be outlined in the Handbook.'¹⁵
- Availability of information outside the institution and any solicitation of comments on draft documents are governed by the principles and procedures set forth in this policy document.
- Public access to information on all Bank Group activities will be through the Public Information Centre, field offices and the Bank's website, with the latter being the main medium of access for documents.
- Information provided to the public shall be made available in a form and at a time as provided for in this revised policy.
- The final determination as to what information may be released to the public shall rest with the Bank Group and its governing bodies.
- Final decisions concerning the Bank Group, its operating policies, and the projects it approves, rest with the governing bodies of the Bank Group and its shareholders.
- The availability to the public of information pursuant to the Disclosure Policy shall not be construed as an expression of, or implied waiver of the privileges and immunities afforded to the Bank Group pursuant to the provisions of the Agreement Establishing the African Development Bank, including those regarding the inviolability of the Bank's archives (until the Bank Group's Archives Policy is developed and approved) or of the laws of any of its member countries.

- Country-owned documents such as Poverty Reduction Strategy Papers will be disclosed after they have been disclosed in-country.
- The principles, procedures and practices outlined in this Bank's 2005 Disclosure policy have been harmonized with the provisions in the Information Disclosure Policies of sister institutions.'

In line with the policy at the WB, the Bank's Policy prescribes¹⁶ that certain listed categories of information should ordinarily automatically be available, sometimes subject to consideration by the Board. These categories include several specified documents related to a number of categories of the Bank's work. The categories are:

- Operations
- Environmental and Social Assessments
- Summaries of Progress and Status of Project Implementation
- Project performance evaluation reports
- Information on procurement of goods and services
- Bank Financial Information
- Economics and Research
- Administration
- Legal Information

The Policy also specifies what information will not be disclosed, due to 'compelling necessity' including internal deliberative information, 'sensitive' financial information, legally privileged and private personal information, information dealing 'entirely with internal administration or operating systems which has no direct effect outside the institution', pre-qualification procurement information, as well as otherwise available information, but withheld due to particular wording, or temporarily due to matters of 'timing'.

The research reported here does not deal with these categories of excluded information. Rather, as alluded to above, it is an essentially practical study that explores the availability in practice of information that the Policy indicates should be freely available on its website and/or through its Public Information Centres (PICs) and field offices. In that sense, its focus is exclusively on what information is – or ought to be – readily accessible to an ordinary interested person who may be affected by the Bank's operations.

3. Methodology

The study was conducted in the five regions of Africa (Central, East, North, West and Southern Africa) into which the AfDB divides its operational management. The study was undertaken during the months of November and December 2009, by five independent researchers based in or familiar with these regions.

The information requested from the AfDB was first of all in relation to specific projects at three different phases or stages of progress (see Table 1) in the five regions. A second category of information requested was general information about the Bank's operations. Both categories of information were sought on the Bank's website and also from various field offices or PICs in the five regions, in order also to compare relative availability of certain predetermined documents that should be available in terms of the Bank's Policy.

Researchers were at liberty to identify any projects in each of the three stages of progress in each of five regions into which the Bank divides its operations around Africa. The projects identified and selected in four of the five regions are presented in Table 1. Different operational circumstances prevailed at the time in Malawi, the Southern African country selected for inclusion in this study. The view was taken that the relatively recent establishment of the Bank's office in Malawi could provide useful comparative insights into the implementation of the Bank's Policy. Consequently, details of the information available in respect of Southern Africa, including from the Malawi office, are in a separate section below.¹⁷

Regions	Older approved project Projects approved by the AfDB shortly after the Disclosure Policy was adopted in 2005, and which may or not still be ongoing.	Recently approved ongoing projects Projects which were approved by the AfDB in 2009 and are ongoing.	Prospective projects Projects which had been proposed by November 2009 and are waiting for approval or have been recently approved by the AfDB.
Central Africa	DRC The Projet de réhabilitation et de renforcement des centrales Hydroelec d'Inga et du réseau de distribution: 18 December 2005 ¹⁸	Central African Republic Projet de développement communautaire et d'appui aux groupes vulnérables: Approved on 27 August 2009	Cameroon Le Projet d'aménagement hydroélectrique de Lom-Pangar de 2009
East Africa	Uganda The Bujagali Interconnection Project: 30 October 2007	Kenya and Ethiopia Mombasa-Nairobi-Addis Ababa corridor: Approved on 01 July 2009	Kenya and Uganda List of proposed projects not available at Field Offices

North Africa	Morocco Autoroute Marrakesh- Agadir: 21 July 2006	Tunisia Hasdrubal (Gas Project): Approved on 21 October 2008	Mauritania SNIM Extension: Approved on 16 September 2009
West Africa	Ghana The rural water supply and sanitation initiative in Ghana: 23 September 2005	Senegal The Dakar to Daiamniado Highway Construction Project: Approved on 15 July 2009 and started on 15 July 2010	Mali The Markala Sugar Project: Approved on 15 September 2009
Southern Africa	A case study of the AfDB's operations in Malawi (see below)		

The researchers were mandated to make written requests directed to the Public Information Centre (PIC) and/or the field office responsible for the selected project, as appropriate, for at least the following documents, where they are required for the selected projects:

A Documents to request concerning a particular country and selected projects

- Prospective Project Brief – for projects under consideration
- Environmental and Social Impact Assessments (ESIA) and Environmental Analysis including Executive Summaries for Recently Approved Projects
- Environmental and Social Management Plans including Full Resettlement Plans for Ongoing Projects
- Project Appraisal Reports, including any amendments
- Project Implementation Summaries
- Country Strategy Papers and Updates
- Policy-Based Loan documents (including any conditionalities)

Researchers were also asked to request the following standard general documentation:

B Documents to request regarding the AfDB's operations

- Trust Funds Reports*
- Financial Statements and Data*
- Operations Policy Papers*
- Documents of the Operations Evaluation Department
- Board of Directors' Biannual Work Programme and Monthly Rolling Agenda
- The Policy specifically states these documents should be available at the PIC/field office.¹⁹

Process of research and compilation of report

In carrying out their task, the researchers made either planned or unannounced personal visits to the PIC and/or relevant field office to request the same types/categories documents. Researchers were also asked to attempt to access the same documents via the AfDB website. They were asked to use a generic questionnaire to assess and record their observations regarding their experiences at the PIC of field offices when they enquired about these documents. See Annexure 1.

The findings of the five researchers' were documented in five separate reports, which were then consolidated by two consultants to form this final inclusive report.

4. Findings

4.1 Older approved projects (i.e. projects that were approved by the AfDB shortly after the Disclosure Policy was adopted in 2005)

Regions / Countries	Projects	Reference Approval Date Start Date Status	Project Appraisal / Evaluation Report	Environmental and Social Impact Assessment Plan	Resettlement Plan (If Applicable ²⁰)	Summary of Progress and Status of Implementation / Fact Sheet
Central Africa The DRC	The Projet de réhabilitation et de renforcement des centrales Hydroelec d'Inga et du réseau de distribution	Reference: P-CD-FA0-001 Approval Date: 18 December 2007 Start Date: 17 December 2008 Status: Ongoing	Was sent upon email request to officer in charge of project Available on AfDB website	Available on website	Not available upon request to officer in charge of project Not available on AfDB website	Not available upon request to officer in charge of project Not available on AfDB website
East Africa Uganda	The Bujagali Interconnection project	Reference: P-UG-FAO-002 Approval Date: 30 Oct 2007 Start Date: Unavailable Status: Ongoing	Documents not available upon request from the Uganda Country Office Document not available on the website	Documents not available upon request from the Uganda Country Office Document not available on the website	Documents not available upon request from the Uganda Country Office Document not available on the website	Documents not available upon request from the Uganda Country Office Document not available on the website

North Africa Morocco	Autoroute Marrakesh-Agadir	Reference: P-MA-D00-001 Approval Date: 21 July 2006 Start Date: 16 July 2007 Status: Ongoing	Available upon request from the Department of Foreign Affairs and Information of the Bank Document not available on the website	Available upon request from the Department of Foreign Affairs and Information of the Bank Document not available on the website	Not available – according to PIC	Available upon request from the Department of Foreign Affairs and Information of the Bank Document not available on the website
West Africa Ghana	The Rural Water Supply and Sanitation Initiative (RWSSI) in Ghana	Reference: P-GH-E00-003 Approval Date: 8 Sept 2004 Start Date: 23 October 2005 Status: Ongoing	Documents available upon request at the Ghana Field Office Available on website	Documents available upon request at the Ghana Field Office Available on website		Documents available upon request at the Ghana Field Office Available on website

Central Africa

The researcher contacted officials listed on the AfDB website as the contact persons for the *DRC Projet de développement communautaire et d'appui aux groupes vulnérables*. Emails were sent to them seeking the following information: the Project Appraisal Report, the Environmental and Social Impact Assessment and any Resettlement plan.

After two days of sending the emails, the researcher received an emailed response with the Appraisal Report of the project and the result-based country strategy paper (CSP) of the DRC attached to it. The Environmental and Social Impact and Assessments (ESIA) were not sent and there was no response upon further request for this document. The Project Appraisal report did contain a one-page environmental assessment. The Policy does provide that only a summary will be made available to the general public, while the full ESIA report will be made available to affected persons at the time for purposes of consultation. However, it is unclear why a full ESIA cannot be made available to any requester, as it remains relevant for purposes of monitoring is the actual impacts of a Bank-funded project on the interested or affected parties' lives, livelihoods, neighbourhoods, environment and eco-system, and to afford them the opportunity to make representations to the Bank.²¹

East Africa

The ongoing project selected in this region was the Bujagali Interconnection project, which was approved on 30th October 2007 under the Energy and Power Sector. The researcher made inquiries with the AfDB Country representatives based in Kampala, Uganda and in Nairobi, Kenya. The researcher was informed that the documents were available on the AfDB website, but he was unable to locate them.

North Africa

The Autoroute Marrakech-Agadir project in Morocco was selected for this study. The researcher visited the AfDB Department of Foreign Affairs and Information in Tunis, and obtained the Project Appraisal report, the ESIA report and summary of progress report on the project. These documents were also available on the AfDB website.

The researcher's report noted his surprise that a Resettlement Plan for the Marrakech-Agadir highway is not available. The Marrakech-Agadir Highway stretches for 230 Km and it is "virtually impossible" that there would be no displaced persons.²² However, according to a senior official in the AfDB Department of Foreign Affairs and Information, the document was not found in the Bank's internal database, and it does not exist.

West Africa

The Rural Water Supply and Sanitation Initiative (RWSSI) in Ghana is an Initiative of the AfDB that is intended to contribute to the achievement of the Millennium Development Goals (MDGs) for water supply and sanitation and the African Water Vision.²³ The Bank identified Ghana as one of five countries that are ready for the implementation of phase 1 of the Initiative.

Following a request for information concerning this project at the Ghana AfDB field office, the researcher met with the Principal Country Programme Officer, who gave the researcher a detailed presentation on how to obtain information from the AfDB office and how the information system of the Bank is managed. In certain instances where the information or documents requested during this visit were not available locally, the official immediately made a telephone call from his office to the Bank's headquarters in Tunis to request the documents, which were sent to the Officer via email and provided to the researcher. By the end of the interview with the field officer, the researcher was able to obtain the Environmental and Social Impact Study, the Appraisal Report which includes the full ESIA, the Ghana Country Strategic Paper 2005-2009 and the Project Evaluation Report. These documents constituted all the relevant information requested concerning the project.

Southern Africa

See section 4.5 below.

4.2 Recently approved ongoing projects (i.e. projects that were approved by the AfDB in 2009 and are ongoing)

Regions Countries	Projects	Reference Approval Date Start Date Status	Project Appraisal report	Environmental and Social Impact Assessment Plan	Resettlement Plan (if applicable)
Central Africa Central African Republic	Projet de développement communautaire et d'appui aux groupes vulnérables	Reference: P-CF-IE0-001 Approval Date: 22 July 2009 Start Date: 22 July 2010 Status: Ongoing	Not available upon request or on website	Not available upon request or on website	Not available upon request or on website
East Africa Kenya and Ethiopia	Mombasa-Nairobi-Addis Ababa corridor	Reference: P-Z1-DB0-032 Approval Date: 01 July 2009 Start Date: 01 July 2010 Status: Ongoing	Available from field office and on website	Available from field office and on website	Not available
North Africa Tunisia	Hasdrubal (Gas Project)	Reference: Approval Date: 21 November 2008 Start date: Status: Ongoing	Not available at PIC or on AfDB website – “confidential”	Available from AfDB's Department of Operations in Tunis	Not applicable
West Africa Senegal	The Dakar to Daiamniado Highway Construction Project	Reference: P-SN-DB0-010 Approval Date: 15 July 2009 Start Date: 15 July 2010 Status: Ongoing	Available on website	Available on website	Available on website

Central Africa

The researcher tried repeatedly to contact the person listed on the Bank's website as the contact person for the *Projet de développement communautaire et d'appui aux groupes vulnérable* in the Central African Republic, sending numerous emails requesting information on the project, but received no response.

On placing a call to the PIC office in Tunis, the researcher was put on hold and transferred to several desks and, after about ten minutes, the researcher finally spoke to an officer who asked the researcher to make enquiries via email to his email address (which he provided over the phone) and promised to send the requested information via email. Although the researcher made the requisite request via email, there was no email response from the officer.

None of the standard project-related information was available on the AfDB website. The only information available was the procurement notice for the project, inviting tenders.

East Africa

A joint country project was selected for the Eastern African region involving Kenya and Ethiopia, namely, the Mombasa-Nairobi-Addis Ababa corridor. The documents requested on this project were the Project Appraisal Report, the Environmental and Social Impact Assessment and any Resettlement Plan.

The researcher noted that it took "a very long time" to access the documents, as nobody was ready to take responsibility to make the documents available. Upon initial inquiries at the AfDB Nairobi field offices, the researcher was referred to AfDB 'engineers', who did not respond to researcher's inquiries.

The Project Appraisal Report and Environmental and Social Impact Assessment could not be found on the AfDB website. Other documents, such as the Project Implementation summaries and the Policy Based Loans relating to the project, were also not available on the website. It is our understanding, these documents should have been available on the AfDB website as stipulated in the Policy because they are core documents that the public may need in order to assess the progress of an ongoing project.²⁴

North Africa

The selection of the "Hasdrubal" gas project in Tunisia was motivated by the lack of any documentation related to this project on the website of the Bank and, furthermore, by the importance of its potential environmental impacts given the risky nature of maritime energy extraction (the project is situated 100 km from the coast at an ocean depth of approximately 60 meters). The only information on this project available on the AfDB website was a press release announcing the commencement of the project.

The researcher was based in Tunis and was able to visit the AfDB temporary head offices and request information on various projects at the PIC itself. Upon first inquiry, the only documents provided to the researcher were the Bank's Annual Report 2008, the Compendium of Statistics²⁵ and the ADB 10.²⁶

After a letter requesting specific information relevant to the project was addressed to the officer in charge at the PIC, the officer requested the researcher to consult the website and did not provide a written response. Two days later, the head of the PIC telephoned the researcher and informed him that the documents requested were confidential and that the website would provide all non-confidential documents.

The researcher then made an appointment to meet with the officer at the Department of Operations North I, at the AfDB's temporary headquarters. During this meeting, the researcher was given the ESIA of the Hasdrubal project.

West Africa

The Dakar to Daiamniado Highway Construction Project is of strategic significance not just to Dakar but also to the West African region.

However, it was impossible to access the relevant documents on the project at the Senegal field office. A meeting with officer in charge of West Africa was scheduled but did not take place because the officer was not available at the agreed date and time. The researcher was told that it may take up to three months to secure an appointment. The researcher was also unable to establish whether fees were payable for any documents that may have been provided, or whether reduced fees may have been levied in the case of a request by a CSO.

The researcher did obtain some information on the project from the AfDB's website and other informal sources of information on this project. The project documents obtained from the website include the Environmental and Social Impact Study, the Summary Report of the Resettlement Action Plan, the Project Appraisal Report, and the Senegal: Mid-term review of the results-based country strategy paper 2005-2009.

Southern Africa

See paragraph 4.5 below.

4.3 Prospective projects (projects that had been proposed by November 2009 and were waiting for approval or had been recently approved by the AfDB)

Regions and Countries	Projects	Reference Approval Date Start Date Status	Prospective Project Briefs	Environmental and Social Impact Assessment Plan (if applicable)	Resettlement Plan (if applicable)
Central Africa Cameroon	Projet d'aménagement hydroélectrique de Lom-Pangar of 2009	Still under preparation	Available at the Cameroon field office but could not be obtained. (Researcher was told it was available but was not given document) Not available on websites of AfDB, World Bank & MINMIDT (Ministry of Water & Energy, Cameroon)	Available at the Cameroon field office but not obtained. (Researcher was told it was available but was not given document) Not available on websites of AfDB, World Bank & MINMIDT (Ministry of water & energy, Cameroon)	Existence unclear
East Africa Kenya and Uganda	The indicative list of projects was not made available at either of the field offices	Reference: Unavailable Approval Date: Unavailable Start date: Unavailable Status: Unavailable	The documents for the projects being negotiated were not readily available at the AfDB field office because they have been classified as confidential	The documents for the projects being negotiated were not readily available at the AfDB field office because they have been classified as confidential	The documents for the projects being negotiated were not readily available at the AfDB field office because they have been classified as confidential

North Africa Mauritania	SNIM Extension	Reference: Approval Date: 16 September 2009 Start date: Unavailable Status: Approved	Available upon request from the Department of Foreign Affairs and Information of the AfDB	Available on AfDB website and from the Department of Foreign Affairs and Information of the AfDB	Available on AfDB website and from the Department of Foreign Affairs and Information of the AfDB
West Africa Mali	The Markala Sugar Project	Reference: P-ML- AAG-002 Approval Date: 15 September 2009 Start date: Unavailable Status: Approved	Documents available on AfDB website but not at the field office	Documents available on AfDB website but not at the field office	Documents available on AfDB website but not at the field office

Central Africa

The Cameroon field office was contacted for an indicative list of prospective projects, i.e. Prospective Projects Brief (PPB). The researcher set up an appointment with the Head of Programmes for the AfDB Cameroon field office.

During the meeting, the officer provided an indicative list of prospective projects in Cameroon. When asked for the particular brief on the Projet d'aménagement hydroélectrique de Lom-Pangar, the officer responded that it was available on the websites of the AfDB, World Bank and Ministry of Water and Energy, Cameroon. On general prospective projects in Cameroon, the officer specified that the first phase of some projects had been approved and studies were available on the AfDB website, while some projects are just indicative and no studies have yet been carried out because the AfDB has not yet approved their financing.

A website search revealed that some prospective project briefs of projects recently approved by the AfDB were available on the website, but the project brief on the Project d'aménagement hydroélectrique de Lom Pangar was not available there, and was not listed as a prospective project for Cameroon.

East Africa

The documents for prospective projects or an indicative list of prospective projects were not readily available at the AfDB field offices in Nairobi and Kampala. The officers asked for refer-

ence letters from the respective Ministry Permanent Secretaries before any information would be released. The researcher was not in a position to obtain such reference letters from the respective Ministries because this research project did not arise from approved government research. Consequently, the AfDB staff members were not prepared to release information and documentation about the projects being negotiated.

North Africa

The researcher visited the PIC at the AfDB headquarters in Tunis and completed a form requesting a list of prospective AfDB projects in North Africa. Two days later, the head of the PIC informed the researcher by phone that details of prospective projects were not available at the PIC. This, in our view, was in contravention of para 4.14 and para 4.15 of the Policy.

Following this refusal, the researcher contacted a more senior official in charge of information who was apparently more frank in advising that, in his entire career at the AfDB, he had never seen a single prospective project brief. According to him, this is a document specific to the regional operations departments and had never been made public.

The researcher then visited the Private Sector Department of the Bank in relation to the SNIM prospective project. He was informed that the SNIM project is managed by the Private Sector Department of the AfDB, although the beneficiaries of this project are entirely the public sector.²⁷

West Africa

The Markala Sugar Project (PSM) is an agro-industrial project designed as a public-private sector partnership (PPP), although in Mali, was operated from the field office in the capital Bamako. The collection of information on this project by the researcher was relatively easy, particularly as almost all the relevant documents are accessible on the AfDB website.

On first contact with the officer in charge of the project, a telephone interview was arranged. During this telephone interview, the officer readily explained how the field office functions. In relation to the Markala Sugar Project, the officer provided a broad overview which outlined the essence of this major project involving public and private roleplayers, as well as its implementation framework. The officer reviewed all the steps that have led to the establishment of the project and the involvement of the various stakeholders at all stages of the process. However, the researcher did not obtain any documents arising from this interview and was told to refer to the AfDB website.

The reason given for this lack of availability of all documents relating to this project was that it was a recent project, in respect of which not all elements were yet in place. However, the researcher was informed that steps had been taken to convey these documents from Tunis. On arrival, the documents would be provided entirely free of charge.

The Executive Summary of the Environmental and Social Impact Study and Executive Summary of the Action Plan for the Resettlement of the Population, relating to this project were accessed on the AfDB website.

Southern Africa

See section 4.5 below.

4.4 General information requested from various Regional Offices

Central Africa

A search on the AfDB website for general information on AfDB activities in Central Africa revealed that it did carry the Country Strategy Papers (CSP) for the region and for some countries in the region. However, information concerning the general work on the region was difficult to locate on the website. Below is a list of some general information which was obtained from the AfDB website.

Trust Fund Projects: The website search for details of trust funds revealed that, in July 2008, the Bank and a number of development partners, notably DFID, Canada and the Nordic countries, established the Congo Basin Rain Forest Trust Fund. This is the only information on trust funds available on the website.

Financial Statements and Data: Most of the financial documents available on the AfDB website for the Central Africa region were the Highly Indebted Poor Countries (HIPC) Initiative Approval Document Completion Points under the Enhanced Framework. Documents were available for Chad, Cameroon, the DRC, Central Africa Republic, Congo, and Sao Tome and Principe.

Operational Policy Papers: The most recent and useful operational policy papers on the website included the Environmental Review Procedure for Private Sector Operations and of the AfDB – May 2000; Environmental and Social Assessment Procedures for AfDB Public Sector Operations – June 2001; Integrated Environmental and Social Impact Assessment Guidelines – October 2003; and a handbook on Stakeholder Consultation and Participation in AfDB Operations – 2001. These are standard guideline and procedural document which are apparently currently being used by the AfDB.

Documents of the Operations Evaluation Department: The website search revealed some latest OPEV reports for Central Africa, the most recent being the Cameroon - Country Assistance Evaluation – Multi-sector 1996 – 2004, which was published on 8 April 2008.

Board of Directors Biannual Work Programme and Monthly Rolling Agenda: This document was not featured on the website, contrary to the provisions of Paragraph 4.47 of the Policy.

East Africa

A search for general documents on the Bank's operations in East Africa revealed that some documents like Country Strategy Papers for Kenya and Uganda, the Bank Group's Policy on the Environment, AfDB Annual reports, AfDB Policy on Information Disclosure (2005), and Field Offices and Resident Representatives' contact details were readily available.

Executive Board meeting minutes, summaries, and transcripts were still confidential information and only the summaries of Environmental and Social Management Plans (ESMPs) for Category 2 projects are disclosed.

These inquiries were made at the AfDB field offices in Nairobi, Kenya and Kampala, Uganda. The field offices are fairly well equipped with office equipment and located within the capital cities of Kampala and Nairobi. No fees is chargeable for documents made available through these offices, according to the Country Representative in Kampala, who gave as her reason the fact that the documents are posted on the Banks' website which is freely accessible. However, in the researcher's experience, it was "very difficult" to access the building and the offices because of the security measures in place.

North Africa

Two requests for general information on AfDB operations in North Africa were made and they revealed that the Department of Operations (North 1) was more receptive and willing to provide information when compared with North 2 and the Morocco field office. The Department of Operations (North 2) and the Morocco field office did not provide a single document and there was a complete lack of co-operation. Staff refused verbally to respond to the researcher's request for information.

Below are details of the general information searched for and requested, and the results.

Country Strategy Papers for North Africa: Available on the AfDB website and were accessible from the Department of Foreign Affairs and Information of the AfDB head office in Tunis.

Documents on the loan policy to support reform (Policy Based Loan Document): Document for the education and public administration sectors were received upon request from the Department of Operations (North 1) and were located on the AfDB website.

Evaluation of Country Aid (OPEV department): Available on the AfDB website.

The financial statements for the financial year 2008: Available on the AfDB website and also at the PIC (in the 2008 annual report).

The 2008 financial data (approvals by country, sector and others): These documents were published in the 2008 annual report and the Compendium of Statistics 2009, both of which were available at the PIC.

OPEV annual reports for 2007 and 2008: Not available on the website or at the PIC. The 2006 report was accessible on the website.

Operational policy documents of the Bank: Available on the website and at the Department of Foreign Affairs of the Head Office in Tunis as support documentation.

Report on trust funds: Not available at the PIC or on the AfDB website.

Biannual programme of the boards of directors: Not accessible at the AfDB head office in Tunis and not available on the website. The website offered only the rolling calendar of board meetings for the months of January - March 2009.

West Africa

It appears that great difficulty was experienced when requesting selected documents of a general nature. It is unclear whether any reliable conclusions can be drawn from the instances recorded.

4.5 Southern Africa: The case of Malawi

Malawi's²⁸ national budget depends largely on donors, which include multilateral, bilateral and other international financial institutions (IFIs). Approximately 80% of the development budget is financed by donors in the form of grants, loans and official aid. The African Development Bank (AfDB) has been supporting Malawi's development efforts since 1969, making it the first country to access an AfDB loan.²⁹ The Bank plays a significant role in the country's economy.

Despite the long history described above, the AfDB Malawi field office is relatively new, having started operations in late 2007 and officially opened on 30 July 2008. At the time of the research requests, the Public Information Centre (PIC) in the field office was not yet open to the public. The AfDB had planned to open the PIC by November 2009, but failed to meet this target date, apparently because the Bank had not yet forwarded documents from its Head Office in Tunis.

As for other regions, the research included a website search and a request for information of a general nature, namely financial data and statements, reports of trust funds, documents on operational policy, the biannual programme of boards of directors and the annual evaluation report of operations of the OPEV Department. During a visit to the Bank's offices, it was established that the following information is available:

- Financial statements for the financial year 2007 are available on the website and also at the PIC
- 2007 financial data (approvals by country, sector and others) were published in the 2007

annual report and in the Compendium of Statistics 2009. Both are available at the PIC (in soft copies)

- Annual reports for 2007 and 2008 for the OPEV Department are available on the website and at the PIC. That of 2006 is accessible on the website
- All the documents on the operational policies of the Bank are available on the website and at the PIC
- Reports on trust funds are available at the PIC, but not on the website
- The biannual programme of the boards of directors is not accessible. The website offers only the rolling calendar of board meetings for the months January to March 2009

The website

The researcher was able to independently access the Bank's website. The website did not require any password to access documents, which indicates open accessibility. It carried a considerable amount of up-to-date information about the Bank's activities in Malawi. There were a number of documents relating to Malawi on the AfDB website. The documents included project summaries, appraisal reports, country strategies, country profiles, and environmental and social impact assessment reports. The documents are summarised in Table 5 below.

Date	Title	Topics and Sectors
07/12/2009	Malawi – supply of science laboratory chemicals and equipment for 30 community day secondary schools in Malawi – SPN	Education
02/11/2009	2005 – Malawi – country gender profile	
12/10/2009	Southern Africa – support to capacity building for open and distance learning (ODL) project – EOI	
08/10/2009	Malawi – trunk road rehabilitation: Blantyre-Zomba road project – appraisal report	
08/10/2009	Multinational – Nacala Road Corridor-Phase I – appraisal report	
07/09/2009	Malawi – trunk road rehabilitation – Blantyre-Zomba road project – appraisal report	
16/07/2009	Malawi – country profile	
19/06/2009	Malawi – Agriculture Infrastructure Support Project (AISP) – summary ESMP	

23/04/2009	Malawi – Poverty Reduction Support Grant I (PRSG I) – appraisal reports	Poverty reduction, economic and financial governance
30/01/2009	Multinational – Nacala Road Corridor Rehabilitation Project – summary ESIA	Infrastructure, regional integration
30/01/2009	Malawi – trunk road rehabilitation project (Blantyre-Zomba Road) – summary ESIA	Infrastructure
11/04/2007	Malawi – Poverty Reduction Support Loan – appraisal report	Economic and financial governance, information and communication technology
13/03/2006	2005 – Malawi – <i>Profil multisectoriel de Genre par pays</i>	
07/10/2004	2004 – Southern Africa – Regional Assistance Strategy Paper	
05/12/2001	Malawi – integrated water supply and sanitation for Crwb and Nrwb – appraisal report	Water supply and sanitation
26/11/1998	Malawi – smallholder irrigation project – appraisal report	Agriculture and agro-industries

The indicated dates show when the documents were posted on the website. Some documents also indicated the sectors to which a project relates, although several didn't do so. It was notable that one document appeared to be available in French only, while French is not an official language of Malawi. Besides these documents, the website carried general information about Malawi's socio-economic status and also historical background of the AfDB's work in Malawi. The information appeared to indicate that the website was regularly updated.

The website also carried highlights, including recent developments, such as the following:

- 22/10/09 Malawi and AfDB sign a US\$59.5 million road project loan and grant agreement
- 10/09/09 Malawi: AfDB Group approves US\$26 million grant for agricultural project
- 24/06/09 Multinational Building Infrastructure for regional integration, AfDB approves US\$81 million for Nacala Road Corridor project
- 01/06/09 AfDB launches water and sanitation project in Malawi
- 27/05/09 AfDB and Mozambique negotiate Nacala corridor project

Researcher's observations

A preliminary observation was that the website contained many useful documents, but did not represent adequate compliance in accordance with the Policy. A further complicating challenge is that relatively few people in Malawi are able to access the internet, particularly

people in the rural areas who are the intended primary beneficiaries of most AfDB projects such as roads, water points, irrigation systems, etc., as they live in areas where most projects are implemented.

In this context, it was perhaps understandable that the website was not necessarily viewed by the Bank as the primary mode of interaction with, or information source for, members of the public and, particularly, affected persons. It is to the Bank's credit, therefore, that it has undertaken, or plans to implement, a number of alternative measures to disseminate and make more readily available information regarding its plans and activities.³⁰ On the other hand, posting information on the website would be particularly useful to policy makers, academics and researchers, as well as those CSOs with internet access.

Assessment of information available in regard to: 1) Older approved projects; 2) Recently approved ongoing projects; and 3) Prospective projects

Comparing disclosure of information for projects before 2005 and after 2005, it was noted from the website that only three (3) documents were available before 2005 and fourteen (14) documents are available after 2005. The researcher concluded that it appears that the greater number of more recent documents could be attributable to the adoption of the 2005 Policy, or to increased Bank activity in the country, or simply to the fact that projects commenced prior to 2005 were most likely completed and the relevance of associated historical documentation has accordingly decreased. The table below shows the three projects selected in the three categories.

The researcher reported that the Blantyre – Zomba road, approved on 22 May 2009, was posted in the project area for 120 days in order to enable the general public to communicate any concerns they may have in accordance with the policy. In terms of the Policy, the period of advance notice of a project under consideration, in the form of a Prospective Project Brief, should be at least six (6) months via the PIC,³¹ indicating non-compliance with the Policy in this instance.

Project Name	Status
Songwe River Basin Development Programme	To be considered for approval
Trunk Road Rehabilitation: Blantyre – Zomba Road	Approved on 22 May 2009
Smallholder Crop Production and Marketing	Approved in 2006

Comparative analysis of means of accessibility to information

An assessment of the selected projects listed above revealed that, in all cases, full information was available, but only in soft copies at the PIC.

Table 7			
Ongoing projects	Available	PIC (soft copies)	Website
Project appraisal report	✓	✓	
Environmental and social management plan (Category 2 projects)	✓	✓	
Resettlement plan (if applicable)	✓	✓	
Summary of progress and status of project implementation	✓	✓	

The PIC had access to all the project information on its intranet (internal to staff members of the Bank only). The information was however given to the researcher on request without any difficulty.

Other awareness initiatives

The AfDB organised a fully funded workshop in November 2009 where it invited different stakeholders, including CSOs, to engage interactively with them on their experiences with, and concerns about the IRM.³² The Bank may contract out some projects to civil society organisations, depending on their capacity to implement a project like any other consultant, but CSOs need to register on the Bank's website first.

Further, the Bank has recently taken steps to re-establish a CSO Coordination Unit which links the Bank with CSOs.³³

The Bank indicated its awareness that people may not have access to information regarding its work and attributes this to a number of reasons, including that the physical presence of its Malawi office was a recent development. Also the Bank's main clients are governments that implement most of the projects. Although the AfDB logo is put on projects and equipment supported by the Bank, general awareness is low. Apparently, some people confuse the AfDB with the World Bank. To promote awareness of its role and activities, the AfDB's meeting with CSOs in its Lilongwe office in 2009 would be followed up with visits to CSOs in Zomba, Blantyre and Mzuzu during 2010.

5. Regional observations

Central Africa

The existence of the AfDB's Information Disclosure Policy was widely known at the various field offices within the Central African Region, and officers recognised the right of members of the public to request and receive information from the Bank. However, most AfDB officers simply referred the researcher to the AfDB website as the source for all the information requested. The researcher found that much of the information sought was not available on the website, even in respect of long-established projects.

It proved impractical to arrive at an AfDB field office in the Central Africa Region and request a document and receive it. This was because the staff in charge of the information or documents were often not at their desks or in the office, and one was obliged to wait an average of 3–5 working days for a scheduled appointment with an officer in charge. Similarly, information requested via email took about 3–5 working days before a response came with the requisite information. This may be accepted as a reasonable response time, however.

Phone calls were answered but did not always yield an appropriate or adequate outcome. The PIC of the AfDB head office in Tunis was not readily accessible, and several telephone calls and emails did not ever receive either any or an adequate response.

It sometimes proved easier to obtain information on AfDB projects from country offices than from regional offices or the head office. On the whole, however, very little information was made available.

The researcher obtained only 4 of 10 documents requested, which translates into a success rate of about 40%. The following table recaps the results by information source indicating for each one, the researcher's (subjective) impression of the spirit of co-operation on the part of the staff responsible.

Criteria/Sources	Documents obtained/ requested	Degree of awareness of the policy	Degree of co-operation
AfDB Regional Central African Office	28.57 % (2/7)	Relatively high awareness	Perfect in the case of the DRC and nil in the case of Central African Republic
Field Office Cameroon	66.67 % (2/3)	Very good	Very acceptable
PIC Tunis	0% (0/10)	No response	Very poor
Website	20 % (2/10)	N/A	N/A

- *Cooperation from the AfDB Central African office:* The AfDB Regional Office in Central Africa responded to the researcher and sent her most of the documents requested for on the DRC, but there was no response from the officer in charge of the projects based in the Central African Republic.
- *Confirmation of documents at the Cameroon Country Office:* It was confirmed by the officer in charge at the Cameroon field offices that the documents requested were available, although they were not shown to the researcher upon request.
- *Reasonable waiting time for appointments:* On contacting the Cameroon field office, an appointment was scheduled within 3-5 working days. This was because the staff members responsible for information or documents were often not at their desks or in the office.³⁴ Similarly, information requested via email took about 3-5 working days before a response came with the requisite information. This may be accepted as a reasonable response time, however.
- *Poor cooperation at the PIC in Tunis:* Phone calls were answered but did not always yield an appropriate or adequate outcome. The PIC of the AfDB head office in Tunis is not readily accessible, and several telephone calls and emails did not ever receive an adequate response.
- *Inadequate information on the website:* The website has inadequate information on all the projects that were researched. In some cases, such as Cameroon, the researcher was advised to get documents from partners' websites, but these documents were not available there.
- It proved easier to obtain information on AfDB projects from country offices than from regional offices or the head office. On the whole, however, very little information was made available.

East Africa

The Kenyan and Ugandan field offices were well equipped and adequately staffed. However, the AfDB appears to face challenges in the effective implementation of its Policy. Some of the challenges which were noted at the Kenyan and Ugandan field offices include:

- Field officers and PIC staff were unable to locate Project Information Documents (PIDs) that were requested, claiming that it was the project staff's responsibility.
- There is, in general, great difficulty in obtaining documents, especially project-related documentation, which, according to the Policy, are supposed to be available at both the PIC and the field offices.

North Africa

In the North Africa Region, the researcher obtained only 17 of the 33 documents requested, which translates into a success rate of about 50%. The following table recaps the results by information source indicating, for each one, the researcher's (subjective) impression of the spirit of co-operation on the part of the staff responsible. It should be noted that although results were sometimes poor, this appeared to be the result of staff members' lack of awareness of the Policy rather than an unwillingness to assist the researcher.

Criteria/Sources	Documents obtained/ requested	Degree of awareness of the policy	Degree of co-operation
PIC	3% (1/33)	No awareness	Unsatisfactory
Department of Foreign Affairs	30% (10/33)	Very good	Very acceptable
Department of Operations North 1	44% (4/9)	Good	Acceptable
Department of Operations North 2	0% (0/20)	Very poor	Nil
Field office Rabat	0% (0/10)	N/A	Nil
Website	39% (13/33)	N/A	N/A

The results in Table 8 highlight:

- The inefficacy of the PIC in terms of facilitating access to information. Indeed, the two people responsible there who are supposed to be in direct contact with the public have a very poor knowledge of the content of documents and do not even know of the existence of a policy for the dissemination of information.
- Access to the AfDB's documents does not conform to any operational procedure. Rather, it appears to depend largely on the profile or seniority of the responsible person, his availability and, above all, on the subjective importance he attaches to the right to access information. This may be influenced by the official's particular work experience. Thus, for example, the director of the Department of Operations North 1, and the principal economist, have both worked for the World Bank. This could explain the remarkable spirit of co-operation which they have shown in comparison with those responsible in the Department of Operations North 2.
- It is difficult to access documents which are not on the AfDB website. If the Bank does not publish a document on its website, it is relatively difficult to get it from another source, even where the website omission represents non-compliance with the Policy.
- Certain documents obtained are available in English only, while the people of Tunisia, Morocco and Mauritania use Arabic as a first language, while their second language is French.

West Africa

In general, the response of the Bank's representatives in the Ghana field office was very positive and proved to be an encouraging experience. Staff members were generally well informed about the existence, content and requirements of the Policy, and were very helpful in providing both explanations and the information requested. Equally, the website was relatively well maintained and information was kept up-to-date, except in regard to prospective projects under consideration. This is probably the most important stage for any project, as this is when affected people have the most meaningful opportunity to express their views and have their voices heard regarding the design and impact of an envisaged project. It is, therefore, precisely at this stage that information is most valuable, and when the Bank should pay particular attention to ensuring that it is most readily available. Of course, the importance of information for purposes of monitoring compliance with project design during implementation should not be discounted, but not all relevant information was always available.

The researcher's experience in the Senegal field office was less positive. Although well equipped, it seemed poorly managed. Nevertheless, some information in regard to projects for which that office is responsible was available on the Bank's website.

The researcher's experience of the Mali field office's performance fell approximately midway between these two. The office staff displayed great patience and offered an impressive degree of cooperation and willingness to share information about the selected project.

Overall, of the 32 documents requested, the researcher obtained only 21, which translates into an access rate of 65.6%. The following table provides a summary of the documents obtained from each source. It also contains a subjective impression of the extent of information available in terms of the Disclosure Policy, but also the degree of cooperation by officials in facilitating access to information required.

ÉcouterLire phonétiquement			
Sources/Critère Sources/Criteria	Documents Obtenus/Demandés Documents requested/ received	Niveau d'Information sur la politique de la BAD sur l'accès à l'information Information on the level of AfDB policy on access to information	Qualité de la collaboration Quality of assistance
BAD Tunis West Africa Office AfDB Tunis	50% (4/8)	Importante Important	Moyenne Average
Bureau Local Dakar Dakar Field Office	0% (0/7)	Aucune Idée Unaware	Insatisfaisant Unsatisfactory

Bureau Local Bamako Bamako Field Office	37.5% (3/8)	Acceptable Acceptable/Fair (Below average)	Bonne Good
Bureau Local Accra Accra Field Office	55.5% (5/9)	Acceptable Acceptable/Fair	Très Bonne Very good
Site web Website	40% (8/20)		
Autres Sources Other Sources	8.5% (1/12)	Faible Poor	Acceptable Résultats Globaux
Overall results	65.6% (21/32)		Moyenne Average/Acceptable

Southern Africa

The Bank's new PIC responded very well and in a timely manner when a letter requesting information was delivered by hand to the reception desk at its offices. The researcher was taken to the PIC, which has been physically established within the Bank's premises, located on the second floor of Kang'ombe House. In the PIC, the researcher was shown a variety of publications, including CDs, a manual on Procurement Procedures, and other useful information. The available documents related to different years, including from 2003, 2005 and some as recent as 2009.

The Resident Representative provided significant information regarding the Disclosure Policy processes. He was apparently also the Task Manager at Head Office during the formulation of the current Disclosure Policy. He advised that, since the adoption of the Policy, most of the planned PICs were not yet fully operational, primarily because the Bank was still developing the computer infrastructure and other necessary processes.

The PIC is apparently intended primarily for policy makers and researchers, not necessarily casual readers. At the time, it had a fair amount of publications available, with eight computer terminals in place. The PIC was, however, not yet open to the general public. Nevertheless, a number of initiatives had been taken to ensure that Bank information reaches the public that might need it, by placing publications in public and university libraries.

The researcher was informed that demand for information is very limited, which had been a contributing factor to the slow pace of establishing the PIC. The researcher was, however, informed that the Bank intended to open the PIC to the public on Fridays in the afternoon from 1.30pm to 4.30pm, beginning in April 2010. Should there be adequate demand the Bank would be willing to extend the hours to Saturday mornings.

AfDB information would be stocked in Malawi National Library branches in Lilongwe, Blantyre and Mzuzu, as is already the case in respect of World Bank information. This arrangement would ensure wider access by citizens. At the time of the research, the AfDB was

in the process of negotiating an agreement with the National Library in terms of responsibilities and obligations for both parties. The Bank had also sent some of its documentation to the University of Malawi campus, so that students and researchers could also easily access all necessary available information. Both the University of Malawi and the National Library acknowledged having received a sizeable number of documents from the AfDB.

The Bank provided all the documents that the researcher requested, but in electronic form. The researcher was informed that the Bank provided hard copies on request, but these are usually kept at the Bank's head office. The other reason given for not having hard copies immediately available, the researcher was told, was that there has not been any demand for them. However, should the Bank receive specific requests, these could be supplied.

In general, it may be observed that, apart from the field office being relatively new, that there is limited access to the internet in the country, even in urban areas, and that most affected people are located in rural areas, thus limiting the accessibility and utility of offices located in urban areas. The Bank is, therefore, to be commended for the practical steps it has initiated to facilitate broader and more general access to the information that should be publicly available in terms of the Policy.

Nevertheless, if the website were to be well maintained, the information it should hold would be more easily made accessible at the universities and libraries.

Recommendations

The researcher's report recommended that, in addition to bringing the website into closer compliance with the Policy, the Bank should consider:

- Working towards the full realisation of establishing PIC satellite services in the National Library branches of Lilongwe, Mzuzu, Blantyre and also extend to university and college libraries, as well as community libraries facilitated by the National Initiative for Civic Education (NICE)
- Scaling up the awareness campaigns for CSOs and the general public, and support CSOs with required capacity which are then contracted to implement awareness projects for the Bank and the IRM in local communities. CSOs could perhaps also translate some of the Bank's publications into local languages and disseminate them so that the broader public can be capacitated to request information from the Bank.

6. Concluding remarks and recommendations

Collectively, the research suggests several key areas for improvements in the implementation of the AfDB's information disclosure policy.

1. Firstly, the Bank should improve the quality, comprehensiveness, consistency and timeliness of its in-country information dissemination processes. There is a need for the Bank to improve the efficiency of its information management system, which underlies and underpins the Information Disclosure Policy. It is clear that there is uncertainty within the Bank about whose responsibility it is to ensure that documents are made available to the public in a timely manner. Some officials contacted during this research project seemed either to be unaware of the Policy itself, or of which of their colleagues is authorised to take decisions about the release of certain documents, or unaware of which documents should be automatically available. Some justified the unavailability of some information on the basis of their uncertainty concerning the meaning of parts of the Policy.
2. Secondly, the Bank should significantly increase its efforts and resources in educating field staff until they have the capacity to fully grasp and implement the Information Disclosure Policy. Without an increased commitment to training, it is clear that poor implementation will remain a problem for the Bank. There appears to be no coherent and consistent guidance available to staff. As this study shows, there is no clearly identifiable pattern in the documentation disclosed, or otherwise made available or unavailable. It is not apparent whether proper implementation of openness principles generally, and the Policy in particular, forms part of staff incentivisation schemes or evaluation procedures. Furthermore, it is unclear whether sanctions exist for the intentional violation of the Policy.

In regard to both of these points, it is noted that the Policy indicates the intention to prepare a Handbook.³⁵ However, both a website search and an email request by one of the writers elicited no result, and no response, respectively. It is accordingly unclear whether the Handbook has ever been developed. The Policy's stated intention behind this commitment is to assist staff to properly understand and implement the Policy.

Therefore it is strongly recommended that the AfDB make such a Handbook widely available, both internally and externally, and train and incentivise its staff to ensure that the Information Disclosure Policy is properly implemented.

3. Thirdly, the Bank should also develop a more customer-oriented approach to its information dissemination by providing the Bank's documentation in at least one of the official national or local languages of the people most directly affected by its operations. As noted above, the website makes information available only in English and French, while other languages widely used on the continent include Arabic and Portuguese. The Bank's documents should be 'repackaged' in a language easily understood by all stakeholders, especially locally and nationally. This is especially important since many community members and groups lack an in-depth understanding of the language and terminology

used in either the Information Disclosure Policy, or other Bank policies and documents.

It is recommended that Bank staff should work in closer consultation with CSOs and other stakeholders to proactively and responsively assist people to first identify and then obtain the information they need in a form that is more readily accessible to them.

4. Most of the Bank's institutional policies, strategies and guidelines are found on their website. However, apart from inconsistent posting of project-related documentation, the website exhibits other shortcomings, particularly the apparent disorder of documents. Three examples may suffice. Firstly, many of the projects apparently approved during 2009 and identified in this report have no presence under the country's name on the website. Secondly, the Information Disclosure Policy scores very low relevance and, therefore, appears very low down a list of documents displayed in response to a search using this phrase. Thirdly, it is also extremely difficult to identify and locate all documents related to a particular project; a search requires exploration of numerous separate categories of documents that do not appear to be linked through a search using the project's name or reference number.

It is recommended that the Bank reorganise the information to indicate clearly which documents are available for each project. Alternatively, if the Handbook is published on the website, which should be done so that the public knows what staff should know, and what assistance they are entitled to expect from staff, it could contain information about how documents are classified and arranged, and where they can be found on the website.

5. Information regarding prospective projects seems to be the most consistently unavailable on the website and at the field offices. As noted above, this is probably the most important stage for any project, as this is when affected people have the most meaningful opportunity to express their views and have their voices heard regarding the design and impact of an envisaged project. It is, therefore, precisely at this stage that information is most valuable, and when the Bank should ensure that it is most readily available. Again, of course, the importance of information for purposes of monitoring compliance with project design during implementation should not be discounted.

It is recommended that particular attention is given to ensuring that the Bank's Policy is respected in practice at the earliest possible stage when a prospective project is being considered. To this end, staff should be capacitated and conscientised to appreciate the importance of early availability of documentation that gives potentially affected persons and communities the maximum amount of detailed information necessary in order to ensure that their rights and legitimate interests are respected and protected.

Consideration should be given to whether or not any existing performance management measures are adequate to enable those responsible to monitor officials' compliance with the Policy.

6. Information is unevenly available on the website about the institution's operations at the country and investment level, such as country strategy papers. It is noticeable, for example, that a large gap exists in documentation available regarding projects initiated during 2009, while projects initiated during the early part of 2010 appear to be more

comprehensively reflected on the website. However, there appears to be a continuation of the pattern of limited information being available regarding projects under implementation at the Bank, constraining efforts to monitor these activities.

It is recommended that project appraisal reports, prospective project briefs, periodic project progress assessment and evaluation reports during project implementation, should be made available, as required by the Policy.

7. Moreover, some upstream country analyses conducted by the Bank are kept confidential or are not disclosed as required by the Policy, which serves to decontextualise the factors influencing particular project-level decisions by the Bank. Examples include economic and sector analyses, country strategy papers and updates, poverty reduction strategy papers, economic and operations policy papers, etc.

It is recommended that the Policy's requirement that these documents should be disclosed is adhered to in practice, and that the Bank should create in advance an indicative list of the documents that should be completed in particular situations, or that should be expected at various stages of a particular project, including standard timelines.

Important concluding note

It should be reiterated that this report is intended to encapsulate a practical assessment of researchers' experiences of the actual implementation of the existing 2005 Policy. It does not, therefore, canvass the improvements that the researchers, writers or their affiliates may believe should be adopted as part of the anticipated Policy review.³⁶

7. About the contributors

Andrew Kumbatira

Andrew Kumbatira is the Executive Director of the Malawi Economic Justice Network (MEJN), one of a number of globally-linked country networks consisting of NGOs advocating economic justice on a range of issues, such as the signing of Economic Partnership Agreements, and other issues affecting trade, aid, debt and food security. MEJN is part of the Economic Justice Network of FOCCISA. The Fellowship of Christian Councils in Southern Africa is an ecumenical organisation working with 11 national councils of churches in southern Africa.

Karim Trabelsi

Karim Trabelsi has been an academic economist at the University of Tunisia since 2004. His

work with civil society began in 2007 when he founded the union of university teachers in the region of Mahdia. He became its Secretary General before entering the National Council of Trade Unions Higher Education in Tunisia in 2008. On the international level, his work focuses on issues related to the IFIs' activities. In 2010 he was appointed as Coordinator of the CSO Working Group on the African Development Bank (the AfDB Coalition) which is a network of over 40 African CSOs committed to promoting transparency and social and environmental accountability in the AfDB's operations.

He has authored many papers both nationally and internationally about the roles and contributions of CSOs. He holds a National Diploma of Arabic music and has written several compositions. In 2007, he won the award by the Tunisian Ministry of Culture for best instrumental composition.

Lindlyn Tamufor

Lindlyn Tamufor works as the Coordinator of the International Alliance on Natural Resources in Africa (IANRA) based in ActionAid South Africa. IANRA is an emerging international alliance whose members wish to address the adverse consequences of natural resources use in Sub-Saharan Africa.

She has for over seven years worked to promote sustainable socially justifiable environmental practices at the international, national, and community levels, through the development of appropriate legal frameworks and systems to support policy, legislative and governance changes. This work includes representing women's voices in natural resources policy questions and working on women's rights and livelihoods.

She has partnered with key Institutions such as the Bank Information Centre (BIC) and Idasa on work on the World Bank Group-related extractive sector policies and initiatives since 2005. Mrs Tamufor was the lead CSO consultant on the World Bank's Information Disclosure Policy review for West Africa, and for the past five years have been a regular CSO participant at both the spring and annual meetings of the World Bank. She has also made her mark as a key CSO stakeholder on behalf of her organisation and country in the ongoing African Development Bank CSO partnership initiative and has done active work in applying the Disclosure Policy of the AfDB.

She has written papers on, amongst others, the World Bank policies on natural resource use in Africa, the WTO – GATS processes and how they affect Africa's extractive sector, and UNECA's recent policy proposal for Africa's mining sector (African Mining Vision).

Mrs Tamufor holds an LLM specialising in Human Rights and Democratisation in Africa and a Graduate Diploma in International Law both from the University of Pretoria. Mrs Tamufor further holds a Maitrise en Sciences Juridiques et Politiques from the Université Catholique d'Afrique Centrale and an LLB (Honours) from the University of Buea.

Maurice Odhiambo

Maurice Ouma Odhiambo is a Programmes Officer at Ujamaa Centre, a national Kenyan NGO whose goal is to challenge, through organised social action, the entrenched systemic exploitation of local communities and the entrenched social inequities in rural and urban Kenya of which there is growing awareness. Prior to joining Ujamaa Centre, he was a Programmes Assistant working for Resource Conflict Institute (RECONCILE), a policy research NGO based in Nakuru, Kenya, since its inception in 2001.

He conducted research commissioned by the Bank Information Centre (BIC) on the impacts of an AfDB-funded project in East Africa, and presented the report during the AfDB annual meeting in Dakar, Senegal in May 2009. He started developing an interest in accountability mechanisms when an NGO he was working for was approached by the community to help in petitioning the World Bank against shredding of the water hyacinth in Lake Victoria. The Inspection Panel of the World Bank visited Lake Victoria and confirmed the community fears, thus stopping the shredding. The IFC's CAO was also petitioned following communities' complaints concerning Pan African Paper Mills' compliance with IFC policies. PPM was co-funded by the IFC in Webuye Kenya. Community members in Webuye were trained to trap ambient air for lab testing.

He is also an African Civil Society Organisations' Representative to the World Bank's Pilot Projects for Climate Resilience (PPCR), where he holds an Observer Seat.

Moussa Sall

Moussa Sall is Deputy Head of Communications and PR as well as legal advisor for Groupe APERCO/MAOA, a major fishing company in Mauritania. From 2007 to 2009 he worked for RIAD, a Senegalese NGO that develops partnerships to implement economic and social development in North Senegal. Here he helped establish and manage a network of partners, and was responsible for environmental projects, some of which generated revenues for rural communities. He remains an active volunteer in civil society.

He has a Masters in public law from the University of Caddi Ayyad, Marrakech, Morocco and a post-graduate certificate in Public Law from the University of Gaston Berger, Saint Louis, Senegal. He is working on his Doctoral Thesis in Environmental Law at the University of Poitiers, France.

Gary Pienaar

Gary Pienaar obtained his BA (Hons) LLB from the University of the Witwatersrand in Johannesburg, qualified as an advocate of the High Court of South Africa and practiced at the Johannesburg Bar for several years.

He worked for the Office of the Public Protector (national ombudsman) from 1997-2008, including as Western Cape provincial representative from 2000, where he managed investigations into complaints of ethics breaches and maladministration in the public sector. During this time, he obtained an M Phil degree from Stellenbosch University, focusing on human rights in international relations.

Since March 2008 he has worked as a senior researcher: governance and public ethics in Idasa's Economic Governance Programme (EGP) and its Political Information and Monitoring Service (PIMS). His areas of work include ethics in public life, corruption and accountability, access to information and political party funding transparency. He coordinated PIMS' preparation of the Global Integrity 2008 South Africa report and contributed to the 2010 report, and authored the chapter on 'Accountability and Democracy' in Neeta Misra-Dexter and Judith February (Eds.) *Testing Democracy: Which way is South Africa going?* Idasa, 2010.

Idasa is a founding member of the Global Transparency Initiative, a global civil society network that seeks to promote the transparency and accountability of International Financial Institutions. Gary has led Idasa's participation in the ongoing round of mandate and policy reviews by IFIs from 2009.

He is also project manager for the Electricity Governance Initiative of South Africa (EGI-SA). He was managing editor of the project's sector assessment report "The Governance of Power in South Africa: keeping the Lights On" Idasa, 2010, and has subsequently co-authored several policy briefs and articles.

Annexure 1

AfDB Disclosure Policy Implementation Research Project

PIC/ Field Office Survey Guide

PREPARING FOR YOUR VISIT:

To locate the field office in your country, go to www.afdb.org, and click on “Countries”, located on the top menu of the website. Click on your country, where you will find the address and contact information for the field office in your country. Prior to your visit, contact the office to let them know you are a CSO interested in locating documents about AfDB projects in the country.

To identify projects and project documents, click on the “Projects and Operations” on the top menu and choose your country from the “Country” drop down tab. Select one project with status “Approved” (indicating that the project has not yet begun) and one with status “On going”.

DOCUMENTS TO REQUEST:

“Approved” projects	Available	Not available	Website
Project Appraisal Report			
Environmental and Social Impact Assessment (Category 1 projects)			
Environmental and Social Management Plan (Category 2 projects)			
Resettlement Plan (if applicable)			

“Ongoing” projects	Available	Not available	Website
Project Appraisal Report			
Environmental and Social Impact Assessment (Category 1 projects)			
Environmental and Social Management Plan (Category 2 projects)			
Resettlement Plan (if applicable)			
Summary of Progress and Status of Project Implementation			

Projects under preparation (inquire at field office)	Available	Not available	Website
Prospective Project Briefs			
EIAs (if applicable)			
Resettlement Plan (if applicable)			

Are documents provided for a fee? Yes ____ / No ____

Are fees reduced for documents provided to not-for-profit organizations? Yes ____ / No ____

INFORMATION ABOUT THE FIELD OFFICE:

City and Country: _____

EXPERIENCE AT PIC:

1. Was the PIC well equipped? (staff, computers etc.) Yes ____ /No ____

Explain: _____

2. How would you describe the level of helpfulness of the staff?

Very helpful ____ Helpful ____ Moderate ____ Unhelpful ____ Very unhelpful ____

Explain: _____

3. How would you rate the process of locating hard copy documents?

Very easy ____ Easy ____ Moderate ____ Difficult ____ Very difficult ____

Explain: _____

Additional comments:

Annexure 2

Global Transparency Initiative (GTI) Transparency Charter for International Financial Institutions

Claiming our Right to Know

Preamble

The right to access information held by public bodies is a fundamental human right, set out in Article 19 of the United Nations Universal Declaration of Human Rights, which guarantees the right to “seek, receive and impart information and ideas”. This right applies to intergovernmental organisations, just as it does at the national level.

The right to information plays a crucial role in promoting a range of important social values. Information has been described as the oxygen of democracy. It is a key underpinning of meaningful participation, an important tool in combating corruption and central to democratic accountability. A free two-way flow of information provides a foundation for healthy policy development, decision-making and project delivery.

Key elements of a rights-based approach are a true presumption of disclosure, generous automatic disclosure rules, a clear framework for processing requests for information, limited exceptions and a right to appeal refusals to disclose to an independent body. This Charter elaborates the standards upon which the access to information policies of international financial institutions should be based. The Global Transparency Initiative (GTI) calls on all international financial institutions to amend their information disclosure policies to bring them into line with this Charter.

Principles

Principle 1: The Right of Access

The right to access information is a fundamental human right which applies to, among other things, information held by international financial institutions, regardless of who produced the document and whether the information relates to a public or private actor.

Principle 2: Automatic Disclosure

International financial institutions should automatically disclose and broadly disseminate, for

free, a wide range of information about their structures, finances, policies and procedures, decision-making processes, and country and project work.

Principle 3: Access to Decision-Making

International financial institutions should disseminate information which facilitates informed participation in decision-making in a timely fashion, including draft documents, and in a manner that ensures that those affected and interested stakeholders can effectively access and understand it; they should also establish a presumption of public access to key meetings.

Principle 4: The Right to Request Information

Everyone has the right to request and to receive information from international financial institutions, subject only to a limited regime of exceptions, and the procedures for processing such requests should be simple, quick and free or low-cost.

Principle 5: Limited Exceptions

The regime of exceptions should be based on the principle that access to information may be refused only where the international financial institution can demonstrate (i) that disclosure would cause serious harm to one of a set of clearly and narrowly defined, and broadly accepted, interests, which are specifically listed; and (ii) that the harm to this interest outweighs the public interest in disclosure.

Principle 6: Appeals

Anyone who believes that an international financial institution has failed to respect its access to information policy, including through a refusal to provide information in response to a request, has the right to have the matter reviewed by an independent and authoritative body.

Principle 7: Whistleblower Protection

Whistleblowers – individuals who in good faith disclose information revealing a concern about wrongdoing, corruption or other malpractices – should expressly be protected from any sanction, reprisal, or professional or personal detriment, as a result of having made that disclosure.

Principle 8: Promotion of Freedom of Information

International financial institutions should devote adequate resources and energy to ensuring effective implementation of their access to information policies, and to building a culture of openness.

Principle 9: Regular Review

Access to information policies should be subject to regular review to take into account changes in the nature of information held, and to implement best practice disclosure rules and approaches.

Commentary

The Global Transparency Initiative (GTI), a grouping of civil society organisations committed to openness, believes that everyone has a right to access information held by international financial institutions (IFIs). Despite a stated commitment to openness, most IFIs remain highly secretive. Although a wealth of information is available on IFI websites, their boards of directors operate behind closed doors, much important project information is never made available and, as a rule, information that is disclosed is provided only after relevant decisions have effectively been taken.

Starting with the World Bank in 1993, most IFIs have adopted internal policies on information disclosure. Despite a stated 'presumption in favour of disclosure' in most of these policies, they in fact operate on precisely the opposite presumption. For the most part, they list which documents will be disclosed and when, and there is a presumption against the disclosure of all the other information they hold. They do not establish a right of access, the lists of documents subject to disclosure is limited, they do not set out clear and narrow grounds for refusing access and they do not provide for independent oversight mechanisms to ensure proper implementation of the policy.

The GTI is calling for the complete overhaul of these policies. The information policy reviews conducted by most IFIs, which focus on the lists of documents set down for disclosure, tend to lead only to incremental reform. We are, instead, calling for a rights-based approach, as described in the Charter.

The Charter is the GTI's flagship statement of the standards to which we believe IFI access to information policies should conform. It encapsulates standards drawn from international law and best practices adopted by democratic States. The Charter itself is comprised of the Preamble and the nine Principles, set out above. This Commentary, while not part of the Charter per se, elaborates on the meaning and intent of the nine Charter principles.

The term IFI, as used in the Charter, refers broadly to all inter-governmental organisations whose primary activities relate to financial matters. It includes the multi-lateral development banks – such as the World Bank and the regional development banks – as well as monetary policy bodies like the IMF and trade bodies like the WTO.

Principle 1: The Right of Access

The right to access information is a fundamental human right which applies to, among other things, information held by international financial institutions, regardless of who produced the document and whether the information relates to a public or private actor.

The right to access information held by public bodies, including inter-governmental organisations like the IFIs, is a fundamental and legally-binding human right, grounded in the right to “seek, receive and impart information and ideas”, guaranteed under international law. IFIs should adopt comprehensive access to information policies giving effect to this right. These policies should create a genuine presumption that access will be given to all information held by the IFI, subject only to limited exceptions (see Principle 4), known as the principle of maximum disclosure.

The right applies to all information held by an IFI, regardless of who produced it (whether this was the IFI itself or some other public or private actor), when it was produced, the form in which it is held (a document, electronically and so on) and its official status. The right also applies regardless of which part of the organizational structure of the IFI holds the information (such as the Boards of Directors and Governors, private sector lending arms, quasi-independent bodies such as compliance review bodies and so on).

To give full effect to the right to information, IFIs should ensure that they either hold or can access all information relevant to their operations and activities, even if this information is normally created or held by another actor. For example, contractors and sub-contractors working for IFIs should have transparency and/or access to information clauses included in their contracts which require them to provide key information to the IFI, either automatically or upon request.

Principle 2: Automatic Disclosure

International financial institutions should automatically disclose and broadly disseminate, for free, a wide range of information about their structures, finances, policies and procedures, decision-making processes, and country and project work.

Automatic (routine) disclosure is important both to ensure a minimum flow of information from IFIs and to enable the public to participate effectively in decision-making processes (see Principle 3).

At a minimum, the following categories of information should be subject to automatic disclosure:

- information about the structure of the IFI (including its basic legal framework and organisational structure, contact information for staff, directors and governors, and its decision-making processes at all levels);
- organisational procedures, rules and directives;
- institutional policies, strategies and guidelines;
- budgetary and financial information;
- country-specific analyses and strategies;
- detailed information on lending, grant, credit and guarantee operations, throughout project or program cycles (including identification, preparation, approval, implementation and evaluation);
- evaluations, audits and other information pertaining to effectiveness of the institution in meeting its objectives;
- information pertaining to the health, safety, security, environmental and other social implications of IFI operations, particularly where these operations pose a risk of harm; and
- information that has been released pursuant to a request and where further interest in that information may be expected.

Where certain information in a document subject to automatic disclosure falls within the scope of an exception, the document should still be disclosed but that information may be redacted.

Information should be disseminated widely. The primary mechanisms for dissemination should be through IFI websites, IFI country offices and member country local communication networks. Documents should be disseminated anew whenever updated. A translation strategy should be in place to ensure dissemination in local languages.

Documents subject to automatic disclosure should be distributed for free.

Principle 3: Access to Decision-Making

International financial institutions should disseminate information which facilitates informed participation in decision-making in a timely fashion, including draft documents, and in a manner that ensures that those affected and interested stakeholders can effectively access and understand it; they should also establish a presumption of public access to key meetings.

One of the objectives of automatic disclosure is to facilitate participation in decision-making, particularly by affected communities. For this aim to be realised, certain conditions must be

met. First, IFIs should clearly describe their decision-making processes. This should include providing a list of upcoming opportunities to provide public input, releasing consultation and communication plans, and identifying decision benchmarks (for example, dates of key meetings in project preparation). The public should be able to anticipate when and how they will be able to access decision-making.

Second, information required for participation in decision-making should be disclosed in a timely fashion, sufficiently in advance to enable interested stakeholders and affected parties to provide informed comments before final decisions are taken. Draft documents – such as proposed country assistance strategies and draft policies – need to be disclosed and continuous updates need to be provided on activities.

Third, the information should effectively reach those likely to be affected by decisions. IFIs should utilise dissemination mechanisms that most appropriately deliver the information to the relevant community. For project documents, for example, this might imply dissemination via a local newspaper or local contact point.

Fourth, dissemination should be in a form that is understandable to those affected. This implies, at a minimum, that the information is available in local languages but, in appropriate cases, it will also require technical or statistical information to be ‘translated’ into lay language and appropriate background or contextual material to be provided.

Meetings – which automatically involve the exchange of information and ideas – fall within the scope of the right to information. All formal meetings with decision-making powers, such as Board meetings, should be open for attendance by members of the public. Notice should be provided in advance indicating the time and place of the meeting, as well as the topics to be discussed. Meetings may be closed to protect legitimate interests but any decision to close a meeting should itself be taken in public and reasons for closure should be provided.

Information about a meeting, even a closed meeting, should be made available after the meeting, for example through press conferences and by circulating summaries, minutes and transcripts as soon as possible. Legitimately confidential information may, carefully and narrowly, be redacted from these documents.

Principle 4: The Right to Request Information

Everyone has the right to request and to receive information from international financial institutions, subject only to a limited regime of exceptions, and the procedures for processing such requests should be simple, quick and free or low-cost.

The right to request and to receive information is central to the effective functioning of access to information policies. The right should apply to all information held by the IFI, subject only to the regime of exceptions (see Principle 5). The policy should set out in some detail the manner in which requests for information shall be processed, which should be simple, rapid and free or low-cost. Requesters should be able to submit requests orally or in writing

(including via email, fax, regular mail and so on), either to head office or at a range of other places (such as local IFI or government offices, or with implementing partners) and in local languages. Assistance should be provided to requesters who are having difficulty formulating their requests. To facilitate requests, IFIs should provide a register, available over the Internet, listing all of the key documents and other records they hold.

A response to a request should be required to be provided as soon as possible and clear maximum time limits for responding should be imposed (of not more than 15 days). Where access to information is refused, notice in writing should be provided, specifying the particular exception upon which the refusal is based, as well as the right of appeal.

Access to information should be given in the form requested (for example, an actual copy, an opportunity to inspect a document, an electronic copy or some other form). This should include, as necessary, extracting relevant information from databases and reasonable processing/collating of such information to provide it in a form which is accessible for the requester. Where reasonably possible, information should be provided in the language requested and translation should always be provided where this is in the public interest, for example because the information is of interest to a whole community.

Where costs are charged for accessing information, these should be based on a clear and reasonable cost structure, and should not be so high as to deter requesters or exceed the actual cost, if any, of copying the information (receiving documents by email, for example, should be free). Consideration should be given to providing an initial amount of information – say up to 100 pages – for free. Fees should be waived where they would cause financial hardship, for requests from affected communities, and for requests in the public interest.

Principle 5: Limited Exceptions

The regime of exceptions should be based on the principle that access to information may be refused only where the international financial institution can demonstrate (i) that disclosure would cause serious harm to one of a set of clearly and narrowly defined, and broadly accepted, interests, which are specifically listed; and (ii) that the harm to this interest outweighs the public interest in disclosure.

It is recognised that the right to information is not absolute. Not all information held by IFIs should be made public; there are some legitimate grounds for confidentiality, such as personal information or where disclosure would genuinely harm the prevention or prosecution of a crime. At the same time, many existing IFI information disclosure policies contain unduly broad regimes of exceptions which have seriously undermined their usefulness.

Access to information policies should provide a clear and narrow list of public and private interests that may override the right of access. Examples of clear and narrow exceptions are the protection of trade secrets and statements covered by attorney-client privilege. An example of an unclear and potentially very broad exception, drawn from the World Bank's Policy on Disclosure of Information, is the nondisclosure of information shared with other entities

“on matters of common interest which are related to the decision-making processes of the Bank and such entities.”³⁷

Access to particular information should be refused only where the IFI demonstrates, on a case-by-case basis at the time of the request, that disclosure would cause serious harm to one of the interests listed. Even where this is the case, the information should still be disclosed unless the harm outweighs the public interest in accessing the information. An example of such an exception is the following, from the European Investment Bank’s Public Disclosure Policy:

Unless there is an overriding public interest, access to information will also be refused where disclosure would undermine the protection of ... commercial interests of a natural or legal person.

Exceptions should be based on the harm that disclosure would cause, not on who produced or provided the information. Where third parties are involved, they should have the right to make representations as to why a particular piece of information falls within the scope of an exception. But the policy should not allow a third party veto or recognise an originator control principle. An exception which clearly breaches this standard, from the European Bank for Reconstruction and Development’s Public Information Policy, is the following:

Information in the Bank’s possession which was not created by the Bank and is identified by its originator as being sensitive and confidential....

The fact that information may be administratively classified should be irrelevant to whether or not it meets the test for non-disclosure. Even classified information should be disclosed where it does not fall within the scope of an exception. Indeed, existing classification and record management processes should be reviewed and amended as necessary to bring them into line with access to information policies. Overall time limits on secrecy should be established (historical disclosure), beyond which the need for secrecy must be convincingly demonstrated before access may be refused.

Principle 6: Appeals

Anyone who believes that an international financial institution has failed to respect its access to information policy, including through a refusal to provide information in response to a request, has the right to have the matter reviewed by an independent and authoritative body.

The right to present claims to an independent body regarding failures to implement the policy properly is an essential element of a well-functioning access to information system. Such a body can provide impartial and authoritative guidance as to the scope of the obligation to disclose and ensure that the policy is applied properly.

As a first step, an internal appeal to a senior management group or dedicated unit can be an important part of the overall appeals system, resolving many complaints quickly and

easily. It can also play a role in the general promotion of the access to information policy. Alternatively or additionally, provision may be made for an expedited right to refer information disclosure complaints to existing bodies established to ensure compliance with all policies (compliance review mechanisms).

Ultimately, however, implementation of this principle requires the establishment of a fully independent appeals body. Such a body should have an allocated budget, staff and premises, and report to a body which is not itself directly associated with the IFI. One possibility would be to have one information appeals body for all of the IFIs, perhaps based in the UN system.

It should be possible to lodge a complaint in a number of ways, including by fax, email or regular mail. The access to information policy should set out in some detail the manner in which complaints shall be processed, which should be simple, rapid and free or low-cost. The independent appeals body should have all the powers it requires to enable it to investigate and consider complaints fully, including the power to access any information – whether or not it is claimed to be confidential – and/or persons. The decisions of this body should be binding on the IFI. These decisions should be in writing, clearly stating the reasoning upon which they are based, and should be publicly available, including over the Internet.

Principle 7: Whistleblower Protection

Whistleblowers – individuals who in good faith disclose information revealing a concern about wrongdoing, corruption or other malpractices – should expressly be protected from any sanction, reprisal, or professional or personal detriment, as a result of having made that disclosure.

Whistleblowers are an important early-warning system for any organisation and IFIs should protect them, including by making it a disciplinary offence to victimise a whistleblower.

Persons disclosing wrongdoing should be protected against any legal, administrative or employment-related sanction for releasing information on wrongdoing, as long as they acted in good faith with a view to exposing wrongdoing, regardless of any other motive they might have had. The protection should extend to employees, former employees and sub-contractors, and apply even where disclosure would otherwise be in breach of a legal or employment rule. The same protection should be provided to anyone disclosing information pursuant to the access to information policy.

“Wrongdoing” for the purposes of this principle should include the commission of a criminal offence, failure to comply with a legal obligation, a miscarriage of justice, corruption or dishonesty, abuse of power or serious misconduct, including any breach of the access to information policy or other procedures relating to participation, as well as a serious threat to public health, safety or the environment, whether linked to individual wrongdoing or not.

A senior officer of the IFI should be identified to whom disclosures about wrongdoing may be made. Individuals should always be able to make such a disclosure to someone who is not part of their line management and, where they request confidentiality, it should be

respected. At the same time, persons disclosing wrongdoing should benefit from protection against sanction when they raise their concerns outside of the organisation, whenever they have a reasonable belief that:

- (a) their concerns will not be taken seriously or acted upon;
- (b) their disclosure will lead to a reprisal or other direct professional or personal detriment;
or
- (c) there is an imminent risk of danger to the health or safety of others, or of serious harm to the environment.

Principle 8: Promotion of Access of Information

International financial institutions should devote adequate resources and energy to ensuring effective implementation of their access to information policies, and to building a culture of openness.

A serious effort is required to implement effectively even the very best access to information policies and to build a culture of openness. It is essential to make efforts to build a corporate culture of openness and to break down often-entrenched habits of secrecy.

It is important that the measures to be taken should themselves be developed in a transparent and participatory fashion. The range of possible measures is extensive but some measures which have proven effective include the following:

- senior management making statements and taking other actions that make it clear that access to information is an organisational priority;
- providing targeted training on access to information and building access to information elements into other training activities;
- incorporating access to information into corporate incentive structures and appraisal systems;
- educating the public, particularly in project affected areas, about their right to access information and how it may be exercised;
- putting in place a central system for tracking requests – when they are made, who receives them, what response was provided, any appeals, and so on – which should itself be made public;
- publishing and widely disseminating an annual review of implementation of the access to information policy (a sort of internal audit);
- putting in place an effective and progressive system of record management;
- developing a protocol on what sorts of information should be recorded in permanent form (such as which sorts of meetings should be minuted); and

- providing for individual sanctions for wilful obstruction of access to information.

A discrete budget should be allocated for purposes of implementing this principle and a dedicated body or individual within the IFI should have responsibility for discharging these duties.

Principle 9: Regular Review

Access to information policies should be subject to regular review to take into account changes in the nature of information held, and to implement best practice disclosure rules and approaches.

Access to information policies should include a formal requirement that they be subject to a comprehensive review on a regular basis, for example every two or three years. Such reviews provide an opportunity to assess how well implementation of the policy is progressing and what needs to be done to improve implementation. They also provide an opportunity to amend the policy to provide for greater information disclosure and to ensure that it is in line with best practice at other IFIs.

Particular attention should be paid during such reviews to possible improvements to automatic disclosure practices, including whether a greater range of documents should be disclosed automatically or whether certain documents should be released earlier.

Particular attention should also be paid to whether changes need to be made to the handling of categories of information which have attracted greater claims of confidentiality in the past, such as private sector information.

All reviews should themselves be conducted in a fully transparent and consultative fashion, for example using multi-stakeholder consultation and other such processes to ensure broad feedback from a range of interested stakeholders, particularly among project-affected communities.

The Charter Endorsement Campaign

The Global Transparency Initiative (GTI) is a civil society movement bringing together groups around the world who are committed to the idea of greater openness at the international financial institutions. The GTI was launched at an international meeting held in Georgia, USA, in February 2003, and is now a broad movement undertaking a range of activities to promote greater openness at the IFIs.

The Charter has been developed through extensive consultations over a period of years with a wide range of civil society groups, as well as through feedback from officials, including those working at IFIs.

The GTI is asking civil society groups with an interest in IFI openness to endorse the

Charter, which we hope will increasingly be used in advocacy efforts around IFI openness. We would also welcome official support for, or endorsement of, the Charter. A list of those who have officially endorsed the Charter can be found on the GTI website (details below).

Contact information and for endorsements:

Global Transparency Initiative, Project Secretariat
 Idasa – Institute for Democracy in Africa, South Africa
 PO Box 1739
 6 Spin Street, Church Square
 Cape Town 8000
 South Africa
 Tel: +27 21 467 7601/7
 Fax: +27 21 461 2589
 Email: gti@idasa.org.za / gpienaar@idasa.org.za
 Website: www.ifitransparency.org

Endnotes

- 1 For an analysis of the WB's new disclosure policy, see 'The World Bank's New Access to Information Policy: Conceptual leap within limits', Bruce Jenkins, Bank Information Centre and GTI, March 2010.
- 2 GTI is a grouping of civil society organisations committed to openness, which believes that everyone has a right to access information held by international financial institutions (IFIs). Current members of GTI include: Article XIX, UK; Access to Information Network, Philippines; Bank Information Center, USA; CEE BankWatch Network, Czech Republic; Centre for Law and Democracy, Canada; Centro de Derechos Humanos y Ambiente, Argentina; Freedominfo, USA; Fundar, Center for Analysis and Research, Mexico; Idasa: Institute for Democracy in Africa, South Africa. GTI has produced a Charter of Principles, consisting of nine areas of transparency best practice, available at www.ifitransparency.org. See also Annexure 2 to this report.
- 3 At the time of writing, this review process, including consultations, is continuing.
- 4 'New World Bank Access to Information Policy takes effect on July 1', World Bank 3 June 2010, available at: <http://go.worldbank.org/U5IOVAYMTO>
- 5 See Jenkins, above.
- 6 Indeed, the AfDB's Disclosure Policy itself states that it was adopted in order to 'further deepen and improve information disclosure to increase transparency, and ... to harmonize the Bank Group's Disclosure of Information Policy with the policies of sister institutions', in the Executive Summary at p. 1, and in the Introduction, paragraph 1.3, on p.2.
- 7 World Bank Group Toolkit, Bank Information Centre, 2007; Assessing World Bank Openness: A Transparency Scorecard, GTI, 2007.

- 8 See, for example, the African Financing Partnership launched by inter alia the WB and the AfDB: 'African Financing Partnership Launched by Leading Development Financial Institutions', AfDB 26 May 2010. Available at: <http://www.afdb.org/en/news-events/article/african-financing-partnership-launched-by-leading-development-financial-institutions-6862/>. Donald Kaberuka, President of the African Development Bank, is quoted as saying that "The AFP is a major pillar in the partnership strategy of the African Development Bank... In 2009", he explained, "the DFIs worked collaboratively on projects in Africa ... to jointly finance over US\$ 1 billion in projects under partnership models", adding that "This year, the target for collaborative co-financing is manifold, including ... projects ... in sectors such as infrastructure, power, renewable energy and agribusiness... Last year, the AFP was a coordinating platform for the Joint IFI/DFI Action Plan to respond to the financial crisis in Africa and with a target mobilization of US\$ 15 billion."..."There is an evident need for partnerships amongst development finance institutions, for efficient utilization of our human and capital resources to meet vast financing needs of private sector projects in Africa" African Development Bank Private Sector Director, Tim Turner stated.
- 9 This report has benefited from and is based in individual research reports focusing on regional or national implementation compiled by: Andrew Kumbatira, Karim Trabelsi, Lindlyn Tamufor, Maurice Odhiambo and Moussa Sall. GTI is most grateful for their contribution and insights.
- 10 The Matrix appears to have been posted on the AfDB's website on about 11 June 2010. Available at: http://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/Matrix%20of%20Institutional%20Reforms_1.pdf
- 11 The 'Bank Group' consists of the Bank, the African Development Fund (which, like the World Bank's International Development Agency (IDA) provides concessional finance) and the Nigeria Trust Fund. See <http://www.afdb.org/en/about-us/>
- 12 See the Executive Summary, in the Policy document, on p.2.
- 13 Paragraph 1.7 of the Introduction on p.2.
- 14 Paragraph 3.3 on p.4.
- 15 It is unclear whether the Handbook has ever been prepared or published.
- 16 In Paragraph 4, on p.5.
- 17 See section 4.5.
- 18 All project documentation for the DRC, CAF and Cameroon posted on the AfDB website is available in French only, even on the English language version of the Bank's website. While policy documents bear an English title, the text is sometimes in French, albeit with English section headings.
- 19 See paragraphs 4.40, 4.36 and 4.20, respectively.
- 20 A resident human population resettlement plan is required only in certain projects, for example, where the planned location of a dam or the proposed route for a road is approved by the Bank and will require the relocation of individuals or a community.
- 21 See paragraphs 4.24-27.
- 22 The AfDB's IRM has registered a complaint about destruction of houses as a result of the highway's construction: Ref No. RQ 2010/1. See <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/Notice%20of%20Registration%20English2.pdf>
- 23 See <http://www.uneca.org/awich/African%20Water%20Vision%202025.pdf>
- 24 See para 4.30.
- 25 The Compendium of Statistics on Bank Group Operations is an annual report that contains macroeconomic statistics on individual African countries. It also includes data on the Bank Group's operational activi-

ties, including summaries of various types of funding by country, AfDB regional and sectoral distribution of loans.

- 26 The ADB 10 is a booklet containing key projects chosen by the AfDB as models of success.
- 27 In the case of energy extraction projects, the beneficiaries of Bank loans are generally private companies. Therefore the Private Sector Department of the Bank has developed expertise in managing and monitoring such projects. As a result, all mining projects are entrusted to this Department. The problematic consequence in such projects is that the majority of documents relating to private sector projects are confidential, even in cases where the borrower is a public company (as in the case of SNIM).
- 28 Due to the then-recent establishment and operational status of the Malawi field office, and on the advice of the field researcher, a slightly different methodology was adopted in this instance. See further below.
- 29 www.afdb.org 2005-09 Malawi country profile, accessed on 11 November 2009.
- 30 See page 22.
- 31 Para 4.15.
- 32 Independent Review Mechanism Outreach Strategy, Paper presented by Per Eldar Sovik at a workshop organised by the Bank in November 2009 at Capital Hotel, Lilongwe, Malawi. There, it was indicated that the AfDB's Compliance Review and Mediation Unit (CRMU) aims to raise awareness of the existence and functioning of the Independent Review Mechanism (IRM) to equip communities affected by Bank-financed projects with the knowledge and skills to engage in a constructive dialogue with the Bank and, if felt necessary, to access and utilise the IRM's services.
- 33 For example, the AfDB fully sponsored the Malawi Economic Justice Network, a CSO, to participate in a CSO consultation meeting in Tunis on 1 March 2010. During these consultations, for example, a Bank official indicated that a Trust Fund may be established to support CSOs involved in the Extractive Industries Transparency Initiative, as has been the case in Tanzania. It was reported that there are also discussions under way internally to establish a Fund on governance.
- 34 It is unclear whether there were good reasons for these apparently regular absences.
- 35 Paragraph 8.1.
- 36 See endnote 10 above.
- 37 The World Bank's current Access to Information Policy, adopted in 2010, retains the essence of this approach. See, for example, para 14. For more detailed analysis of the new Policy, see Jenkins, above.