

GTI World Bank Transparency Review Update 3
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Brief Comments on World Bank “Approach Paper”

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With little notification, the World Bank kicked off country consultations on revisions to its Policy on Disclosure of Information (see schedule below). As a basis for consultations the Bank posted an “Approach Paper”– [“Toward Greater Transparency: Rethinking the World Bank’s Disclosure Policy.”](#) Below are brief comments on the paper. A full GTI analysis is forthcoming.

General Remarks The Approach Paper is a sketch, not a draft policy. We welcome the opportunity to comment at this early stage, but at the same time note that much detail is lacking, making it difficult for stakeholders to fully understand aspects of the proposal.

- The Bank commits to move towards a disclosure system that largely reflects a genuine ‘right of access’ principle with, to a degree, concrete mechanisms to put it into effect. It does away with the ‘positive list’ approach and instead provides for a presumption of disclosure for all information, subject only to exceptions. However we find problems with the proposed exceptions.
- The four principles of the new policy – (1) maximum access, (2) limited exceptions, (3) request procedures, and (4) appeals – reflect principles commonly found in national freedom of information systems and incorporate elements of GTI’s [Transparency Charter for International Financial Institutions](#). However, they are not comprehensive.
- The Approach Paper does not reflect the Bank’s overarching “empowerment” objective and does not acknowledge access barriers faced by marginalized communities and individuals nor does it acknowledge potential gender differences in accessing information. It acknowledges the “fundamental importance of transparency” (para. 7), but lacks a clear vision of inclusion, without which the policy risks serving primarily as a publication scheme instead of a proactive tool for integrating stakeholders into development decision-making.
- The Bank states that it will release more information on a routine basis and will expand disclosures during project implementation (such as supervision reports, aide memoires). These are welcome steps, but the examples cited are not comprehensive.
- There is no acknowledgment of the common practice of redacting protected information from documents while disclosing the remainder. Withholding entire documents because a portion falls under an exception would cause much non-sensitive material to be kept secret.
- The paper does not address disclosures related to Bank technical assistance and fee-based services, currently quite opaque Bank activities

¹ The paper draws extensively from analyses by Toby Mendel of Article 19 and Toby McIntosh of [freedominfo.org](#), members of the GTI.

- We are uncertain that Bank commitments made during the Governance and Anti-Corruption Strategy and Extractive Industries Review are fully reflected in the paper. These issues will need to be examined in separate updates.

Exceptions In adopting a system based on a true presumption of disclosure, exceptions must be narrowly drawn and based on a “harm test,” that is, (a) disclosure would cause serious harm to clearly and narrowly defined interests (i.e., commercial secrets, sensitive financial information) and (b) the potential harm caused by disclosure outweighs the public interest in the information.

We welcome that the Bank proposes only to “deny access to information for which there is a compelling reason for confidentiality” and to define exceptions “as clear and as narrow as possible” (para. 7).

It is troubling however that that this “harm test” is posited as a stand-alone additional exception (“**also** reserve the right not to disclose ...”) rather than the guiding logic for determining the scope of **all** the exceptions. Most of the exceptions do not refer to specific interests that might be harmed, describing instead a category of documents (i.e., Board records, drafts) or a process (being classified as ‘official use only’ or being subject to third party consent).

Together, these problems seriously undermine the idea of a presumption of disclosure. Below are comments on a few of the exceptions:

- *Member Country/Third Party Information* (para. 10): Allowing third parties to self-classify information provided to the Bank as confidential, with no justification of potential harm, is excessive. The Bank would also grant third parties veto power over disclosing provided information. Third parties should be able to make representations as to why particular information falls within the scope of an exception before it is disclosed, though should not be granted veto power.
- *Deliberative Information* (para. 17): Declaring that all “draft” documents should be withheld, except for the few prepared for consultations is unwarranted and does not reflect a judgment of whether a certain interest could be harmed by the release of drafts. Moreover, this exception would undermine informed participation of stakeholders in decision-making. Language on releasing information at “key milestones of project preparation and implementation” (paras. 17 and 31) is intriguing but too vague. For example, would this apply to Project Appraisal Documents or the matrix of country conditionalities before Board approval?
- *Board Meetings* (para. 11a): The paper omits recommendations on this vital topic as a Board committee will propose their own standards (but only after consultations). Currently, Board meetings of this international public body are closed and substantive meeting records (summaries of discussion, transcripts) are secret (though skeletal minutes and occasional statements are available). Near blanket secrecy of Board proceedings is excessive as most issues are not highly sensitive (i.e., must every road project be considered in secret?) Without open Board meetings, citizens cannot monitor their own Executive Director’s positions, a major gap in democratic accountability. We call for open Board meetings (with provision for closed executive sessions), and release of summaries and transcripts.
- *Board Papers* (para. 11b): The Approach Paper indicates that many papers prepared for the Board will be disclosed after Board discussion, a welcome improvement from the current

practice of keeping most of them secret. At the same time, this would deny public access before final decisions. A ‘harm test,’ in our view, would show that most Board papers could be disclosed before consideration. This would allow stakeholders the opportunity to express concerns.

- *Financial Information* (para. 14): The Bank should explain this broad exception. While there is little public interest in banking details, why include IDA donor contributions, “financial forecasts,” and background materials for “internal and external financial reports.”
- We note that some exceptions are more narrowly drawn, such as attorney-client privilege, ongoing investigations, and personal information.

Automatic Disclosure The Bank currently releases a large amount of information on a routine basis, both on its website and through its information centers. We welcome the commitment to “routinely post as much as possible on its external website” (para. 7).

We recommend that the Bank’s policy contain affirmative language regarding objectives of routine disclosure, such as facilitating engagement with stakeholders and strengthening third-party oversight and accountability of Bank-financed operations.

We welcome that some currently secret documents that would now be disclosed (para. 31), such as supervision documents (Implementation Status and Results Reports [though we are concerned they may be sanitized of important comments], and aide memories), country performance portfolio reviews, and certain management reports. We also endorse the proposal to release project financial statements and project audits. Annex C lists some but not all of these new disclosures; most documents on Annex C are currently disclosed.

Annex C however does not include other currently withheld or delayed information that should be routinely disclosed given strong public interest, such as:

Country Related Documents

- Draft Country Assistance Strategy/Partnership
- Draft Joint Staff Advisory Notes/Assessment of PRSPs
- Rationale for Country Policy and Institutional Performance (CPIA) ratings (not just scores)
- All Economic and Sector Work (including all social, environmental, sectoral analyses)
- Policy Notes, Briefing Books, Background Papers
- Governance and Corruptions Assessments

Projects and Programs

- Initiating Memorandum (initial document for development policy operations)
- Project Concept Notes (first documents on potential projects)
- Draft Program Document (presents development policy operation, including conditionality matrix)
- Draft Project Appraisal Document (most complete description of a project)
- All Factual Technical Documents (should be routinely posted on project websites)
- Project Implementation Plans

Technical Assistance and Fee-based Services

- As the new policy is to apply to all information held by the Bank, documents related to these often opaque activities should be routinely disclosed.

Requests The paper does not provide details for request procedures. Requests should be handled expeditiously: acknowledged within 3 days, processed within 15 days. The Bank should define what assistance would be provided to requesters who have trouble formulating requests and languages in which requests can be made.

Appeals While the paper proposes an administrative appeals body (currently there is no such function), we note that this falls short of common FOI practice and the call in the GTI Charter for a truly independent appeals mechanism. Why would this body (para. 25) be chaired by a Managing Director or include Regional Vice Presidents, as this would likely raise potential conflicts of interest? We call for the creation of an appeals body independent from operational management. At a minimum, we support the idea in para. 25 of including outside parties on the panel.

Translations The paper makes no new proposals for ensuring that important information on Bank programs and projects is translated. While not all information can practically be translated, certain operational and policy documents have significant relevance to stakeholders and should be translated upon request. We note that borrower governments often translate project and program information and that these should be submitted to the Bank and made publicly available.

World Bank Disclosure Consultations (as of April 9)

click [here](#) for updated schedule. If you wish to attend, contact Disclosure_Consultations@worldbank.org

Africa		Latin America & Caribbean	
TBD (possibly early May)	Cameroon, DRC, Ghana, Kenya, Malawi, Mali, Nigeria, Senegal, Tanzania, Uganda	April 21 April 21	Dominican Republic Mexico
East Asia & Pacific		April 28 April 28 April 30	Peru Argentina [Government] Argentina [CSO, Academia]
TBD (early May?) April 14	Indonesia Laos (proposed), Philippines, Vietnam (proposed)	TBD	Brazil]
Europe & Central Asia		South Asia	
April 13 TBD	Russia Kazakhstan (proposed)	April 16 April 17 (TBC)	India Bangladesh (proposed), Sri Lanka
Middle East & North Africa		Other	
May, date TBD	Egypt, Lebanon, Yemen	April 25 TBD	Washington, DC (Bank/IMF Meetings) Europe

If you would like more information regarding regional civil society activities related to the disclosure review, please contact:

Africa	Joshua Klemm	jklemm@bicusa.org
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Take Action

- **Attend your regional World Bank Disclosure consultation or hold public meetings:** For a list of consultations taking place, please see the table on p.4 of this document. To attend a consultation, you will need to e-mail: Disclosure_Consultations@worldbank.org.
- **Send your comments to the World Bank, and us:** Send your comments about the Disclosure Policy to the World Bank directly through their [website](#). Since the Bank is not posting comments as they are received, we would be happy to do it so stakeholders can benefit from shared information. Send us your comments at gtiupdates@bicusa.org.
- **Contact your Executive Director (ED):** Share your concerns about the Disclosure Policy with your ED who represents your country on the World Bank's Board of Directors. Find your ED's contact information at BIC's [World Bank Executive Directors Page](#).
- **Join the Disclosure Policy Facebook page:** BIC has created the [World Bank Disclosure Review Facebook page](#) where you can find others in your region who are interested in this topic, and join in on the discussions taking place. If you don't have an account yet, it is easy to set one up. Visit www.facebook.com.
- **Prepare cases:** Groups wishing to engage in the disclosure review should document cases and examples of access to information problems with World Bank projects and programs. GTI can assist in pulling these together. Share your experiences with GTI at gtiupdates@bicusa.org. You could also share your story with local media sources to help raise awareness about these issues.
- **Endorse the GTI Transparency Charter:** The Charter document provides supportive commentary on each of its principles. Endorse the Charter to strengthen the call for recognition of the right to public information at the IFIs. Click [here](#) to endorse.
- **Sign-up for email alerts:** GTI will send regular email alerts and updates during the World Bank policy review. Send an email with the word "subscribe" to gtiupdates@bicusa.org.

Resources

- World Bank webpage for policy review www.worldbank.org/disclosure
- GTI website and GTI Transparency Charter www.ifitransparency.org
- GTI World Bank Transparency Scorecard: www.ifitransparency.org/resources.shtml?x=55994
- BIC webpage on World Bank Transparency www.bicusa.org/wbtransparency
- IFI Transparency Resource (database on IFI disclosure policies) www.ifitransparencyresource.org
- freedominfo.org IFTI Watch (IFI access to info news service) www.freedominfo.org/ifti/index.htm