



### **Talking Points: World Bank Online Consultation**

**Please find the following talking points below as a resource to assist you in providing feedback to the World Bank with regard to its disclosure policy review and the accompanying online consultation process. For additional information, please send an e-mail to [gtiupdates@bicusa.org](mailto:gtiupdates@bicusa.org).**

To complete the World Bank's online consultation form, please visit <http://go.worldbank.org/RGOEYYIH30> and answer the following questions:

- 1. Do you support the proposal to depart from the existing "positive list" approach to a more open policy under which the public can obtain all information in the Bank's possession other than what is on a list of exceptions?**
  - Yes. To respect the right to access information, public bodies should presume that information would be released unless there is a compelling reason to withhold it.
    - While the Bank acknowledges this principle, its existing policy in fact contradicts it. The Bank currently provides a list of documents that are to be disclosed (a "positive list"). For everything not on the list, there is a general presumption of non-disclosure.
  - Additionally, a strong disclosure policy must consist of narrowly drawn exceptions. The current policy contains a list of disclosure exceptions that are so broadly written that they could justify withholding nearly any type of information.
  
- 2. Do the proposed exceptions adequately reflect the areas in which there is a compelling reason for confidentiality?**

- The proposed exceptions do not appear to be narrowly drawn, which could undermine the “maximum access” principle and unnecessarily restrict information that should be in the public domain.

**3. Do the proposed exceptions strike the right balance between the need for transparency and the need to protect confidential information relating to member countries and third parties?**

- Access to several important categories of information, such as Board proceedings, draft documents, and third-party information, would potentially be circumscribed by overly broad exceptions.
- Exceptions should be based on a “harm test - (a) disclosure would cause serious harm to clearly and narrowly defined interests (such as commercial secrets or sensitive financial information) and (b) the potential harm caused by disclosure outweighs the public interest in the information.
- Examples of overly broad exceptions proposed by the Bank:
  - **Member Country/Third Party Information:** would allow third parties to self-classify information provided to the Bank as confidential, separate from any criteria to judge whether disclosure would actually harm a legitimate interest. Also Bank would grant third parties veto power over disclosure of information provided to the Bank.
  - **Deliberative Information:** the exception declares that all “draft” documents would be withheld, except for a small number prepared specifically for consultations. Such a blanket exception is excessive and does not reflect a judgment whether a certain interest could be harmed by the release of drafts. Moreover, this exception would undermine informed participation of stakeholders in decision-making if only final, approved documents are shared.
  - **Board Meetings:** 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. There should be open Board meetings (with provision for closed executive sessions), and release of summaries and transcripts.
  - **Financial Information:** 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.”

**4. With respect to timelines for declassifying information:**

- Do you support a uniform 20-year timeline to declassify most historical documents as is the norm at many international organizations?**

ii. Alternatively, should certain documents be declassified earlier than 20 years, for example, after 5 or 10 years?

iii. If so, what are the types of documents that could be declassified at those intervals?

5. Do you support the proposal to add project audits and annual audited project financial statements prepared by borrowers to the list of documents that borrowers are required to disclose?

- Yes -

6. Are there other documents prepared by member countries, related to World Bank-supported operations, that countries should be required to disclose?

- Translation of Development Policy Loan documents – according to the World Bank’s Disclosure Policy, the Bank has no obligation to translate DPLs, though in many countries, not all officials/parliamentarians are fluent in English. Oftentimes, these documents are translated into other languages, such as Arabic, and should be disclosed to the general public.
- Also, the current disclosure policy requires borrowing countries to provide translation of documents though doesn’t require the governments to submit the translated documents to the World Bank. Submission of the translated document is considered “best practice,” rather than obligatory. Again, the World Bank and borrowing governments would not incur any extra costs. It is a matter of implementation and institutionalization of policy.

7. Are there disclosure issues you feel this proposal does not address?

- **Timely release of draft project documents** to allow for meaningful participation of stakeholders in project design and development decision making.
- **Loan conditionality** – for Development Policy Loans, sensitive loan conditions/policy conditions that the Bank requires governments to adopt are only disclosed after approval.

- **Weak Translation Framework** - The paper makes no new proposals for ensuring that important information on Bank programs and projects are 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 these should be submitted to the Bank and made publicly available.
- **Appeals process** – The proposed internal administrative appeals process is a welcome improvement over current practice (there is no appeals process). At a minimum, the Bank must ensure a degree of independence of the appeals mechanism from Bank management (for example, by including outside parties).
- **Request Procedures** - 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.