



Comments on the Asian Infrastructure Investment Bank's Public Information Interim Policy

June 10, 2016

We share Asian Infrastructure Investment Bank's genuine interest and vision that access to information holds the key to ensuring that stakeholders, project-affected people and the general public can provide meaningful inputs into the design and implementation of the project. We further congratulate the Bank on its endeavour in putting together an interim Public Information Policy, recognising that the right to decision-making, access to information and public participation are principles widely practised by other International Financial Institutions.

It is however our concern that since the Public Information Interim Policy was released on AIIB's website on February 26 this year, the Bank has not articulated a clear roadmap outlining how civil society engagement with the Bank on access to information can be formalised, as well as what are the specific procedures since public consultation is not mentioned in the PIIP.

We invite the Bank to use the excellent opportunity that comes with the announcement of four projects to be considered for loan by the Bank since April 16 to demonstrate how to apply Public Information Interim Policy by establishing clear time-bound procedures, and to formalise civil society stakeholder engagement by ensuring legitimate and effective public participation at both the project level with affected communities as well as at the policy levels. Based on our experiences of other International Financial Institutions, it is our hope that by providing clear guidance on how affected people and other interested stakeholders can engage with the Bank throughout the project cycle, the Bank will adopt necessary measures to ensure that essential communications and information sharing aspects are genuinely integrated into AIIB supported policies, projects and strategies.

On the issue of governance, as International Financial Institutions have over the years recognized that increased access to Board decision strengthen stakeholders' participation in the decision-making process, we would like to take this opportunity to seek your clarification on the decision-making process on policies and strategies by the Bank's President and the Board of Directors, in particular, how the new batch of projects will be approved in at the next Annual Meeting in June, 2016. At present there are no clear instructions or information available to the public.

We would also like to encourage the Bank to pro-actively define and disclose the level of information and criteria of projects to be considered for financing that will be presented to the Board of Directors, supported by time-bound disclosure of project documents – accompanied with relevant environmental and social analyses and assessments as referred to in your ESF 57-58) - on AIIB's website, as well as a clear commitment to a time-bound period for public commenting.

Please find in the following section broad stroke observations on key gaps in the current PIIP and recommendations for improvements.

Recommendations on overcoming key gaps in AIIB's Public Information Interim Policy

Board of Governors and Board of Directors meeting documents including resolutions

The Bank's obligations to publish documents quite limited compared with other IFIs, lacking specificity on the timing and content of the Board documents to be released prior to, during or and after Board meetings.

- Specify the requirement for disclosing meeting agendas
- Adopt a time-bound disclosure policy (other IFIs release Board documents involving key decision-making processes for policies, strategies, business plans, country and sector policies and strategies, consultations with CSOs, affected parties and other stakeholders prior to Board meetings and/or upon Board endorsement)
- Establish clear procedures on how the Board documents will be disclosed and how to access these documents if not posted online within a given number of calendar days

Operational strategies and policies:

- Establish a reference to time-bound disclosure
- Adopt a reference to a public consultation process for the Bank's draft policies and strategies
- Exercise disclosure on collective comments submitted by CSOs or external stakeholder – including CSOs – analysing the Bank's policies, strategies and plans.

Reviews of the use of corporate and country system (ESF 57 refers):

- Make public consultation an integral part of the review process on the use of corporate and country system, especially when feedback from external stakeholders on country operations system, sector operation strategies, regional operations and strategies, as well as business plans have proven to be useful in identifying different social risks associated with social and political realities of the country
- Adopt time-bound disclosure
- Publish comments submitted by stakeholders on corporate and country system within a given number of calendar days.

Project documents

- Clarify the meaning of 'detailed documents', and the level of detail required in project documents
- Publish project information document for projects under preparation or under consideration for loan but not yet presented to the Board or the President for final approval.
- Clarify what is the required level of details for 'summary documents'
- Clarify disclosure of category A and B projects in terms of methodology due the assessment the project's environmental and social impacts
- Publish project decisions by the Board

Disclosure of environmental and social documents of projects (nexus with *ESF 57. Information Disclosure by the Client* and *ESF 58. Information Disclosure by the Bank*)

Relevant information on environmental and social impacts of the project is made available in the Project area in a timely and accessible manner, and in a form and language(s) understandable by people affected by the Project, other stakeholders and the general public, including draft and final ESAs, ESMPs, ESMPFs, resettlement plans, RPFs, Indigenous Peoples plans and IPPFs, or other approved forms of documentation

- Adopt time-bound specificity on what ‘*timely and accessible*’ requirements by a given number of calendar days
- Establish clear rules of engagement and procedures
- Adopt specificity or time-bound requirement for posting either ‘Sovereign-Backed’ and ‘Non-Sovereign-Backed’ projects prior to consideration of the project by the Board
- Adopt time-bound requirement for disclosing category A projects and relevant analyses and assessments associated with the projects prior to consideration by the Board.
- Establish clear access-to-information procedures in the event that Client or the Bank does not disclose sufficient documentation

Confidential information

Close to blanket exemption across the board.

- Re-assess exemption clause for staff even if there is evidence of fraud, corruption or conflict of interest etc.
- Make it obligatory to disclose investigation results on threats to the environment and social stability associated with Bank operations or projects
- Disclose a) decisions to internally investigate and evaluate via an independent accountability mechanism; b) information that internal investigations and the independent accountability have been conducted; and c) investigation outcomes.
- Re-assess the near blanket definition of third-party information that encompasses all “non-public information”, risking too wide application of 3rd party info as “non-public”.
- On *violations of National Laws or Other Applicable Regulations*, define clear definition on whose national law has been violated.

The right to request information

- In the absence of a policy of presumption of disclosure, and no reference to clear guidance and procedures on how to access information, the Bank is asked to establish time-bound procedures detailing how to file a request for information and a designated contact window for addressing the requests.
- Establish a monitoring and appeals mechanism to address refused requests to information and detailed procedures on the review process
- Establish a review mechanism that would periodically assess how the right-to-information in the Public Information Policy can be improved, supported by a time-bound review period and consultation.