

**Toward Greater Transparency
Rethinking the World Bank's Disclosure Policy**

**Summary of the Consultation Meeting
Kampala, Uganda
May 26, 2009**

Question 1. Do you support the proposal?	
Respondent Type	Feedback
[Government]	<p>Generally support, with some reservation. The Bank's initiative to promote transparency in its operations and to consult stakeholders on their views is commendable. However, the Bank is a partner to Government especially the Ministry of Finance, where the Minister is a Governor of the Bank. Like any married couple, the Bank and Government must first agree on what to disclose because even if the Bank lends money, it is the Government that owns the projects, and they should have a strong hand in determining what should be disclosed especially the joint documents.</p>
[CSOs]	<p>Yes The World Bank proposal is commendable in that it promotes transparency and openness. However, it has limitations because it also depends on the prevalent laws of the country. For example, in Africa four countries have Freedom of Information laws but in practice, there are no mechanisms for sharing information in those countries. In Uganda the Freedom of Information Act was passed in 2005 but has registered no progress.</p> <p>NO The Bank should facilitate the member countries to disclose their own information.</p> <p>The new proposal is still not representative of the wishes of the people of Uganda. The Bank should be clear when it talks about "the people" because it normally means "the Government" yet the Governments especially in Africa are not representative of the people. The Bank should not commit the Ugandan people with any policy or agreement through the Government without consulting adequately with civil society organizations which are more representative of "the people".</p>

	<p>The new proposal is not desirable because it is going to ensure that Bank reports are dishonest and only positive since staff, if they know their reports will be available to the public, will exercise extreme caution in what they write and may end up writing only what people want to hear and hide the bad/ non-performing aspects of their work.</p> <p>The Bank is being rather dishonest with this initiative. If they want to disclose more information why should they consult about that? The bank should instead be more concerned that the funds that they give to countries are used efficiently for their intended purposes. It does not matter how much information the Bank says it will disclose so long as it does not address the fundamental question of value for money then the disclosure is useless.</p> <p>The time has come for there to be a truly tripartite approach between Government, the World Bank, and Civil Society Organizations. Unless this tripartite model is reflected in the proposed document it will not work as planned –it will be the same old business as before.</p> <p>The policy still needs to be further scrutinized by major stakeholders to ensure that it meets the interests of the Bank, Government, Civil Society and the people whom it seeks to serve</p>
<p>[Academia]</p>	<p>Yes - The principle of more disclosure away from a ‘positive list’ to a more liberal approach is much welcome</p> <ol style="list-style-type: none"> 1. <i>Transparency inspires confidence:</i> If there is a presumption of best interest for all beneficiaries, there is no better way to demonstrate this than by erring on the side of more openness; 2. <i>Good governance criteria:</i> There is increasing pressure on borrower governments to be more open and transparent in their dealings towards promoting better governance and accountability; a corresponding responsibility on the lender is a balanced approach; and 3. <i>Global movement towards more transparency:</i> Following the recent financial crisis, there is more pressure to broaden disclosure by financial institutions – it is less disclosure and limited transparency that was a large contributor to the global financial crisis. As a lender and participant in the financial markets, the WB is under a high obligation to share information on its dealings. Such information can be relied upon to determine whether the WB is following established mandate required of a major financial institution, and for all stakeholders to have the confidence that WB practice is actually in line with its stated mandate.

Question 2: Do the proposed exceptions adequately reflect the areas in which there is a compelling reason for confidentiality?	
Respondent Type	Feedback
[Government]	<p>No</p> <p>There is a problem with the whole question of public interest. How do you determine public interest? How do you define the development community? The World bank should instead focus on how to facilitate countries to implement the Access to Information laws. Countries should also be the ones to determine which information should or should not be shared with the public.</p> <p>Yes</p> <p>The Bank’s policy will work if it only invests more funds in public libraries where people can access the disclosed information. Disclosing the information within the Bank itself does not add any value.</p>
[CSOs]	<p>No</p> <p>It is not clear on what consists of “serious harm” and who determines what that serious harm is.</p> <p>One must first clearly understand the underlying principle considerations that disclosing or withholding certain information will have a positive bearing on the World Bank’s program; that it will get better</p>
Academia	<p>The approach as articulated in the concept note is agreeable for all the aforementioned reasons, as well as those stated in the document; Since the exception is broadly drafted to cover any instances where concern might arise, it appears to adequately cover the confidentiality requirement as well as striking the right balance between disclosure and necessary discretion to protect a whole range of interests.</p>

Question 3: Do the proposed exceptions balance the need for transparency and the need to protect confidential information?	
Respondent Type	Feedback
[Government]	<p>Yes</p> <p>The Bank should move away from the existing positive list approach to allow the public to obtain all information in the Bank’s possession other than what is listed under exceptions. This can promote transparency in the Bank’s operations, good governance and accountability in the countries that the bank supports. However, sovereign governments should have a greater say about what they want to disclose and not disclose [the Bank cannot compel Government’s to release information that they deem critical to the country’s good] Disclosure of every document in uncalled for since it can curtail honesty and candidness.</p>
[CSOs]	<p>Yes</p> <p>Access to information is a fundamental right but it must be accompanied by certain responsibilities. What one has to consider is who is going to implement the disclosure policy and will they have the capacity to compel Government to follow suit?</p> <p>No</p> <p>There is need to get a clearer understanding between country-based information and third party information. Country-based information is much more critical to what happens within the country and information from Washington DC [WB headquarters] is of less relevance to the country context. What normally happens in the countries is a conspiracy between the Bank and the Client [Government] which is exclusive and it is what efforts should be focused on.</p> <p>The Bank has in the past supported Freedom of Information legislation and even put triggers within the PRSC matrix for the realization of some of the actions related to this. However, the problem has been and still is that the Bank focuses on the supply side of governance, and not the demand side. The Bank’s efforts should be more focused and invest in the demand side of governance by empowering and facilitating the citizens to demand for information. Unless this is done, even if the information is disclosed, nobody will bother to demand for it and hold their leaders and governments accountable.</p>

Question 4(i): Do you support a uniform 20-year timeline to declassify most historical documents?	
Respondent Type	Feedback
[Academia]	On the graduated approach to declassification - generally the more sensitive information should be released later in time. For example issues related to legitimate national security, highly client sensitive financial/political information would fall into the 20 year bucket – however certain items (such as that related to sealed information under a legal suit) may be permanently inviolable – an exception might apply in certain cases of overwhelming public interest; as well as information covered by the attorney client privilege (under which a suit might be brought within a statutory period) might fall within the respective buckets that protect the inviolability of the information for that period of time (e.g. 5-10 years). A probable source of best practice in determining what to release might be to look to the US Freedom of Information Act. UNDP also seems to have a forward looking policy.

Question 4(ii): Should certain documents be declassified sooner than 20 years?	
Respondent Type	Feedback
[Government]	Option 2 of having a 3-tier structure similar to the IMF is more practical, flexible and relevant as compared to having a uniform 20 year timeline. Having a uniform timeline is a step backwards and favours a positive list approach that the Bank is moving away from and would create additional bureaucracies that could be eliminated from the very beginning if a clearer 3-tier structure was established.

Question 4(iii): If so, what types of documents could be declassified at earlier intervals?	
Respondent Type	Feedback
[Government]	This should apply to deliberative information (especially Aide Memoires, Audit reports of the Bank funded projects, to mention but a few).

Question 5: Do you support the proposal to add project audits and annual audited project financial statement prepared by borrowers to the list of documents that the borrowers are required to disclose?	
Respondent Type	Feedback
[Government]	Yes These should be disclosed. There has been a growing perception about the seeming lack of value for money and accountability in donor funded projects. Disclosing audits or these projects after their implementation would be an excellent means of ensuring accountability and transparency in the way funds are expended, not only for the benefit of the Bank and other donors but also for the benefit of the receiving country.
[Academia]	Agree with the view to include project audits, since reviewers should be able to determine how past performance is being used in determining future lending or other support. In this respect, prudent financial management should be a mandatory requirement in determining support – especially since procurement is a source of imprudent governance. In addition, it would be useful to include a borrower’s last two auditor general reports – since these will provide (in many cases) indications of government effectiveness in project/program implementation supported by the WB. Depending on the sensitivity of the information contained in audit reports – judgment would need to be made as to whether these should fall into any of the disclosure buckets between 5-20 years

Question 6: Other documents prepared by member countries, related to World Bank operations, which member countries should be required to disclose?	
Respondent Type	Feedback
[Government]	We support the proposal to disclose certain country-owned documents as a condition for doing business with the Bank. We believe that this will promote greater accountability and transparency in the manner in which the funds are expended. However we propose that these documents (once specified and agreed upon with the respective countries) should be available at the Bank's external website as part of the information on the respective country in question.

Question 7: Other disclosure issues?	
Respondent Type	Feedback
[Government]	
[CSOs]	<p>The Bank should also consider political accountability in its disclosure policy and understand that the Government is a partner to the people of Uganda and Not to the Bank.</p> <p>There is no clear structure for implementation of the disclosure policy</p>

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