



Via Electronic Mail

Suma Chakrabarti
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Dear President Chakrabarti,

As revision of the EBRD's *Good Governance* policies comes to a close, we would like to share civil society comments and recommendations on the draft *Access to Information Policy*, endorsed by more than 25 organisations.¹

We recall your personal priority as the Bank's President to improve transparency and "*to develop strong, progressive policies.*"² Similarly, in your vision for the Bank in 2016, you acknowledged that,

*"the Bank is instinctively too cautious still on public disclosure. It will need to make a better offer on public information disclosure and engagement to match the standards expected and applied in many of its shareholder countries."*³

1 CEE Bankwatch and International Accountability Project (IAP), EBRD's Proposed Access to Information Policy & Directive: Comments & Recommendations, available at:

https://accountabilityproject.org/wp-content/uploads/2019/03/Joint-Submission-on-EBRD-Access-to-Information-Policy-Directive-3_6.pdf

2 European Bank for Reconstruction and Development (EBRD), Three New EBRD Policies: Many Steps Towards Greater Transparency, available at:

<https://www.ebrd.com/news/2014/three-new-ebrd-policies-many-steps-towards-greater-transparency.html>

3 Suma Chakrabarti, UK Nominee for Re-election as President of EBRD Summary Vision for the Bank, available at: <https://accountabilityproject.org/wp-content/uploads/2019/03/Suma->

Despite being the foundation of transparency at the Bank, the draft *Access to Information Policy* remains the weakest link within the *Good Governance* policies. As currently drafted, the proposed *Policy* falls considerably short of international best practice and international human rights law, including the Bank's obligations in accordance with the UNECE Aarhus convention, by and through its members who have ratified the treaty, and as an international organization. It still does not meet the standards of the EBRD's peer development finance institutions.⁴

While we welcome the shift in title from *Public Information Policy* to *Access to Information Policy*, the *Policy* must embed and apply a recognition of access to information as a human right, if it is to earn this title.⁵

Communities, individuals, and civil society have the right to know and meaningfully participate in the design and implementation of development projects that will ultimately shape their lives.⁶ Having early access to information can mean the difference between a community learning about a project when the bulldozers arrive, and a community engaging with investors to co-design a project that avoids harm and creates real benefits for people. In practice, the right to access information goes far beyond simple information disclosure - it ensures that people are equipped to substantively engage in development processes.

Unfortunately, the proposed *Access to Information Policy* and *Directive* are not people-centered and are instead unduly client-oriented. Both documents utilize vague, subjective and overly broad language, which carve out unreasonable amounts of discretionary power for the EBRD and its clients in rejecting requests for information and determining exceptions to disclosure. Given that the Bank's current disclosure practices already fail to provide the necessary information to meaningfully fulfill the right to access to information, the provisions of the draft *Policy* fall far short in providing a better offer on public information disclosure and engagement.⁷

[english.pdf](#)

⁴ CEE Bankwatch and International Accountability Project (IAP), EBRD's Proposed Access to Information Policy & Directive: Comments & Recommendations, available at:

https://accountabilityproject.org/wp-content/uploads/2019/03/Joint-Submission-on-EBRD-Access-to-Information-Policy-Directive-3_6.pdf

⁵ For reference, see Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, available at:

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁶ United Nations Declaration on the Right to Development, available at:

<https://www.ohchr.org/en/professionalinterest/pages/righttodevelopment.aspx>

⁷ See a recent assessment of the EBRD's disclosure practices, which analyzed 195 projects proposed between November 1, 2017 and November 30, 2018, based on criteria aimed at maximizing access to information for project-affected people. This research was made available to EBRD management for comment, and their response has been published

If the new *Access to Information Policy* does not see significant improvements, the EBRD will continue to lag behind its partner institutions and remain severely misaligned with international norms and best practice, including those obligations of its member states party to binding treaties such as the UNECE Aarhus Convention, and the EBRD's own commitments to promote these standards.

President Chakrabarti, in 2014 you said that,

*"EBRD's priority, and my priority as the Bank's President, is to develop strong, progressive policies...The resulting policies move the Bank forward in its efforts to listen and cooperate better with all those whose lives we aim to improve with our work, and all partners and stakeholders."*⁸

We ask you this: will the EBRD be able to lead on policy dialogue and capacity building without itself setting an example? To be persuasive and legitimate, when urging its national partners and business clients to be more transparent, the Bank must invest in improving its own transparency.

We urge you to take the steps necessary to ensure that the new *Access to Information Policy* and *Directive* addresses the serious concerns outlined by civil society, and becomes the basis for early, ongoing and meaningful engagement with communities to improve the outcomes of EBRD projects.

Sincerely,

Arab Watch Regional Coalition for Just Development

CEE Bankwatch Network

International Accountability Project

alongside the final study. International Accountability Project (IAP), *In Practice: Information Disclosure at the EBRD*, available at: https://accountabilityproject.org/wp-content/uploads/2019/03/In-Practice_-_Information-Disclosure-at-EBRD.pdf

⁸ European Bank for Reconstruction and Development (EBRD), *Three New EBRD Policies: Many Steps Towards Greater Transparency*, available at: <https://www.ebrd.com/news/2014/three-new-ebrd-policies-many-steps-towards-greater-transparency.html>