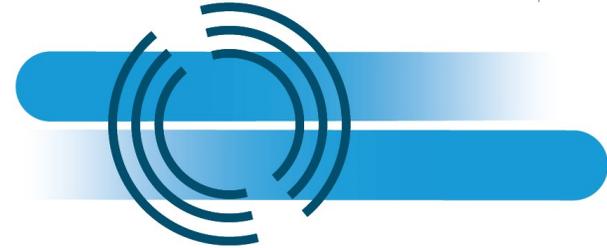




Access to  
information policy



**IDB INVEST CONSULTATIONS REGARDING ITS  
DRAFT *ACCESS TO INFORMATION* POLICY:**

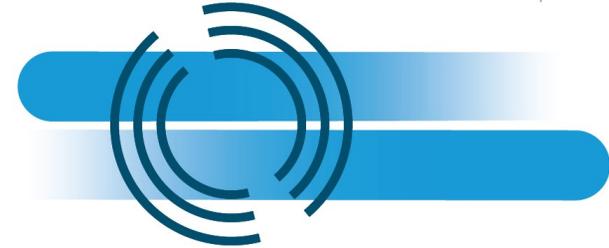
**MEETINGS IN ARGENTINA – AUGUST 10, 2018**  
SUMMARY OF STAKEHOLDERS' COMMENTS

**I. INTRODUCTION**

Following the Consultation Plan, a face-to-face consultation was held in Buenos Aires, August 10, 2018. The 26 participants who attended represented the public and private sectors, as well as non-governmental organizations and academia.

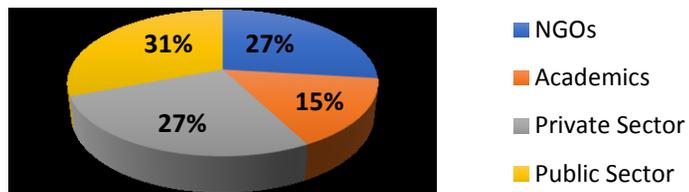


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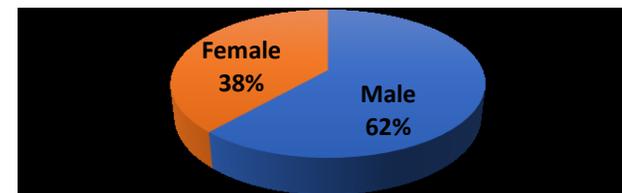


## II. STATISTICS

**Figure 1: Argentina Workshops:  
Type of Attendee**

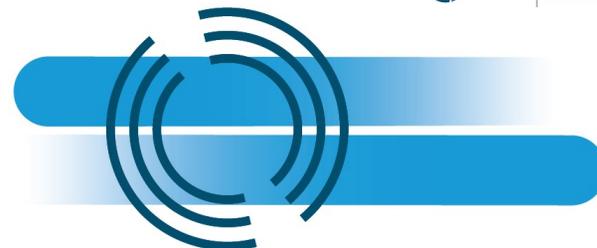


**Figure 2: Argentina Workshops:  
Male/Female Attendance**





## Access to information policy



### III. SUMMARY OF STAKEHOLDER COMMENTS

A general feedback from participants refers to the appreciation for the opportunity to engage with IDB Invest staff in a high-level discussion about one of its policies. Many participants indicated interest in participating in future dialogue and encouraged IDB Invest to explore other opportunities to meet with stakeholders at the country level.

**NOTE:** Comments were received from representatives of civil society, and the public and private sectors, as summarized below. These comments do not necessarily reflect consensus among participants but rather demonstrate the array of opinions on key issues of interest that were voiced by representatives of these groups.

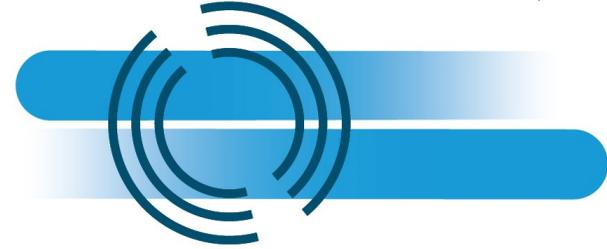
#### QUESTION #1: WHAT TYPES OF INFORMATION ARE MOST IMPORTANT TO YOU?

##### A1. Before Project Approval

Issue Areas Identified	Stakeholder Comments
<p><b>1. Principles to be made inherent in the proposed policy</b></p>	<p><b>Civil Society representatives</b> commented on principles related to the access to information policy, including:</p> <ul style="list-style-type: none"> <li>• Their agreement with the proposed policy’s presumption in favour of maximum disclosure;</li> <li>• Their view that Paragraph 3 should more clearly enshrine access to information as a fundamental human right, thereby opening the possibility to protect other human rights.</li> <li>• The need for access to information to be <i>free of charge</i>;</li> <li>• Use, as a point of reference, of the model law on Access to Information of the Organization of American States (OAS), particularly with respect to the enshrining of principles;</li> <li>• Project-specific disclosure of efforts made to obtain prior free informed consent of indigenous groups.</li> </ul>



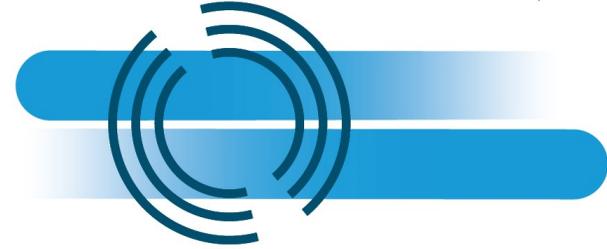
## Access to information policy



<p><b>2. Enhancement of transparency</b></p>	<p><b>Civil society representatives</b> made suggestions related to increase transparency:</p> <ul style="list-style-type: none"><li>• Need for a formal strategy by IDB Invest and its clients to facilitate disclosure of information <i>and feedback</i>, such that project-affected communities can be assisted to obtain information, provide feedback and participate in the design of implementation mechanisms;</li><li>• Need for disclosure, on a mandatory basis, of Board decision processes (in reference to Paragraph 19 of the draft Policy).</li><li>• Provision of the Board’s agenda in advance to enable stakeholders to provide inputs/comments;</li><li>• Identification of the persons responsible for oversight and execution of the entire policy within IDB Invest;</li><li>• In reference to Paragraph 65, rather than disclosure of a new document, demonstration of where redactions have been made to a previous document to facilitate the tracking of changes;</li><li>• Clarification regarding declassification of information.</li></ul> <p><b>Private sector representatives</b> stressed the need for IDB Invest to provide:</p> <ul style="list-style-type: none"><li>• On-going risk assessments and updates for projects on IDB Invest’s website;</li><li>• Measurable information;</li><li>• Information on different financing options;</li><li>• Information on previous similar projects in order to assess risk;</li><li>• Institutional information on criteria for evaluating private sector applications for support.</li></ul> <p><b>Public sector representatives</b> stressed the need for information regarding:</p> <ul style="list-style-type: none"><li>• Project location;</li><li>• The nature of the project;</li><li>• Information regarding the probability of project sustainability.</li></ul>
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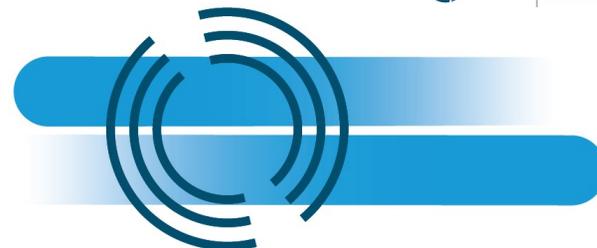
## Access to information policy



<p><b>3. Timing for Disclosure and Review</b></p>	<p><b>Civil society representatives</b> questioned the proposed policy's intent to decrease the time period for review of an ESAP from 120 to 60 days for a Category A project deeming 60 days too short to obtain inputs from affected communities, especially regarding potentially harmful impacts. They suggested the shorter time frame contradicts the proposed Policy's principles to maximize access and provide simple and broad access.</p>
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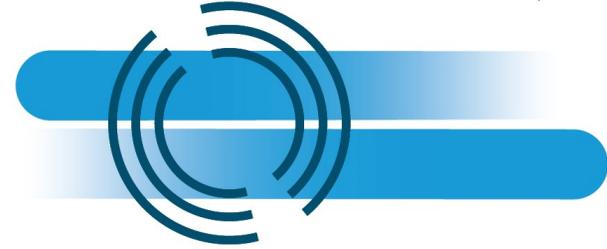
## Access to information policy



<i>A2. After Approval/During Project Implementation</i>	
<b>4. Monitoring and evaluation</b>	<p><b>Civil society representatives</b> stressed the importance of:</p> <ul style="list-style-type: none"> <li>• Frequent updates of information to enhance predictability;</li> <li>• Disclosure of the project/client’s adherence to milestones, including when, how often and in what way milestones are, or are not, being met.</li> </ul> <p><b>Public sector representatives</b> indicated the need to receive:</p> <ul style="list-style-type: none"> <li>• Updates on a project’s progression;</li> <li>• Any measures taken to reorient a project;</li> <li>• Any information that may suggest a “yellow flag” including governance issues (e.g., changes in the status/stability of the country’s financial standing);</li> <li>• Updates regarding whether the project is going to be completed.</li> </ul> <p><b>Private sector participants</b> indicated the need to receive:</p> <ul style="list-style-type: none"> <li>• Updated risk mapping;</li> <li>• Identification of any changes regionally or nationally that could affect the timing of project completion.</li> </ul>
<b>QUESTION # 2: WHAT DO YOU THINK OF THE PROPOSED EXCEPTIONS TO DISCLOSURE?</b>	
<b>5. Clarity regarding exceptions</b>	<p><b>Civil society representatives</b> stressed a need for:</p> <ul style="list-style-type: none"> <li>• More explicit definitions of what constitute commercial and financial exceptions, viewing the currently proposed language regarding exceptions as vague and open to subjective interpretation;</li> <li>•</li> <li>• Consideration of the OAS approach whereby exceptions should be fully compliant with legitimate</li> </ul>



## Access to information policy



interest and strict proportionality;

- Clarity for the reasons justifying exceptions, related, among others, to national security or the health of an individual or the environment (e.g. Paragraph 57 of the proposed policy), as such exceptions, it was feared, could allow room for corruption.

**Private sector participants** stressed the following:

- Disclosure for disclosure's sake, or disclosure as the new default, is not attractive to the private sector, which values confidentiality. Uncertainty regarding information to be disclosed creates risk for borrowers. For example, disclosure of IDB Invest clients' business plans or acquisition targets could give competitors an advantage;
- The criteria for exceptions in the proposed policy, being illustrative rather than definitive, need to be made clear and precise. Otherwise, the private sector cannot feel certainty regarding what will and will not be disclosed. Rather than illustrative, the list of what will be disclosed should be specific;
- There should be a distinction between client information and IDB Invest information. For client information the policy should define specifically what *will* be disclosed, such that all other information will *not* be disclosed;
- The extent of information disclosed about environmental and social impacts could be of concern to them;
- Consistency of IDB Invest's policy with other IFIs' disclosure policies is important, to avoid confusion.

**QUESTION # 3: WHAT ARE THE BEST WAYS TO IMPROVE YOUR ACCESSIBILITY TO THE INFORMATION THAT IS DISCLOSED?**



## Access to information policy



### 6. *Proactive delivery of comprehensive information*

**Civil society representatives** stressed that:

- Disclosure on the web is not enough. IDB Invest and its clients need to be *proactive*, to take extra measures to ensure that the information reaches the most vulnerable and those who stand to be most affected;
- Information needs to be decentralized to get to the local level;
- Local languages need to be applied;
- Communities potentially affected by a project need to be empowered to get involved and have an influence on the design and implementation of such a project;
- For indigenous communities, information is difficult to access. IDB Invest should develop approaches to communicate information effectively, including training local people, using appropriate languages, holding workshops, etc.;
- People need to be trained to help to inform communities;
- A good idea is to hold working tables with the communities;
- Most IFIs have safeguards that help to inform and protect affected communities. IDB Invest could promote/require designation of a liaison person or contact to ensure that communities receive information before, during and after a project;
  
- The web site should be user-friendly and oriented to different groups. It should be designed in a way that identifies stakeholders and their special needs and allows them to get to information that is most important to them;
- Information should be provided on an open format rather than, for example, PDF, and enable feedback for two-way communication. Institutional information should be included;
- Social media should be used to show what is happening on the ground.



## Access to information policy

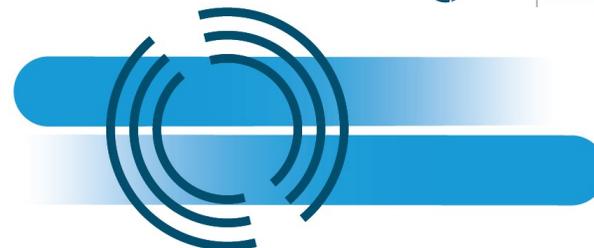


**Private and public representatives** cited their desire for information on:

- Sectoral trends, including success cases and failed cases;
- Project location and main features;
- Sustainability analyses
- BID Invest, including:
  - services provided;
  - lending capacity;
  - types of projects and sectors IDB Invest funds;
  - types of loans and repayment terms;
  - a clear mission statement;
  - project mapping clearly displayed by sector and project in order to show trends;
  - institutional organization chart.



## Access to information policy



### QUESTION #4: WHAT DO YOU THINK OF THE PROPOSED MECHANISM FOR REQUESTING INFORMATION?

#### 7. Clarification of the Panel

**Civil society representatives** requested clarity regarding:

- Who sits on the panel;
- How it is formed, criteria used, etc.;
- How it works;
- Clear definitions for terms such as “independent expert” and “stakeholder”;
  
- Some expressed the desire that the Panel include affected parties and others suggested that IDB Invest clients be informed and consulted throughout the review process;
- Some feel the Panel should apply not just for Category A projects.

**Private sector representatives** indicated that:

- The more precisely defined the exceptions are, the less discretion would exist in this review process;
- The client should be advised immediately if there is any request for information that affects him/her;
- Any non-disclosure agreements must be adhered to.