

AIC Decision on appeal #65

**CASE NUMBER AI5257
SUSTAINABLE FORESTS & LIVELIHOODS (SUFAL) PROJECT – BANGLADESH
PROJECT ID P161996**

(Decision dated April 25, 2018)

Summary of Decision

- As part of its due diligence on appeals, the Access to Information Committee (“AIC”), through its secretariat, seeks the relevant business unit’s views on the possible disclosure of the requested information in light of the respective appeal. In this case, the relevant business unit informed the AIC that part of the requested information being appealed had already been provided to the requester, part had just been made publicly available, and part is not in the Bank’s possession.
- Based on the above, namely that information has already been made publicly available or is not in the Bank’s possession, the AIC (a) is not considering the part of the appeal for which information is already public, and (b) is dismissing the other part of the appeal for which information is not in the Bank’s possession.

The Decision

Facts

1. On September 26, 2017, the requester submitted a request (“Request”) seeking to access certain information regarding the Sustainable Forests & Livelihoods (“SUFAL”) Project in Bangladesh, Project ID P161996.
2. On March 13, 2018, the World Bank (“Bank”) informed the requester that part of the requested information was publicly available, part was not in the Bank’s possession, part did not yet exist, and three pieces of information were denied on the basis of the “Information Provided by Member Countries or Third Parties in Confidence” exception under the Bank’s Policy on Access to Information, dated July 1, 2010, as amended (“[AI Policy](#)”).
3. On March 20, 2018, the secretariat to the Access to Information Committee (“AIC”) received an application (“Application”) appealing the Bank’s decision to deny public access to the requested information. The requester specifically asked for the Bank’s reconsideration to give public access to the following information, as listed in the relevant part of the Application:

(a) Basis and document which justifies "More recently, there has been a concern that the productivity of social forestry plantations, most of which are in their third rotation, is falling and the BFD's approach to beneficiary selection has raised concerns around the possibility of elite capture." as mentioned in paragraph 6 of report No. PIDISDSC21239 as asked in point 2 of this case.

(b) a) List of externally financed projects b) List of different piloted arrangement c) List of communities d) list of protected areas where " a comprehensive policy with options to empower and share benefits with communities in the management of all categories of forests does not exist." as mentioned in paragraph 7 of report No. PIDISDSC21239 as asked in point 3 in this case.

I understand that source of information will be or can be GOB or it's forest department while it is very much evident that this project will have fair chance of "Elite Capture" and " Siphon of funds by duplicating with other project" if these basic details are not available transparently with World Bank. I appeal that required information should be with World Bank too and not be referred or re directed to GOB and its various department.

(c) What is the definition of "Alternative Income Generating Activities" as mentioned in PDO of the project in report No PIDISDSC21239 as asked in point no 9.

I appeal that what is the definition instead of example of other project CRPAR. Acceptance of such example in lieu of definition promotes "Siphon of funds by duplicating with other project" and "Elite Capture".

(d) Copy of "Forestry Master Plan" as mentioned in Paragraph 15 of report No. PIDISDSC21239 as asked in point 10 in this case.

(e) List and details of "thirteen protected area" which have developed management plan under SRCW project as mentioned in Paragraph 20 of report No. PIDISDSC21239 as asked in point 11 in this case.

I appeal that please provide the " list and details of thirteen protected area " since we are not able to get specifically in your provided document <http://projects.worldbank.org/P121210/apl-strengthening-regional-cooperation-wildlifeprotection-asia?lang=en&tab=documents&subTab=projectDocuments>

(f) Copy of Current Government Law according to which "all newly accreted land goes under BFD jurisdiction" as mentioned in Paragraph 21 of report No. PIDISDSC21239 as asked in point no 12 in this case.

I appeal that copy should be provided by World Bank because without this project get open to "Elite Capture" and "Siphon of funds".

- (g) Copy of "Technical study for mapping of potential greenbelt zone in the coastal regions of Bangladesh" under the CRPAR project as mentioned in Paragraph 21 of report No. PIDISDSC21239 as asked in point 13 in this case.

4. The Application challenges the Bank's decision to deny public access to the requested information listed above in paragraph 3 on the basis that the denial "violates the AI Policy" and that there is a "public interest" case to override the AI Policy exception that restricts the requested information.

Findings and Related Decision

5. In reviewing the Appeal in accordance with the AI Policy, the AIC sought the relevant business unit's views on the possible disclosure of the requested information in light of the Appeal. By April 4, 2018, the relevant business unit:

- (a) indicated that the three pieces of information responsive to the Request referred to in paragraphs 3 (a), (d), and (g) above, initially denied access to based on the "Information Provided by Member Countries or Third Parties in Confidence" exception under the AI Policy, have since been made publicly available. The information can be accessed by the public through links below as follows:

- (i) for information referred to in paragraph 3 (a) above:

<http://pubdocs.worldbank.org/en/848671521827530395/FMP-Full-report-final.pdf>

<http://pubdocs.worldbank.org/en/703171521827828431/pdf/FMP-Task-1-Sectoral-Studies.pdf>

- (ii) for information referred to in paragraph 3 (d) above:

<http://pubdocs.worldbank.org/en/848671521827530395/FMP-Full-report-final.pdf>

- (iii) for information referred to in paragraph 3 (g) above:

<http://pubdocs.worldbank.org/en/938851521827876455/pdf/Final-Report-Technical-Study-for-Greenbelt-CEGIS-February-2017.pdf>

(b) confirmed that the information referred to in paragraph 3 (b) and (f) is not in the Bank’s possession. As noted in the Bank’s denial, the information can be requested directly from the government of Bangladesh;

(c) confirmed that the publicly available Project Information Document for the Sustainable Forests & Livelihoods (“SUFAL”) Project in Bangladesh, Project ID P161996, (“[PID](#)”), already provided to the requester, is responsive to the portion of the Request referred to in paragraph 3 (c) above. In addition to the PID, the Bank would like to refer the requester to the publicly available report on “Alternative Livelihoods, Well Conserved Forests” for additional information and which is available at:

http://arannayk.org/pdf/climate_resilient_afforestation_project/Alternative_Livelihoods-Well_Conserved_Forests.pdf

(d) confirmed that the publicly available information under APL on Strengthening Regional Cooperation for Wildlife Protection in Asia (“[APL](#)”), already provided to the requester, is responsive to the portion of the Request referred to in paragraph 3 (e) above. In addition to the APL, the Bank would like to refer the requester to the publicly available Implementation Status and Results Report for the APL available at:

<http://documents.worldbank.org/curated/en/688811481759571678/pdf/ISR-Disclosable-P121210-12-14-2016-1481759552507.pdf>

6. With respect to the portion of the appeal for which information is already publicly available as referred to in paragraph 5 (a), (c), and (d) above, the AIC is not considering the Appeal. With respect to the portion of the appeal for which information is not in the Bank’s possession as referred to in paragraph 5 (b) above, the appeal is dismissed on both “violation of policy” and “public interest” grounds for appealing a matter that the AIC does not have authority to consider (*see* [Bank Directive/Procedure on Access to Information](#), at Section III.D.1.a.(iii)).