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Accountability Lawsuit Aims to Help Improve ADB's Alignment with the Paris Agreement's 1.5°C Goal by Obtaining Problematic Climate Change Due Diligence and Evidence of Missteps in ADB Policy Adoption

Case Against US Gov. Seeks to Compel Release of Documents Detailing Failures of ADB and its Shareholders to Adhere to their Climate Change Requirements in Adoption of ADB's Energy Policy and Prohibited Investments List

San Francisco, CA, May 29, 2025 – Bank Climate Advocates (BCA) has [filed a lawsuit](#) against one of Asian Development Bank's (ADB's) two largest shareholders to obtain non-publicly available climate change due diligence for, and deeper insights into, ADB's adoption of its Energy Policy and Prohibited Investment Activities List (Policies). The suit also seeks to obtain documents detailing how and the extent the US influenced the Policies and their November 2025 amendments. The Policies, allowing a wide range of new and existing fossil fuel energy sources to continue and or be developed, such as LNG infrastructure, fossil fuel pipelines, and fossil gas and heavy fuel oil power plants are and will continue to be responsible for significant locked in GHG emissions from ADB financed and guaranteed projects.

The lawsuit was filed under the United States Freedom of Information Act (FOIA) against US Department of Treasury in California's Federal Northern District Court. It seeks to compel Treasury to release US government internal communications, and those with ADB and other member states, concerning climate change positions and analyses for the Policies and their amendments.

[BCA issued a FOIA request](#) for these analyses to US Treasury on February 18, 2026. Over three months later, Treasury has yet to provide the responsive documents, which include internal email communications, and communications with ADB and other countries.

“ADB's and its member states' adoption of ADB's Energy Policy, Prohibited Investment Activities List, and late 2025 amendments to these Policies have allowed, and will continue to keep the door open for, ADB fossil fuel investments and guarantees that cause and contribute to the 1.5°C global warming limitation objective being exceeded,” said BCA's Executive and Legal Director, Jason Weiner. The Policies are big climate missteps. Their substance, and process for their adoption, are far out of line with ADB's and its member states' climate change due diligence obligations under international law. This case is about further documenting these misalignments, more deeply understanding how they happened, and using the information gained to help achieve needed climate change policy improvements at ADB and other multilateral development banks. This information should also help prevent the same pitfalls during future ABD policy updates related to or impacting climate change.”

ADB's next board mandated Energy Policy Update is scheduled for 2030. ADB's policies continue to allow for ADB investments and guarantees that would cause and contribute to catastrophic climate change harms to the Global South communities ADB is supposed to benefit. They allow for harmful and expensive new fossil fuel projects such as fossil gas power plants and LNG terminals that the IPCC and IEA have demonstrated will cause the 1.5°C global warming limitation objective to be exceeded.

Bank Climate Advocates (BCA) is an innovative organization helping drive the systemic change in finance needed to avert the worst effects of climate change and help transform the global energy system. Our focus is on aligning the climate change policies and practices of leading public financial institutions with 1.5°C using legal advocacy and action. Christopher Sproul of Environmental Advocates is providing lead legal representation for BCA on this case, with BCA's in house counsel Jason Weiner also serving as an attorney.

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