



# Assessment Report PROSAP II AR MICI002/2011



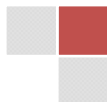
**OFFICE of the  
PROJECT OMBUDSPERSON**

April 2011

### Assessment Report

This report has been prepared pursuant to Articles 42 to 45 of the Policy establishing the ICIM, and aims to present the work done during the assessment phase, following the determination of the case's eligibility.

---



Project Ombudsperson  
Independent Consultation and Investigation Mechanism - Inter-American Development Bank  
1300 New York Avenue NW, Washington, D.C. 20577 USA  
Tel.: (202) 623-3952 | Fax: (202) 312-4057 | Email: [mecanismo@iadb.org](mailto:mecanismo@iadb.org) | [www.iadb.org/mici](http://www.iadb.org/mici)

## Executive Summary

**Project:** Loan 1956/OC-AR “Provincial Agricultural Services Program (PROSAP II)”

**Country:** Argentina.

**The request:** Archaeologist Dr. Gustavo Neme submitted a request to the Independent Consultation and Investigation Mechanism (ICIM) of the Inter-American Development Bank (IDB) on 3 November 2010, related to loan 1956/OC-AR “Provincial Agricultural Services Program (PROSAP II),” claiming the potential and actual damage that the excavation works for the “Nuevo Alvear Main Irrigation Canal” project had begun to cause to the archaeological heritage of the “La Olla” site in the municipio of San Rafael and General Alvear. The Operational Policies relevant to the request are OP-703, B.9, and the Access to Information Policy, since, as indicated, neither the inhabitants nor the Cultural Heritage Bureau of the Province of Mendoza (DPC) had information on the project or its environmental impact assessment.

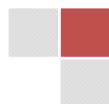
**Institutional stakeholders:** Requester, IDB Country Office, the PROSAP executing agency, the Irrigation Department of the Province of Mendoza (DGI), the Cultural Heritage Bureau of the Province of Mendoza (DPC), and the Agricultural Development Programming Agency of the Province of Mendoza (EPDA).

**Eligibility determination:** The request was declared eligible on 3 January 2011.

**Assessment phase:** This phase includes the period from the declaration of eligibility, the signature of the agreement between the parties on 18 March, and the subsequent approval of the work plan on 4 April 2011.

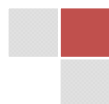
**Conclusions:** In this case, the ICIM’s intervention was crucial to making progress in resolving the indicated problem. The parties reached an agreement that included the preparation of a work plan for the rescue of archaeological heritage. This work plan was approved by the DPC on 4 April. The deadline for implementation of the points of the agreement is 1 July 2011.

**The ICIM’s role and next steps:** The ICIM, in collaboration with PROSAP II, has facilitated a process whereby the parties have individually and jointly identified their respective interests and positions, and have engaged in an efficient, constructive dialogue process. This process was facilitated concurrently with the assessment, resulting in the signing of an agreement. The next steps include a second field visit to the La Olla site, the execution of a rescue plan, and an agreement on monitoring actions by the ICIM, called for by the requester.



## TABLE OF CONTENTS

1.	Background .....	5
1.1	The Request .....	5
1.2	Clarification of the Request .....	6
1.3	Operational Policy OP-703 “Environment and Safeguards Compliance Policy” .....	8
1.4	“Access to Information Policy” .....	8
1.5	PROSAP II .....	9
1.6	The ICIM process .....	9
2.	The assessment .....	10
2.1	Stakeholder mapping .....	10
2.2	Methodology and scope of the assessment .....	12
2.3	The dialogue and information exchange process .....	13
2.3.1	The agreement .....	13
2.3.2	Archaeological rescue and work plan .....	14
3.	Conclusions .....	14
4.	Next steps .....	15



## 1. Background

### 1.1 The Request

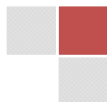
On 3 November 2010, archaeologist Dr. Gustavo Neme submitted a request (the “Request”) to the IDB’s Independent Consultation and Investigation Mechanism (the “ICIM”) in relation to loan 1956/OC-AR “Provincial Agricultural Services Program (PROSAP II),” and within this loan, in reference to the projects included under it entitled “Modernization of the Nuevo Alvear Main Irrigation Canal” and “Modernization of the Socavón – Frugoni-Marco Canal.”

The requester alleges that the projects put the archaeological record of the area in serious jeopardy, since about 80% of the archaeological site, radiocarbon dated at 1200 years BP, was used for extraction of filler soils, excavated with a bulldozer.

He notes that the San Rafael and General Alvear oases, areas where the project works are taking place, are located in semiarid areas where the Atuel and Diamante Rivers were home to concentrations of indigenous populations prior to the arrival of European colonists. For this reason, according to Dr. Neme, it is very important to take great care when engaging in work involving soil movement. There is a great deal of background material indicating that near the Atuel and Diamante Rivers there were a significant number of indigenous populations, making the area extremely sensitive from an archaeological viewpoint.

The requester adds that one year after the start of the project, the archaeological impact studies have yet to be completed, and that during the start of the works on the Nuevo Alvear main canal (project phase two), they started moving earth at an archaeological site (La Olla) that had already been developed and protected under the archaeological impact study for the construction of the separate Atuel canal two years ago.<sup>1</sup>

<sup>1</sup> The destruction and loss of archaeological sites due to lack of foresight in their identification, rescue, and study is always serious, regardless of the magnitude or potential of the site. But it is even more so when the site is the only remnant in an area seriously altered by human presence, as is the case here. Current national and provincial legislation tries to address these shortcomings by requiring such actions in all public or private works involving the movement or alteration of soil.



Lastly, the Request indicates that the local community in Real del Padre, which was not informed of the project, hopes to turn this archaeological site into a museum. Therefore, the local inhabitants continue their unsuccessful efforts to stop the trucks and bulldozers that could be destroying the site.

This Request was declared eligible by the Project Ombudsperson on 3 January 2011.

## 1.2 Clarification of the Request

As part of the assessment process, on 3 February 2011, Dr. Gustavo Neme submitted additional information for his Request to the ICIM, expressing the urgency of the archaeological rescue project at the La Olla site.

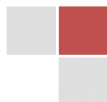
The requester indicated that the works performed at the site have removed most of the dunes that contained the archaeological artifacts (pots, bones, stone tools, etc.), and that these works have left exposed cross sections of sand approximately three meters tall, containing the remaining archaeological material. This makes the site very vulnerable, and its destruction, inevitable and rapid.

The requester added that in the audit report that the executing agency produced in response to his initial request, prepared by Carlos Alberto Nacra Chaud, which included the report by archaeologist Roberto Bárcena as an annex, it was noted that a solution could be to fence the site and transfer the involved lands. Dr. Neme believes that this solution is temporary, since the site has likely already become unstable, and will gradually deteriorate by action of the wind and rain. Here therefore suggests the performance of a proper archaeological rescue. This involves the excavation of a representative section of the remaining area, which will determine the type and age of the materials present on the site. Those materials can then be studied and exhibited in an exhibition hall in the nearby town (Real del Padre), as the local population intended.

The requester also notes that both the Frugoni-Marco and Nuevo Alvear canals are built in an oasis framed by the Atuel and Diamante Rivers. Therefore, it is highly likely that traces of past



civilizations exist in the areas through which these project pass. Prior archaeological work indicates that this is the case (Gil et al. 2008; Gil and Neme 2010; Corbát et al. 2010).

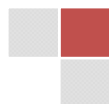


Lastly, he reiterates that it is necessary to perform archaeological rescue work on the “La Olla” site, and to access the archaeological impact study for the Frugoni-Marco and Nuevo Alvear canal works in order to verify their scope and evaluate the steps to be taken. Failing this, the remaining areas not yet impacted would have to be reviewed in order to identify any necessary mitigation measures.



Photographs of the “La Olla” site sent by the requester.

“Piles of moved sand can be seen, as well as the areas from which it was removed.”





Cross sections of sand can be seen that “are going to collapse with the rain and wind.”

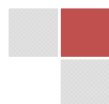
### 1.3 Operational Policy OP-703 “Environment and Safeguards Compliance Policy”

This assessment analyzed the points of the Request submitted, considering the fact that the Request made reference to Operational Policy OP-703, which provides as follows: “B.9. Natural Habitats and Cultural Sites. 4.23 The Bank will not support operations that, in its opinion, significantly convert or degrade critical natural habitats or that damage critical cultural sites. 4.24 The EA process will identify and assess impacts on critical cultural sites. For other noncritical cultural sites or artifacts, appropriate measures will be taken to protect their integrity and function. For operations where archaeological or historical artifacts can be expected to be found either during construction or operations, the borrower will prepare and implement chance find procedures based on internationally accepted practices.”

### 1.4 “Access to Information Policy”

Operational Policy OP-102 “Disclosure of Information”<sup>2</sup> was replaced by a new “Access to Information Policy” (document GN-1831-28), which took effect on 12 May 2010. This is another policy related to the case under review and is the Operational Policy in effect on the date the loan was signed. In section 5, paragraph 5.1, it establishes the Bank’s obligation to disclose to the public documents related to a loan.

<sup>2</sup> Operational Policy OP-102 on “Disclosure of Information” (document GN-1831-18) was approved on 7 August 2006.





## 1.5 PROSAP II

On 17 April 2008, the Argentine Republic signed a loan contract with the Inter-American Development Bank (IDB) to finance the “Provincial Agricultural Services Program (PROSAP II),” and part of these funds were devoted to a subsidiary loan to Mendoza province, made up of two projects: (1) “Modernization of the Nuevo Alvear Main Irrigation Canal” and (2) “Modernization of the Socavón – Frugoni-Marco Canal.” The first is located in the department of General Alvear in the Atuel River oasis, and the second is located in the department of San Rafael, in the Diamante River oasis.

The “Nuevo Alvear Main Irrigation Canal” project aims to “improve production conditions and contribute to an enhanced quality of life for the area’s inhabitants,” while the general objective of the project is to “expand and optimize the existing irrigation and drainage infrastructure, distributing risk equitably and consolidating the agricultural producers and irrigation management institutions in the surface irrigation areas of Bowen and Alvear.” The project will involve the installation of impermeable barriers along 45 km of canal, enhancing the quantity and quality of water delivered to 31,000 hectares.

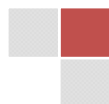
With respect to the “Modernization and Unification of the Socavón, Frugoni, and Marco Canals” project, the work will cover 13 km, lining and unifying the canals in order to resolve irrigation problems for approximately 7,000 hectares in San Rafael.

## 1.6 The ICIM process

The Policy establishing the ICIM provides that after eligibility is determined and a case is registered, an assessment phase is begun with the following purposes:

- a) To clarify the issues and concerns raised by the Request;
- b) To identify and gather information and viewpoints from stakeholders;
- c) To inquire as to the views and incentives of all stakeholders and map relevant stakeholders;
- d) To help determine whether a resolution to the issues raised can be reached;
- e) To determine the best process for resolving the conflict.

The assessment will be completed within 120 calendar days of the date the request was determined eligible. In this case, the assessment ends with this report, since it gave rise to a preliminary agreement during the process.

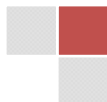


## 2. The assessment

The report on the assessment process described in this document covers the period from 10 January to 4 April 2011. It begins with a stakeholder mapping, followed by the description of the methodological steps used and the stage-by-stage development of the assessment itself.

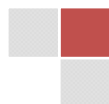
### 2.1 Stakeholder mapping

The people who participated in the ICIM process through their respective institutions are described in the following table:



Project Ombudsperson  
Independent Consultation and Investigation Mechanism - Inter-American Development Bank  
1300 New York Avenue NW, Washington, D.C. 20577 USA  
Tel.: (202) 623-3952 | Fax: (202) 312-4057 | Email: [mecanismo@iadb.org](mailto:mecanismo@iadb.org) | [www.iadb.org/mici](http://www.iadb.org/mici)

Name - Title	Institution	Role and interest in the ICIM process
Dr. Gustavo Neme, Archaeologist, Ph.D. in Natural Sciences, and member of the National Scientific and Technical Research Council (CONICET)	Department of Anthropology of the San Rafael Museum of Natural History, Mendoza, Argentina	Requester
Ricardo Vargas del Valle, Project Team Leader	IDB – Country Office in Argentina	Focal point between the ICIM and the executing agency. Facilitated bringing the parties closer together and the exchange of information.
Jorge Neme, Executive Coordinator of the central executing agency of the Provincial Agricultural Services Program (PROSAP)	PROSAP central executing agency	Provided information. Appointed Mario Nanclares as the person responsible for handling the requester's case with the ICIM and PROSAP.
Mario Nanclares, Environmental and Social Manager, PROSAP	PROSAP	Focal point with the local office. Provided information and participated in the signing of the agreement dated 18 March 2011.
Martín Galíndez, Coordinator of the Public Project Management Area, PROSAP	PROSAP	Provided information.
Adrián Zappi, Project Management, PROSAP	PROSAP	Provided information.
Dr. J. Roberto Bárcena, Consultant on archaeological matters	Irrigation Department of the Province of Mendoza (DGI). Provincial project executing agency	Took part in the audit of the Nuevo Alvear canal resulting from the Request.
Engineer Marciano Juan Gasco, Secretary of Water Management	DGI	Represented the DGI on the field visit and signed the agreement dated 18 March 2011.
Architect Liliana Girini, Director General	Cultural Heritage Bureau of the Province of Mendoza (DPC)	Represented the DPC on the field visit and signed the agreement dated 18 March 2011.
Eduardo Ramet, Technical Coordinator	Agricultural Development Programming Agency (EPDA), Province of Mendoza	Represented the EPDA on the field visit and signed the agreement dated 18 March 2011.
Dr. Teresa Catalina Michieli, independent archaeologist hired by the ICIM	Independent consultant hired by the ICIM as an expert	Responsible for evaluating the Request to the ICIM and the work plan, and making the necessary technical adjustments.
Dr. Miguel Giardina	San Rafael Museum of Natural History	Drafted the work plan established in the agreement dated 18 March 2011.



## 2.2 Methodology and scope of the assessment

During the assessment stage, the following issues were identified and analyzed as the purpose of the requester's claim:

- a) The risk of loss of the archaeological record of the San Rafael-General Alvear area, more specifically, the La Olla site;
- b) The lack of archaeological impact studies or, if applicable, the lack of access to this report;
- c) The request to perform archaeological rescue work; and
- d) The request expressed by the requester in response to calls by the local community in "Real del Padre" to turn this archaeological site into a museum.

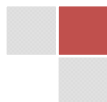
In order to clarify and address these issues, the following steps were identified:

- a) To conduct group and/or bilateral meetings and dialogues with the parties in order to hear their positions on the issues in the request and collect all relevant information;
- b) To analyze the documentation provided by the parties and the project documents;
- c) To hire an independent archaeologist to provide a technical opinion with respect to the work done in the area and analyze the background of the requester's claim. This technical advisory support will be commissioned to review the archaeological impact study done prior to the works, as well as other documents created during the project, and to verify and provide an opinion on the technical report submitted by the executing agency and/or the work plan agreed upon between the executing agency and the Province's Cultural Heritage Bureau;
- d) To perform the stakeholder mapping;
- e) To conduct field visits to the project area.

The assessment process began with a series of communications and dialogues both with the IDB Country Office and the requester, and between the requester and the project team. These initial exchanges resulted in several joint decisions.

The first decision made by both the project team and the requester was to adhere to the voluntary ICIM consultation process.

The next step was the hiring of an independent professional archaeologist to assist in the dialogue process. To this end, terms of reference were prepared, which were shared with the requester and the Project Team Leader. The expert selection process concluded with the



Project Ombudsperson  
 Independent Consultation and Investigation Mechanism - Inter-American Development Bank  
 1300 New York Avenue NW, Washington, D.C. 20577 USA  
 Tel.: (202) 623-3952 | Fax: (202) 312-4057 | Email: mecanismo@iadb.org | www.iadb.org/mici

selection of candidate Dr. Catalina Teresa Michieli.<sup>3</sup> It was agreed that she would have access to all information and that she would participate in the communications between the parties.

## 2.3 The dialogue and information exchange process

One of the atypical features of this assessment was the continuous dialogue and exchange of information with the PROSAP II project team and executing agency. These communications were characterized by the parties' openness and goodwill, which accelerated the dialogue process and, ultimately, their agreement. It facilitated the exchange of information and the establishment of direct communications between the parties.

### 2.3.1 The agreement

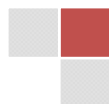
Over the course of the ICIM process, several visits were made to the area by the executing agency and local authorities, as well as one field visit on 18 March 2011 with the requester.

This most recent visit led to the signing of an agreement on 18 March 2011 between PROSAP, the DGI, the DPC,<sup>4</sup> the EPDA, and the requester, Dr. Gustavo Neme.

During the visit to the La Olla site by the requester, the current status of the archaeological site could be established, and it represented an opportunity for the requester to express his concerns and claims, on the ground, directly to the local authorities and project specialists. At the end of the visit, the agreement was drafted, in which each of the parties agreed to collaborate on the solution; contribute the necessary resources to safeguard the area's archaeological heritage; and exhibit the results of the rescue work to be undertaken in the town of Real del Padre. In the agreement, the DGI also agreed to implement an archaeological rescue and development work plan, in order to complete studies and take measures to ensure the preservation and dissemination of the site's cultural heritage. It was also determined that

<sup>3</sup> Dr. Catalina Teresa Michieli, Director of the "Prof. Mariano Gambier" Institute of Archaeological Research and Museum, Full Professor at the San Juan National University (UNSJ) Institute of Archaeological Research and Museum, Codirector of the UNSJ Institute of Archaeological Research and Museum program: "Conocimiento y difusión de la prehistoria de San Juan" [Knowledge and dissemination of the prehistory of San Juan], among other activities.

<sup>4</sup> The Cultural Heritage Bureau (DPC) is the agency that provincial legislation has designated as responsible for enforcing National Law 25,743. As such, the enforcement authority must grant permits for all steps related to archaeological impact (research, collection, rescue, study, etc.). As the agency responsible for custody of the archaeological heritage, it must also decide the ultimate fate of the artifacts collected. While archaeological heritage is legally recognized as "public property," its conservation must be ensured by a specialized, responsible institution. On the site or in the nearby towns, there may be an interpretive center or a temporary exhibit authorized and supervised by the authority.



the DPC would supervise the rescue plan,<sup>5</sup> and to do so would submit a list of appropriate professionals. The DPI agreed to select professionals to develop the work plan. Upon approval of this plan, the DPC and DGI agreed to provide the means to complete its implementation prior to 1 July 2011.

### 2.3.2 Archaeological rescue and work plan

Pursuant to the commitments made in the agreement, Dr. Miguel Giardina (San Rafael Museum of Natural History) was appointed to prepare the work plan, which was approved by consensus with the requester. PROSAP's Environmental and Social Manager delivered a progress report on 29 March.

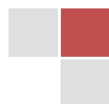
The work plan was approved by the DPC on 4 April 2011 and adjusted in accordance with recommendations by Dr. Michieli.<sup>6</sup>

## 3. Conclusions

- The process initiated with the ICIM had a positive influence on the mobilization and decision-making of key stakeholders seeking solutions and alternatives. At the time the Request was submitted, there was strong concern regarding the risk posed by the excavation works in areas of archaeological value. In response to the request, the DGI, the executing agency in the province, immediately conducted a technical audit. Although the requester did question some aspects of the audit, it demonstrated the willingness to promptly address the request.
- Several government agencies, such as the DGI, the DPC, and PROSAP's executing agency, made their best efforts to coordinate actions aimed at resolving the conflict. This interest and coordination took shape in the signing of the aforementioned agreement.
- The timely intervention by the ICIM, PROSAP II's national executing agency, and the provincial executing agency provided guarantees for the process. This confirms, once

<sup>5</sup> The work plan consists in an archaeological rescue project. As such, it is understood as an archaeological project not planned in advance, but rather to be performed rapidly. For these reasons, unlike research guided by questions and hypotheses, it aims to recover as many archaeological artifacts and as much information as possible.

<sup>6</sup> Dr. Michieli considered it necessary to adjust the work plan in terms of the site's spatial and temporal context and the knowledge it holds; to consider trial excavations on the rest of the site; to publish the results in a way that would incorporate this new knowledge into local history, as well as to schedule periodic monitoring or verification of the remaining site. She also recommended that the field research and rescue work be given greater importance on the list of activities.



again, that well equipped, functional information forums are necessary prior to execution of a project, and, thanks to the efforts made by the national and provincial executing agencies, the Country Office, and the requester, advances could be made simultaneously on both the assessment and the dialogue for the agreement.

- Having an independent technical expert helped the process enormously, not only because of the major contribution in terms of technical credibility, but also because it facilitates informed monitoring of the case by the ICIM.

#### 4. Next steps

Based on the progress in the dialogue between the parties to date, the course of action to follow, as agreed between the parties, is as follows:

1. Field visit by Dr. Michieli;
2. The DPC will supervise execution of the rescue plan included in the agreement dated 18 March 2011 (April-July);
3. The executing agency will determine a monitoring schedule in coordination with the requester and the ICIM;
4. As called for by the requester, the ICIM will open a monitoring phase for the work plan (May-June);
5. The ICIM will produce the respective closing report (April-May).

