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DOCUMENT OF THE INDEPENDENT CONSULTATION AND INVESTIGATION MECHANISM

MICI-BID-AR-2022-0188
ELIGIBILITY MEMORANDUM

**RECONQUISTA RIVER BASIN ENVIRONMENTAL SANITATION PROGRAM –
REQUEST V**

(AR-L1121)

(3256/OC-AR)

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This document is being made publicly available simultaneously with its distribution to the Board for information.

INFORMATION NOTE

ON THE MICI REGISTRATION PROCESS, ELIGIBILITY DETERMINATION ANALYSIS, AND PUBLIC REGISTRY

The Registration process begins when the Independent Consultation and Investigation Mechanism (MICI) receives a Request sent by Requesters, alleging that they have suffered or may suffer harm due to actions or omissions of the Inter-American Development Bank Group (IDB Group) that may constitute a failure to comply with one or more of its Relevant Operational Policies within the context of an operation financed by one of the Group institutions.

In the Registration Phase, which lasts five business days, the MICI verifies that the Request contains all information required for processing and that it is not clearly linked with any of the exclusions that limit the MICI's actions. Following the registration of a Request, Management of the IDB, IDB Invest, or IDB Lab, as applicable, has the opportunity to provide its perspective with respect to the allegations submitted by the Requesters, which must be sent to the MICI within 21 business days after registration in the form of a document known as "Management Response."

Once it receives the Response, the MICI¹ starts the eligibility determination process, which involves reviewing the Request against the eligibility criteria established in its Policy to determine whether or not the Request is eligible and whether it can be accepted for processing. This eligibility determination is neither an assessment of the merits of the Request or the issues raised, nor a determination of the IDB Group's compliance or noncompliance with its Relevant Operational Policies.

If the Request is declared eligible, the process begins for the phase selected by the Requesters; otherwise, the process will be deemed concluded.

All Requests received by the MICI and their processing will be recorded in its online [Public Registry](#). The case file discloses all public information generated in processing a case.

The MICI does not award compensation, damages, or similar benefits. It is not empowered to suspend disbursements or halt operations.

¹ The MICI Director, in consultation with the Consultation Phase Coordinator and the Compliance Review Phase Coordinator, will determine the eligibility of Requests. MICI-IDB Policy (document [MI-47-8](#)), paragraph 23(d).

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LINKS
<ol style="list-style-type: none">1. Policy of the Independent Consultation and Investigation Mechanism (MICI-IDB Policy, document MI-47-8) https://www.iadb.org/document.cfm?id=EZSHARE-525549286-3642. Case file of Request MICI-BID-AR-2022-0188 in the MICI-IDB Public Registry https://www.iadb.org/es/mici/detalle-de-la-solicitud?ID=MICI-BID-AR-2022-01883. Original Request MICI-BID-AR-2022-0188 and annexes https://www.iadb.org/document.cfm?id=EZSHARE-614558978-47 https://www.iadb.org/document.cfm?id=EZSHARE-614558978-464. IDB Management Response to Request MICI-IDB-AR-2022-0188 regarding the Reconquista River Basin Environmental Sanitation Program – Request III (loan AR-L1121) https://www.iadb.org/document.cfm?id=EZSHARE-614558978-575. Profile for the Reconquista River Basin Environmental Sanitation Program (loan AR-L1121) https://www.iadb.org/Document.cfm?id=EZSHARE-1557453903-26. Loan proposal for the Reconquista River Basin Environmental Sanitation Program (loan AR-L1121) https://www.iadb.org/Document.cfm?id=388664127. Environmental and social management report for the Reconquista River Basin Environmental Sanitation Program (loan AR-L1121) https://www.iadb.org/Document.cfm?id=381510588. Procedures manual for environmental and social safeguards compliance for the Reconquista River Basin Environmental Sanitation Program (loan AR-L1121) https://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=EZSHARE-735565658-9339. Environmental and social impact assessment for the “Sewer Systems” project, Moreno District, Buenos Aires Province https://www.iadb.org/Document.cfm?id=EZSHARE-735565658-167

EXECUTIVE SUMMARY

The Reconquista River Basin is located in the Province of Buenos Aires, Argentina, and is comprised of 134 watercourses within an area of approximately 1,670 square kilometers, spanning 18 municipios with a total population of more than 4.6 million. The basin is divided into three sections: (i) the upper basin, from the headwaters west of the municipalities of General Rodríguez to the Roggero Dam (San Francisco Lake); (ii) the middle basin, from the dam to the Las Catonas and Morón Stream; and (iii) the lower basin, from the stream to its mouth at the Luján River in the municipality of Tigre.

The Reconquista River Basin Environmental Sanitation Program (AR-L1121) (hereinafter, the “Program”) is financed by the Inter-American Development Bank (IDB) through a multiple-works investment loan operation for a total amount of US\$287.5 million. Of that amount, US\$230 million is the Bank loan, and the remaining US\$57.5 million is the local counterpart. The guarantor is the Argentine Republic, the borrower is the Province of Buenos Aires, and the executing agency is the province, acting through its Ministry of Economy’s States and International Credit Agencies Coordination Branch (SCEOCI). The Ministry of Infrastructure and Public Services (MISP) acts as the subexecuting agency with the direct involvement of both the Construction Projects Coordination and Execution Unit (UCEPO) and the Reconquista River Basin Committee (COMIREC). The operation was approved by the IDB Board of Executive Directors on 23 July 2014 and is now in implementation with progress of 46.84%.

The specific works giving rise to the Request submitted to the MICI are those included in the “Branch Sewer Systems in Moreno: Catonas IV North and South” project (hereinafter, the “Project”), located in the District/Municipality of Moreno in the river’s middle basin. The Project involves building a system of sewers and collectors up to a discharge point at an existing collector for final conveyance to an effluent treatment plant.

The Project was divided into two zones: Catonas IV North or Section 1, which will provide sewer services to approximately 12,000 residents (3,650 house connections) and was completed in November 2020; and Catonas IV South or Section 2, which will provide sewer services to approximately 13,000 residents (3,100 house connections). The Bank reports that work on Section 2, where the Requesters reside, has been halted since June 2020, with overall physical progress of 39%.

On 8 July 2022, the MICI received a Request from a group of 60 residents of Villa Anita, Moreno District, Buenos Aires Province, Argentina. The Requesters (hereinafter, the “Group of Requesters”) are being represented in dealings with the MICI by the Federal Prosecutor for the Moreno District.

The Request raises allegations of harm to the Group of Requesters’ quality of life and access to public services due to the halt in construction of a sewer and collector pipe distribution network forming part of the Program. Specifically, the Requesters allege that construction of these works was halted abruptly, resulting in streets with torn-up sidewalks and a suspension of services. They also assert that the noise and presence of debris and waste from the halted construction work has degraded their environment. The Requesters further claim economic harm since they have had to bear the cost of repairing sidewalks, pumping water, and cleaning public spaces due to the suspension of services. The Request also mentions the lack of public information on the works, as well as the absence of a timeline for the resumption of work and future completion of the Project.

With regard to the MICI process, the Requesters expressed their wish for the MICI to process their Request, if deemed eligible, through both the Consultation Phase and the Compliance Review Phase.

The MICI Director, in accordance with section G of the MICI-IDB Policy (document [MI-47-8](#)), concludes that this Request **is eligible** because it meets all eligibility criteria required by the MICI-IDB Policy. This eligibility determination is neither an assessment of the merits of the Request or the issues raised, nor a determination of the IDB Group's compliance or noncompliance with its Relevant Operational Policies.

This Memorandum is being sent on 12 September 2022 directly to the Requesters and to Management for information. After notifying the Board of Executive Directors, the MICI Director will transfer the case to the Consultation Phase, in accordance with the wishes of the Requesters and the provisions of the Policy, to begin processing the Request under this phase.

I. THE PROGRAM²

A. Geographic and social context

- 1.1 The Reconquista River Basin is located in the Province of Buenos Aires, Argentina, and is comprised of 134 watercourses within an area of approximately 1,670 square kilometers, spanning 18 municipios with a total population of more than 4.6 million. The basin is divided into three sections: (i) the upper basin, from the headwaters west of the municipalities of General Rodríguez to the Roggero Dam (San Francisco Lake); (ii) the middle basin, from the dam to Las Catonas and Morón Stream; and (iii) the lower basin, from the stream to its mouth at the Luján River in the municipality of Tigre. Rural activities are predominant in the upper basin, while urban activities, including small, medium-sized, and large industrial enterprises, are prevalent in the middle and lower sections of the basin.

Figure 1.
Map of the Reconquista River Basin



Source: Environmental and social management report.

- 1.2 Along with the Matanza River, the Reconquista River is considered one of Argentina's most severe cases of pollution, because the watercourse has become a receiving body for industrial and household effluents (mainly due to a lack of sewer services) and urban solid waste produced in the inhabited and industrialized areas of the river basin due to the presence of 30 open air dumps and the country's largest

² Information retrieved from the Bank's website and from public documents on the operation. These documents are available in the links section.

sanitary landfill, which serves 22 municipios in the Autonomous City of Buenos Aires and its metropolitan area.

- 1.3 In terms of industrial pollution, the pollutants that have the highest impact are organic in nature, caused by effluents discharged from slaughterhouses (cattle, sheep, hogs, and poultry), dairies, tanneries, and textile, alcoholic beverage, and soft drink manufacturers. The main sources of inorganic pollution are tanneries (chromium), electroplating (chromium, copernicium, cadmium, and nickel), rechargeable battery factories (lead), and chemical manufacturers (phenols, mercury, complex organic compounds, and acids and bases that alter the pH of the receiving watercourse).

B. The Bank's involvement

- 1.4 The IDB's involvement in the Reconquista River Basin dates back to 1993, when the Board of Executive Directors approved the "Reconquista River Sanitation" project (operation AR-0038, loan 797/OC-AR), completed in 2006. That operation was for US\$150 million and included US\$75 million in cofinancing from the Government of Japan. It had three main objectives: (i) flood control; (ii) decreased industrial and household pollution; and (iii) improved management and regulation of the Reconquista River Basin. While this operation developed a legal framework for creating the Reconquista River Basin Committee (COMIREC), it did not succeed in setting up a basin management system.
- 1.5 Later, the Province of Buenos Aires requested IDB support through a technical cooperation operation, "Program for Sustainable Environmental Management of the Reconquista River Basin" (operation AR-T1083, ATN/OC-12571-AR), which was approved by the Board of Executive Directors in December 2010, to produce technical studies for a future program in the Reconquista River Basin. More specifically, the operation entailed the preparation of terms of reference and documents to develop the Reconquista River Basin Comprehensive Management Plan (PGICRR); an environmental and social evaluation for a future program; technical, economic, institutional, and socioenvironmental viability studies for the projects; and an institutional strengthening plan for COMIREC.
- 1.6 The Reconquista River Basin Environmental Sanitation Program (AR-L1121) (hereinafter, the "Program") is financed by the IDB through a multiple-works investment loan operation for a total amount of US\$287.5 million. Of that amount, US\$230 million is the Bank loan, and the remaining US\$57.5 million is the local counterpart. The guarantor is the Argentine Republic, the borrower is the Province of Buenos Aires, and the executing agency is the province, acting through its Ministry of Economy's States and International Credit Agencies Coordination Branch (SCEOCI). The Ministry of Infrastructure and Public Services (MISP) acts as the subexecuting agency with the direct involvement of both the Construction Projects Coordination and Execution Unit (UCEPO) and COMIREC.
- 1.7 The operation was approved by the IDB Board of Executive Directors on 23 July 2014 and is now in implementation. According to public information provided by the Bank, the loan disbursement period has been extended to 10 December 2022, and the borrower is currently arranging a further extension.
- 1.8 The operation was designed on the basis of two criteria: (i) address the priorities for the basin identified by the Province of Buenos Aires; and (ii) supplement and expand the actions not carried out under loan 797/OC-AR. To address these criteria, the program focused on developing the PGICRR under the shared-vision method, with

broad participation by the basin's stakeholders at all stages of the plan's preparation (diagnostic assessment, selection of alternatives, and final approval). In its final form, the PGICRR will set out prioritized actions for the basin, aligned with the objective of restoring the basin's environmental quality, adopting criteria discussed and approved by the various stakeholders, including nongovernmental organizations (NGOs) and civil society, with a time horizon of at least 15 years. The selected actions for the first five years will be financed using program resources. The projects prioritized by the Province and comprising the project sample should be included in the priority actions for the first five-year cycle. The program planned to implement these projects simultaneously with the preparation of the PGICRR to demonstrate the Province's commitment to environmental rehabilitation and to the needs of the disadvantaged population. Following this approach, the program will also help the COMIREC consolidate its institutional structure and provide the necessary tools for comprehensive management of the basin. In addition, it will support the COMIREC through a water resource information system, an environmental monitoring plan, a communications strategy, and training, in line with the lessons learned. The Bank's long-term objective is to support the implementation of the entire PGICRR.

- 1.9 The general objective of the Program is to restore the environmental quality of the river basin. It seeks to achieve this objective through four components:
- 1.10 **Component I. Water and sanitation (US\$58.3 million).** This component finances the construction and rehabilitation of water supply networks and sanitary sewer systems, including wastewater collection, transport, and treatment.
- 1.11 **Component II. Solid waste (US\$7.2 million).** This component finances the development of comprehensive management plans for the basin's municipios and the closing and remediation of three open air dumps. Based on these plans, education, public awareness raising, and waste collection, transport, transfer, recovery, recycling, and final disposal initiatives will be financed.
- 1.12 **Component III. Roadways, accessibility, and drainage (US\$93.3 million).** This component finances investments in road infrastructure and supplementary works, including road construction, engineering works, lighting, signage, multipurpose paths, paving, repaving of intra-urban streets, and waterworks for storm drainage.
- 1.13 **Component IV. Environmental and social management (US\$73 million).** This component finances environmental and social management actions, which include: (i) the consulting assignment for preparing the Reconquista River Basin Comprehensive Management Plan and the industrial and urban pollution abatement actions to be given priority during the plan's preparation, as well as the implementation of water, sediment, and air quality monitoring and early warning systems; (ii) resettlement of approximately 750 households, of which 315 will be affected by the works of Component I and 435 live in areas susceptible to floods or other risks; (iii) the rehabilitation and upgrade of some 400 residences partially affected by the works, to make resettlement unnecessary; and (iv) training for municipal staff to implement the management plans.
- 1.14 At the time of its approval, the program was classified as a category "A" operation due to the need to resettle families living in flood-prone areas. It was determined that the following operational policies are applicable: the Environment and Safeguards Compliance Policy (Operational Policy OP-703), the Disaster Risk Management

Policy (Operational Policy OP-704), the Involuntary Resettlement Policy (Operational Policy OP-710), and the Access to Information Policy (Operational Policy OP-102). The Bank reports that the Program's preparation included a comprehensive environmental and social impact assessment with an environmental and social management plan, including the public consultation reports, as well as an environmental and social impact assessment, environmental and social management plan, and public consultation report for each of the works awarded and in implementation. There is also a safeguards procedures manual, which sets out the environmental and social management guidelines for the interventions to be financed under the Program and was updated in 2021.

- 1.15 According to Bank systems, 46.84% of projected program resources have been disbursed as of the date of this memorandum.
- 1.16 The specific works giving rise to the Request submitted to the MICI are those included in the "Branch Sewer Systems in Moreno: Catonas IV North and South" project (hereinafter, the "Project"), located in the District/Municipality of Moreno in the river's middle basin. The Project involves building a system of sewers and collectors up to a discharge point at an existing collector for final conveyance to an effluent treatment plant (Catonas Plant).
- 1.17 Regarding the potential impacts of the Project, the relevant environmental and social impact assessment found that the specifically identified negative impacts would be associated almost exclusively with the construction stage. These impacts would be low or medium, local in scope, short-term, and either reversible or capable of being mitigated. In addition, the assessment indicated that implementation of the planned works would have to be well organized, to avoid problems that could complicate performance of the work and undermine its continuity.
- 1.18 As its name indicates, the Project was divided into two zones: Catonas IV North or Section 1, which will provide sewer services to approximately 12,000 residents (3,650 house connections) and was completed in November 2020, and Catonas IV South or Section 2, which will provide sewer services to approximately 13,000 residents (3,100 house connections). The Bank reports that work on Section 2, where the Requesters reside, has been halted since June 2020, with overall physical progress of 39%.

Figure 2.
Map of the Project in the Moreno District



Source: Project environmental and social impact assessment.

II. THE REQUEST³

- 2.1 On 8 July 2022, the MICI received a Request from a group of 60 residents of Villa Anita, Moreno District, Buenos Aires Province, Argentina. The Requesters (hereinafter, the “Group of Requesters”) are being represented in dealings with the MICI by Leonardo Filippini, Federal Prosecutor for the Moreno District. The information, which is public, is available in the MICI’s Public Registry (case file of Request [MICI-BID-AR-2022-0188](#)).
- 2.2 The Group of Requesters originally contacted the MICI in May 2022, and their Request was processed under number [MICI-BID-AR-2022-0187](#). In the registration stage, the MICI found that there had been no prior contact with Management to address the issues raised in the Request. Accordingly, the MICI proceeded to not register the Request in order to allow this interaction to take place. However, the Group of Requesters decided to return two months later to the MICI, believing that,

³ The Request, its annexes, and the additional information submitted are available in the links section of this document.

despite having made contact with Management, their concerns remained unaddressed.

- 2.3 The Request describes potential harm to the Group of Requesters' quality of life and access to public services due to the halt in construction of the sewer and collector pipe distribution network forming part of Section 2 of the Project. In addition, the Requesters allege that there has been insufficient public information on how and when the work will be resumed and ultimately completed.
- 2.4 From the perspective of the Group of Requesters, the alleged impact of the halt in construction has caused harm to their day-to-day lives, forcing them to walk on torn-up sidewalks with exposed pipes, construction materials and debris, and flooded areas. The Requesters also report an increase in noise and particulate matter in the air resulting from the unfinished work.
- 2.5 In addition, the Group of Requesters highlight the urgent state of affairs in which they find themselves as a result of the interruption in public sanitation services. This has caused potential economic harm, since they have been forced to hire private service providers directly to clean the streets, extract groundwater and well water, empty pits, and remove water accumulating in the streets due to the interruption in sewer services.
- 2.6 Regarding the allegations on lack of information, the Request states that not enough public information has been available since the construction work halted. Specifically, the Request states that the Bank's website only allows access to the environmental impact assessment and has no up-to-date, specific information on implementation. Furthermore, the information that has been disseminated concerning the work is alleged to be incomplete and inconsistent with gaps regarding the halting and completion of the works.
- 2.7 The Group of Requesters also report having made requests for public information. However, they note that the responses offer repetitive information that fails to address their specific concerns. In addition, they state that there is still no clear information on the work execution timetable or on repairing the harm caused as a result of unfinished work.
- 2.8 Regarding prior contact with Management, the Request includes information on initial interactions in March 2022 and subsequent meetings in the month of June, which were attended by the executing agency, provincial authorities, and the Bank's project team. In the Requesters' view, despite the attention, their concerns remain unaddressed as of the submission date of their new complaint because they were not provided with substantive information and, in their discussions, they sensed a lack of knowledge about the current status of the Project and a lack of legal and technical capacity to address their complaint.
- 2.9 Lastly, with regard to the MICI process, the Requesters expressed their wish for the MICI to process their Request, if deemed eligible, through both the Consultation Phase and the Compliance Review Phase.

III. MANAGEMENT RESPONSE⁴

- 3.1 On 13 July 2022, in accordance with paragraph 21 of the MICI-IDB Policy, Management was notified of the registration of Request MICI-BID-AR-2022-0188, and on 11 August 2022 it submitted its Response to the MICI. Below is a summary of its contents.
- 3.2 In its Response, Management notes that the Section 2 works were originally awarded in November 2017 to MAKO S.A.C.I.F.I.A y C. (hereinafter, the “Company”) for completion in October 2018. However, during execution, the deadline for completion was postponed four times, mainly on grounds of rain days, project modifications, and supply delays said to result from bankruptcy reorganization proceedings.
- 3.3 Finally, in June 2020, as Management explains, the Company requested a “halt of works” because technical and economic approval had not been given for the project modifications. In the months that followed, despite ongoing documented negotiations, the parties were unable to reach an agreement to resume the works. Consequently, in November 2021, the Ministry of Infrastructure and Public Services (MISP) and the Company voluntarily agreed to begin the process of terminating the contract.
- 3.4 Additionally, Management states that the public consultation process specifically for this section of the Project was conducted from 2016 to 2018. As described in the Response, this process included informational workshops and outreach events with residents, civil society organizations, municipal authorities, and the media. In addition, Management notes that during execution of the works, there was an environmental and social management plan in place for the works that incorporated several programs, including a communication, information, and dissemination program, as well as a complaints and grievances procedure, which was implemented during the works construction period.
- 3.5 Regarding the allegations of potential noncompliance with the Bank’s Operational Policies, Management states as follows:
- On the Access to Information Policy (Operational Policy OP-102): Management emphasizes that it complied with the disclosure requirements, since they apply to “information produced by the Inter-American Development Bank and to specific information that is in the possession of the Bank, subject to a list of exceptions.” Regarding procurement, the Policy requires the Bank to publish procurement plans, procurement notices, and contract awards for its operations on its website, which the Bank did for the Section 2 works.
- Management also clarifies that, according to paragraph 1.2 of the Policies for Procurement of Goods and Works financed by the Inter-American Development Bank (document GN-2349-9), “[t]he responsibility for the implementation of the project, and therefore for the award and administration of contracts under the project, rests with the Borrower.” Thus, the borrower, acting through the executing agency, is responsible for providing specific information on the Project’s progress and current status.

⁴ The Management Response document is available in the links section.

- Public Utilities Policy (Operational Policy OP-708): Management states that it is also in compliance with this policy since, starting with the planning for the Program, the operation took the relevant institutional arrangements into account and adopted measures that have promoted integrity, transparency, and accountability in the delivery of public water and sewer services, as confirmed by the applicability of the regulatory framework for the provision of such services. However, Management adds that the Section 2 works have not yet been completed, so sanitary sewer service is not yet available in the Project's area of influence, and the regulatory framework is not yet applicable. Management underscores that it is incumbent upon the executing agency to provide information on the current status of these works and future actions.
- 3.6 Regarding the alleged harm, Management states that it does not identify a "causal nexus" between the alleged noncompliance with the Operational Policies and the alleged harm stated by the Requesters, since this harm was caused not by a lack of information and transparency but by the halting of the works.
- 3.7 Regarding the future resumption of the works, Management states that the MIPS reported having agreed with the Company to formally initiate the process of terminating the contract for Section 2. As described by Management, this process includes gathering information on all issues related to the financial status of the contract and forming a technical committee under Buenos Aires Province's Water and Sanitation Bureau (DIPAC) to prepare the relevant technical reports and inspect the works. In the event that an agreement is reached on the economic terms of the termination, Management adds, the process would be finalized by signing an agreement, subject to intervention by the Province's advisory and oversight agencies.
- 3.8 Management clarifies that, as long as a contract remains in effect, no new bidding process can be launched in parallel because, under the Province's regulatory framework, a budget for a single set of works cannot be prepared on the basis of two contracts. Accordingly, a new bidding process may only be conducted, once the current contract is terminated as described above. In addition, the MISP stated to the Bank that it was committed to restarting the works, while also noting that the cost and scope of the new project to be tendered can only be determined, when the physical and economic remainder of the project being terminated has been established. The new bidding documents will be submitted to the Bank for its "no objection." If the Bank makes no objection, the MISP will launch the bidding process, which would be estimated to last six months until the contract award.
- 3.9 Regarding prior contact with the Requesters, Management in its Response confirms having received three official letters in March and April 2022 from the Office of the Moreno Public Prosecutor in relation to the status and supervision of the work. These letters were officially answered in May 2022.
- 3.10 Similarly, the Response describes how Management handled the claim sent by the MICI in June 2022 under number MICI-BID-AR-2022-187, contacting the Requesters to arrange a virtual meeting. This meeting took place on 24 June 2022 and was aimed at reporting on the status of the works. It was attended by the Bank's Project Team Leader and MISP representatives, including DIPAC.

IV. MICI ACTIONS

- 4.1 In accordance with Section G of the MICI-IDB Policy and the eligibility criteria set out in paragraph 22, the process for admission and determination of eligibility of the Request followed the timeline below:

Table 1
Timeline of MICI actions during the period

Date	Actions
5 July	Phone call with the Requesters
8 July	Request received
13 July	Request registered and notifications sent to the Requesters and IDB Management
26 July	Meeting with project team
11 August	Management Response received
12 August to 12 September	Document review and desk work
8 September	Phone call with the Requesters
12 September	Eligibility Memorandum issued

- 4.2 Following receipt of the Request, in addition to reviewing the relevant documents for that stage, several phone conversations and in-person meetings were held with the Requesters and IDB Management to better understand the operation and the allegations raised in the Request, as well as the way Management had addressed the complaint before it reached the MICI.
- 4.3 The MICI is grateful to the Parties for making themselves available to address and respond to the various requests for information and communication, as well as to the Group of Requesters for their several interactions and to the project team for its availability and openness to the MICI in examining the issues set out in the Request.
- 4.4 In its eligibility determination analysis, the MICI did not consider a field mission necessary at this stage, mainly because, as described in the next paragraph, the MICI has already processed several Requests related to the Program and has therefore made several visits to the area of influence and is familiar with the specific context of the operation and the Reconquista River Basin.
- 4.5 It should be noted that this is the seventh Request received by the MICI with regard to the Program and the fifth Request processed under the current MICI-IDB Policy. Table 2 provides information on the previous Requests and their status as of the issue date of this document:

Table 2
Requests related to the Program

Request	Date received	Current status
MICI-AR-2013-065 ⁵	January 2013	Closed / Not registered
MICI-AR-2013-0170	October 2013	Closed / Not registered
MICI-BID-AR-2018-0130	January 2018	Closed / Not registered
MICI-BID-AR-2019-0147	April 2019	Closed / Not registered
MICI-BID-AR-2019-0148	May 2019	Open / Monitoring of Consultation Phase agreements
MICI-BID-AR-2022-0187	June 2022	Closed / Not registered

V. ELIGIBILITY DETERMINATION ANALYSIS

- 5.1 As part of the eligibility determination process, the MICI considered the information submitted in the Request, the Management Response, and various documents related to the Program and the Project.⁶
- 5.2 Pursuant to paragraph 22 of the MICI-IDB Policy, a Request will be deemed eligible by the MICI, if it is determined that it meets all of the following criteria:
- The Request is filed by two or more persons who believe that they have been or may be affected and who reside in the country where the Bank-financed Operation is implemented. If the Request is filed by a representative, the identity of the Requesters on whose behalf the Request is filed will be indicated and written proof of representation will be attached.
 - The Request clearly identifies a Bank-financed Operation that has been approved by the Board, the President, or the Donors Committee.
 - The Request describes the Harm that could result from potential noncompliance with one or more Relevant Operational Policies.
 - The Request describes the efforts that the Requesters have made to address the issues in the Request with Management and includes a description of the results of those efforts, or an explanation of why contacting Management was not possible.
 - None of the exclusions set forth in paragraph 19 apply.
- 5.3 In the case of Request **MICI-BID-AR-2022-0188**, the analysis of eligibility criteria established in the Policy is as follows:
- 5.4 The Request was filed by 60 individuals, acting on their own behalf, who are residents of the Municipio of Moreno in the Province of Buenos Aires, Argentina. The documents submitted also include a request to involve the Moreno Public Prosecutor in communications and in the processing of the complaint.⁷ Additionally,

⁵ The 2010 MICI-IDB Policy did not require a Public Registry of Requests that were not registered, so there is no electronic link for this case.

⁶ The documents reviewed are available in the links section of this document.

⁷ The purview of the Office of the Public Prosecutor allows it to support and advise residents within specific limits for collective purposes.

the MICI has a list containing the contact information for the Requesters. Consequently, **criterion 22(a) has been met.**

- 5.5 The Request identifies the Section 2 works of the “Branch Sewer Systems in Moreno: Catonas IV North and South” project, which is part of the “Reconquista River Basin Environmental Sanitation Program” (AR-L1121), approved by the Board of Executive Directors on 23 July 2014. Consequently, **criterion 22(b) has been met.**
- 5.6 The Request raises allegations of harm to the Group of Requesters’ quality of life and access to public services arising from the halt in construction of a sewer and collector pipe distribution network forming part of the Program.
- 5.7 Specifically, the Requesters allege that the works were halted abruptly, resulting in streets with torn-up sidewalks and a suspension of services. They also assert that the noise and presence of debris and waste from the halted construction work has degraded their environment. The Requesters further claim economic harm since they have had to bear the cost of repairing sidewalks, pumping water, and cleaning public spaces due to the suspension of services.
- 5.8 The Request also mentions the lack of public information on the works, as well as the absence of a timeline for the resumption of work and future completion of the Project.
- 5.9 The above-described impacts could be linked to potential noncompliance with the Operational Policies, such as the Environment and Safeguards Compliance Policy (Operational Policy OP-703), the Access to Information Policy (Operational Policy OP-102), and the Public Utilities Policy (Operational Policy OP-708). Consequently, **criterion 22(c) has been met.**
- 5.10 Regarding prior contact with Management, this Request is directly related to complaint number MICI-BID-AR-2022-0187, which was received by the MICI in June 2022 and was not registered⁸ due to a lack of prior contact with Management. Accordingly, the MICI referred the Requesters to the Bank’s protocol for environmental and social grievances for that initial contact, indicating that they could return to the MICI, if they believed their concerns had not been addressed within a reasonable time.
- 5.11 Furthermore, both the Request and Management Response detail the various interactions that took place from March 2022 to the present with a view to addressing the issues giving rise to the current complaint. The MICI considers that **criterion 22(d) has been met.**
- 5.12 Regarding the exclusions provided in paragraph 19, **the MICI concludes that none of the exclusions established⁹ in paragraphs 19(a), 19(b), 19(c), 19(e), and 19(f) applies** because the Request does not raise issues beyond the scope of the MICI, does include the Requesters’ data, and the operation in question was approved in 2014 and is currently in execution.

⁸ In the first five days following receipt of a Request, the MICI identifies whether or not such initial contact has been made or the reasons why contacting Management was not possible. If no such contact has been made, the MICI refers the Requesters to Management and declares the Request not registered.

⁹ Exclusion 19(d) under the MICI-IDB Policy remained without effect as of 1 July 2021, and so was not analyzed in this Eligibility Memorandum.

VI. CONCLUSION

- 6.1 The MICI Director, in accordance with section G of the MICI Policy (document [MI-47-8](#)), concludes that this Request **is eligible** because it meets all eligibility criteria required by the MICI-IDB Policy.
- 6.2 This eligibility determination is neither an assessment of the merits of the Request and the issues raised therein, nor is it a determination of the IDB's compliance or noncompliance with its Relevant Operational Policies. It is only the starting point of the MICI process, which does not suspend or halt disbursements under the program.
- 6.3 This Memorandum is being sent on 12 September 2022 directly to the Requesters and to Management for information. It will be distributed to the Boards of Executive Directors of the IDB and any interested third parties for information through the [Public Registry](#), once the English version is available.
- 6.4 Upon notification to the Board of Executive Directors, the MICI Director will transfer the case to the Consultation Phase, as requested by the Requesters and established in the MICI-IDB Policy, to begin processing the Request under that phase.