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**MICI-BID-AR-2019-0148**  
**ARGENTINA**

**CONSULTATION PHASE REPORT**  
**RECONQUISTA RIVER BASIN ENVIRONMENTAL SANITATION PROGRAM**

**(AR-L1121)**  
**(3256/OC-AR)**

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## CONTENTS

### EXECUTIVE SUMMARY

I.	BACKGROUND .....	1
	A. Geographic and social context of the program.....	1
	B. The program.....	2
	C. The Request.....	4
	D. The MICI process to date .....	5
II.	CONSULTATION PHASE .....	6
	A. Regulatory framework .....	6
	B. Timeline for the Consultation process.....	7
	C. Methodology and actions taken during the Consultation process.....	7
	D. Results of the Consultation Phase.....	8
III.	NEXT STEPS.....	9
	A. Monitoring.....	9
	B. Projected monitoring timeline.....	9
	C. Projected resources in relation to the monitoring activities.....	9

ANNEXES	
Annex I	Final Agreement
Annex II	Proposed Monitoring Plan and Preliminary Timeline

LINKS
<ol style="list-style-type: none"><li>1. Case file MICI-BID-AR-2019-0148 in the MICI-IDB Public Registry <a href="https://www.iadb.org/es/mici/detalle-de-la-solicitud?ID=MICI-BID-AR-2019-0148">https://www.iadb.org/es/mici/detalle-de-la-solicitud?ID=MICI-BID-AR-2019-0148</a></li><li>2. Reconquista River Basin Environmental Sanitation Program (loan AR-L1121) profile <a href="https://www.iadb.org/Document.cfm?id=EZSHARE-1557453903-2">https://www.iadb.org/Document.cfm?id=EZSHARE-1557453903-2</a></li><li>3. Loan proposal for the Reconquista River Basin Environmental Sanitation Program (loan AR-L1121) <a href="https://www.iadb.org/Document.cfm?id=38866412">https://www.iadb.org/Document.cfm?id=38866412</a></li><li>4. Environmental and social management report for the Reconquista River Basin Environmental Sanitation Program (loan AR-L1121) <a href="https://www.iadb.org/Document.cfm?id=38151058">https://www.iadb.org/Document.cfm?id=38151058</a></li><li>5. Update of the environmental and social impact assessment for the Reconquista River Basin Environmental Sanitation Program (loan AR-L1121) as a whole <a href="https://www.iadb.org/Document.cfm?id=EZSHARE-735565658-207">https://www.iadb.org/Document.cfm?id=EZSHARE-735565658-207</a></li></ol>

## **ABBREVIATIONS**

COMIREC	Reconquista River Basin Committee
MICI	Independent Consultation and Investigation Mechanism of the IDB Group
PGICRR	Reconquista River Basin Comprehensive Management Plan
TORs	Terms of reference
UCEPO	Works Coordination and Execution Unit of the Ministry of Infrastructure of the Province of Buenos Aires

## EXECUTIVE SUMMARY

The Reconquista River Basin Environmental Sanitation Program (operation AR-L1121) is financed by the Inter-American Development Bank through a sovereign guaranteed US\$230 million multiple works loan operation with US\$57.5 million in local counterpart funding. The borrower is the Province of Buenos Aires, with the Argentine Republic acting as guarantor. The executing agency is the Provincial Ministry of Economy's States and International Credit Agencies Branch, and the Ministry of Infrastructure's Works Coordination and Execution Unit (UCEPO) is the subexecuting agency responsible for technical coordination of the program. The operation was approved by the Board of Executive Directors on 23 July 2014 and is currently in implementation.

This program, which is the third financed by the IDB in the Reconquista River Basin, aims to restore the environmental quality of the basin by implementing a Reconquista River Basin Comprehensive Management Plan (PGICRR) that will prioritize investments targeting communities in areas where there are health risks. These works will help: (i) increase water, sewer, and wastewater treatment coverage; (ii) enhance integrated solid waste management, primarily by closing open air dumps; (iii) improve connectivity and access to outlying neighborhoods in hard-to-reach areas; and (iv) strengthen the operational management capacity of the Reconquista River Basin Committee by developing management tools.

On 7 May 2019, the Independent Consultation and Investigation Mechanism (MICI) received a Request regarding the program from six individuals acting on their own behalf, who reside in municipios located in the Reconquista River Basin.<sup>1</sup> On 25 July 2019, the Requesters submitted an additional document to supplement the original Request, providing further details on the allegations of potential harm, and another eight residents joined the initial group of Requesters. The Request alleges that the Bank has failed to comply with its relevant Operational Policies and with current Argentine law because program execution had started without giving consideration to the basin as a territorial unit. In particular, it alleges that the program does not have a comprehensive environmental impact study or any of the necessary avenues for public input. As regards access to information, it alleges that there is no validated, up-to-date public information system on the environmental and social impact of the actions of the Reconquista River Basin Committee (COMIREC).

The information provided indicates that the basin's current, highly polluted state not only causes environmental harm, but also poses serious health risks for the residents of the islands of the Paraná Delta (San Fernando and Tigre), because what happens upstream affects the Luján, Carapachay, and Paraná Rivers. The Requesters state that the only water source for residents of those islands has been severely affected by the pollution of the Reconquista River. Their concerns about the program relate to the potential harm that could arise from a possible intensification of adverse effects experienced in the lower basin as a result of their specific problems not being taken into account as part of a comprehensive approach to the basin. In particular, they state that the construction of the Drainage Canal/National Rowing Course changed the hydrological dynamics of the lower basin, bringing the Reconquista's waters to higher grounds than the original outfall. This situation has caused harm to their health and quality of life because the delta has become the final destination of the discharge of these highly polluted waters. Rising water levels often cause floods in certain parts of the municipios on San Fernando and Tigre islands. Additionally,

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<sup>1</sup> During the eligibility phase, one of the individuals who had signed the Request decided to withdraw due to a potential conflict of interest, and another eight individuals added their names to the Request.

the Requesters allege that those works brought harm to aquatic wildlife, vegetation, terrestrial fauna, and the wetlands as an ecosystem.

The Request was declared eligible on 3 August 2019. The [Eligibility Memorandum](#) found that only 9 of the 13 Requesters<sup>2</sup> had raised allegations compatible with the definition of harm set forth in the MICI Policy. Therefore, processing of the Request by the MICI would focus on potential noncompliance associated with those allegations in particular. With the issuance of the Eligibility Memorandum, the Request was transferred to the Consultation Phase.

During the Consultation Phase, IDB Management, UCEPO, COMIREC, and the Requesters expressed to the MICI their willingness to begin a process to explore sustainable solutions to the concerns raised in the Request. In light of the political context, as Argentina was in the midst of its national, provincial, and municipal elections at the time of the Assessment, the Parties indicated that they preferred to participate in the process after the 27 October 2019 elections had taken place.

Accordingly, the MICI organized and facilitated two dialogue sessions on 4 and 5 November 2019 at the IDB Country Office in the city of Buenos Aires. Both sessions were facilitated by Eliana Spadoni, a member of the MICI's roster of facilitation experts, and the Consultation Phase Coordinator and a Case Officer were present. During the first session, the Parties validated the rules of the process to ensure an effective use of time and maximize participation. They also validated the agenda of topics, which had been drafted with the Requesters during the Assessment stage and shared with UCEPO, COMIREC, and IDB Management for validation and comments with sufficient lead time prior to the dialogue session. Lastly, the Parties began to address the topics of the validated agenda in the agreed order.

During the second session on 5 November, the Parties reached an agreement that set forth a series of measures designed to address the concerns described in the Request. In particular, the Agreement includes actions to mitigate pollution in the Drainage Canal and strengthen water quality monitoring and effluent mapping. COMIREC and UCEPO also shared information on the status of program execution during the MICI-facilitated sessions. The MICI maintained constant contact with the Parties throughout the process, by phone and videoconference and through bilateral face-to-face meetings.

As a result of the agreement reached, the Consultation process is considered complete. Under paragraph 35 of the MICI-IDB Policy and at the request of the Parties, the MICI proposes to monitor compliance with the terms of the agreement based on the plan and timetable submitted to the IDB Board of Executive Directors for consideration by the no objection procedure.

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<sup>2</sup> It is important to note that the MICI considers that the Request did not provide enough information to classify the Requesters from the upper and middle basins as parties who may be directly harmed, based on the definition of harm set forth in the MICI policy. Therefore, the processing of this Request focused on the allegations of potential direct harm raised by the other Requesters. During the Consultation Phase Assessment and Dialogue, four of the initial Requesters from the middle and upper basins officially notified the MICI that they did not want to continue processing their allegations under the MICI framework.

## I. BACKGROUND<sup>3</sup>

### A. Geographic and social context of the program<sup>4</sup>

- 1.1 The Reconquista River Basin, located in the Province of Buenos Aires, 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 confluence of the La Choza and Durazno streams in the municipio of General Rodríguez to the Roggero dam and its artificial lake (San Francisco Lake); (ii) the **middle basin**, from the dam to Las Catonas and Morón stream; and (iii) the **lower basin**, from the Morón stream to the river's mouth at the Luján River in the municipality of Tigre. In terms of economic activity and land use, agricultural activities are predominant in the upper basin, while industrial and commercial activities 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 Regarding the legal and institutional framework, the Constitution of the Argentine Republic grants the provinces dominion over the natural resources within their territories. Meanwhile, the Municipal Act confers powers on the municipios to attend to their local interests and provide local services. In the Province of Buenos Aires, the Provincial Agency for Sustainable Development is the socioenvironmental regulatory and administrative authority. Management of water resources is the responsibility of the Ministry of Infrastructure, and in the specific case of the

<sup>3</sup> Information retrieved from the Bank's website and public documents on the related operations.

<sup>4</sup> The sources of the information presented in this section are available in the links section.

Reconquista River Basin, the most significant actor is the Reconquista River Basin Committee (COMIREC), created by provincial law 12,653 in 2001. Pursuant to that law, the objective of the COMIREC is to provide services and carry out actions that seek to promote the comprehensive management of the basin and preserve its water resources.

- 1.3 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. This is compounded by the presence of 30 open air dumps and the country's largest sanitary landfill, which serves 22 municipios in the Autonomous City of Buenos Aires and its metropolitan area.
- 1.4 In the area of industrial pollution, the pollutants that have the highest impact are organic in nature, caused by effluents discharged from slaughterhouses (for poultry, cows, sheep, and pigs), 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 program**

- 1.5 The Reconquista River Basin Environmental Sanitation Program (operation AR-L1121) (the "program") is financed by the Bank through a US\$230 million multiple works investment loan operation with US\$57.5 million in local counterpart funding. The Argentine Republic is the guarantor and the borrower is the Province of Buenos Aires. The executing agency is the Ministry of Economy's States and International Credit Agencies Branch, and the Ministry of Infrastructure is responsible for technical coordination of the program, through its Works Coordination and Execution Unit (UCEPO). The operation was approved by the Bank's Board of Executive Directors on 23 July 2014 and is currently in implementation.
- 1.6 The program was designed as a continuation of a series of interventions related to the basin and financed by the IDB. In 1993, the Board of Executive Directors approved the "Reconquista River Sanitation" project (operation AR0038, loan 797/OC-AR), completed in 2006. The operation was for US\$150 million and included US\$75 million in cofinancing from the Government of Japan. Its main objectives were: (i) flood control; (ii) decreased industrial and household pollution; and (iii) improved management and regulation of the Reconquista River Basin. Flood control activities were carried out under that operation, and an action plan to control industrial pollution was prepared. However, program documents indicate that the scope was smaller than planned, and the planned wastewater treatment plants were not built due to a lack of financing. The program also developed a legal framework for creating the COMIREC, but it did not manage to set up a basin management system.
- 1.7 Later, the Province of Buenos Aires requested IDB support through a technical cooperation operation, "Program for the Sustainable Management of the Reconquista River Basin" (operation AR-T1083, technical cooperation funding ATN/OC-12571-AR), approved by the Board of Executive Directors in



December 2010. That operation sought to produce technical studies for a future program in the Reconquista River Basin. More specifically, it 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 priority projects; and an institutional strengthening plan for COMIREC.

- 1.8 The Reconquista River Basin Environmental Program (operation AR-L1121), the subject of the Request, was designed on the basis of two criteria: (i) to address the priorities for the basin identified by the Province of Buenos Aires, based on operation AR-T1083; and (ii) to supplement and expand the actions not carried out under loan 797/OC-AR. To address these criteria, the program would focus 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). The PGICRR would set out prioritized actions for the basin aimed at achieving the objective of restoring the basin's environmental quality by adopting criteria discussed and approved by the various stakeholders, including nongovernmental organizations 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.
- 1.9 The projects prioritized by the Province that comprise the program's project sample should be included in the plan's actions to be implemented during the first five-year cycle. The program planned to implement these projects simultaneously with the preparation of the PGICRR. Furthermore, the program will help the COMIREC consolidate its institutional structure and provide the necessary tools for comprehensive management of the basin. It will also support the COMIREC through a water resource information system, an environmental monitoring plan, and a communications and training strategy. The Bank's long-term objective is to support the implementation of the entire PGICRR.
- 1.10 According to the loan proposal, the program consists of the following four components:
- 1.11 Component I. Water and sanitation (US\$58.3 million), which finances the construction and rehabilitation of water supply networks and sanitary sewer systems, including wastewater collection, transport, and treatment.
- 1.12 Component II. Solid waste (US\$7.2 million), which 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.
- 1.13 Component III. Roadways, accessibility, and drainage (US\$93.3 million), which 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.
- 1.14 Component IV. Environmental and social management (US\$73 million), which finances environmental and social management actions, including: (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.

- 1.15 At the time of its approval, the original 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 were 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).
- 1.16 According to Bank systems, 30.89% of projected program resources have been disbursed as of November 2019.

### **C. The Request**

- 1.17 On 7 May 2019,<sup>5</sup> the Independent Consultation and Investigation Mechanism (MICI) received a Request regarding the program from six individuals acting on their own behalf, all of whom reside in municipios located in the upper, middle, or lower Reconquista River Basin.<sup>6</sup> In an expansion of the Request during the eligibility determination period, eight additional individuals added their names as Requesters. As stated in the Eligibility Memorandum issued by the MICI, only 9 of the 13 Requesters<sup>7</sup> raised allegations that meet the definition of harm set forth in the MICI Policy. Therefore, processing of the Request has focused on the allegations of potential direct harm raised by the nine Requesters who reside in municipios located in the lower basin. The Eligibility Memorandum, the Request, and its annexes are available for consultation in the MICI's online Public Registry (under case file [MICI-BID-AR-2019-0148](#)).
- 1.18 The Request alleges that the Bank is failing to comply with its Operational Policies and with current Argentine law because program execution started without giving consideration to the basin as a territorial unit, without a comprehensive management plan for the Reconquista River Basin, and without accounting for the river's real capacity as a receiving body. In particular, it claims that an environmental impact study was not conducted in due time and form prior to execution, that there are no avenues for public input, and that there is no validated, up-to-date public information system on the program's environmental and social impacts.
- 1.19 The Requesters allege that the priority projects have targeted household sewer waste treatment, while initiatives that address industrial waste have been neglected. They claim that due consideration has not been given to the state of the Morón stream. They also say there is no available information on or monitoring of the

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<sup>5</sup> It should be noted that the Requesters submitted the Request to the MICI on 8 April 2019. However, because of technological incompatibility, the Outlook system sent it to the spam folder, and it was not identified by the MICI until 7 May.

<sup>6</sup> During the eligibility determination period, one of the individuals who had signed the Request decided to withdraw due to a potential conflict of interest.

<sup>7</sup> See footnote 2.

pollutants that industries dump into the river, nor are there any sanction or remediation systems for major polluters.

- 1.20 The information provided indicates that the entire basin's current, highly polluted state not only causes environmental harm, but also poses serious health risks for the residents of the islands of the Paraná Delta (San Fernando and Tigre), because what happens in the Reconquista's waters affects the Luján, Carapachay, and Paraná Rivers. The Requesters point out that these rivers are the only source of water for island residents, who lack a water supply network.
- 1.21 Their concerns regarding potential harm from this program are based on the harm they allege to have experienced after the Drainage Canal/National Rowing Course works financed by operation 797/OC-AR. The Request says those works altered water flows in the lower basin, bringing the Reconquista's waters to higher grounds than the original outfall. This situation poses harm to their health and quality of life because the delta is the final destination of the discharge of these highly polluted waters. Rising water levels often cause floods in certain parts of the municipios on San Fernando and Tigre islands. Additionally, the Requesters allege that those works brought harm to aquatic wildlife, vegetation, terrestrial fauna, and the wetlands as an ecosystem.
- 1.22 In their opinion, the lack of a comprehensive management approach and complete information means that this program would merely replicate the shortcomings of earlier operations that have failed to clean up the Reconquista River, thereby exacerbating the harm currently suffered by communities in the delta, as described in paragraph 1.21.
- 1.23 Lastly, in the additional information provided, the Requesters stated their interest in the MICI processing their Request through both the Consultation Phase and the Compliance Review Phase.

#### **D. The MICI process to date**

- 1.24 Table 1 shows the main actions taken by the MICI from receipt of the Request to date.

**Table 1.**  
**Timeline of MICI actions to date**

Date	Actions
<b>2019</b>	
7 May	Request received.
14 May	Request registered and notifications sent to the Requesters and IDB Management.
13 June	Management Response received.
27 June	Request for an extension to the eligibility determination period submitted to the Board of Executive Directors for approval by short procedure.
7 July	New deadline for the eligibility determination period approved by the Board of Executive Directors.
15-18 July	Eligibility determination analysis mission to the city of Buenos Aires and communities in the Province of Buenos Aires in the middle and lower Reconquista River Basin to meet with the Requesters, the executing agency, and Management.
25 July	Receipt of additional information supplementing the Request.

Date	Actions
<b>2019</b>	
2 August	Eligibility Memorandum issued.
12 August	Phone call with the project team leader and a specialist from the IDB Environmental and Social Safeguards Unit.
5-23 August	Review of program documents and context.
13 August	Phone call with the Requesters.
19-23 August	MICI assessment mission. Bilateral meetings held with the Requesters, the IDB project team, and officials from the COMIREC and the Province of Buenos Aires Ministry of Infrastructure.
27 August	Assessment Report issued, beginning the Consultation process.
2 September - 1 November	Weekly conversations with the Parties in preparation for the first dialogue session.
1 November	Preparatory meeting with IDB Management.
4 November	Preparatory meeting with the Requesters.
4 November	First MICI-facilitated dialogue session attended by Requesters, IDB Management, UCEPO, and COMIREC.
5 November	Second MICI-facilitated dialogue session attended by Requesters, IDB Management, UCEPO, and COMIREC.
5 November	Agreement signed by Requesters, IDB Management, UCEPO, and COMIREC.
18 November	Final Consultation Phase Report issued.

## II. CONSULTATION PHASE

### A. Regulatory framework

- 2.1 The MICI Consultation process is governed by the MICI-IDB Policy (document MI-47-6), approved on 16 December 2015. Section H sets out the processes, stages, and time frames to be observed during processing of a case through the Consultation Phase. The provisions of that section are also described in detail in the “Guidelines for the Consultation Phase” (document MI-74).
- 2.2 During the Consultation Phase, a variety of methods are used depending on urgency, type of harm, corrective actions sought, and the likelihood that the process will have positive results. Similarly, a variety of methods for analysis and alternative conflict resolution can be used during this phase, such as situational and conflict analysis, scenario building, structured dialogue, sustained dialogue, mediation, negotiation, and facilitation, under different formats. These methods can be used simultaneously or sequentially (paragraph 4.4, “Guidelines for the Consultation Phase”).
- 2.3 Upon completion of the Consultation process, the MICI will prepare a Consultation Phase Report describing its results. If an agreement has been reached and is to be monitored, this report may include a Monitoring Plan.
- 2.4 The Plan will address whether monitoring of the agreements between the Parties will be direct or external and the measures that will be adopted to determine whether the agreements are being implemented appropriately, among other matters. The duration of the Monitoring Plan will be as stipulated in the agreements reached by

the Parties, but may not exceed five years from the date the agreement is signed and will be considered by the IDB Board of Executive Directors.

**B. Timeline for the Consultation process**

- 2.5 Paragraph 31 of the MICI-IDB Policy sets a maximum time limit of 12 calendar months for the Consultation process from the date the Consultation Phase Assessment Report is distributed to the Board of Executive Directors.
- 2.6 The Consultation process took approximately two months. From 27 August to 15 November, the MICI held conversations with the Parties on a weekly basis and conducted preparatory sessions, which culminated in the signing of an agreement on 5 November after two MICI-facilitated dialogue sessions (see Table 1 for more details).

**C. Methodology and actions taken during the Consultation process**

- 2.7 As established by the MICI-IDB Policy and the Guidelines for the Consultation Phase, the Consultation process will be flexible, consensus-based, and tailored to the issues raised in the Request. The methodology used depends on the specific characteristics of each case and process.
- 2.8 **Process design.** As the Request was processed, primary and general elections were held at the national, provincial, and municipal levels in August and October. Due to the election cycle, the Parties had expressed during the Assessment stage that they preferred that the first dialogue session take place after the 27 October 2019 general elections. In view of the political context, the Parties' preferences, the agenda topics, and the level of completion of the program, the MICI proposed a short, intensive method for carrying out the conflict resolution process.
- 2.9 From the conclusion of the Assessment stage to the dialogue sessions, the MICI remained in constant contact with the Parties through email exchanges, videoconferences, phone calls, and bilateral meetings. During that time, with the objective of ensuring effective participation in the process, the Requesters asked for the loan proposal and the environmental and social management report, since they had difficulty accessing them through the links posted on the Bank's website. IDB Management shared electronic copies of the documents with the Requesters with enough lead time before the beginning of the dialogue and ensured that the links on the Program website were working.
- 2.10 As for representation during the Consultation process, IDB Management and the Requesters each named five representatives. Eight representatives with expertise in different agenda items and responsible for key aspects of the program participated on behalf of UCEPO and COMIREC. Considering country conditions, the Parties agreed that the meeting would take place on 4 and 5 November at the IDB Country Office in the city of Buenos Aires.
- 2.11 The MICI was responsible for hosting and leading the dialogue on those dates. These tasks were performed by Ms. Eliana Spadoni, a member of the MICI's roster of facilitation experts, and two MICI officials were present (the Consultation Phase Coordinator and a Case Officer). Ms. Spadoni facilitated the process and provided advisory support as to its methodology. The MICI officials designed the process, organized the bilateral meetings with the Parties, and represented the MICI.

- 2.12 **Dialogue sessions.** The MICI hosted and facilitated a round of structured dialogue between the Parties on the agreed upon dates (see paragraph 2.10). Two preparatory sessions were held with the Requesters and IDB Management prior to the dialogue. During the dialogue, the Parties validated the rules of participation proposed by the facilitator. They also validated the agenda of topics, which had been drafted with the Requesters and representatives of each sub-basin during the Assessment stage and shared with UCEPO, COMIREC, and IDB Management for validation and comments with sufficient lead time prior to the dialogue sessions. The Parties then began to address the topics on the validated agenda in the agreed order.
- 2.13 As part of the dialogue, the Requesters presented a brief summary of the allegations included in the Request and the annexes sent to the MICI during the Eligibility phase. In response to that summary and with a view to closing certain gaps in information, UCEPO and COMIREC gave a presentation on the status of the Program to date. The PowerPoint prepared by COMIREC and UCEPO was shared with the Requesters at the end of the session. On 5 November, the UCEPO delegation was joined by the Director of Water and Sewers of the Province of Buenos Aires, who gave an in-depth presentation on basic and complementary infrastructure works for wastewater treatment in the basin.
- 2.14 As regards the agenda items, the Parties explored possible measures to resolve the issue of pollution in the Drainage Canal and in the delta. They also exchanged opinions on water quality monitoring throughout the basin, effluent mapping, discharge control, and the social and environmental impact on the delta, as well as possible mitigation measures. Lastly, the Parties signed the Agreement and agreed that the document would be made public.

#### **D. Results of the Consultation Phase**

- 2.15 The Consultation process sought to build threshold levels of trust between the Parties, so that information could be shared and communication channels could remain open. The MICI facilitated a conflict resolution process that aimed to address the existing asymmetries between the Parties as much as possible. The MICI also sought to create a safe space for exploring solutions to the concerns raised in the Request, promoting a constructive exchange of different opinions about the basin throughout the entire process.
- 2.16 The agreement reached, included in Annex I to this report, was organized around four main sets of measures:
- 2.17 **Spillway for excess water in the Drainage Canal or alternative intervention that remedies the concern.** The Parties agreed to conduct an alternatives analysis to come up with solutions to the Drainage Canal pollution problem and to implement the solution that arises out of that study. To carry it out, the Requesters will participate in the preparation of the terms of reference. In addition, the conclusions of the analysis will be shared with the Requesters, as well as the progress on the design and execution of any interventions that result from the study.
- 2.18 **Location of water quality monitoring stations.** The Parties agreed on the potential addition of sampling points at the locations listed in the Agreement (Annex I) to the monitoring system that will be part of the PGICRR.

- 2.19 **Effluent mapping and discharge control.** The Parties agreed on the potential inclusion of the locations listed in the Agreement in the effluent mapping that will take place under the PGICRR.
- 2.20 **Environmental and social impact on the delta.** The Parties agreed to suggest that the priority works to be executed under the PGICRR include an analysis of the cumulative environmental and social impact on the delta.

### **III. NEXT STEPS**

#### **A. Monitoring**

- 3.1 The Parties have asked the MICI to monitor the agreements reached. The MICI's role in the Monitoring stage is focused on maintaining a spirit of collaboration in the execution of the agreement, continuing to promote a threshold level of trust between the Parties, monitoring compliance with the agreements, and supporting the Parties in their execution.
- 3.2 To this end, the MICI may perform several activities, including: hosting and facilitating work meetings between the Parties for implementation of the agreements; ongoing monitoring through face-to-face meetings or by phone, email, or videoconference; conducting at least one monitoring mission, agreed with the Parties in advance; and producing monitoring reports.
- 3.3 Under paragraph 35 of the MICI-IDB Policy, progress will be reported to the Board of Executive Directors through annual monitoring reports. Once the agreed activities have finished, the MICI will consider monitoring completed and will proceed to close the case.
- 3.4 The MICI's team will maintain open, fluid contact with the Parties, the Board of Executive Directors, and other relevant program stakeholders regarding all matters related to case processing.

#### **B. Projected monitoring timeline**

- 3.5 Annex II of this document contains a proposed plan and timeline for monitoring the commitments reached.
- 3.6 Under paragraph 35 of the MICI Policy, the Board of Executive Directors will consider the monitoring plan and timeline agreed upon by the Parties by short procedure. The MICI will proceed with the monitoring activities if there is no objection from the Board to the monitoring plan.

#### **C. Projected resources in relation to the monitoring activities**

- 3.7 The Consultation Phase team will need to conduct at least one monitoring mission to Argentina to assess progress on compliance with the agreements. The mission will involve joint sessions with the support of the facilitator who moderated the dialogue sessions during the Consultation Phase.

**Consultation Phase – MICI-BID-AR-2019-0148 “Reconquista River Basin  
Environmental Sanitation Program”**

**Agreement**

**Background**

The Reconquista River Basin Environmental Sanitation Program (operation AR-L1121) is financed by the Inter-American Development Bank through a sovereign guaranteed US\$230 million multiple works loan operation with US\$57.5 million in local counterpart funding. The borrower is the Province of Buenos Aires, with the Argentine Republic acting as guarantor. The executing agency is the Provincial Ministry of Economy's States and International Credit Agencies Branch, and the Ministry of Infrastructure's Works Coordination and Execution Unit (UCEPO) is the subexecuting agency responsible for technical coordination of the program. The operation was approved by the Board of Executive Directors on 23 July 2014 and is currently in implementation.

This program, which is the third financed by the IDB in the Reconquista River Basin, aims to restore the environmental quality of the basin by implementing a Reconquista River Basin Comprehensive Management Plan (PGICRR) that will prioritize investments targeting communities in areas where there are health risks. These works will help: (i) increase water, sewer, and wastewater treatment coverage; (ii) enhance integrated solid waste management, primarily by closing open air dumps; (iii) improve connectivity and access to outlying neighborhoods in hard-to-reach areas; and (iv) strengthen the operational management capacity of the Reconquista River Basin Committee (COMIREC) by developing management tools.

On 7 May 2019, the Independent Consultation and Investigation Mechanism (MICI) received a Request regarding the program from six individuals acting on their own behalf, who reside in municipios located in the Reconquista River Basin.

The Request was declared eligible on 3 August 2019.

IDB Management, UCEPO, COMIREC, and the Requesters expressed to the MICI their willingness to begin a Consultation process.

As part of the Consultation process for Request MICI-BID-AR-2019-0148, the Parties began the first round of MICI-facilitated dialogue on 4 and 5 November 2019 in the IDB's offices in the city of Buenos Aires. The objectives of the meeting were to: present and validate the rules of procedure; validate the agenda that had been drafted with the Requesters during the Assessment stage and shared with IDB Management, UCEPO, and COMIREC; share documents and information on the current state of program execution; and address the issues on the validated agenda in the agreed order.

As a result of the exchange of opinions on the agenda items, the Parties have agreed to the following:



**1. Spillway for excess water in the Drainage Canal or alternative intervention that remedies the concern:**

1.1. The Parties have agreed that UCEPO and COMIREC will send to the Requesters, no later than 6 December 2019, draft terms of reference for conducting an alternatives analysis to recommend solutions to the Drainage Canal pollution problem, since that is the source of the pollution in the delta.

1.2. The Requesters will have 15 days to submit their comments on the terms of reference to UCEPO and COMIREC.

1.3. UCEPO and COMIREC will evaluate and incorporate the comments from paragraph 1.2 and request IDB Management's no objection to conduct the analysis. The production of the alternatives analysis will take seven to eight months.

1.4. UCEPO and COMIREC will share the alternatives analysis with the Requesters to analyze the options that it has yielded.

1.5. The project design(s) arising out of the study, selected on the basis of cost-effectiveness, will be given priority.

**2. Location of water quality monitoring stations**

2.1 UCEPO and COMIREC will evaluate whether sampling points could reasonably be added to the monitoring system to be included in the PGICRR at the following locations: the start and end of each sub-basin, the Luján River, the Caraguatá River, the Drainage Canal, the Darragueira stream canal, Tigre Industrial Park, Hugo de Carril moorings - downtown Tigre, tributary streams on the Reconquista (Morón and La Chozá streams), Claro stream, Reconquista Chico, and the Tigre River. If these sampling points cannot reasonably be added, UCEPO and COMIREC will provide the Requesters with the technical grounds for that decision.

**3. Effluent mapping and discharge control**

3.1 UCEPO and COMIREC will verify whether the following locations are included in the PGICRR effluents map: meat packing plants, AySa's Hurlingham plant, Tigre's hazardous waste plants (8 plants), Tigre Industrial Park, Campo de Mayo wastewater treatment plant, and the CEAMSE leachate treatment plant. If they are not included, UCEPO and COMIREC will evaluate whether they could reasonably be added.

3.2 As part of the industrial oversight plan currently in implementation, UCEPO and COMIREC will evaluate whether the locations mentioned in paragraph 3.1 could reasonably be added for purposes of controlling industrial effluents and discharge. If they cannot reasonably be added, UCEPO and COMIREC will provide the Requesters with the technical grounds for that decision.

3.3 The Parties agree to work together in an ongoing effort to systematically collect, rigorously and reliably manage, and publicly disseminate information to ensure a public policy for basin sanitation.

**4. Environmental and social impact on the delta**

4.1 IDB Management, UCEPO, and COMIREC will suggest that all environmental impact assessments of priority works to be conducted under the PGICRR include an analysis of the cumulative social and environmental impact on the delta.

Signed on 5 November 2019 by:

**For UCEPO and COMIREC:**

Ricardo Hansen

COMIREC

Yamila López

UCEPO

**For IDB Management:**

Gustavo Gonnelli

Project Team Leader

Zachary Hurwitz

Senior Environmental Specialist

**For the Requesters:**

Martín Nunziata

Yamile Attara

Luis Cancelo

Claudia Siena de Brom

Fernando Del Giudice

**For the MICI:**

Gastón Aín

Consultation Phase Coordinator

María Camila Barriga

Consultation Phase Case Officer

Eliana Spadoni

Facilitator

### Proposed Monitoring Plan and Preliminary Timeline

Monitoring plan			
Commitment to be monitored	Entity responsible	Compliance status	
		Fulfilled	Pending
Spillway for excess water in the Drainage Canal or alternative intervention that remedies the concern			
Draft terms of reference (TORs) for the alternatives analysis to solve the Drainage Canal pollution problem, sent to Requesters (paragraph 1.1)	UCEPO and COMIREC		
Comments on TORs sent to IDB Management, UCEPO, and COMIREC (paragraph 1.2)	Requesters		
Comments evaluated and incorporated into TORs (paragraph 1.3)	UCEPO and COMIREC		
No objection to conduct the analysis issued (paragraph 1.3)	IDB Management		
Alternatives analysis conducted (paragraph 1.3)	Responsible firm		
Alternatives analysis submitted to Requesters to analyze options (paragraph 1.4)	UCEPO and COMIREC		
Work(s) arising from the alternatives analysis executed (paragraph 1.5)	Responsible firm		
Location of water quality monitoring stations			
Analysis of whether the locations listed in paragraph 2.1 could reasonably be added to the monitoring system that will be part of the PGICRR	UCEPO and COMIREC		
Locations listed in paragraph 2.1 incorporated into the system	UCEPO and COMIREC		
If the locations cannot be included, technical grounds for that decision provided to the Requesters (paragraph 2.1)	UCEPO and COMIREC		
Effluent mapping and discharge control			
PGICRR effluents mapping verified to determine whether the locations specified in paragraph 3.1 of the Agreement are included	UCEPO and COMIREC		
If not included, analysis of whether the locations listed in paragraph 3.1 could be reasonably added	UCEPO and COMIREC		
Locations listed in paragraph 3.1 added	UCEPO and COMIREC		
If the locations cannot be added, technical grounds for that decision provided to the Requesters (paragraph 3.2)	UCEPO and COMIREC		
Environmental and social impact on the delta			
Analysis of the cumulative environmental and social impact on the delta included in the environmental impact assessments of all priority works to be carried out under the PGICRR (paragraph 4.1)	UCEPO, COMIREC, and IDB Management		

[illegible]

Effluent mapping and discharge control														
PGICRR effluents mapping verified to determine whether the locations specified in paragraph 3.1 of the Agreement are included														
If not included, analysis of whether the locations listed in paragraph 3.1 could be reasonably added														
Locations listed in paragraph 3.1 added														
If the locations cannot be added, technical grounds for that decision provided to the Requesters (paragraph 3.2)														
Environmental and social impact on the delta														
Analysis of the cumulative environmental and social impact on the delta included in the environmental impact assessments of all priority works to be carried out under the PGICRR (paragraph 4.1)														

\* The alternatives analysis (paragraph 1.3) will determine the execution period for the work(s).