

PUBLIC

**DOCUMENT OF THE INDEPENDENT CONSULTATION
AND INVESTIGATION MECHANISM**

**ICIM-BR-2013-068
DETERMINATION OF ELIGIBILITY FOR THE COMPLIANCE REVIEW PHASE
BLUMENAU'S SUSTAINABLE URBAN MOBILITY PROGRAM
(BR-L1272)**

This document was prepared by the Compliance Review Panel Chairperson

Under the Access to Information Policy, this document is subject to public disclosure.

ELIGIBILITY DETERMINATION MEMORANDUM

COMPLIANCE REVIEW PHASE

TO: Requesters, Board of Executive Directors, Senior Management, Project Team and Executing Agency¹

FROM: Mary Rose Brusewitz, Chairperson of the Compliance Review Panel

VIA: Victoria Márquez-Mees, Executive Secretary

PROJECT: Blumenau's Sustainable Urban Mobility Program (BR-L1272)

DATE: May 2, 2014

I. Executive Summary

- 1.1 On August 6, 2013, three residents of the city of Blumenau, in the state of Santa Catarina, Brazil (the "Requesters"), filed a Request anonymously with the Independent Consultation and Investigation Mechanism (the "ICIM"). The Request was formally registered on January 17, 2014, after the Requesters completed it and decided to file it on a confidential rather than on an anonymous basis.
- 1.2 On March 24, 2014, the Eligibility Committee of the Consultation Phase determined that the Request was not eligible for that Phase. As requested by the Requesters, the Executive Secretary of the ICIM transferred the Request to the Panel Chairperson on April 1, 2014, to determine its eligibility for the Compliance Review Phase.
- 1.3 The Requesters allege harms due to the future construction of a bridge and walkway (the "Bridge"), which they believe will be financed by the Bank. Some of the harms alleged by the Requesters include: i) negative effects to historic heritage sites of the city of Blumenau; ii) an increase in the frequency and impact of floods; iii) lack of consultation related to the location and design of the Bridge; and iv) lack of appropriate impact studies.
- 1.4 Blumenau's Sustainable Urban Mobility Program (the "Program") is a Sovereign-Guaranteed Operation in the Transport Division, and is an example of a loan product

¹ Unless otherwise defined herein, terms used in this document have the meanings assigned to them in the Policy Establishing the Independent Consultation and Investigation Mechanism (GN-1830-49) (the "ICIM Policy"), approved on February 17, 2010 and available at: <http://www.iadb.org/mici> (the "ICIM Policy").

known as a “Multiple Works Program.” The Program involves aggregate financing of US\$ 118,000,000, for which the Inter-American Development Bank (the “IDB” or the “Bank”) and the Municipality of Blumenau (the “Municipality” or “Executing Agency”) are each to provide equal funding. The IDB Board of Executive Directors (the “Board”) approved the Program on June 25, 2012.

- 1.5 According to research done by the Consultation Phase team, it appears that Multiple Works Programs finance groups of similar works that may not all be identified at the time such a program is submitted for approval by the Board. Only a representative sample of works, amounting to approximately 30% of the program loan total, must be fully defined at the time a Multiple Works Program is presented to the Board for its approval. Thereafter, if the program is approved, the relevant Country Office is responsible for approving the addition of other works during the life of the program, as requested by the borrower (or executing agency). For additional works to be added to the program, the borrower must submit a formal request accompanied by any necessary viability and/or impact studies, which the Country Office would evaluate to assess whether the given component could be incorporated and financed as part of the program. For additional components to be approved as part of the program, the executing agency must demonstrate compliance with the Bank’s Relevant Operational Policies (“ROPs”).
- 1.6 In this case, the representative sample of works presented to the Bank for its approval of the Program did not include the Bridge that is the subject of the Request.
- 1.7 After a review of the Bank’s documents related to the Program and communications with Bank Management, the Panel Chairperson understands that as of the date of this determination, no formal request to include the Bridge in the Program has been received by the Country Office. Hence the Chairperson understands that the Bridge has not been incorporated in the Program nor is it not under consideration by the Country Office at this time.
- 1.8 After careful and independent review of the Request, available case documents and the relationship between the Request and the Program, **the Panel Chairperson determines that the Request is ineligible for a Compliance Review.** The main reason for the ineligibility determination is that the Request does not meet the eligibility requirement established in Section 56(g). In considering Section 56(g), the Panel Chair has determined that because the Bridge is not part of the Program, that at this time a Compliance Review would not assist in determining whether (and how) any Bank action or omission, in respect of a Bank-Financed Operation (i.e., the Program), has resulted in

non-compliance with a Relevant Operational Policy and direct, material adverse effects (potential or actual) to the Requesters. For a full analysis see: Part VI, sections 6.5-6.9.

II. Compliance Review Phase

A. Purpose

- 2.1 In accordance with Part D, Section 53 of the ICIM Policy, the purpose of a Compliance Review is to investigate allegations expressed by the Requesters that their rights or interests have been, or could be expected to be directly, materially adversely affected by actions or omissions of the Bank that may constitute the failure by the Bank to follow one or more of its Relevant Operational Policies (“ROPs”) in connection with a Bank-Financed Operation. The objective of a Compliance Review is to establish whether (and if so, how and why) any Bank action or omission, in respect to a Bank-Financed Operation, has resulted in non-compliance with one or more ROPs and direct, material adverse effects (potential or actual) to the Requester.
- 2.2 A Compliance Review is a fact-finding exercise. Part D, Section 65 of the ICIM Policy provides that a Compliance Review is not a judicial process designed to establish guilt or innocence or to adjudicate fault or apportion blame. In addition, a Compliance Review does not involve reaching conclusions about the actions of any party other than the Bank, such as governmental authorities, a borrower, executing agency, project developer or other lenders.

B. Eligibility

- 2.3 Under the ICIM Policy, a Request proceeds from the Consultation Phase to the Compliance Review Phase if the Requester has expressed a desire for a Compliance Review and if:
- i. the Consultation Phase has been terminated or concluded for any reason, or
 - ii. the Request was deemed ineligible under the Consultation Phase.²
- 2.4 As provided in Section 55 of the ICIM Policy, the Panel Chairperson must “review the Request for eligibility, independently of the determination of the Project Ombudsperson.”³

² Part D, Section 54 of the ICIM Policy.

- 2.5 A Request's eligibility for the Compliance Review Phase is determined based on criteria outlined in the ICIM Policy, which have been included in Annex 1 of this document. In making an eligibility determination, no inference or conclusion is made or expressed as to the merits of the Request or whether any action or omission by the Bank in connection with the relevant Bank-financed Operation has resulted in non-compliance with any of the Bank's ROPs.

III. The Request

- 3.1 The Request was first filed anonymously to the ICIM on August 6, 2013. It was later formally registered on January 17, 2014, after the Requesters completed it, filing it on a confidential, rather than anonymous basis.⁴
- 3.2 The Requesters are three residents of the city of Blumenau, in the state of Santa Catarina, Brazil, who allege harms that could arise due to the future construction of the Bridge. The Bridge, according to the Requesters, is related to the "Blumenau Urban Sustainable Mobility Program," a Bank-Financed Operation to be implemented by the Municipality of Blumenau.
- 3.3 According to the Requesters, the Bridge was originally designed to connect the city center with the Ponta Aguda neighborhood, crossing over the Itajaí-Açu River, which frequently experiences floods. In light of flooding concerns, the original design did not include installation of any pillars in the riverbed. According to the Requesters this design requirement, among others, was part of the terms of reference of a national public contest held to solicit entries for the Bridge's design.⁵
- 3.4 The Requesters report that during the 2012 mayoral campaign in Blumenau, the then-candidate, now current mayor announced his intention to move the site of the Bridge should he take office. Upon taking office, the Requesters state that the mayor has maintained this position publicly, saying the Bridge will be moved to a new area. In addition, the Requesters point out that the design proposed by the current Municipal leadership now includes pillars in the riverbed, which they believe will exacerbate the

³ According to a transition scheme approved by the Board, starting September 1st, 2013, the eligibility determination of the Consultation Phase is made by an Eligibility Committee which is composed by the Executive Secretary of the ICIM and two Case Officers. See: IDB Organization, Human Resources, and Board Matters Committee, Meeting Minutes, June 24, 2013, approved by the Board of Executive Directors on July 10, 2013.

⁴ Part B, Section 33 of ICIM Policy provides that anonymous requests may not be accepted by the Mechanism but that confidentiality of Requesters may be protected if so requested.

⁵ Concurso Público Nacional de Arquitetura para Ponte e Passarela Centro-Blumenau/SC, Termo de Referência, page 3. http://iab-sc.org.br/concursoblumenau/wp-content/files/TERMO_DE_REFERENCIA-errata_14_03_11.pdf

river's vulnerability to flooding.⁶ The Requesters say the mayor has publicly stated on numerous occasions that the Bank has authorized the modification of the Bridge's location and design.⁷

- 3.5 The Requesters claim that during the period of 2009 through 2012, the Municipality was required to provide the IDB with environmental impact studies, environmental licenses and other information to ensure that components included in the scope of the Program met the Bank's ROPs and standards. In contrast, the Requesters are concerned that the same level of information with respect to the alleged new location and design of the Bridge has not been produced by the Municipality nor solicited by the Bank. They believe negative impacts may result from the alleged change in location and design and that only through a complete set of studies could the Bank and Municipality make an informed decision as to the viability of the Bridge.
- 3.6 The following are some of the principal concerns of the Requesters related to the alleged new location and design of the Bridge that they state could be related to an action or omission of the Bank's compliance with its ROPs:
- i. **Negative effects to historic heritage sites of the city of Blumenau:** According to the Requesters, the newly proposed site of the Bridge would be at the bend of the river, an area of historic importance to the city as its origin point where European immigrants first arrived. The Requesters point out that The Institute for National Artistic and Historical Heritage (IPHAN) presented a technical study to the Municipality about the Bridge, and recommended that more studies would be needed to analyze the newly proposed location in full and ensure minimal visual impact on the historic center and urban landscape. In addition, IPHAN suggested that the "visual cone" should be protected to maintain the view of the river bend.⁸
 - ii. **An increase in the frequency and impact of floods:** The Requesters believe that both the proposed location, which is already vulnerable to floods, and the potential new design of the Bridge, threaten to increase the chance of flooding in area. They point out that the inclusion of pillars in the water could result in

⁶ Estudo de Impacto de Vizinhança (EIV), March 6, 2014.

⁷ The Requesters provided several sources from which they drew the conclusion that the Bank was in support of the new location of the Bridge. See for example the following links to newspaper articles and interviews mentioning the new location of the Bridge and IDB financing:

<http://wp.clicrbs.com.br/transitonovale/tag/ponte/?topo=52,2,18,159,e159>,

<http://www.radioclubeblumenau.com.br/noticias/default.aspx?s=15&codigo=18205> and

<http://www.radionereuramos.com.br/alexandre-gevaerd-fala-dos-projetos-executados-este-ano-em-blumenau/>

⁸ Weissheimer, Maria Regina, "Parecer Técnico 301/2013-IPHAN/SC – 06/08/2013," Instituto de Patrimônio Histórico e Artístico Nacional (IPHAN).

damming of floodwaters. In addition, a reported plan to lower Rua Itajaí would also increase its vulnerability to flooding.

- iii. **Lack of consultation related to the proposed Bridge relocation and new design:** The Requesters allege the Municipality has not carried out meaningful consultations with the community to discuss the alleged new Bridge location and design. They contrast this with the robust consultations and public debates about the previous location and design of the Bridge, including the national competition to propose the Bridge's design, which they understood to have been in conformity with the Bank's ROPs. Instead, they allege, this location and design has merely been shared for informational purposes by the Municipality rather than in a meaningful consultation format.
- iv. **Lack of appropriate impact studies:** The Requesters allege that the current Bridge proposal lacks studies to ensure that it will adequately mitigate risks associated with increased traffic, environmental impacts, and potential degradation of historical heritage sites.

3.7 Finally, the Requesters indicated to the ICIM that their principal intention in filing the Request is to make certain that the IDB does not allow the alleged site and design changes relating to the Bridge without requiring that necessary studies be carried out and ensuring that appropriate mitigation strategies are put into place, thereby meeting the requirements of the Bank's ROPs.

IV. The Program

- 4.1 The Program involves an aggregate financing of US\$ 118,000,000. It is a Sovereign-Guaranteed Operation in the Transport Division. Each of the IDB and the Municipality of Blumenau are slated to provide financing of US \$59,000,000. The loan type for the Program is a Multiple Works Program.⁹
- 4.2 The Board approved the Program on June 25, 2012. It was classified as a category B operation under the Bank's Environmental and Safeguards Compliance Policy (OP-703), a designation given to "operations that are likely to cause mostly local and short-term negative environmental and associated social impacts and for which effective mitigation measures are readily available."¹⁰
- 4.3 The Bank's documentation indicates that the Program was designed to support an overall urban strategy in Blumenau, called Blumenau 2050. The strategy was created in light of problems recognized by the Municipality. The city's transportation system was

⁹ See: Sections 6.7-6.8.

¹⁰ Classifications under OP-703 are made according to its Policy Directive B.3 on Screening and Classification.

developed in a piecemeal manner over a lengthy period of time and became a radial configuration due to physical characteristics of the city, including the location of the city on the banks of the Itajaí-Açu River. The transportation system forces most traffic to pass through the city center due to lack of connections over the river, which in practice increases congestion on roads, pollution and traffic accidents. Originally conceptualized during the 1970s and first put into practice with the development of a master plan in 1977, Blumenau 2050 sets out a vision for the city's development focused around five axes: (i) land use; (ii) transportation and circulation system; (iii) actions for economic development, tourism and recreation; (iv) housing; and (v) rural settlement and sanitation and environment. The Municipality last updated the directives for the master plan of Blumenau 2050 in 2006.¹¹

- 4.4 According to Bank documents, the specific objectives of the Program are the following: (i) improve mobility, urban accessibility and road safety, and (ii) support the sustainable development of the city. According to the Bank's documents, these objectives could be achieved through "the improvement, expansion and extension of the integrated urban and non-motorized transport system; the construction of new integration terminals; the expansion, construction and rehabilitation of urban roads *and bridges* that are part of the basic, structural road systems; and the establishment of pedestrian and bike paths" (emphasis added).¹²

V. ICIM Action to Date

- 5.1 The Request first arrived anonymously to the ICIM on August 6, 2013. Because ICIM Policy does not permit the Mechanism to accept anonymous Requests, it was not registered immediately. The Executive Secretary communicated with the Requesters over the next several months to explain policy requirements for submitting a Request given the non-anonymity requirement and in light of other missing elements that would be needed before it could be registered.
- 5.2 The Requesters decided to proceed with the Request and asked that the ICIM treat their identities as confidential, which is permitted by ICIM Policy. On January 17, 2014, they formally submitted their Request and it was registered on January 29, 2014. The Request was then transferred to the Consultation Phase for its eligibility analysis.

¹¹ Loan Proposal, Blumenau's Sustainable Urban Mobility Program (BR-L1272), part B, section 1.14 and 1.15.

¹² Ibid, section 1.15.

A. Consultation Phase

- 5.3 The Eligibility Committee of the Consultation Phase communicated over the following month and a half with the Requesters and Management to better understand the concerns raised by the Requesters and the Project.¹³
- 5.4 On March 24, 2014, the Eligibility Committee determined that the Request was not eligible for the Consultation Phase. The Eligibility Committee found that the Request did not meet the standards set forth in Section 40, parts (f) and (g) of the eligibility criteria for the Consultation Phase as set forth ICIM Policy.¹⁴
- 5.5 Based on the ineligibility determination in the Consultation Phase and considering that the Requesters had asked that the Request be considered for a Compliance Review, the Executive Secretary transferred the case to the Compliance Review Phase.

B. Compliance Review Phase

- 5.6 On April 1, 2014, the Executive Secretary transferred the Request to the Panel Chairperson for the purposes of the independent determination of eligibility as required by Section 55 of the ICIM Policy.
- 5.7 The Panel Chairperson began an independent analysis of the relevant Bank project documents, communications to date with the Requesters and Management, and other information related to the Program.
- 5.8 On April 22, 2014, Compliance Review staff held a meeting with representatives of the Project Team to ask questions about the Program as it relates to the Bridge, review Bank procedures required to add works to Multiple Works Programs and ask for an update about the Bank's understanding of status of the Bridge described in the Request.
- 5.9 On April 23, 2014, at the request of the Panel Chairperson, the Executive Secretary issued an extension of the deadline for the eligibility determination.¹⁵

¹³ According to a transition scheme approved by the Board, starting September 1st, 2013, the eligibility determination of the Consultation Phase is made by an Eligibility Committee which is composed by the Executive Secretary of the ICIM and two Case Officers. See: IDB Organization, Human Resources, and Board Matters Committee, Meeting Minutes, June 24, 2013, approved by the Board of Executive Directors on July 10, 2013.

¹⁴ See: Consultation Phase Eligibility Determination Memorandum for case ICIM-BR-2013-068, March 24, 2014.

¹⁵ ICIM Policy, Section 91 provides that any time period may be extended, as appropriate, for as long as is strictly necessary to ensure the full and proper processing of Requests.

VI. Eligibility Analysis for the Compliance Review Phase

- 6.1 As per Section 55 of the ICIM Policy, the eligibility analysis and determination for the Compliance Phase is made by the Panel Chairperson independently of the determination carried out for the Consultation Phase.
- 6.2 Taking into consideration that the Consultation Phase deemed the Request ineligible for the purposes of a Consultation Phase exercise and the Requesters had from the start stated their interest in a compliance review, the prerequisite established in Section 54(b) of the ICIM Policy is fulfilled so the eligibility of the Request for a Compliance Review is to be analyzed in light of the exclusions and eligibility requirements set forth in Sections 37 and 56 of the ICIM Policy.
- 6.3 The Panel Chairperson has analyzed the Request and determined that the harms the Requesters allege could relate to the Environmental and Safeguards Compliance Policy (OP-703) and the Disaster Risk Management Policy (OP-704).
- 6.4 In considering its eligibility for a Compliance Review the Panel Chairperson has determined that the Request meets the eligibility criteria established in ICIM Policy Sections 56 (a), (b), (c), (d) and (h). However, the Chairperson has found that the Request does not meet the criteria established in Section 56 (f) and (g) and the exclusion established in Section 37 (c) apply.
- 6.5 The main reason for the ineligibility determination is the criteria established in Section 56(g). Section 56(g) provides that the Panel Chairperson is required to determine whether “a Compliance Review would assist in determining whether (and if so, how and why) any Bank action or omission, in respect of a Bank-Financed Operation, has resulted in non-compliance with a Relevant Operational Policy and direct, material adverse effects (potential or actual) to the Requesters.” The Requesters have alleged a number of direct and material adverse effects that might occur based on the alleged changes to the location and design of the Bridge. The Requesters have cited ample evidence where the changes to the Bridge’s location and design and supposed authorization of the IDB for those changes have been mentioned in news articles, interviews and public statements by the local government.
- 6.6 However, it appears, after an examination of Bank documents relating to the Program and consideration of information communicated by the Project Team, that the Program does not currently include the Bridge.

- 6.7 Internal Bank procedures and practice require that in the case of Multiple Works Programs the executing agency must make a formal request to include a new element for which it would like Bank financing under the umbrella of a given program, along with a complete set of feasibility and impact studies that meet the standards of relevant Bank Operational Policies. At that point the Bank (through the Country Office) would evaluate the package of information presented by the executing agency to see if it meets Bank standards and ROPs and is justifiable within the scope of the Program. If the Bank makes a positive determination, it would issue a non-objection letter to the executing agency. Thereafter, the relevant element would be included within the scope of the relevant program.
- 6.8 According to both Bank documents and the Project Team, the Bridge that is the object of the Request was not part of the representative sample included in the proposal for the Program at the time the Board approved of the Loan. The Project Team has informed the ICIM on several occasions that the Municipality has not formally requested the inclusion of the Bridge (neither the old location and design nor the new location and design) in the Program. Therefore, the Panel Chairperson concludes that the Bridge is not part of the Program, and further understands that inclusion of the Bridge in the Program has not been requested and hence is not under consideration by the Country Office at this time.
- 6.9 In light of the above, the Panel Chairperson determines that at this time a Compliance Review would not assist in determining whether (and how) any Bank action or omission, in respect of a Bank-Financed Operation, has resulted in non-compliance with a Relevant Operational Policy and direct, material adverse effects (potential or actual) to the Requesters.
- 6.10 This determination does not prejudice the right of the Requesters to present a new Request in line with ICIM Policy in the future should they so desire and should they deem circumstances warrant doing so.
- 6.11 Therefore, the Panel Chairperson determines that the **Request is ineligible for the purposes of a Compliance Review**. Analysis of each eligibility criteria and exclusion can be seen in the table in Annex 1 of this document.

Annex 1: Compliance Review Phase Eligibility Analysis Table

Eligibility Criteria	Determination by the Chairperson
56 The names and contact information for a. the Requester are available	Meets criteria: The Requesters are three residents of Blumenau. They have provided their names and contact information on a confidential basis to the ICIM.
56 Names and contact information of the b. Representative, if any, and proof of the authorization are available	Not applicable: The Requesters filed their Request to the ICIM in their own names and do not purport to represent others.
56 The Bank-Financed Operation(s) at issue c. has been identified	Meets criteria: The Program has been identified as Blumenau's Sustainable Urban Mobility Program (BR-L1272).
56 The Requester resides in the country d. where the relevant Bank-Financed Operation is or will be implemented (or a qualified Representative has been appointed)	Meets criteria: The Requesters reside in Brazil according to information provided to ICIM staff.
56 None of the exclusions set forth in e. Section 37 applies	Does not meet criteria: See below.
37 (a) actions that are the responsibility of parties other than the Bank, such as a borrower/recipient, technical cooperation beneficiary, or executing agency, and that do not involve any action or omission on the part of the Bank	Exclusion does not apply: Though the Request does make mention of actions of the Executing Agency, in particular its stated plan to move the Bridge, it specifically highlights that the new Bridge location does not have adequate environmental and social impact studies which would be required by the Bank and correspond to its compliance with ROPs.
37 (b) Requests related exclusively to the laws, policies or regulations of the host country(ies), borrower/recipient or the executing agency	Exclusion does not apply: The Request does not relate exclusively to these elements.
37 (c) actions or activities that do not relate to a Bank-Financed Operation or that are not subject to the Bank's Relevant Operational Policies	Exclusion applies: The Bridge has not been incorporated into the Program at this time. See: Part VI, sections 6.5-6.8 above
37 (d) procurement decisions or processes (in which case the Executive Secretary shall redirect the Request to	Exclusion does not apply: The Request does not make reference to procurement elements.

Eligibility Criteria	Determination by the Chairperson
the appropriate office within the Bank)	
37 (e) a particular matter or matters that have already been reviewed pursuant to the Mechanism, or its predecessor, unless justified by new evidence or circumstances not available at the time of the initial Request	Exclusion does not apply: The Request does not raise issues that have been the subject of a previous Request to the ICIM nor its predecessor.
37 (f) Requests dealing with a Bank-Financed Operation that are filed after twenty-four (24) months of the last disbursement	Exclusion does not apply: The Request was filed on August 6, 2013. As of the writing of this document, the Bank had disbursed approximately 7% of the Loan.
37 (g) ethics or fraud questions, specific actions of Bank employees, non-operational matters such as internal finance or administration, allegations of corrupt practices, or other matters subject to review by other bodies established by the Bank (in which case the Executive Secretary shall redirect the Request to the appropriate office within the Bank)	Exclusion does not apply: The Request does not make reference to these elements.
37 (h) any Request that on its face (i) is without substance, or (ii) has been submitted to gain a competitive business advantage	Exclusion does not apply: The Chairperson's prima facie review has revealed that the Requesters have made allegations of that appear to assert plausible substantive harm and that these do not appear to be alleged for purposes of gaining a competitive business advantage.
37 (i) Requests that raise issues under arbitral or judicial review by national, supranational or similar bodies	Exclusion does not apply: The Requesters informed the ICIM of a Civil Public Action (CPA) that could be relevant to the Request, however after a prima facie analysis, it seems the CPA would not trigger this exclusion. The CPA sought an injunction to suspend the bidding process for certain studies related to the Bridge. The CPA was decided and the injunction granted on November 26, 2013. The exclusion does not apply because the objective is not the same as that of the Request and furthermore because the issue is

Eligibility Criteria	Determination by the Chairperson
	no longer under review.
<p>56 f. The Requester has reasonably asserted that it has been or could be expected to be directly, materially adversely affected by an action or omission of the IDB in violation of a Relevant Operational Policy in a Bank-Financed Operation and has described in at least general terms the direct and material harm caused or likely to be caused by such action or omission in the Bank-Financed Operation</p>	<p>Does not meet criteria: The Requesters have reasonably asserted harm they could expect to experience due to the location and design changes of the Bridge and have presented reasonable evidence to back up their claim that these changes have been authorized by the IDB (such as numerous news articles, interviews and public statements by the local government). However, the Panel Chair has not found any evidence through a review of Bank documents and interviews with Management that the Bridge can be considered part of the Program at this time. See: Part VI, sections 6.5-6.8.</p>
<p>56 g. With respect to an issue raised in the Request, a Compliance Review may assist in determining whether (and if so, how and why) any Bank action or omission, in respect of a Bank-Financed Operation, has resulted in non-compliance with a Relevant Operational Policy and direct, material adverse effects (potential or actual) to the Requester</p>	<p>Does not meet criteria: The Panel Chairperson believes that a Compliance Review would not be useful at this time because it does not seem that the Bridge can be considered part of the Program at this time. See: Part VI, sections 6.5-6.8.</p>
<p>56 h. The Requester has taken steps to bring the issue to the attention of Management</p>	<p>Meets criteria: The Requesters tried via written communications and phone calls to bring the issue to Management's attention. When asked by the Eligibility Committee of the Consultation Phase if the Administration would like time to try to respond to the issues presented by the Requesters, the Administration responded it did not wish to do so.</p>