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DOCUMENT OF THE INDEPENDENT CONSULTATION  
AND INVESTIGATION MECHANISM

**MICI-BID-HA-2017-0114**

**REQUEST TO EXTEND  
THE TIME PERIOD IN ACCORDANCE WITH PARAGRAPH 59 OF THE MICI POLICY**

**PRODUCTIVE INFRASTRUCTURE PROGRAM**

**(HA-L1076, HA-L1055, AND OTHERS)  
(2779/GR-HA)**

This document was prepared by Victoria Márquez-Mees, MICI Director.

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**FROM:** Victoria Márquez-Mees, MICI Director

**REQUEST:** MICI-BID-HA-2017-0114

**OPERATION:** Productive Infrastructure Program (HA-L1055, HA-L1076, HA-L1081, HA-L1091, and related operations)

**RE:** Petition to Extend the Consultation Phase – Justification and New Proposed Deadline

**DATE:** 14 May 2018

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In accordance with paragraphs 31 and 59 of the MICI-IDB Policy (document MI-47-6), I hereby submit for the consideration of the Board of Executive Directors this **request for a six-month extension** of the Consultation Phase for case MICI-BID-HA-2017-0114 on the “Productive Infrastructure Program” (HA-L1055 and related operations) (the Project), as from 14 June 2018. The background and justification for this request for an extension are provided below:

### Background

Pursuant to paragraph 24 of the MICI-IDB Policy, the objective of the Consultation Phase is to provide an opportunity for the Parties to address the issues raised by the Requesters in a way that is flexible, voluntary, and consensus-based. The Consultation Phase comprises three successive stages: assessment, consultation process, and monitoring. The maximum term for the consultation process is 12 calendar months and, in accordance with paragraph 31 of the Policy, it can be extended if, at the end of that period the MICI Director believes that an extension will help bring about a consensus-based resolution of the issues raised.

Request MICI-BID-HA-2017-0114 is currently undergoing the consultation process, which began on 14 June 2017. The MICI made the decision to begin the process, as it deemed that the Parties (Requestors, Executing Agency, and IDB Management) were willing to address the substance of the dispute in the Consultation Phase.<sup>1</sup>

During the early months of the process, based on an initial proposal prepared by the MICI, the Parties agreed to the agenda and sequence of the issues to be addressed during the consultation phase. So far, four rounds of talks have been held, each lasting two days. These are preceded by a preparatory meeting with each of the Parties, as well as an *ex post* meeting with the Requesters. The purpose of this is to make the most of the field visit and conduct exercises to strengthen the capacities of the Parties. The MICI likewise is in regular contact with the Parties through weekly phone calls and face-to-face meetings with Bank officials in Washington, D.C.

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<sup>1</sup> The Parties participating in this case are: (a) the Requesters: *Kolektif Peyizan Viktim Tè Chabè*, comprising approximately 410 families who work the land where the Caracol Industrial Park is located. The *Kolektif* is represented by a group of 10 members called the *Komitè*, who also identify as affected parties; (b) the IDB Management team in charge of the Project; and (c) the Executing Agency, which is the Technical Execution Unit of the Ministry of Economy and Finance of Haiti.

As a result of the rounds of talks and meetings, the Parties have reached multiple partial agreements, including: to review the compensation arrangements and payments made to date; to translate the project's main documents into Creole and make them available; and to conduct a visit by Bank experts based in Washington, D.C., to explain the Project's environmental impact, including a visit to the water treatment plant.

Specifically, the agenda included the presentation of the terms of the independent assessment of the "Action plan for compensation and restoration of means of subsistence" that the Executing Agency commissioned pursuant to Policy OP-710. The assessment would enrich the process with objective information to open up discussion on solutions to the main issue raised by the Requesters.

On 13 and 14 October 2017, the MICI facilitated the first round of dialogue, which concentrated on presentation of the terms, timeline, and characteristics of the aforementioned assessment. As a result of that round, the Parties agreed to increase the assessment sample size—which was initially to cover 135 people—to include all 451 people affected by the project. A decision of this magnitude meant the periods initially planned for conducting the field work and presenting the results would need to be extended. Thus, as a result of the agreement, the initial timeline would need to be lengthened by four months. Consequently, the assessment's findings would be presented in early June 2018.

Because the assessment's findings are crucial for opening talks on potential corrective and/or rehabilitation measures, the MICI deems it necessary to extend the consultation process period so those talks can be held. Thus, on 17 April 2018, the Parties expressed their willingness to continue with the process, with the understanding that the time period established in paragraph 31 of the MICI-IDB Policy would need to be extended.

### **Request to extend the term**

Based on the foregoing, **the Board of Executive Directors is asked to approve an extension of the consultation process for an additional period of a maximum of six months, ending on 14 December 2018. The goal of the extension would be to have the time necessary to discuss possible corrective and/or rehabilitation measures based on the findings of the independent assessment of the Action Plan.** At the conclusion of this term, the MICI would issue its Consultation Phase report, in keeping with paragraph 33 of the MICI-IDB Policy, which would be submitted to the Board of Executive Directors for consideration.