

Public Disclosure Authorized

Report No. 64338-AR

**The Inspection Panel** 

**Report and Recommendation**

**Argentina: Second Norte Grande  
Water Infrastructure Project  
(IBRD No. 8032-AR)**

**August 26, 2011**

Public Disclosure Authorized



# **The Inspection Panel**

## **Report and Recommendation On Request for Inspection**

### **Argentina: Second Norte Grande Water Infrastructure Project (IBRD No. 8032-AR)**

1. On May 4, 2011, the Inspection Panel received a Request for Inspection from the Comunidad Los Flores.<sup>1</sup> The Request was submitted on behalf of residents of neighborhoods in the city of Santiago del Estero, Argentina. The Request received by the Panel on May 4, 2011 was complemented by a clarifying note received on May 15, which the Requesters asked that the Panel consider as an integral part of the Request. The Requesters asked that the Panel keep their names as confidential.
2. The Requesters raise concerns related to the Argentina: Second Norte Grande Water Infrastructure Project (“SNGWIP” or the “Project”) and more specifically about one of the subprojects expected to be financed under the Project in the city of Santiago del Estero, where the Requesters reside.

#### **A. The Project**

3. The Second Norte Grande Water Infrastructure Project aims at increasing sustainable access to sanitation and water supply services in the Norte Grande Region and its nine provinces by financing investments in sanitation infrastructure and supporting institutional development. The Project has three components: Water Supply and Sanitation Infrastructure; Institutional and Operational Development and Technical Assistance of Argentina; and Project Management and Supervision.
4. The Project is the second of two water infrastructure projects in the Norte Grande Region. The first Norte Grande project focuses on water supply and urban drainage, the second, subject of this report, focuses on sanitation. The Project is designed as a framework project under which a number of sanitation subprojects are to be developed and financed. These are subprojects that under the Bank policy

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<sup>1</sup> The Requesters have been in communication with the Panel about their concerns on the Project since January 2011, when they sent an initial Request for Inspection and indicated their desire to be given an opportunity to discuss their concerns with the Bank and Project authorities. The Panel informed Management of these concerns in the hope that an opportunity could be found for the Requesters to raise their concerns and have their questions answered.

on Environmental Assessment are classified as ‘A’. Under this framework the Project is to provide technical assistance to support the preparation of the subprojects to be financed under the SNGWIP.

5. The subprojects will be selected for financing under the Project during implementation from a list of potential investments, identified by the Project’s Executing Unit within the Coordinating Unit for Programs and Projects with External Financing (UCPyPFE) housed in the Ministry of Planning. The Project will be implemented centrally by the UCPyPFE, which will coordinate all Project activities. Flow of funds will also remain central and there will be no transfer of funds to the provinces. Once completed, the ownership and operation of subprojects to be financed under the Project are to be transferred to the Provinces under a Participation, Transfer and Maintenance of Works Agreement (PTA). The province will then transfer them to water supply and sanitation service providers (WSS), as appropriate, for management, operation and maintenance.
6. The subprojects are to be selected upon meeting a number of technical, economic, financial, institutional, environmental, and social eligibility criteria, which include consultation and disclosure requirements set forth in the Project’s Environmental and Social Management Framework (hereinafter “ESMF” or the “Framework”). According to the PAD, the consideration of the subprojects for funding will be made on a first-come first-served basis among the subprojects that are ready for implementation. The subproject proposals will be evaluated based on their consistency with the Project objectives, the compliance with a number of eligibility criteria and the level of subproject’s ownership and results of stakeholder consultation and the local level.
7. According to the PAD, among the general eligibility criteria that will have to be met for subprojects to be considered and approved by the Bank is the compliance with the guidelines of the Project’s ESMF, which in turn needs to comply with the Bank’s safeguard policies. Among the requirements is also providing an Environmental Impact Assessment (EIA) acceptable to the relevant environmental authority and the Bank, which must include results of public consultation and mitigation measures for the construction and operation phases.
8. The Request refers to one of the subprojects included in a list, annexed to the PAD, of potential subprojects to be financed under the Project, the Santiago del Estero Sanitation and Wastewater System. This subproject would provide for the construction of a sewage network for the city of Santiago del Estero and would include a wastewater treatment plant. According to the PAD, at the beginning of Project preparation, the proposed subproject in Santiago del Estero was one of two subprojects already in advanced state of preparation that were proposed by the Government for funding in the first year of Project implementation. However, the Bank’s review of the subproject Environmental Impact Assessment (EIA)

determined that, before approval, additional in-depth technical and environmental studies, and public consultations and disclosure were needed.<sup>2</sup>

9. **Financing** The Project is partially financed by an IBRD Loan in an amount of US\$ 200 million, which was approved by the Board of Executive Directors on April 5, 2011. The loan closing date is April 30, 2017. To date, the loan agreement has not been signed and the loan is not yet effective. The Borrower is Argentine Republic and the implementing agency is the above-mentioned UCPyPFE.

## **B. The Request**

10. The Requesters' claims relate both to the Project as prepared as well as to one of the possible subprojects to be approved under such framework Project, the Santiago del Estero Sanitation and Wastewater System, which would include sewage works and a wastewater treatment plant in Santiago del Estero that would affect the Requesters directly. In general, the Requesters state that they could suffer harm as a result of the Bank's failures and omissions in the design and preparation of the Project, because these alleged failures of the Bank will in turn adversely affect the design and will worsen the social and environmental impacts of subprojects financed under the Project, including the proposed sewage works and wastewater treatment plant in Santiago del Estero.
11. The Requesters complain about the Framework, prepared under the Project, because, in their view, it has a number of shortcomings and mistakes that were not corrected by the Bank although the Requesters pointed out these mistakes in their extensive contacts and correspondence with Management. According to the Requesters, the Framework does not clearly specify the "Regulatory Framework" for citizen participation in all the nine Project provinces where subprojects are to be built. In the Requesters' view, for many of these Provinces there is no information on public hearing mechanisms ensuring that potentially affected people would be consulted. Where hearings are provided, the way in which people will participate is not clear.
12. In the Requesters' view, the Framework is inadequate in analyzing the institutional framework within which the Project is to be carried out, and is unclear about how the executing authorities at the provincial level for each subproject will be identified. They state that clear institutional responsibilities have not been defined and the corresponding documentation is not referred to in the ESMF.
13. The specific subproject the Requesters are concerned about, the proposed sewage works and wastewater treatment plant in Santiago del Estero, was identified but not approved during Project preparation. The Requesters believe that this subproject, as currently envisioned, would cause them harm because, if not planned and designed properly, it would add an additional source of contamination to an already polluted river, the River Dulce. The River, they state, is their source of water and life.

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<sup>2</sup> Project Appraisal Document on a Proposed Loan in the amount of US\$200 million to the Argentine Republic for the Second Norte Grande Water Infrastructure Project, Report No. 58791-AR, March 7, 2011, p. 4 [hereinafter "PAD"].

14. The Requesters have indicated to the Panel that they do not oppose the proposed sewage works and treatment plant per se, but want them to be planned and designed to meet appropriate technical, environmental, and social standards that would take into account the existing conditions of the River, and would not lead to contamination but rather be an integral part of measures to improve the current situation of the River. They are, however, concerned about the impacts of the discharge of effluents on the River Dulce, which they emphasize is the most “*precious thing in Santiago del Estero*” as the source of water for the city as well as of livelihoods, through drinking water and fishing, for some part of the population. They argue that, as proposed, the sewage works and treatment plant are not about cleaning up the river basin, rather about polluting it.
15. The Requesters state that they have not seen the technical design for the plant but base their concerns on an analysis of the ESMF for the Project and the specific EIA already prepared for the proposed sewage works and treatment plant. In their view, the EIA did not consider the “*floating population*” of the city and the high population mobility in the area, nor did it discuss the management of sludge and other solid waste. Furthermore, the Requesters are concerned about the selected treatment technology and energy requirements of the plant. They further argue that the sewage works and treatment plant were not conceived within an integrated plan that would take into account issues of land use and management of the area. Cumulative impacts of the proposed subproject, according to the Requesters, were not analyzed.
16. They also claim that there was no adequate consultation during the preparation of the EIA for the sewage works and plant. Not all those concerned could participate in the public hearings held to discuss the treatment plant because of poor information and inadequate prior notice about the hearings. The Requesters participated in one public hearing in 2010 where they presented twenty five objections to the plant and Framework. They state that only eight of the twenty five questions were answered satisfactorily. In addition, the record of the second hearing lists participants that did not attend, while among the alleged participants are some indigenous peoples whose addresses and information are incorrect because they do not live in the area of impact of this subproject.
17. The Requesters state that they have had several exchanges with the Bank where they raised these issues, and attach to the Request correspondence with the Bank staff, but add that they are not satisfied with the response from Management. They request the Panel recommend to the Board of Executive Directors to conduct an investigation into the matters alleged in the Request.
18. The Requesters are also concerned about two canals, Canal Nexo and Canal DPS. The latter is functioning as an open air wastewater discharge system because of illegal connections and sewage discharge and for which the Requesters have also filed a law suit in federal court. The former, Canal Nexo, is under construction and runs very close to people’s houses. The Requesters state that they were not

informed of the works and found out about this only when bulldozers appeared in their neighborhood. The Requesters are concerned about linkages of these channels with the sanitation and wastewater system subproject and possible cumulative impacts of these channels and the subproject on the contamination of the River Dulce.

### C. Management Response

19. Management Response was submitted on July 28, 2011, a brief summary of which follows.
20. Management states at the outset that “*no official request has been received by the Province or the Federal Government of Argentina (GoA) to consider any potential investment for financing under the SNGWIP*”. Management states that the subproject in Santiago subject of the Request, which consists of sewerage works and a wastewater treatment plant, had been analyzed during Project preparation to be used in Project appraisal to scope anticipated impacts, flag important gaps in analysis and identify capacity constraints at the institutional level. This review revealed that the subproject as presented would not be eligible for financing under the Project and the Bank recommended the GoA to update the subproject design, especially with respect to the 2009 environmental impact assessment for the subproject, public consultation and disclosure.
21. On the basis of the above statement, Management questions the eligibility of the Request for Inspection stating that the Requesters’ assertion that they will suffer harm from the Project is “*premature*” because the Government of Argentina has not submitted the subproject the Requesters are concerned about for consideration and approval under the Bank’s framework SNGWIP. As a result, Management claims, the Bank is not involved in the preparation and implementation of any subproject in Santiago del Estero and the subproject subject of the Request cannot be considered a Project activity under the SNGWIP. It follows, in Management’s view, that “*there cannot possibly be any actual or even potential harm resulting from the Bank’s involvement.*”<sup>3</sup> Management further argues that Project activities in other provinces would not materially and adversely affect the Requesters. The Response adds that some claims of the Request are related to existing infrastructure in the city of Santiago del Estero that is not related to investments that may be considered for financing under the SNGWIP and as such they cannot cause harm in relation to Bank’s activities.
22. With respect to the specific issues raised in the Request in relation to the potential subproject in Santiago subject of the Request, Management states that it was fully aware of the issues before the Request was presented, thanks to an extensive exchange of information with the Requesters. Management also acknowledges the importance of the issues raised with respect to the existing documents related to the subproject. Management states that the 2009 EIA would have to be updated by the Government if it decides to submit the subproject for Bank’s approval. In that case,

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<sup>3</sup> Management Response, p. vi.

however, the subproject design would be *de facto* technically different from the one the Requesters are complaining in their Request. Because of this, therefore, the Bank is currently not in a position to respond to technical comments in relation to an updated project design that has yet to be submitted for Bank's financing. The Response adds that if a revised project design is submitted to the Bank it will be reviewed for eligibility in accordance with the SNGWIP's criteria and the Bank's safeguard policies. Management states that it "*fails to see how the Requesters could have suffered harm as a result of Project design and preparation by the Bank at this stage.*"<sup>4</sup>

23. Management Response goes on to address the issues raised in the Request concerning the SNGWIP as a framework project. With respect to the ESMF, Management clarifies that it is a framework document and as such it is not expected to contain specific information on potential sub-projects that were not selected at the time of the ESMF preparation. Management also acknowledges the "*editorial*" shortcomings of the ESMF pointed out by the Requesters, which were corrected and the updated ESMF disclosed on July 27, 2011. Despite these "*editorial*" shortcomings, Management believes that overall the ESMF is a "*sound and comprehensive document*" which meets the requirements of the Bank policy OP/BP 4.01 on Environmental Assessment and responds to the objectives for which it was prepared. The Response argues that the ESMF is a framework document and as such it is not designed to be an exhaustive instrument and specific safeguard instruments such as specific EAs will be required for each subproject.
24. As to the claims related to public consultations, Management states that consultations for the ESMF were conducted in accordance with the relevant Bank policies, and consultation requirements in relation to the preparation of subprojects are included in the ESMF. In Management's view, the ESMF includes a "comprehensive framework" to ensure public participation in the context of each subproject. It also points out that Bank policies call for public consultations and not for public hearings that, according to the Requesters, should be the instrument for citizen participation. Nevertheless, Management acknowledges that one of the challenges for Project implementation would be to ensure that these consultations requirements are met by local authorities in the preparation and execution of the subprojects. In response to the Request's claim about lack of regulatory framework for citizen participation, according to Management, this is problem which is inherent to the local regulatory framework rather than the ESMF, which supplements the local legislation and includes principles that will guide local authorities in the preparation of the subprojects, including with respect to public participation.
25. With respect to the institutional responsibilities section of the ESMF that the Requesters believe contains mistakes as far as Santiago del Estero is concerned, Management states that the information in the ESMF is for reference and the relevant authorities and their specific roles will be identified by the provincial authorities in the identification and classification phase of each subproject.

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<sup>4</sup> Management Response, ¶ 23.

26. The Response also addresses Requesters' concerns related to pollution of the local water bodies and the possible cumulative impacts of the subproject on the contamination of the River Dulce given the general sanitation situation of the city and the presence of open air wastewater canals. Management states that these drainage canals are not part of the subproject and there is no operational linkage between the canals and the subproject. Management believes that the concerns of the Requesters go beyond the subproject and even if this is eventually financed under the SNGWIP these issues may not be addressed anyway. Management states however that it can ensure that if the subproject is submitted to the Bank for its consideration an analysis of the potential cumulative and legacy issues be included in the EIA.
27. In going forward, once the Loan Agreement is signed and effective, Management Response includes a number of actions Management commits to undertake. These include ensuring that the implementing agency of the province follows the ESMF steps and agreeing with the Government, should they submit a request to finance the subproject in Santiago del Estero, to prepare a "roadmap" for the required studies and consultation, which could be shared with the Requesters. In this context, Management also undertakes to support Project authorities to develop a strategy for consultation with affected communities, including by organizing a workshop in the University of Santiago del Estero as proposed by the Requesters. Finally Management states that it will work with the Government and the Province to address institutional issues. In Management's view, if the steps above are taken some of the issues raised by the Requesters would be addressed.

#### **D. Eligibility**

28. The Panel must determine whether the Request satisfies the eligibility criteria set forth in the 1993 Resolution establishing the Panel and the 1999 Clarifications, and recommend whether the matters alleged in the Request should be investigated.
29. As part of this process, the Panel has carefully reviewed the Request and the Management Response. Moreover, Panel Member Eimi Watanabe, together with Senior Operations Officer Tatiana Tassoni, visited Argentina from August 19 through August 23, 2011. During its visit, the Panel team met with the Requesters' representatives, other signatories of the Request and other members of the affected community, members of the Santiago del Estero University faculty and students supporting the Request, officials of the Ministry of Finance and Ministry of Federal Planning Public Investments and Services, and Bank staff in the Buenos Aires Country Office. The Panel team also visited the areas where the potential subproject is to be implemented and visited areas in the city of Santiago del Estero that according to the Requesters are relevant to their claim of non-compliance and related harm contained in the Request for Inspection.
30. The Panel wishes to express its appreciation to all those mentioned above for sharing their views and exchanging information and insights with the Panel. The

Panel also wishes to thank the World Bank Country Office in Argentina for providing relevant information and assisting with logistical arrangements.

31. The Panel notes that, in its Response to the Request for Inspection, Management commented extensively on the eligibility of the Request. As mandated by the Resolution establishing the Panel and the subsequent clarifications to the Resolution, in the eligibility phase the Panel satisfies itself that all eligibility criteria have been met and will do so independently of any views that may be expressed by Management.<sup>5</sup> According to the 1999 Clarifications, the Panel's determination of eligibility is based on information presented in the Request, on Management Response and on other documentary evidence.<sup>6</sup>
32. The Panel has analyzed the eligibility of the Request in light of the eligibility criteria set forth in the Paragraph 9 of the Board Resolution that established the Panel and the 1999 Clarifications as described below.
33. Criterion (a): *“The affected party consists of any two or more persons with common interests or concerns and who are in the borrower’s territory.”* The Panel confirmed that the Requesters are legitimate parties under the Resolution to submit a Request for Inspection to the Inspection Panel. The Requesters live in the Borrower’s territory and have common interests and common concerns, as required by item (a) of the said Paragraph 9. The Panel met with the Requesters’ representatives and a number of signatories of the Request for Inspection who reside in Santiago del Estero, where the subproject that may be approved for financing under the SNGWIP Project and that the Requesters are concerned about is to be implemented. The Panel is satisfied that the Request meets paragraph 9(a).
34. Criterion (b): *“The request does assert in substance that a serious violation by the Bank of its operational policies and procedures has or is likely to have a material adverse effect on the requester.”*
35. The Requesters’ claims concern both the adequacy of the ESMF for the SNGWIP and the design and preparation of the Santiago del Estero Sanitation and Wastewater System, a subproject that was considered for financing under the framework of the SNGWIP. With respect to the ESMF, the Requesters complain that it is not in compliance with the applicable policy on Environmental Assessment because of a number of shortcomings and mistakes. These relate in particular to the requirements for public consultation and participation of communities affected by potential subprojects that may be financed under the Project, and to the description of the institutional framework for the potential subproject in Santiago del Estero. The Requesters argue that if the Framework has policy shortcomings these will adversely affect the subprojects approved under such framework.

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<sup>5</sup> Second Review of the Resolution establishing the Inspection Panel 1999 Clarification (the “1999 Clarifications”) paragraph 6.

<sup>6</sup> 1999 Clarifications, paragraph 7.

36. As to the specific subproject, the Requesters complain about the design of the proposed sewerage system in Santiago del Estero as described in the related 2009 EIA and in a “*Memoria General*”<sup>7</sup> prepared by the Province of Santiago del Estero in which the subproject’s components are described. According to the Requesters, the design of the subproject is not in compliance with the provisions of the policy on Environmental Assessment, specifically with respect to the evaluation of negative impacts, evaluation of cumulative impacts, consultation and public participation of affected communities, and institutional responsibilities. The Requesters claim that these inadequacies may cause additional contamination to the already polluted River Dulce, which they state, is their source of water and life.
37. The Panel notes the serious and legitimate concerns of the Requesters with respect to the EIA and design for the wastewater system in Santiago del Estero as originally envisaged. The Panel further observes that there are strong indications that the Requesters’ complaints since December 2010 about the proposed design of the subproject in Santiago del Estero significantly contributed to the Bank’s conclusion that the subproject as originally proposed was not eligible for financing because it did not meet the requirements of the ESMF.<sup>8</sup> One indication of this is that, as late as October 2010, in an Aide Memoire related to a Bank mission, the Bank team makes a number of observations and recommendations on the EIA of the proposed subproject in Santiago del Estero, but the Aide Memoire gives no indication that because of these recommended revisions the subproject will not be approved for Bank financing under the Project.<sup>9</sup>
38. The Panel notes, nevertheless, Management’s statement that the subproject is not eligible for Bank financing as currently designed.<sup>10</sup> Accordingly, at this stage, the Panel is of the opinion that there is no prima facie evidence that the harm alleged by the Requesters with respect to the subproject in question may be the result of Bank-financed activities. The Panel is therefore not satisfied that criterion 9(b) has been met for purposes of recommending an investigation.
39. Criterion (c): “*The request does assert that its subject matter has been brought to Management’s attention and that, in the Requester’s view, Management has failed to respond adequately demonstrating that it has followed or is taking steps to follow the Bank’s policies and procedures.*” The Panel confirmed that the World Bank was aware of the concerns of the Requesters in advance of the Request for Inspection. The Requesters’ representatives corresponded several times with Bank Management prior to the submission of the Request for Inspection. Management confirms in its Response that it has had extensive communications with the Requesters on the issues they raise and was fully aware of the issues prior to the Request for Inspection. However, the Requesters indicated they were not satisfied

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<sup>7</sup> Provincia de Santiago del Estero, Secretaría del Agua, Cloaca Máxima, Planta de Tratamiento de Líquidos Cloacales y Malla Fina de la Ciudad de Santiago del Estero, Descripción General del Proyecto.

<sup>8</sup> As noted elsewhere in this Report, the Requesters indicated to the Panel that they are not opposed to the potential subproject as such, but that they are objecting to the way in which it was planned and designed.

<sup>9</sup> In this context, the Panel wishes to note that it is standard procedure for projects to undergo several revisions in design without being designated as a different undertaking or new project.

<sup>10</sup> Management Response, p. v.

with the responses received from Management. The Panel therefore is satisfied that this criterion has been met.

40. Criterion (d): *“The matter is not related to procurement”*. The Panel is satisfied that the claims with respect to harm and non-compliance included in the Request for Inspection do not raise issues of procurement under the Project.
41. Criterion (e): *“The related loan has not been closed or substantially disbursed”*. The Request for Inspection was submitted on May 4, 2011 while the Loan was approved by Board of Executive Directors on April 5, 2011. The closing date is April 30, 2017. To date, the Loan Agreement has not been signed; it is thus not yet effective and no disbursements have been made. The Request satisfies this criterion.
42. Criterion (f): *“The Panel has not previously made a recommendation on the subject matter or, if it has, that the request does assert that there is new evidence or circumstances not known at the time of the prior request”*. The Panel confirms that it has not previously made a recommendation on the subject matter of the Request.

#### **E. Observations**

43. The Panel notes the critical importance of the project which focuses on the need to increase access to sanitation services in the Norte Grande region. According to the PAD, the region is *“characterized by low coverage rates, poor service levels, contamination of water sources, limited availability of water resources, high investment needs, limited funding, as well as governance and institutional challenges. The Project is part of the GoA’s response in redressing the “historical imbalances that have impeded the development of the Norte Grande Region”<sup>11</sup>”*.
44. In the Request, and also during the Panel’s visit, the Requesters indicated to the Panel that they are not opposed to the potential sub-project as such, but that they are objecting to the way in which it was planned and designed.
45. The Panel appreciates the context of the Requesters’ concerns regarding the unsatisfactory state of wastewater management and treatment in Santiago del Estero, which they state is causing intolerable living conditions for many of its citizens. The Panel was informed that there is presently a network of fourteen drainage canals that are discharging untreated effluents in the Dulce River. The Requesters believe that the sanitation and wastewater system as proposed through the subproject’s 2009 EIA will increase contamination of the River. In their view, the proposed method of treatment of the sewerage in the plant is inadequate and will make the treatment plant the fifteenth polluting discharge point into the River.
46. The raw effluents currently being discharged through these canals running through the city include domestic sanitary waste, as well as industrial and hospital waste. The Panel observed these drainage canals: in some places they run through

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<sup>11</sup> PAD, para. 7.

underground pipes, while in others they are open air channels running in close proximity to residences and their backyards. According to the Requesters, many residents make unauthorized sewerage connections to these open channels, an instance of which the Panel observed. The Panel also visited an area where the main city sewerage canal directly discharges into an uncovered portion of the channel known as the DPS canal causing an intolerable stench. Some of the residents complained to the Panel about the bad odors, particularly during the summer months and at certain times of the night, as well as health risks, including dengue caused by these unsanitary conditions.

47. The Requesters informed the Panel that one of the above-mentioned canals was formerly an irrigation ditch, which, as the city grew, became the disposal facility for the residents' waste, and eventually was partially covered and converted into a drainage canal. The Panel also visited the current sewerage treatment facility, which, according to the Requesters, is directly discharging untreated sewerage into the River. The overall impression was that of a haphazard network of canals evolving over the years with the growth of the city, without an integrated design, discharging untreated effluents in the River and causing unsanitary and unpleasant living conditions for the residents nearby. These conditions have led the Requesters to file a lawsuit in a federal court to prevent the pollution of the drainage channel known as the DPS Canal.
48. As noted above, according to the Requesters, the proposed subproject will be an additional source of contamination of the River Dulce because the effluents from the treatment plant will not adequately treat pollutants such as nitrogen, phosphate and ammonia and does not provide for the proper disposal of sludge. Contrary to a "Memoria General" describing the subproject that the waters of the River are not destined to "human uses" the Requesters claim that fish are being caught in the River and consumed, thus potentially affecting consumer health and livelihoods.
49. The Requesters add that the 2009 EIA does not take into consideration the canals that function as wastewater conduits and does not include a cumulative analysis of the negative impacts that the subproject and these canals will have on the health of the River. In the Requesters' view, however, the totality of the existing, unsatisfactory state of wastewater management and disposal in Santiago del Estero should have been considered in the EIA. Management states in its response that it *"understands the Requesters' concerns about the drainage canals but wishes to underline that these infrastructure projects are not part of the potential sub-project, they are neither required for the potential subproject, nor is the potential sub-project required for their functioning."*
50. In this regard, the Panel notes the Management's statement that Management can ensure that there is an analysis of any potential cumulative or legacy issues in the EIA to be prepared for the sub-project, if the Province and the GoA submit it for the Bank's consideration.
51. The Panel also notes the measures that Management proposes to take going forward. These include measures for communication and disclosure, as well as

institutional strengthening needs at the provincial level. The Panel also notes Management's statement that *"ongoing contacts with Requesters provide the opportunity to take into consideration their concerns in the preparation of the potential subproject."*

52. The Panel also observes that Management informed the Panel that it recommended that Government reconsider the proposed technical solutions and update the environmental assessment by following the steps outlined in the Project's ESMF. The Panel was informed during its visit that the Government is currently in the process of updating the EIA but that the proposed Sanitation and Wastewater System in Santiago del Estero may not be submitted for financing under the SNGWIP.
53. As noted above, Bank Management has unambiguously stated that it will not finance the proposed subproject as currently designed. In light of this, the Panel is of the opinion that at this stage it cannot recommend an investigation related to a subproject that the Bank has declared ineligible for financing under the SNGWIP. This conclusion would not preclude the Requesters from submitting a Request for Inspection if the Bank were to consider financing a subproject that in their view would be in violation of Bank policies and would result in harm to the potential requesters.

#### **F. Conclusion**

54. In light of the foregoing, the Panel does not recommend an investigation of the issues raised in the Request with regard to the specific subproject which, according to Management, is not being considered for financing under the Project at this stage.

# **ANNEX I**



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## Request for Inspection

1. We

[...]

personally and/or representing other persons who reside in the zone known as BARRIO LOS FLORES SUR [...]

2. Have suffered or could suffer damage as a consequence of the World Bank's failures or omissions in the ARGENTINA: NORTE GRANDE II WATER INFRASTRUCTURE PROJECT with the National COORDINATION UNIT OF PROGRAMS AND PROJECTS WITH EXTERNAL FINANCING (*Unidad Coordinadora de Programas y Proyectos con Financiamiento Externo*, UCPYPFE) – PIU and the Sustainable Development Department, Argentina, Paraguay and Uruguay Country Management Unit, Latin America and the Caribbean Region (World Bank) ON A PROPOSED LOAN IN THE AMOUNT OF US\$200 MILLION (Report No: E2612)

PUBLIC DISCLOSURE AUTHORIZED

E2612 v5

ARGENTINA

PROYECTO  
INFRAESTRUCTURA HIDRICA DE NORTE GRANDE II

MARCO DE GESTIÓN AMBIENTAL Y SOCIAL

PUBLIC DISCLOSURE AUTHORIZED

24 de Febrero 2011

Unidad Coordinadora de Programas y  
Proyectos con Financiamiento Externo

Ministerio de Planificación Federal, Inversión  
Pública y Servicios de Nación

(Argentina: Norte Grande II Water Infrastructure Project, Environmental and Social Management Framework, February 24, 2011, Coordination Unit of Programs and Projects with External Financing, National Ministry of Federal Planning, Public Investment and Services)

3. Below we describe the damages or prejudice we suffer and/or could suffer:

It is a Framework (ESMF) for a "Sanitation" Project with a severe category A Environmental Impact for 9 (nine) subprojects and category B for 8 (eight) subprojects.

**ALL THE SUBPROJECTS ARE SEWERS ON WATERSHEDS**, with serious pollution problems, see

([http://www.elliberal.com.ar/secciones.php?nombre=home&file=ver&id\\_noticia=1101265DQ&buscador=peces](http://www.elliberal.com.ar/secciones.php?nombre=home&file=ver&id_noticia=1101265DQ&buscador=peces))

([http://www.elliberal.com.ar/secciones.php?nombre=home&file=ver&id\\_noticia=110120W4L&buscador=peces](http://www.elliberal.com.ar/secciones.php?nombre=home&file=ver&id_noticia=110120W4L&buscador=peces))

3. 1. The information note sent to Prosecutor Gimena dated April 20, 2011 by the WB Buenos Aires Office says:

"The Project is of the "framework" type, i.e. it is made up of a series of subprojects which have not been selected prior to the presentation of the project to the World Bank's Board. "

However, the ESMF indicates in page 43

"74. The following table presents a preliminary and potential classification corresponding to a list of possible works..."

Mr. Kerf informs the Prosecutor: (Exhibit 1)

"In this respect, I hereby inform you that the document Environmental and Social Management Framework (ESMF) prepared by the Unit for Coordination of Programs and Projects with External Financing (UCPyPFE) of the Ministry of Planning, Public Investment and Services, which was mentioned in your note, was reviewed by the World Bank during the Project preparation and considered acceptable for its publication..."

They fail to mention that the tables, figures and annexes are unnumbered, which makes their reading rather confusing.

And he adds that:

"Said document also contemplates the need for updates or corrections in the document after its approval (paragraph No. 10)"

But he forgets to specify that the ESMF is only updated or corrected if there is no objection from the Bank and, if the Bank does not read the reports with attention, they will not be updated or corrected.

3.2 – The Frameworks (ESMF) do not clearly specify the Regulatory Framework for citizen participation, unnumbered Table, pages 17 to 21.<sup>1</sup> Of the total provinces involved in the PIHNG II, in 2/3 of the provinces there is no specification of a Regulatory Framework for Citizen's Participation. Of the total 25 projects, 17 do not inform on public hearing mechanisms, this would involve approximately 1,414,242 people without

---

<sup>1</sup> Author: Acerbi

[http://web.worldbank.org/external/default/main?menuPK=2823790&pagePK=64193027&piPK=64670051&theSitePK=2748767&menuPK=64187510&searchMenuPK=51351213&theSitePK=2748767&entityID=000333038\\_20110301234702&searchMenuPK=51351213&theSitePK=2748767](http://web.worldbank.org/external/default/main?menuPK=2823790&pagePK=64193027&piPK=64670051&theSitePK=2748767&menuPK=64187510&searchMenuPK=51351213&theSitePK=2748767&entityID=000333038_20110301234702&searchMenuPK=51351213&theSitePK=2748767)

consultation. In terms of the Loan (page 46) of the total US\$628,298,556, 63% (approximately US\$401,000,000) has no public consultation.

Cuadro . Marco Normativo y Legal Socio-Ambiental más relevante para los sub-proyectos del PIHNG

MARCO NORMATIVO					
Normas	Evaluación de Impacto Ambiental	Participación Ciudadana	Recursos Hídricos	Reasentamiento Involuntario Pueblos Indígenas <i>Véase el MPRI (Anexo 5) y el MPPI (Anexo 6)</i>	Otros Temas Relevantes para el Proyecto

Provincia de Santiago del Estero					
Ley Nº 6.321 y Decreto Reglamentario Nº 506/00	Ley de Normas Generales y Metodología de Aplicación para la Defensa, Conservación y Mejoramiento del Ambiente y los Recursos Naturales (Art. 10). El Decreto contiene los instructivos para la elaboración de un EsIA (Anexo I)	¿?	Otorga a la Autoridad de Aplicación Provincial la responsabilidad de establecer los criterios ambientales en el manejo de los recursos hídricos (Art. 44)		
Ley Nº 4.869			Código de Aguas		

REGULATORY FRAMEWORK					
Norms	Environmental Impact Assessment	Citizen's Participation	Water Resources	Involuntary Resettlement Indigenous Peoples See the IRPF (Annex 5) and the IPPF (Annex 6)	Other relevant Project Issues

Province of Santiago del Estero					
Law No. 6 321 and Regulatory Decree No. 506/00	Law of General Rules and Application Methodology for the Defense, Conservation and Improvement of the environment and Natural Resources (Section 10).	??	It grants the Provincial Enforcement Authority the responsibility to set the environmental criteria in the management of water resources (Section 44).		

Law No. 4869	The Decree contains the instructions to develop an EsIA (Annex 1).		Water Code		
-----------------	--	--	------------	--	--

Special reference is made to this social aspect of the hearing because the neighborhood already has the administrative/legal experience of petitioning the authorities because of environmental impacts of public works with the attached answer (Note from the Environment Directorate rejecting the Public Hearing because it is not regulated, although it *is* regulated by the Ministry of Production, but this is not reported in the ESMF) (Exhibit 2).

Although for the World Bank in its OP 4.01, social participation is clear, e.g.

[In English in the original] “In order to be approved, all subprojects without exception would need to comply with the criteria established for inclusion in the program, which include completing background studies and consultation processes that meet Bank standards. “

In this Framework by the UCPyPFE this is not fully clarified.<sup>2</sup>

**This is a cause of concern** regarding Report No. 58791-AR

*C. Compliance Monitoring Indicators at the Corporate Level (to be filled in when the ISDS is finalized by the project decision meeting)*

---

**OP/BP/GP 4.01 - Environment Assessment**

Does the project require a stand-alone EA (including EMP) report?	No
If yes, then did the Regional Environment Unit or Sector Manager (SM) review and approve the EA report?	N/A
Are the cost and the accountabilities for the EMP incorporated in the credit/loan?	Yes

---

**This is a cause of concern** regarding Report No. 58791-AR

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**The World Bank Policy on Disclosure of Information**

Have relevant safeguard policies documents been sent to the World Bank's Infoshop?	Yes
Have relevant documents been disclosed in-country in a public place in a form and language that are understandable and accessible to project-affected groups and local NGOs?	Yes

---

<sup>2</sup> **Strategic mistakes**, are planning mistakes, the lack of understanding of the purpose of the report, knowing “why” and “what for” – L'évaluation des impacts sur l'ENVIRONNEMENT, processus, acteurs et pratique. Chap. 7, pages 203–207 Pierre ANDRÉ et al. – Ed. Presses Internationales Politechniques, 1999.

3.3 – The Frameworks (ESMF) in the unnumbered Table on page 21 indicate in an erroneous manner and mistaking the administrative official responsible (as was duly indicated by Prosecutor Gimena to the WB in Note 01/04/2011).

**INSTITUTIONAL FRAMEWORK**

Province of Santiago del Estero	The Production Ministry includes the Under-secretariat of Natural Resources, Forestry and Peasant Affairs and the General Directorate of Forestry Resources and Environment
---------------------------------	---

The Ministry of Production is one thing; here is its web page:

[http://www.mproduccion.gov.ar/portal/index.php?option=com\\_content&task=view&id=5&Itemid=32](http://www.mproduccion.gov.ar/portal/index.php?option=com_content&task=view&id=5&Itemid=32)

The Water Secretariat is a different matter; this is its web page:

<http://www.sde.gov.ar:84/secAgua/sda.html>

The regulations are unclear regarding the enforcement authority at the Provincial level.

Verification: the Environment Directorate belongs to the Water Secretariat.



Therefore, it is demonstrated that this in the Infoshop is false.



<b>All Safeguard Policies</b>	
Have satisfactory calendar, budget and clear institutional responsibilities been prepared for the implementation of measures related to safeguard policies?	Yes
Have costs related to safeguard policy measures been included in the project cost?	Yes
Does the Monitoring and Evaluation system of the project include the monitoring of safeguard impacts and measures related to safeguard policies?	Yes
Have satisfactory implementation arrangements been agreed with the borrower and the same been adequately reflected in the project legal documents?	Yes

### 3.4 In the ESMF you can read in page. 14

“27. The information provided in Tables 1 and 2 is of a referential character. The pertinent legislation and the specific requirements that are derived from it, as well as those of the corresponding enforcement authorities for each subproject, particularly at the provincial level, will be fully identified and presented by the Provincial Agencies involved during their Identification and Classification phase, as contemplated in the procedures described in **point 6.5 of this Framework.**”

In that regard, we need to note that none of the Tables carries that number.

And that the point 6.5 regarding the requirement that the Provinces will have to fully identify and present DOES NOT EXIST (neither in the text nor in the table of contents).<sup>3</sup>

<sup>3</sup> Tactical mistakes, such as proof-reading mistakes or the lack of text review to make sure that it is clear and readable. L'évaluation des impacts sur l'ENVIRONNEMENT, processus, acteurs et pratique. Chap. 7, pages 203–207 **Pierre ANDRÉ et al.** – Ed. Presses Internationales Politechniques, 1999.



Gestión Ambiental y Social por ciclo de Sub-proyecto			Tarea	Sub-proyecto por Categoría Ambiental y Social			Responsabilidades			
Ejecución y Monitoreo	Preparación Pliegos y Contratos	Incorporación PGAS, y otros en PyC Obras y Supervisión		A	B	C	Unidad Ejecutora Proyecto	Provincia	Comisión/ Supervisor	Banco
						Preparación	PyC Obras y Supervisión, y Divulgación	PyC Obras y Supervisión, y Divulgación	PyC Obras y Supervisión, y Divulgación	
			Aprobación				X			X
	Licitación y Contratación		Desarrollo	Pliegos y Contratos de Obras y Supervisión, y Divulgación	Pliegos y Contratos de Obras y Supervisión, y Divulgación	Pliegos y Contratos de Obras y Supervisión, y Divulgación	X			
			Informe EIAs y otros y Aprobación	Preparación	ISAS	ISAS	ISAS	X		
			No objeción							X
	Ejecución y Supervisión Sub-proyecto	Programa Gestión Ambiental y Social	Aplicación	1. PGAS y ETAs, 2. PPI, 3. PRI, 4. PME (2, 3 y 4 si aplicables) y Divulgación	1. PGAS y ETAs, 2. PPI, 3. PRI, 4. PME (2, 3 y 4 si aplicables) y Divulgación	1. ETAs, y 2. PPI, 3. PRI (2 y 3 si aplicables) y Divulgación		X	X	
		Informe Cumplimiento PGAS y Aprobación	Preparación	ISAS	ISAS	ISAS	X			
			No objeción							
	Finalización Sub-proyecto y Cierre Administrativo	Informe Fin Sub-proyecto y Aprobación	Preparación	IFAS y Divulgación	IFAS y Divulgación	IFAS y Divulgación	X			
			No objeción							
Operación y Mantenimiento		El seguimiento es responsabilidad de cada área operativa según el caso (instrucciones ejecutoras, entes de saneamiento, etc.)								

According to our background information, there is no Environmental Council in operation, since it has not met for the last 2 years; while on the other hand, when it does meet (without there being a Public Hearing) they approve EIAs with an extremely high social impact without knowledge and without reading the document.  
(Exhibit 3)

**This is of concern to us:**

*Medidas y/o programas de inclusión social del Proyecto y/o sub-proyectos. Se desarrollarán a partir de la Evaluación Social Rápida del Proyecto. Este documento se basó en una exhaustiva revisión de gabinete, evaluaciones de impacto ambiental previas de algunos sub-proyectos ejemplo de los identificados preliminarmente por las provincias y la UCPyPFE, y sintetiza los hallazgos sobre aspectos sociales relevantes al Proyecto, principales oportunidades y riesgos, posibles impactos negativos, positivos, temporales o permanentes - asociados o generados por las obras de agua y saneamiento (AyS), y proponer medidas de mitigación o potenciación. El análisis examina*

*Project and/or subproject social inclusion measures and/or programs. They will be developed based on the Project's Expedite Social Assessment. This document was based on a comprehensive cabinet review, prior environmental impact assessments of some subprojects example of those preliminarily identified by the provinces and the UCPyPFE, and summarizes the findings on the relevant social aspects of the Project, the main risks and opportunities, potential negative, positive, temporary or permanent impacts – related to or generated by the water and sanitation works (W&S), and propose mitigation or leverage measures. The analysis examines [...]*

“Prior environmental impact assessments”?

There are 14 clandestine sewerage discharges into the DULCE RIVER today (see photos, Exhibit 4) and this WB subproject adds discharge No. 15, this is not a **SANITATION** project for our Basin. This is a Basin Pollution project. (see Google – Panoramio the photos have been uploaded)

Discharges Banda.kml.

Discharges Santiago del Estero.kml.

3.6 In the ESMF you can read on page 64

**“7.5 REFERENTIAL GUIDELINE FOR ENVIRONMENTAL AND SOCIAL COMMUNICATION PLAN FOR THE SUBPROJECTS: CALL FOR PROJECTS AND DOCUMENTATION**

143. The consultations will be organized by the Provincial Agencies Involved under the supervision and approval of the UCPyPFE which will participate in the same as ultimately responsible for the Subprojects. These consultations may have the support of the specialized consultants of the projects.”

Furthermore, one can read:

“b. The call to consultations will be conducted at least ---\_days in advance and will be accompanied by a broad dissemination through relevant national and provincial media.”

3.7 In the ESMF you can read on page 67

**“8 ESMF INTERACTION, CLAIMS AND CONFLICT RESOLUTION SYSTEM**

145. **The Project will have an ongoing interaction system to receive opinions, enquiries, suggestions and a module to manage claims and for conflict resolution.** This management will be mainstreamed throughout the operations, with a staged approach depending on the complexity and severity of the above mentioned claims and conflicts.

And further on, page 68 reads:

147. **Institutional Instance, First Instance.**

148. **External Mediation, Second Instance.**

149. **Claim to the Ombudsman, Third Instance.**

150. **Court Procedures, Fourth Instance.**

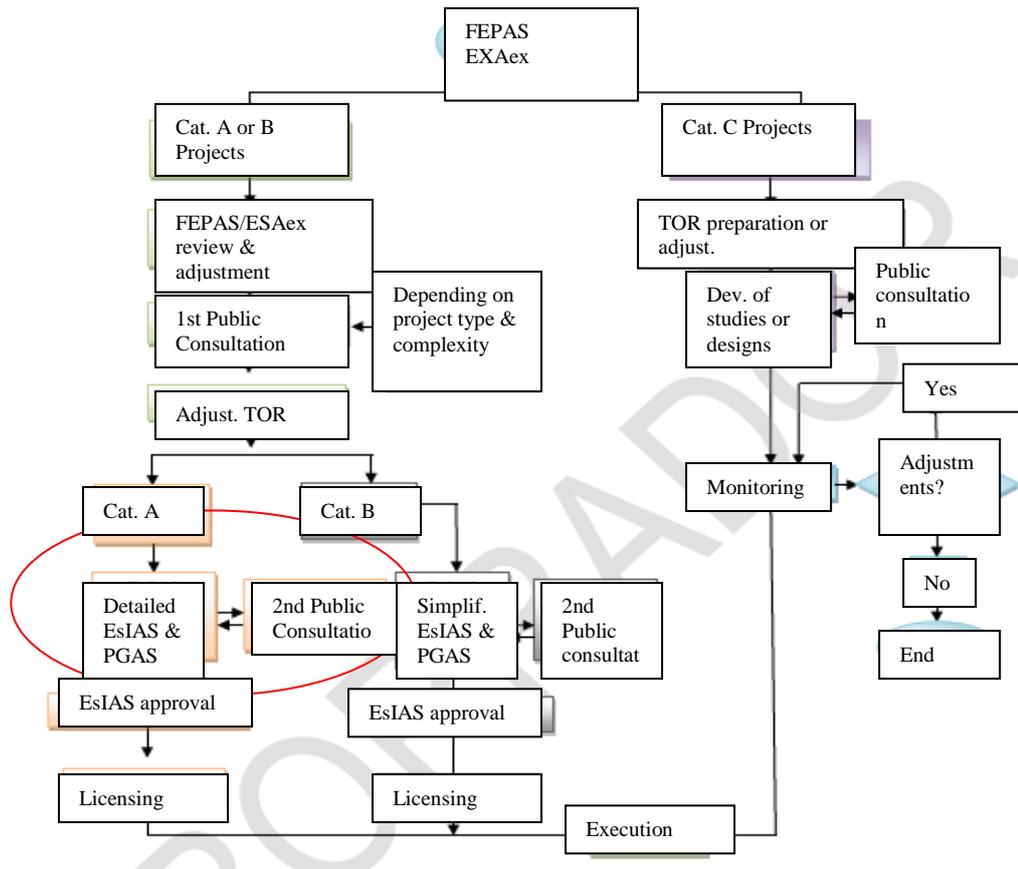
Please note that having resorted to all such instances to claim and solve the conflict, we have had to appeal to the Inspection Panel. However, the ESMF does not inform about the IP, as an instance to present conflicts regarding a work financed by the WB.

3.8 In the ESMF you can read on page 72

**“Training Issues and/or Formalization in Social Management Instruments, including Involuntary Resettlement and Indigenous Peoples Potential Issues**

Unplanned urbanization, induced by the project and the induced development: commercial, industrial and residential on the side of the road and irregular urban growth. Visual degradation due to the placement of signage on both sides of the road and alternatives of articulation local institutions, or establishment of others to deal with long term development, regional planning to deal with the changes, management of a growing number of social disputes and problems, and accommodating a much more diverse population.”

3.9 According to the **Figure ‘Referential Flow of the Subproject and Consultation Cycle’** page 65 of the same document:



The 2<sup>nd</sup> public hearing was conducted with no advertising to make it possible for us all to participate, on January 25, 2011.  
[http://www.elliberal.com.ar/secciones.php?nombre=home&file=ver&id\\_noticia=110126X89&buscador=marco regulatorio](http://www.elliberal.com.ar/secciones.php?nombre=home&file=ver&id_noticia=110126X89&buscador=marco regulatorio)

Although we are not sure whether this was a consultation on the ESMF or if it was the 2<sup>nd</sup>. Public Hearing of the Santiago del Estero Subproject (Main Sewer)

This is of concern to us:

[In English in the original] 53. Disclosure and Consultation. The ESMF was first disclosed on UCPyPFE's website on September 28, 2010 and in the Bank's Infoshop on October 20, 2010. Final drafts of the Frameworks (ESMF, IPPF and RPF) have been publicly disclosed in-country and in the Infoshop on February 24, 2011. All Frameworks (ESMF, IPPF and RPF) have been consulted through three different channels: (i) expert peer review of the documents by two internationally recognized<sup>53</sup> professionals with substantial experience in the WSS sector and also in working with indigenous communities in Argentina; (ii) a virtual review as part of which the Project documents were shared for comments with a variety of institutional stakeholders at the federal and provincial levels, including provincial environmental agencies and institutions related to water resources provision and management, NGOs and indigenous affairs institutions; and (iii) organization of targeted meetings of focus group to discuss any comments to the frameworks in two provinces of the NGR on January 25-27, 2011<sup>54</sup>. Additionally, the Communication and Consultation Framework (CF) of the ESMF requires broad dissemination of information on the Project to ensure an open process of discussion about its scope and objectives, as well as timely and thorough consultation for relevant stakeholders of future subprojects to ascertain their views, identify potential adverse and positive impacts, and define adequate mitigation measures, especially for category A subprojects where meaningful consultations will be required.

<sup>53</sup> Angel Menendez (ESMF), Pia Pacheco (IPPF and RPF).

<sup>54</sup> The exercise of dissemination and **focus-group discussions** of the safeguard framework has not generated to date any comments requiring a modification of the framework documents (in particular, the focus group discussion conducted in Santiago del Estero has highlighted the early involvement of indigenous people in the sub-projects assessment cycle, something which was already contemplated). UCPyPFE has agreed to maintain a continued outreach effort during implementation to disseminate Project information and key documents to enable participation of institutions that could not attend the focused group discussions during preparation. As an example, the ESMF has been submitted to the National Environment Secretariat. Details on comments received in UCPyPFE's report on the consultation process, available in the UCPyPFE website and in the Infoshop." (Author WBG)

This public consultation was conducted during the period of summer recess of the university and therefore the [...] could not participate and the Barrio los Flores [...] was not invited (see Annex 3 – page 13 – InfReunionSntg.pdf)  
Here is their web page: [...]

It should be recalled that the [...] objected to the Main Sewer subproject in the Public Hearing held on June 14, 2010 with 25 objections<sup>4</sup> (video sent to the IP)

This is their web page, with the answers (note that there is no signature, no date, no letterhead).

[http://www.sde.gov.ar:84/secAgua/cloaca\\_maxima/Consultas\\_Audiencia\\_Publica.pdf](http://www.sde.gov.ar:84/secAgua/cloaca_maxima/Consultas_Audiencia_Publica.pdf)

We underline that only 8 of the 25 questions were answered satisfactorily.

[In English in the original] "During the *Audiencia Pública* held in Santiago del Estero in June 2010, some objections and questions on the EIA and the consultation process were raised by several participants. These objections were reported to the Bank by a representative from Universidad Nacional de Santiago del Estero on November 2010. These objections will be taken into account in the environmental and social assessment process to be undertaken for this particular subproject under the eligibility criteria and safeguards related requirements of the loan."

(see file Video VTS-04-1.pdf)

Note that the objections were reported to the Bank by the [...] and not by the office responsible for the federal counterpart, UCPyPFE.

As for the second event:

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<sup>4</sup> **INTEGRATED SAFEGUARDS DATASHEET APPRAISAL STAGE**

**I. Basic Information**

Date prepared/updated: 03/22/2011 Report No.: 60433

Informe reunión de Consulta de los Marcos (MGAS, MPPI y MPRI)-  
Santiago del Estero.

25 de Enero de 2011

(Social and Environmental Communication Plan (SECP) of the Project in Preparation (PIP),  
Norte Grande II Water Infrastructure Project,  
Report of the Consultation Meeting on the Frameworks (ESMF, IPPF and IRPF) – Santiago del  
Estero, January 25, 2011)

Of the attendants to the January 25 meeting, two of them [...] reported by  
mail to the IP that they were not informed (see mails).

In turn, the indigenous members are registered with false addresses (see  
Exhibit 5).

As for the [...], it does not belong to the city of Santiago del Estero, their  
address [...] is 280 km away from the “potential” work.

Summing up, of the total 17 participants, 5 are not validated and 7 belong  
to the Provincial Government; there only remain 5 participants which  
“represent” the non-governmental participation.

At this meeting participants were provided with a CD with information  
containing tactical errors<sup>5</sup>

“3 LEGAL AND INSTITUTIONAL FRAMEWORK

In Argentina, three levels of government have responsibilities and regulations regarding environmental management and control: the nation, the provinces and the municipalities. However, the legislation and level of environmental oversight are very disparate across provinces and municipalities. Likewise the social aspects, particularly those connected with involuntary resettlement and indigenous peoples) are regulated by rules to be enforced at the various levels. Tables 1 and 2, the details of which are developed in Annex 12, present a non comprehensive summary, for illustration purposes, of the environmental and social legislation and the institutional structure (national and provincial) of greater relevance. The [Error! Source of reference not found] Annexes 5, Involuntary Resettlement Policy Framework (IRPF) and [Error! Source of reference not found] Annex 6, Indigenous People Planning Framework (IPPF), present particular details of the legal-institutional framework in these areas”<sup>6</sup> (author Acerbi).

These errors in the CD file were notified to the WB Bs As (Ms P Lopez)  
That is why in the ESMF, page 232, you can read:

<sup>5</sup> Tactical error.

<sup>6</sup> <http://office.microsoft.com/es-es/word-help/solucionar-problemas-de-marcadores-HP005189371.aspx>

IF	THE FOLLOWING WILL HAPPEN
Copy of all or part of a marked item to other position in the same document	The marker will remain with the original item; the copy will not be marked.

“Likewise, the Bank has received some specific comments on the draft ESMF disseminated at the January 25, 2011 meeting in Santiago del Estero by a group of stakeholders belonging to the National University of Santiago del Estero, which have been taken into account in the development of the finalized version of this ESMF.

But the [...] did not attend the above mentioned meeting, as already indicated.

7. To conclude, this first phase of consultation under the focus groups format **has resulted in no comments which imply changes in the documentation** prepared so far in connection with procedures, policies and environmental and social institutional arrangements which will serve for the future preparation and management of subprojects.”

The conclusion is evidently inconsistent with the claims that were made. It should be noted that:

NOT BINDING

Is the Public Hearing regarding the current project/work.

NOT BINDING

Is the Public Hearing regarding the current criminal legal case.

**THEY BOTH CONTINUE FORWARD WITHOUT STOPPING.**

3.10 In the Report No. 58791-AR, page 46

[In English in the original document] “45. Capacity assessment. In addition, an assessment of the current institutional capacity at the UCPyPPF and local provincial levels was conducted during Project preparation. Overall, it was found that the staff in the UCPyPFE is competent to manage safeguard issues, “

And in the WB’s Letter to Dr. Gimena:

“In this regard, I hereby inform you that the Project document Environmental and Social Management Framework (ESMF) prepared by the Coordination Unit of Programs and Projects with External Financing (UCPyPFE) of the Planning, Public Investment and Services Ministry, which is mentioned in your note, was reviewed by the World Bank during the Project preparation and considered acceptable for publication.”

This is a cause of concern:

Safeguard policies triggered?	
Environmental Assessment (OP/BP 4.01)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Natural Habitats (OP/BP 4.04)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Forests (OP/BP 4.36)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Pest Management (OP 4.09)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Physical Cultural Resources (OP/BP 4.11)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Indigenous Peoples (OP/BP 4.10)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Involuntary Resettlement (OP/BP 4.12)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Safety of Dams (OP/BP 4.37)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Projects on International Waterways (OP/BP 7.50)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Projects in Disputed Areas (OP/BP 7.60)	<input type="radio"/> Yes <input checked="" type="radio"/> No

Summarizing, **IT IS A SOURCE OF CONCERN TO US** that all these errors were not detected by the BANK, and also it is a source of concern to us that there is no social participation at any instance in this ESMF. Submitting it to the consideration of BARRIO LOS FLORES was NOT contemplated.

However, it was contemplated. It is sufficient to read the pages of the PAD (Report No. 58791-AR)

**Annex 4: Operational Risk Assessment Framework (ORAF)**

**ARGENTINA**

**Second Norte Grande Water Infrastructure Project**

<ul style="list-style-type: none"> <li>Social and Environmental</li> </ul>	M-I	Limited capacity for environmental and social management negatively affects achievement of PDO and can potentially damage the Bank's reputation.	<small>Project ownership and commitment at the local level.</small> This risk will be partially mitigated by adding key environmental and social staff positions in the two participating levels (national and provincial) together with clear safeguards implementation and supervision arrangements.
--	-----	--	---

4. [List of the World Bank's operational policies that you believe have not been observed]

Table – Summary of application of World Bank Safeguard Policies in the Project	
<b>Safeguard Policy</b>	<b>Application Scenario &amp; Requirements</b>

Environmental Assessment	Projects which cause a temporary or permanent effect on the natural or social environment, through direct, indirect or cumulative impacts. The depth of the analysis is a function of the environmental risk. The current ESMF was developed in order to comply with this Policy; it applies to any project proposed within the framework of the Norte Grande Water Infrastructure Program. The depth of the assessment and, consequently, the associated requirements, will depend on the degree of environmental and social risk. On that basis, comprehensive Environmental and Social Impact Assessments may be required, among other potential studies.
--------------------------	--

The project is classified as Category A in accordance with Bank's Environmental Assessment safeguard policy (OP4.01).

Public Dissemination BP 17.50: The development of an adequate communication and participation strategy will be required, especially for projects identified as having high environmental risk.

As for the Indigenous Peoples Plan (IPP) and Involuntary Resettlement Plans (IRPs) we will need to express our thoughts further down the line, since we have to consult with the indigenous brothers in Norte Grande, who will be meeting shortly to discuss the subject of Basins.

We have complained to the World Bank staff in the following cases.

Numerous telephone calls with answers, starting on 12/20/2010, without a satisfactory resolution to our requests. In each communication we warned that the ESMF has errors and that the document needed to be reviewed; however these were not corrected and the document was uploaded as it now stands in the WB's web page.

Our consultant [...] from Santiago del Estero and has been working for 25 years in sanitation in Italy, he has established a good contact with the WB Buenos Aires office; however the participatory workshop announced by mail has not yet been conducted. With the community's understandable frustration.

An identical frustration was experienced when we were awaiting the answer from Dr. Lenton on his meeting with Ms P. Cox on March 2, 2011 before the trip to Argentina.

From [...] e-mails were sent:

12/20/2010 e-mail to [plopez@worldbank.org](mailto:plopez@worldbank.org)

**Ref: Comments to the Environmental Impact Assessment of the Work "Main Sewer of Santiago del Estero". World Bank's Second Norte Grande Water Project**

"As soon as there is a plan for the update of the studies, consultation meetings will again be organized, in which we will count on your participation. We believe that the participation of citizens and relevant interested agents during the preparation is key for the success of the Projects and we reiterate our commitment to supporting the Government in this important process."

Still with no answer.

Ms P. Lopez has taken a 1-month leave, and left Mr. Acerbi in charge. (see file mails.doc) however at the imminent meeting announced by Mr. Acerbi, no mention is made as participants of [...] (technical advisor), (legal advisor) and [...] (environmental advisor).

**Without these reference persons for the Los Flores Neighborhood, we will not be able to participate in the meeting.**

We ask that the Inspection Panel recommend to the Board of the World Bank that an Executive investigate these matters and that this be done.

Signatures: [...]

Date: April 28, 2011

Contact address, telephone number, fax number and electronic mail address:

[...]

List of attachments

Exhibit 1 – Letter to Fernando Gimena, Santiago del Estero 20042011

Exhibit 2 – Note from Environment Directorate on refusal to conduct Public Hearing

Exhibit 3 – EIA not read and approved

Exhibit 4 – Photos of existing sewer discharges

Exhibit 5 – False addresses of the invited indigenous people

Exhibit 6 – Texts of the Video VTS\_04-1 on Public Hearing with the UCPyPFE

**We do not authorize the disclosure of our identities**

**WE HAVE BEEN THREATENED AND BEATEN BECAUSE OF OUR COMPLAINTS**

We attach the evidence.  
Photos of police assault

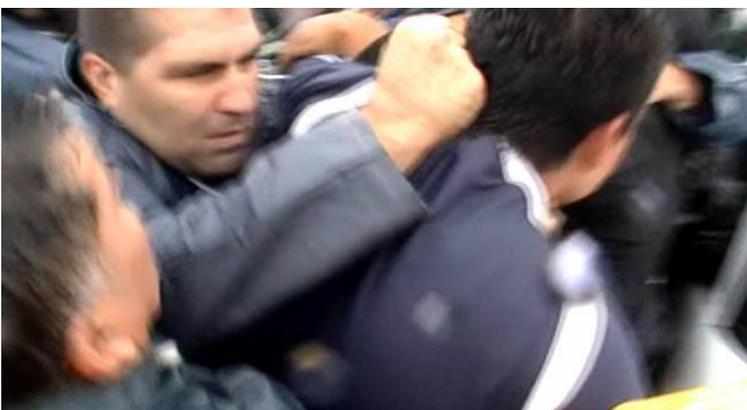
Photos of police assault



They trespass into private property



They threatened the disabled owner



Strikes on the head



75-year old owner



Assembly of neighbors



Assembly of neighbors



Street protest

Stormwater Sewerage Connection Canal at the back of the houses



Danger for everybody



They all lend deaf ears

A canal in the middle of the Los Flores Neighborhood

It goes through the middle of the houses

Never mind the environmental and social impact!

The only thing that matters is the money to be collected!

It is a river, not a canal



Supplementary Note for the Inspection Panel

Date: May 15, 2011

With these few lines we respond to your request for clarifications after the conversation held on the 15<sup>th</sup> at 2:30 p.m., in which the Requesters were present; at that time some doubts regarding the presentation they had made were clarified. We ask you that you include these clarifications as part of our request for inspection.

- Which are the main objections of a technical nature that can be raised to the subproject presented related to PIHNG II.

Premise: taking into account that at no time have we had, nor were we given the opportunity (in spite of our request) to read the actual project and therefore, some of the observations may be incomplete, the main information that we have is basically from the EIA and ESMF II document and it is based on such documents that we make the following observations.

We do not know whether the project contemplates the “fluctuating inhabitants” since this is a province with a strong activity in terms of population mobility.

- The management of sludges and other solid waste (resulting from the activity of the depurator) is not clear and it is even less clear if an integral use is being considered.
- Reason for the selection of technology? There is no indication of the reason why a certain treatment technology is being used, is it the result of a comparative analysis (cost/benefit) looking at the technological alternatives existing in the market.
- Energy balance, where is the document? How do you get to the depurator with the necessary energy to power the system’s electromechanical machines? How much energy does it consume?
- Enriched oxygen, this is a point that would need to be clarified in detail, when selecting a technology suitably adapted to the local reality.
- There lacks an integral planning of the works within the framework of the Sali-Dulce river.
- The surface watercourse (Sali Dulce system) is not analyzed in an integrated manner.
- The discontinuation of identified discharges (cumulative impacts) in the city’s full sewerage system is not being planned.
- A sensitive zone with works in progress that add up their impacts, without real land use management.
- No clear explanation of how the first rain waters are handled.

One of the important points is that the Dulce river is the most precious thing in Santiago del Estero and that is why we are concerned about its preservation; it is the source of life for our city in which there is no rain during 70% of the year, it is the source of water for the population and it serves to feed the more remote settlements through fishing and if we continue polluting the river through badly devised works we will become the 2<sup>nd</sup> Riachuelo in Argentina that you are surely well aware of.

Status of river health

“people get sick because the river is sick”

This leads us propose that the inspection revise the Project framework and also to request an update of the Project with the participation of interested groups.

Putting need and opportunity together, this is an opportunity for positive participation.

Cordial greetings

**Exhibit 1 – Letter to Fernando Gimena, Santiago del Estero April 20, 2011**

[Letterhead of the World Bank]

World Bank

International Reconstruction and Development Bank

International Development Association

Bouchard 547, 29<sup>th</sup> floor

City of Buenos Aires

Republic of Argentina

Tel. (54-11) 4326-977

Fernando Gustavo Javier Gimena

General Prosecutor before the Federal Criminal Oral Court

Santiago del Estero

Republic of Argentina

Dear Mr. Prosecutor:

**Reference: Norte Grande II Water Infrastructure Project (P125151)**

This is with reference to your note dated April 1, 2011 addressed to Patricia López in the World Bank's Buenos Aires, Argentina office, received by this institution on April 5, 2011 at 5:20 p.m. in which you report on the proceedings in the case "Preliminary Investigation in the Terms of Section 26 of Law 24,946 --- Proceedings Sent by the Tucumán Federal Prosecutor's Office – Preliminary Proceedings No. 25 "Los Flores Neighborhood Center on Pollution of the Stormwater Canal DPS and Dulce River", Docket (Fiscal/Net) No. 1550862/2010, and requesting the suspension of the meeting of April 5 related to the Norte Grande II Water Infrastructure Project (P125151).

In this regard and hereby, I inform you that the document Project's Environmental and Social Management Framework (ESMF) prepared by the Unit for the Coordination of Programs and Projects with External Financing (UCPyPFE) of the Ministry of Planning, Public Investment and Services, mentioned in your note, was reviewed by the World Bank during the Project's preparation and considered acceptable for its publication for the information of interested parties prior to the date of April 5, considering that the procedures established in the above-mentioned framework document allow for a comprehensive analysis of the environmental and social issues in subprojects to be potentially financed in nine provinces of the Norte Grande region. Said document further contemplates the need for updates or corrections to the document after its approval (paragraph 10).

The Norte Grande II Water Infrastructure Project (the "Project") approved by the World Bank's Board on April 5, 2011, has the development objective of increasing sustainable access to drinking water and sanitation services (sewage and wastewater treatment) in the Norte Grande region. Said Project will be financed with a loan from the World Bank to the Republic of Argentina (the Borrower) for the amount of US\$200,000,000 (the Loan). The contents of the Project are described in a Project Assessment Document which has been published in English simultaneously with its approval by the World Bank's Board and will be published in Spanish in the near future. You may access said document through the World Bank's website for Argentina ([www.bancomundial.org.ar](http://www.bancomundial.org.ar)) in the section on active projects. /illegible reference/

The project is of the “framework” type, which means that it consists of a series of subprojects that have not been previously selected prior to the presentation of the project to the World Bank’s Board. Under this structure, the available resources from the Loan will be allocated to the subprojects selected by the Borrower which comply with the technical, environmental and social, financial and economic eligibility criteria, besides complying with the provincial and federal legislation and the World Bank’s policies in their preparation. Therefore, to date, the Project does not include the approval of any specific work (subproject) in any of the beneficiary provinces of the Norte Grande region.

It should be noted that this communication is purely for information purposes and that although the note of reference is not enforceable against the World Bank, this answer is provided with the intent of cooperating and without this implying any waiver of the privileges and immunities corresponding to this institution by virtue of its nature as an international public agency which, in accordance with its Articles of Agreement, enjoys privileges and immunities such as the inviolability of its files and immunity regarding court actions and orders. Said Articles of Agreement were expressly approved by the Republic of Argentina through Decree-Law Number 15.970/56 (Official Gazette 09/12/56).

Similar prerogatives and immunities are established in the Convention on Privileges and Immunities of Specialized Agencies, applicable to the World Bank, which was also approved by the Republic of Argentina, under Decree-Law number 7672 (Official Gazette 09&19/63).

Sincerely yours,

Michel Kerf  
Sector Leader for Sustainable Development  
Argentina, Paraguay and Uruguay

## **Exhibit 2 - Letter from the Environment Directorate on refusal to hold Public Hearing**

[Letterhead of the General Environment Directorate, Water Secretariat, Government of the Province of Santiago del Estero]

Santiago del Estero, February 9, 2010

TO THE NEIGHBORHOOD [...]

Dear Sirs,

In response to your letter dated February 8, 2010, I hereby inform you that the law of which you make mention does not contemplate the mechanism of Public Hearings.

Furthermore, we wish to inform you that said project “Project No. 610071 – Rainwater Discharge Connection in Neighborhood Campo Contreras and Los Flores” has already been awarded an Environmental Approval Certificate, granted on November 25, 2008, through Resolution No. 1872 approved by the Environment Council with all the requirements established by the law.

However, based on the interest that you have expressed, it would be possible to promote an *information meeting* with the various agencies involved in the work, with the purpose of clearing any doubts related to the Project of reference.

Sincerely,

(Signed)

Juan Carlos Targa

Director General

General Environment Directorate

## **Exhibit 3 – OUR LOCAL EXPERIENCE**

### **EIA NOT READ AND APPROVED**

#### **MINUTES NO. 28**

In the City of Santiago del Estero, at 9:00 a.m. of November 4, 2008, the representatives of the following agencies met before the Provincial Environmental Council:

After a wide study and debate of the documentation presented, the following was agreed:

- On the Evaluation “Service Road to Figueroa Dam”, Water Feasibility is requested.
- With regards to the EIA on “**Rainwater Discharge Connection for the Neighborhood Campo Contreras (West) and Los Flores – For 10,000 Housing Units**”, it was agreed to recommend its approval.

-----

[Letterhead of the Planning and Coordination Secretariat  
Government of the Province of Santiago del Estero]

#### **ENVIRONMENTAL APPROVAL CERTIFICATE**

Santiago del Estero, November 25, 2008

---- Pursuant to the provisions of Law No. 6 321 and its Regulatory Decrees, we hereby extend to the Company “Del Tejar S.A.” which presented Environmental Impact Report with reference to the “Project No. 610071 Rainwater Discharge Connection in the Neighborhood Campo Contreras and Los Flores” to be executed in the city of Santiago del Estero, this “**ENVIRONMENTAL APPROVAL CERTIFICATE**” pursuant to the provisions of Resolution No. 1872 dated 25/11/00 of this Planning and Coordination Secretariat.

(Signed)

Arch. Julio E. Mansilla  
Planning and Coordination Secretary  
Government of Santiago del Estero

<b>Table IV – Assessment Matrix – Collector Construction Stage</b>						
<b>IMPACTING ACTIONS</b>	<b>CONSTRUCTION PHASE</b>					
<b>IMPACTED COMPONENTS</b>	Land Clearing, Cleaning & Preparation	Excavation	Simple and Reinforced concrete lining	Compacted filling	Relocation of infrastructure networks intercepting the collector	Transport of waste and excess soil
<b>1. GEOMORPHOLOGY</b>						
Topography changes due to extraction or filling	-19	-13	-30	17	-11	18
Sinking, collapse, subsidence in & out of work area	-10	-9	17	17	-9	13
Erosion process increases or changes	-22	-9	28	13	-11	-15
Flood risk increases or changes	-13	-11	0	0	0	11
<b>2. WATER</b>						
Changes in surface and underground water flow	-24	-12	-19	0	0	0
Changes in quality of surface water	0	0	0	0	0	0
Changes in quality of underground water	0	0	0	0	0	0
Changes in runoff or drainage network	-11	-9	0	11	0	19
Depression of free aquifer	-24	-11	-13	-11	0	0
<b>3. ATMOSPHERE</b>						
Gas or suspended particles pollution	-18	-18	-11	-18	-11	-18
Sound pollution	-16	-11	-11	-11	-11	-11
<b>4. SOILS</b>						
Degree of effects on current and potential uses	-30	-22	-26	-22	0	13
Pollution and changes in soil quality	0	0	0	0	0	13
<b>5. FLORA &amp; FAUNA</b>						
Effect on flora	-15	-23	-23	11	0	0
Effect on fauna	-12	-13	13	0	0	0
<b>6. SOCIAL &amp; CULTURAL</b>						
<b>Impact on the population</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Impact on population health and education	-14	14	18	-14	24	22
Impact on road & building infrastructure and community assets	-12	-13	30	11	16	20
Impact on local & regional economy	11	16	32	13	32	18

<b>7. VISUAL IMPACT</b>						
Impact on visibility	11	-15	0	0	-13	-11
Impact on landscape attributes	-14	-15	18	0	-17	15
Note: "0" – environmental factor on which no impact is perceived.						

LA BANDA CITY (EAST BANK DULCE River)

Discharge in Neighborhood LA ISLA



Discharge Meat Packing Slaughter House



Discharge Industrial Park



Discharge Supermarket



Discharges Misky Mayu and La Banda



Future World Bank Project

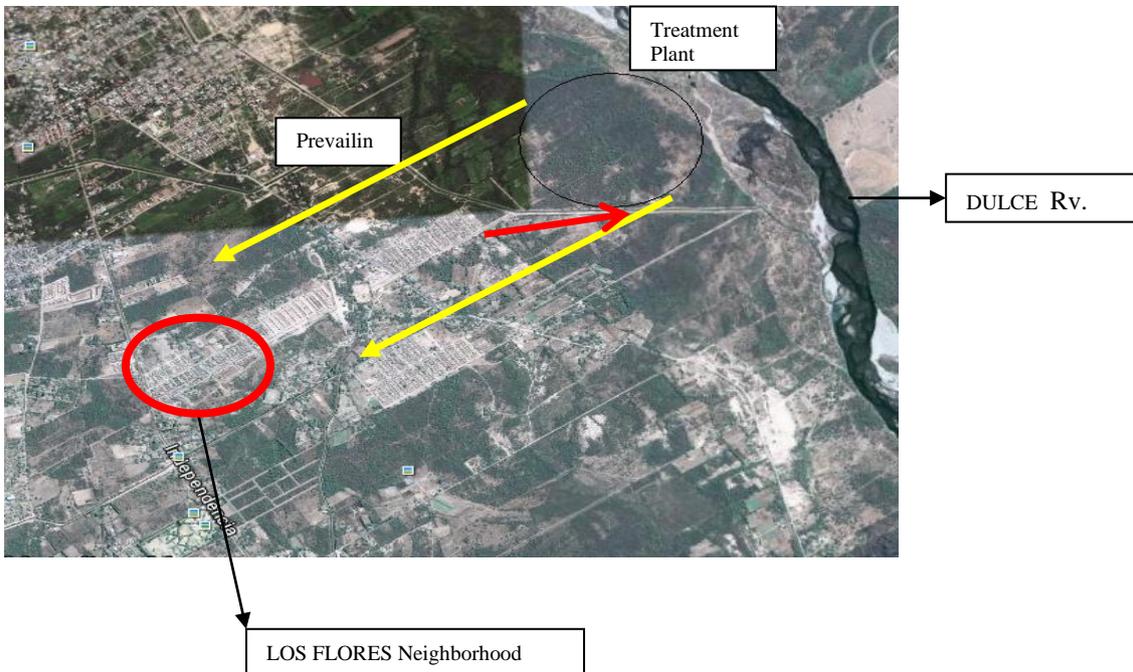


Exhibit 4- Photos of existing sewer discharges.

CITY OF SANTIAGO DEL ESTERO (WEST bank of the DULCE River)  
Alsina Discharge



ULLUAS Lagoon



Atmospheric Trucks



LA COSTA 2 Discharge (direct inspection by Prosecutor GOMEZ)



SIGLO XXI Discharge



LOS FLORES Discharge



## Double discharge at LA COSTA



## LA COSTA 1 Discharge



## New discharge under construction



**Exhibit 5 – False Addresses of Indigenous Attendants to the Consultation Meeting.**

**Consultation Meeting on the Norte Grande Water Infrastructure Program Frameworks, IBRD Loan, Project undergoing Preparation**

Organization Name	Council of the Tonokoté Nation ( <i>Plutque</i> ) (CONATL)
Attendant's Name	María Luisa Pereyra /Sapallitan Atojpa
Address	Legal: City Block 23, Plot 5, SMATA Neighb.
Locality	City of Santiago del Estero
ZIP	4300
Province	Santiago del Estero
e-mail	nuchjyachej@yahoo.com,ar
Website	<a href="http://www.pueblosoriginarios.com">www.pueblosoriginarios.com</a>
Telephone	0385 154 128 930
Describe the Organization's objectives	Organization composed of 28 indigenous communities of the Tonokoté People, Obj. 1: Current territory; 2. Water – within the International and National Human rights – Development with Identity
Indicate the issues on which the organization specializes	Obtaining projects to supply drinking water to the Tonokoté communities which lack water. Comply with Law 26 120, 26 554, 24 071, Dec. Constr.
What is the intervention area?	28 Ton. Com. located in the Depts. of Figueroa, Avellaneda and San Martín
Who are the beneficiaries of the Organization's activities?	The members of the 28 Tonokoté communities.
Are you members of any NGO network?	Encuentro de Organizaciones Indígenas (ETNOPO)

Note: The 28 com with Legal Standing before RENAC in the INAI (National Institute of Indigenous Affairs)

Consultation Questionnaire:

1. Which are the recommendations to leverage the potential Project benefits?
2. In which other ways would you avoid, mitigate and/or compensate potential risks?
3. Which are the most appropriate mechanisms of interaction Project-Institution/impacted communities?
4. Provide any other suggestion of relevance for the Project.

(Seal: Sapallitan Atojpa, /illegible/ Pereyra, Tinkina Tonokoté People, Repres. CPI – CCI – Argentina, /illegible signature/)

1), 2), 3) 4). As Tinkina and CPI of the Tonokoté Indigenous People, all I have to recommend is: a) Take into account the Native Peoples for Water and Drinking Water Supply Projects, always applied “Free, Previous and Informed Consent” and the fundamental precepts of ILO Covenant 169 as well as Article 75, par. 17 and 20 of the National Constitution in the EFFECTIVE PARTICIPATION. Congratulations on being at the 1st Meeting.

**Consultation Meeting on the Norte Grande Water Infrastructure Program Frameworks, IBRD Loan, Project undergoing Preparation**

Organization Name	Council of the Tonokoté Nation ( <i>Plutque</i> ) (CONATL)
Attendant's Name	Domingo Ruiz / /illegible/
Address	Legal: City Block 23, Plot 5, SMATA Neighb.
Locality	City of Santiago del Estero
ZIP	4300
Province	Santiago del Estero
e-mail	huchjyachej@yahoo.com,ar
Website	<a href="http://www.pueblosoriginarios.com">www.pueblosoriginarios.com</a>
Telephone	0385 154 128 930
Describe the Organization's objectives	Development with Identity, pursuing the preservation of the territory, the natural resources and obtaining water supply which we lack.
Indicate the issues on which the organization specializes	All problems of the 28 Tonokoté Indigenous Communities
What is the intervention area?	Territories of 28 Ton. Com. located in the Depts. of Figueroa, Avellaneda and San Martín
Who are the beneficiaries of the Organization's activities?	The members of the 28 Tonokoté communities.
Are you members of any NGO network?	"ETNOPO"

Consultation Questionnaire:

1. Which are the recommendations to leverage the potential Project benefits?
2. In which other ways would you avoid, mitigate and/or compensate potential risks?
3. Which are the most appropriate mechanisms of interaction Project-Institution/impacted communities?
4. Provide any other suggestion of relevance for the Project.

(Seal: Domingo Ruiz, KAMACHEI, Community /illegible/, Tonokoté People, Repres. Indigenous Participation Council (CPI), /illegible signature/)

We only recommend: that the Indigenous Peoples obtain effective participation and that the projects contemplate this and the regulations in Article 75, par. 17 and 22 of the National Constitution and ILO Agreement 169 for Indigenous Peoples and the Universal Declaration of Rights of Indigenous Peoples of UN. There is a provincial law, that was never regulated in spite of notes sent to the government, it is Law No. 6,771.

		VERIFICATION				Number
		PERSONAL ADDRESS				
Name & Surname:		DOMINGO RUIZ				
		DNI	CI	LE	LC	
ID DOCUMENT		Type				
Street		No.	Floor	Appart.		
Building		Block/Build.	City Block	Plot		
SMATA			23	5		
NEIGHB.						
Neighborhood		Locality				
SMATA						
Province						

DATA VERIFICATION: FOR THE EXCLUSIVE USE OF THE VERIFYING AGENT				
ACCESSIBLE ADDRESS		NORMA	RESTRICTED	
INFORMATION OBTAINED				
HOUSE	GOOD CONDITION	NO. OF VISITS	LATERALS	
HOUSE	GOOD	ONE	LEFT	RIGHT
APARTMENT	SIGNS OF NEGLECT	TWO		
MONOBLOCK	UNDER CONSTRUCTION	MORE		
	PRECARIOUS			
INACCESSIBLE DOMICILE DUE TO:				
	SECURITY	GEOGRAPHY	CLIMATE	OTHER
INFORMER'S DATA			RESULTS OF THE VERIFICATION	
DOES NOT PROVIDE INFORMATION			CORRECT	
PROVIDES INFORMATION			X INCORRECT	OTHER
NAME & SURNAME			VERIFIER	SEAL
ID TYPE AND NUMBER			/Illegible signature/	Coprisa S.A. Norberto Costa Manager
RELATION TO OWNER			Date conducted: 03/30/11	Time: 11:57
Signature	In print			
OBSERVATIONS: The residents are the Lugones family (reported by maid)				

		VERIFICATION				Number
		PERSONAL ADDRESS				
Name & Surname:		MARIA LUISA PEREYRA				
		DNI	CI	LE	LC	
ID DOCUMENT		Type				
Street						
Street		No.	Floor	Appart.		
Building						
SMATA		Block/Build.	City Block	Plot		
NEIGHB.			23	5		
Neighborhood						
SMATA		Locality				
		560				
Province						

DATA VERIFICATION: FOR THE EXCLUSIVE USE OF THE VERIFYING AGENT				
ACCESSIBLE ADDRESS		NORMA	RESTRICTED	
INFORMATION OBTAINED				
HOUSE	GOOD CONDITION	NO. OF VISITS	LATERALS	
HOUSE	GOOD	ONE	LEFT	RIGHT
APARTMENT	SIGNS OF NEGLECT	TWO		
MONOBLOCK	UNDER CONSTRUCTION	MORE		
	PRECARIOUS			
INACCESSIBLE DOMICILE DUE TO:				
	SECURITY	GEOGRAPHY	CLIMATE	OTHER
INFORMER'S DATA			RESULTS OF THE VERIFICATION	
DOES NOT PROVIDE INFORMATION			CORRECT	
PROVIDES INFORMATION			X INCORRECT	OTHER
NAME & SURNAME			VERIFIER	SEAL
ID TYPE AND NUMBER			/Illegible signature/	Coprisa S.A. Norberto Costa Manager
RELATION TO OWNER			Date conducted: 03/30/11	Time: 11:57
Signature	In print			
OBSERVATIONS: The residents are the Lugones family (reported by maid)				



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## Solicitud de Inspección

1. Nosotros ,  
[...]

en persona y / o representación a otras personas que viven en la zona conocida como BARRIO LOS FLORES SUR [...].

2. Hemos sufrido o podemos sufrir, un daño como consecuencia de las fallas del Banco Mundial u omisiones en el **PROYECTO**

### **INFRAESTRUCTURA HÍDRICA DE NORTE GRANDE II - REPUBLICA**

**ARGENTINA** con la UNIDAD COORDINADORA DE PROGRAMAS Y PROYECTOS CON FINANCIAMIENTO EXTERNO (UCPYPFE) DE LA NACION – UEP y el Sustainable Development Department, Argentina, Paraguay and Uruguay Country Management Unit, Latin America and the Caribbean Region (World Bank), ON A PROPOSED LOAN IN THE AMOUNT OF US\$200 MILLION (Report No: E2612)

E2612 v5

PUBLIC DISCLOSURE AUTHORIZED

ARGENTINA

PROYECTO  
INFRAESTRUCTURA HÍDRICA DE NORTE GRANDE II

MARCO DE GESTIÓN AMBIENTAL Y SOCIAL

PUBLIC DISCLOSURE AUTHORIZED

24 de Febrero 2011

Unidad Coordinadora de Programas y  
Proyectos con Financiamiento Externo  
Ministerio de Planificación Federal, Inversión  
Pública y Servicios de Nación

3. Describimos los daños o perjuicios que sufrimos y/o podemos sufrir:

Se trata de un Marco (MGAS) para un Proyecto de “Saneamiento” con Impacto Ambiental severo categoría A para 9 (nueve) sub-proyectos y categoría B para 8 (ocho) sub-proyectos.

**TODOS LOS SUB-PROYECTOS SON CLOCAS SOBRE CUENCAS HIDROGRAFICAS**, con problemas graves de contaminación actual, véase

([http://www.elliberal.com.ar/secciones.php?nombre=home&file=ver&id\\_noticia=1101265DQ&buscador=peces](http://www.elliberal.com.ar/secciones.php?nombre=home&file=ver&id_noticia=1101265DQ&buscador=peces))

([http://www.elliberal.com.ar/secciones.php?nombre=home&file=ver&id\\_noticia=110120W4L&buscador=peces](http://www.elliberal.com.ar/secciones.php?nombre=home&file=ver&id_noticia=110120W4L&buscador=peces))

3. 1 - La Nota informativa dirigida al Fiscal Gimena de fecha 20 abril 2011 por parte de la oficina del BM sede Bs As, dice:

“El Proyecto es de tipo "marco", es decir que esta constituido por una serie de subproyectos que no han sido seleccionados de manera previa a la presentación del proyecto al Directorio del Banco Mundial. “

Sin embargo el MGAS informa en pag 43

“74. El siguiente cuadro presenta una clasificación de carácter preliminar y potencial correspondiente a un listado de posibles obras...”

El Sr Kerf informa al Fiscal: (Prueba 1)

“A este respecto, por medio de la presente, le informo a usted que el documento Marco para la Gestión Ambiental y Social del Proyecto (MGAS) preparado por la Unidad de Coordinación de Programas y Proyectos con Financiamiento Externo (UCPyPFE) del Ministerio de Planificación, Inversión Pública y Servicios, el cual menciona en su nota, fue revisado por el Banco Mundial durante la preparación del Proyecto y considerado como aceptable para su publicación...”

Omiten que los cuadros, figuras y anexos no tienen numeración, por lo que su lectura es confusa.

Y agrega que:

“Dicho documento prevé, además, la necesidad de actualizaciones o correcciones al documento tras su aprobación (apartado No. 10)”

Pero olvida especificar que el MGAS se actualiza o corrige sólo si no hay objeción del Banco y, si el Banco no lee con atención los informes, no se actualizará ni corregirá.

3.2 - Los Marcos (MGAS) no especifican claramente el Marco Normativo de participación ciudadana Cuadro s/n, paginas 17 a 20<sup>1</sup>. Del total de provincias involucradas en el PIHNG II, en 2/3 de las provincias no se especifica Marco Normativo para Participación Ciudadana. Del total de 25 proyectos, 17 de ellos no informan mecanismo de audiencia pública, esto involucraría aprox. a 1.414.242 personas sin consulta. En términos

---

<sup>1</sup> Autor: Acerbi

[http://web.worldbank.org/external/default/main?menuPK=2823790&pagePK=64193027&piPK=64670051&theSitePK=2748767&menuPK=64187510&searchMenuPK=51351213&theSitePK=2748767&entityID=000333038\\_20110301234702&searchMenuPK=51351213&theSitePK=2748767](http://web.worldbank.org/external/default/main?menuPK=2823790&pagePK=64193027&piPK=64670051&theSitePK=2748767&menuPK=64187510&searchMenuPK=51351213&theSitePK=2748767&entityID=000333038_20110301234702&searchMenuPK=51351213&theSitePK=2748767)

del Préstamo (pag 46) del total U\$S 629,298,556; el 63% (aprox U\$S401,000,000) no tienen consulta publica.

Cuadro . Marco Normativo y Legal Socio-Ambiental más relevante para los sub-proyectos del PIHNG

MARCO NORMATIVO					
Normas	Evaluación de Impacto Ambiental	Participación Ciudadana	Recursos Hídricos	Reasentamiento Involuntario Pueblos Indígenas <i>Véase el MPRI (Anexo 5) y el MPPI (Anexo 6)</i>	Otros Temas Relevantes para el Proyecto

Provincia de Santiago del Estero					
Ley N° 6.321 y Decreto Reglamentario N° 506/00	Ley de Normas Generales y Metodología de Aplicación para la Defensa, Conservación y Mejoramiento del Ambiente y los Recursos Naturales (Art. 10). El Decreto contiene los instructivos para la elaboración de un EsIA (Anexo I)	¿?	Otorga a la Autoridad de Aplicación Provincial la responsabilidad de establecer los criterios ambientales en el manejo de los recursos hídricos (Art. 44)		
Ley N° 4.869			Código de Aguas		

Se hace especial referencia a este aspecto social de la audiencia por cuanto el barrio ya tiene experiencia administrativo/legal de solicitar a las autoridades por impactos ambientales de obras públicas con la respuesta que se adjunta (Nota de la Dirección de Ambiente denegando la Audiencia Publica por no estar reglamentada, aunque sí esta reglamentada por el Ministerio de la Producción, pero en el MGAS no se informa) (Prueba 2)

Si bien para el Banco Mundial en su OP 4.01 está clara la participación social, por ej.:

“In order to be approved, all subprojects without exception would need to comply with the criteria established for inclusion in the program, which include having background studies and consultation processes that meet Bank standards. “

En este Marco por parte de la UCPyPFE no esta acabadamente esclarecido.<sup>2</sup>

Esto nos preocupa del Report No: 58791-AR

<sup>2</sup> Los errores estratégicos, son los errores de planificación, la falta de comprensión de la razón de ser del informe, el saber “porque” y “para que” - L'évaluation des impacts sur l'ENVIRONNEMENT, procesus, acteurs et pratique. Cap.7-Pp. 203-207 Pierre ANDRÉ et al. – Ed. Presses Internationales Politechniques, 1999.

*C. Compliance Monitoring Indicators at the Corporate Level (to be filled in when the ISDS is finalized by the project decision meeting)*

---

**OP/BP/GP 4.01 - Environment Assessment**

Does the project require a stand-alone EA (including EMP) report?	No
If yes, then did the Regional Environment Unit or Sector Manager (SM) review and approve the EA report?	N/A
Are the cost and the accountabilities for the EMP incorporated in the credit/loan?	Yes

---

**Esto nos preocupa** del Report No: 58791-AR

---

**The World Bank Policy on Disclosure of Information**

Have relevant safeguard policies documents been sent to the World Bank's Infoshop?	Yes
Have relevant documents been disclosed in-country in a public place in a form and language that are understandable and accessible to project-affected groups and local NGOs?	Yes

---

3.3 - Los Marcos (MGAS) en el Cuadro s/n, pag 21, indica de manera errónea y equivocando el funcionario administrativo responsable (como notificó oportunamente el Fiscal Gimena al BM con Nota 01/04/2011)

**MARCO INSTITUCIONAL**

Provincia de Santiago del Estero	- El Ministerio de la Producción cuenta con la Subsecretaría de Recursos Naturales, Forestación y Asuntos Campesinos y la Dirección General de Recursos Forestales y Medio Ambiente.
----------------------------------	--

Una cosa es el Ministerio de la Producción, aquí su pagina web:

[http://www.mproduccion.gov.ar/portal/index.php?option=com\\_content&task=view&id=5&Itemid=32](http://www.mproduccion.gov.ar/portal/index.php?option=com_content&task=view&id=5&Itemid=32)

Otro tema es la Secretaría del Agua, aquí su pagina web:

<http://www.sde.gov.ar:84/secAgua/sda.html>

La Normativa sobre la autoridad de aplicación a nivel Provincial no esta clara.

Verificación: la Dirección de Ambiente pertenece a la Secretaría del Agua



Por lo tanto se demuestra que esto es falso en el Infoshop

<b>All Safeguard Policies</b>	
Have satisfactory calendar, budget and clear institutional responsibilities been prepared for the implementation of measures related to safeguard policies?	Yes
Have costs related to safeguard policy measures been included in the project cost?	Yes
Does the Monitoring and Evaluation system of the project include the monitoring of safeguard impacts and measures related to safeguard policies?	Yes
Have satisfactory implementation arrangements been agreed with the borrower and the same been adequately reflected in the project legal documents?	Yes

### 3.4- En el MGAS se puede leer pag. 14

“27. La información provista en los Cuadros 1 y 2 ostenta carácter referencial. La legislación pertinente y los requisitos específicos que de ella se desprendan, así como las de las correspondientes autoridades de aplicación para cada sub-proyecto, particularmente a nivel provincial, serán acabadamente identificadas y presentadas por los Organismos Provinciales intervinientes durante la fase de Identificación y Clasificación de los mismos tal como se prevé en los procedimientos que se describen en el punto 6.5 de este Marco.”

A este respecto debemos informar que, de los Cuadros, ninguno tiene numeración.

Y que, el punto 6.5 que las Provincias deberán acabadamente identificar y presentar **NO EXISTE** (ni en el texto ni en el índice)<sup>3</sup>

<sup>3</sup> Los errores tácticos, como los errores de edición y la falta de releer el texto a fin de asegurar su claridad y legibilidad. L'évaluation des impacts sur l'ENVIRONNEMENT, processus, acteurs et pratique. Cap.7- Pp. 203–207 Pierre ANDRÉ et al. – Ed. Presses Internationales Polytechniques, 1999.

6.4 ESTUDIOS Y PLANES DE GESTIÓN REQUERIDOS EN FUNCIÓN DE LA CATEGORÍA AMBIENTAL Y SOCIAL DEL SUB-PROYECTO POR CICLO Y RESPONSABILIDADES INSTITUCIONALES .....47

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7.1 PLAN DE COMUNICACIÓN AMBIENTAL Y SOCIAL (PCAS) DEL PROYECTO EN ETAPA DE PREPARACIÓN (PEP) Y DEL MARCO DE GESTIÓN AMBIENTAL Y SOCIAL (MGAS) 59

3.5- En el MGAS Cuadro s/n pag 48-49

Cuadro : Ciclo de Sub-proyecto, Instrumentos de Gestión Ambiental y Social Interna y Externa por Categoría y Responsabilidades Institucionales

Gestión Ambiental y Social por ciclo de Sub-proyecto			Tarea	Sub-proyecto por Categoría Ambiental y Social			Responsabilidades			
				A	B	C	Unidad Ejecutora Proyecto	Provincia	Comisión/ Supervisor	Banco
Incorporación Sub-proyecto en el PIHNG II		Identificación Sub-proyecto	Preparación					X		
			Aprobación				X			
Identificación y Clasificación	Definición conceptual y pre-diseño	Evaluación Ambiental y Social Preliminar (EASP) y Propuesta Estudios	Preparación	Documento Técnico (FEPAS, ESAEX u otro) y Divulgación. Consulta si aplicable	Documento Técnico (FEPAS, ESAEX u otro) y Divulgación. Consulta si aplicable	Documento Técnico (FEPAS, ESAEX u otro) y Divulgación.		X		
			Informe Cumplimiento EASP, Estudios y Aprobación	Preparación	IEAS	IEAS	IEAS	X		
	Ante-proyecto preliminar Pre-factibilidad	Estudios Ambientales y Sociales	Preparación	1. TDR EIAS, y 2. PRI 3. PPI 4. PME si aplicables) y Consulta	TDR EIAS simp, y 2. PRI 3. PPI 4. PME si aplicable) y Consulta	1. ETAs y Divulgación; y TdR 2. PPI 3. PRI si aplicables y Consulta		X		
			Informe Cumplimiento TDR, y ETAs y Aprobación	Preparación	IEAS	IEAS	IEAS	X		
Evaluación	Ante-proyecto detallado y Factibilidad	Contratación y Supervisión Desarrollo	Preparación	1. EIAS con PGAS y ETA's; y 2. PRI 3. PPI 4. PME si aplicables, y Consultas	1. EIASsimp, PGAS y ETAs; y 2. PRI 3. PPI 4. PME si aplicables; y Consultas	1. ETAs y Divulgación; y 2. PRI 3. PPI y Consultas si aplicables		X		
			Desarrollo y Fin EIAS y otros	1. EIAS con PGAS y ETAs; y 2. PRI 3. PPI 4. PME si aplicables, y Consultas, finalizados	1. EIASsimp, PGAS y ETAs; y 2. PRI 3. PPI 4. PME si aplicables, y Consultas, finalizados	1. ETAs finalizadas y Divulgación; y 2. PPI 3. PRI finalizados y Consultas si aplicables		X		
		Incorporación medidas AS; y obtención Declaración Impacto Ambiental o Licencia Ambiental	Preparación	Declaración Impacto Ambiental o Licencia Ambiental	Declaración Impacto Ambiental o Licencia Ambiental	Declaración Impacto Ambiental o Licencia Ambiental		X		
			Informe EIA y otros y Aprobación	Preparación	IEAS	IEAS	IEAS	X		
		No objeción							X	

Gestión Ambiental y Social por ciclo de Sub-proyecto			Tarea	Sub-proyecto por Categoría Ambiental y Social			Responsabilidades			
				A	B	C	Unidad Ejecutora Proyecto	Provincia	Contratista/ Supervisor	Banco
Ejecución y Monitoreo	Preparación Pliegos y Contratos	Incorporación PGAS, y otros en PyC Obras y Supervisión	Preparación	PyC Obras y Supervisión, y Divulgación	PyC Obras y Supervisión, y Divulgación	PyC Obras y Supervisión, y Divulgación		X		
			Aprobación				X			X
	Licitación y Contratación		Desarrollo	Pliegos y Contratos de Obras y Supervisión, y Divulgación	Pliegos y Contratos de Obras y Supervisión, y Divulgación	Pliegos y Contratos de Obras y Supervisión, y Divulgación	X			
			Informe EIAs y otros y Aprobación	Preparación	ISAS	ISAS	ISAS	X		
	Ejecución y Supervisión Sub-proyecto	Programa Gestión Ambiental y Social	No objeción							X
			Aplicación	1. PGAS y ETAs, 2. PPI, 3. PRI, 4. PME (2, 3 y 4 si aplicables) y Divulgación	1. PGAS y ETAs, 2. PPI, 3. PRI, 4. PME (2, 3 y 4 si aplicables) y Divulgación	1. ETAs, y 2. PPI, 3. PRI (2 y 3 si aplicables) y Divulgación		X	X	
			Preparación	Informe Cumplimiento PGAS y Aprobación	ISAS	ISAS	ISAS	X		
	Finalización Sub-proyecto y Cierre Administrativo	Informe Fin Sub-proyecto y Aprobación	Preparación	IFAS y Divulgación	IFAS y Divulgación	IFAS y Divulgación	X			
No objeción									X	
Operación y Mantenimiento		El seguimiento es responsabilidad de cada área operativa según el caso (instrucciones ejecutoras, entes de saneamiento, etc.)								

Nuestros antecedentes informan que no hay Consejo del Ambiente que funcione, pues hace 2 años que no se reúne y por otro lado cuando funciona (no habiendo Audiencia Pública) se aprueban EIA's con altísimo impacto social sin conocimiento y sin leer el documento. (Prueba 3)

### Esto nos preocupa:

*Medidas y/o programas de inclusión social del Proyecto y/o sub-proyectos. Se desarrollarán a partir de la Evaluación Social Rápida del Proyecto. Este documento se basó en una exhaustiva revisión de gabinete, evaluaciones de impacto ambiental previas de algunos sub-proyectos ejemplo de los identificados preliminarmente por las provincias y la UCPyPFE, y sintetiza los hallazgos sobre aspectos sociales relevantes al Proyecto, principales oportunidades y riesgos, posibles impactos negativos, positivos, temporales o permanentes - asociados o generados por las obras de agua y saneamiento (AyS), y proponer medidas de mitigación o potenciación. El análisis examina*

“Evaluaciones de impacto ambiental previas”?

Si existen 14 descargas clandestinas de cloacas al RIO DULCE hoy (ver fotos, Prueba 4), y este sub-proyecto del BM adiciona la descarga Nro 15, esto no es un proyecto de **SANEAMIENTO** para nuestra Cuenca. Es un proyecto de Contaminación de la Cuenca. (ver Google – Panoramio están las fotos subidas)

Descargas Banda.kml

Descargas Santiago del Estero.kml

3.6 - En el MGAS se puede leer pag. 64

### “7.5 GUÍA REFERENCIAL PARA PLAN DE COMUNICACIÓN AMBIENTAL Y SOCIAL PARA LOS SUB-PROYECTOS: CONVOCATORIA Y DOCUMENTACIÓN

143. Las consultas serán organizadas por los Organismos Provinciales Involucrados bajo la supervisión y aprobación de la UCPyPFE, que participará de la misma como responsable última por los Sub-proyectos. Estas consultas podrán contar con la colaboración de los especialistas consultores de los estudios.”

Además se puede leer:

“b. Las convocatorias para las consultas serán realizadas con por lo menos \_\_ días de anticipación y serán acompañadas de amplia difusión a través de medios a nivel nacional y provinciales relevantes.”

### 3.7 - En el MGAS se puede leer pag. 67

#### “8 SISTEMA DE INTERACCIÓN, ATENCIÓN DE RECLAMOS Y RESOLUCIÓN DE CONFLICTOS DEL MGAS

145. El Proyecto contará con un sistema de interacción permanente para la recepción de opiniones, consultas, sugerencias y un módulo de gestión de reclamos y resolución de conflictos. Esta gestión será transversal a toda su operatoria, con un enfoque escalonado dependiendo de la complejidad y severidad de los referidos reclamos y conflictos.

Y a continuación en la pag 68 se puede leer:

- 147. Instancia Institucional, Primera Instancia.
- 148. Mediación Externa, Segunda Instancia.
- 149. Reclamo al Defensor del Pueblo, Tercera Instancia.
- 150. Tratamiento Judicial, Cuarta Instancia.”

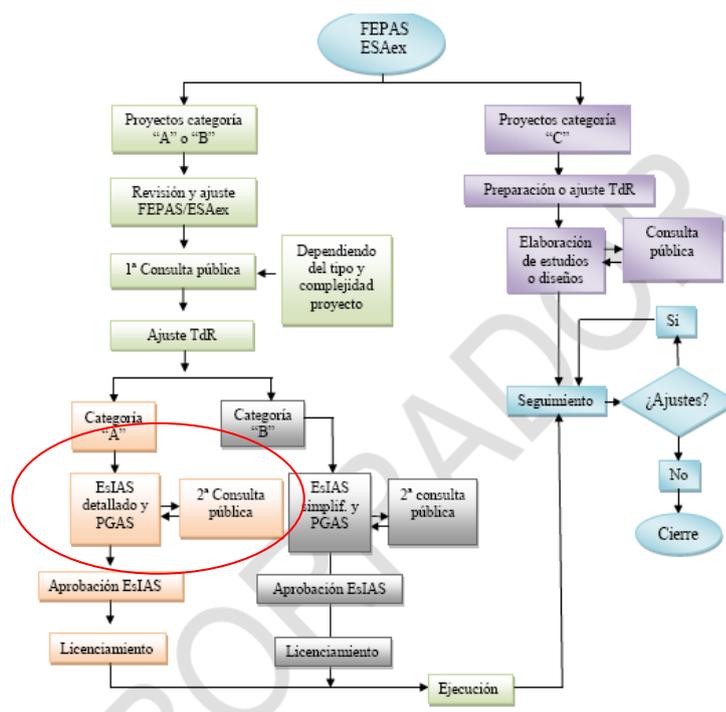
Nótese que habiendo apelado en todas esas instancias para reclamar y solucionar el conflicto, hemos debido apelar al Panel de Inspección. Sin embargo, en el MGAS no se informa sobre el IP, como una instancia de reclamo por conflictos con una obra financiada por el BM.

### 3.8 - En el MGAS se puede leer pag. 72

#### “Temas de Capacitación y/o Formalización en Instrumentos de Gestión Social, incluidos Reasentamiento Involuntario y Pueblos Indígenas Posibles Temas

Urbanización no planificada, inducida por el proyecto y el desarrollo inducido: comercial, industrial y residencial por la orilla del camino, y el crecimiento urbano irregular. Degradación visual debido a la colocación de carteleras a los lados del camino y alternativas de articulación institucional locales, o establecer otras para encargarse del desarrollo a largo plazo, planificación regional para tratar los cambios, manejo de un número creciente de disputas y problemas sociales, y acomodar a una población mucho más diversa.”

### 3.9 Según Figura . Flujo Referencial del Ciclo de Sub-proyectos y Consulta pag 65 del mismo documento:



Se llevó a cabo la 2ª audiencia pública sin publicidad para que pudiéramos participar todos, el 25 de Enero 2011.

([http://www.elliberal.com.ar/secciones.php?nombre=home&file=ver&id\\_noticia=110126X89&buscador=marco regulatorio](http://www.elliberal.com.ar/secciones.php?nombre=home&file=ver&id_noticia=110126X89&buscador=marco%20regulatorio))

Aunque nos queda como duda si se trató de una consulta sobre el MGAS o fue la 2ª Aud. Pub del Sub proyecto Sgo del Estero (Cloaca Máxima).

### Esto nos preocupa:

53. Disclosure and Consultation. The ESMF was first disclosed on UCPyPFE's website on September 28, 2010 and in the Bank's Infoshop on October 20, 2010. Final drafts of the Frameworks (ESMF, IPPF and RPF) have been publicly disclosed in-country and in the Infoshop on February 24, 2011. All Frameworks (ESMF, IPPF and RPF) have been consulted through three different channels: (i) expert peer review of the documents by two internationally recognized<sup>53</sup> professionals with substantial experience in the WSS sector and also in working with indigenous communities in Argentina; (ii) a virtual review as part of which the Project documents were shared for comments with a variety of institutional stakeholders at the federal and provincial levels, including provincial environmental agencies and institutions related to water resources provision and management, NGOs and indigenous affairs institutions; and (iii) organization of focus group targeted meetings to discuss any comments to the frameworks in two provinces of the NGR on January 25-27, 2011<sup>54</sup>. Additionally, the Communication and Consultation Framework (CF) of the ESMF requires broad dissemination of information on the Project to ensure an open process of discussion about its scope and objectives, as well as timely and thorough consultation for relevant stakeholders of future subprojects to ascertain their views, identify potential adverse and positive impacts, and define adequate mitigation measures, especially for category A subprojects where meaningful consultations will be required.

<sup>53</sup> Angel Menendez (ESMF), Pia Pacheco (IPPF and RPF).

<sup>54</sup> The exercise of dissemination and focus-group discussions of the safeguard framework has not generated to date any comments requiring a modification of the framework documents (in particular, the focus group discussion conducted in Santiago del Estero has highlighted the early involvement of indigenous people in the sub-projects assessment cycle, something which was already contemplated). UCPyPFE has agreed to maintain a continued outreach effort during implementation to disseminate Project information and key documents to enable participation of institutions that could not attend the focused group discussions during preparation. As an example, the ESMF has been submitted to the National Environment Secretariat. Details on comments received in UCPyPFE's report on the consultation process, available in UCPyPFE website and in the Infoshop." (Autor WBG)

Esta consulta pública se hizo en época de receso universitario de verano, por lo tanto [...] no pudo participar y Barrio los Flores [...] no estuvo invitada. (véase Anexo 3 – pag 13 - InfReunionSntg.pdf)

Aquí su página web: [...]

Recuérdese que estos [...] objetaron el sub-proyecto Cloaca Máxima en la Audiencia Publica del 14 de Junio de 2010 con 25 objeciones<sup>4</sup>. (video enviados al IP)

Aquí su pagina web, con las respuestas (nótese que no tienen firma, fecha, membrete)

---

<sup>4</sup> INTEGRATED SAFEGUARDS DATASHEET APPRAISAL STAGE

I. Basic Information

Date prepared/updated: 03/22/2011 Report No.: 60433

[http://www.sde.gov.ar:84/secAgua/cloaca\\_maxima/Consultas\\_Audiencia\\_Publica.pdf](http://www.sde.gov.ar:84/secAgua/cloaca_maxima/Consultas_Audiencia_Publica.pdf)

Remarcamos que solo 8 de las 25 preguntas fueron respondidas satisfactoriamente.

“During the Audiencia Pública held in Santiago del Estero in June 2010, some objections and questions on the EIA and the consultation process were raised from several participants. These objections were reported to the Bank by a representative from Universidad Nacional de Santiago del Estero on November 2010. These objections will be taken into account in the environmental and social assessment process to be undertaken for this particular subproject under the eligibility criteria and safeguards related requirements of the loan.”

(ver archivo Video VTS-04-1.pdf )

Nótese que las objeciones fueron reportadas al Banco por [...] y no por la oficina responsable de la contraparte federal UCPyPFE.

En cuanto al segundo evento:

Plan de Comunicación Ambiental y Social (PCAS) del Proyecto en  
Etapa de Preparación (PEP).

Proyecto de Infraestructura Hídrica de Norte Grande II.

**Informe reunión de Consulta de los Marcos (MGAS, MPPI y MPRI)-  
Santiago del Estero.**

25 de Enero de 2011

Los asistentes a la reunión de 25 de enero, dos de ellos [...] se reportan por mail al IP como no informados (ver mails).

A su vez, los indígenas se verifican con domicilios falsos (ver Prueba 5).

En cuanto al grupo [...] no pertenece a la ciudad de Sgo. del Estero, su domicilio está situado [...] a 280 km de la “posible” obra)

En resumen, del total de 17 participantes, 5 no se validan y 7 son del Gobierno de la Provincia, quedan solo 5 participantes que “representan” a la participación no gubernamental.

En esta reunión se entregó un CD a los participantes con información con errores del tipo táctico<sup>5</sup>:

### “3 MARCO NORMATIVO E INSTITUCIONAL

En la Argentina, tres niveles de gobierno tienen competencias y legislación con respecto a la gestión y control ambiental: la nación, las provincias y los municipios. Sin embargo, la legislación y el nivel de fiscalización ambiental son muy dispares entre las provincias y municipios. También los aspectos sociales, particularmente los vinculados a reasentamiento involuntario y pueblos indígenas cuentan con normativa de aplicación de distintos niveles. Los Cuadros 1 y 2, cuyos detalles se desarrollan en el Anexo 12, presenta una síntesis, no exhaustiva y a modo orientador, de la legislación ambiental y social y la estructura institucional (nacional y provincial) más relevantes. Los **¡Error! No se encuentra el origen de la referencia.** Anexos 5, Marco de Política de Reasentamiento Involuntario (MPRI), y **¡Error!**

---

<sup>5</sup> Error táctico.

No se encuentra el origen de la referencia. Anexo 6, Marco de Planificación para Pueblos Indígenas (MPPI), presentan detalles particulares del marco normativo-institucional en esas áreas.”<sup>6</sup> (autor Acerbi)

Estos errores del archivo en CD fueron notificados al BM Bs As (Sra P. Lopez)  
Es por eso que en el MGAS, pag 232, se puede leer:

“Asimismo se han recibido por el Banco algunos comentarios específicos sobre el borrador del MGAS diseminado en la reunión del 25 de Enero, 2011 en Santiago del Estero por parte de un grupo interesado perteneciente a la Universidad Nacional de Santiago del Estero, los cuales han sido considerados en la elaboración de la versión finalizadas de este MGAS.

Pero [...] no asistió a la mencionada reunión como ya se dijo *ut supra*.

7. En conclusión, esta primera fase de consulta bajo el formato de grupos focales no ha arrojado comentarios que impliquen cambios en la documentación hasta ahora preparada con relación a procedimientos, políticas y arreglos institucionales ambientales y sociales que servirán a la futura preparación y gestión de sub-proyectos.”

La conclusión es evidentemente incoherente con los reclamos efectuados.

Es oportuno remarcar que:

NO VINCULANTE

Es la Audiencia Pública con respecto al proyecto/obra vigente.

NO VINCULANTE

Es la Audiencia Publica respecto de la demanda penal vigente.

**AMBOS SIGUEN SU CURSO SIN DETENERSE.**

3.10 En el Report No: 58791-AR, pag 46

“45. Capacity assessment. In addition, an assessment of the current institutional capacity at the UCPyPPF and local provincial levels was conducted during Project preparation. Overall, it was found that the staff in the UCPyPFE is competent to manage safeguard issues, “

Y en la Letter del BM al Dr. Gimena:

“A este respecto, por medio de la presente, le informo a usted que el documento Marco para la Gestión Ambiental y Social del Proyecto (MGAS) preparado por la Unidad de Coordinación de Programas y Proyectos con Financiamiento Externo (UCPyPFE) del Ministerio de Planificación, Inversión Pública y Servicios, el cual menciona en su nota, fue revisado por el Banco Mundial durante la preparación del Proyecto y considerado como aceptable para su publicación.”

<sup>6</sup> <http://office.microsoft.com/es-es/word-help/solucionar-problemas-de-marcadores-HP005189371.aspx>

SI

SUCEDERÁ LO SIGUIENTE

Copia todo o parte de un elemento marcado a otra posición del mismo documento

El marcador permanecerá con el elemento original; la copia no estará marcada.

**Esto nos preocupa:**

Safeguard policies triggered?	
Environmental Assessment (OP/BP 4.01)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Natural Habitats (OP/BP 4.04)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Forests (OP/BP 4.36)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Pest Management (OP 4.09)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Physical Cultural Resources (OP/BP 4.11)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Indigenous Peoples (OP/BP 4.10)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Involuntary Resettlement (OP/BP 4.12)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Safety of Dams (OP/BP 4.37)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Projects on International Waterways (OP/BP 7.50)	<input checked="" type="radio"/> Yes <input type="radio"/> No
Projects in Disputed Areas (OP/BP 7.60)	<input type="radio"/> Yes <input checked="" type="radio"/> No

En Resumen **NOS PREOCUPA** que todos estos errores no hayan sido detectados por el BANCO, así como nos preocupa que en ninguna instancia de este MGAS haya participación social. NO estaba previsto someter a consideración del BARRIO LOS FLORES.

Sin embargo estaba previsto. Solo basta leer las paginas del PAD (Report No: 58791-AR)

**Annex 4: Operational Risk Assessment Framework (ORAF)**

**ARGENTINA**

**Second Norte Grande Water Infrastructure Project**

			Project ownership and commitment at the local level.
<ul style="list-style-type: none"> <li>Social and Environmental</li> </ul>	M-I	Limited capacity for environmental and social management negatively affects achievement of PDO and can potentially damage the Bank's reputation.	This risk will be partially mitigated by adding key environmental and social staff positions in the two participating levels (national and provincial) together with clear safeguards implementation and supervision arrangements.

4. [Lista de las políticas operativas del Banco Mundial cree que no se han observado]

**Cuadro . Síntesis de Aplicación de Políticas de Salvaguardas del Banco Mundial en el Proyecto**

Política de salvaguarda	Escenario de aplicación y requerimientos
Evaluación ambiental: OP 4.01	Aquellos proyectos donde se prevea la afectación temporal o permanente del entorno natural o social, a través de impactos directos, indirectos o acumulativos. La profundidad del análisis es función del nivel de riesgo ambiental. Para cumplir con esta Política se desarrolló el presente MGAS, que aplica a todo proyecto que se proponga en el marco del Programa de Infraestructura Hídrica del Norte Grande. La profundidad del análisis y por ende, las exigencias asociadas, dependerán del grado de riesgo ambiental y social. Sobre dicha base, podrá requerirse la realización de Evaluaciones de Impacto Ambiental y Social comprensivas, entre otros estudios posibles.

The project is classified as Category A in accordance with Bank's Environmental Assessment safeguard policy (OP4.01).

Divulgación Pública BP 17.50: Se requerirá el desarrollo de una adecuada estrategia de comunicación y participación, especialmente para proyectos que resulten identificados como de alto riesgo ambiental.

En cuanto al Plan para Pueblos Indígenas (PPI) y Planes de Reasentamiento Involuntario (PRI) deberemos expresarnos mas adelante, por cuanto debemos consultar con los hermanos indígenas del Norte Grande, quienes se reunirán próximamente para tratar el tema Cuencas.

Nos hemos quejado al personal del Banco Mundial en los siguientes casos:

Numerosas llamadas telefónicas con respuesta, desde el día 20/12/2010, sin solución satisfactoria a nuestras peticiones. En cada comunicación se advirtió que el MGAS contenía errores y que el documento debería ser revisado, sin embargo no fueron salvados y el documento fue colgado tal como esta ahora en la web del BM.

Nuestro consultor [...], es santiagueño y trabaja hace 25 años sobre saneamiento en Italia, ha establecido un buen contacto con BM Buenos Aires, sin embargo el taller participativo anunciado por mail aun no se ha realizado. Con la lógica frustración de la comunidad.

Idéntica frustración se ha vivido cuando esperábamos la respuesta del Dr Lenton sobre su reunión con Sra P. Cox el 2 de marzo 2011 antes de su viaje a Argentina.

Desde [...] de envió e-mails:

20/12/2010 mail a [plopez@worldbank.org](mailto:plopez@worldbank.org)

*Ref.: Comentarios a la Evaluación de Impacto Ambiental de la Obra "Cloaca Máxima de Santiago del Estero".  
Segundo Proyecto Norte Grande Hídrico del Banco Mundial*

"Tan pronto exista un plan para la actualización de los estudios se volverán a organizar reuniones de consulta, en las cuales contamos desde ya con su participación. Consideramos que la participación ciudadana y agentes relevantes interesados durante la preparación es clave para el éxito de los Proyectos, y reiteramos nuestro compromiso en apoyar al Gobierno en este importante proceso."

Sin respuesta aun.

La Sra P. Lopez ha tomado licencia por 1 mes, dejando a cargo al Sr Acerbi. (ver archivo mails.doc) sin embargo en la inminente reunión anunciada por Sr Acerbi, no se menciona como partícipes [...] (asesor técnico), al [...] (asesor jurídico) y [...] (asesor ambiental)

Sin estos referentes para el Barrio Los Flores, no podrá participar en la reunión.

Pedimos al Grupo de Inspección recomiende a los Directores del Banco Mundial que un Ejecutivo investigue estos asuntos y que se lleve a cabo.

Firmas : [...]

Fecha: 28 de Abril de 2011

Dirección de contacto, número de teléfono, número de fax y dirección de correo electrónico:

[...]

Lista de adjuntos

Prueba 1 – Letter to Fernando Gimena Santiago del Estero 20042011

Prueba 2 – Nota de Direc. Ambiente sobre Audiencia Publica denegada

Prueba 3- EIA sin leer y aprobado.

Prueba 4- Fotos de descargas cloacales ya existentes.

Prueba 5- Domicilios falsos de los indígenas invitados.

Prueba 6 – Textos del Video VTS\_04-1 s/ Aud. Publica con la UCPyPFE

**Nosotros no autorizamos a revelar nuestras identidades**

**HEMOS SIDO AMENAZADOS Y GOLPEADOS POR NUESTROS RECLAMOS**

Adjuntamos las pruebas.

Fotos agresión policial

Fotos de agresión policial



Invaden propiedad privada



Amenaza a Propietaria discapacitada



Golpe en la cabeza



Propietario 75 años



Asamblea de vecinos



Asamblea de vecinos



Protesta callejera

Canal de Nexo Pluvio Cloacal al fondo de las casas



**peligro para todos**

**todos hacen oídos  
sordos**

**un canal en  
medio del barrio los flores**

**16m de boca  
pasa por el  
medio de las casas**

**sin importar el  
impacto ambiental  
y social!**

**solo importa  
el dinero a cobrar!**



**es un río  
no un canal**



Nota Complementaria para el Panel de Inspección.

Fecha: 15 de mayo de 2011

Con estas pocas líneas respondemos a vuestro gentil pedido de aclaraciones después de la conversación sostenida el día 15 las 14:30 hs, donde estuvieron presentes los solicitantes, en esta ocasión se aclararon algunos puntos en duda sobre la presentación efectuada por los mismos. Le solicitamos que incluyan esta aclaración como parte de nuestra solicitud de inspección.

- Cuales son las principales objeciones a nivel técnico que se pueden hacer al subproyecto presentado sobre el PIHNG II.

Premisa: teniendo en cuenta que en ningún momento hemos contado, ni hemos tenido la oportunidad de consultar (no obstante nuestros pedidos) el proyecto real por lo tanto, probablemente, algunas observaciones pueden ser incompletas, la información principal que contamos es básicamente el documento de EIA y MGAS II y en base a estos documentos es que se realizan las siguientes observaciones.

Ignoramos si el proyecto contempla “Habitantes fluctuantes” siendo esta provincia con fuerte actividad de movilidad de población.

-El manejo **lodos y otros residuos sólidos** (producto de la actividad del depurador) no esta claro y menos aun se considera el uso integral.

-Elección tecnológica por que? En ningún momento se presenta el por que del uso de una determinada tecnología de depuración, producto de un análisis comparativo (costo/beneficio) según alternativas tecnológicas presentes en el mercado.

-Balance de energía, donde está el documento? Como llegan al depurador con la energía necesaria para alimentar las maquinas electromecánicas del sistema? Cuanta energía consume?

-Oxigeno enriquecido, este tema tendría que ser aclarado en modo detallado, cuando se elige la tecnología convenientemente adaptada a la realidad local.

-No hay planificación integral de las obras en el contexto del sistema rio Sali-Dulce.

-Curso de agua superficial (sistema Sali Dulce) no analizado en modo integral.

- No está planificado la anulación de descargas identificadas (impacto acumulativo) en el sistema cloacal completo de la ciudad

-Zona sensible con obras en curso de realización que se suman en sus impactos, sin real manejo del territorio.

- No está claramente explicado cómo se manejan las aguas de primera lluvia

Una de las cosas mas importantes es que el Río Dulce es lo maspreciado que tiene Santiago del Estero, y por ello deseamos su preservación; es lo que le da vida a nuestra ciudad en la cual el 70% del año no llueve, es fuente de agua para la población y sirve para alimentar a través de la pesca a los pueblos más alejados y si seguimos contaminando el río a través de obras mal realizadas seremos el 2<sup>a</sup> Riachuelo en la Argentina que bien Uds. deben conocer.

Estado de salud del río

“la gente se enferma porque el río está enfermo”

Esto nos lleva a proponer en la inspección, una revisión del MARCO MGAS II y también solicitar una actualización del Proyecto con participación de los grupos de interés

Unir la oportunidad con la necesidad, esta es una oportunidad de participación positiva.

Cordiales Saludos

# Prueba 1 – Letter to Fernando Gimena, Santiago del Estero 20042011

**Banco Mundial**  
BANCO INTERNACIONAL DE RECONSTRUCCIÓN Y FOMENTO  
ASOCIACIÓN INTERNACIONAL DE FOMENTO

Eschazard 547, 29th floor  
C1109ABG  
Ciudad Autónoma de Buenos Aires  
República Argentina

Tel (54-11) 4316-0700 / 44  
Fax (54-11) 4313-1233

20 de Abril de 2011

Fernando Gustavo Javier Gimena  
Fiscal general ante el Tribunal Oral en lo Criminal Federal  
Santiago del Estero  
República Argentina

Estimado Sr. Fiscal:

## Referencia: Proyecto Infraestructura Hídrica Norte Grande II (P125151)

Tengo el agrado de referirme a su nota de 1 de abril, 2011 dirigida a Patricia López en la oficina del Banco Mundial en Buenos Aires, Argentina, recibida por esta institución el día 5 de abril de 2011 a las 17:20 horas, en la que informa de la tramitación de la causa "Investigación Preliminar en los Términos del Art. 26 de la Ley 24.946 – Actuaciones Remitidas por Fiscalía Federal de Tucumán – Actuación Preliminar No. 25 "Centro Vecinal Los Flores Sur S/Contaminación del Canal pluvial DPS y Río Dulce" Expte (FiscalNet) No. 155086/2010, y solicita la suspensión de la reunión del 5 de abril relativa al Proyecto de Infraestructura Hídrica del Norte Grande II (P125151).

A este respecto, por medio de la presente, le informo a usted que el documento Marco para la Gestión Ambiental y Social del Proyecto (MGAS) preparado por la Unidad de Coordinación de Programas y Proyectos con Financiamiento Externo (UCPyPPE) del Ministerio de Planificación, Inversión Pública y Servicios, el cual menciona en su nota, fue revisado por el Banco Mundial durante la preparación del Proyecto y considerado como aceptable para su publicación para conocimiento de interesados previamente a la fecha del 5 de abril, considerando que los procedimientos establecidos en el citado documento marco posibilitan un análisis comprehensivo de las cuestiones ambientales y sociales en sub-proyectos a ser potencialmente financiados en nueve provincias de la región del Norte Grande. Dicho documento prevé, además, la necesidad de actualizaciones o correcciones al documento tras su aprobación (apartado No. 10).

El Proyecto de Infraestructura Hídrica de Norte Grande II (el "Proyecto") aprobado por el Directorio del Banco Mundial el día 5 de abril de 2011, tiene como objetivo de desarrollo incrementar el acceso sustentable a los servicios de agua potable y saneamiento (cloacas y tratamiento de aguas residuales) en la región del Norte Grande. Dicho Proyecto será financiado con un préstamo del Banco Mundial a la República Argentina (el Prestatario) por un monto de US\$200,000,000 (el Préstamo). El contenido del Proyecto se describe en un documento de Evaluación de Proyecto el cual ha sido publicado en inglés simultáneamente a su aprobación por el Directorio del Banco Mundial y será publicado próximamente en español. Usted puede acceder a dicho

documento a través del portal del Banco Mundial para Argentina ([www.bancomundial.org.ar](http://www.bancomundial.org.ar)) en la sección de proyectos activos<sup>1</sup>.

El Proyecto es de tipo "marco", es decir que está constituido por una serie de sub-proyectos que no han sido seleccionados de manera previa a la presentación del proyecto al Directorio del Banco Mundial. En virtud de esta estructura, los recursos disponibles del Préstamo serán asignados a los sub-proyectos seleccionados por el Prestatario que cumplan con los criterios de elegibilidad técnicos, ambientales y sociales, financieros y económicos, además de cumplir con la legislación provincial y federal y las políticas del Banco Mundial en su preparación. Por tanto, a la fecha, el Proyecto no incluye la aprobación de ninguna obra (sub-proyecto) específica en ninguna de las provincias de la región del Norte Grande beneficiarias.

Cabe destacar que la presente comunicación tiene un carácter meramente informativo, y que si bien la nota de referencia no es aplicable al Banco Mundial, esta respuesta es proporcionada en un afán de cooperación y sin que ello implique una renuncia a los privilegios e inmunidades que a esta institución le corresponden en virtud de su carácter de organismo público internacional que, de conformidad con su Convenio Constitutivo, goza de privilegios e inmunidades entre los que destaca la inviolabilidad de sus archivos y la inmunidad respecto de acciones y órdenes judiciales. Dicho Convenio fue expresamente aprobado por la República Argentina mediante Decreto-Ley número 15.970/56 (B.O. 12/09/56).

Similares prerrogativas e inmunidades se establecen en la Convención sobre Prerrogativas e Inmunidades de los Organismos Especializados, aplicables al Banco Mundial, que también fuera aprobado por la República Argentina, según Decreto-Ley número 7672 (B.O. 19/09/63).

Sin otro particular, saludo a usted muy atentamente,



Michel Kerf  
Líder Sectorial para Desarrollo Sustentable  
Argentina, Paraguay y Uruguay

<sup>1</sup> [http://sece-wds.worldbank.org/external/default/WDSCContentServlet?WDSPIB=2011/05/18/000333037\\_20110318001740/Rendered/PDF/587910PAID0P1251elconk1910BOX358313B.pdf](http://sece-wds.worldbank.org/external/default/WDSCContentServlet?WDSPIB=2011/05/18/000333037_20110318001740/Rendered/PDF/587910PAID0P1251elconk1910BOX358313B.pdf)

Prueba 2 – Nota de Direc. Ambiente sobre Audiencia Publica denegada



Dirección Gral. De Medio Ambiente  
Secretaría del Agua  
Gobierno de la Provincia de Santiago del Estero

Santiago del Estero, 09 de febrero de 2010



De mi mayor consideración:

En respuesta a su nota con fecha 08 de febrero de 2.010, cumpla en informales que la ley mencionada por Uds., no contempla el mecanismo de Audiencia Pública,

Además queremos poner en conocimiento que dicho emprendimiento ~~“Proyecto N° 610071. Nexo de Desagüe Pluvial en Barrio Campo Contreras y Los Flores”~~ ya cuenta con el Certificado de Aptitud Ambiental, otorgado con fecha 25 de noviembre de 2.008, mediante Resolución N° 1872 aprobado por el Consejo de Medio Ambiente con todas las pautas exigidas por ley.-

Pero en virtud del interés manifestado por Uds. se podría auspiciar una **reunión informativa** con los distintos organismos involucrados en la obra, a los fines de despejar cualquier tipo de dudas del Proyecto en cuestión.-

Sin otro motivo saludo a Ud. cordialmente.-

  
D. JUAN CARLOS TARGA  
DIRECTOR GENERAL  
Dirección Gral. de Medio Ambiente

## Prueba 3- NUESTRA EXPERIENCIA LOCAL

EIA sin leer y aprobado.

### ACTA N° 28

En la Ciudad de Santiago del Estero, siendo las 9:00 hs del día 04 de Noviembre de 2008 se reúnen los representantes de los siguientes organismos ante el Consejo Provincial del Ambiente:

Después de un amplio estudio y debate de la documentación presentada, se acordó lo siguiente:

- De la Evaluación "Camino de Servicio Dique Figueroa" se solicita la Factibilidad Hídrica.
- En lo que respecta a la EIA sobre "Nexo de Desagüe Pluvial para los Barrios Campo Contreras (Oeste) y Los Flores – Para 10.000 Viviendas" se acordó aconsejar su aprobación.



Secretaría de Planeamiento y Coordinación  
Gobierno de la Provincia de  
Santiago del Estero

### CERTIFICADO DE APTITUD AMBIENTAL

Santiago del Estero, 25 de Noviembre de 2008.-

----- De acuerdo a lo establecido por la Ley N° 6.321 y sus Decretos Reglamentarios, se extiende a la Empresa "Del Tejar S.A" quien presenta Informe de Impacto Ambiental referido al "Proyecto N° 610071 Nexo de Desagüe Pluvial en el Barrio Campo Contreras y los Flores", a ejecutarse en La Ciudad de Santiago del Estero, el presente "**CERTIFICADO DE APTITUD AMBIENTAL**" de acuerdo a lo dispuesto por **Resolución N° 1872** de fecha 25/11/08 de ésta **Secretaría de Planeamiento y Coordinación.**

  
Arq. JULIO E. MANSI LA  
Secretario de Planeamiento y  
Coordinación  
GOBIERNO DE SGO. DEL ESTERO

Tabla IV.1 – Matriz de valoración – Etapa de construcción del colector

ACCIONES IMPACTANTES	FASE CONSTRUCCION					
	Desmonte, limpieza y preparación de terreno	Excavación del Terreno	Revestimiento de Hormigón Simple y Armado	Relleno Compactado	Reubicación de redes de infraestructura que interceptan al colector	Traslado de Residuos y Suelo Sobrante
<b>COMPONENTES IMPACTADOS</b>						
<b>1- GEOMORFOLOGIA</b>						
Alteraciones de la topografía por extracciones o relleno	-19	-13	-30	17	-11	18
Hundimientos, colapsos, subsidencia fuera y dentro del área de trabajo	-10	-9	17	17	-9	13
Incrementos o modificación de los procesos erosivos.	-22	-9	28	13	-11	-15
Incrementos o modificación del riesgo de inundación	-13	-11	0	0	0	11
<b>2 - AGUA</b>						
Modificación del caudal de aguas superficiales y subterráneas	-24	-12	-19	0	0	0
Modificación de la calidad de cursos superficiales	0	0	0	0	0	0
Modificación de la calidad de cursos subterráneos	0	0	0	0	0	0
Alteración de la escorrentía o de la red de drenaje	-11	-9	0	11	0	19
Depresión del acuífero libre	-24	-11	-13	-11	0	0
<b>3 - ATMÓSFERA</b>						
Contaminación con gases y partículas en suspensión	-18	-18	-11	-18	-11	-18
Contaminación sónica	-16	-11	-11	-11	-11	-11
<b>4 - SUELOS</b>						
Grado de afectación del uso actual y potencial	-30	-22	-26	-22	0	13
Contaminación y modificación de la calidad del suelo	0	0	0	0	0	13
<b>5 - FLORA Y FAUNA</b>						
Grado de afectación de la flora	-15	-23	-23	11	0	0
Grado de afectación de la fauna	-12	-13	-13	0	0	0
<b>6 - AMBITO SOCIOCULTURAL</b>						
Impacto sobre la población	0	0	0	0	0	0
Impacto sobre la salud y la educación de la población	-14	-14	18	-14	24	22
Impacto sobre la infraestructura vial, edilicia y de los bienes comunitarios	-12	-13	30	11	16	20
Impacto sobre la economía local y regional	11	16	32	13	32	18
<b>7 - IMPACTO VISUAL</b>						
Impacto sobre la visibilidad	11	-15	0	0	-13	11
Impacto sobre atributos paisajísticos	-14	-15	18	0	-17	15

Nota : "0" - factor ambiental en el que no se percibe impacto.

3191 da  
Folio A  
79

CIUDAD LA BANDA (margen ESTE Rio DULCE)

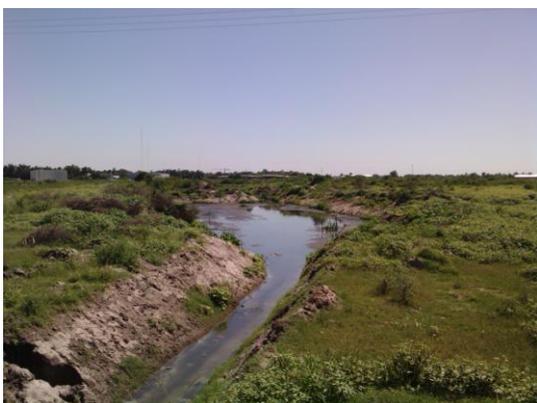
Descarga Bo. LA ISLA



Descarga Matadero Frigorífico



Descarga Parque Industrial



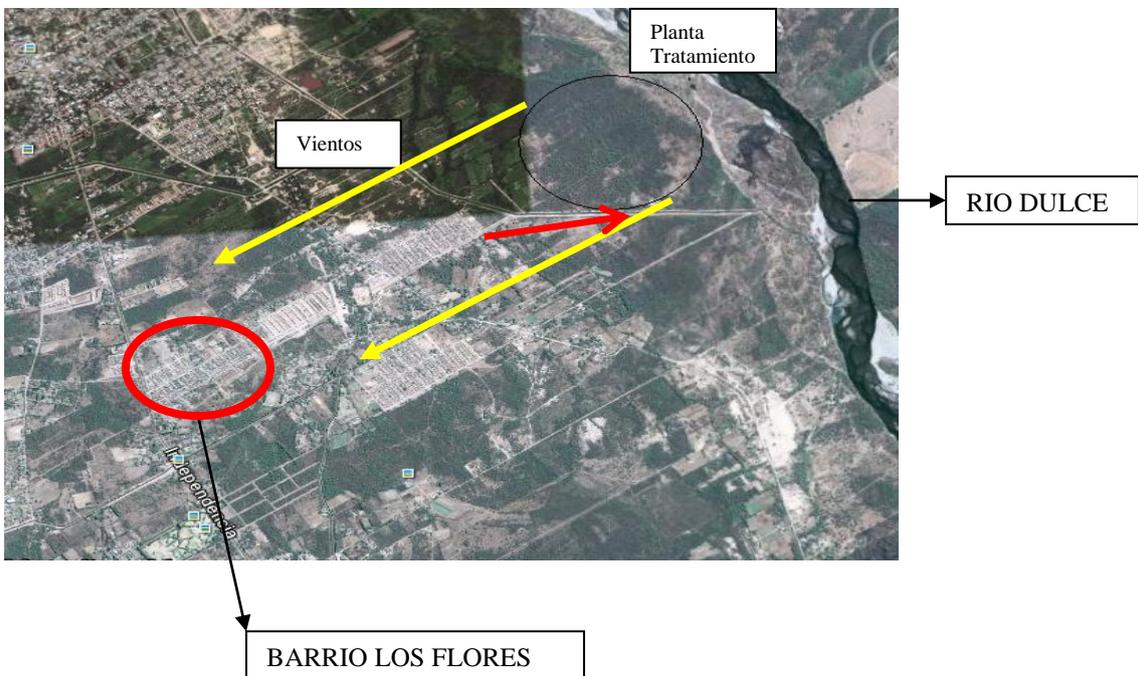
### Descarga Hiper Mercado



### Descargas Misky Mayu y La Banda



### Futuro Proyecto Banco Mundial



#### Prueba 4- Fotos de descargas cloacales ya existentes.

CIUDAD SANTIAGO DEL ESTERO (margen OESTE Rio DULCE)  
Descarga Alsina



Laguna ULLUAS



Camiones atmosféricos



Descarga LA COSTA 2 (inspección ocular del FISCAL GOMEZ)



Descarga SIGLO XXI



Descarga LOS FLORES



Descarga doble en LA COSTA



Descarga LA COSTA 1



Nueva descarga en construcción



Prueba 5 – Domicilios falsos de los indígenas asistentes a la reunión de consulta.



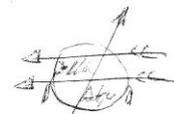
Reunión de Consulta de los Marcos del Programa de Infraestructura Hídrica del Norte Grande. Préstamo BIRF -Proyecto en Preparación.

Nombre de la Organización	Consejo de la Nación Tonokoté 'Putqui' (CONATL)
Nombre del Asistente	Maria Luisa Perupa / Sapallitan Atojpa
Dirección	Legal: Azma 23-Let 9, B. SMATA
Localidad	Ciudad, Dep. del Estero
CP	4200
Provincia	Santiago del Estero
e-mail	huajyachoj@yahoo.com.ar
Sitio Web	www.pueblosoriginarios.com
Teléfono	0385 154 128 930
Describe los objetivos de la Organización	Organización Compuesta por 28 Comunidades Indígenas del Pueblo Tonokoté. Obj. 1. Territorio Actual - 2. Agua - dentro de los Derechos Dec. Intern., DDAH Desarrollo e Identidad -
Enuncie las temáticas en que se Especializa la Organización	Obtener proyectos para proveer de Agua Potable a las Com. Ind. Tonokoté, ecentes de Agua - Cumplir la ley 26160 - 26.554 - 24.071. Const. Dec.
Cuál es el ámbito de Intervención?	28 Com. Ind. ubicadas en Deptos. Figueiras - Arrolamede y San Martín -
Quiénes son los beneficiarios de las actividades de la Organización?	Solo los miembros de las 28 Comunidades Tonokoté -
Integra alguna red de ONG?	Encuentros de Organizaciones Indígenas (ETOCPI)

Nota: Los 28 Com. Pres. Jur. del RENAC en el SUAI -

**Cuestionario acerca de la Consulta**

- 1- Cuáles son las recomendaciones para potenciar los posibles beneficios del Proyecto?
- 2- De qué otras formas evitaría, mitigaría y/o compensaría los posibles riesgos?
- 3- Cuáles son los mecanismos más adecuados de interacción Proyecto-Institución /comunidades impactados?
- 4- Mencione cualquier sugerencia relevante para el Proyecto.



SAPALLITAN ATOJPA  
Misa Dereyca  
Tinkina Pueblo Tonokoté  
Repro. CPI - CCI - Argentina

R -  
1), 2), 3), 4) - Como Tinkina y CPI del Pueblo Indígena Tonokoté, solo debe recomendar: a) Se tengan en cuenta para Proyectos Hídricos, y provisión de Agua Potable a los Pueblos Originarios, Siempre aplicando el "Consentimiento Libre, Priorio e Informado" y los preceptos fundamntales del Convenio 169 de la OIT/P.O como el Art. 75, inc. 17 y 20 de la Const. Nacional en la PARTICIPACION EFECTIVA. Felicitar por esta 1ª Reunión -

Reunión de Consulta de los Marcos del Programa de Infraestructura Hídrica del Norte Grande. Préstamo BIRF -Proyecto en Preparación.

<b>Nombre de la Organización</b>	Consejo de la Nación Tonolowé "Huitqui" (CONATL)
<b>Nombre del Asistente</b>	Domingo Ruiz / Intécheu Kachéj -
<b>Dirección</b>	Cajel. Pyme 23. lot 5. D. S. NATA -
<b>Localidad</b>	Cajal. Depto. del Estero
<b>CP</b>	41200
<b>Provincia</b>	Sancti Spiritus
<b>e-mail</b>	h0a1y2chej@ya2hoo.com.ar
<b>Sitio Web</b>	www.pueblosoriginarios.com
<b>Teléfono</b>	
<b>Describe los objetivos de la Organización</b>	Desarrollo con Identidad, procurando preservar el territorio los Recursos Naturales y lograr provisión de Agua que no se consume -
<b>Enuncie las temáticas en que se Especializa la Organización</b>	Todos los problemas relacionados a las 28 Comunidades Indígenas Tonolowé -
<b>Cuál es el ámbito de Intervención?</b>	Territorios de las 28 Com. Depto. F.iguera, Huelmo y San Roque -
<b>Quiénes son los beneficiarios de las actividades de la Organización?</b>	Miembros de las 28 Comunidades Tonolowé
<b>Integra alguna red de ONG?</b>	"SINERO" -

REUNION DE CONSULTA DE LOS MARCOS DEL PROGRAMA DE INFRAESTRUCTURA HIDRICA DEL NORTE GRANDE. PRESTAMO BIRF - PROYECTO EN PREPARACION.

**Cuestionario acerca de la Consulta**

*[Firma]*  
**DOMINGO RUIZ**  
 KAMACHEJ  
 Comunidad "San Roque"  
 Puntilla Tonolowé, Depto. Sancti Spiritus,  
 Consejo Participación Comunal (C.P.C.)

- 1- Cuáles son las recomendaciones para potenciar los posibles beneficios del Proyecto?
- 2- De qué otras formas evitaría, mitigaría y/o compensaría los posibles riesgos?
- 3- Cuáles son los mecanismos más adecuados de interacción Proyecto-Institución /comunidades impactados?
- 4- Mencione cualquier sugerencia relevante para el Proyecto.

Solo Recomendaciones = Que los P.O. tengan la participación efectiva, y que los Proyectos contemplan esto y los requisitos del Art. 75, inc 17 y 22 const. Voc. como Convenio No. 16.011 por P.O. y la Declaración Universal de los Derechos de los P.O. de la ONU = Hay una ley por el, que nunca se aprobó pese a votar el gobierno es ley N° 6.771.

VERIFICACION

DOMICILIO PARTICULAR

NUMERO

NOMBRE Y APELLIDO DOMINGO RUIZ

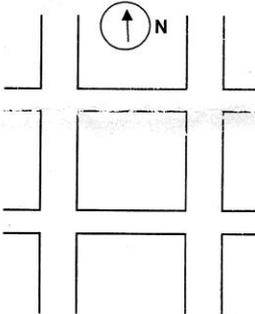
DOCUMENTO 

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 TIPO 

DNI	CI	LE	LC

PLANO DE UBICACION



CALLE	NRO.	PISO	DTO
EDIFICIO <u>Bº SANTA</u>	BLOCK/TORRE	MANZ	LOTE
		<u>23</u>	<u>5</u>
BARRIO <u>SANTA</u>	LOCALIDAD		
PROVINCIA	C.P.	TELEFONO	

VERIFICACION DE DATOS: USO EXCLUSIVO DEL VERIFICADOR

DOMICILIO ACCESIBLE  NORMAL  RESTRINGIDO

INFORMACION OBTENIDA

<input type="checkbox"/> CASA	<input type="checkbox"/> BUEN ESTADO	CANTIDAD DE VISITAS	LATERALES
<input type="checkbox"/> DEPARTAMENTO	<input type="checkbox"/> SIGNOS DE ABANDONO	<input type="checkbox"/> UNA	<input type="checkbox"/> IZQUIERDO <input type="checkbox"/> DERECHO
<input type="checkbox"/> MONOBLOCK	<input type="checkbox"/> EN CONSTRUCCION	<input type="checkbox"/> DOS	
	<input type="checkbox"/> PRECARIA	<input type="checkbox"/> MAS	
<input type="checkbox"/> PROPIETARIO	<input type="checkbox"/> INQUILINO		

DOMICILIO INACCESIBLE POR:  SEGURIDAD  GEOGRAFIA  CLIMA  OTROS

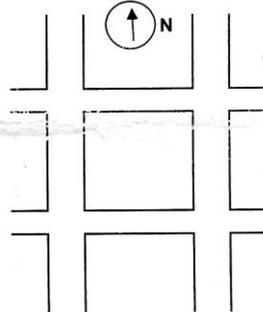
<b>DATOS DEL INFORMANTE</b> <input type="checkbox"/> NO BRINDA INFORMACION <input type="checkbox"/> BRINDA INFORMACION APELLIDO Y NOMBRE _____ TIPO Y NRO. DOCUMENTO _____ VINCULO CON EL TITULAR _____ FIRMA _____ ACLARACION _____		<b>RESULTADO DE LA VERIFICACION</b> <input type="checkbox"/> CORRECTO <input type="checkbox"/> OTROS <input checked="" type="checkbox"/> INCORRECTO	
		VERIFICADOR	SELLO
		<u>[Signature]</u>	COPA S.R.L. NORBERTO COSTA GERENCIA
		FECHA REALIZACION	
		<u>30/08/11</u>	<u>11:51</u>

OBSERVACIONES

Vive en Luconas (ant. Empalme)

**VERIFICACION**

NUMERO

**DOMICILIO PARTICULAR**NOMBRE Y APELLIDO MARIA LUISA PEPEYRADOCUMENTO TIPO **PLANO DE UBICACIÓN**

CALLE	NRO.	PISO	DTO

EDIFICIO	BLOQUE	FONDA	MANE	LOTE
Bº SHATA			23	5

BARRIO	LOCALIDAD
SHATA	560

PROVINCIA	C.P.	TELEFONO

**VERIFICACION DE DATOS: USO EXCLUSIVO DEL VERIFICADOR**DOMICILIO ACCESIBLE  NORMAL  RESTRINGIDO **INFORMACION OBTENIDA**

<input type="checkbox"/> CASA	<input type="checkbox"/> BUEN ESTADO	<input type="checkbox"/> UNA	<input type="checkbox"/> IZQUIERDO
<input type="checkbox"/> DEPARTAMENTO	<input type="checkbox"/> SIGNOS DE ABANDONO	<input type="checkbox"/> DOS	<input type="checkbox"/> DERECHO
<input type="checkbox"/> MONOBLOCK	<input type="checkbox"/> EN CONSTRUCCION	<input type="checkbox"/> MAS	
	<input type="checkbox"/> PRECARIA		
<input type="checkbox"/> PROPIETARIO	<input type="checkbox"/> INQUILINO		

DOMICILIO INACCESIBLE POR:  SEGURIDAD  GEOGRAFIA  CLIMA  OTROS

<b>DATOS DEL INFORMANTE</b>		<b>RESULTADO DE LA VERIFICACION</b>	
<input type="checkbox"/> NO BRINDA INFORMACION		<input type="checkbox"/> CORRECTO	
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APELLIDO Y NOMBRE _____		VERIFICADOR _____	
TIPO Y NRO. DOCUMENTO _____		SELO _____	
VINCULO CON EL TITULAR _____		FECHA REALIZACION _____	
FIRMA _____		HORA _____	
ACLARACION _____		COPIA DE NORBERTO COSTA GERENCIA	

**OBSERVACIONES**VIVA EN LA LUGONES (CASA ABANDONADA)

# ANNEX II



**MANAGEMENT RESPONSE TO  
REQUEST FOR INSPECTION PANEL REVIEW OF THE  
ARGENTINA: SECOND NORTE GRANDE WATER INFRASTRUCTURE  
PROJECT (IBRD NO. 8032-AR)**

Management has reviewed the Request for Inspection of the Argentina: Second Norte Grande Water Infrastructure Project (IBRD No. 8032-AR), received by the Inspection Panel on May 4, 2011 and registered on June 29, 2011 (RQ11/01). Management has prepared the following response.



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- Annex 1. Claims and Responses  
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**ABBREVIATIONS AND ACRONYMS**

CAF	Andean Development Corporation
EIA	Environmental Impact Assessment
ESMF	Environmental and Social Management Framework
GDP	Gross Domestic Product
GoA	Government of Argentina
IADB	Inter-American Development Bank
IBRD	International Bank for Reconstruction and Development
ISDS	Integrated Safeguards Data Sheet
NGR	Norte Grande Region
OP	Operational Policy
PAD	Project Appraisal Document
SNGWIP	Second Norte Grande Water Infrastructure Project
UCPyPFE	Program/Project Coordination Unit ( <i>Unidad de Coordinación de Programas y Proyectos con Financiamiento Externo</i> )
WSS	Water Supply and Sanitation

## EXECUTIVE SUMMARY

On June 29, 2011, the Inspection Panel registered a Request for Inspection, (hereafter referred to as “the Request”), concerning the Argentina – Second Norte Grande Water Infrastructure Project (SNGWIP or “the Project”) to be partially financed by the International Bank for Reconstruction and Development (“the Bank”).

### *The Project*

The SNGWIP was approved by the Board on April 5, 2011. As of July 28, 2011, the Loan Agreement has not been signed and is not effective. The SNGWIP Development Objective is to increase sustainable access to sanitation and water supply services in the Norte Grande Region of Argentina, by providing investments in infrastructure and supporting institutional development. The SNGWIP is designed as a framework project comprising several demand-driven water supply and sanitation infrastructure investments (the sub-projects), each of which will be selected and approved for Bank funding during Project implementation. **At this stage, no sub-project has been formally submitted for consideration by the Bank or approved for Bank financing under the SNGWIP.**

### *Request for Inspection*

The Requesters are residents of the Santiago del Estero Metropolitan Area in the Province of Santiago del Estero (“the Province”), one of nine provinces that fall within the Project’s geographic area of implementation. The Requesters have concerns about the design and implementation of an infrastructure sub-project which includes sewerage works and a wastewater treatment plant in the Metropolitan Area of Santiago del Estero (“the potential sub-project”), and which could be submitted by the Province for the Bank’s consideration and potential financing under the SNGWIP. The Requesters claim that they did not have an opportunity to review the technical design and provide input and deem the consultations for the potential sub-project inadequate.

They also express concern about the quality of an environmental impact assessment for the potential sub-project previously undertaken by the Province in 2009 (2009 EIA) and claim that the Environmental and Social Management Framework (ESMF) prepared for the SNGWIP does not clearly specify the regulatory framework for citizens’ participation in the Project provinces and that the ESMF is inadequate to analyze the institutional framework within which the SNGWIP will be implemented.

The Requesters also raise broader legacy issues related to the pollution of local water bodies close to their community, including the River Dulce. In particular, they have concerns about an existing local storm water drainage channel, the “Canal DPS” and another drainage channel, “Canal Nexo,” which is currently under construction. According to the Requesters, illegal discharges to the channels are creating social and environmental problems. They have filed a lawsuit in a federal court concerning both channels. The Requesters are concerned about possible linkages and cumulative effect of these drainage channels with the overall sanitation situation of the City, and its specific impacts for their community. The Requesters have attached to the Request for Inspection pictures

of a confrontation of protesting citizens with the police over the construction of the Canal Nexo.

The Requesters state that they have communicated their concerns to the Bank, but that they are unsatisfied with the Bank responses.

According to the Request for Inspection these claims could constitute non-compliance with OP/BP 4.01 on Environmental Assessment, OMS 2.20 on Project Appraisal and the World Bank Policy on Access to Information.

### ***Management Response***

Management wishes to clarify that as of July 28, 2011, no official request has been received from the Province or the federal Government of Argentina (GoA) to consider any potential investment for financing under the SNGWIP, including the potential sub-project that is the subject of this Request. **The Bank had previously analyzed this potential sub-project during preparation of the SNGWIP and used it in Project Appraisal as a means of scoping anticipated impacts, flagging important gaps in analysis and identifying capacity constraints at the local level. The review of the potential sub-project's design and its 2009 EIA, however, concluded that, as presented, it would not be eligible for financing under SNGWIP.** The Bank therefore recommended to the GoA that it update the sub-project design, based on thorough study and consultation of technical options if it wants to resubmit the sub-project for financing consideration. The Bank also advised the GoA of the additional environmental assessment work that would be required, including public consultation and disclosure, for the potential sub-project.

Should the Province desire to submit the potential sub-project for financing under SNGWIP, it would have to address the previously detected shortcomings and would *de facto* be a technically different sub-project. Hence, the Bank is not in a position to respond to the Requesters' specific technical comments as they relate to an updated project design which may or may not be submitted by the GoA for Bank financing under SNGWIP. If a revised design and the associated safeguards documents assessing the impacts are submitted, these will be reviewed for eligibility in accordance with the Project Operations Manual, ESMF and World Bank environmental and social safeguard policies. Should the Province formally submit the sub-project for the Bank's consideration following the steps outlined in the ESMF, the selection and approval process would be based on compliance with SNGWIP eligibility criteria and with the provisions of the ESMF to ensure a sound assessment and sustainable implementation.

**It is Management's view that it is premature for the Requesters to assert that they have suffered harm or potential harm as a result of Project design and preparation by the Bank, at least at this stage. The GoA has not yet submitted this or any other sub-project for consideration and approval by the Bank under the framework**

**Project approved by the Board following the process agreed to therein.<sup>1</sup> Consequently, the Bank is not involved at this stage in the preparation or implementation of any sub-project in Santiago del Estero and hence the potential sub-project cannot qualify as a Project activity under the SNGWIP. As a result, Management's view is that there cannot possibly be any actual or even potential harm resulting from the Bank's involvement. In addition, going forward Management is confident that the harmful impacts that the Requesters fear about the potential sub-project can be avoided if design and implementation follow the ESMF and Bank safeguard policies. Furthermore, as described below, in Management's view there are elements of the Request that concern existing infrastructure which is not related to any investments to be considered for financing by the Bank under the SNGWIP and therefore cannot represent harm or potential harm by Bank activities or support.**

As regards the application of the ESMF to the potential sub-project in Santiago del Estero, Management wishes to point out that as a framework document, the ESMF is not designed to be an exhaustive instrument, and that site-specific information and safeguard instruments eventually will be required for each sub-project identified and selected by the Provinces and the GoA for possible financing, depending on the nature of the sub-project. Management welcomes the attention drawn by the Requesters to the editorial shortcomings in the ESMF document and has asked the GoA to correct them. Management believes, however, that in substance the ESMF is a solid and comprehensive document that can fulfill its purpose as a disclosed document for public information and comment. The Bank received an updated version of the ESMF on July 6, 2011, from UCPyPFE and has verified that the requested corrections have been incorporated. The Bank cleared this new version of the ESMF, and it was disclosed on July 27, 2011.

With regards to the broader legacy issues related to the existing storm drainage channels, Management wishes to point out that these infrastructure projects are not part of the potential sub-project, nor are they required for the potential sub-project, nor is the potential sub-project required for their functioning. Furthermore, the construction of these channels has not been financed by the Bank.

Management's view is that many of the Requesters' concerns go well beyond the potential sub-project, and that SNGWIP may not be able to address them even if the sub-project in Santiago del Estero were to be submitted by the Province. However, some of the concerns raised by the Requesters may possibly be addressed by the potential sub-project, depending on its final design. **For example, Management can ensure that there is an analysis of any potential cumulative or legacy issues in the EIA to be prepared for the sub-project, if the Province and the GoA submit it for the Bank's consideration.** In addition, the SNGWIP provides ample room through its institutional development component to support initiatives by the Provinces that enhance project outcomes, increase local capacity and improve general water and sanitation sector performance at the local level.

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<sup>1</sup> The ESMF in the SNGWIP establishes a three step process for sub-project consideration and approval for financing by the GoA and the Bank. 1) Identification and Classification; 2) Pre-evaluation; and 3) Evaluation.

**Management understands from the Requesters that the pictures attached to the Request exclusively relate to the confrontation regarding the Canal Nexo, which took place in 2009 and that it bears no connection with either the SNGWIP or the potential sub-project.**

The Bank has had an extensive exchange of information with the Requesters since December 2010 (see Annex 2). Most recently, the Bank Team met with Requesters' representatives on July 8, 2011. It is Management's view that both the Bank team and Requesters' representatives have expressed their willingness to continue to cooperatively discuss the Requesters' concerns pertaining to the SNGWIP.

**In Management's view, at least at this stage, the Request is not eligible in accordance with the Inspection Panel Resolution.** As explained above, the potential sub-project in Santiago del Estero has not been submitted to the Bank for consideration and approval and, therefore, it cannot qualify as a Project activity. Given this preliminary stage, the potential sub-project in Santiago del Estero cannot meet the Inspection Panel eligibility requirement of potential or actual, direct and material adverse effect on the Requesters resulting from Project activities. In addition, Project activities that may take place in the other eight provinces would not directly affect the Requesters nor could they lead to a material adverse effect. Lastly, as stated above, the existing channels are not part of the potential sub-project or the SNGWIP, and are not financed by the Bank.

Notwithstanding Management's concerns regarding the eligibility of this Request for Inspection, and its understanding that the claim is premature, **Management welcomes the opportunity to clarify the issues and questions raised by the Requesters to the extent possible given that no sub-project has been received to date for consideration and approval by the Bank.** In going forward, and as part of the Bank's supervision activities under the SNGWIP and ongoing dialogue with the Project authorities, Management would undertake the following actions:

- (i) Reminding the UCPyPFE and the Province to follow the steps outlined in the ESMF if they desire to formally submit the sub-project for Bank's consideration;
- (ii) If the sub-project is formally included in the pipeline of sub-projects under preparation following the "Identification and Classification" phase, agreeing with the GoA and provincial authorities on a roadmap for the preparation of required studies and consultations, which could eventually be shared with other stakeholders, including the Requesters;
- (iii) If the sub-project is formally included in the pipeline of sub-projects under preparation, supporting the Project authorities to develop a strategy for communication and disclosure with stakeholders and particularly with the affected communities, including the possibility of organizing a participatory workshop in the University of Santiago del Estero with the participation of different stakeholders, as proposed by Requesters; and

- (iv) If the sub-project is formally included in the pipeline of sub-projects under preparation, working with GoA and Province to address the institutional strengthening needs at the provincial level for sub-project preparation and its sustainable implementation.

The issues raised by the Requesters have been brought to the attention of federal Project authorities, who have agreed to consider them as part of the EIA process if the sub-project is formally submitted to the Bank.

As mentioned above, Management anticipates that some of the issues raised by the Requesters would be addressed as part of the sub-project preparation process and assessment if the steps noted above are taken. Wider reaching initiatives proposed by the Requesters, such as the possibility of undertaking a full-fledged strategic assessment at the basin level, could be discussed with the GoA and other stakeholders, but decisions about such an exercise fall within the responsibility of the GoA and requests for financing under the SNGWIP would need to come from Project authorities at the federal and provincial levels.



## I. INTRODUCTION

1. On June 29, 2011, the Inspection Panel registered a Request for Inspection, IPN Request RQ 11/01 (hereafter referred to as the Request), concerning the Argentina: Second Norte Grande Water Infrastructure Project (SNGWIP or the Project) financed by the International Bank for Reconstruction and Development (the Bank).

2. **Structure of the Text.** Following the Executive Summary and this introduction, the present document contains the following sections: the Request; Project Background, Special Issues – Eligibility; and Management Response. Annex 1 presents the Requesters’ claims and Management’s detailed responses in matrix format and Annex 2 provides a timeline of the exchanges between the Bank and the Requesters.

## II. THE REQUEST

3. The Request for Inspection was submitted on behalf of residents of neighborhoods in the city of Santiago del Estero, Argentina (hereafter referred to as the Requesters). The Request was complemented by a clarifying note which is included as part of the Request. The Requesters asked that the Panel keep their names confidential.

4. Attached to the Request are:

- Exhibit 1 – Letter to General Attorney in Santiago del Estero from the Bank Sector Leader for the Department of Sustainable Development in Argentina, Paraguay and Uruguay, Santiago del Estero dated April 20, 2011
- Exhibit 2 – Note from Environment Directorate on refusal to conduct Public Hearing
- Exhibit 3 – EIA “not read and approved”
- Exhibit 4 – Photos of existing sewer discharges
- Exhibit 5 – False addresses of the invited indigenous people
- Exhibit 6 – Text transcripts of the Video VTS\_04-1 on Public Hearing with the UCPyPFE (Coordination unit for externally financed programs/projects)
- Photographs

5. On July 8, 2011, the Bank received video recordings of three information meetings held in Santiago del Estero in May 2011 and a public consultation meeting held in Santiago del Estero in June 2010. No further materials were received by Management in support of the Request.

6. The following claims are presented by the Requesters:

- (i) The Requesters have concerns about an infrastructure sub-project which includes sewerage works and a wastewater treatment plant in the Metropolitan Area of Santiago del Estero (“the potential sub-project”), and which could be submitted by the Province for the Bank’s consideration

and potential financing under the SNGWIP. The Requesters have expressed concerns that the technical design and implementation of the potential sub-project, as prepared by the Province, could contribute to the pollution of the local River Dulce and that they did not have an opportunity to review the technical design and provide input. They also express concern about the quality of an environmental impact assessment for the potential sub-project previously undertaken by the Province in 2009 (2009 EIA). They also complain about consultations for the potential sub-project undertaken by the Province, which they deem inadequate;

- (ii) The Requesters further claim that the Environmental and Social Management Framework (ESMF), prepared for the SNGWIP and disclosed on February 24, 2011, has a number of shortcomings and mistakes. They feel in particular that the ESMF does not clearly specify the regulatory framework for citizens' participation in the Project provinces and that the ESMF is inadequate to analyze the institutional framework within which the SNGWIP will be implemented. They also highlight several editorial mistakes in the document.
- (iii) In addition, the Requesters raise broader legacy issues related to the pollution of local water bodies close to their community. In particular, they complain about an existing local drainage channel, the "Canal DPS,"<sup>1</sup> which is functioning as an open-air wastewater conduit because of illegal connections and sewage discharges, and another channel, "Canal Nexo,"<sup>2</sup> which is currently under construction. According to the Requesters the illegal discharges are creating social and environmental problems, and in particular the malodor is affecting the adjacent communities. The Requesters have filed a lawsuit in a federal court against the pollution of the Canal DPS and the River Dulce, as well as the construction of the Canal Nexo. The Requesters are concerned about possible linkages and cumulative effect of these channels with the overall sanitation situation of the City and its specific impacts for their community.
- (iv) The Requesters have attached to the Request for Inspection pictures of a confrontation of protesting citizens with the police over the construction of the Canal Nexo.
- (v) The Requesters state that they have communicated their concerns to the Bank, but that they are unsatisfied with the Bank responses.

7. The Request contains claims that the Panel has indicated may constitute violations by the Bank of various provisions of its policies and procedures, including the following:

- OP/BP 4.01, Environmental Assessment

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<sup>1</sup> Canal de Desagüe Pluvial Sur.

<sup>2</sup> Nexo de desagüe pluvial en Campo Contreras y Los Flores.

- OMS 2.20, Project Appraisal
- The World Bank Policy on Access to Information dated July 1, 2010.

### III. PROJECT BACKGROUND

#### Project Context

8. *The SNGWIP is part of a Government of Argentina (GoA) program responding to the need to redress historical imbalances that have impeded the development of the Norte Grande Region.* Despite the economic recovery in Argentina, growth is unequally distributed and parts of the country remain poor, including most significantly the Norte Grande Region (NGR). Although the NGR covers one-third of the national territory and comprises about 7.5 million people, representing 21 percent of the population, it produces only 10 percent of the GDP and 8 percent of the country's total exports. Poverty affects 48 percent of the population (3.6 million people), with 24.6 percent (1.85 million people) living in extreme poverty. The Norte Grande Regional Development Program which is financed by the GoA, the Inter-American Development Bank (IADB), the Andean Development Corporation (CAF), and the World Bank covers energy, transport, competitiveness and water and sanitation (WSS).

9. *The SNGWIP focuses on the critical need to improve water and sanitation in the NGR.* The region is characterized by low coverage rates, poor service levels, contamination of water sources, limited availability of water resources (Chaco, Jujuy, Catamarca), high investment needs, limited funding, as well as governance and institutional challenges. With four of its nine provinces ranking the lowest in the nation and only two provinces above the national average, the NGR is the most deprived region after the Metropolitan Region of Buenos Aires, with nearly 15 percent of the population (more than 1 million people) lacking piped water supply and 61 percent (over 4.5 million people) without piped sewerage services. The Project will address infrastructure gaps as well as sustainability issues in order to generate long-lasting performance improvements in the WSS sector of the NGR. The Project will seek to build on the GoA's commitment to give the NGR prioritized access to concessional public funding and to improve institutional capacity in the region.

#### Project Structure

10. The SNGWIP has been designed as a framework project comprising several possible water and sanitation sub-projects, each of which will be selected for funding during project implementation from a preliminary pipeline of potential investments. Specific sub-projects approved for funding will need to comply with the technical, economic, financial, institutional, environmental and social eligibility criteria set forth in the Project's Operational Manual, including safeguards policy compliance as outlined in its Environmental and Social Management Framework prepared for the Project (ESMF), as well as with consultation and disclosure requirements. Both documents may be updated and/or amended at any point in time with the agreement of the Bank. Consideration for funding will take place on a first-come, first-served basis from those sub-projects that are ready

for implementation. Sub-project proposals will be examined in the context of: (i) consistency with the Project objective, in particular their poverty reduction potential; (ii) compliance with all eligibility criteria, including requirements outlined in the ESMF; and (iii) level of sub-project ownership and results of stakeholder consultation at the local level.

11. The SNGWIP will also provide technical assistance to support pipeline development and sub-project preparation through its Institutional Development Component. To help encourage investment in sanitation and provide capacity building in the NGR, the technical assistance will include a group of municipalities and provinces that is broader than that ultimately funded under the investment component of the project.

### **SNGWIP Preparation Process**

12. *The Project is the second of two projects for water infrastructure in the NGR.* The first Norte Grande Water Infrastructure Project (P120211), approved by the Board on December 20, 2010, focuses on water supply and urban drainage, while the SNGWIP focuses mainly on sanitation infrastructure. Originally conceived as a single demand-driven framework project for US\$400 million as requested by the GoA, the operation was split into two separate projects in order to respond quickly to the GoA's need to implement priority investments in water supply under the first operation, while allowing additional time to consider the approach to financing the sanitation investments, which presented more complex technical, economic and environmental and social safeguards issues.

13. *The SNGWIP was designed as a framework operation with no individual sub-projects approved for financing.* At the outset of Project preparation, the Bank analyzed the tentative list of investments to be potentially funded under the original single framework operation in the different provinces, as presented by the UCPyPFE.<sup>3</sup> Two of the proposed sanitation sub-projects, including the potential sub-project in Santiago del Estero, had reached an advanced preparation stage and had preliminary designs and environmental impact evaluations which had been undertaken by the provinces with the intention of submitting them for funding under the GoA's Program for the Development of the NGR. The GoA submitted these studies also for the Bank's consideration, with the objective to include these two sub-projects as approved investments during the first year of SNGWIP implementation, if found eligible for financing.<sup>4</sup>

14. The Bank's final assessment during appraisal, however, concluded that the potential sub-project in Santiago del Estero was not eligible for financing under SNGWIP. The Bank recommended that the authorities reconsider the sub-project design and to study more thoroughly the technical solutions proposed. The Bank further advised the GoA that the completion of additional environmental assessment and safeguards work, including public consultation and disclosure, would be required for the potential sub-project if it were to be considered for financing.

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<sup>3</sup> Annex 2 of SNGWIP PAD includes the sanitation sub-projects under a preliminary pipeline of potential sub-projects.

<sup>4</sup> Activities related to the potential sub-project in Santiago del Estero included several field visits and discussions with Project authorities at the federal and provincial level.

15. The Bank Team and the UCPyPFE used the lessons learned from the analysis of the preliminary pipeline of sub-projects, including the potential sub-project in Santiago del Estero, as a means of scoping anticipated impacts, flagging important gaps in analysis and identifying capacity constraints at the local level. This in turn was used for the development of the ESMF applying to all subprojects, and to scope some of the additional studies and activities that would be required to examine sub-projects for funding under the Project.

16. No sub-project has yet been formally submitted, considered or approved for financing under the SNGWIP. In order to be approved, all sub-projects without exception will need to comply with the criteria established for inclusion in the program, which include having background studies and consultation processes that meet Bank standards and comply with Bank safeguard policies.

### **Project Objective**

17. The Project Development Objective is to increase sustainable access to sanitation and water supply services in the NGR, by providing investments in infrastructure and supporting institutional development.

### **Project Components**

18. The Project contains the following components:

- ***Component 1: Water Supply and Sanitation Infrastructure:*** the carrying out of demand-driven sub-projects consisting of the rehabilitation, upgrading and/or reconstruction of participating Provinces': (i) wastewater collection, conveyance, treatment and disposal systems, such as wastewater treatment plants, pumping stations, main collectors and secondary sewerage networks; and (ii) water supply systems including, for instance, production and distribution systems that are considered Category A from their environmental impact assessment perspective.
- ***Component 2: Institutional and Operational Development and Technical Assistance:*** (i) the carrying out of tailored institutional and/or operational strengthening programs and provision of technical assistance for participating WSS Service Providers to improve their institutional organization, investment planning, management capabilities and technical, operational, commercial and financial efficiency including, for instance: (a) the development of WSS-related management and information systems; (b) the development of WSS customer databases and cadastres; (c) the provision of technical assistance related to strategic planning, energy efficiency and operational efficiency programs; (d) the carrying out of analysis of cost-recovery options and optimization of rates and subsidy structures; (e) design and implementation of macro- and micro-metering (including minor works), and non-revenue water reduction programs; (f) the provision of technical assistance for institutional reorganization; and (g) the design of training programs for operation and mainten-

ance of systems and installations (focused on wastewater treatment plants, water treatment plants and pumping stations), and the carrying out of studies related thereto, all under terms of reference acceptable to the Bank;<sup>5</sup> (ii) the carrying out of technical studies required to support the preparation and implementation of sub-projects, for instance, feasibility studies, analysis of alternatives, engineering designs, economic and financial analysis, socio-economic surveys, environmental and social impact assessments and management plans (including screening and risk assessments, support to the preparation of safeguard instruments and monitoring) and other studies related thereto, all under terms of reference acceptable to the Bank; and (iii) the carrying out of communication plans, dissemination and knowledge-sharing activities related to the Project, and training and capacity building for the institutional strengthening of the UCPyPFE and Participating Provinces.

- **Component 3: Project Management and Supervision:** (i) the carrying out of specialized independent technical, environmental and social supervision of sub-projects' implementation, as required; (ii) the carrying out of Project audits and monitoring and evaluation activities under the Project; and (iii) the provision of administrative and operational support (including the provision of Operating Costs) to the UCPyPFE in the administration, monitoring, coordination and supervision of Project implementation.

### **SNGWIP Eligibility Criteria**

19. The SNGWIP lists eligibility criteria for participating Provinces,<sup>6</sup> which include the demonstration of sufficient and sustainable technical and institutional capacity to manage, operate and maintain the investments, and the preparation of an action plan to address sustainability of the sub-projects. The SNGWIP also includes general eligibility criteria which must be met by all sub-projects without exception, and which require complete technical designs, evidence of economic viability and financial sustainability, evidence that they are managed by stable institutions and are provided with satisfactory environmental and social management, as documented in relevant studies which have been found satisfactory by the Bank.

### **Potential Sanitation and Wastewater Treatment Plant Sub-project in Santiago del Estero**

20. As discussed above in paragraphs 14 and 15, the Bank analyzed this proposed investment during the preparation of the SNGWIP, as noted in the SNGWIP Project Appraisal Document (PAD), Integrated Safeguards Data Sheet (ISDS) and the Executive Summaries of the Project's Environmental and Social Assessment submitted to the Bank's Board during Project preparation. Bank review of the design and pre-existing EIA of the potential sub-project concluded: (i) that the sub-project in its original design re-

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<sup>6</sup> Paragraphs 28 and 29 of the PAD.

quired further studies and analysis of technical solutions to ensure its soundness and overall sustainability; (ii) that the sub-project 2009 EIA and other safeguards instruments, including consultation on the sub-project, were not adequate. Project authorities were advised that the technical solutions for this sub-project needed to be reconsidered, studied more thoroughly and consulted, and that improved environmental and social studies and consultation needed to be undertaken on the revised design, following the requirements of the ESMF.

#### IV. SPECIAL ISSUES: ELIGIBILITY

21. In Management's view, at least at this stage, the Request is not eligible in accordance with the Inspection Panel Resolution. As explained before, the potential sub-project in Santiago del Estero has not been submitted to the Bank for consideration and approval and, therefore, it cannot qualify as a Project activity. Given this preliminary stage, the potential sub-project in Santiago del Estero cannot meet the Inspection Panel eligibility requirement of potential or actual, direct and material adverse effect on the Requesters resulting from Project activities. In addition, Project activities that may take place in the other eight provinces would not directly affect the Requesters nor could they lead to a material adverse effect. Lastly, as stated above, the existing channels are not part of the potential sub-project or the SNGWIP, and are not financed by the Bank.

22. Notwithstanding Management's concerns regarding the eligibility of this Request for Inspection, Management welcomes the opportunity to clarify the issues and questions raised by the Requesters.

#### V. MANAGEMENT RESPONSE

##### **Requester's Claims and Management Responses**

23. Management had an extensive exchange of information with the Requesters on the issues they raised and was fully aware of these issues prior to the Request for Inspection. Management acknowledges that the issues raised with regard to the technical design and quality of the safeguards documents of the potential sub-project – as originally designed – are relevant and agrees that there is a need to take the existing conditions of receiving water bodies into account, should the sub-project materialize. Should the Province desire to submit the potential sub-project for financing under SNGWIP, it would have to address the previously detected shortcomings and would *de facto* be a technically different sub-project. Hence, the Bank is not in a position to respond to the Requesters' specific technical comments as they relate to an updated project design which may or may not be submitted by the GoA for Bank financing under SNGWIP. If a revised design and the associated safeguards documents assessing the impacts are submitted, these will be reviewed for eligibility in accordance with the Project Operational Manual, ESMF and World Bank environmental and social safeguard policies. ***Since no sub-project has been approved or even formally received for consideration, Management fails to see how the***

***Requesters could have suffered harm as a result of Project design and preparation by the Bank at this stage.***

24. With regard to the concerns on the consultation process, clarifications and responses are provided in Annex 1. ***Management will continue to involve the Community Los Flores Sur jointly with other stakeholders with regard to the potential sub-project, if the authorities decide to submit it for consideration for funding under the SNGWIP.***

25. Concerning the issues related to the ESMF, detailed responses to the specific points raised by the Requesters are provided in Annex 1. Management wishes to point out that the gaps in the presentation of provincial regulations and public hearing mechanisms is a problem which is inherent to the local regulatory framework on the matter but not to the ESMF itself. The ESMF includes a list of the laws and regulations relevant for the Project in the Norte Grande region, which is intended to serve only as a reference. The ESMF supplements local legislation, laying out the principles that will guide the preparation of sub-projects to be financed by the Bank. Institutional responsibilities for the implementation of the SNGWIP are also laid out in the ESMF along with the process for public consultations on potential sub-projects. Management acknowledges the editorial shortcomings of the document raised by the Requesters and has ensured their correction in an updated version of the ESMF received from the UCPyPFE on July 6, 2011, which was reviewed by the Bank and disclosed on July 27, 2011. ***Management welcomes the corrections suggested by the Requesters. Management believes, however, that these shortcomings were mainly of an editorial nature and that overall the ESMF is a sound and comprehensive document that will fulfill the purposes for which it is intended.***

26. As regards the allegations raised by the Requesters concerning the application of the ESMF to the potential sub-project in Santiago del Estero, Management wishes to point out that by definition the ESMF is a framework that is not expected to contain specific information about potential sub-projects, as the sub-projects to which such information would relate are not selected at the time of project preparation. It is Management's impression that the Requesters expected to find sub-project specific information in the ESMF, which is not the purpose of an ESMF under a framework designed Project.

27. Management understands from the Requesters that they feel aggrieved by broader legacy issues related to the pollution of local water bodies. The Requesters have filed a lawsuit in a federal court to prevent the pollution of the local drainage channel "Canal DPS," which runs through the City of Santiago del Estero, and which is functioning as an open-air wastewater conduit because of alleged illegal connections and sewage discharges. According to the Requesters, the allegedly illegal discharges are creating social and environmental problems, and in particular the malodor is negatively affecting the adjacent communities. Furthermore, the Requesters complain about a second drainage channel, the Canal Nexo (which is under construction), also passing close to their community. The Requesters' community had a conflict with the authorities as they claim that there was no prior notice before commencing the civil works for this channel. In addition they felt that there was a lack of institutional accountability for the works. The construction of this storm drainage channel is not part of the potential sub-project that may be submitted for Bank financing, but the Requesters are concerned about possible linkages

and cumulative effects of both channels with the overall sanitation situation of the City and its specific impacts for their community. **Management understands from the Requesters that the pictures of the confrontation with the police that were attached to the Request for Inspection exclusively relate to the confrontation regarding the Canal Nexo, which took place in 2009. Management understands that the controversy and confrontation have no connection with either the SNGWIP or the potential sub-project.**

28. Management understands the Requesters' concerns about the drainage canals but wishes to underline that these infrastructure projects are not part of the potential sub-project, they are neither required for the potential subproject, nor is the potential sub-project required for their functioning. **Management's view is that many of the Requesters' concerns go well beyond the potential sub-project which may eventually be eligible for Bank financing, and that SNGWIP may not be able to address many of these concerns even if the sub-project in Santiago del Estero were to be submitted by the Province for Bank consideration and approval.** Management believes that some of the concerns raised by the Requesters could be addressed through the potential sub-project, depending on its final design. Management can ensure that there is an analysis of any potential cumulative or legacy issues in the EIA to be prepared for the sub-project, if the Province submits it for the Bank's consideration. The SNGWIP provides ample room through its institutional development component to support initiatives by the Provinces that enhance Project outcomes, increase local capacity and improve general water and sanitation sector performance at the local level.

29. As mentioned above, the Bank has had an extensive exchange of information with the Requesters on the issues raised by them prior to the registration of the Request for Inspection. The Bank has been in contact on with the Requesters since December 2010 through various e-mail exchanges and telephone conversations in which the Bank Team responded to specific questions, listened to and took action on suggestions and requests put forward by the Requesters (see timeline of exchanges in Annex 2). The Bank Team met with the Requesters' representatives at the Bank office in Buenos Aires on July 8, 2011. In this meeting, the Requesters clarified some of the concerns raised in their Request to the Panel and their experience in dealing with some of these issues with Project authorities and other stakeholders. Both the Bank team and Requesters' representatives agreed to remain in communication and it is Management's view that both parties expressed their willingness to continue to cooperatively discuss the Requesters' concerns pertaining to the SNGWIP. **Overall, Management considers the Request premature given that the sub-project has not yet been presented to the Bank for consideration or financing under the SNGWIP by the GoA, and ongoing contacts with Requesters provide the opportunity to take into consideration their concerns during the preparation of the potential sub-project.**

30. In going forward, and as part of the Bank's supervision activities under the SNGWIP and ongoing dialogue with the Project authorities, once the Loan Agreement is signed and declared effective, Management will be undertaking the following actions:

- (i) Reminding the UCPyPFE and the Province to follow the steps outlined in the ESMF if they desire to formally submit the sub-project for Bank's consideration;
- (ii) If the sub-project is formally included in the pipeline of sub-projects under preparation following the "Identification and Classification" phase, agreeing with the GoA and provincial authorities on a roadmap for the preparation of required studies and consultations, which could eventually be shared with other stakeholders, including the Requesters;
- (iii) If the sub-project is formally included in the pipeline of sub-projects under preparation, supporting the Project authorities to develop a strategy for communication and disclosure with stakeholders and particularly with the affected communities, including the possibility of organizing a participatory workshop in the University of Santiago del Estero with the participation of different stakeholders, as proposed by Requesters; and
- (iv) If the sub-project is formally included in the pipeline of sub-projects under preparation, working with GoA and Province to address the institutional strengthening needs at the provincial level for sub-project preparation and its sustainable implementation.

31. Management anticipates that some of the issues raised by the Requesters would be addressed as part of the sub-project preparation process and assessment if the steps noted above are taken. Wider reaching initiatives proposed by the Requesters, such as the possibility of undertaking a full-fledged strategic assessment at the basin level, could be discussed with the GoA and other stakeholders, but decisions about such an exercise falls within the responsibility of the GoA and requests for financing under the SNGWIP would need to come from Project authorities at the federal and provincial levels.

### **World Bank Policy Compliance**

32. Management believes that the Bank has made diligent efforts to apply its policies and procedures in the context of the preparation and appraisal of the SNGWIP. In Management's view, the Bank has followed the guidelines, policies and procedures applicable to the matters raised by the Request, including OP 4.01, OMS 2.20 and Access to information Policy. Management believes that the Requesters' rights or interests have not been adversely affected by a failure of the Bank to implement its policies and procedures. More details are provided below regarding compliance with Safeguards and Access to Information Policies.

33. **ESMF:** Management is of the opinion that the ESMF as prepared and approved meets the requirements of such an instrument under OP 4.01. Management does acknowledge that the comments provided by the Requesters, which Management has ensured are included in the document, have improved the presentation of the document and its reference materials. However, Management is of the view that the shortcomings were primarily of an editorial nature and did not constitute a material flaw in the document.

34. **Treatment of Potential Sub-project in Santiago del Estero:** Management is of the opinion that Project preparation met the requirements of OP 4.01 in its treatment of this potential sub-project. Specifically, upon presentation to the Bank of the original sub-project design and 2009 EIA, which was prepared prior to the Bank's involvement in project preparation, the Bank reviewed the existing documentation and concluded that the potential sub-project was not eligible, as presented, for financing under SNGWIP. In addition to recommending a reconsideration of the sub-project design to study more thoroughly the technical solutions proposed, the Bank advised the GoA of the additional environmental assessment work, including public consultation and disclosure, that would need to be completed in order to submit the potential sub-project for consideration.

35. In accordance with the Project design and the ESMF, the potential sub-project would only be considered for financing if it meets the eligibility criteria and requirements outlined in the ESMF. Also in accordance with OP 4.01, as a result of Bank assessment during preparation, activities to strengthen the implementing institutions' capacity to prepare safeguards instruments for potential sub-projects were included in the SNGWIP design; these will support the preparation of the potential sub-project if the Province submits it for Bank consideration.

36. **Public Consultation:** Management is of the opinion that public consultations on the instruments required for Project appraisal for this type of framework operation were undertaken in line with the principles of OP. 4.01 and OMS 2.20. Consultation requirements that meet the requirements of OP 4.01 are included in the ESMF for application to any potential sub-project. In Management's view, one of the challenges during Project implementation will be to ensure that the ESMF guidelines on meaningful consultations are correctly applied by local authorities for all sub-projects, including any proposed for Santiago del Estero. The SNWIP can support these processes through its second and third components by providing technical assistance for capacity building and sub-project preparation.

37. **World Bank Policy on Access to Information:** Management believes that the requirements of the World Bank Policy on Access to Information were met for SNGWIP preparation as Project documentation was made available in accordance with the Policy and the disclosure of documents in accordance with the policy is included as a requirement in the ESMF.

38. The SNGWIP PAD, PID and ISDS have been translated into Spanish and were disclosed in the Bank InfoShop on July 27, 2011.

## ANNEX 1

### CLAIMS AND RESPONSES

No	Claim	Response
1.	The Requesters state that they have suffered or could suffer harm as a result of the Bank's failures and omissions in the design and preparation of the Project, because these alleged failures of the Bank will in turn adversely affect the design and will worsen the social and environmental impacts of sub-projects financed under the Project, including the proposed sewage works and wastewater treatment plant in Santiago del Estero.	<p>1.1 The Requesters are residents in the Province of Santiago del Estero, which falls within the geographic area of implementation of the SNGWIP. This area includes nine provinces located in the northern region of Argentina. The SNGWIP was approved by the Board on April 5, 2011. The Loan Agreement has not been signed to date and therefore the Project is not effective.</p> <p>1.2 The Bank Team has been in contact with the Requesters since December 2010 on a fairly regular basis through various e-mail exchanges and telephone conversations in which the Bank Team has responded to specific questions, and listened to and taken action on suggestions and specific requests put forward by the Requesters (please see timeline of exchanges in Annex 2).</p> <p>1.3 The SNGWIP is designed to follow a demand-driven framework approach which allows for the financing of several potential sanitation – and water – sub-projects, each of which will be selected and approved for funding during SNGWIP implementation based on sub-project compliance with the SNGWIP's technical, economic, financial, institutional, environmental and social eligibility criteria<sup>1</sup> and Bank safeguard policies. These criteria include presenting an EIA which follows the provisions of the SNGWIP's ESMF. No sub-project has yet been formally submitted or approved for funding under the SNGWIP.<sup>2</sup> The framework approach enables flexibility in the final choice of investments, as it provides the opportunity to finance sub-projects as they are identified, assessed and shown to meet SNGWIP's eligibility criteria.</p> <p>1.4 The Requesters have expressed concern about a specific sub-project in Santiago del Estero which could be potentially financed under the SNGWIP. This sub-project would mainly consist of sewerage works and a wastewater treatment plant in Santiago del Estero (the "potential sub-project").<sup>3</sup> The Bank analyzed this investment during the preparation of the SNGWIP, as noted in the SNGWIP PAD, ISDS and Executive Summaries of Project Environmental and Social Assessment submitted to the Bank's Board.<sup>4</sup> The Province had prepared a preliminary</p>

<sup>1</sup> As outlined in the Operational Manual for the SNGWIP.

<sup>2</sup> An illustrative list of sub-projects that could be assessed in the nine provinces as proposed by the UC-PyPFE is included in Annex 2 of the PAD.

<sup>3</sup> *Cloaca Máxima de la Ciudad de Santiago del Estero y Planta de Tratamiento para Líquidos Cloacales.*

<sup>4</sup> *Executive Summary of Environmental and Social Impact Assessment for the proposed Norte Grande Water Infrastructure Project (P120211)* submitted to SECPO on October 20, 2010 and distributed to the EDs on November 9, 2010; *Executive Summary of Environmental and Social Impact Assessment for the proposed SNGWIP (P125151)* submitted to SECPO on March 17, 2011; *Integrated Safeguard Datasheet QER stage for P120211* dated July 30, 2010; *Integrated Safeguard Datasheet Concept stage for the SNGWIP (P125151)* dated February 7, 2011; *Integrated Safeguard Datasheet Appraisal stage for the SNGWIP*

No	Claim	Response
		<p>technical design and an Environmental Impact Assessment dated 2009 (“the 2009 EIA”) which pre-dated Bank involvement. The Bank Team undertook several field visits and analyzed different aspects of the sub-project, specifically the original sub-project design and the 2009 EIA. It was concluded that the sub-project, as it was presented, was not eligible for financing under SNGWIP. In addition to recommending a reconsideration of the sub-project design to study more thoroughly the technical solutions proposed, the Bank advised the GoA of the required additional environmental assessment work, including public consultation and disclosure that needed to be completed for the potential sub-project.</p> <p>1.5 <b>The 2009 EIA and other technical studies submitted for review by the Bank for this potential sub-project have not been approved by the Bank and would need to be resubmitted, incorporating Bank recommendations made during preparation and following the steps outlined in the ESMF</b>, if the Province decides to submit this sub-project for financing under the SNGWIP, which it has not done to date. Only then will the Bank be in a position to verify the technical, environmental and social impacts of such a sub-project and determine whether it complies with the Project’s eligibility criteria and Bank safeguard policies.</p> <p>1.6 In general, Management agrees that the issues raised by the Requesters in the Request with respect to the potential sub-project are issues meriting further studies and analysis. <b>However, Management notes that as the potential sub-project has not been submitted by the Province, the Bank has not had an opportunity to consider its eligibility for Bank financing under the SNGWIP.</b> Therefore, Management cannot provide detailed responses to the claims raised by the Requesters with respect to the potential sub-project or its 2009 EIA (Items 7-13) at this point in time.</p> <p>1.7 The Requesters have also expressed concern with respect to specific sections of the SNGWIP’s ESMF. The concerns expressed by the Requesters on the ESMF document and Management’s responses are found below in Items 2-6.</p> <p>1.8 The Bank Team met with Requesters’ representatives at the Bank office in Buenos Aires on July 8, 2011. A brief summary of the issues discussed in this meeting is included in Item 13. In general, the Requesters clarified many of the concerns raised in the Request (as included in the responses below and relevant footnotes). <b>Management’s view is that many of the Requesters’ concerns go well beyond the potential sub-project which may eventually become eligible for Bank financing.</b></p>

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(P125151) dated March 22, 2011; Paragraph 11 of *Project Appraisal Document for the proposed SNGWIP* dated April 5, 2011.

No	Claim	Response
	<b>ESMF</b>	
2.	<p>The Requesters complain about the Framework, prepared under the SNGWIP, because, in their view, it has a number of shortcomings and mistakes that were not corrected by the Bank although the Requesters pointed out these mistakes in their extensive contacts and correspondence with Management.</p>	<p>2.1 The ESMF is an instrument to guide the assessment and management of the environmental and social impact of sub-projects financed under the SNGWIP. The ESMF was developed during Project preparation by the Borrower, through the UCPyPFE.<sup>5</sup> The ESMF was prepared to apply to high-risk (category A) sub-projects (as well as lower risk sub-projects). The ESMF was reviewed through an independent expert review exercise (which is considered good practice for this type of tool) commissioned by the Bank and was disseminated in draft form and presented in two different focus group discussions to obtain feedback from stakeholders. Management notes that as a framework document, the ESMF is not designed to be an exhaustive instrument and specific safeguard instruments (e.g., EAs, EMPs, RAPs) are to be required depending on the nature of the sub-project.</p> <p>2.2 Bank staff considered and cleared a version of the ESMF as acceptable for Project Appraisal on February 24, 2011, which was disclosed on the web page of the UCPyPFE and the Bank InfoShop on the same date.<sup>6</sup> As is customary with framework documents, the ESMF is conceived as a “living document” which contemplates both the eventual need and the process for updates or corrections that may be required at any time during SNGWIP implementation, as well as future consultation on the document.<sup>7</sup></p> <p>2.3 On April 1, 2011, the Requesters brought to Bank staff attention the following concerns regarding the disclosed version of the ESMF,<sup>8</sup> via a telephone conversation with the Task Team Leader and subsequent e-mail:<sup>9</sup> (i) the tables in the ESMF dated February 24, 2011, were not numbered; (ii) the table on pg. 17-21 (summarizing the main legal and regulatory framework on environmental and social matters applicable in the nine Norte Grande provinces), was incomplete regarding the regulation on Public Hearing applicable in Santiago del Estero Province, and in other Provinces in the region (not specified);<sup>10</sup> (iii) the table on pg. 21 (summarizing the main institutions responsible for envi-</p>

<sup>5</sup> Implementing Agency.

<sup>6</sup> An earlier version of the ESMF was disclosed locally on September 28, 2010 and in the InfoShop on October 18, 2010, and a second draft was disseminated in the ESMF focus group discussions on January 25, 2011 and on January 27, 2011.

<sup>7</sup> ESMF, Paragraphs 8 and 137.

<sup>8</sup> Earlier on February 10, 2011, the Requesters had brought to the attention of the Task Team Leader that the ESMF draft disseminated by the UCPyPFE for the focus group discussion held in Santiago del Estero contained error messages on cross-references that had remained in the edited document. This was corrected in the draft cleared by the Bank for Appraisal on February 24, 2011.

<sup>9</sup> In this exchange copied to Panel members, the Requesters informed the Task Team Leader that they had initiated legal proceedings in Court and attached a letter from a Fiscal General (“Public Attorney” or “Prosecutor”) in Santiago del Estero requesting the Bank to suspend approval of the SNGWIP frameworks. The Bank responded to this letter on April 20, 2011.

<sup>10</sup> The point transmitted to the Project Team in the April 2011 exchanges was that “there was regulation missing” relating to the public hearing process in Santiago del Estero. Please see Item 3.2 on the result of Bank analysis of this point.

No	Claim	Response
		<p>ronmental and social matters in the nine Norte Grande provinces) had an erroneous reference to the “General Directorate of Forestry and Environment” under the Ministry of Production as the relevant institution in Santiago del Estero, given that the “General Environmental Directorate,” under the “Provincial Water Secretariat,” would now hold this responsibility;<sup>11</sup> and (iv) Paragraph 27 of the ESMF contained a reference to another paragraph (6.5) which could not be located in the document.</p> <p>2.4 The Bank Team acknowledged the issues raised by the Requesters and on April 19, 2011, Bank staff reported these issues to the UCPyPFE requesting that the document be updated and sent to the Bank for review and No Objection with the following corrections: (i) proper numbering of the tables, double-checking of references and overall proof-reading for editorial, typing and formatting issues; (ii) a review of the table on pg. 17-21 to include any additional relevant legislation and regulation on Public Hearing processes; (iii) verification of the institutions responsible for various functions related to environmental and social matters in Santiago del Estero, and necessary updates to the table on pg. 21 cited above, and Annex 12 of the ESMF; (iv) correction of Paragraph 27 to reference section 6.4 of the ESMF (rather than the non-existent section 6.5).<sup>12</sup></p> <p>2.5 Management agrees with the Requesters that the issues pointed out in Item 2.2 i) and iv) affect the clarity of the document.<sup>13</sup> Management acknowledges the need for quality control of final edited documents before disclosure. Management believes, however, that these shortcomings are mainly of an editorial nature that can be and have been corrected. In fact, the Bank received an updated version of the ESMF on July 6, 2011 from the UCPyPFE. The Bank Team has reviewed this version and verified that the above updates have been incorporated. The Bank has cleared a new version of the ESMF which was disclosed on July 27, 2011.</p> <p>2.6 Management believes that the ESMF and the Environmental Impact Assessments (EIA) and other instruments to be developed under its guidelines will enable the Project authorities and other stakeholders to assess and manage the environmental and social impacts of potential sub-projects and orient Bank supervision of sub-project implementation. The Bank reaffirms that it is committed to only fund sub-projects that meet all of the Project’s eligibility criteria, including an environmental and social</p>

<sup>11</sup> Based on recent information provided by the UCPyPFE, the General Environmental Directorate has been housed under different provincial ministries since its creation in 2006 and is currently under the Water Secretariat as per Decree No. 0231 dated May 4, 2009. The ESMF has been updated to reflect this in the version disclosed on July 27, 2011.

<sup>12</sup> Paragraph 27 of the ESMF.

<sup>13</sup> The Request contains one additional editorial mistake which was not indicated previously to the Bank Team. This was in section 7.5 of the ESMF, Paragraph 143.b), which was missing the number of days required for notification of consultations. However, this aspect was covered further on in the same section 7.5. This point has also been updated in the reviewed ESMF version disclosed on July 27, 2011, stating 15 working days for disclosure of relevant safeguard instruments and consultation meetings.

No	Claim	Response
		assessment done in compliance with the ESMF and the Bank safeguard policies.
3.	According to the Requesters, the Framework does not clearly specify the "Regulatory Framework" for citizen participation in all the nine Project provinces where sub-projects are to be built.	<p>3.1 The specific issue that the Requesters have raised with the Bank Team with respect to the "Regulatory Framework" for citizen participation under the ESMF is the one discussed under Item 2.2 ii) on the applicable regulation on public hearing processes in Santiago del Estero.</p> <p>3.2 Bank analysis on this issue shows that there is a "Ley de Audiencias Publicas No. 6722 – Santiago del Estero," but it applies to legislation and administrative decisions to be undertaken by the local authorities, and not specifically to investment projects. This analysis corroborates the Requesters' claim that the provisions for public hearings are in effect not regulated in the Province. The ESMF had noted this lack of regulation on public hearing processes in Paragraph 70 of Annex 12, noting that "there is no mandate for the hosting of public consultations" in the Province.</p> <p>3.3 Management believes that the issue the Requesters are emphasizing is the lack of an adequate regulatory framework for public hearing in their Province (as well as what they see as an inconsistent interpretation of the matter by the local authorities in their province), but not a shortcoming of the ESMF. <b>Management believes that the ESMF requires no update on this particular aspect.</b></p> <p>3.4 Management wishes to note that the ESMF includes a comprehensive framework to ensure sound citizen participation and public consultations in the context of preparation of each specific sub-project. Bank policies call for public consultations, and do not require a "Public Hearing" process, which is a legal instrument in the Argentinean context.</p> <p>3.5 More generally, the ESMF includes a list of the laws and regulations relevant for the Project in the Norte Grande region, which is intended to serve only as a reference.<sup>14</sup> The ESMF does not seek to present a complete survey or an analysis of Argentine legislation and applicable norms at the provincial and municipal levels. The ESMF, which supplements local legislation, lays out the principles that will guide the preparation of sub-projects following Bank policies.</p> <p>3.6 Compliance with applicable local and federal regulations, as well as with Bank safeguard policies, and in particular having consultation processes that meet Bank safeguard policies, is a requirement for any sub-project's eligibility for financing under the SNGWIP.<sup>15</sup></p>

<sup>14</sup> Paragraph 27 of the ESMF.

<sup>15</sup> Among others, Paragraph 21 of the ESMF on "Environmental and Social Subproject Eligibility Criteria", Project PAD, Project ISDS.

No	Claim	Response
4.	<p>In the Requesters' view, for many of these Provinces there is no information on public hearing mechanisms ensuring that potentially affected people would be consulted. Where hearings are provided, the way in which people will participate is not clear.</p>	<p>4.1 The specific issue that the Requesters have raised with the Bank Team with respect to public hearings is the one discussed under Item 2.2 ii) and Item 3 above.</p> <p>4.2 The ESMF includes generic procedures for disseminating sub-project information and good practice principles for consulting with sub-project stakeholders in a meaningful manner. These procedures are described in Chapter 7 of the ESMF (pp. 58-67) and will apply to all sub-projects.</p> <p><b>4.3 Management believes that the ESMF requires no update on this particular aspect.</b></p>
5	<p>In the Requesters' view, the Framework is inadequate in analyzing the institutional framework within which the SNGWIP is to be carried out, and is unclear about how the executing authorities at the provincial level for each sub-project will be identified. They state that clear institutional responsibilities have not been defined and the corresponding documentation is not referred to in the ESMF.</p>	<p>5.1 The specific issue that the Requesters have raised with the Bank Team with respect to the institutional framework within which the SNGWIP is to be carried out is the one discussed under Items 2.2 iii) and 2.2 iv). The ESMF has been updated on these points in the version disclosed on July 27, 2011.</p> <p>5.2 More generally, the institutional framework within which the SNGWIP is to be carried out is described in Chapter 3 and Annex 12 of the ESMF on the "Regulatory and Institutional Framework", as well as in Chapter 6 which describes the process for "Environmental and Social Assessment" of sub-projects. The ESMF states clearly that the information provided in the table on pg 21 is for reference (particularly given that this is a principles-oriented document covering nine provinces) and that the relevant authorities and their specific roles (particularly at the provincial level), will be identified and submitted by the provincial authorities during the "Identification and Classification" phase of the process described in Chapter 6, and as part of fulfilling the legal and institutional requirements under OP 4.01 on Environmental Assessment. This chapter, and in particular Section 6.4 (table on pg. 48), is specific with regards to the institutional responsibilities assigned to different SNGWIP participating entities (UCPyPFE, Province, Contractor, Bank) at each stage of sub-project preparation on environmental and social matters.</p>
6.	<p>The record of the "second hearing" to consult the ESMF lists participants that did not attend, while among the alleged participants are some indigenous peoples whose addresses and information are incorrect because they do not live in the area of impact of this</p>	<p>6.1 During SNGWIP preparation, Project authorities made arrangements to have the SNGWIP's ESMF benefit from a consultation and review process consistent with Bank policy for this type of instrument. Three main steps were taken in that respect: (i) expert peer review of the documents by two recognized professionals with relevant experience;<sup>16</sup> (ii) a virtual review through communication of the documents to a variety of institutional stakeholders, including provincial environmental agencies and institutions related to water resources provision and manage-</p>

<sup>16</sup> In January 2011 the Bank contracted two independent, expert peer reviewers with experience in environmental assessment, resettlement and social impact assessment to evaluate the ESMF. The consultants produced three evaluation reports submitted on January 13, 2011 summarizing their findings and recommendations for improving the documents. The feedback provided by these peer reviewers was shared with the Project counterparts and their comments were taken into account during the final revisions to the frameworks.

No	Claim	Response
	sub-project.	<p>ment, NGOs and others; and (iii) organization of focus group discussions through targeted meetings in two provinces of the Norte Grande region to solicit feedback from the same stakeholders.</p> <p>6.2 The “second hearing” mentioned in the Request was in fact one of the two focus group discussions described above, which took place in Santiago del Estero on January 25, 2011 and was led by the federal Government to present the framework SNGWIP and the ESMF. Management understands that the reference to participants who were not informed refers to two participants<sup>17</sup> who did in fact attend but who later wrote to the UCPyPFE to clarify that their presence in the meeting could not be construed as an approval by them of the ESMF documents.</p>
	<b>Potential Sub-project – Santiago del Estero</b>	
7.	<p>The specific sub-project the Requesters are concerned about, the proposed sewage works and wastewater treatment plant in Santiago del Estero, was identified but not approved during the Project preparation. The Requesters believe that this sub-project, as currently envisioned, would cause them harm because, if not planned and designed properly, it would add an additional source of contamination to an already polluted river, the River Dulce. The River, they state, is their source of water and life.</p>	<p>7.1 Management believes that the concerns raised by the Requesters in general refer to relevant and valid issues that would be addressed during the preparation of the potential sub-project EIA following the ESMF, if the sub-project is formally submitted to the Bank for consideration for funding under the SNGWIP. The issues raised by the Requesters have been brought to the attention of federal Project authorities, who have agreed to consider them as part of the EIA process if the sub-project is formally submitted to the Bank.</p> <p>7.2 Many of the issues raised in the Request as deserving further analysis had also been raised by the Bank to SNGWIP authorities during SNGWIP preparation, beginning with a first scoping trip in December 2009. Management reiterates that the Bank will only fund the potential sub-project if it complies with all eligibility criteria and Bank safeguard policies.</p>
8.	<p>The Requesters have indicated to the Panel that they do not oppose the proposed sewage works and treatment plant per se, but want them to be planned and designed to meet appropriate technical, environmental, and social standards that would take into account the existing conditions of the River, and would not lead to contamination but rather be an integral part of measures to improve the current situation of</p>	<p>8. Management agrees with the Requesters that it is important to plan works with appropriate standards that take into account the existing conditions of receiving bodies. Management maintains that the Bank will only fund the potential sub-project if it complies with all eligibility criteria, including a sound environmental and social impact assessment that meets Bank safeguard policies.</p>

<sup>17</sup> A representative from *Colegio Profesional de la Ingeniería y Arquitectura* and a representative from *Foro Ambientalista Santiago del Estero*.

No	Claim	Response
	<p>the River. They are, however, concerned about the impacts of the discharge of effluents on the River Dulce, which they emphasize is the most <i>"precious thing in Santiago del Estero"</i> as the source of water for the city as well as of livelihoods, through drinking water and fishing, for some part of the population. They argue that, as proposed, the sewage works and treatment plant are not about cleaning up the river basin, rather about polluting it.</p>	
9.	<p>The Requesters state that they have not seen the technical design for the plant but base their concerns on an analysis of the ESMF for the SNGWIP and the specific environmental impact assessment (EIA) already prepared for the proposed sewage works and treatment plant.</p>	<p>9.1 Management believes that this issue has been resolved. According to Management records, following a request by the Bank Team to the SNGWIP authorities in February 2011, the Province shared the current technical design of the potential sub-project with the Los Flores Sur community as of June 9, 2011.<sup>18</sup></p> <p>9.2 The Bank Team has indicated to the Requesters that the 2009 EIA disclosed for the potential sub-project has not been approved by the Bank. If the Province submits this sub-project for consideration by the Bank, an adequate EIA would need to be prepared and consulted upon, in line with the ESMF and Bank safeguard policies.</p>
10.	<p>The Requesters have expressed concern on the following aspects of the disclosed EIA:</p> <ul style="list-style-type: none"> <li>i) It did not consider the "floating population" of the city and the high population mobility in the area, nor did it discuss the management of sludge and other solid waste;</li> <li>ii) the selected treatment technology and energy requirements of the plant must be well analyzed;</li> <li>iii) the sewage works and treatment plant were not conceived within an integrated</li> </ul>	<p>10. Concerns of this type will be addressed in the sub-project's final technical design, EIA and other environmental and social assessment and management instruments described in the ESMF if the sub-project is formally submitted to the Bank for consideration for financing under the SNGWIP.</p>

<sup>18</sup> A Receipt note signed by a representative of the Los Flores Sur community was submitted to the Bank by the UCPyPFE. The Requesters recently pointed out to the Bank that while the CD received on that date did not have the specified files in it, they received them after bringing this issue to the attention of the provincial Water Secretariat.

No	Claim	Response
	<p>plan that would take into account issues of land use and management of the area;</p> <p>iv) Cumulative impacts of the proposed sub-project, according to the Requesters, were not analyzed;</p>	
11.	<p>They also claim that there was no adequate consultation during the preparation of the EIA for the sewage works and plant. Not all those concerned could participate in the public hearings held to discuss the treatment plant because of poor information and inadequate prior notice about the hearings.</p>	<p>11. The Bank will only fund the sub-project if its final design, complete EIA and other required environmental and social management instruments are disclosed and consulted upon meaningfully and consultation meetings are announced sufficiently ahead of time.</p>
12.	<p>The Requesters participated in one public hearing in 2010 where they presented twenty five objections to the plant and Framework. They state that only eight of the twenty five questions were answered satisfactorily.</p>	<p>12.1 In a prior contact with the Requesters on February 21, the Bank Team clarified the framework nature of the SNGWIP and the fact that no sub-project has been preselected for financing under the Project. In order to be eligible for such financing, sub-projects will have to comply with eligibility criteria that include adequate consultation of affected populations and stakeholders. The Bank Team has also indicated to the Requesters that the 25 comments will be considered and responded to if the sub-project is formally identified by the Province and federal authorities for submission to the Bank to assess its eligibility for SNGWIP financing. The Bank Team has also communicated this to the UCPYPFE and expects all these comments to be addressed in the EIA for the Project.</p>
13.	<p>The Requesters state that they have had several exchanges with the Bank where they raised these issues, and attach to the Request correspondence with the Bank staff, but add that they are not satisfied with the response from Management.</p>	<p>13.1 The Bank Team has interacted with stakeholders including the Requesters and feels that this has helped improve the Project design. Since January 2011, the Bank Team has engaged in an active dialogue with the Requesters through phone calls and emails (see timeline in Annex 2) as well as with other stakeholders in the potential sub-project. The Bank Team has communicated all concerns to SNGWIP Government counterparts and has aimed at mobilizing the federal and local authorities to start a meaningful dialogue with citizens and stakeholders on the issues that are of concern to them. Some of their requests are under consideration by the SNGWIP authorities (such as holding a participatory workshop in the <i>Universidad Nacional de Santiago del Estero</i> (UNSE)<sup>19</sup> to discuss the proposed potential sub-project) and some others have been fulfilled (such as the request to receive the preliminary design for the sub-project that the Province has prepared).</p>

<sup>19</sup> National University of Santiago del Estero.

No	Claim	Response
		<p>13.2 Following a Bank Team request, an information-sharing meeting with local relevant authorities, members of the community in concerned neighborhoods and federal and provincial authorities was planned and organized by the UCPyPFE for May 6, 2011 in Santiago del Estero City. This meeting was viewed by the Bank Team as a possibility to meet the Requesters and gain a better understanding on their concerns while opening a dialogue with the participation of federal and provincial authorities.</p> <p>13.3 The Requesters responded to the invitation issued by the Water Secretariat declining to participate due to prior commitments on that date, and mentioning the short notice given for the meeting, which did not follow ESMF guidelines in this respect,<sup>20</sup> as well as the fact that there was no funding for their technical advisor to fly from Italy to participate. The Bank team actively promoted the participation of the Requesters and highlighted to them in several email and telephone exchanges that the proposed meeting was a proactive initiative from the Bank and the GoA to better understand the concerns of the Requesters and other stakeholders regarding the Project documents and the potential sub-project pointed out in their contacts with the Bank team. Furthermore the Bank team explained that the type of meeting being proposed was a round-table of discussion to gain such understanding and that it was not proposed as a consultation meeting as such in the context of the preparation of the potential sub-project but in the spirit of opening the dialogue that would enable Project authorities and the Bank to better respond to the Requesters' concerns. The meeting went ahead and included participation of representatives from other relevant neighborhood communities, the federal and provincial authorities, the Water Secretariat, the Ombudsman, the UNSE and the Bank Team.</p> <p>13.4 Management understands that two additional information meetings regarding the sub-project that may be proposed for funding by the Bank have taken place recently in Santiago del Estero as follows: (i) one on May 15, 2011, led by the UCPyPFE, with the participation of federal Project authorities. Management understands that the Requesters participated in this meeting but did not make any contributions to the general discussion (a report describing this and other recent outreach activities has been requested of the UCPyPFE);<sup>21</sup> (ii) a second meeting on May 17, 2011 convened by the <i>Comisión Vecinal Virgen de Guadalupe del Barrio Los Flores</i> with the participation of the Provincial Water Secretariat, on which Management does not have further information to date. A third meeting on May 24, 2011 was called by the Requesters. The Bank was invited to this meeting on May 22, 2011. The Bank Team could</p>

<sup>20</sup> The provincial authorities had reported to the Bank and the federal Government that the invitation letter for the meeting (dated April 19, 2011) was delivered to the community. The Requesters attached a number of annexes in their response to the Water Secretariat letter, which did not reach the Bank.

<sup>21</sup> The Requesters have provided a video recording on the meeting.

No	Claim	Response
		<p>not participate given prior commitments and asked to receive feedback from the presentation and discussion.</p> <p>13.5 Shortly after the Request for Inspection was registered, the Requesters asked for a meeting with the Bank Team.<sup>22</sup> The Bank Team met with Requesters' representatives at the Bank office in Buenos Aires on July 8, 2011. In this meeting, the Requesters clarified many of the concerns posed in the Request and included in the responses above and relevant footnotes. <b>As indicated in the main text of this Management Response, it became clear in the course of the discussion that many of the Requesters' concerns go well beyond the potential sub-project which may be eligible for Bank financing.</b></p>

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<sup>22</sup> According to the Requesters, the meeting was requested to discuss and inform the Bank on the informative meetings held in May 2011 (see 13.3 and 13.4), which had been mentioned in a prior e-mail sent by the Bank Task Team Leader to their technical advisor.

**ANNEX 2**  
**TIMELINE OF EXCHANGES WITH THE REQUESTERS**

<b>Contact/Exchange</b>	<b>Date</b>
Fax from National University of Santiago del Estero on the EIA for the potential sub-project	11/25/2010
Telephone Conversation: UNSE/ Bank TTL	12/20/2010
E-Mail response from Bank TTL	12/20/2010
E-Mail from UNSE with 25 Observations to EIA	12/21/2010
E-Mail from UNSE with Minutes of Audiencia Publica June 2010	12/21/2010
E-Mail from UNSE with Media Article	12/21/2010
E-Mail response from Bank TTL acknowledging receipt	12/21/2010
E-Mail from Technical Advisor	1/30/2011
E-Mail from UNSE with links to media articles and other comments	2/10/2011
E-Mail response from Bank TTL explaining framework approach	2/21/2011
Telephone conversation: UNSE / Bank Team	2/21/2011
E-Mail from Representative of Comunidad Los Flores Sur forwarding images/pictures	2/21/2011
E-Mail from Representative of Comunidad Los Flores Sur requesting information on phone conversation and sending Technical Advisor's CV	2/22/2011
E-Mail response from Bank TTL to Representative of Comunidad Los Flores Sur acknowledging receipt	2/22/2011
E-Mail response from Bank TTL to Representative of Comunidad Los Flores Sur referring to phone conversation on 02/21/11	2/24/2011
E-Mail from Representative of Comunidad Los Flores Sur to Bank TTL requesting documents form Bank	2/24/2011
E-Mail from Representative of Comunidad Los Flores Sur to Bank TTL acknowledging receipt and resending Mr. Serrano's CV	2/24/2011
E-Mail from Bank TTL to Technical Advisor informing on project	3/1/2011
E-Mail from TTL to Representative of Comunidad Los Flores Sur offering to call regarding request of documentation	3/7/2011
E-Mail from Representative of Comunidad Los Flores confirming Bank TTL call for the next day	3/8/2011
E-mail from Bank TTL informing of audioconference on March 14th, 2011	3/11/2011
E-Mail from Representative of Comunidad Los Flores Sur informing EIA w/ objections from Public Consultation was published in Gov. webpage	3/13/2011
E-Mail from Representative of Comunidad Los Flores Sur informing EIA w/ objections from Public Consultation was published in WB webpage	3/14/2011
E-Mail from Bank TTL to Representative of Comunidad Los Flores Sur responding on EIA web publishing and informing on MGAS attachments	3/14/2011
E-Mail from Representative of Comunidad Los Flores Sur sending documents on liquid pouring (ERSAC - Virgen de Guadalupe)	3/14/2011
E-Mail from Technical Advisor confirming audioconference	3/14/2011
E-mail from Bank TTL informing of audioconference	3/14/2011
Telephone conversation: Technical Advisor/ Bank TTL	3/14/2011
Bank TTL sends printed version of the MGAS to the community	3/14/2011
E-Mail from Representative of Comunidad Los Flores Sur requesting information on regards of published in newspaper articles (attached)	3/16/2011
E-Mail from Representative of Comunidad Los Flores Sur requesting ISDS	3/17/2011
E-Mail from Representative of Comunidad Los Flores Sur acknowledging receipt of printed information sent by the Bank	3/18/2011

Contact/Exchange	Date
Telephone conversation: Representative of Community Los Flores Sur/ Bank TTL	
Letter from General Attorney in Santiago del Estero requesting suspension of April 5th, 2011 Meeting to approve Project framework	4/1/2011
E-Mail from Representative of Comunidad Los Flores Sur on Recurso de Amparo Federal	4/1/2011
E-Mail from Representative of Comunidad Los Flores Sur informing on video of Public Consultation in Casa de Gobierno	4/4/2011
E- mail from Bank TTL acknowledging receipt	4/4/2011
E-Mail from Representative of Comunidad Los Flores Sur attaching newspaper article	4/8/2011
E-Mail from Representative of Comunidad Los Flores Sur requesting Spanish version of documents	4/10/2011
E- mail from Bank TTL acknowledging receipt	4/10/2011
E-Mail from Representative of Comunidad Los Flores Sur sending documents on liquid pouring (ERSAC - Virgen de Guadalupe)	4/10/2011
E-Mail from Technical Advisor informing his conversation w/ Universidad Nacional de Santiago del Estero	4/14/2011
E-Mail from Bank TTL to Technical Advisor informing on possible mission	4/19/2011
Letter from Bank SL responding to General Attorney in Santiago del Estero	4/20/2011
Letter from General Attorney in Santiago del Estero clarifying earlier communication	4/26/2011
E-Mail from Representative of Comunidad Los Flores Sur requesting information on May 6th meeting	4/27/2011
E-Mail from Bank Team to Representative of Comunidad Los Flores Sur on meeting with them	4/29/2011
E-Mail from Representative of Comunidad Los Flores Sur to the Water Secretariat in Santiago del Estero	4/30/2011
E-Mail from Bank Team to Representative of Comunidad Los Flores Sur requesting phone number to call	5/2/2011
E-Mail from Bank Team to Representative of Comunidad Los Flores Sur confirming meeting on May 6th, 2011	5/2/2011
Letter from Representative of Comunidad Los Flores Sur to Secretary of Water declining participation on May 6th, 2011 meeting	5/3/2011
E-Mail from Bank Team to Representative of Comunidad Los Flores Sur confirming invitation, + e-mail informing on participants form WB	5/3/2011
E-Mail from Bank Team to Representative of Comunidad Los Flores Sur requesting them to meet the Bank's Sr. Social Specialist	5/3/2011
E-Mail from Bank Team to Representative of Comunidad Los Flores Sur complementary response to e-mail sent on April 29th, 2011 requesting more information	5/3/2011
E-Mail from Bank Team to Representative of Comunidad Los Flores Sur confirming WB participation in May 6th meeting	5/5/2011
E-Mail from Bank Team to Representative of Comunidad Los Flores Sur requesting documents and regretting their impossibility to participate in the meeting	5/6/2011
Letter from Bank SL responding to General Attorney in Santiago del Estero	5/10/2011
E-Mail from Representative of Comunidad Los Flores Sur Invitation to Informative Meeting on Urban Drainage and River Dulce Basin	5/22/2011
E-Mail from Bank Team to Representative of Comunidad Los Flores Sur informing he won't be able to participate in the informative meeting	5/24/2011
E-Mail from Technical Advisor to Bank TTL informing about interest of local communities in the potential sub-project	5/30/2011
E-Mail response from Bank TTL to Technical Advisor and offering to call him	6/30/2011
E-Mail from Representative of Comunidad Los Flores Sur confirming interview w/ Bank TTL	7/6/2011
E-Mail response from Bank TTL confirming meeting	7/6/2011

<b>Contact/Exchange</b>	<b>Date</b>
E-Mail from Representative of Comunidad Los Flores Sur attaching e-mails to discuss during meeting w/ Bank TTL	7/6/2011
E-Mail response from Bank TTL acknowledging receipt of main points for meeting	7/7/2011
Meeting: Bank Team / Requesters of Comunidad Los Flores Sur at Bank Office in Buenos Aires	7/8/2011

