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DOCUMENT OF THE INDEPENDENT CONSULTATION  
AND INVESTIGATION MECHANISM

**MICI-BID-HA-2017-0114**  
**DETERMINATION OF ELIGIBILITY MEMORANDUM**

**PRODUCTIVE INFRASTRUCTURE PROGRAM**

**(HA-L1055, HA-L1076, HA-L1081, HA-L1091 / HA-X1036 / HA-GA1035, HA-L1101)**  
**(255/GR-HA, 2779/GR-HA, 3132/GR-HA, 3384/GR-HA / GRTHR-15509-HA,**  
**3623/GR-HA)**

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Under the Access to Information Policy, this document is being released to the public and distributed to the Bank's Board of Executive Directors simultaneously.

## CONTENTS

### EXECUTIVE SUMMARY

I.	THE PROJECT.....	1
II.	THE REQUEST .....	3
III.	MANAGEMENT'S RESPONSE .....	5
IV.	MICI ACTIONS .....	7
V.	DETERMINATION OF ELIGIBILITY .....	9
VI.	CONCLUSION.....	11

## ELECTRONIC LINKS

1. Original Request and Annexes (Annexes only available in English) <a href="http://www.iadb.org/document.cfm?id=40856184">http://www.iadb.org/document.cfm?id=40856184</a> <a href="http://www.iadb.org/document.cfm?id=40863304">http://www.iadb.org/document.cfm?id=40863304</a>
2. IDB Management Response and Annexes regarding Request MICI-BID-HA-2017-114 on the Productive Infrastructure Program (HA-L1055, HA-L1076, HA-L1081, among others) <a href="http://www.iadb.org/document.cfm?id=40856397">http://www.iadb.org/document.cfm?id=40856397</a>
3. Grant Proposal for the Infrastructure Program (HA-L1055) <a href="http://www.iadb.org/Document.cfm?id=36306587">http://www.iadb.org/Document.cfm?id=36306587</a>
4. Environmental and Social Management Report for the Infrastructure Program (only available in French) <a href="http://idbdocs.iadb.org/WSDocs/getDocument.aspx?DOCNUM=35413394">http://idbdocs.iadb.org/WSDocs/getDocument.aspx?DOCNUM=35413394</a>
5. Resettlement Action Plan for the Infrastructure Program (HA-L1055) (only available in French) <a href="http://www.iadb.org/Document.cfm?id=36755008">http://www.iadb.org/Document.cfm?id=36755008</a>
6. Plan to Provide Compensation and Restore Existing Conditions for the Infrastructure Program (HA-L1055) (only available in French) <a href="http://www.iadb.org/Document.cfm?id=36669359">http://www.iadb.org/Document.cfm?id=36669359</a>
7. Grant Proposal for the Productive Infrastructure Program (HA-L1076) <a href="http://www.iadb.org/Document.cfm?id=37073118">http://www.iadb.org/Document.cfm?id=37073118</a>
8. Environmental and Social Management Report for the Productive Infrastructure Program (HA-L1076) <a href="http://idbdocs.iadb.org/wsdocs/getDocument.aspx?DOCNUM=36846064">http://idbdocs.iadb.org/wsdocs/getDocument.aspx?DOCNUM=36846064</a>
9. Haiti Social Impact Assessment- Productive Infrastructure Program I-IV (HA-L1076, HA-L1081, HA-L1091, HA-1101) <a href="http://www.iadb.org/Document.cfm?id=37091614">http://www.iadb.org/Document.cfm?id=37091614</a>
10. Cumulative Environmental Impact Study- Productive Infrastructure Program I-IV (HA-L1076, HA-L1081, HA-L1091, HA-1101) (only available in French) <a href="http://www.iadb.org/Document.cfm?id=39970805">http://www.iadb.org/Document.cfm?id=39970805</a>
11. Grant Proposal for Productive Infrastructure Program II (HA-L1081) <a href="http://www.iadb.org/Document.cfm?id=38279164">http://www.iadb.org/Document.cfm?id=38279164</a>
12. Grant Proposal for Productive Infrastructure Program III (HA-L1091/ HA-G1035) <a href="http://www.iadb.org/Document.cfm?id=39273513">http://www.iadb.org/Document.cfm?id=39273513</a>
13. Grant Proposal for Productive Infrastructure Program IV (HA-L1101) <a href="http://www.iadb.org/Document.cfm?id=40004216">http://www.iadb.org/Document.cfm?id=40004216</a>

## EXECUTIVE SUMMARY

On 12 January 2017, the MICI received a Request submitted by a number of members of civil society on behalf of the “*Kolektif Peyizan Viktim Tè Chabè*” (Campesino Collective of Victims of the Chabert) regarding the Productive Infrastructure Program and other related operations financed by the Inter-American Development Bank (IDB). The collective is comprised of families who owned or leased farmland within the perimeter of where the Caracol Industrial Park (PIC) is currently located and who were evicted for its construction.

The Request alleges that the Requesters lost their livelihoods when they were evicted from their land so the Caracol Industrial Park could be built. The Requesters allege the eviction was carried out with only a few days’ notice, without the communities being consulted, and without information being provided to them on the matter. Likewise, they indicate that the compensation offered was received years later and that it was not enough to ensure their quality of life. As a result, their current living conditions are worse than the conditions prior to displacement. This has also led to negative effects on families in the form of loss of access to education, loss of food security, and destruction of the social fabric, which has particularly impacted women and girls.

The Request also alleges that the Requester families may have been affected by a lack of information on environmental impacts in the Caracol Bay and Trou-du-Nord River area resulting from the park’s construction and operation, as well as the social impact the project would have on neighboring communities.

The Requesters ask that the Request be managed under both MICI phases: the Consultation Phase and the Compliance Review Phase.

The Caracol Industrial Park, previously called the Industrial Park of the North, is a multistage industrial project. The IDB has participated in this project since its conception through a series of grant funding and technical cooperation operations. Their objective is to contribute to the socioeconomic development of Haiti’s Northern region by creating jobs through the establishment of manufacturing enterprises in the PIC, strengthening the government’s capacity to manage investors and attract them to the industrial parks, and making environmental and social improvements in the areas surrounding the park. These include five operations funded by grants, listed below.

	Project Number/ Operation	Name:	Environmental category	Approval date	Amount of the operation in millions of dollars	Date of final disbursement
<b>Grant funding operations</b>						
1	HA-L1055 / 2552/GR-HA	Infrastructure Program	B	25/07/2011	55	08/03/2017
2	HA-L1076 / 2779/GR-HA	Productive Infrastructure Program	A	13/09/2012	50	In execution
3	HA-L1081 / 3132/GR-HA	Productive Infrastructure Program II	A	13/12/2013	40.5	In execution
4	HA-L1091 / 3384/GR-HA HA-G1035 / GRT/HR-15509-HA	Productive Infrastructure Program III	A	11/12/2014	70.3	In execution
5	HA-L1101 / 3623/GR-HA	Productive Infrastructure Program IV	A	14/12/2015	41	In execution

Pursuant to Section G of the MICI Policy (document MI-47-6), the MICI Director concludes that this Request **is eligible** because it meets the eligibility criteria established in the Policy, except with regard to three operations, for which exclusions 19(e) and 19(f) apply.

This determination of eligibility is not an assessment of the merits of the Request or the issues raised therein. Nor is it a determination of compliance or noncompliance by the Bank with its Relevant Operational Policies.

This determination is communicated directly through this memorandum to the Requesters, Management, and the Board of Executive Directors, as well as to interested third parties, through the Public Registry once it has been distributed to the Board of Executive Directors. The French and Creole versions will be circulated as soon as they are available.

Once the Board of Executive Directors has been notified, the MICI Director will transfer the case to the Consultation Phase, in keeping with the Requesters' petition and the provisions of the Policy.

## I. THE PROJECT<sup>1</sup>

- 1.1 Recognizing the need to reactivate the economy, the Government of Haiti and the community of donors identified garment manufacturing as a potential pillar of economic growth for the country. At the same time, the United States Congress granted new preferential tariffs to various categories of Haitian manufacturing. This caused a number of foreign and domestic investors to take an interest in investing in Haiti. Based on this, several multilateral and donor organizations, including the Inter-American Development Bank (IDB), decided to support the development of a new industrial park in the northern part of the country given: (i) land availability; (ii) the geographic location; (iii) the good transportation infrastructure; (iv) the availability of water resources; and (v) the ample supply of labor.
- 1.2 After studying several options for the park's location, the Madrasse district was selected, located 500 meters north of Highway 121 between the towns of Chambert and Fleury in the Department of Nord-Est, 18 kilometers from Cap-Haïtien.
- 1.3 The PIC, previously called the Industrial Park of the North, is a multistage industrial project. The IDB has participated in this project since its conception through a series of grants and technical cooperation operations. Their objective is to contribute to the socioeconomic development of Haiti's Northern region by creating jobs through the establishment of manufacturing enterprises in the PIC, the strengthening of the government's capacity to manage investors and attract them to the industrial parks, and the environmental and social improvement of the areas surrounding the park. Table 1 lists the different operations connected to the PIC.
- 1.4 The beneficiary of these operations is the Republic of Haiti and the Executing Agency is the Ministry of Economy and Finance through the Technical Execution Unit (TEU) and the Société Nationale des Parcs Industriels.

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<sup>1</sup> Information taken from the Bank's website and public documents on the operations. These documents are available in the electronic links section of this Memorandum.

**Table 1**  
**Productive Infrastructure Program– List of operations financed by the IDB**

	<b>Project Number/ Operation</b>	<b>Name</b>	<b>Environ- mental category</b>	<b>Approval date</b>	<b>Amount of the operation in millions of dollars</b>	<b>Date of final disbursement</b>
<b>Grant funding operations</b>						
1	HA-L1055 / 2552/GR-HA	Infrastructure Program	B	25/07/2011	55	08/03/2017
2	HA-L1076 / 2779/GR-HA	Productive Infrastructure Program	A	13/09/2012	50	In execution
3	HA-L1081 / 3132/GR-HA	Productive Infrastructure Program II	A	13/12/2013	40.5	In execution
4	HA-L1091 / 3384/GR-HA HA-G1035 / GRT/HR-15509-HA	Productive Infrastructure Program III	A	11/12/2014	70.3	In execution
5	HA-L1101 / 3623/GR-HA	Productive Infrastructure Program IV	A	14/12/2015	41	In execution
6	HA-L1106	Solid Waste Management and Urban Improvement in Northern Haiti	B	In preparation	25	N/A
<b>Related technical cooperation funding</b>						
1	HA-T1074 / ATN/SF-11724-HA	Strengthening of the Ministry of Commerce and Industry	C	13/08/2009	0.15	07/06/2011
2	HA-T1083 / ATN/SF-11979-HA	Strengthening of the Domestic Debt Sustainability Analysis Unit	C	10/12/2009	0.25	31/12/2016
3	HA-T1179 / ATN/SF-11979-HA	Water Availability and Integrated Water Resources Management in Northern Haiti	C	19/03/2013	1.00	In execution
4	HA-T1180 ATN/OC-14580-HA	Mitigating the Environmental Impacts of the PIC in the Caracol Bay	C	19/08/2014	0.18	15/06/2016
5	HA-T1181 ATN/KP-13789-HA	Mitigating the Social Impacts of the Caracol Industrial Park	C	24/04/2013	0.31	In execution
6	HA-T1182 / ATN/FI-13845-HA	Institutional Strengthening to Increase the Technical Capacity of the Government of Haiti	C	05/06/2013	0.53	06/11/2015
7	HA-T1185 / ATN/OC-13813-HA HA-T1186 / ATN/SS-13812-HA	Haiti's Northern Development Corridor - Implementation of the ICES	C	20/05/2013	0.18 1.00	16/12/2016 In execution
8	HA-T1191 / ATN/OC-14049-HA	Exchange between Haiti and Costa Rica, Guatemala, Nicaragua on Industrial Parks	C	02/10/2013	0.01	07/10/2014
9	HA-T1195 / ATN/OC-14210-HA	Sustainable Mobility Plan and Preinvestment projects for Haiti's Northern Corridor	C	12/12/2016	0.12	12/02/2015
10	HA-T1196 / ATN/OC-14211-	Sustainable Mobility Plan and Preinvestment project for Haiti's Northern Corridor	C	12/12/2013	0.35	In execution
11	HA-T1209 / ATN/OC-14998-HA	Strengthening of the PIC's Environmental, Health, and Safety Capacity	C	18/06/2015	0.40	In execution
12	HA-T1212 / ATN/OC-15079-HA	Support for Preparation of the Water and Sanitation Investment Program in Cap-Haïtien	C	31/07/2015	1.4	In execution

- 1.5 The first operation financed by the IDB to support the PIC, the Infrastructure Program (HA-L1055), was approved on 25 July 2011. It covered the financing of: (i) the initial infrastructure of the park, including the perimeter wall, the water treatment plant, temporary water treatment and waste management facilities, access and internal roads, and other service networks; (ii) four industrial wings; (iii) an administrative building, a dormitory, and a canteen; (iv) social and environmental studies and mitigation measures, including a Cumulative Impact Assessment; and (v) a compensation plan for people affected by the project.
- 1.6 Productive Infrastructure Programs I through IV include: (i) complementary infrastructure works for the PIC, including warehouses, factory buildings, drainage, sewers, a water treatment plant, a power plant, transmission networks, bridges, sections of roadway, canteens, and green areas; (ii) small-scale civil works in the communities surrounding the PIC, such as road paving, bus stops, cycle lanes, and other transportation improvements; (iii) environmental and social impact studies, including support for the establishment of the Trois Baies National Park, as well as implementation of measures to mitigate and provide compensation for the Program's negative impacts; and (iv) support for the TEU and the Société Nationale des Parcs Industriels to improve their institutional framework and capacity to manage the PIC's operations; and other activities to expand and strengthen the park.
- 1.7 Through technical cooperation funding, the Bank has supported the preparation of studies and implementation of measures to mitigate the Program's social and environmental impacts. Of the operations listed in Table 1, all but one (HA-L1106) have been approved by the Board of Executive Directors.
- 1.8 On 4 January 2011, the park project was formally launched with the erection of a temporary fence along its perimeter. On 31 March 2012, the park was inaugurated, and as of December 2016, it comprised 165,000 m<sup>2</sup> of buildings and employed more than 10,000 people.

## II. THE REQUEST<sup>2</sup>

- 2.1 On 12 January 2017, the MICI received a Request from a number of members of civil society (see Table 2) regarding the Productive Infrastructure Program and other related operations financed by the Inter-American Development Bank (IDB), on behalf of the "*Kolektif Peyizan Viktim Tè Chabè*" [Campesino Collective of Victims of the Chabert]. The collective is comprised of families who owned or leased farmland within the perimeter of where the Caracol Industrial Park is currently located and who were evicted for its construction. The following is a summary of the content of the Request, which is available in the MICI's Public Registry and in this document's electronic links section.

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<sup>2</sup> The Request and Annexes are available in the electronic links section of this document.



**Table 2**  
**Representatives**

<b>Name</b>	<b>Organization</b>
Lani Inverarity	Accountability Counsel
Sarah Singh	
Caitlin Daniel	
Joseph Wendy Alliance	ActionAid Haiti
Milostène Castin	Action for Reforestation and Environmental Defense (AREDE)

- 2.2 The Request alleges that the campesino families (Requesters) lost their livelihoods when they were evicted from the plots of land they were farming because they were located in the area identified for construction of the PIC. The Requesters state that their families' only livelihood came from that land, which enabled them not only to obtain a financial income from the sale of their crops but also to feed their families with what they produced for their own use.
- 2.3 Specifically, the Requesters said that in January 2011, heavy machinery entered their land, with no prior notification, to erect a fence delimiting the perimeter of the future PIC. They allege that, as a result of this, they lost existing crops and did not have access to their plots after that date.
- 2.4 They also note that no Resettlement Action Plan (RAP) was in place prior to the eviction, nor were any consultations conducted prior to that date.
- 2.5 The Request notes that an RAP was later prepared and compensation packages were delivered, but it alleges that the process was characterized by inadequate consultations, insufficient information, and significant delays in the delivery of the compensation packages.
- 2.6 The Request highlights that not only was the compensation late, it was insufficient, meaning that their current living conditions are much worse, they do not have permanent sources of income, and they have no work options.
- 2.7 The lack of income has forced parents to withdraw their children from school because they cannot afford the fees. Neither have most them found work opportunities.
- 2.8 Also, the lack of income has led to nutritional deficiencies because they are not able to buy food and they can no longer access their plots to grow their own.
- 2.9 Additionally, the women emphasize the impact the project has had on the social fabric of families and their inability to provide food and education for their children.
- 2.10 The Requesters say that the process to select the park's location was inadequate and carried out without performing a detailed analysis of the impact the park would have on that part of Haiti and how it would affect its inhabitants' way of life.
- 2.11 In addition, the Request also alleges possible environmental and social harm as a result of the construction and operation of the PIC. Specifically, it expresses concern regarding the possibility of water pollution and the impact that the migration of people from other regions to the area around the park has on the community, as well as the

- precarious employment conditions at the park. They allege an absence of information on these matters, leading to uncertainty regarding the impact on their families. They say that they must be consulted regarding decisions that affect their living conditions, their communities, and the natural environment in which they live.
- 2.12 The Requesters allege that the harm may have been the result of the Bank's failure to comply with the provisions of the Involuntary Resettlement Policy (OP-710) regarding the restoration of living conditions and the compensation measures; the Gender Equality in Development Policy (OP-761) for the differentiated impact the Program would have on women; the Environment and Safeguards Compliance Policy (OP-703) regarding environmental harm and public consultation; and the Access to Information Policy (OP-102) regarding the lack of information provided to the affected population. Emphasis is placed on the importance of making information available in Creole, which is the language they use.
- 2.13 Regarding contact with Management, the Requesters informed the MICI that they first contacted the IDB Country Office in Haiti and the Executing Agency in a letter dated 15 April 2016. The IDB acknowledged receipt of that letter on 28 April, and the result was a meeting held on 5 May of that year. The Requesters say that, during that meeting, they raised their concerns and requested more information regarding their situation. According to the Request, communication between the parties continued throughout the months of June, July, and September that year. Specifically, the Requesters note that the IDB told them that an assessment of the current socioeconomic conditions of the people affected by the project would be conducted and its results would be available at the end of 2016. However, on concluding that both the IDB and the TEU had failed to follow up on the commitments they had made, the Requesters decided to stop attempting to resolve their concerns with Management and filed the Request before the MICI.
- 2.14 The Requesters say they are willing to participate in a dialogue and propose resolving the following series of issues through such a process: fair financial compensation; establishment of a compensation verification and grievance mechanism; review of the vulnerability categorization criteria used; fair nonfinancial compensation to recover their original living conditions; and support for the education of their families.
- 2.15 The Requesters expressed interest in the MICI managing their Request through both the Consultation Phase and the Compliance Review Phase should it be found eligible.

### **III. MANAGEMENT'S RESPONSE<sup>3</sup>**

- 3.1 In accordance with paragraph 21 of the MICI Policy, IDB Management was given notice of registration of Request MICI-BID-HA-2017-0114 on 23 January 2017. On 22 February, the MICI received Management's Response, which includes its perspective regarding the issues raised in the Request. The Response is

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<sup>3</sup> The IDB Management's response and Annexes regarding Request MICI-BID-HA-2017-114 on the Productive Infrastructure Program (HA-L1055, HA-L1076, HA-L1081, among others) are available in the electronic links section.

summarized below and can also be consulted in the electronic links section of this Memorandum:

- 3.2 Management reports in its Response that the IDB has provided constant and substantial support to the Executing Agency and other entities of the Government of Haiti to address various environmental, social, and health and safety matters related to the construction and operation of the PIC. It also reports that quarterly visits were made by the Environmental Safeguards Unit (VPS/ESG) and, as a consequence, action plans have been drawn up to mitigate these aspects.
- 3.3 Management outlines the major challenges addressed to ensure the Program's environmental and social sustainability, including: (i) the weak environmental and social legal framework; (ii) the limited capacity of government agencies to license and enforce environmental and social aspects; (iii) the short timeframe for designing, approving, and beginning construction and operation of the infrastructure due to the urgency of the situation; (iv) the absence of a clear land tenure framework; and (v) limited social and environmental baseline information.
- 3.4 Regarding the allegation of harm due to loss of livelihood in the resettlement process, Management notes that the resettlement was conducted in compliance with almost all the requirements established in the Involuntary Resettlement Policy (OP-710). Specifically, regarding consultation and contact with communities, Management indicates that this is a fundamental issue for the Program and that it has been constantly monitoring compliance with the RAP implementation agreements and the recommendations resulting from the environmental impact studies.
- 3.5 In this regard, the Response points to a number of consultative processes that were to have been carried out from the early stages of the Project and during construction of the park's perimeter fence, as well as during the various phases of construction. Likewise, it notes that consultations were conducted to prepare and produce the RAP, in which the TEU and the citizen organizations affected by the PIC—such as the Caracol and Trou-du-Nord Natural Leaders Association (ALNC-TDN) and the Association for the Defense of the Rights of Workers of Caracol—were to have participated. According to Management, these processes resulted in a memorandum of understanding signed in 2011 by the TEU, the ALNC-TDN, and elected members of the Caracol community acting as representatives of the affected population for implementation of the RAP.
- 3.6 The Response says that to comply with the provisions of the resettlement plan and the compensation plan, negotiations were conducted at assemblies and meetings with the ALNC between 2011 in 2013. These culminated in an Act of Commitment that outlined a final compensation process and included a number of options such as: (i) a pension for older adults; (ii) a letter of credit for acquiring new land, or (iii) a house through a housing development program.<sup>4</sup> Management also reported that starting in 2011 and until the signing of the aforementioned Act, the TEU maintained an office just outside the park to monitor implementation of the RAP and receive grievances from the population affected by the Program.

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<sup>4</sup> The Response notes that it expects to finalize this third point by March 2017. During the mission, the MICI was informed that the expected date had changed to April 2017.

- 3.7 Lastly, regarding the issue of resettlement, the Response indicates that, pursuant to OP-710, an evaluation of the resettlement process will be conducted once it concludes. An independent consultant is expected to be selected by the end of April 2017 to conduct the evaluation, which will be completed by September 2017.
- 3.8 Regarding the location of the park, Management notes that a process was carried out through technical cooperation operation HA-T1074 to evaluate the options for the park's construction. It produced 18 potential locations, which were analyzed on the basis of various criteria. As a result of this process, the Caracol area was chosen as the best option.
- 3.9 Regarding the lack of environmental and social information available to the Project, the Response points to a number of project documents and actions taken in the various grant and technical cooperation operations to address the issues raised in the Request with regard to the following impacts: the quality of the Trou-du-Nord River waters and groundwater in relation to Trois Baies National Park; waste management at the PIC; and the impact on the area's social fabric due to an influx of migrant workers to the park.
- 3.10 With regard to prior contact with the Requesters, in its Response, Management reports on the various interactions it had with the Requesters throughout 2016, including correspondence delivered to the Bank by the collective and its corresponding responses. Likewise, it describes a meeting held with the Requesters in May of that year in which the following issues were addressed, among others: compensation options for the affected communities; the impact of women on the region; and whether the agreements reached in the RAP and the Act of Commitment were representative.
- 3.11 Lastly, Management recognizes the importance of maintaining contact with the communities to resolve the most important issues that remain pending and expresses its willingness to conduct a consultation process with the Requesters. However, a number of specific issues raised in the Request had not been previously addressed by Management. These include: the creation of a mechanism for validating and verifying the compensation process; educational support for affected families; and environmental and social impacts on the communities in the region.

#### **IV. MICI ACTIONS**

- 4.1 In accordance with Section G of the MICI Policy and the eligibility criteria of paragraph 22, the intake of the Request and the determination of eligibility process followed the timeline below:

**Table 3.**  
**Timeline of MICI actions between**  
**12 January and 23 March 2017**

<b>Date</b>	<b>Actions</b>
12 January	Receipt of Request
17 January	Telephone call with the Representatives on the Request and the MICI process
23 January	Registration of Request
10 February	Call with Representatives of the Requesters
17 February	Call with IDB Representative in Haiti
17 February	Call with Representatives of the Requesters
22 February	Receipt of IDB-IIC Management Response
1 March	Call with Representatives of the Requesters
7 March	Meeting with IDB Management responsible for the operations
10 March	Call with Representatives of the Requesters
18-22 March	Determination of Eligibility mission to the Caracol area: meeting with Requesters, tour of the Program area and visit to the PIC, meeting with the Executing Agency, Project Team, and mayor of Caracol
23 March	Issuance of Memorandum of Eligibility

- 4.2 As part of the process for determining eligibility, the MICI considered the information presented in the Request, including annexes, as well as Management’s Response and its annexes, various Bank documents, and other sources of information relevant to this analysis.<sup>5</sup>
- 4.3 In addition, a MICI delegation carried out a Determination of Eligibility mission between 18 and 22 March. The MICI appreciates the availability of the Requesters, the Executing Agency, and Management prior to and during the mission, which enabled it to meet with more than 250 members of the collective and their representatives, as well as with the TEU and PIC and local authorities, together with the project chief. It also toured the PIC and the Caracol area.
- 4.4 Specifically, during the meetings with the Requesters, the MICI obtained more information on the allegations presented in the Request. It was able to see firsthand the current living conditions of many of the Requesters and hear their concerns regarding lack of employment, food security, and education for their children, as well as the destruction of the social fabric.
- 4.5 During the meetings with the IDB Project team and the Executing Agency, the MICI was able to explain its process and the scope of its mandate. It also received a detailed account of the TEU’s actions from the beginning of the Project in January 2011. Also during these meetings, it toured the PIC facilities and received information specifically on wastewater treatment. Visits were made to the dwellings that will be provided as compensation to some of the most vulnerable families, to confirm their progress so far.

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<sup>5</sup> The documents reviewed are available in the electronic links section of this document.

- 4.6 Among the issues raised, the IDB and the TEU confirmed that an evaluation would soon be conducted into the current socioeconomic conditions of the people affected by the project. Likewise, all those interviewed expressed their willingness to assist the MICI in this process, which the MICI appreciates.
- 4.7 The following images are to provide context for the status of the mission to the Program's area of influence and evidence of the activities carried out.



## V. DETERMINATION OF ELIGIBILITY

- 5.1 Under paragraph 22 of the Policy, a Request will be deemed eligible by the MICI if it is determined that it meets all of the following criteria:
- a. The Request is filed by two or more persons who believe that they have been or may be affected and who reside in the country where the Bank-financed Operation is implemented. If the Request is filed by a representative, the identity of the Requesters on whose behalf the Request is filed will be indicated and written proof of representation will be attached.

- b. The Request clearly identifies a Bank-financed Operation that has been approved by the Board, the President, or the Donors Committee.
  - c. The Request describes the Harm that could result from potential noncompliance with one or more Relevant Operational Policies.
  - d. The Request describes the efforts that the Requesters have made to address the issues in the Request with Management and includes a description of the results of those efforts, or an explanation of why contacting Management was not possible.
  - e. None of the exclusions set forth in paragraph 19 of this Policy apply.
- 5.2 In the case of Request MICI-BID-HA-2017-0114, the analysis of eligibility criteria established in the Policy is as follows:
- 5.3 The Request is filed by **hundreds of affected families living in the Caracol-Chabert are in the northeast of Haiti. Criterion 22(a) is met.**
- 5.4 The Request identifies the **Productive Infrastructure Program**, which is being financed by the IDB through five **grant operations** (see Table 1) **and at least 12 technical cooperation operations. Criterion 22(b) is met.**
- 5.5 Grant HA-L1106 “Solid waste management and urban improvement in northern Haiti” has not yet been approved by the Board of Executive Directors. The MICI Policy establishes that: “When receiving Requests [that have not yet been approved], the MICI Director will forward the Request to Management, and record the referral in the Public Registry.” Accordingly, the MICI hereby forwards the Request to Management so that it can take action regarding operation HA-L1106 in keeping with the provisions of subparagraph 19(e) of the MICI Policy. For the purposes of the eligibility of this Request, operation HA-L1106 is excluded from MICI consideration at this time.
- 5.6 The Request **alleges economic, environmental, and social harm** linked to a potential failure to comply with the Bank’s supervision obligations established in **Operational Policies OP-703, OP-710, OP-761, and OP-102**. Importantly, the alleged harm of loss of livelihood due to economic displacement and the impacts on food security and education as well as on the social fabric—with an emphasis on the negative impact on women—are clearly described in the Request, along with their potential link to possible failure to comply with the aforementioned operational policies. Consequently, **criterion 22(c) is met.**
- 5.7 Regarding prior contact with Management, the Request describes the efforts made by the Requesters to address the matters raised in the Request throughout 2016. This is confirmed by Management as well. Consequently, **criterion 22(d) is met.**
- 5.8 On this point, Management notes that, in its opinion, some issues raised in the Request had not been brought to its attention previously (paragraph 3.11 supra) and therefore should be excluded from the MICI process. Although, from the MICI’s perspective, this interpretation of subparagraph 22(d) is not correct, it should be noted that the MICI has received an annex from the Requesters that they say had been included in the various communications sent to the IDB and the TEU and covered the issues discussed in paragraph 3.11.

- 5.9 Regarding the exclusions provided for in paragraph 19, **the MICI finds that none of the exclusions set forth in subparagraphs 19(a), 19(b), 19(c), 19(d), 19(e), and 19(f) apply to this Request, with the exception of the following operations:**
- 5.10 Regarding operation **HA-L1106** pursuant to paragraph 5.5 above, exclusion **19(e) applies** because this operation has not been approved.
- 5.11 Regarding technical cooperation operations **HA-T1074 and HA-T1191**, because the final disbursements took place more than 24 months prior to the filing of the Request, **exclusion 19(f) applies.**

**Table 4**  
**Technical cooperation operations**

	<b>Project Number/ Operation</b>	<b>Name</b>	<b>Approval date</b>	<b>Operation amount in millions of dollars</b>	<b>Date of final disbursement</b>
1	HA-T1074 / ATN/SF-11724-HA	Strengthening of the Ministry of Commerce and Industry	13/08/2009	0.15	07/06/2011
8	HA-T1191 / ATN/OC-14049-HA	Exchange between Haiti and Costa Rica, Guatemala, Nicaragua on Industrial Parks	02/10/2013	0.01	07/10/2014

- 5.12 Lastly, after conducting the corresponding analysis, the MICI Director has determined that Request MICI-BID-HA-2017-0114 **is eligible**, as it complies with the eligibility criteria established in subparagraph 22(d) of the MICI Policy, save for the operations cited in paragraphs 5.10 and 5.11.

## **VI. CONCLUSION**

- 6.1 Pursuant to Section G of the MICI Policy (document MI-47-6), the MICI Director concludes that this Request **is eligible** because it meets the eligibility criteria established in the Policy, except with regard to three operations, for which exclusions 19(e) and 19(f) apply.
- 6.2 This determination of eligibility is not an assessment of the merits of the Request or the issues raised therein. Nor is it a determination of compliance or noncompliance by the Bank with its Relevant Operational Policies.
- 6.3 This determination is communicated directly through this memorandum to the Requesters, Management, and the Board of Executive Directors, as well as to interested third parties, through the Public Registry once it has been distributed to the Board of Executive Directors. The French and Creole versions will be circulated as soon as they are available.
- 6.4 Once the Board of Executive Directors has been notified, the MICI Director will transfer the case to the Consultation Phase in keeping with the Requesters' petition and the provisions of the Policy.