

GONZALO CASTRO DE LA MATA
Chairman
The Inspection Panel

IPN REQUEST RQ 16/03

October 13, 2016

NOTICE OF REGISTRATION

Request for Inspection

REPUBLIC OF COLOMBIA: Río Bogotá Environmental Recuperation and Flood Control Project (P111479)

Summary

1. On June 23 and 29, 2016, respectively, the Inspection Panel received two Requests for Inspection of the Río Bogotá Environmental Recuperation and Flood Control Project (“the Project”). The Requests were submitted by members of the “Mesa Ciudadana Cortijo Tibaguya” and “Fundación Colectivo Somos Uno” (“the Requesters”), respectively, who asked the Panel to keep their identities confidential. At the time, the Panel did not register the Requests to provide Bank Management with the opportunity to address the concerns. On September 30 and October 5, 2016, respectively, the Panel received additional Requests from the same Requesters raising similar concerns, and stating that they were not satisfied with Bank Management’s actions. The Requesters claim environmental, health and social harm as a result of the improvement and expansion of the Salitre Wastewater Treatment Plant (WWTP) in Bogotá.
2. The Panel conducted its initial due diligence, communicated with the Requesters and with Bank Management, and verified that the Requests meet the requirements for registration. Since the concerns raised refer to the same Project and similar issues, the Panel will register and process them jointly (hereinafter both Requests are referred to as “the Request”).

The Project

3. The Río Bogotá Environmental Recuperation and Flood Control Project (P111479, “the Project”) aims at addressing the severe health and environmental impacts resulting from the contamination of the Río Bogotá in Colombia. It was approved by the World Bank’s Board of Executive Directors (“the Board”) for an amount of US\$250 million on December 14, 2010. The Project also includes US\$237 million in financing from the Borrower, Corporación Autónoma de Cundinamarca (CAR), which is the regional

environmental authority for the Bogotá River Basin. On June 30, 2016, the Project was extended for 18 months and will close on December 30, 2017.

4. The Project's Development Objective is to "*assist the Borrower to transform the Río Bogotá into an environmental asset for the Bogotá Distrito Capital metropolitan region by improving water quality, reducing flood risks and creating multi/functional areas along the said river.*"¹ The relevant Project component is component 1 Upgrading and Expansion of the Salitre WWTP (US\$335 million). The component will upgrade and expand the Salitre WWTP "*from a 4m³/s primary plant to an about 8m³/s secondary plant to treat, convey and discharge the waste water from the Salitre, Torca and Jaboque micro-basins to the Rio Bogota and potentially the Distrito de Riego la Ramada.*"²

5. The Project was assigned an Environmental Category A and triggered the following safeguard policies: Environmental Assessment (OP/BP 4.01); Natural Habitats (OP/BP 4.04); Pest Management (OP 4.09); Physical Cultural Resources (OP/BP 4.11); and Involuntary Resettlement (OP/BP 4.12).

The Request

6. On June 23, 2016, the Panel received a Request for Inspection of the Project from the "Mesa Ciudadana Cortijo Tibaguya" (Cortijo Tibaguya Citizens Roundtable), a neighborhood association that represents the residents of the UPZ 72 community.³ The initial request was signed by 12 people, but subsequently the Panel received an additional 1,215 signatures in support of it. On June 29, 2016, the Panel received a separate Request for Inspection of the same Project from "Fundación Colectivo Somos Uno" representing members from the El Cortijo neighborhood in Bogotá. The Panel did not register the Requests since there was no evidence at that time that the concerns had been previously raised with Bank Management.

7. On September 30, 2016, the Panel received an additional Request for Inspection raising similar concerns. The Request was sent by "Fundación Colectivo Somos Uno," and signed by six community members who asked for confidentiality. They stated that they were not satisfied with Bank Management's actions. On October 5, 2016, the Panel received an additional Request for Inspection from the "Mesa Ciudadana Cortijo Tibaguya", signed by six community members, also stating that they found Bank's response unsatisfactory and requesting the Panel to investigate the Project. The Requesters also asked the Panel to keep their identities confidential.

8. The Requesters claim that the residents of the UPZ 72 community from the locality 10 of Engativá are likely to suffer environmental, health and social harm as a result of the expansion of the Salitre WWTP, and that approximately 20,000 families (a total of 60,000 to 80,000 people) will be directly affected by the Project. They contend that the Bank has

¹ Project Appraisal Document, para. 23, p. 5.

² Project Appraisal Document, para. 24, p. 6.

³ The UPZ 72 community encompasses the neighborhoods of El Cortijo, las Carolinas, Quintas de Santa Barbara, Ciudadela Colsubsidio, Bolivia, Bochica and Rondas de San Patricio.

violated the requirements of OP 4.01 on Environmental Assessment, specifically related to analysis of alternatives, public consultation, disclosure and the “depth” of the environmental assessment. They also assert that the Project did not follow national legislation related to environment, participation and access to information.

9. The Requesters claim that the expansion of the Salitre WWTP will destroy the Cortijo Tibaguya wetland and negatively impact the floodplain of Rio Bogotá and the Tibabuyes or Juan Amarillo wetland, increasing the risk of flooding and affecting the ecosystems of the area. They explain that the connections between the forests and the water sources will be destroyed, affecting the oxygen needed for the area and nearby communities, and negatively impacting its flora and fauna. According to them, these impacts were not properly analyzed in the Project’s Environmental Assessment. They also contend that the compensation proposed by the Project will not adequately offset the environmental impacts. The Requesters criticize the Metropolitan Park (“Parque Metropolitano”) to be financed by the Project, which is intended to create multifunctional zones along the Río Bogotá, and claim that there is a need to improve existing parks in their communities, instead of creating new ones.

10. The Requesters also question the Project’s analysis of alternatives and technical design and claim that the Project in its current form and location is not technically, environmentally or socially feasible. They explain that analysis of alternatives was prepared more than 15 years ago and the Project only plans to solve the water contamination problem for the next five to 10 years. The Requesters specifically point out several flaws in the project design, including: (i) the WWTP does not treat the water of the Juan Amarillo River and its tributaries, the tributaries of the Bogotá River, nor the water of the Tibabuyes wetland; (ii) the size of the WWTP will not be sufficient to treat all waters, including the water from the rainy season; and (iii) the technical design was developed eight to 10 years ago and does not take into account the significant population growth in Bogotá. The Requesters also allege that the technology used by the CAR for its treatment plants is obsolete.

11. The Requesters argue that the plant operations will adversely affect the public health of the nearby communities, which are located less than 100 meters from the plant, including through the release of chemicals and odors. They also claim that the expansion of the plant will lead to a devaluation of their properties, increase the price of water and sewage services and negatively affect the public order.

12. In addition, the Requesters contend that only environmental non-governmental organizations were consulted and the affected communities were not included in the consultation process or part of the agreement for the environmental compensation project. According to them, the consultations were held far from the community and the community was not adequately informed of the consultation meetings. They also complain about lack of information disclosure and transparency and request access to specific documents, including the environmental, technical and sanitary feasibility studies, public health studies and the plan for the Metropolitan Park.

13. Finally, the Requesters ask for a halt to the start of Project works, the protection of the wetland, the allocation of sufficient resources for its preservation, the declaration of the Cortijo Tibaguya wetland as an environmental reserve for Bogotá, and the inclusion of their community in the public participation and consultation process moving forward.

Initial Due Diligence

14. After receipt of the Request, the Panel conducted its initial due diligence and verified that the Request was submitted by two or more people and that it contains the information required under the Panel's Operating Procedures. The Panel also confirmed that the issues were brought to the attention of Bank staff in June 2016. In addition, in September 2016 the Panel became aware that prior contact with Management had occurred preceding the June 2016 Request in the form of a letter sent by the Requesters to the World Bank Country Office on August 26, 2015. This information was not shared with the Panel when the June 2016 Request was received.

15. On August 11, 2016, the Bank team met with the Requesters in Bogotá to better understand their concerns. Following this meeting, the Bank sent the Requesters a summary of the discussions with a proposal to include the Requesters in the consultations to take place during the construction phase of the Project, but the Requesters found this response unsatisfactory.

16. To better understand the Project and the issues raised in the Request, the Panel held several phone calls and exchanged e-mails with the Requesters. The Panel also met with Bank Management on July 25, 2016, and September 29, 2016. Bank Management explained to the Panel the importance of the Project, and that they were aware of the concerns and have met with the community in Bogotá to discuss the issues raised. Management added that they proposed several actions to strengthen the social expertise of the implementing agency, improve communications, and better include the community in the consultation process moving forward. Nonetheless and as mentioned earlier, the Requesters found these plans insufficient.

17. The Panel verified that the Request meets the requirements for registration: (i) the Request is not frivolous, absurd or anonymous; (ii) the Project is supported by the Bank; (iii) at least one component of the Project, which is the subject of the Request, can be plausibly linked to the alleged harm; (iv) the Bank's financing for the Project is not closed; (v) the disbursement of the Bank's financing is less than 95 percent⁴; (vi) the subject matter of the Request does not concern issues of procurement; and (vii) the Request is not the same as a previous Request on which the Panel has already made a recommendation.

Registration of the Request

18. As provided in paragraph 17 of the IBRD Resolution ("the Resolution") that established the Panel, "*the Chairperson of the Panel shall inform the Executive Directors and the President of the Bank promptly upon receiving a request for inspection.*" With this

⁴ At the time of receipt of the Request, the Project was 6 percent disbursed.

notice, I am notifying you that I have, on October 13, 2016, which is also the date of this notice, registered this Request.

19. The Panel's registration implies no judgment whatsoever concerning the merits of a Request for Inspection. Bank Management must provide the Panel within 21 business days, by November 11, 2016, a response to the issues raised in the Request for Inspection. The subject matter that Management must deal with in the response to the Request is set out in paragraphs 3 and 4 of the "*Conclusions of the Board's Second Review of the Inspection Panel*" (the 1999 Clarification).

20. After receiving the management response, the Panel will, as outlined in the 1999 Clarification and as provided by paragraph 19 of the Resolution, "*determine whether the Request meets the eligibility criteria set out in paragraphs 12 to 14 [of the Resolution] and shall make a recommendation to the Executive Directors as to whether the matter should be investigated.*" The Request has been assigned IPN Request Number RQ 16/03.

Yours sincerely,



Gonzalo Castro de la Mata
Chairman

Attachments

Mr. Jim Yong Kim, President
International Bank for Reconstruction and Development

The Executive Directors and Alternates
International Bank for Reconstruction and Development

Members of the Mesa Ciudadana Cortijo Tibaguya (Cortijo Tibaguya Citizens Roundtable)
(Requesters confidential)

Members of Fundación Colectivo Somos Uno
(Requesters confidential)