

May 12, 2023

Case No. 22/07/DRS**NOTICE– NO AGREEMENT TO PURSUE DISPUTE RESOLUTION****Bolivia: Santa Cruz Road Corridor Connector Project (San Ignacio - San José) (P152281)**

1. On March 31, 2023, the World Bank Board of Directors approved an Inspection Panel recommendation to investigate the Santa Cruz Road Corridor Connector Project (San Ignacio - San José) (P152281) in Bolivia (the “Project”).
2. On April 4, 2023, the Accountability Mechanism Secretary (AM Secretary) wrote to the Parties in this case, offering the opportunity for dispute resolution, pursuant to paragraph 11(a) of Resolution No. IBRD 2020-0005/Resolution No. IDA 2020-0004 (the “AM Resolution”) and paragraph 30 of Resolution No. IBRD 2020-0004/Resolution No. IDA 2020-0003 (the “Panel Resolution”).
3. To facilitate the Parties’ ability to make an informed decision, the AM Secretary offered to meet with the Parties, in accordance with paragraph 11 of the AM Operating Procedures.
4. If either of the parties do not agree to pursue dispute resolution, the case is to be returned to the Inspection Panel. Pursuant to paragraph 11(b) of the AM Resolution and paragraph 31 of the Panel Resolution, the AM Secretary hereby informs the Executive Directors, the Inspection Panel and World Bank Management that the Government of Bolivia opted for dispute resolution and the Requesters opted to proceed directly to an investigation.
5. As there is no agreement from both Parties to enter dispute resolution, in accordance with paragraph 11(b) of the AM Resolution and paragraph 33(a) of the Panel Resolution, following this notification the Inspection Panel will now commence its investigation.

Context

6. The AM Secretary offers dispute resolution neutrally, and the DRS facilitates informed decision making directly with the Parties, by following the steps in para. 11 of the AM Operating Procedures. This includes meeting with them and having a discussion, including any concerns the Parties may wish to raise in relation to the dispute resolution process. The Parties then indicate, within the 30-working day period, whether they are willing to proceed with dispute resolution.
7. The AM Secretary and the DRS held direct meetings with the Government of Bolivia. However, there was no direct meeting with the Requesters, the indigenous people’s leaders of four “Centrales Chiquitanos” who signed the request, or with the communities affected.
8. In relation to GBV/SEA issues, the Panel noted in the review section of its Report and Recommendation that “there appears to be cases linked to workers involving girls younger than 18. The Panel is unable at this stage to comment on the adequacy of the systems in place [...] At this stage, the Panel is unable to assess the adequacy of the SEA/H systems in place.” It was raised prior and during the dispute resolution decision phase whether dispute resolution should be available for GBV/SEA-related issues. Dispute resolution is available when the parties want it, on a voluntary basis. The AM Secretary can always advise the Board of certain situations where dispute resolution would not be recommended, which would take into account the nature of the complainants’ consent to engage in dispute resolution, including their agency and capacity to do so. Any such assessment would only be possible through a careful survivor-centric approach,

which could not happen in this case without in-person meetings. It may also be noted that the AM Operating Procedures provide that if the DRS has reason to believe that the Parties intend to include anything in a Dispute Resolution Agreement that is inconsistent with relevant domestic or international law, the AM Secretary will request the Parties to make appropriate modifications. In no circumstances would any Accountability Mechanism process replace a criminal process under domestic or international law. In the final instance, the AM Secretary maintains the discretion to refuse to facilitate dispute resolution based on individual circumstances and, as per paragraph 19.6 of the AM Operating Procedures, may recommend termination of the process to the Board on an absence of objection basis.

9. The AM Secretary received letters signed by the leadership of the four “Centrales Chiquitanos”, through the representative CSOs, asking to proceed to an Inspection Panel investigation, with reasons given. At the same time, the Government of Bolivia formally requested a mission of the AM Secretary to Bolivia, at the earliest possible opportunity. The Government of Bolivia was informed of the Requesters intent, and the representative CSOs were notified of this mission. In meetings with the AM Secretary, the Government of Bolivia and the implementing agency provided information about the project activities and confirmed willingness to engage in facilitated dispute resolution with the Requesters.

10. When the AM Secretary offers dispute resolution, the DRS is available to engage directly with both Parties (as per the AM Operating Procedures) to facilitate informed decision making and process. This could include discussing the scope of the issues that may be considered in the dispute resolution process. The objective is to allow both Parties, including those at the community level, to fully exercise their options, as provided by the Board. In all cases, this engagement is voluntary, as a fundamental principal of dispute resolution, and the decision of the parties is fully respected.

Yours sincerely,



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