

# The Legal Battle Over Alto Maipo: A Timeline of Complaints and Accountability

## Key

- MICI** Event is part of complaint process at the Independent Consultation and Investigation Mechanism (MICI) of the IDB or has direct bearing on the case.
- CAO** Event is part of complaint process at the Office of the Compliance Advisor/Ombudsman (CAO) of IFC or has direct bearing on the case.
- IFC** Event pertains to IFC's actions and operations within the Alto Maipo project or to policy decisions and institutional shifts during this period.
- IDB** Event pertains to IDB's actions and operations within the Alto Maipo project or to policy decisions and institutional shifts during this period.

## October 2013

IDB Board Approves Loan for Alto Maipo SpA, a Subsidiary of AES Gener, SA

IFC Board Approves Loan for Alto Maipo SpA, a Subsidiary of AES Gener, SA

## 2014

Construction Begins



## September 2015

Ecosistemas and CCNAM Advocacy Mission to Washington, DC  
Chilean leaders travel to Washington, DC to meet with IDB management, the MICI, and the CAO. CIEL hosts the group, joins meetings, and begins collaborating on strategies and possible case filing.

## January 2017

**MICI** Complaint Filed at the MICI  
Ecosistemas and CCNAM, with CIEL, file complaint at the MICI offices.

**CAO** Complaint Filed at the CAO  
Ecosistemas and CCNAM, with CIEL, file complaint at the CAO offices.

## March 2017

**IFC** **IDB** Refinancing the Alto Maipo Loan  
IFC and IDB restructure loan to Alto Maipo SpA due to \$2.5 billion cost increase projections.<sup>1</sup>

**CAO** Complaint Declared Admissible

## April 2017

**MICI** **CAO** MICI and CAO Joint Mission to Santiago and the Cajon del Maipo

## May 2017

**MICI** MICI Complaint Declared Admissible

## October 2017

**CAO** CAO Publishes Evaluation Report

## May 2018

**IFC** IFC Exit  
IFC withdraws its investment from the project.

Budha Ismail Jam, et al v. International Finance Corporation (Jam v. IFC)  
US Supreme Court grants certiorari, thus agreeing to hear the Jam v. IFC case.



## June 2018

**MICI** IDB Board Finally Approves Compliance Verification Phase  
The MICI is allowed to move forward with its investigation more than a year after the case was filed.

## August 2018

**CAO** Complainants Learn of IFC Divestment from CAO.

## December 2018

**MICI** **CAO** MICI and CAO Joint Investigation Mission to the Cajon del Maipo

## February 2019

**IFC** Jam. v. IFC Ruling  
US Supreme Court rules that the World Bank does not have absolute immunity from litigation.



## June 2019

**IFC** Review of IFC/MIGA Accountability System  
After growing tensions surrounding the Jam case and calls for accountability on numerous unresolved community complaints, the Boards of the IFC and MIGA request an external review of the entire environmental and social accountability system at IFC and MIGA, as well as the CAO's Role and Effectiveness.

Major Changes at IFC After Jam v. IFC Ruling  
The IFC CEO announces structural and operational changes to strengthen Environmental and Social Governance at IFC, including integrating ESG Advice and Solutions with Operations and creating a new E&S Policy and Risk department reporting directly to the CEO.

## April 2020

**IDB Invest** New IDB Invest Environmental and Social Sustainability Policy Approved by IDB Board  
After CIEL and partner advocacy around Alto Maipo and other emblematic cases, the policy contains sections on contextual risk, zero tolerance on reprisals, and stronger language on access to information and Indigenous rights.



## June 2020

**MICI** The MICI Publishes Compliance Verification Report and Board Requests a Management Action Plan (MAP)

## August 2020

**IFC** Publication of the External Review of IFC/MIGA E&S Accountability, including the CAO's Role and Effectiveness Report and Recommendations  
Review recommends the creation of an IFC/MIGA framework for Remedial Action and the establishment of the principle that IFC/MIGA contribution to harm triggers an obligation for their contribution to remedy.<sup>2</sup>

## September 2020

**IDB** New IDB Environmental and Social Policy Framework Approved by IDB Board  
After CIEL and partner advocacy around Alto Maipo and other emblematic cases, the policy contains a commitment to respect the rights of access to information, participation, and justice regarding environmental issues, referencing the Escazú Agreement, including sections on contextual risk and zero tolerance on reprisals, among others.

## October 2020

**MICI** IDB Board Approves MAP  
Joint IDB-IDB Invest MAP created to address MICI recommendations.

## April 2021

**IDB** OVE's Evaluation of the MICI Published  
OVE uses Alto Maipo in reasoning for several recommendations, including the repeal of the legal exclusion clause.

**CAO** Indirect IFC Stake in Alto Maipo Retained  
Complainants learn that IFC retains an equity investment in Itau Corpbanca, a financial intermediary. Itau Corpbanca, in turn, has an active investment in Alto Maipo.



## July 2021

**MICI** Repeal of Legal Exclusion Clause in MICI Takes Effect

**CAO** New CAO Policy Takes Effect

## September 2021

**CAO** CAO Compliance Investigation Report with MAP Published

## November 2021

Cyber Espionage of CCNAM Spokesperson and Activists Revealed

AES Corp Subsidiary Alto Maipo SpA Files for Bankruptcy in Delaware Citing Climate Change as a Factor for Financial Problems

## February 2022

**IDB** IDB Divests from the Alto Maipo Project

## November 2022

**MICI** MICI Publishes MAP Monitoring and Case Closure Report

## January 2023

Maipo River No Longer Flows into the Ocean<sup>3</sup>

Chilean Government Files Claims Against Alto Maipo for Environmental Violations  
Environmental regulator alleges violations for failure to build required infrastructure and shirking environmental obligations.<sup>4</sup>

## May 2023

**CAO** CAO Omnibus Monitoring Report Published<sup>5</sup>  
CAO decides to continue monitoring three systemic-level actions from IFC's MAP after closing project-level actions even though complainants assert that actions did not resolve project impacts.<sup>6</sup>



## October 4, 2024

**IFC** IFC Approach to Responsible Exit Published  
After years of CIEL and partner advocacy around Alto Maipo and other emblematic cases, IFC Board establishes guidance for exiting projects without exacerbating harm and affording remediation measures.



## April 3, 2025

**IFC** IFC/MIGA Remedial Action Framework is Approved  
The Boards of Directors of IFC and MIGA approve the Remedial Action Framework for implementation on an interim basis, marking a historic policy shift to ensure accountability and remedy for communities harmed by development finance projects.

**Note:** The timeline has been developed based on the information contained in and supporting the complaints filed before the MICI and the CAO.

i. Gustavo Orellana, "AES Gener sella fondos para Alto Maipo y costo sube a US\$2.500 millón," La Tercera, March 18, 2017, <https://www.latercera.com/noticia/aes-gener-sella-fondos-para-alto-maipo-y-costo-sube-a-us2500-millones>.

ii. World Bank Review Team, External Review of IFC/MIGA E&S Accountability, Including CAO's Role and Effectiveness (World Bank, 2020), 60, <https://pubdocs.worldbank.org/en/57888192716094764/External-Review-of-IFC-MIGA-E&S-Accountability-Disclosure.pdf>.

iii. "Río Maipo: Otro río que no llega al mar," Ladena Sur, opinión, February 14, 2023, <https://ladenasur.com/articulo/opinion-rio-maipo-otro-rio-que-no-llega-al-mar>; María del Mar Parra, "Río Maipo: la delicada situación del río que ya no logra llegar al mar," El Desmocheo, January 28, 2023, <https://eldesmocheo.cl/2023/01/28/rio-maipo-la-delicada-situacion-del-rio-que-ya-no-logra-llegar-al-mar/>; "The Abuse of the Maipo River Witnessed that No Longer Reaches the Sea," Página Siete, April 30, 2023, [https://www.paginasiete.cl/index.php?option=com\\_content&view=article&id=4457%3Ael-abuso-de-la-ciencia-del-rio-maipo-que-ya-no-llega-al-mar](https://www.paginasiete.cl/index.php?option=com_content&view=article&id=4457%3Ael-abuso-de-la-ciencia-del-rio-maipo-que-ya-no-llega-al-mar).

iv. "Chilean Regulator Charges AES Power Plant with Environmental Violations," Reuters, January 26, 2023, <https://www.reuters.com/business/energy/chilean-regulator-charges-aes-power-plant-with-environmental-violations-2023-01-26/>.

v. CAO, Compliance Monitoring Omnibus Case Report, Q4, 2023 (CAO, 2023), [https://www.cao-ombudsman.org/sites/default/files/downloads/CAO%20Omnibus%20Monitoring%20Report%20Q4%202023\\_0.pdf](https://www.cao-ombudsman.org/sites/default/files/downloads/CAO%20Omnibus%20Monitoring%20Report%20Q4%202023_0.pdf).

vi. "Chile: Alto Maipo-01, Cajon del Maipo," CAO, accessed March 13, 2025, <https://www.caoombudsman.org/caso/chile/alto-maipo-01cajon-del-maipo>.