

PURPOSE: CLAIM BY PERSONS ADVERSELY AFFECTED BY OIL FIELD DEVELOPMENT IN THE DOBA BASIN WHO RESIDE IN THE CANTONS OF MIANDOUM, KOMÉ, MBIKOU, BÉBÉDJIA, AND BÉBONI (SUB-PREFECTURE OF BÉBÉDJIA), PRESENTED BY DEPUTY NGARLEJY YORONGAR, ASSISTED BY ATTORNEY ZASSINO, A MEMBER OF THE BAR IN N'DJAMENA, AND HIS PARTNERS, FOR THE ATTENTION OF THE INSPECTION PANEL OF THE WORLD BANK.

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USA

I, Ngarlejy YORONGAR, Deputy to the National Assembly of the Republic of Chad, elected from the Bébédjia district (Eastern Logone), telephone (000235) 51 91 12 841 44 63,

- Acting as a resident of the district of Bébédjia,
- In my capacity as representative of the entire country (Article 116 of the Constitution of the Republic of Chad), and
- On behalf of the persons listed in (Appendixes 1 and 2) as having given their proxies, who are adversely affected by development of the Doba oil reserves and who live in the vicinity of three oil fields in the cantons of Miandoum, Komé, Béro, Mbikou, Bébédjia, and Béboni, in the sub-prefecture of Bébédjia, an area in which 300 sampling wells have been drilled by the Consortium as indicated on the map presented as Appendix 3,

Assisted by a team of lawyers, states the following:

1. The Bank is financing the design, appraisal, and/or execution of a project for the development of three oil fields in Chad-Cameroon. The project calls for exploitation of 300 sampling wells drilled by the Consortium as part of the development of three oil fields (Komé, Miandoum, and Bolobo) in the Doba region.

An export pipeline more than 1,100 km long with a production capacity of 250 million barrels per day will be built by the Consortium (Exxon, Chevron, and Petronas) through the sub-prefectures of Bébédjia, Goré, Bessao, and Baibokoum (Eastern Logone) to the terminal of Kribi (Cameroon). The total cost is estimated at US\$3.5 billion.

In this scheme, the 300 oil wells will be connected to three pumping stations, also named Komé, Miandoum, and Bolobo, via a complex of pipelines and feeder lines, the dramatic consequences of such an operation being predictable.

2. We understand that the Bank has adopted the following policies and procedures:

- Directive 4.30, on environmental impact assessments;
- OD 4.20, on indigenous peoples (notification of native inhabitants and their representatives);
- OPN 11.03, on management of cultural property (OD 4.50);
- OP 17.50, on disclosure of operational information;
- OD 4.30, on involuntary resettlement (the problem of involuntary displacement and resettlement of individuals adversely affected by laying of pipelines);

- OD 4.04, on natural habitats (respect for the native peoples, their culture, usages and customs, sacred places, burial grounds, etc.);
- OP 17.57, on public consultation;
- OD 4.01, on assessment of environmental impact (study of the environmental impact on the production zone, respect for human rights, proper governance, and just and equitable compensation for persons adversely affected by pipeline routes);
- OP 10.04, on economic evaluation of investment operations;
- OD 13.05, on project supervision;
- OP 4.36, on forestry;
- OP 4.09, on pest management;
- OPN 11.03, on management of cultural property in Bank-financed projects (to be issued as OD 4.50 [sic], “Cultural Property”);
- OD 10.70, on project monitoring and evaluation, etc.

3. Our rights and interests will be guaranteed if there is full respect for the directives, rules, conditionalities, recommendations, resolutions, and observations of the World Bank, etc.

Among other rights and interests are the rights to life, to a healthy environment, to fair and equitable compensation, to resettlement not far from our native soil, to work, to respect for our customs and our burial places, to nature, to land ownership recognized by the laws in force, to social well-being, to public consultation, to access to project-related information and the resources of the Fund for Joint Action on Local Initiatives (FACIL), to compassionate treatment, to consultation and coordination with our village associations and our representatives, to representation on the entity responsible for monitoring and surveillance of petroleum resources, etc.

4. The Bank has not followed its own rules and procedures, as indicated by the following acts. We allege that the World Bank participates in, indeed even encourages, violations of its own policies and procedures by the Consortium and the Government, as evidence of which we list certain carefully selected facts:

- It has ridden roughshod over legislation governing expropriation and the uprooting [of communities]; the laughably small quota assigned to the production zone bears little or no relation to the magnitude of the needs of this region and the size of its population. (A barrel of oil for a barrel of Chadian blood!)
- The compensation and indemnification plan fails to take account of [the loss of] medicinal plants. Directive 4.30, which deals with environmental impact assessments, ignores the 300 sampling wells drilled all over the oil production zone (OD 4.01). As far as the environmental impact assessment is concerned, the World Bank, the Government, and the Consortium have focused all their attention on the Chad-Cameroon pipeline. Consider the plight of the Ogoni people of Nigeria: the problems they have been left to face are those created by pipelines that link oil wells to pumping stations. It is at this level, and only this level, that the human, material, and environmental damage has been least bearable. Since the World Bank, the Government, and the Consortium refuse to carry out an environmental impact assessment at this level, the danger is inevitable. Because the danger exists all along the entire 1,100-km route of the Chad-Cameroon pipeline, the environmental impact assessment is unsatisfactory. So far neither the Consortium nor the Government has said a word about how they intend to pump oil from 300 wells through the three pumping stations in Komé, Miandoum, and Bolobo (sub-prefecture of Bébédjia). No environmental impact assessment; no compensation plan.

The geological map shows that petroleum in the Doba basin is found from the border of Cameroon to the borders of the Central African Republic and Sudan. It crosses seven prefectures in the southern part of Chad, namely Eastern Logone, Western Logone, Tandjilé, Mayo-Kebbi, Moyen-Chari, Chari-Baguirmi, and Salamat, home to more than 4.5 million of the country's total population of 6 million. This is precisely the region that feeds Chad and the frontier populations of the neighboring countries. The breadbasket of Chad, this zone is the most densely populated, etc. The slightest pollution of surface water sources will inevitably lead to pollution of water tables, rivers, marshes, and watercourses down to Lake Chad. The same is true of the Sédigui, Bongor, Kyabé, and Salamat oil deposits. However, this lack of transparency regarding the environmental impact of the 300 oil sampling wells drilled by the Consortium, which are to be connected to the three pumping stations of Miandoum, Komé, and Bolobo, and also regarding the Sédigui (Kanem-Lac) production region, does not conceal the great ecological danger posed by the exploitation of Chadian oil. But then, again, why have the World Bank, the Consortium, and the Chadian authorities not answered these fundamental questions? As you are aware, the Doba basin oil production zone extends over seven prefectures (Eastern Logone, Western Logone, Tandjilé, Mayo-Kebbi, Moyen-Chari, Chari-Baguirmi, and Salamat), inhabited by more than 4.5 million of Chad's total population of 6 million. This is an area of heavy rainfall, where the gallery forest is flooded six months of the year, where population density is high, and where farming is highly developed (it is the breadbasket of Chad), etc. If there are breaks in the feeder lines and other pipelines from the oil wells because of a lack of safety measures and an environmental impact assessment, imagine how much damage will be caused. Each well needs at least 10 feeder lines to carry the crude to the pumping stations or terminal. In the sub-prefecture of Bébédjia and its environs alone, for example, the Consortium has drilled 300 wells. If you multiply these 300 wells by 10 feeder lines for each one, you will have 3,000 feeder lines in this district. Are the 80,000 to 100,000 people inhabiting this district to be displaced or not? And where are they to be resettled? A pipeline expert who belongs to an environmental protection group writes in the journal *L'Autre Afrique*, No. 31, that along the Chad-Cameroon pipeline "*the capacity for detecting seepage with even the most sophisticated systems will still not prevent the escape of 10,000 liters of petroleum per day, undetected.*" If we multiply the 300 pipelines leading from the 300 wells to the three pumping stations (Miandoum, Komé, and Bolobo) by 10,000 liters per day, we get three million liters of seepage of crude oil every day in this production region. In other words, its surface waters (consisting of flood waters and the waters of its rivers), polluted by three million liters of oil a day for six months, will empty into the Logone, the Pendé, the Nyan, the Mandoul, the Tandjilé, the Mayo-Kebbi, and the Chiari. These rivers, now polluted in their turn, will continue flowing into Lake Chad. As a result, not only Chad but also its neighboring States – Nigeria, Cameroon, Niger, etc. – will be contaminated.

- OD 4.20, on notification of native inhabitants and their representatives, was never complied with. Neither was OPN 11.03 (OD 4.50 [sic]), which deals with cultural property. The property referred to in this directive is not included in the categories eligible for compensation, although in the production region the property belongs to specific families who rent it, or make it available free of charge to third parties who farm it or use it to pasture livestock. Moreover, for some time now, the Chadian authorities, with the complicity of Consortium officials, have practiced a settlement policy favoring cattle farmers, whom they arm so they can occupy indigenous lands.

- OP 17.50, on disclosure of operational information, has generated no more than a haphazard, uni-directional release of information, for the sole purpose of deceiving both the World Bank and international public opinion.
- Directive OD 4.30, on problems of involuntary displacement and resettlement of people who are adversely affected by projects, has not been complied with yet.
- Directive OD 4.04, on respect for native peoples, their nature, usages and customs, sacred sites, burial places, etc. has been completely ignored.
- Directive OP 17.57, on public consultation, has been honored only with a crude image (see film on the Chad-Cameroon Development Project: *View and Voice*, of May 25, 1999, by Winner and Associates, Los Angeles). The requirement for participation by grass-roots NGOs in projects financed by the World Bank has not been met; the only NGOs consulted were, for the most part, either created for the purpose in hand or commanded no allegiance in the production region. The obligation to take into account the observations of the people affected by the project when preparing and carrying out the environmental impact assessment was never met, etc.
- Directives on assessment of environmental impact specific to the zone affected by a project, in this case the production zone, where the 300 oil sampling wells have been drilled (see ESSO maps).
- Directives on respect for human rights have been ignored since 1990, the year when Mr. Idriss Déby took power in Chad (see CD-ROM with evidence of the massive violations of human rights in the production zone).
- Directives on proper governance have been put aside indefinitely, as evidenced by: the IGET International affair; trafficking in counterfeit currency, drugs, and dummy invoices; misappropriation of foreign aid, including that provided by Taiwan; purchase of weapons with money obtained from oil production in Chad).
- Directives on compensation of persons adversely affected by pipeline routes have been treated as nothing more than an excuse for fraud (e.g., the dealing in compensation lists, among them Mr. Gabriel Ndodjin gar's in the canton of Komé), etc.
- Yet other directives have not been complied with: OPN 11.03, on management of cultural property (OD 4.50 [sic]); OP 17.50, on disclosure of operational information; OD 4.30, on involuntary resettlement (the problem of involuntary displacement and resettlement of persons adversely affected by pipeline routes); OD 4.04, on native habitats (respect for native peoples, their nature, usages and customs, sacred sites, burial places, etc.); OP 17.57, on public consultation; OD 4.01, on environmental impact assessment (specifically, an environmental impact study on the production zone), respect for human rights, proper governance, fair and equitable compensation for persons adversely affected by pipeline routes; OP 10.04, on economic evaluation of investment operations; OD 13.05, on project supervision; OP 4.36, on forestry; OP 4.09, on pest management; OP 11.03, on management of cultural property in projects funded by the World Bank, which is to be issued as OD 4.50 [sic], "Cultural Property"; and OD10.70, on project monitoring and evaluation, etc.

5. We consider that our rights and interest have been, or are likely to be, directly harmed as a result of the Bank's action. This causes, or is likely to cause, the following types of damage, among others: pollution and degradation of the environment, expropriation without compensation, lack of respect for our usages and customs, nature, etc., violation of our human rights, bad governance reflected in the recent misappropriation of a premium of US\$2.5 million (CFAF 19 billion) and its use for the purchase of weapons with which to massacre us (see related documents), etc.

6. We hold the Bank accountable for what it has done and/or omitted to do in this case. If the Bank had taken our observations into account, we would not be in the present mess.

7. We have submitted evidence in our regular correspondence addressed to the President of the World Bank himself and various Bank departments to draw their special attention to the problems described above (see examples of related correspondence and documentation).

Furthermore, Deputy Ngarlejy YORONGAR, our constitutionally elected representative, took part in the following activities in 1999:

- Seminars organized by the World Bank in Paris, chaired by Mr. Jean-Louis Sarbib, Vice President of the World Bank for Africa, and by Mr. Patrice Dufour, the Representative of the World Bank in Paris.
- The meeting between World Bank President James D. Wolfensohn and NGO and media representatives in Paris. During this meeting, Mr. Wolfensohn invited Deputy Ngarlejy YORONGAR to visit the Bank's headquarters in Washington to discuss the case. However, there has been no follow-up on this invitation to date.
- The teleconference, organized at the instigation of Deputy YORONGAR, with the seven World Bank directors in charge of the Chad petroleum matter, among them Mr. Serge Michailof, at that time the Country Director for Chad.
- Meetings in N'Djaména with successive World Bank missions, whose different leaders included the Country Director for Chad and the Director General [sic] of the World Bank.
- Seminars in Donia in January 1998 and Bébédjia in April 1999, with the participation of representatives of the World Bank, the Government, and the Consortium (see Resolutions, Recommendations, and Declaration), etc.

Except for vague responses from aides to World Bank President James D. Wolfensohn, all memoranda, letters, observations, and evidence presented in the course of these seminars and meetings were ignored. Instead, the World Bank concentrated on using its reputation and influence to ensure the project went ahead, to the detriment of the local communities affected and of Chad itself (see related letter from Mr. Jean-Louis Sarbib).

8. We have received a number of evasive replies from Messrs. Serge Michailof and Jacques ???? Calderisi, who were in charge of operations for the World Bank, but we are not satisfied with them. Besides being vague and evasive, they have not only produced no follow-up action but have failed to influence the behavior on the ground of either the Government of Chad or the Consortium (see samples of the replies received).

9. We have taken the following steps to resolve the problem:

Since the World Bank, the Government, and the Consortium have failed to recognize the validity of our position, we have decided to appeal to the Inspection Panel so that justice will be done by halting oil field development works in the Doba basin until all World Bank directives and policies are put into effect and scrupulously respected by those responsible.

Bébédjia, December 15, 2000

On behalf of all persons adversely affected by oil field development at Doba and Sédigui, by virtue of my mandate to represent the entire nation (Article 116 of the Constitution of the Republic of Chad),

Ngarlejy YORONGAR (Signed)

For my constituents whose names appear on the attached list,

Deputy Ngarlejy YORONGAR (Signed)