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**MANAGEMENT REPORT AND RECOMMENDATION
IN RESPONSE TO THE
INSPECTION PANEL INVESTIGATION REPORT**

DEMOCRATIC REPUBLIC OF CONGO

**Second Additional Financing for the High-Priority Roads Reopening and
Maintenance Project (P153836)**

August 10, 2018

**MANAGEMENT REPORT AND RECOMMENDATION
IN RESPONSE TO THE INSPECTION PANEL INVESTIGATION REPORT
OF THE
DEMOCRATIC REPUBLIC OF CONGO
SECOND ADDITIONAL FINANCING FOR THE HIGH-PRIORITY ROADS
REOPENING AND MAINTENANCE PROJECT (P153836)**

Pursuant to paragraph 23 of the Resolution Establishing the Inspection Panel (IBRD Resolution 93-10 and IDA Resolution 93-6), attached for consideration by Executive Directors is Management's Report and Recommendation in response to the findings set out in the Investigation Report No. 124033-ZR dated April 27, 2018, of the Inspection Panel on the captioned Project (Democratic Republic of Congo: Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (P153836)).

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IN RESPONSE TO THE
INSPECTION PANEL INVESTIGATION REPORT NO. 124033-ZR**

**DEMOCRATIC REPUBLIC OF CONGO
SECOND ADDITIONAL FINANCING FOR THE HIGH-PRIORITY ROADS
REOPENING AND MAINTENANCE PROJECT (P153836)**

CONTENTS

Abbreviations and Acronyms	iv
Executive Summary	v
I. Introduction.....	10
II. Project Background.....	10
III. Panel Findings.....	14
IV. Management Response	17
V. Management’s Action Plan in Response to the Findings	37
VI. Conclusion	47

Annexes:

- Annex 1. Findings, Comments and Actions
- Annex 2. Status of Compensation of Quarries and Borrow Pits on RN2
- Annex 3. ProRoutes Timeline

Box

- Box 1. Testing ICT Approaches to Remote Project Supervision
- Box 2. Survivor-centric Approach to Preventing, Identifying, and Responding to GBV Risks in Project Areas
- Box 3. World Bank Corporate Approach to Staff Security

Tables

- Table 1. Preparation and Supervision Missions, Field Visits and Locations
- Table 2. Management Action Plan

Figures

- Figure 1. Map of the ProRoutes Project (Parent Project, AF1 and AF2)
- Figure 2. Map of the Bukavu-Goma Road Segment

ABBREVIATIONS AND ACRONYMS

AF	Additional Financing
ARAP	Abbreviated Resettlement Action Plan
BEGES	Bureau d'Etudes pour la Gestion Environnementale et Sociale (Firm contracted for the management of the environment and social component as safeguards supervisor)
BP	Bank Procedures
CI	Cellule infrastructure (Infrastructure Unit of the Ministry of Infrastructure)
CoC	Code of Conduct
DRC	Democratic Republic of Congo
EHS	Environmental, Health and Safety
ES	Environmental and social
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FCS	Fragile and Conflict-affected Situations
GBV	Gender-based Violence
GRM	Project-level Grievance Redress Mechanism
ICB	International Competitive Bidding
ICT	Information and Communication Technology
IDA	International Development Association
IPN	Inspection Panel
IPP	Indigenous Peoples Plan
MONUSCO	United Nations Organization Stabilization Mission in the DRC
NGO	Nongovernmental organization
OHS	Occupation Health and Safety
OP	Operational Policy
PIU	Project Implementation Unit
ProRoutes	High-Priority Roads Reopening and Maintenance Project
RAP	Resettlement Action Plan
RN	Route nationale (National road)
RPF	Resettlement Planning Framework
SME	Small-to-Medium Enterprise
TSDP	Uganda Transport Sector and Development Project
TTL	Task Team Leader

EXECUTIVE SUMMARY

i. World Bank Management would like to thank the Inspection Panel for the thorough assessment of the issues arising under the Democratic Republic of Congo (DRC) *ProRoutes Second Additional Financing Project* (“the Project,” or “AF2”). The Panel’s findings identify weaknesses of the Project pertaining to the Bukavu-Goma road (RN2), which are being remedied by the Borrower with the Bank’s support and close supervision through urgent and robust corrective actions described in this Management Report and Recommendation and the attached Management Action Plan included in Section V. Management regrets there were areas of non-compliance with Bank policies and is taking decisive steps to prevent it from occurring in the future.

ii. ***Management would also like to express its deep concern regarding the prevalence of violence against women and girls in DRC and affirm the Bank’s commitment to ensure that this and other Bank-financed projects in the area enable access to comprehensive, expert and caring support for identified survivors of gender-based violence (GBV), and include measures to prevent and address GBV in an effective and survivor-centric manner, which includes protection against retaliation.*** The prevalence and intensity of all forms of sexual violence against women in the eastern provinces of DRC has been described as among the worst in the world. While this challenging situation makes all activities in the area highly vulnerable to GBV risks, looking at it with the benefit of learning and guidance provided through the Global GBV Task Force Report¹ and Lessons Learned from the Uganda Transport Services Development Project (TSDP)—which were developed after the approval and initial implementation of AF2—the preparation and implementation of AF2 should have included a more thorough assessment of GBV risks and more robust measures to prevent and address them. Such measures, which follow the recommendations of the GBV Task Force, have been put in place over the past 11 months to first and foremost secure the needed support for the GBV survivors and help prevent future incidents of GBV in the area. These measures include access to comprehensive, expert and caring support to GBV survivors, operation of GBV-focused grievance redress mechanisms (GRMs), involvement of national and international nongovernmental organizations (NGOs) with GBV expertise, and close collaboration with the United Nations mission in DRC (MONUSCO) in vetting and training any military personnel involved in securing work sites. Lessons from RN2 also highlight the need for close and continuous scrutiny of contractors on sites to ensure their compliance with their contractual obligations relating to GBV prevention. Management reflected these lessons in the remedial actions that have been put in place in this Project and is using them to inform how the Bank approaches GBV risks in other operations.

iii. Bank Management has exerted considerable effort to date in remedying the identified shortcomings in preparation and supervision of the Project; it is also fully committed to continue its support and close oversight of the Borrower’s implementation of all agreed actions and measures put in place to remedy and prevent harm to the community

¹ *Working Together to Prevent Sexual Exploitation and Abuse: Recommendations for World Bank Investment Projects. Report of the Global Gender-Based Violence Task Force. July 31, 2017.* <http://documents.worldbank.org/curated/en/482251502095751999/pdf/117972-WP-PUBLIC-recommendations.pdf>

and individuals associated with the Project, including provision of comprehensive, expert and considerate support to the survivors of GBV and prevention of any future GBV incidents. The Management Report and Recommendation, and the actions in place and underway described therein, take into account the lessons learned and experiences from the Uganda TSDP case and the recommendations of the Global GBV Task Force Report in the design and implementation of GBV-related support to survivors and measures to prevent future GBV incidents.

iv. ***Management has and will continue to exert a concerted effort to ensure that the adverse impacts on affected communities are remedied and prevented through effective implementation of all agreed corrective and preventive measures by the Borrower with the Bank's support and close oversight, including the provision of robust support to identified GBV survivors and measures to prevent future incidents of GBV.*** Over the past year, Management exerted a concerted effort to identify all negative impacts and harms to the communities associated with RN2 implementation, and require the Borrower to remedy and correct them under close Bank oversight and with Bank's support. These efforts focused first and foremost on ensuring that identified GBV survivors had (and continue to have) access to expert, comprehensive, and considerate support and on implementing urgent measures to prevent and address any future incidents of GBV. These efforts also include robust actions to remedy past and prevent any future harms related to inappropriate quarry exploitation, interruption of water services, and poor working conditions, as well as the adoption and implementation of measures to better manage risks associated with the use of the military personnel required to protect the work sites in the context of the high-insecurity situation in the country, including particularly in the Bukavu-Goma area.

v. ***Management is committed to ensuring that this and two other Bank-financed projects in the area provide support and access to affected women and girls to medical, psychosocial and legal assistance, in accordance with their individual needs.*** To date 33 known survivors have accepted and received psychosocial care, while a smaller number expressed interest in, and were referred to, medical care or legal counseling. The ongoing Bank-supported *Regional Great Lakes Emergency GBV Project* in the RN2 area has been providing this support to survivors in the RN2 area and a new Bank-supported project addressing GBV in DRC is at an advanced stage of preparation and will extend the geographic reach of this project in providing these services. The proposed new Bank-supported project will complement the support services by promoting behavioral changes in communities to address the underlying factors of GBV. This project will also support women, including GBV survivors, in developing entrepreneurial and income-generating capacity. The support available to survivors was designed and is being implemented in a manner that draws on the lessons of the Uganda TSDP and the recommendations of the Global GBV Task Force. The Project is also facilitating access to legal redress by providing legal assistance to survivors and requiring the Borrower to ensure through oversight and exercise of legal remedies, as appropriate, that Contractors take the appropriate disciplinary measures against GBV perpetrators. To date, two perpetrators of GBV incidents have been disciplined and their employment under the Project has been terminated.

vi. ***Management is also fully committed to continue its support and oversight of the measures being implemented by the authorities to address livelihood restoration for***

communities affected by ProRoutes-related impacts. The specific issues in the RN2 area which are being remedied through actions agreed with the Borrower include: harm caused by the unlawful exploitation of quarries and borrow pits, interruptions of water services, other negative impacts on livelihoods, poor working conditions for workers, including alleged sexual harassment of female employees working at the Contractor's basecamp. Management has taken every claim of harm to the communities and individuals very seriously and required the Borrower to remedy them as described in the Management Action Plan. Examples of specific remedial measures that have been put in place include: the reassignment by the Contractor of workers who allegedly perpetrated sexual harassment, pending completion of internal investigations and judicial processes; improvements in the working conditions, with a particular attention to limiting exposure of female employees to risks of sexual harassment; payment of compensation to quarry operators and workers who suffered harm as well as compensation for damaged agricultural crops.

vii. **Management's immediate and robust response after the filing of the Request, including the suspension of disbursements for civil works components and intensive work with the Borrower over the past 11 months to address and correct the shortcomings in the Project, enabled significant progress in remedying the situation and addressing identified harms.** After it received the Request, Management immediately deployed high-level missions to the field – nine in total between August 2017 and May 2018 – to review the issues and work with the Borrower to address the concerns. Disbursements under the civil works activities of the Project were suspended due to the Borrower's non-compliance, and the Project was extended for an additional 12 months to allow time to implement corrective actions and to complete outstanding works. The Action Plan presented in this document provides an overview of the ongoing and proposed actions to restore compliance and address past instances of harm and prevent it in the future. The Borrower has taken the allegations very seriously and, as of May 31, 2018, had implemented 30 out of the 43 corrective actions required by the Bank. Other key actors, including the Contractor and the supervision engineer, have changed or reinforced their management teams in charge of the RN2 works to improve their performance.

viii. **Another critical area of attention in the Management Action Plan is the strengthening of the institutional capacity of all stakeholders to manage preventive and remedial actions.** The objective is to reinforce the capacity of not only the Project Implementation Unit (PIU) and the safeguards supervisor, but also of other national and provincial institutions, as well as GBV service providers, supervision engineers and contractors.

ix. **The ProRoutes experience is informing and deepening broader, systemic measures against GBV across the portfolio, which reflect the lessons from the Uganda Transport Sector Development Project (TSDP).** Both the Uganda TSDP and ProRoutes have underscored the paramount importance of providing support to survivors. Following the Uganda TSDP, Management prepared and disseminated among operational teams detailed guidance on addressing the risks and impacts of labor influx, in particular by requiring the training of contractors' staff and the signing of codes of conduct with explicit GBV language. The Uganda TSDP and the ProRoutes experience also highlight the critical

importance of functional and adapted GRMs where there is a high risk of GBV. Working with specialized NGOs, GRMs are being modified and expanded to serve as appropriate mechanisms to receive complaints on sensitive issues such as GBV, especially in places where it is highly prevalent. As part of the Uganda TSDP Action Plan, Management also implemented a procurement pilot in East Africa in which contractors are required to disclose whether they have been subject to legal proceeding or contract suspensions because of environmental or social infractions. Beyond the procurement stage, the safeguards performance of contractors is also being closely monitored during implementation and enforced through contractual remedies. The Bank has strengthened its internal processes and relevant Bank staff have been trained in broadened social risks, including those related to GBV.

x. ***Management is also continuing its efforts to mainstream and deepen the implementation of recommendations of the Global GBV Task Force.*** This includes, in particular, the development of a GBV risk assessment tool, to allow screening of Bank-financed projects for GBV risks in a systematic manner. An advanced version of the tool is being tested on a large sample of Bank projects, with a focus on the transport sector in Africa. Management is also developing Good Practice Notes for staff on GBV, third-party monitoring, and the use of military in Bank-financed operations, expected to be issued in the fall of 2018. These actions are taking place in parallel with the Bank's transition to the new Environmental and Social Framework (ESF), for which significant training of Bank staff has already been accomplished.

xi. ***The ProRoutes lessons are also relevant for the Bank's broader engagement in environments affected by fragility, conflict and violence.*** In such challenging environments, it is critical to conduct a proper assessment of the security situation at preparation stage, including the identification of possible risks associated with the presence of security or military personnel that may be retained by contractors or other stakeholders. When the successful implementation of Bank projects requires the presence of security forces, Management will require Borrowers to ensure that proper procedures are in place and enforced to select and train security or military personnel. Management is currently finalizing the preparation of a specific Good Practice Note on the involvement of security personnel in Bank-financed operations which should provide guidance to staff on the challenges and options for mitigating risks when working in high-insecurity environments.

xii. ***The Bank is committed to delivering critical development projects in challenging environments, including those that are frequently affected by violence and insecurity.*** As in the case of ProRoutes, project sites can sometimes become inaccessible to Bank supervision teams. Staff safety is paramount, and Management is committed to implementing appropriate security assessment procedures, based on guidance received from the Bank's Corporate Security department. Reflecting on the ProRoutes experience, Management will revise its security protocol to better document security guidance and will use the relevant portfolio risk review to design alternative arrangements for projects where implementation sites have become inaccessible for a period exceeding six months. The ProRoutes also highlights the importance of assessing and factoring-in security challenges of operating in high-insecurity environments like DRC into supervision planning and implementation in terms of the time, budget, staffing, and supervision modalities that

would be needed. These may include alternative supervision arrangements where feasible and criteria and decision process for pausing or withdrawing from a Bank engagement if no means for adequate supervision are feasible.

xiii. ***Management is committed to identifying and developing effective ways to supervise project implementation when insecurity poses challenges.*** In some areas where Bank teams cannot travel, the Bank is hiring third-party monitoring agents to help supervise projects it finances. In other cases, such as for a roads project in Mozambique or the DRC ProRoutes Project, the Bank is partnering with civil society to help monitor project implementation and identify possible issues or complaints so that they can be addressed early on. In certain circumstances, insecurity in the field may be so severe as to prevent implementation of a complex development program, such as major civil works, in line with Bank policy.

xiv. ***Management believes that over the course of many years in the DRC ProRoutes Project, the Bank team has helped the country secure significant benefits for poor and vulnerable communities as a result of improved road connectivity.*** ProRoutes remains in Management's view critical to the development agenda in DRC, where the road infrastructure and associated connectivity are among the weakest in the world and Management is pleased that the Panel confirmed the importance and value of the Bank's work in this area. ProRoutes has been reconnecting previously isolated provincial cities and territories in selected parts of DRC, through the rehabilitation and maintenance of thousands of kilometers of high-priority national roads. In addition to road investments, ProRoutes includes significant environmental and social measures to promote environmental sustainability and support Indigenous Peoples. Based on the conclusions of a recent compliance review requested by the Bank after receipt of the Request, Management notes that Project activities on ProRoutes roads were being implemented reasonably well, with the exception of one important segment—the RN2 between Bukavu and Goma.

xv. ***Management is determined to fully draw lessons from ProRoutes and to monitor and work with the Borrower to implement the proposed Action Plan.*** Management will report to the Board on progress in implementing this Action Plan within six months from its approval.

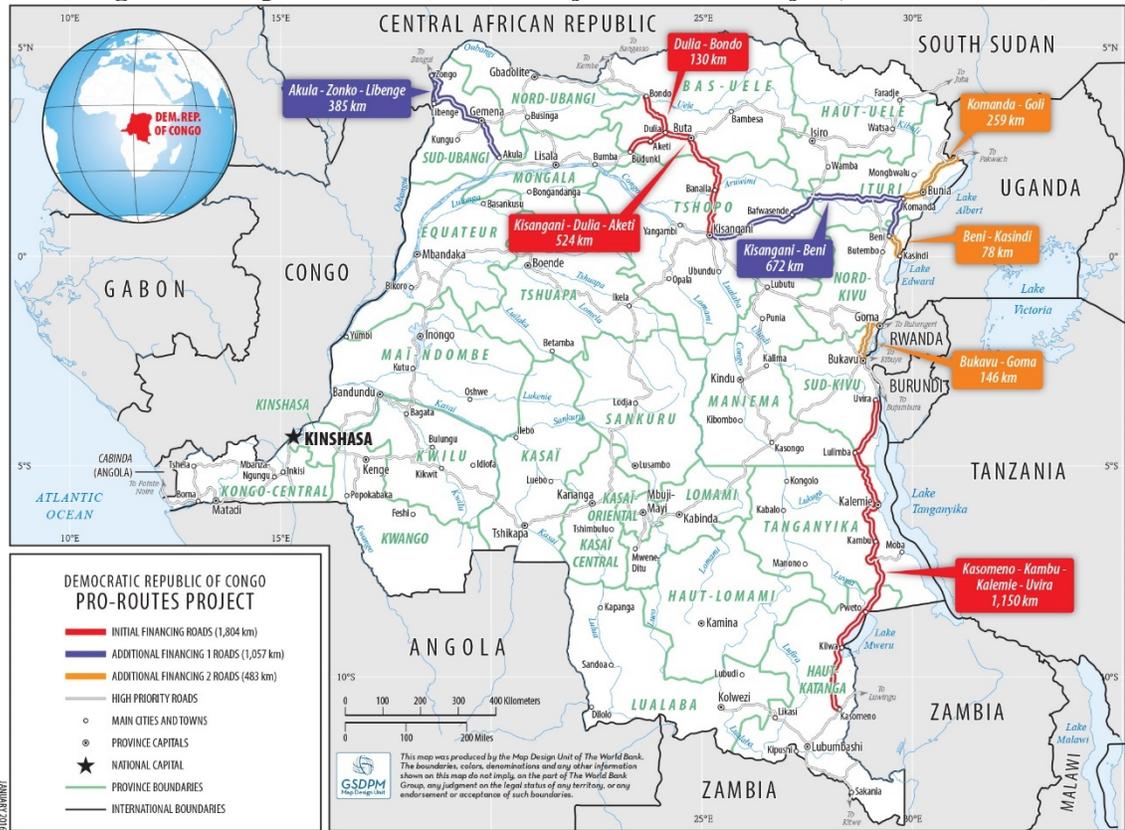
I. INTRODUCTION

1. On September 13, 2017, the Inspection Panel registered a Request for Inspection, IPN Request RQ17/05 (hereafter referred to as “the Request”), concerning the Democratic Republic of Congo Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (“the Project”) financed by the International Development Association (IDA). The Request for Inspection was submitted by community members living in Goma and its vicinity in the Democratic Republic of Congo (DRC) (hereafter referred to as the “Requesters”).
2. The Executive Directors and the President of IDA were notified by the Panel of receipt of the Request. Management responded to the claims in the Request on October 20, 2017. Management provided an update to its Response to Board and Panel on November 27, 2017.
3. In its Report to the Board, the Panel found the Request eligible and recommended that the Executive Directors authorize an investigation. The investigation was authorized by the Executive Directors on December 8, 2017.
4. On April 27, 2018, the Panel issued its report outlining the findings of the investigation. This report, responding to the findings of the Panel, is organized in six sections. Section II provides project background information. Section III summarizes the findings of the Panel. Section IV presents Management’s response to the Panel’s findings, and Section V contains Management’s Action Plan. Section VI is the conclusion. The Panel’s findings, along with Management’s responses, are described in detail in Annex 1. Annex 2 provides information on the status of the quarries and borrow pits on RN2 and Annex 3 contains a timeline of the ProRoutes Project.

II. PROJECT BACKGROUND

5. **ProRoutes.** The High-Priority Roads Reopening and Maintenance Project (ProRoutes) in the DRC is supported by a total IDA amount of US\$238 million. This includes an IDA grant of US\$50 million equivalent approved by the Board on March 18, 2008. A first Additional Financing (AF1) in the amount of US\$63.3 million equivalent was approved in June 2011 to scale up ProRoutes activities. On February 18, 2016, a second Additional Financing (AF2) in the amount of US\$125 million equivalent was approved to support further ProRoutes activities. AF2, or “the Project,” is the subject of the Request for Inspection and subsequent investigation and reports of the Panel and Management.
6. DRC is the second largest country in Africa and the 11th largest in the world. With 2.345 million square kilometers, it covers an area largely the size of Western Europe. DRC still ranks among the poorest countries in the world and is at position 176 out of 187 countries, on the most recent UN Human Development Index (2015). The United Nations estimates that there are some 2.3 million displaced persons and refugees in the DRC and 323,000 DRC nationals living in refugee camps outside the country. The need for good roads to connect cities and towns is acute. To date ProRoutes has rehabilitated 2,300 kilometers and is maintaining 3,000 kilometers of high-priority national roads reconnecting previously isolated cities and provinces—contributing to stability and security in a post-conflict context. Figure 1 provides a map of ProRoutes works during the parent project, AF1 and AF2.

Figure 1. Map of the ProRoutes Project (Parent Project, AF1 and AF2)

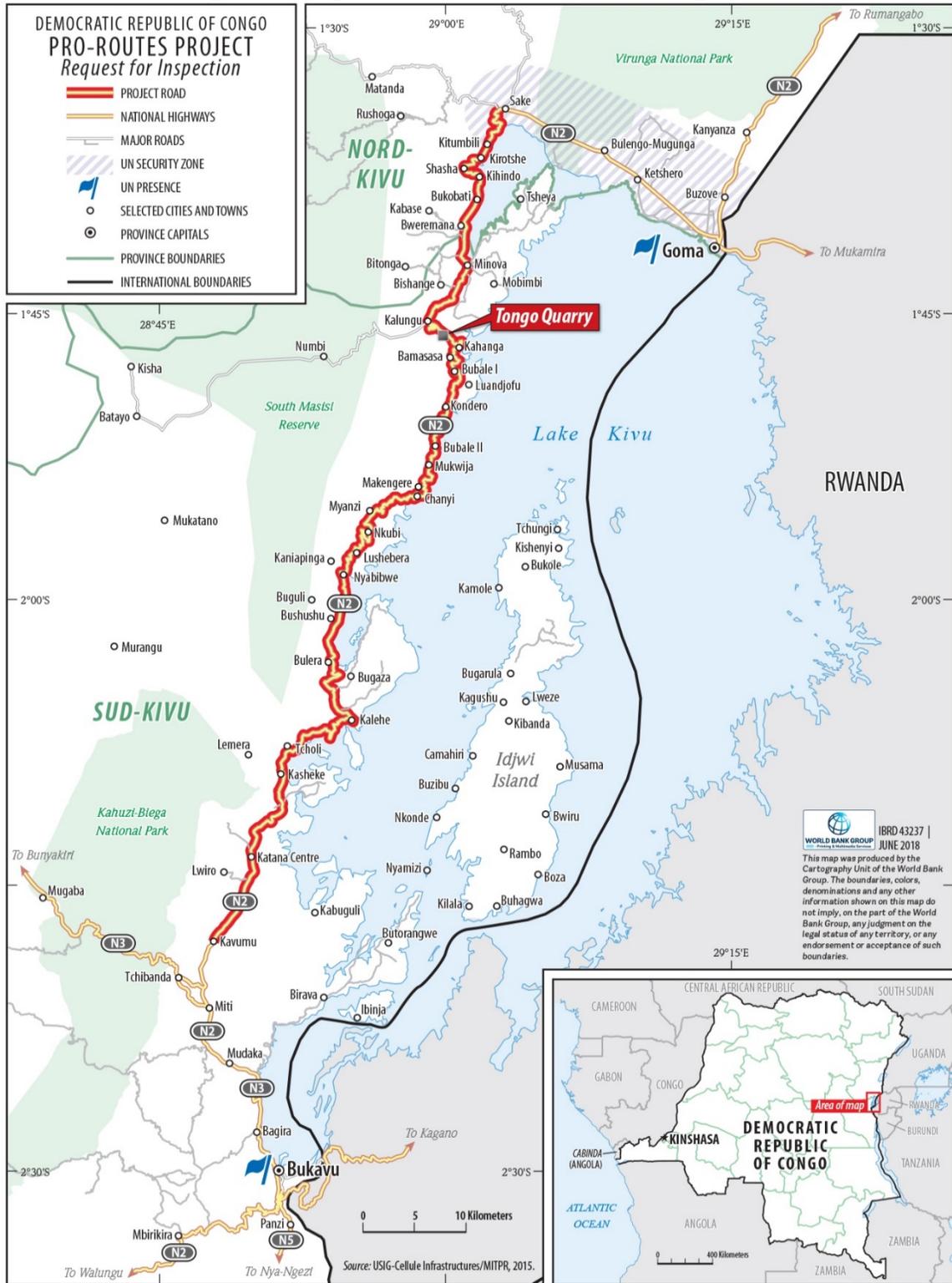


7. **Project objectives.** The parent project and both AFs have the same development objective which is to re-establish lasting access between provincial capitals and districts and territories in the Project impact area in a way that is sustainable for people and the natural environment.

8. **Project benefits.** The Project aims to ensure year-round access and reduce travel time on selected high-priority roads of DRC. As one of the high-priority roads financed under AF2, RN2 connects two important economic hubs in Eastern DRC, Bukavu and Goma. Over the last two decades, the road was frequently impassable due to militia activity and poor conditions. People were obliged to use expensive and often unsafe boats on Lake Kivu to travel between the two towns. The Project therefore aims to contribute to socio-economic growth and poverty reduction in the DRC by directly reducing vehicle operating and travel time costs. The Bukavu-Goma road is also a strategically important corridor for national security and peace, and the Project is expected to contribute to stability and security in the conflict-affected region of Kivu. In addition to providing road improvement, the Project has helped with the acquisition of more than 5,000 hectares of land for the *Batwa* Indigenous People, through negotiations with local Bantu communities, going beyond the provisions of the Bank’s Involuntary Resettlement Policy.

9. **Project components.** The parent project and both AFs have the same four components: (1) Road Reopening and Maintenance; (2) Institution Building; (3) an Environmental and Social Program, and (4) Monitoring and Evaluation. AF2 provides funding for maintenance of roads re-opened under ProRoutes and the reopening of the following three new road sections: (i) the Komanda-Bunia-Goli road (259km); (ii) the Beni-Kasindi road (78km); and (iii) the Bukavu-Goma road (section Sake-Kavumu, about 146 kilometers long, see Figure 2), linking the North

Figure 2. Map of the Bukavu-Goma Road Segment²



² While the road segment is called *Goma-Bukavu*, the Project road geographically only extends from *Sake* to *Kavumu*.

and South Kivu regions (this is the segment to which the Request pertains). In addition, two road sections for which construction was delayed will be re-opened: the Dulia-Bondo road (130km) and the Akula-Gemena-Libenge-Zongo road (385km). The AF2 also provides funding for reform of the Ministry of Infrastructure and Public Works and the extension of the environmental and social program to additional road segments. The implementing agency for the Project is the *Cellule Infrastructures* (CI, infrastructure unit) at the Ministry of Infrastructure.

10. ***Safeguard assessment and documents.*** ProRoutes is categorized “A” for its potential environmental and social impacts. An Environmental and Social Management Framework, an Indigenous Peoples Framework, and a Resettlement Policy Framework were prepared for the parent project and disclosed in country and in the InfoShop at the Bank between September 2007 and June 2008. These safeguard instruments were later updated for the AF2 in October 2015. Site-specific Environmental and Social Impact Assessments (ESIAs), Indigenous Peoples Plans (IPPs), and Resettlement Action Plans (RAPs) were prepared for the Komanda-Bunia-Mahugu road segment of the Project (August 2015), the Beni-Kasindi road segment (August 2015), and the Bukavu-Goma road segment (February and March 2017). Site-specific safeguard instruments had also been prepared for the Dulia-Bondo road (March 2013) and the Akula-Gemena-Libenge-Zongo road (May and June 2015).

11. The Project also provides for Project-level Grievance Redress Mechanisms (GRMs) to receive and address complaints. Prior to August 2017, the Project-level GRM was not operational for the Bukavu-Goma road section although GRMs had been collecting and processing complaints on other roads. Management required the Project Implementation Unit (PIU) to strengthen the Project-level GRMs with the help of the safeguards supervisor, the *Bureau d’Etudes pour la Gestion Environnementale et Sociale* (BEGES), and ensure that they function effectively. As a result, since the Request was received, 26 committees have been established on RN2 (5 in North Kivu and 21 in South Kivu), including eight that oversee the overall grievance system and serve as an appeals mechanism, as well as 18 local committees.

12. The Project design took into account that there is very weak in-country capacity for safeguards. To mitigate this, the following range of measures were put in place at the outset to manage safeguard issues: (i) a safeguard specialist retained by the Contractor for day-to-day supervision and reporting on implementation of the Environmental and Social Management Plan (ESMP); (ii) an environmental and social management firm hired as safeguards supervisor (BEGES), including an anthropologist dedicated to the implementation of the IPP, for monthly supervision in close coordination with the supervision engineer; (iii) staff from the Ministry of Environment and the environmental unit of the PIU for periodic supervision; and (iv) an Environmental and Social Advisory Panel for independent oversight of the implementation of environmental and social activities. The implementation of the respective safeguard instruments is the responsibility of the PIU, which has environmental specialists with Bank policy experience on its staff. Quarterly progress reports on environmental and social safeguard management are prepared by BEGES.

13. Despite these additional Project-level arrangements, safeguards supervision and reporting at the institutional level have been a continuous challenge. The Project initially intended to task an international nongovernmental organization (NGO) with the implementation of the environmental and social aspects of the Project, in order to improve interactions with local communities and civil society in the Project area. However, no international NGOs expressed

interest, and eventually a consulting firm (BEGES) was hired. The Environmental and Social Advisory Panel was hired to periodically travel to Project sites, assess compliance and propose recommendations. While some useful recommendations were implemented as a result of the Advisory Panel's eight field visits since the start of ProRoutes, the limited frequency of these visits and the difficulty in mobilizing experts have hampered the ability of this additional instrument to contribute to supervision and help detect the serious issues raised in the Request.

III. PANEL FINDINGS

Issue	Panel Findings and Key Observations
Project Preparation	<p>DRC's fragile and post-conflict context poses major project preparation and implementation challenges. Institutional capacity constraints in DRC are well known to Management. Furthermore, the Project expanded road works into areas that presented more challenging security conditions than earlier phases. Yet the Project was prepared following institutional arrangements and risk assessments similar to those used for the parent project and the first Additional Financing, and without taking into account their shortcomings and the changing environment.</p> <p>The Panel finds that the institutional assessment in the context of Project preparation improperly considered capacity constraints and weaknesses experienced in previous phases of the operation. The Panel also finds that the Project's overall analysis of risks and their impacts, particularly regarding the security risks, was inadequate. Therefore, the mitigation measures fell short of adequately protecting affected communities from harm. The Panel finds Management's design and preparation of the Project in non-compliance with Bank Policies on Investment Project Financing (OP/BP 10.00) and Environmental Assessment (OP/BP 4.01).</p>
Consultations and Disclosure of Information	<p>The Panel notes that due to serious shortcomings in consultations and disclosure of information, the local population could not participate and voice their views on Project design and implementation. The Panel observes that affected communities were left without information about their rights and entitlements under the Bank's policies. The Panel finds Management in non-compliance with the consultation and disclosure of information requirements of the Bank Policies on Environmental Assessment (OP/BP 4.01) and Involuntary Resettlement (OP/BP 4.12).</p>
Grievance Redress Mechanism (GRM)	<p>The Panel notes that the Project lacked a functioning GRM for the local communities to raise their concerns during implementation of the Project. The Panel finds Management's failure to ensure the timely establishment of an accessible, transparent, and effective Project GRM in non-compliance with the Bank Policy on Involuntary Resettlement (OP/BP 4.12). The Panel understands that following receipt of the Request Management made efforts to ensure the establishment of a GRM for the Project.</p>
Quarry Exploitation	<p>The Panel notes that the exploitation of many quarries used for the Project took place in the presence of military forces and without required documents</p>

Issue	Panel Findings and Key Observations
	<p>and adequate processes for commercial negotiation. The Panel finds the exploitation of quarries without the required authorizations, prior commercial agreements and related payments, and quarry management and restoration plans is in violation of the Project’s Environmental and Social Impact Assessment (ESIA) and Environmental and Social Management Plan (ESMP) in non-compliance with Bank Policy on Environmental Assessment (OP/BP 4.01).</p> <p>The Panel further finds that the exploitation of quarries in the specific context of this Project constitutes involuntary resettlement in the form of economic displacement in accordance with Bank Policy on Involuntary Resettlement (OP/BP 4.12), as there was an involuntary taking of land resulting in the loss of assets and income sources of the quarry operators and workers. The Panel notes the importance of providing compensation to quarry operators and workers for their loss of incomes and livelihoods in accordance with OP/BP 4.12.</p>
<p>Impacts on Agriculture</p>	<p>The Panel finds that Management did not ensure an adequate and timely baseline survey of agricultural assets of impacted community members, which were destroyed during quarry exploitation before compensation was paid. Thus, the Panel finds Management in non-compliance with Bank Policy on Involuntary Resettlement (OP/BP 4.12).</p> <p>The Panel notes and welcomes the extensive efforts by Management to correct these deficiencies since receipt of the Request, including updating the Abbreviated Resettlement Action Plan (ARAP).</p>
<p>Community Health and Safety</p>	<p>The Panel finds Management failed to identify risks and mitigation measures associated with excessive use of force by military personnel engaged by the Contractor in an adequate and timely manner in non-compliance with the Bank Policies on Environmental Assessment (OP/BP 4.01) and on Investment Project Financing (OP/BP 10.00).</p> <p>The Panel also finds Management in non-compliance with the Bank Policies on Environmental Assessment (OP/BP 4.01), the Environmental Health and Safety (EHS) Guidelines, and Investment Project Financing (OP/BP 10.00) for not adequately identifying and mitigating impacts related to water pipe rupture, storm water and lack of road safety measures. These shortcomings were exacerbated by weak supervision, which did not identify harm to communities, in non-compliance with Bank Policy on Investment Project Financing (OP/BP 10.00).</p>
<p>Working Conditions and Occupational Health and Safety</p>	<p>The Panel notes the occurrence of serious infractions related to payments to Project workers and poor working conditions affecting their health and safety. The Panel finds Management’s failure to adequately monitor or provide implementation support to safeguard workers’ health and safety in non-compliance with Bank policies on Environmental Assessment (OP/BP</p>

Issue	Panel Findings and Key Observations
	<p>4.01), Investment Project Financing (OP/BP 10.00), and the Bank’s EHS Guidelines. The Panel did not find instances of child labor in the Project.</p> <p>Management acknowledged issues related to workers’ health and safety following receipt of the Request. The Panel welcomes the improvements since then regarding issuance of worker contracts, ID checks, retroactive payment for exchange rate losses, working conditions, and strengthened supervision of labor issues.</p>
<p>Gender-based Violence (GBV)</p>	<p>The Panel finds Management in non-compliance with Bank Policies on Environmental Assessment (OP/BP 4.01) and Investment Project Financing (OP/BP 10.00) for not properly assessing the gender-based violence risks considering the endemic GBV rates and the high vulnerability of women and girls in the Project area, and for the lack of appropriate mitigation measures to address the high risks of GBV that led to serious harm to women and girls in the community.</p> <p>The Panel further finds Management in non-compliance with Bank Policy on Investment Project Financing (OP/BP 10.00) for failing to supervise the implementation of measures to mitigate the risks of gender-based violence, or to identify and propose measures to redress harm caused by the Project.</p> <p>The Panel acknowledges and welcomes the substantial efforts undertaken by Management after the receipt of the Request to seriously address the GBV issues related to the Project.</p>
<p>Supervision</p>	<p>The Panel finds Management’s failure to monitor the Project and provide adequate implementation support to address weaknesses in the Project’s complex system of monitoring and supervision, to capture implementation problems, or to propose corrective actions in non-compliance with Bank Policies on Investment Project Financing (OP/BP 10.00) and Environmental Assessment (OP/BP 4.01).</p> <p>The Panel acknowledges and appreciates Management’s efforts to understand and address the concerns of the Requesters and the community after they raised their issues with the Panel. During its investigation visit the Panel witnessed improvements in the Project. The Panel finds Management in compliance with Bank Policy on Investment Project Financing (OP/BP 10.00) after receipt of the Request, due to its proactive and systematic supervision with adequate expertise focused on problem solving.</p>

IV. MANAGEMENT RESPONSE

14. Management appreciates the Inspection Panel's thorough assessment of the serious issues arising under the Project. The Panel's findings confirm the weaknesses of the Project pertaining to the Bukavu-Goma road (RN2). Management regrets there were areas of non-compliance with Bank policies and is taking decisive steps to prevent it from occurring in the future.

15. Management acknowledges and agrees with the seriousness of the issues and weaknesses in the RN2 preparation and implementation identified by the Inspection Panel. As soon as it learned of the Request, Management exerted a concerted and robust effort in restoring compliance with Bank policies and supporting and overseeing the Borrower in remedying identified issues and harms, including, first and foremost, providing caring and comprehensive support to GBV survivors, and preventing future GBV incidents. Management is fully committed to continue its intensive and urgent work with the Borrower, as detailed in the Management Action Plan, to address all identified shortcomings, remedy past harms, and ensure that effective measures are in place and implemented to prevent future harms. Management is also using experience and lessons of the ProRoutes project to deepen and expedite implementation of the recommendations of the GBV Task Force across the pipeline and portfolio and enhance supervision of Bank-financed operations in Fragile and Conflict-affected Situations (FCS).

16. ***ProRoutes is a decade-old project with two additional financings.*** The original parent project and the AFs were identified as critical to the development agenda in DRC, where the road infrastructure and associated connectivity are among the weakest in the world. The AF2 of ProRoutes comprises five road sections for a total of approximately 1,000 km, of which one, RN2 (Bukavu-Goma, 146 km), is the subject of the Panel's investigation. The Project also includes support for periodic road maintenance for nine other road sections.

17. ***The Project is being implemented in one of the most fragile countries in the world, which has experienced conflict and insecurity for most of the last twenty years.*** Challenges include entrenched and violent ethnic conflicts and the proliferation of foreign and Congolese armed rebel groups, which frequently carry out assaults in parts of the Project area. Works on the Project have been suspended several times due to attacks by armed groups along the Project road. The security situation posed significant challenges to accessing RN2 in particular.

18. ***While Project documentation acknowledged the fragile context and weak Borrower capacity, the design and supervision strategy proved insufficient to address the risks.*** The AF2 extended ProRoutes' scope to new areas in Eastern DRC where the security situation is highly volatile. The Bank's supervision strategy relied on the system that had been put in place for the parent project and the first additional financing, including a multi-tiered arrangement, aiming at compensating for the country's weak institutional capacity and the difficulties for the Bank to supervise all the Project's activities on the ground. However, the complexity of the arrangements, the capacity weaknesses in the Borrower and Contractor/Consulting agencies involved, and the relatively higher insecure environment in the new geographical areas under AF2 led to a situation, in which the Bank and the PIU did not supervise the project's implementation adequately and therefore did not identify the serious problems.

19. ***Preparation of the Project was overly focused on infrastructure and civil works, and did not sufficiently reflect fragility and community aspects, nor impacts related to security arrangements.*** Moreover, the Project's timeframe for implementing AF2 in 20 months was overly ambitious given the scope of work and the high-risk environment of Eastern DRC where the RN2 is located. Furthermore, the decision to move ahead with a safeguard framework approach for RN2 was not appropriate and site-specific safeguard instruments should have been fully prepared even if this were likely to have led to extending the preparation period.

20. The Project was prepared prior to the issuance of the Uganda Transport Sector Development Project (TSDP) Lessons Learned in November 2016; AF2 was approved in February 2016. While, as explained below, AF2 was retrofitted to include several measures recommended in the Uganda Lessons Learned relating to prevention and detection of GBV, more could and should have been done to oversee their proper implementation.

21. Specifically, the Bank team requested that the Borrower revise the Project safeguard instruments for RN2 as well as International competitive bidding (ICB) works contracts to reflect specific GBV-related mitigation measures after the Uganda TSDP Lessons Learned report became available. For example, ProRoutes was the first project to include the requirement for a code of conduct (CoC) to be signed by workers in the ESMP and the works contract for RN2. However, these measures were not implemented in a timely and comprehensive manner, which the Bank did not detect promptly due to the gaps in Borrower reporting and the lack of on-site supervision by the Bank. Following the Request for Inspection in August 2017, the Bank required the Borrower to ensure that the Contractor complied with these requirements and implement additional robust and comprehensive measures to address the risks from GBV.

22. ***After receipt of the Request, Management immediately focused on ensuring that the alleged harm was addressed and remedied by the Borrower based on the agreed plan of remedial actions.*** Between August 2017 and May 2018, nine high-level missions travelled to the field to review the issues and work with the Borrower to address the concerns. The Panel found Management in compliance with the Bank Policy on Investment Project Financing after receipt of the Request.

23. ***On November 27, 2017, the Bank suspended its disbursements under the Project due to the Borrower's noncompliance with its obligations to carry out the Project in conformity with appropriate environmental and social standards and practices and to minimize the risk of additional harm to Project-affected people.*** After the initial issues identified in August 2017 – related to quarry management, supervision/reporting, and alleged abuses by security staff – new allegations pertaining to sexual harassment, insufficient occupational health and safety, and water interruptions, were identified during the missions of the Panel and Bank from September onwards. As a result of these missions, Bank Management considered that Project implementation needed to be paused until risk mitigation and supervision mechanisms could be adequately strengthened, including management of GBV risks. The Borrower has taken the allegations very seriously and, as of May 31, 2018, had implemented 30 out of the 43 corrective actions requested by the Bank. Other key actors, including the Contractor and the supervision engineer, have changed or reinforced their management teams in charge of the RN2 works to improve their performance.

24. Following suspension, the head of the supervision engineering firm was replaced, due to the firm's poor performance in monitoring, reporting and managing basic contract management issues, including the authorization for use of quarries and borrow pits and the handling of water interruptions. While Management considered the option of requesting the Borrower to change the Contractor for the RN2 works, the Contractor has shown strong commitment to implement all the agreed corrective actions, including through the replacement of key members of its management team in charge of the Project. A potential request to replace the safeguards supervisor was also considered, but Management determined that this would likely have created a significant gap in the monitoring of the Project and in the management of the Project-level GRM complaints. Instead, the safeguards supervisor was significantly strengthened with the replacement of some key staff and an enhanced presence in the RN2 area.

25. Management is committed to continuing to work with the Borrower to help ensure that adverse impacts on Project-affected communities are appropriately addressed. In February 2018, the Project was extended by a year until February 2019 in order to implement corrective actions and complete the works. The action plan presented in the next section provides an overview of the ongoing and proposed actions to restore policy compliance and address instances of harm.

26. The following paragraphs provide Management's response to key findings in more detail.

Gender-based violence (GBV)

27. *Management is deeply concerned about the prevalence of violence against women and girls in DRC and is firmly committed to enabling access to comprehensive, expert and caring support for identified GBV survivors under this and other projects in the area, and requiring the Borrower, with Bank support, to strengthen measures to prevent and address GBV in an effective and survivor-centric manner, including protection against retaliation.* The prevalence and intensity of all forms of sexual violence in the eastern provinces of the DRC has been described as among the worst in the world. Gender inequality is also profound in DRC, which ranks 148th of 157 countries in the UN Gender Development Index).³ High gender inequality, identified as one of the factors underpinning systematic wartime sexual and gender-based violence, is reflected in the existing challenges for women, including limited empowerment and access to economic opportunities. There is also growing concern that GBV has developed into a wider social phenomenon beyond its original association with militias and mercenaries. According to the 2010 Demographic and Health Survey, over 50 percent of women in DRC have experienced physical violence, and 32 percent have experienced sexual violence committed by their partner over the last 12 months. Survivors often lack access to basic health services to address the physical and mental consequences of violence due to disruptions in provision of medical services.

28. While the high level and intensity of the GBV challenge in the area makes all activities highly vulnerable to GBV risks and incidents, the AF2 preparation and implementation should have included a more thorough assessment of GBV risks and impacts and more robust measures to mitigate and address them. Building on the recommendations of the GBV Task Force Report

³ The UN Gender Development Index is the ratio of the Human Development Index indicators for health, education and living standards, calculated separately for females and males using the same methodology as the Human Development Index.

and the Lessons Learned from the Uganda TSDP, both of which were developed after the approval and initial implementation of AF2, Management has worked with the Borrower over the past 11 months to put in place immediate measures to first and foremost secure the needed support for identified GBV survivors and help prevent future incidents of GBV in the Project area. These are described below and in the attached Management Action Plan.

29. ***Given the importance of providing GBV survivors with timely, caring, comprehensive and expert support and the challenges of confirming the potential linkage of specific GBV cases to the Project, Management followed a survivor-centric approach recommended by the GBV Task Force and GBV experts.*** Consistent with the recommendations of the GBV Task Force, and given the widespread occurrence of GBV in the Project area, Management sought advice from GBV experts on how best to help GBV survivors, including the best way to approach the difficult question of linkage of GBV incidents in the area of the Project. Based on the advice of these experts and in line with the recommendations of the GBV Task Force, Management has employed a “survivor-centric” approach, described in Box 2. This approach focuses on referring all identified survivors who seek support – irrespective of whether or not incidents can be linked to the Project – for counselling and related services, and giving them the choice as to whether they report their allegations to the appropriate authorities. This approach largely refrains from proactively attempting to identify survivors or confirm links between individual cases and specific perpetrators, both because of the unreliability of such actions, and because of fears that these actions could put survivors further at risk, by exposing them to re-traumatization, undue stress and community stigmatization.

Box 2. Survivor-centric Approach to Preventing, Identifying, and Responding to GBV Risks in Project Areas

This approach is based on lessons from the Uganda TSDP and the recommendations of the World Bank’s Global Task Force on Gender-Based Violence (2017). It consists of the following five steps:

First, assess the level of SEA/GBV risk in the project area during project design, in partnership with the client: This includes reviewing existing risks in a given country and area, key project-related risks and their interaction. Depending on the risks identified, key prevention, mitigation and response measures should be integrated into project design and documentation, and implemented during the life of the project. A risk assessment tool has been developed for this purpose.

Second, introduce measures aimed at preventing SEA / GBV including:

- a) Implementing a communications outreach campaign in the project area
- b) Ensuring that all project staff and workers sign a Code of Conduct
- c) Sensitizing all project staff and workers, on a continuous basis on SEA/GBV.

Third, follow a “survivor-centric” approach in mitigating and responding to SEA/GBV: A “survivor-centric approach” means prioritizing the survivor’s wishes regarding the way forward, services provided, support to making informed decisions. Global principles of ethical care should be followed and full confidentiality maintained at all times, with the exception of high-risk cases where a survivor’s physical safety is at risk.

Fourth, create safe spaces for incident reporting: Projects can put in place a variety of mechanisms, including community-based ones, based on knowledge of help-seeking behaviors, and identification of trusted people or organizations with skill in non-judgmental, empathetic listening. The emphasis is not on “identification” of SEA/GBV cases but on helping survivors connect with service providers, and, only if desired, to law enforcement agencies. Survivors may be invited but not compelled to identify perpetrators.

Fifth, respond promptly: Projects with moderate to high risk of SEA/GBV should identify GBV service providers (for medical, psycho-social, legal/security, livelihood, and other forms of support) in the project area, and contract at least one of them to provide support and referrals. Service providers and/or reporting mechanisms should be identified/established as early as possible in project implementation so that survivors have a resource available if needed. The goal of service providers—other than law enforcement or other legal services—is to provide services, not to substantiate or investigate cases. They may refer cases for investigation only if survivors provide consent. In cases concerning project-related employers, remedies provided in Codes of Conduct should be followed.

30. *Through collaboration with community-based GBV service providers, the Project provides assistance to survivors and strengthens community awareness, engagement and complaint response.* In following the survivor-centric approach described above, six NGOs⁴ with longstanding presence in the Project area have been contracted by the PIU to refer survivors to health, psychosocial and legal support as requested by survivors themselves. Other NGOs have been contracted to provide coverage to all Project roads. A GBV expert was also hired by the PIU/BEGES to ensure, along with the GBV NGOs, regular community engagement and to coordinate the management of GBV-related complaints. The approach to assistance also includes

⁴ *Action de Développement pour les Milieux Ruraux (Action for Development of Rural Areas, ADMR), Service d’accompagnement et de renforcement de capacités d’autopromotion des femmes (Women’s self-help support and empowerment service, SARCAF), Heal Africa, Fondation Panzi, Collectif Alpha Ujuzi and Solidarité pour la Promotion Sociale et la Paix (Solidarity for Social Development and Peace, SOPROP).*

legal support provided by NGOs to survivors who choose to seek legal redress from the relevant judicial entities.

31. ***Management remains committed to ensuring that survivors are provided with access to medical, psychosocial and legal assistance in accordance with their individual needs.*** The NGO support network established by the Project, as well as other channels, identified 39 cases of GBV allegedly linked to the Project. Management informed the Panel of all 39 cases and referred all 39 identified survivors to support services. As of June 10, 2018, 33 survivors accepted and received psychosocial care, while a smaller number were referred to medical care or legal counseling based on their request. The support is provided either through the Project or through existing and qualified service providers.

32. ***The Bank also seeks to support economic empowerment and restoration of livelihood of GBV survivors through Bank-financed activities in the area.*** In addition to the referral services focused on medical, psychosocial and legal support to GBV survivors, several projects in the area include activities designed to provide economic and livelihood support to women, including GBV survivors, as a way to further their well-being and independence. Specifically, the ongoing *Regional Great Lakes Emergency GBV Project*, which is active in the RN2 area, has been providing economic support to women—including survivors of GBV—through Village Savings and Loans Associations and group income-generating activities that are implemented by the community-based organizations. A new *DRC – Gender Based Violence Prevention and Response Project*, which is at an advanced stage of preparation, will complement the support to GBV victims by promoting women’s entrepreneurial capacity and providing survivors with the ability to generate income.

33. ***The Project has established a dedicated GBV GRM to ensure that GBV complaints can be filed and managed in line with confidentiality and ethical principles*** so that survivors can report their cases in a safe and trusted environment, without fear of intimidation or retaliation. It is important to note that this specialized GBV GRM is one of the first of its kind to be used in a Bank-financed project and that the Bank will closely monitor and evaluate its results before an eventual scaling up. The specialized NGOs providing services to survivors are the entry points for GBV complaints to ensure confidentiality.

34. ***Enhanced GBV prevention and risk mitigation measures have been included in the Project along with their close monitoring and oversight.*** While the Project design did contain some GBV risk mitigation measures that were included in the ESIA and ESMP, as well as a CoC requirement in the works contract, these measures had to be strengthened, restored to compliance, and enhanced to include close monitoring and oversight at different levels—the Contractor, supervision engineer, BEGES, and the PIU.

35. The initial ESIA for RN2, disclosed in the Infoshop on March 9, 2017, included enhanced social requirements relating to identification and mitigation of GBV risks, consistent with the Uganda Lessons Learned report. Specifically, the ESIA identified risks of “sexual violence against vulnerable groups, including women and minor girls,” “harassment,” “exploitation,” and related harms.⁵ It also expanded the required mitigation measures to include: (i) the Contractor’s obligation to prepare and publish its ESMP before the work begins and implement specific anti-

⁵ ESIA p. 89, 175.

GBV measures (including: prepare a CoC and share it with all workers before the works begin; raise awareness of/nd train workers about GBV; punish cases of sexual harassment, exploitation and abuse); (ii) the adoption of hiring practices that include local workers and female workers; and (iii) the Borrower’s obligation to raise the awareness of the local population about GBV and punish offenders; and to identify legal, medical and psychological support centers in the community to which survivors of GBV could be referred. The civil works contract signed by the Contractor for RN2 was amended in March 2017—as civil works were about to start—to enhance environmental and social obligations, including on GBV prevention.

36. Management acknowledges, however, that these measures were not properly implemented by the Contractor or overseen by the Borrower and were therefore insufficient. Specifically, implementation and monitoring of the CoC were inadequate, as were efforts to raise community awareness on acceptable standards of behavior for Project workers. Furthermore, the Project-level GRM for RN2 was not operational, leaving community members without a channel to raise concerns.

37. These implementation gaps, which led to the partial suspension of AF2 in November 2017, were remedied over the past 11 months. Specifically, by December 2017, training of workers and military personnel on applicable CoCs, as well as signing of the codes, was completed for all five active roads. The completion report prepared by the PIU was received by the Bank on December 11, 2017 and found acceptable. CoCs were also signed by all workers for associated road maintenance activities.

38. By March 2018, GBV training had been implemented for RN2 and will be repeated regularly in collaboration with specialized GBV service providers. Between February 27 and March 2, 2018, Heal Africa—one of the NGOs contracted by the PIU—conducted full-day GBV training of all 120 RN2 workers focusing on the prevention of sexual exploitation, abuse and harassment. Other training modules are being planned to foster behavioral change. The Contractor has begun enforcing the CoC, which has led to disciplinary action and termination of some workers. Training will be repeated regularly as a refresher for already-trained workers and to ensure that new workers are trained as they are hired by contractors.

39. The Borrower, at the Bank’s request, is also requiring the Contractors to take the appropriate disciplinary measures against workers who perpetrated GBV. To date, two proven perpetrators of GBV incidents have been disciplined so far and their employment under the Project has been terminated.

40. ***In addition to supporting the prevention of and response to GBV, the Bank is supporting a broader gender and women’s empowerment agenda in DRC.*** Gender is a cross-cutting theme in the Bank’s support to DRC, and gender considerations are integrated in the DRC portfolio where relevant, across sectors (education, health, private sector, agriculture, social protection to name a few). Some of the initiatives include the following:

- The recently approved *Productive Inclusion Project* focuses on providing women access to cash transfers, cash for work, and the creation of Village Loans and Savings Associations, and will also ensure gender inclusion in all decision-making community-based bodies.

- The *Public Financial Management Program (PROFIT Congo)* places an emphasis on training female staff in fiscal and customs administration, and on systematically involving women in the Participatory Budgeting process initiated at local levels.
- The *SME Development and Growth Project* includes specific activities supporting women, notably through dissemination and awareness building around women-friendly laws and firm-level support to women-led enterprises (micro and SMEs). The project will establish a matching grant allocation to women-owned or -led SMEs and will also support dissemination campaigns around laws that support female entrepreneurship and women's economic empowerment. It is expected that up to 2,000 new women-led firms will be established.
- The on-going agriculture projects provide improved agricultural and animal technologies to over 400,000 farmers in target areas, with women comprising about 49 percent. The Bank has also supported membership of women in producer associations (over 4,500 producer organizations were created); the project piloted seed vouchers for women's groups, provided them with focused training in good agricultural practices.

41. ***At the corporate level, Management remains committed to further develop, mainstream and apply measures to improve the management of GBV risks in Bank-financed projects.*** This process started as a follow up to the Uganda TSDP case, which led to the appointment of the Global GBV Task Force, and the issuance of its robust report and recommendations, reflected in the GBV Action Plan, currently under implementation.⁶ As part of this plan, a Good Practice Note for staff on the prevention, identification and mitigation of GBV risks in Bank-financed projects is under preparation for inclusion in the roll-out of ESF guidance material later in 2018. Management also developed a GBV Risk Assessment Tool, designed to help task teams understand GBV risks that may affect a project by systematically considering both project-specific factors (such as labor influx) and the context of the country where the Project is located. The tool is being piloted in a sample of Bank-financed projects in the transport sector in Africa.

Addressing retaliation

42. Management is very concerned and is actively and continually following up with the Borrower's authorities on risks and any specific allegations of intimidation or retaliation against the Requesters, GBV survivors, witnesses and any other members of the community who are cooperating in the ongoing efforts to identify and remedy harm. Through written communications and face-to-face discussions with the Minister of Finance, the Provincial Governors of North and South Kivu, and the PIU, Management has reiterated the importance of, and sought the authorities' commitment to, protecting all affected individuals from retaliation. As part of this effort, Management is sharing with the Congolese authorities any alleged incidents or concerns of retaliation brought to the Bank's attention for consideration of options

⁶ Global Gender-Based Violence Task Force: Action Plan for Implementation. November 8, 2017. <http://documents.worldbank.org/curated/en/206731510166266845/pdf/121031-WP-PUBLIC-Gender-Based-Violence-Task-Force-Action-Plan.pdf>

that could be offered to protect the individuals concerned (including possible relocation, enforcement actions, etc., acceptable to those concerned).

43. Management will continue to pay careful attention to any retaliation concerns in close coordination with the Congolese authorities, will follow up on all claims brought to its attention, and monitor implementation of appropriate measures to address each situation.

Project preparation

44. Due to a difficult security situation on the ground in the summer-fall of 2015, the studies and assessments relating to RN2 were delayed, resulting in insufficient preparation of RN2 activities by the time of Board approval. During Project preparation in 2015, the rehabilitation of up to six roads was initially contemplated and design and safeguard studies were initiated accordingly.⁷ Project preparation had moved forward normally for the other four roads (RN4, RN6, RN23, RN27). However, at the time of Board presentation in February 2016, it was noted that the poor security situation on the ground had delayed the preparation studies for RN2 and that the respective safeguard studies therefore would not be ready for timely disclosure. Instead, a safeguard framework approach was adopted for RN2, with the intention to finalize specific plans later during implementation.⁸ Management acknowledges that a framework approach was not appropriate since the investment had been fully identified at the time of the decision meeting. Full site-specific instruments should therefore have been prepared even if this would likely have delayed Project presentation to the Board.⁹

45. The planned duration of only 20 months for Project implementation was also overly ambitious and should have reflected more realistically the difficult conditions on the ground and therefore left enough time and flexibility for adequate implementation and monitoring of risk-mitigation measures.

⁷ A sixth road, *Bukavu-Walikale* was dropped following the decision meeting, due to concerns that it could not be implemented during the timeframe for AF2.

⁸ An *Environmental and Social Management Framework (ESMF)* is an instrument that examines the issues and impacts associated when project details and location have not yet been identified. The ESMF sets out the principles, rules, guidelines and procedures to assess the environmental and social impacts and contains measures and plans to reduce, mitigate and/or offset adverse impacts and enhance positive impacts, provisions for estimating and budgeting the costs of such measures, and information on the agency or agencies responsible for addressing project impacts.

⁹ Safeguard documents for the Bukavu-Goma road segment were finalized later than those for other road segments because the security situation affected the timing of the social assessment and consultations on the ground. Specifically, a series of four attacks by rebel groups in the Bukavu area between June 19 and July 12, 2015 prevented the consultants from traveling on site. The draft ESIA and RAP were available in July 2015, however, and consultations with communities took place in July and August 2015. The safeguard documents for the Bukavu-Goma road were then finalized in 2016 and disclosed in December 2016 and March 2017.

Consultations

46. ***While substantial consultations with local communities took place for RN2 and the other Project roads, Management agrees that more consultations should have been carried out as site-specific safeguard instruments for RN2 were being finalized, if it were not for the difficult security situation along RN2 in 2016.*** Public consultations on the draft Environmental and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) were conducted between March and August 2015 during Project preparation. Nineteen consultation meetings were organized in the Project areas of the AF2 roads, including RN2. Consultations with RN2 communities were carried out in July and August 2015, with six consultations in the Project area (Bughore, Mbinga-sud, Mbinga-nord, Sake, Bukavu, Goma) involving a total of 191 participants, as the ESIA and RAP for RN2 were being prepared.¹⁰ These consultations formed the basis for finalizing the ESIA and RAP for RN2, and influenced Project design.

47. Following the Request, Management asked for an update of the ESIA and RAP for RN2, and consultations with affected communities took place in September 2017 (six meetings for the RAP in Kalungu, Nyamasasa, Bweremana, Kalehe, Bushushu and Katana, and seven for the ESIA in Makelele, Nyamubuki, Nyabibwe, Mukwija, Kalungu, Bweremana and Lwango, with a total of 206 and 131 participants, respectively). These consultations have allowed better understanding of the social impact of quarry and borrow pit exploitation, as well as of the Contractor's security arrangements. Management has requested this enhanced consultation process to be continued for the remaining implementation period of the RN2 road works.

48. ***Consultations on the ESMF and the RPF were conducted on the same dates and in the same venue, but in different meetings.*** However, they should have been better documented. For road rehabilitation projects, potentially adverse environmental and social impacts are closely associated with resettlement impacts. The groups of affected persons overlap for both instruments. Accordingly, holding consultations on the same day with some overlap in attendance is appropriate and prevents attrition and consultation fatigue for those participants who travel long distances to attend the consultations, especially women. Conducting the consultations on the same day was also advisable given the difficult security situation along RN2 at the time the consultations were held. The separate minutes and conclusions drawn reflect the different nature of the instruments and issues consulted on.

49. The ESIA and RAP were finalized based on the consultations conducted in July-August 2015, and disclosed in DRC and in the Infoshop in December 2016 and March 2017. That is why the consultations record (list of participants and photographs) from the July-August 2015 consultations is the same as the consultations record in the ESIA and RAP finalized in 2016, since the 2015 consultations formed the basis for finalizing these documents. There were no separate consultations in 2016. An updated RAP was published on the website of the Congolese Environment Agency on December 4, 2017, but did not include the full consultation record from the September 2017 consultations. Instead, it only included the consultations record from the July-August 2015 consultations, including the list of participants and photographs of consultations. A revised version with the correct annexes, including the consultations record

¹⁰ <http://projects.worldbank.org/P153836/?lang=en&tab=documents&subTab=projectDocuments>

from the September 2017 consultations, was then redisclosed in DRC and in the Infoshop in May 2018.

Project supervision

50. ***Management acknowledges that there were gaps in the supervision of RN2.*** Large transport projects such as ProRoutes almost always include concurrent works on multiple road sections. The Bank's standard supervision practice requires two supervision missions per year for the project as a whole (not for individual worksites), although the frequency of supervision missions can be increased for high-risk or complex projects or projects facing performance issues. Whenever possible, supervision missions should include a field visit to at least one of the multiple road worksites financed under the Bank project.

51. A Kinshasa-based Task Team Leader (TTL) for the Project was meant to allow for closer monitoring on the ground and make it possible to conduct more frequent field visits, subject to security constraints. Two missions occurred in 2015 as part of Project preparation. During the May 2015 mission, the Bank team drove the entire length of RN2 from Bukavu to Goma. In 2016, four field missions took place (to RNs 4, 5, 6, 23 and 24). After the May 2015 mission, there were no further field visits to RN2 until August 2017 (see Table 1).

52. ***It is important to note that construction activities on RN2 started only on March 20, 2017, due to delays in Project effectiveness.*** The first supervision mission on RN2 occurred in August 2017, five months after the commencement of construction activities. Given the fragile and challenging environment of the RN2, the team intended to arrange for an earlier site visit. This effort was, however, constrained by security conditions affecting Bank staff's ability to visit RN2 worksites.

53. ***Management acknowledges that as a result of the gap in Bank supervision of RN2, the implementing agency's inadequate reporting was not detected before August 2017.*** The monthly reports of the RN2 Contractor's safeguard specialist were only sent to the supervision engineer and to BEGES. The Bank received consolidated versions of multiple reports, which did not contain critical information about some of the problems that emerged once construction activities got underway in March 2017. Neither the supervision engineer, nor BEGES, nor the PIU, alerted the Bank before the Bank team followed up in August 2017 on the implementation problems raised in the Request. As a result, the Bank was not aware until August 2017 of the contractor's security arrangement with the army, the South-Kivu governor's decree to seize the quarries and borrow pits, or the interruption of water supply (discussed below).

54. The Project demonstrates that mobilizing additional support through consultants or NGOs in order to enhance the supervision of safeguard implementation can also introduce additional challenges relating to their capacity, performance and responsibilities. Moreover, such third-party arrangements can also result in multiple and parallel channels of reporting.

55. ***An enhanced supervision approach was established after August 2017,*** with nine supervision missions—seven of which involved the participation of Bank Management—in just ten months. In this context, the Project management team was strengthened by adding a lead transport specialist based in Washington and an additional senior transport specialist based in Kinshasa. The Bank also requested that all Project supervision reports be provided to it directly

on a monthly basis, i.e., from the Contractor’s safeguard staff, the supervision engineer, and BEGES.

56. *Management takes the findings of inadequate supervision arrangements on the ground for RN2 as an opportunity to further explore how the Bank can improve oversight of operations in fragile and conflict-affected situations (FCS).* Many experienced contractors and supervising engineers are not prepared to work in such fragile environments and the Bank’s own presence on the ground may be intermittent due to security concerns. At the same time such project environments require having full-time “eyes” on the ground to quickly detect and communicate adverse incidents. Management is therefore exploring the use of information and communication technology (ICT) and social media analytics¹¹ to receive additional reports or indications about issues that could be project-related, to complement its supervision efforts. Since mid-2017, the Bank in DRC has been developing ICT approaches for remote supervision, as well as using a network of trained, local focal points throughout the country (see Box 1 below for more details). These innovative monitoring tools are meant to complement and strengthen supervision in challenging environments.

Box 1. Testing ICT Approaches to Remote Project Supervision

The safeguard team in DRC is developing an innovative approach using ICT to facilitate remote supervision, considering the widespread security challenges that often prevent Bank teams from visiting project sites. A network of 56 professionals with backgrounds in social and environmental sciences was created and trained in the Bank’s environmental and social safeguard policies. These network members have been providing to the PIU and Bank team reports and geotagged photographs which they can upload from any location. Over 160 field reports relating to safeguard issues on various projects have been received since February 2018, covering a range of topics, including land acquisition, conflict and violence, GBV, Indigenous Peoples, community health and safety, etc. These reports have allowed the Bank team to quickly identify implementation issues and follow up on them in a more targeted manner. In ProRoutes these local professionals helped the Bank to understand the situation of the water pipe breaks caused by road works on RN2 and to monitor the implementation of the contractor's remedial actions.

The Bank will also pilot the use of a new customized social media analytics tool to analyze social media content (including in local languages) geotagged to project areas and screen the data for key words that could indicate project-relevant issues. The social media analytics platform will use publicly available data from sources including Twitter, YouTube, FourSquare, Instagram and GDELT to help identify existing and emerging social issues. All data collected under the pilot will be strictly limited to information that social media users choose to make publicly available and is geospatial and content-centric, meaning that it focuses on what people are saying where, rather than who is saying it. The objective of the pilot is to determine whether social media analytics can yield additional actionable information that allows Bank supervision missions to follow up with better targeted site visits in the project area. The pilot will be limited to the ProRoutes Project area initially.

¹¹ Used previously by the Bank in reconstruction operations in Iraq.

Table 1. Preparation and Supervision Missions, Field Visits and Locations

Year	Mission Dates	Field Visit	Places Visited	Road	Province	Project
2013	Nov 20-Dec 12, 2013	Yes	Bukavu-Kasomeno (1,290 km);	RN5	Katanga, S. Kivu	IPF**
			Kisangani-Dulia (400 km)	RN4	Orientale	AF1***
2014	Apr 9-14, 2014	No				
	Nov 16 – Dec 10, 2014	Yes	Bukavu-Lubumbashi (1,425 km);	RN5	Katanga, S. Kivu	IPF
			Kisangani-Buta (325 km);	RN4	Orientale	IPF
Kisangani-Komanda (630 km)	RN4	Orientale	AF1			
2015	May 4-20, 2015	Yes	Goma-Bukavu (135 km)	RN2	N. & S. Kivu	AF2
			Komanda-Bunia-Goli (259 km)	RN27		AF2
	Jul 30-Aug 10, 2015	No				
	Nov 8-16, 2015	No				AF2
December 9-17, 2015	No				AF2	
2016	Jan. 11-14, 2016	Yes	Akula-Gemena-Zongo (385 km)	RN6/ RN23	Sud Ubangi	AF2
	Feb 23-Mar 1, 2016	Yes	Kisangani-Bunduki (525 km);	RN4	Orientale	AF1
			Kisangani-Bunia (705 km);	RN4	Orientale	AF1
	Mar 23-Apr 11, 2016	Yes	Bukavu-Lubumbashi (1,425 km)	RN5	Katanga, S. Kivu	IPF
	June 9-17, 2016	Yes	Akula-Gemena-Zongo (385 km)	RN6/ RN23	Sud Ubangi	AF2
			Gemena-Bursinga-Lisala-Bumba-Bunduki-Buta-Kisangani (1,175 km)	RN24/ RN6/RN4	Nord Ubangi, Mongala, Bas-Uele, Tshopo	IPF AF1
Nov 22-28, 2016	No					
2017	Jun 16-27, 2017	No				
	Aug 12-31, 2017	Yes	Goma – Bukavu (Sake-Kavumu)	RN2	N. & S. Kivu	AF2****
	Sept 19-25, 2017	Yes	Goma – Bukavu (Sake-Kavumu)	RN2	N. & S. Kivu	“
	Oct 10-13, 2017	Yes	Goma – Bukavu (Sake-Kavumu)	RN2	N. & S. Kivu	“
	Nov 6-11, 2017	Yes	Goma – Bukavu (Sake-Kavumu)	RN2	N. & S. Kivu	“
	Dec 11-15, 2017	Yes	Goma – Bukavu; (Sake-Kavumu)	RN2	N. & S. Kivu	“
Akula-Gemena-Zongo (385 km)			RN6/ RN23	Sud Ubangi		
2018	February 8-16, 2018	Yes	Akula-Gemen-Zongo (385 km)	RN6/ RN23	Sud Ubangi	AF1 but AF2 financed
			Goma – Bukavu; (Sake-Kavumu)	RN2	N. & S. Kivu	
	March 12-16, 2018	Yes	Kisangani-Buta-Dulia-(toward) Bondo and Dulia-Aketi	RN4	Tshopo and Bas Uele	IPF and AF2
	April 23-27, 2018	Yes	Goma – Bukavu (Sake-Kavumu)	RN2	N. & S. Kivu	AF2
	May 22-25, 2018	Yes	Goma – Bukavu (Sake-Kavumu)	RN2	N. & S. Kivu	AF2

* Project where road identified. ** IPF = ProRoutes Parent; *** AF1 = Additional Financing; **** AF2 = Additional Financing 2 = AF2

Use of security forces by the Borrower

57. *In fragile situations, securing and protecting project worksites, workers, and equipment can be essential for project implementation.* The Project area is located in North and South Kivu provinces, an area that has been destabilized by war, civil strife and criminal activity for more than two decades. The highly volatile security situation in Kivu represents a significant challenge for the implementation of civil works in the area. The fragile security situation means that few contractors are willing to bid for road projects in DRC, especially in the eastern provinces. Hence, in cases where contractors identify the need for security services, potential adverse impacts on communities from such arrangements need to be assessed and managed.

58. While security risks were identified and assessed during preparation,¹² Management acknowledges that the assessment did not anticipate the potential use of military personnel by the Contractor at the work sites. The mitigation measures put in place were therefore insufficient to address this risk. This, coupled with the initial gap in on-site supervision, led to a situation where the Bank was not aware until August 2017 that the Contractor had unilaterally made additional security arrangements with the Congolese army (the Army) to have military personnel provide security to the Project site and main camp.

59. Since August 2017, Management has taken several actions to ensure that impacts from the Contractor's enhanced security arrangements are appropriately managed:

- Management requested the ESIA to be updated to assess and address potential adverse impacts from the Contractor's use of the Army, and then redisclosed the updated ESIA, which was published in DRC on March 7, 2018.¹³

¹² All documents developed during Project preparation as the basis for Management and Board decisions (from the April 23, 2015, Concept Memorandum to the January 27, 2016, Memorandum of the President and Project Paper submitted to the Board) consistently designated the Project as environmental and social Category A, and reflected a High-Risk rating for all the key risk categories – Governance, Implementation-Institutional Capacity, Environmental and Social, and Overall Risk. The High-Risk ratings were accompanied, in the relevant preparation documents, by candid descriptions of three key risks to the Project: (i) security risks; (ii) high environmental and social risks; and (iii) weak and overstretched implementation capacity of the Borrower's implementing agency, Cellule Infrastructure. These risks were noted throughout Project preparation and described in the Concept Memorandum, Decision Note, Appraisal Request Memo, and the final Project Paper submitted to the Board.

¹³ The ESIA did not initially include the full consultations annexes. These were added to a revised version which was redisclosed in May 2018.

For the RAP:

<http://documents.worldbank.org/curated/en/750811485501031083/pdf/SFG1382-V2-REVISED-RP-FRENCH-P153836-Box405316B-PUBLIC-Disclosed-12-18-2017.pdf>

<http://documents.worldbank.org/curated/en/252461527654778283/pdf/Annexe-sur-la-consultation-du-Plan-succinct-de-reinstallation-de-la-Route-Nationale-2-Bukavu-Goma-Projet-ProRoutes.pdf>

For the ESIA:

<http://documents.worldbank.org/curated/en/290271489484469239/pdf/SFG1413-V3-REVISED-EA-P153836-PUBLIC-Disclosed-3-9-2018.pdf>

<http://documents.worldbank.org/curated/en/111581527665746268/pdf/Rapport-d-Evaluation-des-impacts-environnementaux-et-sociaux-de-la-RN2-Bukavu-Goma.pdf>

- Management requested that specific risk mitigation measures be taken, including the screening and training of military personnel by the United Nations Organization Stabilization Mission in DRC (MONUSCO) authorities (Joint Human Rights Office).
- Management has followed up on several alleged incidents of excessive use of force, including one during which a soldier had shot a young man in the leg for allegedly stealing gasoline. The soldier has been arrested and disciplined by the military authorities.¹⁴
- In addition, the Contractor reassessed its security arrangements and decided to reduce the number of military personnel involved in the protection of the RN2 worksites from 14 to 7.

60. *At the country level, Management is reviewing which projects in the DRC portfolio may also require more robust security services* and is discussing a framework agreement with MONUSCO for screening, training and monitoring such personnel across the portfolio.

61. As the Panel Report recognizes, this is a broader challenge for the Bank, and Management is currently working on a Good Practice Note for staff on the Use of Security Forces that provides guidance on assessment and management of risks associated with the use of security staff/military to protect project sites. The Good Practice Note is drawing on lessons from the ProRoutes experience and international best practice, and builds on IFC's "*Use of Security Forces: Assessing and Managing Risks and Impacts Good Practice Handbook*." This Good Practice Note will be included in the roll-out of guidance material on the Bank's Environmental and Social Framework (ESF) later in 2018.

Security impact on field missions

62. *Management agrees with the Panel's assessment of DRC's fragile and post-conflict character and that the Project expanded road networks into an area that presented a challenging security situation.* Given this situation, all decisions relating to mission travel to Project sites were made in close coordination and consultation with the Bank's Corporate Security office. Based on the established process described below, Management concluded that the security situation in Bukavu-Goma between January and July 2017 was too unsafe to authorize staff missions to the RN2 site.

63. *Management takes the security of Bank staff very seriously, particularly in the difficult contexts of FCS such as DRC.* While Heads of Office have final decision-making authority on activities affecting staff security and safety, such decisions rely to a significant extent on the guidance provided by Corporate Security. Each security situation is unique and must be assessed by considering a variety of factors, e.g., country and project context, nationality and gender of staff, etc. Different international organizations may have different rules that would typically reflect the nature of their mandate. MONUSCO, for example, as a UN peacekeeping force which is fully armed, has a fundamentally different mandate and approach to staff security than the

¹⁴ This case was registered on September 15 and transferred to the competent military court on November 20, 2017. Court hearings took place in February 2018 and judgement was pronounced on April 10. The soldier was found guilty and was sentenced to six months in prison.

Bank. Meanwhile, the Bank’s corporate security protocol is in line with that of other MDBs (see Box 3).

64. Based on current practice relating to staff security, for higher security threat locations where the security situation is fluid, like eastern DRC, the decisions regarding travel authorization rely on two levels of guidance from corporate security: (i) formal mission suspensions—as reflected on the Bank’s Travel Advisory page; and (ii) mission restrictions that are managed more flexibly at the Country Office level. Consequently, the non-inclusion of a given area in the “Suspended” list on the Travel Advisory does not imply its safety and accessibility for staff travel during a given period. In addition to the formal mission suspensions captured in the Panel Report, a review of the period from January 2017 to March 2018 by the World Bank Corporate Security unit found that mission travel to RN2 areas was or would have been advised against (even when no formal travel requests were filed) from:

- January – May 2017;
- October 2017;
- December 2017 – January 6, 2018; and
- March 2018¹⁵ – totaling eight months out of 15 from January 2017 to March 2018.

65. ***Volatile security conditions in North and South Kivu in 2017 and challenging travel logistics made mission travel very difficult.***¹⁶ Between March and May 2017, traveling to Goma and Bukavu was authorized only within cities. It was not possible to travel by road between the two main cities where the worksites were located. The mission travel was also significantly constrained by a limited availability of safe domestic air travel options, which necessitated that Bank staff and consultants either flew with UN aircrafts or chartered private planes from a limited number of accredited companies.

66. When working in such highly insecure and fragile environments, where the security situation is continually evolving, teams follow a two-step process in planning mission travel. As a first step, they seek guidance from country-based security specialists on the feasibility of travel to particular field sites during a proposed period. Normally this step does not involve written exchanges, especially when the TTL is stationed in the country office where the security officer is located. If the team is advised that field travel during the relevant period is feasible, staff proceed to the second step of initiating a formal, written travel request for the approval by the Head of Office. If, however, the country-based security specialist advises the team that travel to the specified sites during the proposed timeframe is unsuitable—as was the situation relating to travel to the RN2 site between March and July of 2017—then the TTL would not initiate the second step of submitting a formal travel request for approval by the Head of Office.

¹⁵ Retrospective of DRC Security Incidents and RN2 Accessibility according to WB Security Assessment – 2017-2018.

¹⁶ Human Rights Watch reported that from June to November 2017, at least 526 civilians were killed in North and South Kivu, at least 1,087 people were abducted or kidnapped for ransom, and there were at least 7 incidents of mass rape. See <https://www.hrw.org/news/2017/12/07/dr-congo-new-kivu-security-tracker-maps-eastern-violence>

67. *The gap in field visits was limited to the first half of 2017, which was linked to insecurity following a series of incidents:* the cancellation of elections in December 2016, death of an opposition leader in February 2017, and non-application of the Saint Sylvestre political agreement,¹⁷ all of which increased uncertainty and volatility, and elevated cautiousness in planning and authorizing field visits during that period. This was also the time of widespread violence, including the killing of two UN experts in Kasai, hence contributing to extra caution in clearing field visits outside major towns. In such cases, Bank teams were advised against planning field visits with long drives and overnight stays in remote areas.

68. After a brief improvement in the security situation, conditions deteriorated again in October 2017 when the cities of Fizi and Uvira in South Kivu were attacked by rebel groups, and again in December 2017, when 15 UN peacekeepers were killed in North Kivu. Five Congolese soldiers also died and at least 40 other people were injured. On two occasions (October and December 2017), Bank missions which had already traveled to Goma to supervise RN2 were not authorized to travel on RN2 and were instructed to travel by boat to Bukavu instead.

69. To ensure that security advice provided to staff and Management by Corporate Security in response to specific requests and inquiries is captured in a more formal manner, going forward, Management will require recording of security advice in the consideration of missions.

Box 2. World Bank Corporate Approach to Staff Security

Duty of Care and Risk Tolerance

Staff security and safety is a priority for the Bank, and Management is committed to providing staff a “reasonably secure and safe work environment” at a level that, wherever possible, “meet[s] or exceed[s] the standards and best practices of comparable international organizations.” This obligation does not prohibit the Bank from taking risks but does require a careful assessment of the threats facing staff, the mitigation measures available, and the residual risk as compared to the benefits of the action under consideration. Regarding risk tolerance, the Bank is in line with other international financial institutions and uses UN information, among other sources, to inform its own security assessment and mission clearances. It should be noted, however, that some international organizations, including UN Agencies, Funds and Programs, regularly suffer personnel fatalities and serious injuries. Management is committed to maintaining its strong record on staff security and safety and ensuring the likelihood of a staff death or serious injury is minimized.

Security Decision-Making Framework

The Bank discharges its duty of care obligations at the Country Office level, with Heads of Office empowered to make security and safety decisions related to Bank operations. Corporate Security, primarily through its Country Security Specialists, advises on these decisions. In countries with higher-threat regions, Country Directors and Managers are encouraged to establish a standardized mission clearance process that includes a Corporate Security risk assessment and a formal sign-off from the Head of Office and any necessary third-party (e.g., UN Designated Official).

Mission Approval Process for highly volatile environments, such as the RN2 project location in DRC

Missions seeking to travel to locations of high insecurity such as the eastern provinces of DRC are required to initiate the clearance process at least two weeks prior to the date of departure. The resident Country Security Specialist assesses these requests, coordinating with MONUSCO for the latest threat information and road status updates. Based on this evaluation, a letter requesting MONUSCO support is drafted by the mission lead for clearance by the Country Director and approval by the UN.

¹⁷ The *Saint Sylvestre* agreement envisaged the formation of a new government to pave the way for elections and the DRC’s first peaceful, democratic transfer of power through the expressed will of the Congolese people.

Livelihood impacts

70. *Management agrees with the Panel that the exploitation of quarries and borrow pits for RN2 was not based on a voluntary commercial agreement between the Contractor and the quarry/borrow pit owner/operator as intended.* Instead, the Contractor started to exploit some quarries and borrow pits based on a Government decision to authorize the Contractor to temporarily take control of and operate selected quarries and borrow pits. The Bank was not aware of this decision by the Government at the time and hence the applicable policy was not triggered.

71. It is unclear how much effort was made by the RN2 Contractor to enter into commercial agreements with quarry/borrow pit owners/operators. The Contractor asked provincial authorities for authorization to directly exploit 4 quarries, and 16 borrow pits, which the provincial authorities granted to the Contractor by issuing an executive order on May 8, 2017. While the provincial authorities required the Contractor to pay compensation to quarry owners/operators, this did not take place until after the Bank intervened in August 2017. The supervision engineer did not alert the PIU to the situation and the Bank only learned about it when the Requester raised the issue with the Panel.

72. *The Contractor's actions contravened applicable safeguard instruments and contractual obligations.* In line with Operational Policy 4.12, Management has required that the Borrower ensure that compensation is paid retroactively to all eligible quarry and borrow pit owners and operators and that the Borrower retain a compliance auditor to review the compensation amounts and to confirm that they were fair and proportionate. The compliance auditor confirmed in February 2018 that compliance of RN2 quarries and borrow pits had been restored, including compensation paid to owners/operators. See Annex 2.

73. The ex-post processing of compensation after works had started and the absence of a baseline have made it difficult to confirm that compensation to quarry owners/operators is appropriate to address the harm suffered. The absence of a baseline and the ex-post settlement process have also generated some exaggerated claims. With the help of the compliance auditor, Management supported and oversaw the Borrower's review of the methodology used to calculate compensation and is satisfied that such compensation is equivalent to or higher than the losses experienced by owners and operators.¹⁸

74. Management has requested the Borrower to assess the losses suffered by workers who could not continue their employment during the period when the quarries were occupied by the Contractor, and to compensate them accordingly. The Bank team is following up on these compensation requirements.

Water supply

75. Management agrees with the Panel that road works on RN2 have caused water interruptions that have not been managed appropriately. Management confirmed through its field

¹⁸ This was confirmed again by the compliance auditor in May 2018.

visits and supervision that water access has since been restored and the Contractor has provided compensatory measures to the affected communities. A total of 15 incidents where water services were affected or interrupted by the works have occurred since the start of the civil works on RN2. Nine of these incidents were resolved by the Contractor in less than two weeks, including seven which were resolved in five days or less, and five resolved in less than two days. One of these interruptions affected the Mubimbi camp for internally displaced persons (IDP) for a little over a month, which caused hardship to the communities as they were forced to walk longer distances to fetch drinkable water. Those incidents were not reported to the Bank in a timely manner.

76. All 15 interruptions have now been adequately addressed and water access restored; whenever possible, connections have been improved. Management has also verified with the Borrower and its due diligence that the Contractor has provided various compensatory measures for the community. The Bank has requested a specific audit to confirm the situation. Based on reports from the relevant health authorities,¹⁹ no deaths from cholera occurred in the IDP camp of Mubimbi during the period when works were executed.

77. While such interruptions are not uncommon during the execution of road works, in this case they were not handled in line with applicable contractual clauses, and were not supervised appropriately by the supervision engineer. Going forward, the Bank will require the Borrower to ensure that the Contractor supplies water by truck to communities affected by water pipe breakage. Such interruptions of services (water, drainage, electricity) are not uncommon to occur in large civil works but are typically managed through the contract requiring the contractor to address such interruptions.

Grievance redress mechanism

78. ***Management acknowledges that the Project-level GRM was not operational along the entire length of the RN2 road during the period from March to August 2017 when works first began on that road.*** The Project-level GRM had been designed to focus on the three villages where minor impacts from land acquisition were expected. Management agrees that, from the start, there should have been a robust Project-level GRM to handle citizens' complaints relating to the broader range of social risks (beyond the identified impacts on livelihoods).

79. In the August 2017 mission, the Bank noted that the RN2 Project-level GRM was not operational and requested that the Borrower take immediate corrective actions. Accordingly, Project-level GRM committees were established in all 17 villages along the road. Information sessions (local radio announcements, community engagement) were also held in order to inform communities and local stakeholders of the Project-level GRM's procedures and how to access it.

80. ***The Project-level GRM on RN2 has been considerably strengthened with the support of local NGOs.*** Twenty-six active committees have been constituted with 98 committee members. Multiple field and radio information/sensitization sessions have been held since

¹⁹ The Bank obtained two written confirmations, one from the health clinic (operated by an NGO) in the IDP camp and one from the regional cholera center, confirming the absence of death from cholera in the Mubimbi camp during the works period.

September 2017. Since November 2017, the Bank has been receiving a comprehensive monthly report of the status of all complaints received and processed. These complaints are mostly livelihoods-related. As of June 2018, a total of 277 complaints had been received on RN2, out of which 223 had been found eligible and 127 had been processed and paid, the vast majority of which were to compensate for negative impacts on livelihoods. The identification of and support for GBV survivors is difficult through traditional Project-level GRMs, however well designed. Therefore, in December 2017, ProRoutes has also set up a separate GRM dedicated to handling GBV complaints.

Working conditions and occupational health and safety (OHS)

81. Management acknowledges that the Contractor allowed poor labor conditions to prevail on RN2 worksites and that many of the workers' camps lacked basic facilities. The Bank confirmed these deficiencies during the August and September 2017 missions during its visits to the RN2 site and required the Borrower to take the necessary measures to correct this. As a result, a notice to correct was issued by the PIU to the Contractor on October 2, 2017 to rectify any noncompliance with contractual obligations, including regarding occupational safety (including the provision of protective equipment), documentation of employment and payment of wages, and sexual harassment of female employees.

82. By November 2017 the Contractor, verified by the supervision engineer, has ensured that all workers on RN2 have work contracts. A copy of their ID has been archived. Contracts were amended twice to harmonize them with national labor laws. Contracts were cleared by the relevant labor authorities.

83. The Bank missions also identified that some workers were underpaid as a result of an unfavorable exchange rate. Specifically, 499 workers were underpaid. While this issue is not specifically covered by Bank policies that apply to this Project, the Bank requested that this situation be remedied. To date, according to a report from the Contractor, 287 workers were compensated for this underpayment while 212 remain to collect their compensation.

84. The Bank team is also following up with the Borrower on the status of Contractor's compliance with its contractual obligations concerning OHS. To this end the PIU—at the request of the Bank—retained a compliance auditor, which has examined the Contractor's practices. Based on the auditor's report, the Bank will also ask the Borrower to have the national labor authorities perform assessments of the RN2 Contractor's labor practices every three months.

85. Management further agrees with the Panel that the Contractor did not sufficiently enforce road safety procedures prior to the Request for Inspection. Corrective measures are now being implemented and will be enforced and monitored by the supervision engineer and the PIU.

86. Management takes the alleged sexual harassment of female employees of the Contractor very seriously. The six survivors identified to date were offered medical, psychosocial and legal support by the NGO (Heal Africa) with the requisite expertise in this crucial area. To date, one of the survivors sought and received medical support, one received psychosocial support, and

three survivors received legal support.²⁰ The Contractor was also required and is taking measures against the alleged perpetrators of sexual harassment—two alleged perpetrators were reassigned to other duties, pending completion of internal investigations and judicial processes. As described below, working conditions have also been improved with a particular attention to limiting exposure of female employees to risks of sexual harassment.

87. Specifically, to further reduce the risk of sexual harassment of female employees in the Contractor's worker's camp, the following measures have been implemented:

- Providing training of all workers on GBV, including consequences for engaging in GBV-related misconduct under the Code of Conduct
- Enforcement of the Code of Conduct provisions relating to GBV prohibitions relating to alleged perpetrators through reassignment and conduct of internal investigations and referrals to legal authorities

Raising awareness of the local communities living in the vicinity of the Contractor's facilities about the workers' Code of Conduct and about the procedures to report complaints about workers' conduct

- The Contractor has established a strict early release policy for female employees so that they can finish their workday and return home by 4.30 PM. Previously they often had to stay longer in the workers' camp, which increased the risk of sexual harassment.
- The Contractor is required to build separate restroom facilities for female employees.
- No female employee is allowed to stay in the workers' camp for the night. Locally-recruited female employees return to their home at the end of their work hours, while accommodation arrangements are in place for other female employees outside the workers' camp.

V. MANAGEMENT'S ACTIONS IN RESPONSE TO THE FINDINGS

88. Management's Action Plan to address the Panel's findings is laid out in Table 2 below.

89. ***Management is committed to follow the survivor-centric approach recommended by the GBV Task Force. This means that providing support to GBV survivors remains a priority regardless of whether linkage with the Project is confirmed or not.*** All GBV survivors identified to date have been offered a comprehensive package of GBV services, depending on each individual's needs and in line with best practices and international standards. This includes medical and psychosocial support, as well as legal support to victims who wish to receive more

²⁰ The three women who received legal assistance filed a complaint in court with the help of an NGO. However, their cases were dismissed by the court due to insufficient evidence. The NGO's legal clinic is following up with the 3 survivors to advise on potential next legal steps.

information on their rights and are potentially interested in and eligible to file a complaint in the judicial system to seek legal redress.

90. ***The Bank will continue to closely follow-up with the Borrower on the progress of ongoing internal investigations undertaken by the Contractor and implementation of follow-on disciplinary actions against any confirmed GBV perpetrators, as well as safeguards in place to not expose the victims to (and protect them from) risks of retaliation.*** For two cases where the linkage with the Project has been confirmed, disciplinary action has been taken by the Contractor, as per the Code of Conduct, and employment with the Contractor has been terminated.

91. In addition to the Bank-supported *Regional Great Lakes Emergency GBV Project* under implementation in the Kivu provinces since 2014, the *DRC - Gender Based Violence Prevention and Response Project* will be presented to the Board on August 30, 2018. The Regional Great Lakes project has already supported 26,000 women by providing medical, psychosocial, legal and socioeconomic support to survivors in the area. The new project will expand the coverage of these services to additional parts of DRC. While the ProRoutes Project will be extended by an additional six months in order to implement all planned remedial actions, including providing support to all identified survivors, the two GBV projects will be able to continue to provide support where needed, beyond the ProRoutes Project closing date.

92. ***In addition to these Project-level actions, the Bank is also making progress at a broader, systemic and portfolio level, by building on lessons from the Uganda TSDP. Lessons from ProRoutes have further informed this process*** Both the Uganda TSDP and ProRoutes have underscored the paramount importance of providing support to survivors. Following the Uganda TSDP, Management prepared and disseminated among operational teams a detailed guidance note stressing the importance of deliberately addressing the risks and impacts of labor influx, in particular by requiring the training of contractors' staff and the signing of codes of conduct with explicit GBV language. Both the Uganda TSDP and ProRoutes have highlighted the critical importance of functional and adapted GRMs in project areas with high risk of GBV. Working with specialized NGOs, project-level GRMs that have focused primarily on resettlement compensation issues expanding their services in order to also receive and process complaints on social issues, such as GBV. As part of the Uganda TSDP Action Plan, Management also implemented a procurement pilot in East Africa in which contractors are required to disclose whether they have been subject to legal proceeding or contract suspensions because of environmental or social infractions. The Bank is strengthening the internal processes for environmental and social safeguards management and oversight. and deepening training of staff in managing broader social risks, including GBV.

93. ***Management is also committed to fully implement the Bank's Action Plan to address the recommendations of the Global GBV Task Force,*** which includes operational and administrative measures to help prevent and respond appropriately to incidences of sexual exploitation and abuse, as well as other forms of GBV in Bank supported projects. This includes the preparation of the Good Practice Note to staff on addressing GBV risks and the launch of the GBV Risk Assessment tool, currently piloted in a sample of Bank projects in the transport sector in Africa. In addition to the Good Practice Note on GBV, Management is also in the process of issuing Good Practice Notes for staff on third-party monitoring and the use of military in Bank-financed operations. In April 2018, a learning event attended by all managers and directors of

the Bank's Sustainable Development Vice Presidency focused on GBV, including early lessons learned from the DRC ProRoutes case. A similar session was included in the most recent *Transport and Digital Development Learning Forum*, held in Washington in May 2018 and attended by staff from Headquarters and Country Offices from the Global Practice.

94. Management is committed to ensuring that the Borrower implements all actions required to restore livelihood for people affected by Project-related impacts. As expressed in detail in this Management Report and in Annex 2, Management is confident that all quarry and borrow pit owners and operators have been properly compensated in compliance with contractual obligations and safeguard instruments. The methodology to calculate compensation has been reviewed by the compliance auditor hired under the Project, at the Bank's request. The proposed Management Action Plan also includes specific measures to compensate quarry workers who lost jobs due to the Contractor's illegal occupation of the quarries. These workers are still in the process of being identified by the PIU. This identification is made complicated by the undocumented and informal labor practices in the quarries. The Contractor has committed to generating a volume of employment opportunities for affected workers (or affected communities in case individual workers cannot be identified) equal to or greater than that lost.

95. ***The 15 water supply interruptions that occurred on RN2 have been addressed.*** Where possible, the Project will at least restore previous conditions but will also try to improve living conditions for affected communities. This has already been the case for the Mubimbi camp for IDP, where the Contractor not only restored water connection but also built a concrete slab next to the water taps, renovated latrines, installed showers and provided medicine and clothes to the community. A specific audit will be conducted to ensure that all these water incidents have been properly resolved.

96. ***Another critical area of attention in Management's Action Plan is to help enhance the institutional capacity of all stakeholders to manage preventive and remedial actions.*** The objective is to reinforce the capacity of not only the PIU and the safeguards supervisor, but also of other national and provincial institutions, as well as GBV service providers, supervision engineers and contractors.

- *PIU:* The PIU will continue to be reinforced in order to better monitor safeguards compliance and the implementation of the remedial actions included in the proposed Action Plan. This includes the hiring of an additional social specialist and a GBV specialist. One important objective of this institutional strengthening is to enable the PIU to perform site inspections of all road rehabilitation work sites on a regular basis, and to assess the scope and reliability of the supervision activities and reporting by the supervision engineers and the safeguards supervisor.
- *Safeguards supervisor:* The safeguards supervisor was already significantly strengthened in 2016, and safeguards supervision was carried out by six staff involved in the monitoring of civil works' safeguards compliance. By 2018, this number had doubled to 12 staff, some of whom have been based near the RN2 worksites. Management has requested that the PIU amend further the safeguards supervisor's contract, with a view to giving more weight to performance and the quality of supervision reports, relative to time-based activities only. The option of replacing the safeguards supervisor will be considered if no agreement can be reached or if the safeguards supervisor does not perform in fulfilling its supervision duties.

- *National institutions:* In light of lessons learned in the ProRoutes case, the Project will enhance its ongoing institutional strengthening activities and provide additional technical assistance to support key national institutions in contract management, quarry and borrow pit authorizations, and GBV. This will include relevant departments in the Ministry of Public Works, as well as the Congolese Environmental Agency (ACE in French)
- *Provincial authorities:* Technical assistance and/or training will be provided to relevant departments of all the provincial authorities where ProRoutes has ongoing rehabilitation works. Seminars will be organized to train participants in Bank safeguards, with a particular focus on quarry and borrow pit management and complaint management, given the particular role of provincial authorities in these two areas.
- *GBV service providers:* GBV service providers will receive technical support from the two umbrella organizations hired by the PIU to coordinate the Project's GBV monitoring and response framework (UNFPA and the Social Fund). In the RN2 area, most GBV organizations have also already received significant capacity-building support from the ongoing Regional Great Lakes Emergency GBV project. The new stand-alone GBV project under preparation will complement this existing support in other areas of the country.
- *Supervision engineers:* The head of the supervision engineer for RN2 was replaced in early 2018 at the request of the Borrower. Management notes that a stronger team is now in place. The performance of the supervision engineer will however remain a particular focus of attention in Bank supervision of the Project. The PIU will organize another specific training session for ProRoutes supervision engineers with a particular focus on GBV, safeguards and contract management. Robust contract management practices are essential to prevent issues arising from the exploitation of quarries and borrow pits or from water interruptions.
- *Contractors:* The PIU will organize additional training sessions, specifically aimed at the management teams and safeguards specialists of ProRoutes' contractors, with a particular focus on GBV, environmental and social safeguards, quarries and borrow pits, working conditions, water-related issues and road safety.

97. ***In addition, Management is working with the Borrower to strengthen the Project's monitoring and reporting mechanisms with the use of geo-mapping and other technology-based tools.*** Since August 2017, Management has been working with the Borrower on strengthening the reporting procedures of the various supervision mechanisms (Contractor's safeguards specialist, supervision engineer, safeguards supervisor, PIU). Specifically, the scope of such reports has been expanded, and full reports are now sent to the Bank in addition to the Borrower on a monthly basis, instead of just consolidated reports prepared by the PIU. Incident reporting has also been strengthened, for GBV as well as occupational and road safety. Incidents now have to be reported to the Bank within 48 hours. Management has observed considerable progress in the strengthening of the reporting on the status of implementation and compliance with social and environmental actions over the past months, as illustrated by the enhanced Contractor reporting noted above, as well as the reporting of GBV incidents by the NGOs contracted by the PIU. In addition, the Bank team has been working with the PIU on the use of geo-mapping and other technologies in order to better document and report on progress,

complaints and incidents. Specifically, all road rehabilitation works have now been geo-mapped and videotaped using *Mapillary*, which allows Bank staff to evaluate worksites remotely. The PIU's mapping unit will ensure that this information is made available to the public.

98. ***Some of the ProRoutes lessons and supervision practices are relevant for the Bank's broader engagement in FCS.*** This includes a thorough assessment of the security situation and challenges at preparation stage, including possible risks associated with the presence of security or military personnel that may be retained by contractors or other stakeholders, but also need to anticipate any resulting limitations for Bank staff supervision in the field. As for the GBV risk, such assessment needs to be conducted at the project level but also at the portfolio level, since conditions will be common for all Bank projects implemented in the same geographical area. Broader security conditions at the country level in FCS may therefore have to be further discussed by SCDs and CPFs.

99. When the successful implementation of Bank projects requires the presence of security forces, Management will require Borrowers to ensure that proper procedures are in place and enforced to select and train security or military personnel (including screening procedures in partnership with military authorities and/or other international partners, such as MONUSCO in DRC, to ensure that there are no antecedents of human rights violations). Implementing agencies will also need to ensure that security and military personnel are appropriately trained (e.g., in humanitarian law, proportionate use of force, interactions with civilians and communities, and GBV), that they are aware of the applicable code of conduct, and that the application of this code of conduct is monitored and enforced. Management is currently finalizing the preparation of a specific Good Practice Note on the involvement of security personnel in Bank-financed operations.

100. Security challenges may also affect the ability of the Bank to supervise in the field. As in the case of ProRoutes, project sites can sometimes become inaccessible to Bank supervision teams. Staff safety is paramount and Management is committed to implementing appropriate security assessment procedures, based on guidance received from the Bank's Corporate Security department. However, there is merit in enhancing and formalizing the record of the Bank teams' travel requests, as well as responses and guidance from Corporate Security, particularly when there are lasting restrictions to travel to project sites. Management will revise its protocol in this regard, which will enable management to monitor more closely project sites that have become inaccessible for a period exceeding six months, triggering consideration of options, including alternative supervision arrangements.

101. Management's objective is to remain engaged and do more in FCS contexts. However, in certain circumstances, security conditions on the ground may be too risky to allow the Bank to supervise activities it supports in line with applicable Bank policy. This may be the case, for example, when supporting complex development activities such as major civil works. The options for dealing with such situations range from exploring and implementing alternative supervision arrangements to supplement and fill the gap created by the Bank's inability to do regular hands on supervision that involves site visits, to pausing its financing for projects if no reliable alternatives are available. This has recently been the case in South Sudan, where Management suspended the implementation of a road project in late June 2018. In other environments, such as Afghanistan, Iraq and Northern Cameroon, the Bank is hiring a third-party monitoring agent to help supervise its projects in areas where Bank teams cannot travel. In

other projects, such as a roads project in Mozambique or DRC ProRoutes, the Bank is partnering with civil society to monitor project implementation and identify possible issues or complaints so that they can be addressed early on.

Table 2. Management Action Plan

Issue	Proposed Actions
<p>1. Consultations and disclosure of information</p>	<ul style="list-style-type: none"> The Bank will require the PIU to hold and document periodic consultations with communities in the RN2 area to report on works progress and to invite feedback on potential negative impacts. Such consultations will be held with due attention to local languages and to information being provided to participants. Management will require the PIU to provide the Bank with the materials being presented and the list of participants, in order to make sure that such consultations are comprehensive and inclusive enough. Timeline: every 3 months until Project closing.
<p>2. Project-level GRM</p>	<ul style="list-style-type: none"> Project-level GRM. The Bank will continue to monitor the processing of all complaints received by the Project-level GRM with a view to monitoring that the complaints are adequately and fairly brought to closure. In this context Management will pay particular attention to the closing of GRM cases, the documentation of complaints, the methodology applied to calculate compensation, and any complaints that have been appealed (i.e., elevated to the supervision committees). Timeline: until Project closing. Management will initiate a review of all project-level GRMs in DRC, with a view to ensuring their strengthening, where needed, based on findings and recommendations of the review. The objective is to ensure that such GRMs have been properly designed to handle not only resettlement-related issues but also any other issues associated with broader social risks. GBV GRM. The Project will also continue to ensure effective operation of dedicated GRMs for GBV issues as described below. Timeline: August 30, 2018 for the review.
<p>3. GBV</p>	<ul style="list-style-type: none"> The Bank will require the PIU to continue to implement (and ensure the Contractor’s compliance with) all the agreed GBV training protocol so that all ProRoutes workers are kept aware of the behaviors that will not be tolerated and of the disciplinary consequences of abuses and improper behaviors. Another broader objective is to promote changes in behavior and attitudes towards women and girls, as well as highlighting risks associated with prostitution and early marriage. Refresher courses will be envisaged as appropriate as well as additional sessions for new hires. Timeline: until Project closing.

Issue	Proposed Actions
	<ul style="list-style-type: none"> • Management will require the Borrower to ensure that any GBV survivors who have not received the agreed support from GBV service providers by the closing date of ProRoutes, continue to be able to receive the needed support under other Bank operations in the area—such as the two stand-alone GBV projects. This may require adjusting the areas of intervention of these two operations. Timeline: arrangements in place by Project closing. • The Bank will require the Borrower to ensure that the Code of Conduct is enforced and that Contractors take the necessary disciplinary action in accordance with the Code of Conduct. This will require due attention to avoid exposing survivors to retaliation. In accordance with the survivor-centric approach, as recommended by the GBV Task Force, Management will require the Borrower to ensure that the choice of survivors is respected on whether or not to file a complaint in the judicial system. Any retaliation identified by the Bank or brought to its attention will be immediately raised by Bank Management with the DRC authorities. Timeline: until Project closing. • Management will screen the Bank portfolio in DRC to identify high-risk operations for GBV and retrofit risk mitigation measures for such operations as appropriate and as guided by the GBV Task Force’s recommendations. Further DRC portfolio screenings will be periodically conducted, using the new GBV risk assessment tool currently being developed, as recommended by the GBV Task Force. Timeline: review completed by August 30, 2018. • Management will finalize the GBV Good Practice Note which is being developed in response to the GBV Task Force recommendations and which will be included in the roll-out of ESF guidance material later in 2018. Acknowledging that GBV is still an area of intense learning for the Bank, Management will make sure that the GBV Good Practice Note is periodically updated as new information, lessons or best practices are known. Timeline: October 1, 2018.
<p>4. Quarry exploitation</p>	<ul style="list-style-type: none"> • The Bank will require the PIU to ensure that all quarries and borrow pits are restored by the end of civil works on the roads, as per the applicable contractual clauses and restoration plans. Particular attention will be paid to the safety of quarries and borrow pits, especially for the “Tongo-Butale” quarry. Whenever possible, restoration plans will try to improve the existing situation for quarry and borrow pit owners and operators. Management will continue to pay attention to any complaint that may be raised by communities as the restoration process progresses. Timeline: until Project closing. • The Bank will require the Borrower to closely monitor the exploitation of all ProRoutes quarries and borrow pits to make sure that it is undertaken in full compliance with contractual clauses and

Issue	Proposed Actions
	<p>applicable safeguard instruments. Management will require the Borrower to ensure that supervision engineers periodically report on the situation of all quarries and borrow pits being exploited under the ProRoutes' works, so that any non-compliance can be detected early on. Timeline: until Project closing.</p> <ul style="list-style-type: none"> • The Bank will continue to closely monitor the risk of retaliation, and will alert the Congolese authorities if it identifies or receives any information relating to any sign that victims, complainants or witnesses might be intimidated or retaliated against. In this context, particular and close attention will be paid to any concerns relating to the safety of the Requesters and of GBV survivors. Management will continue to stress and document the importance of a no-retaliation policy during all its coming missions and engagements with the national and provincial authorities on ProRoutes. Timeline: until Project closing and through continuous engagements with the Government more broadly and in the context of two GBV projects in the area. • The Bank will require the PIU to ensure that identified quarry workers—or communities if workers cannot be identified—who have incurred revenue losses as a result of quarry occupation are compensated proportionately, in particular through the creation of employment-generation opportunities. Management notes that the identification of workers may be complicated by the informality of the labor involved. When workers cannot be identified individually, remedial actions will be implemented at the community level. Timeline: until Project closing.
<p>5. Impacts on agriculture and livelihoods</p>	<ul style="list-style-type: none"> • The Bank will require the PIU to update the RN2 RAP once more to reflect all Project-affected people and compensation agreements, including those related to quarry and borrow pit exploitation. Timeline: by September 30, 2018.
<p>6. Community Health and Safety and Security Arrangements</p>	<ul style="list-style-type: none"> • The Bank will require the PIU to ensure that the agreed Humanitarian Law Training by MONUSCO is completed for all military personnel involved in the protection of the ProRoutes worksites. Additional training activities will be held if new military personnel are assigned to ProRoutes as a result of the normal rotations of military units. Timeline: by September 1, 2018 and as needed until Project closing. • Management is currently working on a Good Practice Note for staff on the use of security forces that provides guidance on assessment and management of risks associated with the use of security staff/military to protect project sites. This note includes in particular specific guidance regarding the selection and training of military personnel assigned to the protection of Bank-financed

Issue	Proposed Actions
	<p>activities, as well as the enforcement of codes of conduct. This note will be disseminated October 1, 2018.</p>
<p>7. Water pipe rupture, storm water management and road safety</p>	<ul style="list-style-type: none"> • The Bank has requested the PIU to perform a compliance audit to confirm that all 15 water incidents on RN2 have been fully resolved. Whenever feasible, remedial actions should lead to a situation at least equivalent to that which existed for the affected communities before the start of the works and, whenever possible, an improved situation (as was the case for the Mubimbi IDP camp). Timeline: by October 31, 2018. • The Bank will continue to closely monitor as part of its supervision water pipe rupture, storm water management and road safety, and require the PIU and Contractor to implement the relevant prevention measures, as per the ESIA and contractual clauses. Management will require the PIU to report, and require the supervision engineers to periodically report, on such compliance. Management will also closely monitor any complaints filed with the GRM relating to these specific areas. Timeline: until Project closing. • The Bank will require the PIU to ensure that the Contractor has in place: (i) clear communication to communities about upcoming construction works and how to communicate utility interruption incidents; and (ii) arrangements to provide water supply through water tanks and/or similar temporary provisions to affected communities within 48 hours of any confirmed water interruption. Timeline: by August 31, 2018, monitored through Project closing.
<p>8. Working conditions and occupational health and safety</p>	<ul style="list-style-type: none"> • The Bank will require the PIU to request the Congolese authorities to perform periodic assessments of the RN2 Contractor’s facilities to evaluate compliance with applicable labor regulations, including compliance with occupational health and safety requirements and actions to help prevent sexual harassment, and to communicate the conclusions of such assessments to the Bank. Timeline: every six months until Project closing.
<p>9. Supervision and reporting</p>	<ul style="list-style-type: none"> • Management will monitor implementation of all planned institutional strengthening activities for the PIU, the safeguards supervisor, the relevant national and provincial institutions, the supervision engineers and the contractors. These activities include in particular the hiring of additional safeguards specialists by the PIU, training activities to all relevant institutions, and revisions to the safeguards supervisor’s contract. Timeline: until Project closing. • Management will continue to ensure that the enhanced monitoring and reporting requirements to the Bank are in place and performing effectively, including communication to the Bank of monthly

Issue	Proposed Actions
	<p>reports by the various key supervision entities. Timeline: until Project closing.</p> <ul style="list-style-type: none"> • Management will continue to work with the PIU on the geo-mapping of Project activities so that information on works progress can be made accessible to the general public. Timeline: by October 30, 2018. • Management will continue to implement enhanced Bank supervision protocols on RN2, including field visits (subject to security conditions). Timeline: at least twice a year until Project closing. • Management will continue to implement strengthened Bank supervision protocols on other ProRoutes roads, including field visits (subject to security conditions). Timeline: at least once a year until Project closing. • The Bank will launch a social media monitoring pilot to monitor the Bank’s transport portfolio in DRC and identify possible negative reports of Bank-financed activities in social media. Considering the highly innovative nature of this instrument and in accordance with the contract and terms of reference, the Bank will evaluate the results of this pilot after an initial phase of maximum six months to determine if such a monitoring tool brings added value to the Bank in terms of early detection of issues such as negative impacts of Bank-financed activities on communities and livelihoods. The result of the evaluation will also determine whether the pilot can be extended to monitor a broader portfolio of Bank-financed activities and projects. Timeline: by September 1, 2018. • Management will closely monitor the implementing agency’s progress in fulfilling conditions that would allow the disbursement suspension to be lifted, so that works can quickly resume on at least selected roads where such conditions have been met. Timeline: as soon as conditions are met. • Management will extend the Project’s closing date by six months so that remedial actions can continue to be financed and implemented, especially support to GBV survivors. Timeline: October 31, 2018.

102. Management met with Project-affected community members in Goma on May 24, 2018 to discuss the content of the proposed Action Plan. A total of 21 community members participated in the consultations, including representatives of local NGOs.²¹ The Bank team

²¹ PAAMEDI (*Programme d’appui aux actions mutuelles d’entraide pour un développement intégral*), APEFE (*Action pour la Promotion et l’Epanouissement de la Femme et de l’Enfant*), ADIF (*Action pour le Développement Intégré de la Femme*), RARIP (*Réseau d’Analystes des relations Internationales pour la Paix dans la Région des*

explained Management’s proposed Action Plan to respond to the findings in the Panel Report, and sought the Requesters’ feedback on the Action Plan. During the consultation, Project-affected community members welcomed the draft actions and highlighted the importance of continued periodic consultations with civil society and the Project communities, as well as enhanced communication about the existence and functioning of the Project-level GRM. Participants emphasized the need to continue this dialogue as the Action Plan is implemented. On June 12, 2018, Management held consultations on the proposed Action Plan with the two Requesters who chose not to participate in the May 24 consultations, but later requested a separate consultation meeting.

103. Management would like to emphasize that successful implementation of many of these actions depends intrinsically on the sustained commitment and collaboration of the Government. Management has discussed this Action Plan with the Government and secured its agreement to collaborate fully in its implementation. In addition, the Government also requested further support in addressing GBV through, in particular, a new operation complementing the existing Regional Great Lakes GBV project, and in improving management of safeguards in DRC. As a result, a proposed Gender-Based Prevention and Response Project will be submitted to the Board on August 30, 2018, and a proposed Environmental and Social Safeguards Capacity Building Project is being prepared for submission to the Board in 2019.

104. Management will update the Board on progress in implementing this Action Plan within six months from its approval.

VI. CONCLUSION

105. Management acknowledges that there were significant weaknesses in the preparation and supervision of the RN2. Management has worked intensively and closely with the authorities, NGOs, and affected parties since August 2017 to help resolve problems which have been identified. Going forward Management believes that the proposed Action Plan included herein addresses the Panel’s findings.

106. Management will also closely monitor the evolution of the PIU’s institutional capacity—including on the quality and reliability of reporting, before considering any new IDA-financed activities to be implemented by this PIU.

Grands Lacs), ECC (Eglise du Christ au Congo), SOPROP (Solidarité pour la promotion de la paix), Alpha Ujuvi, APES (Action pour la promotion de l’environnement social), APED (Aide aux personnes démunies), ADMR (Action pour le développement des milieux ruraux), SARCAF (Service d’accompagnement et de renforcement de capacités d’autopromotion des femmes).

ANNEX 1

FINDINGS, COMMENTS AND ACTIONS

No.	Issue/Finding	Comments and Actions
1.	<p>Project Preparation</p> <p>DRC’s fragile and post-conflict context poses major project preparation and implementation challenges. Institutional capacity constraints in DRC are well known to Management. Furthermore, the Project expanded road works into areas that presented more challenging security conditions than earlier phases. Yet the Project was prepared following institutional arrangements and risk assessments similar to those used for the parent project and the first Additional Financing, and without taking into account their shortcomings and the changing environment.</p> <p><i>The Panel finds that the institutional assessment in the context of Project preparation improperly considered capacity constraints and weaknesses experienced in previous phases of the operation.</i></p> <p><i>The Panel also finds that the Project’s overall analysis of risks and their impacts, particularly regarding the security risks, was inadequate.</i></p>	<p><i>Comment: Management agrees that, as ProRoutes extended its scope of activities into one of the riskiest locations in the fragile DRC—that is the Bukavu-Goma area for RN2— and that the capacity constraints and weaknesses should have been considered much more prominently and robustly in the institutional assessment.</i> Management notes that the risks associated with AF2 (the Project) were classified as high in key respects, including noting clearly that armed groups remained active in the Bukavu-Goma area, which posed a challenge. Management acknowledges however that the envisaged mitigation measures proved to be inadequate.</p> <p><i>Management also agrees with the Panel that the level of preparation of safeguard instruments for RN2 at the time of Board approval was not sufficient and that a framework approach should not have been used given the fragility of the RN2 area and the fact that this investment had been fully identified at the time of the decision meeting. Site-specific safeguard instruments should have been prepared even if this would likely have delayed Board presentation of the Project.</i></p> <p><i>Management also agrees that the RN2 implementation period was not realistically assessed and concurs with the Panel recommendation that it should have been extended.</i> In February 2018, the Bank extended the closing date of the Project by 12 months.</p> <p>Institutional assessment</p> <p><u>Overstretched Borrower Capacity</u>. <i>Board Project Paper (01/27/2016):</i> para 49, addressing institutional capacity for implementation under the Risk section, states that “<i>The institutional capacity for implementation and capacity risk is high because the CI may be overstretched, as it is involved in other projects with other donors ... and would have to complete a large work program in a short period of time.</i>” The mitigation measures described in the Project Paper include additional human resources for CI in due time to handle the extended task volume for Pro-Routes.</p> <p>Risk analysis</p> <p>All Project documents developed during preparation as the basis for Management and Board decisions consistently designated the Project as environmental and social (ES) Category A, and reflected a High-Risk rating for all the key risk categories – <i>Governance, Implementation-Institutional Capacity, Environmental and Social (ES), and Overall Risk.</i></p> <p>The High-Risk ratings were accompanied, in the relevant preparation documents, by descriptions of three key risks to the Project: (i) security risks; (ii) high ES risks; and (iii) weak and overstretched implementation capacity of the</p>

No.	Issue/Finding	Comments and Actions
	<p><i>Therefore, the mitigation measures fell short of adequately protecting affected communities from harm.</i></p> <p><i>The Panel finds Management's design and preparation of the Project in non-compliance with Bank Policies on Investment Project Financing (OP/BP 10.00) and Environmental Assessment (OP/BP 4.01).</i></p>	<p>Borrower's implementing agency, the CI. All of these risks are directly relevant to the issues identified in the Panel Report. These risks were noted throughout Project preparation including in the Project Appraisal Document.</p> <p><u>High Security Risk.</u> <i>Board Project Paper (01/27/2016):</i> para 13 under <i>Rationale</i>, repeats para 16 from the Concept Memo and continues in para 45, under <i>Risks</i> to note that “armed groups still remain active in the area. This has an impact on the actual implementation of the project, as it makes it difficult to attract contractors and consultants necessary for project implementation, and generally discourages the private sector.”</p> <p><u>High ES Risks</u> <i>Board Project Paper (01/27/2016):</i> para 50, under <i>ES Risk</i>, states that “The ES risk is high [given] ... the large number of vulnerable people and indigenous communities [in the project area].” The mitigation measures listed include “project resources allocated to the ES component, the professionalism of the agency in charge of this component, and the panel in charge of regular monitoring of the component implementation.” It also notes that “The [ES Advisory] panel would continue to visit DRC twice a year and there would be systematic follow-up on its recommendations.”</p> <p>Mitigation measures</p> <p>To mitigate the high ES risk, Project design included a dedicated social and environmental management component, the financing of which represented 13 percent of the total IDA loan proceeds. This substantial social and environmental component is unusual for road projects and was included specifically in response to the identified risks and capacity weaknesses.</p> <p>To mitigate the high risk related to institutional capacity, significant measures were taken to strengthen the capacity of the PIU and of the Project's multiple supervision mechanisms. To finance these measures, operational costs for ProRoutes were increased from US\$2.2 million to US\$3.1 million for AF2. The additional funds were dedicated to hiring additional staff for Project supervision.</p> <p>During the preparation of ProRoutes, several measures were implemented to strengthen the PIU's safeguard and fiduciary capacity (the PIU was initially created in 2004). These included: (i) hiring an institutional consultant firm (procurement agent) to implement the procurement procedures and assist the PIU's procurement unit; (ii) outsourcing the internal auditor function to an international firm until the PIU sets up its own international auditor; (iii) hiring an international financial management specialist to assist the PIU's finance and administration unit; and (iv) hiring one international and one local safeguard specialist. Terms of reference defined the respective responsibilities of the various actors involved in the supervision.</p> <p>During AF1 preparation, the Bank team realized that the PIU was implementing a growing portfolio of projects financed by IDA and other donors. At the Bank's request, an assessment of the global performance and functioning of the PIU was conducted from May to December 2011 and a new organizational chart was developed to allow the PIU to manage its growing portfolio more flexibly. As a consequence, four additional road specialists were recruited in 2013 to monitor and supervise the execution of road rehabilitation and maintenance activities and the road maintenance contracts.</p> <p>To assist with the supervision of safeguard issues, the Project design provided for a dedicated safeguards supervisor (<i>Bureau d'Études pour la Gestion Environnementale et Sociale</i>, BEGES) into the design of ProRoutes. BEGES</p>

No.	Issue/Finding	Comments and Actions
		<p>was also in charge of implementing ProRoutes’ social and environmental management component. During AF1 preparation, the BEGES contract was revised to emphasize performance and quality of outputs, rather than simply time spent on managing safeguard issues. During Project preparation, the PIU’s low capacity was further mitigated through the hiring of additional safeguard specialists to supervise specifically the implementation of the ESMPs. BEGES has increased its staff from 7 in 2016 to 12 in 2018, including recruitment this year of a staff member specialized in GBV and based in Goma.</p> <p>During Project implementation, the Bank also worked with the PIU to strengthen the capacity of the supervision engineers. An experienced consultant was hired and travelled to the field to work with supervision engineers on contract management and reporting. The consultant undertook two missions in 2017 and visited three ProRoutes roads, including the Bukavu-Goma road in June 2017.</p> <p>The complexity of the Project’s supervision arrangements reflects the Bank’s efforts to establish multiple supervision channels to mitigate the PIU’s weak institutional capacity and the difficulties for the Bank to supervise all Project activities on numerous road sections covering a vast geographical area.</p> <p>Given this complex set-up, the overall effectiveness of the supervision arrangements depended on the individual performance of each monitoring entity. In the case of RN2 and despite the institutional strengthening measures taken, the poor performance of the supervision engineer and BEGES critically affected the ability of the supervision scheme to flag and report safeguard issues on the ground.</p> <p>Upon the Bank’s recommendation following the November 2017 mission and due to the multiple failures to report and manage issues, the head of the supervision engineering firm was replaced. The new head came on board in February 2018.</p> <p>As the result of security constraints on the ground, including four attacks by rebel groups in the Bukavu area between June 19 and July 12, 2015, safeguard instruments for RN2 could not be finalized for disclosure as required—at least four months before Board approval. These attacks prevented the consultants from traveling on site to carry out this work. Consultations with RN2 communities were carried out in July and August 2015, with six consultations in the Project area, as the RN2 ESIA and RAP were being prepared. The four other Project roads (Dulia-Bondo, Akula-Zongo, Beni-Kasindi and Komanda-Gola) had their safeguard instruments finalized and disclosed on time. The decision meeting, in July 2015, confirmed the inclusion of RN2 in the Project scope, and decided to use a framework approach for that road. Another road (Bukavu-Walikale), which had been initially envisaged to be included in the scope of the Project, was dropped because of insufficient IDA financing and because safeguard studies could not be finalized and disclosed in time. Safeguard studies for that road also had been delayed because of poor security conditions on the ground.</p>
2.	<p>Consultations and Disclosure of Information</p> <p>The Panel notes that due to serious shortcomings in consultations and disclosure of</p>	<p><i>Comment: While substantial consultations with local communities took place for RN2 and the other Project roads, Management agrees with the Panel that more consultations should have been carried out as site-specific safeguard instruments for RN2 were being finalized, if it were not for the difficult security situation along RN2 in 2016. Since the Request was received, Management has requested the ESIA and the RAP for the RN2 be updated, including additional consultations with local communities. In addition to the six consultations with 191 participants conducted during Project preparation in</i></p>

No.	Issue/Finding	Comments and Actions
	<p>information, the local population could not participate and voice their views on Project design and implementation. The Panel observes that affected communities were left without information about their rights and entitlements under the Bank's policies. <i>The Panel finds Management in non-compliance with the consultation and disclosure of information requirements of the Bank Policies on Environmental Assessment (OP/BP 4.01) and Involuntary Resettlement (OP/BP 4.12).</i></p>	<p>2015, 13 additional consultations with 337 participants were held in the RN2 area in September 2017. Management has requested that periodic consultations with local communities be held until RN2 works are completed.</p> <p>Public consultations on the draft ESMF and RPF were conducted between March and August 2015 during Project preparation. Nineteen consultation meetings were organized in the Project areas of the AF2 roads, including RN2.</p> <p><i>Consultations on the ESMF and the RPF were conducted on the same dates and in the same venue, but in different meetings.</i> For road rehabilitation projects, potentially adverse environmental and social impacts are closely associated with resettlement impacts. The groups of affected persons overlap for both instruments. Accordingly, holding consultations on the same day with some overlap in attendance is appropriate and prevents attrition and consultation fatigue for those participants who travel long distances to attend the consultations, especially women. Conducting the consultations on the same day was also advisable given the difficult security situation along RN2 at the time the consultations were held. The separate conclusions drawn reflect the different nature of the instruments and issues consulted on.</p> <p>As in most local consultations in rural areas, women were underrepresented at the consultation meetings. This does not reflect lack of effort on the side of the Borrower, but the vulnerability of women to conflict—women and children were among the first to leave their villages during recurrent episodes of armed conflict in the Project area. Women also typically work long hours and have family obligations that prevent them from leaving home to attend consultations. Apart from gender, the socio-economic profile of participants in the consultations was diverse and included local farmers, mechanics, drivers, heads of villages, a judge, a pastor, several public administrators, and representatives of NGOs, the police, and local media.</p> <p>Six of these 19 consultation meetings took place in the RN2 areas. In these meetings, the draft ESIA and RAP for RN2 were also discussed with participants, together with the ESMF and the RPF, in order to obtain feedback from participants.</p> <p>These six meetings involved consultations with local communities in six of the 11 major settlements along the 146-km length of the Bukavu-Goma road (RN2), including:</p> <ul style="list-style-type: none"> - Bughore (July 6) - Mbinga-sud (July 6) - Mbinga-nord (July 7) - Sake (July 10) - Bukavu (August 6) - Goma (August 10) <p>Participants included 81 Project-affected persons from communities along the road, and other stakeholders, including other road users and local chiefs from Kalungu, Kalehe and Rwabika.</p> <p>In addition to consultations with local affected people, consultations were also held with key provincial stakeholders in Bukavu and Goma in August 2015. These consultations included representatives of the provincial governors; the ministers of environment, agriculture, land tenure and animal husbandry; the director of the road authority; and the chief of staff of the 33rd army division. Consultations were documented in the finalized ESIA and in the RAP, with photos, minutes of meetings, lists of participants, and the text of the Radio Okapi</p>

No.	Issue/Finding	Comments and Actions
		<p>broadcast prepared to inform the public about the Project and invite them to participate in the consultations.</p> <p>In total, 191 participants were registered in these consultations and documented in the list of participants in the ESIA and RAP.</p> <p>Invitations to the consultations were issued through public service broadcasts three times a day on local radio (Radio Okapi) over a period of five days ahead of the consultations, and through notifications to local government officials and community leaders.</p> <p>A number of substantive suggestions were made by various stakeholders in the consultations, and these suggestions were taken into account while finalizing the safeguards documents, as summarized below.</p> <p>Participants in the consultations on the draft ESIA raised the following key issues: (i) potential adverse impacts on agricultural plots along the road; (ii) a strong desire for the Contractor to hire local labor; (iii) a preference to asphalt the road, since gravel roads deteriorate rapidly given the predominant soil type in the area; (iv) amounts of compensation to be awarded to Project-affected people in the event of damage to private property; and (v) the projected start and end dates of the road works.</p> <p>Participants in the consultations on the draft RAP raised the following key issues: (i) assessment of cultural heritage sites, including graves; (ii) potential for deviation in the road alignment, with any associated impacts and requirements for compensation; (iii) the possibility of remuneration for members of the grievance redress committees; (iv) opportunities for hiring local labor; and (v) compensation for impacts on crops and other assets.</p> <p>Issues and concerns raised by stakeholders were addressed in the initial ESIA and RAP:</p> <ul style="list-style-type: none"> • While no cultural heritage sites had been identified to date, they would be mitigated if identified during construction. This mitigation would include consultations with local affected persons. • All persons affected by any re-alignment of the road designs would be paid compensation. • Members of grievance redress committees would be paid with funds earmarked in the RAP. • The RAP would recommend hiring local labor for Project works. As of now, 87 percent of the labor force of the RN2 Contractor, i.e., 143 workers, is local. • Any loss of crops would be compensated. <p><i>The ESIA and RAP were finalized based on the consultations conducted in July-August 2015, and disclosed in DRC and in the Infoshop in December 2016 and March 2017. That is why the consultations record (list of participants and photographs) from the July-August 2015 consultations is the same as the consultations record in the ESIA and RAP finalized in 2016, since the 2015 consultations formed the basis for finalizing these documents. There were no separate consultations in 2016.</i></p> <p>The RAP was then updated in September 2017, following receipt of the Request. Subsequent community consultations (and establishment of Project-level GRMs)</p>

No.	Issue/Finding	Comments and Actions
		<p>were carried out in six communities along the road in September 2017, with a total of 206 participants:</p> <ul style="list-style-type: none"> - Kalungu (September 5) - Nyamasasa (September 5) - Bweremana (September 5) - Kalehe (September 6) - Bushushu (September 6) - Katana (September 6) <p>Similar to the 2015 consultations, invitations to consultation meetings were broadcast through radio messages. These consultations are documented in the final 2017 RAP. An updated RAP was published on the website of the Congolese Environment Agency on December 4, 2017, but did not include the full consultation record from the September 2017 consultations. Instead, it only included the consultations record from the July-August 2015 consultations, including the list of participants and photographs of consultations. The correct annexes, including the consultation record from the September 2017 consultations, was then redisclosed in DRC and in the Infoshop in May 2018.</p> <p>The ESIA was also updated in September 2017, in particular to reflect security arrangements and the associated risk mitigation measures. Seven consultation meetings were held, with a total of 131 participants, including quarry and borrow pits' owners and operators:</p> <ul style="list-style-type: none"> - Makelele (September 25) - Nyamukubi (September 26) - Nyabibwe (September 26) - Mukwija (September 26) - Kalungu (September 27) - Bweremana (September 27) - Lwango (September 27) <p>Conclusions from these consultations were reflected in the revised ESIA and its risk mitigation measures (page 18), including regarding negative impacts on agricultural land, use of local labor force, compensation of PAPs, road safety, occupational safety, water interruptions, and risks of physical and sexual violence of military personnel involved in the protection of worksites. The revised ESIA was disclosed on the Congolese Environment Agency's website on March 7, 2018, but did not include the full consultation annexes. The correct annexes were then redisclosed in DRC and in the Infoshop in May 2018.</p> <p>Further, consultations were carried out with Indigenous Peoples on the draft IPP. A baseline survey was conducted to provide a basis for an ex-post assessment of the socio-economic impacts of the Project.</p> <p>Action:</p> <ul style="list-style-type: none"> • The Bank will require the PIU to hold and document periodic consultations with communities in the RN2 area to report on works progress and to invite feedback on potential negative impacts. Such consultations will be held with due attention to local languages and to information being provided to participants. Management will require the PIU to provide the Bank with the materials being presented and the list of participants, in order to make sure that such consultations are comprehensive and inclusive enough. Timeline: every 3 months until Project closing.

No.	Issue/Finding	Comments and Actions
3.	<p>Grievance Redress Mechanism (GRM)</p> <p>The Panel notes that the Project lacked a functioning GRM for the local communities to raise their concerns during implementation of the Project. <i>The Panel finds Management’s failure to ensure the timely establishment of an accessible, transparent, and effective Project GRM in non-compliance with the Bank Policy on Involuntary Resettlement (OP/BP 4.12).</i> The Panel understands that following receipt of the Request Management made efforts to ensure the establishment of a GRM for the Project.</p>	<p><i>Comment: Management acknowledges that the Project-level GRM was not operational along the entire length of the RN2 during the period from March to August 2017 when works first began on that road. In particular, the FCS environment of the Project and the identified risks warranted a robust Project-level GRM from the start of construction.</i></p> <p>The ProRoutes design included a Project-level GRM to help supervise all the roads being improved. Each ProRoutes road has a dedicated Project-level GRM. The Project-level GRM is embedded in the affected communities through local Project-level GRM committees (<i>Comités Locaux de Réinstallation et de Gestion des Litiges de base</i> in French). The number of Project-level GRM committees increased from 107 in June 2017 to 152 in May 2018. By the time of receipt of the Request for Inspection, the Project-level GRMs had collected and processed 133 complaints on other road segments financed under the Project, 59 of which had been found eligible and paid.</p> <p>Works on RN2 started on March 20, 2017. While the supervision engineer and BEGES received monthly reports from the Contractor’s safeguard specialist indicating the lack of an effective grievance mechanism, the Bank was not alerted about these reports and the identified lack of the Project-level GRM. The Bank did not detect this issue until its August 2017 supervision mission in response to the Request for Inspection. As part of the action plan agreed with the authorities after the August mission, the Bank requested to receive all project supervision reports on a monthly basis (from the Contractor’s safeguard staff, the supervision engineer, and BEGES).</p> <p>Having realized during the August 2017 mission that the Project-level GRM was not operational on RN2, the Bank required the Borrower to implement immediate corrective actions. Subsequently, Project-level GRM committees were established in all 17 villages along the road. Information sessions (local radio announcements, community engagement) were held to inform communities and local stakeholders of the Project-level GRM’s procedures and how to access it.</p> <p>In subsequent missions conducted between August 2017 and March 2018, the Bank team worked with the authorities on the design of a specific Project-level GRM for GBV allegations. While being an appropriate venue for the identification and processing of complaints related to livelihood impacts, local Project-level GRM committees do not offer a confidential space for survivors to report GBV. Instead, a separate mechanism was designed with professional GBV NGOs. This separate mechanism has started collecting GBV allegations and was a major source of information to identify the 39 GBV allegations collected by the Bank.</p> <p>As of today, and in collaboration with local NGOs, the Project-level GRM for RN2 has been strengthened considerably. Twenty-six active committees with 98 committee members have been established and extensive community outreach has been undertaken. The Bank has received monthly reports of the status of all complaints received and processed since November 2017.</p> <p>As of April 2018, 277 complaints had been received on RN2, 223 of which were found eligible and 127 had been processed and paid. The majority of these complaints relate to losses of agricultural crops (76 percent). There were 12 complaints related to quarries and borrow pits and 10 related to water issues.</p>

No.	Issue/Finding	Comments and Actions
		<p>Project-level GRM committees along other roads funded under the Project were also reviewed and strengthened. For the entire ProRoutes, 152 Project-level GRM committees have been established with 617 committee members.</p> <p>Actions:</p> <ul style="list-style-type: none"> • The Bank will continue to monitor the processing of all complaints received by the project-level GRM, with a view to monitoring that all complaints are adequately and fairly brought to closure. In this context Management will pay particular attention to the closing of GRM cases, the documentation of complaints, the methodology applied to calculate compensation, and any complaints that have been appealed (i.e., elevated to the supervision committees). Timeline: until Project closing. • Management will initiate a review of all Project-level GRMs in DRC, with a view to ensuring their strengthening, where needed, based on findings and recommendations of the review. The objective is to ensure that such GRMs have been properly designed to handle not only resettlement-related issues but also any other issues associated with broader social risks. • GBV GRM. The Project will also continue to ensure effective operation of dedicated GRMs for GBV issues as described below. Timeline: August 30, 2018 for the review.
4.	<p>Quarry Exploitation</p> <p>The Panel notes that the exploitation of many quarries used for the Project took place in the presence of military forces and without required documents and adequate processes for commercial negotiation. <i>The Panel finds the exploitation of quarries without the required authorizations, prior commercial agreements and related payments, and quarry management and restoration plans is in violation of the Project's Environmental and Social Impact Assessment (ESIA) and Environmental and Social Management Plan (ESMP) in non-compliance with Bank Policy on Environmental</i></p>	<p><i>Comment: Management agrees with the Panel that the exploitation of quarries and borrow pits by the Contractor on RN2 violated contractual obligations and Bank policies.</i> Management believes that the corrective actions implemented since August 2017 have now restored compliance on the major issues that have emerged, as certified by the compliance auditor in February 2018, with the exception of compensation to quarry workers. Management will remain vigilant to ensure that, in the future, the Borrower requires and ensures that any new quarry and borrow pit exploited under the Project are managed in full compliance with contractual obligations and safeguard instruments. Management will also closely monitor the status of implementation of the approved restoration plans at the end of quarry and borrow pit exploitation. Finally, Management has closely monitored the appeal to the national court of the decision relating to the closing of the Tongo-Butale quarry for safety reasons. Court hearings took place on May 8, 2017 and the court concluded on June 7, 2018, that the decision of the provincial authorities to close the quarry was lawful.</p> <p>Exploitation of four quarries and 16 borrow pits was in violation of contractual obligations between March and August 2017. Specifically, as per both the ESMP and the works contract, the Contractor should have sent to the supervision engineer for approval at least one month before the start of the works: (i) the exact location of the quarries and borrow pits to be exploited; (ii) the agreements reached with owners/operators of these quarries and borrow pits; (iii) an initial assessment of the various sites; (iv) a quarry/borrow pit operation plan; and (v) a restoration plan to be implemented at the end of the works.</p> <p>During this period, the supervision engineer was on site permanently. Both BEGES and the PIU visited the worksite twice during this time. No reports about compliance issues were transmitted to the Bank from these entities.</p> <p>Between August 2017 and April 2018, the Bank team has been able to visit all quarries and borrow pits exploited on RN2, as well as a sample of quarries and borrow pits exploited on the other ProRoutes' roads.</p>

No.	Issue/Finding	Comments and Actions
	<p><i>Assessment (OP/BP 4.01).</i></p>	<p>The Bank did receive two emails from the Requesters in April and June 2017, alerting the Bank to compliance issues relating to the Tongo-Butale quarry—though the second email did not explicitly refer to any Bank-funded project. Management acknowledges that the Bank did not appropriately follow up on these two emails. Africa regional management has since issued instructions to staff to ensure that complaints are routed appropriately and in a timely manner.</p> <p>The primary responsibility to supervise the road works lies with the supervision engineer, who is assisting BEGES in monitoring safeguard obligations. These entities failed to notify the Bank of the Contractor’s failure to fulfill its contractual obligations. This non-reporting, combined with the Bank’s inability to conduct on-site supervision of RN2 due to security issues between March and August 2017, undermined the Bank’s ability to detect and follow up on these breaches and violations in a timely manner.</p> <p>After the Bank’s August 2017 mission, a compliance plan was prepared in September 2017 to restore compliance of quarry and borrow pit exploitation with contractual obligations and safeguard instruments. The compliance plans for RN2 and other Project roads were reviewed by an experienced compliance auditor hired by the PIU. In February 2018, after several iterations, the compliance auditor concluded that the monitoring of quarries and borrow pits was compliant with environmental and social requirements of the related contracts and ESIA’s.</p> <p>In the process of helping the Borrower restore compliance, the Bank noted in August 2017 that the Tongo-Butale quarry might present a safety issue and requested a technical assessment to be conducted. This assessment concluded that the quarry needed to be closed for safety reasons. Continued exploitation could have caused the collapse of a power tower, potentially harming workers and community members. The decision to close the quarry was based on technical assessments produced by the Borrower, and was reviewed and upheld by a court decision in June 2018. (The quarry operator appealed the decision to close to the relevant DRC court. Court hearings took place on May 8, 2017 and the court concluded on June 7, 2018 that the decision of the provincial authorities to close the quarry was lawful). These circumstances do not support the claim that the decision to close the quarry constitutes attempt to retaliate against the Requesters.</p> <p>Management takes allegations of retaliation against requesters, victims and witnesses very seriously and has repeatedly conveyed this message and obtained assurances from the Minister of Finance, the Minister of Infrastructure and the two Governors of North and South Kivu. National authorities have written to the provincial authorities to insist on the need to protect requesters, witnesses and victims.</p> <p>Actions:</p> <ul style="list-style-type: none"> • The Bank will require the PIU to ensure that all quarries and borrow pits are restored by the end of civil works on the roads, as per the applicable contractual clauses and restoration plans. Particular attention will be paid to the safety of quarries and borrow pits, especially for the “Tongo-Butale” quarry. Whenever possible, restoration plans will try to improve the existing situation for quarry and borrow pit owners and operators. Management will continue to pay attention to any complaint that may be raised by communities as the restoration process progresses. Timeline: until Project closing.

No.	Issue/Finding	Comments and Actions
		<ul style="list-style-type: none"> • The Bank will require the Borrower to closely monitor the exploitation of all ProRoutes quarries and borrow pits to make sure that it is undertaken in full compliance with contractual clauses and applicable safeguard instruments. Management will require the Borrower to ensure that supervision engineers periodically report on the situation of all quarries and borrow pits being exploited under the ProRoutes' works, so that any non-compliance can be detected early on. Timeline: until Project closing. • The Bank will continue to closely monitor the risk of retaliation, and will alert the Congolese authorities if it identifies or receives any information relating to any sign that victims, complainants or witnesses might be intimidated or retaliated against. In this context, particular and close attention will be paid to any concerns relating to the safety of the Requesters and of GBV survivors. Management will continue to stress and document the importance of a no-retaliation policy during all its coming missions and engagements with the national and provincial authorities on ProRoutes. Timeline: until Project closing and through continuous engagements with the Government more broadly and in the context of two GBV projects in the area.
	<p><i>The Panel further finds that the exploitation of quarries in the specific context of this Project constitutes involuntary resettlement in the form of economic displacement in accordance with Bank Policy on Involuntary Resettlement (OP/BP 4.12), as there was an involuntary taking of land resulting in the loss of assets and income sources of the quarry operators and workers. The Panel notes the importance of providing compensation to quarry operators and workers for their loss of incomes and livelihoods in accordance with OP/BP 4.12.</i></p>	<p>Comment: Management agrees that the exploitation of quarries and borrow pits for RN2 was not based on a voluntary commercial agreement between the Contractor and the quarry/borrow pit owner/operator. Instead, the Contractor exploited four quarries and 16 borrow pits based on the decision of the Governor of South Kivu to authorize the Contractor to temporarily take control of and operate the quarries and borrow pits. The project was designed with the intent that the acquisition from the quarries would follow standard commercial contracting. The Bank was not aware of the decision by the Government and hence the applicable policy was not triggered. However, Management believes that the compensation that was eventually paid to quarry and borrow pit owners/operators was in compliance with contractual obligations and safeguard instruments.</p> <p>The exploitation of quarries and borrow pits is an essential part of road works. The construction, rehabilitation or repair of road infrastructure traditionally requires large quantities of new materials. In the case of RN2, these materials were necessary for pavement reprofiling and upgrading, and the construction of bridges and culverts.</p> <p>OP 4.12 would not apply if the exploitation of quarries and borrow pits is performed as part of a voluntary commercial agreement between the Contractor and quarry/borrow pit owners or operators, and when the activities do not affect any third parties. In such cases, the Contractor acquires materials or exploitation rights from a commercial supplier based on a voluntary agreement.</p> <p>If the Government decides to exercise eminent domain and authorize a given contractor to operate a quarry or borrow pit, the Bank's OP/BP4.12 should be triggered because of the involuntary nature of the exploitation arrangement.</p> <p>In the specific case of RN2, it is unclear how much effort was made by the Contractor to enter into commercial agreements with quarry/borrow pit owners/operators. The Contractor asked provincial authorities for authorization to directly exploit 4 quarries and 16 borrow pits, which the provincial authorities granted to the Contractor by issuing an executive order on May 8, 2017. It is important to note that the provincial order did require payment of compensation to quarry owners/operators but that such compensation was paid by the Contractor only following a request by the Bank.</p>

No.	Issue/Finding	Comments and Actions
		<p>The Contractor's actions contravened applicable safeguard instruments and contractual obligations. As part of the action plan agreed with the authorities and in line with Operational Policy 4.12, Management has required compensation to be paid retroactively to all eligible quarry and borrow pit owners and operators who involuntarily had their concessions exploited. Evidence that such compensation was paid was sent to the Bank and found acceptable. The Bank requested the compliance auditor to review these compensation amounts and to confirm that they were fair and proportionate. BEGES reviewed allegations that compensation was undervalued and negotiated under intimidation. Some adjustments were made after this review was concluded, including correcting one payment made to the wrong borrow pit operator. Based on the additional evidence provided, the compliance auditor confirmed in February 2018 that compliance of RN2 quarries and borrow pits had been restored, including compensation paid to owners/operators.</p> <p>With the help of the compliance auditor, Management has reviewed the methodology used to calculate compensation and is satisfied that such compensation is equivalent to or higher than the cost of the harm experienced by owners and operators (see Annex 2). The compliance auditor confirmed once more the relevance of the methodology in May 2018. In line with standard road works' practices, this methodology differs between quarries (where materials were being exploited prior to road works) and borrow pits (cultivated areas with no prior extraction activities).</p> <p>In the specific case of the Tongo-Butale quarry, Management believes that the compensation received by the quarry operator [REDACTED]²² significantly exceeds any likely loss of revenues incurred during the three months of occupation of the quarry by the Contractor, but is appropriate because the quarry needed to be closed for safety reasons. The compliance auditor estimated revenues from a typical artisanal quarry such as Tongo-Butale at about [REDACTED]²³ per month.</p> <p>Compensation for two other quarries (Sake and Buganga) that were exploited without proper authorization has been calculated taking into account the volume of materials extracted and a unit cost that significantly exceeds the market value of such materials in the Project area.</p> <p>One quarry (Makengere) is public with exploitation rights retained by the Government. The village chief granted temporary and free exploitation rights to the Contractor for 150 days and 710.10 m³ of materials extracted. However, compensation was paid to small farmers who were cultivating in the quarry area and had their crops damaged by quarry exploitation.</p> <p>As per standard road works' practices, compensation for the 16 borrow pits that were exploited without proper authorization has been calculated based on the value of seeded crops or other assets that were destroyed during the exploitation, plus an eventual additional compensation for land disturbance (if the exploitation had been generating additional negative impacts for the land owner, such as reduced access, noise, dust). In addition, the Contractor has an obligation to landscape the borrow pit area in such a way as to leave it farmable and as near as possible to its condition prior to construction. The duration of the intervention on each borrow pit was short (18 days on average). The Bank has reviewed the</p>

²² The specific compensation amounts have been provided to Board and Panel for their information but are redacted in this document due to the sensitive nature of the information.

²³ The specific compensation amounts have been provided to Board and Panel for their information but are redacted in this document due to the sensitive nature of the information.

No.	Issue/Finding	Comments and Actions
		<p>estimates of compensation for loss of agricultural and other revenues due to extraction activities financed by the Project, and incurred by quarry and borrow pit owners and operators. The methodology for calculating such compensation is consistent with the updated ARAP (see Annex 2).</p> <p>Twelve claims related to quarry exploitation have been received by the Project-level GRM, seven of which have now been fully resolved.</p> <p>Per the applicable mining regulations in DRC, all mineral resources belong to the state, but operators receive renewable licenses to exploit them. Owners or operators of the borrow pits have therefore been compensated for access restriction or other damages during the works, but not for the volume of material that has been extracted as they did not own the exploitation permits and none were entitled to revenue from the extraction activities. There were therefore no revenue losses incurred by borrow pit owners/operators because of the RN2 works, since there were no extraction activities prior to these works. However, the Contractor has an obligation to restore the environmental conditions of the borrow pits at the end of the Project.</p> <p>The exploitation of two additional borrow pits was negotiated by the Contractor and authorized by the Supervision Engineer after August 2017, in compliance with contractual clauses and safeguard instruments. Borrow pit owners were compensated accordingly.</p> <p>The absence of a baseline (since the initial RAP did not include the quarries and borrow pits) and the ex-post settlement process have generated some exaggerated claims, including some initial settlement requests exceeding US\$1 million from quarry and borrow pit operators (to be compared to a total cost of RN2 works of about US\$8 million).</p> <p>Informal day laborers were employed in quarries exploited under eminent domain (none were employed in the borrow pits since there were no prior extraction activities). While there will be challenges to verify the affected labor force due to the largely undocumented employment arrangements by quarry operators, Management will require the Borrower to compensate workers for the adverse impacts on their livelihoods due to the Government's temporary exercise of eminent domain. Management will work with the Borrower to identify, where possible, individual quarry workers who may have been affected. In the case of the Tongo-Butale quarry, the concession agreement to exploit the quarry mentioned that 10 workers would be employed by the extraction activities. In the case of the Buganga sand quarry, 15 concessionaires as well as an association of 68 women carrying sand have already been identified and compensated above the market value of extracted materials. When works resume, the Contractor has accepted to offer employment opportunities to community workers affected by the works in order to finish the road. A volume of work at least equivalent to the volume of work lost as a result of eminent domain will be generated in the affected communities by the Contractor upon resumption of works.</p> <p>Action:</p> <ul style="list-style-type: none"> • The Bank will require the PIU to ensure that identified quarry workers—or communities if workers cannot be identified—who have incurred revenue losses as a result of quarry occupation are compensated proportionately, in particular through the creation of employment-generation opportunities. Management notes that the identification of workers may be complicated by the informality of the labor involved. When workers cannot be identified

No.	Issue/Finding	Comments and Actions
		<p>individually, remedial actions will be implemented at the community level. Timeline: by Project closing.</p>
5.	<p>Impacts on Agriculture</p> <p><i>The Panel finds that Management did not ensure an adequate and timely baseline survey of agricultural assets of impacted community members, which were destroyed during quarry exploitation before compensation was paid. Thus, the Panel finds Management in non-compliance with Bank Policy on Involuntary Resettlement (OP/BP 4.12).</i></p> <p>The Panel notes and welcomes the extensive efforts by Management to correct these deficiencies since receipt of the Request, including updating the Abbreviated Resettlement Action Plan (ARAP).</p>	<p>Comment: <i>Management agrees that, with the triggering of OP4.12 for the exploitation of quarries and borrow pits under eminent domain, an appropriate baseline survey should have been done to include any adverse impacts of the quarry and borrow pits in the RAP.</i> Due to the fact that RN2 works mostly remained within the right-of-way and that quarries were initially supposed to be exploited under a voluntary commercial agreement, only a minimal social impact (5 Project-affected persons) was initially anticipated in the RAP prepared and disclosed prior to the start of the works.</p> <p>Following three field visits by the Bank team in August, September and October 2017, 76 additional affected people were identified, bringing the total number to 81 for a total compensation amount of US\$134,438. The revised RAP was disclosed in country on December 4, 2017 and at the InfoShop. The revised RAP was redisclosed again in DRC and in the Infoshop with the full consultation annexes in May 2018.</p> <p>With the application of OP 4.12 to all quarries and borrow pits that were exploited without a voluntary commercial agreement between the Contractor and quarry/borrow pit owners/operators, the RAP needs further updates. The Bank will request the Borrower to update the RAP, conduct the associated consultations, and redisclose the RAP by September 30, 2018.</p> <p>Action:</p> <ul style="list-style-type: none"> • The Bank will require the PIU to update the RN2 RAP once more to reflect all Project-affected people and compensation agreements, including those related to quarry and borrow pit exploitation. Timeline: by September 30, 2018.
6.	<p>Community Health and Safety</p> <p><i>The Panel finds Management failed to identify risks and mitigation measures associated with excessive use of force by military personnel engaged by the Contractor in an adequate and timely manner in non-compliance with the Bank Policies on Environmental Assessment (OP/BP 4.01) and on Investment Project</i></p>	<p>Comment: <i>Management acknowledges that the potential use of security forces by the Borrower or Contractor to protect Project sites was not adequately assessed during Project preparation.</i></p> <p>The Project area in Eastern DRC is known for its challenging security conditions. During Project preparation, the Bank acknowledged that security would be a challenge during implementation. At the decision meeting the team was advised to maintain close coordination with MONUSCO at all times, in view of the presence of armed groups in the Project areas. Discussions with the Government on security in the Project area concluded that security issues were the Borrower’s responsibility (to be assumed by the Congolese authorities with support from MONUSCO), in line with prevailing Bank practice at the time when the Project was prepared. However, the Bank did not discuss any specific security approaches and contracting arrangements with the Borrower.</p> <p>After receipt of the Requesters’ complaint, Management requested the Borrower to undertake specific risk mitigation measures, including the screening and training of military personnel by MONUSCO authorities. The Contractor also reassessed its own security arrangements and concluded that the number of military personnel hired by the Contractor to protect its worksites could be reduced from 14 to seven. Military personnel working on RN2 sites have now</p>

No.	Issue/Finding	Comments and Actions
	<p>Financing (OP/BP 10.00).</p>	<p>received specific training, and similar training is being scheduled for all military personnel involved in the protection of Project worksites. Current military security personnel for RN2 come from the military police, a better trained unit that is also experienced in interacting with communities. The Bank team has met with several of the military personnel and verified that they had signed the CoC and that they had been trained in humanitarian law by MONUSCO.</p> <p>The Bank team followed up on several alleged incidents of excessive use of force, including one during which a soldier had shot a young man in the leg for allegedly stealing gasoline. The soldier has been disciplined and arrested by the military authorities. He was sentenced to six months in prison by a military court.</p> <p>The Panel Report lists another case where military personnel allegedly used excessive force against six family members, following a dispute about the negative impact of road works on their agricultural crops. The Contractor agreed to compensate the family, including payment of hospital costs and compensation for the loss of agricultural crops. The compensation has been paid and the Bank team has met with the family who confirmed that they were satisfied by the outcome of the settlement.</p> <p>In a third case listed by the Inspection Panel, a quarry operator and his wife were allegedly mistreated or beaten by military personnel protecting a worksite. Evidence in this case is unclear, with contradictory information from victims and witnesses. After consideration of various options, the Contractor and the complainant agreed on an informal settlement for [REDACTED]²⁴, which was completed in August 2017. Legal counsel retained by the PIU confirmed that this settlement was consistent with DRC law.</p> <p>As the Panel Report recognizes, this is a broader challenge for the Bank and Management is currently working on specific guidance for staff to ensure that the use of security staff/military for protection purposes is adequately assessed and managed. For that purpose, Management is drawing on lessons from the ProRoutes experience and international best practice, building on IFC’s “Use of Security Forces: Assessing and Managing Risks and Impacts Good Practice Handbook.” This guidance will be included in the roll-out of ESF guidance material later in 2018.</p> <p>Actions:</p> <ul style="list-style-type: none"> • The Bank will require the PIU to ensure that the agreed Humanitarian Law Training by MONUSCO is completed for all military personnel involved in the protection of the ProRoutes worksites. Additional training activities will be held if new military personnel are assigned to ProRoutes as a result of the normal rotations of military units. Timeline: by September 1, 2018 and as needed until Project closing. • Management is currently working on a Good Practice Note for staff on the Use of Security Forces that provides guidance on assessment and management of risks associated with the use of security staff/military to protect project sites. This note includes in particular specific guidance regarding the selection and training of military personnel assigned to the protection of Bank-financed activities, as well as the enforcement of codes of conduct. This note will be disseminated October 1, 2018.

²⁴ The specific compensation amounts have been provided to Board and Panel for their information but are redacted in this document due to the sensitive nature of the information.

No.	Issue/Finding	Comments and Actions
	<p><i>The Panel also finds Management in non-compliance with the Bank Policies on Environmental Assessment (OP/BP 4.01), the Environmental Health and Safety (EHS) Guidelines, and Investment Project Financing (OP/BP 10.00) for not adequately identifying and mitigating impacts related to water pipe rupture, storm water and lack of road safety measures. These shortcomings were exacerbated by weak supervision, which did not identify harm to communities, in non-compliance with Bank Policy on Investment Project Financing (OP/BP 10.00).</i></p>	<p><i>Comment: Management agrees with the Panel that road works on RN2 have caused water interruptions, damage due to storm water, and adverse impacts on road safety that have not been managed appropriately.</i></p> <p><u>Water supply</u></p> <p>The execution of road works can sometimes cause disruptions of water supply and other utility services. Managing such interruptions, and compensating for them, is the responsibility of the Contractor, under the oversight of the supervision engineer, and Project supervision and monitoring by the Borrower. In the case of RN2 the Contractor, supervision engineer and the Borrower's oversight did not fulfill their respective responsibilities, nor did the Bank identify these failings prior to the filing of the Request as part of its implementation support/supervision of the Project.</p> <p>The works' contract did include specific clauses for the Contractor to prevent and manage water interruptions caused by the road works. The ESIA also highlighted that the Contractor should not "affect water supply for the local populations."</p> <p>According to the Bank's investigations and the information provided by the Contractor and the supervision engineer, 15 incidents where water services were affected or interrupted by the works have occurred since the start of the civil works on RN2 in March 2017. One of these interruptions affected the IDP camp of Mubimbi. The water breakage was first repaired after 35 days but a repeat breakage occurred. Circumstances around this repeat breakage are unclear, the pipe appearing to have been deliberately cut. Water access has since been restored and the Contractor has also executed various compensatory measures for the community. These interruptions caused hardship to the communities as they were forced to walk longer distances to fetch drinkable water.</p> <p>Moving forward, the Contractor will be requested to have water tanks ready in case other communities are affected by water breakage during the execution of road works.</p> <p>The Bank investigated allegations that the water interruptions had caused deaths from cholera in the IDP camp. The Bank met with the NGO operating the camp's clinics which confirmed that cholera was endemic in the area but that no death from cholera had occurred in the camp since the start of the works. This was also confirmed by the Minova hospital which operates the regional cholera treatment center.</p> <p>Based on information provided by the Contractor and the supervision engineer, all 15 water supply interruptions have now been adequately restored and, whenever possible, improved. Nine of these incidents were resolved by the Contractor in less than two weeks, including seven which were resolved in five days or less, and five resolved in less than two days. The Contractor has also performed additional repair work on water systems even when interruptions were not linked with the Project. This includes the repair on May 18, 2018 of three water interruptions caused by the heavy rainfalls of April-May 2018. The Bank has requested a specific audit to confirm the situation.</p> <p>BEGES conducted consultations to assess eligibility for compensation for the interruption of the water supply. Compensation measures were implemented by the Contractor in December 2017. A second evaluation of water service interruption and community needs was performed by an NGO contracted by the Contractor (ECC-MERU) in December 2017. Corrective measures</p>

No.	Issue/Finding	Comments and Actions
		<p>recommended by the NGO were implemented by the Contractor in December 2017, as verified during the Bank's February 2018 mission.</p> <p>Nine complaints relative to water interruptions were registered by the Project-level GRM. All of them were resolved.</p> <p><u>Storm water drainage</u></p> <p>The drainage of storm water is to be addressed at the time of road design, as well as during works execution. The intensity of the rainy season, the significant erosion and the topography in the Project area create specific technical challenges to design and build road and bridge infrastructure. One of the main bridges on RN2 has suffered structural damage as a result of erosion and design studies are being updated in order to find a technical solution to size the drainage system adequately.</p> <p>One claim related to flooding has been received by the Project-level GRM and is still being processed.</p> <p>Once the road is built, it is expected that the associated new culvert drainage system will improve the collection of rainfall and reduce the risk of inundation and landslide on the road and its vicinity. Road maintenance is critical to ensure the sustainability of the drainage system, in particular the periodic cleaning of culverts. ProRoutes focuses not only on the rehabilitation of road infrastructure but also on the establishment of efficient and sustainable road maintenance systems.</p> <p><u>Road safety</u></p> <p>The ESIA did highlight the importance of ensuring road safety on the worksites. Risk mitigation measures listed in the ESIA include: information/sensitization of neighboring communities, adequate signalization and speed bumps, crossing areas, training of the local road safety commission and enforcement of penalties.</p> <p>The handling of road safety is an obligation of the Contractor. Management's review of the situation since August 2017 identified that the Contractor did not strictly enforce road safety procedures before receipt of the Request for Inspection. Corrective measures are now being implemented and will be enforced and monitored by the supervision engineer and the PIU. Since November 2017, the Bank has been receiving monthly reports from the Contractor's safeguard specialist, the supervision engineer and BEGES, which all include a specific section on incidents related to road safety.</p> <p>Since the start of the works, eight road safety incidents have occurred on RN2, none of them involving any fatality. Four community members and three of the Contractor's workers have been injured and their medical expenses covered by the Contractor. These accidents have all been adequately compensated by the Contractor. In one accident, the driver was drunk and was subsequently fired by the Contractor in application of the CoC. The fatality mentioned in the Bank's February 2018 aide memoire refers to another road (RN6/RN23). All serious accidents on project worksites are to be reported immediately by the PIU to the Bank in order to make sure that adequate follow up is done to prevent reoccurrence and that the victims and their families are adequately compensated by the Contractor.</p> <p>Actions:</p> <ul style="list-style-type: none"> • The Bank has requested the PIU to perform a compliance audit to confirm that all 15 water incidents on RN2 have been fully resolved. Whenever

No.	Issue/Finding	Comments and Actions
		<p>feasible, remedial actions should lead to a situation at least equivalent to that which existed for the affected communities before the start of the works and, whenever possible, an improved situation (as was the case for the Mubimbi IDP camp). Timeline: by October 31, 2018.</p> <ul style="list-style-type: none"> • The Bank will continue to closely monitor water pipe rupture, storm water management and road safety, and make sure that the PIU and Contractor implement the relevant prevention measures, as per the ESIA and contractual clauses. Management will require the PIU to report, and require the supervision engineers to periodically report, on such compliance. Management will also closely monitor any complaints filed with the GRM relating to these specific areas. Timeline: until Project closing. • The Bank will require the PIU to ensure that the Contractor has in place by August 31, 2018: (i) clear communication to communities about upcoming construction works and how to communicate incidents of utilities being interrupted, and (ii) arrangements to provide water supply through water tanks and/or similar temporary provisions to affected communities within 48 hours of any confirmed water interruption. Timeline: by August 31, 2018, monitored through Project closing.
7.	<p>Working Conditions and Occupational Health and Safety</p> <p>The Panel notes the occurrence of serious infractions related to payments to Project workers and poor working conditions affecting their health and safety. <i>The Panel finds Management’s failure to adequately monitor or provide implementation support to safeguard workers’ health and safety in non-compliance with Bank policies on Environmental Assessment (OP/BP 4.01), Investment Project Financing (OP/BP 10.00), and the Bank’s EHS Guidelines.</i></p> <p>The Panel did not find instances of child labor in the Project.</p> <p>Management acknowledged issues related to workers’ health and safety following receipt of the Request.</p>	<p><i>Comment: Management agrees that the Contractor allowed poor labor conditions to prevail on RN2 worksites and that many of the workers’ camps lacked basic facilities.</i></p> <p>Issues related to occupational health and safety at the RN2 worksite were not identified or reported to the Bank prior to the filing of the Request by either the Borrower’s PIU or BEGES, nor were they appropriately managed by the Contractor or reported by the supervising engineer. To address the gaps in reporting and issues identification, the Bank now receives monthly reports from the Contractor’s safeguard specialist, the supervision engineer, and BEGES, covering occupational safety. The Bank will also request the Borrower to perform periodic assessments of the RN2 Contractor’s facilities to evaluate compliance with labor regulations.</p> <p>In its supervision missions since August 2017, the Bank observed these shortcomings and was also alerted to them by a local NGO, RARIP. Upon the Bank’s request, the PIU issued a Notice to Correct to the Contractor on October 2, 2017.</p> <p>The Bank investigated one specific occupational safety incident involving a former worker who allegedly died from injuries to his hand sustained at the work place. After being injured, the Contractor transported the worker to a hospital in Goma, from which he was released after a few days. A settlement between him and the Contractor was not executed because the worker died of tetanus in April 2017. The death certificate is inconclusive as to the link between the death of the worker and the injury sustained at the work site. The Contractor paid compensation to the family of the deceased in December 2017.</p> <p>The Contractor, confirmed by the supervision engineer, has verified that all workers on RN2 have work contracts. A copy of their ID has been archived. Contracts were amended twice to harmonize them with national labor laws. Contracts were cleared by the relevant labor authorities.</p> <p>While this is not covered under Bank policies, some workers were underpaid as a result of an unfavorable exchange rate. Specifically, 499 workers were underpaid with a total wage difference of US\$8,884. To date, according to a report from the Contractor, 287 workers were compensated (58 percent) and 212</p>

No.	Issue/Finding	Comments and Actions
	<p>The Panel welcomes the improvements since then regarding issuance of worker contracts, ID checks, retroactive payment for exchange rate losses, working conditions, and strengthened supervision of labor issues.</p>	<p>are remaining (total pending amount of US\$1,827 or 21 percent of the total). The Contractor has assigned staff to find the remaining workers. The Contractor has sent to the PIU a confirmation in writing that this amount will be set aside for exclusive use related to the payment of the compensation of the remaining 212 workers.</p> <p>Action:</p> <ul style="list-style-type: none"> The Bank will require the PIU to request the Congolese authorities to perform periodic assessments of the RN2 Contractor’s facilities to evaluate compliance with applicable labor regulations, including compliance with occupational health and safety requirements and actions to help prevent sexual harassment, and to communicate the conclusions of such assessments to the Bank. Timeline: every six months until Project closing.
8.	<p>Gender-based Violence (GBV)</p> <p><i>The Panel finds Management in non-compliance with Bank Policies on Environmental Assessment (OP/BP 4.01) and Investment Project Financing (OP/BP 10.00) for not properly assessing the gender-based violence risks considering the endemic GBV rates and the high vulnerability of women and girls in the Project area, and for the lack of appropriate mitigation measures to address the high risks of GBV that led to serious harm to women and girls in the community.</i></p>	<p>Comment: Management agrees that greater attention and focus should have been paid to the assessment and mitigation of the GBV risk during preparation and implementation of the Project. While some GBV prevention measures were included in the safeguards instruments for RN2 and the provisions of the works contract, they were not implemented as designed.</p> <p>The Project was prepared in 2015, at a time when lessons from the Inspection Panel investigation of the Uganda TSDP were not yet available. The safeguard documents for RN2 were prepared in late 2016 when initial lessons from Uganda were just being disseminated to operational teams.</p> <p>In April 2016, following the Board approval of the Project and over six months prior to the formal issuance of the Uganda Lessons Learned, the Bank team requested that CI revise procurement documents for ICB contracts to reflect enhanced social requirements. Despite this request and the amendment of the bidding documents, the enhanced provisions were not included in the ICB work contracts signed by CI with the Contractor, Société Zhengwei Technique Congo (SZTC), on July 26, 2016 (for the Komanda-Bunia-Goli) and on October 11, 2016 (for the Bukavu-Goma road). This was corrected through Addenda signed for both contracts in March 2017, which enhanced environmental and social obligations through revisions to Chapter 7 of the works contracts.</p> <p>Similarly, the deferred ESIA for the Bukavu-Goma road, disclosed in the Infoshop on March 9, 2017, included enhanced social requirements, particularly relating to identification and mitigation of GBV risks, consistent with the Uganda Lessons Learned Report. Specifically, in addition to identifying the risks of social conflict between site workers and local populations, the ESIA identifies risks of “sexual violence against vulnerable groups, including women and minor girls,” “harassment,” “exploitation”, etc. (p. 89, 175). It also expanded the required mitigation measures to include: (i) the Contractor’s obligation to prepare, publish the Contractor’s ESMP before the work begins and implement specific anti-GBV measures (including, prepare a CoC and share it with all workers before the works begin, raise awareness of/train workers about GBV, punish cases of sexual harassment, exploitation and abuse); (ii) the adoption of hiring practices that include local workers and women workers; and (iii) the Borrower’s obligation to raise awareness of the local population about GBV and punish offenders; and to identify legal, medical and psychological support centers in the community to which survivors of GBV could be referred.</p> <p>Management acknowledges, however, that these measures were insufficient and not properly implemented. Specifically, implementation and monitoring of the</p>

No.	Issue/Finding	Comments and Actions
		<p>CoC were inadequate, as were efforts to raise community awareness on acceptable standards of behavior for project workers.</p> <p>Sensitization of the workers and military personal to the internal rules and the applicable CoC, display of these documents in French, Chinese, and Swahili in the Contractor’s main facilities and signing of CoCs by all workers has now been completed for all five active road rehabilitation contracts. The completion report was received by the Bank in December 2017 and found acceptable. The signing of CoCs by all workers has also been completed for other lower-scale road maintenance activities.</p> <p>GBV training has been implemented for all the ProRoutes roads and, going forward, will take place regularly in collaboration with specialized GBV service providers. Between February 27 and March 2, 2018, Heal Africa conducted full-day GBV training of all 120 workers on RN2 focusing on the prevention of sexual exploitation, abuse and harassment. Other training modules are being planned to foster behavioral change. In addition, the Contractor has begun enforcing the CoC, which has led to disciplinary action and termination of some workers. Training will be repeated regularly as a refresher for already-trained workers and to ensure that new workers are trained as they are hired by contractors.</p> <p>A dedicated GBV GRM is being implemented to provide a pathway for survivors to safely and confidentially disclose GBV-related complaints if they wish to do so. Collaboration with community-based GBV service providers will support the Project to strengthen assistance to survivors, community engagement and complaint response in line with GBV ethical standards and a survivor-centric approach.</p> <p>A GBV expert has been hired by BEGES to ensure, along with GBV NGOs, regular community engagement and to coordinate the management of GBV-related complaints.</p> <p>Six NGOs with long-standing presence in the Project area have been contracted by the PIU to refer survivors to health, psychosocial and legal support as requested by survivors themselves. Other NGOs have also been contracted to provide coverage to all Project roads.</p> <p>Since November 2017, the Bank has reinforced its supervision team with an experienced international consultant assisted by two local GBV specialists.</p> <p>The Bank is compiling best international practices into a GBV good practice note for Bank staff.</p> <p>The Bank is also piloting the use of big data technologies in order to monitor sentiment about Bank-financed contractors, including possible allegations of GBV, in social media, allowing for quick identification and response to concerns.</p> <p>Actions:</p> <ul style="list-style-type: none"> • The Bank will require the PIU to continue to implement (and ensure the Contractor’s compliance with) all the agreed GBV training protocol so that all ProRoutes workers are kept aware of the behaviors that will not be tolerated and of the disciplinary consequences of abuses and improper behaviors. Another broader objective is to promote changes in behavior and attitudes towards women and girls, as well as highlighting risks associated with prostitution and early marriage. Refresher courses will be envisaged as

No.	Issue/Finding	Comments and Actions
		<p>appropriate as well as additional sessions for new hires. Timeline: until Project closing.</p> <ul style="list-style-type: none"> • The Bank will require the PIU to ensure that the GBV NGOs hired by the Project continue to refer all survivors to GBV service providers (subject to survivors' consent and wishes), regardless of whether linkage with the Project has been confirmed or not. This will follow the survivor-centric approach recommended by the GBV Task Force. Particular attention is and will continue to be paid to ensuring confidentiality (in order not to expose survivors to risk of retaliation) and to documenting incidents to help enable survivors to seek legal redress even at a later date, within the time limits imposed by national law. Timeline: until Project closing. • Management will require the Borrower to ensure that any GBV survivors who have not received the agreed support from GBV service providers by the closing date of ProRoutes, continue to be able to receive the needed support under other Bank operations in the area—such as the two stand-alone GBV projects. This may require adjusting the areas of intervention of these two operations. Timeline: arrangements in place by Project closing. • The Bank will require the PIU to ensure that all GBV allegations are processed by the Project's GBV GRMs (subject to survivors' consent and wishes). Since the ProRoutes GBV GRM is the first of its kind, Management will also evaluate the results of this innovative instrument after six months of operation, with a particular focus on the ability of the GBV GRM to inform the design and implementation of GBV preventive activities. Timeline: until Project closing. • The Bank will require the Borrower to ensure that the Code of Conduct is enforced and that Contractors take the necessary disciplinary action in accordance with the Code of Conduct. This will require due attention to avoid exposing survivors to retaliation. In accordance with the survivor-centric approach, as recommended by the GBV Task Force, Management will require the Borrower to ensure that the choice of survivors is respected on whether or not to file a complaint in the judicial system. Any retaliation identified by the Bank or brought to its attention will be immediately raised by Bank Management with the DRC authorities. Timeline: until Project closing. • Management will screen the Bank portfolio in DRC to identify high-risk operations for GBV and retrofit risk mitigation measures for such operations as appropriate and as guided by the GBV Task Force's recommendations. Further DRC portfolio screenings will be periodically conducted, using the new GBV risk assessment tool currently being developed, as recommended by the GBV Task Force. Timeline: review completed by August 30, 2018. • Management will finalize the GBV Good Practice Note by October 1, 2018, which is being developed in response to the GBV Task Force recommendations and which will be included in the roll-out of ESF guidance material later in 2018. Acknowledging that GBV is still an area of intense learning for the Bank, Management will make sure that the GBV Good Practice Note is periodically updated as new information, lessons or best practices are known. Timeline: October 1, 2018.
	<p><i>The Panel further finds Management in non-compliance with Bank</i></p>	<p><i>Comment: Management agrees with the Panel that there is evidence of GBV in the Project area; Management has and will continue to make a concerted effort through actions agreed with the Borrower to ensure that the identified</i></p>

No.	Issue/Finding	Comments and Actions
	<p data-bbox="305 260 560 621"><i>Policy on Investment Project Financing (OP/BP 10.00) for failing to supervise the implementation of measures to mitigate the risks of gender-based violence, or to identify and propose measures to redress harm caused by the Project.</i></p> <p data-bbox="305 642 570 911">The Panel acknowledges and welcomes the substantial efforts undertaken by Management after the receipt of the Request to seriously address the GBV issues related to the Project.</p>	<p data-bbox="592 260 1450 470"><i>survivors of GBV are supported through access to comprehensive, expert, and caring services.</i> As of today, the Bank has recorded 39 allegations of GBV in the Project area, including 30 in the area of RN2. Two of these cases have been confirmed to be directly linked to the Project. Verifications are still ongoing for the other cases. These cases were identified by specialized NGOs, focus group discussions held by the Bank’s GBV team, BEGES, the Panel and a ProRoutes contractor.</p> <p data-bbox="592 491 1438 575">In line with basic ethical principles of conducting focus group discussions on GBV, the Bank team has also referred several additional survivors identified in the Project area but with no alleged connection to the Project.</p> <p data-bbox="592 596 1450 680">As per the survivor-centric approach recommended by the GBV Task Force and endorsed by the Bank, Management has focused first and foremost on providing support to all identified survivors.</p> <p data-bbox="592 701 1430 848">In line with confidentiality principles, the Panel did not provide the identity of the survivors mentioned in its Investigation Report. However, Management believes that there is some likely overlap between the Panel’s and the Bank’s cases. The Bank has offered to facilitate the referral process for the survivors mentioned in the Panel’s Report.</p> <p data-bbox="592 869 1430 1100">Management notes that the Panel reported GBV allegations involving military personnel linked to the Project. The GBV cases identified by the Bank team or reported by the specialized NGOs do not mention or identify any military personnel protecting the worksites as alleged perpetrators. The Bank team did meet with high-level commanding officers of the military forces in North and South Kivu who explained measures in place to prevent GBV incidents, disciplinary sanctions applicable to both any proven perpetrators and their line officers.</p> <p data-bbox="592 1121 1455 1457">Management concurs with the Panel that fact-finding of harms related to the Project in this environment—combined with the context of high rates of poverty, vulnerability, and humanitarian dependency in the region—has proven to be more challenging because of the expectation of monetary compensation by some community members. A number of GBV professionals in the Project area have alerted Management that the multiple missions done by the Panel and the Bank over the past ten months have raised expectations for monetary compensation and created inducement for possible false allegations. In order to avoid introducing unintended incentives, the Bank has put in place a GBV response system that supports survivors equally regardless of whether an alleged GBV incident is linked to the Project or not.</p> <p data-bbox="592 1478 1419 1541">The assistance package established on all ProRoutes’ roads include providing legal support by NGOs to survivors who choose to seek legal redress.</p> <p data-bbox="592 1562 1450 1709">As part of the GBV system established on ProRoutes roads, a dedicated complaint management mechanism (GBV GRM) has been established to manage GBV complaints in line with ethical principles. The purpose of this mechanism is to review available facts disclosed by survivors with their consent to conclude on the likelihood that incidents were linked to ProRoutes.</p> <p data-bbox="592 1730 683 1751"><i>Actions:</i></p> <ul data-bbox="592 1772 1438 1890" style="list-style-type: none"> <li data-bbox="592 1772 1438 1890">• The Bank will require the PIU to ensure that the GBV NGOs hired by the Project continue to refer all survivors to GBV service providers (subject to survivors’ consent), regardless of whether linkage with the Project has been confirmed or not. This will follow the survivor-centric approach

No.	Issue/Finding	Comments and Actions
		<p>recommended by the GBV Task Force. Particular attention is and will continue to be paid to ensuring confidentiality (in order not to expose survivors to risk of retaliation) and to documenting incidents to help enable survivors to seek legal redress even at a later date, within the time limits imposed by national law. Timeline: until Project closing.</p> <ul style="list-style-type: none"> The Bank will require the PIU to ensure that all GBV allegations are processed by the Project's GBV GRMs (subject to survivors' consent and wishes). Since the ProRoutes GBV GRM is the first of its kind, Management will also evaluate the results of this innovative instrument after six months of operation, with a particular focus on the ability of the GBV GRM to inform the design and implementation of GBV preventive activities.
9.	<p>Supervision</p> <p>The Panel finds Management's failure to monitor the Project and provide adequate implementation support to address weaknesses in the Project's complex system of monitoring and supervision, to capture implementation problems, or to propose corrective actions in non-compliance with Bank Policies on Investment Project Financing (OP/BP 10.00) and Environmental Assessment (OP/BP 4.01).</p> <p>The Panel acknowledges and appreciates Management's efforts to understand and address the concerns of the Requesters and the community after they raised their issues with the Panel. During its investigation visit the Panel witnessed improvements in the Project. The Panel finds Management in compliance with Bank Policy on Investment Project Financing (OP/BP 10.00) after</p>	<p><i>Comment: Management agrees with the Panel's assessment of DRC's fragile and post-conflict character and that the Project expanded road networks into an area that presented more challenging security situations. Management takes the security of Bank staff very seriously, particularly in difficult FCS environments such as DRC.</i></p> <p>Bank staff are instructed to strictly follow guidance from the Bank's Corporate Security department, and Management, as a core operational principle, and do not have the discretion to overrule such guidance.</p> <p>Large Bank-financed projects such as ProRoutes almost always include multiple road sections to be improved. The Bank's standard supervision practice requires at least two supervision missions per year for the project as a whole (not for individual worksites), although the frequency of supervision missions can be increased for high-risk or complex projects or projects facing performance issues. Whenever possible, supervision missions should include a field visit to at least one of the multiple road worksites financed under the Bank project.</p> <p>In 2016, four field visits and one Kinshasa-based supervision mission were undertaken by the ProRoutes TTL. In 2017, one Kinshasa-based supervision mission (mid-term review) and five field visits to RN2 were undertaken, although security restrictions did not always allow the Bank team to visit the worksites. Since the beginning of 2018, four Bank missions have visited ProRoutes worksites, including RN2.</p> <p>Despite the challenging environment, the Bank team in Kinshasa had multiple communications with the field-based security specialist to explore field missions to ProRoutes worksites. Most of this communication was verbal. In January 2017, the Bank team sent to the Kinshasa-based security specialist one email request to explore a field visit for ProRoutes in February 2017. This request did not include RN2 since works had not started. No field visit could be organized at that time because of poor security conditions in the Project areas. Management has provided a copy of this email to the Panel.</p> <p>Security conditions in North and South Kivu were highly volatile in 2017. Between March and May 2017, traveling to Goma and Bukavu was authorized but it was not possible to travel by road between the two cities where the worksites were located.</p> <p>Security conditions remained volatile and unpredictable in the second half of 2017. Several of the nine missions conducted by the Bank since August 2017 on RN2 have not been able to visit the entire road works and could only travel to the Sake base camp or even had to stay in Goma and travel by boat to Bukavu.</p>

No.	Issue/Finding	Comments and Actions
	<p>receipt of the Request, due to its proactive and systematic supervision with adequate expertise focused on problem solving.</p>	<ul style="list-style-type: none"> • In August 2017, the Bank team was able to travel on the road for the first 30 km only, due to travel restrictions prohibiting overnight stays in remote rural areas and requiring return to Goma until daylight. • In September 2017, the Bank team was able to travel on the entire road and visit all quarries and borrow pits. • In October 2017, major attacks by rebel groups against the cities of Fizi and Uvira led to a full mission ban on South Kivu, including Bukavu. On October 1-11, 2017, rebel attacks around Nyabibwe (PK65) led to an influx of refugees in Kalungu and Minova, and a suspension of works. A Bank mission traveled to Goma on October 10-13, 2017 and was not authorized to travel on the road beyond the base camp of Sake. • In November 2017, countrywide political protests broke out in several cities, starting on November 14. A Bank team on mission in Kivu for other projects was grounded in Goma with no authorization to leave the city. A ProRoutes Bank mission traveled to Goma on November 14-21, 2017 and was not authorized to travel on the road beyond Minova. On November 27-28, 2017, rebel attacks on the Numbi hospital caused five deaths and a large number of wounded. On November 28, the Nyantura rebel group clashed with FARDC in Kalungu, on RN2, causing five fatalities. • In December 2017, 15 UN peacekeepers were killed in Eastern DRC, not far from one of the roads where rehabilitation is financed by ProRoutes (RN4 Beni-Kasindi). Five Congolese soldiers also died and at least 40 other people were injured. UN officials reported the incident as the deadliest assault on the organization's peacekeeping forces in nearly a quarter century. A Bank mission traveled to Eastern DRC to supervise RN2 the following week. This mission was not authorized to travel on the road section under rehabilitation and had to travel by boat from Goma to Bukavu. A countrywide mission ban started on December 17, 2017, ahead of the elections date. • In February and April 2018, the Bank team was able to visit the entire road. • In May 2018, several security incidents (kidnapping of British tourists, killing of park guards, ambush of civilians and attacks of FARDC positions) caused access to the Project area to be restricted again. A Bank mission traveled to Goma on May 22-25, 2018 and was not authorized to visit the RN2 road works. Fields visits to remote rural areas, particularly in the East and/or with overnight stay, continue to be advised against considering recent kidnappings and killings (of armed guards) in Virunga Park. <p>Action:</p> <ul style="list-style-type: none"> • Management will monitor implementation of all planned institutional strengthening activities for the PIU, the safeguards supervisor, the relevant national and provincial institutions, the supervision engineers and the contractors. These activities include in particular the hiring of additional safeguards specialists by the PIU, training activities to all relevant institutions, and revisions to the safeguards supervisor's contract. Timeline: until Project closing. • Management will continue to ensure that the enhanced monitoring and reporting requirements to the Bank are in place and performing effectively, including communication to the Bank of monthly reports by the various key supervision entities. Timeline: until Project closing. • Management will continue to work with the PIU on the geo-mapping of Project activities so that information on works progress can be made accessible to the general public. Timeline: by October 30, 2018.

No.	Issue/Finding	Comments and Actions
		<ul style="list-style-type: none"> • Management will continue to implement enhanced Bank supervision protocols on RN2, including field visits (subject to security conditions). Timeline: at least twice a year until Project closing. • Management will continue to implement strengthened Bank supervision protocols on other ProRoutes roads, including field visits (subject to security conditions). Timeline: at least once a year until Project closing. • The Bank will launch a social media monitoring pilot to monitor the Bank’s transport portfolio in DRC and identify possible negative reports of Bank-financed activities in social media. Considering the highly innovative nature of this instrument and in accordance with the contract and terms of reference, the Bank will evaluate the results of this pilot after an initial phase of maximum six months to determine if such a monitoring tool brings added value to the Bank in terms of early detection of issues such as negative impacts of Bank-financed activities on communities and livelihoods. The result of the evaluation will also determine whether the pilot can be extended to monitor a broader portfolio of Bank-financed activities and projects. Timeline: September 1, 2018.

ANNEX 2

STATUS OF COMPENSATION OF QUARRIES AND BORROW PITS ON RN2

Table A. Borrow pits exploited before August 2017, in violation of contractual rules and safeguard instruments and regularized ex-post:

The specific compensation amounts for each individual owner of quarries and borrow pits have been provided to Board and Panel for their information but are redacted in this document due to the sensitive nature of the information.

Table B. Borrow pits exploited after August 2017, in compliance with contractual rules and safeguard instruments:

Table C. Quarries exploited before August 2017, in violation of contractual rules and safeguard instruments and regularized ex-post:

Table D. Unit costs used to calculate compensation:

ANNEX 3
PROROUTES TIMELINE

AF1 Board Approval:	June 28, 2011
AF1 Signing:	August 29, 2011
AF1 Effectiveness:	November 8, 2011
Notification of DFID withdrawal from Project:	August 4, 2014
DFID withdrawal from Project made effective:	November 4, 2014
AF2 Concept Review:	April 23, 2015
AF2 Decision Meeting:	July 14, 2015
AF2 Board Approval:	February 18, 2016
Bank No Objection RN2 bidding documents:	March 2, 2016
RN2 bidding documents published:	May 5, 2016
RN2 bid evaluation report sent to the Bank:	July 22, 2016
Bank no-objection to RN2 bid evaluation report:	August 5, 2016
RN2 contract signed by the contractor:	August 30, 2016
RN2 notification of contract, start of mobilization:	October 11, 2016
RN2 RAP published in DRC:	November 29, 2016
AF2 Effectiveness:	December 6, 2016
RN2 RAP published in Infoshop:	January 22, 2017
RN2 ESIA published in DRC:	March 8, 2017
RN2 ESIA published in Infoshop:	March 9, 2017
RN2 start of works:	March 2017
RN2 updated RAP published in DRC:	December 4, 2017
RN2 updated RAP published in Infoshop:	December 21, 2017
RN2 updated ESIA published in DRC:	March 7, 2018
RN2 updated ESIA published in Infoshop:	March 9, 2018
RN2 updated RAP published in DRC (with full consultation annexes):	May 26, 2018
RN2 updated ESIA published in DRC (with full consultation annexes):	May 26, 2018
RN2 updated RAP published in Infoshop (with full consultation annexes):	May 29, 2018
RN2 updated ESIA published in Infoshop (with full consultation annexes):	May 29, 2018