

Inspection Panel

Togo: West Africa Coastal Areas Resilience Investment Project (P162337), Additional Financing (P176313), and Global Environment Facility (GEF) (P092289)

Investigation Plan (September 15, 2022)

I. Introduction

On August 4, 2021, the Inspection Panel (the “Panel”) received a Request for Inspection (the “Request”) of the West Africa Coastal Areas Resilience Investment Project (P162337), Additional Financing – West Africa Coastal Areas Resilience Investment Project (P176313), and Global Environment Facility (P092289) (jointly referred to as the “Project”) in Togo. The Requesters, fearing intimidation and reprisal, asked the Panel to keep their identities confidential.

The Project, which intends to implement resilience measures in coastal areas of West Africa, supports two types of activities in Togo: i) permanent coastal protection works from Agbodrafo to Aného, where new groynes will be constructed and existing ones will be rehabilitated and, ii) installation of small-scale, emergency coastal protection measures in six sites outside the aforementioned area – in Gbodjomé, Tango, Nimanga, Adissem, and two sites in Dévikinmé.

The Requesters claim these works have or will have adverse effects on the communities (including fishing communities) and their livelihoods. They allege that the Project-related involuntary resettlement will harm them and their livelihoods, and that the compensation measures are insufficient to remedy these impacts. In addition, they state that the Project’s disclosure of information, consultation, and grievance redress were inadequate.

The Panel registered the Request on September 7, 2021, and notified the Board of Executive Directors (the “Board”) and Bank Management. Management submitted its Response (the “Management Response” or the “Response”) on October 7, 2021. On November 8, 2021, the Panel submitted its first Report and Recommendation.¹

II. The Panel’s Investigation Recommendation

In its first Report and Recommendation, the Panel determined that, with the exception of the allegations regarding evictions, the Requesters and the Request met the technical eligibility criteria set forth in the Panel Resolution.² The Panel noted that the alleged harm is of a serious nature and there is a plausible link between the alleged harm and possible non-compliance by the Bank with its operational policies and procedures. The Panel further noted that Management had committed

¹ Inspection Panel, Report and Recommendation on a Request for Inspection TOGO West Africa Coastal Areas Resilience Investment Project (P162337), Additional Financing – West Africa Coastal Areas Resilience Investment Project (P176313), and Global Environment Facility (P092289), Report No. 165882-TG, dated November 8, 2021. Available at: <https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/cases/documents/153-Inspection%20Panel%20Report%20and%20Recommendation-8-Nov-2021.pdf>.

² Inspection Panel Resolution, Resolution No. IDA 2020-0003, dated September 8, 2020, paras. 13-15 and 29. Available at: <https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/documents/InspectionPanelResolution.pdf>.

to actions to improve Project implementation. The Panel observed that the remedial actions Management had committed to undertake were defined, measurable, and timebound. The Panel therefore deferred its recommendation on whether an investigation was warranted. The Board approved this deferral recommendation on November 22, 2021.

Following a visit to Togo and a review of the progress update documents – submitted by Management on the actions it had committed to – the Panel, on June 8, 2022, submitted its second Report and Recommendation to the Board. Concerning Management’s actions, the Panel noted inconsistencies between the Panel’s field observations, document review, and discussions with the communities, and Management’s claims that the allegations of harm or potential harm have been addressed. In its second report, the Panel recommended an investigation be carried out on the basis of the allegations of a) adverse effects caused by the emergency protection measures, b) impact from the permanent structures, and c) harm relating to aspects common to both activities.³ On June 24, 2022, the Board approved this recommendation.

As per the Inspection Panel and the Accountability Mechanism resolutions,⁴ the Accountability Mechanism Secretary (AMS) offered dispute resolution to the parties (Requesters and Borrower). On August 8, 2022, the AMS reported that no agreement had been reached to pursue dispute resolution. The Panel then commenced its Investigation.

III. Scope of the Investigation: Issues of Harm and Compliance

This document presents the investigation plan as required by the Panel’s Operating Procedures. It includes the key questions and issues to be addressed during the Investigation, and a brief description of the Investigation’s methodology. This plan is publicly available on the Panel’s website. It is a living document and will be adjusted as needed.

In substance, the Requesters allege harm relating to the following: First, they are concerned about the adverse impact the coastal protection and resilience measures may have on their fishing communities and their livelihoods (See Section A below) and what they consider insufficient mitigation measures. Second, they claim harm as a result of the Project-related involuntary resettlement process and what they consider to be inadequate and unexplained compensation measures (Section B). Third, they allege that the Project’s disclosure of information, consultation, and grievance redress were inadequate (Section C). The Requesters’ raise concerns about the Bank’s supervision of the Project (Section D). Therefore, the Panel’s Investigation will analyze:

A. Coastal protection and resilience measures and their impact on the communities and their livelihoods

³ Inspection Panel, Second Report and Recommendation on a Request for Inspection TOGO West Africa Coastal Areas Resilience Investment Project (P162337), Additional Financing – West Africa Coastal Areas Resilience Investment Project (P176313), and Global Environment Facility (P092289), Report No. 172199-AFR, dated June 8, 2022. Available at: <https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/cases/documents/153-Inspection%20Panel%20Report%20and%20Recommendation-8-Jun-2022.pdf>.

⁴ World Bank Accountability Mechanism Resolution, Resolution No. IDA 2020-0004, dated September 8, 2020, para. 11. Available at: <https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/documents/AccountabilityMechanismResolution.pdf>.

- a. Have the environmental and social impact from the permanent structures and emergency works been adequately identified, avoided, minimized (including the resettlement), or mitigated (e.g., their impact on the community's health and safety)?
- b. Were the fishing communities, fishermen's associations, fishing practices (including fishing and processing), and the fishing-related supply chain adequately identified in relation to the impact from the permanent structures and the emergency measures?
- c. Were the fishing practices surveyed and a baseline established indicating the extent of these practices? Can the mitigation measures in place restore these practices and the livelihoods of fishing communities?
- d. Was the gendered impact affecting the fishing community (including the *mareyeuses*⁵) adequately identified and mitigated?
- e. Do the emergency measures affect these fishing communities and, if so, in what ways? Were adequate mitigation measures put in place to address these, including appropriate compensation?
- f. Was the effectiveness of the emergency measures adequately assessed? Does the monitoring and maintenance of these measures adequately mitigate the safety risks?

B. Involuntary resettlement, impact on livelihoods, and compensation measures

- a. Were the effects of economic/livelihood displacement on the fishing communities, fishermen's associations, and the fishing-related supply chain adequately identified? Were the communities affected by displacement adequately identified and surveyed? Were categories of affected people adequately defined?
- b. Was the process of resettlement properly sequenced?
- c. Were affected assets and crops adequately valued? Did compensation account for disturbance and resettlement assistance?
- d. Were the agreements on the compensation amounts and compensation payments adequately explained and disclosed? Were the compensation payments timely?

C. Disclosure of information, consultation, and grievance redress

- a. Was Project-related information adequately disclosed to affected communities? Is Project-related information easily and readily accessible by these communities?
- b. Was the consultation with – and the participation of – affected communities regarding Project-related activities effective and inclusive?
- c. Was a grievance redress mechanism (GRM) established? Was information shared with the beneficiaries of – and the participants in – the GRM? Is the GRM effective?
- d. Were the allegations of intimidation and reprisals sufficiently addressed?

D. Bank Supervision

- a. Was Bank supervision of the Project adequate and in accordance with Bank policies?
- b. Did the Bank ensure that a proper monitoring and reporting system was in place to oversee the execution of the contractual arrangements?

IV. Methodology of Fact Finding

⁵ The *mareyeuses* are wholesale merchant (fishmongers), also known as fish processors, who buy and prepare fish, crustaceans, and shellfish for resale. They play an important role in the chain of distribution and transformation of fishery products.

For the purposes of this Investigation, the Panel will enlist the assistance of three experts:

- An expert with technical knowledge and expertise in coastal protection measures will assess how and to what extent the permanent coastal protection and resilience measures affect the community, and review the suitability of the emergency protection works. This expert will help the Panel determine compliance with the Bank's Environmental Assessment Policy, OP/BP 4.01.
- An expert specializing in small-scale fisheries, artisanal fishing, and fishing communities will assess the Project's effects on fishing communities and their livelihoods. This expert will help the Panel determine compliance with OP/BP 4.01 in this regard, and whether Project activities have caused or will cause any harm to the fishing communities.
- An involuntary resettlement expert with specific experience and expertise on Bank social policies will assess the Project's involuntary resettlement process, the extent of the physical or economic displacement it may cause, compensation measures, and the disclosure of information, consultation, and grievance redress. This expert will help the Panel determine compliance with the Bank's Involuntary Resettlement Policy, OP/BP 4.12.

The Investigation is composed of three phases:

- (i) Investigation preparation and identification of expert consultants,
- (ii) review of documentation, staff interviews, and a field visit, and
- (iii) report drafting and finalization.

The Investigation will include consultations with the Requesters, other community members, Bank staff, the implementing agency, relevant ministries, development partners, and other relevant stakeholders.

The Panel aims to conclude its Investigation approximately six months after this plan is disclosed. The Panel's Investigation Report and the Management Response and Recommendation (including the Management Action Plan) addressing the Panel's findings, if any, will be made publicly available after the Board meets to consider the Panel's findings and to discuss and approve the Management Action Plan.
