

Report No. 121481-ZR

THE INSPECTION PANEL

**REPORT AND RECOMMENDATION
ON A REQUEST FOR INSPECTION**

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

NOVEMBER 21, 2017

The Inspection Panel
Report and Recommendation
on a
Request for Inspection

DEMOCRATIC REPUBLIC OF CONGO:
Second Additional Financing for the High-Priority Roads Reopening and Maintenance
Project (P153836)

A. Introduction

1. On August 3, 2017, the Inspection Panel (the “Panel”) received a Request for Inspection (the “Request”) of the Democratic Republic of Congo (DRC) Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project. The Request was submitted by community members living in Goma and its vicinity (the “Requesters”) in the DRC, alleging harms from the Bukavu-Goma road works – including those related to livelihood impacts, gender-based and other physical violence, labor issues, and impacts on Indigenous Peoples.

2. After conducting its initial due diligence, the Panel registered the Request on September 13, 2017, and notified the Board of Executive Directors (the “Board”) and Bank Management (the “Management”). Management submitted its Response on October 20, 2017.

3. In accordance with the Resolution establishing the Inspection Panel,¹ the purpose of this Report and Recommendation is to make a recommendation to the Board on whether an investigation into the matters alleged in the Request is warranted. The Panel’s recommendation is based on its consideration of the technical eligibility of the Request and its assessment of additional factors as required by the Panel’s Resolution and its Operating Procedures.²

4. This document provides a description of the Project (Section B), a summary of the Request (Section C), a summary of the Management Response (Section D), and the Panel’s determination of the technical eligibility of the Request and observations (Section E). The Panel’s recommendation is presented in Section F.

B. The Project

5. The High-Priority Roads Reopening and Maintenance Project (Pro-Routes) (hereinafter “Pro-Routes” or the “Project”) in the DRC is supported by an IDA grant of US\$50 million

¹ International Development Association (Resolution No. IDA 93-6), “The World Bank Inspection Panel”, September 22, 1993 (hereinafter “the Resolution”), para 19. Available at: <http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/ResolutionMarch2005.pdf>

² Inspection Panel Operating Procedures, April 2014. Available at: <http://ewebapps.worldbank.org/apps/ip/PanelMandateDocuments/2014%20Updated%20Operating%20Procedures.pdf>

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 Project activities. On February 18, 2016, a second additional financing (AF2) in the amount of US\$125 million equivalent was approved to support further Project activities, including to increase the number of kilometers of road improved and re-opened under the original project and the AF1. The Project is expected to close on February 28, 2018.

6. The original Project development objective (PDO) was revised under the AF1 and then under the AF2 to reflect the extension of the Project to new provinces. The AF2's PDO is to “*re-establish lasting road access between provincial capitals and districts and territories in the Project implementation area in a way that is sustainable for the natural environment.*”³

7. In line with the original Project and the AF1, the AF2 has four components: a) Road Reopening and Maintenance; b) Institutional Building; c) Environmental and Social Program, which includes support for public institutions in protecting biodiversity and forests; and d) Monitoring and Evaluation. The AF2 specifically provides funding under Component A for maintenance of roads re-opened under the original Project and the re-opening of the following three new road sections: (i) the Komanda-Bunia-Goli road; (ii) the Beni-Kasindi road; and (iii) the Bukavu-Goma road (about 146 kilometers), linking the North and South Kivu regions. In addition, two road sections for which construction was delayed will be re-opened: (i) the Dulia-Bondo road; and (ii) the Akula-Gemena-Libenge-Zongo road. The AF2 also provides funding for the extension of the environmental and social program to additional road segments and for the reform of the Ministry of Infrastructure and Public Works (MIPW). The Project's implementation unit (PIU) is the *Cellule Infrastructures* at the MIPW.

8. The Project was assigned an Environmental Category A, and triggered the following safeguard policies: Environmental Assessment (OP/BP 4.01), Natural Habitats (OP/BP 4.04), Forests (OP/BP 4.36), Physical Cultural Resources (OP/BP 4.11), Indigenous Peoples (OP/BP 4.10) and Involuntary Resettlement (OP/BP 4.12). For the AF2, the Environmental and Social Management Framework, the Indigenous Peoples Planning Framework and the Resettlement Policy Framework from the original Project were updated. Subsequently, an Environmental and Social Impact Assessment (ESIA), an Indigenous Peoples Plan and a Resettlement Action Plan (RAP) were prepared to cover the Bukavu-Goma road.⁴

C. The Request for Inspection

9. On August 3, 2017, the Panel received a Request for Inspection (attached as Annex I) from two community members living in Goma and its vicinity, in the DRC. They asked for confidentiality. The Requesters claim they are suffering harm as a result of the Bukavu-Goma road works financed under the Project. The alleged harms focus on loss of property, but also include claims of loss of livelihood, use of violence against the community (including gender-based violence (GBV)), and seizure of indigenous communities' resources. Following subsequent

³ Project Paper on a Proposed Second Additional Credit to the Democratic Republic of Congo for a High-Priority Roads Reopening and Maintenance Project (Pro-Routes), January 27, 2016.

⁴ Management Response, p.5

communications with the Requesters to better understand the allegations, these harms are elaborated below.

10. **Livelihood impacts.** The Requesters allege that the Congolese Armed Forces (FARDC, *Forces Armées de la République Démocratique du Congo*), engaged by the Project's Contractor to provide security, have occupied a quarry that is operated by the Requesters and is their source of income and livelihood. They explain that construction materials were forcibly taken following "*torture, assault and battery and physical violence, and compensation for the crops destroyed have not been yet paid.*" They claim that, as a result, many people who worked in the quarry "*do not know how they will meet the needs of their families.*" The Requesters also explain that other community members' crops and medicinal herbs were destroyed by road works and they had not been compensated for these losses.

11. **Violence (including GBV).** The Requesters claim that there has been violence against the community and instances of sexual violence against women in the course of implementing Project activities. They also allege "*human rights violations*" and cited the case of a community member who was shot in the leg by the military forces protecting the Contractor.

12. **Labor issues.** The Requesters contend that young boys were employed by the Contractor as daily laborers, and that the Contractor confiscated part of workers' salaries.

13. **Impacts on Indigenous Peoples.** The Requesters state that the Project "*has forcibly seized the indigenous communities' resources, using armed and uniformed military personnel.*" In addition, they allege that indigenous graves were desecrated by the Project activities.

14. **Retaliation.** The Requesters claim that they are suffering retaliation from local authorities. The government's decision to close the quarry operated by the Requesters is, in their view, an act of retaliation.

15. The Requesters asked the Panel to recommend to the World Bank Executive Directors an investigation into these matters.

D. The Management Response

16. The Management Response (attached as Annex II) explains that "*the Project is being implemented in an extremely challenging fragile and conflict-affected development environment.*"⁵ Challenges include entrenched ethnic conflicts; presence of foreign and Congolese armed rebel groups; and widespread GBV. The Response further explains that this has affected "*the Bank's ability to access the Project area for supervision*"⁶ and that in this environment, contractors frequently require security protection from armed groups.

17. Management acknowledges that the Bank overlooked the Requesters' two e-mails that informed the Bank about their claims. Nevertheless, as soon as it received the complaint from the

⁵ Management Response, p.v

⁶ Management Response, p.v

Inspection Panel, Management deployed three missions to the Project site that included safeguard staff and highly qualified and experienced social development specialists.

18. According to Management, *“a key element of the Request appeared to be a commercial dispute between the Contractor and one Requester who operates a quarry.”*⁷ Management states that the Contractor allegedly resorted to physical violence, using military personnel to seize construction materials without paying for them. Management explains that this dispute has been resolved and the Requesters have received compensation for their losses.

19. **Impacts of military personnel providing security.** Regarding the incident in the quarry operated by the Requester, Management states that the exact circumstances *“remain unclear,”*⁸ but that it has insisted that the Borrower conduct an investigation of the incident. Management also explains that it became aware of other allegations of excessive use of violence by the Contractor’s security forces, including a gunshot injury. Management acknowledges that it *“did not anticipate at Project preparation the potential impacts from the contractor’s own security arrangements, and hence no specific mitigation measures were put in place.”*⁹ According to Management, while the Bank had agreed that it was the Government’s responsibility to address security conditions in the Project area, the Contractor made its own security arrangements by hiring military personnel to provide security for the worksites. The Bank was not notified of this arrangement as the subcontract did not require the Bank’s no-objection. According to Management, subsequent measures taken to address this issue included the formalization of a previous ad hoc arrangement in a subcontract between the Contractor and FARDC to enable *“proper management and mitigation of the associated risks through contractual provisions, which require training, a code of conduct, a security strategy and monitoring.”*¹⁰ The Management Response explains that the military personnel used by the Contractor has been reduced from 14 to seven and the personnel accused of abuses has been removed.

20. **GBV.** Management states it *“takes the allegations of GBV very seriously.”* However, despite its best efforts, it has not been able to substantiate any GBV claims. Management explains that the *“allegations have remained general”* and, given that GBV and other human rights abuses are common in Eastern DRC, *“it has been difficult to ascertain any link to the Project.”* Management notes that it heard from three individuals during its September mission allegations of two instances of GBV related to the Project that involved three underage victims. However, the victims could not be identified and the allegations were not corroborated by others. Management also states that it heard reports of four cases of sexual harassment of the Contractor’s female employees from two local civil society organizations. Management explains it will work with the Borrower and Contractor to investigate these allegations, as well as introduce mandatory staff training on the code of conduct. Management further recognizes that safeguards documents did not include specific measures to mitigate risks from GBV, and explains that the documents will be updated to address these risks.

⁷ Management Response, p.vi

⁸ Management Response, p.10

⁹ Management Response, p.8

¹⁰ Management Response, p.8

21. **Child Labor.** Management states that it takes the allegations of child labor very seriously, but after having reviewed the Contractor’s labor registry and interviewed workers and community members, it was not able to confirm any case of child labor employed by the Project. Three 17-year-old workers were identified, but according to national law, the minimum working age is 16.

22. **Indigenous Peoples.** Management explains that it “*could not ascertain adverse impacts from the Project on Indigenous Peoples.*”¹¹ While two graves located in two quarries had been affected by the Project, they did not belong to Indigenous Peoples.

23. **Livelihoods impacts.** Management notes that apart from the Requesters, other quarry owners and operators had not been properly compensated for the exploitation of their quarries and borrowing pits. However, according to Management, all outstanding compensation has been paid and an audit has been commissioned to verify the payments. Management also identified 76 additional Project-affected households whose assets were “*indirectly affected by road works and other quarry and borrow pit exploitation, from a livelihoods perspective.*”¹² Fifty-one have been compensated, while the remaining 25 will be paid when security conditions allow. Management points out that the Resettlement Action Plan (RAP) is also being updated to include 27 Project-affected people impacted by new quarries the Contractor is planning to exploit.

24. **Retaliation.** Management explains that it has communicated to the Government at the highest levels that it does not condone any form of retaliation. Management states that the decision to close the quarry operated by the Requester is “*technically justified*”¹³ by the safety hazard posed by an adjacent electricity transmission tower. According to the Response, other threats of retaliation could not be substantiated by Management.

25. **Labor conditions and occupational health and safety.** Management notes that it observed “*instances of non-compliant labor and occupational safety conditions,*” which included “*allegations that the Contractor was partially withholding wages*” and engaging in verbal and physical abuse against workers.¹⁴ A formal Notice to Correct was issued to the Contractor on October 2, 2017, instructing it to comply with the applicable rules and code of conduct.

26. Management has agreed on an action plan with the Borrower to address the concerns raised by the Requesters. This plan includes the following actions:

- **Retaliation.** The Bank has emphasized its zero-tolerance position on retaliation to the Government and has committed to continue monitoring the situation.
- **GBV.** Management is making efforts to ensure that the Project does not contribute to or exacerbate the risk of GBV. The Bank has also hired additional GBV experts to work on the Project.
- **Use of military personnel.** The Bank has reviewed the subcontracting agreement between the military and the Contractor to ensure that it includes provisions to address the risk of excessive use of violence. The number of military personnel working for the Contractor

¹¹ Management Response, p. 13

¹² Management Response, p. 13

¹³ Management Response, p.14

¹⁴ Management Response, p. 14

has been reduced and Management agreed with the United Nations Organization Stabilization Mission in the DRC (MONUSCO) to screen and train the Contractor's military personnel by the end of October 2017.

- **Contractor compliance.** A Notice to Correct was issued to the Contractor, instructing it to comply with internal rules and code of conduct and with the Bank's requirements. This includes full compensation to quarry owners and confirmation that the problem of damaged graves has been addressed.
- **Working conditions.** The Bank will work with the PIU to monitor working conditions on the site. In addition, workers were trained on the code of conduct and internal rules.
- **Safeguards documents.** The Project's safeguard documents, including the ESIA, will be revised to reflect the lessons from the Uganda Transport Sector Development Project and address new issues that have been identified. The RAP is also being revised to include new PAPs that are eligible for compensation.
- **Grievance Redress Mechanism (GRM).** The Bank is working with the PIU to strengthen the Project's GRM, including establishing 24 local committees along the road.
- **Environmental and social compliance audit.** The Bank will conduct an environmental and social compliance audit of the Project by November 30, 2017.

E. Panel Review of the Request, the Management Response, and Eligibility Visit

27. Panel Members Zeinab Bashir Elbakri and Jan Mattsson, and Operations Officer Tamara Milsztajn visited the DRC from November 6 to November 11, 2017. During the visit, the team held meetings in Kinshasa with government officials from the Ministry of Finance, the Ministry of Infrastructure and Public Works, and the *Cellule Infrastructures*, as well as the Contractor and Bank staff. In Goma, the team met with the Supervising Engineer and the consulting firm responsible for implementing the Project's environmental and social management measures. The team also met with the Requesters and other community members, and visited the quarry mentioned in the Request, as well as several locations along the Bukavu-Goma road, including other quarries and affected communities. The Panel expresses its appreciation to all those who shared their views, information and insights, and extends special thanks to the World Bank Country Office for assisting with the complex logistical arrangements given the security situation.

28. The Panel's review is based on information presented in the Request, the Management Response, other documentary evidence, and information gathered during the visit to the DRC. The following review covers the Panel's determination of the technical eligibility of the Request according to the criteria set forth in the 1999 Clarification¹⁵ (subsection E1), observations on other factors supporting the Panel's recommendation (subsection E2), and the Panel's review (subsection E3).

E.1. Determination of Technical Eligibility

29. The Panel is satisfied that the Request meets all six technical eligibility criteria of paragraph 9 of the 1999 Clarifications. The Panel notes that its confirmation of technical eligibility,

¹⁵ "1999 Clarification of the Board's Second Review of the Inspection Panel", April 1999 (hereinafter "the 1999 Clarifications") available at <http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/1999ClarificationoftheBoard.pdf>

which is a set of verifiable facts focusing to a large extent on the content of the Request as articulated by the Requesters, does not involve the Panel's assessment of the substance of the claims made in the Request.

30. Criterion (a): *“The affected party consists of any two or more persons with common interests or concerns and who are in the borrower’s territory.”* The Request was submitted by two community members living in Goma and its vicinity in the DRC, alleging harm from the Bukavu-Goma road works financed by the Project. The Panel therefore considers this criterion as met.

31. Criterion (b): *“The request does assert in substance that a serious violation by the Bank of its operational policies and procedures has or is likely to have a material adverse effect on the requester.”* The Requesters assert in substance that the violation by the Bank of its various policies is resulting in serious harms, as described earlier. The Panel is thus satisfied that this criterion is met.

32. Criterion (c): *“The request does assert that its subject matter has been brought to Management’s attention and that, in the Requester’s view, Management has failed to respond adequately demonstrating that it has followed or is taking steps to follow the Bank’s policies and procedures.”* The Requesters provided evidence of correspondence with the Bank Country Office in Kinshasa prior to the filing of the Request, where they raised their concerns. The Panel is satisfied that this criterion is met.

33. Criterion (d): *“The matter is not related to procurement.”* The Panel is satisfied that the Request does not raise issues of procurement and thus this criterion is met.

34. Criterion (e): *“The related loan has not been closed or substantially disbursed.”* At the time the Request was received by the Panel, the Project was 74.52 percent disbursed. This criterion is therefore met.

35. Criterion (f): *“The Panel has not previously made a recommendation on the subject matter or, if it has, that the request does assert that there is new evidence or circumstances not known at the time of the prior request.”* This is the first time the Panel has received a Request on this subject; it thus has not previously made a recommendation. The Panel is satisfied that this criterion is met.

E.2. Panel Observations Relevant to its Recommendation

36. In making its recommendation to the Board and in line with its Operating Procedures, the Panel considers (i) whether there is a plausible causal link between the harm alleged in the Request and the Project; (ii) whether the alleged harm and possible non-compliance by the Bank with its operational policies and procedures may be of a serious character; and (iii) whether Management has dealt appropriately with the issues, or has acknowledged non-compliance and presented a statement of remedial actions that address the concerns of the Requesters. The Panel records below its preliminary observations on the alleged harm and compliance, noting that in doing so it is not making any definitive assessment of the Bank's compliance with its policies and procedures, and any adverse material effect this may cause.

37. The Panel is fully aware of the context in which the Project is being implemented and the inherent difficulties of Project implementation in such a fragile environment. The Panel also acknowledges the importance of the road in connecting two very important urban centers, namely Goma and Bukavu, intended to improve connectivity between different parts of the country and reduce insecurity in the area. In addition, the Panel recognizes the attention given by Management to this Project, following the registration of the Request, including the rapid deployment of field missions, the development of an action plan to address issues raised, and the issuance of a formal Notice to Correct to the Contractor on October 2, 2017.

38. As mentioned above, the Panel met with different groups of stakeholders and visited the road and nearby quarries, although due to the security situation it did not travel the entire length of the road. Below, the Panel reports on the results of these various meetings and the harms it has been able to witness directly or about which it has been informed.

39. **Quarries and their Management.** The Requesters raised with the Panel harms they experienced as a result of the Contractor's occupation of the quarry they operated. They explained that they had been authorized to operate this quarry for the past 14 years; quarries operated on public land require annual government concessions, which are typically renewed for the same operators. The Panel understands that most quarries used by the Contractor to provide materials for the road have possessed such authorizations. The Requesters had initially entered into an informal negotiation process with the Contractor to provide materials for the road construction under their existing authorization. However, the Contractor obtained a provincial order, a copy of which was reviewed by the Panel, that declared that 12 quarries would be considered public utilities until all materials necessary for the rehabilitation of the Bukavu-Minova road section had been obtained. While this order stated that the Contractor should compensate the quarry operators for any losses incurred by its implementation, it did not establish any compensation rate, nor lay out any process to assess the value of the materials provided. This order left the operators of these 12 quarries with little bargaining power to negotiate compensation after their materials had already been taken. The Panel was told that the Contractor misinterpreted this order as an authorization to extract the quarries' materials without payment, and did so under the protection of the FARDC military forces and by using its own workers and machinery. Furthermore, under pressure to start construction immediately, the Contractor proceeded without following the requisite measures in the contract and the Environmental and Social Management Plan. These measures included obtaining authorizations from the Supervising Engineer, as well as providing an inventory of the quarry sites, list of agreements obtained with quarry owners, and quarry management and restoration plans.

40. The Requesters claimed that when the Contractor brought military forces to the quarry they operated, the military used excessive force and chased away the Requesters and other quarry workers. In this process, the wife of one of the Requesters was beaten and, although she was not sexually assaulted, her traditional dress (*pagne*) was torn and her body was exposed. The Requesters confirmed to the Panel that, after Bank intervention, they have been compensated for materials initially excavated from the quarry without payment. The Panel learned that quarries being taken over by the Contractor under military protection and with the approval of the local

government was the norm. Management acknowledged the mismanagement of quarries and their use without payment in its Response and in supervision aide memoires.¹⁶

41. The quarry operated by the Requesters has since been declared hazardous, as continued mining has allegedly caused the destabilization of an adjacent high-intensity electrical tower. The Panel was informed by Management that even after stabilization works, the quarry will have to be closed and the Government is looking for an alternative site to compensate the Requesters. The Requesters view the proposed closure of the quarry as a form of retaliation and believe the site could be operated in part after the electrical tower has been secured. They also claim that the tower would not have been at risk had it not been for the operation of heavy machinery by the Contractor. According to them, the traditional, high labor-intensive, manual exploitation of smaller amounts of stone would not have caused the damage.

42. Apart from the Requesters, the Panel met with several other quarry owners, all of whom complained of their quarries being taken over by the Contractor, supported by military forces. They said that they had to accept very low compensation rates as they felt intimidated in the presence of military forces and had little bargaining power. The Panel also met a quarry owner operating on his private land who claimed he did not receive any compensation after his quarry was occupied and still feared resuming mining even after the Contractor and the military forces had left. In addition, the Panel heard of agricultural lands being taken over and turned into quarries, destroyed by machinery or by material dumped on the land. The Panel understands that while compensation for quarry material was left open to negotiation, compensation for agricultural land was regulated in detail regarding surface area and type of crops, under the supervision of the environmental and social consulting firm. Nevertheless, the Panel was told by some community members that they had not received any compensation for lost crops.

43. **Livelihood Impacts, Compensation and Grievance Redress.** The Panel heard of several harms related to loss of livelihoods. Several individuals and families with whom the Panel met said they had not been able to work in the quarry operated by the Requesters since it had been taken over by the Contractor. A number of individuals became unemployed, or employed in other, lower paying jobs in the village or were in some cases working in the quarry at night, which exposes them to great risks. Furthermore, the Panel met with the members of a women's cooperative who were mining sand in a riverbed. They told the Panel that the government did not renew their concession in anticipation of the upcoming road construction. In this case, the Contractor, once again under military protection, had chased these women away and taken over the site, as well as existing stock. After the road construction progressed, moving further along the road, these women were able to return to the site.

44. Livelihoods have also been impacted by disruptions in water supply. The Panel was told that during the Contractor's exploitation of the quarry operated by the Requesters, the water source that had been serving a large part of the community was submerged. According to the Requesters, it has since been partially restored. Similarly, a water pipe that had been serving a nearby camp of about 360 internally displaced households was destroyed by the road construction. As a consequence, these households now suffer from lack of clean water and related health issues, and

¹⁶ Aide mémoires from supervision missions on August 28-31, 2017 and October 10-13, 2017.

community members have to walk long distances to fetch water. This situation has persisted for the last six months. The Panel team raised this issue with the Supervising Engineer who said he was aware of the situation and expressed surprise that it had not yet been rectified.

45. As stated in the Management Response, a number of households not included in the initial RAP were identified as suffering impacts. The Panel met members of several households who claimed having lost land and/or income due to damaged crops without yet being compensated. The Panel is not able to ascertain the role of the grievance redress mechanism, but informal questioning revealed it was not currently fully functioning. This was also acknowledged by Management in its Response.¹⁷ Several community members who claimed harm told the Panel they were not aware of the local grievance committees.

46. **Labor Issues, Occupational and Road Safety.** The Management Response and aide memoires¹⁸ acknowledge labor related harms, which the Panel was able to confirm in the field. Management recognizes that many of the Contractor's workers did not have formal contracts; this situation was corrected after the Bank's intervention. The Panel found, and Management confirmed in its Response, that former workers had received reduced salaries because they had not been paid in line with the official exchange rate of the Congolese Franc. Management and the Contractor confirmed to the Panel that this issue has been handled and provided supporting evidence. The Contractor also informed the Panel that corrective payments had been made to workers who were no longer with the Contractor, but some had not yet been paid the balance owed to them.

47. Regarding child labor, the Contractor told the Panel that it was not using child labor and was strictly adhering to the employment age of 16 years old in accordance with national law. Management also explained in its Response that it reviewed the Contractor's registry and conducted interviews with workers and was not able to find any case of child labor, although there were three workers who were 17 years old. However, it was brought to the Panel's attention by community members that some children under the age of 17 were employed in various quarries. The Panel also heard that prior to the Request, the Contractor was rather lax in checking identity cards as part of its recruitment process.

48. The Panel met with one community member who said he was fired because he complained about the beating and torture of one of the Requesters. He informed the Panel that he had reported this incident to the relevant officer in MONUSCO, who keeps a roster of such incidents. The Panel also met a local NGO (*Réseau d'Analystes de Relations Internationales pour la Paix dans la Région des Grands Lacs*, RARIP-RGL) that was monitoring the implementation of Pro-Routes on a variety of issues, and it informed the Panel that female workers who had suffered sexual harassment were dismissed after complaining. In addition, the Panel heard about occupational and road accidents -- including the case of a worker who died after losing a finger, an incident that is currently being investigated by the social and environmental consulting firm.

¹⁷ Management Response, p.5

¹⁸ See footnote 16.

49. **Gender-Based Violence.** The Requesters have alleged the existence of GBV connected to the road works. However, the Management Response and Bank teams with whom the Panel met in Washington and Kinshasa after their return from field missions could not corroborate any such cases. An international consultant recruited by the Bank is currently looking into this issue. The Panel recognizes the extreme sensitivity of this issue and notes the difficulty for victims to discuss it openly. Cases are largely not reported by victims given the stigma and fear of retaliation.

50. The Panel team was able to speak with several victims of GBV perpetrated by the Contractor's workers or the military forces engaged by the Contractor to provide security. One victim, a 14-year-old girl on her way to fetch water, was abducted by one of the Contractor's employees under the protection of a member of the military forces. She was taken to a nearby bar and raped. Soon after, because of her screaming, her mother was alerted and came to her rescue. She immediately took her daughter to the local health center where she was examined. The Panel team spoke to both the girl and her mother, who shared that the girl had to leave her village due to the stigma she now faces in her community. The girl also told the Panel that she had heard of at least 10 girls who had undergone the same or similar experience, five of whom she knew personally.

51. The Panel team also met two girls ages 14 and 17 who were students in a skills training center for out-of-school girls. Because these girls were originally not from the community, they lived in the center with another girl who experienced the same harms, but was not present during the meeting with the Panel. According to the girls, five of the Contractor's employees, who were working nearby and were protected by military forces, broke into the building where the girls were lodged and engaged in non-consensual sexual relations with them over the course of three weeks. The two victims stated that five other girls were brought to the center for paid sexual relations during this time. One of the victims was pregnant when the Panel met her. The center was in great disarray and the Panel was told that some of its chairs were used as firewood and that much of the equipment was also destroyed by the Contractor's employees. The Panel team was also told that the military forces engaged by the Contractor were asking males seeking employment to procure girls from the community for the Contractor's staff in exchange for employment. All the girls with whom the Panel met expressed that they would like to go back to school.

52. The Panel visited the Minova hospital where it met with the medical director and a supervising nurse for the region. The Panel was informed that victims of sexual violence would normally go to the local health centers rather than the hospital, and frequently out of fear did not disclose who the perpetrators were. Therefore, developing a more complete and accurate picture of the situation would require a systematic survey of all health centers along the road as well as private and confidential conversations with survivors to obtain detailed information about GBV cases.

53. The Panel did not meet anyone who had experienced sexual harassment, but the Bank's team confirmed two cases involving women working in the kitchen at the Contractor's camp. The local NGO, mentioned earlier, informed the Panel of six cases of sexual harassment. Meanwhile, responding to Panel's enquiries in both Kinshasa and Goma, the Contractor informed the Panel that its internal investigation had not revealed any cases of sexual harassment.

54. **Excessive Use of Force, Retaliation and Intimidation.** As stated in the Management Response, while the Bank had agreed that the Government would provide security in the Project area, the Contractor negotiated an ad hoc agreement with the military forces to ensure supplementary security in the worksite. Management was neither consulted about nor notified of this arrangement by the Contractor. Since this issue was not anticipated at Project preparation, according to the Management Response, the Bank did not put in place appropriate mitigation measures to manage the social risk that could emerge from this situation.¹⁹ The Panel understands that this issue was only signaled to the Bank after the Request. The Panel was also informed that the Supervising Engineer was resorting to the military forces to protect its own premises. During its visit to Goma, the Panel team attempted to meet the local military commander, but he was unavailable at the time.

55. Although the Panel did not have enough time during the eligibility visit to conduct a thorough inventory of all cases of excessive violence, it was able to identify several such cases and to speak to affected individuals and families. One of the Requesters stated that he was beaten and tortured sometime after the military intervention at the quarry, and that in addition to continued physical suffering from a knee injury, he claims psychological trauma. This was confirmed by other community members with whom the Panel spoke. The wife of one of the Requesters was earlier beaten during the quarry attack as indicated above. The Panel met with several other persons who had been beaten by the military protecting the Contractor, including one who suffered a head injury and was still hospitalized. Another man told the Panel he was shot in the leg while urinating near the Contractor's camp; the Contractor claims he was stealing petrol from the camp. Many cases were corroborated by the previously mentioned NGO, whose report reviewed by the Panel identifies 11 cases of physical violence by the Contractor's military forces.

56. In addition to actual violence exercised by the military forces, their presence has had the effect of intimidating community members. A case in point is the instance mentioned above, where a quarry owner felt pressured to sign an unfavorable contract in the Contractor's camp that was guarded by the military.

57. The Requesters expressed fear that filing the Request had put them in danger and believe the decision to close the quarry they have operated is an act of retaliation. Other instances of retaliation recounted to the Panel include the summary dismissal of a worker who complained to the Contractor when one of the Requesters was beaten, as mentioned earlier. During its visit, the Panel was informed that the Contractor had telephoned a member of the community and, in a tone perceived as threatening, asked who the Panel was meeting.

58. The Management Response, the Contractor and MONUSCO have all informed the Panel of the new measures to prevent recurrence of the types of incidents mentioned above. This includes the use of a smaller number of military personnel, the removal of those who had committed abuses and recently, standard human rights training offered by MONUSCO. The Panel did not see any military working for the Contractor during its visit to the road, but was informed that due to the rapid progression of works they were currently in different sites closer to Bukavu.

¹⁹ Management Response, p.7

59. **Indigenous Peoples.** The Panel met with a woman and her three daughters who identify as Indigenous Peoples and had lost their jobs as a result of the Contractor's occupation of the quarry operated by the Requesters. Regarding the graves affected by the Project, the Panel confirmed that they did not belong to Indigenous Peoples as stated in the Management Response. During its visit, the Panel received a letter signed by 15 representatives of Pygmy Indigenous Peoples expressing their support for the Project and explaining that they had benefited from it.

E3. The Panel's Review

60. The Panel fully recognizes the importance of the Project for the DRC, both for improving connectivity and reducing poverty. It also recognizes the difficulties of implementing the Project in a fragile situation, such as that of the DRC. In addition, the Panel is fully cognizant of the specific challenges posed by the large size of the country. The Panel understands that fragility, attendant insecurity, and vast distances have together challenged the Project's implementation and supervision.

61. The Panel notes the problems faced in the management and supervision of the Project, with the involvement of three different entities (the PIU, the Supervising Engineer and the environmental and social consulting firm), of whom only the Supervising Engineer is based in the field; the environmental and social firm is based in Kisangani and the PIU in Kinshasa. The Panel is not able at this point to assess the capacity of each entity, nor make conclusive statements concerning their interaction or their problem-solving abilities. The existence of supervision gaps are nevertheless clear at this time. Management in its Response recognizes that the conflict-affected environment in which the Project operates has affected "*the Bank's ability to access the Project area for supervision.*"²⁰

62. Good practice dictates that measures to ensure security of projects and their sites, should not have a negative impact on communities, and that providing security while respecting human rights should be a guiding principle.²¹ Unfortunately, this has not been the case for the Project as observed by the Panel team. It is not yet possible to measure the impacts of the newly amended agreement with the military forces but it appears to be a step in the right direction.

63. In view of the above, the Panel maintains that the harms raised in the Request and those it has been able to verify in the field are of a very serious nature and are linked to the Project and its implementation. Furthermore, these harms appear to have been ongoing and only began to be uncovered by Management after receipt of the Request. Management has already recognized many of these harms in its Management Response. Its proposed action plan addresses several of the harms, but still falls short of robust measures that address all harms observed by the Panel, especially those related to GBV.

²⁰ Management Reponse, p v.

²¹ Good Practice Handbook: Use of Security Forces: Assessing and Managing Risks and Impacts, International Finance Corporation, 2017.

F. Recommendation

64. The Panel considers the alleged harms as reflected in the Request and as confirmed during the Panel's eligibility visit linked to the Project. The Requesters and Request meet the technical eligibility criteria as set forth in the Resolution establishing the Inspection Panel and in the 1999 Clarification.

65. The Panel therefore recommends carrying out an investigation into the alleged issues of harm and related potential non-compliance with Bank policies, especially relating to the following policies: Environmental Assessment, Involuntary Resettlement and Investment Project Financing.

66. The Panel trusts that the Bank will work closely with Government counterparts to put in place robust measures to prevent retaliation against Requesters and community members, to prevent additional harms to the community, and to provide the needed redress.

67. If the Board of Executive Directors concurs with the Panel's recommendation, the Inspection Panel will advise the Requesters and Management accordingly.

ANNEX I

Request for Inspection

Request for Inspection

(English Translation)

-----Original Message-----

Sent: Thursday, August 03, 2017 1:19 PM

To: Tamara Milsztajn <tmilsztajn@worldbank.org>

Cc: Zeinab Bashir Elbakri <zelbakri@worldbank.org>; Inspection Panel <ipanel@worldbank.org>; Rupes Kumar Dalai <rdalai@worldbank.org>

Subject: REQUEST FOR INSPECTION INT COMM [REDACTED] PROJECT PRO ROUTES Rn2 [REDACTED] DRC

Dear members of the World Bank Inspection Panel,

Let me make it perfectly clear: we have obviously been the victims of Project PRO ROUTES Rn2, and we will be the victims of others if nothing is done. But I can tell you one thing: we shall never give up our fight for a better world, we shall never let down our guard against the great empires, we shall never sell out the people to a minority. Everything that we have put forward in our complaint we have done so not just for ourselves, but for all the victims of your activities under project PRO ROUTES and for future generations. We have done all that we can, and sometimes even more, demanding in return compensation and damages for all the violations of human rights. [REDACTED]

[REDACTED] What is the point of a development project that rehabilitates our infrastructures, the symbol of a people that is standing on its feet, which asserts itself, which takes full responsibility for itself, which is not prepared to be taken for a fool, if the leaders responsible for the project's implementation give free rein to commercial companies with easy consciences to sabotage institutions, the local inhabitants, including women and young people? Is it possible that these works paid for from public monies are being carried out for the private benefit of the commercial enterprises that have won the bids? And their plans, which are short on the details, do not concern us, do not affect us, do not involve us in all the things that they think they can do for our benefit. For our part, we have waged a major campaign through our income-producing activities for our poor brothers and sisters who have been the victims of our conflicts and wars since 1996; but, alas, all of the efforts that we have made over decades have been undone in a single day! Before our very eyes, bound and tortured!!! What legitimacy can these people claim, those who torture us, commit violence against us, drive us from our workplaces, preventing us from feeding our children and sending them to school in our own country, and this in the name of the World Bank in plain view and under the banner of the World Bank? What does the World Bank have to say about that? That they are promoting our development, without our participation, developing without us, for starters. Oh, necessarily, not with us – not everyone has the same abilities. Let us mention a small [...], just enough, to be able to claim that they know what they are talking about. And then, when the people rise up, when the roof falls in on them, they will come to see us [REDACTED].

Dear panel members, this is why we are devoting all our energies toward finding as quickly as possible an amicable solution that upholds our dignity and our rights. Attached please find our request for an inspection [REDACTED] relating to our allegations against the World Bank and its partners.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

To the Executive Secretary of the Inspection Panel

1818 H Street NW, MSN 10, 1007, Washington, D.C. 20433, United States

Subject: Request for Inspection

We, [REDACTED]
[REDACTED]
[REDACTED]

We have been suffering from the harm caused by the World Bank's failure or omission to respect our rights, our dignity and ethics in connection with project INT COMM [REDACTED] PRO-ROUTES PROJECT for the rehabilitation and reopening of high-priority roads, implemented by a [REDACTED] linking the towns of Goma and Bukavu, situated in North Kivu and South Kivu provinces of the Democratic Republic of Congo.

Since March 26, 2017, [REDACTED] implementing the project, has occupied our quarry, which is our source of income and our livelihood. Our children's school fees have not been paid, our customers are threatening us. Following these threats we fled our village and have taken refuge in [REDACTED], internally displaced persons, refugees and demobilized military personnel who made their livelihood working in our quarry do not know how they will meet the needs of their families, which creates a risk of revolt, young people are at risk of being recruited by various armed groups. We fear that this could result in violence and killings in the village if nothing is done to pay for all the damage caused by this World Bank project.

This World Bank project has not respected or complied with its commitments in respect of the rights of the local communities, nor has it respected international humanitarian law relating to the indigenous communities since it has forcibly seized the indigenous communities' resources, using for this purpose armed and uniformed military personnel.

We have complained by email to the staff of the World Bank Office in Kinshasa, DRC, to the [REDACTED]

have also [REDACTED], including the [REDACTED]
[REDACTED]

We consider the response we have received to be inadequate. It does not solve our problems for the following reasons: the bills for the construction materials forcibly taken following macabre scenes of torture, assault and battery, and physical violence, and compensation for the crops destroyed have not yet been paid.

We call upon the Inspection Panel to recommend to the Executive Directors of the World Bank that an investigation of these matters be carried out.

[REDACTED]

We do not authorize you to disclose our identities.

2017

[REDACTED]

[REDACTED], 3 August

[REDACTED]

Request for Inspection

(French)

[REDACTED]

From: [REDACTED]
Sent: Thursday, August 03, 2017 1:19 PM
To: [REDACTED] Tamara Milsztajn
Cc: Zeinab Bashir Elbakri; Inspection Panel; Rupes Kumar Dalai
Subject: DEMANDE [REDACTED] INSPECTION INT [REDACTED] PROJET PRO ROUTES Rn2 [REDACTED]
Attachments: Demande Inspection.pdf; [REDACTED]

Follow Up Flag: Follow up
Flag Status: Flagged

Chères membres du Panel Inspection Banque Mondiale.

Que ce soit bien clair : nous avons été victime de projet PRO ROUTES Rn2, évidemment. Et nous en serons victime d'autres si rien ne fait. Mais je peux te dire une chose : jamais nous n'abandonnerons le combat pour un monde meilleur, jamais nous ne baisserons la garde devant ces grandes empires, jamais nous ne sacrifierons le peuple au profit d'une minorité. Tout ce que nous avons fait comme plaidoyer, nous l'avons fait non seulement pour nous, mais aussi pour tous les victimes de vos activités de projet PRO ROUTES et les générations futures. Nous avons fait tout ce que nous avons pu, et parfois plus, en demandant en échange nos dommages et réparation de toutes violation des droits humains. [REDACTED]

Quel sens peut avoir un projet de développement qui réhabilite nos infrastructures, symbole d'un peuple qui se tient debout, qui s'affirme, qui s'assume pleinement, qui ne se laisse plus « manger la laine sur le dos », si les dirigeants qui le portent laissent l'espace et le pouvoir à des entreprises commerciales à la conscience laxiste de procéder au sabotage des institutions, de la population locales dont les femmes et les jeunes ; ces travaux de fonds publics peut il être fait à l'avantage personnel des entreprises commerciales qui gagnent les marchés? Aussi leurs plans succincts ne nous concernent pas, ne nous touchent pas, ne nous fait pas participer à tous ce qu'ils pensent pouvoir faire à notre avantage. Nous, nous avons fait une grande campagne d'intégrité à travers ses activités génératrices de revenus tous nos frères et sœurs pauvre et victime de nos conflits de guerres depuis 1996; Mais Helas...tous nos efforts investis depuis des décennies ont été remise à zéro dans une journée!!! devant nos yeux nous tous ligoté et chicoté!!! C'est quoi leur légitimité à ces gens-là qui nous torture, nous violenter, nous chasser de nos lieux de travail en nous empêchant de scolariser et nourrir nos enfants dans notre propre pays au nom de la Banque Mondiale avec une grande visibilité et logo Banque Mondiale, es ce que Banque Mondiale peut nous le dire ? Qu'ils fassent notre développement sans notre participation, développer chez sans nous pour commencer. Oh, pas forcément avec nous, tout le monde n'a pas les mêmes capacités. Disons une petite, juste assez pour pouvoir prétendre qu'ils savent de quoi ils parlent. Et là, lorsque la population se déchaînera, lorsque le toit leur tombera sur la tête, ils viendront nous voir. [REDACTED]

Chères membres du panel voilà pourquoi nous dépensons toutes nos énergies afin qu'une solution à l'amiable de respect de notre dignité et nos droits soit trouve dans un bref délai.

Ci-joint notre demande d'inspection [REDACTED] concernant nos allégations contre la Banque Mondiale et ses partenaires.

[REDACTED]

[REDACTED]

[REDACTED]

Au Secrétaire exécutif de Comité d'inspection
1818 h Street NW, MSN 10, 1007, Washington, DC 20433, Etats-Unis

Objet : demande d'inspection

[REDACTED]

[REDACTED]

Nous souffrons du préjudice résultant des échecs ou omissions de la Banque mondiale de tenir compte nos droits, notre dignité et l'éthique dans le projet INT COMM [REDACTED] PROJET PRO ROUTES ré habitation et réouvertures des routes de hautes priorité, exécuté par une entreprise [REDACTED] reliant les villes de Goma-Bukavu situé dans les provinces du Nord et du Sud Kivu en République démocratique du Congo

Depuis 26 Mars 2017 à ce jour : [REDACTED] exécutant de ce projet a occupé notre carrière qui est notre source de revenus et moyens d'existence, nos enfants n'ont pas payé des frais scolaire, nos clients nous menace et suite à ses menaces nous avons fouis notre village et nous vivons en refuge dans [REDACTED] des personnes déplacées interne, des réfugiés et de démobilisées qui vivaient des activités de notre carrières ne savent plus comment prendre en charge des besoins de leurs familles ce qui risque de révolte des jeunes gens qui cour des risque de se faire enrôler dans différents groupes armés ; et nous craignons que ce ci puisse aboutir à une violence et des tueries dans ce village si rien ne fait pour payer tous ses dommages causé par ce projet de la Banque Mondiale.

Ce projet de la Banque Mondiale n'a pas respecté ou observé ses engagements vis-à-vis des droits des communautés locales mais aussi observé les droits humanitaires international vis-à-vis des communautés autochtones en prenant de forces des ressources des communautés autochtones en utilisant des hommes armé en uniforme militaire.

■ Nous nous sommes plaints au personnel de la Banque mondiale bureau de Kinshasa RDC et [REDACTED]

[REDACTED] en envoyant des courriers par e-mail mais aussi en contactant [REDACTED]

[REDACTED]

Nous croyons que la réponse reçue n'est pas satisfaisante car elle ne résous pas nos problèmes pour les raisons suivantes: la facture de nos matériaux de construction pris par force après des scènes macabre des tortures, coups et blessures et de violences physique et des dommages des destructions de nos récoltes ne sont pas encore payer.

Nous demandons au Comité d'inspection de recommander les directeurs exécutifs de la Banque mondiale qu'une enquête sur ces questions soient exécutées.

[REDACTED]

Nous ne vous autorisons pas à divulguer nos identités

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From [REDACTED]
Sent: Thursday, August 03, 2017 3:18 AM
To: Tamara Milsztajn <tmilsztajn@worldbank.org>
Cc: Zeinab Bashir Elbakri <zelbakri@worldbank.org>
Subject: Fw [REDACTED] de la Banque Mondiale Kinshasa PLAINTE CONTRE [REDACTED]
[REDACTED]

FYI. correspondance sans suite envoyé au bureau Banque Mondiale Kinshasa.

--- En date de : Lun 10.4.17, [REDACTED] a écrit :

> De: [REDACTED]
> Objet: PLAINTE CONTRE [REDACTED]
> À: [REDACTED] [@worldbank.org](mailto:[REDACTED]@worldbank.org)
> Date: Lundi [REDACTED]
> Bonjour [REDACTED] de la Banque Mondiale
> Kinshasa suis membre [REDACTED]
[REDACTED] et une
> entreprise [REDACTED]
[REDACTED] financé par la Banque mONDIALE c'est une
> entreprise qui a gagné le marché de réhabilitation de la
> route Sake Kavumu(Bukavu); nous plaidons pour que ce dernier
> paye les matériaux de construction pris par force après
> une convention et qu'ils refusent de payer; après avoir
> degrepis ou chassé par force en utilisant les personnes en
> arme et une forme FARDC; avec des cas viols et autres
> violences corporelles sur les femmes et jeunes filles du
> village; nous cherchons a vous contacter car l'affaire et au
> niveau du parque de grande instance de [REDACTED]; ces partenaires
> sont vulnérables et n'ont pas suffisamment des moyens pour
> faire face à la justice; votre aide est nécessaire afin de
> faire un plaidoyer au niveau du bureau de la Banque Mondiale
> à Kinshasa pour faire pression à cette entreprise afin que
> ces personnes vulnérables soient rétablis dans leur
> droit.
> Merci de nous renseigne sur le contact
> e mail et numéro téléphone; du bureau Banque Mondiale de
> Kinshasa/
> [REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Sunday, August 27, 2017 10:03 AM
To: [REDACTED] Tamara Milsztajn <tmilsztajn@worldbank.org>
Cc: Zeinab Bashir Elbakri <zelbakri@worldbank.org>; Laura Valli <lvalli@worldbank.org>
Subject: Re : Réunion avec le Panel d' Inspection - Projet PROROUTES

Bonjour Tamara, je m'excuse, j'étais [REDACTED] mais aussi nous aimerions a ce que vous puissiez parle avec une victime qui est à l'hôpital à [REDACTED] qui a eu des coups des balles dans la cuisse gauche, la situation devient de plus en plus inquiétante [REDACTED] votre intervention est si urgente et importante afin d'arrêter l'hémorragie. Nous comptons maintenant des blessés par balle des filles mineurs violée qui payaient le prix d'une réhabilitation d'une route en terre de 145 Km utile pour une saison agricole à ce siècle, surtout que financé par une grande institution comme B.M. rendez-vous au téléphone ce lundi. Nous [REDACTED] [REDACTED] notre sécurité commence à devenir très limité si rien ne fait de votre part nous craignons le pire. Connaissez vous un certains [REDACTED] B.M Kinshasa? [REDACTED]

From: [REDACTED]
Sent: Tuesday, August 29, 2017 12:20 PM
To: [REDACTED] Tamara Milsztajn <tmilsztajn@worldbank.org>
Cc: Zeinab Bashir Elbakri <zelbakri@worldbank.org>; Laura Valli <lvalli@worldbank.org>
Subject: RE: Re : Réunion avec le Panel d' Inspection - Projet PROROUTES

Bon jour Tamara, [REDACTED] Concernant les pygmées, ils sont affectés négativement car leurs moyens d'existence a été détruit par le projet, parce ce sont des femmes pygmées qui travaillent dans la carrière occupée militairement par les [REDACTED] de [REDACTED] il y'a eu beaucoup des cas de violence sexuelle due aux activités du projet à la carrière suite a un grand nombre des jeunes garçons de moins de 18ans engagé comme travailleurs journaliers, mais aussi les [REDACTED] confisqué 20% de la rémunération de ces jeunes en les exploitant abusivement. Une famille se plaint que [REDACTED] a détruit leur champ des produits vivriers dont manioc, haricot...et des plantes industrielle, caféier, quinquina et des arbres fruitiers sans les consulter sans leur accord, la même famille a vu les tombes de leurs grand parent être détruite voyantvles [REDACTED] dispersés les squelettes de leurs grands parents et membre de famille le long de la route. Concernant le fusillade, ce plutôt un homme répondant [REDACTED] qui a été baissé et se trouve à l'hôpital de [REDACTED], [REDACTED]

Concernant le représailles,

[REDACTED] en fait en bref ce ce la les menaces. [REDACTED]

ANNEX II

Management Response

**MANAGEMENT RESPONSE TO THE
REQUEST FOR INSPECTION PANEL REVIEW OF THE
DEMOCRATIC REPUBLIC OF CONGO: HIGH PRIORITY REOPENING AND
MAINTENANCE OF ROADS (“PROROUTES”) PROJECT (P153836)**

Management has reviewed the Request for Inspection of the Democratic Republic of Congo: High Priority Reopening and Maintenance of Roads (“ProRoutes”) Project (P153836), received by the Inspection Panel on August 3, 2017 and registered on September 13, 2017 (RQ17/05). Management has prepared the following response.

October 20, 2017

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Figure 1. Map of the ProRoutes Project with its different components (IBRD 42140)

Figure 2. Map of the Bukavu-Goma road segment (IBRD 43237)

Annex

Annex 1. Claims and Responses

ABBREVIATIONS AND ACRONYMS

DRC	Democratic Republic of Congo
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
GBV	Gender-based Violence (also referred to as SGBV, Sexual and Gender-based Violence)
GRM	Grievance Redress Mechanism
GRS	World Bank Grievance Redress Service
ID	Identification
IDA	International Development Association
IPN	Inspection Panel
IPP	Indigenous Peoples Plan
MONUSCO	United Nations Organization Stabilization Mission in the DRC
NGO	Nongovernmental Organization
PIU	Project Implementation Unit
RAP	Resettlement Action Plan
RN2	National Road 2
UN	United Nations

EXECUTIVE SUMMARY

Project Background and Inspection Panel Request

i. The High-Priority Roads Reopening and Maintenance Project (Pro-Routes or Project) aims to re-establish access between provincial capitals, districts and territories in several priority areas in the Democratic Republic of Congo (DRC), bringing connectivity to one of the poorest and most conflict-ridden areas in the world. The Project, which started in 2008, has rehabilitated 2,300 kilometers of high priority national roads throughout the country to date. The Project will contribute to socio-economic growth and poverty reduction in the DRC by directly reducing vehicle operating and travel time costs.

ii. The Project is being implemented an extremely challenging fragile and conflict-affected development environment. Challenges include entrenched and violent ethnic conflicts; the proliferation and presence of foreign and Congolese armed rebel groups, which frequently carry out assaults on the Project area; and widespread gender-based violence (GBV). Works on the Project have been suspended several times due to attacks by armed groups along the Project road. The security situation is significantly affecting the Bank's ability to access the Project area for supervision; Bank teams frequently are not able to travel on site. This situation has also kept many qualified contractors from bidding on the works, and impaired the Project's ability to attract an international nongovernmental organization to support the environmental and social components of the Project.

iii. In fragile and conflict-affected situations, project workers, worksites and equipment often require security protection to enable project implementation. In the Project area, which has been destabilized by war, civil strife and criminal activity for more than two decades, contractors frequently require protection from armed rebel groups. While the Bank had agreed with the Government that it would address security conditions in the Project area, the Contractor had unilaterally made his own supplemental security arrangements by hiring military personnel to provide security to the worksites. The Bank was not notified of this arrangement as the subcontract did not require the Bank's no-objection.

iv. On September 13, 2017, the Bank's Inspection Panel registered a Request for Inspection submitted by two individuals. The Request for Inspection includes allegations regarding adverse impacts on livelihoods through occupation of a quarry which one of the Requesters operates, and excessive use of force by military personnel deployed to provide security services to the Contractor. The Request further alleges violence against the community, including GBV; the employment of young boys as day laborers; and harm to the property of indigenous communities.

Management's Response

v. **Management has carefully reviewed the claims raised in the Request and takes the allegations very seriously. Management acknowledges that the Requesters had sent two emails informing the Bank of these claims and these should have received an immediate response.** However, once it received the complaint from the Inspection Panel, Management immediately sent a team to investigate the issues and made every effort to prompt the Borrower to provide remedies where noncompliance with its obligations under the Project's legal agreements, including relevant safeguard instruments, could be identified.

vi. **The first mission to the Project site, led by Global Practice Management with expertise from Washington and the Kinshasa office, took place between August 28 to 31, 2017; a second mission was conducted September 19 to 23, 2017, and a third mission October 11 to 13, 2017.** These missions included safeguard staff and highly qualified and experienced social development specialists trained in methodologies to assess GBV and familiar with the local context and language. This approach reflects the lessons and experience Management gained through the Uganda Transport Sector Development Project (TSDP).

vii. **Insights gained through the missions indicated that a key element of the Request appeared to be a commercial dispute between the Contractor and one Requester who operates a quarry.** In the course of this commercial dispute, the Contractor allegedly resorted to physical violence, using military personnel, to seize construction materials without paying for them. The Bank reported its findings to the relevant law enforcement authorities for their follow-up action in relation to any associated unlawful behavior. This dispute has since been resolved and the quarry operator has been compensated. Management pursued several actions with the Borrower agencies that implement the Project. Given the importance of the issues, Management also reached out to the Contractor and Requester in an effort to help the Borrower identify ways to remedy this unacceptable incident and put in place measures to prevent any recurrence.

viii. **Management takes particularly seriously the allegations regarding GBV, child labor and harm to indigenous communities. However, it has not yet been able to substantiate any of these claims, despite deployment of the specifically trained social development specialists noted above.** Management followed the protocols and lessons that have emerged from experience, including from the Uganda TSDP, and immediately sent Practice Management-led missions to the site, supported by staff with highly specialized skills and expertise in these areas. Despite numerous meetings and requests for more specific information, including by female experts on GBV in a safe and sensitive environment, the Requesters have not provided any specific or relevant information which the Bank could follow up on. Allegations have remained general, making it difficult for Management to validate these claims or to have them addressed by the appropriate parties. It is important to note that GBV and other human rights abuses are common in post-conflict Eastern DRC. In this case, it has been difficult to ascertain any link to the Project for the above-cited reasons.

ix. Management remains vigilant and will continue its due diligence. Management is working with the relevant authorities to facilitate their adequate investigation of and response to the issues raised by the Requesters. Management will also continue to partner with civil society organizations to monitor all allegation of abuse, violence and sub-standard working conditions related to the Project. Management will continue its safeguard due diligence, monitor the Borrower's compliance with its obligations under the Project, support the Borrower's efforts to ensure the compliance of the Contractor with its contractual obligations and the Bank's safeguard policies, and promptly take corrective measures where needed.

x. Management became aware during Project implementation that the Contractor had arranged for military personnel to provide security to the Project site. Management had initially agreed with the Borrower that it was the responsibility of the Government to ensure security conditions in the Project area so that contractors could operate safely. The Contractor decided to go beyond this general agreement and directly negotiated ad hoc arrangements with the Congolese army (the Army) for the assignment of military personnel to provide security to the worksites. The Bank was not consulted or notified about the Contractor's arrangements with the military. Management understands that while there may have been no alternative to this security arrangement, robust mitigation measures are required to manage social risks that could emerge from such situations. These were not anticipated at Project preparation and are being put in place now.

I. INTRODUCTION

1. A Request for Inspection concerning the Democratic Republic of Congo: High Priority Reopening and Maintenance of Roads Project (“ProRoutes” or Project) (P153836), financed by the International Development Association (the Bank), hereafter referred to as “the Request,” was received by the Inspection Panel on August 3, 2017 and registered on September 13, 2017 (RQ 17/05).

2. *Structure of the Text.* The document contains the following sections: Section II outlines the Request; Section III provides background information on the Project; Section IV discusses special issues; Section V presents Management’s responses to the Request; and Section VI contains the conclusion. Annex 1 presents the Requesters’ claims, together with Management’s detailed responses, in table form

II. THE REQUEST

3. The Request for Inspection was submitted by two individuals living in and near Goma, North Kivu Province, who are connected to a quarry exploited by the Contractor. Attached to the Request are emails from the Requesters to the Inspection Panel. The Requesters have asked that their identity be kept confidential (hereafter referred to as the “Requesters”). One of the Requesters had previously contacted the Bank directly by email, and is therefore known to Management. Management has communicated directly with this Requester in the course of its investigation related to the concerns raised.

4. The Request includes allegations regarding negative impacts on livelihoods through occupation by the Contractor of a quarry the Requesters operate; excessive use of force by military personnel deployed to provide security services to the Contractor, as well as violence against the community, including gender-based violence (GBV); the employment of young boys as day laborers; and harm to property of indigenous communities.

5. Prior to the Request, Management had received two emails from the Requesters, one on April 4 and one on June 29, 2017. The first email raised the incident at the quarry (see paragraph 30) and allegations of GBV allegedly committed during the incident. The second email focused on the commercial dispute about the quarry and indicated that the abuses raised earlier had been taken up by the military court in Goma. It did not specifically mention any Bank project or Bank involvement, nor did it make any reference to the first email. Both emails were overlooked by Bank staff but should have triggered an immediate response.

6. After the Inspection Panel informed Management that it had received a complaint on August 3, 2017, Bank staff contacted the Requester who had sent the earlier emails. In

that conversation, the Requester informed the Bank of allegations of violence associated with the unlawful exploitation of his quarry by the Contractor.

7. A Bank mission to Kivu was dispatched August 28-31, 2017 to investigate and address the allegations raised in the emails and during the phone conversation with one of the Requesters. The Bank team held extensive meetings with him on August 29. At that time, he raised concerns related to the incident at the quarry, including the allegation that a woman was assaulted during the incident. No other allegations were raised at that time.

8. Management later learned that the Requester had raised a second set of allegations with the Panel before he met with the Bank during this mission. Despite having already raised these concerns with the Panel, he did not share them with the Bank team during this mission, but only mentioned them when the Bank team followed up on them in subsequent conversations. This second set of allegations related to: (i) cases of GBV in the broader community committed by Contractor staff and military personnel deployed to provide security services to the Contractor; (ii) child labor; and (iii) harm to Indigenous Peoples communities, including alleged desecration of graves.

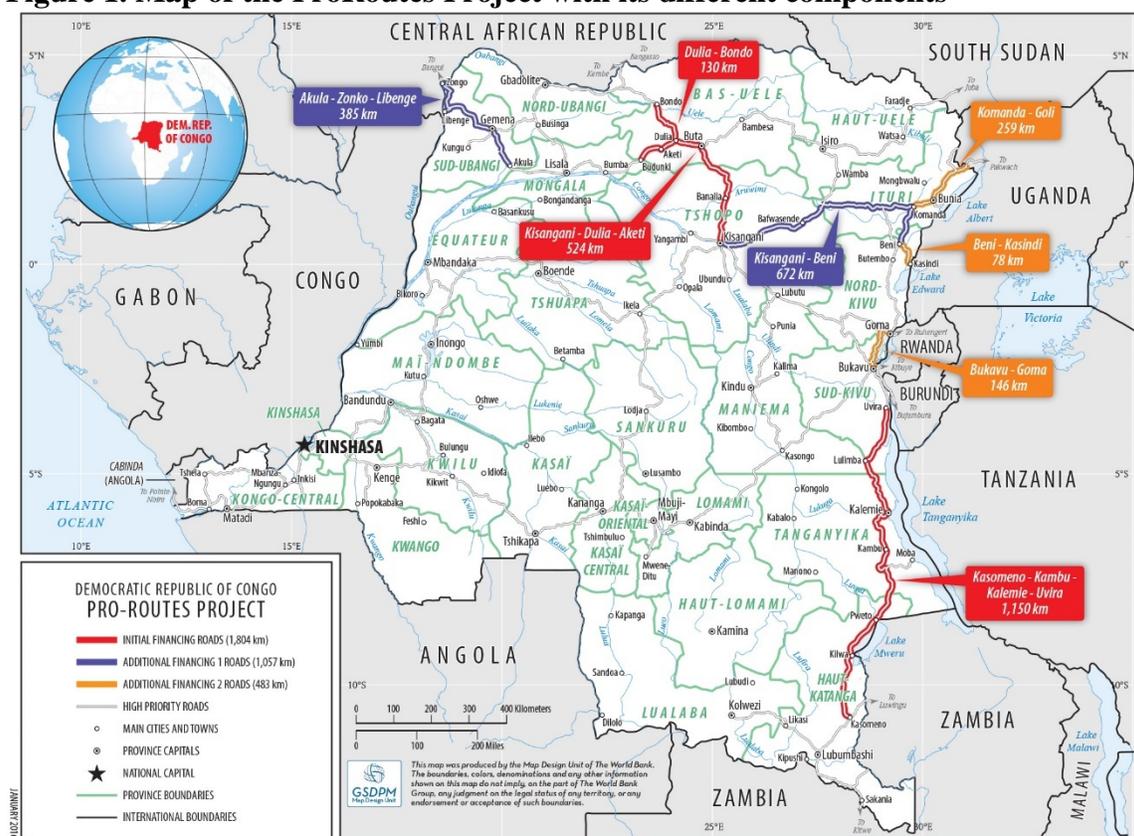
9. Both during and after the first mission, the Requester demanded, orally and in writing, to be given employment under the Project and/or payment for his “investigative services” in connection with the complaint. Bank Management has not agreed to these demands.

III. PROJECT BACKGROUND

10. **The Project.** The High-Priority Roads Reopening and Maintenance Project (Pro-Routes) (the “Project”) in the Democratic Republic of Congo (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 in the amount of US\$63.3 million equivalent was approved in June 2011 to scale up Project activities. On February 18, 2016, a second additional financing in the amount of US\$125 million equivalent was approved to support further Project activities.

11. The Project is supervised by a senior transport specialist with ten years’ experience working in DRC, based in Kinshasa. Major works contracts are visited on at least a yearly basis, due to security restrictions on travel to the worksites. Project-level arrangements to provide additional supervision elements are described further below (see paragraph 16). The Project is categorized “A” for its potential environmental and social impacts. To date the Project has rehabilitated 2,300 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 the overall Project with its components.

Figure 1. Map of the ProRoutes Project with its different components



12. **Project objectives.** The Project's development objective 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.

13. **Project components.** The Project has four components: (a) Road Reopening and Maintenance; (b) Institution Building; (c) an Environmental and Social Program, and (d) Monitoring and Evaluation. The second additional financing provides funding for maintenance of roads re-opened under the original Project and the reopening of the following three new road sections: (i) the Komanda-Bunia-Goli road; (ii) the Beni-Kasindi road; and (iii) the Bukavu-Goma road (about 146 kilometers, see Figure 2), linking the North 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 and the Akula-Gemena-Libenge-Zongo road. The second additional financing 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* (infrastructure unit) at the Ministry.

Figure 2. Map of the Bukavu-Goma road segment



14. ***Project benefits.*** The Project will reduce travel time on a road that connects two important economic hubs in the region, 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 in Kivu, and the Project is expected to contribute to stability and security in the post-conflict context of Kivu.

15. ***Safeguard assessment and documents.*** 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 second additional financing in October 2015. Since then, 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).¹ The site-specific ESIA includes procedures for protecting cultural heritage, including burials. Project also provides for a Grievance Redress Mechanism (GRM) to receive and address complaints. The GRM has not been fully implemented for the Bukavu-Goma road segment. Management is working with the Project Implementation Unit (PIU) to complete the GRM and ensure that it is put into operation. Specifically, 24 committees have been established (5 in North Kivu and 19 in South Kivu), including 8 that oversee the overall grievance system and 16 local committees.

16. ***There is little in-country capacity for safeguards. To mitigate this, the Project has put in place a range of measures to manage safeguard issues at the Project level.*** Supervision of safeguard mitigation measures is carried out through the following mechanisms: (a) safeguards specialist retained by the Contractor for day-to-day supervision and reporting on implementation of the Environmental and Social Management Plan (ESMP); (b) an environmental and social management firm (including an anthropologist dedicated to the implementation of the IPP) for monthly supervision in close coordination with the supervision engineer; (c) staff from the Ministry of Environment and the Project environmental unit of the PIU for periodic supervision; and (d) 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 staff. Quarterly progress reports (12 to date) on environmental and social safeguard management are prepared by the environmental and social management firm. ***Despite these Project level arrangements, significant weaknesses in safeguard supervision and reporting at the institutional level remain. The***

¹ Safeguard documents for the Bukavu-Goma road segment were prepared later than those for other road segments because the security situation did not allow an assessment to be carried out at this Project site. They were disclosed and consulted on according to Bank policy requirements.

Project initially intended to task an international nongovernmental organization (NGO) with the implementation of the environmental and social aspects of the Project, but no international NGOs expressed interest, and eventually a consulting firm was hired.

17. ***With regard to its benefits for Indigenous Peoples, the Project has been described as “good practice.”*** The Bank Information Center, an NGO, produced a case study of the ProRoutes project in November 2015, which concluded that the Project was a “best practice” in environmental and social safeguard management, and that the World Bank would benefit from replicating the ProRoutes approach elsewhere, in similar contexts. The acquisition of more than 5,000 hectares of land for the *Batwa* people (“Pygmies”), through negotiations with local Bantu communities and following the provisions of the Bank’s Involuntary Resettlement Policy, is one of the key social achievements of the Project. Another illustrative example of social inclusion by ProRoutes was the incorporation (in 2015) of 80 young *Mayi–Mayi* warriors² into the workforce of the Contractor of another ProRoutes’ financed contract, which constituted a contribution to peace in Eastern DRC.

18. ***This Project was prepared before the Uganda Transport Sector Development Project (TSDP) Inspection Panel case and hence did not benefit from the enhanced attention to GBV risks that has occurred subsequent to that case.*** Safeguards and other documentation prepared for the Project did not include specific and focused measures to mitigate risks and impacts from GBV in the area or specifically from the use of military personnel for securing Project sites. However, contractual obligations for contractors did include provisions against GBV and other violence. Management is working with the PIU to update and strengthen the relevant safeguard instruments to address GBV, further strengthen the GRM, and review the existing safeguard arrangements to reflect lessons from the Uganda TSDP. The Bank is also actively supporting GBV policies in DRC, including in the area relevant to the Request, through support to the Goma and Bukavu hospitals under the Great Lakes Emergency Women’s Health Project (P147489).

IV. SPECIAL ISSUES

19. ***ProRoutes provides critical development assistance in a conflict-affected area.*** The following paragraphs provide contextual information about the Project area to illustrate the challenges of implementing and supervising projects in such conflict-affected areas. Both implementation of the Project works and supervision missions by Bank staff had to be temporarily suspended at several points in the past due to significant security concerns, which remain a major challenge to date.

20. ***Lack of effective governance.*** State institutions in Eastern DRC face significant challenges in providing essential public functions and services. Years of conflict have contributed to the destruction of infrastructure and facilities, and continued insecurity and lack of access impedes the deployment of (and oversight over) trained and professional civil servants beyond provincial capitals. The poor state of road and communications

² These are community-based militias formed to defend local communities against other armed groups, such as gangs, rival factions, mercenaries, etc.

infrastructure renders many areas inaccessible to law enforcement institutions, allowing armed groups to operate with impunity.

21. ***Gender-based violence. The prevalence and intensity of all forms of sexual violence in the eastern provinces of the DRC have been described as the worst in the world.***³ Gender inequalities are profound in DRC, which ranks 148th of 157 countries in the Gender-Related Development Index. High gender inequality, identified as one of the factors underpinning systematic war-time sexual and gender based violence (SGBV), mirrors the existing challenges for women, including high maternal mortality, and limited empowerment and access to economic opportunities. There is also growing concern that SGBV, once associated primarily with the abuse by militias and mercenaries, has “metastasized into a wider social phenomenon.”⁴ 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.⁵ Survivors often lack access to basic health services that address the physical and mental consequences of violence and displacement, due to disruptions in provision of medical services. Moreover, survivors often facing stigma and rejection by spouses, families and communities.

22. ***Use of security and military personnel. In fragile and conflict-affected situations, securing and protecting project worksites, workers, and equipment can be essential to allowing a project to be implemented.*** 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 South Kivu represents a significant challenge for the implementation of civil works in the area.

23. ***Foreign and Congolese armed groups have continued to proliferate and operate in Eastern DRC.*** In many areas, they exercise *de facto* territorial control, including over important mining areas and economic corridors. Despite the demobilization and reintegration of ex-combatants in 2009, these have partly regrouped and new militias have emerged. Since 1998, over 5.4 million people are estimated to have been killed in this conflict,⁶ while millions of others have been plunged into a state of acute vulnerability due to displacement, dispossession, the breakdown of communal and social bonds, and the loss of livelihoods.

24. ***Security challenges are illustrated by the most recent raids of armed rebel groups in the Project area on September 27 and October 1, which led to the temporary suspension of works.*** The attacks occurred on several villages located along the road,⁷ with multiple gunfire exchanges and damages to the communities. Works had to be suspended on October 11-12 again due to a separate rebel attack on the village of Shasha. Because of the deteriorated security conditions, Bank teams have not been authorized to travel to the

³ By many authors, as well as the United Nations Special Representative on sexual violence in conflict at a meeting of the United Nations Security Council in April 2010.

⁴ J. Gettleman, New York Times: “Rape Epidemic Raises Trauma of Congo War,” Oct. 7, 2007.

⁵ Measure DHS, Demographic Health Survey, Democratic Republic of Congo, 2010.

⁶ International Rescue Committee.

⁷ Including the villages of Uvira, Baraka, Mako bola, Mboko, Swima, Kalundu and Munene.

field in South Kivu since the September 27 events. The third Bank mission (October 11–13) had to stay in Goma and in Sake where the Contractor’s base is located (North Kivu).

25. ***Management became aware during implementation 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.*** Management had initially agreed with the Borrower that it was the responsibility of the Government to ensure security conditions in the Project area so that contractors could operate safely. The Contractor decided to go beyond this general agreement and negotiated ad hoc arrangements with the Army for the assignment of dedicated military personnel to provide security to the worksites. Consultations with the Deputy Special Representative of the United Nations (UN) Secretary General for Operations and Rule of Law based in Goma have confirmed that there are no alternatives to the use of armed security forces in that area. Since private security contractors are not allowed to carry weapons under Congolese law and police forces do not have the capacity and resources to handle these security challenges adequately, the Army remains the only available option to provide such services.

26. ***The Bank was not consulted or notified of this arrangement since the subcontracting arrangements by the Contractor do not require the Borrower to seek a non-objection from the Bank.*** Management did not anticipate at Project preparation the potential impacts from the Contractor’s own security arrangements, and hence no specific mitigation measures were put in place. The *ad hoc* agreement between the Contractor and the Army to use military personnel for providing security to the Project has now been formalized through a subcontracting arrangement between the Contractor and the Army, which will enable proper management and mitigation of the associated risks through contractual provisions, which require training, a code of conduct, a security strategy and monitoring.

27. ***The fragile security situation poses additional challenges to Project preparation and implementation beyond the personal safety of Contractor staff and workers.*** Few contractors were willing to bid for road projects in DRC, especially not in the eastern provinces. Hence, very limited competition was observed in the selection process of the Contractor for the Bukavu-Goma road works, due to low interest from qualified contractors. This was also the case for implementation of the environmental and social aspects of the Project, which led to the hiring of a consulting firm rather than an international NGO, as noted earlier.

V. MANAGEMENT'S RESPONSE

28. ***Management has carefully reviewed the claims raised in the Request and takes the allegations very seriously.*** Management acknowledges that the Requesters had sent two emails informing the Bank of these claims and these should have received an immediate response. However, once it received the complaint from the Inspection Panel, Management immediately sent a team to investigate the issues and made every effort to prompt the Borrower to provide remedies where noncompliance with its obligations under the Project's legal agreements, including safeguard instruments, could be identified.

29. ***The first high-level mission to the Project site, led by Global Practice Management with expertise from Washington and the Kinshasa office, took place between August 28 to 31, 2017; a second mission was conducted September 19 to 23, 2017, and a third mission October 11 to 13, 2017.*** These missions included safeguard staff and highly qualified and experienced social development specialists specifically trained in methodologies to assess GBV and familiar with the local context and language. The mission teams interviewed a wide range of stakeholders, including members of Project-affected communities, members of indigenous communities in the area, civil society representatives, including those working on GBV, health specialists, staff employed by the contractor, PIU staff, and government officials. This approach reflects the lessons and experience Management gained through the Uganda TSDP.

30. ***Insights gained through these missions indicated that a main element of the Request appeared to be a commercial dispute between the Contractor and one Requester who operates a quarry.*** Management understands from both parties that a dispute about the agreed price and quantities of gravel and crushed stones to be supplied by the quarry had escalated and could not be resolved. In the course of this dispute the Contractor allegedly resorted to physical violence, using military personnel, to seize construction materials without paying for them. This dispute has since been resolved. Management pursued several actions with the Borrower agencies that implement the Project. Given the importance of the issues, Management also reached out to the Contractor and Requester in an effort to support the Borrower's efforts to remedy this unacceptable incident and put in place measures to prevent any recurrence. The Bank also reported its findings to the relevant law enforcement authorities for their follow-up action in relation to any associated unlawful behavior.

31. ***Management emphasized to the Borrower that it would need to ensure the Contractor paid the monies owed for the seized building materials and provided compensation for any harm or loss that the quarry operator had suffered from the Contractor's actions.*** Such compensation was paid on August 31, 2017 to the operator of the quarry. Management received confirmation in writing from the Requesters that they were satisfied with the outcome of the settlement.

32. ***Management recognizes that the Requesters have also made complaints that allege instances of GBV, child labor, and harm to indigenous communities, and it takes these allegations very seriously. However, Management has not yet been able to substantiate any of these claims, despite deployment of the specifically trained social***

development specialists. Management followed the protocols and lessons that have emerged from experience, including from the Uganda TSDP, and immediately sent Practice Management-led missions to the site, supported by staff with highly specialized skills and expertise in these areas. Despite numerous meetings and requests for more specific information, including by female experts on GBV in a safe and sensitive environment, the Requesters have not provided any specific or relevant information which the Bank could follow up on. ***Allegations have remained general, making it difficult for Management to validate these additional claims or to have them addressed by the appropriate parties.***

33. ***Management has agreed with the Borrower on an action plan that includes a comprehensive review and safeguard audit of all ongoing road works financed under the Project.***

34. ***Management has also taken action to remind all Bank operational staff and country offices about the importance of appropriately and immediately responding to complaints related to Bank-supported operations.*** In line with the pertaining Bank Procedure, complaints from project-affected people must be taken seriously and must be flagged quickly to the appropriate managers and the Bank's Grievance Redress Service (GRS). The Bank is also working with the PIU to strengthen the Project's multiple supervision and reporting mechanisms, including the Project's GRM, so that possible Project-related issues can be detected more rapidly.

Specific Issues Raised in the Request

Alleged Impacts from Military Personnel providing Security

35. ***Regarding the alleged violent incident at the Tongo-Butale quarry, the Bank insisted that the Borrower conduct a proper investigation through the relevant civil and military authorities.*** This is especially important since the exact circumstances and course of action of the conflict between the Contractor and the quarry operator remain unclear based on multiple interviews conducted by the Bank team during the August mission. However, as mentioned above, the Contractor and the quarry operator have agreed on a settlement, which was paid by the Contractor on August 31, 2017. The quarry operator subsequently withdrew the legal action he had initiated. Management has requested the PIU to retained local counsel to follow up on the settlement and the legal processes.

36. ***Management has become aware of other allegations of excessive use of force by military personnel deployed to provide security services to the Contractor, including some not raised in the Request.*** These include a gunshot wounding in response to an alleged theft, and a few allegations of threats and beatings of individuals who were suspected of theft by military personnel. The Bank has reported these allegations to the appropriate national authorities and requested further investigation so that victims can receive adequate support and perpetrators be punished. These incidents demonstrate the need for a proactive and robust management of the risks associated with deploying military personnel, specifically in a conflict-affected area.

37. ***As part of the action plan agreed with the PIU during the August mission, the Bank insisted that the Borrower require the Contractor to formalize its arrangements with the Army in a legal contract and prepare a strategy regarding the appropriate deployment and training of military personnel, including on the use of force and how these personnel interact with communities in the Project area.*** The Bank has agreed with the United Nations Organization Stabilization Mission in the DRC (MONUSCO) that UN specialists will screen and train the military personnel protecting the worksite, by end October 2017. The Bank also ensured that the Borrower required the Contractor to conclude a formal agreement with the Army, setting out the roles, responsibilities and obligations of the Army when providing security to the Project. The Bank has assisted the Borrower in reviewing the subcontracting agreement between the Contractor and the Army, with support from Bank corporate security, to ensure that it included, inter alia, provisions to address the risk of abuse or application of excessive and unauthorized violence. The subcontracting agreement has now been signed.

38. ***As a result of the security strategy, which assessed the required number, armament, and qualifications of such security staff, the number of military personnel deployed to the Bukavu-Goma worksite has been reduced from 14 to seven.*** The three military guards accused of the alleged abuses have been removed and are banned from future assignments protecting worksites.⁸ The remaining military personnel will receive screening and training from MONUSCO. The General Commander has been directly involved in the selection of the seven military personnel assigned to the worksites to confirm that they have an adequate profile and no previous history of abuses. In future rotations, military personnel are likely to come from the Military Police, which is a specialized and better-trained unit with experience interacting with local communities.

39. ***Management will take this opportunity to review its approach for dealing with military and security forces where they are required to secure and protect project sites in fragile and conflict-affected situations.*** The objective is to ensure that Bank-supported operations undertake the appropriate risk assessments and mitigation measures for such security arrangements.

Allegations of Gender-based Violence

40. ***Management takes allegations of GBV very seriously.*** In investigating this issue, Management applied the lessons drawn from the Uganda TSDP. Qualified and experienced female social specialists, trained in issues of GBV and attuned to the local social and cultural sensitivities, interviewed possible witnesses, community members and leaders, school teachers, and healthcare providers. During the September mission to the Project area, Bank staff heard allegations of two instances of GBV allegedly in relation to the Project, involving three potential victims under the age of 18. These allegations were made by three individuals (who were not the victims), but the allegations were not supported by others, and no victims could be identified.

⁸ The Contractor requested this ban in writing to the responsible military authorities. The PIU will check the list of military personnel employed on the worksites to ensure implementation of the ban.

41. ***The allegation that a woman was sexually assaulted during the incident at the quarry could not be substantiated.*** The Requester and the woman in question later explained to the Bank team that she was pushed and fell during the incident, but that she was not sexually assaulted.

42. ***GBV is common in the part of DRC in which the Project is located.*** In interviews at two hospitals in the area, which are supported by the Bank through the Great Lakes Emergency Women's Health Project (P147489) and are specialized in providing assistance to GBV victims, medical staff reported that they attend to 30–35 cases of GBV monthly at the hospitals. About 10 percent of these are likely to have been perpetrated by military personnel. However, the military personnel providing security to the Contractor wear work jackets that are different from those of other military units (displaying the Contractor's name) and were not identified as perpetrators by any victims. Allegations of GBV committed by military personnel deployed to provide security services to the Contractor were also not confirmed by other community members, community leaders, or school teachers. No allegations have been raised in connection with the Contractor or the military personnel deployed to provide security services to the Contractor at regular meetings that one of the hospitals holds with civil society representatives and other local and provincial stakeholders.

43. ***Management has also heard reports about four cases of sexual harassment of the Contractor's female staff from two local civil society organizations that were interviewed during the mission.*** Management will work with the Borrower authorities and the Contractor to investigate these reports and implement appropriate measures to address this risk going forward. This will include targeted and mandatory training for contractor staff, dissemination of information to workers on contractual obligations and sanctions as well as internal rules and code of conduct.⁹

44. ***Though Management has not been able to corroborate the allegations based on the due diligence it conducted during the recent missions undertaken to the Project area, Management will continue its efforts to investigate and will increase its due diligence in regard to any instances of GBV related to the Project.*** Management is also exploring how the Bank can support the prevention and mitigation of GBV in the Project area through this Project and/or other Bank operations such as the Great Lakes Emergency Women's Health Project.

Allegations of Child Labor

45. ***The Bank takes child labor issues very seriously and has a clear position to help reduce harmful child labor through its ongoing poverty reduction efforts.*** Management identified that the Contractor determines its workers' age through an ID check before they are hired. During the September mission, the Bank supported the Borrower's efforts to review the Contractor's labor registry, interview members and leaders of the community, and speak with a sample of children living in nearby local communities and a sample of

⁹ The contractual clauses as well as the Contractor's internal rules and code of conduct include specific sanctions in the case of sexual harassment: the first sanction is a warning to the perpetrator; subsequent instances may warrant legal action.

workers employed by the Contractor. The Bank team, the safeguard supervisor, and the supervision engineer conducted unannounced spot checks on worksites during both the August and September missions. The minimum age for work in DRC is 16 years of age. Three 17-year-olds were identified in the Contractor's labor registry.

46. ***Neither the Bank team, which included local qualified expertise on these issues, nor the supervision engineer or the safeguard supervisor could confirm any case of child labor in the Project.*** Management will continue its due diligence regarding child labor and will work with the Borrower to ensure compliance of the Contractor with its contractual obligations and the Bank's policies.

Alleged Impacts on Indigenous Communities

47. ***Management could not ascertain adverse impacts from the Project on Indigenous Peoples.*** None of the quarry and borrow pit owners belong to Indigenous Peoples' communities in the Project area. Based on multiple interviews with indigenous community members and leaders, the Bank has found no confirmation of the Requesters' allegations that *Batwa* people ("Pygmies") have been working in the Tongo-Butale quarry.

48. ***The two graves that were affected, one each on two separate quarry sites relating to the Project, do not belong to indigenous communities.*** Once the locations were identified as graves, the relevant authorities, community members, and quarry workers were informed, works were stopped, and the sites were secured to move remains to another grave. The PIU will follow up with the families to ensure that any concern related to possible damages to the graves or the need for funerary rituals is properly addressed.

Bank interviews with indigenous communities and relevant authorities did not indicate any issues regarding Indigenous Peoples. ProRoutes is, in fact, widely known for the positive impact of its Indigenous Peoples' activities.

Alleged Impacts on Livelihoods

49. ***Apart from the commercial dispute with the Requesters, other quarry owners and operators have not been adequately compensated for the exploitation of their quarries and borrow pits in a timely manner. This has now been rectified.*** Facilitated by the Bank team and the PIU, all outstanding compensation has been paid to the owners and operators of quarries and borrow pits exploited by the Contractor, and an audit has been commissioned to verify the payment.

50. ***Unrelated to the Request for Inspection, the assets of 76 additional Project-affected households have been identified as being indirectly affected by road works and other quarry and borrow pit exploitation, from a livelihoods perspective.*** Impacts are of a modest extent, with some agricultural losses due to the crop yield being affected by the quarry and borrow pit exploitation. Fifty-one of the additional households have already been compensated, the remaining 25 households will receive payment as soon as the security conditions allow for it. Twenty-seven households have been identified in association with 14 new borrowing pits and quarries which the Contractor is planning to exploit to advance with the road works. The Borrower undertook to ensure that the

Contractor would not move forward with the exploitation of these new quarries and borrowing pits until compensation has been fully paid to the affected households and all authorizations have been obtained. The Project's RAP is being updated to include these newly identified impacts and will be further updated if additional eligible complaints are registered through the Project-level GRM or other means.

Alleged Retaliation

51. ***Management takes the Requesters' claims of retaliation very seriously and raised the matter with the Government at the highest levels, emphasizing that the Bank does not condone any form of retaliation.*** This was communicated to national and local authorities, including the governors of the North and South Kivu provinces. Further, the Country Director has communicated this several times and in writing to the Minister of Infrastructure, who confirmed his commitment to preventing retaliation and pursuing the matter with the provincial governments. The issue was also raised by the Bank's Vice-President for Africa with the DRC Delegation during the 2017 World Bank Annual Meetings. On that occasion, the World Bank Governor for DRC confirmed the DRC authorities' commitment to preventing retaliation against complainants.

52. ***The Requester expressed the view that the government's decision to close the Tongo-Butale quarry constitutes retaliation. Based on a technical assessment undertaken by the PIU upon the Bank's request, however, in Management's view this closure is due to dangerous conditions regarding an adjacent electricity transmission tower and technically justified.*** This measure is necessary because the continued exploitation of the quarry would affect slope stability and cause the transmission tower to collapse. The Bank has asked the PIU to facilitate discussion with the quarry operator, to verify if consolidation works to stabilize the transmission tower could be performed and to evaluate whether the quarry owner would be eligible for any compensation for this closure.

53. ***Management's investigations, including face-to-face discussions with the concerned Requesters, have not garnered information that is sufficiently clear to substantiate other threats of retaliation.*** The information that has been received is conflicting.

54. ***Nevertheless, Management continues its due diligence and its investigation into the retaliation allegations. The Practice Manager responsible for the Project, together with other members of the Bank team, is in continuous contact with one of the Requesters and is following up on any concerns.***

Labor Conditions, Occupational Health and Safety

55. ***Instances of non-compliant labor and occupational safety conditions were observed by the Bank team. These were not part of the Request but were raised in consultations the Bank and the PIU held with the local community and civil society organizations. Issues include allegations that the Contractor was partially withholding wages, as well as Contractor staff engaging in physical or verbal abuse against Project workers.*** These issues had not come to the Bank's attention before the mission, partly

because the relevant GRM had not been fully set up. The Bank accordingly required the PIU to enforce the contract with the Contractor to ensure that such incidents are immediately stopped and investigated. A formal Notice to Correct was issued to the Contractor on October 2, 2017, instructing him to comply with the applicable rules and code of conduct. The notice further warns the Contractor that any proven case of serious non-compliance would lead to the suspension of works.

56. The Requesters' claims, accompanied by Management's detailed responses, are provided in Annex 1.

Actions

57. **Management has agreed on an action plan with the Borrower to quickly address concerns, including those raised in the Request.** Management will continue working with the relevant authorities to facilitate their adequate investigation of and response to the issues raised by the Requesters.

58. **Retaliation.** Management has firmly conveyed the Requesters' concerns regarding retaliation at the highest levels of Government, with an emphasis on the Bank's zero-tolerance position. Management will remain in regular contact with the Requesters to monitor the situation.

59. **Gender-based violence.** Given the widespread presence of GBV in the area in which the Project is located, Management is making intense efforts to ensure that the Project does not contribute to or exacerbate the risk of GBV,¹⁰ in close coordination with other Bank teams working on GBV in the area, including through the Great Lakes Emergency Women's Health Project. Additional GBV experts have been hired by the Bank and are scheduled to start on the ground by October 23, 2017. Additional targeted measures to address GBV in high-risk environments such as Eastern DRC will be developed as part of the Bank's GBV Action Plan, which is currently being prepared in response to the Report of the *Global Gender-Based Violence Task Force* that was commissioned by the Bank.¹¹

60. **Use of military personnel as security forces.** As there is no private sector alternative to using military forces as security personnel on this Project site, the Bank has reviewed the subcontracting agreement between the Contractor and the Army to ensure that it includes relevant provisions to address the risk of abuse and application of excessive and unauthorized violence. This agreement has now been signed and fewer and better trained military personnel have now started to protect the worksites on the ground. The Bank has agreed with MONUSCO that UN specialists will screen and train the military personnel protecting the worksite, by end of October 2017.

¹⁰ Contractual clauses related to GBV have been included in bidding documents and works contract.

¹¹ World Bank. 2017. Working together to prevent sexual exploitation and abuse: Recommendations for World Bank projects. Washington, D.C.: World Bank Group.
<https://hubs.worldbank.org/docs/ImageBank/Pages/DocProfile.aspx?nodeid=27739791>

61. **Contract compliance.** A formal Notice to Correct was issued on October 2, 2017 to the Contractor, instructing him to comply with the internal rules and code of conduct. The Bank emphasized to the Borrower the importance of compliance with the Bank's requirements. This includes ensuring that the Contractor restores compliance with its contractual obligations, including full payment of compensation to quarry owners, and confirmation that the situation of damaged graves is fully resolved. All compensation payments to quarry owners and operators have now been made and the site-specific ESMP is expected by the end of October 2017.

62. **Working conditions.** The Bank will work with the PIU to monitor working conditions on the worksites and compliance with contractual obligations, Bank requirements and national laws. Workers were trained on October 11-12, 2017 regarding the internal rules and code of conduct and the associated complaints mechanisms. The Notice to Correct warned the Contractor that serious non-compliance would lead to the immediate suspension of works. Enhanced monitoring and reporting instruments have been agreed with all supervision entities and the first reports are expected by the end October 2017.

63. **Safeguard documents.** The Project's safeguard documents will be revised immediately and strengthened to reflect the lessons learned from the Uganda TSDP case for projects in areas with high levels of GBV. The relevant safeguard documents will be updated to reflect issues that have been identified through the Bank's investigation of the allegations in the Request. In particular, the site-specific RAP was updated to include additional Project-affected parties that are eligible for compensation and is now being reviewed by the Bank. The updated ESIA is expected by October 25, 2017.

64. **Grievance redress.** The Bank team is working with the PIU to continue strengthening the implementation of the GRM, including completion of the GRM for the Bukavu-Goma road segment, an improved procedure for submitting grievances, and improved mechanisms to report complaints regarding security, conflict, and labor conditions. Twenty-four GRM committees have been established in all villages along the road (5 in North Kivu and 19 in South Kivu). A consolidated list of all complaints received and addressed by the GRM is expected by the end of October 2017.

65. **Project environmental and social compliance and governance audit.** The Bank will review the compliance with contractual obligations and Bank policy requirements of all active quarries and borrow pits in the Project. Further, the Bank will conduct an environmental and social compliance and governance audit of the Project. The auditor has been hired and started the review process. The audit report is expected by November 30, 2017.

VI. CONCLUSION

66. ***Management has carefully reviewed the claims raised in the Request and takes the allegations very seriously.*** Management is making every effort to investigate the issues and require the Borrower to provide remedy where noncompliance with Bank Policy could be identified. The Project is situated in a conflict-affected zone, which complicates review of the issues raised, and specifically ascertaining their relationship to the Project.

67. ***Based on the insight gained through the three missions in August, September, and October 2017, the main focus of the Request appears to be a commercial dispute between the Contractor and a quarry operator, which has since been fully resolved.*** Management has taken several actions with the Borrower to remedy this incident and put in place measures to prevent any recurrence. Management also reached out to the Contractor and the Requester given the importance of the issues. Management acknowledges that it had missed earlier emails from the Requesters in which they tried to raise concerns with Bank Management.

68. ***Management is very sensitive to the allegations of GBV, child labor, and harm to indigenous communities caused by the Project. Management has followed the protocols and lessons that emerged from experience, including the Uganda TSDP.*** Despite repeated meetings (employing female specialists on GBV) and requests to identify specific cases of alleged GBV, child labor, or harm to indigenous communities, the Requesters have not been able to provide any relevant and have kept their allegations quite general, making it difficult to substantiate claims and provide redress where appropriate and feasible.

69. ***Management remains vigilant and will continue its due diligence.*** Management will also continue to partner directly and indirectly with civil society organizations active in the area to monitor any allegation of abuse, violence or sub-standard working conditions. Management will continue its safeguard due diligence, monitor the Borrower's compliance with its obligations under the Project, support the Borrower's efforts to ensure the compliance of the Contractor with its contractual obligations and the Bank's safeguard policies, and promptly take corrective measures where needed.

ANNEX 1
CLAIMS AND RESPONSES

No.	Claim	Response
1.	<p><i>[From Request] We have been suffering from the harm caused by the World Bank's failure or omission to respect our rights, our dignity and ethics in connection with project INT COMM [redacted] PRO-ROUTES PROJECT for the rehabilitation and reopening of high-priority roads, implemented by a [redacted] linking the towns of Goma and Bukavu, situated in North Kivu and South Kivu provinces of the Democratic Republic of Congo.</i></p>	<p>A Bank mission led by the responsible Practice Manager and comprising qualified and experienced safeguard staff traveled to Kivu on August 28-31, 2017. The Bank met with the Requesters to discuss their concerns. The Bank agreed on an action plan with the Borrower, at the end of this Bank mission, to address the issues, including a comprehensive review and safeguard audit of other ongoing road works financed under the Project.</p> <p>A second Bank mission traveled again to Kivu on September 19-23, 2017 to assess progress in implementing the action plan, and to investigate the new allegations contained in the Notice of Registration. After the second mission, the Bank updated the action plan to reflect new findings and progress achieved to date.</p> <p>The Contractor has launched an internal investigation and informed the Bank that the Works Manager was removed for negligence and that monetary penalties have been imposed on him. Senior Managers from the Contractor's headquarters in Kinshasa have been relocated to Goma to reinforce Project management and ensure compliance with contractual obligations. The supervision engineer has also been strengthened at the PIU's request, with the addition of one part-time environmentalist and one part-time engineer specialized in quality management.</p> <p>A third mission was conducted October 11-13.</p> <p>The issues are described in more detail in the following items in this table.</p>
2.	<p>[From NoR] Livelihood impacts. The Requesters allege that the military armed forces used by the Project's contractor (FARDC, Forces Armées de la République Démocratique du Congo, is mentioned) have "<i>occupied our quarry, which is our source of income and our livelihood</i>" and, as a result, many people who worked in the quarry "<i>do not know how they will meet the needs of their families.</i>" They explained that construction materials were forcibly taken following "<i>torture, assault and battery, and physical violence, and compensation for the crops destroyed have not yet been paid.</i>" They claim that they had to flee their village following threats. The Requesters also explain that other community members' crops and medicinal herbs were destroyed by road works and they had not been compensated for these losses.</p> <p><i>[From Request] Since March 26, 2017, [redacted] implementing the project, has</i></p>	<p>One of the Requesters operates the Tongo-Butale quarry, which is located about 50 kilometers from Goma. This is the largest quarry exploited by the Contractor, with about 1,000 cubic meters of materials extracted between April and June 2017.</p> <p>After an informal agreement had been initially reached in March 2017 with the quarry operator regarding conditions of quarry exploitation, the Contractor claimed to have received authorization from the provincial authorities to exploit the quarry without payment. Consequently, in late March 2017, the Contractor began to exploit the quarry with no compensation paid to the operator. This caused a conflict between the Contractor and the quarry operator, with alleged verbal and physical abuse against the quarry operator and others by the military forces deployed to provide security to the Contractor. There may also have been three indirect victims of violence. Those victims have spoken with Bank staff and at least one claimed suffering mistreatment, but not GBV, by these military forces. Based on multiple interviews conducted by the Bank during the August mission, circumstances of the conflict remain unclear, including dates, nature of the alleged violence, and a possible threat or violence by one of the quarry operators, a former military commander, against the Contractor's staff and</p>

No.	Claim	Response
	<p><i>occupied our quarry, [redacted] which is our source of income and our livelihood. Our children's school fees have not been paid, our customers are threatening us. Following these threats we fled our village and have taken refuge in [redacted], internally displaced persons, refugees and demobilized military personnel who made their livelihood working in our quarry do not know how they will meet the needs of their families, which creates a risk of revolt, young people are at risk of being recruited by various armed groups. We fear that this could result in violence and killings in the village if nothing is done to pay for all the damage caused by this World Bank project.</i></p> <p><i>This World Bank project has not respected or complied with its commitments in respect of the rights of the local communities, nor has it respected international humanitarian law relating to the indigenous communities since it has forcibly seized the indigenous communities' resources, using for this purpose armed and uniformed military personnel.</i></p> <p><i>1st Email Attached</i></p> <p><i>From: [redacted]</i></p> <p><i>Sent: August 3, 2017</i></p> <p><i>To World Bank Staff</i></p> <p><i>Subject: Fw: [redacted] of the World Bank Kinshasa – Complaint against [redacted]</i></p> <p><i>FYI Correspondence without follow up that was sent to the World Bank</i></p> <p><i>DATE: 10.4.17</i></p> <p><i>From: [redacted]</i></p> <p><i>Subject: Complaint against [redacted]</i></p> <p><i>Hello [redacted] of the World Bank Kinshasa</i></p> <p><i>I am a member [redacted] and a company [redacted] financed by the World Bank it is a company that won the contract to rehabilitate the Sake Kavumu (Bukavu) road; we plead that this company pays for the construction</i></p>	<p>the military forces deployed to provide security services to the Contractor.</p> <p>During the August mission, the Bank found that the Contractor was in breach of contractual obligations to exploit quarries and borrow pits. Specifically, apart from the commercial dispute with the Requesters, other quarries and borrow pits were exploited without proper compensation being paid to the respective owners and operators and without the proper safeguard instruments and authorizations from the supervision engineer. The authorization obtained by the Contractor from provincial authorities was not sufficient to meet contractual obligations and fulfill the requirements of Bank policies. This authorization did, however, instruct the Contractor to pay compensation to quarry owners and operators. In a meeting on September 22, 2017, the South Kivu Provincial Minister of Mines told the Bank that all the quarries were illegal because they were located within the road's right-of-way. The Bank pointed out that the quarry operators were nevertheless eligible for compensation consistent with the Project's ESMP.</p> <p>The objective of the action plan agreed during the August 2017 mission was restoring full compliance of the Project with contractual obligations, particularly those of the Contractor. Facilitated by the Bank team and the PIU, compensation has been paid to the owners and operators of all quarries and borrow pits exploited by the Contractor, and an audit has been commissioned to verify the payment.</p> <p>Unrelated to the Request for Inspection, the assets of 76 additional Project-affected households have been identified as being indirectly affected by road works and other quarry and borrow pit exploitation, from a livelihoods perspective. Impacts are of a modest extent, with some agricultural losses due to the crop yield being affected by the quarry and borrow pit exploitation. Fifty-one of the additional households have already been compensated, the remaining 25 households will receive payment as soon as the security conditions allow for it. Twenty-seven households have been identified in association with 14 new borrowing pits and quarries which the Contractor is planning to exploit to advance with the road works. The Borrower undertook to ensure that the Contractor would not move forward with the exploitation of these new quarries and borrowing pits until compensation has been fully paid to the affected households and until all the authorizations have been obtained as per contractual obligations. The Project's RAP is being updated to include these newly identified impacts and will be further updated if additional eligible complaints are registered through the Project-level GRM or other means. Twenty-four GRM committees have been established in all villages along the road (5 in North Kivu and 19 in South Kivu). A consolidated list of all complaints received and addressed by the GRM is expected by the end of October 2017.</p> <p>Regarding the Tongo-Butale quarry, 90 percent of the compensation for exploiting the quarry was paid by the</p>

No.	Claim	Response
	<p><i>materials taken by force, following an agreement, and that it refuses to pay after having [not understood] or pursued by force, using people who were armed and appeared like FARDC [Armed Forces of DRC]; with cases of rape and other physical violence toward women and young girls of the village; we sought to contact you because this situation is now before the public prosecutor's office of [redacted]; these partners are vulnerable and don't have the means to defend themselves legally; your help is thus necessary to make a plea to the World Bank office in Kinshasa to put pressure on this company so that these vulnerable people can have their rights restored. Please provide us with the contact and email and telephone number of the World Bank office in Kinshasa.</i></p> <p><i>Signed [redacted]</i></p>	<p>Contractor to the quarry operator on August 31, 2017. The remaining 10 percent will be paid by November 30, 2017, as agreed between the quarry operator and the Contractor. The compensation covers direct and indirect income losses claimed by the quarry operator, including: the value of the materials extracted from the quarry, the value of the lost business commitments, the value of destroyed agricultural crops and medicinal herbs, and land value depreciation due to adverse environmental impacts.</p> <p>The Requester expressed the view that the government's recent decision to close the Tongo-Butale quarry constitutes retaliation. Based on a technical assessment undertaken by the PIU upon the Bank's request it is Management's view this closure is technically justified. This measure is necessary because the continued exploitation of the quarry would affect the slope stability and cause an adjacent transmission tower to collapse. The Bank asked the PIU to facilitate discussion with the quarry operator and to verify if consolidation works to stabilize the transmission tower could be performed and to evaluate whether the quarry operator would be eligible for any compensation for the closure of the quarry.</p> <p>Regarding the alleged violent incident at the Tongo-Butale quarry, the Bank insisted that the Borrower conduct a proper investigation through the relevant civil and military authorities. This is especially important since the exact circumstances and course of action of the conflict between the Contractor and the quarry operator remain unclear based on multiple interviews conducted by the Bank team during the August mission. However, the Contractor and the quarry owner have agreed on a settlement, which was paid by the Contractor on August 31, 2017. The quarry operator subsequently withdrew the legal action he had initiated. Management has requested the PIU to retain local counsel to follow up on the settlement and the legal processes. The local counsel has now been hired and is based in Goma.</p> <p>In fragile and conflict-affected situations, the need to secure and project worksites, workers, and equipment can be essential to allowing a project to be implemented. 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 South Kivu represents a significant challenge for the implementation of civil works in the area. Security challenges are illustrated by the most recent raids of armed rebel groups in the Project area on September 27 and October 1, which led to the temporary suspension of works. The attacks occurred on several villages located along the road, including the villages of Uvira, Baraka, Mako bola, Mboko, Swima, Kalundu and Munene, with multiple gunfire exchanges and damages to the communities. Works had to be suspended on October 11-12 again due to a separate rebel attack on the village of Shasha. Because of the deteriorated security conditions, Bank teams have not been authorized to travel to the field in South Kivu since the September 27 events.</p>

No.	Claim	Response
		<p>The third Bank mission (October 11–13) had to stay in Goma and in Sake where the Contractor’s base is located (North Kivu).</p> <p>Management became aware during implementation that the Contractor had unilaterally made additional arrangements with the Army to have military personnel provide security to the Project site. Management had initially agreed with the Borrower that it was the responsibility of the Government to ensure security conditions in the Project area so that contractors could operate safely. The Contractor decided to go beyond this general agreement and negotiated ad hoc arrangements with the Army for the assignment of dedicated military personnel to provide security to the worksites. Consultations with the Deputy Special Representative of the UN Secretary General for Operations and Rule of Law based in Goma have confirmed that there are no alternatives to the use of armed security forces in that area. Since private security contractors are not allowed to carry weapons under Congolese law and police forces do not have the capacity and resources to handle these security challenges adequately, the Army remains the only available option to provide such services.</p> <p>The Bank was not consulted or notified of this arrangement since the subcontracting arrangements by the Contractor do not require the Borrower to seek a non-objection from the Bank. Management did not anticipate at Project preparation the potential impacts from the Contractor’s own security arrangements, and hence no specific mitigation measures were put in place. The <i>ad hoc</i> agreement between the Contractor and the Army to use military personnel for providing security to the Project has now been formalized through a subcontracting arrangement between the Contractor and the Army, which will enable proper management and mitigation of the associated risks through contractual provisions, which require training, a code of conduct, a security strategy and monitoring.</p> <p>As part of the action plan agreed with the PIU during the August mission, the Bank insisted that the Borrower require the Contractor to formalize its arrangements with the Army in a legal contract and prepare a strategy regarding the appropriate deployment and training of military personnel, including on the use of force and how these personnel interact with communities in the Project area. The Bank has agreed with MONUSCO that UN specialists will screen and train the military personnel protecting the worksite, by end October 2017. The Bank also ensured that the Borrower required the Contractor to conclude a formal agreement with the Army, setting out the roles, responsibilities and obligations of the Army when providing security to the Project. The Bank has assisted the Borrower in reviewing the subcontracting agreement between the Contractor and the Army, with support from Bank corporate security, to ensure that it included, inter alia, provisions to address the risk of abuse or application of excessive and unauthorized violence. The subcontracting agreement has now been signed.</p>

No.	Claim	Response
		<p>The security strategy proposed to reduce the number of military personnel, and to assign them primarily to the Contractor’s base, where personnel and most valuable assets are stored. The contractual agreement requires that military personnel deployed to provide security services to the Contractor be appropriately trained and have no previous history of abuse and that they comply with the Contractor’s internal rules and code of conduct. Distinctive clothing and ID are to be provided to military personnel so that there is no confusion with other military forces present in the region.</p> <p>As a result of the security strategy, which assessed the required number, armament and qualifications of such security staff, the number of military personnel present on the Bukavu-Goma worksite has been reduced from 14 to seven. The three military guards accused of the alleged abuses have been removed, including the captain commanding the unit, and are banned from future assignments protecting worksites.¹ The remaining military personnel will receive screening and training from MONUSCO. The UN agreed to do the screening and to provide a specialized trainer. Screening and training are expected to be completed by October 6, 2017. The General Commander of the Congolese army in Northern Kivu has been directly involved in the selection of the seven military personnel assigned to the worksites to confirm that they have an adequate profile and no previous history of abuses. In future rotations, military personnel are likely to come from the Military Police, which is a specialized and better-trained unit with experience interacting with local communities.</p> <p>One of the Requesters also claimed that they had to flee their village following threats of violence and retaliation. The Bank team did not find any evidence of this although Management takes this seriously and has repeatedly raised the issue of non-retaliation with the authorities.</p> <p>During the September mission, the Bank met with the Requesters, who stated that although there had been some tensions with the supervision engineer, they did not fear retaliation. While maintaining the confidentiality of the Requesters’ identity during its September 22nd meeting with provincial authorities, the Bank reiterated its request that no retaliation be exerted against the Requesters. Local authorities, including both governors of the North and South Kivu provinces, reassured the Bank that any form of retaliation against complainants would not be tolerated.</p> <p>Management takes these claims very seriously and raised the matter with the Government at the highest levels, emphasizing that the Bank does not condone any form of retaliation. The Country Director has communicated several times and in writing to the Minister of Infrastructure, who confirmed his commitment to preventing retaliation and pursuing the matter with the</p>

¹ The Contractor requested this ban in writing to the responsible military authorities. The PIU will check the list of military personnel employed on the worksites to ensure implementation of the ban.

No.	Claim	Response
		<p>provincial governments. The issue was also raised on October 12, 2017 during the bilateral meeting between the AFR Vice-President and the DRC Delegation during the 2017 World Bank Annual Meetings. On that occasion, the World Bank Governor for DRC confirmed the DRC authorities' commitment to preventing retaliation against complainants.</p> <p>Management's investigations, including face-to-face discussions with the concerned Requesters, have not garnered information that is sufficiently clear to substantiate other threats of retaliation. The information that has been received is conflicting.</p> <p>Nevertheless, Management continues its due diligence and its investigation into the retaliation allegations. The Practice Manager responsible for the Project, together with other members of the Bank team, is in continuous contact with one of the Requesters and is following up on any concerns.</p>
3.	<p>[From NoR] Violence (including gender-based). The Requesters claim that there has been violence against the community and instances of sexual violence against women and girls due to Project activities. They also allege "human rights violations" specifically citing a case of a community member who was shot by the armed forces used by the contractor.</p> <p><i>[from 1st email] with cases of rape and other physical violence toward women and young girls of the village;</i></p> <p><i>2nd email attached: August 27, 2017</i></p> <p><i>From: [redacted]</i></p> <p><i>To: [redacted]; WB staff members</i></p> <p><i>Subject: Re: Meeting with the Inspection Panel – ProRoutes Project</i></p> <p><i>Hello [name of WB staff], I apologize, I was [redacted] but also we would like if you could speak with a victim who is at the hospital in [redacted] qui has hit by bullets in the left thigh, the situation has become more and more worrisome [redacted] your intervention is so urgent and important to stop the hemorrhaging. We now include people wounded by guns, minor girls who have been raped who are paying the price of the rehabilitation of a dirt road 145 [kilometers] long, that is good for one agricultural season in this century, especially financed by a great institution like the World Bank. Meeting this Monday</i></p>	<p>The Bank was informed on September 14, 2017 that the Requesters' complaint included allegations of multiple cases of GBV against young girls living in neighboring communities.</p> <p>In investigating this issue, Management applied the lessons drawn from the Inspection Panel case on the Uganda TSDP. Qualified and experienced female social specialists, trained in issues of GBV and attuned to the local social and cultural sensitivities, interviewed alleged victims, community members and leaders, school teachers, and healthcare providers.</p> <p>The August 2017 mission did not identify any allegation of GBV through the interviews conducted by the Bank team, including 29 interviews with community women by experienced and qualified female Bank social specialists speaking the local language and trained in conducting such sensitive interviews (drawing on the lessons learned after the Uganda TSDP case). Some cases of GBV have been reported in the North and South Kivu provinces during the period of armed conflict, which was before the start of the Project.</p> <p>During the September mission, the Bank met the Requester who mentioned that there were multiple GBV cases associated with the Project but also said that cases were very difficult to confirm and that he could not provide any names of victims, or any other relevant information.</p> <p>The Bank performed additional investigations and interviews, with Bank staff supported by 4 men and women speaking the local language and who had been trained by the Bank social team in the specific sensitivities required for such investigations. Around 40 individual interviews were conducted, and meetings were also held with civil society representatives and community leaders. While most interviewees had no knowledge of any occurrence of GBV associated with the Project, three people interviewed by the Bank's social specialists mentioned having heard of the case of two young girls being assaulted by one or several military guard(s) deployed to provide security services to the Contractor. One of the girls was allegedly raped and the other physically assaulted. No specific details were provided.</p>

No.	Claim	Response
	<p><i>by phone. We [redacted] our safety is becoming very limited if nothing is done on your part we fear the worst. Do you know a certain [redacted] World Bank Kinshasa? [redacted].</i></p> <p><i>[from 3rd email] there have been a lot of cases of sexual violence due to the project activities at the quarry... Concerning the shooting, it was rather a man called [redacted] who was brought down and is at the hospital in [redacted].</i></p>	<p>The Bank visited the school attended by the alleged victims, as well as local health centers where the alleged victims would have received some care. Teachers had no knowledge of any such cases, nor had they received any information about them through the information system linking all schools in the region. According to the consultations and visits conducted by the Bank, the alleged cases also were not registered by any local health center or hospitals. The Bank could not identify the two girls through the interviews and visits to schools and health facilities.</p> <p>Another case concerned a 16-year old girl who allegedly became pregnant after having relations with a Chinese employee of the Contractor was also mentioned in one of the Bank’s interviews. Other interviewees, however, mentioned that the pregnancy occurred in the context of a relationship with a community boy. The Bank could not identify the victim, who has reportedly left the village.</p> <p>The Bureau d’Études spécialisées en Gestion Environnementale et Sociale (BEGES), which is responsible for implementing the environmental and social management measures of the Project, visited the Panzi hospital in Bukavu. The Panzi hospital maintains a database of the particulars of all GBV cases occurring in the South Kivu province that have been registered through local health centers and clinics.</p> <p>Consultations with the GBV unit of the Heal Africa hospital in Goma were also conducted by the Bank on September 22 and 23, 2017.</p> <p>In interviews at two hospitals in the area, which are supported by the Bank through the Great Lakes Emergency Women’s Health Project (P147489) and are specialized in providing assistance to GBV victims, medical staff reported that they attend to 30–35 cases of GBV monthly at the hospitals. In many cases, victims cannot or do not want to report their aggressor to the police. However, when the aggressor is identified, most victims do wish to file a legal complaint and the Heal Africa hospital provides legal assistance for that.</p> <p>About 10 percent of these are likely to have been perpetrated by military personnel. However, the military personnel providing security to the Contractor wear work jackets that are different from those of other military units (displaying the Contractor’s name) and were not identified as perpetrators by any of the victims. Allegations of GBV committed by military personnel deployed to provide security services to the Contractor were also not confirmed by other community members, community leaders, or school teachers.</p> <p>The Goma Heal Africa hospital holds monthly meetings with civil society representatives, human rights activists and other partners and officials during which no mention of GBV cases linked to the Contractor have been raised. BEGES also interviewed the Special Police for Childhood Protection based in Goma who had received no indication of a GBV case linked to</p>

No.	Claim	Response
		<p>the Contractor or the military personnel deployed to provide security services to the Contractor.</p> <p>Management has become aware of allegations of excessive use of force by military personnel deployed to provide security services to the Contractor, including some not raised in the Request. These include a young man accused of stealing gasoline who was shot in the leg by one of the Contractor's military guards. Circumstances of the shooting remain unclear, with the military guard claiming it was an accident and the victim's family denying that he was stealing gasoline. A settlement was reached in September 2017 between the Contractor and the injured man to compensate him for the harm and to cover medical expenses. On September 21, 2017, the Bank met with the victim, who has now left the hospital and who confirmed having received the compensation. The Bank asked the PIU to immediately report to the Bank any allegation of physical violence, using whenever appropriate the recently reinforced GRM system.</p> <p>A few allegations of threats and beatings of individuals who were suspected of theft by military personnel were also heard. The Bank has reported these allegations to the appropriate national authorities and requested further investigation so that victims can receive adequate support and perpetrators be punished. These incidents demonstrate the need for a proactive and robust management of the risks associated with deploying military personnel, specifically in a conflict-affected area.</p> <p>Management will monitor implementation of the agreed action plan to mitigate the risks of abuse. The GRM has been considerably strengthened with an increase from 3 to 24 community committees – in all villages located along the road – in order to receive and report on any claims of possible abuse or contractual violations.</p> <p>This Project was prepared before the Uganda Transport Sector Development Project (TSDP) Inspection Panel case and hence did not benefit from the enhanced attention to GBV risks that has occurred subsequent to that case. Safeguards and other documentation prepared for the Project did not include specific and focused measures to mitigate risks and impacts from GBV in the area or specifically from the use of military personnel for securing Project sites. However, contractual obligations for contractors did include provisions against GBV and other violence. Management is also working with the PIU to update and strengthen the relevant safeguard instruments to address GBV, further strengthen the GRM, and review the existing safeguard arrangements to reflect lessons from the Uganda TSDP. The Bank is also actively supporting GBV policies in DRC, including in the area relevant to the Request, through support to the Goma and Bukavu hospitals under the Great Lakes Emergency Women's Health Project (P147489).</p>
4.	Labor issues. The Requesters stated that young boys were employed by the contractor as daily laborers, and that	During the September mission, the Bank met with the Requesters, who said that there were cases of child labor associated with the Project, while noting that cases were very

No.	Claim	Response
	<p>part of their salaries was confiscated by the contractor.</p> <p><i>[from 3rd email] following which many youths less than 18 years of age have been hired as day workers, but also the [redacted] have confiscated 20% of their pay in exploiting them abusively.</i></p>	<p>difficult to confirm and that they could not provide any names of victims.</p> <p>As part of its review Management identified that the Contractor determines its workers' age through an ID check before they are hired. During the September mission, the Bank supported the Borrower's efforts to review the Contractor's labor registry, interview members and leaders of the community, and speak with a sample of children living in nearby local communities and a sample of workers employed by the Contractor. The Bank team, the safeguard supervisor, and the supervision engineer conducted unannounced spot checks on worksites during both the August and September missions. The minimum age to work in DRC is 16 years of age. Three 17-year olds were identified in the labor registry. All other workers are above 18.</p> <p>Neither the Bank team, which included local qualified expertise on these issues, nor the supervision engineer or the safeguard supervisor were able to confirm any case of child labor in the Project. Management will continue its due diligence regarding child labor and will work with the Borrower to ensure compliance with the Contractor's contractual obligations and the Bank's policies.</p> <p>Instances of non-compliant labor and occupational safety conditions were observed by the Bank team. These were not part of the Request but were raised in consultations the Bank and the PIU held with the local community and civil society organizations. Issues include allegations that the Contractor was partially withholding wages, as well as Contractor staff engaging in physical or verbal abuse against Project workers. These issues had not come to the Bank's attention before the mission, partly because the relevant GRM had not been fully set up. The Bank also heard allegations that an excessively unfavorable exchange rate was applied by the Contractor when paying employees (contracts are generally in dollars but payment is made in local currency based on the daily exchange rate).</p> <p>The Bank accordingly required the PIU to enforce the contract with the Contractor to ensure that such incidents are immediately stopped and investigated. A formal Notice to Correct was issued to the Contractor on October 2, 2017, instructing him to comply with the applicable rules and code of conduct. The notice further warns the Contractor that any proven case of serious non-compliance would lead to the suspension of works. The Bank emphasized to the Borrower the importance of compliance with the Bank's requirements. This includes ensuring that that the Contractor restores compliance with its contractual obligations, including full payment of compensation to quarry owners, and confirmation that the situation of damaged graves is fully resolved.</p> <p>The Bank also requested that the Contractor's safeguards specialist as well as the supervision engineer and BEGES be used as reliable and confidential ombudspersons for any labor issues, that the internal rules and code of conduct be amended to</p>

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		<p>include their contact information, and that information about the grievance process be disseminated to all workers through training. The Bank also requested that the internal rules and code of conduct be translated in French, Chinese and local language and be displayed in all of the Contractor's facilities.</p> <p>A compliance auditor has been hired and started a review of, among other issues, all labor and occupational, health and safety issues, including child labor. The audit report is expected by November 30, 2017.</p> <p>The Bank has requested the PIU to significantly strengthen the Project's multiple supervision and reporting mechanisms to capture and report to the Bank on any potential cases of child labor or other serious labor or occupational safety issues.</p> <p>The Bank will work with the PIU to monitor working conditions on the worksites and compliance with contractual obligations, Bank requirements and national laws.</p>
5.	<p>[From NoR] Indigenous Peoples impacts. The Requesters contended that the Project <i>“has forcibly seized the indigenous communities’ resources, using armed and uniformed military personnel.”</i> They also alleged the desecration of Pygmies’ graves by the Project.</p> <p><i>3rd email attached: August 29, 2017</i></p> <p><i>From: [redacted]</i></p> <p><i>To: [redacted]; WB staff members</i></p> <p><i>Subject: Re: Meeting with the Inspection Panel – ProRoutes Project</i></p> <p><i>Hello [name of WB staff] [redacted]</i></p> <p><i>Concerning the Pygmies, they are affected negatively because their means of existence have been destroyed by the project, because it is Pygmy women who work in the quarry that has been militarily occupied by the [redacted] of [redacted] there have been a lot of cases of sexual violence due to the project activities at the quarry following which many youths less than 18 years of age have been hired as day workers, but also the [redacted] have confiscated 20% of their pay in exploiting them abusively. A family complained that [redacted] had destroyed their field of food crops, such as manioc, beans... and some commercial agriculture, coffee, quinine and fruit trees without consulting the family or obtaining their agreement, the</i></p>	<p><i>Management could not ascertain adverse impacts from the Project on Indigenous Peoples.</i> None of the quarry and borrow pit owners belong to Indigenous Peoples’ communities in the Project area. Based on multiple interviews with Indigenous Peoples community members and leaders, the Bank has found no confirmation of the Requesters’ allegations that Batwa people (“Pygmies”) have been working in the Tongo-Butale quarry. A local resident stated that he hires Indigenous Peoples to work in his quarry—this is the only instance where such practice was reported to the Bank.</p> <p>In the Bank’s September 22, 2017 meeting with the South Kivu Provincial Minister of Agriculture, Land Issues and Rural Development who is a well-known Indigenous Peoples leader and activist. The minister did not convey any concerns about possible harm caused by the Project to Indigenous Peoples’ communities.</p> <p>ProRoutes is in fact known for the extent and positive impact of its Indigenous Peoples’ activities. The acquisition of more than 5,000 hectares of land for the Batwa people, through negotiations with local Bantu communities and following the provisions of the Bank’s Involuntary Resettlement Policy, is one of the key social achievements of the Project.</p> <p>An IPP was prepared in March 2017 to support Indigenous Peoples communities in the Kivu provinces under the Bank Project. The IPP is under implementation with some delays due to the unstable security situation in the area and some processing delays in disbursement of funds. Four of the activities planned in the IPP are completed: (i) establishment of autonomous Indigenous Peoples Associations for the coordination and management of Project activities – six local committees and 24 associations have been legally registered (three of those associations were visited during the PIU’s last mission to Goma in September 2017); (ii) securing land for Indigenous Peoples’ concessions and agriculture; and (iii) promotion of the traditional know-how and practices of Indigenous Peoples along the RN2</p>

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	<p><i>same family saw the tombs of their grandparents destroyed, they saw [redacted] the bones of their grandparents and other family scattered along the road. Concerning the shooting, it was rather a man called [redacted] who was brought down and is at the hospital in [redacted]. Concerning the reprisals, [redacted] in fact in short these threats</i></p>	<p>(Bukavu-Goma segment). Twenty matrons (traditional birth attendants) were trained with regard to childbirth hygiene and now act as community liaisons in three health centers. Moreover, 20 craftsmen were also trained in technical and organizational capacity to manage income-generating activities.</p> <p>The Bank did find evidence that at least two graves had been affected by the Project's works but these graves do not belong to Indigenous Peoples' families. Once the locations were identified as graves, the relevant authorities, community members, and quarry workers were informed, work was stopped, and the site was secured.</p> <p>In one case, while exploiting one of the borrow pits, the Contractor realized that a grave was being excavated. This was witnessed by at least one individual in the community. The Bank was informed that the Contractor restored the grave and stopped digging in the area. Bones were reportedly put back in the grave. There is no evidence that bones were "scattered along the road," and in interviews with those in the community, no particular complaint was raised.</p> <p>The second grave was discovered by the Contractor in another borrow pit but works were stopped before the grave was significantly affected. The Bank met with the family owning the grave which did not have any complaint about what had happened.</p> <p>The Bank requested that the PIU follow up with the families to ensure that any concern related to possible damages to the graves or the need for funerary rituals is properly addressed.</p> <p>The Bank visited all the quarries and borrow pits exploited by the Contractor and found no other cases of affected graves.</p>
6.	<p><i>[From Request] We have complained by email to the staff of the World Bank Office in Kinshasa, DRC, to the implementing partners [redacted] but we [redacted] have also [redacted], we have contacted the local authorities, including the [redacted].</i></p> <p><i>We consider the response we have received to be inadequate. It does not solve our problems for the following reasons: the bills for the construction materials forcibly taken following macabre scenes of torture, assault and battery, and physical violence, and compensation for the crops destroyed have not yet been paid.</i></p>	<p>The Bank received two emails from the Requesters on April 4 and June 29, 2017. The first email raised the incident at the quarry and allegations of GBV allegedly committed during the incident. The second email focused on the commercial dispute about the quarry and indicated that the abuses raised earlier had been taken up by the military court in Goma. It did not specifically mention any Bank project or Bank involvement, nor did it make any reference to the first email. Both emails were overlooked by Bank staff but should have been immediately responded to.</p> <p>Management has taken action to remind all Bank operational staff and country offices about the importance of appropriately and immediately responding to complaints related to Bank-supported operations. In line with the pertaining Bank Procedure, complaints from project-affected people must be taken seriously and must be flagged quickly to the appropriate managers and the Bank's Grievance Redress Service (GRS).</p> <p>The Bank visited the Bukavu-Goma road in March 2016 when the Project's second Additional Financing was just starting and no physical work had been performed on the ground. Major works contracts are now visited on at least a yearly basis, due to security</p>

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		<p>restrictions on travel to the worksites. The Project is supervised by a senior transport specialist with ten years' experience working in DRC, who is based in Kinshasa.</p> <p>As part of the action plan prepared after the August mission, the Bank is working with the PIU to strengthen the Project's multiple supervision and reporting mechanisms, including the Project's GRM, so that possible Project-related issues can be detected more rapidly. The GRM has now been considerably strengthened and expanded, from 3 to 24 committees established (5 in North Kivu and 19 in South Kivu), including 8 that oversee the overall grievance system and 16 local committees. All villages located along the road now have a committee in place and the first complaint (related to a car accident) was registered. Information about the GRM's existence was disseminated through public information sessions facilitated by BEGES, as well as through local radio announcements. The Bank asked the PIU and BEGES to ensure that all complaints received earlier, before the GRM was fully active, now be registered and addressed through the GRM.</p> <p>The compliance auditor also will look closely at the Project's environmental and social governance to propose possible additional measures to strengthen supervision and reporting.</p> <p>As part of the action plan agreed in August 2017, the Bank has requested that all progress and supervision reports be amended to include a specific section on potential risks related to security and conflict, as well as a separate section on labor issues and occupational safety.</p>