

GONZALO CASTRO DE LA MATA  
Chairman  
The Inspection Panel

IPN REQUEST RQ 17/05

September 13, 2017

## NOTICE OF REGISTRATION

### Request for Inspection

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

#### Summary

1. On August 3, 2017, the Inspection Panel received a Request for Inspection of the Democratic Republic of Congo: Second Additional Financing for the High-Priority Roads Reopening and Maintenance Project (Pro-Routes). The Request was submitted by community members living in Goma, alleging harm from the Bukavu-Goma road works, including those related to livelihood impacts, gender-based violence and other physical violence, labor issues, and impacts on Indigenous Peoples.
2. After conducting initial due diligence and confirming that the Request meets the Panel's admissibility criteria, I am notifying you that I have, on September 13, 2017, registered this Request.

#### The Project

3. The High-Priority Roads Reopening and Maintenance Project (Pro-Routes) (the "Project") in the Democratic Republic of Congo (DRC) is supported by 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 (AF2) in the amount of US\$125 million equivalent was approved to support further Project activities. The Project is expected to close on February 28, 2018.
4. The Project's development objective is to "*re-establish lasting road access between provincial capitals, districts and territories in the Project implementation area in a way that is sustainable for the natural environment.*"<sup>1</sup>

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<sup>1</sup> 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.

5. The Project has four components: (a) Road Reopening and Maintenance; (b) Institutional Building; (c) Environmental and Social Program, and (d) Monitoring and Evaluation. The AF2 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), 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 reform of the Ministry of Infrastructure and Public Works (MIPW) and the extension of the environmental and social program to additional road segments. The implementing agency for the Project is the Cellule Infrastructures at the MIPW.

6. The Project was assigned an Environmental Category A, and triggered the following safeguards 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 from the original Project was updated and an Environmental and Social Impact Assessment for the Bukavu-Goma road was prepared. The Indigenous Peoples Framework and Resettlement Planning Framework were also updated to cover the Bukavu-Goma road.

### **The Request**

7. On August 3, 2017, the Panel received a Request for Inspection (the “Request”) from two community members living in Goma, North Kivu Province, in the DRC (the “Requesters”) who asked for confidentiality. The Requesters claimed they are suffering harm as a result of the Bukavu-Goma road works financed under the Project. The alleged harms focused on loss of property but also included claims of loss of livelihood, use of violence against the community (including gender-based violence), and seizure of indigenous communities’ resources. Through subsequent communications with the Requesters to better understand the specific allegations, the following harms were elaborated:

8. **Livelihood impacts.** The Requesters alleged that the military armed forces<sup>2</sup> used by the Project’s contractor have “*occupied our quarry, which is our source of income and our livelihood*” and, as a result, many people who worked in the quarry “*do not know how they will meet the needs of their families.*” They explained that construction materials were forcibly taken following “*torture, assault and battery, and physical violence, and compensation for the crops destroyed have not yet been paid.*” They claimed that they had to flee their village following threats. The Requesters also explained that other community members’ crops and medicinal herbs were destroyed by road works and they had not been compensated for these losses.

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<sup>2</sup> The Requesters mention the use of the Congolese Armed Forces (FARDC, *Forces Armées de la République Démocratique du Congo*) by the contractor.

9. **Violence (including gender-based).** The Requesters claimed that there has been violence against the community and instances of sexual violence against women due to Project activities. They also alleged “human rights violations” specifically citing a case of a community member who was shot by the armed forces used by the contractor.

10. **Labor issues.** The Requesters stated that young boys were employed by the contractor as daily laborers, and that part of their salaries was confiscated by the contractor.

11. **Indigenous Peoples impacts.** The Requesters contended that the Project “*has forcibly seized the indigenous communities’ resources, using armed and uniformed military personnel.*” They also alleged the desecration of Pygmies’ graves by the Project.

12. The Requesters asked the Panel to “*recommend to the World Bank Executive Directors an investigation into these matters.*”

### **Initial Due Diligence**

13. After receipt of the Request, the Panel conducted its initial due diligence and verified that the Request meets the admissibility criteria for registration, as follows:

14. The Request is not frivolous, absurd or anonymous, and was submitted by two community members living in the Project area in Goma, DRC. The Requesters allege harms in relation to the Project, which is currently under implementation.

15. The Requesters explained that they have raised their concerns with Bank Management (“Management”) in the Country Office in Kinshasa in April and June, 2017, but received no response. The subject matter of the Request does not concern issues of procurement and at the time of the receipt of the Request, the Project was less than 95 percent disbursed.<sup>3</sup> The Panel has not made a recommendation on the issues raised in this Request.

16. To better understand the Project and the issues raised in the Request, the Panel had phone calls and exchanged e-mails with the Requesters. They raised additional harms and expressed concerns over retaliation. In accordance with its *Guidelines to Reduce Retaliation Risks and Respond to Retaliation during the Panel Process*, the Panel followed up with Management and is closely monitoring the situation.<sup>4</sup>

17. The Panel also met with Management on August 25, 2017. Management explained that they were about to undertake a mission to Goma from August 28-31, 2017. Upon return, a second meeting took place on September 8, 2017 in which Management shared with the Panel the mission’s aide memoire, which contains an action plan with remedial actions. Management also noted that following the Bank mission the Project’s contractor paid compensation to the Requesters for the harm. During a phone call with the Requesters on

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<sup>3</sup> The disbursement rate was 74.5 percent at the time of receipt of the Request for Inspection.

<sup>4</sup> The Panel’s Guidelines on Retaliation can be found on its website at:  
<http://ewebapps.worldbank.org/appslip/PanelMandateDocuments/2016%20Retaliation%20Guidelines.pdf>

September 11, 2017, they expressed that while they have been compensated for the harm related to the quarry, they believe that the other harms persist, and they would like to proceed with the Request.

### **Registration of the Request**

18. As provided in paragraph 17 of the IBRD Resolution (the “Resolution”) that established the Panel, *“the Chairperson of the Panel shall inform the Executive Directors and the President of the Bank promptly upon receiving a request for inspection.”* With this notice, I am notifying you that I have, on September 13, 2017, registered this Request.

19. The Panel’s registration implies no judgment whatsoever concerning the merits of a Request for Inspection. As provided in paragraph 18 of the Resolution, and paragraphs 2 and 8 of the Conclusions of the Board's Second Review of the Inspection Panel (the “1999 Clarification”), Bank Management must provide the Panel within 21 business days (by October 13, 2017) a response to the issues raised in the Request for Inspection. The subject matter that Management must deal with in the response to the Request is set out in paragraphs 3 and 4 of the 1999 Clarification.

20. After receiving the Management Response, the Panel will, as outlined in the 1999 Clarification and as provided by paragraph 19 of the Resolution, *“determine whether the Request meets the eligibility criteria set out in paragraphs 12 to 14 [of the Resolution] and shall make a recommendation to the Executive Directors as to whether the matter should be investigated.”* The Request has been assigned IPN Request Number RQ 17/05.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'G. Castro', with a horizontal line underneath.

Gonzalo Castro de la Mata  
Chairman

### Attachments

Mr. Jim Yong Kim, President  
International Development Association

The Executive Directors and Alternates  
International Development Association