

DEMOCRATIC REPUBLIC OF CONGO
HIGH PRIORITY REOPENING AND MAINTENANCE OF ROADS
(“PROROUTES”) PROJECT – SECOND ADDITIONAL FINANCING (P153836)

MANAGEMENT RESPONSE TO THE REQUEST FOR INSPECTION

UPDATE

November 27, 2017

1. ***Management is providing this update to its Response to the Request for Inspection to apprise the Board and Panel of the most recent developments regarding the issues raised in the Request, and to summarize the actions the Bank will take immediately and over the next few weeks.*** Management submitted its Response to the Panel on October 20, 2017. Subsequently, the Panel visited the Project area from November 6 to 11, 2017. Upon its return to Washington, the Panel contacted Management on November 14, and indicated to Bank Senior Management that it had encountered cases of grave harm, specifically involving sexual violence of a very serious nature, allegedly committed by Contractor staff and security personnel. The Panel expressed concern that these abuses may still be ongoing. Management received a more detailed oral briefing from the Panel on November 15.
2. ***Management has taken the allegations of SGBV expressed in the Request extremely seriously.*** Since registration of the Request for Inspection, Management has undertaken four high-level missions (August, September, October, November) to the Project site to follow up on these concerns. The findings from the first three of these missions are summarized in the Management Response. Although the most recent mission (November 14-21) was planned before Management was provided with the Inspection Panel’s observations, its timing provided Management the opportunity to follow up on information shared by the Panel, as well as information collected from various other sources on the ground, including from the Project’s supervision entities, provincial and local authorities, community and civil society representatives, health care providers (particularly those specialized in Sexual and Gender Based Violence (SGBV)), security forces (including military authorities and UN officials), and alleged SGBV survivors.
3. ***Support to SGBV survivors.*** On the basis of information provided by the Panel, the mission met with two survivors of the alleged SGBV and accompanied them to a service provider for SGBV support. The mission also met the mother of a third survivor of alleged SGBV identified by the Panel. The mother reported that her daughter had already received support services. While respecting and protecting their confidentiality, Management will continue to work with local authorities and SGBV support service providers to ensure the girls have access to adequate care and support. Finally, the Bank met with the Governor of North Kivu and the Minister of Infrastructure of South Kivu, representing the Governor of South Kivu, to communicate the gravity of the Panel’s observations and to secure local authorities’ commitment to do all they can to prevent any form of retaliation against the complainants or SGBV victims.

4. ***Restoration of water supply to IDP camp.*** The November 2017 mission also followed-up on other issues brought to Management's attention by the Panel, including the interruption of water supply to an Internally Displaced Persons (IDP) camp by the Contractor. The Bank was able to confirm that water services to the IDP camp have now been restored and is investigating why it took so long to restore service, what potential impacts have been generated by the interruption of water services, and what measures may be required to mitigate such impacts.

5. ***Given the seriousness of the alleged harm and the shortcomings in the Borrower's supervision and reporting mechanisms, Management has suspended disbursements against all civil works components under the Second Additional Financing (AF2) of ProRoutes, including the Goma-Bukavu road contract.*** Management believes that the overall management of social and environmental issues is not in compliance with the Borrower's safeguards obligations and calls for immediate action, despite the sometimes fragmentary and contradictory nature of the information relating to the cases of alleged SGBV. To help the Borrower address the deficiencies in safeguard supervision, the components of the Project which are not related to civil works — social and environmental management, monitoring and evaluation as well as institutional support — will continue to be funded. In addition, the Bank will require that one or more well-qualified CSOs will be engaged to undertake third-party monitoring of SGBV issues, in line with the recent recommendations of the Global GBV Task Force appointed by President Kim. All other civil works contracts under the Project will undergo compliance audits to verify appropriate social and environmental management. Some of these audits are currently underway as part of the action plan previously agreed with the Borrower and summarized in the Management Response.

6. ***Management will continue its efforts with the authorities, Contractor, and the communities to remedy the situation and to bring the Project and individual contracts back into compliance.*** Management has worked constructively with the Panel over the past months, including following up on information that the Requester had only shared with the Panel and not with Management. Management has also worked closely with local governments, CSOs and the UN Peacekeeping mission, all of whom have a role to play in addressing the concerns. Several concrete steps have been taken or are underway to help address and prevent SGBV cases at the Goma-Bukavu site as well as at other Project locations:

- ***Management has informed the Government of DRC of the severe allegations and requested that appropriate legal measures are taken in response to complaints, as well as increased efforts to prevent new cases of abuse. This is done in a manner that does not expose the complainants and victims to additional harm associated with the high risk of retaliation.***
- ***The Project Implementation Unit (PIU) has worked to help ensure that the Contractor's internal rules and code of conduct incorporate explicit language prohibiting individual workers from engaging in sexual exploitation and abuse.*** All workers and military personnel employed by the Contractor have been trained on these strengthened rules and code of conduct, which have been translated into Chinese, French and Swahili and are now displayed in all the Contractor's facilities.

- ***The compliance auditor retained through the Project will verify that all workers and military personnel have signed the internal rules and code of conduct.*** Following guidance from the Bank's international SGBV consultant, communities living in the immediate vicinity of the Contractor's facilities will be informed about the existence of the internal rules and code of conduct and, in particular, the provisions related to SGBV prevention. Management has communicated formally with the Contractor's senior management, which has confirmed to the Bank its commitment to implement all necessary actions to prevent SGBV.
- ***Management has been working with the DRC authorities and the UN Peacekeeping mission in DRC (MONUSCO) to improve the selection of military personnel assigned to the protection of worksites through appropriate screening and to train them in humanitarian law.*** Discussions are also underway with UN officials about possible direct support from MONUSCO to provide security in the Project area.
- Congolese authorities with support from Management ***will select one or more SGBV-prevention CSO(s) to undertake third-party monitoring of SGBV*** in the area of influence of all the roads with ongoing ProRoutes support. the.
- ***Management will work with the DRC authorities in encouraging them to have a more-broad based national response over the medium-to-long term in dealing with SGBV.*** In the near term Management will extend the Great Lakes Emergency SGBV and Women's Health Project (P147489) in the Project area to provide support to victims of SGBV irrespective of whether or not links to the ProRoutes Project can be definitively established.

7. ***Management will continue to work with the Borrower and the Panel to follow up on the concerns and allegations raised in the Request and to help ensure that the Project does not cause or contribute to harm. Management will also urge the Borrower to take appropriate action with regard to potentially ongoing abuses.*** The suspension of disbursements for all civil works under the Project provides an opportunity for the Borrower to remedy non-compliance with the Bank's safeguard requirements and strengthen Project management and oversight.