

Inspection Panel

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

Investigation Plan (December 13, 2017)

I. Introduction

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

After conducting its initial due diligence, the Panel registered the Request on September 13, 2017, and notified the Board of Executive Directors and Bank Management. Management submitted its Response on October 20, 2017. On November 21, 2017, the Panel recommended that an investigation be carried out into the alleged issues of harm and related non-compliance. On November 27, 2017, Management submitted an update to its Response to apprise the Board and the Panel on the recent developments regarding the issues raised in the Request and to summarize the actions the Bank will take immediately. On December 8, 2017, the Board approved the Panel's recommendation.

II. The Panel's Recommendation

The Panel noted in its Report and Recommendation that the Request meets all six technical eligibility criteria of paragraph 9 of the 1999 Clarifications. The Panel also noted 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 plausibly linked to the Project and its implementation. Management has already recognized some of these harms in its Management Response. The Panel therefore determined that the issues raised by the Requesters can only be fully ascertained in the context of an investigation.

The Report and Recommendation indicates that the investigation would address the alleged harms and potential non-compliance with World Bank Operational Policies and Procedures as they relate to Environmental Assessment, Involuntary Resettlement, and Investment Project Financing. In addition, the Panel's investigation would report on steps and actions taken by Management to address issues of compliance and the concerns raised by the Requesters.

This document presents an outline of the investigation plan as required by the Panel's Operating Procedures. It includes a summary of the key questions and issues to be addressed during the investigation, and a brief description of the investigation's methodology. This outline is being made publicly available through the Inspection Panel website.

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

As explained above, the Requesters allege harms from the Bukavu-Goma road works as a result of the Bank's non-compliance with its Operational Policies and Procedures. During its eligibility visit, the Panel observed many of the harms raised by the Requesters. The Panel's investigation will address these harms and alleged non-compliance with the relevant World Bank Operational Policies and Procedures, and will also examine risk assessment, project preparation, and supervision in light of policy requirements for projects in urgent need of assistance or capacity constraints.

The Panel's investigation will include an analysis of the following questions:

A. Environmental and Livelihood Impacts, Compensation and Grievance Redress

- a. How were the risks and impact of the road works and exploitation of quarries on the environment and on livelihoods assessed? Were adequate mitigation measures proposed in the Project's safeguard documents? If so, were they properly implemented?
- b. Were Project-affected people properly identified? Were livelihoods adversely affected by the implementation of the Project and, if so, were there actions in place to restore them? Was compensation paid in an appropriate and timely manner?
- c. Did the Project have a grievance redress mechanism? Was the mechanism accessible to the community? Did the community feel there was a safe space to share their concerns about the Project? Were remedial actions taken to strengthen the Project grievance redress mechanism? Were they adequate?
- d. Were meaningful consultations undertaken during the preparation of the draft safeguard documents and other documents relevant to the Project? Were the documents translated into the local language and shared in a timely manner? Were the consultations held in a place and format accessible by the affected people? Did consultations continue throughout Project implementation?

B. Community Impacts of the Security Personnel Hired by the Contractor

- a. Was the Bank aware of the contractor's hiring of security personnel?
- b. Did the security personnel hired by the contractor resort to physical (or other kinds of) violence against individuals and/or the community? If so, what was the nature and extent of such harm?
- c. How were the risks associated with the use of force by the contractor's security personnel assessed? Did the Project include preventive and mitigation measures? If so, were they adequate? Were remedial actions taken to address these harms?

C. Gender-Based Violence

- a. Were there instances of sexual and gender-based violence (SGBV) (including rape, child sexual abuse and sexual harassment) perpetrated by the contractor's employees, the security personnel hired by the contractor or others linked to the Project? What was the extent and consequences of such harms?

- b. Were the risks of such harms properly identified and assessed? Did the Project include preventive and mitigation measures? If so, were they adequate and implemented? Were remedial actions taken to address these harms?

D. Labor Issues, Occupational and Road Safety

- a. Were there instances of irregular labor practices by the contractor? If so, were remedial actions taken?
- b. Were minors employed by the Project? Was the risk of child labor properly assessed? Did the Project include preventive and mitigation measures? If so, were they implemented?
- c. Were there occupational and/or road accidents leading to injuries or fatalities? If so, did the victims receive medical support? Were the victims or their families compensated? Were appropriate health and safety measures for the road workers and the community planned and implemented?

E. Intimidation and Retaliation

- a. Were there instances of intimidation and/or retaliation by government authorities, security personnel and/or the contractor against Project-affected people and/or the contractor's employees?
- b. What measures were put in place to address allegations of intimidation and/or retaliation against Project-affected people?

F. Supervision and Bank's Response

- a. Were the Bank's supervision efforts adequate? Was staff with the appropriate skills deployed by the Bank to support the Project and address the issues raised in supervision missions and reports?
- b. How did the Bank become aware of the issues raised in the Request? What course of action was taken by the Bank?
- c. How was the capacity of the implementing agency assessed? What kind of support and capacity building measures were provided to the government and its implementing agency to address some of the identified shortcomings?
- d. Did the Bank propose remedial measures to respond to the problems encountered during supervision and/or other missions in a timely and adequate manner?

IV. Methodology of Fact Finding

For the purposes of this investigation, the Panel will enlist the assistance of expert consultants on: (i) gender; (ii) environment, health and safety, and (iii) social and livelihood impacts.

The investigation will be conducted in three phases: (i) investigation preparation and identification of expert consultants; (ii) review of documentation, staff interviews and field visit; and (iii) report drafting and finalization. The investigation will include interactions with the Requesters, other

community members, Bank staff, implementing entities, development partners and other relevant stakeholders. The Panel will make every effort to conclude the investigation in a timely fashion.

The Panel's Investigation Report and Management Response will be made publicly available after the Board of Executive Directors meets to consider the Panel's findings and to discuss and approve the Management's Response and Action Plan.