



June 7, 2019

Mr. Surya Deva
Chairperson of the Working Group
on the Issue of Human Rights and Transnational Corporations
and other Business Enterprises

Ms. Agnes Callamard
Special Rapporteur on
Extrajudicial, Summary or Arbitrary Executions

Mr. David Kaye
Special Rapporteur on the Promotion
and Protection of the Right to Freedom of Opinion and Expression

Mr. Michel Forst
Special Rapporteur on the Situation of Human Rights Defenders

Mr. Livingstone Sewanyana
Independent Expert on the Promotion of a
Democratic and Equitable International Order

Dear Chairperson, Special Rapporteurs and Independent Expert:

Thank you for your letter dated April 12, 2019, regarding the Democratic Republic of Congo (DRC) – High-Priority Roads Reopening and Maintenance Project (ProRoutes) and the situation of [REDACTED]

Your letter requested the World Bank's observations on six specific matters. In particular, you requested for any additional information the Bank may have on the allegations of reprisal, on actions taken by the Bank regarding the Inspection Panel process and related actions to support the concerned affected peoples and a broader issue about whether the Bank undertook any human rights due diligence relating to ProRoutes. Since some of these issues are closely related, we have set out below our responses in an integrated manner.

To begin, we wish to underscore that the World Bank takes very seriously allegations of retaliation against the Requesters, survivors of gender-based violence (GBV), witnesses and any other members of the community involved in the Inspection Panel process. The Bank has maintained multiple channels of communication on this subject with civil society organizations – both international and local – as well as with Congolese authorities at the national and provincial levels. We have stressed to these authorities both in formal correspondence and in numerous meetings that no one be subjected to retaliation, including [REDACTED] We also wish

to stress that upon learning of these allegations, we launched collaborative discussions to help address this matter were also held with United Nations agencies in Eastern DRC, including the UN Organization Stabilization Mission (MONUSCO) and the UN Joint Human Rights Office (UNJHRO). As indicated in your letter, the World Bank has also met [REDACTED] on many occasions. Indeed, we have continued over the past 20 months to work with [REDACTED] on [REDACTED] concerns.

These actions are consistent with both our practice and the due diligence requirements of the World Bank's new Environmental and Social Framework (ESF), which was approved by our 189-member countries and became effective this past October. As your communication asks about Bank practice, we are pleased to note that under the ESF the Bank has instituted new provisions to help protect individuals from retaliation throughout the life of a project, including during any aspect of stakeholder engagement and if grievances are raised. The Bank, however, does not have the capacity or mandate to directly provide protection to threatened individuals. Therefore, the Bank works through its member governments and partner agencies, including human rights organizations, to help ensure that allegations of retaliation are taken seriously.

Your letter inquires about the project. ProRoutes is an essential investment to help improve the health and livelihoods of thousands of Congolese citizens. DRC ranks 176 out of 187 countries on the UN Human Development Index (2015), and road infrastructure is among the weakest in the world. Lack of adequate roads means lack of access to health centers, schools, and jobs, and has caused far too many road fatalities that could have been prevented. The ProRoutes Project has been reconnecting previously isolated provincial cities and territories through the rehabilitation of 2,300 kilometers and the maintenance of 3,000 kilometers of high-priority national roads, contributing to stability and security in a post-conflict context. Over the course of many years, ProRoutes has helped the country secure significant benefits for poor and vulnerable communities due to improved road connectivity. One of the roads under the project, National Road 2 connects the two provincial capitals of North and South Kivu, Goma and Bukavu. Another road, National Road 4 linking Beni to Kasindi, is critical in the Ebola response currently being implemented with Bank support in Northern Kivu. This road is currently the only reliable land access to Beni, the epicenter of the current Ebola outbreak. In addition to road investments, ProRoutes includes significant environmental and social measures to promote environmental sustainability and support Indigenous Peoples. For example, the Project has helped make available more than 5,000 hectares of land for the *Batwa* Indigenous People, through negotiations with local Bantu communities.

Please also note that as an international financial institution, the World Bank does not implement projects. As is standard for a Bank project, ProRoutes was implemented by the responsible DRC authorities. The Bank does however have stringent due diligence responsibilities that seek to ensure that the projects that it finances are implemented in accordance with Bank policies on matters such as environmental and social risks and impacts. The Environmental and Social Framework embeds stronger environmental and social policies in our operations. These provide protection to prevent and mitigate possible adverse impacts of Bank-financed projects on people and the environment. While these policies do not expressly include a requirement to undertake human rights due diligence, they embed the key human rights principles essential for sustainable development, including those for social

inclusion, non-discrimination, transparency, accountability and public participation. More specifically, in response to your request, they also specify that Borrowers are required to ensure that project-level consultations with affected people should be “free of manipulation, interference, coercion, discrimination and intimidation” including for those who would access grievance and accountability mechanisms.

We note your reference to the UN Guiding Principles on Business and Human Rights and would like to emphasize that these principles are directed to Member States and businesses. They do not assign human rights obligations or responsibilities to multilateral institutions such as the Bank which is an international organization established by its Articles of Agreement and which by virtue of its Relationship Agreement with the United Nations is required to function independently. Nevertheless, we believe that the environmental, social and other relevant policies that apply in this case, enable us to properly address the allegations that were raised in this context.

We would also like to provide you with additional information about our interactions with [REDACTED]. Specifically, while members of the Bank project team met on many occasions with [REDACTED] we do not have any firsthand evidence of the allegations described in your letter. We can confirm however [REDACTED] similar complaints [REDACTED] to the World Bank Inspection Panel dated September 13, 2017. [REDACTED] has communicated a number of allegations to the Bank regarding separate incidents, some of which the local authorities have subsequently deemed unsubstantiated. We can however confirm that there have been some verbal tensions between [REDACTED] family and some other members of their community who were dissatisfied about the suspension of the road works. The Bank has worked with the Congolese authorities and with local civil society organization on several measures aiming at lessening these tensions.

The Inspection Panel investigation of the allegations raised by the Requesters including [REDACTED] regarding the ProRoutes project concluded on September 7, 2018, when the Bank’s Board of Executive Directors approved the Management Action Plan (MAP). The MAP seeks to address those issues raised by the Requesters that the Panel verified as meriting action in its investigation report and is currently under implementation with regular reporting to the Board of Executive Directors. As stipulated in the MAP, the Bank alerts the relevant government authorities whenever it receives information indicating that complainants or witnesses might be intimidated or retaliated against. In addition, as was the case here, Management and the Panel closely communicated to use their best efforts to assist in addressing the allegations of retaliation.

The Bank has taken steps to fully implement the MAP. The ‘First Management Progress Report’ dated March 25, 2019 is publicly available on the website of the Inspection Panel at: (<http://inspectionpanel.org/sites/inspectionpanel.org/files/cases/documents/120-First%20Management%20Progress%20Report-March%2025%2C%202019.pdf>). The Management Progress Report provides a detailed update on the implementation of the MAP. It also shows that implementation of the MAP is on schedule and that significant progress has been made regarding the 28 actions identified: 10 actions have been completed, 16 actions are on track and will be monitored until the Project’s closing, 1 action will be undertaken as works on RN2 have just resumed, and 1 action is not applicable at this point.

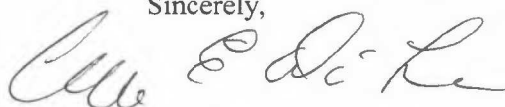
The decision to resume project activities was taken following progress achieved in implementing the MAP and other measures agreed with the authorities in DRC. The Bank had imposed a partial suspension of disbursements on November 27, 2017, for all civil works under the project, including the Bukavu-Goma road contract. This step was taken when it became clear that there was a breach of the Borrower's social and environmental obligations under the financing agreement. To address the concerns, civil society organizations were included in the project to undertake third-party monitoring of GBV issues. In addition, there was a commitment by the DRC authorities that all other civil works contracts under the project would undergo compliance audits. The Bank laid out conditions to lift the suspension, as detailed in the Inspection Panel Investigation Report.

Given the progress achieved in implementing the MAP and other agreed measures, on December 3, 2018, the Bank lifted the partial suspension of disbursements under the project. At that time, the DRC authorities had met all the conditions required to end the suspension, both for the Goma-Bukavu road ("RN2") and for the other roads financed under ProRoutes. The project's closing date was also extended by 12 months in order to complete road works, as well as social and environmental activities.

Since the lifting of the suspension of disbursements, road works under the project have restarted. The works on RN2, which connects two important economic hubs in Eastern DRC, Bukavu and Goma and was the focus of the Inspection Panel's investigation, resumed construction on April 5, 2019 after [REDACTED] informed communities of the Contractor's workplan and the various available mechanisms to channel possible complaints, including GBV incidents.

In conclusion, the Bank remains committed to monitoring the situation relating to the ProRoutes Project and to doing all under its mandate to prevent retaliation against the Requesters, GBV survivors, witnesses and any other members of the community involved in the Inspection Panel process. We thank you for your concern and communication regarding this important matter.

Sincerely,



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Chief Environmental and Social Standards Officer

Cc: Kristalina Georgieva, Chief Executive Officer
Manuela V. Ferro, Vice President, Operations Policy and Country Services
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