

**Republic of Cameroon:  
Yaounde – Brazzaville International Corridor Development  
Project (Mintom-Lele)**

**Republic of Congo:  
Yaounde – Brazzaville International Corridor Development  
Project (Sembe-Souanke)**

## **Resettlement Due Diligence Report**

**October 2015**

**JAPAN INTERNATIONAL COOPERATION AGENCY (JICA)**

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### **Abbreviation**

AfDB	African Development Bank
BDEAC	Banque de Developpement des Etats de l'Afrique Centrale
ECCAS	Economic Community of Central African States
FCFA	Franc de la Communauté Financière d'Afrique (African Financial Community franc)
MINAS	Ministry of Social Affairs
MINTP	Ministry of Public Works
NGO	Non-Governmental Organization
PAP	Project Affected People
WB	World Bank

## **1. Background**

### **1.1 Background and progress of the project**

The Ketta-Djoum road (503 km long) is an important segment of the trunk road linking the capitals of Republic of Congo (Brazzaville) and Republic of Cameroon (Yaounde). The existing road is unpaved, and is not accessible in all the seasons, especially in rainy season. Paving this corridor is one of the high priority programme for the Central African Consensual Transport Development Master Plan (PDCT-AC) which was elaborated in 2004 by Economic Community of Central African States (ECCAS) to promote the regional integration in the Central African Region.

The road development program consists of 2 phases. The construction of the current phase (Phase1) has been implemented by both countries supported by African Development Bank (AfDB) to the rate of 98% in Congo and 80% in Cameroon and is scheduled to be completed in December 2015. Phase 2 entails finalizing the works not scheduled under Phase 1, in order to have a fully paved trunk road linking Brazzaville to Yaounde by 2020.

#### **Phase 1: Main characteristics:**

***In Congo :*** Development/asphalting of the section between Ketta and Sembe, over 169 km linear; and minimal earthen upgrading of the section between Sembe and Cameroon border.

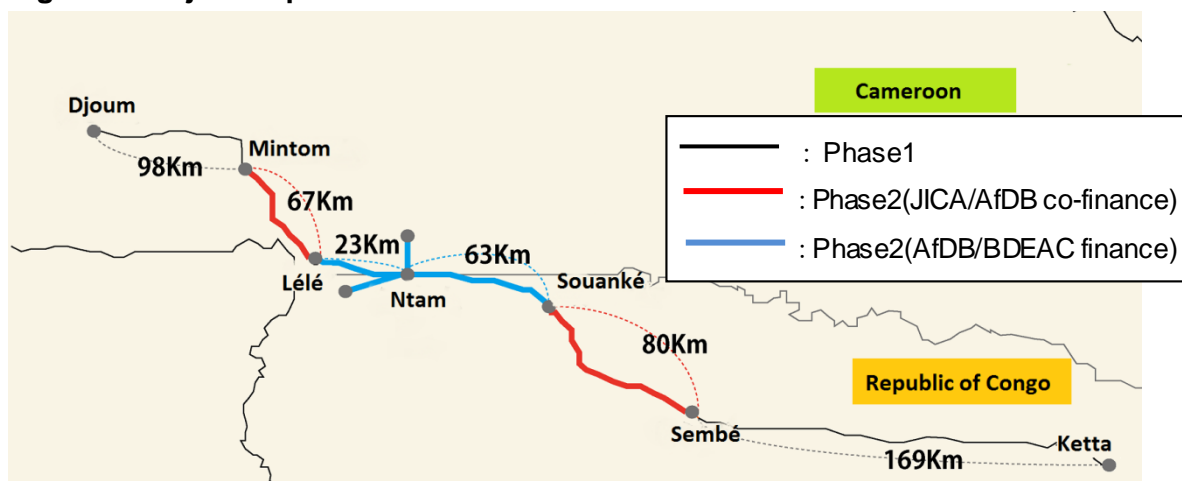
***In Cameroon :*** Development/asphalting of the section Djoum-Mintom, totaling 98 km linear; and minimum earthen upgrading of the section Mintom-Congo border, or 105.5 km linear.

#### **Phase 2: Main characteristics (see detailed map below):**

***In Congo:*** Development/asphalting of the sections Sembe-Souanke and Souanke-Ntam-Cameroon border totaling 143 km linear including the development of Right of Way; and development/asphalting of the feeder road Ntam- Alati of 28 km long.

***In Cameroon :*** Development/asphalting of the sections Mintom-Lele and Lele- Ntam totaling a linear distance of 90 km including the development of Right of Way; and development/asphalting of the feeder road Ntam- Mbalam 30 km long.

**Figure 1 Project Map**



Both governments submitted their request to JICA to finance one of the sections of this Phase 2 Road development (Minton-Lele for Cameroon and Sembe-Souakne for Congo). JICA in consultation with the Government of Japan and AfDB considers financing the Project in the form of co-financing (joint) with AfDB.

**The Project in Cameroon:** Paving of Mintom-Lele section (67km)

**The Project in Congo:** Paving of Sembe-Souanke section (80km)

Other sections in Cameroon will be financed by AfDB and Central African Development Bank (BDEAC). For the other sections in Congo, AfDB will finance the rest of the road section. This corridor development project is expected to not only improve the movement of people and goods between the two countries, but also open up areas with significant economic potential in Northern Congo and in Cameroon's South East (agriculture, ore, timber, etc). Furthermore, this development project will help to reduce overall transport costs and improve living conditions of people dwelling along the road.

## **1.2 Overview of the project**

The Project aims to improve the capacity of transportation in the Project target area by paving the existing road from Mintom to Lele (67km) in Cameroon and from Sembe to Souanke (80km) in Congo which consists the international corridor from Yaounde to Brazzaville. The Project's overall goal is to contribute to the acceleration of the economic growth and poverty reduction in the Project target area, and to contribute to the ECCAS regional integration.

The Phase 2 of Ketta-Djoum Road project is structured around the following six components: ① Road construction; ② Community development; ③ Road and infrastructure sector development; ④ Biodiversity conservation; ⑤ Transport and trade facilitation programme; and ⑥ Project management.

**Table 1. Project Component**

Project Component		Financing Partner	JICA's finance participation
① Mintom-Sembe (233km) and feeder road (58km) (Totally 4 sections)	■ Lot 1 for Cameroon: <b>Mintom-Lele (67km)</b>	<b>JICA, AfDB</b>	○
	■ Lot 2 for Cameroon: Lele-Ntam (23km) +Feeder road 30km	BDEAC, AfDB	-
	■ Lot 1 for Congo: <b>Sembe-Souanke (80km)</b>	<b>JICA, AfDB</b>	○
	■ Lot 2 for Congo: Souanke-Ntam (63km) +Feeder road 28km	AfDB	-
② Community development (for all sections)	Social infrastructure (schools, health centers, etc), Assistance for women association, Assistance for indigenous people	BDEAC AfDB	-
③ Road and infrastructure sector development (for all sections)	Road network plan development, Road maintenance capacity development, etc	AfDB	-
④ Biodiversity conservation (for all sections)	Environment and forest auditing, GIS monitoring for forest, environment and animals, Capacity development of forest conservation units, seminar for environmental protection, etc	AfDB	-
⑤ Transport and trade facilitation programme	OSBP construction, harmonization of border administration	AfDB	-
⑥ Project management (for all sections)	Support to Project implementation unit, Project monitoring	AfDB	-

:JICAfinance



### **1.3 Purpose of the study**

The execution of Phase 1 and Phase 2 entails freeing the rights of way as well as relocations of houses and buildings and expropriations of land, crops, fruit trees and other plants. To that end, this document is prepared to confirm how resettlement process including consultations with the affected people, and compensation have been implemented and whether the process complies with JICA's Environmental and Social Considerations Guidelines (JICA Guidelines). As a reminder, during the Phase 1 implementation of the development project for the multinational road Ketta -Djoum, the Cameroonians and Congolese Governments decided to compensate for all project-affected people over the entire route including the sections JICA is planning to finance.

## **2. Result of the Study**

It is important to note that the compensation had been made before the execution of Phase 1 works. On the section Mintom-Lele-Ntam in Cameroon, the PAPs who had been compensated are yet to vacate the rights of way since the work has not started yet – such cases shall be taken into account during Phase 2

### **2.1 Degree of the land acquisition and resettlement**

#### **2.1.1 Population census**

##### **2.1.1.1 Cameroon**

Population census survey was conducted as a baseline survey for PAPs; the Survey covered the Project area and the neighboring area. Meeting with PAPs were also conducted in the census survey. Cut-off date was set as the first date of census survey (November, 2009). The number of people affected and a complete inventory was drawn up by the committee of assessment and evaluation of property subject to expropriation. This committee was formed by the ministry responsible for land affairs at the request of Ministry of Public Works, in charge of the project management.

PAPs by the Project are as below. Number of Affected Peoples (PAPs) who were required to be resettled for the Project was 128 Persons as a result of census survey in 2010 mainly in the village of Akom, Mboutokong, Lele.

The Government took appropriate steps to allow the people affected by the project to find alternative housing if their land and buildings were affected or to recommence agricultural operations or harvest fruit trees, as applicable.

**Table 2. Affected families and degree of Land Acquisition between Mintom and Lele in Cameroon**

Name of the Village	Number of Affected Persons
Akom	89
Mboutokong	26
Lele	13
Total	128

### 2.1.1.2 Congo

Population census survey was conducted as a baseline survey for identification of the PAPs; the Survey covered the Project area (both phase 1 and phase2) and the neighboring area. Consultation with PAPs was also conducted during the census survey. Cut-off date was set as the first date of census survey (January, 2010). A Landholding Enquiry Committee is formed by the Ministry of Land Affairs and the Public Domain so as to create an inventory of the affected properties and their owners and subsequently to assess the value of compensation. The said committee includes representatives of the Ministry of Land Affairs, the General Delegation of Major Works, the prefecture of Sangha department, the Departmental Board of Sangha, and Sangha regional departments of land registry, construction, agricultural and planning. The inventory was compiled with regard to the buildings, crops or fruit trees, graves etc.

PAPs by the Project are as below. Number of Affected persons who were required to be resettled for the Project was 201 persons as a result of census survey in 2010 in the village of Sembe, Boudel, Elogo, Bamengold, etc.

**Table 3. Affected families and degree of Land Acquisition in between Sembe-Souanke the Project area in Congo**

Name of the Village	Number of Affected persons	Land Acquisition (m <sup>2</sup> )
Sembe	78	19,730
Akwaba	2	360
Gamma	2	360
Zoulaboth	5	900
Sala Pounce	1	180
Boudel	10	1,800
Alangong	2	360
Adiala 1	4	720

Minguelakoum	7	1,260
Mezock 2	2	360
Mezock 1	8	1,440
Elogo	21	3,780
Bethel	5	900
Bamengold	10	1,800
Biabiel	2	360
Gola	4	720
Zoula	6	1,080
Boumalinga	16	2,880
Mbop 2	4	720
Dassin	3	600
Bid	4	720
Souanke	5	940
Total	201	41,970

## 2.1.2 Land and asset valuation

### 2.1.2.1 Cameroon

Following the census survey undertaken to prepare the list of the property, agricultural property and equipment affected by the expropriation in an inventory, the committee utilized existing scales. The Decree No. 2006/3023/PM on 29 December 2006 was applied for housing compensation, and the Decree No. 2005/418 PM on 25 February 2003 was applied for agricultural property.

**Table 4. Compensation unit price for housing in Cameroon**

<b>Type 1 : High standing</b> Housing built in high level, villa or apartment in permanent materials of high quality finishing	more than 145 000 FCFA/m <sup>2</sup>
<b>Type 2 : Standing</b> Housing built in high level, villa or apartment in permanent materials of medium quality finishing	from 90 001 to 145 000 FCFA/m <sup>2</sup>
<b>Type 3 : Standard</b> Villa or apartment in standard quality finishing	from 45 001 to 90 000 FCFA/m <sup>2</sup>
<b>Type 4 : Half hard house</b> Constructions in half hard materials in medium	from 20 001 to 45 000 FCFA/m <sup>2</sup>

quality finishing	
<b>Type 5 : Temporary</b> Construction with temporary materials and brief finishing	De 7000 à 20 000 FCFA/m <sup>2</sup>

With regard to land aspects, Cameroon legislation acknowledges modern as well as customary law, but landowners must have a title to their land to prove their status, because Cameroon legislation does not provide scope to compensate those who lack a land title or a document proving that the process of acquiring said title is underway. For such persons, the project will only include compensation for immovable and/or farming property situated on the land in question. It should be reaffirmed, however, that those people forced to resettle will be relocated to land made available by traditional community leaders, working alongside local authorities.

With regard to tombs, the State do not compensate for these, because they do not constitute property, but proceed to relocate affected tombs (exhumation, burial with appropriate ceremonies). The MINTP shall commission a body with this task possessing suitable expertise in the area, which shall act under the leadership of a special commission set up to evaluate the graves. The charges were covered by national funds.

### 2.1.2.2 Congo

Following the census survey undertaken to record all the property, agricultural property and equipment affected by the expropriation in an inventory, the committee shall utilize scales to ensure fair and equitable assessment of the actual loss incurred by each of the affected persons. This shall take into account actual current market costs so that affected persons can obtain replacement property commensurate to that which they lost. The relevant landholding enquiry committee assessed any increase in value for the compensation applicable to crops and fruit trees relative to the official scale as set out in decree No. 86/970 dated 27 September 1986.

As for constructions and areas of land, since no specific scale applies to districts outside Brazzaville and a 100km perimeter around it, the committee shall set this out, pursuant to the service note No. 27/MCUH/DGC dated 22 August 2005 of the Ministry of Construction, Urban Planning and Housing.

This provision proposes the following scale to cover areas of bare land: i) in open area, 1000 FCFA/m<sup>2</sup> and in urban areas (Sembe and Souanke), 3000 FCFA/m<sup>2</sup>. It should be noted that under customary land provisions, which tend to benefit those

residing in the districts concerned, such persons can occupy a free plot of land when withdrawing from the initially installed location.

**Table 5. Compensation unit price for housing in Congo**

<b>Type 1</b> : precarious materials	10,000 FCFA /m2
<b>Type 2</b> : walls made of recycled planks	15,000 FCFA/m2
<b>Type 3</b> : earth and sheet metal	25,000 FCFA /m2
<b>Type 4</b> : terracotta tiles and sheet metal, improved type of construction	35,000 FCFA /m2
<b>Type 5</b> : chipboard, sheet metal and with screed	50,000FCFA/m2
<b>Type 6</b> : chipboard, sheet metal, screed and primer	75,000FCFA/m2
<b>Type 7</b> : modern homes	150,000FCFA/m2

The State will not compensate for tombs, because they do not constitute property, but will proceed to relocate affected tombs (exhumation, burial with appropriate ceremonies). The GDMW will assign this task to the hygiene unit, which has the relevant required competence. The charges will be covered by national funds.

For affected public buildings, the equivalent value required for restoration or reconstruction will be provided, working alongside the relevant departments and authorities.

Ultimately, amid concern to cover the management of all incidents which could occur during these works and any claims asserted in connection with expropriation compensation, an escrow account shall be opened in a local bank with funds of 200 million FCFA.

As part of an initiative to assist vulnerable people and on a case-by-case basis, the project may assess the feasibility of clearing bushes and levelling the new resettlement sites set back from the road.

## **2.2 The laws and regulations applied to the land acquisition and resettlement**

### **2.2.1 Cameroon**

The normative framework governing expropriation on the basis of public utility as follows;

- The Constitution of Cameroon, which particularly provide in its preamble that "no one shall be deprived of his property except for a public purpose and under the condition of compensation under conditions determined by law";
  - Order N° 74/1 of 6 July 1974 fixing the tenure, its subsequent amendments and texts that it has repealed in their provisions not otherwise states including:
    - (i) the Decree of July 21, 1932 establishing the land registration regime in Cameroon;
    - (ii) Decree N° 59-47 of June 17, 1959 governing land and land titles in Cameroon;
    - (iii) Decree N° 59-181 of October 7, 1959 organizing the recognition of customary land rights exercised by Cameroonians
  - Decree of July 10, 1992 regulating the procedure of expropriation on the basis of public utility in Cameroon;
  - Decree N° 64-8-COR of January 30, 1964 organizing the regime of incorporation of the private domain of the State for a public purpose of customary lands subject to non-recognized rights;
- N° 85/9 of July 4, 1985 on the expropriation on the basis of public utility and compensation terms and earlier texts which it has repealed their provisions otherwise;
- Decree N° 2003/418 / PM of February 25, 2003 fixing the compensation rates to be awarded to owners victim of destruction for reasons of public utility of cultivated crops and trees (pursuant to section 10 of the Act).

### **2.2.2 Congo**

In Congo, the lands in the State domain are divided into public land and private property and individual property. The regime of these lands is regulated by Law N° 9-2004 of March 26, 2004 on the code of the national domain. It is supplemented by Act N° 10-2004 of March 26, 2004 laying down the general principles applicable to the state own tenure in Congo. There was also among the key texts on land tenure in Congo, Law N° 11-2004 of March 26, 2004 on the expropriation procedure for public utility.

The state land code defines the elements in the field of public entities and determines its consistency. It sets the terms of land administration and use by public entities, dependent public domain constituent of the public domain and the affected and unaffected private property. It regulates, under conditions determined by law, the terms of land administration and use by private individuals, as part of the system of road permissions and authorizations. Finally, it lays down the financial and penal provisions

necessary for the management of state property, including those intended for their protection.

The public domain and private property of public entities constitute the heritage of the State, decentralized local authorities and public institutions. The public domain includes all the objects which by destination, are allocated to direct public use after a special management or considered public property by the law. The private domain includes real property, real property rights within the scope of public persons who, because of their nature and their destination, are not considered as dependent public domain.

Private property rights on land should be officially recognized to allow the issuance of the corresponding land titles under the Act. Land tenure guarantees the recognition of existing customary land rights, not contrary to or inconsistent with duly issued and registered titles.

In case of conflict between customary rights and titles from the legal regime in force, recognition of land property rights in the proximity of a village should be debated and accepted by the people and the authorities or local authorities concerned.

### **2.3 Eligibility of entitled persons for compensation against the loss of property and livelihood**

The people eligible for the involuntary displacement are the People Affected by a Project (PAP) directly. The displacement can be caused by the loss of a house or a shelter, a land, a shop, a building or structure, or the loss of access to an income or a resource used as means of livelihood. The involuntary displacement does not thus mean exclusively the move, but also the restriction of the access to resources.

These people, by carrying out the summary of the requirements of the Laws in Cameroon and in Congo are those who:

- a. derive legal rights on the lands, including the customary and traditional rights ;
- b. do not derive legal rights on the lands at the time of the enumeration but have on these lands or properties a recognised right of enjoyment or some claims ;
- c. occupy the lands, though they do not have a legal right on them.

As concerns the loss of lands, the policy of the both countries specifies that the people belonging to the first two categories a and b above receive a compensation on the lost lands, as well as other aids in keeping with the policy. Concerning the people belonging to category c, they must receive as compensation as assistance to

resettlement and other aids whenever necessary, provided that their occupation is prior to a date determined by the compensation procedures. This means that the people who settle in the site after that date are not entitled to any compensation.

In the course of a piecemeal survey conducted by the AfDB appraisal mission for phase 1 each PAP was personally notified of his/her amount of compensation and negotiated to determine the sum prior to payment.

## **2.4 Responsible organization for the resettlement and their responsibilities**

### **2.4.1 Cameroon**

The ministry in charge of land affairs (MINDCAF) takes the responsibility for the expropriation and compensation processes. The Ministry of Public Works (MINTP) conducts the project supervision, in accordance with its authorities, on capacity of deputy project controller and prime contractor for MINTP. To this end, engineers dispatched from MINTP will assure its service and, for more effective services, request the expertise from other administrative bodies, such as Ministry of Education, Ministry of Social Affairs, Ministry of Environment and the related departmental representatives from Dja and Lobo.

At the request of MINTP, MINCAF shall issue a Public Utility declaration decree, which shall also indicate the assessment of property and compensation due to victims, as established by the departmental commission; chaired by the prefect of Dja and Lobo and comprising representative members from the regions, land registry, power and water, farming, roads, members of parliament, mayors and related traditional authorities.

The institutional framework for the implementation of the expropriation for public utility procedure in Cameroon includes several actors, and their role is developed in the summary table below:

**Table 6. Institutional framework for implementation of expropriation in Cameroon**

<b>Institutional Actors</b>	<b>Responsibilities</b>
Applicant Institution: MINTP	<ul style="list-style-type: none"> <li>● Formulate to the attention of the Minister of Lands, the request for expropriation on the basis of public interest</li> <li>● Develop the Project for which the public interest statement is sought</li> <li>● Mobilize funds to support the compensation due to the affected people</li> </ul>



	<ul style="list-style-type: none"> <li>● Ensure the entrustment of appropriations for compensation to given to the affected people</li> <li>● Mobilize funds for Project implementation</li> <li>● Provide terminals and site perimeter delimitation panels chosen by the commission</li> <li>● Take ownership of the expropriated land within the 6 months following notification of the decree of expropriation, this period is reduced to 3 months in a declared emergency</li> </ul>
The Ministry in charge of land affairs	<ul style="list-style-type: none"> <li>● Appraise the utility of the Project and proceed, if necessary, to arbitration for unsuccessful negotiations aiming to purchase private land selected as the base of general interest projects initiated by legal persons of public law other than the State</li> <li>● Declare of public utility the community service projected and define the level competencies of the commission in charge of preliminary inquiries for expropriation</li> <li>● Develop and submit the expropriation order to the ruling of the expropriating authority</li> <li>● Prepare and notify the protestors, the decision of rejection of claims relating to compensation set by decree</li> </ul>
The observation and evaluation committee (subject to set quorum)	<ul style="list-style-type: none"> <li>● Notify the public interest statement declaring the works contemplated to the prefects and municipal judges concerned</li> <li>● Get the Prefect to publicize the statement</li> <li>● Select the land for the Project</li> <li>● Inform affected people through notices sent to the village rulers and elders and all other legal means, about the day and time of the survey at least thirty (30) days before</li> <li>● Conduct the survey in all its phases in the presence of the owners of funds and property, the elders and populations</li> </ul>

	<ul style="list-style-type: none"> <li>● Address at the behest of the president, invitations to each member at least fifteen (15) days before the date of the committee meeting</li> <li>● Make decisions by a simple majority of the members present, subject to the quorum rules</li> <li>● Produce the file from the committee work which shall include: <ul style="list-style-type: none"> <li>□ The survey report;</li> <li>□ The minutes of boundary determination and the plot plan of the selected site;</li> <li>□ Separate property appraisal statement of the members present;</li> <li>□ The order naming the commission members.</li> </ul> </li> <li>● Review the claims of the victims of expropriation and submit proposals for solutions to the Minister of Domains</li> </ul>
Expropriating authority (President of the Republic or the Prime Minister)	<ul style="list-style-type: none"> <li>● Sign, publish and notify the expropriation decree resulting in putting into possession within six (6) months of the expropriated land, period reduced to three (3) months in the event of a declared emergency. That decree also set the amount of compensation to victims and designate the authority responsible for taking decisions of entrustment of the corresponding appropriations</li> </ul>
The judicial court	<ul style="list-style-type: none"> <li>● Review the action resulting from the expropriation: <ul style="list-style-type: none"> <li>● Action challenging the amount of compensation</li> <li>● Action for rescission of contracts</li> <li>● Action for claim and any real action</li> </ul> </li> </ul>
Conciliation and Monitoring Commissions (representatives of the Mayor or the Sub-Prefect, people likely to be displaced, a local NGO and a vulnerable group)	<ul style="list-style-type: none"> <li>● Validation of the property identification, assessment and compensation process</li> <li>● Recording of complaints and claims</li> <li>● Processing as per the procedure of dispute resolution</li> <li>● Close monitoring in each district commune</li> </ul>

## 2.4.2 Congo

The Ministry of Land Affairs and the Public Domain takes the responsibility for the expropriation and compensation processes.

The General Delegation of Major Works of the Congo (GDMW) will operate the project supervision, in accordance with its authorities, on capacity of deputy project controller and prime contractor of all new roadworks in the Republic of the Congo. To this end, it will form a special unit, to which engineers from the general department of equipment (Ministry of Public Works and Equipment) will be dispatched, and, for overall effectiveness, it may request the expertise from other administrative bodies, such as the General Department of Spatial Planning and Regional Development and the Executive Board of the Sangha departmental agency. The project execution unit will be responsible for the resettlement and land acquisition implementation, in collaboration with the ministries representatives involved in a national and departmental level, particularly those in charge of agriculture, health, education, empowerment of women and social measures.

The institutional framework for the implementation of the expropriation procedure for public utility in Congo includes several actors; their role is detailed in the summary table below:

**Table 7. Institutional framework for implementation of expropriation in Congo**

Institutional Actors	Responsibilities
Ministry of Land Reform	<ul style="list-style-type: none"> <li>● Statement of public interest</li> <li>● Plot survey commission</li> <li>● Coordination/Supervision</li> </ul>
Contracting authority	<ul style="list-style-type: none"> <li>● Mobilization of funding for compensation due to resettlement</li> </ul>
Plot Survey Commission	<ul style="list-style-type: none"> <li>● Valuation of property and people affected in close collaboration with other ministries involved in expropriation (SNDE, Agriculture, Construction, Construction, Housing, Land registry)</li> </ul>
Departmental Committee of Expropriations (Treasury, representatives of the General Delegation for Major Works, town	<ul style="list-style-type: none"> <li>● Supervision of expropriation and compensation procedures for affected people</li> <li>● Submission of activity reports to the</li> </ul>

halls of urban communities, the Prefecture and the Departmental Council of the Sangha)	Client
Town halls of Urban Communities	● Information and dissemination
Reconciliation and Monitoring Commissions (representatives of the Mayor or the Sub- Prefect, people likely to be displaced, a local NGO, a vulnerable group)	<ul style="list-style-type: none"> <li>● Validation of the identification, valuation and compensation of property process</li> <li>● Registration of complaints and claims</li> <li>● Processing as per the dispute resolution procedure</li> <li>● Close monitoring in each district town</li> </ul>
Consultants in social sciences	<ul style="list-style-type: none"> <li>● Socioeconomic studies</li> <li>● Evaluation stage, mid-term and final</li> </ul>

## 2.5 Grievance and redress mechanism and status of the implementation

### 2.5.1 Cameroon

#### ➤ The normative and institutional framework for the complaints management

The normative framework for complaints management arising during the process of involuntary land withdrawal and compensation for victims relates to eminent domain, which must be added the laws and regulations governing the judiciary organization in Cameroon, including:

- Decree N° 73/51 of February 10, 1973 on the defence of the State in court, as amended by Decree N° 73/648 of October 18, 1973,
- Law N° 2006/015 of December 29, 2006 on judicial organization;
- Law N° 2006/016 of December 29, 2006 establishing the organization and functioning of the Supreme Court;
- Law N° 2006/017 of December 29, 2006 establishing the organization, powers and operation of the Regional Courts of Accounts;
- Law N° 2006/022 of December 29, 2006 establishing the organization and functioning of administrative courts.

#### ➤ Specific amicable settlement framework

In order to alleviate the impacts of the Project, the Contracting Authority will promote the setting up of conciliation and monitoring commissions in each commune targeted by the Project. These commissions should include representatives of the Mayor or the Sub-Prefect, persons likely to be displaced, a local NGO, a vulnerable group. The conciliation and monitoring commissions will allow any PAP to voice his/her

disagreement. They will be responsible for assessing the admissibility of claims and processing them according to the above outlined dispute-settlement procedure. In the event the rightful claimant would be dissatisfied, the latter will be granted the possibility to meet with the contracting authority.

### **2.5.2 Congo**

#### ➤ Proposed Mechanism

The following mechanisms are proposed to resolve conflicts that may arise due to the displacement of populations: (i) any person aggrieved by the valuation work / compensation committee must file a motion with the district manager or village head for review in the first instance; then forward it to the village level committee or neighborhood committee existing in these localities. These committees may in turn send those requests to the town halls of urban communities or sub-prefecture in the absence of compromise between the applicants and the valuation /compensation commission. This remedy (prior appeal) is to encourage and support very strongly; (ii) if the applicant is dissatisfied, he may file a complaint to the competent administrative court.

In summary, the following procedure is proposed in case of conflicts/disputes: (i) Provide additional explanations (explain in detail how the compensation of the expropriated was calculated and show that these rules apply to all PAPs); (ii) Arbitration by the wise and local authorities, using the hierarchical judicial mechanisms currently in force in the District Municipalities (District Manager, Conciliation Commission, Mayor), but also respected individuals in the community (religious and traditional authorities); (iii) resort to court to file a complaint.

#### ➤ Recording of Complaints

In order to mitigate the impacts of the Project, the contracting authority will promote the establishment of conciliation and monitoring commissions in each commune targeted by the Project. These committees should include representatives of the Mayor or the Sub-Prefect, people likely to be displaced, a local NGO and a vulnerable group.

#### ➤ Amicable Settlement

Conciliation and monitoring Commissions will allow any PAP to disagree. They will be responsible for assessing which claims qualifies and process them according to the procedure for resolution of conflict defined above. If the claimant is dissatisfied, he shall be given an opportunity to meet with contracting authority.

➤ Administrative Provisions and Remedy

Remedy is possible in the event of failed amicable settlement. But it is often a risky path. Litigation often requires long delays before a case is handled. This can result in significant cost to the complainant, and requires a complex mechanism (with experts and lawyers) which often can completely escape the complainant and eventually turn against him. Finally, courts are not supposed to hear disputes involving properties owned illegally.

**2.6 Plans and record on compensation against the loss of property and livelihood**

**2.6.1 Cameroon**

**2.6.1.1 Plans**

The general schedule for implementing the various stages is set out in the following table:

**Table 8. Schedule for Resettlement and Land Acquisition (Cameroon)**

<b>No.</b>	<b>Stages</b>	<b>Activities</b>	<b>Implementation period</b>
1	Preliminary enquiry	Verification of the legitimacy of the declaration of public utility and effective occupation by owners	November 2009
2	Declaration of Public Utility	Publication of the decreed Declaration of Public Utility for the expropriation of the road / Formation of the Landholding enquiry committee tasked with assessing the value of the property to be expropriated / Information and awareness of the affected population	December 2009
3	Landholding enquiry	Inventory for each owner of all property, real estate and agricultural land situated within the expropriation / Evaluation of the property value	September 2010
4	Compensation to the relevant population	Actual payment of compensation to the expropriated people	March 2011

5	Relocation of affected people to their new site	After compensating the affected people, identifying a site for resettlement and constructing new buildings on their behalf	From March 2011 to September 2011
6	Requisition of the expropriation by the commissioned company	Verification of evictions / Commencement of brush clearing works, to ensure the expropriation is effectively vacated and earthmoving work	September 2011
7	Follow-up to the execution of resettlement and land acquisition	During the stages of monitoring and supervising the project (twice yearly), the key is to ensure the effective implementation of resettlement and land acquisition	From the project launch period right up to the end of the project

#### 2.6.1.2 Payment records

After accomplishing the the census survey and public consultation, the total amount for each PAPs was determined and was paid in March 2011. Details of compensation against loss of property are described in the table below.

**Table 9. Summary of compensation (Cameroon)**

(Unit: FCFA)

Name of the Village	Land acquisition	Houses	Agricultural Crops	Total
Akom	Land for Land Compensation	47,812,579	6,893,450	54,706,029
Akomi		-	3,224,525	3,224,525
Mboutokong		6,839,085	14,374,000	21,213,085
Lele		5,501,313	6,096,725	11,598,038
Total		60,152,977	30,588,700	90,741,677

## 2.6.2 Congo

### 2.6.2.1 Plans

The general schedule for implementing the various stages was set out in the following table:

**Table 10. Schedule for Resettlement and Land Acquisition (Congo)**

No	Stages	Activities	Implementation period
1	Preliminary enquiry	Verification of the legitimacy of the declaration of public utility and effective occupation by owners	January 2010
2	Declaration of Public Utility	Publication of the decreed Declaration of Public Utility for the expropriation of the road / Formation of the Landholding enquiry committee tasked with assessing the value of the property to be expropriated / Information and awareness of the affected population	February 2010
3	Landholding enquiry	Inventory for each owner of all property, real estate and agricultural land situated within the expropriation / Evaluation of the property value	April 2010
4	Compensation to the relevant population	Actual payment of compensation to the expropriated people	November 2010
5	Relocation of affected people to their new site	After compensating the affected people, identifying a site for resettlement and constructing new buildings on their behalf	November 2010 to December 2011
6	Requisition of the expropriation by the commissioned company	Verification of evictions / Commencement of brush clearing works, to ensure the expropriation is effectively vacated and earthmoving work	January 2012
7	Follow-up to the execution of resettlement and land acquisition	During the stages of monitoring and supervising the project (twice yearly), the key is to ensure the effective implementation of resettlement and land	From the project launch period right up to the end of the project



		acquisition	
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### 2.6.2.2 Payment records

After accomplishing the the census survey and public consultation, the total amount for each PAPs was determined and was paid in November 2010. Details of compensation against loss of property are described in the entitlement matrix.

**Table 11: Summary of compensation (Congo)**

(Unit: FCFA)

Name of the Village	Land acquisition	Houses	Agricultural crops	Total
Sembe	59,190,000	42,660,000	105,928,097	207,778,097
Akwaba	360,000	480,000	840,000	1,680,000
Gamma	360,000	480,000	840,000	1,680,000
Zoulaboth	900,000	960,000	1,860,000	3,720,000
Sala Poumbe	180,000	640,000	820,000	1,640,000
Boudel	1,800,000	2,440,000	4,397,023	8,637,023
Alangong	360,000	1,120,000	1,595,211	3,075,211
Adiala 1	720,000	640,000	1,360,000	2,720,000
Minguelakoum	1,260,000	320,000	1,770,023	3,350,023
Mezock 2	360,000	80,000	484,765	924,765
Mezock 1	1,440,000	1,380,000	3,495,003	6,315,003
Elogo	3,780,000	4,000,000	7,996,364	15,776,364
Bethel	900,000	1,120,000	2,020,000	4,040,000
Bamengold	1,800,000	2,080,000	4,436,113	8,316,113
Biabel	360,000	160,000	547,541	1,067,541
Gola	720,000	960,000	1,680,000	3,360,000
Zoula	1,080,000	1,280,000	2,501,491	4,861,491
Boumalinga	2,880,000	3,280,000	6,453,370	12,613,370
Mbop 2	720,000	720,000	1,440,000	2,880,000
Dassin	600	540,000	1,140,000	1,680,600
Bid	720,000	800,000	1,520,000	3,040,000
Souanke	2,820,000	2,700,000	5,671,397	11,191,397
Total	82,710,600	68,840,000	158,796,398	310,346,998

## 2.7 Compensation cost

### 2.7.1 Cameroon

The total cost, which covers the whole trunk road section of the AfDB Project (both for phase 1 and phase 2), counts 137,684,455 FCFA of compensation, approximately 0.75 million FCFA for an average kilometer of trunk road.

**Table 12: Total cost of compensation for Cameroon**

Item	Total Cost (FCFA)
Compensation for crops and trees	47,312,550
Compensation for houses and various buildings	86,620,671
Compensation for socio-community facilities	3,751,234
<b>Total Cost</b>	<b>137,684,455</b>

### 2.7.2 Congo

The total cost, which covers the whole trunk road section of the AfDB Project (both for phase 1 and phase 2), counts 637,087,500 FCFA of compensation, approximately 2.0 million FCFA for an average kilometer of trunk road.

**Table 13: Total cost of compensation for Congo**

Item	Quantity	Unit cost (FCFA)	Total cost (FCFA)
Houses Types III and IV to move and land improvements	6,800 m <sup>2</sup>	45,000	306,000,000
Houses Types I and II to move and land improvements	38,400 m <sup>2</sup>	5,000	192,000,000
Clearing tombs built	15	50,000	750,000
Fruit trees and ornamental destroyed	2,500	40,000	100,000,000
Socioeconomic surveys			
4 investigators	4		
1 Supervisor	1		
1 Driver	1		
1 vehicle	1		
field days	7		
Direct cost			606,750,000
Indirect cost	5% Direct cost		30,337,500
<b>Total Cost</b>			<b>637,087,500</b>

## 2.8 Considerations to indigenous people

### 2.8.1 Indigenous people in the project impacted area

The Baka Pygmies can be found in small groups or in isolated habitats alongside the proposed road. It is important to note that more than 80% of the project affected population consists of pygmies.

They are identified as vulnerable people according to the Operational Guidelines of AfDB as follows;

- Attachment to ancestral territories and to natural resources in these areas.
- Personal identification and the identification by others as members of a different cultural group.
- Indigenous language, often different from the national language.
- Presence social institutions or customary policies.
- Production mainly directed towards subsistence.

The pygmies are often the poorest and they are involved in economic activities that vary from agriculture inside or near forests, to a salaried work or even activities directed towards a low scale market.

Pygmies who reside along the proposed road speaks Bantu languages, and established permanent relationships with Ubangian groups (Ngbaka, Yangere, Bofi, Biyanda) and Bantu groups (Ngando, Mbatu, Pande, Pomo, Mbimu, Kako, etc.). Considered as living in perfect harmony with the nature, they seem to already be influenced by some aspects of the Bantu civilization such as the search for a profit-making job.

As concerns gender relationships in the economic area, the project management does not make any real discrimination between men and women, but rather between the Bantu and the Baka.

**Table 14 . Pygmy villages in the influence zone on the Cameroonian side**

Group of villages	Number of village	Location
the Ngoe,	5	over 19 km of road, Avebe -Sangmelima town - Nyazanga
the Yemveng,	6	over 10 km of road, Mimbang - Nnemeypng
the Ndong, mixed with the	34	over 45 km, Melam - Akomdong

Baka		
the Wo'o and the Baka,	18	over 27 km of road, Nkolatom - Djoum
the Zaman with the Baka	-	all the villages situated over the 83 km of road, Djoum - Mintom
the Fang mixed with the Baka	15	Mintom Subdivision, Mekotto -Lele
the Djem with the Baka	5	over 35 km, the river Lele - Ntam - Cameroon and Ntam - Congo
the Baka scattered	-	alongside the road, Alouma - Ntam - Cameroon and Ntam - Congo.

**Table 15 . Pygmy villages in the influence zone on the Congolese side**

District	Pygmy's village
Sembe	Betel
	Minguelakoum
	Messok
Souanke	Bidourou
	Gol
	Assoumdele
	Mbalam
	J'aime l'amour
	Ntam
Town of Souanke	Quartier 7
	Quartier 8
	Quartier 9

## **2.8.2 Socio economic characteristics of the indigenous people**

### **(1) Laws and regulation for indigenous people**

The both countries have not yet ratified "Indigenous and Tribal Peoples Convention" of ILO (ILO-convention No.169). However the Congolese and Cameroon authorities shall ensure that these would-be native populations enjoy the same rights and obligations as the other Congolese and Cameroon populations. The

laws on land tenure systems and relating to compulsory expropriation procedures and the decrees relating to customary land rights show no discrimination against them. It is to be noted that Cameroonian government has prepared a doctrine with reference of preamble of the Constitution after the revision of January 18, 1996 which provides that "the State ensures the protection of minorities and preserves the rights of indigenous peoples in accordance with law." The Congolese Government also passed the Act N° 5-2011 of 25 February 2011 aimed at the promotion and protection of native peoples.

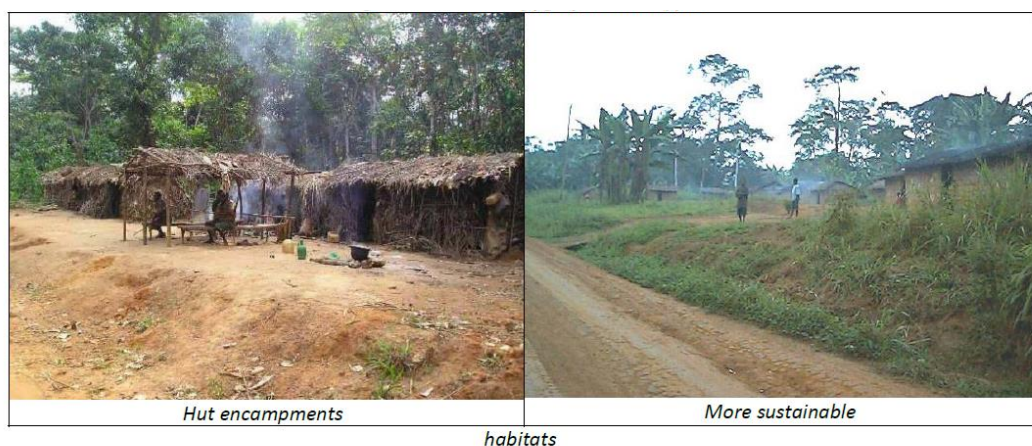
**(2) Living condition of Pygmy village**

Pygmy villages are made up of, either simple hut camps, or sustainable habitat as shown in the two pictures in Table 16 below. But they are for the most part located alongside the roads and some of the encampments they live in will certainly be affected during the works.

**Table 16. Types of Houses constructed by Baka Pygmies**

Hut	Cut branches hut and a plant roof cover
Flimsy	Shed, with a small ramshackle structure serving as kitchen

**Figure 2. The Hut and the Flimsy in the village of Baka Pygmies**



Source BNEDT – July 2007, FRISA – July 2005

**(3) Socio - economic situation**

The most important cash flows are globally controlled by men within the households. Though different, the Baka carry out the same activities as the other local populations, with the only differences on their high skill in hunting as well as their docility which make them and efficient and low cost labor, if not free and exploited. Baka

Women and children continue to carry out the picking and the gathering of Secondary Forest Products in the big forest, from where they bring back caterpillars, mushrooms, all types of grasshoppers and locusts, honey as well as oil-bearing seeds well sold in the market, not counting medicinal plants, because pygmy medicine is very much appreciated in all the regions. It is also the Baka women who weave rattan baskets for the transportation of crops from the farms to the houses, but basketwork is made only by order. But now, it has to be highlighted that the Baka, apart from their attachment to their cultural tradition, are assimilated very easily to the neighboring Bantu at almost all levels.

#### **(4) The health situation**

Generally, the population prefers to be treated "traditionally" by the Baka people, but is still having the difficulty to get the Baka pygmy traditional treatment because the distances are very long and the vehicles and the motorbikes serving as taxis very scarcely to the Baka Pygmy living villages. In these conditions, the health situation of the local populations leaves much to be desired and, apart from malaria, diarrhoeas and HIV/AIDS which are the main causes of mortality are added :

- for all anemia, pneumonia and other acute respiratory infections (there is a new outbreak of tuberculosis), typhoid, and measles (children) ;
- Specifically for Baka populations dermatological diseases and the " pian " still very frequent, probably because of the lack of corporal and clothing hygiene.

In Cameroon, for the moment, the prevalence rate of HIV/AIDS known, mostly among the Baka people (< 1%), is clearly lower than the national average which is 5.5%. This advantage is explained by the fact that the Baka people, because they are excluded, have less relationship with the other people, except in some cases where a Bantu requires a Pygmy girl, the opposite being extremely rare. And even within the Bantu populations, the people living with HIV mostly come from big towns.

#### **(5) The basic education situation**

The proportion of teenagers of the indigenous populations between 12 and 15 years old who are not provided with schooling is estimated at 65 %, against 39 % for the Bantu population. More than 50% of the indigenous children do not have birth certificates.

### **2.8.3 Impacts associated with this project to Pygmy and measure of mitigations**

As indicated above, most of the Pygmy families live in high insecurity, and rely on

hunting, agriculture and forestry work. For them, the road represents the key to survival since it facilitates the flow of their products and thus allows them to make income.

#### < Possible negative impacts >

In the both countries, during the setting up and the works phases of the Project, the social life of pygmies who have been living for ages in direct contact with the nature will suffer various disruptions, relating to the fact that :

- Their villages are mostly located alongside the roads : consequently, most of the encampments they live in will probably be affected by the works.
- They will witness a massive arrival of Bantu populations searching for jobs, who will arrive with a new lifestyle to which they are not used to.

It is a probable negative impact, with a long duration, irreversible and with local scope, because of the location along the road to be developed. These various characterization criteria confer after evaluation an absolute importance on this impact. Its relative importance is also deemed average, considering the minority status of pygmies, and their reduced numbers.

Furthermore, in the absence of a road passable by vehicles between Mintom and Souanke, the pygmies signed agreements with Bantu traders living in Souanke to transport manufactured goods coming from Cameroon over about 65 Km from the border area of Ntam up to Souanke, for a sum of 8.000 FCFA for a cargo of about 40 kg. This activity is mostly carried out by men, but also by some women who do it to earn money in addition to their farm activities. The pygmies use these incomes to buy soap, domestic kerosene and other essential goods.

#### < Measure of mitigation >

##### a. Selection of the road tracing

The project's preliminary studies have an important emphasis on social considerations in determining the course. The technical report studies of tracing and road construction costs have chosen the existing alignment to reduce the number of expropriations. Furthermore, the Consultant has optimized the route to avoid land acquisition or demolition of villagers' property.

##### b. Social condition improvement

The disappearance of this type of transportation work will also make them to lose one of the main sources of monetary incomes. The Project shall therefore ensure the development and the implementation of a development plan specific to these

indigenous populations, which will ensure them the access to the resulting employment opportunities as a substitution. This improvement of the remunerative work conditions for the pygmy populations will be a probable positive impact, with a long duration .

The development plan also includes the enhancement of ecotourism for the ecological development of the natural resources or the improvement of revenue by utilizing the traditional medicine from Non-Timber Forest Products (NTFPs).



## 2.8.4 Public consultation with regards to the indigenous people

### 2.8.4.1 Cameroon

Totally eight public consultations had been held in the course of the preparatory study.

**Table 17. Public consultation in Cameroon**

	Date	Place	Participants
1 <sup>st</sup> meeting	16 <sup>th</sup> to 22 <sup>nd</sup> February 2009	Along the Project site	<ul style="list-style-type: none"> <li>- the Fang Canton Chief of Mintom, which is the only canton crossed by the project ;</li> <li>- the Chiefs of the eight groups of villages situated on the road way ;</li> <li>- 60 village chiefs over the 80 concerned ;</li> <li>- Pygmies leaders : Chairman of ADEBaka in Djoum, Chairman of AGEFO Baka in Djoum, , Chief of the most influential Baka village of the region who lives in Akom (village situated at 30 km from Mintom on road to Ntam)</li> <li>- the Chairwoman of the Board of Directors of F.FERUDJAL in Sangmelima ;</li> <li>- the representative of RAFAM in Meyomessi;</li> <li>- the delegates of 16 CIG of young people established along the road.</li> <li>- the counting of the buildings situated along the road and likely to be destroyed.</li> </ul>
2 <sup>nd</sup> meeting	26 <sup>th</sup> February 2009	Ngoe	- 35 participants of which 12 women and 6 young people
3 <sup>rd</sup> meeting	26 <sup>th</sup> February 2009	Oloumou	- 19 participants of which 5 women and 3 young people
4 <sup>th</sup> meeting	26 <sup>th</sup> February 2009	Messok	- 17 participants of which 3 women and 2 young people
5 <sup>th</sup> meeting	27 <sup>th</sup> February 2009	Endengue	- 35 participants of which 8 women and 4 young people ;
6 <sup>th</sup> meeting	28 <sup>th</sup> February 2009	Djoum	About twenty other participants, with the Baka Chief Balouma Jean-Marie <ul style="list-style-type: none"> <li>- this meeting experienced the record participation of women, more than half, who mostly intervened than men</li> </ul>
7 <sup>th</sup> meeting	28 <sup>th</sup> February 2009	Otombon	Village Efoulan chief of Otombon
8 <sup>th</sup> meeting	17 <sup>th</sup> March 2009	Djoum	Totally 275 people. Administrative authorities and representatives from Local NGOs

			<ul style="list-style-type: none"> <li>- La Samaritaine, a mentorship and training association for orphans and young people in distress ;</li> <li>- RAFAM: Network of Women Associations in Meyomessi Sub-Division (an administrative unit of the Division) ;</li> <li>- APIFED : Association for Support to the Integration of Women in Development ;</li> <li>- ADEBAKA: Association for the Development of Baka people (Pygmies) ;</li> <li>- F FERUDJAL: Dja and Lobo Rural Women Federation ;</li> <li>- AGEFO BAKA : Association for the management of Forests with the participation of Baka (Pygmies).</li> </ul>
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< Comments with regard to the Indigenous people in the Public consultation >

- expressed their satisfaction as well as the satisfaction of their respective administrations to see the outcome of this very much expected project and highly significant for the development of the population of the region.
- on the terms and deadlines for compensation which, in their opinion, shall be done before the beginning of the works in order to enable them to first reconstruct new houses to be able to pack in before the destruction.
- the Chairwoman of APIFED took the floor on behalf of all the NGOs to express the concern of these organizations as concerns their integration in the project, and she proposed a support in the area of income generating activities for women and young people groups.

< Feedbacks from the Project team >

- Compensation plan relating to the displacement of the populations affected was under the process of finalization and will be compensated before the construction work.
- Concerns about the resettlement have been recorded and will be taken into account, and that their collection activities and grouped selling of NTFPs, currently coordinated by AGEFO project, will be strengthened.

#### **2.8.4.2 Congo**

Totally four public consultations had been held in the course of the preparatory study.

**Table. 18 Public consultation in Congo**

	Date	Place	Participants
1 <sup>st</sup> meeting	13 <sup>th</sup> March 2009	Ouessou	Administrative authorities and representatives from Local NGOs - The officials of the National Network of Indigenous People (RENAPAC) - Fund for the Advocacy of Young People in Sangha (FDIJS) - Farmers and Stockbreeders of Sangha Division (APEDS) - Association for the discussion on the Development of the North of Congo
2 <sup>nd</sup> meeting	14 <sup>th</sup> March 2009	Ketta	About 100 participation including 25 indigenous minority group people.
3 <sup>rd</sup> meeting	16 <sup>th</sup> March 2009	Sembe	32 participants from local council and village members
4 <sup>th</sup> meeting	16 <sup>th</sup> March 2009	Souanke	28 participants from local council and village members

< Comments with regard to the Indigenous people in the Public consultation >

- When the compensation starts for the people whose properties will be affected by the Project
- The organization forms of the populations and the support forms that can be beneficial for the civil society organizations to increase the operational capacities in the provision of various services
- if the priority will be given to recruitment, to young job-seekers of the project area, because the employment of young people remains one of the main issues in the Division took to assault by the migrants coming from other Divisions ;
- If the establishment of a support mechanism to local farmers was planned to enable them to develop the local capacities in production and marketing, and especially for the women organizations and for the pygmy populations who do not run the same chances than their Bantu fellow countrymen sent to school and trained in the learning of various jobs ;

< Feedbacks from the Project team >

- On the compensation issue, by recalling that they are a prerequisite to the disbursement of the resources by the donor and that it constitutes a conditionality that the Government should meet ;
- On the issues related to the supports and the organization forms, the leaders of associations were invited to raise the awareness of their grassroots on the fact that the project constitutes an opportunity that all of them have to healthily take advantage of by becoming stakeholders, actors during and after the works : they have to already begin to make an inventory of and prepare the capacities of their organizations in order for them to become the first beneficiaries of the road, taking into consideration the fact that there are many services, from catering in the construction sites, to direct jobs

- Young people, who will be the real beneficiaries of the road development, must learn jobs, make teams and develop strategies to earn part of the money that the project will bring in the District

### 2.8.5 Hearing and exchange session with Baka Pygmy people during the project execution

Specific case of autochthonous people of Baka in Cameroon: an exchange session took place with the Baka community of Akon – Etye camp, 43 km from Djoum. They have a positive opinion about the road construction project because of the possibilities of easier access to other localities along the road, employments offered (3 of them are employed by the contractor and MDC), compensations for their expropriated homes and agricultural fields. They have no particular concern in resettlement and continuation of their agricultural activities. They hope more jobs and metal sheet houses in near future. As for this latter expectation, compensation with housing construction may have to be considered rather than compensation in money.

Figure 3  
Public consultation welcome celemony



Figure 4  
Public consultation with the community of Akon-Etye



Figure 5  
Participants of the public consultation



Figure 6  
Public consultation with the village of Zoulabouth



Figure 7  
Small commerce at the Baka Community



Specific case of Baka autochthonous people in Congo, interviews of the two Baka communities in Biessi and Moyoko, two camps alongside the road informed about their appreciation for the road project. Their opinion is positive because of the possibilities of easier access to the health center and to Ouesso market to sell their

products and purchase daily consumable products, opportunities of employment for some of them, compensations for their expropriated houses and agricultural fields. With the salaries received from the contractor, they improve also their life conditions by acquisition of radio stations to know what happens in their country and in the world, purchase of school supplies and uniforms for their children, clothing for their own and for their wives. They had no particular concern about resettlement and continuation of their agricultural activities

## 2.8.6 Cost for the implementation of indigenous people development plan

(Cameroon)

**Table 19. The soft costs for the pygmy people development plan in the south region**

Pygmy People development plan	Unit cost (in US \$)	Quantity	Total cost (in US \$)
1 Development of the Plan	10.000 /h - month	6	60.000
2 Implementation	Lump sum	300.000	300.000
<b>Sub-Total</b>		<b>360.000</b>	
<b>Contingencies (10%)</b>		<b>36.000</b>	
<b>Total</b>		<b>396.000</b>	

In addition to MINTP, the various technical services which participated in the public consultation in Djoum on 17 March 2009 will ensure, each in its area of competence, the development and the implementation of the plan. The representative of the Ministry of Social Affairs will particularly take care of the Baka, population classified as vulnerable and entrusted to this Ministry

(Republic of Congo)

**Table 20. Soft costs for the pygmy people development plan in Sangha Division**

Pygmy People development plan	Unit cost (in US \$)	Quantity	Total cost (in US \$)
1 Development of the Plan	8.000 /h - month	6 h - month	48.000
2 Implementation	Lump sum	250.000	250.000
<b>Sub-Total</b>		<b>298.000</b>	
<b>Contingencies (10%)</b>		<b>29.800</b>	
<b>Total</b>		<b>327.800</b>	

### 3. Verification of Adequacy of the Past Compensation and Livelihood Restoration Support and GAPs Analysis with JICA Guidelines

#### 3.1 Cameroon

Result of gap analysis between laws in Cameroon and JICA Environmental Guidelines has been conducted as presented in the tables below.

**Table 21. Gap analysis of Cameroon**

No	JICA Guidelines	Laws in Cameroon	Gap between JICA Guidelines(G L) and Laws in Cameroon	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
1	Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. (JICA GL)	Not confirmed.	There can be Gap between JICA GL and Laws of Cameroon.	MINTP has considered alternatives to avoid and minimize involuntary resettlement.	Same as RAP.	No significant gap with JICA GL.	None
2	When population displacement is unavoidable, effective measures to minimize impact and to compensate for losses should be taken.(JICA GL)	The procedures for expropriation in the public interest and compensation terms are regulated by law No. 85-09 dated 04 July 1985 and its regulatory decree No. 87/1872 dated 16 December 1987. Cameroon legislation acknowledges modern as well as customary land laws, but landowners must have a title to their land to prove their status, because Cameroon legislation does not provide scope	The provisions of compensation for losses for certain case are mentioned in the law.	Compensation for immovable and/or farming property situated on the land in question will be provided. People to be resettled will be relocated to land made available by traditional community leaders and local authorities.	Same as RAP.	No significant gap with JICA GL.	None

No	JICA Guidelines	Laws in Cameroon	Gap between JICA Guidelines(G L) and Laws in Cameroon	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
		to compensate those who lack a land title or a document proving that the process of acquiring said title is underway.					
3	People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities and production levels to pre-project levels. (JICA GL)	Not confirmed	There can be Gap between JICA GL and Laws of Cameroon	The Government will take appropriate steps to allow the people affected by the project to find alternative housing if their land and buildings are affected or to recommence agricultural operations or harvest fruit trees, as applicable. As part of the social improvement measures, the Project will finance in the communities served by the upgraded road.	Same as RAP.	No significant gap with JICA GL.	None
4	Compensation must be based on the full replacement cost as much as possible. (JICA GL)	Compensation value for crop and building is determined based on the market value.	Provision of full replacement cost in domestic law is not confirmed.	Compensation value for crop and building is determined based on the market value. Regarding the expropriation of houses and shops, all respondents aired the desire to be	Same as RAP	No significant gap with JICA GL.	None

No	JICA Guidelines	Laws in Cameroon	Gap between JICA Guidelines(G L) and Laws in Cameroon	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
				relocated within the same village. Compensation in kind for loss of land is arranged by traditional community leaders and local authorities.			
5	Compensation and other kinds of assistance must be provided prior to displacement. (JICA GL)	According to the provisions of Article 4 (2) of the Law n°85/09 of 4th July 1985 relating the expropriation for public purpose and to the terms of compensation, the effective payment of the allowance is, in principle, prior to the eviction of the victims of expropriation.	No significant gap with JICA GL	The compensation is provided prior to displacement. The social improvement measures such as construction/restoration of latrines and wells can be provided in the course of the implementation of the Project.	Same as RAP.	No significant gap with JICA GL.	None
6	For projects that entail large-scale involuntary resettlement, resettlement action plan must be prepared and made available to the public. (JICA GL)	Not confirmed	There can be Gap between JICA GL and Laws of Cameroon	Compensation and Resettlement Plan was prepared by the Cameroonian government with support from AfDB. In the course of public consultation, draft RAP was largely shared and explained among the habitants along the road.	Same as RAP.	There is no significant GAP with JICA GL.	None



No	JICA Guidelines	Laws in Cameroon	Gap between JICA Guidelines(G L) and Laws in Cameroon	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
7	In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance. (JICA GL)	In the case where an expropriation procedure is launched, the information and consultation of the people affected are essentially carried out through public surveys and immovable surveys.	No significant gap with JICA GL	Communication with residents, the economic operators, the socio-professional groups, the regional heritage departments, the administrative authorities, the mayors and the heads of villages will be held.	Same as RAP.	There is no significant GAP with JICA GL.	None
8	When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people. (JICA GL)	Not confirmed	There can be Gap between JICA GL and Laws of Cameroon	Translation from French to Bantu language was considered for consultation sessions.	Same as RAP.	There is no significant GAP with JICA GL.	None
9	Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of resettlement action plans. (JICA GL)	Cameroon land law stipulates public participation before public utility declaration.	Participations of affected people during implementation and monitoring are not mentioned.	Consultations with the project affected people will be held.	Same as RAP.	There is no significant GAP with JICA GL.	No significant gap with JICA GL. It is recommended that the executing agency conducts monitoring for livelihood restoration status.

No	JICA Guidelines	Laws in Cameroon	Gap between JICA Guidelines(G L) and Laws in Cameroon	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
10	Appropriate and accessible grievance mechanisms must be established for the affected people and their communities. (JICA GL)	<p>Means of recourse are considered by the law and applicable decrees for the victims affected by expropriation and who remain dissatisfied. In the event of an appeal, a judge will be taken for this purpose.</p> <p>Nevertheless, it should be noted that at local level, the departmental authorities, those of the districts, community and village level act as intermediaries of central government, to receive, transmit and respond to complaints.</p>	No significant gap with JICA GL	<p>Involuntary land withdrawal and the related compensation may result in grievances or disagreements that may, if unchecked, impact negatively on relations between stakeholders of a public utility project and on the schedule of activities for the project.</p> <p>In this regard, identify latent conflicts that can lead victims to sue the state before the competent courts. Then will be discussed the normative and institutional framework for complaints management inherent to involuntary land withdrawal and the related compensation.</p>	Same as RAP.	There is no significant GAP with JICA GL.	None

No	JICA Guidelines	Laws in Cameroon	Gap between JICA Guidelines(G L) and Laws in Cameroon	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
11	Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advances of such benefits. (WB OP4.12 Para.6)	Following the census survey undertaken to prepare the list of the property, agricultural property and equipment affected by the expropriation in an inventory, the committee utilized existing scales.	No significant gap with JICA GL	PAPs are identified and their property (Houses, building, crops, graves) are recorded before the implementation of the Project.	Same as RAP.	No significant gap with JICA GL.	None
12	Eligibility of benefits includes, the PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs	According to the the Cameroon law, people who falls into the following categories are eligible for benefits from the expropriation for public utility. Those who (i) have the legal rights to land, including customary and traditional rights; (ii) have no legal rights to land by the time of the	No significant gap with JICA GL	Eligible people to involuntary displacement are the directly Project Affected People (PAP). The displacement may be due to loss of housing or shelter, land, business, building or structure, or loss of access to income or resource	Same as RAP.	No significant gap with JICA GL.	None

No	JICA Guidelines	Laws in Cameroon	Gap between JICA Guidelines(G L) and Laws in Cameroon	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
	who have no recognizable legal right to the land they are occupying. (WB OP4.12 Para.15)	census but on this land or property the acknowledged right to use or certain claims; (iii) occupy the land, although not having a legal right to them.		used as a livelihood. Involuntary displacement does not mean exclusively move, but also restrictions on access to resources.			
13	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. (WB OP4.12 Para11.)	Likely to be recognized for the compensation of the lands in the case of duly noticed development.	No significant gap with JICA GL	Those people to be resettled will be relocated to land made available by traditional community leaders, working alongside local authorities.	Same as RAP.	No significant gap with JICA GL.	None
14	Provide support for the transition period (between displacement and livelihood restoration). (WB OP4.12 Para.6)	Not confirmed	There can be Gap between JICA GL and Laws of Cameroon	The displaced people must be assisted in their efforts to improve upon their living standard, or at least to restore it at their level before the displacement. Appropriate steps will be taken to allow the people affected to find alternative housing, recommence agricultural operations etc.	Same as RAP.	No significant gap with JICA GL.	None
15	Particular attention must be paid to the	Cameroonian government has	The land laws in Cameroon	The Government must assist the	The Government assisted the resettlement of the	No significant gap with JICA GL	None

No	JICA Guidelines	Laws in Cameroon	Gap between JICA Guidelines(G L) and Laws in Cameroon	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
	needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities etc. (WB OP4.12 Para.8)	prepared a doctrine with reference of preamble of the Constitution after the revision of January 18, 1996 which provides that "the State ensures the protection of minorities and preserves the rights of indigenous peoples in accordance with law."	do not provide particular attention to vulnerable groups.	resettlement of the populations deemed vulnerable within the area, namely indigenous peoples or Baka, widows and orphans.	populations deemed vulnerable within the area.		

### 3.2 Congo

Result of gap analysis between laws in Congo and JICA Environmental Guidelines has been conducted as presented in the tables below.

**Table 22. Gap Analysis of Congo**

No.	JICA Guidelines	Laws in Congo	Gap between JICA Guidelines(GL) and Laws in Congo	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
1	Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. (JICA GL)	Not confirmed.	There can be Gap between JICA GL and Laws of Congo.	DGGT has considered alternatives to avoid and minimize involuntary resettlement.	Same as RAP.	No significant gap with JICA GL.	None
2	When population displacement is unavoidable, effective measures to minimize impact and to compensate for losses should be taken.(JICA GL)	The compensations following expropriation due to the public interest are based on Article 7 of the Congolese Constitution, which guarantees rights to property. The law No. 10-2004 dated 26 March 2004 provides the general applicable principles for private and	The provisions of compensation for losses for certain case are mentioned in the law.	Appropriate compensation will be provided and support will be provided for the people affected to find alternative housing, recommence agricultural operations etc.	Same as RAP.	No significant gap with JICA GL.	None

No.	JICA Guidelines	Laws in Congo	Gap between JICA Guidelines(GL) and Laws in Congo	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
		state-owned land. The law No. 11-2004 dated 26 March 2004, concerning expropriation procedures due to the public interest. The service note No. 27/MCUH/DGC dated 22 August 2005 of the Ministry of Construction, Urban Planning and Housing proposes the following scale to cover areas of bare land: i) in open country, 1000 FCFA/m <sup>2</sup> and in urban areas (Sembe and Souanke), 3000 FCFA/m <sup>2</sup> .					
3	People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and	Not confirmed	There can be Gap between JICA GL and Laws of Congo	The Government will take appropriate steps to allow the people affected by the project to find alternative housing if their land and buildings are affected or to recommence agricultural operations or	Same as RAP.	No significant gap with JICA GL.	None

No.	JICA Guidelines	Laws in Congo	Gap between JICA Guidelines(GL) and Laws in Congo	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
	supported, so that they can improve or at least restore their standard of living, income opportunities and production levels to pre-project levels. (JICA GL)			harvest fruit trees, as applicable.  As part of the social improvement measures, the Project will finance in the communities served by the upgraded road.			
4	Compensation must be based on the full replacement cost as much as possible. (JICA GL)	As for constructions and areas of land, since no specific scale applies to districts outside Brazzaville and a 100 km perimeter around it, the committee shall set this out, pursuant to the service note No. 27/MCUH/DGC dated 22 August 2005 of the Ministry of Construction, Urban Planning and Housing. This provision proposes the following scale to cover areas of bare land: i) in open area, 1000	Provision of full replacement cost in domestic law is not confirmed.	Compensation value for crop and building is determined based on the market value. Regarding the expropriation of houses and shops, all respondents aired the desire to be relocated within the same village. Under customary land provisions, which tend to benefit those residing in the districts concerned, such persons can occupy a free plot of land when withdrawing from the initially installed location.	Same as RAP.	No significant gap with JICA GL.	None



No.	JICA Guidelines	Laws in Congo	Gap between JICA Guidelines(GL) and Laws in Congo	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
		<p>FCFA/m<sup>2</sup> and in urban areas (Sembe and Souanke), 3000 FCFA/m<sup>2</sup>. The relevant landholding enquiry committee will assess any increase in value for the compensation applicable to crops and fruit trees relative to the official scale as set out in decree No. 86/970 dated 27 September 1986.</p>					
5	<p>Compensation and other kinds of assistance must be provided prior to displacement. (JICA GL)</p>	<p>Compensating people engaged in agricultural, commercial and service-industry related work along the road site in the project for the loss of income, buildings and plantations with the full replacement cost before their</p>	<p>No significant gap with JICA GL</p>	<p>The compensation is provided prior to displacement. The social improvement measures can be provided in the course of the implementation of the Project.</p>	<p>Same as RAP.</p>	<p>No significant gap with JICA GL.</p>	<p>None</p>

No.	JICA Guidelines	Laws in Congo	Gap between JICA Guidelines(GL) and Laws in Congo	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
		resettlement, in order to allow them to subsist during the construction period;					
6	For projects that entail large-scale involuntary resettlement, resettlement action plan must be prepared and made available to the public. (JICA GL)	Not confirmed.	There can be Gap between JICA GL and Laws of Cameroon	Compensation and Resettlement Plan was prepared by the Cameroonian government with support from AfDB. In the course of public consultation, draft RAP was largely shared and explained among the habitants along the road.	Same as LARAP.	There is no significant GAP with JICA GL.	None.
7	In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance. (JICA GL)	In the case where an expropriation procedure is launched, the information and consultation of the people affected are essentially carried out through public surveys and immovable surveys.	No significant gap with JICA GL	Communication with the residents, the economic operators, the socio-professional groups, the regional heritage departments, the administrative authorities, the mayors and the heads of villages will be held.	Same as RAP.	There is no significant GAP with JICA GL.	None
8	When consultations are held, explanations must be given in a form, manner, and language that are	Not confirmed.	There can be Gap between JICA GL and Laws of Congo.	Translation from French to Bantu language was considered for consultation sessions.	Same as RAP.	There is no significant GAP with JICA GL.	None

No.	JICA Guidelines	Laws in Congo	Gap between JICA Guidelines(GL) and Laws in Congo	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
	understandable to the affected people. (JICA GL)						
9	Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of resettlement action plans. (JICA GL)	Not confirmed.	There can be Gap between JICA GL and Laws of Congo.	Consultations with the project affected people will be held.	Same as RAP.	There is no significant GAP with JICA GL.	No significant gap with JICA GL. It is recommended that the executing agency conducts monitoring for livelihood restoration status.
10	Appropriate and accessible grievance mechanisms must be established for the affected people and their communities. (JICA GL)	Means of recourse are considered by the law and applicable decrees for the victims affected by expropriation and who remain dissatisfied. In the event of an appeal, a judge will be taken for this purpose  Nevertheless, it should be noted that at local level, the departmental	No significant gap with JICA GL.	Involuntary land withdrawal and the related compensation may result in grievances or disagreements that may, if unchecked, impact negatively on relations between stakeholders of a public utility project and on the schedule of activities for the project. In this regard, identify latent conflicts that can lead victims to sue the state before the competent courts. Then will be discussed the normative and institutional framework for complaints management inherent to involuntary land	Same as RAP.	There is no significant GAP with JICA GL.	None

No.	JICA Guidelines	Laws in Congo	Gap between JICA Guidelines(GL) and Laws in Congo	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
		<p>authorities, those of the districts, the departmental board and those at community and village level act as intermediaries of central government, to receive, transmit and respond to complaints.</p>		<p>withdrawal and the related compensation.</p>			
11	<p>Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advances of such benefits. (WB OP4.12 Para.6)</p>	<p>Following the census survey undertaken to prepare the list of the property, agricultural property and equipment affected by the expropriation in an inventory, the committee utilize existing scales.</p>	<p>No significant gap with JICA GL</p>	<p>PAPs are identified and their property (Houses, building, crops, graves) are recorded before the implementation of the Project.</p>	<p>Same as RAP.</p>	<p>No significant gap with JICA GL</p>	<p>None</p>

No.	JICA Guidelines	Laws in Congo	Gap between JICA Guidelines(GL) and Laws in Congo	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
12	Eligibility of benefits includes, the PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs who have no recognizable legal right to the land they are occupying. (WB OP4.12 Para.15)	Eligible person is not clearly mentioned.	Eligibility of benefits is not specified in the Congolese laws.	Eligible people to involuntary displacement are the directly Project Affected People (PAP). The displacement may be due to loss of housing or shelter, land, business, building or structure, or loss of access to income or resource used as a livelihood. Involuntary displacement does not mean exclusively move, but also restrictions on access to resources.	Same as LARAP.	No significant gap with JICA GL	None
13	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. (WB OP4.12 Para11.)	Land-based compensation is likely to be recognized for the compensation of the lands in the case of duly noticed development.	No significant gap with JICA GL.	Under customary land provisions, which tend to benefit those residing in the districts concerned, such persons can occupy a free plot of land when withdrawing from the initially installed location.	Same as RAP.	No significant gap with JICA GL.	None
14	Provide support for the transition period (between displacement and livelihood restoration). (WB OP4.12 Para.6)	Not confirmed	There can be Gap between JICA GL and Laws of Cameroon	The displaced people must be assisted in their efforts to improve upon their living standard, or at least to restore it at their level before the displacement.	Same as RAP.	No significant gap with JICA GL.	None

No.	JICA Guidelines	Laws in Congo	Gap between JICA Guidelines(GL) and Laws in Congo	Resettlement Policy for this project in the RAP	Actual Implementation	Gap between JICA Guidelines and Actual Implementation	Recommended Actions
15	Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities etc. (WB OP4.12 Para.8)	The Congolese Government passed the Act N° 5-2011 of 25 February 2011 aimed at the promotion and protection of native peoples.	The domestic laws which require particular attention to the vulnerable groups other than native people are not confirmed.	The Government must assist the resettlement of the populations deemed vulnerable within the area, namely indigenous peoples or Baka, widows and orphans.	The Government assisted the resettlement of the populations deemed vulnerable within the area.	No significant gap with JICA GL	None

**4. Follow-Up Study on the Current Living Condition of the PAPs**  
**4.1 Fact finding mission organized by JICA and AfDB on March 2015**

On March 2015, JICA co-organized with AfDB the Fact Finding Mission for the preparation of the Project. During the mission, mission members had discussions with the stakeholders of the Project. The comments collected from these discussions with stakeholders are listed as below;

a. Meeting with Health center in Sembe (Centre Shalon)

- The center has one medical doctor and 20 nursing staff. The center has in average 100 hospitalized patients and 300 patients/day coming to the hospital for health care.
- The road is often suffered by rain and winds which sometimes lay down the tree and made the road inaccessible. Thus, the Road Development Project is long-awaited Project by the population living in the north of Congo and south of Cameroon including the Pygmy People.

b. Meeting with Egnabi Village people (Baka Pygmy people near Sembe in Congo)

- The Road development Project was expected by the village people for a long time.
- The actual benefit from the Road Development Project Phase 1 such as,
  - Price of Cacao increased from 6,000 FCFA/1 bag to 12,000 FCFA/1 bag.
  - Transport cost to go to Ouessou decreased from 15,000 FCFA to 7,000 FCFA by taxi.
- They are expecting to increase the productivity of agricultural crops such as Cacao and substantial food crops. Such kind of assistance is expected by the Egnabi Village people for the Project.



**Figure 8: Meetings with Health center in Sembe (Centre Shalon)**



**Figure 9: Meeting with Egnabi Village**

**【In Cameroon】**

a. NGO Zerca lejos

- Zerca lejos is the NGO based in Djoum working for the improvement of Baka Pygmy's life conditions. They are tackling especially against the health and education environment improvement.
- Regarding the Road Development Project from Mintom to Sembe, it is quite important to make the road asphalted as the existing road is often impracticable which make the life of Pygmy people difficult. The asphalted road will bring many benefits for the people living in this area in terms of not only living condition but also revenue improvement.

b. NGO APIFED

- APIFED is the local NGO actively working on women, young people, and indigenous people

capacity development in terms of agricultural production and sustainable forest resources management.

- APIFED also recognizes the Project quite important for the people living around the roadside. Especially, they explained the possible future income improvement after the road development work because the products can be circulated to Yaounde if the transportation capacity is improved.



**Figure10: Office of Zerca lejos**



**Figure11: Meeting with APIFED**

## **5. Proposals and Conclusion**

### **5.1 Proposals**

- The executing agencies in both countries shall conduct a proper monitoring on PAPs by utilizing effective approaches such as individual consultations or local stakeholders meeting so that the appropriate livelihood restoration will be ensured in line with JICA Guidelines.
- The executing agencies in both countries shall provide the results of monitoring in relation to involuntary resettlement and land acquisition to JICA. In addition, they are recommended to make the monitoring results available to the public.
- The executing agencies shall formulate and implement an appropriate support plan for indigenous people which is planned in Phase 2 and monitor the appropriateness of the plan during the implementation. They shall also provide information regarding the support plan for indigenous people to JICA.

### **5.2 Conclusion**

The study showed that sufficient compensation had been made to the PAPs for properties in both countries in the Phase 1 project. In addition, measures to support the PAPs to relocate and restore their livelihood compare to the pre-project level are planned and implemented. Meanwhile, on the section Mintom-Lele-Ntam in Cameroon including JICA's candidate section for financing, the PAPs have been yet to vacate the rights of way. On the Congo side, information about the PAPs who had already resettled and/or whose properties had been acquired due to the Phase 1 project is limited at present. In addition, although considerations to indigenous people had been given thought the process of planning and implementation of RAP, a separate support plan for indigenous people will be formulated as part of community development in Phase 2 project by AfDB and BDEAC. Therefore, the proposals listed above shall be taken to continuously monitor the livelihood restoration of PAPs.

**End**