Date: 28 December 2018

Notice of Registration
Request Number: RQ2018/3
Country: Côte d’Ivoire

Abidjan Urban Transport Project (AUTP)

1. The Compliance Review and Mediation Unit (BCRM) received within three months several complaints relating to the Abidjan Urban Transport Project (AUTP). This project is financed by the African Development Bank Group (AfDB). The complainants, a mixed group of a Non Governmental Organization (NGO) and individuals representing the people affected by the project (PAPs), are:

(i) The Mouvement Colombe Ivoire and the Civil Society Platform for the Defence of Interests of Persons and Property comprising representatives of the Wives of the Impacted Houses of the Santé 3 Extension, the Association of Widows of Santé 3 and the Association of Dynamic Women of Santé 3;

(ii) The residents of Boribana; and

(iii) The Chief of the Traditional Authority of Adjamé Village.

2. The copies of the complaints letters are included in Annex 1, Annex 2 and Annex 3 of this Notice of Registration.

3. The Mouvement Colombe Ivoire and the Civil Society Platform for the Defence of Interests of Persons and Property was the first to submit their complaint to BCRM on 18 September 2018. The document was sent initially to the Bank's Principal Environmental Officer. The President of this Movement and the signatories stated that they represent the PAPs from the municipalities of Attécoube and Yopougon.

4. In the context of assessing the admissibility of the complaint for registration, my office met with the President of the Movement and other PAPs who described the nature as well as the extent of their grievances. They informed BCRM that the traditional authorities of the Adjamé village and the Impacted Resident of Boribana, two other groups of affected communities, also had specific concerns about the AUTP Project. They concurred with BCRM to organise further consultations with the other groups of PAPs with the view to understand fully all the concerns, prior to launching a problem solving process that the PAPs are asking BCRM to facilitate. As a result, BCRM met later with these other PAPs who subsequently submitted their formal requests.

5. The President of the Mouvement Colombe Ivoire and the impacted residents of Boribana alleged that they are aware of the Project’s decision to relocate the PAPs. They claimed that public consultations and the extent of disclosure of the project documents together with the
handling of the key questions of the compensation and resettlement of the PAPs were inadequate and not transparent. They considered the resettlement and compensation process of the Project to be in violation of the AfDB's Involuntary Resettlement Policy. They claim also that the resettlement and compensation process is not in line with the recommendations of a crucial public consultations meeting which was held during the Bank's environmental and social supervision mission at the Headquarters of AGEROUTE (the project Implementation Unit) on 15 February 2018. The complainants claimed that:

(i) The process of identification of eligible persons for compensation is flawed. According to them, the houses located on the right-of-way of the 4th Bridge were not identified, some other affected people previously identified during the project preparation phase were then omitted from the final list of eligible people to be compensated. Furthermore, the final list of eligible persons is not yet available and they have no information with regard to the start of the AUTP work schedules and the timeline for the implementation of the project’s Resettlement Action Plan (RAP). The project non-disclosure of this information casts doubts about the transparency of the public consultations process;

(ii) The AUTP neither explained how the proposed compensation amounts had been calculated nor did it disclose the valuation reports to the owners of the affected houses. In the same vein, the project did not disclose the different compensation amounts offered to tenants of the houses to be affected by the 4th Bridge;

(iii) There is a disagreement between the Requestors and the Project Implementation Unit with regard to the selection of the resettlement site where some of affected people will be relocated. The Requestors asked that these people also should be given title deeds to the land lots in the resettlement sites;

(iv) The project requested the PAPs not to enrol their children in the schools presently located on road reserve while relocation has not yet started; and

(v) The members of the Movement Colombe Ivoire are harassed, intimidated and the project team prevents them from supporting the PAPs.

6. The chief of the Adjamé village and his constituency expressed worries about the construction of an access road to the 4th Bridge claiming that it will destroy several valuable cultural heritage and religious structures and sites in addition to other prejudice they will suffer. The Government and project promoter have refused to make the project documents available to them, failed to engage them in meaningful consultation and rejected their request for diverting the road to avoid destruction of the previously mentioned sites.

7. According to the Appraisal Report, the objective of the AUTP is to build the 4th Bridge with access roads to connect the municipalities of Yopougon, Attechoube, Adjamé and Plateau as a flagship urban development initiative. The civil works of the 4th bridge include: (i) a 2 x 3 lane pavement; (ii) a reservation of a right-of-way of line 2 for the Metro; (iii) interchanges at each intersection; (iv) a toll station; and (v) a viaduct. The acquisition of the right-of-way will affect several neighbourhoods, namely Yaosséhi, Doukouéré, Nouveau Quartier Extension (Municipality of Yopougon); Fromager, Jean Paul 2 en Haut, Santé 3, commonly known as Mossikro, Abidjan Santé, Boribana (Municipality of Attécoubé); and Dallas, Boulevard Nandjui Abrogoua, the Quartier Rouge and Adjamé (Municipality of Adjamé).

8. The Board of Directors of the AfDB approved the AUTP project in two phases for a total loan of EUR 566.99 million. The first loan of EUR 237.52 million was approved by the Bank in
December 2016 to finance the construction of the 4th Bridge linking Yopougon to Plateau, including, control and supervision facilities, awareness activities, compensation of affected people, Environmental and Social Impact Assessment (ESIA), project management and institutional building. The second loan of EUR 329.47 million was approved by the Bank on 16 October 2018 to finance the interchanges and extension of roads, the rehabilitation of traffic lights, women empowerment program, institutional capacity and project management. The AfDB co-financing represents 74% of total cost of the project. The Japanese International Cooperation (JICA) provides 8% of the financing the Global Environment Facility (GEF) 1% and the Government of Cote d’Ivoire 17%.

9. According to the Appraisal Report, the AUTP’s components include: construction of 87.9 km expressways, a 1400-metre bridge, six interchanges, rehabilitation of traffic lights at 89 crossroads, construction of a new urban highway in Abidjan, air quality and urban waste management and capacity building in road safety, urban planning, local revenues improvement, road safety and protection of natural ecosystems. It will cover the construction of the following facilities: the 4th Bridge linking Yopougon to Plateau; construction of the ORCA and Palmeraie interchanges along Boulevard François Mitterrand; development of the Yopougou 4 ring road; twinning of the East Yopougon-Anyama exit highway. The project duration is four years (March 2017 to December 2021). Its key objectives are to develop transport infrastructure to enhance urban functions, improve quality of life, facilitate economic activities by providing better mobility and a healthy living environment. The project will specifically open access to areas with economic activities and enhance institutional capacity in urban management in the city of Abidjan. The Ministry of Economic Infrastructure is the project promotor.

10. The environmental and social impact studies were conducted to assess and mitigate the effects of AUTP and in compliance with the requirements of national laws and AfDB’s Integrated Safeguards System (ISS). Therefore, the ESIA summary was published on the Bank’s website on 31 October 2016 including summarises of various studies. The ESIA summary shows that the project carried out a gap analysis that pointed out the variations between the environmental and social policies and legislation of Cote d’Ivoire and the AfDB’s Integrated Safeguards System (ISS). The ESIA summary also highlighted both the positive and negative impacts of different facilities to be built under the AUTP with corresponding mitigation measures. The Project’s Resettlement Action Plan (RAP) and the Environmental and Social Impact Assessment Reports relating to the construction of the 4th Bridge also follow the requirements of the five operational safeguards of the ISS and the AfDB’s Poverty Reduction Policy.

11. The AUTP is classified as high risk Category 1 project because of its potential negative impacts on the environment and people during the construction phase, including, impacts on air quality and vibration, risks of flood, soil and water contamination, impacts on wildlife and protected areas. The ESIA of the 4th Bridge provides accurate details on the negative biophysical and socio-economic impacts of this project. With regard to the negative social impacts, the AUTP will affect 75,445 people. The prejudice include loss of assets such as houses, buildings, commercial shops and small craft businesses. Of the 75,445 affected people, 65,758 will be directly affected by the construction of 4th Bridge, which is the subject of the complaint. In addition, other adverse social impacts include health risks, potential risks of inter-communal disputes and destruction of sacred and cultural sites.

12. With regard to mitigation of the AUTP's negative social and environmental impacts, the ESIA summary describes the set of measures outlined in both the relevant Environment

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1 Appraisal Report, December 2016, p.4.
Management Plan and the RAP. The costs of the implementation of the RAP for the 4th Bridge is estimated at CFA 30,635,461,650.

13. In view of preliminary assessment of the complaint, I concluded that the complaints falls within the mandate of the IRM. My decision was informed by a site visit on 21 October 2018, the review of project documents and data collected during several consultation meetings with the NGO Mouvement Colombe Ivoire on 21 September 2018 and 12 December 2018 and with the traditional chief of Adjamé and his counsellors on 21 October 2018 and 27 December 2018.

14. All the complainants asked BCRM to facilitate a problem solving initiative aimed at addressing their concerns. However, the Chief of Adjamé village argued that we are dealing with two groups of requestors, the village as an entity and individuals who have been impacted. Therefore, he expressed their preference for a differential approach in handling the issues. In light of this, the complaint will be handled through problem solving with one path focusing on addressing the issues raised by the Adjamé village and the other that will deal with resolving the complaint raised by the other PAPs.

15. In accordance with paragraph 23 of the IRM Rules, on 28 December 2018, I registered this complaint relating to the Abidjan Urban Transport Project in the IRM Register of Requests. This Notice of Registration is sent to the Requestors, the Boards of Directors and the President of the Bank Group. The IRM Register of Requests is accessible on the Bank's website at www.afdb.org/IRM.

16. In accordance with paragraph 36 of the IRM Rules, Management must submit its Response to this Request to BCRM indicating how the Bank has complied, or intends to comply, with AfDB’s safeguard policies and procedures applicable to this project. The Management must submit this Response within twenty-one (21) days of receipt of this Notice of Registration that is no later than 5 February 2019. The Requestors have indicated to BCRM the desire to engage in a mediation process. Therefore, in its Response to the Request, Management should indicate whether it is willing to engage in the problem solving exercise which would be facilitated by BCRM.

17. For all subsequent correspondences concerning this Request, the Requestors, Bank Management and all other interested parties should refer to No. RQ2018/3, as it appears in the IRM’s Register of Request.

18. The Requestors have been notified that all communications in connection with the Request would be sent to the address indicated in the Request, unless they provide different contact information to BCRM.

19. I will keep the Board of Directors regularly informed about the handling of this Complaint.

Sékou Touré
Director
Compliance Review and Mediation Unit

Cc:
1. The Requestors
2. The President, African Development Bank Group
3. The Board of Directors, African Development Bank Group
Annex 1

MOUVEMENT COLOMBE IVOIRE AND THE CIVIL SOCIETY PLATFORM FOR THE DEFENCE OF INTERESTS OF PERSONS AND PROPERTY CALL FOR MOBILIZATION OF INSTITUTIONS, DES CHANCELIERIES, NGOs TO MONITOR THE PROCESS OF COMPENSATION, RESEETLEMENT, ECONOMIC AND SOCIAL REINTEGRATION OF PERSONS DISPLACED BY THE PROJECT

"Let's all fight against incivility and fight injustice"

N00000287/pr/mci/18

Abidjan, 18 September 2018

President of the Mouvement Colombe Ivoire and the Civil Society Platform for the Defence of Interests of Persons and Property

TO

The Director of CRMU of the African Development Bank Group

ABIDJAN

4th Bridge Construction Project

________________________________

SUBJECT: Request to Suspend the Relocation of the Populations Affected by the 4th Bridge Project.

Sir/Madam,

We, through the voices of widows, orphans, the most disadvantaged strata and defenceless people, express our sincere thanks to, and trust in, the Mouvement Colombe Ivoire (MCI) and the Civil Society Platform for the Defence of Persons and Property within the framework of the compensation process for those affected by the 4th Bridge Project.

This development project was appreciated by the PAPs as a means of improving their living conditions and relieving congestion on the Yopougon-Attecoubé road, but find inconveniences in its application by some project managers as it will likely lead to:

- Impoverishment of the most disadvantaged groups;
- School dropout;
- School abandonment;
- Dislocation of family units;
- Loss of human life;

...
Prostitution;
Increased crime;
Etc.

In view of all these perils, the President of the African Development Bank Group initiated a mission under your leadership and we welcomed the recommendations that we believe are remedies to this social disaster and which were called for by your institution, the AfDB:

- Immediate establishment of a complaint management body;
- Regular communication with PAPs;
- Push for community participation in decision-making;
- Management and care of vulnerable people;
- Marking out of the right-of-way by boundary pillars;
- Identification of the resettlement site(s) for the PAPs;
- Clear timetable established in association with the PAPs.

Following all these recommendations, we obtained the demarcation of the right-of-way by boundary pillars.

INFORMATIONS

As part of our fact-finding missions, on Sunday, 19 August 2018 at 2 p.m., in the Doukouré neighbourhood, an affected area of the municipality of Yopougon, while we were preparing to hold our meeting, the Yopougon district police intervened to suspend activities; we were arrested, detained and arraigned before the Yopougon court and charged with the following:

- Instigation to revolt and breach of public peace, and theft of adulterated drinks. It took the intervention of the Mouvement Ivoirien des Droits Humains (MIDH) with the prosecutor's office for us to regain our freedom. You will find attached the agenda of the meeting. I would like to take this opportunity to request the return of three banners and a megaphone confiscated by the various services during the ceremony for the laying of the foundation stone on Monday, 30th July 2018 at Santé.

  - The banner with the effigy "The Mouvement Colombe Ivoire in collaboration with the Mouvement Ivoirien des Droits Humains (MIDH) demand the implementation of the loan agreement between Ivorian party and the African Development Bank (AfDB) Group" and the megaphone were confiscated by Mr Sabass, Chief of Staff of the Attecoubé Mayor.

  - The banner of the Borribana resident owners' group: “Yes to the 4th bridge project, but fair and prior compensation”, confiscated by the implementation unit.

  - The banner of the Fromager neighbourhood: “The widows' association supports the 4th Bridge project, but first of all, we want definitive resettlement”.

  - The association of building owners demand the sealed communication of the findings of the real estate assessment confiscated by a police officer in service at the Groupement Mobil d'Intervention (GMI)
WE ALSO WANT TO DRAW ATTENTION TO THE FOLLOWING:

That whereas the eviction process is imminent, discussions with the affected populations at the sites, with the Mouvement Colombe Ivoire (MCI) and in the documents submitted, show that the treatment of certain substantive issues relating to the rights and interests of the affected populations is inadequate or not yet completed or even lacking in transparency.

These issues include in particular:

I) **The incomplete identification of affected populations and houses on the bridge right-of-way:** houses on the bridge right-of-way are not identified, affected persons are omitted and errors have been made in the status of some persons: For example,

- Mrs Demin Aissata, widow, owner residing in Borribana was identified as non-resident;
- Mr. Diakité Mamadou born in 1957 of Ivorian nationality, Tel. No. 77 03 00 88/ 52 62 35 00 Identified under No. Pcp/San-n° 00107,Pcp/San N° 0106, and Pcp/San 112, Resident for 40 years but identified as non-resident ;
- Mrs Sorofé Siata Doumbia, born on 31/12/1973 in Kétèya, Mali, widow, mother of 07 children, resident in 5 rooms – Identified under No. PsP /San-0088 as being housed for free;
- Mrs. Oumou Traoré born on 21/08/1966 Kongodjia, Ivorian nationality, widow mother of 4 children, resident in 3 rooms, Identified under No. PcP Fro-0451 as being housed for free.
- Miss Koffi Ahou Suzanne, born on 19/02/1976 in Adzopé, Ivorian nationality, single, mother of 3 children and 13 dependents, contact 05 43 13 51/41 50 89 54, Identified under No. PcP/San-0087 is not on the provisional list posted in the Santé 3 neighborhood.
- Mrs Héounou Kokoré Brigitte, owner residing in Yao séhi commune of Yopougon, Ivorian nationality, Identified under No. Pcp/yao 431, of which three tenants have been omitted.

II) **Failure to communicate the compensation scale and the findings of the sealed real estate appraisal to the owners:** despite incessant requests, the reports prepared by the firm of experts committed to this task have not been disseminated.

For example, Imam Sanogo Mohamoudou, Ivorian nationality, Identified under No. Pcp /Bor/0036 - Resident owner to whom the sum of CFAF 10,000,000 francs was proposed for an area of 548 m² would like to know the scale applied as well as the rate of obsolescence;

Mr Sanou Louis, a Burkinabe national, father of 10 children, resident in 2 rooms, from which he has rented 4 rooms. Identified under No. Pcp /San-102, a 2 room house +CFAF 140.000 were proposed by the unit.

III) **The non-resettlement of affected populations:** the start of the school year is approaching; the project is requesting parents not to enrol their children in schools located on the right-of-way, even though no landowner has yet been resettled. Faced with this situation, the affected populations are demanding permanent resettlement before work can begin. This is the case, for example, of the association of impacted widows.

It is our understanding that the site proposed by the civil society platform for the defence of interests and property was rejected by the PTUA even though it obtained the support of the PAPs.
Consequently, the MCI and PAPs are insisting on this site. In addition, they require that the sites to be retained be provided with land titles in order to comply with the will of the Ivorian government, which wants to reduce insecurity through the new master plan.

IV) **The amount of compensation does not meet the standards**: Indeed, the amounts offered to tenants vary from one person to another. For example, Mr Konan Koffi Frédéric, Ivorian nationality, born on 25/01/1985 in Daoukro, Tel No. 44 54 2915/02 30 1979, Identified under number PcP /San 00118 to whom CFAF 230,000 is proposed; Miss Yébouet Ahou Batied, tenant, Ivorian national, mother of two children, unemployed, Municipality of Attecoubé, PcP / FRO /0267 to whom CFAF 120,000 is proposed.

V) **Non-publication of the final list of affected persons**: No final list has been published to date;

VI) **Failure to provide a clear timeline for implementation of the Resettlement Action Plan (RAP)**: No implementation timeline is available to date.

That the above facts seriously contravene the relevant provisions of the Resettlement Action Plan and the recommendations of the AfDB’s environmental and social supervision mission as recorded in the minutes of the meeting held on 15 February 2018 at AGEROUTE headquarters in Plateau; worse, these facts constitute a flagrant violation of Article 11 of the Constitution of the Republic of Côte d’Ivoire which states that “the right of ownership shall be guaranteed to all. No one shall be deprived of his/her property except in the public interest and without fair and prior compensation”;

That, in addition, the NGO, Mouvement Colombe Ivoire, as part of its activities to support the population, is regularly obstructed by the PTUA project team and that officials are regularly subjected to violence and threats and, worse still, refused to receive a letter on Friday, 17 August, 2018 on instructions from Mr. Guey Gilbert;

That the obstructions, violence and threats against the MCI also constitute serious violations of the principle of freedom of association and demonstration enshrined in our Constitution and that this is unacceptable under the rule of law;

That, therefore, we would respectfully urge you, Mr. Environmentalist, to grant this request by suspending or at least delaying the eviction operations until the affected populations obtain fair and prior compensation.

We would also like to ask you to take the necessary measures to help put an end to the obstructions and violence against the NGO Mouvement Colombe Ivoire.

Signed

[Sylla Sekou]
President of Resident Owners
TOURE Sekou

Cc:
- African Development Bank
- Vice presidency of the Republic of Côte d'Ivoire
- National Assembly Cote d'Ivoire
- Abidjan Urban Transport Project
- National Human Rights Commission of Côte d'Ivoire (CNDHCI)
- Ivorian Human Rights Movement (MlOH)
- NGO Transparency and Justice
Abidjan, 17 December 2018

Group of resident owners of
BORIBANA affected by the 4th bridge in
Abidjan –
Tel: 0 6 28 28 28 43

To

The Director, Complaints Management,
AfDB

Subject: Complaint for Fair Compensation for our Buildings

Sir,

We would like to present to you the situation of the resident owners of Boribana.

In 2016, experts from the BNETD (Bureau National d'Etude Technique et de Développement) came to mark our houses; they then measured the surface areas of our buildings before appraising each building.

Our research led us to the BNETD’s equipment and construction department, which confirmed that the appraisals of our buildings were submitted to the contracting authority, which is the Ministry of Equipment and Road Maintenance.

We also received a copy of the RAP (Resettlement Action Plan) drawn up jointly with your experts and those of the State of Côte d'Ivoire.

In 2017, the Abidjan Urban Transport Project (PTUA) held several meetings with the population to explain the compensation arrangements.

With regard to resident owners, it has been clearly stated that they are eligible for resettlement on a new site and that rented houses will be compensated at replacement value without depreciation or obsolescence.

- it was also specified that the transport to the new site is set at CFA 50,000 per owner.
- the loss of rent is set at 3 months of monthly rents.
- and the expropriation of rental houses is done at the replacement value of the current market.
While the first two scales are applied, this is not the case for the third. Our rooms are each expropriated between CFAF 100,000 and CFAF 200,000, which is far from the current value of the market materials.

We went to the Ministry of Road Equipment and Maintenance, to the coordinator of the Abidjan urban transport project to get an idea of our appraisals, but we never managed to get any information. All of them replied that appraisals are confidential documents that cannot be shown to us.

As of today, a complaints management unit has been opened within the RAP implementation unit.

We lodged our complaints and requested the unit to compensate each of our rooms up to CFAF 600,000. Which is the lesser of two evils for us.

Mr. Director of Complaints Management Department of the AfDB (the institution that has made the fight against poverty in Africa its focus), we urge you to help us by setting the amount at CFAF 600,000 per room in order to allow us to survive after our departure.

We are looking forward to a favourable response.

Yours Sincerely,

Group President

Touré SEKOU
The Chief of the Village

TO
Mr. Sekou Toure
Director, BCRM
AfDB

N°/CVAA

Subject: 4th Bridge project
Ref.: your mail of 20 December 2018

Dear Sir,

In reference to your above-mentioned mail, I would like express our community deep gratitude for your consideration.

Indeed, with the project to build the 4th bridge, our village is impacted with the construction of an access road to the bridge of 40m (20mx2) which crosses our village in the sense “Firefighters – Municapility of Adjame”.

If this is done, it would destroy the residence of our emblematic patriarch NANGUI ABROGOUA, and that of Mr. N’GBOBA Simon our current village chief, as well as religious buildings.

Therefore, we have proposed rerouting of the bypass that the Ivorian authorities does not want to hear about.

In addition, in our discussions, we requested the Minister of equipment and road maintenance all the documents relating to the 4th Bridge project in order to carry out the discussions with full responsibility.

To date nothing has been done.

N’GBOBA Simon

Abidjan, 26 December 2018