AFRICAN DEVELOPMENT BANK GROUP

MANAGEMENT RESPONSE TO THE REQUEST AGAINST THE MULTINATIONAL ROAD DEVELOPMENT AND TRANSPORT FACILITATION PROGRAMME WITHIN THE MANO RIVER UNION - GUINEA SECTION

9 January 2017
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## ACRONYMS AND ABBREVIATIONS

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<th>Acronym</th>
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<tr>
<td>AGEROUTE</td>
<td>Road Management Agency</td>
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<tr>
<td>BNETD</td>
<td>National Office for Technical Studies and Development</td>
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<td>CEGENS</td>
<td>Mount Nimba/Simandou Environmental Management Centre</td>
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<td>CRMU</td>
<td>Compliance Review and Mediation Unit</td>
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<td>DNI</td>
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<td>ESAP</td>
<td>Environmental and Social Action Plan</td>
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<td>ESIA</td>
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<td>GEF</td>
<td>Global Environment Facility</td>
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<td>IRM</td>
<td>Independent Review Mechanism</td>
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<td>ISS</td>
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<td>IUCN</td>
<td>International Union for Conservation of Nature</td>
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<td>KP</td>
<td>Kilometric Point</td>
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<td>MIE</td>
<td>Ministry of Economic Infrastructure</td>
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<td>MRU</td>
<td>Mano River Union</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>RAP</td>
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INTRODUCTION

1.1. This memo was prepared in response to the notice of registration for Request No. RQ2016 / 3 of the Compliance Review and Mediation Unit (CRMU) dated 28 November 2016 (the request). The application was submitted to CRMU on 15 September 2016 by two Guinean nationals - Mr Pokpa Noramou, Director of Operations and Mr Abdoul Karim Diallo, an administrator with the non-governmental organisation (NGO) Agroforestry Resources Unlimited, involved in environment and governance areas.

1.2. The applicants claimed that they were affected by the project (point 2 of the notice of registration). In accordance with paragraph 23 of the Rules of the Independent Review Mechanism (IRM), CRMU filed the complaint against the multinational Road Development and Transport Facilitation Programme within the Mano River Union - Guinea Section (point 10 of the Request). In accordance with paragraph 36 of IRM Rules, Bank Management is required to submit a response to CRMU indicating how the Bank has complied or intends to comply with its safeguard policies and procedures applicable to this project.

1.3. The complaint as submitted by the complainants is summarised in four allegations. The CRMU registration notice can be summarised as 7 allegation points. This Management Note responds to each of these allegations as made by the complainants and presented by CRMU.

PROJECT BACKGROUND

2.1 Programme Description

2.1.1. On 18 December 2014, the Bank approved the Road and Transport Facilitation Programme within the Mano River Union (MRU). The Governments of Côte d'Ivoire, Guinea, Liberia and Sierra Leone submitted a request to the Bank for financing to develop and asphalt the Danané-Lola road (87.35 km), the Bloléquin-Toulépleu-Liberian border road (65 km), the Tablo-Proollo road (28 km), the Karloken-Fish Town (80 km) and the Harper-Cavally junction (16 km). These constitute 276.35 km of currently dirt roads, barely 6 m wide, impassable in all seasons, with makeshift wooden crossing structures, for the most part. Regional isolation, the high number of roadside checks and unsuitable border crossings are factors of fragility which compound the successive crises that have affected the region over the last 20 years. However, traffic is set to grow on these roads given the economic potential of the area and the efforts to lift these countries out of the recurrent crises that have long characterised them. In order to cope with current and future traffic, it is imperative to improve the road service level, enhance their capacity to withstand traffic in all seasons and reduce border controls; this will require asphaltting and developing the roads and establishing border crossings for joint controls.

2.1.2. The programme will benefit transport users, transporters, agricultural producers and the 2.8 million people in its impact area, especially disadvantaged groups (women and children), which make up the majority of the population. The programme will be implemented from June 2015 to June 2019 for a total cost estimated at UA 221.97 million net of tax and customs duties.
2.1.3. The overall objective of the programme is to boost post-conflict economic recovery of the MRU area by improving road infrastructure and promoting intra-community trade. Specifically, the programme seeks to: (i) improve transport conditions on the roads concerned in order to reduce transport costs, (ii) facilitate the free movement of persons and goods between the three countries, namely Côte d'Ivoire, Guinea and Liberia and improve the living conditions of programme area communities.

2.1.4. The Guinean component of the programme includes, among other things, paving of the Lola-Ivorian border road (39.75 km).

2.1.5. Implementation Status of the Guinean Section of the Programme

2.1.1. The programme was approved by the Bank's Board of Directors on 18 December 2014. The initial agreements were ratified on 21 October 2016 and the process of fulfilling the conditions precedent to effectiveness and first disbursement is under way on the Guinean side.

2.1.2. Concerning procurement, the Bank gave its notice of no objection on the bids evaluation report for the Lola-Côte d'Ivoire border road on 8 July 2016 and the works contract is being signed by the Guinean party. Concerning the choice of the works control and monitoring office, the Bank gave its no-objection on the technical bids evaluation bid for the control and monitoring of the construction of the Lola-Côte d'Ivoire border road on 14 September 2016 and the negotiation and contract signing processes are also underway on the Guinean side.

III ENVIRONMENTAL AND SOCIAL ASSESSMENT

3.1. The programme has been classified as Category 1 in accordance with the Bank's Environmental and Social Assessment Procedures (ESAP) for 2001. Following a joint agreement between the Government of Côte d'Ivoire and the Government of Guinea, the Road Management Agency (AGEROUTE) in its capacity as Contracting Authority acting on behalf of the Ministry of Economic Infrastructure (MIE) entrusted the National Bureau of Technical and Development Studies (BNETD) with performing detailed technical studies (technical, geo-technical, hydrological, economic, environmental, social surveys and cost estimates) between 2013 and April 2014, regarding the development and paving of the Danane-Lola road (including the Lola - Côte d'Ivoire border road which is the subject of this complaint).

3.2. An Environmental and Social Impact Assessment (ESIA) Report and a Resettlement Action Plan (RAP) were prepared in April 2014 for the Lola-Côte d'Ivoire border section. The Bank reviewed these reports in accordance with its rules and procedures, including the 2004 Environmental Policy and the 2003 Involuntary Resettlement Policy. The Bank provided comments and recommendations on the ESIA and RAP reports. On the basis of these comments and recommendations, new versions of ESIA and RAP were prepared and submitted to the Bank in August 2014 (Annex 1).
3.3. The planned route of the road took account of the technical, economic, environmental and social challenges of the project area. The planned route alignment corresponds to 76% of the existing road. Adjustments were made for only 24% of this route, thus avoiding the area surrounding the Nimba Mountains, correcting tight curves and minimizing housing expropriations. Details by section of the route alignment are included in Annex 2.

3.4. The project’s potential direct biophysical impacts include impacts on air quality, physical and chemical pollution of water and soil, and fauna and flora. Human impacts include property destruction during clearance of the right-of-way, disruption of population mobility and noise pollution, impact on human health including HIV/AIDS and Ebola, the risk of conflict, the risk of destruction of sacred and/or cultural sites of local significance. The operation phase will primarily impact fauna (accidents and poaching), flora (illegal logging, anthropogenic pressure, etc.). Potential impacts on biodiversity and degradation of sensitive ecosystems, such as the Nimba Mountains Reserve were analysed (6.5.1.7 of the ESIA).

3.5. Detailed mitigation actions have been proposed and, in terms of the physical component, protection of air quality, soil protection and restoration of borrow pits and quarry sites, and protection of water resources. As concerns fauna and flora, measures have been taken with respect to the worksite, the population and at the institutional level. Protection measures for the Mount Nimba Strict Nature Reserve have also been proposed. They include: (i) monitoring and controlling the integrity of core areas; (ii) maintaining and marking the eastern boundary; (iii) implementing an ecological monitoring programme; (iv) rehabilitating the Yéalé Forestry Station, (v) supporting the forest rangers; (vi) etc.

3.6. A participatory approach has been adopted for impact assessments. Public consultations were held in the project area in February 2014 (see Chapter 11 and the ESIA Report Annex).

3.7. During the works phase, environmental monitoring will be carried out by the Environmental Expert of the Control Mission, who reports monthly to the National Infrastructure Directorate (DNI). Internal monitoring will be provided by the DNI environmentalist assigned to this project. External monitoring will be conducted during and after the works by the Guinean Bureau of Studies and Environmental Evaluation (BGEEE), based on a memorandum of understanding between the Contracting Authority and the BGEEE. This MoU, which will define the conditions and frequency of BGEEE intervention in the project, is being finalised and signed.

3.8. However, the Bank noted, during review of the new versions of the ESIA and the RAP, that the latter had inadequacies with respect to applicable requirements. These include: (i) protection measures for sacred and cultural sites; (ii) consideration of certain observations on the RAP (updating the RAP and declaration of public interest); (iii) stakeholder consultation; (iv) definition and management of long-term impacts on biodiversity and transboundary forests; and (v) Ebola virus disease prevention measures.

3.9. Given the particular context in Guinea, which was a focus of the Ebola virus disease at the time, the Bank exceptionally accepted the publication of ESIA and RAP summaries on its website and their distribution to the Board of Directors, subject to the implementation of an Environmental and Social Action Plan (ESAP) which was attached to the published summary. In essence, this ESAP required the consideration of the inadequacies noted in paragraph 3.8.
3.10. Unfortunately, implementation of this plan was delayed considerably between 2014 and 2016, given that the Ebola virus disease could only be brought under control in March 2016.

3.11. Details of Management's responses to the allegations are discussed in the following sections.

IV MANAGEMENT RESPONSE TO ISSUES RAISED BY THE COMPLAINANTS

4.1. Further to the notice of registration of CRMU Request No. RQ2016/3 dated 28 November 2016 against the Road Development and Transport Facilitation Programme within the MRU - Guinea Section, ORQR as leader of the Management Response, organised an internal review of the request, in collaboration with OITC-1 and ONEC-3, respectively responsible for environmental and social implementation and support. Together, ORQR, ONEC and OITC make up the Management Response Team, in this case. The team agreed on the responses to the allegations and on a plan of action.

4.1 Responses to allegations as formulated by CRMU in the notice of registration

**Point (a): The project will cause irreparable damage to communities and the environment. For example, it will harm the ecosystem services on which communities depend for their livelihood**

4.2 Management agrees that the project will cause damage to communities and the environment, as identified in the ESIA and RAP. However, it firmly rejects the allegation that the project will cause irreparable damage to communities and the environment. The following points attest to this fact.

4.3 Management notes that all damage to local communities and the environment was identified and analysed in ESIA and in the RAP, in accordance with the Bank's existing environmental and social safeguard policies. These are the 2004 Environmental Policy and the 2003 Involuntary Resettlement Policy. Appropriate mitigation and/or compensation measures were identified and have been agreed upon with the villages concerned.

4.4 Management would like to point out that in addition to the impacts on the physical and human environment, and in accordance with the ESAP, sacred and cultural sites were identified on a participatory basis with the communities concerned. A total of eight (8) villages reported ten (10) sacred sites of which five (5) were directly affected by the project. These are places of worship, sacred forests, trees, waterholes and rivers and stone caves etc. These sites were presented in detail in sections 4.2 of the resettlement plan and 6.5.2.15 of the ESIA. They have also been located on the route in a map an excerpt of which is attached as Annex 3. Arrangements and measures to be taken before the start of works were indicated by the elders of the villages concerned and the cost of implementation of these measures was taken into account in the execution of the resettlement plan (section 4.2 of Resettlement Plan).

4.5 All irreversible damage to communities and the environment, including the impact on ecosystem services on which local communities depend for their livelihood, are taken into account in ESIA and RAP, in line with policies applicable at the time of project approval by the Bank's Board of Directors. The ESIA and RAP are being updated and finalised.
Point-b: The project violates both domestic and international laws. For example, road works and earthworks are planned within the boundaries of the Mount Nimba Strict Nature Reserve which happens to be a World Heritage Site and a core area of the Mount Nimba Biosphere Reserve. In other words, the project contravenes the Convention Concerning the Protection of the World Cultural and Natural Heritage of which Guinea is a signatory country.

4.6 Management refutes the allegation that the project will be implemented within the boundaries of the Mount Nimba Strict Nature Reserve, a World Heritage Site and a core area of the Mount Nimba Biosphere Reserve. It wishes to emphasise that the project in its current form does not at any point encroach on the boundaries of the core areas on the World Heritage List. The route alignment is much further away from the boundaries of these core areas of the Nimba Mountains. Annex 2 presents a description of the route alignment taking into account the technical, environmental and social constraints, and further clarifies this assertion. Management's position is justified for the three following reasons:

4.7 First of all, at no point does the route alignment from KP 13 + 800 to KP 16 + 900 go through the core area of the Nimba Mountains. An excerpt of the mapped alignment is attached to this document in Annex 4. This fact was confirmed by a government team that visited the project site on 19 December 2016. The team included, among others, the Director General of the Mount Nimba/Simandou Environmental Management Centre (CEGENS), the Representative of the Guinean Bureau of Studies and Environmental Evaluation (BGEEEE), the Representative of the Ministry of Public Works and the Bank's Project Officer.

4.8 Secondly, a report (Annex 5) to this end was prepared and signed by all members of the mission.

4.9 Thirdly, the environmental compliance certificate (Annex 6) issued on 20 December 2016 by the Ministry in charge of the environment confirms that the project complies with national and international environmental regulations.

Point c- There are inadequacies in the 2013 Environmental and Social Impact Assessment as it did not take into account the protection status of the Nimba Mountains.

4.10 Management rejects this assertion. It is well aware of the biological and ecological characteristics of the Nimba Mountains, the specificity and sensitivity of the natural habitats they are home to and their overall importance. It is based on this knowledge that technical, environmental and social studies were performed in strict compliance with national and international laws and regulations, taking into account the strict protection of the core areas of the Nimba Mountains, in which all human activities are prohibited.

4.11 As indicated in (b) above, the project in its current form respects the integrity of the core areas of the Nimba Mountains. Management reaffirms that at no time does the planned route alignment encroach on the boundaries of the core areas of the Nimba Mountains. There is therefore no contradiction between the works planned under the project and national and international regulations in this respect, including the protection status of the Nimba Mountains.
On 20 December 2016, the Ministry of the Environment awarded the project an environmental compliance certificate. Moreover, the mission of the government team that visited the project site and which included the Director General of the Mount Nimba/Simandou Environmental Management Centre (CEGENS), confirms that the project together with the technical surveys and environmental and social safeguard policies of which it was the subject fully comply with the preservation of the integrity and the protection status of the Nimba Mountains.

However, Management noted that environmental and social safeguard documents needed to be updated. The description of the baseline data on the biophysical characteristics of the route alignment, specifically from KP 13 + 800 to KP 16 + 900; (ii) KP 17 + 600 and KP 18 + 720), was incomplete (i.e. forested and grassy areas dotted with fields and water bodies). A revised version of the safeguard documents should be available by end-March 2017 in accordance with the action plan presented at the end of this note. A wide disclosure of the updated versions is also planned.

Point-d: Public consultations were not conducted as required by Guinean law

Management fully agrees that at the time the summaries were published, public hearings, as required by Guinean law, had not yet been conducted due to a case of force majeure preventing any gathering of persons, particularly in the project area, in the context of public consultations. This has been clearly indicated in Section 9 of the ESIA summary published on the Bank's website and distributed to the Board of Directors. The ESIA summary noted the following: "A public inquiry will be held in 2014 before the project is submitted to the AfDB Board of Directors for approval. Conduct of the survey will be a Bank requirement, to be implemented as part of the action plan. This survey involves making available to the public for consultation and comments the Environmental Impact Assessment under the supervision of a Survey Commissioner appointed by municipal order and tasked with gathering comments from the public. The public survey is initiated by the BGEEE and its opening is performed within the framework of a public meeting ."

Accordingly, the project appraisal report also published on the Bank's website states in Section 2.8, "Given the travel restrictions in force since July 2014 because of the Ebola outbreak in the region at the time of Programme appraisal, the additional participatory sessions initially planned were not held." Unfortunately, as stated throughout this document, the context in the country and particularly in the project area was not conducive to public surveys because of public health risks. It was not until March 2016 that public surveys could be considered.

At present, this inadequacy has been rectified. The BGEEE organised public hearings with inhabitants of the project area in accordance with national regulations. Stakeholders were consulted on 17 and 18 December 2016 and given the opportunity to express their views and concerns about the road project, its impacts and mitigation actions proposed in the ESIA and RAP. The Bank's project team was able to participate in those consultations. These consultations were held throughout the villages along the road, namely NZoo Guela, Doroumo, Zogaman, Gbie, Zoo, Keolenta, Fromota, Gouamo, Gbakore, Youkouma, Kemeta, Woyakore, Gogota 1 and 2 and the town of Lola. More than three hundred (300) people participated in the consultations, including traditional and administrative authorities (founders, elders, etc.), youth, women, the elderly and certain NGOs operating in the area.
Exchanges focused on: (i) the project and its impacts, the proposed mitigation actions, etc.; (ii) expropriation issues, the status of the resettlement plan, the approach to compensation by section depending on work progress, etc.; (iii) sacred/cultural sites. The participants unanimously confirmed: (i) their full knowledge of the project and its impacts; (ii) having been consulted during the surveys; (iii) their broad support and commitment to the project. Annex 7 contains the records prepared by the BGEEE.

Furthermore, the preparation and implementation of the communication and stakeholder consultation plan to support the implementation of the project, as required by the ESAP, will consolidate this participatory approach. This plan will include the implementation of the ESMP with particular emphasis on issues related to biodiversity management, protection of the site's environment, conflict management etc. The finalised plan proposed by Management is included in the ESAP, in Section 6 of this document. The updated ESIA and RAP will be widely disseminated prior to the start of works.

**Point-e: The ESIA does not cover all potential impacts, therefore the potential mitigation actions envisaged are clearly inadequate**

Management considers that at the time the summaries were published, the analysis of certain impacts and the appropriate mitigation measures was not complete. This was the subject of the ESAP, appended to the ESIA summary and which was to be implemented prior to presentation of the project to the Bank's Board of Directors. These are: (i) sacred and cultural sites; (ii) updating and finalising the Resettlement Action Plan; (iii) long-term impacts and mitigation actions on flora, fauna and biodiversity; (iv) the Plan for Ebola Prevention and Control during works.

As noted previously, ESAP implementation was significantly delayed due to circumstances beyond the control of the project team and the Government of Guinea. The ESIA and RAP cover all other major potential (direct, indirect and cumulative) impacts of the project for the work and operational phases. Major impacts for which the identification and definition of mitigation actions appeared to be inadequate at the time the summaries were published were identified and included in the ESAP.

The project team has prioritised the implementation of the ESAP. Updated versions of the ESIA and RAP reports will include in more detail all the points contained in the ESAP.

**Point-f: The project contravenes the AfDB's Integrated Safeguards System (December 2013), particularly Operational Safeguards 1 "Environmental and Social Assessment" and 3 "Biodiversity, Renewable Resources and Ecosystem Services"**

Management categorically refutes this contention. It asserts that neither the project nor the ESIA is in violation of the Integrated Safeguards System (ISS) and Operational Safeguards 1 and 3 (SO1 and SO3) because the Bank's ISS does not apply to the project.

It notes that, at the time of the project's appraisal phase, the applicable environmental and social safeguard policies and procedures were, *inter alia*, the February 2004 Environmental Policy and the 2003 Involuntary Resettlement Policy (see Annex 8). The ISS was approved in
December 2013 and came into force in July 2014, when the project appraisal was already ongoing. Therefore, the ESAPs, including Operational Safeguards 1 and 3 referred to by the complainants, were not approved until February 2015, after the ESIA and RAP summaries had already been published.

4.24 For this reason, the summary of the ESIA published on the Bank's website, in section 2.3, lists the policies and procedures applicable to the programme, including the 2004 Environmental Policy which does not include Operational Safeguards 1 and 3 referred to by the complainants. The main ESIA report also provides the same information in Section 3.2.4. Clearly, the complainants appear to have been misinformed about the Bank's policies. In procedural terms, project implementation does not change with the adoption of new policies once the preparation is underway.

4.25 However, Management is aware of the ecological and cultural values of the project area, which is rightly designated as a World Heritage Site. Management will make every effort to ensure that more stringent standards are put in place so that the integrity of natural and cultural resources within and around the project development site is not altered.

4.26 These provisions include applying the provisions of Operational Safeguard 3 (Biodiversity, Renewable Resources and Ecosystem Services), which was not yet in force at the time of project appraisal. This entails: (i) identifying and implementing opportunities for the conservation and sustainable use of biological diversity and natural habitats; and (ii) observing, implementing and responding to the conservation and sustainable management needs of prioritised ecosystem services. Management has already agreed with the Guinean party that the updated ESIA and RAP will take into account the stricter requirements as well as Operational Safeguard 3 on biodiversity and ecosystem services.

*Point-g: The ESIA refers to a Global Environmental Facility (GEF) project that is not accessible on their website.*

4.27 Management agrees, but wishes to specify the following:

4.28 Transboundary Ecosystems and Resources Management in International Waters project funded by the GEF was initially approved as a basic agricultural project. Due to major unforeseen circumstances, the agricultural project was cancelled. Therefore, at the suggestion of the GEF project and coordination team, a decision was taken to transfer it to a transport project, namely the transport facilitation programme within the MRU.

4.29 The project team initiated the necessary actions, including the process of recruiting a consultant to define the GEF programme for the transport project. At the time the ESIA summary was published, discussions on the definition of the GEF component and specific activities it would be funding were still ongoing. For this reason, Management urged the project team to finalise the GEF component of the project and ensured that this recommendation was among the ESAP's priority actions attached to the ESIA.
4.30 It is important to note that in Bank and GEF procedures it is permissible for either of the two financing operations to be approved separately by the Board of Directors. It was in this regard that the transport project team continued the process of defining the GEF component.

4.31 Unfortunately, the GEF project's scope as a component of a transport project changed significantly. Given that GEF funding had been approved more than 6 years prior without any implementation and due to capacity constraints, among other things, it was therefore difficult to continue appraisal on the GEF component at the AfDB. Mindful of the potential loss of resources that have remained dormant at the AfDB for over 6 years, the GEF Council authorised the AfDB, under the new October 2014 cancellation policy, to open discussions with other agencies to implement GEF funding. To this effect, the International Union for Conservation of Nature (IUCN) was identified as a recipient of GEF funding (see attached request in Annex 9). On 8 July 2015, the CEO of the GEF approved the request to transfer the USD 6 million project to IUCN. Activities slated to be financed by the GEF fund will take place in Côte d'Ivoire, Guinea, Liberia and Sierra Leone (see attached letter in Annex 10). This is why the complainants cannot see the AfDB's GEF funding on the GEF website.

V CONCLUSION

5.1 Management agrees that the project will cause damage to communities and the environment, as identified in the ESIA and RAP. However, it firmly rejects the allegation that the project will cause irreparable damage to communities and the environment. The following points illustrate this.

a) Management notes that all damage to local communities and the environment was identified and analysed in ESIA and under the RAP, in accordance with the Bank's existing environmental and social safeguard policies. These are the 2004 Environmental Policy and the 2003 Involuntary Resettlement Policy.

b) Management specifies that in addition to the impacts on the physical and human environment, and in accordance with the ESAP, sacred and cultural sites were identified with the communities concerned on a participatory basis; and

c) The overall damage to communities and the environment, including the impact on the ecosystem services on which local communities depend for their livelihood, are addressed in ESIA and RAP.

5.2 Management confirms that that the project will be executed outside the boundaries of the Mount Nimba Strict Nature Reserve, a World Heritage Site and a core area of the Mount Nimba Biosphere Reserve. It wishes to emphasise that the project in its current form does not at any point encroach upon the boundaries of the core areas on the World Heritage List. The route alignment is much further away from the boundaries of these core areas of the Nimba Mountains. Management's position is justified for the three following reasons:

a) First of all, at no point does the route alignment from KP 13 + 800 to KP 16 + 900 go through the core area of the Nimba Mountains. An excerpt of the mapped alignment is appended to this document in Annex 4. This was confirmed by a government team that
visited the project site on 19 December 2016. The team included, among others, the Director General of the Mount Nimba/Simandou Environmental Management Centre (CEGENS), the Representative of the Guinean Bureau of Studies and Environmental Evaluation (BGEEE), the Representative of the Ministry of Public Works and the Bank's Project Officer.

b) Secondly, a report (Annex 5) to this end was prepared and signed by all members of the mission; and

c) Thirdly, the environmental compliance certificate (Annex 6) issued on 20 December 2016 by the Ministry in charge of the environment confirms that the project complies with national and international environmental regulations.

5.3 Management refutes the assertion that there are inadequacies in the 2013 Environmental and Social Impact Assessment in that it did not account for the protection status of the Nimba Mountains. It is well aware of the biological and ecological characteristics of the Nimba Mountains, the specificity and sensitivity of the natural habitats and their overall importance. Management's position is justified by the following:

a) The project in its current form respects the integrity of the central areas of the Nimba Mountains. At no time shall the planned route alignment, including the right-of-way for the works, encroach on the boundaries of the core areas of the Nimba Mountains;

b) The government team that visited the project site and which included the Director General of the Mount Nimba/Simandou Environmental Management Centre (CEGENS), confirms that the project, related technical surveys and environmental and social safeguard policies comply fully with the preservation of the integrity and the protection status of the Nimba Mountains.

c) The Ministry of the Environment awarded the project the certificate of environmental compliance.

5.4 However, Management had noted that ESIA needed to be updated well before the complaint. A revised version is expected by the end of March 2017.

5.5 Management fully understands that at the time the summaries were published, public hearings, as required by Guinean law, had not yet been performed due to a case of force majeure preventing any gathering of persons in the context of public consultations, particularly in the project area. At present, this issue has been corrected. The BGEEE organised public hearings with inhabitants of the project area in accordance with national regulations. Stakeholders were consulted on 17 and 18 December 2016 and given the opportunity to express their views and concerns about the road project, its impacts and mitigation measures proposed in the ESIA and RAP.

5.6 Management contends that at the time the summaries were published, the analysis of certain impacts and the appropriate mitigation actions was not complete. This was the subject of the ESAP, which was attached to the ESIA summary and was to be implemented prior to
presentation of the project to the Bank's Board of Directors. These are: (i) sacred and cultural sites; (ii) updating and finalising the Resettlement Action Plan; (iii) long-term impacts and mitigation actions on flora, fauna and biodiversity; (iv) the Plan for Ebola Prevention and Control during works. As noted previously, ESAP implementation was significantly delayed due to circumstances beyond the control of the project team and the Government of Guinea. The project team has prioritised the implementation of the updated ESAP. The updated ESIA and RAP reports will incorporate all the points contained in the ESAP.

5.7 Management categorically refutes the assertion that the project conflicts with the AfDB's Integrated Safeguards System (of December 2013), and particularly with Operational Safeguards 1 "Environmental and Social Assessment" and Operational Safeguarding 3 "Biodiversity, renewable resources and ecosystem services". It asserts that neither the project nor the ESIA is in violation of the ISS as the Bank's ISS do not apply to the project. It notes that, at the time of the project's appraisal phase, the applicable environmental and social safeguard policies and procedures were, inter alia, the February 2004 Environmental Policy and the 2003 Involuntary Resettlement Policy.

5.8 However, Management is aware of the ecological and cultural value of the project area, in particular the core area of Mont Nimba, rightly listed as a World Heritage Site. Management will make every effort to ensure that more stringent standards are put in place so that the integrity of natural and cultural resources within and around the project development site is not altered. These provisions include applying the provisions of Operational Safeguard 3 (Biodiversity, Renewable Resources and Ecosystem Services), which was not yet in force at the time of project appraisal. This entails: (i) identifying and implementing opportunities for the conservation and sustainable use of biological diversity and natural habitats; and (ii) observing, implementing and responding to the conservation and sustainable management needs of prioritised ecosystem services. Management has already agreed with the Guinean party that updating ESIA and RAP will take into account the requirements of Operational Safeguard 3 on biodiversity and ecosystem services.

5.9 Management agrees that the ESIA refers to a Global Environment Facility (GEF) project that is not accessible on the GEF site but wishes to inform the complainants that because GEF funding was approved more than 6 years prior without any implementation and due to capacity constraints, among other things, it was difficult to continue work on the GEF component at the AfDB. Mindful of the potential loss of resources that have remained dormant at AfDB for over 6 years, the GEF Council has authorised the AfDB, under the new October 2014 cancellation policy, to transfer GEF resources to the Union International Commission for the Conservation of Nature (IUCN). The activities to be financed by the GEF fund will take place in Côte d'Ivoire, Guinea, Liberia and Sierra Leone (see Annexes 9 and 10). This is why the complainants cannot see the AfDB's GEF funding on the GEF website.
## VI PLAN OF ACTION

Updated Environmental and Social Action Plan (ESAP) for the Road Development and Transport Facilitation Programme within the Mano River Union (MRU) - Guinea section

<table>
<thead>
<tr>
<th>Action</th>
<th>Objectives</th>
<th>Responsibility</th>
<th>Completion Indicators</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Suspension of any physical activity until complaint proceedings have been completed</td>
<td>Process all outstanding issues in the complaint on a precautionary basis</td>
<td>Ministry of Public Works (MTP)</td>
<td>Submitting to the AfDB a copy of the letter forwarded to the contractor</td>
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<tr>
<td>2</td>
<td>Update the ESIA and Resettlement Action Plan</td>
<td>• Consider all of the Bank’s observations on the ESIA and RAP</td>
<td>MTP / BNETD / BGEEE</td>
<td>Submit updated reports to the AfDB</td>
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<td>3</td>
<td>Disclose updated ESIA and Resettlement Action Plan</td>
<td>• Facilitate access to updated versions by stakeholders including complainants</td>
<td>MTP / BNETD / BGEEE</td>
<td>• Provide proof of access to complainants • Submit updated reports to the AfDB</td>
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<tr>
<td>4</td>
<td>Develop and implement the consultation and communication plan for the project</td>
<td>Facilitate adherence, participation and ownership by all key stakeholders throughout the project</td>
<td>MTP / BNETD</td>
<td>Submit plan to the AfDB</td>
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<tr>
<td>5</td>
<td>Submit proof of compensation to affected persons</td>
<td>• Establish expropriation commissions; • Proceed with payment of compensation and where required, resettlement assistance; • Prepare project implementation report</td>
<td>MTP/NGO</td>
<td>Submit proof and implementation report to the AfDB</td>
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<td>6</td>
<td>Finalise agreements with the BGEEE</td>
<td>• Define participation framework of the BGEEE to monitor the implementation of the ESMP</td>
<td>MTP / BGEEE</td>
<td>Submit agreements to the AfDB</td>
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<td>7</td>
<td>Add additional activities and specific plans, as and when needed to the contractor’s contract, the supervisory office and procurement for specific support to CEGENS / OGUIDAP, etc.</td>
<td>• Take into account the mitigation actions resulting from the update; • Ensure that they are executed by the party concerned</td>
<td>MTP / BGEEE / AfDB</td>
<td>Submit amended versions as needed to AfDB</td>
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<tr>
<td>8</td>
<td>Implement action plan and ESMP</td>
<td>• Ensure implementation of action plan measures • Strengthen monitoring for ESMP implementation</td>
<td>MTP / AfDB</td>
<td>Implementation and monitoring report</td>
</tr>
</tbody>
</table>
VII ANNEXES [Please download from link]: HTTPS://AFDB.SHAREFILE.COM/D-SB0A541E3332401B8

Annex 1: Interim ESIA and RAP reports

Annex 2: Details of route alignment by section

Annex 3: Section of mapped alignment including the location of sacred sites

Annex 4: Section of mapped alignment including the location of the Mount Nimba core area boundaries and right-of-way of the planned route (including those planned in works)

Annex 5: Certified report of planned route alignment and Mount Nimba central area boundaries

Annex 6: Environmental Compliance Certificate issued by the Ministry of the Environment, Water and Forests

Annex 7: Report of public consultations organised by the BGEEE

Annex 8: Message validating the project category in accordance with 2001 public sector ESAP requirements

Annex 9: Message indicating the transfer of AfDB GEF component to IUCN

Annex 10: Approval letter for the transfer of AfDB GEF component to IUCN