

**United Nations Development Programme – OAI, Social and Environmental Compliance
Unit**



ELIGIBILITY DETERMINATION:

**Complainant: Indigenous Baka Communities of Cameroon, represented by Survival International
Regarding UNDP’s “Integrated and Transboundary Conservation of Biodiversity in the Basins of the
Republic of Cameroon” Project**

Case No. SECU0008

Date: 24 October 2018

Basic Data

Case No.	SECU0008
Category of Non-Compliance:	Environmental and Social
Location:	TRIDOM border region of Cameroon
Date Complaint received:	2 August 2018
Source of Complaint:	Survival International representing indigenous Baka communities
Eligibility assessment conducted by:	Richard Bissell, Lead Compliance Officer
Compliance Officer assigned:	Anne Perrault, Compliance Officer
Other investigators assigned:	Paul Goodwin, Unit Coordinator / Research Analyst
Related Case(s):	SECU0009

Signatures:

Prepared by:

Richard Bissell, Lead Compliance Officer, SECU

Approved by:

Brett Simpson, Deputy Director, Head of Investigations,
OAI

I. Introduction

1. On 2 August 2018 the UNDP Social and Environmental Compliance Unit (SECU), received a forwarded communication from the Investigations Section of the Office of Audit and Investigations. The communication was from the NGO "Survival International", which submitted complaints on behalf of various Baka people living in the Congo and Cameroon regarding UNDP-implemented GEF-funded protected area projects along the TRIDOM border regions.
2. The complainants claim they are being illegally evicted from their forest lands, both inside and outside formally "protected areas", that they did not go through a proper consultation/FPIC process, and that the UNDP project would violate their human rights. According to the complainants, "Nki National Park was created in 2005 and ever since we have lost the forest that our ancestors left us. We cannot go hunting safely, or climb trees to gather honey, or dig for wild yams or collect our medicinal plants. The wildlife guards have abused us, beaten us and tortured us for more than 10 years. We are told that international law and the OECD guidelines say that our free, prior and informed consent is required for these projects. We have not accepted these projects that are ruining our lives. We ask all those who are funding these projects to come and hear our suffering and seek our consent."
3. Included in the original submission were complaint letters with signatures from nine Baka individuals' residing in Cameroon.
4. On 10 August 2018, SECU registered the case on its online case registry. SECU then made document and information requests of the UNDP Cameroon Country Office in order to determine eligibility of the complaint.
5. On 13 August 2018, SECU responded on behalf of the UNDP Accountability Mechanism (AM) acknowledging receipt of the complaints and requesting confirmation that the complainants wished to pursue exclusively a SECU compliance review and not a Stakeholder Response Mechanism mediation process. This appeared to be the desire of the complainants according to the original complaint letter to OAI.
6. On 15 August 2018 Survival International responded, confirming that complainants wanted to pursue only a SECU compliance review and requesting confidentiality of the individual complainants.
7. From the date of Registration, SECU has 20 working days to issue its eligibility determination. Due to capacity and resource limitations, SECU was unable to issue its eligibility determination within that time frame.
8. According to the project description in the GEF/UNDP project document showing a planned start date of April 2017, "Cameroon's rich species abundance has made it one of the world's biodiversity hotspots; it ranks fifth in Africa for fauna and fourth for flora diversity. Bush meat and ivory poaching significantly threaten the biodiversity of this ecoregion. The project will focus on the portion of the Tri-national Dja-Odzala-Minkebe transboundary area found in Cameroon, an area that is richly endowed with around 191 species of large mammals including elephants, gorillas, and chimpanzees. The landscape is one of Africa's elephant poaching hotspots. Local ivory prices have

increased tenfold since 2005 and provide huge incentives for well-established criminal networks and local poachers. The objective of this project is to strengthen the conservation of globally threatened species in Cameroon by improving biodiversity enforcement, resilience, and management with a key focus on the portion of the Tri-national Dja-Odzala-Minkebe transboundary area. The objective will be achieved through implementation of four interconnected components: (1) strengthening capacity for Protected Area (PA) governance and IWT control, (2) improving management of globally significant PAs by national and local institutions, (3) reducing poaching and illegal trafficking of threatened species at the project site, and (4) knowledge management. The project will be implemented over a period of six years. The total cost of investment in the project is estimated at 29,710,281 USD, of which 3,907,500 USD constitutes grant funding from GEF. This project forms part of the GEF Programmatic Approach to Prevent the Extinction of Known Threatened Species, and falls under the GEF Programme Global Partnership on Wildlife Conservation and Crime Prevention for Sustainable Development (9071). Under this programmatic framework, with the coordination through the programme steering committee, coordinated knowledge management and cross-fertilisation of the individual projects will be assured.”

9. According to the same Project Document, the project’s Implementing Partner is the “Ministry of Forestry and Wildlife”, the project’s management arrangement is under a “National Implementation Modality” (NIM). The primary donor is the Global Environment Fund Trustee with parallel co-financing by the Government of Cameroon, ZSL, IUCN, WWF, AWF, and UNESCO.
10. As required by SECU’s Investigation Guidelines (<http://www.undp.org/content/undp/en/home/librarypage/operations1/secu-investigation-guidelines/>), this memo provides SECU’s assessment of whether the complaint is eligible for an investigation by SECU.

II. Project Details

11. According to UNDP Cameroon, there are a number of projects that may be relevant to this complaint, some of which are UNDP-supported, some of which are not.
12. GEF project number 85, entitled “Biodiversity Conservation and Management” was implemented by the World Bank in partnership with the World Wildlife Fund (WWF). UNDP Cameroon stated that it had no role in this project.
13. According to the Country Office the UNDP/GEF project entitled “Conservation of Cross-Border Biodiversity in Interzone Minkebe-Odzala-Dja between Gabon, Congo and Cameroon (TRIDOM I)” (GEF Project # 1095, UNDP project # 00054146) has been financially and operationally closed since 2015.
14. According to the Country Office there is a new project in the Project Preparation Grants (PPG) Phase and an Initiation Plan has been signed by UNDP Cameroon Country Office in February 2016. This project is entitled “Integrated and Transboundary Conservation of Biodiversity in the Basins of the Republic of Cameroon (TRIDOM II).” However, the Country Office wrote to SECU that “none of the specific geographic areas mentioned in the letters of complaint attached to Survival’s letter are areas where UNDP has implemented or plans to implement its work.”

15. At this time SECU is unable to determine the specific areas where UNDP has implemented and is planning to implement relevant conservation project activities. Additionally, given that the project is in initial planning stages, the exact location of project activities may not be possible to confirm at this time.
16. Additionally, the UNDP Cameroon activity is closely related to UNDP Congo project activity in the same region, which is already taking place on the ground and is the subject of a related SECU compliance review.
17. SECU is also unable to determine at this stage what UNDP's relationship is with other conservation actors in the area such as the World Bank and WWF, and whether UNDP plays any type of supporting or coordinating role amongst the various conservation entities in the region.
18. Furthermore, part of the complainants' concerns relate to consultation and access to information about the planned project to better understand exactly what and where UNDP activity is and will be in Cameroon. Part of the complaint describes a desire to fully know what activity is planned, whether and how it might affect the Baka people, and how the Baka people might be consulted with moving forward. These concerns would not require UNDP's activity to take place in the specific areas where the complainants reside if the Baka (either as a whole or a subgroup of them) were identified as stakeholders in the project and therefore are entitled to consultation and collaboration in the region's conservation efforts.

III. Summary of Process to Date

19. The Investigation Guidelines for SECU detail the process for responding to complaints. **Section 8. The Complaint Review Process – Eligibility and Terms of Reference** directs SECU to register complaints within five days of receipt if they are not automatically excluded pursuant to Section 1.1 Policy basis.
20. SECU registered the complaint on 10 August 2018 and posted it on its case registry, available at www.undp.org/secu.
21. **Section 8.1, Determining Eligibility of a Complaint**, indicates that within twenty business days after registering the complaint, SECU will determine if the complaint meets the eligibility criteria specified in Section 8.2. To be eligible a complaint must: (1) Relate to a project or programme supported by UNDP; (2) Raise actual or potential issues relating to compliance with UNDP's social and environmental commitments; and (3) Reflect that, as a result of UNDP's noncompliance with its social and environmental commitments, complainants may be or have been harmed.
22. Due to delays outside of SECU's control, SECU was not able to conduct an eligibility determination on this case within the required 20 business days. As per **Section 1. Purpose** of the investigation guidelines, Compliance Review Investigations circumstances "may require a deviation from guidelines in the interest of a fair process to the complainants..." In this circumstance, SECU's operational requirements prevented it from being able to conduct an eligibility determination within the required timeframe. However, this delay will not delay the timeline for its field mission and thus should not prolong the overall duration of the compliance review.

IV. Determination of Eligibility

23. **Criterion 1: Relates to a project or programme supported by UNDP.** The UNDP Cameroon CO acknowledges that the relevant activity in question is supported through a UNDP project (see paras 14-18 for a deeper discussion about the relevance of UNDP activity). The complaint therefore relates to a project supported by UNDP and, as such, meets the first criterion under Section 8.1.
24. Additionally, SECU has a mandate to formally investigate complaints for activity related to projects signed after 1 January 2015. UNDP Cameroon acknowledges that this specific project was initiated in 2016, with a number of agreements signed during that year. The project in question is therefore a post-2015 project, making the case eligible for a formal review.
25. **Criterion 2: Raises actual or potential issues relating to compliance with UNDP's social and environmental commitments.** The complaint raises issues related to indigenous peoples' rights, access to information and consultation, free, prior, informed consent, human rights, economic and physical displacement, and land and resources rights, including UNDP's Indigenous Peoples Plans, Stakeholder Analyses, Risk Assessments, identification and adoption of measures to avoid and mitigate harmful impacts, and identification and implementation of measures to respond to potential and/or actual negative impacts on indigenous peoples. Thus, the complaint raises issues of compliance with UNDP's social and environmental commitments, and meets the second criterion under Section 8.1.
26. **Criterion 3: Reflect that, as a result of UNDP's noncompliance with its social and environmental commitments, complainants may be or have been harmed.** The complainants describe various ways they may have been or may be harmed by UNDP's Cameroon's current or future project activity, including the possibility of being prevented from using and enjoying lands and resources to which they have rights, the right to free, prior, and informed consent before physical and/or economic displacement from indigenous territories, the right to adequate consultations, and the right to be free from physical harm and/or intimidation, among other rights.
27. SECU has, therefore, determined that the complaint is eligible for a social and environmental compliance review.

V. Next Steps

28. SECU will initiate the review with discussions with the Complainants and relevant UNDP Staff, including the Project Manager. A complete description of investigative steps will be available in the terms of reference for the investigation.