



TERMS OF REFERENCE (TOR) FOR INVESTIGATION

In response to allegations of non-compliance with
UNDP's Social and Environmental Standards and other relevant policies in the context of UNDP
Cameroon's *Integrated and Transboundary Conservation of Biodiversity in the Basins of the Republic of
Cameroon* project and potentially other relevant UNDP-supported activity.

Case No. **SECU0008**

24 January 2019

For more information about SECU and this case, visit www.undp.org/secu.

Basic Data

Case No.	SECU0008
Category of Non-Compliance:	Social and Environmental
Location:	Cameroon (TRIDOM Region)
Date Complaint received:	2 August 2018
Source of Complaint:	Various Baka People, Represented by Survival International
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:

Date:

Richard Bissell, Lead Compliance Officer, SECU

Approved by:

Date:

Brett Simpson, Deputy Director, Head of
Investigations

I. Overview

1. On 2 August 2018, the UNDP Social and Environmental Compliance Unit (SECU) received a forwarded communication from the Investigations Section of UNDP's 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 GEF-funded and UNDP administered protected area projects along the border regions.
2. More specifically, the complaints submitted for the Baka people indicate that two such projects – the UNDP/Global Environment Facility (GEF) *Integrated and Transboundary Conservation of Biodiversity in the Basins of the Republic of Cameroon* Project (GEF ID number 9155)¹ in Cameroon (relating to the Nki National Park), and the UNDP/GEF *Integrated and Transboundary Conservation of Biodiversity in the Basins of the Republic of Congo* Project (GEF ID number 9159), in the Congo (supporting the creation of a new protected area, Messok Dia), are adversely impacting the Baka people in violation of UNDP standards.
3. The complainants claim that, through these projects and earlier related activities, they have been, and currently are, being illegally evicted from their forest lands, both inside and outside the formal protected areas. More specifically, they claim that project implementers are not ensuring proper consultation/FPIC processes and measures to protect the Baka community's culture and wellbeing, and, as a result, are violating the Baka's human rights.
4. Of activities in Cameroon, the complaint states, '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.' Included in the original submission are complaint letters with signatures from nine Baka individuals residing in Cameroon.
5. According to the project document for the *Integrated and Transboundary Conservation of Biodiversity in the Basins of the Republic of Cameroon* (referred to as TRIDOM II by the UNDP Cameroon Country Office) the project's planned start date was April 2017. The document describes that the area to be protected is rich in biodiversity, 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

¹ UNDP Atlas Project ID/Award ID number: 00095686. This project document includes activities relating to the Nki Protected Area, including activities to update management plans for this area.

area.’

6. Project objectives, costs, and implementation timeframe are described as follows: ‘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.’
7. 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.
8. In response to the complaint, the UNDP Cameroon Country Office (UNDP Cameroon CO) suggested that problems raised by complainants are not related to the Tridom II project that is the subject of the complaint. The UNDP Cameroon CO indicated that the complaint is more likely related to a number of other projects, including at least one for which UNDP had no role - the GEF project number 85, entitled *Biodiversity Conservation and Management*, which was implemented by the World Bank in partnership with the World Wildlife Fund (WWF) – and another that was supported by UNDP - the UNDP/GEF project entitled *Conservation of Cross-Border Biodiversity in Interzone Minkebe-Odzala-Dja between Gabon, Congo and Cameroon* (also known as TRIDOM I - the precursor to the TRIDOM II project cited in the complaint)² – but which financially and operationally closed in 2015.
9. According to the UNDP Cameroon CO, the inception phase of TRIDOM II has been delayed and ‘the project has not carried out any operational activities in the field.’ It further notes 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.’
10. At this time SECU is unable to determine the specific areas in which the UNDP/GEF has implemented and is planning to implement relevant conservation project activities, and, given that the project is in initial planning stages, the exact location of project activities may not be possible to confirm at this time.³

² GEF Project # 1095, UNDP project # 00054146

³ SECU observes that the UNDP Cameroon activity is closely related to the UNDP Congo project activity in the same region, which is already taking place on the ground and is the subject of the related SECU compliance review. SECU additionally notes that it is 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.

11. Complainants' concerns relate partly to consultation and access to information about the planned project. 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.
12. 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.
13. 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 a SECU compliance review only 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.
14. 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.
15. From the date of Registration, SECU had 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.

II. Applicable Social and Environmental Commitments in the Context of UNDP-supported Activity

16. The complaint raises issues related to the following UNDP Social and Environmental Standards (SES)-related concerns: Indigenous Peoples' rights (and related Indigenous Peoples Plans); access to information, consultation, and stakeholder analyses; risk assessment; free, prior, informed consent; human rights; economic and physical displacement, and related land and resources rights.

III. Scope of Work

17. The aim of this investigation is to establish a background factual record through the objective of gathering of evidence, make findings based on this record, and if necessary, make recommendations to bring UNDP-supported activity into compliance with the SES.
18. The investigation carried out by SECU will involve the following key activities:
 - a. Based on an initial desk-based examination of accessible documents, e.g., project document(s), country programme documents and related workplans, UNDP Cameroon programme documentation, relevant evaluation and quality assurance reports, Indigenous Peoples' plans, stakeholder analyses, Social and Environmental Screening Procedure (SESP), news articles, UNDP-generated records, government-generated documents, and other relevant documents, develop a more detailed analysis of issues in light of the SES and other relevant UNDP commitments.
 - b. Using the analysis, identify initial questions for which answers need to be secured in country and otherwise (identifying questions will necessarily be an iterative process as more information is secured).
 - c. Given the initial list of questions, identify individuals and groups to be

interviewed. These include:

- i. UNDP staff members involved in the design and implementation of relevant project activity,
- ii. Complainants and any representatives they have, located in Cameroon
- iii. Relevant government officials.
- iv. Other groups and individuals who can provide evidence regarding the existing and potential impacts of relevant UNDP-supported activity.
- d. Establish contact with those identified above, to set up interviews.
- e. Travel to Cameroon to obtain evidence relating to UNDP adherence to the SES and other relevant policies.
- f. Prepare a draft investigation report that assesses compliance of project activities with the SES and other relevant social and environmental commitments.
- g. Make publicly available for comment the draft report, and specifically request comments from complainants, the Cameroon CO, relevant Government officials, and other relevant stakeholders.
- h. Finalize the report, and submit it to the Director of OAI and the UNDP Administrator and relevant units.
- i. Post the final report on the SECU registry.

IV. Anticipated Milestones and Timeframes

2. The SECU process expects to achieve the following milestones in terms of developing its report and its component parts:

Milestones	ESTIMATED COMPLETION DATE
1. Issue draft Terms of Reference on SECU website for public comment	29 October 2018
2. Revise Terms of Reference based on public comment	7 January 2019
3. Desk based document review and UNDP/HQ interviews	September 2018 – February 2019
4. Field Mission (Cameroon)	February 2019
5. Complete and release for public comment the Draft Investigation Report	April/May 2019
6. Closure of public comment period	May 2019
7. Issue final report to the Administrator and relevant units, publish the report publicly, and circulate to all stakeholders	June/July 2019