

Restarting the Resettlement Process Post-Conflict [Cote D'Ivoire Henri Konan Bédié Bridge]

By Atia Byll-Cataria and Kathleen Wallace

Introduction and Methodology

In 2012 MIGA provided a guarantee for the Henri Konan Bédié Bridge (HKB Bridge) project, which consists of the design, construction, and operation of a toll bridge, over the Ebrié lagoon in Abidjan, with access roads to the north and south between the residential area of Riviera and the industrial area of Marcory. The total length of the full road connection is around 6.6 kilometers (km), with the bridge itself spanning 1.5 km. To the north, construction consisted of a 2x2 lane dual carriageway that connects with the junction of the Boulevard Mitterrand and Est-Ouest roads and on which is the toll plaza. To the south, construction consisted of a 2x3 lane dual carriageway with lateral access roads that connect to Boulevard Giscard d'Estaing, the main road that joins Abidjan's airport. There is an interchange (VGE Interchange) built, not part of this project, which connects the access road to the bridge with Boulevard Giscard d'Estaing. Initial work on the project, funded by the Government of Côte d'Ivoire, started in October 2011. The Project's sponsor is Bouygues Travaux Publics S.A. of France and SOCOPRIM is the company responsible for construction and operation of the Bridge.

The concession agreement for construction of the HKB Bridge was signed in 1997. Under this agreement, the Government of Cote D'Ivoire is responsible for providing the Project site to the Project sponsor free of any occupants and to manage the land acquisition and relocation of Project Affected People (PAPs). Resettlement and compensation of affected households and businesses started in 1998. In December 1999, however, when resettlement was almost complete, and early construction had just started, political events and civil unrest forced SOCOPRIM to suspend its activities indefinitely. In 2009, the situation in the country had stabilized, and the government gave SOCOPRIM approval to recommence construction of HKB. At this time, MIGA was approached to provide guarantees for the Project.

This case study describes how civil unrest and the associated interruption in the development of the Project potentially affected the ability of the Project to implement the Performance Standards (PSs)¹ and resettlement and compensation plans. The case study also looks at the actions taken in collaboration with SOCOPRIM and the government to reduce this risk and ensure compliance. The case study is based on the information provided in Project safeguard documents, MIGA's initial due diligence review of the Project (including 2 site visits between 2009 and 2012) and subsequent monitoring of Project implementation (including review of monthly monitoring reports and 3 field visits from 2013 to 2016) assessment of potential E&S risks and impacts associated with this type of infrastructure project. Additional background information on the Project is available on MIGA's website:

https://www.miga.org/documents/ESRS_HKB_Bridge_REVISED.pdf.

In 1998, the Project required land acquisition resulting in the physical and economic resettlement of about 2,500 PAPs. While MIGA was not involved in the Project at this time, due to the participation of development finance institutions, resettlement and compensation was conducted mostly in compliance with the IFC/MIGA and AfDB safeguard policies in effect at the time. An Abidjan-based branch of an international NGO, was

¹ MIGA's Performance Standards (2007; updated 2013) are materially consistent with the IFC Performance Standards (2006; updated 2012, respectively).

involved in the resettlement planning, community consultations and witnessed the payment of compensation. The local NGO also provided advice to the Ministry of Construction and Public Works with regard to community consultations and information disclosure. The majority of PAPs had been fully resettled and had received compensation and a large part of the Project land had been cleared when the civil unrest started in December 1999. The remaining PAPs had been relocated to a temporary site, and had not yet received full compensation for their affected assets.

Findings

In the decade that followed, much of the land that had been cleared was re-occupied. Therefore, when the Project was ready to recommence, a second entitlement cut-off date was set and a second socio-economic baseline undertaken by the ESIA consultant. The second baseline required extensive consultation and considered both the original PAPs and new residents of the Project area. This baseline, which was undertaken in 2010, identified that in addition to the small numbers of PAPs that still needed to be compensated from the first resettlement process, additional small businesses would need to be displaced. The small businesses were primarily temporary structures, and the PAPs did not have a legal right to the land and were aware via public consultations that they would eventually be relocated. Some minor agricultural activity, such as livestock grazing, was also identified to be present on the site. A second Resettlement Action Plan (RAP) was prepared to guide the new resettlement process. This RAP was prepared with reference to the PSs.

There was some difficulty in finding and identifying the original PAPs, which still needed to be fully compensated, since many households had dispersed to other locations in Abidjan or even moved to other countries after their removal from the temporary resettlement site in 2006.

MIGA and AfDB coordinated closely with the government to ensure effective implementation of the resettlement and compensation program in a manner consistent with the PSs and AfDB's requirements. In addition, to resettlement and compensation, through the Project's resettlement plan and ongoing community consultation efforts, the government was able to begin to address and bridge some of the social divisions that had been created by the years of civil unrest.

Recommendations for Good Practice

In cases where civil unrest occurs during civil works and the project is interrupted for long periods of times:

- A new cut-off date needs to be set, and the RAP and the ESIA need to be updated to reflect changes from the baseline;
- Frequent consultation and communication with PAPs and various concerned parties should restart once project resumes to ensure up to date information is shared. This consultation should form the basis of an updated RAP. Clear communication of cut-off dates, particularly when 2 or more cut-off dates have been set due to interruptions is essential.
- It is recommended to include an independent credible third party to support both the project enterprise and the government in the implementation of the RAP.
- The RAP should also identify potential for social issues resulting from the civil unrest (e.g. social divisions; distrust between different groups; residual tensions) that may affect the successful implementation of the resettlement program, and incorporate actions to address these issues (or at least not exacerbate them).