

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

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**Interim Monitoring Report:**

Relating to SECU's investigation into allegations of non-compliance with UNDP social and environmental commitments in the context of the following project:

“Integrated and Transboundary Conservation of Biodiversity in the Basins of the Republic of Cameroon,  
TRIDOM II”

**Case No. SECU0008**

**Date: 27 September 2022**

**Basic Data**

Case No.	SECU0008
Category of Non-Compliance:	Social and Environmental
Location:	Republic of Cameroon
Date Complaint received:	2 August 2018
Source of Complaint:	Indigenous community members from the Baka tribe in the village of Zoulabot Ancien, Cameroon
Date of Administrator's decision:	8 February 2021

## I. BACKGROUND

1. On 2 August 2018, the Social and Environmental Compliance Unit (SECU) received a complaint concerning the Integrated and Transboundary Conservation of Biodiversity in the Basins of the Republic of Cameroon project (herein Cameroon TRIDOM II project), which was determined eligible for a compliance review on 24 October 2018.
2. SECU conducted an investigation, and on 17 September 2020 released its final investigation report.
3. The Administrator issued his decision in relation to SECU's report on 8 February 2021, directing the Cameroon Country Office (herein Cameroon CO) to reformulate the project to address the findings and recommendations of SECU's report in full, and to halt project activities until approval for them was provided by the Global Environment Facility (GEF) Secretariat and GEF Council.
4. SECU is mandated to monitor the implementation of the Administrator's decisions regarding SECU's investigation reports and to make these monitoring reports available to the public. This is SECU's first monitoring report for the Cameroon TRIDOM II project.
5. This monitoring report was informed by the Cameroon CO's response – the management response - to the Administrator's decision, and the related action plan prepared by the CO to describe steps planned to implement the Administrator's decision.
6. SECU's monitoring requires timely notification by the Cameroon CO of key events relating to the reformulation and implementation of project-related activities.

## II. MONITORING ACTIVITIES

7. In April 2021, the Cameroon CO prepared a 'Management Response' to the Administrator's decision, describing that all but one of the 'Key Actions' relating to the reformulation would be completed by December 2021.
8. SECU accordingly followed up with the CO in January 2022 to inquire about the status of project activities. SECU requested documentation relating to the reformulation process, as well as answers to specific questions relating to the SES and issues discussed in SECU's investigation report. SECU asked about the nature of consultations conducted, whether free, prior, informed consent (FPIC) had been obtained for project activities, whether action plans - including the Indigenous Peoples Plan - had been developed to integrate measures to address identified risks, whether measures had been taken to strengthen the capacity of the Cameroon CO and other relevant parties to ensure that implementation of the reformulated project would occur in a

manner compliant with the Social and Environmental Standards (SES), and the status of measures to create a project-level grievance mechanism.

9. In response, the Cameroon CO provided copies of draft documentation to SECU in January 2022, including the revised Social and Environmental Screening Procedure (SESP), the Terms of Reference (TOR) for a project-level grievance mechanisms, and various framework documents, including the Environmental and Social Management Framework (ESMF) and Indigenous Peoples Planning Framework (IPPF). Some key documents, such as the Stakeholder Engagement Plan (SEP), were not yet available, and for other key documents, such as the Environmental and Social Management Plan (ESMP) and Indigenous Peoples Plan (IPP), the CO indicated these would be developed during the project implementation phase.
10. Regarding SECU's questions concerning the status of consultations with communities and indigenous peoples, and the status of the FPIC process, the CO provided copies of various meeting minutes and other documentation (including back to office reports), noting that "obtaining FPIC in regard to specific activities (as well as the overall aim and purpose of the project) is a dynamic process, which also will continue throughout the implementation phase of the revised project".
11. While the FPIC process was noted to be ongoing, meeting minutes that were provided stated, "the community members agreed to accompany the project activities that are implemented in the village. The consent was given by applause."
12. SECU responded in detail, highlighting requirements under the SES for informed consultation and for obtaining FPIC. In particular, SECU noted that while FPIC is an iterative process, there are requirements under the SES to document the whole process, and to provide evidence that respective milestones have been met at each stage. The SES states that the FPIC process should be "well-documented in writing" and that "it is important to **document the whole FPIC process** in the IPP/IPPF (or subsequent reports), including commitments and requirements agreed upon to reach such agreement as well as ideas, questions and concerns raised, so that it is possible to review the whole process during monitoring and in the event a grievance or dispute arises." The SES stipulate minimum requirements for documenting the FPIC process. In addition to providing documentary evidence of the outcomes of an FPIC process, the SES require, "at a minimum", documentation regarding all "disagreements and dissenting views." The SES also require, "at a minimum", that the process itself for carrying out FPIC negotiations must be agreed upon and documented. In relation to the design phase, documentation evidencing "efforts aimed at accommodating indigenous peoples' expressed interest and concerns **in the final programming design**" must be prepared (own emphasis).
13. In relation to FPIC requirements, SECU highlighted that UNDP Guidance on Standard 6 (indigenous peoples) of the SES refers to the type of information that should be provided to indigenous peoples **prior to** seeking consent and also as part of the ongoing consent process.

The Guidance provides, for example, that to be informed, indigenous peoples must be provided complete documentation covering the full spectrum of potential impacts of activities prior to seeking their consent. The Guidance notes further that, “in addition to disclosing complete documents, summaries in local languages of the assessment’s key findings, benefits, mitigation measures, etc., will be needed to increase accessibility. For those projects likely to affect many illiterate people, pictorial depictions and oral representations can be used.” More generally, the SES requires that communities have adequate capacity and support to ensure “full, effective, and meaningful participation and FPIC.” SES Guidance also states that “in all cases, no activities predicated on the granting of FPIC should be initiated until the outcomes of the FPIC process and the associated IPP/IPPF are validated and any required mitigation measures are in place.”

14. SECU also requested information from the Cameroon CO on its finding, in the SESP, that SES Standard 5, Displacement and Resettlement, was not triggered in the context of the reformulated project. SECU noted that its investigation report found that SES Standard 5 applied to the previous project, and that such findings could inform whether this standard applied to the reformulated project activities. To the extent that proposed activities will occur on land traditionally used and occupied by IP communities and such activities include any forms of restriction on such use, the displacement standard likely will be triggered. Standard 5 of the SES applies to both physical and economic displacement. Economic displacement, according to the SES, “occurs when individuals or communities are restricted, partially or fully, in their access to land or resources that are important to their means of livelihood or economic well-being” and physical displacement, “whether full or partial and permanent or temporary” occurs when “individuals or communities are no longer able to physically occupy an area and must relocate to a new location”.
15. In response to SECU’s monitoring queries, the CO provided responses and additional documentation to SECU in April 2022, including a draft of the revised Project Document (Prodoc), additional meeting minutes, and the draft Gender Analysis and Gender Action Plan. The CO noted, in response to SECU’s questions concerning the FPIC process, that “there is a strong collaboration between CO and government to ensure that the processes and mechanisms through which indigenous people are consulted, are established in an open dialogue” and that “all targeted indigenous people and other communities has been involved in consultation meetings though facilitation built on strong collaboration between CO and the government.” SECU indicated that it looks forward to receiving additional evidence necessary to establish that all SES requirements are met, including evidence that indigenous peoples were consulted in the design of the FPIC process in compliance with requirements under the SES, and that FPIC processes were “established in open dialog with the potentially affected indigenous peoples to ensure their full, effective participation throughout the project cycle”. In relation to the applicability of Standard 5, the CO claimed that the “TRIDOM II project has no objective of displacing communities. Moreover, no community is threatened with displacement, so there is no question of resettlement”.

16. In September 2022, the CO shared further advanced versions of the reformulated project documents, including a revised draft of the Prodoc, a draft of the request for approval to the GEF, revised Prodoc annexures, including a Stakeholder Engagement Plan (which was previously not available), and a copy of the reformulated budget.
17. The revised, reformulated Prodoc mentions, in the “brief project description”, the “development of an Indigenous Peoples Management Plan”. In line with what the Cameroon CO had indicated to SECU in January 2022, all other references to a “Indigenous Peoples Plan” (IPP) in the body of the Prodoc indicate that the IPP will be developed only during the implementation phase. SECU sees no evidence of an “Indigenous Peoples Management Plan” apart from the “Indigenous Peoples Planning Framework” (IPPF), which is an appendix to the Environmental and Social Management Framework (ESMF). UNDP’s Guidance Note on Standard 6 describes what should be in an IPPF, stating that it should include “the timing for completion of further assessments/studies, specific plans and...a clear statement of roles and responsibilities, budget, and commitment for funding. The IPPF should be presented for PAC consideration and should address as many aspects of the IPP as possible and needs to clearly state when and how the full IPP will be developed. As with the IPP, the IPPF needs to be developed as much as possible with meaningful consultation and participation of the indigenous peoples concerned (to the degree that they are known) and outline steps for ongoing consultation and any required FPIC processes.” SECU observes that there is little specificity to the IPPF shared and that portions of the IPPF appear to be taken from another project, as the IPPF references Togo in several locations.
18. On the issue of the applicability and application of Standard 5 in the SES, the revised draft of the Prodoc notes in the brief project description, “the project’s main objective and its outcomes and outputs have been substantially revised to address the findings and recommendations of the SECU investigation namely: (a) Re-examination of the project document with regard to the requirements of the ESS, in particular taking into account... (3) **standard 5 on displacement and resettlement...**” (Own emphasis). However, there is no other mention in the Prodoc of the criteria in standard 5 or explanation of how standard 5 will be applied in the context of this reformulated project, and the SESP attached to the revised Prodoc indicates, to the contrary, that standard 5 is not applicable.
19. In relation to FPIC, the revised draft of the Prodoc lists the “main consultations and FPIC processes undertaken during project reformulation”. In addition to “baseline data collection” and “consultation” meetings, the Prodoc notes that FPIC meetings were held to “formally obtain the consent or non-consent of the target communities to the project and its activities”. In relation to these meetings, the Prodoc notes that “all information about the project was provided to the communities and presented in a clear manner” and that “the communities, after explanation and discussion, accepted the new orientations of the project which take into account their concerns”. The meeting minutes for these FPIC meetings, which were shared earlier by the CO with SECU, do not outline the specific project information that was shared with

community members. While the minutes record concerns shared and ideas suggested by community members, there is no evidence that these concerns and ideas were debated in the context of the activities proposed under the project at these meetings, or any evidence of undertakings made by the project staff to address the ideas and concerns raised. One set of these minutes records that “the community understood that the activities which will be implemented will be presented later in another mission”. This suggests an iterative approach to FPIC, in line with responses from the CO to SECU, not a completed process, as suggested in the Prodoc. Furthermore, the Prodoc indicates that consultation meetings held prior to these FPIC meetings had sketched out the objectives of the FPIC meetings and had identified “a good organizational and logistical set-up to facilitate the holding of consultations”. SECU has not received copies of the minutes for these consultation meetings (held prior to the ‘FPIC meetings’) and has seen no evidence that the process for carrying out FPIC negotiations was agreed upon and established in open dialog with the potentially affected indigenous peoples. The status of the FPIC process should be clarified in the Prodoc and SECU awaits further documentation from the CO adequately evidencing that the requirements of the SES with regards to FPIC have been met (as highlighted in this paragraph and in paragraphs 12, 13, and 15 above).

20. The draft Stakeholder Engagement Plan which was shared by the CO with SECU in September 2022 is generic and does not outline a specific plan for engaging stakeholders in the context of this project. As per the UNDP’s SES Guidance Note on Stakeholder Engagement, a Stakeholder Engagement Plan should provide “a roadmap for stakeholders and project implementers as to when, how and with whom consultations and exchanges should be undertaken throughout the life of the project”. While UNDP Guidance acknowledges that specific components and locations may only be fully defined during project implementation, and that an updated Stakeholder Engagement Plan may be required as the project is further defined, the Guidance Note explains that for projects with greater complexity and potentially significant adverse social and environmental impacts, a more strategic plan will be required as “simplified plans would not be appropriate for Substantial and High-Risk projects.” Furthermore, UNDP Guidance explains that “stakeholder identification [in the context of a Stakeholder Engagement Plan] should be as specific as possible” and that the “use of overly general categories – such as “local communities,” “CSOs,” “indigenous peoples groups” – should be avoided, as they tend to communicate a lack of outreach and engagement.” The draft Stakeholder Engagement Plan provided by the CO identifies various engagement techniques and tools that could be applied in the context of any project and identifies different considerations that should be kept in mind when engaging with different groups of people such as indigenous people, older people, young people, people with disabilities and women, without any application of these considerations to specific stakeholders identified in this project.
21. SECU understands that the reformulated project documents will soon be sent to the GEF Council for approval. This monitoring report should inform that process. SECU awaits further documentation from the CO adequately evidencing that the requirements of the SES have been met, and will determine at a future date what additional evidence-gathering activities, if any, may be necessary to complete its monitoring phase.

22. SECU notes that the CO, in its management response and action plan, committed to carrying out 'focused consultations to define the FPIC process ...to reach agreement on the scope and format of the FPIC process and the scope of the IPP/IPPF' and to preparing the following updated documents: SESP, ESIA, ESMP, IPP, and stakeholder engagement plan - all before September 2021. As described in this interim monitoring report, only the SESP and stakeholder engagement plan have been shared with SECU to date. SECU has highlighted issues related to the stakeholder engagement plan, with reference to the UNDP's Guidance Note on Stakeholder Engagement. As for the adequacy of the FPIC process conducted to date, SECU has highlighted in this monitoring report the requirements of the SES and the information that is needed to satisfy that the requirements have been met. As for the applicability of Standard 5, SECU has noted previously that a project does not need to have an 'objective' to displace for Standard 5 to be triggered. If project activities will occur on lands traditionally occupied or used by indigenous peoples and there is any chance these communities could face any restrictions on use of these lands, Standard 5 applies. The revised Prodoc states, in this regard, that access by indigenous peoples to protected areas should be allowed but regulated, and it also implies restrictions on access to firewood. Regarding indigenous rights, the revised Prodoc acknowledges 'customary rights... to land, water, and natural resources', but does not indicate how these rights will be respected and secured in the context of proposed activities. In the CO management response and action plan, the CO also committed to capacity development and training on UNDP's SES for key project partners, which the CO suggests has been carried out. The CO also committed to the 'creation of a participatory and effective project grievance mechanism' by February 2022. To date, only a TOR for a project-level grievance mechanisms has been shared by the CO and SECU has received no further evidence that the grievance mechanism has been established.

### III. NEXT STEPS

23. SECU will continue to monitor the Administrator's decision.
24. SECU will continue to receive further information regarding the reformulated project, and is awaiting adequate evidence that all requirements under the SES have been complied with in reformulating the project.
25. SECU will release another monitoring report in the first quarter of 2023 based on additional follow-ups with the CO and any further information received regarding the reformulated project.
26. SECU's efforts to monitor the implementation of activities in response to the Administrator's decision have necessarily been limited. This monitoring report should not be read to suggest that SECU approves of any measures advanced that SECU has not specifically commented on; any such approval would exceed SECU's mandate. SECU has not directly observed project activities, and its monitoring efforts have been predicated on the supply of information by the CO. As such, SECU's monitoring efforts do not prejudice the rights of local communities to bring



any other relevant information to the attention of SECU and/or to file a complaint if they perceive that the SES are not being met in the context of new activities.