

Petition of Inga local communities likely to be affected by the construction of the Inga 3 dam

To the attention of:

- His Excellency Joseph Kabila, President of the Democratic Republic Congo in Kinshasa;
- His Excellency Jacob Zuma, President of the Republic of South Africa in Pretoria;
- The President of the World Bank Group, Dr. Jim Yong Kim. Washington DC
- His Excellency the President of the Senate in Kinshasa;
- His Excellency the President of DRC National Assembly in Kinshasa
- His Excellency the Prime Minister, DRC Head of Government in Kinshasa;
- Honorable Minister of Energy and Water Resources in Kinshasa;
- Her Excellency Honorable Minister of Justice and Keeper of the Seals in Kinshasa;
- Honorable Minister of Environment, Nature Conservation and Tourism in Kinshasa;
- His Excellency the President of the Provincial Assembly of Bas-Congo in Matadi;
- His Excellency the Governor of the Province of Bas-Congo in Matadi;
- The . Chairman of the Board of Directors of the World Bank Group in Washington;
- The Chairman of the Board of Directors of the African Development Bank in Tunis
- The President of the European Union in Brussels;
- The. Chairman of the United Nations Human Rights Committee in Geneva;
- The President of the African Commission on Human and Peoples' Rights in Banjul/ Gambia;
- The Administrator of the territory of Seke Banza in Seke Banza;
- Heads of Sectors of Lufu and Isangila in Nsanda and Isangila;
- Head of the City of Inga in Inga;
- The Director and Chief Executive Officer of the National Electricity Company (SNEL) in Kinshasa;
- The Provincial Director of the National Electricity Company (SNEL) in Bas-Congo in Matadi;

Your Excellencies, Ladies and Gentlemen,

We the local communities and customary landowners (Clans Makhuku Vunda, Makhuku Manzi, Makhuku Futila, Ngimbi, Numbu and Mbenza) of Inga, Inhabitants of Camp Kinshasa and villages Mvuzi 3, Lubuaku, Lundu, Kilengo, Kulu 1, Kulu 2, Kulu 3, Kimufu, Manzi, Yalala, Lufundi 1, Lufundi 2;

Under Article 27 of the Constitution of the Democratic Republic of Congo and its other provisions guaranteeing fundamental rights and freedoms of all Congolese citizens without any discrimination, we the people collectively present our petition with respect to the social and environmental impacts of the construction project of the Inga 3 dam.

Reason / Explanatory statement

Thanks to the support and guidance of the NGO Action for Human Rights, Environment and Life, ADEV, the local communities and customary landowners of Inga are now informed of the progress of the construction project of the Inga 3 dam. Since the 9th of October 2013, we elected an all inclusive local committee of both the people and local customary landowners. This committee called "Convergence for the Rights and Interests of People Affected by the Inga Dams" in other words CODICLI serves as the representative and advocate of the populations concerned, at the forefront of the positive commitment to defend the rights and interest of local communities that will be affected by construction activities of the Inga 3 dam.

While supporting government's efforts in achieving initiatives aimed for the development of the Democratic Republic of Congo, the people and customary landowners of Inga are nevertheless deeply concerned about the social and environmental impacts of the Inga 3 dam, which constitute the reasons for this petition:

Pending past issues

The acquisition of the original Inga site is still the subject of great concern over the rights of land of customary chiefs and that must be resolved with landowners from the 6 clans before addressing the issue of Inga 3. This situation more worrying as it directly affects the survival of the clan members Makhuku Futila who no longer possess any land for their existence as a social group and as a cultural group enjoying their full rights. We therefore condemn in the strongest terms all maneuvers or schemes of bad taste that consider the acquisition of SNEL's concession at Inga as a closed case and we remain vigilant about this. The customary landowners from the six clans concerned firmly believe that with respect to the cultural identity, their communities have the rights to a living space and livelihood on their ancestors land.

They stand up against all maneuvers of being uprooted and the total destruction of their livelihood as human being with rights.

The relocation of communities and environmental impacts of Inga 3 dam

We are very concerned about some statements made in the Terms of Reference on "The Resettlement Action Plan (RAP) of inhabitants in Camp Kinshasa and Villages located in the concession of the National Electricity Company (SNEL) at Inga", in particular those citing that solely 5 villages will be subject to relocation.

While recognizing that these communities will be hit hard, we also draw your attention to the fact that the flooding of the Bundi valley which is the agricultural hub for a large number of people in the region will cause colossal impacts and collateral effects on the environment in general with immediate consequence of the inevitable destruction of the livelihoods of the local communities affected. Local communities are strongly opposed to the relocation and we consider it an attempt to destabilize the community. The uprooting will certainly result in the loss of livelihoods, culture and social identity. This is unacceptable.

Entire villages including the village of Kimufu dependent on the Bundi valley as a local pool will also be affected. Also the Mumbazi, Makongo, Tusenga, Batsimba and Makhuku rivers that feeds the Bundi River will be submerged by the flooding of the valley not to mention the biodiversity of the area which has a distinctive fauna including buffalo and great apes (chimpanzees). The area to be flooded is also home to sacred sites that hold cultural values for local communities.

Villages (Yalala, Lufundi 1 Lufundi 2 Ntombo and Sombo) downstream of the Inga 3 Dam site will suffer impacts on aquatic biodiversity of the Congo River, which will inevitably affect fishing, their main means of survival. It should also be noted that the falls of Yalala on the Congo River, in addition to their attraction and touristic importance, is home to an island that is for the whole province of Bas-Congo, a single nesting site for migratory and marine bird species.

Consultation of local communities

Local communities that will be affected by construction activities of the Inga Dam 3 should be consulted under terms defined by local communities with respect to relocation to a place of their choice, with reasonable notice, with available interpreters to form discussions about the communities concerns. Local communities should thus actively participate in the whole process of implementation of the Inga 3 project. Free and informed consent should be the rule during the consultation processes. We denounce and reject in advance any attempt or act to impose local communities or any implied explicit or tacit support of a policy that does not guarantee the rights of people who will be affected.

The involvement of the World Bank (WB) and the African Development Bank (AfDB)

We are aware that the Inga 3 project emerged from the pre-feasibility study and the feasibility study financed by ADB; This particular study claims that this huge project Inga 3 will not affect any property or community and will not cause any involuntary displacement even though the funding that the World Bank has recently granted to the Congolese Government for technical assistance in the development of the mega hydroelectric project Inga 3 will be topped up by more funding from the ADB; Ultimately the accumulated fund will be used to fund studies whose Terms of Reference of some of them produced by the Management Unit Inga Project 3 (CGI 3) of the Ministry of Water Resources and Electricity DR Congo recognizes the need of relocation and resettlement. We invite the World Bank and the African Development Bank to ensure most effective use of their funds and that these funds are not used to break a population already devastated by poverty and whose only means of livelihood are being threatened by the Inga 3 project. The rights and interests of the affected community must be scrupulously respected. The World Bank and the African Development Bank should strictly adhere to the banks' internal policies and procedures for safeguarding human rights and environmental issues related to the projects they are financing.

Considering the relevance and sensitivity of our various concerns clearly stated above:

WE EXPRESS our willingness to delegate to the NGO ADEV the mandate to represent us and accompany us on all valid questions about our rights and interests in connection with implementation work of the the Inga 3 project and other dams like Inga 4, etc..

WE ASK:

1. An Environmental Impact Assessment and Social studies to be conducted independently to accurately determine the true extent of the impacts that will be generated by the Inga 3 project in particular and the Grand Inga Project in general; These studies should be headed and led by local communities and civil societies;
- 2 The establishment of a commission to finally and fairly adjudicate the unfinished conflict between the customary landowners of Inga and the National Electricity Company in connection with the acquisition of SNEL's concession at Inga;
- 3 The facilitation of a participatory mapping of customary lands of the local communities that will be affected by the activities of the Inga 3 project;

- 4 Facilitating a comprehensive inventory of all tangible and intangible goods/assets of the people who will be affected by construction activities of the Inga 3 Dam;
5. Facilitate in a participatory and negotiating manner the demarcation of the land in which is the supposed concession of SNEL to determine the exact boundaries. This work will need the participation of customary landowners from the six clans who have been affected by the acquisition of Inga and other people that could contribute to its effective implementation;
- 6 The development and application of a consultation agreement or protocol of the affected local communities that the developer and all consultants must follow;
- 7 The negotiation and conclusion of an agreement that ensures that an agreed percentage of the net profits generated by Inga 3 is allocated annually over the life of the Grand Inga Project to the landowners from the six clans affected by the acquisition of Inga (Makhuku Vunda, Makhuku Manzi, Makhuku Futila, Ngimbi, Numbu and Mbenza) in order to promote their long-term development; The fund will also contribute to a sustainable local development;
- 8 The establishment within SNEL concession of an enclave for the Clan Makhuku Futila, which has lost possession over all its land, this is to ensure the survival of its members and the affirmation of cultural identity;
9. To be conducted in strict compliance with the rights and interests of the people affected individually and collectively a fair compensation for all the damages they have to undergo; The compensation is also relevant for people and communities living downstream of Inga 3 and those whose livelihoods will be indirectly affected by construction activities of the Inga 3 Dam;
10. That the developer who will be designated for the construction of all the works of the Inga 3 Dam is devoid of any hint of corruption and that the developer's past experience elsewhere is not tainted by human rights abuses;
11. That, in accordance with human rights and Congolese law, all legitimate reparation for damages experienced by the local communities should rely on the exhaustive and impartial inventory of the tangible and intangible assets of the people who will be affected by construction activities of the Inga 3 Dam, A statement sheet will be produced for this purpose by CODICLI;
12. May the guidance and support of the NGO ADEV be permanent throughout this process of implementation of the Inga 3 project, step by step, in order to continuously strengthen us and effectively contribute to the compliance of our human rights, which are threatened by the project Inga 3;

13. A meeting in the coming months with the participation of all stakeholders and the services of a mediator to facilitate discussion so that SNEL, other government officials, the World Bank and the African Development Bank come to hear the community concerns and then discuss their requests and concerns.

Signed at Inga in May 2014