

A Resource Manual for Communities in Africa



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Introduction

Development should always improve lives and never cause harm. Development projects such as hydroelectric dams, roads, power plants, and mines can displace communities and damage the land and rivers that they need for their livelihoods. When projects are planned and implemented in your community, it is your right to receive information about the project and how to respond. Increased participation by communities can help prevent harm and lead to the kind of development that your community wants.

This community guide aims to introduce people who face harm or potential harm from large-scale development projects to their

rights under international laws and standards. We have written this guide for community groups in Africa who are faced with large destructive hydropower projects, with the aim of making this information readily accessible and user-friendly. It includes basic information on human rights, sustainable development, free and prior informed consent, and case studies of communities that have succeeded in asserting their rights to participate in decision-making around projects that affected their lives.

We have included resources and contacts at the end of the guide for those wishing to access more detailed information, project-specific advice, or to get help filing a complaint.



Sustainable Development is a Human Right

What is Sustainable Development?

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Development is sustainable when it considers the economic, environmental and social impacts of a project rather than purely economic gains.

When development fails to improve people's livelihoods and does not ensure environmental sustainability, our lives and surroundings are affected or damaged as 'negative development' changes the landscape and exhausts our resources. Here, 'negative development' refers to development projects that lack public participation, transparency, and human rights and environmental safeguards, thus leading to negative impacts on the environment and people's livelihoods.

The Sustainable Development

Goals (SDGs) are a collection of 17 interlinked global goals designed to help achieve a better and more sustainable future for all. The SDGs were set up in 2015 by the United Nations General Assembly with the goal of being achieved worldwide by the year 2030.

Here is a short video in simple English with subtitles about the **Sustainable Development Goals**: https://www.youtube.com/ watch?v=M-iJM02m_Hg

What are Human Rights?

We all have basic needs, such as enough food to eat, clean water to drink, and healthcare when we get sick. We also have basic freedoms, such as the freedom to spend time with our family and friends, to express our thoughts and beliefs, to have a safe home, and to practice our religion. The ability to meet our basic needs and enjoy our basic freedoms are all part of our human rights.

Everyone, everywhere, has these human rights – men and women, young and old, rich and poor, no matter where they were born or what they believe. These rights cannot be taken away, and must be respected at all times.

Where Do Human Rights Come From?

Human rights come from the common values of cultures and communities around the world. These values are shared by many different societies and countries, and support the same idea that all human beings should be treated with respect.

Unfortunately, throughout history people have lived through terrible suffering, often caused by governments and militaries attempting to take or maintain power. Events like these have made people believe that rules must exist to prevent such violence. These rules are called Human Rights Law.

Extreme acts of violence, like murder and torture, are one form of terrible human rights abuse. But human rights abuse also means preventing people from having clean water, enough food, a decent place to live, education, or the ability to live free from fear.

The United Nations and the Universal Declaration of Human Rights

The United Nations is an international organization made up of most of the world's countries. Its purpose is to prevent conflicts, support economic development, and promote human rights. When the United Nations was founded, representatives of all the nations present agreed upon certain rights, written down as the Universal Declaration of Human Rights (UDHR). The need for a Universal Declaration of Human Rights arose from the atrocities of World War II.

The Universal Declaration of Human Rights is not legally binding, meaning that it is not in and of itself enforceable by law. But it is still a very important document because many of its provisions have become legal through other human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic and Social Rights (ICESCR).

Writing down our rights does not ensure that they will be protected, however. Rights are not rights only because they are made into declarations and human rights law. Unlike laws, rights exist whether or not they are written into law. We are born with rights.

Since the Universal Declaration of Human Rights was written, people's movements have mobilized to gain legal acceptance for many other rights, including social, political and cultural rights. Part of protecting human rights is recognizing that we must constantly work to have rights made into law, to ensure that human rights laws are enforced, and to broaden the ways that both rights and laws can protect us. These include legal documents such as the International Covenant on Civil

and Political Rights (ICCPR) and the International Covenant on Economic and Social Rights (ICESCR).

You can find the **Universal Declaration of Human Rights** in many different languages here: http://www.unhchr.ch/udhr/index.htm.

The International Covenant on Civil and Political Rights can be found here: https://www.ohchr. org/en/instruments-mechanisms/ instruments/international-covenantcivil-and-political-rights

The International Covenant on Economic and Social Rights can be found here: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights

Here is a short video about your rights under the **Universal Declaration of Human Rights** in English: https://www.youtube.com/ watch?v=hTlrSYbCbHE and in French: https://www.youtube.com watch?v=AFmGZy4JXxc

Free, Prior and Informed Consent

Free, Prior, and Informed Consent (FPIC) aims to protect the human rights of people affected by largescale development projects. FPIC is a form of legal protection for Indigenous people and is an important part of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and many other international agreements.

What does free, prior, and informed consent mean?

 "Free" means the ability to make decisions on your own or within your family or community without

- the threat of force, coercion, intimidation, or bribery.
- "Prior" means before. Any people who will be affected by a project must give their approval before the project starts, or the project cannot go ahead. It also means that people should be involved in the planning process at the very beginning, when the project is just an idea. Prior refers not only to before the start of a project, but before any change or expansion is made to the project.
- "Informed" means that all of the important facts are made clear and are understood by everyone involved. This information should be translated into local languages so that it's accessible to everyone. This includes environmental, health, and social impact assessments, project feasibility plans, and the terms of compensation and resettlement.
- "Consent" means agreement or approval. In the case of a longterm development project, it means on-going agreement by everyone involved. It also means that the authorized representatives of the communities—the real community leaders—are the ones to communicate this decision—not just any person that the project owners may pay to say yes.

Free, prior, and informed consent is a collective right. In order for a project to go ahead, the community must make a decision together, according to their own traditional collective decision-making processes. If these decision-making processes lead the community, or parts of the community, to want to reject the project, then this decision must be respected.

If there is conflict, there is no consent. Often, some parts of a community may support a project while other parts of the community oppose the project. Some project developers might try to divide the community into those who are "for" and those who are "against". This can undermine the ability of a community to make a collective decision on the project, and can lead to ongoing tensions in the community.

It is also possible that several communities will be affected by a project, but that one community will be affected more than others. In this case, it is important to try to develop a common approach with other communities, so that the worst affected communities have the strongest voice.

Communication is not consent. It is important to talk to project developers and officials as you monitor a project. But talking with the developers doesn't mean you agree to the project. You are simply claiming your right to gather information.

Only informed consent is real consent. When we make a decision without having all of the information about the impacts that decision may have in the future, we are likely to make a bad decision. In the case of large development projects, no consent should be given without having as much information as possible. It is the responsibility of the project developer to make this information available.

Consent must be ongoing. Project developers must ask for community consent in the early stages of project planning and again before each new stage of the project. This means that if you agree to an aspect of the project at the first stage, the developer must obtain your consent again at the next stage. If resettlement of the community is likely, the terms and conditions must be negotiated with the community and the resettlement, too, must be done according to the principles of free, prior and informed consent.

You can watch a video about **free**, **prior and informed consent** by Asia Indigenous Peoples Pact (8 minutes, in English with no subtitles) here: https://vimeo.com/66708050

Your Right to FPIC under International Law

Your right to free, prior, and informed consent is protected by a number of international laws and treaties.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Article 32(2) clearly defines FPIC as a right of Indigenous peoples in the following articles:

- Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
- Article 11 (Point 2): States shall provide redress through their effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
- Article 19: States shall consult and cooperate in good faith with Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative and administrative measures that may affect them.



- Article 26 (Point 1): Indigenous peoples have the full rights to the lands, territories and resources, which they have traditionally owned, occupied or otherwise used or acquired.
- Article 26 (Point 2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use as well as those which they have otherwise acquired.
- Article 28 (Point 1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation for the lands, territories and resources which they have traditionally owned or otherwise occupied or used and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
- Article 29 (Point 2): States shall take effective measures to ensure

- that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
- Article 32 (Point 2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their representative institutions in order to obtain their free, prior and informed consent to any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

You can read the full version of **UNDRIP** here: https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

Here is a video about **Indigenous peoples' rights** under UNDRIP: https://www.youtube.com/watch? v=-_N5jgW0U9M&list=PL3wMNWLqWmE3_bmAUut53Lzr5IXYPLWMi



The free, prior and informed consent of non-indigenous project-affected communities must also be supported. **The United Nations Declaration on the Right to Development** acknowledges your right to participate in all development processes:

- Article 1.1: "The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development..."
- Article 2.1: "The human person is the central subject of development and should be the active participant and beneficiary of the right to development."
- Article 8.1: "Effective measures should be undertaken to ensure that women have an active role in the development process."

You have the right to development that does not harm you, and you have the right to fairly benefit from development that affects you:

- Preamble: ... "the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms."
- Article 6.3: "States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights."
- Article 8.1: "States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income."

You have the right to fairly benefit from development that affects you:

Article 2: "States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom."

You can read the full version **United Nations Declaration on the Right to Development** here: https://
www.ohchr.org/en/instrumentsmechanisms/instruments/
declaration-right-development

The International Labor Organization Convention on Indigenous and Tribal Peoples No. 169 requires that Indigenous peoples not be removed from their land and territories arbitrarily. The convention stresses no relocation without consent, and informed participation in the context of development. The following five articles of the convention refer to the right to FPIC directly:

- Article 6, Point 1: In applying the provisions of this Convention, governments shall:
 - a. consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;
 - b. establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels

- of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;
- c. establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.
- Point 2: The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.
- Article 7, Point 1: The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual wellbeing and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.
- Point 2: The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and cooperation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.

- Point 3: Governments shall ensure that, whenever appropriate, studies are carried out, in cooperation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.
- Point 4: Governments shall take measures, in cooperation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.
- Article 14 (Point 1): The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.
- Article 15 (Point 1): The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

Article 16 (Point 2): Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.

You can read the full version of the International Labor Organization Convention on Indigenous and Tribal Peoples No. 169 here: bit.ly/ILOc169

Other international law and agreements that support the right to development and free, prior and informed consent include:

- Article 19 of the International Covenant for Civil and Political Rights: bit.ly/ICCPRa19
- The Convention on Biological Diversity (CBD): https://www.cbd.int/convention/text
- Guidelines and recommendations by UN Special Rapporteur on the right to development: bit.ly/ UNSRright2devreport

The African Charter on Human and Peoples' Rights

The African Charter on Human and Peoples' Rights is an international human rights instrument that is intended to promote and protect human rights and basic freedoms on the African continent. Oversight and interpretation of the Charter is the task of the African Commission on Human and Peoples' Rights, which is based in Banjul, Gambia.

Article 13 of the African Charter states that:

- Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
- Every citizen shall have the right of equal access to the public service of the country.
- Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Article 22 of the African Charter states that:

- All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.
- States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

54 African countries, known as member states, have ratified the African Charter.

The African Commission on Human and Peoples' Rights has also interpreted this article in cases like the Endorois and Ogiek decisions, affirming that development projects (like dams, mining, or conservation) must not violate communities' rights to land, culture, and participation.

■ Endorois case (Kenya, 2010)

African Commission on Human and Peoples' Rights, Communication 276/2003

The Endorois community was displaced from their ancestral land to create a game reserve. The Commission held that Kenya violated Article 22 because the community had not been consulted, nor shared in the benefits of development. The outcome of the case was that development must be participatory, benefit-sharing, and respect cultural identity.

Ogiek case (Kenya, 2017 – African Court)

African Court on Human and Peoples' Rights, Application 006/2012

The Ogiek were evicted from the Mau Forest. The Court ruled that Kenya violated their right to development (Art. 22) since the Ogiek were excluded from decision-making about the forest's management and denied benefits.

The African Commission ensures that the member states are doing their duty to protect their citizens' rights. This means that you may file a complaint to the African Commission if you can show that your government has failed to protect your rights and the rights of your community.

You can also file a complaint against a state-owned company by showing that the company is causing harm to citizens of your country. To file a complaint against a private company, you must show that your government has failed to protect its citizens by allowing the private company to cause them harm. The Commission's recommendations will put pressure on your government to improve the situation.

If the African Commission considers that a state has not adequately addressed human rights violations, it may refer the case to the African Court on Human and Peoples' Rights. One example of such a case is the African Court's 2010 ruling that the expulsion of the Endorois people from their land in Kenya was a human rights violation. In its ruling, the Court held that the right to development includes the right to self-determination, which is fulfilled through effective participation.

You can find detailed information on the case here: https://www.forestpeoples.org/sites/fpp/files/publication/2013/11/endorois-decision.pdf

The African Court is located in Tanzania, and the decisions of its judges are legally binding, meaning that they can be enforced by law. In the long term, filing a complaint can also help to ensure that future violations do not happen, such as through the creation of new laws and improved access to the African Court for people who have been harmed.

You can find the full version of the **African Charter** here: https://www.justice.gov.za/policy/african%20 charter/1981_AFRICAN%20 CHARTER%200N%20HUMAN%20 AND%20PEOPLES%20RIGHTS.pdf

National Laws

It is important to recognise that not all international instruments are legally binding. While treaties and conventions become binding on states once they are ratified, instruments such as declarations, guidelines, principles, and most resolutions are considered 'soft law' and are not legally binding.

For international commitments to have domestic effect, countries usually need to incorporate them into their national legal frameworks, so that they are enforceable within their jurisdiction.

It is therefore important to research which of your own country's laws may have been violated by a project. The right to free, prior and informed consent is protected by the constitution and national laws of many African countries.

Even when national laws protect community rights to FPIC, things can still go wrong. Corruption, poor or no enforcement, or a lack of independence in government agencies responsible can create problems for communities trying to claim their right to FPIC.

What laws does your country have to protect your right to free, prior and informed consent, and how have communities used these laws to assert their rights?

Case Study: Epupa Hydropower Namibia

The Kunene River forms part of Namibia's border with Angola. The idea of damming the Kunene dates back as far as the Germans occupation of Namibia. In 1991, the Namibian and Angolan governments began exploring a potential hydropower project. Two sites were identified, at Epupa and at Baynes on the Lower Kunene. The debate around Epupa garnered much attention, and the Indigenous Himba people were very vocal in their opposition.

As the feasibility study for the dam was being prepared with funding from Norwegian and Swedish aid agencies, two senior Himba chiefs – the late Chief Paulus Tjavara and headman Hikuminue Kapika – visited Europe to try to dissuade development banks and other investors from supporting the project. They met with the director of the Norwegian agency doing the feasibility study, and asked them to stop funding the project "because you cannot imagine the serious consequences it will have."

If built, Epupa would flood 250 square miles of land inhabited by the indigenous OvaHerero of Kaokoland (known as the OvaHimba) and affect thousands of people. The reservoir



would flood ancestral graveyards as well as critical dry-season grazing lands for which no suitable replacement land exists.

"If you decide to fund the project, you will take part in destroying everything that belongs to the Himbas,"

Chief Kapika said.1

The Traditional Leadership of the Kunene Region also made an official submission to the Namibian government demanding that the project proceed in line with the democratic principles to which the Government has committed itself. They also demanded that the government adhere to the spirit of the Namibian Constitution, which requires that any such development plan be discussed and jointly agreed upon by all the stakeholders concerned. With international resistance also mounting, the project was shelved.

International Rivers, "Background on Epupa Falls," (2005) https://www.riverresourcehub.org/resources/backgroundon-epupa-falls-2665/ (Accessed 15 September 2025)

After successfully opposing the proposed Epupa Dam in the 1990s, the OvaHimba once again face the threat of displacement from the Baynes hydropower project on the Kunene River — an 860 MW dam, including a 21 MW balancing dam, which is expected to flood at least 57 square kilometers of their ancestral lands. In 2020, International Rivers partnered with local organizations to conduct a scoping visit to OvaHimba communities on the Namibian side of Kunene that would be directly impacted by the construction of the dam.

Many of the OvaHimba believe that building the dam will destroy their livelihoods and culture. As one Epupa community member expressed,

"We want to remain in our culture like our forefathers. We feel the dam is our death. We want to live under the trees. We don't want their promises. Hospitals and schools are promised if we agree to the project, but the existing clinic has no medicine. The land is our bank. We don't go

to ATMs; our wealth is our land, forest, and livestock. We don't want our bank under water. The holy mountains and all must be treated with respect."²

The Namibian and Angolan governments hope the dam will help reduce their reliance on imported electricity and fossil fuels, but better alternatives exist, including abundant – and less destructive – solar and wind resources

International Rivers and Earthlife
Namibia have commissioned
independent research to analyse the
costs, risks and impacts of pursuing
hydropower versus solar and wind
which has been made available
to decision-makers in Namibia.
Communities have worked with civil
society groups to consider alternatives
that are community led and would
benefit them and their ways of life.

See international Rivers and Earth Life Namibia's commissioned independent study titled Least-cost energy investment study for Namibia here https://www.internationalrivers. org/resources/reports-andpublications/least-cost-energyinvestment-study-for-namibia/

² https://archive.internationalrivers.org/blogs/1259/with-a-new-dam-proposed-on-the-kunene-river-the-himba-people-mobilize-to-permanently



Development Finance Institutions

Even if your country's laws do not provide adequate protection, your rights should be recognized by development finance institutions. Development finance institutions are banks that aim to alleviate poverty and promote economic development. Governments control development finance institutions. Some, like the African Development Bank, are multilateral, meaning that they arecontrolled by many governments.

Development projects such as dams, roads, power plants, and mines can displace communities and damage the land and rivers that they need for their livelihoods. Over the past decades, communities affected by large-scale development projects and their civil society allies have worked together to advocate for the creation of accountability mechanisms to

address these problems. Independent Accountability Mechanisms (IAMs), also called grievance mechanisms, are a tool that communities can use to hold international banks or companies accountable for harm they have caused.

Many development finance institutions require the financial intermediaries they work with to follow their social and environmental standards.

Therefore, it is important to find out if a project affecting your community has received funding from a development finance institution. If so, you can file a complaint using that development finance institution's independent accountability mechanism.

International Financial Corporation Performance Standards

Any individual or group that believes they are, or may be harmed by a project funded by the World Bank's International Finance Corporation (IFC) and Multilateral Investment Guarantee Agency (MIGA) can submit a complaint to the Compliance Advisor Ombudsman (CAO).

The IFC provides financing to private companies conducting business in developing countries. IFC loans have supported companies to build

and operate hydropower dams, oil and gas pipelines, and mines that have caused harm to communities and the environment. Any company receiving support from the IFC must follow the IFC Performance Standards on Environmental and Social Sustainability. You can make a complaint to the CAO if you feel that any of these policies and standards have been violated.



The eight IFC Performance Standards are:

- 1. Assessment and Management of Environmental and Social Risks and Impacts: Establishes the importance of identifying the environmental and social impacts of a project; engagement with local communities; and the management of environmental and social performance throughout the project.
- 2. Labor and Working Conditions:
 Recognizes the importance of
 protecting workers' rights, as well
 as promoting non-discrimination
 and equal opportunities in safe and
 healthy working conditions.
- 3. Resource Efficiency and Pollution Prevention: Aims to avoid negative impacts on health and the environment by minimizing pollution from projects, promoting sustainable use of resources and reducing project-related greenhouse gasses.
- 4. Community Health, Safety and Security: Addresses the responsibility to avoid risks to community health, safety and security as a result of project activities. Ensures the safeguarding of personnel and property in accordance with human rights principles.
- 5. Land Acquisition and Involuntary Resettlement: Stresses that involuntary resettlement should be avoided, and if it is unavoidable, it should be minimized and appropriate measures should be taken to mitigate adverse effects on affected individuals or communities.

- Biodiversity Conservation and Sustainable Management of Living Natural Resources:
 - Companies should avoid impacts on biodiversity and ecosystem services, and when impacts are unavoidable, they should implement measures to minimize impacts and restore biodiversity and ecosystem services. This includes direct and indirect impacts that are related to projects.
- 7. Indigenous Peoples: Ensures that the development process respects the human rights, dignity, aspirations, culture and natural resource-based livelihoods of Indigenous Peoples. It also requires free, prior, and informed consent of Indigenous communities.
- **8.** Cultural Heritage: Recognizes the importance of cultural heritage for current and future generations and requires that the client should identify and protect cultural heritage.

If you feel that the rights of your community to participate in decisions around a development project may be violated, you can read more about how to file a complaint with the project developers here: https://www.internationalrivers.org/news/new-resource-a-community-guide-to-independent-accountability-mechanisms/.

This guide was written specifically for communities in Africa, and provides an introduction to the process of filing a complaint, and the various accountability mechanisms available. It includes resources and contacts for those wishing to access more detailed information, project-specific advice, or to get help filing a complaint.



Photo | Elias Jika, International Accountability Project

Case Study: The Lilongwe Water Project, Malawi

The goal of the Lilongwe Water Project was to expand access to water services for the city of Lilongwe. The project plans included construction of the Diamphwe Multipurpose Dam. According to World Bank documents, the dam and its associated infrastructure would negatively impact 30,535 people. With the creation of a reservoir, communities would lose their farmland, livelihoods, housing and access to common resources like schools, markets and graveyards. The dam would also have negative and irreversible impacts to the environment, affecting natural habitats and wildlife.

The World Bank requires governments or investors to involve affected people in the design of a project, and to show

proof of their involvement before the project is approved for funding. In a violation of their right to public participation, communities were notified about the Lilongwe Water Project only after plans had been finalized

After learning about the project, civil society allies at the International Accountability Project reached out to Citizens for Justice (CFJ)- a local organization in Malawi- to share project information with the communities that would be affected.³ It took these civil society groups great effort to locate and request information that should have already been public and accessible; doing so alone would have been much more difficult for local residents.⁴

³ Elias Jika, and Kumar Preksha,"The Banks May Be Gone but Communities Still Pay the Price for Poor Development Planning." Accountability, Medium, https://accountability.medium.com/the-banks-may-be-gone-but-communities-still-pay-the-price-for-poor-development-planning-a97bf361f312 (Accessed: 15 September 2025)

⁴ Mwebe, John. "Community-led Research in Malawi Leads to Changes in Major World Bank Project." Accountability, Medium, https://accountability.medium.com/community-led-research-in-malawi-leads-to-changes-in-major-world-bank-projectb431fd5dbb80 (Accessed: 15 September 20250

IAP and CFJ worked closely with affected communities to conduct community-led research that identified many risks associated with the project, including a flawed consultation process. Of community members surveyed, 90% had heard about the project only after plans had been finalized, and 76% indicated that despite community engagement around the resettlement process, they did not have the information they needed to make informed opinions about the project plans. Most did not know how to access project information.

44% of community members said they did not feel safe enough during consultations to share their true opinions about the project. As one respondent noted, "Project developers forced us to declare our land and threatened that the land will not be compensated if one does not take part in the process."

Armed with the results of the community-led research, IAP and CFJ urged the World Bank and others not to approve the project unless a clear plan for consultation and resettlement was developed. Ultimately, the banks who were expected to finance the project-the World Bank, African Development Bank (AfDB) and European Investment Bank (EIB)- decided to withdraw their support.

"I can speak for my people when I say that we are glad the banks have chosen not to finance the project"

said one local chief.5

The good news, however, may be short lived. In the latest news, The latest is that the government of Malawi has secured funding through local banks to revive the project. This means residents will continue to face the same resettlement and environmental risks. The community members will continue to work with civil society allies, developing new ways to conduct advocacy and engage with decision makers, especially the government of Malawi.

You can learn more about how to file a complaint with the African Development Bank Independent Recourse Mechanism here: https://www.afdb.org/en/about-us/organisational-structure/independent-review-mechanism-irm

You can learn more about doing **community-led research** from this publication by International Accountability Project: https://accountabilityproject.org/wp-content/uploads/2018/11/IAP-Comm-Act-Guide-web.pdf

Elias Jika, and Kumar Preksha, "The Banks May Be Gone but Communities Still Pay the Price for Poor Development Planning." Accountability, Medium, https://accountability.medium.com/the-banks-may-be-gone-but-communities-still-pay-the-price-for-poor-development-planning-a97bf361f312 (Accessed: 15 September 2025)

⁶ Nation Online. "Salima-Lilongwe Water Project Pushed to March." https://mwnation.com/salima-lilongwe-water-project-pushed-to-march/ (Accessed: 15 September 2025)

The African Development Bank Independent Review Mechanism

The Independent Review Mechanism (IRM) of the African Development Bank (AfDB) is the Bank's accountability mechanism. It was created so that people or communities who are negatively affected by AfDB-financed projects can raise complaints and seek redress.

The IRM has two main functions - complainants can choose one or both:

a. Problem-Solving (Mediation / Dialogue)

- The IRM helps the affected people and the project's sponsors/Bank find mutually acceptable solutions.
- Example: redesigning resettlement plans, adding community benefits, or improving mitigation measures.

b. Compliance Review (Investigation)

- A panel of experts investigates whether the AfDB failed to follow its own policies and procedures.
- If non-compliance is found, the IRM issues recommendations to the AfDB's Board on how to fix the problems.

Individuals, groups, or communities in a Regional Member Country of the AfDB can submit a complaint if they believe that a project funded by AfDB has caused, or is likely to cause, harm to their rights, health, livelihoods, or environment. Complaints can be submitted directly or through representatives (e.g. NGOs).



Case Study: Gibe III Dam in Ethiopia

With this hydropower project, affected Indigenous groups and NGOs filed a complaint⁷, arguing the project threatened their livelihoods, culture, and ecosystems (especially Lake Turkana communities).

The IRM⁸ conducted a preliminary investigation following the 2009 complaint and commissioned two studies, but the AfDB withdrew from the project and the IRM did not produce a final report on compliance.



⁷ https://www.afdb.org/en/documents/document/notice-of-registration-rq-2009-1-15517

⁸ https://www.afdb.org/en/independent-review-mechanism/management-of-complaints/registered-requests/rq-20091-ethiopia



The World Commission on Dams

An estimated 80 million people have been displaced by dam projects worldwide. In response to international concern around the harm to communities and the environment caused by large dams, the World Bank and the International Union for Conservation of Nature (IUCN) initiated the World Commission on Dams (WCD) in 1997. The WCD prepared the first

global, independent review of large dams. The process was transparent and participatory, and extensive research was done. The WCD found that the economic, social and environmental costs of large dams are high and often outweigh their benefits, and that alternatives for water and energy are available, viable, and often untested.

⁹ iDMC, Case Study Series, https://www.internal-displacement.org/publications/case-study-series-dam-displacement/#:~:text=An%20estimated%2080%20million%20people,these%20impacts%20are%20long%2Dlasting (Accessed 15 September 2025)

As a result of these findings, the WCD made a series of recommendations, including the following:

- No dam should be built without the "demonstrable acceptance" of the affected people, and without the free, prior and informed consent of affected Indigenous and tribal peoples.
- Comprehensive and participatory assessments of people's water and energy needs, and different options for meeting these needs, should be developed before proceeding with any project.
- Priority should be given to maximizing the efficiency of existing water and energy systems before building any new projects.
- Periodic participatory reviews should be done for existing dams to assess such issues as dam safety, and possible decommissioning.
- Mechanisms should be developed to provide reparations, or retroactive compensation, for those who are suffering from existing dams, and to restore damaged ecosystems.

As an internationally respected commission, the WCD's findings and recommendations can carry great weight in dam debates and decisions worldwide. NGOs and people's movements can use the WCD report to stop or modify destructive dam projects, promote alternatives, encourage greater accountability and performance of development processes, and push for new models of decision-making around development planning. Some ideas for how you can use the report include:

- Educate affected communities, NGOs and the general public about the WCD's findings and recommendations. Translate materials into local languages. Organize local, regional and national workshops for NGOs, affected communities, academics, students and government representatives to discuss the report.
- Prepare analyses of whether proposed projects comply with WCD recommendations and distribute them to government agencies and funders.
- Advocate for WCD recommendations to be incorporated into national laws and policies and pressure government institutions to formally endorse the recommendations.
- Push the World Bank, regional development banks, export credit agencies and bilateral aid agencies to adopt WCD recommendations into their policies and follow them in practice.
- Use the WCD recommendations to advocate for compensation for communities affected by existing dams.
- Organize community-based movements to identify and promote non-dam alternatives for water supply, energy and flood control.

For further information, you can find a **Citizens' Guide to the WCD** in English, French, and Spanish here: https://archive.internationalrivers. org/resources/citizens'-guide-to-the-wcd-3990



Public participation in development projects

Advocacy and Campaigning for Public Participation

Advocacy and campaigning refer to communications and actions you can use to get people to support your efforts to increase public participation in decisions that affect your home, livelihood and natural resources.

The first step in building your campaign is to ensure that all members of your community feel free to discuss, debate, and express their thoughts and opinions about the kind of development they wish to

see. The fight for your rights to free, prior, and informed consent will be most successful if your community is well-organized and informed, with all members enjoying equal access to information and equal roles in decision-making.

It is a good idea to identify strong women leaders in the community who are able to help guide the work and ensure that you are aware of issues unique to women and girls. You may need to take extra measures to ensure that everyone can participate in the conversation, such as having separate women-only or youth-only meetings.

Transforming Power is a guide to help communities campaigning on dams and for rivers to strengthen their gender practice and encourage campaigning in ways that are responsive to the interests of both women and men.

You can find the guide here: https://www.internationalrivers. org/resources/reports-andpublications/transforming-powera-gender-guide-for-organizationscampaigning-on-dams-and-forriver/

Before starting a campaign, discuss as a group what you hope to achieve. This may vary, especially among people who are directly and indirectly affected by a project. For example, one group of people may want to stop the project, while others may wish to receive fairer compensation. As these goals could potentially conflict, it is important to negotiate a common position before taking any action.

Once your team is organized around common goals, the next step is to document how the project is affecting your community, and which of their rights may have been violated. You can do this by working together to collect and record evidence of how people have been harmed, or how they may face harm should the project go forward. The more of this type of evidence you collect, the stronger your campaign will be. Doing this research will also help your community members to better understand the problems they face, build confidence in their knowledge and ideas, strengthen solidarity, and learn the necessary skills to campaign for fairer development.

Your research team should represent all the different types of people in the community, especially those who are often underrepresented. It is good to have an equal number of men and women. This will help you to understand how the project is affecting men and women differently, to make sure that women's voices are heard.

You may also reach out to allies such as university students, local civil society groups, or trusted government officials to help with your research. It is important for your community members themselves to be at the center of this work, however, so that they are able to build upon their own knowledge, customs, and traditions, and stay in charge of the campaign process.

Campaign Planning Checklist

Working together with your community members to answer the following questions will help you to prepare for your campaign.

1. What do we want? (Goals)

A campaign must begin with a sense of its goals. Among the goals some distinctions are important. What are the long-term goals and the short-term goals? What are the content goals (e.g. policy change) and the process goals (e.g. building a network among participants)? Goals need to be defined at the start to launch a campaign and sustain it over time.

2. Who can give it to us? (Decision-makers, Stakeholders)

Who are the people and institutions you need to influence? This includes those who have the formal authority to make change and those who have capacity to influence those with authority. An effective campaign requires an understanding of these stakeholders and the access or pressure points that are available to influence them.

3. What do they need to hear? (Messages)

Reaching these different audiences requires crafting and framing a set of messages that will be persuasive. Although these messages must always be rooted in the same core message, they need to be tailored differently to different audiences, based on what they are ready to hear.

4. Who do they need to hear it from? (Messengers)

The same message has a very different impact depending on who communicates it. Who are the most credible or persuasive messengers for different audiences? In some cases, these messengers are "experts" whose credibility is technical. In other cases, we need to engage the "authentic voices," those who can speak from personal experience.

5. How can we get them to hear it? (Actions/Tools)

There are many ways to deliver an advocacy message, such as direct action, media work, and litigation. The most effective means will vary according to the situation and target. The key is to evaluate and apply them effectively, often together in complementary ways.

6. What do we already have? (Resources)

An effective campaign builds on advocacy resources that are already there, such as previous campaign efforts, alliances, people's capacities, information and political intelligence.

7. What do we need to develop? (Gaps)

After taking stock of existing resources, the next step is to identify resources you need. This may include alliances or capacities to be built, such as media, research, technical expertise.

8. How do we begin? (First Steps)

In deciding on first steps, it is important to think about effective ways to move the strategy forward. What are some potential short-term and achievable activities that would bring people together and lay the groundwork for the next step?

How do we tell if it's working? (Evaluation)

Campaign strategy needs to be regularly evaluated by revisiting the questions above and seeing what is working. It is important to make corrections to your strategy as you go and be ready to discard actions that don't work when put into practice.





Best Practices in Public Participation

Identify objectives and expected results

In order to carry out a good public participation process, it is important to first identify your objectives and expected results. You may aim to achieve one or more of the following objectives:

- Inform, raise awareness, educate: People should have easy access to information. That information must be well publicized and available in a timely manner. People must have the opportunity to educate themselves and to harmonize group understanding of the advantages and disadvantages of a development project in order to allow for free and open exchanges.
- React, comment: The objective here is proactive. People must be able to react, comment, argue, and propose changes to the project.
- Take action: Here the objective is very dynamic. People must be able to take action.

2. Identify Stakeholders

To carry out a successful public participation process, it is important to ensure that noone is left behind. One of the first activities to carry out is the identification and analysis of stakeholders. Once stakeholders have been identified, it is helpful to categorize them into three groups. This will make it possible to identify the best methods and tools for public participation according to

the impacts of the project on each group's environment, community, and territory. The three groups are:

- Hit (directly impacted)
- Affected (indirectly impacted)
- Interested (very little or no impact)

3. Include underrepresented populations

In identifying stakeholders, it is important to focus on people who are at risk of being underrepresented or even absent from exchanges in the traditional context of project development. This may include, for example, less educated populations, newcomers, Indigenous peoples, women, people with disabilities, and people experiencing homelessness. Once identified, methods and tools can be developed to involve underrepresented populations and ensure equity.

4. Identify stages in the project development process

All projects go through different stages of development. These stages include:

- Identification of the need and reason for the project
- Brainstorm ways to carry out the project
- General project planning
- Preliminary project engineering
- Government authorizations (if applicable)
- Detailed project engineering
- Start of the project
- Follow-up after project completion

It is important to involve communities as early as possible in the project development process. Often, public participation occurs only at the government authorization stage as a legally required procedure.

Best practices in public participation recommend taking advantage of the knowledge of the territory by the people who live there by actively involving them as early as possible in the development of a project, i.e. at the need identification stage. Carrying out public participation very early generally makes it possible to ensure the best possible integration of a project into a community. This way, continuous adjustments can be made to a project while it is still possible and not too costly. A project should not be carried out if it is deemed unacceptable from an environmental or social point of view.

5. Determine levels of participation

The IAP2 Public Participation Spectrum is a useful tool to identify and agree upon the level of decision-making influence of various stakeholders and organizations in project development.

- The "Informed" level is necessary to support public participation activities at all other levels.
- The "Consult" level is generally required by legal processes. It is the most common and allows us to collect input and contributions from people and organizations regarding expectations, needs, concerns, ideas, and suggestions.

- The "Involve" level allows for more sustained exchanges between people and organizations. They then seek to better understand each other's points of view.
- The "Collaborate" level means sustained exchanges between
- people and organizations. This often results in partnerships.
- Finally, the "Empower" level means that the project initiator delegates the final decision to people and organizations.

IAP2 Spectrum of Public Participation

IAP2 developed The Spectrum of Public Participation to help groups define the public's role in any public engagement process. The Spectrum is quickly becoming an international standard.

	INCREASING IMPACT ON THE DECISION						
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER		
PUBLIC PARTICIPATION GOAL	To provide the public with bal-anced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.		
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.		

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6. Stimulate the participation of people and organizations

In order to actively involve as many people as possible, it is important to pique people's curiosity and stimulate their interest. Here are some examples of diverse public participation methods that generally produce good results:

- Participatory workshops in small groups
- Exploratory walks and field visits
- Open house type activities with kiosks and thematic tables
- Online consultations
- Participatory mapping

7. Maintain neutrality in the public participation process

Regardless of opinions, perceptions, positions in relation to a project, the people and organizations leading the public participation process should tend towards neutrality. That is to say, they should focus on the smooth running of the activity, compliance with measures in terms of EDI (Equity, Diversity, Inclusion) and ensure that the activity produces concrete results.

People and organizations leading the public participation process should therefore refrain from taking a position on a project or issue and instead concentrate on the active participation of the public and stakeholders by seeking out their expectations, needs and concerns.

8. Uphold a code of ethics

The International Association for Public Participation (IAP2) offers a **code of ethics in public participation**:

https://www.iap2.org/page/ethics?&hhsearchterms= %22code+ and+ethics%22.

Key points include:

Equity

Equity is about going well beyond equality. When we hold a participatory activity, we must ensure that all people and stakeholders are welcome. This is a matter of equality. However, it is often necessary to make even greater efforts by implementing equity measures. This may include meeting in smaller groups in the

community, providing translation into local and Indigenous languages, and being flexible regarding meeting times and places.

Diversity

Participatory activities should ideally bring together people with varied points of view and fields of interest and diverse expertise. This may include people with both formal and Indigenous or local knowledge in the fields of environment, fisheries, farming, culture, transportation, and security.

Inclusion

Being inclusive means aiming to allow all people in the community to participate in the process put in place. It is up to the organizations leading the public participation process to strive for the greatest possible inclusion and to do even better each time.

This is a brief overview of best practices in public participation. It is recommended that people and organizations who lead or participate in public participation processes develop their expertise by attending a training in public participation.

You can find more information here: https://www.iap2.org/page/training

Security

People sometimes receive threats or are harmed for advocating for their right to public participation. Could your campaign work bring about harm to you or your community members? For example, are there powerful people in your local area who will benefit if a development project goes forward? Is there a chance that they could retaliate?

Considering these risks, your community members must be able to make fully informed decisions about if and how they wish to participate in a campaign. Before taking any action, it is important to work as a group to assess the potential risks and make

a plan to minimize them. As your campaign work moves forward, it is good to develop a way to share information so that everyone involved feels safe throughout each step of the process. You can do this by identifying a safe place for meetings, and by identifying a safe way to share sensitive information, such as through encrypted email and messaging services.

You can find detailed information and guidance on assessing risks and creating a security plan in this publication by **Front Line Defenders**: https://www.frontlinedefenders.org/en/workbook-security





Additional Resources

Free, Prior, and Informed Consent

Guide to Free, Prior and Informed Consent by Oxfam Australia: https:// www.oxfam.org.au/what-we-do/ economic-inequality/mining/free-priorand-informed-consent/

Rights in Action: Free, Prior and Informed Consent (FPIC) for Indigenous Peoples by Asia Indigenous Peoples Pact: https://www.iwgia.org/en/resources/publications/305-books/3129-rights-in-action-free-prior-and-informed-consent-fpic-for-indigenous-peoples.html

Training Manual for Indigenous Peoples on Free, Prior and Informed Consent (FPIC) by Asia Indigenous Peoples Pact: https://aippnet.org/ training-manual-for-indigenouspeoples-on-free-prior-and-informedconsent-fpic/

Rights in Action: Free, Prior and Informed Consent (FPIC) for Indigenous Peoples by Asia Indigenous Peoples Pact bit.ly/AIPPFPICvideo

Dams and Development

Community Action Guide: What is Development: https://accountabilityproject.org/wp-content/uploads/2020/11/Community_Action_Guide_What-is-Development.pdf Realizing the Right to Development by the United Nations: bit.ly/ OHCHRright2development Community Action Guide on Community-Led Research available in available in English, Burmese, Khmer, Portuguese, Spanish, Russian, Uzbek, Thai and Vietnamese: https:// accountabilityproject.org/work/ community-organizing/communityaction-guides/

Dams, Rivers and Rights: An Action Guide for Communities Affected by Dams, available in 19 languages: https://www.internationalrivers.org/resources/capacity-building-tools/dams-rivers-and-rights-an-actionguide-for-communities-affected-by-dams-2007/

Transforming Power: A Gender Guide for Organizations Campaigning on Dams and for Rivers: https://www.internationalrivers.org/resources/reports-and-publications/transforming-power-a-gender-guide-for-organizations-campaigning-on-dams-and-for-river/

Citizen's Guide to the WCD (in English, French, and Spanish): https://archive.internationalrivers.org/resources/citizens'-guide-to-the-wcd-3990

Resettlement Guide for People Affected by Dam Development: https://www.youtube.com/ watch?v=cgLf4eMV138

The African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights brochure https://www.somo.nl/wp-content/uploads/2018/07/ACHPR-brochure-final.pdf by SOMO and Accountability Counsel

The African Commission on Human and Peoples' Rights Information Sheet No. 2: Guidelines for Submission of Communications, Organization of African Unity. https://www.achpr.org/public/Document/file/English/achpr_infosheet_communications_eng.pdf

Development Financial Institutions and Accountability Mechanisms

A Community Guide to Independent Accountability Mechanisms: https://www.internationalrivers.org/news/new-resource-a-community-guide-to-independent-accountability-mechanisms/.

Accountability Resource Guide: Tools for Redressing Human Rights & Environmental Abuses in International Finance and Development, Accountability Counsel: www. accountabilitycounsel.org

"Transparency Charter for International Financial Institutions: Claiming our Right to Know". Global Transparency Initiative, September 2006. http://www.free-dominfo.org/wp-content/uploads/GTI-charter.pdf

"Tools for Human Rights Defenders" (online resources to guide and support complainants and other human rights defenders), Coalition for Human Rights and Development, https://rightsindevelopment.org/our-work/hrd.

Personal Security for Human Rights Defenders

Detailed information and guidance on assessing risk and creating a security plan can be found in this publication by Front Line Defenders: https://www.frontlinedefenders.org/en/workbooksecurity

For information and tips about digital security for human rights defenders, see Security in a Box: https://www.comminit.com/content/security-boxtools-and-tactics-your-digital-security



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