

**MEDIATION PROCESS**  
**CHAD-CAMEROON PIPELINE PROJECT**

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**  
**04 BAGYELI COMMUNITIES**

**AND**

**COTCO**

**AND**

**FEDEC**

Between,

The Bagyeli communities from BIDOU, BAKOUSSI, LOUNDABELE and ANGOUAVOURI, respectively represented in the mediation process by:

Mr./Mrs/Ms .... BIOLA Jeanne, representing the Bidou community, bearing National ID Card # 111137812 issued on 06/062011 in SUD 03

Mr./Mrs/Ms .... WOULE Serge representing the Loundabele community, bearing National ID Card # 1178333816 issued on 6/30/2016 in SUD 12

Mr./Mrs/Ms .... PHOUER Jean Arouna representing the Angouavouri community, bearing National ID Card # 110396888 issued on 6/3/2011 in SUD 03

Mr./Mrs/Ms .... BISSA Madeleine representing the Bakoussi community, bearing National ID Card # 105867469 issued on 01/05/2005 (*currently being renewed*) in SUD 12

And

The Foundation for Environment and Development in Cameroon (*Fondation pour l'environnement et le développement au Cameroun* – FEDEC), BP 3937 Yaounde, represented by Mrs. EDOA MENGUE Virginia, bearing National ID Card # 109185252 issued on 6/3/2010 in YAOUNDE

And

The Cameroon Oil Transportation Company S.A. (COTCO), a Cameroonian limited liability company headquartered at 164 rue Toyota (Rue 1.239), Bonapriso, B.P.3738, Douala, Republic of Cameroon, represented by its Chief Executive Officer, Mr. Johnny Malec, hereinafter referred to as "COTCO".

together referred to as "the parties"

## **Preamble:**

The communities filed a complaint against the Tchad-Cameroon Pipeline Project with the World Bank and the International Finance Corporation (IFC) who financed the project.

The Bagyeli complaint focuses on the management efficiency of project impacts on the indigenous population as stipulated in the PGE, and on their lack of prior involvement, particularly in the review of the Indigenous Population Plan (IPP) included in the PGE and on whether it effectively meets the needs of the populations.

The CAO (Compliance Advisor Office) was tasked with helping resolve this complaint through mediation. The choice was made to seek a dialogue among the parties with the assistance of CAO mediators in order to find solutions to issues raised.

COTCO confirms that FEDEC is the instrument to be used to resolve issues outlined in the complaint through its implementation organization.

Following several discussions in the presence of representatives of the nongovernmental organizations (NGOs) listed below: RELUFA, CARFAD and CED, the Steering and Pipeline Monitoring Committee, and the CAO, the communities of the 04 relevant villages, FEDEC and COTCO jointly decided to close the complaint under the terms outlined below:

#### **ARTICLE I:**

This Memorandum of Understanding provides for the final and comprehensive settlement of any complaint filed by the 04 villages and related to the environmental and social impacts of the Chad-Cameroon Pipeline Project on their daily activities and the economic losses allegedly incurred by these populations.

#### **ARTICLE II:**

The Parties hereby agree that the complaint filed by the 04 villages is closed through implementation of their respective commitments described below.

#### **II.1. Commitments made by the 04 Bagyeli communities**

In terms of land tenure, the Bagyeli from these communities who wish to secure a space within the area that has been defined through a participatory mapping process conducted by CED and RELUFA in these villages, agree for some before the second agricultural season in June 2016, and for others during the first agricultural campaign starting in October 2016, to:

- delineate the space he or she wishes to secure,
- clear this space while waiting for large trees to be cut down,
- specify the type of crops he or she wishes to grow,
- participate in setting-up and maintaining the plant nurseries until the seedlings are ready to be planted.

The list of Bagyeli beneficiaries for each agricultural season will be established by FEDEC after carrying-out an information and identification mission in the field.

Community concerns about health, education and citizenship included in the PPAV will be addressed in the implementation document that was jointly agreed upon during the validation meeting of this PPAV held on May 10, 2016 in Kribi.

These commitments must be executed by November 30, 2016 to allow COTCO to implement its own commitments and close the case.

## II.2. Commitments of COTCO and FEDEC

### II.2.1. Land tenure for the 04 communities cited in the complaint

Regarding land tenure for the 04 communities cited in the complaint, FEDEC commits to:

- share with the Bagyeli communities living in the 04 villages the implementation time line for agreed activities and the approach used in the methodological process. Activities should be implemented jointly with the communities;
- support all the Bagyelis from the BIDOUE village who are able to delineate and clear their plot earlier this year of 2016. This support will include cutting down trees located in those plots, buying and planting seedlings identified by the beneficiaries;
- support the BAKOUSSI, LOUNDALELE and ANGOUAVOURI villages, as well as some beneficiaries living in the village of BIDOUE who have not yet cleared their space, in setting-up nurseries, cutting down trees and planting seedlings;
- provide agricultural equipment to the 04 communities cited in the complaint to help them develop the plots they have secured.

These commitments are closely related to the execution by the beneficiaries of their commitments, as outlined in Article II.1 of this agreement.

### II.2.2. Respecting the implementation plan of the PPAV in the 25 Bakola/Bagyeli communities along the route of the Chad-Cameroon pipeline

FEDEC commits, once the Implementation Plan is validated by representatives of the Bagyeli communities, CPSP and the CED, RELUFA and CARFAD NGOs to:

- Ensure that the Implementation Entity (*Organisation de mise en oeuvre* — OMO) adheres to the time line for activities described in the PPAV Implementation Plan that has been validated by all parties;
- Share in a timely fashion with all parties the challenges encountered on the ground in implementing the PPAV;
- Identify and strengthen the organizational and institutional capacities of Indigenous People;
- Establish an Indigenous People consultation framework in the project area;
- Transfer the implementation of the citizenship component to Indigenous People and provide them with the resources required to implement this activity;
- Establish a framework for consultation with the Bagyeli community and their companion organizations, FEDEC and OMO.

COTCO will ensure that FEDEC honors these commitments.

### **ARTICLE III**

The parties commit to honor their respective commitments in good faith. This includes their commitment to execute by December 31, 2016 all activities and commitments addressed in this Memorandum of Understanding.

Should either of the parties fail to honor at least one of the commitments made in Articles I and II above, the case shall first be settled through consultations with the Bagyeli communities and their companion organizations FEDEC and OMO, then through the tripartite forum CPSP/COTCO/NGO.

### **ARTICLE IV**

The parties state that they have freely reached this agreement, with full knowledge of the evidence, and commit to implement it in good faith and to give it the effects enshrined in the Civil Code about transactions.

Therefore, they request that, and allow the CAO to:

- Close this case and monitor the implementation of these commitments made by the parties as described in this Memorandum of Understanding
- Share said closing of the case and said monitoring with the tripartite forum CPSP/COTCO/NGO.
- The 04 Bagyeli communities cited in the complaint state that they withdraw all actions filed against the Chad-Cameroon Pipeline Project with the World Bank and the International Finance Corporation (IFC) regarding the alleged environmental and social impacts of this project on their daily activities and any alleged losses incurred by these populations.

**Representatives Bagyeli**

**FEDEC**

Bidou: BILOA Jeanne

EDOA MENGUE Virginie

Angouavouri: PHOUER Jean Arouna

**COTCO**

Loundabele: WOULE Serge

Bakoussi: BISSA Madeleine