

**CLARIFICATION CONCERNING
EXECUTION OF LOM PANGAR DAM
CONSTRUCTION CONTRACT**

**IN OBSERVATION REPORT ON
RESPECT OF HUMAN RIGHTS ON
SITES OF MAJOR PROJECTS IN
CAMEROON : LOM PANGAR,
MBALLAM, NKAMUNA AND MOBILONG**



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CHINA INTERNATIONAL WATER & ELECTRIC CORP.

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CLARIFICATION OF CWE CONCERNING EXECUTION OF LOM PANGAR DAM CONSTRUCTION CONTRACT IN OBSERVATION REPORT ON RESPECT OF HUMAN RIGHTS ON SITES OF MAJOR PROJECTS IN CAMEROON

IV.C.3. Measures provided for the right to health

A memorandum of understanding was signed between the MOH and EDC for the implementation of the health component of the proposed of the hydroelectric dam project at Lom Pangar.

EDC and the MOH are responsible for the implementation of the public health sub-component of the ESMP.

The MOH which already had programs in the area of influence of the project, was to allocate specialized human resources and facilities required for the proper functioning of health centers and hospitals rehabilitated or constructed. EDC had the responsibility to rehabilitate or construct water plants, health centers, and hospitals.

Coordination between the three health departments (regional delegation, health districts and health areas) is to take place in the framework of the Monitoring Committee, facilitation and support (MCFS); reinforced by the MOH.

The following measures were planned to be implemented for all villages affected by PHLP :

- **Health Map.** A map showing the health impact of major infectious diseases, within 12 months after the entry into force of the project.
- **Sociological surveys.** A sociological survey conducted to understand the behavior of populations having an effect on health, within 12 months after the entry into force of the financing.
- **Prevention, education, and health awareness campaigns,** including malaria and AIDS' prevention campaigns, including the distribution of mosquito nets and anti-malaria tablets. Three campaigns are planned, a first for the construction, a second early in the impoundment, and the third in four years of operation. Awareness campaigns through the media and physical media will be regular.
- **Annual Epidemiological investigations** to identify the evolution of major infectious diseases, including malaria, onchocerciasis, AIDS (screening), and water and parasitic diseases. The first campaign which will begin before the end of September 2012 will establish the baseline for different diseases and develop early prevention campaigns.

Regarding the exploration phase, the MOH was responsible for ensuring the functioning of infrastructures developed during the construction, and the pursuit of the

following measures :

- Monitoring of the health map;
- Sociological Investigations;
- Prevention, education, and health awareness campaigns; with a focus on malaria and onchocerciasis.
- Epidemiological investigations to identify the evolution of major infectious diseases; with a focus on malaria and onchocerciasis, including entomological and molluscan surveys.

EDC must ensure until year 8, a program of fight against vectors of water-related diseases in the periphery of the reservoir, adapted to their potential expansion in the area of influence of the dam and reservoir. Any pest control using chemicals will be conducted in accordance with the Pest Management Plan and will include a training program for all managers involved at both the MOH as EDC.

A mission composed of representatives of MOH and EDC on the site of the project took place from 29 to 31 August 2013. Under this mission, recommendations were made. The following table provides updates on these recommendations, and their implementation status at the time of passage of the CNHRO team.

No.	Recommandations	Deadline	Observations
1	Finalize the construction of the Health Center by plastering, painting walls and tiling the floor		In process
2	Provide the health center the basic worker's camp with comfortable furnishings for consultation		Unrealized
3	Provide free medicines whatever the stock for workers and staffs		Realized
4	Put fitting windows in rooms of the basic worker's camp		Poorly executed (blocks)
5	Implement a health and safety system on the site of the basic worker's camp (bi or weekly cleaning of gutters, rooms, showers, toilets and open spaces) disinfestations, and eradication of rats		Realized
6	Put a screed on the floor of uncemented latrines and ensure permanent treatment with cresyl		Unrealized
7	Troubleshoot the system of water purification		Realized (contract with Aura)
8	Fix the system of sewage and showers with the help of experts in sanitation of the MOH		Unrealized

No.	Recommandations	Deadline	Observations
9	Set up the activities of vector control	End September 2013	A training workshop workers on vector control and wash held from 6 to 7 September 2013 in Lom pangar
10	Equipp ambulances with adequate emergency material		Unrealized
11	Set up a laboratory	End October 2013	Unrealized
12	Develop a system for managing a massive		Unrealized
13	Arrange a tour on the construction site of the dam to allow the mission team to assess potential hazards on the site		Unrealized
14	Cover the playground of the basic worker's camp with sand	End November 2013	Unrealized
15	Build a concrete wall around the generatorto		Unrealized

One notes that that the implementation of these recommendations is delaying to the detriment of people's health on the site and in the surrounding areas.

Clarification:

No.	Recommendations	Deadline	Observations
1	Finalize the construction of the Health Center by plastering, painting walls and tiling the floor	End in September 2013	Completed
2	Provide the Health Center and the basic worker's camp with comfortable furnishings for consultation		Basically realized; the uncompleted part is expected to end at the end of July
3	Provide free medicines to all workers and staff		Realized
4	Put fitting windows in rooms of the basic worker's camp		Glass louvre installed, and all the renovations completed
5	Implement a health and safety system on the site of the basic worker's camp (bi or weekly cleaning of gutters, rooms, showers, toilets and open spaces) disinfestations, and eradication of rats		Realized

No.	Recommendations	Deadline	Observations	
6	Put a screed on the floor of uncemented latrines and ensure permanent treatment with cresyl		Realized	
7	Troubleshoot the system of water purification		Realized (contact with Aura)	
8	Fix the system of sewage and showers with the help of experts in sanitation of the MOH		Realized	
9	Set up the activities of vector control		A training workshop workers on vector control and wash held from 6 to 7 September 2013 in Lom Pangar	
10	Equip ambulances with adequate emergency material		The ambulances were provided in August 2013 as per the contract, and the ambulances were checked by the supervisor and the doctors.	
11	Set up a laboratory		End in October 2013	Both personnel and instruments allocated in late November 2013.
12	Develop a system for managing a massive influx of patients			The emergency plan compiled by assistant environmental manager
13	Arrange a tour on the construction site of the dam to allow the mission team to assess potential hazards on the site			The realization shall be led by EDC
14	Cover the playground of the basic worker's camp with sand or grass to avoid the spreading of dust		End in September 2013	Realized, by watering
15	Build a concrete wall around the generator to reduce noise			Unrealized, expected to be realized in the end of March

V.A.2. The right to adequate housing in the workplace

The situation of access to adequate housing for those who work in the Lom Pangar project is mixed. Indeed, the situation depends on whether you are Chinese or

Cameroonian, a staff or a worker. There is also a disparity between the workers of CWE and those of SICIM; which is in charge of works on the deviation of the pipeline.

Clarification:

There is no difference between nationalities. No matter Chinese or Cameroonian, a domestic staff or a worker employed locally, all work for Lom Pangar project, so all are company's staffs and moreover have contracts of employment, so Cameroonian laws and regulations shall be followed. Different jobs are arranged, so there is no comparability with those of SICIM.

It should be noted that executives of EDC and CWE live in houses built with solid materials; with appropriate openings and compliance with health and safety rules. The employees of the SICIM and other contractors working on the pipeline also experience similar conditions.

Conversely, about 600 workers living on the basic worker's camp (BWS) that is, Cameroonian workers and drivers, live in houses made of poorly assembled cardboards, such that mosquitoes and other insects pass through them right into the houses. Here, rooms are stuffy, cramped, dirty, and promiscuity is unsustainable.

Clarification:

BVO housing is of masonry-timber or concrete-timber structure. It is built according to the local residents' living habits, with the building standards higher than the actual conditions. Living in "the houses made of poorly assembled cardboards" is not in accordance with the fact. In addition, CWE has completed the installation of ventilation holes on the ceiling and doors and also the windows have been changed into glass louvre ones with screens.

Each room (3 m long and 3 m wide) shelters 3 workers; with an air volume of 22 m³: that is 2 m³ below the requirement minimum of 8 m³ per person.

Clarification:

For BVO house of masonry-timber structure, each room of is 320cm wide, 350cm long and 220cm high (ceiling installed), with an available volume of 24.6m³; for house of concrete-timber structure, each room is 356cm wide, 403cm long and 270cm high (ceiling installed), with an available volume of 38.7m³, so both are not lower than the minimum 8m³ per person.

The drainage ditches are not maintained and the sewage system of showers is broken. The floor is not cemented and latrines release an unsustainable odor.

Clarification:

The drainage ditches and the sewage system of showers are concreted. Seven persons are arranged to take charge of the cleaning and garbage disposal of drainage ditches. The latrines are cleaned once every day, and moreover, liquid deodorants and insecticides, quick lime and saw dust are used for odor removal once a week.

Moreover, instead of a bed, each worker has a wooden board of 70 cm wide, placed on a concrete structure disposed in the chamber, with a piece of 5cm thick mattress.

Clarification:

The worker's bed is processed by CWE's timber mill, 90cm wide and 200cm long. According to the local habits, a sponge mat purchased from Bertoua is spread on each bed, with a length of 200cm, a width of 90cm and a thickness of 5cm.

This militarization of the basic worker's camp, just as the increase in acts likely to lead to violence unframed by law, is one of the major concerns of the Cameroonian Network of Human Rights Organisations. This concerns is more acute when one notes that the elements of the RIB, who are permanently deployed on the site, obey more the orders of the CWE; a Chinese company, escaping the authority of the State.

Clarification:

The main purpose of arranging soldiers, security personnel and military police is to assure the safety of the necessary facilities, equipment and personnel in Lom Pangar project. In a strike, they exercise the right to stop the behaviors of damaging the legal property and personnel safety of such enterprises as CWE, EDC and COB, so as to maintain the normal order of project construction. They are not incited by CWE but are completing their jobs. So this is lawful. In addition, no menace or ill-treatment has happened.

V.A.3. The existence of a contract of employment

The issue of employment contracts has long been the downpoint of the Lom Pangar project. During the first months of the project, no Cameroonian worker of the CWE had a labor contract. This has been criticized by both the workers themselves, officials of the Ministry of Labour and Social Security, and those of the Ministry of Employment and Vocational Training.

Clarification:

From the commencement of Lom Pangar project to now, the Project Department has

always followed the requirements of labor laws of Cameroon, signing a labor contract with each worker, so the so-called no existence of labor contract is not in accordance with the fact. Since July 1, 2012, the contracts provided by CWE to workers have all been approved by Labor Bureau of East, and also the labor contracts, after signed, have been identified in the Ministry of Employment and Vocational Training. In terms of contract management, the job of CWE has been affirmed by the related administrative departments.

Despite conflicts of jurisdiction between the two departments, the actions of Regional Representatives and their staff have had fostered some among which:

- The signing of 660 contracts of employment for workers in the CWE;
- The reduction of unfair or questionable dismissal;
- The attempt to control the number of expatriates on site, which would be around 300 persons, mostly Chinese;
- The attempt to control the quotas locals/expatriates and autochtones/aliens in recruiting for open positions;
- The rehabilitation and upgrading of the worker staff from 5 December 2012, in application of the Collective Agreement of 2004; although it remains partial.

As to this reclassification, workers observe that it came after 19 months of work for some employees.

According to the figures published, out of the 660 Cameroonians who signed their contract, 579 were actually on site at the time of the passage of investigators, against 300 Chinese; excluding the expatriate staff of Coyne and Bellier. It is thus apparent that we are far from the quota of “80% nationals against 20% expatriates”.

Clarification:

1,390 Cameroonian workers have been employed in the Lom Pangar project since it was launched. In addition, there are 290 expatriate engineers from China. Due to the job nature and the demand for professional and technician personnel, the percentage of Chinese staff is a little larger, but it is still in compliance with the quota of “80% nationals against 20% expatriates. ”

A special feature of the project is that the Cameroonian workers are recruited directly by the Regional Agency of the National Employment Fund (NEF) in Bertoua. It is regrettable that staffs do not follow the same procedure.

Clarification:

Since April 2012, CWE’s recruitment has been conducted via FNE, including the recruitment of workers and engineers. The entire recruitment procedure goes according to the related laws and regulations as well as the contract provisions. So the above statement is not in accordance with the fact. FNE can explain it.

In addition, the contractual provision for 1.5 days off per month is not respected for any worker. Similarly, feast days and holidays are not respected. For example, workers in the CWE Lom Pangar worked on September 30, 2013: the parliamentary and municipal elections in Cameroon. In addition to depriving more than 600 Cameroonians from their right to vote, CWE has not (in the words of the workers) paid the work of that day which was legally a nonworking public holiday.

Workers also worked on 14 and 15 October, which represented the bridge and the feast of Tabaski for the Muslim community, respectively. The workers were not sure to receive their salaries for these two holidays.

Clarification:

On September 30, 2013, CWE didn't force the workers to work but actively provided favorable conditions to facilitate their voting. First, a bus was provided to those going to Lom Pargar Village to vote; second, all of them going to vote got paid as per 8-hour attendance. CWE respects Cameroon's laws, regulations and national traditions. CWE has always followed the provisions on legal holidays stipulated in N°73/5 decree (published on December 7, 1973) and N°76/8 decree (published on July 8, 1976) to pay the workers 200% salary. So, the above statement is wrong.

V.A.4. Equal pay for equal work

Throughout the period of investigation, the issues of wages seemed taboo. The staff surveyed made only vague allusions to this point. According to the workers, CWE pays its workers poorly as compared to all other companies involved in the project. The numerous defections at the benefit of SICIM are highly suggestive.

The workers on the site are paid between 200 CFA F and 265 CFA F per hour.

Clarification:

The workers and engineers affiliated to CWE are all designated to the proper positions and ranked based on their job nature and skills mastered in accordance with the Collective Bargaining Agreement of 2014 (National Collective Agreement of Construction Engineering and Its Subsidiary Trades, 2014). The minimum salary is for general workers (manoeuvre), Grade A of Level II, which is 263 CFAF per hour, and the maximum position grade among the workers is Grade B of Level VI, with the salary of 707 CFAF per hour. In addition, CWE has paid the workers for their overworking in holidays and beyond 8 hours according to law, so this is totally in line with the law. The engineers enjoy a higher salary, with the maximum reaching 800000 CFAF per month. Many workers among those working for Lom Pargar project once worked in other companies, and CWE has made an internal investigation and it is found out that the pay to workers is relatively high among the similar projects.

This abnormally low salary is compensated by a monthly subsidy of 24,000 CFA F per month for food: 12,000 CFA F is granted by EDC, and 12000 CFA F by CWE. While the employees GEOVIC seem satisfied with their salaries, those of C & K Mining Mobilong complain of non-compliance with wage scales provided by the hydrocarbon sector to which they are secured temporarily. The Directorate; for its part, says that the adjustment will be gradual.

Clarification:

Apart from the normal salary, through negotiation by CWE, EDC and labor representative, CWE has agreed to provide workers with a subsidy of 400CF AF per meal, two meals a day (CWE and EDC respectively bearing 200CF AF). Since February 2014, EDC has increased its subsidy to 400CF AF per meal. It is equal to that a worker can get a total subsidy of 1200CF AF during the period of working in the project. So the workers are satisfied with this.

V.A.5. Social Security

According to reliable official sources of the CWE and workers, social security is guaranteed for all employees, with an employment contract. They are all reported to the NSIF.

But this registration with the NSIF hides an irregularity; which is the misclassification of employees per category, by the CWE. For example, a car driver (pick-up of 5 seats) would have the same salary as a truck driver or a heavy plant driver.

Clarification:

A car driver's salary is ranged from Class A (380 CF AF per hour) to Class C (457 CF AF per hour) of Grade IV, and a truck driver or a heavy plant driver's salary is from Class A of Grade V (517 CF AF per hour) to Class A of Grade VI (661 CF AF per hour), so their salaries are completely different. The personal salary level is specified in the social security record submitted by CWE to the Social Security, so CWE has no intentional concealment.

After the strike on December 19, 2012, a tripartite commission was constituted forthwith to examine the conformity of the 660 existing contracts in the personnel file of CWE against the requirements of the job classification of the collective agreement Btp of 2004. In the face of misunderstandings related to interpretations of the emphasis on lodging by the Cameroonian law, the CSEC in turn is committed to continue the process with the government.

Clarification:

The labor contracts signed since July 2013 by CWE and workers have all been submitted to Ministry of Employment and Vocational Training for certification and check

by the government organs. So far, there is no violation against the collective agreement is discovered.

V.A.6. Freedom of association and Negotiation

It appears that the freedom of association is guaranteed on the project site. A local branch of the Trade Union Confederation of Workers of Cameroon is installed there.

When questioned on the issue of non syndication some workers, evoke an irregular operation attempted to forced syndication.

But one of the curiosities of Lom Pangar is the establishment of a non-unionized block of workers in the company. Their representative intervenes in consultation meetings including, the monthly social dialogue meetings, or at meetings with the authorities: like the meeting with the Minister of Labour and Social Security, for example.

Such recognition of non-union is somewhat unusual in that they do not constitute an association with known targets. Moreover, such an association has no legal ground, and looks more like a machination of the employer, to weaken the legal role of the trade union in place.

Clarification:

The fact is that, the social dialogue meet is a regular meeting proposed by the government of East and organized by Labor Bureau, EDC, COB, CWE, union delegate and worker representative, aimed to maintain the social order of construction site, deal with labor dispute or other social issues. The purpose of this meeting is to protect the worker's legal interest, maintain the normal order of construction site, and guarantee the smooth progress of construction. It has no conflict with the trade union functionally. In addition, it has got supports from many aspects including government and trade union, and the workers all think this meeting is important and necessary but not a measure taken by the Employer to weaken the legal role of the trade union.

"The law recognizes workers and employers, without restriction of any kind, without prior authorization, the right to freely establish trade unions whose object of study is defense, development, and promotion of their interests (...) as well as the social, economic, cultural and moral development of their members. "

Three years ago, 34 workers affiliated with the National Union of Rural Workers of Cameroon (NURWC), by signing the ballot withholding provided for this purpose. But the Employer has never made such deductions. Instead, the Directorate has granted another trade union facilities to settle on the site, thanks to the recommendation of the Departmental Delegate of Labour and Social Security in Boumba Ngoko.

Clarification:

There is no existence of deductions. In January 2013, 34 union members were unwilling to pay and they submitted petitions. In view of this, CWE couldn't make such a deduction forcibly.

V.A.7. The right to strike

The law No. 92/ 007 of 14 August 1992 on the Labour Code in its article 157, paragraph 4, defines a strike as "the collective and concerted refusal by some or all workers of an establishment to comply with the normal rules of work to get the employer to meet their claims or demands. "

The right to strike (Article 157), when exercised under the conditions stipulated by the law that is to say, after the exhaustion and failure of conciliation and arbitration, is guaranteed.

Unfortunately, the events prior to the visit of public authorities and the CNHRO on the site of the Project, show that any protest from the part of the workers is suppressed through intimidation, arrests leading to dismissals after beatings and other ill-treatments, by paramilitary and security personnel present on the site, the police, and the rapid Intervention Battalion (RIB).

Clarification:

CWE respects the rights entitled by law to the workers. To respond to a strike, a mediation meeting was organized, with participants from all sides. So came out the monthly dialogue meeting mentioned above. The main purpose of arranging soldiers, security personnel and military police is to assure the safety of the necessary facilities, equipment and personnel in Lom Pargar project. In a strike, they exercise the right to stop the behaviors of damaging the legal property and personnel safety of such enterprises as CWE, EDC and COB, so as to maintain the normal order of project construction. They are not incited by CWE but are completing their jobs. So this is lawful. In addition, no menace or ill-treatment has happened. A dismissal is related to a worker's contract expiration or serious violations, but has no a necessary connection with the strikes.

As far as Lom Pangar is concerned, the case of the strike of 25 June 2012, 29 October 2012, and 19 December 2012 are eloquent illustrations.

On 25 June 2012, 218 workers from various sections of the CWE, led by their leaders, observed a work stoppage to demand improved conditions of life and work: a strike that paralyzed the site for two whole days.

Subsequently, a general strike of workers of the construction of the hydroelectric dam was announced on Monday, October 29, 2012. The complaints brought to the notice the classification and compensation in accordance with the national collective agreement for construction companies, public works and related activities of 24 August 2004 on bonuses and other salary-related payments for overtime worked, respect for the work on dismissals and other sanctions, compliance with legislation and regulations for working hours in case the holidays,

social security, housing, and the recall clearance of amounts owed international standards workers...".

On October 25, 2012, before the arrival of Mrs. Delphine Nanga, the then Regional Delegate of Labour and Social Security of the East, Lom Pangar for a crisis meeting, a contingent of "forces of order" had invested the job site, intimidating workers; meanwhile the latter had followed the legal procedure governing the right to strike.

This happened after consultation between the Delegate, EDC officials, those of Coyne and Bellier, CWE, and some members of the Confederal Bureau of Trade Union Confederation of Workers of Cameroon (CSEC).

Noting the failure by CWE to respect the commitments of the meeting of 25 October 2012, who argued that "wages increases can only be effective as from January 5, 2012", 1000 workers of the CWE scored a total work stoppage on Wednesday, December 19, 2012. Overlooking the authorities in charge of social dialogue, a detachment of the elements of the gendarmerie stationed in the East, descended on the site to "restore order" in its own way. Faced with the arrival of the police, the workers put up barricades at the major bridge linking the site and the basic worker's camp.

The complaints of this second strike had to do with the "Cameroonization of the position of Director of Human Resources, the specification of the notion of flexibility, the respect of the balance between the score and the salary, the classification of workers, and salary increases". Moreover, "the non-compliance with the resolutions of the multiple crisis meetings already held" led them to seek the coming on the website of the Ministry of Labour and Social Security, Owona Gregory; who had previously summed up CWE to comply immediately with the Cameroonian legislation on work of 25 June 2012.

Clarification:

The cause of the strike happened in June 2012 is that, the supervisor of social affairs proposed and propogandized the so-called "collective agreement 2008", causing an echo among the workers, and then, they were incited and taken advantage of by those planning to damage the dam construction of Lom Pargar. Later, demonstrated by Labor Bureau of East, the so-called collective agreement was not promulgated officially, but the workers didn't know the fact. A bad influence was caused.

As for the salary issue causing the strike on October 29, 2012, the existing salary system followed by CWE is completely in line with the "collective agreement 2004" of Cameroon. A worker's salary increase needs to be considered according to his specific job, work performance and skills, which falls into the proper administration authority range of CWE. This is accepted by workers, Labor Bureau and Employer.

V.A.8. Non-discrimination

Discrimination is obvious on the site of Lom Pangar. The first point of discrimination is habitat. Executives and expatriates work and live in high buildings with high- standing, while workers live in poor and substandard housing. Similarly, IDP's sites are inaccessible villages: the roads are neither arranged nor maintained, while the drainage has not been made.

For example, the site of the new village Lom Pangar was chosen after a concerted

action between EDC, the administrative authorities of the Eastern Region, the people involved in the movement, and the people called to welcome newcomers. It is located at about 25 km from the old one, between two villages that is, Ouami and Déoulé, both belonging to the canton Képéré Deng Deng, whose headquarter is Deng Deng Village. Once the site was found and accepted by all stakeholders, construction began. A total of 57 houses in brick and cement from T2 to T5 were built under the project management of EDC.

The terms of reference provide that each house must be accompanied by a kitchen and latrines both built in the same materials, roofed with sheet metal, and ceiling installed inside the houses. All room are to be equipped with a plot of land (home gardens) of 2000 m² each, so that people can continue to exercise their main source of income: agriculture.

But in practice, the site of the relocated village of Lom Pangar was delivered with no openings in houses, no plastering works were finalized. Populations, including the village chief, had to put his hand their pockets, for purposes such as construction of gutters around houses to hunt runoff invading some homes. Similarly, the material used, the pressed brick and uncooked posed some problems for people. Some had to face the extreme brittleness of the material, proceed at their own expense in plastering houses offered to them, while those expatriates and executives EDC are fully plastered and equipped. It is the same way, soils in most cases, are not cemented; in violation of the basic rules of environmental health.

Clarification:

The design and construction of all houses of CWE on the site was approved by the Consultant, and met the standards given in the contract. In addition, as required by the Consultant and the Employer, the houses were renovated in September 2013. The village relocating site selection and the infrastructure construction shall be done by EDC and are out of the control of CWE.

Similarly, each executive is entitled to 7 days off accrued per month: a facility that allows them to find their families. EDC on-site manager to Lom Pangar stipulates that workers are entitled to 5 days, while they (the workers) unanimously declare only eligible for four days.

This disparity 7 days for executives and 4 days for the workers is tantamount to discrimination. It is particularly serious that workers are escorted to Belabo by the company when they leave, where they must either take the train or a car; while the company's vehicules accompany staffs to their homes. This autonomy in movement allows them to fully enjoy the holidays offered, while workers generally take more time on the road and actually have only one night to spend with their families. Things are even more difficult for who come cities as remote as Bafoussam, or Nkongsamba.

Clarification:

According to the internal rules (approved by the Labor Bureau of East) of Lom Pargar Project Department, the staffs of CWE in Lom Pargar are entitled to four days off accrued from the fifth day to the twelfth day of each month, and they will be transported by vehicles provided by CWE, which is equal to both the engineers and the workers. If the workers are unable to leave for work reasons during this period, they will thumb a ride as the case may be, but no vehicles will be specially appointed to transport them; the Chinese personnel dispatched by Chinese side are entitled to 40 days off accrued after working for 11 months, and even they cannot reach the standard of 4-day leave a month. The so-called “each executive is entitled to 7 days off per month and there are vehicles to specially accompany them” is not true at least in CWE. Instead, the same standards are followed.

V.B.6. Respect for the right to water

The elements of the right to water include the following rights:

- Having access to existing water supplies;
- Not to be arbitrarily disconnected from a water supply;
- Ability to have access to water in sufficient quantity and quality;
- Ability to have access to water supply systems; without discrimination;
- Benefit from access to water that is both physical (in or near the house) and economic (affordable).

Although part 3 (Public Health) of the Environmental and Social Management Plan of the Lom Pargar project has provided drinking water, and the development of health infrastructure, access to drinking water has long been the downpoint of the Lom Pargar project.

The basic worker’s camp rarely has a continuous supply of potable water. Beyond the declarations of workers and direct observation, various official reports indicate supply disruptions for several days on the site. For example, during the first meeting for the implementation of the Memorandum of Understanding between EDC and the MOH of 29 to 31 August 2013, the team led by Inspector General Services MOH, Professor Magloire BIWOLE, found that the city of Chinese expatriates and executives Cameroon benefited necessary equipment for drinking water, while at BWS, there was a "lack of drinking water for 15 days ". The purification system of AURA type had a breakdown. This deliberate and repeated negligence is certainly the main cause of the high prevalence of typhoid on the BWS. (According to the the UN, the minimum amount of water for basic needs of a person: drinking, cooking, and cleaning, is between 20 and 50 liters per day).

Clarification:

In terms of potable water, CWE dug two 42m-deep water wells at three camps on the construction site. The potable water used by bvo and bvc is directly processed by bvc water purification and then the purified water enters the direct drinking water purification system installed by AURA. The direct drinking water purification system is set with a 1000L water barrel, to guarantee the continuous supply of the potable water. The water

at the outlet will be sampled monthly and sent to Yaound Pasteur Laboratory to be tested, and the lab will issue water quality report. The problem of water break and water quality is not in accordance with the fact. The equipment damage occurred by accident, and CWE already contacted AURA timely to repair.

The various recommendations of the MOH led the company plan on the monitoring of water quality on the site, and of bore holes in the villages. According to the Environment and Social Director CWE, 200 tests were ordered for a value of 720 000 CFA F, to monitor the quality of the water treated by AURA Cameroon, following its agreement with CWE and the concerned villages.

Among neighboring populations of Lom Pangar project site, access to water is mixed. Villages located in the immediate vicinity of the project and handled by the CRP, are involved in a project of construction of bore holes. A few bore holes are operational, and others are in construction. Other neighboring villages of the project site do not have the same "goodluck". Villages and small towns like Bodomo and Issa, towards Ngaoundere, do not have bore holes. It is important to note that even villages that have a bore hole have difficulties of access to water, because of the large number of people who get their water from these wells. A villager from Garga Sarali said "since the displaced people arrived, there is lack of water, for the village only has two bore holes for a large population."

The people of Betougou, Mbeten, Yamben 1 Bombi, Yamboyi, Hona, Kambogassi and other people get their Environment, Protection of Nature, and Sustainable Development noted the «spill in the nature of effluents without prior treatment," there is concern that in addition to bacterial hazards, populations these villages are threatened by a greater peril from the waters of CWE.

Indeed, the discharge into the nature of these effluents without treatment is also a threat to crops that can be irrigated with this water. Access to water for irrigation is another serious challenge in the Lom Pangar Project.

This precarious situation is betraying the general context of the hygiene and sanitation around the project site Lom Pangar. It is therefore a concern for the neighboring populations. In addition to the risk of bacteriological contamination of rivers, there is a chemical risk that is brewing in the area. Such a risk would also threaten the National Park which is located at the entrance to the site of the Lom Pangar Project.

Clarification:

The industrial and living effluents were discharged by CWE under the supervision of the Consultant and according to the requirements of CCES in the contract. These effluents were subject to sediment, filter and separation treatment, and moreover the water at the outlet was tested as per the test standards. For the water in Rom River, according to the requirements of CCES in the contract, CWE sampled water respectively 50m from the upstream and downstream of dam to test and compare. The water quality report issued by Yaound Pasteur Laboratory indicated that the water was not polluted. All the work above was done under the Supervisor's supervision. So the above so-called water

pollution is unconvincing and also not in line with the fact.

V.B.7. The main factors that impede access to adequate food

The hydroelectric project Lom Pangar has been the subject of several environmental and social studies, which led in November 2011 to the preparation of the final report of the Compensation and Resettlement Plan (IRP); to treat all matters relating to the compensation and resettlement of people physically or economically displaced by the Lom Pangar project. Actions will be complemented by the ESMP which includes all additional compensatory measures in order to restore the living standards and / or to support local development. The payment of compensations and the resettlement of the displaced persons, as well as the collective compensation of the host villages, are all actions of the CRP.

The implementation of the CRP provided the displacement to a site located at about 2 km from the dam site. The CRP also included the relocation and restoration of livelihoods of the residents, in accordance with a policy of the Environmental Protection of the World Bank, on the trips and involuntary resettlement. The movement of the town of Lom Pangar has been one of the points discussed during the last mission of project evaluation by donors. This marked, in many respects, a maturity in the conduct of the project both at level of the security of the people and at the socio- economic level. The construction of the crossing structure and a bridge on the Lom by the Contractor CWE, was accompanied by an intensification of traffic (vehicles transporting workers, Lorries, civil engineering engines, etc.). This situation is likely to endanger the lives of residents, despite road safety measures implemented by the Contractor.

In addition, the deployment of site teams on the project site and the work done there now marked the end of access to farms; for farmers, and to water; for fishermen: thus penalizing the access to food for populations. All these risks have been identified in the environmental and social impact study of the project, and CRP has been the response to these impacts on the lives of people, namely the displacement and resettlement of the village Lom Pangar.

Unfortunately, these provisions of CRP to ensure adequate nutrition are not fully implemented. In the analysis point to several factors that impede access to adequate food for people and workers, on the site and around Lom Pangar. These include:

- The narrowness and the general poverty of the BWC, which makes the self-contained kitchen nearly impossible and therefore prohibited by the CWE;
- The general poor road infrastructures;
- Difficulties in supplying local markets;
- An economic system extrovert;
- A little fragile and consistent local production;
- A context of scary WASH;
- Limited access to safe drinking water and water for irrigation;
- A poor diet and inadequate for the workers;
- Revenues for not feeding properly;
- A farming and food fishery that no longer appeal to young people;
- Broken promises and allegations of corruption on the facilities

periodic granting food to people's livelihoods.

Clarification:

CWE has constructed 2 well-equipped canteens in labor's camps. Each canteen has a self-contained kitchen with adequate facilities, which are weekly supervised and checked by the Consultant.

All the behaviors of CWE follow the Lom Pargar dam construction contract. The management over the workers affiliated to CWE is based on the stakeholder's willing and the contract provisions. CWE has no right to prohibit the residents living the villages outside the construction site.

V.C.1. Availability of facilities, goods and services of health

According to data from the National Health Development Plan (NHDP) 2011-2015 East has 801,968 inhabitants; in an area of 106,000 km². Health facilities include a MOH Regional Delegation and 14 health districts.

In terms of health facilities, they number 190, 1 Hospital of third category (Regional Hospital Bertoua), 13 hospitals of the fourth category (District Hospital), 17 medical centers district (SMC), 115 health centers integrated (IHC) -the fifth category is not all functional, and 35 private health facilities. Out of 9 drug companies and 14 private wholesalers that account Cameroon, none is installed in the East. The ratio of populations by public IHC is 7,565 and 51,176 SMC, while the ratios of population per district hospital and health districts are 66 923 and 62 143, respectively.

This is the region which hosts most of the major infrastructures and mining projects in Cameroon today. When we add to this, poor health coverage, the recurring unavailability of staff, bad roads, etc, one can imagine the plight of the populations.

There is a IHC at Deng - Deng, a check house, and a Chinese medical center on the construction site.

The provision of health centers on the construction site deserves comment. The Chinese Medical Centre is built with solid materials, and it is located between the offices of executives and their homes. While the IHC and the check house whose works seem to continue, are not plastered, are located about 150 meters from the BWS. The standard of Health recommends a ratio of 1 nurse for 250 people.

Here, the staff is reduced to 2 trained nurses who are permanent on the site, and a doctor who works part-time. This reduced staff serves a crowd of workers which fluctuates between 600 and 3500 people. In its interim report of January-June 2013, EDC mentioned that "the local medical center staff CWE is functional and has a staff of 02 GPs working alternately, in addition to two nurses, for a ratio of one nurse; for more than 500 workers."

The various tasks of the central and decentralized services of the MOH, the unsanitary, inappropriate and ineffective medical mechanisms, in a context where malaria, typhoid are known for their rates of morbid mortality, have become endemic.

Clarification:

CWE has two medical centers at the construction site of Lom Pargar, one of which is set in Chinese workers' camp and the other in BVO. The medical center in BVO is now provided with one general practitioner, one first-aider, one tester, and three nurses, and one more general practitioner is planned to be added in March 2014, to guarantee the practitioners' leave alternatively. Such allocation has fully satisfied the provisions in CCTP. In addition, the Project Department has provided two well-equipped ambulances and signed a medical agreement with Bertoua Hospital, so the patients if serious can be sent to Bertoua to be treated as soon as possible. According to the plan of 900 workers in the construction peak of 2014, all these allocations can fully meet the on-site medical needs.

V.C.2. Accessibility of facilities, goods and health services

Health facilities are accessible nearby.

The health center BWS is within a walking distance to the workers, about 150 meters from dormitory. The only difficulty for a patient lies in crossing the main road through the site, to get there. This poses the problem of choosing the site. Indeed, the health center may well have adjoined BWS; as is the case with the staffs, to facilitate accessibility.

Patients visiting Regional Hospital Bertoua are transported by the company, in ambulances not yet equipped with hardware as qualified management and delivery of the wounded and seriously ill personnel.

Clarification:

The ambulances of CWE are equipped with all the first-aid devices as recommended by the GPs. In two years, no casualty accident has happened to patients on the way to hospital due to lacking of first-aid devices.

Due to the non existence of a system of management of a massive influx of patients, the provisional nature of structures, the growing number of workers, and a very limited staff, the awaiting time in the health center of the BWS Lom pangar is very long.

Clarification:

This has no basis in fact. The sick workers of CWE will be diagnosed and treated on the site if they have general diseases. Those whose diseases are unable to be treated subject to the constraints on site will be sent to Bertoua Hospital or Yaounde Center Hospital. Such measures as vaccination to workers, mosquito killing and water purifying have been taken to prevent diseases. So far, no disease transmission in a large scale has occurred. The fact proves that the hygiene system of CWE is effective.

The poverty of the workers pushed the government to ask CWE and EDC to provide medical care and drugs for all the personnel, without any discrimination. But in practice, the management of health facilities on site escapes to recipients; who have no say in the

care and services they need, the staff they need, and the different decisions during the construction, equipment and operation of their health center.

Clarification:

In September 2013, CWE signed a mutual medical service agreement with Bertoua Hospital, and also input a lot to BVO medical center, increasing facilities, equipment, personnel and drugs, so as to make sure that all workers can get medical treatment and drugs after ill. There is no discrimination.

V.C.3. Acceptability of facilities, goods and health services

It may be noted that the principles of the Alma Ata Declaration on primary health care, including actions relating to health in terms of minimum service to provide to such populations does not seem to be part of the agenda of the authorities of the Project.

These include:

- Health education;
- Improving the provision of food and proper nutrition;
- Emergency care;
- An appropriate treatment for common diseases and injuries;
- Maternal and child care, sexual and reproductive health; including family planning, the availability of midwives, emergency childcare, and maternity care;
- Services of vaccination and immunization against major infectious diseases, including influenza, meningitis and tuberculosis;
- Programs for the prevention, treatment, and control of diseases;
- Essential drugs as defined by WHO;
- Awareness programs and health education;
- Environmental Health Programs.

On the other hand, the requirement to obtain informed consent before any medical treatment is not yet on the agenda in the areas visited. While the confidentiality of personal health information seems warranty at Lom Pangar, incompleteness and lack of equipment at the health center of the BWS does not guarantee confidentiality.

Clarification:

The facilities, equipment and personnel in BVO medical center are allocated according to the contract, and moreover this medical center has been approved by Labor Bureau of East, so it fully meets the requirements.

In terms of cultural specificities, the Chinese staff receive treatment of Chinese medicine, while the locals who have a preference for local remedies whose ingredients are available on the site, do not have the right to hold a pot; which could, among other things, allow them to prepare their medicines.

In the same vein, rare medicinal species that are retained on the two sacred sites and near the Lom and Pangar were destroyed. They were not included in the CRP, because of the intellectual orientations of the designers of the Project.

Clarification:

The workers of CWE, no matter Chinese or Cameroonian, all can receive the diagnosis and treatment by doctors with medical qualifications, and enjoy the finished drugs purchased via formal channels, so they have no need to process drugs by themselves. In addition, according to the contract provisions, CWE prohibits the workers from cutting down, planting or picking the wild plants on site. The damage of rare medical herbs is not necessarily connected to the construction of CWE.

V.C.4. Quality of facilities, goods and health services

The overall characteristics of health facilities include cleanliness, safety, and friendliness (they must be welcoming). As concern cleanliness, the case of the health center of Lom Pangar is prEDCcupying.

The staff's attitude towards patients is full of kindness and compassion; even if the two nurses (and the doctor who works part-time) are regularly overwhelmed with requests. Regarding the quality of facilities, goods and health services, recommendations were made to CWE before the end of September 2013 to:

- Complete construction of the Health Center by plastering, painting walls and tiling floors;
- Provide the health center basic worker's camp comfortable furnishings consultation;
- Offer free drugs irrespective stock, both for workers and for managers;
- Fix the system of drainage of toilets and and showers; with the help of experts in sanitation from the
- MOH;
- Equipping ambulances with adequate emergency material.
- Until the end of October 2013 to:
- Set up a laboratory;
- Develop a mechanism to manage the massive influx of patients.

Until the end of December 2013 to:

- Train staff on simulation exercises; for potential emergencies situations (drowning, food -related infection, road accident highway, epidemic of cholera...)

Clarification:

The above problems have been completely solved by CWE. The first-aiders at each point have received training, in January to February 2014, organized by the GPs and first-aiders of BVO medical center. Each point shall be allocated with at least 5 first-aiders according to the number of patients.

V.C.5. Equity and non-discrimination in the provision of care

Equity and non-discrimination in the provision of care have some difficulty be made. As concerns Lom Pangar, there are two health centers dedicated to staffs and workers, respectively.

Until September 2013, health care and medicines were provided free or charge to the staffs of EDC and CWE, workers had to pay for theirs.

Clarification:

Medical treatment of work-related injury is all for free. Cameroonian workers also have no need to pay for theirs.

V.E. THE RIGHT TO THE ENVIRONMENT

A fact-finding mission of the Department of Environment and Conservation and development went from 25 to 30 August 2013 on the construction of the hydroelectric dam at Lom Pangar for inquiring about the situation taking into account environmental and social aspects. After this mission, observations were made including:

- Nuisance noise and pollution of the air by dust in the quarry and crushing rocks;
- Poor management of solid waste (bad sort, poor storage conditions) and liquid (effluent evil decanted water, oil drain poorly stored);
- Terms of unhealthy and cramped prevailing in the working life base (toilet for 15 people);
- Spill the nature of effluents without prior treatment.

Minutes environmental inspection of 24 September 2013 on the site of Lom pangar and information collected in the field by our investigators allow us to make the following point on the implementation of these recommendations:

No	Recommendations	Observations
1	Equip staff with the extraction and crushing quarry sites appropriate equipment to reduce	
2	Remodel the device effluent treatment and scrap concrete from the crushing unit immediately;	In progress
3	Establish system source separation level different places waste production, transport and storage in order to conform to the current regulations	Unrealized
4	Manage users packaging nitrate and ammonium as hazardous waste	Unrealized
5	Ending burning waste in the open air on the site	Unrealized
6	Improve the system of collection, transport and treatment of waste	Unrealized

No	Recommendations	Observations
7	Perform analysis of all waste water and to fit the results to the Ministry for the Environment monthly	Unrealized
8	Outlaw open burning regardless of their type	Unrealized
9	Providing the lids to close the holes of lost toilet to control odors as well as septic	Unrealized
10	Provide staff waste storage area specific equipment and install cloakroom these places and see their diet	Unrealized
11	Cover the surface of household waste landfilled with a membrane before the addition of land to reduce ammonia odors	Unrealized
12	Keep records of medical waste management and hazardous updates and manifests traceability	Unrealized
13	Ensure that CWE improves sanitation in the base of working life	Unrealized
14	Remodel units of waste oil treatment, wastewater so that it conforms to regulations and ESMP	Unrealized

Slowness in the implementation of these recommendations by the EDC is worrying and may reflect a desire on their part not to respect their terms of office, and violate the right to the environment.

We recommend that all these recommendations are achieved and if necessary, sanctions are taken against the company concerned.

Clarification:

No.	Recommendations	Observations
1	Equip staff at the extraction and crushing quarry sites appropriate equipment to reduce pollution.	Labor protection equipment has been provided.
2	Remodel the device effluent treatment and scrap concrete from the crushing unit immediately;	Dust suppression & spray and sedimentation tanks are provided.
3	Establish system source separation level different places waste production, transport and storage in order to conform to the current regulations	A landfill has been built.
4	Manage users packaging nitrate and ammonium as hazardous waste	There're hazardous waste registration and storage points.
5	Ending burning waste in the open air on the site.	Expressly stipulated
6	Improve the system of collection, transport and treatment of waste.	A transport and treatment agreement has been signed

No.	Recommendations	Observations
		between the landfill and the garbage company.
7	Perform analysis of all waste water and to fit the results to the Ministry for the Environment monthly.	Detecting according to the contract
8	Outlaw open burning regardless of their type.	Expressly stipulated
9	Provide the lids to close the holes of lost toilet to control odors as well as Septic	Treated
10	Provide staff with waste storage area and cloakroom.	Provided
11	Cover the surface of household waste landfilled with a membrane before the addition of land to reduce ammonia odors.	Dustbins are provided and there're specially-assigned persons responsible for cleaning in time every day.
12	Keep records of medical waste management and hazardous updates and manifests traceability	The records are available and closed dustbins are provided.
13	Ensure that CWE improves sanitation in the base of working life.	Performed
14	Remodel units of waste oil treatment and wastewater to conform to regulations and ESMP	Performed

Notes:

As for the social and environmental problems listed in the observation report concerning the performance of the construction contract for the dam at Lom Pangar by CWE, CWE has made clarifications, and all contents clarified have been confirmed at the site. The interviewees of the report don't include CWE's management personnel and related staff (CNHRO established permanent dialogues with stakeholders in terms of promoting cooperation. A number of participants were interviewed to acquire the information, including civil servants and public agents, management and traditional authorities, NGO/CSO, peasants, ranchers, various service providers, transportation staff, cooperatives, health agencies, staff of leisure construction promotion agency, handicraftsmen, local residents and other informal workers.), so the report has its own one-sidedness.