



**COMMUNITY AUDIT OF
ENVIRONMENTAL AND SOCIAL
IMPACTS OF THE SOCIÉTÉ MINIÈRE
DE BOKÉ IN GUINEA**

**COMMUNITY AUDIT OF ENVIRONMENTAL
AND SOCIAL IMPACTS OF THE SOCIETE
MINIERE DE BOKE**

FEBRUARY 2023

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Glossary of Terms

ACORD	Agency for Cooperation and Research in Development
ADREMGUI	Association pour le Développement Rural et l'Aide Mutuelle de la Guinée
AGR	Income-generating activity
AMR	Responsible Mining Alliance
AMSP	Association Minière Sans Pauvreté
BAD	African Development Bank
BM	World Bank
CBG	Guinea Bauxite Company
CCLM	Concertation committee in the mining communities
THIS	Center for International Studies and Cooperation
CECIDE	Centre du Commerce International pour le Développement
CEDE	Center of Excellence on Environmental Law
CCLM	Consultation committees in the mining communities
COBAD	Diandian Bauxite and Alumina Company
COP	Conference of the Parties
CR	Rural community
C-dev	Creativity - development
EIES	Environmental and social impact study
GAC	Guinea Alumina Corporation
IDMR	Responsible Mining Initiative
MDT	MEME DROITS POUR TOUS
MMG	Ministry of Mines and Geology
NP	IFC Performance Standard
OECD	Organization for Economic Cooperation and Development
WHO	World Health Organization

NGO	Non-governmental organization
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UN	United Nations
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CSO	Civil society organization
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PAP	Person affected by the project
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RAP	Resettlement Action Plan
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ESMP	Environmental and social management plan
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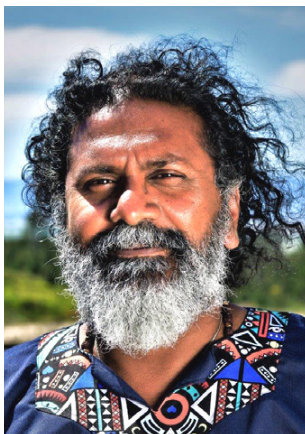
Ph	Hydrogen Potential
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PO	World Bank Operational Policy
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LRP	Livelihoods Rehabilitation Plan
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PTF	Technical and financial partners
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FOREWORD



Natural Justice, in collaboration with its partners and communities, has begun a very important process to support community struggles in Guinea. To do this, we used the community audit methodology to ensure that communities are able to articulate the impacts they are experiencing as a result of Société Minière de Boké (SMB) operations and give them the opportunity to make demands. In this way, communities are better able to engage with companies and the government to protect their rights and their environment.

It should be noted that conducting a community audit in the Republic of Guinea has been a major challenge for both communities and civil society organizations (CSOs). This tool, although well mastered by technical partners, is generally subject to the contingencies specific to each context. This was the case in this country, which is immensely rich in mineral resources. In addition to the constraints inherent to its implementation (difficulties in accessing areas, information, etc.), the community audit process was constrained by the Covid-19 pandemic and, to a lesser extent, the country's political instability. These events often slowed down the pace of the activities, immediately delaying the implementation schedule.

Thanks to the will, courage and unfailing determination of the communities of the twenty-four (24) target villages, we can finally be satisfied with the outcome of this process that took place in four stages:

- ▶ The very informative public community consultations that were done through community made possible by the determination of the communities;
- ▶ The field investigations that allowed for the collection of evidence;
- ▶ Literature search and;
- ▶ Data synthesis and analysis.

This process has made it possible to highlight the impacts that the communities are suffering due to the exploitation of SMB and has given them the opportunity to formulate demands and claims against the company and the State. We would like to take this opportunity to thank all those who participated in the realization of this audit, particularly the partner organizations such as ADREMGUI, AMSP, CTEA, MDT.

Despite the controversy that this community audit is likely to raise, it has been a pretext to allow communities to better understand the impacts they are experiencing while being informed about the applicable legal framework. It is hoped that the lessons learned from this community audit will enable communities to exercise their rights and undertake future struggles for the protection of their fundamental rights, their environment and their living environment.

Pooven Moodley
Executive Director Natural Justice

SUMMARY

Community auditing is a process of community participation in the critical analysis of the confrontation between regulations and observable facts through the demonstration of physical evidence.

The community audit process was carried out according to a methodology based on four (4) pillars, namely public community consultations, field investigations, desk research and data synthesis and analysis. Its implementation by the community was an opportunity for Natural Justice to strengthen their legal capacities in the area of environment, land and fundamental human rights.

The audit process demonstrated during its data collection phase, exactions perpetrated by the company with respect to the environment of Boké. Thus, there is heavy pollution of springheads, water points decried by communities who lack drinking water and a decrease in agricultural productivity due to pollution not only of the soil but also the deposit of dust on the leaves preventing pollination. In addition to these sources of pollution, the communities are coping with the proliferation of diseases due to the consumption of water from polluted sources and the inhalation of dust.

This audit allowed a comparison of these damaging facts resulting from the exploitation of bauxite by the Société Minière de Boké (SMB) in the Boké area with the legal and regulatory framework applicable in Guinea. In this respect, numerous normative deviations were noted, notably:

1. Violation of Article 22 of the Guinean Constitution of 2020, which recognizes the right to a healthy and sustainable environment for all persons;
2. Violation of the rules contained in the Environmental Code of 2019 repealing and replacing that of 1987 relating to air, soil and water pollution;
3. Violation of the rules of the 2013 Mining Code with regard to the procedures for application for an operating permit, ESIA, etc. ;
4. Article 39 paragraph 3 instituting the customary land rights of communities through the ordinance on the Land and Domain Code of Guinea...

In view of all these violations, the communities of the 24 villages that were the subject of this study have formulated demands and recommendations to the SMB and the Guinean government. Among these requests and recommendations, we can cite:

For the SMB

1. Compliance with standards and engagement in dialogue to redress violations;
2. The development and implementation of a Livelihoods Restoration Plan (LSRP);
3. Development of a Consensus Compensation Matrix;
4. Restoration of degraded lands and protection of unaffected lands;
5. Pollution management, ecosystem and biodiversity preservation;
6. Protection and preservation of public health and safety;
7. Facilitation of access to drinking water and protection of springheads; etc.
8. Abandonment of the construction of the coal-fired power plant as a source of energy for the alumina refinery ;

For state authorities

1. Conducting independent studies to assess environmental impacts and social aspects of SMB activities,
2. Publication of results and implementation of required corrective actions;
3. The finalization and publication of the application texts of the Mining Code;
4. The adoption of the National Framework for Compensation, Indemnification, and Resettlement of populations impacted by development projects and make it mandatory through a legal text;
5. The dissemination and popularization of legal texts in local languages for their better ownership by the communities.

I. Introduction

I.1. Presentation of Guinea

The Republic of Guinea is a coastal country in West Africa, bordered by Guinea-Bissau to the northwest, Senegal to the north, Mali to the east, Côte d'Ivoire to the southeast, and Liberia and Sierra Leone to the south (Figure 1).

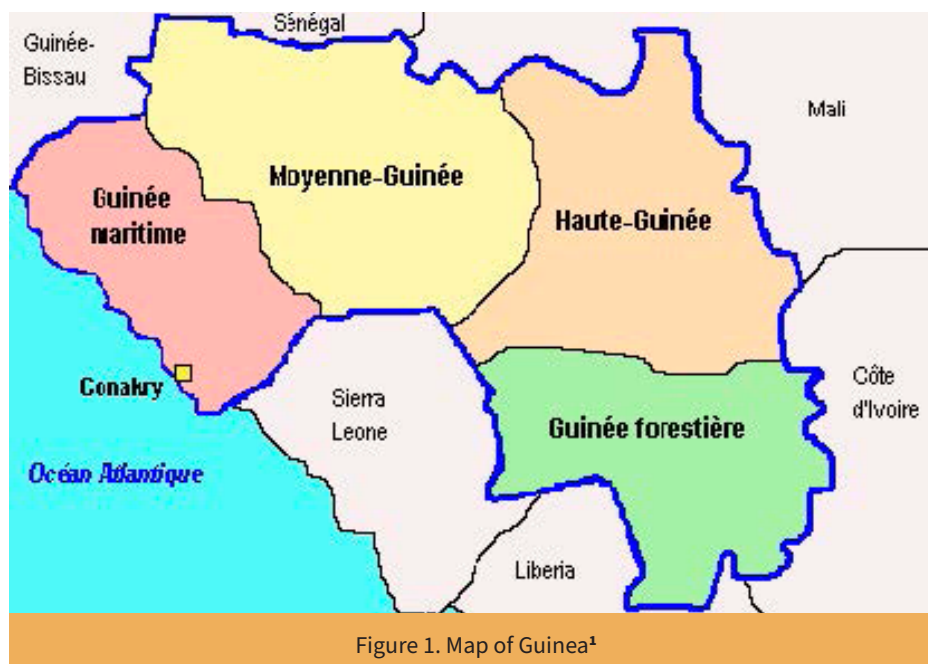


Figure 1. Map of Guinea¹

The country has a strong mining potential that has been developed since the end of the Second World War. Guinea has one-third of the world's reserves of bauxite (mainly in the northwestern part of the country). This asset makes it the preferred destination for mining developers, particularly since the adoption of the 2011 Mining Code, amended in 2013, which grants privileges to title holders².

Guinea's bauxite production increased from 59.6 million tons in 2018 to 70.2 million tons in 2019, 87 million tons in 2020 and 90 million tons in 2021 and with the arrival of SMB. Thus, since its establishment in Guinea in 2015, SMB remains the largest producer of bauxite in Guinea (Figure 2).

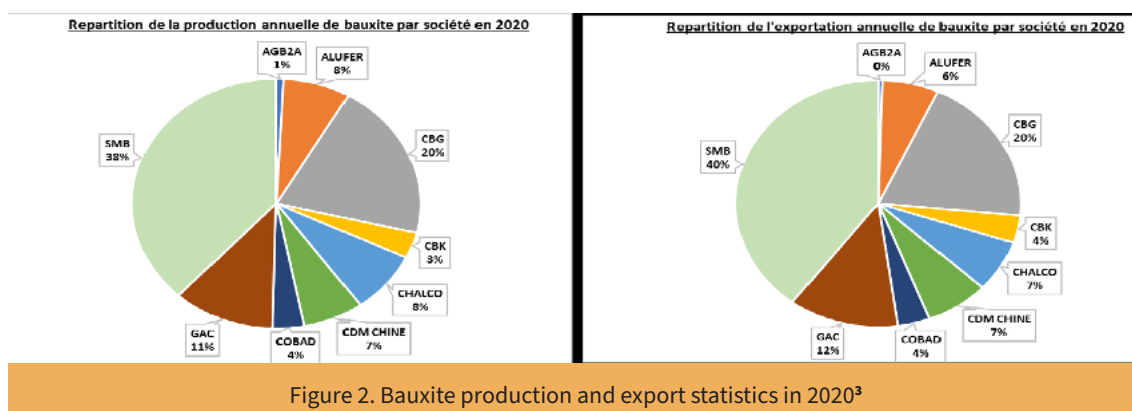


Figure 2. Bauxite production and export statistics in 2020³

¹ https://www.axl.cefan.ulaval.ca/afrique/guinee_fr-carteregionale.htm

² 18.4% of GDP, 30.57% of contributions to state revenue, 78.86% share in exports according to EITI Report

³ Bulletin of Mining Statistics No. 10 of the Ministry of Mines and Geology, January-December 2020, published on February 23 2021

According to an Ecofin Agency analysis of the commodity market outlook, Guinea's 18 percent increase in bauxite production in 2019 has allowed it to take over China's position as the world's second largest producer behind Australia.

According to projections by the CM Bauxite, Guinea will have a 32% share of world bauxite exports, mainly to Chinese smelters, with values that will exceed 100 million tons per year.

These activities in their entirety have a positive impact on the national economy⁴ but have negative consequences for local communities. Indeed, as in the case of the Boké region, where several multinationals operate more than twenty open-pit mines (Figure 3), mining has a strong impact on the livelihoods of communities, the environment and ecosystems. Thus, mining requires stripping of the overburden to access the ore, followed by extraction using blasting techniques and transport of the product to the export seaports (Conakry, Kamsar, Bel Air) or river ports (Katougouma and Dapilon). Upstream of maritime transport, the product is transported by rail or land. Thus, a vast network of mining and maritime routes has been developed using barges and transshipment on the high seas.

Despite the government's willingness to carry out reforms in the sector in order to attract investors and improve the basic conditions of local communities, particularly in terms of compliance with environmental and social obligations⁵, the impacts are still unbearable.

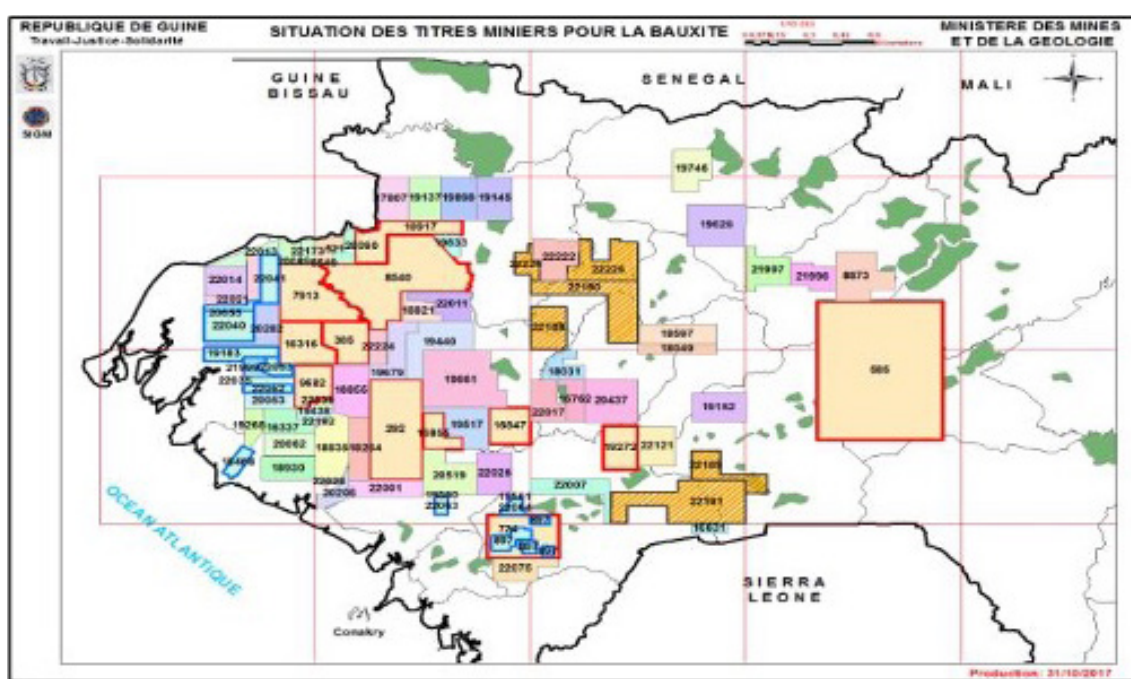


Figure 3. Status of bauxite mining claims⁶

1.2. Presentation of the audit area

The prefecture of Boké is located in maritime Guinea. It is bordered to the north by Guinea-Bissau, to the northwest by the prefecture of Gaoual, to the west by the prefecture of Téliimélé, to the south by the prefecture of Boffa and to the west by the Atlantic Ocean (Figure 4).

4 https://mines.gov.gn/assets/uploads/2022/12/Bulletin_Statistiques_Minières_N%C2%B017-2022-.pdf

5 <https://afrique.latribune.fr/think-tank/tribunes/2021-06-16/la-guinee-enregistre-des-progres-dans-la-gouvernance-miniere-en-plein-boom-du-secteur-886832.html>

6 Office Guinéen des Parcs et Réserves (OGUIPAR). *Establishment of a National Directory of Threatened Protected Areas by mining activities in Guinea*, March 2018

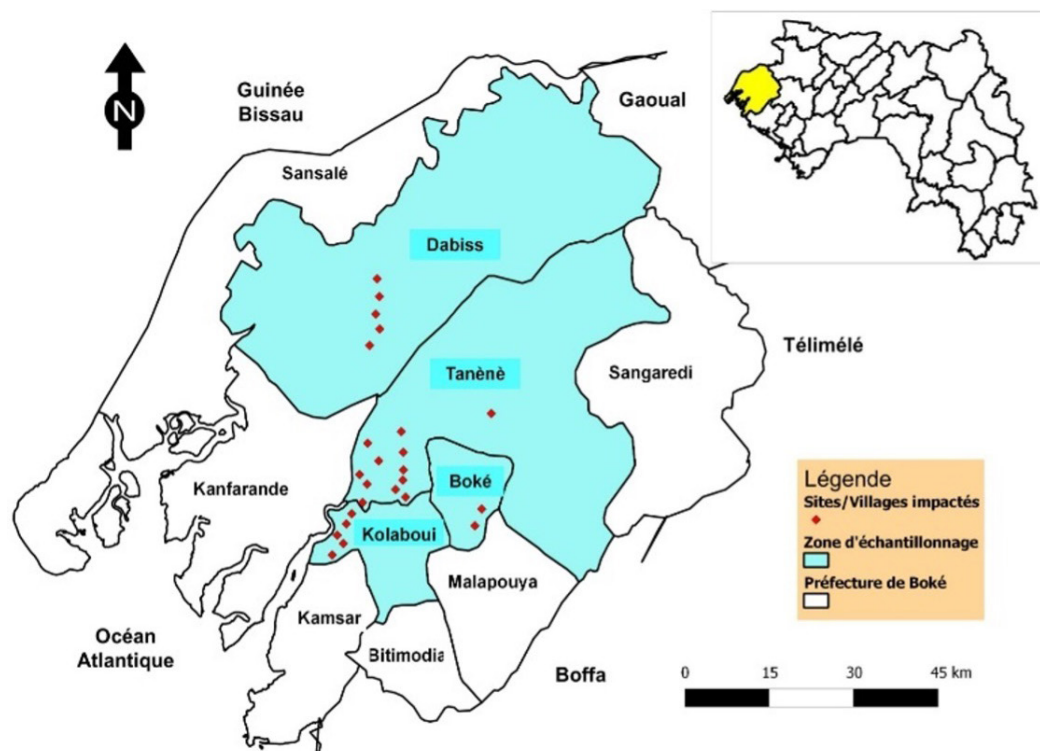


Figure 4. Presentation of the municipalities in the study area (Natural Justice, 2022)

The prefecture of Boké had a population of 481,007 in 2016, of which 237,534 were Men and 243,473 were Women⁷. This population is distributed in 10 rural communes/sub-prefectures which are: Boké ville, Bintimodiya, Dabiss, Kamsar, Kanfarandé, Kolaboui, Malapouyah, Sangarédi, Sansalé and Tanènè⁸.

The 24 villages, subject of this community audit, were chosen in the urban commune of Boké and the rural communes of Dabiss, Kolaboui and Tanènè, all within the SMB mining concession.

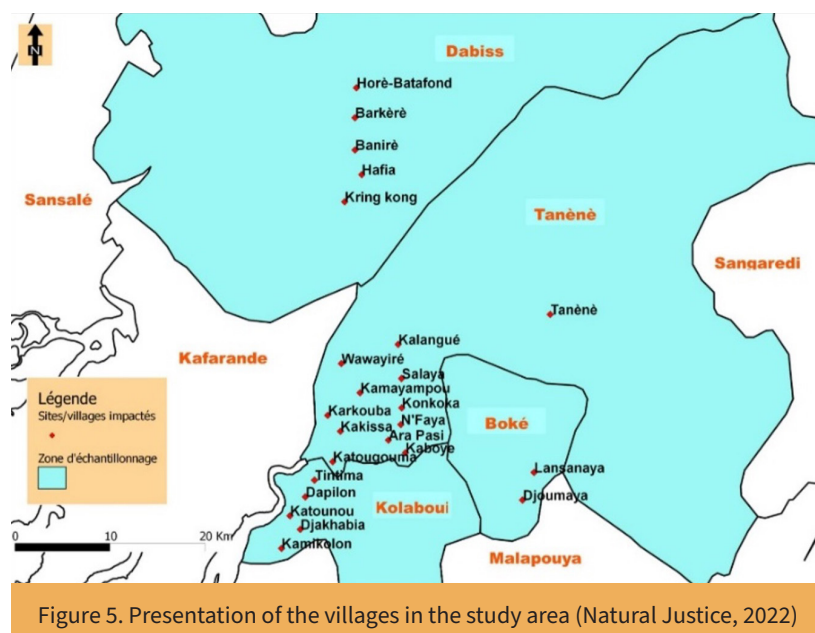
Sampling was done in 2019, taking into account the villages where the mining platforms, SMB installations and living quarters are located, as well as the surrounding villages impacted by mining activity. (Table 1 and Figure 5).

⁷ https://www.stat-guinee.org/images/Documents/Publications/INS/annuelles/annuaire/Region_de_Boke.pdf

⁸ https://wikimonde.com/article/Pr%C3%A9fecture_de_Bok%C3%A9

Table 1. Villages in the audit area

No	Village	Commune rurale/Sous-préfecture	Préfecture/ commune urbaine	Région
1	Lansanaya	Tanènè	Commune urbaine de Boké	Boké
2	Djoumaya			
3	Katougouma			
4	Kaboye			
5	Salaya			
6	N'Faya			
7	Arapassy			
8	Konkokan			
9	Kamayampou			
10	Kalangué			
11	Tanènè			
12	Karkouba			
13	Wawayiré			
14	Kakissa			
15	Kamikolon	Kolaboui		
16	Katounou			
17	Dapilon			
18	Diakhabia			
19	Tintima			
20	Hafia	Dabiss		
21	Kringkong			
22	Banirè			
23	Barkèrè			
24	Horè-Batafond			



In the prefecture of Boké, the economic activities practiced are essentially: agriculture (rice, peanuts and mahogany), fishing, salt farming, livestock, trade and handicrafts. These subsistence activities are now threatened by large-scale mining operations. Indeed, the locality has enormous mineral potential and bauxite is the main resource. Bauxite mining began in the region in 1963 by the Compagnie de Bauxite de la Guinée (CBG), the first mining company.

In favor of the reform of the 2011 Mining Code, amended in 2013, several multinationals have set up in the area. These include the Guinea Alumina Corporation (GAC), the Compagnie des Bauxites et d'Alumine de Diandian (COBAD), the Alliance Minière Responsable (AMR) and the Société Minière de Boké (SMB), the subject of this audit. According to statistics, SMB has been considered the country's leading producer since its establishment⁹.

I.3. Presentation of the mining project conducted by the Société Minière de Boké (SMB)

The SMB-Winning bauxite project is an open pit mining operation in the Boké region of the Republic of Guinea. The mine is being developed by SMB, a mining company owned by the SMB-Winning consortium. Founded in 2014, the consortium includes four global partners in bauxite mining, production and transportation, including:

1. Singaporean Winning Shipping Ltd, a leading Asian shipowner;
2. United Mining Supply (UMS), a transport and logistics company incorporated under founded in 2002 and has been providing transportation services to the mining and other industrial industrialists in Guinea for over 20 years;
3. Shandong Weiqiao, a leading Chinese company in the production of aluminum and;
4. Yantai Port Group¹⁰, a Chinese company established in 1984 and specialized in provision of port operation services. It s involved in transportation, distribution distribution, warehousing, port management and other services in the consortium.

The Republic of Guinea, a partner in the project, is a 10% shareholder¹¹. Since its creation, SMB-Winning has invested more than US\$1 billion in its mining activities in the Boké region¹².

9 https://mines.gov.gn/assets/uploads/2022/12/Bulletin_Statistiques_Minieres_N%C2%B017-2022-.pdf, accessed January 4, 2023

10 <http://www.smb-guinee.com/consortium-smb-winning/> (site visited on April 22, 2021 at 13:30 GMT)

11 <http://www.smb-guinee.com/consortium-smb-winning/> (visited on 22 April 2021 at 13h30 GMT)

12 <http://www.smb-guinee.com/consortium-smb-winning/> (site visited on April 22, 2021 at 13h30 GMT)

I.3.1. SMB permits, agreements and concessions

The SMB-Winning consortium holds several mining titles in the northwestern bauxite area of the country. A first industrial mining permit covering an area of 304.5 km² was granted on July 17, 2015. Two other industrial exploitation permits in Dabiss with an area of 495.368 km² and 399.338 km² were granted on December 02, 2016, and an industrial exploitation permit in Malapouya with an area of 146.414 km² acquired on March 13, 2017.

SMB, which started operations in 2015, saw its bauxite production increase from 12 million in 2016 to 31 million tons in 2017. It has become Guinea's largest bauxite exporter, with more than 50 million tons produced in 2020. It has signed in 2021 with the government of the Republic of Guinea three (3) conventions for the realization of an integrated project for the Boké region. These agreements include:

- ▶ The construction of a 135 km railroad line in a corridor extending from the Boffa region to the Boké region Boffa region to the Boké region;
- ▶ The production and industrial exploitation of bauxite resources in the new mining zones of Santou II and Santou II and Houda mining areas, and;
- ▶ The construction and operation of an alumina refinery in the Boké Special Economic Zone. of Boké.

The bauxite is then transported by rail from the mining areas of Santou and Houda (Telimele prefecture) to the river terminal of Dapilon (Boké prefecture).

As a reminder, SMB started its bauxite production activities in 2015 in the Kaboye mine, by a mining road passing through Kakissa towards the river port of Katougouma, without a mining convention. The ESIA's conducted at the beginning of the operation were of poor quality. They have been the subject of much criticism, which has led some specialists to assert that they are not ESIA's in the strict sense.

Notwithstanding, SMB would have had to conduct ESIA's for each of its major infrastructures, namely mines (3 ESIA's), mining roads (2 ESIA's), ports (2 ESIA's), and the railroad. For the mines, the Malapouya ESIA is scheduled for 2016 and the Santou and Houda ESIA for 2021. For the mining roads, the ESIA of the 22 km long road extends from Dabiss RC to Kaboye in Tanènè RC. It provides for the transport of bauxite ore from the mine to the port of Katougouma.

For the ports, we note the ESIA of the port of Katougouma in 2015 and that of the port of Dapilon in 2016.

I.3.2. Alumina refinery project

The alumina refinery project consists of the construction of an installation to transform bauxite into alumina. Since it requires energy for its operation, SMB has decided to install a coal-fired power plant. Initially, the project was to be installed on a site in Moribaya and an ESIA was conducted in 2021 and approved by the Technical Analysis and Evaluation Committee (CTAE) in April 2021. With the change of regime on September 5, 2021, the new authorities have asked any company with refinery projects in their agreement to submit feasibility studies by the end of May 2022. In favor of these new prospects, SMB has submitted a refinery project document to the Prime Minister's Office where it still plans to build the plant while changing the installation site in the same locality. This change of site implies the completion of a new ESIA. However, it should be noted that the transitional government is determined to ban coal-fired power plants in Guinea because of their negative impacts on the environment. Similarly, in September 2021, Chinese President Xi Jinping expressed China's intention to stop using coal.

II. Methodology of the community audit

In order to document the impacts on the environment and the communities, this audit report was produced by the communities themselves with the technical support of civil society organizations such as Natural Justice (NJ), Association pour le Développement Rural et l'Entraide Mutuelle de Guinée (ADREMGUI), Mêmes Droits pour Tous (MDT), Association Mines Sans Pauvreté (AMSP), Center for Transnational Environmental Accountability (CTEA).

The report covers twenty-four (24) villages of which the 14¹³ have suffered, since 2015, environmental and social impacts caused by the activities of the Société Minière de Boké (SMB) in the prefecture of Boké.

The community audit is a tool that helps communities document the environmental and social impacts they are experiencing, identify deviations from regulations, and demand redress and respect for their rights. It is a participatory tool that allows impacted local communities to assess the compliance of public or private project practices with national legislation, international conventions, sustainable development guidelines (World Bank Safeguard Policies, International Finance Corporation-IFC Performance Standards, World Bank Group Environmental, Health and Safety Guidelines) and human rights. It also identifies violations and risks of violations of community rights and their social and environmental impacts.

The choice of this tool by the communities is explained by its inclusive nature in the process of identifying impacts, formulating claims and creating community synergy for the defense of their rights. It was also a pretext for strengthening the legal capacities of the impacted communities to enable them to freely exercise their environmental rights.

Within the framework of the SMB, the community audit makes it possible to identify and understand violations of the environment and community rights and to draw conclusions. This exercise also makes it possible to formulate recommendations and complaints and to positively change SMB practices. The specific objectives are to:

1. Take stock of the legal framework applicable to the mining project to analyze the implementation and implementation and the degree of compliance or non-compliance with the laws;
2. Establish a catalog of violations of economic, social and cultural rights based on evidence and data provided by local evidence and data provided by local communities;
3. Formulate specific requests from the local communities impacted in order to repair the various violations;
4. Make recommendations for repairing the damage and positively changing SMB practices in all practices in all the villages where SMB operates;
5. Initiate an advocacy process with a view to achieving a dialogue on rights between the SMB and the impacted communities (with the support of civil society), facilitated by a credible and independent third party, to reach binding agreements to repair agreements to repair the damage identified in the audit report.

To reach these conclusions, the audit was carried out using a participatory and inclusive methodology through the following steps.

13 <http://www.smb-guinee.com/consortium-smb-winning/> (site visited on April 22, 2021 at 13h30 GMT)

II.1. Community Consultations

These consultations were organized by the communities of the twenty-four (24) villages in partnership with civil society actors. They started in March 2019 and continued throughout the audit in order to update the data as needed. In this process, it was mainly a matter of the communities exposing during collective and individual interviews all the problems of the exploitation of bauxite by SMB and the respect of their rights.



Plate 1. Interview with the women of Katougouma (July 12, 2019)



Plate 2. Consultation with Kakissa youth (August 28, 2019)



Plate 3. Focus group with the community of Kringkong (February 7, 2023)



Plate 4. Focus group with the community of Djoumaya (February 8, 2023)

These frameworks for consultation, exchange and dialogue have allowed for the legal empowerment of the impacted communities in order to bring them to know and master their rights and to defend them.

II.2. Field observations and investigations

Direct observation and investigative missions took place between March 2019 and February 2023. These include:

- ▶ **August 17 to September 06, 2019:** Data Collection Mission;
- ▶ **November 16-21, 2019:** Mapping Validation;
- ▶ **From November 18 to 22, 2020:** Workshop on the SMB strategy (NGOs and communities);
- ▶ **From March 21 to April 5, 2021:** Mission to collect additional information;
- ▶ **January 12-17, 2022:** Certification of the Community Audit Data;
- ▶ **February 6-11, 2023:** Additional data collection mission.

The various missions organized in the framework of this audit brought together several national and international NGOs, namely: Natural Justice, ADREMGUI, MDT, AMSP, C-DEV, NMAP, CTEA. These NGOs supported the communities in collecting data and identifying impacts. In addition to group and individual interviews, several common data collection tools were developed, such as individual and group interview guides, an impact identification matrix and a conflict matrix.

Direct observation reveals that mining works and its infrastructures in the audit area have negative impacts on the environment of all target communities, such as actual and potential expropriation of people from their lands, destruction of natural resources (water, biodiversity, forest resources, land etc.), destruction of livelihoods, air, water and soil pollution. With the intensity of activities resulting from several mining conventions such as the SMB Concession Convention of November 26, 2020 and the Santou II and Houda Railway Convention of November 26, 2018, it has become necessary for the communities to conduct an audit enabling them to lay the groundwork for the respect of their rights. This is in line with several studies on the respect of the rights of communities such as the one conducted by Human Rights Watch in October 2018¹⁴.

II.3. Literature review

This involved, on the one hand, researching and exploiting existing documents related to mining activities and, on the other hand, reviewing the legal texts (environmental, mining and social) applicable to mining activities. This research was conducted with several structures, state and non-state actors.

II.4. Synthesis and validation of collected information

The combined collection and use of the different data required validation sequences at various community levels.

At the end of the data collection and to complete the partial analyses done directly in the field, the team carried out cross-checks to ensure the reliability of the testimonies collected to answer the various questions asked. Thus, certification missions were organized in the twenty-four (24) villages.

At the end of these community meetings, a certification workshop was organized with the presence of representatives of all the communities in order to carry out advocacy geared toward dialogue for a better respect of the communities' rights.

14 <https://www.hrw.org/fr/report/2018/10/04/quels-benefices-en-tirons-nous/impact-de-l'exploitation-de-la-bauxite-sur-les-site>



Plate 5. data certification workshop (July 3 2022). Source: Natural Justice

During data collection, a few major difficulties were encountered. These included:

- ▶ Access to certain communities due to the advanced state of degradation of roads;
- ▶ Access to certain SMB information;
- ▶ Access to certain sites such as the mining port of Dapilon and the Dabiss mine;
- ▶ The persistence of certain social constraints, such as women's ability to speak out in villages.

As a reminder, the Republic of Guinea is a party to several international and regional conventions and has also adhered to declarations and policies that constitute requirements for the realization of mining activities of all kinds for the maximum protection of the rights of communities.

These texts relate to, among other things:

- ▶ Declaration of Human Rights
- ▶ The International Covenant on Economic, Social and Cultural Rights of 1966
- ▶ The Ramsar Convention on Wetlands of 1971
- ▶ The 1992 Convention on Biological Diversity
- ▶ The 1992 Framework Convention on Climate Change and the Paris Agreement;
- ▶ The Stockholm Convention on Persistent Organic Pollutants (POPs) of 2001
- ▶ The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989
- ▶ The Convention on the Conservation of Migratory Species of Wild Animals (CMS)
- ▶ The Convention concerning the Protection of the World Cultural and Natural Heritage
- ▶ Additional Act A/SA.16/02/12 adopting the ECOWAS Mineral Resources Development Policy (EMRDP)
- ▶ Directive C/DIR3/05/09 of May 27, 2009 on the Harmonization of Guiding Principles and Policies in the Mining Sector
- ▶ Africa Mining Vision (AMV) 2009;

- ▶ ECOWAS Mining Policy
- ▶ Businesses and Human Rights Guiding Principles au lieu de Business and Human Rights Guidelines

Even if the majority of international texts are not binding because they set up guidelines on which countries can base themselves to protect the environment and ensure a better preservation of the living environment of communities, the State of Guinea has developed a series of texts implementing these various texts and framing mining operations. These texts cover several areas including the protection of water resources, the protection of biodiversity, the management of rural land, health, the protection of cultural heritage, and the protection of the rights of populations living in areas affected by public or private projects.

Mining by SMB began in 2014 so governed by a plethora of texts including:

- ▶ The 2010 Guinean constitution repealed (Even if repealed, the 2010 constitution will be invoked in this report because it covers part of the period of operation of SMB's operating period and provides for certain provisions that are not covered by the 2020 constitution);
- ▶ The Guinean Constitution of 2020 suspended (It also covers part of the period of operation of SMB and provides for the fundamental right to a healthy environment not referred to in the Charter of 2021);
- ▶ The Transition Charter of September 21, 2021;
- ▶ The law L/2011/006/CNT of September 9, 2011 on the Mining Code of the Republic of Guinea and amended in 2013;
- ▶ The 1987 Environmental Code of the Republic of Guinea repealed;
- ▶ The law L/2019/0034/ AN of July 04, 2019 on the Environmental Code of the Republic of Guinea;
- ▶ Law No. 2018/0049/AN of June 20, 2018 on the Code of Protection of Wildlife and Regulation of Hunting;
- ▶ The ordinary law L/2017/060/an of 12 December 2017 on the Forestry Code;
- ▶ Law L/97/020/AN/1997 of 19 June 1997 on the Public Health Code;
- ▶ Law L/95/51/CTRN of 29 August 1995 on the Pastoral Code;
- ▶ Law L/94/006/CTRN of February 14, 1994, on the Social Security Code;
- ▶ Law L/94/005/CTRN of 14 February 1994 on the Water Code;
- ▶ Ordinance O/92/019/PRG/SGG/92 of 30 March 1992 on the Land and Property Code;
- ▶ Law n°006/AN of July 4, 2005 fixing the fees due for the abstraction and pollution of water resources;
- ▶ Law n°007/AN of July 4, 2005 fixing the penalties relating to the infringements of the Water Code;
- ▶ The law on the Code of Local Authorities in the Republic of Guinea, March 26, 2006, revised in 2017.

Some of the texts have been provided with application decrees, others have not.

III. Results of the Community Audit



With the SMB we have lost everything. We no longer live, we survive. The company has taken everything from us: our land, our ponds and water points. We are all sick. It is our women who currently feed us because they are involved in collecting and selling dead wood.

President of the sector of Lansanaya

However, safeguarding the environment and the health of mining site communities is a legal obligation. Article 143 of the Guinean Mining Code states: *“In order to ensure the rational exploitation of mining resources in harmony with the protection of the environment and the preservation of health, holders of mining permits and titles shall ensure the prevention or minimization of any negative effects due to their activities on health and the environment [...].”*

Through collaboration with project partners and communities, the community audit helped organize the populations affected by the SMB project, following various legal empowerment sessions, to better understand and defend their rights that have been infringed. Indeed, the analysis carried out on the information gathered, revealed several legal discrepancies, particularly with respect to the environmental and related rights of communities in the bauxite mining area of Boké.

III.1. Violations of the right to a healthy environment

The protection of the environment and the health of communities is a priority of both the lawmaker and the Guinean legislator¹⁵ in that it makes it an obligation of both the State and the holders of mining titles.

Article 16 of the Guinean Constitution of 2020 suspended: *“Everyone has the right to a healthy and sustainable environment and has the duty to defend it. The State shall ensure the protection of the environment.”*

Article 143 of Law L/2011/006/CNT of September 9, 2011 on the Mining Code as amended by Law L/2013/053/CNT of April 8, 2013 on the modification of certain provisions of the Mining Code of the Republic of Guinea: *“Holders of mining title authorizations shall ensure the prevention or minimization of any negative effects due to their activities on health and the environment, in particular: pollution of water, air and soil, degradation of ecosystems and biological diversity.”*

In addition to the suspended Constitution of 2020 and the Mining Code of 2011 amended in 2013, environmental protection was also a concern of the legislator of the Environmental Code of 1987. A

¹⁵ The right to a healthy environment is a constitutionally recognized right in Guinea through the former Constitution of May 7 2010 and reiterated in Article 16 of the Constitution of 2020. Article 119 of the 2010 constitution defines high treason as «when the President of the Republic has violated his oath of office, the rulings of the Constitutional Court, or has been found to be the author, co-author, or accomplice of serious and flagrant violations of human rights, or of the cession of part of the national territory, or of acts detrimental to the maintenance of a healthy, sustainable, and development-friendly environment. However, the September 2021 transitional charter does not take into account the right to a healthy environment recognized to every Guinean citizen.

combined reading of articles 1er¹⁶ and 4¹⁷ of this ordinance informs on the need for conservation, maintenance and preservation of resources in the sense that the environment is recognized as national heritage and therefore of public interest. This has been taken up by the legislator of the current Environmental Code.

Article 6 of the 2019 Environmental Code: *“The Guinean environment constitutes a natural heritage, an integral part of the universal heritage. Its conservation, the maintenance of the resources it offers to human life, the prevention or limitation of activities likely to degrade or harm the health of people and their property are of general interest.”*

Despite this obligation on both the State and the promoter, it is clear from the findings that environmental degradation remains significant in the SMB’s operating areas. The pollution of the air, soil and waterways deprives the host communities of a peaceful enjoyment of their right to a healthy environment.

Indeed, air pollution is easily perceived by the amount of dust produced by the extraction and transportation of bauxite, especially during the dry season. The large influx of vehicles transporting ore on unpaved roads not far from residential areas generates a significant amount of dust, which is not without consequence. The communities along the SMB mining roads, on which thousands of bauxite trucks travel every day, are the most exposed to dust emissions. To date, there is no recent data on the number of trucks on these roads. However, an audit commissioned by the Ministry of Mines in 2018, echoed by an HRW report in 2019 estimated truck traffic on SMB roads “at 4,000 to 5,000 vehicles per day.”

This dust that settles on tree leaves or is inhaled by communities is described by the majority of impacted villages as containing particles that cause respiratory illnesses. “Since the establishment of SMB in our area, there is really no life for us here in Dapilon. We suffer from both the mining road and the railroad. We live in the dust. Diseases that once we did not develop are common. Our women almost all suffer from sinusitis. Coughing used to be a children’s disease, but since the arrival of the SMB, we all cough, suffer from pneumonia. We don’t know the cause, but we blame SMB because it is a new phenomenon” (Dapilon community leader).

However, the provisions of Article 41 of the Environmental Code of 1987 reproduced by **Article 66 of Law L/2019/0034/AN of July 4, 2019, on the Environmental Code of the Republic of Guinea** “prohibits the direct or indirect emission or release into the air of soot, dust or toxic, corrosive or radioactive gas or any other chemical substance likely to generate air pollution beyond the limits set by regulation.

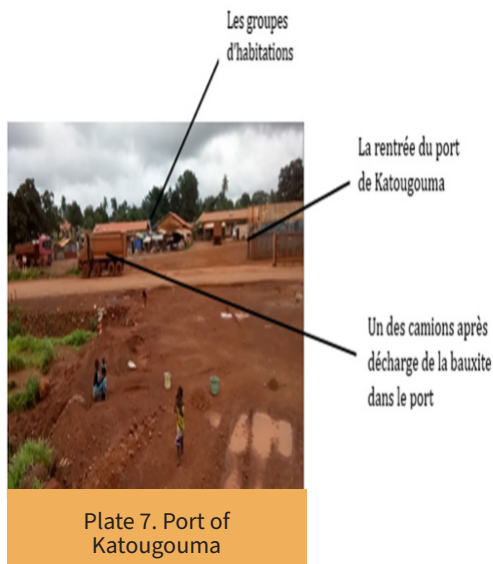
16 The right to a healthy environment is a constitutionally recognized right in Guinea through the former Constitution of May 7 2010 and reiterated in Article 16 of the Constitution of 2020. Article 119 of the 2010 constitution defines high treason as «when the President of the Republic has violated his oath of office, the rulings of the Constitutional Court, or has been found to be the author, co-author, or accomplice of serious and flagrant violations of human rights, or of the cession of part of the national territory, or of acts detrimental to the maintenance of a healthy, sustainable, and development-friendly environment. However, the September 2021 transitional charter does not take into account the right to a healthy environment recognized to every Guinean citizen.

17 Article 4 of the 1987 Environmental Code Ordinance: “The Protection and enhancement of the environment are an integral part of the national strategy for economic, social and cultural development. The development plans put in place by the Administration shall take into account the imperatives of protecting and enhancing the Guinean environment.



Plate 6. Katougouma, dust emissions (24 November 2019)

In Katougouma, for example, we note that each time trucks pass by; a huge amount of dust is raised, which contributes to a considerable deterioration of the air quality.

Plate 7. Port of
Katougouma

The port of Katougouma is located less than 100 meters away from the community's homes. The community is completely invaded by mining activities, which creates a feeling of insecurity among its inhabitants.

These dust emissions are not without consequences on the productivity of the soils in the area. Indeed, the dust that accumulates on the leaves hinders the photosynthesis of the plants and therefore their general health. This drop in productivity is deplored in all the villages affected by the SMB operation. “Market gardening has become a headache. You make a butt at 10,000 GNF, you buy fertilizer at 600,000 GNF per 50 kg bag, you water every evening. At flowering time, you notice that the flowers fade and the young fruits fall before maturity. Since the installation of the port and the mining road, the harvest is always lower than the investment. This is all due to the dust and it hurts us a lot,” said a resident of Titima. In Kring Kong, a community leader said, “To date, the productivity of our cashews has significantly dropped. We can no longer benefit from our agriculture because of the dust that prevents our cashew plants from bearing fruit.

On this issue of soil productivity, Sidiki CONDE, an Agricultural Advisor of Tanéné confides: “Dust plays an important role in the failure of plant growth. In addition, the water used to water the plants is all polluted. All this leads to a lack of productivity in the SMB’s operating area in Boké. This is a despair for the communities because the agriculture does not feed the communities of the zone any more”.

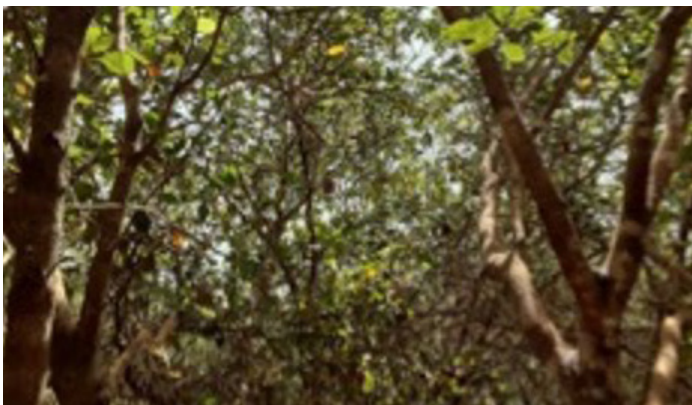


Plate 8. Impact of dust on a cashew plantation



Plate 9. Impact of dust on cashew harvest

Plate 9: Impact of dust on cashew harvest

This picture shows a woman explaining the impact of dust on her plantation. She points out that she used to harvest 15 to 20 kilograms cashew nuts per day in her small plantation but now she cannot even harvest 5 kilograms per day because there is no fruit on the trees due to dust.

III.2. Violations of land rights and fair compensation



We have not been associated with the compensation. We were told that the land belongs to the State, whereas it is land that was bequeathed to us by our great grandparents. Our parents cultivated on this land and they bequeathed it to us. We were compensated for our crops and utility trees. The amount that the SMB gave us is derisory compared to the losses we suffered. The company came with the communal authorities to intimidate us and we accepted everything they proposed.

G. Bangoura, a community leader in Titima

However, recognizing, respecting and protecting all legitimate land rights that may be affected by mining projects is one of the foundations of sustainable development. SMB's mining activities in the Boké region do not yet fit into this logic. In fact, due to the establishment of SMB, the local communities have been dispossessed of their land. As a result, they have lost a good part of their living space as well as their economic activities linked to the land. This loss is presented in two (2) ways:

- ▶ On the one hand, the facilities required for mining activities occupy large areas that may result in either physical or economic resettlement or both. These facilities relate to the mine, the railroad, mining roads, living bases and port facilities.

- ▶ On the other hand, runoff from sediment-laden storm water and dust-laden suspended particles can strongly impact the quality of crop soils and therefore productivity.

A mapping process led by local communities was facilitated to gather information on resources and infrastructures that they felt had been lost (or to which they no longer had access) due to SMB mining operations (Table 2). This process was also used to ground-truth the land cover maps produced from the analysis of satellite images. The four identified areas include the following villages:

- ▶ Zone 1: Banirè, Barkéré, Horé-Batafond, Kring kong, Hafia (**Figure 6**);
- ▶ Zone 2: Dapilon, Diakhabia, Kamikolon, Katounou, Tintima (**Figure 7**);
- ▶ Zone 3: Djoumaya, Lansanaya (**Figure 8**);
- ▶ Zone 4: Kakissa, Katougouma (**Figure 9**);

In Titima, a large agricultural area (growing rice, chili, okra, eggplant, potatoes, and cassava), there has been significant land degradation. According to community testimonies, these lands are partially or totally destroyed due to mining activities. The degraded land is either individually or collectively owned, such as the Botchban community lowland. Other land areas that are an integral part of Titima, such as Tombolia, Sonkissa, and Kaboinet, are occupied by the mining port, while the rest of the land that could be used for cultivation is contaminated by all kinds of pollutants (dumping of waste diesel and motor oil, etc.). In addition, public consultations revealed that the dispossession of land in this area of the Diakhabia district has led most farmers to resort to renting land in order to carry out their agricultural activities.



Since the arrival of the SMB in the Diakhabia district, we no longer own any land. They settled on our land and today we are obliged to lend land to the community of Sogokoli located 3 km away for market gardening. At harvest time, we give either part of the harvest or money in payment. Nevertheless, in this community we are confronted with problems of soil fertility and water. Our former lands were very fertile. We regret the establishment of SMB in our area.

D. D, a resident of Diakhabia

This situation as indicated above is observed in all impacted communities. In Kampaté, a village in Kaboye District where SMB mining started in June 2015, communities have lost all their cultivable land. A young man in the village said, “SMB took all our land. Me, I was in school in Boké town when SMB started its activities. They told our parents to leave their land because the exploitation of bauxite will make this land infertile. They gave in because they did not understand anything. I wanted to become. We were able to make a living from our crops and our land was very fertile. But, when I returned to the village, my father told me that all his land had been taken away. I was not able to continue my schooling, nor to take up farming”

Table 2. Calculation of land use change (in ha) for each land cover class cover class between 1986 (historical) and 2019 (current)

Historical Use of land	Current Use of lands	Zone 1 (ha)	Zone 2 (ha)	Zone 3 (ha)	Zone 4 (ha)	Total area (in ha) of use of resources
Ereble lands	Operating mines	-	-	-	6	6
	Fallow land	-	76,053	20,167	-	96,22
	Woodland Savannah	-	14,571	-	-	14,571
Fallow land	Ereble lands	236,607	44,184	-	-	280,791
Bowal (Pâturage)	Operating mines	513,02	-	-	-	513,02
	Mines in exploration	224,598	-	-	-	224,598
	Harbor zone	-	-	-	24,038	24,038
Savane boisée	Operating mines	-	-	86,738	-	86,738
	Mines – in exploration	128,984	224,769	-	-	353,753
	Rail, roads et other uses	52,566	41,072	49,909	62,838	143,547
	Ereble lands	245,77	228,337	399,393	-	873,5
	Fallow land	-	-	82,606	-	82,606
Forest	Operating mines	28,08	-	-	-	28,08
Mangrove Swamps	Impacted rice Fields	-	67,009	-	-	67,009
Wet grasslands	Harbor zone	-	-	-	39,014	39,014
Plantation	Rail, roads et other uses	-	-	0,441	-	0,441
Riverside crops		-	-	45,63	-	45,63

The right to property is also enshrined and guaranteed in Guinea by various international and national texts.

Article 14 of the African Charter on Human and Peoples' Rights: *“The right to property is guaranteed. It can only be infringed by public necessity or in the general interest of the community, in accordance with the provisions of the appropriate laws”.*

Article 28 of the Transition Charter of September 27, 2021: *The right to property is guaranteed. No one may be expropriated except for reasons of public utility declared, under the conditions and in the forms prescribed by law, following prior and fair compensation.*

Article 829 of Law L/2019/035/AN of July 04, 2019 on the Civil Code of the Republic of Guinea: *“No one may be forced to give up his property, except for a public purpose and in return for fair and prior compensation.”*

Access to land and the enjoyment of property rights is a real problem in the SMB concession in Boké. Guinean law, through Article 39 of the Land and Property Code, recognizes three (3) types of land ownership.

“Owners within the meaning of this code are:

- 1.** *Natural or legal persons holding a land title,*
- 2.** *The occupants, natural or legal persons, holders of a land registry, a housing permit or authorization to occupy,*
- 3.** *The occupants, be they natural or legal persons, justifying a peaceful occupancy of a building in good faith and in the capacity of owner. If necessary, proof of good faith is certified by any means, »*

Indent 3 of this provision tacitly recognizes customary rights (lineage, family rights, and prolonged peaceful occupation) as found in the mining areas of Boké. Despite the existence of this provision, at the establishment of the Winning SMB, some of the local communities have been illegally dispossessed¹⁸ of their lands. These land expropriation actions have occurred since 2015 and are still being pursued as a result of the expanded actions of the SMB, while ignoring customary land rights that are recognized by article 39 of the State-owned land Code. In the prefecture of Boke and specifically at the level of several villages, the SMB has disregarded the land rights of these communities by stating that the land that is the cause of disagreement remains a State property. *“Both the SMB and the State have intimidated and deceived us. The company had compensated us for our plantations against our will. As far as our lands are concerned, we have been notified that they belong to the State,”* confided one S. C, Mohamed, President of the Katougouma district.

Furthermore, the compensation procedures used by SMB ignore the rights of communities. Article 124 of the amended Mining Code provides for fair and equitable compensation for property affected by mining activities: *“(…) The holder of the mining title or authorization must pay any legitimate occupants of the land required for its activities, compensation intended to cover the disturbance of use suffered by these occupants. The amount, periodicity, method of payment and all other terms and conditions relating to the compensation referred to above shall be determined in accordance with the provisions of this Code and its implementing regulations. The amount of such compensation shall be sufficiently reasonable so as not to compromise the viability of the project and proportionate*

¹⁸ Indent 3 of article 123 of the mining Code stipulates that: *“The holder of a mining Title or an Authorization may claim occupancy within the perimeter of such Title or Authorization, the needed lands for his own activities if he is authorized by his Title or Authorization or by a Ministerial Decree.*

to the disturbances caused by the mining activities in accordance with the procedures provided for by law.”

In fact, the compensation paid by SMB to the populations affected by their projects (PAPs) does not comply with the provisions of Article 124 mentioned above. These communities have received compensation that is lower than the loss recorded. This is a lump sum payment made in most cases. This practice has lasted and is observed by the SMB in all the villages impacted by their project. This is a sign of desolation on the part of these communities.

“We regret the installation of the SMB in our district. The compensation we received does not reflect the value of our losses. The land was not compensated because the company considered that the land belonged to the state. Even in 2019, they took part of my field on the other side of the mining road to make a bank, even though I already had a plan on this plot approved by the authorities. The company only gave me what it wanted”, said Aboubacar DEMBO, a Diakhabiya community leader. The forms below evidence these testimonies.

The image shows three documents related to compensation. The first is a site plan (PLAN DE SITUATION) showing a map of a plot with various features and labels. The second is an individual compensation sheet (FICHE INDIVIDUELLE DE COMPENSATION) for Aboubacar DEMBO, listing his personal information and a table of crops and their compensation values. The third is a compensation matrix (MATRICE DE COMPENSATION) showing the compensation values for different types of crops and land.

Exploitant	Plant	Jeune sans produits	Jeune produits	Adulte	Total	Montant total
Arachide	324		15		339	22 160 000 GNF
Moringa/Okra	41				41	2 460 000 GNF
Mûre/Choucroute	1		1	7	9	437 000 GNF
Papaye/maison	42	24	27	128	201	26 145 000 GNF
Tomate				3	3	7 800 000 GNF
Carotte	2			3	5	1 900 000 GNF
Montant total à payer: 77 947 000 GNF						

Exploitant	Jeune	Adulte	Total	Montant total
Moringa	1	1	2	490 000 GNF
Montant total à payer: 490 000 GNF				

Type de Sol	Quantité	Montant total
Colline	800	8 000 000 GNF
Montant total à payer: 8 000 000 GNF		

PAIEMENT TOTALE POUR LES BENS AFFECTES : 79 247 000 GNF

Also, a KringKong resident who was a victim of expropriation said: “If I had not lost my plantations when the company set up, I would have been a billionaire today. Before, I could have up to 10 bags of mahogany per year, or 75 kg per bag. The price per kilo was 5000 GNF at the time. When the price of cashew exploded in 2019 to 15,000 GNF per kilogram, I had neither money nor mahogany”.

Similarly, Aminata KABA from Diakhabya states: “When SMB was established, I was a market gardener. I was growing chili, eggplant, tomato, okra... I was earning 1,500,000 GNF per week, sometimes up to 10,000,000 GNF per month. At the census, the SMB asked us to count our plants and to say what we earned through our activity. To my surprise, on the day of the compensation they gave me 2,450,000 GNF. I didn’t agree because I was earning more”.

In addition, no adversarial census was conducted. The PAPs did not have access to the census document or the price matrix. This is what a KringKong Elder emphasized: “We did not participate in the establishment of the compensation matrix. We don’t even know if it exists. We just resign ourselves to accepting what the SMB gives us. If we refuse, we also lose what little we have been offered”.

Also, C.M.S., a resident of Djakhabiya, adds: “We participate in the inventory but we don’t know how it is really done. We go to our plantations, we see them counting our plants. A few days later, we are called to downtown Boké so that they can pay us. We don’t know the basis of calculation and we didn’t have the opportunity to ask for explanations nor to claim. We were obliged to accept what was offered to us”.



Plate 10. Signing session of the compensation documents by PAPs in the district of Diakhabia

Since the SMB does not recognize the customary rights of the riparian communities, the compensation payments have never reflected the value of the land but also the value of what the peasants were getting out of the land. In most cases, the compensation paid is well below replacement cost and certainly insufficient to restore living conditions and livelihoods.

For lack of a national compensation grid, the SMB proceeds in its own way and its compensation matrix has never been explained to the communities. The prices per plant to be compensated are not known by the owners.

The calculations are done unilaterally by the SMB and the company then submits a form containing a lump sum notified to the owners.

III.3. Violations of the right of access to water

Water is essential to the life of any community. Mining projects, in their studies, particularly the environmental and social assessment, must first ensure the protection and conservation of the waterways and water points used by the riparian communities likely to be impacted. In Boké, particularly in the area where SMB operates, the studies conducted at the beginning of the project did not sufficiently take into account these social realities. Unfortunately, they were of poor quality, in disregard of the provisions of Law L/94/005/CTRN of February 15, 1994 on the Water Code of the Republic of Guinea. However, article 20 of the said Code expressly states that priority should be given to domestic and community use of water resources in Guinea.

Article 20 *“Subject to the public interest, the use of water resources for the supply of drinking water shall have absolute priority. Except for the priority given to the supply of drinking water, no priority in principle is established between different uses. However, the competent authority is empowered to establish such priority by order of the Minister in charge of water resources whenever the circumstances justify it. Customary priorities within local communities remain in force, provided they do not contradict the provisions of this Code” .*

The environmental damage caused by SMB’s projects in Boké is beyond comprehension. Today, the communities lack everything, especially drinking water. The pollution of the water resource can be assessed from both a qualitative and quantitative point of view. In addition to the turbidity that makes it difficult to drink the water available, all sources are threatened (rivers, water points,

pre-existing wells). This is due to the contamination of springheads and the disturbance of the water table by mines.

In the impacted villages, the SMB makes little effort to improve access to drinking water for the communities affected by its projects. Chilling testimonies abound in all villages without exception.

In Banirè, the pollution is due to runoff from the mine and the road located high up, not far from the village and the water supply points. The water shortage is felt more during the winter period. Unfortunately, other water supply points such as the Boundou Banirè springhead also experience pollution from runoff during the rainy season. This is what a woman from Banirè explained when she said: *“We women from Banirè are forced to dig around our spring heads to create new water supply points. The pollution of rivers and other water points has made it difficult for our households to carry out our daily chores”*.

The women of Lansanaya are not spared either. A community leader by the name of Coumba returned to the ordeal they have endured since 2016 with the implementation of SMB in their community. *“In addition to our land used for agriculture, we have all lost. Even the water, we no longer have it. We have to wake up early and walk three kms to fetch water in the village of Talolo. The springhead that used to supply our village but also the villages of Doumayah is destroyed by the mining activity because it is blocked by mud. We have dug ourselves makeshift water points far from the springhead to supply ourselves as needed”*.



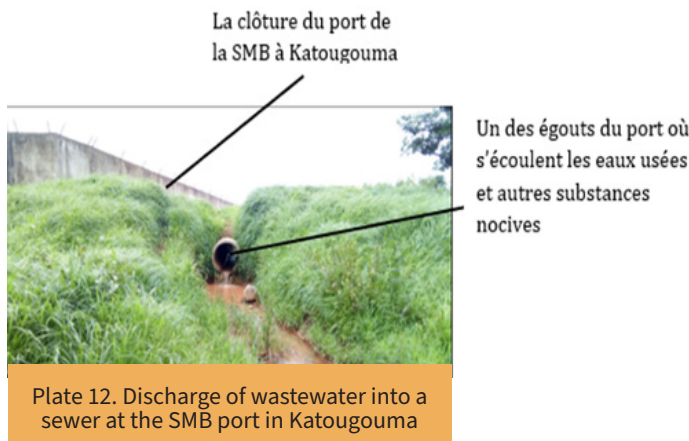
Plate 11. Makeshift water point dug by the communities of Lansanaya

The same situation is also observed in Hafía, a village not far from the mines of Banirè, Barkéré and Horé Batafond. In the dry season in Hafía, the water shortage is more acute. This is what one of the inhabitants describes by saying:

“At home in Hafía, during the dry season, our women wake up at 5 a.m. to fetch water 4 kms away from the village. The water points that we have are used both by our women for the household and by the stockbreeders of the zone to water the livestock. This exposes us to waterborne diseases. Only one borehole was constructed by SMB in 2017. It is not used for drinking, washing, or other purposes”.

Besides, in the village of Kring Kong, the community used to get its water from the Batafond stream, which supplies the villages of Horé Batafond, Banirè, Barkéré and Hafía. As a result of bauxite mining on the Doumbya Plateau, this stream has become polluted not only by dust but also by mud from the runoff from the mining road. A community leader from Kring Kong explains this situation by saying, *“We live on rainwater during the rainy season. During the dry season, however, the water from the Batafond stream is drinkable, but it dries up quite quickly, especially in March and April”*.

In addition to the sources of pollution listed above, water pollution in these villages is also due to the discharge of wastewater from port facilities. However, it is forbidden to dump or bury toxic products in the waterbed such as rivers, lakes, ponds, rivers, sea (art. 33 code of public health).



In this picture we can notice the discharge of waste water which pours directly into the fields that are located close to the port wall.

Beside this, there exist several other holes.

One of the sewers in the port where waste waters and other harmful substances are discharged.



After the rain, the waters of runoff from Sites mining and this throwing in the course water have tendency to take the color of the bauxite. In this state, these waters become inadequate to all of us e, whether for drinking, washing....

Conscious of impact caused by their activities on the course water, the SMB to endow certain villages of boreholes (Painting 3). A study¹⁹ commissioned _ by the Association Mining S a ns Pauvreté (AMSP) in 2019 on the assessment of water quality in the 20 localities impacted²⁰ pby SMB notes that the Katou g ouma site has a very acidic pH, with values of 4.12 respectively . in October 2019 and 4.25 in July 2020. The sharp drop in the pH value of the site would explain a high concentration of chemical elements such as Aluminum. Such water can have corrosive effects and affect the life of aquatic species. The areas of Hafia and Kamikolon have water temperatures above 30°C. Which facilitates the dissolution of the pollutants and makes the water more toxic. The analysis of the values of the salinity shows that the localities of krin g Kong , _ Hafiah , Katougouma , Lansanaya , Djoumaya, Diakhabi there And Kamikolon have a salinity superior To 35 ppt , either 10 Site (s on 25, exceeding WHO standards which are between 0.5 and 35 ppt.

19 Association Mines S a ns Poverty, Evaluation of water quality analysis results in localities impacted by BOKE mining Company (SMB), October 2019

20 25 Site (sampling left again between there common urban of Boke (Lansana ya And Djoumaya), there common rural of Tanènè (Katougouma), the rural commune of Dabiss (Kringkong, Hafia, Baniré, Barkèrè) and the rural commune of Kolaboui (Tintima, Diakhabia, Dapilon, Katounou, Kamikolon)

Table 3. Situation of drillings in the SMB area

No	Regions	Total number of drillings	Built by SMB	In service	Out of service
1	Barkèrè	4	-	1	3
2	Hafia	1	1 (2017)	0	1 (SMB-Not drinkable)
3	Banirè	1	1 (2017)	0	1 (SMB-Not drinkable)
4	Kringkong	2	1(2017)	1	1 (SMB)
5	Horè Batafond	1	1 (2018)	1 (SMB)	-
6	Katougouma	5	3 (2018)	2(SMB)	1 (SMB)
7	Kakissa	1	1	0	1 (SMB-Not drinkable)
8	Diakhabia	3	1	1 (SMB)	
9	Tintima	3	1(2018)	-	1(SMB)
10	Dapilon	2	2(2016-2018)	2(SMB)	-
11	Katounou	1	1(2017)	-	1(SMB)
12	Kamikolon	4	1(2019)	1(SMB)	-
13	Djougoumaya	1	1(2016)	1(SMB)	-
14	Lansanaya	2	1(2018)	0	1 (SMB-Not drinkable)
TOTAL (SMB)		31	16	7	12



Plate 14. Borehole installed in the village of Lansanaya by SMB

On the board 14, We can see drilling installed by the SMB In the village of Lansanaya. This drilling is always functional but the water is not good for consumption.



Plate 15. Poor quality of borehole water with the formation of a gray plaque

The board 15 demonstrates the formation of a gray patch on the surface of the water. This plaque forms just a few seconds after having taken the water from drilling. The water from this drilling becomes inadequate for consumption and serves currently only for laundry.



Plate 16. Lansanaya, Alternative water source (November 24, 2019)

Plate 16 shows the water supply to the communities of Lansanaya by SMB trucks in 2019.

Of our days, these communities are left to themselves and don't have source supplies other than the borehole and the water point.



Plate 17. Poor quality of the water (turbidity) distributed by the SMB tank trucks in the village of Diakhabia

These pictures show the water collected by the women of the village of Diakhabia from the tank trucks watering the mining road.

The color of the water denotes of its state of turbidity.

However , the article 16 of the law No. L /9 7 /021/AN of 19 June 1997,related to Public Health Code of the Republic of Guinea stipulates that: “The water distributed in all points of a building or in a public place must be clean water”.

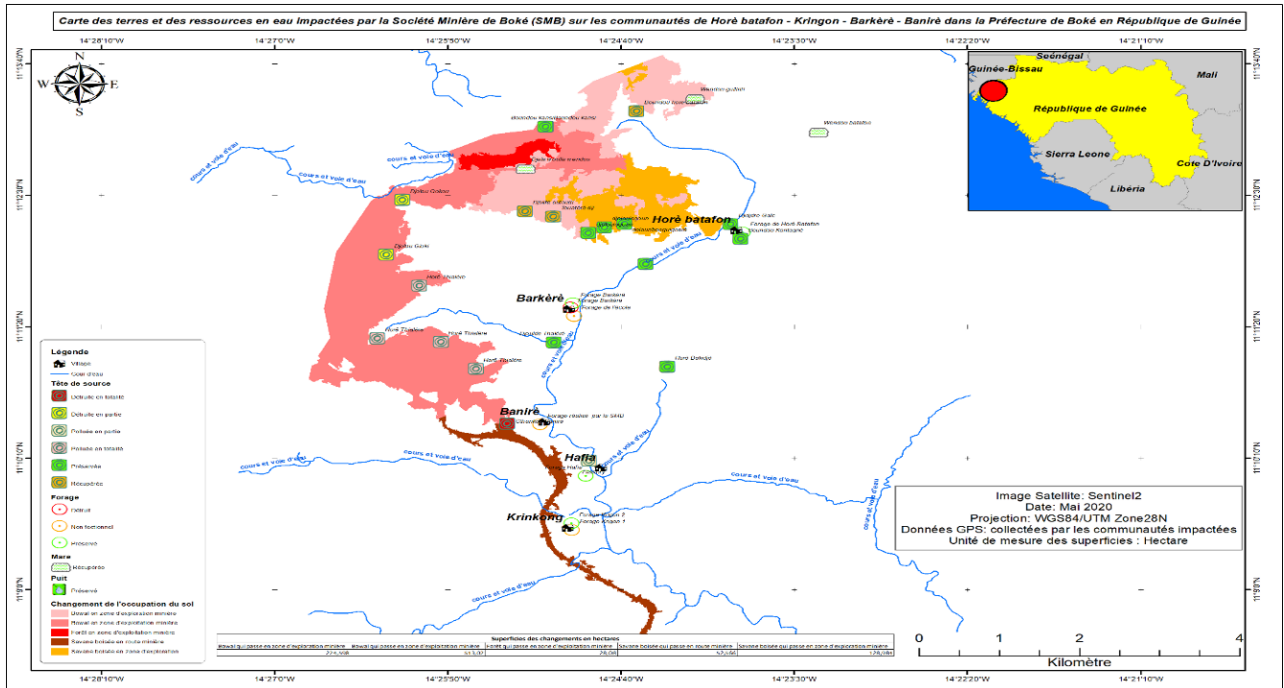


Figure 10. Map of land and water resources impacted by SMB in the communities of Horé Batafon - Kringkong - Baraké - Baniré in the prefecture of Boké

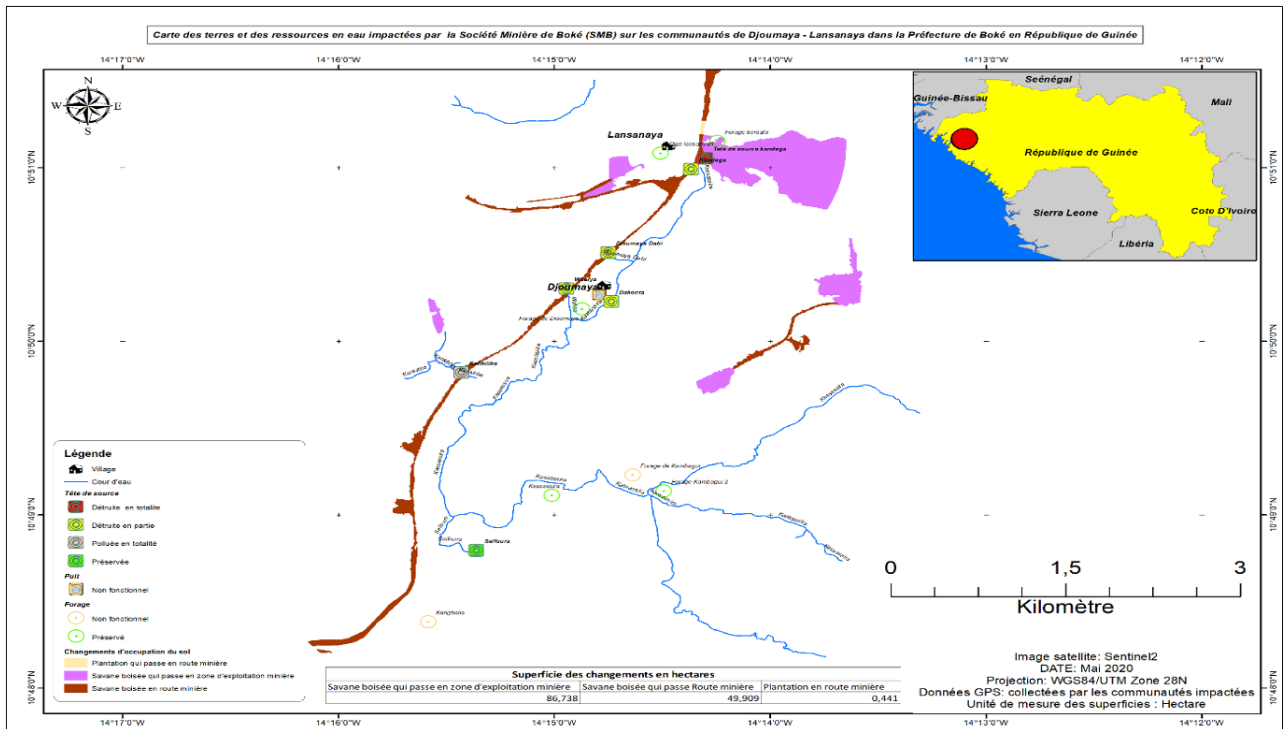


Figure 11. Map of land and water resources impacted by SMB in the communities of Djoumaya - Lansanaya in prefecture of Boké

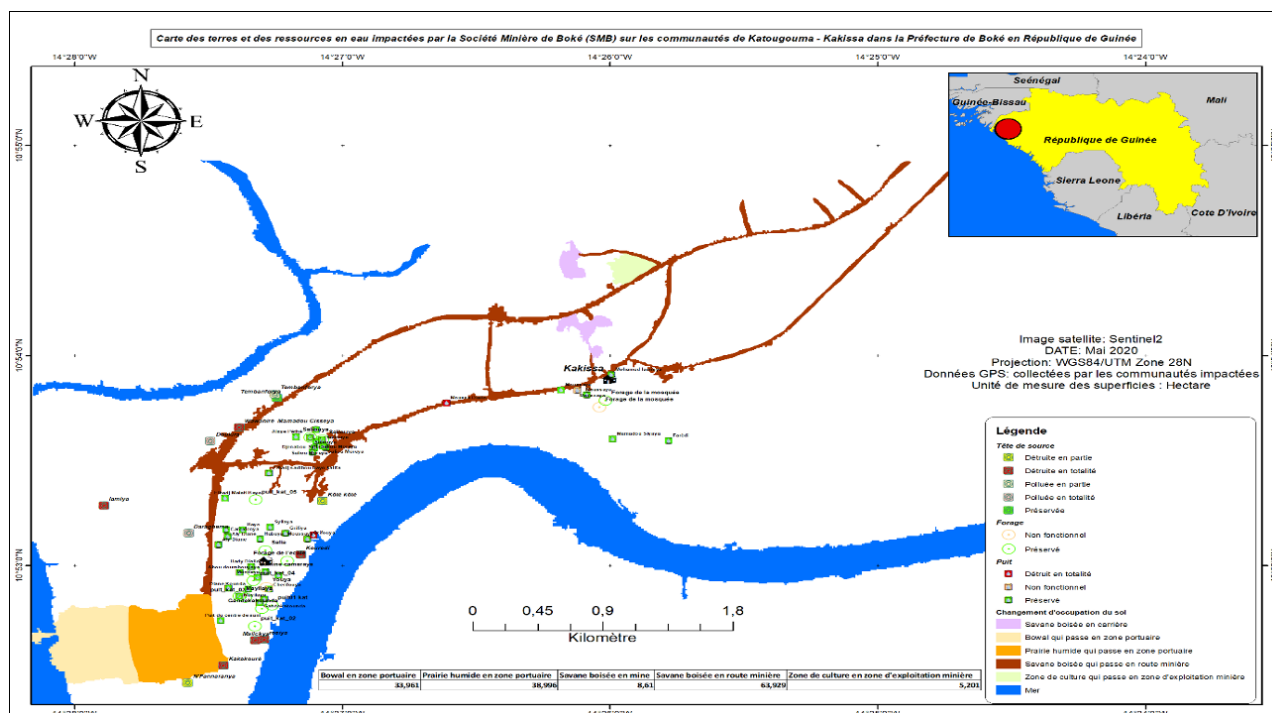


Figure 12. Map of land and water resources impacted by SMB in the communities of Katougouma - Kakissa in the Boké prefecture

III.4. Violations of the right to health

The article 143 of Guinean mining Code stipulates that “*The holders of Permissions and/or of mining Titles must make sure to prevent or minimize the negative effects of their activities on health and the environment notably the pollution of the waters, of the air and of floor, degradation of ecosystems and biological diversity. They must work to promote or maintain the living environment and the general good health of the populations, the prevention and management of HIV/AIDS at the local level.*”

In effect, these latest years, the health issues are recurring in the villages affected by the SMB. These diseases are due to the consumption of the water of the polluted water and inhalation and inhalation of dust. The testimonies collected from the communities indicate a strong presence of respiratory and gastric diseases. “Before the cough was a disease of children here. But since the arrival of the SMB, we all cough, there are many who suffer from sinusitis, from pneumonia and itching” confessed to us a community leader of Daikon. To express her dismay at this situation, MB, a resident of Katou gouma confides: “*The dust gets into our houses and deposits on all our food. During the dry season, all the people cough. Before the arrival of the SMB, we rarely cough. Today we are all sick even our new borns*”. The chief medical officer of one of the localities neighboring an SMB installation had to confirm the allegations of the communities. According to him, “*gastritis, respiratory diseases are the more recurrent in the area and this may be due to the adverse effects of SMB exploitation. But, to date, we have not carried out any in-depth analyzes in this regard*”.

Similarly, communities complain about the prevalence of new diseases such as HIV / AIDS that are proliferating Since the implantation of the SMB in the area. “*Before the SMB, we had never heard talk of AIDS within our community. But, sometime after the implantation of the company, we started to record cases of AIDS in Diakhabia,*” reported a resident of Diakhabia...



Plate 18. Kringkong, dust emission (November 24, 2019)

This pollution also has consequences on the livestock. *“Since the implantation of the SMB, we have lost a lot of livestock animals. We ignore the real cause, but we blame the SMB because the phenomenon is new. When our goats, sheep graze the grass on which dust settles they die. I lost 15 animals last year. This year, I have lost 5”*...said a community leader from Dapilon. This phenomenon is also observed in Titima where almost the whole village complains about the loss of the livestock due to the particles contained in the dust that deposit on the seedlings that are essential animal food.

Furthermore, as underlined above, in the villages affected, the water coming from the rivers has a red color and, this is made of mud from either the mines or the mining road who is there dumps Above all during the rainy season, the mud present in the water may contain micro-organisms or particles which increase the risk of gastro intestinal diseases.

Besides, the blasting engendered also to a lot of problems on the sanitary plan. Blasting close to, the villages have resulted in a lot of accidents and have caused the crack of the huts and houses.



Plate 19. A young victim of a bauxite projectile in Barkère

This photo shows a young boy who has received a projectile of bauxite on the head at Barkere during a blasting. The boy spent 3 days in the coma and his parents with the support of some organizations asked for the refund hospitalization costs to the company. They could never be compensated, an agent on duty in the area told us. Unfortunately we could not get the X-rays neither any evidence to corroborate these facts because, according to the agent, all the proofs have been retrieved by the SMB at the time of negotiations for reimbursement.

The preservation of the health of the local populations is an obligation for all the authorization holders and of mining titles²¹. Therefore, it has become a requirement for all persons, be they moral or physical to abide by the principles enshrined in the various laws of Guinea.

III.5. Violations of the right to food and development



Me, Bayo I have lost everything ; Katougouma was the granary of the region. We were self-sufficient in food. Our land was very fertile and we had enough fish in our river. All the region of Boke came to procure in fish and in rice with us. Eating imported rice was a sign of poverty. Nowadays, all families eat imported rice.

Karamba BAYO, a Sage of Katougouma district

If economic displacement (i.e. productive land) cannot be avoided, the PS 5 of the SFI has the duty to guarantee to affected people the rights recognized by the national legislation to substitution goods (for instance, agricultural sites) of equal or superior value, or if applicable, an integral compensation at cost of replacement and any other assistance to help them restore their livelihoods²². With regard to the issue of replacement assets and cash compensation, some communities complain about being dispossessed of their lands as a result of a misinterpretation of the national land law. Indeed, the right to food or the right to adequate food is accomplished when each male, each woman and each child, living alone or in community, has physically and economically access any time to sufficient food or the means to obtain it.

²¹ Article 143 of Guinea 2011 mining code modified in 2013.

²² PS 5, para. 27.

In this case, the communities of the affected villages deplore the grabbing of their lands, which constitute their main source of subsistence by the SMB because they are 90% agricultural communities. The most commonly practiced crop there is that of cashew. *“At this day, the production of our cashews has sharply gone down. We could no longer benefit well from our agriculture because we don’t have any more enough lands and the little that we have are unproductive.”* said a resident of KringKong. Another adds by saying: *“On the plateau of Doumbya , I cultivated rice on the hillside, corn and there were a lot of wild yams that we used as nutrients. Today, we have lost everything at the profit of the SMB”.* *“The port occupies all our land of culture (hillsides and lowlands). This mangrove planted area had a lot of importance for us. It was our hunting area. There were a lot of medicinal plants that treated us. We used to produce a lot of palm oil. Today, we pay for everything. Even the fish, we pay for it now,”* says a wise man from Diakhabia.

Beside expropriation, the pervert effects of mining in the area of Boké contribute to the decline in productivity and impacts the fertility of the land to date... These negative resulting effects are nothing other than the waters muddy runoff, the water evacuation channels located at the level of the mining roads, the dust resulting from the exploitation but also from the transport of the bauxite....

As for the water drainage channels, they have a considerable impact on the fields crossed by the road mining especially in the rainy season as in the case to Katougouma where the water runoff floods the communities’ rice crops.



Plate 20. Field subject to revitalization of runoff water from the evacuation canals installed by the SMB

This picture shows the field of Bayo which has been entirely damaged as a result of runoff waters flowing through evacuation channels installed during the mining road construction.

“The evacuation channels that were made by the SMB during the construction of the mining road has caused the loss of everything I possessed. My land are flooded during each rainy season because the runoff water leaves the other side of the road to pour out into my field rice. I alerted the authorities in vain”

Bayo Karamba



Plate21. Closing of a drainage channel crossing the mining road

This photo shows the closing of one channels flooding the rice fields of Bayo.

“In front of the lack of reaction of the authorities, I bought 3 bags of cement, I called a mason to come and plug the holes in the water drainage channels. I did justice to myself in order to save my land and my crops. I ‘m fed up”

Bayo Karamba

In this area, all the communities testify of the presence of the particles that impoverish the soil but also stop the pollination of the plants. *“The degradation of the land exhausts us a lot, the dust deposits everywhere and leads to the drop in productivity,”* reports a resident of Titima.



Plate 22. Layers of dust on the edible trees in Lansanaya (2021)

Photos show excessive dust build-up on the plants located the edge of road. The consequences of this strong pollution are exacerbated by disrespect of the distance of imposed security by the legal framework to industrial facilities.



Plate 23. Rehabilitated bauxite mining site in Lansanaya

Besides these factors, the rehabilitation of the operating sites constitutes also a major problem in these areas.

In Lansanaya, where mining has ceased since 2019, the mined land has been rehabilitated by the SMB and returned to the communities.

However, the process of upgrading the site has not been respected.

The SMB has planted cashew trees for 4 years that have not grown.

III.6. Violations of the right to information, transparency and to participate

The Decree D/2014/014/PRG/ SGG of 17 January 2014 related to adoption of one guideline of achievement of one study impact environmental And social of the operations mining in Guinea stipulates in its third part in point 3.1 that: The “**ESIAs of mining projects must take into account the interests, values and of the concerns of the local or regional populations according to the case and render account of their involvement in s the process planning of project and this, at all the phases of cycle of life of project since its design**”.

At this title, the Code of the environment revised in 2019 and promulgated by the decree D/2019/221/ PRG/ SGG enacting law L /2019/0034/ AN of 04 July 2019, specifies in its article 22 that “**all persons who wish it can access to environmental information established, detained or received by the public authorities, there including those_ relative to substances and perilous activities**”. The communities however, declare that they have never accessed information relating to ESIA because the latter have not been participatory if they have been “carried out”.

This Community audit has however found that public consultations have not been carried out with of the communities riparian, Above all re the ESIA Thus that the process of the compensations. A member of the riverside community of Kamikolon to declare: “*We thought we were witnessing an alien invasion as we were surprised by the arrival of the SMB*”.

The achievement of the public consultations by the SMB would have allowed to assess the knowledge of the populations impacted on the danger related to a new framework that will be created over there by the implementation of the facilities built by the Company. Finally, such consultations would have made it possible to map local resources and to carry out surveys through

an interview guide, local socio-cultural knowledge in order to enhance them within the framework of the implementation of the mining project.

Indeed, a verification of the effectiveness of the inclusive and participatory process of the populations throughout the course of the ESIA, of the indemnity and compensation mechanism, and this, during the steps of census, of elaboration and execution of program, monitoring/evaluation of the PAP has been carried out. This participatory process should allow company to make sure that the people affected have had the opportunity of participate in the decision-making process and choose among feasible options.

The non-respect of this requirement has been checked by Natural Justice along with its partners based on the documentary review (Opinions, press releases, minutes or other written and oral sources that can attest to the holding of formal meetings with the SMB) and individual and collective consultations.

Thus, during the administration of the questionnaire to the communities, 100% of respondents declared that they had never been informed about the ESIA process and that of the census before it was implemented. This would mean that the compensation process, initiated by the SMB, does not meet any national or international requirement in terms of participation and consultation of the affected communities. It is moreover the reason why the majority of PAP have estimated that the allowances received from the SMB do not reflect not the goods that they lose or that they have lost.

Level of involvement of state actors with communities to ensure implementation of their rights by the SMB.

The agents of decentralized administration (sub-prefecture) are present in the different sub-prefectures of the localities visited. However, the main issue remains their proximity to village communities that are sometimes far from centers of sub-national administration prefectural. The majority of communities esteem that they feel less the presence of decentralized administration especially in terms of protecting their rights.

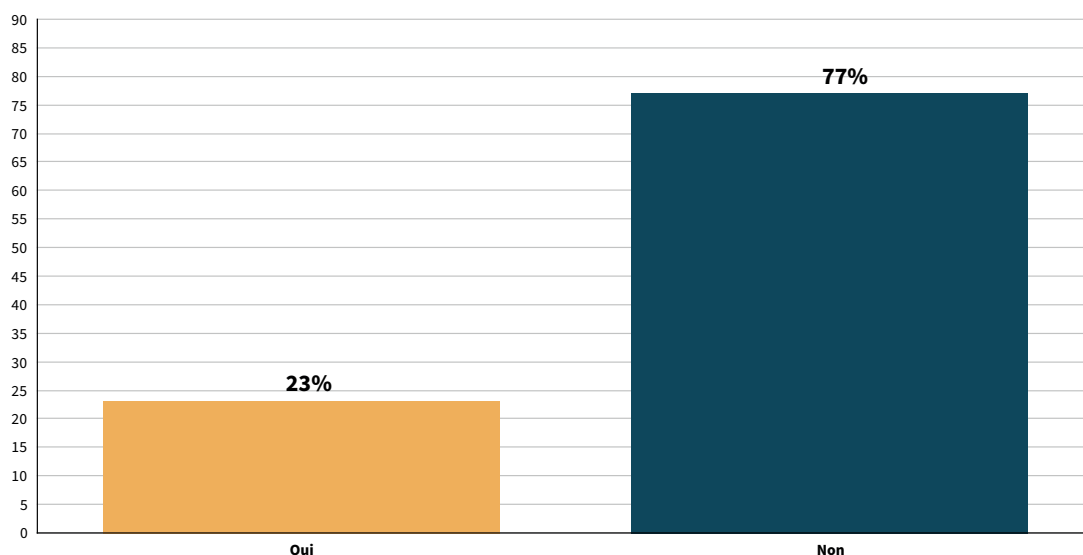


Figure 13. Level of presence of state actors with communities for the implementation of their rights by the SMB

Table 4. Summary of rights achieved

No	Violated rights	Some references
1	To property, compensation and the right to food and development	<ol style="list-style-type: none"> Articles 16, 23 et 119 : Guinean Constitution of 07 May 2010 Articles 16 et 28: Guinean Constitution of 22nd March 2020 Articles 18, 68, 123 et 124 : Guinea 2011 mining code modified in 2013 Article 829 : Guinea Civil Code Articles 39, 55 et 57 : Guinea Land Code Articles 25 à 38: Environment Code of 2019 Articles 5, 90 et 91: Environment Code of 1987
2	Right to health	<ol style="list-style-type: none"> Article 21 : Constitution of 22nd March 2020 Article 143 : Guinea Mining Code of 2011 modified in 2013 Articles 28 et 135 : Environment Code of 2019 Articles 82 : Environment Code of 1987 Public Health Code
3	Right to a healthy environment	<ol style="list-style-type: none"> Article 16: Guinean Constitution of 07 Mai 2010 Article 22 : Constitution of 22nd March 2020 Articles 43 et 144 : Guinea Mining Code of 2011 modified in 2013 Article 41 : Environment Code of 1987 Articles 66 et 67 : Environment Code of 2019
4	Right to information, participation, transparency and consent	<ol style="list-style-type: none"> Article 7: Constitution of May 2010 Article 10 et 16 : Guinean Constitution of 2020 Article 30-II : Guinean Mining Code Article 22 : Environment Code Article 22 : Environment Code Article 68 : Guinean Mining Code of 2011 modified in 2013 Articles 123 et 124 et 142 : Guinean Mining Code of 2011 modified in 2013
5	Cultural rights	<ol style="list-style-type: none"> Article 14: Constitution of 07 May 2010 Article 22 :Guinean Constitution of 2022 Article 1 : Environment Code of 2019
6	Right to access clean water	<ol style="list-style-type: none"> Article 27 et subsequences : Water Code of the Republic of Guinea Article 53 and subsequences : Environment Code of 2019 Articles 21 à 31 : Environment Code of 1987

IV. Community Demands

This section provides a summary of community grievances and demands. The latter wish to establish a fair and constructive dialogue with the SMB in order that the Company can bring corrective measures to the various violations materialized by the deviations from the regulations in force and the international commitments of the Republic of Guinea. To this end, the demands of the community are as follows:

IV.1. Comply with the regulations in force and international commitments

- ▶ Abide by internal laws and standards international applicable in matters of public consultation and participation of affected communities, economic displacement and of compensation, of health and of protection of the environment;
- ▶ Update ESIA with effective community consultation;
- ▶ Implement the ESMPs and;
- ▶ Proceed to a fair compensation of the land expropriated land enlever le 1er land;
- ▶ Train SMB workers on respect for community rights.

IV.2. Urgently develop and implement a plan to restore the means of subsistence

The purpose of this RMP will be to establish a baseline for:

- ▶ To understand the nature and the extent of the negative impacts on the means of subsistence;
 - To propose an approach for the development of appropriate measures to compensate for these impacts and ensure that the means of subsistence are at least restored, if not improved;
- ▶ To re-establish the rights of the affected people or describe how they will be restored in a transparent, regular and fair manner through a documented process;
- ▶ Describe other measures for improvement or, at least, to re-establish the livelihoods and living standards of affected people;
- ▶ Describe the process for the consultation of the people affected concerning the various livelihood restoration measures;
- ▶ Describe the process through which communities can contact the SMB or submit a claim in matter of measures of compensation and compensation;
- ▶ Set up programs likely to promote the economic empowerment of women and young people, and which are adaptive to rural realities;
- ▶ Support the training of communities in agricultural and livestock techniques.

Implementation timeframe: Ten (10) months from the date on which the complaints of our communities are made public.

IV.3. To guarantee access to drinking water, rehabilitate the course water and the affected springheads, and protect the remaining ones

Access to drinking water is a basic human right. It is why the boreholes must be built in all villages respecting the ratio of access to drinking water. These boreholes must be of quality and above all, you have to make sure that the water derived from these boreholes is consumable.

The aim will be to use all the necessary means to rehabilitate the watercourses and springheads affected by the operations mining of the SMB. It will be imperative to fix as quickly as possible, the functions (resilience and productivity) of the course water and damaged springheads in due time with an inclusive approach. The approach will have to help transfer to the communities the necessary knowledge in the rehabilitation and restoration of watercourses and springheads.

This request aims to avoid the degradation of the quality of the surface waters or of the underground waters. To this end, for the communities, the SMB must:

- ▶ Ensure regular cleaning and removal of waste from their mining activities, sorted out in priority;
- ▶ Build the adequate works during the dry season in order to avoid the draining of waste by rainwater;
- ▶ Use machinery and vehicles in good condition to avoid hydrocarbon leaks.

Implementation timeframe: Twelve (12) months from the date the grievances of our communities are made public.

IV.4. Restore degraded lands and protect unaffected ones

The aim will be to use all the required means to restore the land affected by SMB's mining operations. The approach should help to transfer to the communities the knowledge necessary for the rehabilitation and restoration of degraded lands.

The main objective of the communities for this request is to avoid land degradation. To do so, it is necessary to:

- ▶ Undertake an audit of lost land, degraded agricultural land and loss of agricultural productivity;
- ▶ To restore or value the areas of loan of materials and of stone quarries or any other area degraded by mining activities;
- ▶ Preserve agricultural land from all forms of degradation;
- ▶ Put in reserve the earth vegetable in view of covering the bare sites in order to allow their recolonization by natural vegetation.

Implementation timeframe: Twelve (12) months from the date the grievances of our communities are made public.

IV.5. Manage pollution, preserve the ecosystem and biodiversity

In order to preserve the environment, it is necessary to start a process of reduction of dust pollution. Therefore, the SMB is urged to produce a plan of management of dust pollution. The ultimate goal is the mastery of the sources of pollution and its impacts. For the SMB, this will involve the following actions:

- ▶ Publish all annual data from 2015 on air quality, water and soil quality;
- ▶ Undertake a public health audit on the consequences of air and water quality;
- ▶ Establish, if necessary, plots of forestry, with the objective of stabilizing the banks of the stream water crossed, of the contributions water, of silts and of seeds on the one hand, and on the other hand allowing the "revitalization" of these ecosystems while preserving wetlands;
- ▶ Realize the plantations of trees' alignment but also of the stretches of the mining roads;
- ▶ Plant the trees of compensation of fast growth and adapted to the climate context and edaphic of the area.

Implementation timeframe: Eight (8) months from the date on which the complaints of our communities are made public.

IV.6. Effectively prevent and manage conflicts

It will be:

- ▶ Create a mixed mechanism (community- SMB) for the effective management of complaints from communities, taking into account if possible the conflict resolution mechanism of the community of Diakhabia);
- ▶ Strengthen the community grievance mechanism;
- ▶ Involve the communities in the mechanisms of prevention and of management of the conflicts;
- ▶ Prematurely identify the causes of conflicts for their proper management ahead of the complaints' process;
- ▶ To enhance communication through the implementation of framework for constructive and sustainable dialogue;
- ▶ Elaborate and put in practice a program of effective communication effective with the objective of minimizing the inconveniences caused by the SMB to local populations through the initiatives that they may take themselves should they be, informed and consulted.

Implementation timeframe: Six (06) months from the date on which the complaints of our communities are made public.

IV.7. Protect and preserve public health and safety

To better protect the health of local populations, the SMB must do more:

- ▶ Minimize the nuisance sound for the riparian populations of the mining stretches and/or living bases and logistics bases;
- ▶ Prevent and minimize traffic accidents;
- ▶ Minimize the pollution of the air and the risks of eye and respiratory diseases By publishing the data on the pollution of the air and by undertaking an audit on public health;
- ▶ Comply with air emissions standards;
- ▶ Invest in the construction and equipment of health posts;
- ▶ Implement an awareness program for the prevention of STDs and HIV / AIDS to the attention of local populations, and distribute gadgets dedicated to prevention of HIV / AIDS to riparian populations participating in awareness raising meetings.

Implementation timeframe: Ten (10) months from the date on which the complaints of our communities are made public.

IV.8. Abandon the construction of the Coal making factory as a source alumina refinery energy

The coal-fired power plant is a highly polluting technology, the negative consequences of which on the communities but also on the environment cannot be controlled. This is why we are asking for the abandonment of this coal-fired power plant project as a source of energy for the alumina refinery.

Implementation timeframe: Three (3) months from the date on which the complaints of our communities are made public.

V. Conclusion and Recommendations

The documentation of the impacts related to the SMB operation has been challenging and exhilarating. Challenging because it started off in a context during which community involvement had waned due to the magnitude of the impacts and the size of the project. Therefore, strategies had to be used so as to guarantee a perfect community mobilization, the only guarantee of the legitimacy of this work. Then the process took so long that the communities lost confidence and had to be remotivated.

In addition to this is the increasingly comfortable grounding of the company, which has obtained other operating permits. Despite all these difficulties, we have succeeded in maintaining the communities in the process and producing this report.

The exercise has been exhilarating because all along of this process, the communities have learned how to get along around of the essential in order to raise the titanic challenges. This process of exchanges and meetings, has led them to demystify numerous aspects of the law pertaining to the environment, to civil right and land right. Today, the community is more than ever warned on the legal issues and thus constitutes a true checks and balances in the decision-making processes at both local and national levels.

One of the merits of this work will undoubtedly be to have contributed to raising the awareness of a critical mass of citizens hard hit by projects of all kinds in their locality. It taught us again that the protection of the environment is not a fight won in advance. It calls for a personal behavior and a deep and strong community involvement. To this end, it emerges from this report that the SMB must undertake or engage in a process of constructive dialogue that will consider step by step each of the grievances in order to come to a deal between the impacted communities and the company. These different communities remain inclined to engage in such a process of dialogue.

This dialogue should be based on:

- ▶ A dialogue committee with representatives of all stakeholders;
- ▶ Guiding principles in the form of a dialogue charter;
- ▶ A clear agenda for the dialogue process;
- ▶ Facilitation by an independent third party.

Implementation timeframe: Six (6) months from the date on which the complaints of our communities are made public.

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