



**SUMMARY BOOKLET OF THE COMMUNITY
AUDIT REPORT ON THE ENVIRONMENTAL
AND SOCIAL IMPACTS OF THE SOCIÉTÉ
MINIÈRE DE BOKÉ (SMB)**

FEBUARY 2023

From 2018 to 2023, communities from 24 villages¹ in the Boké region, with the help of certain NGOs (Natural Justice, Association pour le Développement Rural et l'Entraide Mutuelle de Guinée (ADREMGUI), Mêmes Droits pour Tous (MDT), Association Mines Sans Pauvreté (AMSP) Créativité et Développement (C-DEV), Center for Transnational Environmental Accountability (CTEA)), developed an audit document outlining the negative externalities of bauxite mining activities in the area by the Société Minière de Boké. Indeed, the development of this community audit document was conducted according to a process centered on a methodology based on four (4) pillars, namely public community consultations, field investigations, documentary research and data synthesis and analysis. Its implementation by the communities was an opportunity to identify legal gaps but also to allow Natural Justice to strengthen their legal capacities in the area of the environment, land and fundamental human rights. In terms of negative externalities, we note a high level of water pollution through the pollution of spring heads and water points, and soil pollution through the decrease in agricultural productivity due to the deposit of dust on the leaves, which prevents pollination. In addition to these sources of pollution, the communities are confronted with the proliferation of diseases due to the consumption of water from polluted springs and the inhalation of dust. These impacts affect the peaceful enjoyment of their fundamental rights: the right to a healthy and peaceful environment, the right to water, the right to health, the right to access to land...

This booklet summarizes the violations of the rights of the communities affected by the exploitation activity of SMB and makes demands and recommendations to SMB but also to the Guinean State.

¹ Lansanaya, Djoumaya, Katougouma, Salaya, Kaboye, N'Faya, Arapassy, Kokokan, Kamayampou, Kalangué, Tanènè, Karkouba, Wawayiré, Kakissa, Kamikolon, Katounou, Dapilon, Diakhabia, Tintima, Hafia, Kringkong, Banirè, Barkèrè, Horè-Batafon

DESCRIPTION OF THE NEGATIVE IMPACTS OF BMS'S ACTIVITIES AS A SOURCE OF LEGAL VIOLATIONS

1. Violations of the right to a healthy environment

The right to a healthy environment is guaranteed by several texts in force in the Republic of Guinea.

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.”*

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.”*

In spite of this recognition, environmental degradation remains significant in the areas where SMB operates through air, soil and water pollution. This air pollution is materialized by the quantity of dust produced during the extraction and transport of bauxite, especially during the dry season, which alters the quality of the air and leads to enormous health risks such as coughing and sinusitis.





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



Since the establishment of SMB in our area, there is really no life for us here in Dapilon. We suffer from the mining road as well as 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 BMS because it is a new phenomenon.

Un leader communautaire de Dapilon



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

Dust emissions have a direct impact on soil productivity in the Boké area. The deposit of dust accumulating on the leaves is detrimental to the good photosynthesis of the plants and thus to their general health.



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

2. Violations of land rights and fair 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 in its paragraph 3, tacitly recognizes customary rights (lineage, family rights, prolonged peaceful occupation) as encountered in the mining areas of Boké.

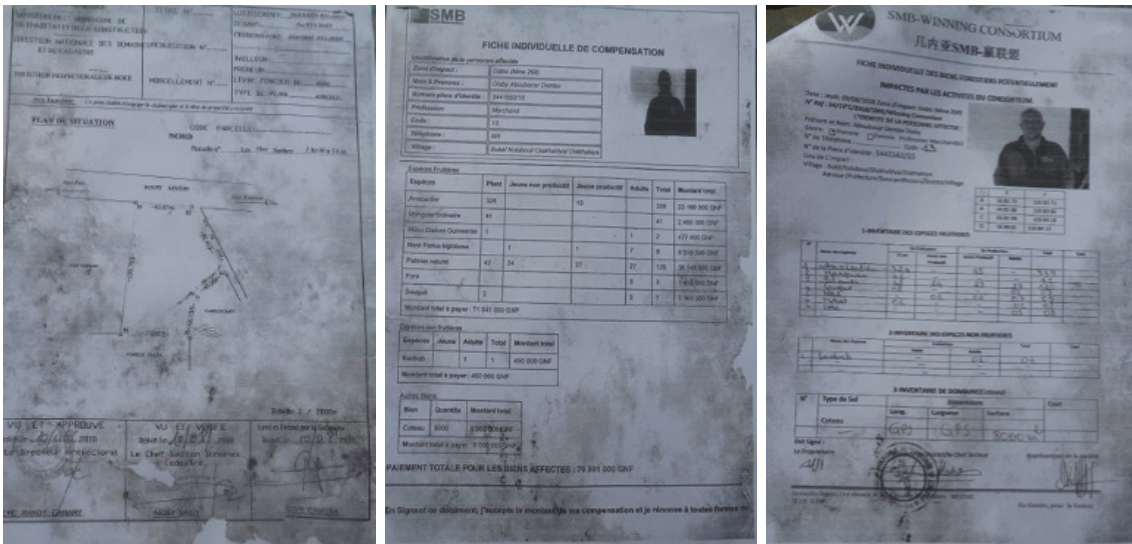
Article 14 of the African Charter on Human and Peoples’ Rights: *“The right to property is guaranteed. It can only be infringed by public necessity or in the general interest of the community, in accordance with the provisions of the appropriate laws”.*

Article 39 paragraph 3 of the Land and Property Code: *“The occupants, natural or legal persons, justifying a peaceful, personal, continuous and bona fide occupation of an immovable and as owner. If necessary, proof of good faith is provided by all means...”.*

Article 124 of the Mining Code “(...) *The holder of the mining title or authorization must pay to any legitimate occupants of the land required for his 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 to the disturbances caused by the mining activities in accordance with the procedures provided for by law.”*

Despite the existence of this provision, communities in Boké were illegally dispossessed of their land when SMB was established. Expropriation for Public Utility (ECUP) operations have been taking place since 2015 and are continuing due to the expansion of SMB’s activities, in disregard of customary land rights. SMB has ignored the customary land rights of communities by considering the land subject to ECUP as belonging to the State. Hence the low compensation or even the lack of compensation for the land.

The compensation paid by SMB to the populations affected by their projects (PAPs) does not respect the applicable law. The communities received compensation that was less than the loss recorded. This is a lump sum payment made in the majority of cases. This practice has been and is observed by the SMB in all villages impacted by their project.



No adversarial census was conducted. The PAPs did not have access to the census document or the price matrix.



We were not involved in the development of the compensation matrix. We don't even know if it exists. We are just resigned to accept what the BMS gives us. If we refuse, we also lose what little we have been offered.

Sage of Kringkong



We participate in the inventory but we don't know how it's actually done. We go to our plantations, we see them counting our plants. A few days later, we are called to the center of 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.

3. Violations of the right to access water

Water is essential to the life of any community and the right to drinking water, a right fundamentally recognized by the texts.

Article 20 of the Water Code of Guinea *“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 conflict with the provisions of this Code.*”

Article 16 of Law N°L/97/021/AN of June 19, 1997, on the Public Health Code of the Republic of Guinea states that: *“Water distributed at any point in a building or in a public place must be potable water.”*

Article 143 of Law L/2013/053/CNT of April 8, 2013 amending 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: water, air and soil pollution, degradation of ecosystems and biological diversity.”*

However, access to water resources is a real problem in the Boké area. This can be observed by :

.....
“POLLUTION OF STREAMS AND HEADWATERS”
.....



After rainfall, runoff from mine sites that flows into streams tends to turn the color of bauxite. In this state, this water becomes unfit for any use, be it for drinking, washing clothes, etc.



La clôture du port de la SMB à Katougouma

Un des égouts du port où s'écoulent les eaux usées et autres substances nocives

Sur cette image, nous pouvons constater un déversement d'eau usée conduite directement dans les champs qui se situent non loin de la clôture du port.

A part celui-ci, il ya plusieurs autres orifices par lesquels sont déversés d'autres substances nocives.

.....

“THE MALFUNCTIONING OF THE WELLS INSTALLED BY THE COMPANY AND POLLUTION OF DRINKING WATER”

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In addition to the turbidity that makes it difficult to consume accessible water, all sources are threatened (rivers, water points, pre-existing wells). This is due to the contamination of spring heads and the disturbance of the water table by mines.



On this picture, we see the well installed by the SMB in the village of Lansanaya. This well is still functional but the water is not good for consumption.



The plate shows the formation of a grayish plate on the surface of the water. This plate forms just a few seconds after taking water from the well. The water from this borehole has become unsafe to drink and is currently only used for laundry.

A Lansanaya



The photo shows the supply of water to Lansanaya communities by SMB trucks in 2019. Nowadays, these communities are left to their own devices and have no source of supply other than the borehole and the water point.



These images show the water collected by the women of the village of Diakhabia from the tankers watering the mining road.



The color of the water indicates its turbidity.

LACKING A SOURCE OF DRINKING WATER, THE COMMUNITIES OF LANSANAYA HAVE HAD TO DIG MAKESHIFT WATER POINTS BUT THE WATER FROM THESE POINTS IS UNFIT FOR CONSUMPTION. HOWEVER, THESE COMMUNITIES HAVE NO OTHER CHOICE THAN TO USE THESE WATER POINTS.



“In our village of Hafia, during the dry season, our women wake up at 5:00 a.m. to fetch water 4 km from the village. The water points that we have are used both by our women for the household and by the livestock farmers of the area to water their livestock. This exposes us to waterborne diseases. Only one borehole was built by the SMB in 2017. It is not used for drinking, washing, or other needs.”

4. Violations of the right to health

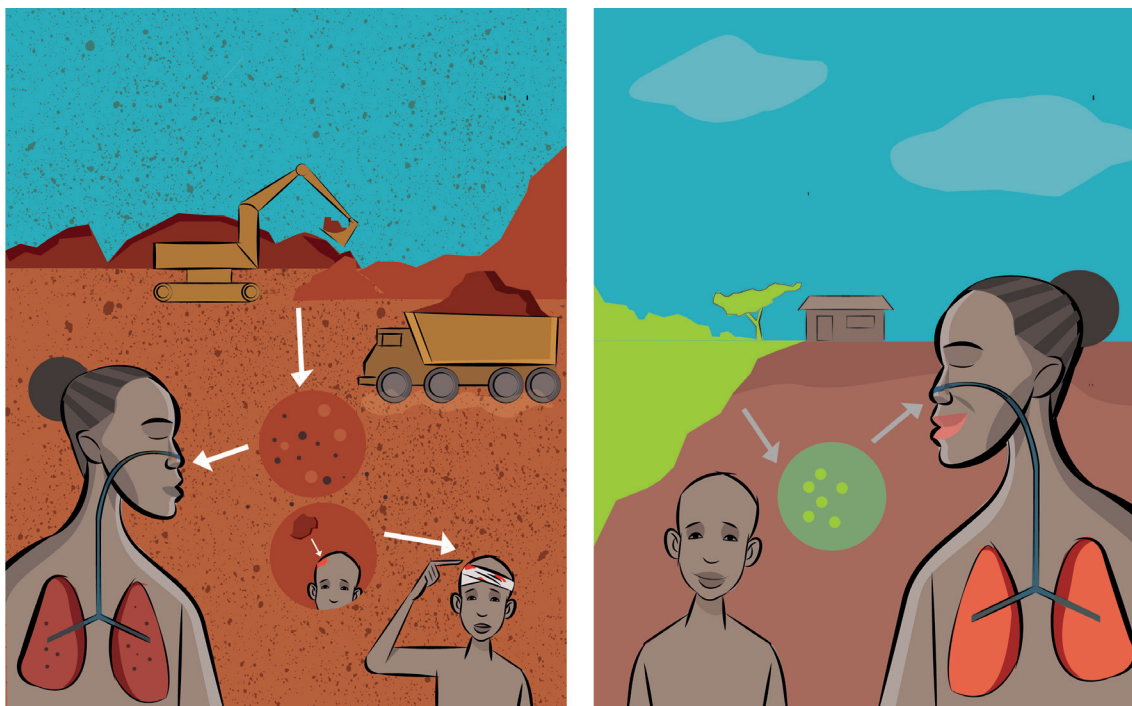
The right to health is a constitutionally recognized fundamental right. The state must ensure that the implementation of the right is effective.

Article 15 of the Guinean Constitution of 2020 suspended: *“Everyone has the right to health and physical well-being. The State has the duty to promote them, to fight against epidemics and social scourges.*

Article 143 of the Guinean Mining Code states: *“Holders of mining authorizations and/or permits must ensure that they prevent or minimize the negative effects of their activities on health and the environment, in particular water, air and soil pollution, the degradation of ecosystems and biological diversity. They must work to promote or maintain the living environment and the general health of the population, and to prevent and manage HIV/AIDS at the local level”.*

However, health problems are very recurrent in the villages impacted by the SMB. These illnesses are due to the consumption of polluted water and the inhalation of dust.





SOME TESTIMONIES FROM THE COMMUNITIES

“Before, coughing was a children’s disease here. But since the arrival of the SMB, we all cough, there are many who suffer from sinusitis, pneumonia and itching,” said a community leader from Dapilon.

To express her dismay at this situation, M.B., a resident of Katougouma, said: «The dust gets into our houses and is deposited on all our food. During the dry season, everyone coughs. Before the arrival of the SMB, we rarely had coughs. Today we are all sick, even our newborns.

The chief medical officer of one of the localities surrounding a SMB facility confirmed the allegations of the communities. According to him, «gastritis and respiratory diseases are the most recurrent in the area and this may be due to the harmful effects of SMB’s operations. However, we have not yet carried out any in-depth analyses in this regard.



THIS POLLUTION HAS CONSEQUENCES ON THE LIVESTOCK



Since the implementation of SMB, we have been losing many pets. We don't know the real cause, but we blame SMB because the phenomenon is new. When our goats, goats, sheep graze on the grass on which dust is deposited, they die. Last year I lost 15 animals. This year I lost 5.

A community leader from Dapilon

In addition to the dust that contains particles harmful to human health, blasting also causes many health problems. Blasting near villages causes many accidents and cracks in huts and houses.



This photo shows a young boy who was hit in the head by a bauxite projectile during a blasting operation in Barkèrè. The boy spent 3 days in a coma and his parents, with the support of certain organizations, asked the company to reimburse the hospitalization costs. They could never be compensated, an agent working in the area told us. Unfortunately, we were not able to obtain X-rays or evidence to corroborate these facts because, according to the agent, all the evidence was recovered by the SMB at the time of the negotiations for reimbursement.

5. Violations of rights to food and development

The right to food is a right that protects the right of every human being to feed themselves in dignity, whether by producing their own food or by buying it.



To produce one's own food, a person needs land, seeds, water and other resources. The right to food therefore requires that states create an enabling environment that allows people to use their full potential to produce or procure adequate food for themselves and their families.

In Boké, the communities of the 24 villages deplore the expropriation of their farmland. In addition, the perverse effects of mining contribute to a decrease in productivity and impact the fertility of the land that the communities currently hold.



I, Bayo, have lost everything; Katougouma was the granary of the region. We were self-sufficient in food. Our land was very fertile and we had plenty of fish in our river. The whole region of Boké came to get fish and rice from us. Eating imported rice was a sign of poverty. Nowadays, all families eat imported rice.

Karamba BAYO, Elder of Katougouma district



To date, the production of our cashews has really declined. We are no longer able to benefit from our agriculture because we no longer have enough land and the little we have is no longer sufficient.

A leader from Kring Kong



On the Doumbya plateau, I used to grow rice on the hillside, maize and there were many wild yams that served as a nutrient for us, but today we have lost everything to SMB.

A leader from Kring Kong

IMPACT OF BAUXITE MINING ON LAND AND LIVELIHOODS



This photo shows the Bayo field which has been completely destroyed by runoff water flowing through the drainage channels installed when the mining road was built.



The drainage channels that were made by the SMB during the construction of the mining road made me lose everything. My land is flooded every rainy season because the runoff water leaves the other side of the road to flow into my rice field. I have alerted the authorities in vain.

Bayo Karamba

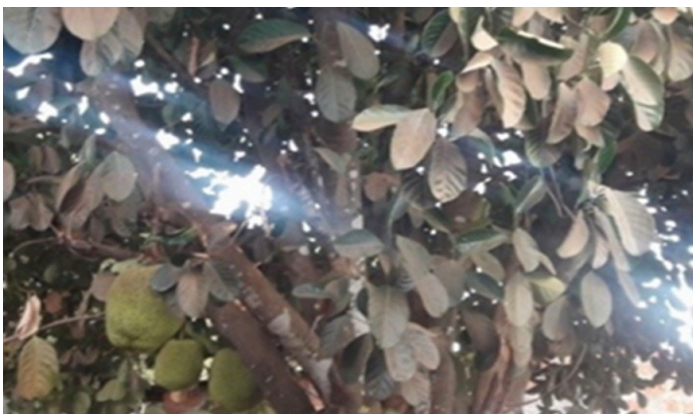


This photo shows the closure of one of the drainage channels flooding the rice fields of Bayo.

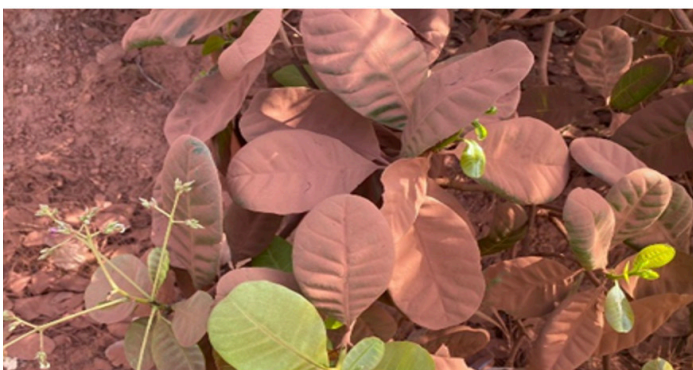
Faced with the inertia of the authorities, I bought 3 packages of cement, I called a mason to come and plug the holes of the water drainage channels. I took justice into my own hands to save my land and my crops. I am fed up

Bayo Karamba

IMPACT OF DUST FROM BAUXITE MINING ON PLANTS



The photos illustrate an excessive deposit of dust on cashew plants located along the roadside. The consequences of this heavy pollution are exacerbated by the non-respect of the safety distance imposed by the legal framework to industrial installations



POOR SITE REMEDIATION

In addition to these factors, the rehabilitation of mining sites is 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.

6. Violations of right to information, transparency and participation

Every citizen has the right of access to environmental information held by public authorities in order to enable the public to participate effectively in decision-making.

Point 3.1 Third part of decree D/2014/014/PRG/SGG of January 17, 2014 adopting a directive for the realization of an environmental and social impact assessment of mining operations in Guinea: *“ESIAs of mining projects must take into account the interests, values and concerns of local or regional populations as appropriate and account for their involvement in the project planning process and this, at all phases of the project life cycle since its conception.”*

Article 22 of the 2019 Environmental Code: *“Any person who so wishes may access environmental information drawn up, held or received by public authorities, including that relating to hazardous substances and activities”.*



NOTWITHSTANDING THESE PROVISIONS, THE COMMUNITIES OF THE 24 VILLAGES FELT THAT THEY HAD NOT BEEN ASSOCIATED OR PARTICIPATED IN THE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT PROCESS CONDUCTED BY SMB.

Public consultations conducted by SMB would have made it possible to inform the impacted populations about the externalities associated with bauxite mining and to present the planned mitigation measures. Such consultations would have made it possible to map local resources and to conduct surveys through an interview guide, and local socio-cultural knowledge in order to enhance it in the context of the implementation of the mining project.

Table 4. Summary of Rights Achieved

No	Rights reached	Some references
1	Property rights, compensation and the right to food and development	<ol style="list-style-type: none"> Articles 16, 23 and 119: Guinean Constitution of May 7, 2010 Articles 16 and 28: Guinean Constitution of 22 March 2020 Articles 18, 68, 123 and 124: Guinean Mining Code of 2011 amended in 2013 Article 829: Guinean Civil Code Articles 39, 55 and 57: Guinean Land Code Articles 25 to 38: 2019 Environmental Code Articles 5, 90 and 91: 1987 Environmental Code
2	Right to health	<ol style="list-style-type: none"> Article 21: Constitution of 22 March 2020 Article 143: Guinean Mining Code of 2011 amended in 2013 Sections 28 and 135: 2019 Environmental Code Article 82: 1987 Environmental Code Public Health Code

No	Rights reached	Some references
3	Right to a healthy environment	<ol style="list-style-type: none"> 1. Article 16: Constitution of 07 May 2010 2. Article 22: Constitution of 22 March 2020 3. Articles 43 and 144: Guinean Mining Code of 2011 amended in 2013 4. Article 41: 1987 Environmental Code 5. Sections 66 and 67: 2019 Environmental Code
4	Right to information, participation, transparency and consent	<ol style="list-style-type: none"> 1. Article 7: Constitution of 07 May 2010 2. Article 10 and 16: Guinean Constitution of 2020 3. Article 30-II: Guinean Mining Code 4. Article 22: Environmental Code 5. Article 22: Environmental Code 6. Article 68: Guinean Mining Code of 2011 amended in 2013 7. Articles 123 and 124 and 142: Guinean Mining Code of 2011 amended in 2013
5	Cultural rights	<ol style="list-style-type: none"> 1. Article 14: Constitution of 07 May 2010 2. Article 22: Guinean Constitution 2022 3. Article 1: Environmental Code 2019
6	Right to access to drinking water	<ol style="list-style-type: none"> 1. Article 27 and following: Water Code of the Republic of Guinea 2. Article 53 et seq: Environment Code 2019 3. Articles 21 to 31: 1987 Environmental Code

COMMUNITY REQUESTS AND RECOMMENDATIONS

N°	Requests/recommendations	Objectives
To the Société Minière de Boké (SMB)		
1	Meet standards and engage in dialogue to redress violations	Respect for internal laws and international standards and the commitment of SMB to the dialogue process.
2	Develop and implement a resettlement and compensation action plan-PARC	Compensate for losses in accordance with internationally accepted standards.
3	Develop and implement a livelihood recovery plan-LRMS	Establish a baseline plan to describe measures to improve or at least restore the livelihoods and living standards of affected people

N°	Revendications	Objectifs
4	Guarantee access to drinking water, rehabilitate affected rivers and spring heads, and protect those that remain	Repair, as quickly as possible, the functions (resilience and productivity) of damaged streams and headwaters within a reasonable timeframe and with an inclusive approach
5	Restore degraded lands and protect unaffected lands	Use all necessary means to reclaim land affected by BMS mining operations and avoid degradation of unaffected land
6	Managing pollution, preserving the ecosystem and biodiversity	Preserve the environment by initiating a dust pollution mitigation process
7	Prevent and manage conflicts effectively	Strengthen the community grievance management mechanism and involve in conflict prevention and management mechanisms
8	Protect and preserve public health and safety	Protecting the health of local populations by minimizing environmental pollution and the risk of disease
9	Abandon the construction of the coal-fired power plant as a source of energy for the alumina refinery	Minimize environmental and social impacts as well as public health and human rights risks
10	Respect national and international standards of community rights during the construction and operation of the alumina refinery	Respect environmental and social management plans, environmental protection standards and initiate a review of ESIA's with effective community consultation
To the Guinean State		
1	Conducting independent studies to assess the environmental and social impacts of BMS's activities	Evaluate the environmental and social impacts of BMS operations and require corrective action
2	Publication of results and implementation of required corrective actions	
3	The finalization and publication of the application texts of the Mining Code and the Environment Code	Regulating the activities of the extractive industries and protecting the rights of communities
4	Adopting the National Reference Framework for Compensation, Indemnification and Resettlement of Populations Impacted by Development Projects and making it mandatory through a legal text	
5	The dissemination and popularization of legal texts in local languages for their better appropriation by the communities	To allow communities to be informed and to appropriate legal texts

