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WATCH

“We’re Leaving Everything Behind”

The Impact of Guinea’s Souapiti Dam on Displaced Communities



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on Displaced Communities

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Summary

Guinea's 450 megawatt Souapiti dam, scheduled to begin operating in September 2020, is the most advanced of several new hydropower projects planned by the government of President Alpha Condé. Guinea's government believes that hydropower can significantly increase access to electricity in a country where only a fraction of people have reliable access to power.

Souapiti's output, however, has a human cost. The dam's reservoir will ultimately displace an estimated 16,000 people from 101 villages and hamlets. The Guinean government had moved 51 villages by the end of 2019 and said it planned to conduct the remaining resettlements within a year. Forced off their ancestral homes and farmlands, and with much of their land already, or soon to be flooded, displaced communities are struggling to feed their families, restore their livelihoods, and live with dignity.

The Souapiti project is an example of China's support for global hydropower and the role of Chinese foreign investment in large-scale infrastructure projects in Africa. China International Water & Electric Corporation (CWE) – a wholly owned subsidiary of the world's second largest dam builder, state-owned China Three Gorges Corporation – is constructing the dam and will then jointly own and operate it with the Guinean government.

The Souapiti dam is also part of the Belt and Road Initiative (BRI), China's trillion-dollar investment in infrastructure stretching across some 70 countries, which has supported large-scale hydropower projects in Africa, Asia and Latin America. The state-owned policy bank Export-Import Bank of China (China Eximbank), which has made loans exceeding over a trillion yuan (US\$150 billion) to support BRI projects, is financing the project through a US\$1.175 billion loan. In the face of criticism over the environmental and social impact of BRI projects, China's president, Xi Jinping, pledged in April 2019 that the BRI would support "open, clean, and green development."

This report documents the impacts of the Souapiti dam on displaced residents' access to land, food and livelihoods. The report is based on more than 90 interviews with displaced

residents, communities yet to be moved, and villages on whose land people are resettled, as well as interviews with business and government leaders involved in the resettlement process. The report makes recommendations on how resettlements can be improved going forward, and describes the remedies needed for communities that have already been displaced.

Souapiti's resettlement process is the largest in Guinea's post-independence history. Most of those displaced are already extremely poor, with a 2017 assessment estimating the average daily income per person in the area to be US\$1.18. The original plan for the dam would have displaced 48,000 people, but the government agency overseeing the resettlement— the Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency) – decided to reduce the height of the dam, and by extension its reservoir, to lessen the number of people to be relocated.

Residents displaced by the dam are resettled in concrete houses on land ceded by other villages. Residents have so far not obtained legal titles to their new land, creating a risk of future land conflicts between displaced families and host communities. Displacement is rupturing longstanding social and cultural links between families in the area. “In our culture, our social and familial bonds are essential,” said one displaced resident. “Extended families are being split apart. Whenever there is something to celebrate or mourn in the family, we feel the distance.”

Souapiti's reservoir is also flooding a vast area of agricultural land, threatening communities' means of subsistence. The dam's reservoir will eventually flood 253 square kilometers of land, including an estimated 42 square kilometers of crops and more than 550,000 crop-bearing trees. A 2017 project document warned starkly that, “displaced populations will generally have less favorable land than they have been farming for generations.”

Dozens of displaced residents told Human Rights Watch that they are already struggling to find adequate food for their families. “The people here are hungry, sometimes I don't eat so my children can,” said a woman displaced from the village of Tahiré Center in 2019. Residents from several villages said that, whereas before being displaced they used to grow their own food, they must now find enough money to buy it from local markets. “With

the fields gone, we're slowly selling our cattle to make ends meet," said a local herder and farmer. "We're fragile like eggs because of the suffering here," said a community leader relocated in 2019. "It's only thanks to God that we survive."

Officials at the Souapiti Agency acknowledged that displacement threatens communities' livelihoods. "When you move a village, you're breaking up the way they make a living, and you have to try to reestablish it," said the Souapiti Agency's head of environmental management and sustainable development. The Souapiti Agency said it intends to restore communities to the same or improved standard of living that they enjoyed prior to the resettlement. The Souapiti Agency does not provide displaced residents with replacement farmland but said it will assist them to farm more intensively on their remaining land and find new income sources, such as fishing or cattle-raising.

Displaced residents, however, have so far received no such assistance. "We're not asking for something extraordinary. Prepare land for us to continue our activities, a pasture area for livestock farming. Respect the promises made," said the president of Tahiré District, which encompasses several villages relocated in June 2019.

International human rights standards require that resettled populations have immediate access to livelihood sources, and that resettlement sites should include access to employment options. The 2015 and 2017 action plans prepared to guide the resettlement recommended that the Souapiti Agency begin work on livelihood restoration programs as soon as construction on the dam started in 2015. At the end of 2019, however, the Souapiti Agency had not started implementing livelihood restoration measures and displaced populations were receiving no support to help them reestablish the farming-dependent lifestyle they had left behind. The Souapiti Agency told Human Rights Watch that it is, "in the process of redoubling its efforts to invest in the restoration of livelihoods in the coming month and for years to come."

The Souapiti Agency pointed out that, in the short term, the government has provided food assistance – two deliveries of rice over six months and cash for basic essentials – to displaced families. "It helps people get on their feet," said a Souapiti Agency official. But residents said that, given how long it would take to find new livelihoods, this was not enough. "We consumed what we were given in just over a month," said a father of five resettled in June 2019 from Warakhalandi. International standards recommend that

displaced communities receive support until they return to the living standards they enjoyed prior to resettlement.

The Souapiti Agency also said that it compensates residents for the trees and crops growing on flooded land, although it has provided no payments to reflect the value of the land itself. Farmers have therefore received no compensation for land lying fallow as part of a crop rotation system, nor for land used for grazing animals.

A lack of transparency in the compensation process – with the Souapiti Agency failing to adequately inform people about how compensation is calculated – has also fueled dissatisfaction with the payments made. Some residents said they have not been paid any compensation at all; others contend that, while they had been compensated for perennial crops, like fruit trees, they have received nothing for annual crops like rice or cassava. “The government gave us what they wanted. We accepted money without negotiation because we didn’t know the value of our resources,” said one village leader. Several women said that the bulk of compensation has been paid to men in family or community leadership roles, giving women little say over how money is used.

Residents from all the villages Human Rights Watch visited said that they had complained to representatives of the Souapiti Agency or to local government officials about the resettlement process, but that they had received either no response or one that did not address their concerns. “Someone says give [your complaint] to this person. They ask you to wait. He also has his director. Who are we supposed complain to?” said a community leader from Konkouré district. The Souapiti Agency told Human Rights Watch that it had “delayed” in implementing a formal grievance policy, and only did so in September 2019, after more than fifty villages had been moved. The Souapiti Agency did not explain the reason for the delay. As of December 2019, 110 complaints had been submitted to the new grievance mechanism.

The Souapiti Agency said that for future relocations it is negotiating agreements with communities that set out the Agency’s responsibilities during the process. While this could help clarify displaced residents’ rights, a sample agreement shared by the Souapiti Agency contains only a single paragraph summary of the Agency’s obligations and offers no detail on how the Souapiti Agency will address key issues like lack of agricultural land and

support for livelihood assistance. The Souapiti Agency should also ensure that residents have access to independent legal advice, of their choice, prior to signing agreements.

Furthermore, to address the profound problems in the villages that have already been resettled, the Souapiti Agency should negotiate agreements with displaced households detailing how the Agency will remedy problems with access to land and livelihoods and any residual issues with the quality of housing and infrastructure at resettlement sites. The Souapiti Agency should also review the compensation payments made so far and explain clearly how compensation was calculated. Any underpayments should be remedied immediately.

The flawed resettlement process for the Souapiti dam is also evidence of the need for Chinese companies, banks, and regulators to ensure that BRI projects and other Chinese overseas investments respect human rights. CWE, in an email to Human Rights Watch, said that the resettlement is the responsibility of the Guinean government but that, as a shareholder in Souapiti, the company “participates in the reinstallation and plays a role of supervisor.” CWE, as well as China Eximbank, should use their influence to ensure that the Souapiti Agency addresses the problems identified in this report.

Finally, with more hydropower projects on the horizon, Souapiti’s resettlement process should alert the Guinean government of the need for better regulation and oversight. The government should, after consultation with civil society and impacted communities, draft and adopt regulations that clearly define the rights of anyone who loses access to land or is resettled due to large-scale development projects. “We’re leaving our home for the development of Guinea,” one community leader from Konkouré Center told Human Rights Watch. “We want the government to help us – otherwise we will suffer.”

Recommendations

To the Souapiti Agency (Projet d'Aménagement Hydroélectrique de Souapiti) :

- Provide immediate transitional assistance to displaced persons.
 - o Urgently assess the food security of people displaced for the Souapiti dam.
 - o Commit to providing direct food and financial assistance to those displaced until livelihoods are restored to, at a minimum, pre-displacement levels.
 - o Monitor and protect access to water for displaced persons and residents of host communities, including through the construction of more boreholes and by fixing boreholes that have already broken.
- Increase access to information regarding the resettlement.
 - o Publish all versions of the resettlement action plan, environmental and social management plan, and environmental and social impact assessment. Translate summaries and full reports at the community-level in local languages, make the documents available online, and post these documents in public buildings and throughout impacted communities, including at prefectures and subprefectures. Regularly summarize the contents of key project material orally, and in local languages, at public meetings with displaced persons.
 - o Ensure that all risk and impact assessments include analysis of human rights, particularly of the resettlement issues raised in this report.
- Fairly negotiate and document residents' rights during resettlement.
 - o Provide displaced persons, and residents of host communities, with access to free and independent legal representation of their choice prior to, during, and after the resettlement.
 - o For future resettlements, and before displacement occurs, sign legally binding agreements with residents that set out in much greater detail the benefits the residents will receive prior to, during, and following the resettlement. Ensure that residents fully understand the contents of these agreements and their rights while they are being negotiated.

- o In communities that were resettled prior to September 2019, negotiate and sign agreements with displaced residents setting out the measures that the Souapiti Agency will take to improve the resettlement sites, housing, and other residual issues affecting the resettlement, such as access to land and livelihood restoration. Ensure that residents fully understand the contents of these agreements and their rights while they are being negotiated.
- o Provide written documentation at the community level, including to village heads, women, and youth leaders, of the terms of agreements between impacted communities and the project, as well as minutes of meetings from community consultations and negotiations.
- Respect displaced persons' customary rights to land and ensure that they receive fair market compensation for land, crops, and other assets.
 - o Prior to resettlement, demarcate families' and communities' customary land rights in villages to be resettled and in host villages.
 - o Provide both resettled persons, and residents of host villages, with security of tenure over the land they acquire during the resettlement and their remaining land.
 - o Provide financial compensation for land (including customary-owned land) that is flooded or rendered inaccessible by the Souapiti dam, its reservoir, or related infrastructure. Ensure that compensation reflects the actual value of the land. Revisit compensation to people already displaced to ensure it reflects these values.
 - o Ensure that compensation standards are transparent and consistently applied across affected communities. For households to be displaced, explain the proposed method of compensation and how compensation is calculated prior to resettlement.
 - o Provide written documentation to both men and women in each household about the compensation and inventory process. Include in this written documentation: the number of items inventoried; the value of each item inventoried; the method of calculation of the value of each item inventoried; the total amount of compensation; the date compensation will be paid; and the method of payment.

- o As a complement to written documentation, explain clearly in local languages to non-literate displaced persons, including men and women, the basis for and value of compensation payments.
- o Ensure that the project's grievance mechanism, discussed below, includes a process for challenging the project's counting or valuing of homes, crops and trees and the amount of compensation accorded.
- o Ensure all individuals receiving compensation possess the necessary identification cards to make bank withdrawals and transportation funds to go to the bank.
- Ensure that displaced persons' livelihoods are, at minimum, restored to pre-resettlement levels.
 - o Develop and negotiate with displaced communities and then make public a comprehensive plan for livelihood restoration that includes an entitlement matrix that describes the services available to displaced persons; eligibility criteria defining who has access to those services; a timeframe for implementation; and a system for monitoring the effectiveness of the program.
 - o Ensure that displaced persons, community leaders, local authorities, civil society, and experienced specialists familiar with local conditions participate in the definition of livelihood restoration activities at the community level.
 - o Include, as part of this livelihood restoration plan, consideration of how displaced residents can obtain access to the agricultural land necessary to restore livelihoods. This may require a new round of negotiations between displaced residents and host communities, facilitated and overseen by the Souapiti Agency, as to how displaced residents can obtain adequate access to agricultural land.
 - o Monitor the success of livelihood restoration programs in improving displaced residents' economic status and living standards for at least five years after resettlement. Intervene with additional support for households or communities where living standards have not been improved.
 - o Ensure that women have adequate access to measures to restore livelihoods.

- Develop effective grievance mechanisms.
 - o Develop a clear and transparent grievance mechanism, consistent with the United Nations Guiding Principles on Business and Human Rights, whereby resettled residents and those awaiting resettlement can file complaints and have them reviewed and resolved in a timely and impartial manner.
 - o Regularly inform affected populations about the existence of the grievance mechanism and the manner in which to file a complaint.
- Increase oversight of the resettlement process.
 - o Commission an independent annual audit of the resettlement process to identify failures to meet applicable laws and standards and make recommendations for improvement. Make public the audit reports.

To the Government of Guinea:

- Ensure respect for the ECOWAS Directive on Hydraulic Infrastructure Development in West Africa in all current and future hydroelectric dams projects.
- Draft and adopt laws or regulations describing the process to be followed to resettle and compensate people who lose land to large-scale development projects, whether homes or agricultural land. These regulations should be developed in consultation with civil society and affected communities.
- As part of a wider land reform process, and with the participation of civil society groups and affected communities, urgently take action to identify, secure, and demarcate customary land rights, particularly in areas where large-scale development projects are planned. Securing customary land rights means giving individuals and communities the ability to protect those rights in court.
- Ensure that, where land is acquired for energy and other large-scale infrastructure projects, fair compensation is paid, including to families and communities with customary land rights, and that land acquisitions do not negatively impact livelihoods.
- Ensure that human rights due diligence is integrated into future hydropower projects.
- Assess the cumulative human rights, social and environmental impact of the different hydropower projects planned in Guinea, including the potential impacts

of dams on climate change and the impact of climate change on existing and planned dams' viability, and reevaluate projects according to the outcome of this assessment.

To China International Water and Electric and China Three Gorges Corporation:

- Ensure that all future hydropower projects conduct human rights risk and impact assessments, including prevention, mitigation, and redress measures.
- Conduct more rigorous oversight of the Souapiti Agency's management of the resettlement process, including by meeting with the Souapiti Agency leadership to discuss the problems identified in this report; conducting regular site visits; and requiring a third party audit of the project's resettlement policies and procedures.
- Provide financial and technical assistance to the Souapiti Agency to ensure that the resettlement respects national laws, industry standards regarding resettlement, and international human rights law.

To China Export-Import Bank:

- Ensure that projects seeking bank funding conduct human rights risk and impact assessments, including prevention, mitigation, and redress measures.
- Provide more rigorous oversight of the impacts of bank-financed construction projects, such as Souapiti, including by meeting with the Souapiti Agency and CWE's leadership to discuss the problems identified in this report.
- Establish a list of benchmarks that the Souapiti Agency and CWE are required to meet in the resettlement process, which include:
 - o Full disclosure, in writing and through oral dissemination to affected communities, of the updated resettlement action plan, compensation frameworks, and a plan for livelihood restoration.
 - o Adequate compensation for lost land.
 - o Development of a comprehensive plan for livelihood restoration that includes an entitlement matrix that describes the services available to community members; eligibility criteria defining who has access to those

services; a timeframe for implementation; and a system for monitoring the effectiveness of the program.

- o An effective grievance mechanism.
- Establish a schedule of site visits and document and assess progress against these benchmarks.

To the Chinese Government:

- Instruct the State Assets Supervision and Administration Commission to conduct a transparent audit of the Souapiti project and the resettlement process specifically.
- Develop a binding set of regulations to guide the operations of Chinese companies operating overseas, as well as banks financing overseas investment, including a requirement that Chinese companies conduct human rights due diligence prior to and during their operations.
- Instruct the National Reform and Development Commission and the Ministry of Commerce only to approve overseas investment projects that have conducted rigorous human rights due diligence.
- Modify the criteria according to which proposed overseas investments are judged, such as the Administrative Measures for Outbound Investment by Enterprises (issued by the National Reform and Development Commission) and Administrative Measures on Outbound Investment (issued by the Ministry of Commerce), to include human rights standards. Pending amendment of these measures, ensure that the National Reform and Development Commission and Ministry of Commerce enforce existing standards and do not approve overseas investments where they are not met.
- Integrate human rights standards, including specific language relating to resettlements, into the Measures for the Supervision and Administration of Overseas Investment by Central Enterprises, which describe how central state-owned enterprises should operate abroad. Pending the amendment of these measures, ensure that the State Assets Supervision and Administration Commission enforces existing standards, including through regular inspections of state-owned enterprises operating overseas.

To International Donors:

- Provide financial assistance to independent civil society groups and nongovernment organizations to enable them to support impacted communities throughout and after the resettlement process, including with assistance filing complaints.
- Provide financial support, including for cell phones and transportation, to village heads, women’s representatives, and youth leaders to facilitate communication between impacted communities and the Souapiti Agency, CWE, and civil society organizations.

Methodology

The Souapiti dam, as the most advanced of several hydropower projects currently underway in Guinea, offers insights into the Guinean government's management and oversight of the large-scale resettlement necessary for large dams. Based on more than 90 interviews with residents impacted by the resettlement, as well as interviews with business and government leaders, this report focuses on the impact of displacement on communities' access to land, food and income. "Community" is used in this report to refer to residents of a single village that share not only a common geographic space but also longstanding social, cultural, and other ties.

Beyond the resettlement process, this report does not consider the other possible human rights impacts of hydropower dams, such as the potential for reduced water access for communities downstream. The scale of the resettlement – the largest in Guinea's history – and the remoteness of the communities involved meant that it was not practical to examine both the resettlement and the wider impact of the dam.

Communities impacted by resettlement for the Souapiti dam are located across four prefectures: Dubréka, Kindia, Pita and Téli-mélé. When Human Rights Watch's research began, however, there was almost no publicly available information on the specific location of the villages impacted, with many of them along the unpaved and pothole riddled Kindia-Telimélé road. Human Rights Watch superimposed a map of the anticipated geographic extent of the Souapiti dam reservoir onto existing data showing the locations of villages and resettlements. This map was constructed through a hydrological model of the anticipated depth and geographic extent of the Souapiti dam reservoir, which was cross-referenced against the Souapiti's Agency own map of the proposed reservoir. We later confirmed that all the villages we visited were to be resettled or would lose land to the dam by reviewing the 2017 resettlement action plan, which the Souapiti Agency sent to us in 2019. Human Rights Watch also used optical and radar satellite data to monitor the reservoir growth, verify local social media, document village flooding as well as evaluate the locations and suitability of resettlement sites.

Research for this report was conducted between October 2018 and December 2019. Human Rights Watch conducted interviews in the following 15 localities in the Dubreka, Kindia and Téliimélé prefectures:

- Eight villages whose residents had already been resettled for Souapiti: Yabba (resettled in 2016), Koneta and Khoroya (in 2018), Tahiré Center, Tanene, Warakhalandi, Woussi Ley Balla and Woussi Dow Banlal (all in 2019).
- Three villages from which some or all households were being resettled during the course of Human Rights Watch’s research: Bagueya, Bangouya Center and Konkouré Center (all resettlements affecting these communities occurred in 2019).
- One village whose residents will not be resettled but which will lose agricultural land: Kounsima.
- Three “host” villages on whose land communities have been or will be resettled: Madina Kagneguiri, Mordiya, and Kondonböf.

In all but a few of the villages, Human Rights Watch began with a group interview with village leaders and other members of the community, with the number of participants in each group ranging from 4 to 20. Group interviews were typically conducted in village meeting places, often in the open air. For most communities in Guinea, group interviews are necessary to explain research objectives and solicit initial responses to questions in a transparent, open manner that builds trust with community members. Community leaders typically explained the experience of the community during resettlement, although it was then necessary to interview residents on their own to better understand the experience of individuals, particularly those – for example women and young people – who are underrepresented in community leadership.

The vast majority of interviews were conducted in the local languages Peuhl and Sousou with direct translation to French. Some interviews, including with government officials, were conducted in French. Researchers explained to all interviewees that they could decline to speak with Human Rights Watch if they chose.

In the course of our research, we met on several occasions with officials at the Souapiti Agency, including the head of environmental management and sustainable development. We also reviewed key project documents related to the Souapiti dam, particularly the 2017 version of the resettlement action plan.

In November 2019, Human Rights Watch sent the Souapiti Agency a summary of the initial findings of our research. The Souapiti Agency's response was integrated into this report. In January 2020, Human Rights Watch requested additional information from the agency, and we received a response in February 2020. In March 2020 we sent a third letter containing this report's summary and recommendations. Human Rights Watch also wrote to China International Water and Electric, China Eximbank and Tractebel requesting their comment. Tractebel sent a letter in response and China International Water and Electric an emailed reply. China Eximbank did not respond. All of the Souapiti Agency's responses to our findings, as well as the letter from Tractebel and email from China International Water and Electric, are attached as an annex to this report.

For security reasons, some names and other identifying information have been left out of this report to ensure that individuals are not exposed to harassment or retaliation as a result of their willingness to share information with Human Rights Watch.

I. Background



President Alpha Condé visits the construction site of the Souapiti dam on June 12, 2019. The Guinean government hopes that the 450-megawatt dam will increase access to electricity in a country in dire need of more reliable power. © 2019 Guinean President's Office

Guinea, a resource-rich country in West Africa with a population of approximately 12.7 million people, is in urgent need of reliable access to electricity.¹ In 2017, Guinea had a rate of electricity access of about 29 percent, below that year's average for sub-Saharan Africa of 43 percent.² Although Kaloum, the capital city Conakry's administrative hub, has a relatively reliable electricity supply, many residential neighborhoods often only have

¹ United Nations Department of Economic and Social Affairs, Population Division, World Population Prospects, custom data acquired via website, <https://esa.un.org/unpd/wpp/DataQuery/> (accessed December 16, 2019).

² This figure includes "illegal" connections. The rate of legal access to electricity is 18 percent. World Bank (International Development Association), Guinea Electricity Access Scale Up Project Proposal, January 25, 2019, <http://documents.worldbank.org/curated/en/869041550631657109/pdf/Guinea-Electricity-Access-Scale-Up-Project.pdf>, paras. 7-8 (accessed November 18, 2019).

power for a few hours a day.³ Rural access to electricity in Guinea in 2017 was a paltry 3 percent.⁴

Reliable access to electricity is critical to the full exercise of a range of economic and social rights, especially in Guinea where, as of April 2019, one in two people languished below the poverty line.⁵ The World Bank in 2018 noted that a lack of access to electricity globally is “a fundamental barrier to progress...and has impacts on a wide range of development indicators, including health, education, food security, gender equality, livelihoods, and poverty reduction.”⁶ The government of President Alpha Condé, first elected in 2010 and reelected in 2015, has pledged to use hydropower to improve access to electricity.⁷ In 2019, President Condé said that he wanted Guinea to be “the most electrified country in the region” in the next five years, listing Souapiti as one of several new dams to be built.⁸ Although Guinea’s 2010 constitution barred Condé from running for a third term, his government had at writing amended the constitution to potentially clear the way for him to stand in 2020 presidential elections.⁹ Senior officials from the ruling party (*Rassemblement du Peuple Guinéen*, RPG) told Human Rights Watch that projects like Souapiti, scheduled to begin producing power in 2020, are an example of the progress

³ See, for example, “Conakry : les émeutes anti-délestages se poursuivent ce samedi en banlieue”, *Guinée News*, June 22, 2019, <https://www.guineenews.org/conakry-les-emeutes-anti-delestages-se-poursuivent-se-samedi-en-banlieue> (accessed November 18, 2019).

⁴ World Bank (International Development Association), Guinea Electricity Access Scale Up Project Proposal, January 25, 2019, <http://documents.worldbank.org/curated/en/869041550631657109/pdf/Guinea-Electricity-Access-Scale-Up-Project.pdf>, para. 8 (accessed November 18, 2019).

⁵ According to the World Food Programme, 55 percent of people live below the poverty line in Guinea. World Food Programme, Guinea Country Brief, April 2019, https://docs.wfp.org/api/documents/WFP-0000106299/download/?_ga=2.100520860.329209772.1564518290-1688978667.1562519892 (accessed, November 18, 2019). The United Nations Sustainable Development Goal 7 aims to “[e]nsure access to affordable, reliable, sustainable and modern energy for all.” United Nations High-level Political Forum, “Advancing SDG 7 Implementation in Support of the 2030 Agenda, Policy Brief #1: Achieving Universal Access to Electricity (2018),” <https://sustainabledevelopment.un.org/content/documents/17462PB1.pdf>, p. 3 (“Electricity access is crucial to the achievement of many of the other SDGs.”).

⁶ World Bank, “Access to Energy is at the Heart of Development,” April 18, 2018, <https://www.worldbank.org/en/news/feature/2018/04/18/access-energy-sustainable-development-goal-7>.

⁷ “Souapiti: les premières productions annoncées pour septembre 2020 au lieu de 2021 (ministre),” *Guinée News*, April 21, 2018, <https://www.guineenews.org/souapiti-les-premieres-productions-annoncees-pour-septembre-2020-au-lieu-de-2021-ministre/> (accessed November 18, 2019).

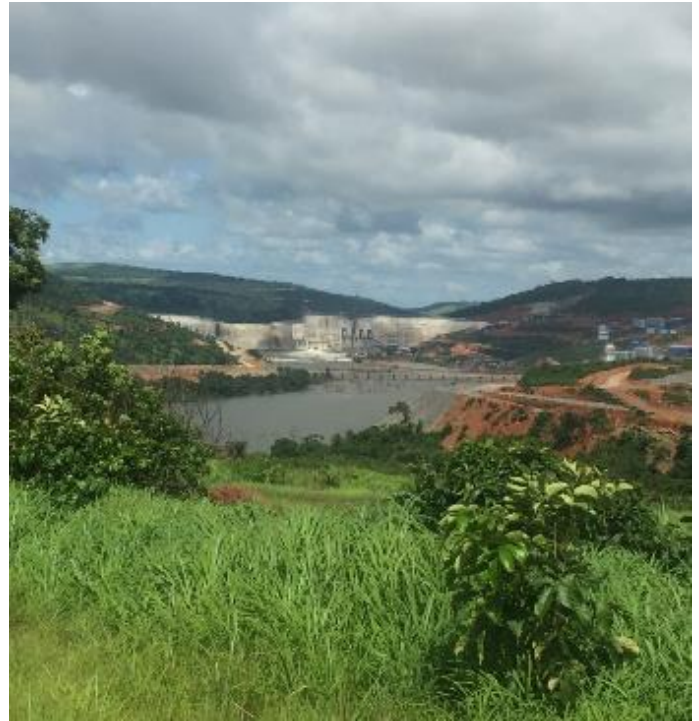
⁸ “Comment Alpha Condé veut électrifier la Guinée d'ici 5 ans?,” *Africaguinee*, January 1, 2019, <https://www.africaguinee.com/articles/2019/01/01/comment-alpha-conde-veut-electrifier-la-guinee-d-ici-5-ans> (accessed November 18, 2019). Other planned power generation projects include Amaria (290 MW), Fomi (90 MW), and Koukoutamba (294 MW) dams. Initiative pour la Prospective Economique et le Développement Durable (IPED), “Appliquer la nouvelle directive de la CEDEAO pour la réalisation de meilleurs barrages en Guinée,” March 2018, <http://www.ipedguinee.org/index.php/iped-policy-brief-n-02-mars-2018> (accessed November 18, 2019).

⁹ Human Rights Watch, “Guinea: End Crackdown on Opponents to New Constitution,” October 18, 2019, <https://www.hrw.org/news/2019/10/18/guinea-end-crackdown-opponents-new-constitution>.

that Guinea is making under Condé.¹⁰

The Souapiti dam is located on the Konkouré river basin, about 115 kilometers from Conakry.¹¹ In the late 1940s, French business interests, supported by *Électricité de France*, the French national electricity utility, considered using the Konkouré River to generate the energy needed to transform raw bauxite to its final aluminum product, and to help power an aluminum industry in the then-French colony.¹² But the French never built the Souapiti dam and, when Guinea became an independent nation in 1958 and rejected close ties with its former colonizer, the French government abruptly ended all economic and political relations.¹³

Since then, nearly every Guinean administration has clung to the hope of one day building the Souapiti dam.



Guinea's Souapiti dam, located on the Konkouré river, is the most advanced of several new hydropower projects planned by the government of President Alpha Condé. The dam's reservoir will ultimately displace an estimated 16,000 people and flood 253 square kilometers of land. © 2019 Yasmin Dagne for Human Rights Watch

¹⁰ For example, Human Rights Watch interview with Amadou Damaro Camara, parliamentary leader of the Le Rassemblement du Peuple Guinéen, December 5, 2019.

¹¹ See also Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 15. (On file with Human Rights Watch).

¹² See Electricité de France, "Service des Etudes d'outre-mer, Rapport De Mission En Afrique Occidentale Française, 1948-49," http://horizon.documentation.ird.fr/exl-doc/pleins_textes/divers16-12/33110.pdf (accessed December 13, 2019). See also Guy Lasserre, "Cahiers d'outre mer, L'intérêt de la centrale du Konkouré est étroitement lié à l'importance des gisements de bauxite de la Guinée," July-September 1958, https://www.persee.fr/doc/AsPDF/caoum_03735834_1958_num_11_43_2088.pdf, p. 294, 295. P. Simon, "La Houille Blanche, L'aménagement hydroélectrique de Souapiti sur le fleuve Konkouré, en Guinée, July 1959," <https://www.shf-lhb.org/articles/lhb/pdf/1959/06/lhb1959045.pdf>, p. 415.

¹³ See Bram Posthumus, "Guinea: Masks, Music and Minerals" (London, Hurst Publishers, 2016), p. 70 ("Guinea declared Independence on 2 October 1958. The French sabotaged the new country's economy and administration in every way possible. They cut off all aid and wrecked most of the infrastructure that was present in Guinea at the time: especially electricity supplies and telephone lines. They took apart government furniture, household items, office equipment and removed every plug, socket and light bulb they could find."). Henry Ginger, "Paris Cuts Ties to French Guinea After 'No' Vote," *New York Times*, September 29, 1958, <https://timesmachine.nytimes.com/timesmachine/1958/09/30/81930170.pdf> (accessed November 18, 2019).

Although hydropower, as of 2015, accounted for over 55 percent of electricity production in Guinea, it has so far been unable to provide sufficient electricity for increasing domestic needs.¹⁴ The Souapiti dam will be the third large dam constructed in Guinea. The Garafiri dam, constructed in 1999, operates below its stated 75 megawatt (MW) capacity for much of the year, reportedly due to a lack of water in its reservoir during the dry season.¹⁵ And the Kaléta dam, opened in May 2015, has also yet to operate consistently at its full 240 MW capacity.¹⁶ The Guinean government hopes that, by regulating water flow on the Konkouré river, Souapiti will help the Kaléta dam operate at higher capacity throughout the year.¹⁷

The Guinean Ministry of Energy has created an agency to oversee construction of Souapiti, the Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency).¹⁸ The Agency is also managing the resettlement of communities for Souapiti.¹⁹ The dam itself, however, is being constructed by China International Water & Electric Corporation (CWE), which built Guinea's Kaléta dam in 2015.²⁰ CWE is a wholly-owned subsidiary of China Three Gorges Corporation, a state-

¹⁴ United Nations Environment Programme, Guinea Energy Profile (2017), https://wedocs.unep.org/bitstream/handle/20.500.11822/20508/Energy_profile_Guinea.pdf (accessed November 18, 2019).

¹⁵ "Guinée : la fin des délestages en 2020?", *Jeune Afrique*, October 10, 2018, <https://www.jeuneafrique.com/643177/economie/guinee-la-fin-des-delestages-en-2020/> (accessed November 18, 2019).

¹⁶ "Hydraulique : la Guinée souhaite exploiter pleinement son potentiel", *Jeune Afrique*, December 19, 2017, <https://www.jeuneafrique.com/mag/500796/economie/hydraulique-la-guinee-souhaite-exploiter-pleinement-son-potentiel> (accessed November 18, 2019).

¹⁷ Ibid. See also World Bank (International Development Association), "Power Sector Recovery Project Paper," February 21, 2018, <http://documents.worldbank.org/curated/en/172941521424821535/pdf/GUINEA-POWER-SECTOR1-PAD-02272018.pdf>, p. 5 (accessed November 18, 2019) ("Souapiti...will have a reservoir that will mitigate the seasonality along the cascade of projects on the Konkouré river, thus limiting the need for expensive thermal power generation during the dry season, which constitutes about 30 percent of current electricity generation.")

¹⁸ Human Rights Watch interview with Souapiti Agency head of environmental management and sustainable development, June 10, 2019. See also Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 175. (On file with Human Rights Watch).

¹⁹ A French engineering firm, Tractebel, in 2015 published an environmental and social impact assessment for the dam and a resettlement action plan, which set out how the resettlement should occur in order to respect Guinean laws and industry best practices. Both documents were updated in 2017. Tractebel, which the Guinean government also appointed as an engineering advisor to supervise the construction of the dam itself, also has an "assistance mission" to the Souapiti Agency for the implementation of the environmental and social action plans (which includes the resettlement process), and has seconded two specialists in environment and resettlement to the Agency. Tractebel told Human Rights Watch that its role is limited to advice to the Souapiti Agency and that it does not implement any aspects of the resettlement itself. Tractebel-Engie, Letter to Human Rights Watch, December 20, 2019. (Copy on file with Human Rights Watch). Tractebel is part of the Engie Group, a publicly traded French corporation.

²⁰ China International Water and Electric Corporation, "Loan agreement for Souapiti Hydroelectric Project signed between Guinean government and China Eximbank," September 2018, <http://english.sh-xiedian.com/contents/88/9268.html> (accessed December 2, 2019).

owned company that built China's Three Gorges Dam.²¹ Chinese state media reported that, as of January 2019, Chinese companies have a 70 percent share of the global hydropower construction market.²²

China's influence in Guinea has expanded rapidly over the past decade, with China promising Guinea loans for infrastructure in exchange for access to Guinea's wealth of natural resources.²³ CWE describes Souapiti as part of the Belt and Road Initiative, China's trillion-dollar investment in infrastructure across some 70 countries.²⁴ Initiated by Chinese President Xi Jinping in 2013, the BRI initially aimed to link China to the rest of Asia, Africa, and Europe via land and maritime networks, but has expanded to a wider global effort to expand market access, export industrial overcapacity, and increase China's economic and political influence.²⁵ The Chinese government has so far not issued laws or policies that

²¹ The Three Gorges dam project was constructed in a heavily populated area, requiring the resettlement of 1.3 million people over a 17-year period, many of whom were allegedly offered inadequate compensation or relocation options. Yan Tan and Yi Qian Wang, "Rural resettlement and land compensation in flooded areas: The case of the Three Gorges Project, China," *Asia Pacific Viewpoint*, Vol. 44, Issue 1, April 2003, pp. 35 - 50. "China's Three Gorges Dam: An Environmental Catastrophe?," *Scientific American*, March 25, 2008, <https://www.scientificamerican.com/article/chinas-three-gorges-dam-disaster/> (Accessed December 2, 2019).

²² "Chinese enterprises represent 70 percent of global hydropower market," *People's Daily Online*, January 22, 2019, <http://en.people.cn/n3/2019/0122/c90000-9540389.html> (accessed January 5, 2020).

²³ President Condé and Chinese Premier Xi Jinping signed a strategic partnership in 2016 that envisaged increased Chinese access to Guinea's natural resources in exchange for finance for infrastructure projects, including energy projects. "Guinée : le menu très économique d'Alpha Condé en Chine," *Jeune Afrique*, November 4, 2016, <https://www.jeuneafrique.com/472655/economie/mines-la-chine-et-la-guinee-signent-un-accord-a-20-milliards-de-dollars/> (accessed January 5, 2020). In 2017, the Chinese and Guinean government signed an agreement in which China would loan Guinea \$20 billion for infrastructure projects over almost 20 years in exchange for access to Guinea's bauxite reserves. "China to loan Guinea \$20 billion to secure aluminum ore," *Reuters*, September 6, 2017, <https://www.reuters.com/article/us-guinea-mining-china/china-to-loan-guinea-20-billion-to-secure-aluminum-ore-idUSKCN1BH1YT> (accessed January 5, 2020). In 2019, a Chinese-led consortium won a \$14 billion tender to exploit the world's largest iron ore deposit in Guinea's southwest. "China-backed consortium wins \$14 billion Guinea iron ore deal, pipping Australia's Fortescue," *Reuters*, November 13, 2019, <https://www.reuters.com/article/us-guinea-simandou/china-backed-consortium-wins-14-billion-guinea-iron-ore-deal-pipping-australias-fortescue-idUSKBN1XO09B> (accessed January 5, 2020).

²⁴ CWE's website states, for example, stating that, "As the most important livelihood project in Guinea, the implementation of the Souapiti Hydroelectric Project is a major measure by China to participate [in] the African infrastructure construction and boost the development of Africa...China is willing to work with African countries to build the 'Belt and Road'." China International Water and Electric Corporation, "Loan agreement for Souapiti Hydroelectric Project signed between Guinean government and China Eximbank," September 2018, <http://english.sh-xiedian.com/contents/88/9268.html> (accessed December 2, 2019). On October 4, 2019, on the sixtieth anniversary of the establishment of diplomatic relations between Guinea and China, Guinean President Alpha Condé said that his country "appreciated" the Belt and Road Initiative, while Chinese Premier Xi Jinping stated that he was, "ready to work with his Guinean counterpart in order to seize the opportunities" presented by the BRI. "La Chine et la Guinée échangent des messages de félicitations," *China.Org.Cn*, October 6, 2019, http://french.china.org.cn/foreign/txt/2019-10/06/content_75274854.htm (accessed December 2, 2019).

²⁵ Center for Strategic and International Studies, "How will the Belt and Road Initiative advance China's interests?," May 8, 2017, (updated October 18, 2019), <https://chinapower.csis.org/china-belt-and-road-initiative/> (accessed January 5, 2020.) David Dollar, "Understanding China's Belt and Road Infrastructure Projects in Africa," *Brookings Institution*, September 2019, https://www.brookings.edu/wpcontent/uploads/2019/09/FP_20190930_china_bri_dollar.pdf (accessed January 5, 2020).

define what constitutes a BRI project, but Chinese media has also discussed Souapiti dam as a BRI project.²⁶ Souapiti is also referenced in a 2018 investment guide to Guinea on the official BRI website.²⁷ Although many recipient governments have praised BRI projects for facilitating investment in vital infrastructure, BRI projects have also often been criticized for containing inadequate social and environmental safeguards and for saddling recipients with unsustainable debt.²⁸

CWE's typical role in hydroelectric projects in Africa has been through engineering, procurement and construction contracts (EPC), in which the company constructs the dam before handing it over to another entity, typically a national government, to operate it.²⁹ The Souapiti project, however, is structured as a public-private partnership, with CWE and the Guinean government co-owners of a specially formed company with the right to operate the dam for 25 years.³⁰ The Guinean government is the majority shareholder, with a 51 percent share, with CWE holding 49 percent.³¹

To finance the construction of the dam, the state-owned Export-Import Bank of China (China Eximbank), issued a US\$1.175 billion loan to the Guinean Ministry of Economy and

²⁶ See, for example, "Feature: Chinese workers help bring prosperity to countries along Belt and Road," XinhuaNet, May 12, 2017, http://www.xinhuanet.com/english/2017-05/12/c_136276420.htm (accessed December 2, 2019). See Yuen Yuen Ang, "Demystifying Belt and Road - The Struggle to Define China's 'Project of the Century'," *Foreign Affairs*, May 22, 2019, <https://www.foreignaffairs.com/articles/china/2019-05-22/demystifying-belt-and-road> (accessed January 5, 2020). ("BRI may be the most talked about and least defined buzzword of this decade.")

²⁷ "Country Guide for Foreign Investment Cooperation," Guinea, 2018, <http://images.sh-itc.net/201903/20190305134014204.pdf>.

²⁸ Friends of the Earth U.S., "Investing in a Green Belt and Road? Assessing the Implementation of China's Green Credit Guidelines Abroad", December 2017, https://1bps6437gg8c169ioy1drtgz-wpengine.netdna-ssl.com/wp-content/uploads/2017/12/ChinaGreenBelt_Dec-2017.pdf (accessed June 28, 2019). See also John Hurley, Scott Morris, and Gailyn Portelance, "Examining the Debt Implications of the Belt and Road Initiative from a Policy Perspective," Center for Global Development, 2018, <https://www.cgdev.org/publication/examining-debt-implications-belt-and-road-initiative-a-policy-perspective> (accessed June 28, 2019). See also David Dollar, "Understanding China's Belt and Road Infrastructure Projects in Africa," Brookings Institution, September 2019, https://www.brookings.edu/wpcontent/uploads/2019/09/FP_20190930_china_bri_dollar.pdf (accessed January 5, 2020).

²⁹ International Rivers, "Reflections on Chinese Companies' Global Investments in the Hydropower Sector Between 2006-2017," <https://www.internationalrivers.org/blogs/435/reflections-on-chinese-companies%E2%80%99-global-investments-in-the-hydropower-sector-between-2006> (accessed December 15, 2019). ("CWE, has signed 6 BOT projects and 29 EPC projects with a total capacity of 5,351 MW.") BOT refers to a Build, Operate, Transfer relationship, through which the company finances, designs, builds and provides human resources for construction and operation, in exchange for the operating rights over a given period of time, typically 20-30 years. The number of years varies and is usually set so that the company can recover investment costs before handing back ownership to the government.

³⁰ Baker McKenzie, "Baker McKenzie advises China International Water & Electric Corp. on the development of two hydropower plants in Guinea," November 26, 2018, <https://www.bakermckenzie.com/en/newsroom/2018/11/two-hydropower-plants-in-guinea> (accessed December 18, 2019).

³¹ Email correspondence from China International Water and Electric Corporation to Human Rights Watch, March 25, 2020.

Finance.³² China Eximbank has made loans exceeding over a trillion yuan (\$US 150 billion) to support BRI projects and much more for other China-backed projects falling outside the BRI.³³ To raise equity for the remaining 15 percent of construction costs, the Guinean government partially privatized the existing Kaléta hydropower plant, giving CWE a 51 percent share in Kaleta.³⁴ Chinese companies are constructing two additional hydroelectric projects in Guinea, the Amaria and Koukoutamba dams.³⁵

According to a French engineering firm advising the project, the 450 megawatt Souapiti dam will double Guinea's energy supply.³⁶ It is so far unclear, however, how much of the electricity generated will be used to satisfy the electricity needs of ordinary Guineans, particularly given the imperative for the government to raise revenue to repay the loans incurred for the construction of Souapiti. According to the World Bank, Guinea's electricity utility (*Electricité de Guinée*, EDG), which has signed power purchase agreements with the CWE-Guinean government joint venture that will operate Souapiti, has struggled to stop Guineans illegally diverting power from the grid and pay for the production cost of the electricity they consume.³⁷

The Ministry of Energy has said that a portion of the electricity generated will be used to fuel Guinea's booming mining industry and to encourage mining companies to build alumina or aluminum refineries, which consume large amounts of energy.³⁸ A significant

³² China International Water and Electric Corporation, "Loan agreement for Souapiti Hydroelectric Project signed between Guinean government and China Eximbank," September 2018, <http://english.sh-xiedian.com/contents/88/9268.html> (accessed December 2, 2019).

³³ "Ex-Im Bank's 'Belt and Road' loan balance has exceeded one trillion yuan," *Xinhua News Agency*, April 18, 2019, http://www.xinhuanet.com/fortune/2019-04/18/c_1124385705.htm (accessed January 26, 2020).

³⁴ World Bank (International Development Association), "Guinea Electricity Access Scale Up Project Proposal," January 25, 2019, <http://documents.worldbank.org/curated/en/869041550631657109/pdf/Guinea-Electricity-Access-Scale-Up-Project.pdf>, para. 17 (footnote 11) (accessed November 18, 2019).

³⁵ TBEA is currently constructing the 300 MW Amaria dam and Sinohydro will build the 300 MW Koukoutamba dam, with funding from China Eximbank. "Présidence – Energie : La convention de concession du barrage Amaria signée," *Guinée News*, May 2, 2019, <https://www.guineenews.org/presidence-energie-la-convention-de-concession-du-barrage-amarie-signee/> (accessed January 5, 2020). "Sinohydro to build the 294 MW Koukoutamba dam in Guinea," *International Journal on Hydropower & Dams*, March 13, 2019, <https://www.hydropower-dams.com/news/sinohydro-to-build-the-294-mw-koukoutamba-dam-in-guinea/> (accessed January 5, 2020).

³⁶ Tractebel-Engie, "Souapiti: le plus grand barrage hydroélectrique en Guinée," October 17, 2019, <https://tractebel-engie.fr/fr/actualites/2019/souapiti-le-plus-grand-barrage-hydroelectrique-en-guinee> (accessed December 16, 2019).

³⁷ See, for example, World Bank (International Development Association), "Power Sector Recovery Project Paper," February 21, 2018, <http://documents.worldbank.org/curated/en/172941521424821535/pdf/GUINEA-POWER-SECTOR1-PAD-02272018.pdf>, p. 24 (accessed November 18, 2019).

³⁸ Ministry of Energy and Hydrology, "Projet d'Aménagement Hydroélectrique de Souapiti, Fiche Projet Groupe," (Undated) <http://www.invest.gov.gn/document/projet-hydroelectrique-de-souapiti> (accessed December 2, 2019). In July 2018, the

amount of electricity produced by Souapiti will also be exported, with the dam intended to feed into the West African Power Pool (WAPP), an initiative by the Economic Community of West African States (ECOWAS), the regional political and economic union of 15 countries, that aims to ensure reliable power supply throughout West Africa by creating a unified regional electricity network.³⁹ The Souapiti dam is expected to feed into three regional transmission lines that will connect Guinea to other states in West Africa.⁴⁰ Several international financial institutions, including the World Bank and the AfDB, are funding the construction of these transmission lines.⁴¹

In discussing the Souapiti dam, the Guinean government does not typically describe the potential benefits of hydropower in reducing reliance on fossil fuels. In 2015, however, the government committed in its national action plan under the Paris Agreement on climate change to “produce 30 percent of its energy from renewable energy sources” including by commissioning “hydropower stations producing 1650 MW” by 2030.⁴² The WAPP Secretariat has described the Souapiti dam as an example of “renewable energy” that will “reduce the use of fuel-fired plants.”⁴³ The World Bank funded a 2015 feasibility study for the Souapiti dam through the WAPP Secretariat, and referred to Souapiti in its 2015 “Africa

Guinean government reportedly organized a meeting with mining executives to encourage companies to link up to Souapiti’s energy grid. “Hydroélectricité : Vers le raccordement des miniers sur le réseau interconnecté de Souapiti”, *Guinée News*, July 7, 2018, <https://www.guineenews.org/hydroelectricite-vers-le-raccordement-des-miniers-sur-le-reseau-interconnecte-de-souapiti/> (accessed November 18, 2019)

³⁹ ECOWAS West African Power Pool, “Presentation of WAPP,” (undated), <http://www.ecowapp.org/en/content/creation-wapp>.

⁴⁰ The transmission lines are The Gambia River Basin Development Project (*Organisation pour la Mise en Valeur du Fleuve Gambie, OMVG*) interconnection; the Côte d’Ivoire, Liberia, Sierra Leone, Guinea (CLSG) interconnection; and the Guinea-Mali interconnection, via the Linsan-Fomi line. For more details see World Bank, “OMVG Interconnection Project,” April 6, 2015, <http://documents.worldbank.org/curated/en/442701468194079362/pdf/895940PADoP146010Box391424BooOUOo9o.pdf> (accessed December 2, 2019); World Bank, “Guinea-Mali Interconnection Project,” June 20, 2018, <http://documents.worldbank.org/curated/en/814001531711841488/pdf/GUINEA-MALI-PAD-06252018.pdf> (accessed December 2, 2019); World Bank, “Côte d’Ivoire, Liberia, Sierra Leone, and Guinea (CLSG) Power Interconnection Project,” <http://documents.worldbank.org/curated/en/369271509740134599/pdf/Sierra-Leone-Liberia-WAPP-PAD2375-PUBLIC.pdf> (accessed December 2, 2019).

⁴¹ Ibid.

⁴² Republic of Guinea, Intended Nationally Determined Contribution (INDC), 2015, p. 10. https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Guinea%20First/INDC_Guinea_english_version%20UNFCCC.pdf (accessed November 18, 2019).

⁴³ West African Power Pool, “Update of the ECOWAS revised master plan for the development of power generation and transmission of electrical energy, Final Report (Drafted by Tractebel Engineering),” December 2018, http://www.ecowapp.org/sites/default/files/volume_5.pdf (accessed December 2, 2019)

Climate Business Plan,” titled, “Accelerating Climate-Resilient and Low-Carbon Development.”⁴⁴

International environmental groups, however, have questioned the climate-benefits of hydropower projects, and note that the potential downstream impacts of dams, such as reduced water quality and quantity, and its impact on ecosystems, can reduce communities’ ability to adapt to climate change.⁴⁵ Scientific studies have found that dams and reservoirs can be a significant source of greenhouse gases due, in part, to the rotting of vegetation flooded by reservoirs.⁴⁶ Research also suggests that hydropower might also become less productive in areas with reduced rainfall due to climate change.⁴⁷

The ECOWAS Directive on Hydraulic Infrastructure Development in West Africa, which provides binding standards for ECOWAS states developing hydropower projects, states that feasibility studies for dams should take into account, “hydrological scenarios resulting from climate change projections, including increased intensity and frequency of extreme events, the increase in temperatures and decrease in rainfall.”⁴⁸ The feasibility study for the Souapiti dam conducted in 2015 examines the potential impact of climate

⁴⁴ World Bank, “Accelerating Climate-Resilient and Low-Carbon Development, The Africa Climate Business Plan (2015),” p. 109, <http://documents.worldbank.org/curated/en/401711468185370301/pdf/101130-REPLACEMENT-FILE-SAME-BOX-PUBLIC-K8545.pdf> (accessed December 2, 2019). The World Bank said that government of Guinea subsequently used the feasibility study, completed in 2015, during its negotiations with CWE. The World Bank, “WAPP Cote d’Ivoire, Sierra Leone, Liberia, and Guinea Power System Re-development,” December 29, 2015, p. 16, <http://documents.worldbank.org/curated/en/122651468005414760/pdf/ISR-Disclosable-P113266-12-29-2015-1451421767217.pdf> (accessed December 2, 2019). See also West African Power Pool, “Business Plan, 2012-2015”, p. 34, http://www.ecowapp.org/sites/default/files/business_plan_2012-2015_-_mkn_-_spec_2.pdf (accessed December 2, 2019). See also “Power pool seeks study update of 515-MW Souapiti hydro project in Guinea,” *Hydro Review*, February 28, 2014, <https://www.hydroreview.com/2014/02/28/power-pool-seeks-study-update-of-515-mw-souapiti-hydro-project-in-guinea/#gref> (accessed December 2, 2019).

⁴⁵ See, for example, International Rivers, “Wrong Climate for Damming Rivers,” <https://www.internationalrivers.org/campaigns/wrong-climate-for-damming-rivers> (Undated) (accessed December 2, 2019). See also International Rivers, “Greenhouse Gas Emissions from Dams FAQ,” 2007, <https://www.internationalrivers.org/resources/greenhouse-gas-emissions-from-dams-faq-4064> (accessed December 2, 2019). See also “Reservoirs are a major source of global greenhouse gases, scientists say,” *Washington Post*, September 28, 2016, <https://www.washingtonpost.com/news/energy-environment/wp/2016/09/28/scientists-just-found-yet-another-way-that-humans-are-creating-greenhouse-gases/> (accessed December 2, 2019).

⁴⁶ Bridget R. Deemer et al, “Greenhouse Gas Emissions from Reservoir Water Surfaces: A New Global Synthesis,” *BioScience*, Volume 66, Issue 11, November 1, 2016, pp. 949–964. Ilissa Ocko and Steven Hamburg, “Climate Impacts of Hydropower: Enormous Differences among Facilities and Over Time,” *Environmental Science & Technology*, 2019 53 (23), p. 14070-14082. Philip M. Fearnside, “Emissions from tropical hydropower and the IPCC,” *Environmental Science & Policy* 2015, p. 225-239. See also Laura Scherer and Stephan Pfister, “Hydropower’s Biogenic Carbon Footprint,” *PLoS ONE* 2016 11(9).

⁴⁷ See, for example, Matthew A. Cole, “Climate Change, Hydro-Dependency, and the African Dam Boom,” *World Development*, Volume 60, August 2014, pp. 84-98.

⁴⁸ ECOWAS Commission, Water Resources Coordination Center, “Directive on Hydraulic Infrastructure Development in West Africa,” 2017, article 55.

change on the dam's viability, but concludes that, "the climate change forecasts do not seem to significantly reduce the availability of water resources for the production of energy. In the longer term, a lack of water resource is a risk. But [at that point] the projected operation period of the dam will be over."⁴⁹

⁴⁹ EDF, Artelia and Nodalys, « Détermination de la meilleure option technique pour la mise en œuvre du projet Souapiti en Guinée dans le cadre d'un Partenariat Public Privé, Rapport Provisoire de l'Etude de Faisabilité, Volet Technique," 2015, p. 108. ("Les projections de changement climatiques ne semblent pas pénaliser significativement la disponibilité des ressources en eau pour la production d'énergie. C'est à l'horizon le plus lointain qu'une insuffisance de la ressource en eau est à craindre. Cependant, la période projetée d'exploitation de l'aménagement sera révolue.")

II. Legal Framework

There are at least four sources of laws and standards applicable to the resettlement for the Souapiti dam. Long-established customary laws govern the ways that land is held and used in the rural communities impacted by the dam. Guinea's national laws set out how land should be acquired for public infrastructure projects. International human rights laws provide protections to communities displaced by developments projects. Finally, industry standards, including those explicitly adopted as benchmarks by the Souapiti Agency, provide additional guidance on how to responsibly conduct resettlements.

Customary Land Rights

In rural Guinea, land rights are typically held and managed by lineages or families under customary land tenure, a set of rules and norms governing who has rights over land and who can farm or exploit it.⁵⁰ These rules are complex, with several families often claiming interlocking – but not necessarily contradictory – rights over a single plot of land, including who has the right to sell or inherit the land, who can exploit it, and when grazing is permitted and by whom. Customary land rights are not conferred on individual persons but rather to the entire family, lineage or community.⁵¹

Within the customary system, the family and heads of households who make decisions about who has access to land are overwhelmingly men, giving women little role in determining how land is allocated.⁵² Women do, however, farm vegetable gardens (known in French as *terres de maraîchage*, or market gardens, because the produce is often sold at local markets) and can pass on the right to exploit this land – though not its underlying ownership – to their children.⁵³

⁵⁰ See, for example, Global Water Initiative, “Connaissances, Outils et Capacités pour la Sécurisation Foncière des Populations Affectées par le Barrage de Fomi,” March 2015, p. 37, <https://pubs.iied.org/pdfs/Go3981.pdf> (accessed December 11, 2019). See also Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 46. (On file with Human Rights Watch).

⁵¹ Global Water Initiative, “Connaissances, Outils et Capacités pour la Sécurisation Foncière des Populations Affectées par le Barrage de Fomi,” March 2015, <https://pubs.iied.org/pdfs/Go3981.pdf>, p. 38 (accessed December 11, 2019).

⁵² Ibid. p. 39.

⁵³ Ibid.

National Resettlement Laws

Guinea's 2010 constitution recognizes the right to property, and states that, "no one may be expropriated if it is not in the interest legally declared of all and under reserve of a fair and prior indemnification."⁵⁴ This suggests that compulsory land acquisitions, of the type required by the Souapiti project, should only occur through a public interest expropriation process, in which, under Guinean law, the government follows a legal process to acquire land from affected individuals with adequate compensation.⁵⁵

The lack of adequate recognition for customary land rights under national law means, however, that rural communities receive little protection from the national legal system during expropriation processes. Guinea's 1992 land law contains no clear recognition of customary land rights, although some jurists argue that customary land tenure can be recognized by a provision of the law that confers property ownership on those who demonstrate "peaceful, personal, and continuous occupancy in good faith."⁵⁶ In practice, however, for a family or community to



A bridge over the Konkouré river, February 2019. As the photo below shows, by October 2019 rising floodwaters had reached the bridge itself. Image 1: © 2019 Yasmin Dagne for Human Rights Watch. Image2: © 2019 Konkouré residents

⁵⁴ Constitution, Article 13. « Nul ne peut être exproprié si ce n'est dans l'intérêt légalement constaté de tous et sous réserve d'une juste et préalable indemnité. »

⁵⁵ Land and Property Code of the Republic of Guinea, 1992, henceforth "Land Code", articles 55-83. See also Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 81. (On file with Human Rights Watch).

⁵⁶ Land Code, Article 39. The World Bank's Land Governance Assessment Framework for Guinea (Conakry), when referring to Article 39, states that, "in principle all customary rights are recognized by law." World Bank, "Land Governance Assessment

safeguard their customary claims to land they have to formally register their land tenure rights or record them in local land maps.⁵⁷ Very few rural farmers have done this – in large part due to the government’s failure to adequately roll out a 2001 rural land policy to facilitate land registration and the mapping of land boundaries in rural areas.⁵⁸ As discussed later in this report, the absence of clear protection for customary land rights under national law enables large-scale infrastructure projects, such as Souapiti, to deny rural farmers their right to adequate compensation.

There is also, more broadly, a dearth of standards within Guinean law as to the compensation and other assistance that both public and private actors should provide where they resettle communities or acquire land for dams, mines or other commercial or development projects. The Ministry for Towns and the Management of Territory in September 2017 drafted an operations manual setting out how public interest expropriations should occur, but the manual was ultimately never validated by the government.⁵⁹ The absence of national standards means that each project adopts its own resettlement standards, denying communities the protection that could come from strong national standards that are appropriately enforced. The ECOWAS Directive on Hydraulic Infrastructure Development in West Africa requires states to take necessary steps to “harmonize compensatory measures” across to hydropower projects “to avoid feelings of injustice resulting from disparities between one project and another.”⁶⁰ The Ministry of Mines and Geology was, at time of writing, leading two initiatives to draft standards to

Framework for Guinea (Conakry),” 2015, <http://documents.worldbank.org/curated/en/881871504866008675/pdf/119612-WP-P095390-FRENCH-PUBLIC-7-9-2017-9-59-21-GuineaFinalReportFrench.pdf>, p. 42 (accessed December 2, 2019).

⁵⁷ “World Bank, “Land Governance Assessment Framework for Guinea (Conakry),” 2015, <http://documents.worldbank.org/curated/en/881871504866008675/pdf/119612-WP-P095390-FRENCH-PUBLIC-7-9-2017-9-59-21-GuineaFinalReportFrench.pdf>, p. 43-44 (accessed December 2, 2019). Pascal Rey, “Droit foncier, quelles perspectives pour la Guinée ? Réflexion sur la réforme foncière à partir de l’exemple de la Guinée Maritime,” *Annales de Géographie* (2011), pp. 298-319, p. 305.

⁵⁸ Republic of Guinea, Declaration of Land Policy in Rural Areas (2001), paras. 12-14, 23-30, 42-58. On the non-application of the policy, see World Bank, “Land Governance Assessment Framework for Guinea (Conakry),” pp. 44, 57. See also Tractebel Engineering, Resettlement Action Plan (*Plan d’action de réinstallation de l’aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 82. (On file with Human Rights Watch).

⁵⁹ Ministry of Towns and the Management of Territory, “Manuel d’opérations sous forme de « lignes directrices » pour l’expropriation pour cause d’utilité publique et la compensation des terres et des ressources naturelles en République de Guinée,” September 2017, <https://pubs.iied.org/pdfs/17609FIIED.pdf> (accessed December 11, 2019).

⁶⁰ ECOWAS Commission, Water Resources Coordination Center, “Directive on Hydraulic Infrastructure Development in West Africa,” 2017, article 29.

regulate compensation and resettlement processes for large-scale land acquisitions in Guinea, including hydropower projects.⁶¹

International Human Rights Law

The African Charter on Human and Peoples' Rights (the African Charter) protects the right to property, and states that it may only be encroached upon in the interest of public needs and, "in accordance with the provision of appropriate laws."⁶² The property rights accorded by the African Charter apply equally to customary or traditional rights, including those held collectively.⁶³ African standards also underscore the importance of protecting the rights of women to access and control land.⁶⁴

The African Commission on Human and Peoples' Rights (the African Commission) has noted that the requirement that a removal of property be conducted "in accordance with the law" connotes both compliance with domestic and international law.⁶⁵ International

⁶¹ The first initiative involves an inter-ministerial committee, led by the mining ministry, overseeing the drafting and adoption of national standards to guide the resettlement and compensation of people affected by large-scale development projects. These draft standards, which were initially drafted by a South African consultancy but heavily criticized by civil society groups, are currently being revised. For the second initiative, the mining ministry, through a World-Bank funded project, commissioned a French law firm to draft secondary legislation, foreseen by the 2011 mining code, on land acquisition. See also "En Guinée, le boom de la bauxite laisse un goût amer aux paysans," *Le Monde*, April 4, 2019, https://www.lemonde.fr/afrique/article/2019/04/04/en-guinee-le-boom-de-la-bauxite-laisse-un-gout-amer-aux-paysans_5445817_3212.html (accessed December 11, 2019).

⁶² African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, article 14.

⁶³ In the case of *COHRE v. Sudan*, the African Commission found that "[i]t doesn't matter whether they had legal titles to the land, the fact that the victims cannot derive their livelihood from what they possessed for generations means they have been deprived of the use of their property under conditions which are not permitted by Article 14 [right to property]." African Commission on Human and Peoples' Rights, Center on Housing Rights and Evictions (COHRE) v. Sudan, Communication No. 296/2005, July 29, 2009, para. 205. See also *Ctr. for Minority Rights Dev. v Kenya*, Comm. 276/2003, 27th ACHPR AAR Annex (Jun 2009 - Nov 2009), para. 185 – 190, 209 (in context of indigenous groups). The UN Committee on Economic, Social and Cultural Rights (CESCR) also emphasizes that rights protections apply whether or not individuals hold formal title. The committee notes in its General Comment No. 4 that legal security of tenure "takes a variety of forms, including ...occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats." UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4, The Right to Adequate Housing (Sixth session, 1991), U.N. Doc. E/1992/23, annex III, art. 114 (1991).

⁶⁴ The Protocol to the African Charter on the Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) provides that "states shall promote women's access to and control over productive resources such as land and guarantee their right to property." Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, September 13, 2000, CAB/LEG/66.6, entered into force November 25, 2005, art. 19(c).

⁶⁵ *Ctr. for Minority Rights Dev. v Kenya*, Comm. 276/2003, 27th ACHPR AAR Annex (Jun 2009 - Nov 2009), para. 219. See also UN Food and Agriculture Organization (FAO), Voluntary Guidelines on the Responsible Governance of Tenure of Land,

human rights law provides detailed guidance on when and how states should expropriate property, prohibiting “forced evictions” where someone is involuntarily removed from their home or land without the provision of, and access to, appropriate forms of legal or other protection.⁶⁶ Evictions must only be a last resort and those displaced must receive adequate compensation for land and personal property.⁶⁷

A central component of the legal protections provided by international law is that evictions should not result in individuals being “vulnerable to the violation of other human rights,” such as the right to adequate food or housing.⁶⁸ Where those affected are unable to provide for themselves, states must take all appropriate measures, to the maximum of available resources, to ensure that adequate alternative housing and access to productive land is available.⁶⁹ States are also required to ensure that third parties, including businesses, respect human rights standards when acquiring land.⁷⁰

The African Charter also confers the right to development.⁷¹ The African Commission has, in the *Endorois* case, interpreted this right to include the right of an indigenous community to participate in decision-making processes regarding land and natural resources and the right to benefit from activities occurring in their territory.⁷² Although the resettlement for

Fisheries and Forests in the Context of National Food Security (VGGT) (Rome: Food and Agriculture Organization of the United Nations, 2012), section 16.1.

⁶⁶ CESCR, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), U.N. Doc. E/1998/22, annex IV, art. 113 (1997), para. 3.

⁶⁷ Ibid. para. 13. The UN Special Rapporteur on adequate housing has also developed a set of “Basic Principles and Guidelines on Development-Based Evictions and Displacement,” which detail practical measures that states can take prior to, during, and after evictions to ensure that the rights of affected people are respected. Human Rights Council, “Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari: Basic Principles and Guidelines on Development-Based Evictions and Displacement,” A/HRC/4/18, February 5, 2007, <https://documentsddsny.un.org/doc/UNDOC/GEN/Go7/106/28/PDF/Go710628.pdf?OpenElement> (accessed December 12, 2019). See also UN Food and Agriculture Organization (FAO), Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) (Rome: Food and Agriculture Organization of the United Nations, 2012), section 16.1.

⁶⁸ CESCR, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), U.N. Doc. E/1998/22, annex IV, article 113 (1997), para 16. See also UN Basic Principles and Guidelines on Development-based Eviction and Displacement, para. 43. See also UN Food and Agriculture Organization (FAO), Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) (Rome: Food and Agriculture Organization of the United Nations, 2012), section 16.9.

⁶⁹ CESCR, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), U.N. Doc. E/1998/22, annex IV, art. 113 (1997), para. 16.

⁷⁰ See United Nations Guiding Principles on Business and Human Rights, principle 6.

⁷¹ African [Banjul] Charter on Human and Peoples' Rights, article 22.

⁷² See *Ctr. for Minority Rights Dev. v Kenya*, Comm. 276/2003, 27th ACHPR AAR Annex (Jun 2009 - Nov 2009), paras. 269 – 298.

the Souapiti dam does not necessarily involve indigenous peoples, the same rights to participation and benefit from hydropower projects is accorded to all communities in the ECOWAS Directive on Hydraulic Infrastructure Development in West Africa, which is binding on all ECOWAS states.⁷³ The Directive underscores that states should, “ensure the participation of affected populations effectively and knowingly, in all stages of the decision-making process, in order to obtain their true consent for the major decisions that affect them.”⁷⁴ The Directive further states that, “Benefit sharing shall...be ensured to the local communities affected by hydraulic infrastructures, in particular in terms of access to electricity, irrigated agriculture or fishing.”⁷⁵

Industry Standards

Officials at the Souapiti Agency have stressed that the project aims to follow international best practices.⁷⁶ In a letter to Human Rights Watch, Amara Camara, the head of the Souapiti Agency, said that the “Guinean government is committed to implementing a reinstallation process for impacted communities compliant with Guinean legislation and international best practices, particularly the best practices of the World Bank.”⁷⁷

The Agency said that the standard used for the resettlement process is the World Bank Operational Manual 4.12 on Involuntary Resettlement, which is described in the 2017 resettlement action plan as the “applicable framework” for the resettlement.⁷⁸ The resettlement plan also describes the African Development Bank’s (AfDB) 2003 Involuntary

⁷³ ECOWAS Commission, Water Resources Coordination Center, “Directive on Hydraulic Infrastructure Development in West Africa,” 2017. Global Water Initiative, “New ECOWAS Directive announced on the construction of large dams in West Africa,” July 24, 2017, <https://www.gwiwestafrica.org/en/new-ecowas-directive-announced-construction-large-dams-west-africa>.

⁷⁴ ECOWAS Commission, Water Resources Coordination Center, “Directive on Hydraulic Infrastructure Development in West Africa,” 2017, article 21.

⁷⁵ ECOWAS Commission, Water Resources Coordination Center, “Directive on Hydraulic Infrastructure Development in West Africa,” 2017, article 11.

⁷⁶ Human Rights Watch Interview with Souapiti Agency head of environmental management and sustainable development, June 10, 2019. Human Rights Watch interview with officials from Souapiti Agency, April 9, 2019.

⁷⁷ Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Letter to Human Rights Watch, December 13, 2019, p. 1. (Copy on file with Human Rights Watch).

⁷⁸ Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 8. (Copy on file with Human Rights Watch). Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 83. (Copy on file with Human Rights Watch). World Bank, “Operational Manual 4.12, Involuntary Resettlement,” 2001, revised 2013, <https://policies.worldbank.org/sites/ppf3/PPFDocuments/090224bo822f89db.pdf> (accessed December 19, 2019).

Resettlement Policy as an applicable framework.⁷⁹ Both of these policies had already been updated when the 2017 resettlement action plan was finalized, with the World Bank adopting a safeguard on resettlement as part of a new environmental and social framework in 2016 (though the framework only became operational in 2018) and the AfDB adopting an additional safeguard for involuntary resettlements in 2013.⁸⁰

Both the World Bank and AfDB policies aim to ensure that people affected by resettlements can restore or improve the standard of living and income-earning capacity that they enjoyed prior to displacement.⁸¹ This is also reflected in the ECOWAS Directive on Hydraulic Infrastructure Development in West Africa.⁸² The Directive states that projects should establish a “baseline” of the living conditions of affected persons, “in order to allow measuring subsequently the degree of improvement or deterioration of the living standard of the communities after the completion of the dam and, if necessary, take the necessary measures to improve these living conditions.”⁸³

Responsibilities of Chinese Companies and the Chinese Government

While the Guinean government bears the primary responsibility for managing the resettlement process, CWE – as the main constructor of the dam and a co-owner of the company that will operate and benefit from it – also has the responsibility to ensure that

⁷⁹ Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 83. African Development Bank, “Involuntary Resettlement Policy,” November 2003, <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/10000009-EN-BANK-GROUP-INVOLUNTARY-RESETTLEMENT-POLICY.PDF> (accessed December 19, 2019).

⁸⁰ World Bank, “Environmental and Social Policies,” (Undated), <https://projects.worldbank.org/en/projects-operations/environmental-and-social-policies> (accessed January 10, 2020). World Bank, “Environmental and Social Framework,” 2016, p. 53, <http://pubdocs.worldbank.org/en/837721522762050108/Environmental-and-Social-Framework.pdf#page=67&zoom=80> (accessed January 10, 2020). AfDB, “Operational Safeguard on Involuntary Resettlement,” in Integrated Safeguards System, 2013, p. 31, https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/December_2013_-_AfDB%E2%80%99S_Integrated_Safeguards_System_-_Policy_Statement_and_Operational_Safeguards.pdf (accessed December 3, 2019). The AfDB’s 2013 safeguard on resettlement is intended to “facilitate the operationalization of the 2003 involuntary resettlement policy.”

⁸¹ World Bank, “Operational Manual 4.12, Involuntary Resettlement,” 2001, revised 2013, para. 2(c). The AfDB’s 2003 policy aims to ensure that those displaced, “receive resettlement assistance...so that their standards of living, income earning capacity, and production levels are improved.” African Development Bank, “Involuntary Resettlement Policy,” November 2003, para. 3.1. IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement similarly requires that, whenever companies acquire land, persons, “whose livelihoods or income levels are adversely affected will be provided with opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living.” IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement, para. 28.

⁸² ECOWAS Commission, Water Resources Coordination Center, “Directive on Hydraulic Infrastructure Development in West Africa,” 2017, section 2.

⁸³ Ibid. Article 25.

the resettlement process meets human rights standards.⁸⁴ The United Nations Guiding Principles on Business and Human Rights state that businesses have a responsibility to exercise due diligence to identify human rights risks and impacts, avoid complicity in abuses, and ensure that any abuses are remedied.⁸⁵

CWE's parent company, China Three Gorges, issued a 2017 Sustainable Development Policy that commits the company to assist government authorities during resettlements for dam projects it is involved in.⁸⁶ Three Gorges' 2019 Belt and Road Sustainability Report also states that, "as a responsible global citizen, we adhere to the hydropower development philosophy of building a hydropower station to facilitate local economy, improve the environment and benefit resettled residents."⁸⁷ Souapiti Agency officials said CWE had so far had no operational role in the resettlement process, although local residents said CWE staff are often present to observe the activities of the Souapiti Agency in communities prior to their displacement and on resettlement sites.⁸⁸

CWE, in an email to Human Rights Watch, said that the resettlement is the responsibility of the Guinean government and the Souapiti Agency specifically.⁸⁹ The company stated, however, that as a shareholder in Souapiti the company "participates in the reinstallation and plays a role of supervisor."⁹⁰ The company said that, "in order to ensure transparency in the reinstallation," it had put in place a computer system jointly with the Guinean

⁸⁴ A 2019 Asia Society report, in discussing the Belt and Road Initiative, concluded: "Chinese officials invoke the principles of 'noninterference' and 'respect for local law' to distance themselves from aspects of BRI projects that fall short of international standards and best practices. But developing countries often lack the necessary institutions to support adherence to the rule of law or the application of international standards....The lack of rigorous oversight in poorer developing countries with limited capabilities or weak governance has resulted in a range of problems that have begun to alienate local communities and taint the BRI brand." Daniel R. Russel and Blake Berger, Asia Society Policy Institute, "Navigating the Belt and Road Initiative," June 2019, p. 11. https://asiasociety.org/sites/default/files/2019-06/Navigating%20the%20Belt%20and%20Road%20Initiative_2.pdf (accessed January 5, 2020).

⁸⁵ UN Office of the High Commissioner for Human Rights, "Guiding Principles on Business and Human Rights," HR/PUB/11/04, adopted June 16, 2011, principle 25, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed December 3, 2019).

⁸⁶ China Three Gorges Corporation, "Sustainable Development Policy," 2017. (Informal English translation on file with Human Rights Watch).

⁸⁷ China Three Gorges Corporation, "The 'Belt and Road' Sustainability Report of China Three Gorges Corporation," p. 2, <http://www.311051.com/english/resource/ydyl.pdf> (accessed December 3, 2019).

⁸⁸ Human Rights Watch Interview with Souapiti Agency officials, December 4, 2019.

⁸⁹ Email correspondence from China International Water and Electric Corporation to Human Rights Watch, March 25, 2020.

⁹⁰ Ibid.

government that tracks the progress of the reinstallation and other relevant data.⁹¹ CWE should provide additional assistance to the Souapiti Agency to ensure that it follows up on the recommendations contained in this report.

China Eximbank should also exercise oversight over the resettlement process.⁹² China Eximbank has published its own environmental and social guidelines that apply to overseas projects.⁹³ These guidelines state that project assessments should abide by the principle of “respecting local people’s rights to land and resources,” and “properly handling the resettlement problems.”⁹⁴ The guidelines also state that Eximbank should review a project’s environmental impacts prior to agreeing to a loan, during a project’s construction and operation, and once the loan is complete.⁹⁵ For projects that have “serious environmental and social problems,” Eximbank has the right to require borrowers to “take timely measures to eliminate these impacts” and, if they fail to do so, “to stop disbursing the loans and demand an early payback of the loan, in accordance with its contract.”⁹⁶ Chinese policy banks like Eximbank do not, however, have a track record of rigorously enforcing their own environmental and social standards.⁹⁷

The Chinese government, the ultimate owner of China Three Gorges and China Eximbank, also has an obligation to ensure the businesses its controls and regulates respect and protect human rights. According to the United Nations Guiding Principles on Business and Human Rights, states have heightened obligations to protect against human rights abuses

⁹¹ Ibid.

⁹² In 2012, the China Banking Regulatory Commission issued the Green Credit Guidelines to improve environmental and social risk management of overseas projects by its policy banks. China Banking Regulatory Commission, “Green Credit Guidelines,” February 24, 2012, <https://pfbc-cbfp.org/docs/news/avril-mai-13/RDP12-Mars-2013/DCC-China%20Banking%20Regulation%20-%20Green%20Credit%20Guidelines.pdf> (unofficial IFC translation.) Article 21 of the GCG states “[b]anking institutions...shall make promise in public that appropriate international practices or international norms will be followed as far as such overseas projects are concerned, so as to ensure alignment with good international practices.”

⁹³ China Export and Import Bank (China Eximbank), “Guidelines for Environmental and Social Impact Assessments of the China Export and Import Bank’s (China Eximbank) Loan Projects,” 2007, (Unofficial translation on file with Human Rights Watch).

⁹⁴ Ibid. Article 12.

⁹⁵ Ibid. Articles 13 to 18.

⁹⁶ Ibid. Article 19.

⁹⁷ A 2019 Natural Resources Defense Council report noted that, “the environmental and social consequences of overseas investment by Chinese financial institutions are increasing...there is an urgent need for financial institutions to incorporate environmental and social risks into BRI investment.” Natural Resources Defense Council, “Research on Green Investment and Financing Standards for Policy Banks in the Belt and Road Initiative,” 2019, p. 11, <http://coalcap.nrdc.cn/Public/uploads/pdf/1574069427377628218.pdf> (accessed January 26, 2020).

by business that are state-owned or controlled.⁹⁸ As a central state-owned enterprise, China Three Gorges is directly controlled and managed by the State Assets Supervision and Administration Commission (SASAC) of the State Council, China's most senior administrative body. The SASAC in 2017 issued Measures for Supervision and Administration of Outbound Investment by Central Enterprises that provide guidance as to how central state-owned enterprises should operate abroad.⁹⁹ The document also gives SASAC the power to conduct inspections of state-owned enterprises.¹⁰⁰

In recent years, in response to criticism of the impact of BRI projects on the environment and on local communities, Chinese government agencies have also underscored the need for BRI projects to respect responsible environmental and, to a lesser degree, social standards.¹⁰¹ In his remarks at a major BRI forum in April 2019, President Xi Jinping stated that, "We are committed to supporting open, clean and green development."¹⁰²

The Chinese government has established some mechanisms for the approval and monitoring of foreign investment and operations by Chinese companies, although research has indicated that these mechanisms have so far not adequately promoted respect for social and environmental standards.¹⁰³ China's top planning agency, the National Reform

⁹⁸ UN Office of the High Commissioner for Human Rights, "Guiding Principles on Business and Human Rights," HR/PUB/11/04, adopted June 16, 2011, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (accessed December 3, 2019), principle 4.

⁹⁹ Measures for Supervision and Administration of Outbound Investment by Central Enterprises (中央企业境外投资监督管理办法), promulgated by Instrumentalities of the State Council, All Commissions, State-owned Asset Supervision & Administration Commission of the State Council, January 7, 2017, <http://www.sasac.gov.cn/n2588035/n2588320/n2588335/c4258448/content.html>.

¹⁰⁰ Ibid. Article 16.

¹⁰¹ See, for example, Ministry of Environmental Protection, Ministry of Foreign Affairs, National Development and Reform Commission, and Ministry of Commerce, "Guidance on Promoting Green Belt and Road," May 8, 2017. For other relevant standards related to the Belt and Road Initiative, see Inclusive Development International, "Safeguarding People and the Environment in Chinese Investments," 2019 (Second edition), p. 41, https://www.inclusivedevelopment.net/wp-content/uploads/2019/05/2019_IDI_China-Safeguards-Guide-FINAL.pdf (accessed January 25, 2020).

¹⁰² Second Belt and Road Forum for International Cooperation, "Remarks by H.E. Xi Jinping President of the People's Republic of China at the Press Conference of The Second Belt and Road Forum for International Cooperation," April 28, 2019, <http://www.beltandroadforum.org/english/n100/2019/0429/c22-1397.html> (accessed January 5, 2020).

¹⁰³ The 2019 Natural Resources Defense Council report concluded that, "China is gradually establishing a legal system for overseas investment that regulates and supervises enterprises, financial institutions, project approval, and overall planning... At present, no specific laws or regulations have been introduced to monitor the environmental and social performance of Chinese companies investing overseas. For enterprises, the environmental and social impact of investment falls under the social responsibility of the company. Thus, relevant regulations are mainly based on incentives and voluntary actions, with no punitive measures for violations. For regulators, supervisory and control responsibilities are unclear and ineffectively distributed. As a result, these monitoring duties end up relying upon reports that the companies produce. In the absence of independent verification and on-site inspections, oversight becomes a mere formality. Although the financial policy norms are relatively complete, in general, the current policy system is ineffectiveness and fragmented, lacks specific

and Development Commission (NRDC) – which must approve overseas investments in “sensitive” countries, regions or industries – has issued Measures for the Administration of Outbound Investment by Enterprises calling for investors to, “respect local public order and good morals, fulfill necessary social responsibilities, pay attention to environmental protection, and build a good image of Chinese investors.”¹⁰⁴ The Ministry of Commerce, which must approve investments by central state-owned enterprises, such as China Three Gorges, in 2014 published its Measures for the Administration of Outbound Investment which state that companies with investments in overseas firms should, “comply with investment destination laws and local customs, social responsibility, environment and labor protection.”¹⁰⁵

implementation rules and standards, insufficiently discloses information, and elicits little public participation in the implementation process.” Natural Resources Defense Council, “Research on Green Investment and Financing Standards for Policy Banks in the Belt and Road Initiative,” 2019, p. 10-11.

¹⁰⁴ Measures for the Administration of Outbound Investment by Enterprises (企业境外投资管理办法) promulgated by the Instrumentalities of the State Council, All Commissions, State Development & Reform Commission, article 41, December 26, 2017, effective March 1, 2018, available at http://www.ndrc.gov.cn/zcfb/zcfbl/201712/t20171226_871560.html (accessed June 28, 2019).

¹⁰⁵ Measures for the Administration of Outbound Investment (境外投资管理办法) promulgated by the Ministry of Commerce of the People’s Republic of China, September 6, 2014, effective October 6, 2014), article 20 <http://www.mofcom.gov.cn/article/b/c/201409/20140900723361.shtml> (accessed June 28, 2019). In 2013 China’s Ministry of Commerce and Ministry of Ecology and Environment also jointly issued Guidelines for Environmental Protection in Foreign Investment and Cooperation that apply to Chinese companies operating overseas. The guidelines encourage enterprises to consult with affected communities, by taking, “the initiative to strengthen their contacts and communications with their communities and relevant social groups, and take opinions and suggestions with respect to environmental impacts of their construction projects and operation activities through forums and hearings according to requirements of laws and regulations of the host country.” Guidelines for Environmental Protection in Foreign Investment and Cooperation (对外投资合作环境保护指南), February 18, 2013, Ministry of Commerce English Version, article 20, <http://english.mofcom.gov.cn/article/policyrelease/bbb/201303/20130300043226.shtml> (accessed January 26, 2020). China also has domestic environmental laws that require companies to consult with affected peoples where their project, “may cause adverse effects on the environment and may have a direct bearing on the rights and interests of the public.” Law of the People’s Republic of China on Evaluation of Environmental Effects, 2002, articles 3, 7. These laws do not apply outside of Chinese territory, however.

III. The Human Rights Impact of Displacement

According to the Souapiti Agency, the Souapiti dam and its 312 square kilometer reservoir will, once complete, displace an estimated 16,000 people from 101 villages and hamlets.¹⁰⁶ The original plan for the dam would have displaced 48,000 people, but the Guinean government in 2016 agreed to reduce the size of the dam, and its reservoir, to reduce by two thirds the number of people to be resettled.¹⁰⁷ Nevertheless, the displacement for the Souapiti dam is the largest in Guinea's post-independence history.¹⁰⁸ The 2017 resettlement action plan estimates the cost of the resettlement as \$91 million.¹⁰⁹

The first village displaced by the Souapiti dam was moved in 2016, but the resettlement process accelerated dramatically in 2019 as the government began the process of filling the dam's reservoir. As of the end of October 2019, analysis of satellite imagery showed that almost twenty percent of the reservoir had been filled. The government had moved 51 villages by the end of 2019, approximately 64 percent of the total population to be displaced.¹¹⁰ The government is planning to conduct the remaining resettlements prior to September 2020.¹¹¹

¹⁰⁶ Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 1. (On file with Human Rights Watch). See also Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 33. (On file with Human Rights Watch).

¹⁰⁷ Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 1. (On file with Human Rights Watch). Tractebel-Engie, Letter to Human Rights Watch, December 20, 2019. (On file with Human Rights Watch). See also Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017. (On file with Human Rights Watch).

¹⁰⁸ "La réinstallation des localités affectées par le projet est un processus complexe, de grande envergure, sans précédent en Guinée." Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 136. (On file with Human Rights Watch). Note that, in 2019, the government forcibly evicted more than 20,000 people from neighborhoods in Conakry, Guinea's capital, but made no effort to resettle the families displaced. Indeed, evictions were carried out with scant regard for the rights to housing, food or property of those evicted. Human Rights Watch, "Guinea: Draconian Forced Evictions," June 18, 2019, <https://www.hrw.org/news/2019/06/18/guinea-draconian-forced-evictions#> (accessed December 19, 2019).

¹⁰⁹ Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 187. (On file with Human Rights Watch).

¹¹⁰ Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 1. (Copy on file with Human Rights Watch).

¹¹¹ Ibid.

The vast majority of people who have been or will be resettled are farmers whose families have farmed the land for generations. “It was my kin who founded this village,” said Thierno Babagalé Bah, a community leader from Konkouré district, which encompasses 12 villages whose residents the Agency relocated in August 2019.¹¹² “Our family is buried here. We’re leaving everything behind so that Guinea can develop on those lands.” Residents underscored the ways in which displacement is rupturing longstanding social and cultural links between families in the area. “In our culture, our social and familial bonds are essential,” said one displaced resident.¹¹³ “Extended families are being split apart. Whenever there is something to celebrate or mourn in the family, we feel the distance.”

Displaced residents are also leaving the farmland that is the lifeblood of their communities. The project’s 2017 resettlement action plan states that, “the zone of the reservoir has the characteristics of a subsistence economy essentially based on agriculture,” with farming and grazing giving households 73 percent of their resources.¹¹⁴ Households consume over 60 percent of what they farm, including rice, peanuts, cassava, and fonio, a local grain, as well as fruits and garden vegetables.¹¹⁵

Farmers largely practice a system of rotational farming, in which land is cultivated for two or more years before being left fallow for several years to regain its fertility.¹¹⁶ Women play a key role in farming, and many sell fruits and vegetables from small plots of land known as market gardens.¹¹⁷ Cattle-raising, largely of cows, is also an important economic activity in the area, with herders grazing cattle on farmers’ land that is not currently being exploited.¹¹⁸ Conflicts between farmers and herders in the area are relatively frequent.¹¹⁹

Most of the families being displaced are already extremely poor. The 2017 resettlement action plan states that the average daily income per person in the area is US\$1.18, lower

¹¹² Human Rights Watch interview with community leader from Konkouré Center, February 20, 2019.

¹¹³ Human Rights Watch interview with displaced resident, Conakry, December 6, 2019.

¹¹⁴ Farming provides 64 percent and grazing 9 percent. Tractebel Engineering, Resettlement Action Plan (*Plan d’action de réinstallation de l’aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 72-73. (On file with Human Rights Watch).

¹¹⁵ Ibid. p. 72.

¹¹⁶ Ibid. p. 73.

¹¹⁷ Ibid. p. 123.

¹¹⁸ Ibid. p. 75.

¹¹⁹ Ibid.

than the US\$1.90 that the World Bank has defined as the threshold for extreme poverty.¹²⁰ The loss of agricultural land due to the dam further threatens communities' means of subsistence. A 2017 resettlement action plan prepared for the project warned starkly that, "[d]isplaced populations will generally have less favorable land than they have been farming for generations, often with less agricultural and pastoral land[.]"¹²¹ The Souapiti Agency told Human Rights Watch in December 2019 that, "it is assumed that reinstallation will lead to more limited access to agricultural land, coupled with increased demographic growth and increased pressure on remaining land."¹²²

Dozens of displaced residents from across eight villages said that, having left their old villages, and with large amounts of their agricultural land either flooded, inaccessible or at risk of being so in future, they were struggling to find adequate food for their families. "The people here are hungry," said a woman from Tahiré Center.¹²³ "If you're the head of the family, you give what little you have to your children. Sometimes I don't eat so my children can eat." A community leader relocated in June 2019 from Woussi Dow Banlal said that the lack of access to productive land meant that his family is "fragile like eggs...It's only thanks to God that we survive."¹²⁴

Several residents said that, whereas they used to grow their own food, they now had to find money to buy it from local markets. "We're selling the livestock we have to buy food," said a man from the village of Tahiré Center. "The stomach cannot be empty."¹²⁵ A herder-farmer said that, because flooding had both destroyed his agricultural land and forced him to move his cattle herd far from his remaining farmland, he was forced to sell cattle for food. "With the fields gone, we're slowly selling our cattle to make ends meet," he said.¹²⁶ Several women said that, having lost the market gardens where they grew fruit for sale at

¹²⁰ Tractebel Engineering, Resettlement Action Plan (*Plan d'action de reinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 73. (On file with Human Rights Watch). World Bank, "Nearly Half the World Lives on Less than \$5.50 a Day," October 17, 2018, <https://www.banquemonde.org/fr/news/press-release/2018/10/17/nearly-half-the-world-lives-on-less-than-550-a-day> (accessed January 9, 2020).

¹²¹ Tractebel Engineering, Resettlement Action Plan (*Plan d'action de reinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 94. (On file with Human Rights Watch).

¹²² Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 3. (Copy on file with Human Rights Watch).

¹²³ Human Rights Watch interview with community member from Tahiré District, August 26, 2019.

¹²⁴ Human Rights Watch interview with a resident of Woussi Dow Banlal, August 27, 2019.

¹²⁵ Human Rights Watch interview with a resident of Tahiré Center, August 27, 2019.

¹²⁶ Human Rights Watch interview with displaced resident, Conakry, December 6, 2019.

local markets, they are relying on their husband's income to support them. Other households said that they relied on support from family members living outside the Souapiti area. "We eat thanks to help from my older children that send something for us to live on," said a mother of eight from the village of Tahiré Center.¹²⁷



Two satellite images, one from January 2019 (top) and the second (bottom) from October 2019, show the growth of the Souapiti dam's reservoir. As of the end of October 2019, satellite imagery analysis showed that almost 20 percent of the reservoir had been filled.

¹²⁷ Human Rights Watch interview with a resident of Tahiré Center, August 27, 2019.

The Resettlement Process

Families displaced by the Souapiti dam are resettled in newly constructed homes on land surrounding the dam's reservoir. Residents of multiple villages are grouped together on the same resettlement site, with the 101 localities to be moved spread among more than 15 different areas.¹²⁸ Resettlement sites typically have rows of yellow concrete houses with green roofs of corrugated iron.¹²⁹

The land used for resettlement sites belongs, under customary land tenure, to other communities, as there is no unclaimed land in the region. Land changes hands through a community land transfer process, in which a host community cedes land to families being resettled.¹³⁰ "If you have cultivable land and you find one day that the government needs that land, you must comply with the government and God," said a resident of Madina Kagneguiri, a host community.¹³¹ The Souapiti Agency said communities who agreed to be relocated together chose three possible resettlement sites, based on criteria such as the available shade, access to water and agricultural land,



A resettlement site at Madina Kagneguiri for communities displaced by the Souapiti dam. © 2019 Yasmin Dagne for Human Rights Watch

¹²⁸ Human Rights Watch Interview with Souapiti Agency head of environmental management and sustainable development, June 10, 2019.

¹²⁹ Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 1. (Copy on file with Human Rights Watch). Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 46 ("Il n'existe aucun terrain qui n'appartienne à personne.") (On file with Human Rights Watch).

¹³⁰ Human Rights Watch Interview with Souapiti Agency head of environmental management and sustainable development, June 10, 2019. Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 139. (On file with Human Rights Watch).

¹³¹ Human Rights Watch interview with community member from Madina Kagneguiri, December 15, 2018.

and accessibility.¹³² The sites were then visited in the presence of representatives of the Souapiti Agency and the customary and administrative leaders of both host and displaced communities to identify the final site.¹³³

Souapiti Agency officials said the choice of resettlement site depends on agreement between the displaced and host communities.¹³⁴ Land transfers operate almost entirely at the level of customary law, with host communities with customary rights over land granting members of the resettled community consent to live on the land. Resettled families do not receive legal title to their new land, only a document recording the host community's consent to grant them land.¹³⁵ The government's failure to ensure that resettled communities receive legal titles to their land risks fueling future conflicts between host and resettled communities, and with newcomers to the area.¹³⁶ The UN Basic Principles and Guidelines on Development-based Eviction and Displacement state that governments must ensure resettlement sites include security of tenure to be considered adequate housing under international human rights law.¹³⁷ Industry standards also recommend that housing for displaced people includes security of tenure.¹³⁸ The Souapiti Agency told Human Rights Watch in February 2020 that, "the process for registering or obtaining title

¹³² Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 2 (Copy on file with Human Rights Watch).

¹³³ Ibid.

¹³⁴ In a letter to Human Rights Watch, the Souapiti Agency explained that: "The conditions of use, acquisition and access to land [are] discussed, according to traditional processes, between displaced populations and host communities. An accord is signed between the two parties before...the construction of each resettlement site ." Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 1. (Copy on file with Human Rights Watch). See also Human Rights Watch Interview with Souapiti Agency head of environmental management and sustainable development, June 10, 2019. See also Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 135. (On file with Human Rights Watch).

¹³⁵ Human Rights Watch Interview with Souapiti Agency head of environmental management and sustainable development, June 10, 2019.

¹³⁶ Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 94 ("Les populations d'accueil seront confrontées également au risque que les personnes réinstallées accaparent peu à peu davantage de droits fonciers que ceux qui leur ont été cédés. Cette situation provoquera inmanquablement des conflits avec les accueillants qui se sentiront spoliés et, en réaction, mettront en place des stratégies de défense, et pourront contester les droits initialement cédés.")

¹³⁷ UN Basic Principles and Guidelines on Development-based Eviction and Displacement, para 55.

¹³⁸ See, for example, AfDB, "Operational Safeguard on Involuntary Resettlement," in Integrated Safeguards System, 2013, p. 36, https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/December_2013_-_AfDB%E2%80%99S_Integrated_Safeguards_System_-_Policy_Statement_and_Operational_Safeguards.pdf (accessed December 3, 2019).

for land is in the process of being conducted by the Agency in collaboration with [local authorities].”¹³⁹

Some residents have questioned the voluntariness of the process the Souapiti Agency has so far used to identify new sites and get permission for relocations from communities. Representatives of the Union for the Defense of Displaced Peoples from Souapiti (*Union pour la Défense des Sinistrés de Souapiti*, UDSS), an association comprised of people displaced by the dam and their families, said that the Agency at times obtained consent from people who were not representative of the wider community, or that community leaders chose resettlement sites without adequate consultation.¹⁴⁰ International human rights standards require that states consult with “the full spectrum of affected persons, including women and vulnerable and marginalized groups,” during the planning process for compulsory resettlements.¹⁴¹ The Souapiti Agency told Human Rights Watch that, “resettlement sites were discussed at the village level, with sector chiefs, district presidents, and representatives of women and youth, as well as the elders from the impacted localities.”¹⁴²

Several community leaders also said that the project provided little information about the conditions of resettlement prior to the community agreeing to move. “The biggest problem with this project is the lack of communication,” said a UDSS representative.¹⁴³ Civil society groups said that key project documents that set out the government’s obligations during a resettlement— such as most recent versions of the project impact assessments and resettlement action plan – were not publicly available. The AfDB’s 2003 Involuntary Resettlement Policy notes that a resettlement plan should be, “made accessible to the displaced population and relevant NGOs and civil society organizations in a form, manner

¹³⁹ Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Letter to Human Rights Watch (Responses to Questions), February 17, 2020. (On file with Human Rights Watch).

¹⁴⁰ Human Rights Watch group interview with Union for the Defense of Displaced Peoples from Souapiti (*Union pour la Défense des Sinistrés de Souapiti*, UDSS), December 4, 2019.

¹⁴¹ UN Basic Principles and Guidelines on Development-based Eviction and Displacement, para. 38 and 39.

¹⁴² Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 2. (Copy on file with Human Rights Watch).

¹⁴³ Human Rights Watch group interview with Union for the Defense of Displaced Peoples from Souapiti (*Union pour la Défense des Sinistrés de Souapiti*, UDSS), December 4, 2019.

and language that are comprehensible to them.”¹⁴⁴ Human Rights Watch obtained the 2017 resettlement action plan directly from the Souapiti Agency in December 2019.

The Souapiti Agency told Human Rights Watch the project’s environmental and social management plan, which included discussion of resettlement measures, was presented to communities prior to being finalized and that comments were integrated into the final version.¹⁴⁵ It said that, for relocations to occur in 2020, it has negotiated and signed agreements with communities that set out the Souapiti Agency’s engagements during the resettlement.¹⁴⁶ A sample agreement shared by the Souapiti Agency, however, contains only a single paragraph summary of the Agency’s obligations and offers no detail on how the Agency will address key issues like replacement land and support for livelihood assistance.¹⁴⁷

Many of the people displaced in 2019 told Human Rights Watch that they were not satisfied with the resettlement sites, including the size and quality of the homes and the layout of the resettlement villages. Some residents also said that multiple family units were resettled in the same building, or that, in some cases, homes were not ready when resettlements began. Residents from several resettled communities also emphasized that the distance of resettlement sites from the Konkouré river and other natural water sources reduced access to water for personal use, like washing and cooking.¹⁴⁸ Although the resettlement sites have boreholes for water for domestic consumption, several residents said that they do not provide enough water for the local population. “We are worried for future generations, because there is not enough water [at the resettlement site],” said a resident of Warakhalandi.¹⁴⁹

¹⁴⁴ African Development Bank, “Involuntary Resettlement Policy,” November 2003, para. 12, <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/10000009-EN-BANK-GROUP-INVOLUNTARY-RESETTLEMENT-POLICY.PDF> (accessed December 19, 2019). See also World Bank, “Operational Manual 4.12, Involuntary Resettlement,” 2001, revised 2013, para. 22.

¹⁴⁵ Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 6. (On file with Human Rights Watch).

¹⁴⁶ Ibid.

¹⁴⁷ Sample Agreement Protocol (*Protocol d’Accord*) between Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency) and Khatia village, July 23, 2020. (On file with Human Rights Watch).

¹⁴⁸ Human Rights Watch interview with Tahiré Center resident, August 26, 2019.

¹⁴⁹ Human Rights Watch interview with Warakhalandi resident, December 15, 2018.

In response to Human Rights Watch’s findings, the Souapiti Agency said that each resettlement site has the social and community infrastructure needed to satisfy the Guinean government’s standards.¹⁵⁰ The Souapiti Agency also described to Human Rights Watch the steps that it has taken to ensure adequate access to water in resettlement sites, including the construction and testing of boreholes according to the population present on resettlement sites.¹⁵¹ The Souapiti Agency also said that residents not satisfied with the size or quality of homes should file complaints to the Agency’s grievance mechanism.

Loss of Agricultural Land

The thousands of hectares of agricultural land to be flooded by the Souapiti dam threaten the means of subsistence of communities whose main source of livelihood is agriculture and farming.

The dam’s 312 square kilometer reservoir will flood 253 square kilometers of land, with the rest of the reservoir covering the existing path of the Konkouré river and other waterways. Of the 253 square kilometers, a 2017 assessment estimated that the reservoir will flood at least 42 square kilometers of crops and, in addition, 576,345 crop-bearing trees.¹⁵² It’s also likely that the 253 kilometers includes areas of land not currently being exploited but which are lying fallow as part of the region’s rotational farming tradition. A 2017 assessment estimating that the reservoir’s footprint includes 95 square kilometers of bushes or shrubs and 30 square kilometers of grassland.¹⁵³ The 2017 resettlement action plan also notes that the land flooded by the reservoir is often more fertile than the land surrounding it, as it contains rich alluvial soils close to the Konkouré river.¹⁵⁴

With so much land flooded, many of the community members interviewed by Human Rights Watch said there was too little space for agriculture at resettlement sites. “There is

¹⁵⁰ Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 2. (On file with Human Rights Watch).

¹⁵¹ Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 11. (On file with Human Rights Watch).

¹⁵² Tractebel Engineering, Resettlement Action Plan (*Plan d’action de réinstallation de l’aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 97-98. (On file with Human Rights Watch).

¹⁵³ Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Letter to Human Rights Watch (Responses to Questions), February 17, 2020. (On file with Human Rights Watch).

¹⁵⁴ Ibid.

no space for agriculture at the new site, only a small area to plant peanuts,” said a man from Tahiré Center.¹⁵⁵ “We were promised the cultivable land needed to produce everything we had before, but this hasn’t been the case,” said a man from Koneta.¹⁵⁶ Several other residents compared the lack of land at the new site with the land at their original villages. “The children of different brothers could work on the same land with space left over,” explained a man from Tanene, who the Agency resettled with his mother, two wives and five children in June 2019.¹⁵⁷ “That’s not true now that we’ve moved.”

Several herders told Human Rights Watch that the flooding of land had already forced them to move their cow herds long distances to find available land. One herder said he walked four days with his sixty cattle to a new grazing site.¹⁵⁸ “I was exhausted when I arrived,” he said. “My legs were swollen.” A member of the Union for the Defense of Displaced Peoples from Souapiti told Human Rights Watch that finding new land can be difficult for herders because of the risk of conflicts with local farmers. One man said he had to move his cattle more than 35 kilometers away to find available grazing lands. “I usually sleep with my cattle in the bush because of how far away my family is,” he said.¹⁵⁹

Several displaced residents also said that, even where their agricultural land has not been flooded, resettlement sites are a significant distance from their previous farmlands, making it difficult to return to work there. Konkouré Center’s resettlement site, for example, is 35 kilometers from the village itself. “It’s too far to get to our old lands,” said Boubacar Bah, a community leader from Konkouré.¹⁶⁰ “We don’t have money for the vehicles to take us there.” Others community leaders said that, due to the location of the dam’s construction site or reservoir, roads or paths to their land were no longer passable.¹⁶¹ The Souapiti Agency said that it encouraged communities, in identifying

¹⁵⁵ Human Rights Watch interview with resident of Tahiré Center, August 26, 2019.

¹⁵⁶ Human Rights Watch interview with residents of Koneta, December 14, 2018.

¹⁵⁷ Human Rights Watch interview with resident of Tanane, August 26, 2019.

¹⁵⁸ Human Rights Watch interview with displaced community member, Conakry, December 6, 2019.

¹⁵⁹ Human Rights Watch interview with displaced community member, Conakry, December 6, 2019.

¹⁶⁰ Human Rights Watch interview with community leader from Konkouré, December 18, 2019.

¹⁶¹ Human Rights Watch interview with residents of Yaba, October 31, 2018. Human Rights Watch interview with residents of Khoroya, December 13, 2018.

resettlement potential sites, to find areas that were not too far from their remaining agricultural land.¹⁶²

International human rights standards favor the replacement of land lost to development projects like Souapiti with land of commensurate quality, size and value.¹⁶³ The ECOWAS Directive on Hydraulic Infrastructure Development in West Africa also requires that states provide communities displaced by hydroelectric projects with access to agricultural land.¹⁶⁴ The head of environmental management and sustainable development for the Souapiti Agency said, however, that the government decided not to replace agricultural land lost to the dam because of the lack of unencumbered land in Guinea. “We don’t want to take land from one village to give to another because then you always have to take land from someone,” he said.¹⁶⁵ The Souapiti Agency also said that displaced communities can obtain access to agricultural land by approaching members of host communities to request the right to farm their land.¹⁶⁶

The Souapiti Agency’s approach has the effect, however, of relinquishing responsibility for finding replacement agricultural land to displaced communities. Although, in some cases it might be possible for displaced families to negotiate adequate land access, it is likely that, with so much land flooded by the dam, there will be increased competition for land in the region. The project’s 2017 resettlement action plan acknowledged that, “the first consequence of the project will be the reduction of available space...land that up until now was available without any particular limit will be subject to a pressure that will need to be addressed.”¹⁶⁷ Several community leaders have already voiced concern that, as

¹⁶² Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 2. (On file with Human Rights Watch).

¹⁶³ See also UN Basic Principles and Guidelines on Development-based Eviction and Displacement, para. 60.

¹⁶⁴ ECOWAS Commission, Water Resources Coordination Center, “Directive on Hydraulic Infrastructure Development in West Africa,” 2017, article 11. (“Access to agricultural land shall be effected in the context of securing land for the benefit of affected communities.”)

¹⁶⁵ Human Rights Watch Interview with Souapiti Agency head of environmental management and sustainable development, June 10, 2019. The Agency also told Human Rights Watch that purchasing replacement land from other communities could create a financial market for land. This, the Agency said, could encourage financial speculators to try to acquire land for profit, which, according to the Agency, could negatively impact vulnerable communities. Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 8-9. (On file with Human Rights Watch).

¹⁶⁶ Ibid.

¹⁶⁷ Tractebel Engineering, Resettlement Action Plan (*Plan d’action de réinstallation de l’aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 94. (On file with Human Rights Watch).

resettlements accelerate, competition for productive land and resources may lead to conflict between communities.¹⁶⁸

No Financial Compensation for Lost Land

The impact of the loss of agricultural land during the resettlement process has been compounded by the Souapiti Agency's failure to pay financial compensation for lost land, with the Agency saying that farmers with customary land tenure rights only have the right to compensation for the trees and crops growing on land, not the value of the land itself.

The project's 2017 resettlement action plan described the government's interpretation of Guinea's land law to be "favorable to displaced populations, even for those who do not have title deeds."¹⁶⁹ It stated further that while the law "makes no explicit reference to traditional land rights" and "[f]armers in rural areas who do not hold land titles or the documents...cannot claim legal recognition," the Guinean government is "willing to take local land practices and rules into account by reconciling the legal system with customary practice."¹⁷⁰ The action plan even provided a US\$6.1 million budget to compensate for the value of agricultural land flooded by the dam.¹⁷¹

Despite this language, however, the resettlement action plan ultimately limited compensation to displaced residents with "formally secured land rights."¹⁷² This excludes the vast majority of displaced residents who, as discussed earlier in this report, have

¹⁶⁸ See, for example, Human Rights Watch interview with community leaders from Kounsima, December 18, 2019. Two community leaders in the village, one primarily a herder and the other a farmer, described how herders and farmers have an arrangement whereby they alternate use of the eastern and western halves of their communal land every three years, separating the cattle from the crops. The reservoir will flood the more fertile half of the land, meaning that this arrangement may not be possible in future years. The ECOWAS Water Resources Coordination Center has warned that: "In areas where natural resources are already scarce, flooding several hundred square kilometers of land will inevitably increase pressure on remaining land resources. Good land is often already fully occupied, and host villages do not always belong to the same ethnic group as the communities that are being resettled. If the project creates a pole of attraction, it may also lead to an influx of immigrants. These matters will need to be mediated by the customary authorities, who will have to adapt to the new social situation." ECOWAS Water Resources Coordination Center, "Guidelines for the Development of Water Infrastructure in West Africa," October 2012, https://cmsdata.iucn.org/downloads/wrcc_ecowas_dams.pdf, para. 2.3.2.

¹⁶⁹ Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 19. (On file with Human Rights Watch).

¹⁷⁰ Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 80-82. (On file with Human Rights Watch).

¹⁷¹ Ibid. p. 113.

¹⁷² Ibid. p. 96.



A Konkouré Center resident by a tree marked during an inventory conducted by a Guinean government agency to determine how much compensation to pay for trees and crops flooded by the Souapiti's dam reservoir. A lack of transparency in the compensation process has fueled dissatisfaction with the payments made. © 2019 Souleymane Camara for Human Rights Watch

customary land tenure rights but have not formally recorded or registered those rights. “In Guinea, land belongs to the state,” the Souapiti project’s head of environmental management and sustainable development told Human Rights Watch.¹⁷³ “What’s on top of the land belongs to you, but the land itself belongs to all Guineans.” This approach means that farmers have received no compensation for grazing land nor where land is lying fallow as part of a crop rotation system. “I had empty land that belonged to my family and I wasn’t compensated,” said a man from Tanene village who said that after his June 2019 resettlement he has to support two wives and eleven children.¹⁷⁴

In view of the requirement that residents must have formally secured land rights to obtain compensation for the value of land, it is likely that very little of the US\$6.1 million set aside

¹⁷³ Human Rights Watch Interview with Souapiti Agency head of environmental management and sustainable development, June 10, 2019.

¹⁷⁴ Human Rights Watch interview with resident of Tanane, August 26, 2019.

for compensating agricultural land has been disbursed. When asked how much of the budget had been spent, the Souapiti Agency did not answer directly but said that, “the budget for the environmental and social management plan [which includes resettlement] is drawn down from China Eximbank as necessary for the implementation of activities. As long as an activity has not been executed, the budget remains available.”¹⁷⁵

International human rights standards make clear that displaced persons, irrespective of whether they hold formally-documented title to their property, should be entitled to compensation for the loss of land.¹⁷⁶ The ECOWAS Water Resources Coordination Center has cautioned that, “resettlement programs should take account of intangible/cultural assets by recognizing rights of access to land and ensuring that people are compensated in cash or kind for the loss of traditional land use...people are not always compensated for the loss of these kinds of asset, despite the fact that they have real value for local communities.”¹⁷⁷

Opaque Compensation Process for Crops and Trees

The Souapiti Agency told Human Rights Watch that it does provide compensation for the trees and crops flooded or made inaccessible by the dam.¹⁷⁸ However, the Souapiti Agency’s failure to provide adequate information about how compensation is calculated has left many residents frustrated with the amount of compensation paid and the process used to do so. “The government gave us what they wanted. We accepted money without negotiation because we didn’t know the value of our resources,” explained a community leader from Yabba.¹⁷⁹

¹⁷⁵ Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Letter to Human Rights Watch (Responses to Questions), February 17, 2020. (On file with Human Rights Watch).

¹⁷⁶ United Nations Basic Principles and Guidelines on Development-Based Evictions and Displacement, para. 61.

¹⁷⁷ ECOWAS Water Resources Coordination Center, “Guidelines for the Development of Water Infrastructure in West Africa,” October 2012, https://cmsdata.iucn.org/downloads/wrcc_ecowas_dams.pdf, para. 2.1.5 (accessed December 17, 2019).

¹⁷⁸ The 2017 resettlement action plan proposed for the project explains that, for crops harvested annually, compensation will be paid for the unit price per kilogram multiplied by the expected output (in kilograms) of a given area for one year, or more if it will take longer to regrow the same crop on new land. For perennial crops, like fruit trees, the plan states that compensation is calculated according to the number of trees a farmer possesses, with each tree accorded a value based on the crops’ market price, the labor needed to replant it, and the time it will take to enter into production. Tractebel Engineering, Resettlement Action Plan (*Plan d’action de réinstallation de l’aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 99. (On file with Human Rights Watch).

¹⁷⁹ Human Rights Watch interview with residents of Yaba, October 31, 2018.

Several household heads, many of whom cannot read, said that they signed compensation documents on behalf of their families with no knowledge of their contents and no independent advice. Examples of documents handed to residents after the project had inventoried their trees and crops, reviewed by Human Rights Watch, provided no detail on the number of crops recorded nor the amount of compensation to be paid. “I asked them why the receipts didn’t include the number of crops they’d counted,” said a man from Bagueya. “But they said, ‘we’ll keep the numbers.’”¹⁸⁰

The lack of transparency in the compensation process has fueled dissatisfaction with the payments made. Some residents denied having received any compensation at all. Others said that, while they had been paid for perennial crops, like fruit trees, they had received nothing for annual crops, like rice or cassava.¹⁸¹ “At first, the project said they wouldn’t pay for annual crops,” said a farmer from Konkouré Center.¹⁸² “Then in the end they finally sent a team to survey all the fields that had been flooded by the water. But we still haven’t received any of the money.” Community leaders also said that the Souapiti Agency has not compensated them for naturally occurring wild plants, such as medicinal herbs, on which many people rely for additional revenue.¹⁸³

Industry standards, including the AfDB’s resettlement safeguards, state that displaced persons should receive information about the compensation process for land acquisitions, including the methods by which compensation is calculated.¹⁸⁴ The ECOWAS Water Resources Coordination Center recommends that “local people are given appropriate information at every stage of the project cycle,” noting that, “lack of information and transparency makes local people mistrustful of projects.”¹⁸⁵

¹⁸⁰ Human Rights Watch interview with residents of Bagueya, December 18, 2018.

¹⁸¹ Human Rights Watch interview with residents of Konkouré, December 18, 2019.

¹⁸² Human Rights Watch interview and then email exchange with residents of Konkouré, December 18 and 19, 2019.

¹⁸³ Human Rights Watch interview with residents of Woussi Ley Balla and Woussi Dow Banlal, December 15, 2018. Human Rights Watch interview with residents of Konkouré, December 20, 2018.

¹⁸⁴ The AfDB’s safeguards state that project must ensure that “criteria for assessing the value of land, housing and other property are standardized and transparent... Compensation payment procedures are simple and are independently monitored. Accurate records are kept of all transactions.” AfDB, “Operational Safeguard on Involuntary Resettlement,” in Integrated Safeguards System, 2013, p. 36, https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/December_2013_-_AfDB%E2%80%99S_Integrated_Safeguards_System___Policy_Statement_and_Operational_Safeguards.pdf (accessed December 3, 2019). See also IFC, “Guidance Note 5 – Land Acquisition and Involuntary Resettlement,” January 1, 2012, para. 37, https://www.ifc.org/wps/wcm/connect/61320ff7-0e9a-4908-bef5-5c9671c8ddfd/GN5_English_2012.pdf?MOD=AJPERES&CID=mRQjWGZ (accessed December 17, 2019).

¹⁸⁵ ECOWAS Water Resources Coordination Center, “Guidelines for the Development of Water Infrastructure in West Africa,” October 2012, https://cmsdata.iucn.org/downloads/wrcc_ecowas_dams.pdf, para. 2.1.2.

The Souapiti Agency told Human Rights Watch that “the amount of [compensation] and the process for payment are communicated to impacted residents” through individual interviews.¹⁸⁶ Project documents, such as the amount of compensation to be paid, are, the Souapiti Agency said, written in French but interpreted in local languages in the presence of local leaders.”¹⁸⁷ Communities’ frustration with the compensation process, however, underscores the importance of a grievance mechanism capable of resolving complaints relating to compensation and resettlement more broadly, an issue discussed later in this report.

Several women said that the bulk of compensation was paid to men in their family or in community leadership roles, giving women little control over how money is managed. In some cases, husbands or adult male children received the entire household’s compensation even where women maintained separate plots of land, such as small vegetable gardens. “I have my own plot of land, but when I wanted to take part in the inventory, the men in the village told me it only concerns them,” explained a woman from Konkouré who used to grow goods for sale at a local market.¹⁸⁸

The head of environmental management and sustainable development for the Souapiti Agency said that women should be paid directly for land they own or exploit themselves, but that any compensation for collective assets is paid to heads of household or families, “to manage as he wishes.”¹⁸⁹ The Agency said, though, that, “the patriarchal family unit in Africa, and in Guinea, has a tendency to favor men as the representative of the family, the household, or lineage and as a result as the recipient of financial compensation.”¹⁹⁰ The UN Basic Principles and Guidelines on Development-Based Evictions and Displacement state that, “Women and men must be co-beneficiaries of all compensation packages. Single women and widows should be entitled to their own compensation.”¹⁹¹

¹⁸⁶ Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 4. (On file with Human Rights Watch).

¹⁸⁷ Ibid.

¹⁸⁸ Human Rights Watch interview with female shopkeeper, Konkouré, February 18, 2019.

¹⁸⁹ Human Rights Watch Interview with Souapiti Agency head of environmental management and sustainable development, June 10, 2019.

¹⁹⁰ Ibid.

¹⁹¹ UN Basic Principles and Guidelines on Development-Based Evictions and Displacement, paras. 7, 15.

Lack of Livelihood Support for Resettled Communities

Officials at the Souapiti Agency acknowledged to Human Rights Watch that displacement threatens communities' livelihoods. The Souapiti Agency told Human Rights Watch that they aim to give communities the support needed to restore the same or improved standard of living they enjoyed prior to the resettlement. "When you move a village, you're breaking up the way they make a living, and you have to try to reestablish it," said the Souapiti Agency's head of environmental management and sustainable development.¹⁹² The 2017 resettlement action plan states that its objective is to, "reestablish, by an appropriate development program, the livelihoods of displaced populations at least to the level that existed prior to the resettlement."¹⁹³ Both the 2015 and 2017 action plans stated that the Souapiti Agency should begin programming dedicated to restoring communities' livelihoods as soon as the dam's construction begins.¹⁹⁴ President Condé held a ceremony marking the beginning of construction for Souapiti in 2015.¹⁹⁵

In all of the displaced communities that Human Rights Watch visited, however, residents said that they had so far received no help from the Souapiti Agency to restore their sources of food and income. "The problem is that project haven't kept their promises," said Thierno Abou Diallo, President of Tahiré District.¹⁹⁶ "We're not asking for something extraordinary. Prepare land for us to continue our activities, a pasture area for livestock farming. Respect the promises made."

The Souapiti Agency has promised that it will assist displaced persons to farm more intensively on their remaining land and find new, non-agriculture-based income sources, such as fishing, cattle-raising, or beekeeping.¹⁹⁷ The 2017 resettlement action plan also

¹⁹² Human Rights Watch Interview with Souapiti Agency head of environmental management and sustainable development, June 10, 2019.

¹⁹³ Human Rights Watch Interview with Souapiti Agency head of environmental management and sustainable development, June 10, 2019. Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 35. (On file with Human Rights Watch).

¹⁹⁴ Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 185. (On file with Human Rights Watch).

¹⁹⁵ "Guinée: Alpha Condé pose la première pierre du barrage hydroélectrique de Souapiti," *AfricaNews*, December 24, 2015, <http://afrikanews.over-blog.com/2015/12/guinee-alpha-conde-pose-la-premiere-pierre-du-barrage-hydroelectrique-de-souapiti.html> (accessed March 11, 2020).

¹⁹⁶ Human Rights Watch interview with a resident of Tahiré Center, August 27, 2019.

¹⁹⁷ Tractebel Engineering, Resettlement Action Plan (*Plan d'action de réinstallation de l'aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 23. (On file with Human Rights Watch).

commits the project to develop a land management plan to reduce conflicts between herders and farmers in the area and protect the fertility of soils.¹⁹⁸ The action plan also proposed support for a microfinance network, including for the purchase of equipment for fishing.¹⁹⁹

However, the first families displaced – from Yabba (resettled in 2016), Khoroya (2018) and Koneta (2018) – said they had so far received no support to intensify farming or develop new livelihoods. Several residents said their families had to borrow land from neighboring communities or were working as laborers for other farmers. “My husband has all but abandoned us to look for work,” said a woman in Koneta.²⁰⁰ The Souapiti Agency admitted that livelihood restoration programs had not begun yet but said that villages displaced in 2016 and 2017 are situated next to the construction site and benefit economically from their proximity to the site.²⁰¹ The Souapiti Agency also said that residents of these villages have priority when seeking employment at the work site.

Villages moved in 2019 said that, while they had heard Souapiti Agency officials discuss potential projects to help them find new livelihoods, they had so far not received any assistance. “We’ve been here four months now, and there’s no activity. We don’t find work,” said a woman from Tahiré Center.²⁰² “It’s hard when you’re used to working to find yourself doing nothing. Every morning we wake up and just sit like children,” said another Tahiré Center resident.²⁰³

A man from Warakhalandi, a village moved in June 2019, said that the Souapiti Agency had been talking about preparing farmland on the new site for several years. “They’ve been talking about preparing the land since 2016, but it’s all been talk for now,” he said.²⁰⁴

¹⁹⁸ Ibid. p. 120.

¹⁹⁹ Tractebel Engineering, Resettlement Action Plan (*Plan d’action de réinstallation de l’aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 128. (On file with Human Rights Watch).

²⁰⁰ Human Rights Watch interview with residents of Koneta, December 14, 2018.

²⁰¹ Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 5. (Copy on file with Human Rights Watch).

²⁰² Human Rights Watch interview with a resident of Tahiré Center, August 26, 2019.

²⁰³ Human Rights Watch interview with a resident of Tahiré Center, August 27, 2019.

²⁰⁴ Human Rights Watch interview with a resident of Warakhalandi, December 18, 2018. The experiences of villages displaced for the Kaléta dam also casts doubt on the government’s commitment to support intensified agriculture and vocational training in the years after the resettlement. A Global Water Initiative study concluded in September 2017 that in two villages affected by the dam, “there is no financial mechanism for generate income or improve the social and economic conditions of

“They’re starting to say now ‘we will prepare zones for fish farming’, but we don’t have much confidence because they’ve not kept other promises,” said the president of Tahiré District.²⁰⁵

The Souapiti Agency admitted that, despite the resettlement action plan underscoring the need for the Agency to begin preparing livelihood restoration measures as soon as the dam’s constructions started, it had not yet begun its livelihood restoration activities. It said that, “livelihood restoration measures will be implemented after the reservoir is filled and once villages have been displaced.”²⁰⁶ International human rights standards require that resettled populations have immediate access to livelihood sources, and that resettlement sites should include access to employment options.²⁰⁷ The Souapiti Agency told Human Rights Watch that it is, “in the process of redoubling its efforts to invest in the restoration of livelihoods in the coming month and for years to come.”²⁰⁸

The resettlement action plan envisaged a budget of US\$2.81 million for livelihood assistance programs (US\$2.05 million in support for intensified agriculture and US\$760,000 for non-agricultural income), which is around 3 percent of the total US\$91 million resettlement budget.²⁰⁹ When asked whether this budget is sufficient to restore livelihoods in such a large resettlement process, the Souapiti Agency said that “livelihood

affected persons.” Global Water Initiative, “Réflexion Stratégique sur la Contribution des Projets Hydroélectriques au Développement Local Durable des Zones Affectées par les Barrages en Guinée,” September 2017, p. 38.

²⁰⁵ Human Rights Watch interview with a resident of Tahiré Center, August 27, 2019. The experience of villages displaced for the Kaléta dam in 2015 casts doubt on the government’s commitment to support intensified agriculture and vocational training in the years after the resettlement. According to a 2017 report by the Global Water Initiative, as of September 2017 there was no financial mechanism for income generation or to improve the socio-economic status of families from Kassia, a village resettled for Kaléta in 2015, or Kaléta, the host village for Kassia. Another civil society report found in 2017 that residents from Kassia said there was no work and that they were waiting for revenue generating activities. Global Water Initiative, “Réflexion Stratégique sur la Contribution des Projets Hydroélectriques au Développement Local Durable des Zones Affectées par les Barrages en Guinée,” September 2017, p. 38 (On file with Human Rights Watch). Initiative pour la Prospection Economique et le Développement Durable, “Sensibilisation des membres de la société civile, des medias et d’information du grand public sur la Directive – Cadre de la CEDEAO sur les grandes infrastructures hydrauliques,” September 2017 (On file with Human Rights Watch).

²⁰⁶ Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 4, 5. (On file with Human Rights Watch).

²⁰⁷ UN Basic Principles and Guidelines on Development-Based Evictions and Displacement, paras. 52, 55.

²⁰⁸ Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Letter to Human Rights Watch (Responses to Questions), February 17, 2020. (On file with Human Rights Watch).

²⁰⁹ Tractebel Engineering, Resettlement Action Plan (*Plan d’action de réinstallation de l’aménagement hydroélectrique de Souapiti*), March 20, 2017, p. 187. (On file with Human Rights Watch).

restoration is a complex subject and it is difficult to know whether this budget will be sufficient or not. What is important is the willingness of the project to assure the restoration of livelihoods through the deployment of resources, but also the achievement of results...”²¹⁰

The Souapiti Agency said that, in the period between displacement and the beginning of livelihood restoration programs, the government would provide displaced families with food assistance.²¹¹ Agency officials said that the government provides displaced families with rice and cash for basic essentials like cooking oil or toiletries. These deliveries occur twice in the first six months after the resettlement.²¹² “It helps people get on their feet,” said the Souapiti Agency’s head of environmental management and sustainable development.

Residents said, however, that given how long it would take to find new livelihoods, the amount of rice and money provided was too little and should cover a much longer period. “We consumed what we were given in just over a month,” said a man from Warakhalandi resettled in June 2019, who said the supplies must feed his wife and five children.²¹³ Residents explained households on average received one to two sacks of rice, each of 50 kilograms, as well as 900,000 to 1,500,000 GF (\$US 97 to 167) for 3 months. “One sack of rice cannot feed my family for 3 months,” said a man resettled in June 2019 from Woussi Dow Banlal.²¹⁴ Residents are concerned that it will take years to reestablish their food sources and livelihoods. “If there isn’t help, it will be another 10 years before we’re self-sufficient,” said a man interviewed in Konkouré Center who was relocated in February 2019.²¹⁵ “Our households must start over,” said Mamadou Bah, head of Bagueya district.²¹⁶ “How will we survive as we wait for our crops to grow?”

²¹⁰ Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Letter to Human Rights Watch (Responses to Questions), February 17, 2020. (On file with Human Rights Watch).

²¹¹ Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 4. (On file with Human Rights Watch).

²¹² Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 3. (On file with Human Rights Watch).

²¹³ Human Rights Watch interview with a resident of Tahiré Center, August 27, 2019.

²¹⁴ Human Rights Watch interview with a resident of Woussi Dow Banlal, August 27, 2019.

²¹⁵ Human Rights Watch interview with resident of Ganiya, February 20, 2019. Human Rights Watch did not visit Ganiya, and this interview occurred in Konkouré Center.

²¹⁶ Human Rights Watch interview with residents of Bagueya, December 12, 2018.

The Souapiti Agency said that the amount of assistance it provides is sufficient and it does not want, “to create a dependency of the populations on the project.”²¹⁷ International standards, however, including the World Bank and AfDB’s involuntary resettlement safeguards, require that displaced persons and residents of host communities be offered support for the period necessary for them to return to their original standard of living.²¹⁸

Community leaders also underscored the need for consultation with affected communities when developing a plan to restore livelihoods, expressing the concern that local people will struggle to adapt to the vocations proposed by the Agency. “All of the activities proposed by the [Project] are commercial activities,” said Boubacar Bah, a community leader from Konkouré Center. “A herder who will be resettled...can’t engage in these activities...Neither can a farmer.”²¹⁹ The head of environmental management and sustainable development for Souapiti disagreed. “People always find a new way of living,” he said.²²⁰ The ECOWAS Water Resources Coordination Center has noted that, “changing production systems ([for example] switching from river fishing to lake fishing or from rain-fed to irrigated farming) requires support and agreement from the population concerned.”²²¹ The ECOWAS Directive on Hydraulic Infrastructure Development in West Africa requires that states “design and validate suitable production technologies with the local affected communities in order to support resettlement programs and local development plans, on the basis of a combination of traditional knowledge and modern innovative technologies from research.”²²²

Several women also emphasized the importance of livelihood restoration programs targeted specifically at women, noting that conversations between Souapiti Agency

²¹⁷ Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 5. (On file with Human Rights Watch).

²¹⁸ World Bank, “Operational Manual 4.12, Involuntary Resettlement,” 2001, revised 2013, para. 6(c)(i). AfDB, “Operational Safeguard on Involuntary Resettlement,” in Integrated Safeguards System, 2013, p. 36, https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/December_2013_-_AfDB%E2%80%99S_Integrated_Safeguards_System_-_Policy_Statement_and_Operational_Safeguards.pdf (accessed December 3, 2019).

²¹⁹ Human Rights Watch interview with community leader from Konkouré Center, February 20, 2019.

²²⁰ Human Rights Watch Interview with Souapiti Agency head of environmental management and sustainable development, June 10, 2019.

²²¹ ECOWAS Water Resources Coordination Center, “Guidelines for the Development of Water Infrastructure in West Africa,” October 2012, https://cmsdata.iucn.org/downloads/wrcc_ecowas_dams.pdf, para. 2.2.7.

²²² ECOWAS Commission, Water Resources Coordination Center, “Directive on Hydraulic Infrastructure Development in West Africa,” 2017, article 31.

officials and village leaders often exclude women. The ECOWAS Directive on Gender Assessments in Energy Projects recommends that energy-project developers assess the gendered impacts of, among other things, land displacement and loss or alteration of women's sources of food and income.²²³

International standards also require project developers to monitor the success of livelihood restoration measures on households' revenue and living standards.²²⁴ The Souapiti Agency said that it had conducted house-to-house surveys, including an assessment of revenue, in 2017, which it said will enable it to determine the impact of livelihood restoration measures.²²⁵

Beyond support for restoring displaced persons' livelihoods, several international standards recommend that impacted communities receive a portion of the income derived from the sale of electricity generated by hydroelectric projects. The ECOWAS Directive on Hydraulic Infrastructure Development in West Africa, for example, states that, "benefit of part of the cash income from operations and the sale of hydroelectric energy" should be one part of the "enjoyment by the affected populations of direct benefits generated by dams."²²⁶ The Initiative for Economic Prospection and Sustainable Development, a Guinean thinktank, referenced the Directive in a policy paper arguing for the Guinean government to find ways to divert a portion of the financial benefits of the Souapiti dam, and other similar hydropower projects, to the communities displaced by the project.²²⁷

In a stark illustration of the potentially limited benefits displaced populations will receive from Souapiti, it is not clear that resettlement sites will even receive access to electricity. When asked in February 2020 whether the dam would be used to provide electricity to the

²²³ ECOWAS, "Directive on Gender Assessments in Energy Projects," 2017, http://www.ecowrex.org/system/files/ecowas_directive_on_gender_assessments_in_energy_projects_o.pdf (accessed December 17, 2019).

²²⁴ See, for example, AfDB, "Operational Safeguard on Involuntary Resettlement," in Integrated Safeguards System, 2013, p. 33, https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/December_2013_-_AfDB%E2%80%99S_Integrated_Safeguards_System_-_Policy_Statement_and_Operational_Safeguards.pdf (accessed December 3, 2019).

²²⁵ Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 11. (On file with Human Rights Watch).

²²⁶ ECOWAS Commission, Water Resources Coordination Center, "Directive on Hydraulic Infrastructure Development in West Africa," 2017, article 17.

²²⁷ Initiative pour la Prospection Economique et le Développement Durable, "Le partage des bénéfices des barrages en Guinée," June 2019. (On file with Human Rights Watch).

villages displaced by the dam, the Souapiti Agency did not answer directly but said that it was, “in partnership with the Ministry of Energy, the Office for Rural Electrification, conducting advocacy with certain actors and donors in the rural electrification sector,” noting that “conversations are continuing .”²²⁸

Inadequate Grievance Mechanism

Residents from all the communities that Human Rights Watch visited said that they had complained to Souapiti Agency officials or to local government officials about the resettlement process, but that they had received no response or one that did not address their concerns. “When there are missions here, we complain that there is nothing to eat, but they say they are just here to take notes and they can’t do anything,” said a man from Tahiré Center.²²⁹ “We’ve spoken to the project, to local authorities,” said a Woussi Dow Ballal resident resettled in June 2019.²³⁰ “We’ve talked so much. We’re tired because it does not change.”

Community leaders described a process where their complaints are bounced from one official to another. “You meet with one person one day. Another person the next day,” said Souleymane Bah, Vice President of Konkouré district. “He says, ‘I don’t know anything, I was hired by my director.’ You call the director, he doesn’t answer. We write letters, we send them. Someone says give it to this person. They ask you to wait. He also has his director. Who are we supposed complain to? Who? The government? Who?”²³¹

Several residents also described failed attempts to complain to local authorities, such as nearby mayors or prefects. “We go to Tondon [the sub-prefecture]. We tell the Mayor of Tondon of our problems. He says he’ll pass it on,” described a community leader from Yabba, who said members of his village had filed as many as a hundred complaints since they were resettled in 2016. “We have passed by all levels of local authorities, but there was no follow up,” said Thierno Abou Diallo, president of Tahiré District.²³²

²²⁸ Project for Hydroelectric Construction of Souapiti (*Projet d’Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Letter to Human Rights Watch (Responses to Questions), February 17, 2020. (On file with Human Rights Watch).

²²⁹ Human Rights Watch interview with a resident of Tahiré Center, August 26, 2019.

²³⁰ Human Rights Watch interview with a resident of Woussi Dow Banlal, August 27, 2019.

²³¹ Human Rights Watch interview with vice-president of Konkouré district, December 18, 2018.

²³² Human Rights Watch interview with president of Tahiré district, August 27, 2019.

The Souapiti Agency said that it had created local monitoring committees, comprised of local community leaders from displaced, resettled, and host communities, district authorities, youth, and women, to receive complaints from community members and pass them onto the Souapiti Agency. Several community leaders, however, who sit on the committees said that they did not function effectively. Committee members said that they lacked the financial and logistical means, such as phone credit or money for travel to committee meetings, to convene regularly and serve displaced residents.²³³

International human rights standards make clear that displaced residents have the right to a fair hearing as part of the right to an effective remedy for human rights violations, including in resettlement and displacement.²³⁴ Industry standards, including the AfDB and World Bank resettlement standards referred to in Souapiti's 2017 resettlement action plan, also require projects to establish an effective grievance mechanism.²³⁵ The ECOWAS Directive on Hydraulic Infrastructure Development in West Africa requires that governments redress, through legal processes, damage caused to affected communities resulting from non-fulfillment of environmental or social plans.²³⁶

The Souapiti Agency told Human Rights Watch that it had “delayed” in implementing a formal grievance policy, and that complaints had instead been resolved informally.²³⁷ The Souapiti Agency said a formal grievance policy had been written and validated in September 2019.²³⁸ This means that the Souapiti Agency did not possess a formal grievance mechanism in the lead up to and during the resettlements conducted in 2019 for the Souapiti dam, a period in which thousands of people, from more than 51 villages or

²³³ Human Rights Watch interview with president of Tahiré district, August 27, 2019. Human Rights Watch interview with president of Bangouya Center, December 19, 2018. Human Rights Rights Watch interview with resident of Konkouré center, December 20, 2018.

²³⁴ The UN Basic Principles and Guidelines on Development-based Evictions guarantee the right of access to timely remedy to “[a]ll persons threatened with or subject to forced evictions,” including through a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation.” UN Basic Principles and Guidelines on Development-based Eviction and Displacement, para. 59.

²³⁵ World Bank, “Operational Manual 4.12, Involuntary Resettlement,” 2001, revised 2013, para. 17. AfDB, “Involuntary Resettlement Policy,” November 2003, para. 4.1.6, <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/10000009-EN-BANK-GROUP-INVOLUNTARY-RESETTLEMENT-POLICY.PDF> (accessed December 19, 2019).

²³⁶ ECOWAS Commission, Water Resources Coordination Center, “Directive on Hydraulic Infrastructure Development in West Africa,” 2017, article 34.

²³⁷ Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency), Annex to letter to Human Rights Watch (Responses to Questions), December 13, 2019, p. 6. (Copy on file with Human Rights Watch).

²³⁸ Ibid.

hamlets, were moved. The Souapiti Agency said that the new grievance mechanism had so far registered 110 complaints, and in 25 percent of these cases the Agency had replied to the complainant. Other complaints are in the process of being investigated and addressed.²³⁹

²³⁹ Ibid.

Acknowledgments

This report was researched and written by Yasmin Dagne, Leonard H. Sandler Fellow in the Africa Division of Human Rights Watch. Mariama Barry, a land and women's rights consultant, also conducted extensive field research for the report. Jim Wormington, senior researcher in the Africa Division, supervised the research, conducted additional writing, and edited the report.

Corinne Dufka, West Africa Director, Sophie Richardson, China Director, Yaqiu Wang, researcher in the Asia Division, Komala Ramachandra, senior researcher in the Business and Human Rights Division, Juliana Nnoko-Mewanu, researcher in the Women's Rights Division, Felix Horne, senior researcher, and Katharina Rall, researcher in the Environment and Human Rights Division reviewed the report. Clive Baldwin, senior legal adviser, and Babatunde Olugboji, deputy program director, provided legal and program reviews.

Josh Lyons, director of geospatial analysis, and Carolina Jordá Álvarez, geospatial analyst, created our first map of communities impacted by the dam's reservoir and conducted video verification and spatial analysis of satellite data for the report. Janna Kyllastinen edited the video that accompanies the report. Report production was done by Travis Carr, publications/photography coordinator. Fitzroy Hepkins, administrative manager, and Morgan Hollie, associate in the Africa Division, provided production assistance and support. Cathia Zeoli, consultant, provided translation and research assistance, and Peter Huvos, French web editor, reviewed the French version of the report.

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We are very grateful to the leadership and staff of the Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*) for their willingness to discuss our findings and answer our questions.

Finally, we especially thank the people we interviewed for this report, particularly those displaced by the Souapiti dam, who shared their time and stories with us.

Appendix I: Letter and Memorandum from Project for Hydroelectric Construction of Souapiti (*Projet d'Aménagement Hydroélectrique de Souapiti*, Souapiti Agency) to Human Rights Watch,

December 13, 2019



REPUBLIQUE DE GUINEE
Travail - Justice - Solidarité

MINISTRE DE L'ENERGIE



PROJET D'AMENAGEMENT HYDROELECTRIQUE DE SOUAPITI

A l'attention de M. Jim Wormington
Chercheur senior Human Rights Watch

Date : 13/12/19

Réf. Courrier de HRW en date du 18/11/2019 portant sur la « recherche des communautés pour le barrage hydroélectrique de Souapiti »

Objet : Remarques et réponses en retour du Courrier du 18/11/19 de HRW

Monsieur Wormington,

Je tenais à vous remercier pour nous avoir donné l'occasion de vous apporter nos remarques sur les premières conclusions de votre rapport portant sur le processus de réinstallation du barrage de Souapiti. Outre l'importance cruciale du Projet d'Aménagement Hydroélectrique de Souapiti dans le cadre de l'apport énergétique mis en œuvre par Son Excellence, le Président de la République de Guinée, Le Professeur Alpha Condé, le gouvernement guinéen a, à cœur, de mener un processus de réinstallation des communautés impactées aligné sur la législation guinéenne et les meilleures pratiques internationales, notamment les standards de la Banque mondiale.

Nous saluons également l'intérêt d'HRW, en tant qu'organisation non gouvernementale internationale indépendante pour ce Projet, notamment ses composantes environnementales & sociales, et souhaitons qu'HRW respecte son engagement d'apporter un éclairage objectif, précis et indépendant sur le processus de réinstallation de Souapiti. Nous avons connaissance que le rôle d'HRW est de « dénoncer » mais il est dommage que les aspects positifs ne soient pas également soulignés et ne fassent pas partie des conclusions. **A cet effet, le PAHS, dans son objectif constant de progrès tire les leçons des éléments positifs, certes, mais aussi et surtout, des éléments à améliorer.** Ils vous sont également communiqués, plus bas, afin qu'ils puissent être intégrés à votre rapport, dans une démarche d'analyse objective (points positifs et négatifs). HRW a confirmé avoir mobilisé des experts en droits humains & réinstallation dans le cadre de l'analyse : il serait intéressant que des

recommandations pratiques et techniques puissent être formulées par HRW en complément des observations.

Conformément à votre requête, je vous prie de trouver ci-joint nos commentaires sur les premiers résultats de recherche que vous nous avez communiqués, ainsi que des réponses à vos questions. Nous aurions apprécié de pouvoir également consulter et apporter des éclaircissements sur l'ensemble du rapport de recherche, et non uniquement sur les conclusions préalables et résumées telles que présentées en Annexe 1.

Enfin, mes équipes restent disponibles pour vous rencontrer après envoi de ce courrier afin de poursuivre les échanges. Certains documents identifiés vous seront également transmis par email afin de compléter les réponses.

Veuillez agréer, Monsieur Wormington, l'expression de mes sentiments distingués,



Amara Camara
Directeur Général du PAHS

Cc :

ACGP 1

Ministre de l'Energie ... 1

ANNEXE 1 – REPONSES AU « RESUME PRELIMINAIRE DES CONSTATATIONS DE HRW »

- HRW : « Le barrage de Souapiti et son réservoir vont déplacer environ 16 000 personnes de plus de 80 villages. »

o Remarque du Projet Souapiti : Le barrage de Souapiti et son réservoir vont déplacer environ 16 000 personnes, provenant de 101 localités répartis entre 4 Préfectures. Le terme localité doit être préféré au terme village, car les localités comprennent aussi bien des villages que des hameaux, présentant des tailles variables.

o Remarque du Projet Souapiti : Pour mémoire, le Gouvernement guinéen a tenu compte des avantages sur le plan de la réinstallation d'une baisse de 20 m de la hauteur du barrage permettant d'avoir trois fois moins de personnes déplacées par rapport à l'aménagement initialement prévu, qui aurait nécessité le déplacement de 47 000 personnes. Le choix de cet aménagement a ainsi permis de minimiser le nombre de personnes à déplacer.

- HRW : « À août 2019, au moins trente villages avaient été déplacés, le gouvernement guinéen prévoyant d'effectuer les réinstallations restantes au cours des prochaines années pendant que le réservoir du barrage est rempli. »

o Remarque du Projet Souapiti : Fin août 2019, ce sont 51 localités qui ont été déplacées vers 8 sites de réinstallation. Le reste des localités à réinstaller (soit 36% des personnes impactées) aura lieu d'ici le remplissage du barrage avant septembre 2020.

- HRW : « Les communautés déplacées sont réinstallées sur des terres appartenant à d'autres villages, car il n'y a pas de terres vacantes ou non réclamées dans la région. »

o Remarque du Projet Souapiti : De façon spécifique, en République de Guinée, et plus généralement en Afrique de l'Ouest, il n'existe pas de terre disponible à proprement parler, tant les terres sont réclamées par des ayant droits coutumiers. Toutefois, il est important de distinguer propriété, disponibilité et accès : il n'existe pas de terres non réclamées, mais il y a une disponibilité en terres agricoles dont l'accès doit être précisé. Ainsi, au vu de ce contexte foncier, certaines communautés déplacées seront effectivement réinstallées sur des terres appartenant à d'autres villages (comme c'est le cas dans la majorité des processus de réinstallation en Afrique). Toutefois, les conditions

d'usage, d'acquisition de la propriété et de l'accès à ces terres ont été discutées, selon les mécanismes traditionnels, entre les populations déplacées et les villages d'accueil. Un accord a été signé entre les deux parties avant le démarrage des investigations de terrain pour l'aménagement de chaque site de réinstallation.

- HRW : « *Plusieurs villages sont regroupés sur le même site de réinstallation.* »

o *Remarque du Projet Souapiti* : certaines localités ont effectivement été regroupées sur un même site de réinstallation, à leur demande. Ce regroupement présente plusieurs avantages : la réinstallation peut permettre à un « village-mère » de se déplacer avec ses « villages satellites ». Les villages-satellites et le village-mère partagent un lien historique fort, lié à leur installation, où généralement (chaque cas étant différencié) le village-mère installe des nouveaux arrivants sur des terres sur lesquelles il possède des droits dits « opérationnels ». De plus, le regroupement permet de proposer des infrastructures sociocommunautaires complémentaires et supplémentaires (école, collège, forage, poste de santé etc.) aux villages déplacés et villages d'accueil selon les normes nationales. Ainsi, le regroupement est généralement vu de façon positive par les déplacés qui apprécient de retrouver leurs « parents » (au sens large). Enfin, les localités ayant été consultées dans le cadre de ce processus, celles n'ayant pas souhaité être réinstallées sous forme d'un « regroupement » ne l'ont pas été, c'est notamment le cas des sites de Dantoumaya et Kombérén par exemple.

- HRW : « *Les communautés touchées par les réinstallations ont déclaré que le projet présentait plusieurs avantages potentiels, notamment la promesse d'accès à l'électricité pour la région et l'amélioration de l'infrastructure communautaire sur les sites de réinstallation, tels que les routes pavées, les mosquées, les écoles et les centres de santé.* »

o *Remarque du Projet Souapiti* : il est important de rappeler que les « promesses » ou « engagements » sont répertoriés dans le Registre des Engagements du Projet. Le Gouvernement vise le développement, non pas d'une Région, mais de toute la Guinée, en ce qui concerne l'accès à l'électricité. Il n'est fait mention, nulle part, ni dans le PGES, ni dans les PV de réunions, de la réalisation de routes pavées, mais du développement d'infrastructures de transport comme, par exemple, le remplacement d'un bac par un pont comme c'est le cas sur la rivière Kakrima. Il est effectivement confirmé que chaque site de réinstallation a été doté d'infrastructures sociocommunautaires, conformément aux standards du gouvernement guinéen. Du personnel a également été affecté au niveau des écoles, collèges et postes de santé.

- HRW : « *Cependant, de nombreuses communautés perdent les terres agricoles qui constituaient leur principale source de nourriture et de revenus, avec environ 72 kilomètres carrés de terres inondées par le barrage. »*

o *Remarque du Projet Souapiti* : La perte de terres agricoles a été estimée à 42 km². Un processus de réinstallation entraîne effectivement la perte de terres agricoles. Il est prévu le développement de mesures de restauration des moyens d'existence, une fois la mise en eau du barrage effectuée. Au moment du choix du site, réalisé de façon participative, il a été conseillé aux communautés de ne pas trop s'éloigner de leurs terres agricoles. A noter que le choix de certains sites a même été imposé par les communautés au Projet.

- HRW : « *La pénurie de terres disponibles dans la région signifie que l'Agence Souapiti ne remplacera pas la grande majorité des terres agricoles perdues au profit du barrage. Les communautés réinstallées ont également déclaré à Human Rights Watch que les terres sur lesquelles elles sont réinstallées se trouvaient souvent à une altitude plus élevée et plus éloignées de la rivière, ce qui rendait plus difficile leur exploitation agricole. »*

o *Remarque du Projet Souapiti* : le choix du site de réinstallation a été discuté à l'échelle villageoise, avec les chefs de secteurs, présidents de district, représentants des femmes et des jeunes, et Conseil des Sages des localités impactées. Il a été demandé à chaque groupe de localités se déplaçant ensemble de proposer 3 sites potentiels, présentant les caractéristiques suivantes : acceptabilité du village d'accueil, ombrage, disponibilité en eau, disponibilité en terres agricoles, accessibilité (proximité avec une route) etc. Les sites ont été visités en présence des représentants du projet, des autorités coutumières et administratives des villages d'accueil et des localités déplacées afin de s'assurer que le site de réinstallation final retenue recouvrait l'ensemble de ces critères.

o *Remarque du Projet Souapiti* : HRW doit distinguer les différentes notions régissant l'accès au foncier en République de Guinée en distinguant la disponibilité en terres agricoles et l'accessibilité à l'usage et/ou à la propriété des terres agricoles.

- HRW : « *Le plan d'action de réinstallation de 2015 fait pour le projet indique que « Les populations déplacées disposeront, en général, de terres moins favorables que celles qu'ils cultivent depuis des générations avec, souvent, moins d'espace agricole et pastoral.»*

o *Remarque du Projet Souapiti* : Effectivement, il est en général assumé que la réinstallation entraînera un accès plus limité au foncier agricole en général, couplé à une croissance démographique positive et à un contexte de pression foncière. C'est pourquoi des mesures d'accompagnement sont prévues pour la restauration des moyens d'existence conformément au plan de réinstallation cité.

- *HRW* : « Les communautés déplacées ont déclaré à Human Rights Watch qu'après avoir perdu de grandes superficies de terres agricoles, elles luttent pour nourrir leurs familles et restaurer leurs moyens de subsistance. Les habitants de plusieurs sites de réinstallation ont déclaré qu'alors qu'ils produisaient auparavant leur propre nourriture, ils doivent maintenant trouver de l'argent pour l'acheter sur les marchés locaux. »

o *Remarque du Projet Souapiti* : le Projet a conscience qu'un projet de réinstallation a des conséquences sur les moyens de subsistance des localités déplacées, d'où son objectif de proposer des mesures d'accompagnement.

o *Remarque du Projet Souapiti* : il est important de noter que le Projet a mis en oeuvre un programme d'Assistance Alimentaire afin d'accompagner la transition des déplacés. Cette Assistance Alimentaire se décompose en une dotation en nature (sacs de riz) et financière (équivalent au prix de la « sauce ») donnée 2 fois à raison de 3 mois d'écart, et ce, afin de compenser les déplacements autour de la saison des pluies (saison des cultures). La dotation est évaluée sur la base de la taille du ménage. Le Projet a favorisé la dotation en nature, afin de s'assurer que cette dotation soit utilisée à des fins d'autoconsommation.

- *HRW* : « Les dirigeants communautaires se sont inquiétés du fait que, à mesure que les réinstallations s'accroissent, une concurrence accrue pour des terres et des ressources productives pourrait entraîner des conflits entre les communautés ».

o *Remarque du Projet Souapiti* : Cette inquiétude est partagée par le Projet, et de façon plus générale, représente un risque lié à l'ensemble des processus de réinstallation en Guinée et ailleurs. La création des Comités Locaux de Suivi (CLS), la participation des autorités coutumières et administratives à l'ensemble du processus et l'engagement avec les parties prenantes doivent participer à la prévention des conflits entre les populations hôtes et impactées. L'intérêt d'avoir pris le temps de consulter les communautés dans le choix des villages hôtes ou sites d'accueil doit permettre de limiter au maximum les conflits autour de l'accès aux ressources.

- HRW : « Des responsables de l'Agence Souapiti ont concédé à Human Rights Watch que les déplacements menaçaient les moyens de subsistance des communautés. L'Agence Souapiti a toutefois déclaré à Human Rights Watch que, conformément aux normes internationales, elle apporterait aux communautés le soutien nécessaire pour rétablir un niveau de vie similaire ou meilleur que celui qu'elles avaient avant leur réinstallation.

o Remarque du Projet Souapiti : effectivement, cela fait partie du PAR.

- HRW : « La réaction de l'Agence Souapiti à l'impact de la perte de terres et de moyens de subsistance a toutefois rencontré jusqu'à présent plusieurs problèmes. Pas de compensation pour les terres perdues : L'Agence Souapiti n'accorde aucune compensation financière pour les terres perdues lors de la réinstallation, mais uniquement pour les cultures et les arbres qui poussent sur les terres. Cela empêche les agriculteurs d'obtenir une compensation pour la valeur intrinsèque de la terre elle-même et signifie que les familles ne reçoivent aucune indemnité lorsque la terre est inexploitée ou en jachère dans le cadre d'un système de rotation des cultures ».

o Remarque du Projet Souapiti : Le projet met en oeuvre les mesures conformément au plan de réinstallation cité par HWR.

- HRW : « Processus de compensation opaque pour les cultures et les arbres : L'Agence Souapiti compense la valeur des cultures et des autres biens qui poussent sur les terres, mais le processus de compensation est opaque, ce qui rend difficile la contestation du montant octroyé. Les chefs de ménage, dont beaucoup ne savent pas lire, ont indiqué avoir signé des documents d'indemnisation sans aucune connaissance de leur contenu ni conseil indépendant. »

o Remarque du Projet Souapiti : des documents de pré-accords sont signés par les populations. Le détail des montants et le processus de paiement sont communiqués aux impactés (entretiens individuels). A noter que les documents sont en français (langue officielle en Guinée) et qu'ils sont interprétés sur place en langue locale (soussou ou peul) en présence des autorités coutumières. Pour les nouveaux sites réinstallation (de cette deuxième phase), le processus a été amélioré et tous les impactés ont été rencontrés, avant leur déplacement, avec un protocole de pré-accord signé.

- HRW : « Les résidents ont déclaré que la plus grande partie de l'indemnisation est versée aux hommes qui assument des rôles de leadership au sein de la famille ou de la communauté, ce qui donne aux femmes peu de contrôle sur l'utilisation de l'argent. »

o *Remarque du Projet Souapiti* : L'indemnisation est payée au chef de ménage qu'il soit homme ou femme. Pour le paiement des indemnisations, le meilleur moyen identifié a consisté à la remise de chèques et/ou l'ouverture de comptes bancaires, afin de limiter les paiements des compensations en cash directement au village. Il a été noté que les paiements en cash, ne favorisent pas la transparence, mettent les PAP en insécurité (car disposant de fortes sommes d'argent à la maison) et/ou en difficulté (car de nombreuses personnes viennent réclamer une portion de la compensation à des fins sociales ou d'appui, non liés à des activités productives etc.). Ainsi, le Projet a choisi le paiement par chèque. Pour ce faire, le projet a financé la constitution de pièces d'identité, préalablement à la remise des chèques. Dans le cadre de certains biens (exemple des arbres appartenant au lignage), c'est bien souvent le chef de lignage qui est désigné comme représentant. L'unité familiale patriarcale en Afrique, et en Guinée, a tendance à favoriser l'homme comme représentant de la famille, du ménage, du lignage et par conséquent le dépositaire de la compensation financière. Pour pallier cela, sans toutefois venir heurter l'organisation sociale africaine, le Projet s'assure :

- D'enquêter le représentant homme du ménage / lignage en présence de sa femme ou ses soeurs (prise de photo lors du recensement avec ces dernières lorsque cela est possible) ;
- De traduire le pré-accord (qui annonce les montants) en présence du chef de ménage / lignage et de ses femmes / sa femme ;
- De demander au chef de ménage / lignage de venir accompagné lors de la remise du chèque (afin que la femme ait connaissance du paiement).

- *HRW* : « *Soutien insuffisant pour de nouveaux moyens de subsistance* » : Pour aider les communautés à retrouver leurs moyens de subsistance, l'Agence Souapiti a déclaré à Human Rights Watch qu'elle comptait aider les agriculteurs à développer des méthodes d'agriculture intensifiées et à trouver des sources de revenus alternatives, autres que le secteur agricole, comme la pêche. Les communautés déplacées ont toutefois indiqué qu'elles avaient jusqu'à présent constaté peu de signes d'une telle assistance.

o *Remarque du Projet Souapiti* : effectivement, les mesures de restauration des moyens de subsistance seront mises en oeuvre après la mise en eau du réservoir et une fois que les villages auront été déplacés. Certaines dispositions (assistance alimentaire) assurent la transition.

- *HRW* : « *Les premiers villages remplacés par le projet ont indiqué que depuis leur réinstallation en 2016 et 2017, ils n'avaient jusqu'à présent reçu aucun soutien pour*

intensifier leurs activités agricoles ou développer de nouveaux moyens de subsistance. »
HRW : « Plusieurs habitants ont indiqué que leurs familles devaient emprunter des terres à des communautés voisines ou travaillaient comme ouvriers agricoles pour d'autres agriculteurs. »

o Remarque du Projet Souapiti : Des mesures d'indemnisations financières des pertes de culture ont été effectuées durant cette année, et des mesures de restauration des moyens d'existence sont prévues une fois la mise en eau du réservoir effectuée, comme par exemple des mesures d'Agroforesterie, d'Appui aux techniques culturelles, d'Appui à la traction animale, d'Appui au aspirants-pêcheurs etc.

o Remarque du Projet Souapiti : A noter également que les villages déplacés en 2016 et 2017 sont ceux situés à proximité du chantier et qui bénéficient des retombées économiques du chantier en cours. Ces personnes sont embauchées prioritairement sur le chantier de construction du barrage.

- HRW : « Les villages qui ont déménagé en 2018 ou 2019 ont déclaré qu'alors qu'ils avaient entendu les représentants de l'Agence Souapiti discuter de projets potentiels, ils n'avaient jusqu'à présent reçu aucune aide. »

o Remarque du Projet Souapiti : comme précisé plus haut, le Projet, dans sa première phase, s'est concentré sur l'acceptation sociale via l'engagement avec les parties prenantes (relation village d'accueil et localité déplacée), l'identification d'un site d'accueil propice, le déménagement des individus et de leurs biens, l'accompagnement via l'assistance alimentaire, la viabilisation des sites d'accueil, la construction des infrastructures socio-économiques de base (écoles, collèges, postes de santé, forages, marchés, mosquées) et des maisons d'habitations. C'est seulement à partir de la réinstallation physique effective que le Projet va collaborer avec les communautés dans le cadre de la restauration des moyens de subsistance. Cette activité est prévue dans le planning pour l'année 2020. Des échanges sont en-cours sur ce sujet.

- HRW : « Des responsables de l'Agence Souapiti ont déclaré qu'ils fournissaient une assistance transitoire aux familles déplacées, sous la forme de riz de consommation et d'argent pour les produits de première nécessité, pendant six mois après leur réinstallation. Les habitants ont toutefois affirmé qu'il faudrait beaucoup plus de temps pour rétablir les sources de nourriture et les revenus perdus. »

o *Remarque du Projet Souapiti* : l'assistance alimentaire été mise en oeuvre suite aux échanges avec les populations impactées et les Autorités. Le Projet a estimé que cela suffisait et que l'appui à la restauration des moyens de subsistance doit ensuite prendre le pas sur l'assistance alimentaire, et ce, afin de ne pas créer une dépendance des populations vis-à-vis du Projet. Le Projet doit accompagner les populations déplacées vers un développement socio-économique durable et autonome. La restauration des moyens d'existence est une activité à long-terme.

- *HRW* : « Absence de mécanisme de réclamation : Des dizaines d'habitants ont déclaré s'être plaints auprès de l'Agence Souapiti ou des autorités locales du processus de réinstallation, mais n'avoir reçu souvent aucune réponse ou une réponse ne répondant pas à leurs préoccupations. Selon les habitants, ils ne pensaient pas que l'Agence Souapiti disposait d'un mécanisme formel de réclamation. » o

Remarque du Projet Souapiti : il est vrai que le Projet a tardé dans la mise en oeuvre effective de sa politique de réclamation de façon formelle bien que des réclamations ont été résolues de façon informelle. Cette dernière a toutefois été rédigée et validée en septembre 2019. Un registre des plaintes a été créé. Le registre compte aujourd'hui 110 réclamations, dont 25% de ces réclamations ont été fermées (ce qui signifie qu'un retour a été fait au réclamant). Les autres réclamations sont en cours de traitement et nécessitent des enquêtes complémentaires sur le terrain (vérification de la fiche de recensement, enquêtes de moralité auprès des voisins et autorités etc.).

- *HRW* : « Accès inadéquat à l'information : Les communautés ont également déclaré que le manque d'informations sur le processus de réinstallation rendait difficile le dépôt de réclamations. Des organisations de la société civile ont indiqué que les documents de projet clés énonçant les obligations du gouvernement lors d'une réinstallation, tels que les versions les plus récentes des évaluations d'impact du projet et du plan d'action pour la réinstallation, ne sont pas accessibles au public. »

o *Remarque du Projet Souapiti* : le PGES a été présenté aux communautés lors de consultations publiques, en langue du terroir, conformément à la législation nationale et aux standards internationaux dans toutes les Préfectures en compagnie des élus locaux. Des guides de déplacés ont été mis à disposition et distribués. Les commentaires émis ont été pris en compte dans le PGES qui est en cours de mise en oeuvre. Des associations d'impactés ont contacté le projet et ont été reçus en réunion à plusieurs reprises. De plus, depuis septembre 2019, les discussions entre les cadres du Projet et les impactés ont été formalisées via des procès-verbaux signés ainsi que des pré-accords. Ces documents sont

expliqués dans des entretiens individuels en langue locale (soussou ou peul). Ces documents visent à formaliser les discussions et à documenter l'engagement avec les parties prenantes. Le Projet tient ces éléments disponibles. Le Projet reste à l'écoute d'HRW, ou encore des autorités locales et populations afin d'améliorer son processus de communication.

ANNEXE 2 – REPONSES AUX « QUESTIONS A L'AGENCE DE SOUAPITI » DE HRW

Structure du projet

- HRW : « Quelle est la participation du gouvernement guinéen dans le projet Souapiti et quelle est la participation de China International Water and Electric Corporation? (« CWE ») ? »

o Réponse du Projet Souapiti : Dans l'accord contractuel pour la conception-fourniture-construction (clef en main) du Projet d'Aménagement Hydroélectrique de Souapiti (Pièce 01), il est précisé que le financement est assuré comme suit : 15% sont financés par le gouvernement guinéen et le reste par Exim Bank.

- HRW : « Pouvez-vous fournir une copie du contrat entre CWE et le gouvernement guinéen régissant la copropriété et la gestion du barrage de Souapiti par les deux parties ? »

o Réponse du Projet Souapiti : Nous aimerions que vous nous expliquiez mieux votre intérêt et l'utilisation que vous comptez faire de ce document afin que l'on puisse étudier votre demande.

- HRW : « Quels sont les rôles respectifs du Projet d'Aménagement Hydroélectrique de Souapiti et de CWE dans le processus de réinstallation pour le barrage de Souapiti ? »

o Réponse du Projet Souapiti : La maîtrise d'ouvrage du projet est assurée par le Ministère en charge de l'Energie qui en a délégué l'exécution au Projet d'Aménagement Hydroélectrique de Souapiti (PAHS).

- HRW : « Quel est le rôle de Tractebel Engineering dans le processus de réinstallation ? »

o Réponse du Projet Souapiti : Dans le cadre de son contrat avec l'ACGP, Tractebel a réalisé l'étude d'impact environnemental et social du projet et le plan d'action de réinstallation. Il agit en qualité d'assistance à la maîtrise d'oeuvre. Il a détaché deux (2) experts en appui – conseil auprès du maître d'ouvrage.

Divulgaration de documents de projet clés

- HRW : « Human Rights Watch a examiné l'Étude d'Impact Environnemental et Social et le Plan de Réinstallation de 2015 réalisés pour le projet Souapiti par le cabinet de conseil

Tractebel Engineering. Ont-ils été mis à jour depuis 2015 et si oui, pourriez-vous fournir des copies des documents actualisés à Human Rights Watch ? »

o Réponse du Projet Souapiti : L'étude de 2015 était relative au projet initial, dont la hauteur du barrage a été revue à la baisse de 20m permettant d'avoir trois fois moins de personnes déplacées par rapport à l'aménagement initialement prévu. La version finale de l'Étude d'Impact Environnemental et Social et du Plan d'action de Réinstallation date du 20 mars 2017.

- HRW : « Lors d'un entretien avec Mr Keita, celui-ci nous a informés que l'Agence Souapiti s'efforce de respecter les « normes et meilleures pratiques internationales » lors de la réinstallation, telles que les normes de performance de la Société financière internationale. Pouvez-vous décrire les normes internationales pertinentes, le cas échéant, que l'Agence Souapiti vise à respecter lors du processus de réinstallation ?

o Réponse du Projet Souapiti : L'OP 4.12 est la norme utilisée par le Projet dans le cadre de la réinstallation, conformément au plan d'action de réinstallation.

- HRW : « Le Plan de Réinstallation de 2015 se réfère à la politique en matière de déplacement involontaire de population de 2003 de la Banque Africaine de Développement et au Manuel opérationnel 4.12 de la Banque mondiale sur la réinstallation involontaire, comme « cadre légal applicable » pour la réinstallation. Le processus de réinstallation vise-t-il toujours à respecter ces normes et, dans l'affirmative, comment sont-elles intégrées dans un plan d'action de réinstallation actualisé ?

o Remarque du Projet Souapiti : le processus de réinstallation en cours se base sur le plan d'action de réinstallation de 2017, qui s'appuie sur les normes internationales.

- HRW : « China EximBank, dans le cadre de son prêt au gouvernement de la Guinée pour le barrage de Souapiti, a-t-elle imposé des normes quant à la manière dont l'Agence Souapiti devrait gérer le processus de réinstallation ? »

o Remarque du Projet Souapiti : Exim Bank reconnaît les normes internationales telles que celles de la Banque mondiale, appliquées dans le cadre de ce projet. Une mission d'experts en environnement d'Exim Bank a eu lieu préalablement au financement.

Compensation

- HRW : « L'Agence Souapiti peut-elle fournir une copie du cadre de compensation qu'elle utilise pour calculer l'indemnisation versée aux communautés qui seront déplacées par le barrage ? »

o Réponse du Projet Souapiti : la matrice des prix est consultable au PAHS.

Compensation pour les terres perdues

- HRW : « Les normes internationales des droits humains indiquent que les communautés déplacées qui disposent des droits coutumiers sur les terres, qu'elles soient reconnues juridiquement ou non, devraient avoir droit à une indemnisation pour la perte de terres. Les Lignes directrices de la CEDEAO pour le développement des infrastructures hydrauliques en Afrique de l'Ouest indiquent que les programmes de réinstallation devraient « tenir compte des biens immatériels/culturels dans les programmes de réinstallation en reconnaissant les droits d'accès à la terre et en assurant la compensation et/ou le dédommagement de la perte des usages traditionnels. » Pourquoi l'Agence Souapiti n'indemnise-t-elle pas les individus pour la valeur de la terre, mais uniquement pour les arbres et les cultures qui poussent sur la terre ? »

o Réponse du Projet Souapiti : la réponse est complexe et nécessite une analyse très approfondie de façon générale à l'échelle de la Guinée. La question est la suivante : doit-on compenser la terre, au risque de créer un marché spéculatif, ayant des impacts négatifs sur les plus vulnérables OU doit-on laisser opérer les mécanismes traditionnels d'accès au foncier, en réalisant un suivi, afin d'intervenir uniquement dans le cas où les mécanismes traditionnels échouent ? De façon générale, sur l'ensemble des zones où des processus de réinstallation ont eu lieu en Guinée (sociétés minières notamment), la terre a été rarement compensée en nature. Si l'on souhaite compenser la terre en nature en Guinée, il faudrait donc acheter la terre à d'autres communautés : cela pourrait avoir des impacts conséquents sur les populations en général, à savoir une augmentation forte du marché foncier via la spéculation financière, pouvant avoir des impacts négatifs forts sur les personnes les plus vulnérables. A noter des cas similaires observables vers Boffa et Boké. Or, il existe aujourd'hui (cf. études / recherches menés sur le foncier par de nombreux auteurs reconnus au niveau national et international cf. Moustapha Diop, Pascal Rey, ONRG, etc.) des mécanismes traditionnels d'accès au foncier : via le principe traditionnel de la « kola », il est possible pour le demandeur d'aller voir un propriétaire de terre afin de demander l'accès à une terre (droits opérationnels consolidés ou simples) voir d'acheter la terre. S'impliquer en tant que Projet, entreprise et/ou autre, pourrait avoir des conséquences complexes sur le marché du foncier. A ce titre, le projet via la mise en place

des programmes de restauration de moyens de subsistance entend suivre si ces mécanismes fonctionnent, mécanismes qui ont été discutés entre villages d'accueil et populations réinstallées, avec les commissions financières. Ce sujet mériterait une réflexion nationale, car elle pose un problème complexe : peut-on proposer des solutions alternatives, et ce, afin de ne pas créer trop de disruption localement ? A noter que certains des sites de réinstallés sont très proches de leurs anciennes terres et continuent à les exploiter.

Transparence du processus de compensation

- HRW : « *Quels efforts l'Agence Souapiti a-t-elle entrepris pour informer les personnes concernées, y compris les groupes analphabètes, du processus d'indemnisation et de la méthode utilisée pour calculer l'indemnité ?* »

o Réponse du Projet Souapiti : Les représentants des communautés et des autorités locales sont présents lors des indemnisations pour informer et conseiller les personnes qui reçoivent des indemnités. Préalablement, les cadres du PAHS sont venus rencontrer les personnes impactées afin de leur expliquer les méthodes de paiement.

- HRW : « *L'Agence peut-elle fournir des exemples de documents qu'elle a divulgués aux communautés touchées pour aider à expliquer le processus d'indemnisation ?* »

o Réponse du Projet Souapiti : Cela est possible. Voir documents transmis.

- HRW : « *L'Agence peut-elle fournir des exemples de reçus fournis aux membres de la communauté lorsqu'elle réalise un inventaire de leurs cultures et de leurs arbres, puis effectue un paiement d'indemnité ?* »

o Réponse du Projet Souapiti : Cela est possible. Voir document transmis.

Femmes et compensation

- HRW : « *Les Principes de base et directives concernant les expulsions et les déplacements liés au développement stipulent que « Les femmes et les hommes doivent être co-bénéficiaires de toutes les mesures d'indemnisation. Les femmes célibataires et les veuves doivent avoir droit à leur propre indemnisation. » Quels efforts l'Agence Souapiti a-t-elle entrepris pour s'assurer que les femmes puissent participer aux processus de compensation et recevoir une partie équitable de la compensation versée à leur ménage ?* »

o Réponse du Projet Souapiti : lors du recensement des biens en 2017, l'ensemble de l'unité « ménage » a été enquêté, à savoir le chef de ménage, sa / ses femme(s), enfants naturels / confiés et dépendants. La partie de la compensation financière versée l'est pour les cultures pérennes, les cultures annuelles, l'assistance alimentaire (prix de la sauce), les structures annexes. Les bâtiments d'habitation principaux sont eux compensés en nature (reconstruction) et enregistrés au nom du ménage (représentés par le chef de ménage qui peut être homme ou femme en fonction de la situation) tandis que les autres biens sont enregistrés au nom du propriétaire. Certains propriétaires sont des femmes et ont donc été éligibles à une compensation financière. A noter que dans une grande partie des cas, les arbres appartiennent au lignage, et un représentant est désigné. Lors de la remise de la compensation financière en chèque, l'information est largement diffusée via les CLS (Comités Locaux de Suivi) et autorités locales et le représentant est régulièrement accompagné de sa femme (ou de son frère dans le cas d'une femme). Beaucoup de femmes (et notamment âgées et veuves) ont été compensées dans le cadre des structures annexes, car elles disposaient de cases type cuisine, annexe, magasin, boutique etc.

Mesures de restauration des moyens de subsistance

- HRW : « Pour aider les communautés déplacées à rétablir le niveau de vie qu'elles avaient avant leur déplacement, les normes internationales recommandent que les projets développent un « Plan de restauration des moyens de subsistance » comprenant une matrice de droits décrivant les services disponibles pour les membres de la communauté ; les critères d'éligibilité précisant qui a accès à ces services ; un calendrier pour la mise en oeuvre ; et un système de suivi de l'efficacité du programme. L'Agence Souapiti a-t-elle élaboré un plan de restauration des moyens de subsistance ? »

o Réponse du Projet Souapiti : A ce jour, l'ensemble des PAP et leur famille sont éligibles à ce type de projets, avec un focus particulier sur les jeunes et les femmes. Le PRMS, ou Projet de Restauration des Moyens de Subsistance est aujourd'hui partie intégrante du PAR.

- HRW : « L'Agence Souapiti peut-elle fournir toute documentation décrivant les projets et programmes qu'elle met en oeuvre pour restaurer les moyens de subsistance des communautés, notamment les documents qui décrivent les personnes éligibles à l'assistance et le moment auquel les projets seront mis en oeuvre ? »

o Réponse du Projet Souapiti : ces éléments sont disponibles dans le PGES et sont suffisamment détaillés. Toutefois, des notes techniques seront produites prochainement pour la mise en oeuvre des mesures et pourront être partagés au besoin.

- HRW : « Comment l'Agence Souapiti évaluerait-elle le succès des projets mis en oeuvre jusqu'à présent pour aider les communautés déplacées à intensifier l'agriculture sur les sites de réinstallation et à développer des sources de revenus alternatives, autres que l'agriculture ? »

o Réponse du Projet Souapiti : à ce jour, le Projet n'a pas encore démarré les activités de restauration des moyens de subsistance, et ne peut donc par conséquent évaluer le succès sur ces activités.

- HRW : « Quels efforts l'Agence Souapiti a-t-elle déployés pour veiller à ce que les activités de restauration des moyens de subsistance soient suffisantes pour les femmes ? »

o Réponse du Projet Souapiti : à ce jour, le Projet n'a pas encore démarré les activités de restauration des moyens de subsistance et les Activités Génératrices de Revenus, pour lesquelles les femmes sont fortement concernées. Des entretiens, via focus group, vont être menés dans les villages afin d'identifier avec précision les activités pertinentes.

- HRW : « Quels efforts l'Agence Souapiti déploie-t-elle pour contrôler son succès dans la restauration des moyens de subsistance ? En particulier, l'Agence a-t-elle mené des enquêtes économiques ménage par ménage afin d'évaluer la situation économique et le niveau de vie des ménages avant la réinstallation ? Si non, comment l'Agence déterminera-t-elle si elle a effectivement restauré ou amélioré le niveau de vie des ménages ? »

o Réponse du Projet Souapiti : dans le cadre de l'EIES, des enquêtes ménages, intégrant le calcul de revenus ont été réalisés, permettant la sortie d'indicateurs socio-économiques (en 2017). Ces éléments permettront de déterminer l'impact des activités sur les ménages et le suivi tel que décrit dans le PAR.

- HRW : « Quels efforts l'Agence Souapiti a-t-elle entrepris pour faire en sorte que les communautés déplacées aient un accès adéquat à de l'eau potable et pour leur usage personnel après leur réinstallation ? »

o Réponse du Projet Souapiti : lorsqu'un site de réinstallation est choisi, une visite a lieu afin d'identifier si le site est propice à l'installation d'un village. Un des critères est la disponibilité en eau. Ensuite, un protocole d'accord est signé impliquant les localités à réinstaller, le village d'accueil et le Projet Souapiti. Puis, un Avant-Projet Sommaire (APS)

est réalisé par un Cabinet guinéen : un des éléments de cet APS est d'identifier les emplacements pertinents pour les forages – puis une entreprise de forages vient forer. Pour chaque site, un booklet est produit avec le détail des analyses physico-chimiques et techniques (débit, etc.). Ces booklets sont stockés au PAHS. Si la présence de fer est constatée, un défériser doit être installé. Si le débit n'est pas assez satisfait, d'autres forages ont lieu jusqu'à trouver des débits satisfaisants. Les forages sont ensuite réalisés en se basant sur les normes du SNAPE, avec l'installation notamment de pompes à pied de qualité Vergnet (qualité française) et en respectant les standards (environ 300 personnes pour une PMH). Le nombre de forages par site et la population du site sont des données disponibles au besoin.

Aide alimentaire transitoire pour les communautés déplacées

- HRW : « L'Agence Souapiti considère-t-elle que le fait de fournir une aide transitoire de six mois, sous forme de nourriture et d'argent, est suffisant compte tenu du temps requis par les communautés pour rétablir les moyens de subsistance perdus ? Si non, quel soutien supplémentaire l'Agence prévoit-elle d'apporter aux communautés déplacées ? »

o Réponse du Projet Souapiti : Cette assistance n'a pas vocation à remplacer la restauration des moyens de subsistance, mais représente une mesure d'accompagnement en les attendant.

Mécanisme de réclamation

- HRW : « L'Agence Souapiti a-t-elle une politique écrite en matière de réclamation et, dans l'affirmative, peut-elle la communiquer à Human Rights Watch ? »

o Réponse du Projet Souapiti : cette politique de réclamations est disponible et peut tout à fait être mise à la disposition de HRW.

- HRW : « En l'absence de politique écrite en matière de réclamation, l'Agence peut-elle décrire la méthode utilisée pour résoudre les réclamations relatives à la réinstallation ? »

o Réponse du Projet Souapiti : voir réponse ci-dessus.

- HRW : « Quels efforts l'Agence Souapiti a-t-elle fait pour informer les communautés de son processus de réclamation et de la manière de l'utiliser ? »

o Réponse du Projet Souapiti : Depuis 2 ans, l'information relative à la possibilité de faire des réclamations a été donnée par le canal des réunions de sensibilisation et de

communication à destination des communautés, CLS et Autorités : les réclamations doivent être déposés au niveau des Comités Locaux de Suivi (CLS). Par la suite, un plan de gestion des réclamations a été formalisé. Ainsi, l'ensemble des cadres du Projet Souapiti dispose d'un stock de « Fiche de Réclamation » qui constitue la base d'une réclamation. Lorsqu'une réclamation est envoyée à n'importe quel cadre du Projet (oral ou écrit), le cadre a pour mission de noter la réclamation et la transmettre au niveau du Coordinateur (Registre) pour enregistrement, traitement etc. Ces documents sont stockés en version papier et/ou électronique (registre) et sont consultables sur place.

- HRW : « L'Agence Souapiti peut-elle divulguer le nombre de plaintes qu'elle a reçues chaque année concernant le processus de réinstallation, ainsi que des détails sur le succès avec lequel l'Agence a résolu ces plaintes et le temps pris pour le faire ? »

o Réponse du Projet Souapiti : 110 réclamations ont été reçues – 25% fermées et 75% en cours de traitement, nécessitant des enquêtes terrains de vérification et contrôle. Un mois représente la durée moyenne de traitement des réclamations fermées. 38 doléances ont été enregistrées, dont 4 ont été réalisées. Les autres doléances sont à l'étude. Le Projet reste à la disposition d'HRW pour plus de détails (statistiques etc.).

- HRW : « L'Agence Souapiti envisage-t-elle de commander un audit externe du processus de réinstallation du barrage de Souapiti ? Si oui, quand et par quelle organisation ? L'audit sera-t-il rendu public ? »

o Réponse du Projet Souapiti : Il est trop tôt pour mettre en place un audit externe, la mise en oeuvre des mesures de réinstallation se poursuivant sur 2020.

ANNEXE 3 : BONNES PRATIQUES & REFLEXIONS

Le Projet Souapiti souhaite partager avec HRW des bonnes pratiques qu'HRW n'a pas souligné dans ses différentes remarques. Ces éléments sont notables, car ils montrent que le Projet tend à suivre les normes internationales – tout en choisissant pas toujours la facilité :

- **Déménagement** : conformément aux normes internationales, les familles et leurs biens ont tous été pris en charge, via un déplacement en nature (mise à la disposition de camions) et non financier (prime de déplacement). Les biens ont été numérotés avant le départ pour le site, et des jeunes des localités déplacées ont été mobilisés pour le chargement et déchargement (au lieu de faire appel à des personnes extérieures à la zone qui auraient pu ne pas être aussi précautionneux). Sur d'autres projets de réinstallation en Guinée, parfois une prime financière de déplacement a été donnée, ne donnant pas lieu à des déménagements en bonne et due forme (car le ménage peut utiliser l'argent à d'autres fins).

- **Aménagement des habitations** : lors de la première phase de réinstallation, l'affectation dans les habitations a fait l'objet de nombreuses discussions avec les impactés (notamment sur l'importance parfois de séparer les femmes dans les ménages polygames). Ces éléments ont été pris en compte lors de l'affectation des sites en cours de construction. Environ 95% des ménages de ces sites ont accepté leur future affectation, cela a été formalisé via des pré-accords.

- **Assistance alimentaire** : Le Projet a su écouter les réclamations, et proposer une réponse adéquate. A noter que le Projet s'est efforcé de maximiser cette mesure d'accompagnement en nature (sacs de riz) afin de s'assurer que cette dotation contribue bien à la sécurité alimentaire des ménages (risque autrement d'utilisation de l'argent à d'autres fins).

- **Qualité des aménagements dans les villages** : les sites de réinstallation ont fait l'objet d'aménagements détaillés, permettant la prise en compte des infrastructures sociocommunitaires type forages, mosquées, postes de santé, écoles, collèges etc. Une réflexion a été poussée dans le cadre de ces aménagements en essayant autant que faire se peut de positionner les postes de santé à l'extrémité des villages (pour des raisons d'hygiène et de santé publique), de positionner lorsque cela est possible un forage à proximité des postes de santé et écoles ainsi que des mosquées, de positionner les villages en bord de route (Dubréka – Télimélé par exemple). Lorsque le District de la

localité inondée a perdu des infrastructures (exemple de Konkouré Centre & Hamdallaye), le district dont la localité a été inondée a pu bénéficier d'infrastructures communautaires également (en compensation) et le site de réinstallation (nouveau) a été doté. L'ensemble des infrastructures de santé et d'éducation sont aujourd'hui dotées en personnel, grâce au suivi des services techniques sous-préfectoraux et préfectoraux. Seul le collège de Kinyaya n'a pas encore été doté, il le sera à la rentrée prochaine. Sur certains sites également, des zones ont été réservées permettant l'agrandissement des infrastructures en cas d'augmentation de la population (cas du poste de santé de Kondombofou par exemple).

- **Infrastructures hydrauliques** : les forages installés sont équipés de pompes françaises type Vergnet, tel que recommandé par le SNAPE. Bien que d'autres pompes de qualité moindre et /ou à coût inférieur (type Indiana) existent sur le marché, le Projet a su conserver des équipements type forage de qualité.

- **Infrastructures de santé** : le Projet a procédé à la dotation en petit équipement (lits de consultations, bureau, chaise, banc de patient etc.) des postes de santé nouvellement créés ou des centres de santé existants proches devant accueillir les communautés réinstallées.

- **Infrastructures religieuses** : l'ensemble des mosquées ont été équipés en tapis de prière. De façon générale, comme d'autres projets de réinstallation en Guinée, le Projet n'a pas seulement construit : il a veillé à la dotation en personnel et à l'équipement.

- **Infrastructures sécuritaires** : dans 2 sites assez grand, le Projet réfléchit également à financer un poste de police. En effet, ces éléments n'ont pas été pris en compte dans le PAR / PGES mais semblent importants aux yeux du Projet afin de garantir un climat apaisé et sécurisé.

- **Mutualisation des infrastructures** : malgré la pression de certaines communautés déplacées souhaitant avoir leurs « propres infrastructures », le Projet a su correctement analyser la situation afin de renforcer les écoles et postes de santé existants dans les villages d'accueil lorsque cela s'avérait plus pertinent, et en lien avec les cartes scolaires / sanitaires. Cela dénote d'une bonne pratique. Seul un marché a été noté comme n'étant pas utilisé par un site de réinstallation (ils lui préfèrent le marché du site d'accueil – cas de Kollet / Dantoumaya).

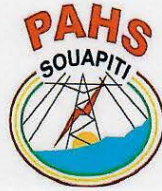
- **Sélection des sites d'accueil** : afin de s'assurer de l'adhésion des sites d'accueil, le Projet a confié l'identification et le choix du site de réinstallation aux villages d'accueil et à

ceux à déplacer, en précisant les conditions nécessaires : eau, terres, accessibilité etc. Toutefois, si le site ne présentait pas de caractéristiques correctes (cas de sites se trouvant sur un bowal, ou sans disponibilité en eau), le Projet n'a pas hésité à refuser des sites en argumentant et expliquant les raisons. Un cas demeure où la communauté a largement insisté sur le choix d'un site contre l'avis technique du Projet. Lors du choix du site, des protocoles d'accord ont été signés afin de formaliser l'installation et l'accueil.

- **Sites d'accueil** : des infrastructures sociocommunautaires ont été construites dans les villages d'accueil en même temps que sur les sites de réinstallation afin d'accompagner le processus de réinstallation.

D'autres éléments restent à améliorer, et d'autres éléments témoignent d'un souci des impactés par le Projet. Le Projet reste ouvert et disponible pour poursuivre les échanges avec HRW et réitère son souci à ce qu'HRW continue à conseiller via des propositions concrètes et pratiques, adaptées aux réalités locales du Projet.

**Appendix II: Additional Letter from Project for Hydroelectric
Construction of Souapiti (*Projet d'Aménagement
Hydroélectrique de Souapiti*, Souapiti Agency) to
Human Rights Watch, February 17, 2020**



REPUBLIQUE DE GUINEE

Travail - Justice - Solidarité

MINISTRE DE L'ENERGIE



PROJET D'AMENAGEMENT HYDROELECTRIQUE DE SOUAPITI

N° 094

/DG/DEED/PAHS/ME/CAB/2020

Conakry, le 17 FEB 2020

Le Directeur Général
A

Monsieur Jim Wormington

Chercheur Senior HRW

Réf. Courrier de HRW en date du 18/11/2019 portant sur la « recherche des communautés pour le barrage hydroélectrique de Souapiti »

Objet : Remarques et réponses en retour du Courrier du 18/11/19 de HRW

Monsieur Wormington,

Je tenais à vous remercier pour votre réponse à notre dernier courrier et votre intérêt renouvelé pour le bien-être des communautés déplacées du Projet de Souapiti. Nous avons pour une deuxième fois pris le temps en équipe d'apporter des réponses à vos différentes questions.

J'ai également noté votre souhait de publier votre rapport d'ici la fin février 2020 et je suis satisfait de vos efforts afin d'intégrer nos réponses dans le rapport qui paraîtra. Comme précisé, n'hésitez pas à nous envoyer un résumé plus complet ainsi que vos recommandations si celles-ci sont disponibles.

Enfin, mes équipes restent disponibles pour vous rencontrer afin de poursuivre les échanges.

Veuillez agréer, Monsieur Wormington, l'expression de mes salutations distinguées,

Amara Camara

Cc :

ACGP 1

Ministre de l'Energie 1

Réponses au Courrier d'Human Rights Watch

Les questions d'HRW ont été reprises (en italique) et les réponses du PAHS (Projet d'Aménagement Hydro-Electrique de Souapiti) sont inscrites en-dessous de chaque question.

1. **Question d'HRW :** « *Pouvez-vous donner un exemple du « protocole de pré-accord » signé avec les villages qui seront réinstallés lors de la deuxième phase de réinstallation ?* »

Réponse du PAHS : Oui, c'est possible – nous vous transmettons un protocole de pré-accord en annexe 1. Tous les protocoles d'accord des 19 sites de réinstallation sont réalisés sur le même modèle. Un Procès-verbal d'accord sur le choix du site est également établi entre le village d'accueil et la localité déplacée comme joint en annexe 1.

2. **Question d'HRW :** « *Votre lettre du 13 décembre indiquait que le barrage de Souapiti inondera environ 42 kilomètres carrés de terres agricoles. D'après le plan d'action de réinstallation de 2017 (p. 97), ce chiffre ne prend en compte que les terres qui ont été activement exploitées pour des cultures annuelles, comme celle du riz, lorsque, en 2014, des consultants ont mené une enquête satellite sur ces parcelles. Il semble exclure les sols qui étaient en jachère au moment de l'enquête ; les terres servant à des cultures pérennes, comme celle des plantations d'arbres fruitiers ; et les terres utilisées par les éleveurs pour le pâturage. Le plan d'action de réinstallation de 2017 indique que la perte potentielle de terres agricoles et réservées au pâturage causée par le réservoir pourrait atteindre 253 kilomètres carrés (p. 97). Avez-vous les commentaires sur cette analyse et ce chiffre ?* »

Réponse du PAHS : La superficie de 253 km² indiquée dans le plan d'action de réinstallation de 2017 correspond à la superficie totale du réservoir, hors superficie occupée par les eaux. Selon l'étude d'impact environnemental et social correspondante (p.201), cette superficie correspond à 86 km² de forêt, 95 km² de "formations arbustives, buissonnantes et fourrés", 30 km² de formation herbeuse et de 42 km² de formation anthropique, qui a servi de base à l'estimation de la perte de cultures annuelles dans l'étude. Dans le plan de réinstallation (p.98), les plantations ont été dénombrées étant donné que les indemnisations se font à l'unité et non pas en fonction de la superficie. Comme indiqué dans le rapport (p.75), les pratiques culturelles sont des pratiques itinérantes avec une pratique de l'élevage de transhumance.

3. **Question d'HRW :** « *Le plan d'action pour la réinstallation souligne (par exemple, p. 94) l'importance de sécuriser les droits fonciers en vue de protéger les communautés déplacées et hôtes des futurs conflits fonciers, ainsi que pour encourager l'investissement dans les terres acquises lors de la réinstallation. Pourriez-vous expliquer brièvement comment le PAHS protège et sécurise les droits fonciers des communautés déplacées et hôtes sur les sites de réinstallation ? Pourriez-vous préciser à la fois la manière dont la PAHS sécurise les droits fonciers à la fois des communautés dans leur ensemble et des foyers individuels. Les exemples de documentation pertinente (par exemple, des titres fonciers ou autres documents) seraient aussi très utiles.* »

Réponse du PAHS : Il est important de rappeler que les propriétaires déplacés ne sont pas de détenteurs de droit formel sur les terres mais disposent toutefois d'un droit coutumier et traditionnel, reconnu par les normes internationales (mais pas par la législation du pays – cf. Code Foncier et Domanial). Lors des enquêtes de dénombrement en 2017, aucun propriétaire dénombré n'a présenté de titre formel ou de titre foncier. Toutefois on considère qu'il existe des propriétaires coutumiers détenteurs de droits traditionnels. Lors des dénombrements, une fiche de recensement a été établie pour chaque propriétaire de foyer (maison) afin de détailler ses biens.

La 1^{ère} étape de sécurisation des terres a lieu entre les communautés déplacées et les villages d'accueil. Les communautés sont encouragées à proposer différentes alternatives (à minima 3) de sites de réinstallation, propositions qui sont analysées conjointement afin de s'assurer de la disponibilité en eau,

Etablissement Public Administratif de Gestion du Projet d'Aménagement Hydroélectrique de Souapiti (PAHS)
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terres, ressources etc. Un protocole de pré-accord est signé entre le Projet et le village d'accueil, un autre PV est également signé entre chaque localité déplacée et le village d'accueil (voir en Annexe 1). Durant l'élaboration de ces PV et protocoles, il est discuté la possibilité pour les localités déplacées d'avoir accès à des terres et ressources, le partage de ces ressources, et la nécessité pour le site d'accueil de mettre à disposition des terres pour les foyers et les activités économiques.

Le processus d'immatriculation ou de titrisation foncière est en cours de réalisation par le Projet en collaboration avec les conservateurs fonciers et les services préfectoraux de l'Habitat.

- 4. Question d'HRW :** « Le plan d'action de réinstallation de 2017 prévoit (p. 113) un budget de 6,1 millions de dollars pour compenser la valeur des terres agricoles inondées par le barrage. Ce chiffre est calculé comme suit : 4 200 hectares de terres agricoles devant être inondées par le réservoir x 13 millions de FG par hectare = 54 600 millions de FG (soit 6,1 millions de dollars). Le plan d'action de réinstallation de 2017 exige (p. 96) cependant des résidents qu'ils aient en leur possession des « droits de propriété formellement sécurisés » pour recevoir une compensation pour la valeur du terrain. À la lumière de cette exigence, quelle partie du budget de 6,1 millions de dollars a été décaissée ? Comment le PAHS prévoit-il d'utiliser le reliquat qui n'a pas été déboursé ? »

Réponse du PAHS : Comme vous l'avez rappelé à la page 96 du PAR, il est précisé que les propriétaires devront être indemnisés pour les pertes de terres agricoles. Notre précédent courrier explicitait la position du PAHS vis-à-vis de la compensation des terres agricoles, la solution retenue visant à ne pas remettre en cause les mécanismes traditionnels d'accès au foncier. Des mesures de restauration de moyens de subsistance sont en-cours d'élaboration avec le budget alloué.

Concernant le mode de financement du PGES, le budget est décaissé au fur et à mesure de la mise en œuvre des activités au niveau d'Eximbank. Tant qu'une activité n'est pas exécutée, le budget reste disponible.

- 5. Question d'HRW :** « Le plan d'action de réinstallation de 2017 stipule (p. 187) que les mesures de rétablissement des moyens de subsistance, telles que les programmes de développement agricole et ceux destinés à accroître les revenus, devraient durer 5 ans, « à compter du démarrage du chantier ». Le plan de 2017 fait-il ici référence au démarrage de la construction des sites de réinstallation ou du barrage lui-même ? »

Réponse du PAHS : La phrase « à compter du démarrage du chantier » fait référence à « la construction du barrage » afin d'être en phase avec le calendrier de l'entrepreneur. En effet, les deux plannings sont concomitants, car la mise en eau provisoire (opérée en août 2019) et finale (à venir en septembre 2020) ne peuvent se faire sans un déplacement des populations.

Ces mesures sont progressives tout au long de l'avancement du projet. Toutefois, la plupart des mesures pour les activités génératrices de revenus ne peuvent commencer qu'une fois les personnes installées sur leurs sites pour deux raisons principales :

- Une personne déplacée a du mal à se projeter dans son nouvel environnement, sans y être physiquement présente, et à analyser ses nouveaux enjeux et contraintes socio-économiques afin d'identifier des opportunités (exemple : présence de pâturages : opportunités de développer de l'élevage ; ou encore proximité du réservoir avec opportunités de pisciculture ; positionnement le long d'une route avec opportunité de développer un bar-café pour les chauffeurs routiers etc.) ;
- Le Projet est fortement concentré actuellement sur la réinstallation physique (la construction des sites, le déménagement, l'affectation des bâtiments) et les paiements des indemnités (arbres, structures annexes). De nombreux emplois locaux (partie intégrante de la restauration des moyens de subsistance) sont fournis pendant la construction du barrage et des 19 sites de réinstallation (pendant au moins 6 mois).

Ainsi, le Projet est en train de redoubler d'efforts pour investir sur la restauration des moyens de subsistance dans les prochains mois, et ce, pour les années à venir.

6. Question d'HRW : « Le plan d'action de réinstallation de 2017 (p. 187) prévoit un budget de 2,81 millions de dollars pour les programmes d'aide aux moyens de subsistance (2,05 millions de dollars pour le soutien à l'agriculture et 760 000 dollars pour les revenus non agricoles), ce qui représente environ 3% du budget total de réinstallation, qui est d'un montant de 91 millions de dollars. Ce budget est-il suffisant pour rétablir les moyens de subsistance des communautés ? »

Réponse du PAHS : Les normes internationales, dont celles de la Banque Mondiale et Banque Africaine de Développement fixent des objectifs de résultats et non de moyens, concernant l'accompagnement des personnes déplacées dans la restauration de leurs moyens de subsistance. En effet, le financement de ces projets (et au-delà l'efficacité permettant le rétablissement des moyens de subsistance, liée au niveau des revenus des personnes déplacées) est lié à un ensemble complexe d'éléments :

- La pertinence des projets individuels ou collectifs identifiés (opportunités d'affaires, investissements rentables) ;
- L'efficacité et la compétence des opérateurs accompagnant les projets de restauration de moyens de subsistance sur le terrain (ONG, partenaires, société civile, techniciens etc.) ;
- Le contexte socio-économique (données conjoncturelles, etc.) de la zone de déplacement et du pays ;
- Le taux de participation et d'intérêt des populations déplacées.

En conclusion, la restauration des moyens de subsistance est un sujet complexe et il est difficile de répondre à savoir si le budget sera suffisant ou non. Ce qui est notable est la volonté du Projet de s'assurer de la restauration des moyens de subsistance via un déploiement de moyens, mais aussi une atteinte de résultats, mesurables par des indicateurs quantitatifs (niveaux de revenus des ménages déplacés, indice composite de qualité de vie) ou qualitatifs (nombre de conflits, taux de confort, appréciation des infrastructures de base, niveau de satisfaction des ménages déplacés etc.).

7. Question d'HRW : « Le plan d'action de réinstallation de 2017 déclare, à la p. 158, que : « L'électrification d'une partie de la zone de réinstallation était prévue dans le cadre du projet d'électrification rurale (PER) d'EDG, en particulier à proximité de l'aménagement. Il sera nécessaire d'étudier la possibilité d'étendre le réseau existant aux sous-préfectures affectées par la réinstallation du fait du projet, en concertation avec le Projet Souapiti ». Pouvez-vous préciser si le gouvernement guinéen a élaboré des plans plus détaillés pour fournir de l'électricité aux localités déplacées par le barrage de Souapiti ? Et si oui, quelles localités et d'ici quelles dates ? »

Réponse du PAHS : Le PAHS a contacté, en partenariat avec le Ministère de l'Energie, le Bureau d'Electrification Rurale, et mène une campagne de plaidoyer auprès de certains acteurs et/ou bailleurs du secteur de l'électrification rurale. A ce jour, au niveau de 3 sites de réinstallation proches du barrage (situés le long de la route), un poste H61 avec un transformateur de 160 kVA alimenté sous tension 60 kV a été posé : le réseau de distribution reste à installer.

Les échanges se poursuivent, sur le sujet de l'électricité rurale, sous forme de plaidoyer, avec les différentes institutions sur cette base, en partenariat avec certaines Associations d'impactés.

8. Question d'HRW : « Serait-il possible de fournir une carte montrant les emplacements de toutes les localités déplacées par le barrage et les sites de réinstallation ? Disposez-vous également d'une liste des localités déplacées et des sites de réinstallation choisis pour chaque village ? »

Réponse du PAHS : La carte vous est disponible en version électronique sur le lien suivant : <https://1drv.ms/u/s!AhX0plXF-r3NvHmqbWmk0dHHhD3O?e=U8dtB7> .Vous trouverez la liste des localités déplacées et des sites de réinstallation choisis par ces mêmes communautés en Annexe 2 de ce courrier.

Appendix III: Letter from Tractebel Engineering, December 20, 2019



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Intertek

Human Rights Watch
A l'attention de Mr Jim WORMINGTON
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Nos réf. : PDF/MCB - 19.1890

Vos réf. :

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Gennevilliers, le 20 décembre 2019

Objet : Recherche sur la réinstallation des communautés pour le barrage hydroélectrique de Souapiti (Guinée)

Réponses au courrier du 18 novembre 2019 reçu par mail le 09/12/2019

Cher Monsieur Wormington,

Nous accusons réception de votre courrier en référence du 18 novembre dernier nous informant de votre recherche concernant la réinstallation des communautés liée à l'aménagement du barrage de Souapiti.

Nous vous confirmons que ce courrier daté du 18 novembre n'a pas été reçu à cette date par notre société et vous remercions du second envoi en date du 9 décembre.

Nous avons pris connaissance des différentes questions et remarques contenues dans votre courrier et nous souhaitons apporter les éclaircissements suivants :

1. Comme vous le savez, la maîtrise d'œuvre de l'aménagement hydroélectrique de Souapiti est assurée par le Gouvernement de la République de Guinée qui en a délégué la responsabilité à l'Administration et Contrôle des Grands Projets et Marchés Publics (ACGPMP). Cette dernière a confié à TRACTEBEL le contrat d'ingénieur-conseil pour le contrôle et la supervision des travaux du projet d'aménagement hydroélectrique de Souapiti. Notre mission principale est le contrôle et la supervision des travaux du barrage de Souapiti menés par la société China International Water & Electric Corporation (CWE).

TRACTEBEL ENGINEERING S.A. - Registered Office: 5, rue du 19 mars 1962 - 92622 Gennevilliers CEDEX - FRANCE
with a capital of 3 355 000 euros - R.C.S. Nanterre B 309 103 877 - SIREN 309 103 877 - VAT: FR 82 309 103 877 - APE 7112B

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2. Contrairement à ce qui est indiqué dans votre courrier, notre société ne fournit pas de support technique à CWE dans le cadre des activités de réinstallation des populations. Ces activités de réinstallation de population sont assurées par la maîtrise d'ouvrage du projet, c'est-à-dire le Ministère guinéen en charge de l'Energie, qui en a délégué l'exécution à l'équipe du « Projet d'Aménagement Hydroélectrique de Souapiti » (PAHS). Les équipes locales de HRW ont déjà eu l'occasion d'échanger sur ces sujets à Conakry lors d'une réunion avec le PAHS. Vous avez ainsi pu prendre connaissance du contexte général dans lequel se déroulent les opérations de réinstallation, et recevoir des informations sur le processus et les parties prenantes.
3. Pour compléter vos informations sur les aspects environnementaux et sociaux, TRACTEBEL a effectivement émis en novembre 2015 *l'étude d'impact environnemental et social (EIES)*, et le *plan d'action de réinstallation du barrage hydroélectrique de Souapiti* (à la cote 230 m SMK, soit environ de 130 m de haut) pour le compte du Ministère en charge de l'Energie en Guinée représenté par Electricité de Guinée, avec un financement de la Banque Africaine de Développement.

Cette étude a mis en évidence la réinstallation d'environ 48 000 personnes dont une sous-préfecture. L'analyse des alternatives proposées par TRACTEBEL a montré les avantages d'une baisse de la hauteur du barrage de 20 m, permettant de réduire considérablement le nombre de personnes à déplacer. La conclusion recommandait une reprise de l'étude de conception du barrage dans ce sens.

Cette préconisation de TRACTEBEL a été confortée en février 2016 dans l'étude sur la « *détermination de la meilleure option technique pour la mise en œuvre du projet Souapiti en Guinée dans le cadre d'un Partenariat Public Privé* » réalisée par le Groupement EDF-Nodalis-Artélia pour le compte du Système d'Echanges d'Energie Electrique Ouest Africain (West African Power Pool) avec le financement de la Banque mondiale. Cette étude précise que : « *L'étude d'impact environnemental et sociétal du barrage hydroélectrique de Souapiti présentée début 2015 par Tractebel Ingénierie SA est complète et très détaillée, et permet de bien appréhender l'ensemble des contraintes de réalisation de l'aménagement* ». Le Gouvernement guinéen a ensuite entériné le choix de conception d'un barrage avec une cote plus faible.

En mars 2017, TRACTEBEL a émis la version finale de *l'étude d'impact environnemental et social* et du *plan d'action de réinstallation du barrage hydroélectrique de Souapiti* (à la cote 210 m SMK, soit environ 116 m de haut) pour le compte de l'Administration et Contrôle des Grands Projets et Marchés Publics (ACGPMP) dans le cadre de son contrat d'ingénieur conseil. Les caractéristiques du projet étant modifiées, une actualisation de l'EIES de l'aménagement était nécessaire pour l'obtention du permis environnemental (obtenu le 21 mars 2016) selon la législation guinéenne et les exigences des bailleurs de fonds internationaux. Le plan de réinstallation actualisé a permis de recenser environ 16 000 personnes, soit une diminution de plus 30 000 personnes par rapport à l'aménagement initialement prévu, confirmant le choix de conception du barrage dans l'intérêt des populations en matière de réinstallation.

4. Le rôle de TRACTEBEL dans le volet réinstallation a été la production de l'étude de la réinstallation des populations comme indiqué ci-dessus, incluant le recensement et l'inventaire des biens des personnes affectées.
5. Concernant les opérations de réinstallation elles-mêmes, nous avons une mission d'assistance auprès du PAHS pour la mise en œuvre des Plans Environnementaux et Sociaux. Pour cela, nous avons détaché deux ingénieurs spécialistes en environnement et en réinstallation des populations auprès du PAHS.

6. En tant que société d'ingénierie et de conseil, notre rôle n'est pas de mettre en œuvre la réinstallation des populations en lieu et place du client, mais plutôt d'accompagner le PAHS dans cette mise en œuvre afin qu'elle atteigne son objectif de la manière la plus satisfaisante possible. Il peut bien entendu arriver qu'il y ait des éléments à améliorer, le processus de réinstallation étant toujours perfectible. Toute observation de votre part sur des faits précis et documentés montrant des incidents dans ce processus devrait être portée à la connaissance du PAHS, qui s'efforcera alors d'analyser ces incidents et de les traiter si nécessaire, afin d'opérer dans l'esprit du Plan d'Action de Réinstallation. C'est dans ce sens que nos représentants auprès du PAHS continuent d'œuvrer.

Nous espérons avoir ainsi répondu à votre recherche d'informations concernant la réinstallation des communautés liée à l'aménagement du barrage de Souapiti et vous remercions de l'intérêt que vous portez à nos activités.

Nous sommes à votre disposition si vous souhaitez de plus amples informations.

Veuillez agréer, Monsieur Wormington, l'expression de nos sincères salutations.



Samy BENOUDIZ
Chief Executive Officer Tractebel France

Appendix IV: Email from China International Water and Electric Corporation, March 25, 2020

Monsieur Wormington,

Je vous écris ce mail au nom de Mr Rujun ZHANG à votre mail du 13 Mars. J'espère la réponse pourra vous clarifier la situation et répondre à vos questions.

Nous accusons réception de l'email du Human Right Watch (HRW) à la date du 12 mars 2020 par rapport à la réinstallation des populations impactées par le Projet d'Aménagement Hydroélectrique de Souapiti.

En réponse, nous portons à votre connaissance ce qui suit:

Le Projet d'Aménagement Hydroélectrique de Souapiti est développé dans le cadre d'un PPP (Partenariat Public et Privé) entre l'Etat Guinéen et CWE du Groupe de CTG.

L'Etat Guinéen est l'Actionnaire majoritaire qui détient 51% des Actions et CWE est actionnaire avec une participation de 49%.

Dans ce cadre, le déplacement et la réinstallation des populations dudit Projet sont à la charge de l'Actionnaire majoritaire (l'Etat Guinéen) à cause de son caractère hautement social et représenté par la Direction du Projet d'Aménagement Hydroélectrique de Souapiti (PAHS).

En tant que l'Actionnaire, CWE participe à la réinstallation et joue un rôle de superviseur notamment le recensement et la consultation des indicateurs physiques des populations déplacées, la planification et la conception de la réinstallation, l'étude et la mise en œuvre des normes d'indemnisation et de compensation, la construction des routes et des ponts etc.

Afin d'assurer la transparence de la réinstallation et la traçabilité de diverses tâches, nous avons mis en place un système informatique de réinstallation conjointement avec l'Etat

Guinéen. Ce système comprend des différents modules tels que l'indicateur physique de réinstallation, la situation de la mise en œuvre de réinstallation, la gestion de l'avancement de réinstallation, la conception et la planification de réinstallation.

Tous les documents pertinents de la réinstallation sont saisis dans le système informatique en temps réel.

En tant que le représentant de l'Actionnaire majoritaire (l'Etat Guinéen), le PAHS nous a rappelés à plusieurs reprises de sa responsabilité de réaliser l'ensemble du travail de réinstallation du projet.

A cet effet, nous vous remercions de vous adresser à la Direction du Projet pour tout détail que vous souhaiterez avoir sur la réinstallation des populations impactées par le Projet Souapiti.

Compte tenu de l'intérêt de HRW accorde à la réinstallation du Projet Souapiti, nous transmettrons votre email et les documents connexes à PAHS, le représentant de l'Actionnaire majoritaire (l'Etat Guinéen) qui pourrait communiquer directement avec votre Organisation.

En vous souhaitant bonne réception, nous vous prions d'agréer, Monsieur Wormington, l'expression de nos considérations distinguées.

Zhang Jun 张俊

Président - Société de Gestion de Kaléta

几内亚凯乐塔电站管理公司总裁

China International Water & Electric Corp.(CWE)

中国水利电力对外有限公司



“We’re Leaving Everything Behind”

The Impact of Guinea’s Souapiti Dam on Displaced Communities

Guinea’s 450 megawatt Souapiti dam, scheduled to begin operating in September 2020, has the potential to significantly increase access to electricity in a country in desperate need of reliable power. The dam is part of the Belt and Road Initiative (BRI), the Chinese government’s trillion-dollar investment in infrastructure across some 70 countries, which has supported large-scale hydropower projects in Africa, Asia and Latin America.

Despite its benefits, however, the dam has a hefty human cost, with its 312 square kilometer reservoir displacing an estimated 16,000 people. *“We’re Leaving Everything Behind,”* documents how communities, displaced from their ancestral homes and farmlands, and with much of their land already or soon to be flooded, are struggling to feed their families and restore lost livelihoods. The report urges the Guinean government to ensure that those displaced receive adequate land and compensation and support in reestablishing their sources of food and income.

The Souapiti dam, which is being built and financed by Chinese state companies, is also evidence of the need for BRI projects to respect human rights. In the face of criticism over the environmental and social impact of some BRI projects, China’s president, Xi Jinping, pledged in April 2019 that the BRI would support “open, clean and green development.” The Chinese companies, banks, and regulators involved in the Souapiti dam and other BRI projects should work with national governments to ensure that communities benefit from, and are not the victims of, large-scale infrastructure developments.

(above) Residents of Bouramaya Sosso, a community being resettled for the Souapiti dam, stand near their village in March 2020.

(front cover) Guinea’s Souapiti dam, March 2020. Construction continues on the dam, which the Guinean government hopes will begin producing electricity in September 2020. The dam is displacing 16,000 people from their homes and land.

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