Simandou Project

Plan d’Action de Réinstallation et de Compensation (PARC) Framework

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Appendix – Technical note dated December 2007 on issues relating to farmers' compensation
INTRODUCTION

Simfer S.A, a member of the Rio Tinto Group, (Simfer) holds a mining concession for iron ore over the Southern part of the Simandou mountain range in the Republic of Guinea (the State or Guinea). The ore is to be exported to market via a new trans-Guinean railway to be constructed from the Simandou range to the coast of Guinea, and a new deep water port to be constructed on the Guinean coast.

The mining activities are to be carried out by Simfer. The construction of the rail and port infrastructure is to be carried out by an entity known as a Special Purpose Vehicle (SPV).

Simfer is a Guinean registered company and is currently jointly owned by Rio Tinto Group companies (95%), and the International Finance Corporation (IFC) (5%). The Government of Guinea has an option to acquire up to a 35% equity interest in Simfer.

The SPV is intended to be held 51% by the Government of Guinea and 49% by the shareholders of Simfer (or their affiliates) other than the State.

A basic convention between the State and Simfer entered into on 26 November 2002 between the State, Simfer and Rio Tinto Mining and Exploration Ltd which was ratified by Law 003/2003 dated 3 February 2003 (Basic Convention) as well as a settlement agreement entered into between the same parties on 22 April 2011 (Settlement Agreement), together define the contractual Framework applicable to the Simandou Project.

A more comprehensive legal framework for the Project is being established.

1.1 Purpose of this Document

This document is the *Plan d’Action de Réinstallation et de Compensation* Framework (hereinafter referred to as the PARC Framework). The purpose of this document is to provide an overarching Framework for land acquisition, resettlement and compensation for the Simandou Project with the overall aim of regional and local development. This document will provide guidance for the development of resettlement action plans or *Plan d’Action de Réinstallation et de Compensation* for each Project component requiring resettlement and compensation. The reference standards that have been used for preparing the PARC Framework are the IFC Performance Standard 5¹ – *Land Acquisition and Involuntary Resettlement* and related guidance notes², and the Rio Tinto Communities policies³. The PARC Framework also commits to adhere to the overall principles and spirit of the updated IFC Performance Standards (2012).

The PARC Framework covers the whole Project and establishes Simfer’s transformational vision for Regional Development as well as the principles, procedures, entitlements, eligibility criteria and broad implementation plan that will be valid for the duration of the entire Project

1.2 Scope of Application

The Simandou Project and its associated components are governed by the Domain and Land Code and the Constitution (2010), which require the recognition and settlement of land and property rights on the basis of fair and prior compensation. Simfer is also committed to follow all applicable national regulations and international standards (including subregional standards) and the IFC’s PS 5 on Involuntary Land Acquisition and Resettlement (IFC PS 5) that mandates that land acquisition, payment of compensation for affected assets, and resettlement associated with a Project (or its Project component) should be complete before the onset of Project activities.

²http://www.ifc.org/ifcext/enviro.nsf/AttachmentsByTitle/p_resettle/$FILE/ResettlementHandbook.PDF
³http://www.riotinto.com/documents/Library/Communities_policy.pdf
However, the standard also takes cognizance of the fact that the Project may have subcomponents or multiple components that may not be fully defined before Project approval or that may be implemented sequentially over an extended period (e.g. a mining Project for which all land acquisition cannot be planned at one time). In such circumstances the preparation of a Resettlement Policy Framework (or in the case of the Simandou Project a PARC Framework) is essential to establish resettlement-related Project commitments in terms of principles, procedures, entitlements and eligibility criteria, organizational arrangements, arrangements for monitoring and evaluation, consultation and participation, and mechanisms for redressing grievances, which the mining company will abide by during the Project lifecycle.

As an extension to this PARC Framework, a Plan d'action de réinstallation et de compensation (PARC) will be prepared for each subsequent Project component or sub-component that entails physical and/or economic displacement. PARC related planning activities will be commenced and PARCs prepared, at an early stage, and before Project construction activities commence on the ground.

While the Framework provides the overall principles and approach to resettlement, sub-Project PARCs will describe specific details of Project affected families, Project affected communities, the nature and intensity of displacement (physical and/or economic), compensation and entitlements at a community and household level, and feedback on resettlement and livelihood restoration options. Compensation for all economically or physically displaced people throughout the length of the project will be documented in a PARC.

### 1.3 Key Definitions

**Compensation:** Payment in cash or replacement in kind for an asset or a resource that is acquired or adversely affected by the Project.

**DUP:** Declaration of Public Interest (Déclaration d’Utilité Publique) or the DUP is the process by the state declares the intention to expropriate land in public interest. It requires a detailed enquiry to be held through documentation and consultation.

**Early Works:** All works that the Infrastructure Company considers as being necessary or useful for the implementation of the Project and in particular for the construction of the Infrastructure, such as in particular and without limitation the construction of the Pioneering Marine Offloading Facility (pMOF), Base Camps and Logistical Bases and/or all rehabilitation works of such Logistical Bases, works to exploit quarries and borrow pits of construction materials necessary notably for road works and works relating to the construction of the railway, construction works of new roads and access roads and re-profiling and/or widening of existing roads and access roads to facilitate the access of engineers to geotechnical drilling sites, groundwater hydrogeological drilling sites, Base Camps and Logistical Bases, as well as access roads to sites where bridges and tunnels are proposed, works in relation with the construction or extension of airports as well as construction, development and/or infrastructure works all other similar or ancillary works to the above mentioned works. The early works will entail physical and economic displacement.

**Economic Displacement:** Loss of income streams or means of livelihood resulting from land acquisition and/or obstructed access to resources (land, water or forest), associated with the Project regardless of impacts on residence and associated losses.

**Entitlement Framework:** Within the PARC Framework, the entitlement Framework provides the specific entitlements for each category of Project affected persons, which will typically include a combination of monetary compensation or in kind compensation, physical resettlement, livelihood and rehabilitation support.

**Involuntary Resettlement:** Resettlement is involuntary when it does not allow the impacted person/household the choice to accept or refuse project land acquisition or restrictions on land use that result in physical or economic displacement.

**Land Commission:** Land Commission will be under contract (Protocole d’accord and the Land Code) for participation and oversight of the process of land access, including asset and socio-economic survey, negotiation of compensation package at household and community levels, and final delivery of compensation and resettlement as agreed during negotiation.
**Land Expropriation:** Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise uses.

**Livelihood Restoration:** The commitment to provide economically and physically displaced communities and persons compensation for loss of assets at full replacement cost and other assistance and support to restore, and preferably improve their livelihoods and standards of living.

**Livelihood Restoration Plan:** A programme to support and enable PAPs to restore livelihoods, including income sources, and deliver the Project commitment to ensure that the PAPs restore and preferably improve their livelihood standards post physical and/or economic displacement.

**Non-land based impacts:** Non-land based project-impacts could include one or more of these: noise, vibration, dust; and may result in physical and/or economic displacement.

**PARC Framework:** This overarching guidance document that the project commits to; it establishes the project’s policies, procedures, entitlements, and implementation strategy in the event of economic or physical displacement throughout the life of the project.

**Physical Displacement:** Loss of shelter resulting from the acquisition of land and/or project impacts (noise, air quality, safety, loss of access etc.) associated with the Project that requires the Project Affected Person(s) to be moved to another location.

**PIN:** A project of high strategic and national interest, can be declared as Project of National Interest (*Projet d'Intérêt National* - PIN). The declaration is then published in the Official Journal of the Republic of Guinea (*Journal Officiel de la République de Guinée*) (JORG). This process ensures that the notified project footprint is communicated to the stakeholders at different levels (National, Regional, Prefecture, Sub Prefecture etc), and any other (non-project) large scale development activities is restricted by law within the notified area of the PIN.

**Plan d’action de réinstallation et de compensation (PARC):** The document based on the PARC Framework, in which a Project sponsor specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses for a particular Project component, and a plan to provide development benefits to persons and communities affected by the particular investment Project consistent with the principles and requirements of the PARC Framework and IFC PS 5. A number of PARCs will be developed covering different project components and sub-components.

**Project:** The Simandou Project, including the mine and its associated port, rail and related infrastructure.

**Project-Affected Area:** The Project affected area encompasses: (i) the primary Project site(s) and (ii) related facilities such as relocation areas and access roads, disposal areas, construction camps, quarries etc that the Project (including its contractors) develops or controls and whose viability and existence depend exclusively on the Project and whose goods or services are essential for the successful operation of the Project. It also relates to developments that are realistically defined in the Social and Environmental Impact Assessment (SEIA) including mitigation measures that could entail creation of buffer areas around Project components or require resettlement of people.

**Project-Affected Household (PAH):** All members of a household, whether related or not, operating as a single economic unit, who are affected by the Project. It may also include other dependents living in the same dwelling or set of dwellings, like close relatives (e.g. parents, grandchildren). In the Republic of Guinea and in the context of the PARC Framework, a *concession* includes several households among which at least one may be affected by the Project.

**Project-Affected Person (PAP):** Any person who, as a result of the implementation of the Project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, pasture or undeveloped/unused land), annual or perennial crops and trees, access to natural resources or any other fixed or moveable asset, either in full or in part, permanently or temporarily. The PAPs may broadly be categorized thus:

- Physically Displaced People *i.e.* people subject to Physical Displacement as defined hereunder;
- Economically Displaced People *i.e.* people subject to Economic Displacement as defined hereunder.
**Project Component**: These are the three main project components for which PARCs will be prepared, namely the port, rail and the mine.

**Project sub-components**: The overall land requirements for the 3 main components will be divided into several smaller land parcels for the purpose of land and asset surveys as well as household surveys. Each of these smaller parcels will be referred to as a sub component for which a separate PARC will be prepared. Each of these PARCs will be compliant to the PARC Framework.

**Regional and Local Development**: enhancing prosperity, access to health and education, improving wellbeing, and increasing living standards

**Resettlement Support and Assistance**: A range of support provided to PAPs during the resettlement process, which may include, for example transportation, and social or other services, shifting allowance to bear the cost of moving, transition allowance to compensate for the interim loss of livelihood and lost work days etc.

**Replacement Value**: Replacement value is the market value of the assets plus transaction costs (taxes, registration fees, cost of transport associated with registration of new land and land transfer, new dwellings and businesses) to be delivered to the project affected person.

**Resettlement Completion Audit**: A Completion Audit is conducted at the end of the resettlement and rehabilitation process to establish that all the adverse impacts of resettlement have been addressed in a manner that is consistent with the PARC Framework as well as the objectives of the IFC Performance Standard 5. The completion audit will include, at a minimum, a review of the totality of mitigation measures implemented by the Project, a comparison of implementation outcomes against agreed stated commitments, and a conclusion on when the Resettlement programme can be considered complete. The Audit will be undertaken by a qualified independent expert once the agreed monitoring period is concluded.

**Security of Tenure**: A measure to ensure that resettled individuals, households, or communities are resettled to a site that they can legally occupy and where they will not experience eviction. Formal and informal leadership in the community will be engaged to approve and ensure continuation of this security of tenure. The approach will be compatible with and respectful of the existing customary land tenure and management system.

**Temporary Land Access**: Land required for project activities for a short term (less than six months). The owner will be compensated for the use of land at replacement value. This will include compensation for the reestablishment of croplands and crop yields after the temporary disruption. In cases of cash compensation, the payment of staggered compensation will be considered to ensure that the compensation is used to restore livelihoods. E.g.s Geo-technical investigations, borrow pits, temporary construction buffers etc.

**Vulnerable Groups**: People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

*These definitions are primarily sourced from the IFC’s Handbook for Preparing a Resettlement Action Plan, 2001, with modifications as relevant to this Project.*

**Note**

This PARC Framework is an update of and builds upon/consolidates the draft Land Acquisition, Resettlement and Compensation Framework (LARCF) developed in June 2007 for the Project. The data, content and analysis done in the LARCF has been used extensively while updating the PARC Framework. Apart from the LARCF, various studies and assessments undertaken by SNC Lavalin, Synergy and others for Simfer have been used for the purpose of this PARC Framework.
The mine Project is located approximately 640km east southeast of Guinea’s capital, Conakry. In addition to the mine, the Simandou Project will also comprise a trans-Guinean railway and a deepwater port, owned by a separate, majority State-owned Guinean entity (SPV). Some early works are required to be in place prior to construction to facilitate the overall programme.

- **The Simandou Mine** will exploit the Pic de Fon and Ouéléba iron ore deposits located at the southern end of the Simandou Range within the Pic de Fon Classified Forest. Mining is to commence at Ouéléba followed by the Pic de Fon. A mine plant and railhead will be located at the base of the mountain.

- **The Railway**: Crushed and blended ore will be transported from the mine to a deepwater port via a railway of approximately 670 km running from Simandou to the coast of Guinea. The railway will run from the edge of the mining concession to the coast.

- **The Deepwater Port**: The Port will comprise an export wharf located in the Morebaya River. Iron ore will be loaded onto ships using ship-loaders located on the export wharf. Ship-loaders will receive iron ore via overland conveyors from car dumpers, located approximately 3-4km west of the rail head yard. Iron ore will be through loaded to the shiploaders. It will be stockpiled when direct loading onto ships is not possible.

The location of the mining concession and indicative locations for the ore railway line and deepwater port area are illustrated in Figure 2.1 below.

**Figure 2.1 Location Map**

![Location Map](image)

### 2.1 The Simandou Mine

The Simandou Mine will exploit the Pic de Fon and Ouéléba iron ore deposits located at the southern end of the Simandou Range within the Pic de Fon Classified Forest in the Prefecture of Beyla. Each deposit is approximately 6-8 km in length, 1-1.5 km wide and extends to over 300 m in depth and up to 500m in places. The pre-production and construction phase of the mine will comprise activities including:

- topsoil removal;
- access road construction;
- pre-stripping of the deposits;
- commissioning of the overland conveyor;
- early works associated with facilities, services and infrastructure; and
- early works associated with water and sedimentation control and treatment; and waste rock dump and stockpile base preparation.

The operation will be an open pit mine using conventional drill, blast, load and haul methods. Ore will then be extracted from the working face and carried to primary crushers located within the pits. From these it will be transferred by overland conveyor from the edge of each pit to the Mine Plant located at the bottom of the mountain where secondary and possibly tertiary crushing and screening will take place. Waste rock, blend ore and low-grade materials will be trucked to waste disposal and stockpile locations.

The ore product will be transferred by overland conveyor from the Mine Plant to a stockyard area (small size sufficient only to provide buffer capacity) at the rail head for loading onto ore trains. A large fleet of vehicles and equipment will be required for drilling, loading, hauling and providing support for operations (dozing, grading, etc). Typically these Heavy Mobile Equipment (HME) fleets will consist of hydraulic shovel excavators, front-end wheel loaders, production drills, off-highway haul trucks, water trucks, track dozers, wheel dozers, motor graders, and crane hydraulics. Other general plant and mobile equipment will be required such as mobile terrain cranes, fuel tankers, low loaders, light vehicles, forklifts, lift trucks, buses, tool handlers, fire tenders and ambulances. Other non-mining infrastructure required at the mine will include a workshop complex and material management/warehousing facility, pit workshops and offices, general offices, stores, medical facilities and security gates/offices, new internal and external site access roads, helipad(s), and accommodation villages.

Utilities required to operate the mine will include water abstraction, treatment and potable water supply, sewage treatment, fuel, oil and chemical storage, power supply and communications systems.

2.2 The Railway

Crushed and blended ore will be transported from the mine to a deepwater port via a railway of approximately 670 km running from Simandou to the coast of Guinea. The railway will run from the edge of the mining concession to the coast as provided in Figure 2.2 below.
The majority of the railway will be single tracked with approximately thirteen sidings and passing loops at approximately 40 km intervals along the line. The precise route is being finalized but the aim is to minimize the length of the railway and the need for earthworks and tunnelling, maintain an appropriate distance from international borders, and avoid built up areas and crossings over major transport routes. The width of the railway corridor is expected to be approximately 200 m which includes minimum set-back distances as per Rio Tinto safety requirements.

### 2.3 The Deepwater Port

The Port will comprise an export wharf located in the Morebaya River. Iron ore will be loaded onto ships using ship-loaders located on the export wharf. Ship-loaders will receive iron ore via overland conveyors from car dumpers, located approximately 3-4 km west of the rail head yard. Iron ore will be through loaded to the shiploaders. It will be stockpiled when direct loading onto ships is not possible.

The Port complex will also include a marine offloading facility, service wharf (for fuel supply), fuel storage, a power station, an administration & control room and ancillary buildings. To provide a navigable channel for iron ore vessels, a shipping channel will be dredged and maintained. The Port design allows for a two phase approach to construction and operation to allow for the ramp-up of the mine over a period of approximately three years.
This PARC Framework has been developed from the Land Acquisition, Resettlement and Compensation Framework (LARCF) prepared in June 2007 by Simfer for application across the Simandou Project footprint. The LARCF was developed to acquire land for an airstrip and associated facilities in the Simandou mine area and was based on surveys and consultation in the affected area. This Framework has supplemented that information with a rapid reconnaissance of the entire Project area, including the port and some section of the rail corridor to capture an overview of the entire Project and its socio-economic characteristics, and to be able to develop the entitlement framework and an implementation strategy that can guide the resettlement activities on the ground.

Detailed socio-economic baseline studies are being undertaken under the SEIA process, and will be built for each component PARCs in a phased approach as the project progresses.

### 3.1 Reconnaissance Visit and Community Consultations

A rapid reconnaissance was undertaken across the project footprint: in July 2011 - Canga and the mine area; followed by another visit to Forecariah Prefecture and the port area in August 2011, to inform the development of the PARC Framework and to assess the potential application of the framework to the different project components, in their regional context. The reconnaissance teams visited a small number of villages, met Village Chiefs and other local representatives and discussed issues that are key to the entitlement matrix in this Framework document:

- the proposed Project;
- potential Project impacts on land;
- the nature of land and asset ownerships;
- community structures and decision making;
- management and control of community lands and privately held lands;
- status of land records;
- the influence of lineage families/Founding Fathers;
- suggestions on the process of land take for the project as well as potential replacement land and alternative livelihoods and
- overall perception of the Project and key concerns.

A helicopter based reconnaissance was conducted at the same time in a section of the rail corridor near the mine. This helped understand the land use profile of the rail corridor, location and distances of the settlements and the potential range of resettlement issues that the PARC Framework would be required to cover.

These consultations and site visits enabled the team to scope the potential land and resettlement issues for the full Project footprint, though at a very high level. The information was supplemented by the SNL Lavalin baseline reports that were available at the time.
3.2 Approach and structure of the PARC

This PARC Framework provides an overview of the legislative Framework that will guide resettlement activities in Guinea, a broad entitlement Framework that will guide the determination of the compensation package for different category of impacts, an implementation strategy that will drive the process to be followed on ground for each component/sub-component of the Project, and overarching commitments on the processes to be followed on stakeholder engagement, grievance redressal, livelihood restoration and monitoring and evaluation consistent with the requirements of IFC Performance Standard 5.

The Project has three major components, namely the mine, the deep sea port and the rail between the mine and the port. Each of these major components will have a number of associated facilities and sub components. A separate PARC, each compliant with this PARC Framework will be prepared for each of these three components, and its sub-components (see definition of sub – component in section 1.3). For each of the components a detailed land and asset, household, village and community level survey and extensive consultations will be undertaken to determine the impacts of the Project, land users and owners will be identified and a compensation package for these impacts at the households as well as community level will be developed. The principles and methodology to be followed to conduct the surveys and prepare the entitlement matrix will be guided by this PARC Framework and hence will be consistent across the PARCs for each Project component and sub-component.

The PARC Framework is the guiding document for the resettlement activities in the Project (and was reviewed and approved by the Government of Guinea and the IFC). As and when each component PARC is prepared, they will be shared with the Government of Guinea and IFC.

3.2.1 PARCs for each Project Component/Sub-Component

Each PARC will provide the actual household and village level baseline and impacts based on the surveys and consultations, and will include an entitlement matrix that will define the specific numbers of impacted families, land and assets, entitlement options and costs. Specifically, each PARC will cover:

- detailed socio-economic profile;
- land ownership pattern;
- livelihood profile;
- stakeholder mapping;
- Impact assessment;
- key issues for PARC (including a summary of consultation and issues raised);
- detailed entitlement matrix for the project component;
- household and community level compensation package;
- A broad strategy for livelihood restoration;
- Implementation strategy; and
- PARC Budget.

On aspects of monitoring, reporting, organisational responsibilities etc, the PARC reports will fall back on the Framework which already commits to these processes which would also be agreed with the GoG and IFC.

The survey schedule will follow the priorities outlined by the engineering/construction schedule with the objective of providing land access in smaller parcels to the infrastructure Project implementation teams to
begin their activities. This means sub components of the port, rail and mine, as defined by these priorities, will be taken up for surveys.

A detailed methodology on how the surveys for the PARC sub components will be conducted and how each PARC report will be developed, has been described in Section 10; this section also includes a description of the independent market valuation study which has been conducted for the project by INSUCO. The study defines the valuation methodology, the assumptions used for defining rates for different assets and incomes, and the final list of rates that will be used to determine compensation and that were approved by GoG since July 2012.
To maintain the pace of works, the Project will need to acquire land and resettle people. Simultaneously, Simfer will initiate efficient and effective regional and local development to touch the lives of several million people. Flexible and informed responses are essential, since the drivers of social change, the degree of monetisation, and land tenure arrangements may vary widely across the rail corridor.

Despite the necessity of having to acquire land using the land access process Simfer will design and implement resettlement in accordance with Rio Tinto Community and IFC Standards. Care has been taken to align the route of rail and the project footprint in ways that avoid having to resettle villagers as far as possible. Resettlement and compensation will be executed on behalf of the Government of Guinea. The Government will acquire the land and transfer it to the SPV. The project was declared Project of National Interest (PIN) by Decree D/2012/108/PRG/SGG dated 4 October 2012.

The Resettlement process will be undertaken as a part of a larger plan of Regional and Local Development. Simfer understands the link between impoverishment and big resettlement, and therefore considers the project’s longer-term development objectives an essential part of its overall strategy of seeking to create and sustain a socially secure rail corridor area. By working with the Government, the donor community, and local communities the project can have a substantial impact on the Government goal of poverty reduction and can bring benefits to more than a million Guineans living within a few miles of the project area.

The long-term vision for the Simandou Project is presented in Table 4.1 below and underpins the approach for resettlement and community development.

**Table 4.1 Long Term Vision for the Simandou Project**

<table>
<thead>
<tr>
<th>Simandou Vision</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 An engine for community and country transformation</td>
<td></td>
</tr>
<tr>
<td>2 Full capture of the underlying resource value</td>
<td></td>
</tr>
<tr>
<td>3 Establishing a truly Guinean institution</td>
<td></td>
</tr>
<tr>
<td>4 World-class safety &amp; operating standards</td>
<td></td>
</tr>
<tr>
<td>5 An inspiring environmental legacy</td>
<td></td>
</tr>
</tbody>
</table>

Simfer has been working with the IFC, World Bank, EU and GOG to begin to define an approach to regional development which would accommodate a multilayered approach, including economic geography considerations, ethnicity, resource analysis demographics etc. Initial strategy is structured around three distinct sub-regions: (i) MOF and Forecariah area; (ii) highlands along the rail corridor; (iii) Guinée Forestière.

Simfer plans to instigate and support a planning process and offer a ‘vision’ for the region. This process will identify key challenges and opportunities as a result of the changes taking place and aim to prioritise/coordinate/channel regional economic and social programmes.

Both the organisational and the financing dimensions will be addressed. Simfer can help launch a multi-stakeholder approach, with a formal institution/forum set up to guide regional development and ensure participation. Simfer can instigate the process – including establishment of institution and fund first regional economic plan – but otherwise its role is that of a catalyst and long-term stakeholder rather than owner.
4.1 General Administrative Organization

The Guinea territorial administration is divided into eight Administrative Regions, divided into Prefectures and Sub-Prefectures. Each Prefecture headed by a Prefect (appointed) includes the following:

- In rural areas: a certain number of Sub-Prefectures headed by a Sub-Prefect (appointed);
- In urban areas: territorial communities headed by a Mayor (elected or appointed).

This territorial administration was restructured through the establishment of institutions associating local people with management of their land. Administrative decentralization was amended by the local authorities code. On the basis of this reorganization the Republic of Guinea’s territory is now organized into three levels:

- Rural Districts and Urban Neighbourhoods;
- Rural Communes and Urban Communes; and
- Prefectures and the City of Conakry.

In rural areas the territory of a Sub-Prefecture corresponds to that of a Rural Commune. This decentralized institution is administered by a Council headed by an elected Mayor. The Rural Commune is typically subdivided into three to seven Districts. The District is divided into Sectors that correspond more or less to geographical villages.

In urban areas the Community territory is divided into residential quarters. The organisation of the Council of the Urban Commune is similar to that of the Council of the Rural Commune. The table below provides the
administrative and local governance systems and a summary of responsibilities at each tier of governance.

Mayors are the local executive authorities of Rural Communes and Urban Communes and their roles and attributions are specified in the code governing local authorities (loi portant code des collectivités locales) in the Republic of Guinea.

Table 4.2 Administrative Structure and Local Governance in the Area

<table>
<thead>
<tr>
<th>Level</th>
<th>Responsibilities</th>
<th>Chief and Administrators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Appointment</td>
</tr>
<tr>
<td>Region</td>
<td>• Disseminate national policies</td>
<td>Governor</td>
</tr>
<tr>
<td></td>
<td>• First level of decentralised national ministries</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Oversee Prefectures &amp; lower administrative levels</td>
<td></td>
</tr>
<tr>
<td>Prefectures</td>
<td>• Second level of decentralised national ministries</td>
<td>Prefect</td>
</tr>
<tr>
<td></td>
<td>• Execute public expenditures within Prefectures</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Oversee Sub-Prefectures</td>
<td></td>
</tr>
<tr>
<td>Sub-Prefectures</td>
<td>• Implement laws of higher government Levels</td>
<td>Sub-prefect</td>
</tr>
<tr>
<td></td>
<td>• Ensure public safety and security</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Collect local taxes and fees</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Oversee Rural Communes and/or Urban Communes</td>
<td></td>
</tr>
<tr>
<td>Urban Communes &amp; Rural Communes</td>
<td>• Local service delivery</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Local development planning and investment</td>
<td>Mayor</td>
</tr>
<tr>
<td>Districts (rural) / Quarters (urban area)</td>
<td>• With Sub-Prefectures:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Ensure public safety &amp; security</td>
<td>District Chief</td>
</tr>
<tr>
<td></td>
<td>• Collect local taxes and fees</td>
<td></td>
</tr>
<tr>
<td>Sectors/villages (government administration)</td>
<td>• Annual census</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Collect local taxes and fees</td>
<td>Sector Chief</td>
</tr>
<tr>
<td>Sectors/villages (traditional governance)</td>
<td>• Conflict resolution</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Maintenance of local traditions &amp; customs</td>
<td>Chief that could originate from the founding family</td>
</tr>
</tbody>
</table>

Source: La Granada Ent. 2008b

The region, Prefecture and Sub-Prefecture represent the national government at various levels across the country. These administrative levels are under the direction of notable, the Ministry of Territorial Administration and Decentralisation, (Direction Nationale de l’Administration du Territoire) The National Direction for Decentralisation is responsible for the formulation and implementation of the government’s decentralization policies.

In general, at the level of the district there is the Council of Elders which is elected by the people living in the district from among the respected elders. The Council of Elders is a traditional institution that is legally recognized and has several responsibilities; one of the most important being distribution of land (this is actually a right and responsibility that is held by the Founding Family, as per tradition). In addition, the Council of Elders and the decentralized authorities are supported by les communicateurs traditionels or designated communicators in Prefectures who are responsible for passing down key information, decisions and/or decrees to the level of individual hamlets within a village.

4.2 Project Location

The footprint area and geographical spread of the Simandou Project spans five administrative regions, ten Prefectures and 44 Sub-Prefectures. Table 4.3 and Figure 4.2 below show the Prefectures and Sub-Prefectures where the footprint of the Project may lie.
Table 4.3 Administrative and Geographic Spread of the Project

<table>
<thead>
<tr>
<th>Administrative Region</th>
<th>Prefecture</th>
<th>Sub-Prefecture</th>
<th>Urban Communes</th>
</tr>
</thead>
<tbody>
<tr>
<td>N’ZEREKORE</td>
<td>Beyla</td>
<td>Nionsomoridou</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Macenta</td>
<td>Kouankan</td>
<td>Vasséréédou</td>
</tr>
<tr>
<td>KANKAN</td>
<td>Kérouané</td>
<td>Sibiribaro</td>
<td>Kónsakoro</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Damaro</td>
<td>Banankoro</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Soromaya</td>
<td>Komodou</td>
</tr>
<tr>
<td></td>
<td>Kankan</td>
<td>Mamouroudou</td>
<td>Tokounou</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Moribayah</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kouroussa</td>
<td>Douako</td>
<td></td>
</tr>
<tr>
<td>FARANAH</td>
<td>Kissidougou</td>
<td>Albadariah</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Faranah</td>
<td>Tiro</td>
<td>Faranah</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Gnaléah</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Songoyah</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hérémakonon</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sandényiah</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Malélla</td>
<td></td>
</tr>
<tr>
<td>MAMOU</td>
<td>Mamou</td>
<td>Ouré-Kaba</td>
<td>Mamou</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kégnéko</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Soyah</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dounet</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tolo</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bouliwel</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kounkouré</td>
<td></td>
</tr>
<tr>
<td>KINDIA</td>
<td>Kindia</td>
<td>Madina-Oula</td>
<td>Kindia</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Souguéta</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kolenté</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Forécariah</td>
<td>Sikhourou</td>
<td>Forécariah</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Moussaya</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Farmoréah</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kallia</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Allassoyah</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Benty</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kaback</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Malériya</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kakossa</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>39</td>
<td>5</td>
</tr>
</tbody>
</table>

Note: These are indicative based on current designs and locations of Project utilities and are subject to change.
**Figure 4.2** Location and Administrative Boundaries of the Project (PIN declared on 4 October 2012)

4.3 Socio-Economic Profile

The socio-economic profile of the communities in the Project footprint area is characterized by a wide mix of ethnic and community groups with often very different faith, belief, customs and traditions. The following sections provide a brief snapshot of the communities and the overall human environment in the Project footprint area.

4.3.1 Population Distribution

The population distribution is marked by the general trend of concentration of people in places where there are potentially profitable activities such as farming, grazing, fishing, trade or industry. The population distribution is skewed between farming zones and urban centres where approximately 70% and 30% of the population live respectively. Rural populations are settled around good and/or fertile and productive land, good grazing areas, water, and wood from forests used as fuel wood. The main areas of population concentration within the Project footprint are located:

- **Beyla Prefecture**: there is high concentration in the population centres of Beyla, Moribadou and Nionsomoridou;

- **Kérouané Prefecture**: there is high concentration in the population centres of Banankoro (highly populated, with several villages having more than 1,000 habitants) and Kérouané (urban and peri-urban area); three concentrations of small villages in Damaro Sub-Prefecture;

- **Kankan Prefecture**: there is concentration of people in Monbaya, Tokounou and Mamouroudou;

- **Kissidougou Prefecture**: villages in the northern part of the Sub-Prefecture are Farawayah (~1,200), Mandoukoro, Koutaya as well as the Districts of Mernah (~5000 inhabitants) and Albadariah-Centre;

- **Faranah Prefecture**: high concentration in the population centre of Marélla (many small hamlets fairly close together), Sanouya, Faranah-Centre, Tiro, and the village of Dantilia at the confluence of three rivers;

- **Kindia and Mamou Prefectures**: high concentration along RN-1 from Linsan to the population centre of Mamou-Centre and Kindia;

- **Forécariah Prefecture**: axes of concentration of dwellings on the Islands of Kakossa and Kabak, and in the population centres of Maférénya, Forécariah, Farmoréah and Moussaya.

Elsewhere, villages are dispersed fairly uniformly across the footprint area with large tracts of land, especially along the railway corridor, either uninhabited or very sparsely populated. The Rural Commune of île Kabak has a total population of over 20,000 which is concentrated mainly along the three main trails that cross the island from north to south where the dwellings are permanent. The Matakang Peninsula is relatively densely populated as compared to the other regions in the Project footprint areas.

The population distribution between the sexes is nearly equal with women comprising a slightly higher (~52%) percentage of population then men (~48%). A broad analysis of the age distribution suggests that a majority (more than 45%) of the population is young and in the working age group.

The average household size in the Project area ranges between 6 and 6.5. Typically in villages the family size is large (eight to ten members) and encompasses extended family or clan members. One factor attributed to the large family size is the practice of polygamy in the area.
4.3.2 Housing and Settlement Pattern

Traditional housing and settlement pattern is found in the Project footprint area. More often a village is subdivided into different areas, each generally recognized as belonging to and occupied by the members of a single lineage. The village family heads generally occupy the pivotal position around which the settlement grows. The traditional family concession takes the physical form of a cluster of circular huts with an open courtyard in the centre. This courtyard is used by all household members for social and cultural activities such as family councils and various ceremonies, as well as for animal pens and other shared facilities.

Huts serve different purposes for men and women in the household. In cases of polygamy, each wife has a hut where she and her children will sleep and eat. The head of the household has his own hut. Other huts are used for cooking, storing talismans, men’s hunting equipment or processing activities. Often, more than one household forms a concession in local parlance. In several areas along the rail corridor, such as Mamou, Faranah and Kissidougou, it is often a concession that makes up a specific hamlet of the village. In other words, hamlets are formed around concessions.

Traditionally, each village is encircled by a forested area. In addition to being a source of timber and non-timber forest produce that form an integral part of livelihoods these forests are also places of great social, cultural and religious importance to people. Each of these villages consists of dwelling units and kitchen gardens grouped along family lines.

The most common form of housing is the traditional house which is a circular mud-brick hut with a dome-shaped thatch roof, although families with the financial means may replace the thatch with a tin roof. The other form of housing is the more durable brick and concrete structure (rectangular houses using masonry or cement bricks and tin roofs). This type of housing is most common in urban areas.

4.3.3 Religion and Ethnicity

Islam is the predominant religion in the study area and Muslims form the most common religious groups (more than 85%). Christianity is the other important religion which is practiced by approximately 10-12% of the population. A small proportion of the population (~2%) declare themselves atheist. One noticeable trend in the religious classification is the presence of relatively higher number of non Muslims in the urban centres. This has been linked to the growing influence of Christianity and increasing trend among the ethnic groups to convert to Christianity. Religion continues to play a key role in affairs of the village and in shaping the faith and belief of the general population. Some traditional beliefs still exist among the villagers, thus creating some contradictions between religion and traditional beliefs (for example with regard to sacred sites, earth rituals, evil spirits and protective spirits).

The Project footprint area has areas where there is predominantly one ethnic group, while other areas (like Forest Guinea) are characterized by ethnic diversity, with linkages forged from inter-ethnic marriages and population movements. The key ethnic groups include Malinké or Konianké, Soussou, Peul, Guerzé, Toma, Kissi, Kono, Mano, Bassari. Inter community marriages and affiliations have resulted in assimilation of some of these communities into one another in terms of language, customs and beliefs.

Ethnic issues are evident both in the rail corridor, with respect to employment policy and practice and in the political life of the country. There has been and continues to be conflict between several of the ethnic groups along the corridor. This has obvious implications for survey work, the design and delivery of economic and social development opportunities as well as the delivery of Community Relations. Field staff needs to understand ethnic differences and there will be a requirement to have local language capacity in order to conduct compensation discussions and negotiation.
4.3.4 Social Organisation and Inheritance

The social and economic organisation of the villages along the project corridor reflects segmentary lineage principles. In any village there may be three or four patrilineal and patrilocal kinship groups. A lineage refers to a group with common lines of ancestry or descent. Lineage land is that which is available for use by members of the lineage, the rights to which are customarily governed by the head of the lineage. Lineage elders may have powers, duties, and responsibilities over a wide area, sometimes up to several hundred miles. These groups have no permanent leaders, and instead individuals align with groups according to their assumed genealogical distance. In segmentary lineages, (descendants of) close kin stand together against more distant kin (descendants of), brothers are allied against (descendants of) cousins, cousins against second cousins etc. Thus, even very distant kin will automatically put their conflicts to the side and unite against any threat from groups of non-kin. These systems have important functions related to inheritance and property rights.

The managers of the system are the elders and their main responsibilities revolve around the management and conservation requirements of the resources in their territory. The elders are “grass-roots institutions” that in effect have to negotiate their power day-by-day, and therefore embody a degree of flexibility that may be extremely useful for the efficient management of natural resources. The physical closeness to their “constituency” allows for the application of a set of rules and norms that will rarely be out of touch with ecological reality. And obviously it will be an advantage to have resettlement that includes an approved role for the elders.

However, in places where money economy has influence, elders may be unable to assert their authority because they are not sufficiently powerful or respected and because they do not have the resources to adapt to the changing times, the level of conflicts and demands of the high number of unemployed youth in those areas. Unemployed youths are observed to becoming restless and problematic and do not respect the traditions as their parental generation did.

Families descending from the same ancestor and heirs of the same name belong to the same kabila or lineage. The lineage is under the authority of a chief (kabila kounti), who is generally the oldest person. He protects the family, settles disputes and represents his lineage at the village council of elders. Each village
has a founding lineage, which is the lineage of the first settler as recorded by oral tradition.

The management of the village as a dwelling place is entrusted to the village chief (sooti) whose role is to represent the sector (or village) to higher levels of government administration, i.e., the district, and Sub-Prefecture. He is also charged with responsibilities of carrying out an annual census of the village population and to collect taxes in the sector.

4.3.5 Gender

The role of women within the community dynamics and social structure in the Republic of Guinea derives from customary practices that have traditionally attributed an inferior status to females as compared to males. Typically in rural areas, women cultivate land, collect non-timber forest products and may also have access rights to gather firewood and other tree products. They convert palm oil and process crops such as making peanut paste, to meet household needs and, if there are surpluses, for sale in local markets. In the coastal areas, women are involved in vegetable gardening, maintaining fruit trees and fishing in the paddy field or bogoni as is locally called. Women in the coastal areas contribute to the household income through activities derived from fishing. Very few women work in the formal sector.

Property rights are not the same for men and women within a household: gender-differentiated rules exist which govern rights to dispose, use, or harvest a given resource. In coastal areas women play a prominent role in smoking and selling fish and they are also active in rice marketing. They play an important role in what has been called ‘penny capitalism’ buying and selling goods and commodities and taking a leading role in marketing. These entrepreneurial talents can become important advantages to avail of the project benefits and regional development.

4.3.6 Role of women

This sub-section discusses key gender sensitivities that have implications for mainstreaming women issues into resettlement planning and implementation for the Simandou Project.

Access to Land

Although Guinean legislation on ownership rights as defined by the Land Code is favourable to women, customary law prohibits women from having access to land. Women are entitled to hold land only on a usufruct basis, which enables them to work on family-owned land and draw a wage/income which would eventually be shared with the male head of household. Such rights, i.e. “individual rights to use” through land allocated to women through marriage, i.e. the husband’s family, is mostly used for cultivation of market garden crops.

In addition, although women in the project area do not have traditional rights of property inheritance, it is not uncommon for women to pass on “individual rights to use” on to their daughters. While such cases are exceptions, it is important to note that such rights will need to be respected in order to avoid disinheritance of women by husbands or any elders.

Participation in the Workforce

According to the World Bank, women account for more than half of the agricultural labour force (53%) and are responsible for approximately 80% of food production in Guinea, but are typically unpaid and involved in subsistence farming. Men in Guinea typically control 75% of cash cropping and agricultural income. Most women in productive age group are employed as agricultural workers and are largely involved in food crop production. Women play a major role at the production level in activities such as soil preparation, sowing, weeding and harvesting.

Women are also at the forefront in processing and marketing of agriculture and aquaculture activities. For instance, in Guinea Maritime, while fishing is dominated by men, women are widely engaged in smoking of fish as well as selling fish. In other parts of Guinea, women take most of the rice marketed by the producers and parboil it before husking. The good quality rice obtained then gives a yield of more than 70% at husking.
and attracts a quality premium in the market. Women are also engaged in other land-based activities such as collection of fuel wood and processing of non-timber based forest produce. This includes converting palm oil and processing crops such as making peanut paste, to meet household needs and, if there are surpluses, for sale in local markets.

Within the Simandou Project area, women play a significant role in the economy of the family thus underlying the involvement of women in livelihood and subsistence activities. In many cases, the income of men is used for expenditure associated with housing and family ceremonies and the women’s income pays for food, clothing, healthcare, education and other expenses associated with children. For this reason, women’s incomes may be particularly important and any reduction of their incomes can significantly adversely impact the health and well-being of the family, and particularly children.

**Access to Credit**

Women in rural areas are recognised to be particularly vulnerable to being time and consumption poor, which means they are working long hours generating a very low income. Access to formal sources of credit, such as bank loans is particularly difficult for Guinean women in rural areas. This is mainly because of the inability of women to meet the conditions set by commercial banks as well as the lack of financial literacy and inadequate rural banking infrastructure.

The traditional system of small-scale savings groups (“tontines”) remain the predominance source of ready cash for women. Tontines are organized at a community-level and are a form of intra-aid for women, without any allegiance to lineage boundaries. It is also observed that tontines also provide an initial start-up capital for Guinean women to engage in petty enterprises, such as installation of “fumoirs” for fish smoking, purchase of seeds and fertilizers for market gardening etc. In addition, women associations around economic activities are also commonly found in Guinea Maritime and Guinea Forestiere.

**4.3.7 Local Economy, Livelihoods, and Regional Development Programmes**

Agriculture is the mainstay of the local and household economy in the Project footprint area. The other important livelihood sources are animal husbandry, plantation and fishing. The section below provides a brief analysis of the region wide predominant economic and livelihood systems. Simfer takes a long-term approach to resettlement, regional and local development with the intention to develop generic programmes of development which can encompass and assist livelihood initiatives related to economic and social wellbeing.

Special attention will be paid to developing programmes that can gain high levels of female participation. Preliminary scoping indicates that the following areas would be high priority: fish smoking, improved oil extraction & soap making, market gardening, adult literacy classes, with discussion on important issues such as child care, agriculture, petty trade and housekeeping, micro-credit, poultry and other small livestock etc.

The project will ensure that there is a direct alignment of the resettlement process with the overarching economic development framework as both these will impact the communities impacted by the project.

The Regional Development programmes will accommodate and extend the efficacy of livelihood restoration. This will be achieved by either direct replacement with like for like or supporting the transition to a new means of livelihood. On current estimates, over 6100 households affecting over 34,000 people may require some form of livelihood restoration. This represents a major challenge and the importance of managing this concurrently with the resettlement is being designed in line with the economic development program for Guinea.

Detailed livelihoods information is being obtained through the socio-economic survey and data is being assessed to identify potential sources of primary, secondary and supplementary income. This also includes assessments on local goods and services, availability of support services such as credit agencies and current skill pool and labour requirements and readiness for new projects.

The R&CD team in consultation with the affected people will identify new economic opportunities such as land based opportunities, wage employment in the project, skill based livelihood, agricultural and fishing productivity improvements. With the communities and in conjunction with relevant expertise there is planned to be investment in agricultural development as part of the resettlement program.
Table 4.4 – Livelihood types by area

<table>
<thead>
<tr>
<th>Project area</th>
<th>Principal source of livelihood</th>
<th>Secondary sources of livelihood</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mine</td>
<td>Agriculture (93%)</td>
<td>Hunting (19%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Animal Husbandry (15%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Palm oil (11%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Trade &amp; crafts (12%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vending, healer or priest (9% each)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Artisanal mining</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Livestock breeding</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hunting, gathering</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fishing</td>
</tr>
<tr>
<td>Rail</td>
<td>Agriculture (predominantly rice)</td>
<td></td>
</tr>
<tr>
<td>Port</td>
<td>Agriculture (predominantly rice, but also; market garden crops such as red pepper, eggplant, water melon, okra)</td>
<td>Palm oil</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fishing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Seasonal salt production</td>
</tr>
</tbody>
</table>

(2010, SNC Lavalin’s study for Simfer)

4.3.8 Maximising local employment

A high priority of the Project is to maximise the local employment of resettled and other local residents. Local employment will be one of the means to benefit the local population and will supplement the core livelihood restoration programmes which are a part of the project entitlements. Consultation in different part of the project area highlighted the growing expectations around employment and skill development.

Forest Guinea (Kissidougou, Macenta and Beyla)

Agriculture consists mainly of rice farming with rice being the main subsistence crop in Forest Guinea. There is rain-fed farming on the hillsides and irrigated farming in the low lands. Slash-and-burn farming is practiced throughout the territory. After one year of rice crops, farmers plant manioc, peanuts, and/or other crops, then allow the land to lie fallow for shorter and shorter periods of time (varying from four to seven years). In the southern parts of Kissidougou and Beyla, where there is less rainfall, manioc and corn are the dominant crops. To a lesser extent, garden crops such as onion, okra, groundnut, watermelon, sweet potatoes, yam, taro, pepper, eggplant, tomatoes, are also grown. Fruit trees include avocado, cola nut, mango, palm oil, coffee, banana, orange, papaya, banana, and grapefruit.

Very large natural pastures make for high quality grazing in this area and there are numerous herds of cattle that use these areas. Small ruminants are raised in many areas while intensive poultry and pig raising is developing around urban centres in the peri-urban zone.

Villagers in this area rely heavily on crop and animal production to meet all of their livelihood and sustenance needs. They grow most of their foodstuffs and exchange or sell the surplus to pay for other needs such as medical expenses, marriage costs, and foods they do not grow themselves.

Upper Guinea (Kankan, Kouroussa, Kérouané, and Faranah Prefectures)

This area has significant potential in terms of land and animal resources. Rice growing is the primary occupation on both hills (coteau) and low land (bas fond), followed by cassava, maize, and groundnuts. The "bas fond" lands are highly water intensive and represent considerable agricultural potential, but few of them have been developed as rice field to date. Grassland savannas with islands of wooded vegetation, flood savannas, and bowés provide extensive grazing areas.

Middle Guinea (Mamou Prefecture)

This area is broadly characterized by herding, farming, crafts, and trade. Crops are raised in tapades (corn, root vegetables, manioc, potatoes, taro, peanuts, and various plants used in the preparation of sauces), in
slash-and-burn fields (cereal crops like fonio, rice, millet, sorghum), and in low lands. The latter are especially used during the dry season, thereby extending the cropping period. The main crops are tomatoes, peppers, potatoes, eggplants, and cabbage. Cattle, sheep, and goat herding is an important supplemental activity.

**Maritime Guinea (Forécariah and Kindia Prefectures)**

This is a region with considerable agro-pastoral potential because of its climate, varied topography, rich soil, extensive water channel system, and a dense and multiethnic population. It includes:

- The coastal mangrove forest area that presents a diversity of environments depending on altitude and water salinity (mangroves, swamps, plains and saline bottom land). Production systems include mangrove rice cultivation, fishing and salt extraction.

- The transition zone where market farming and fruit tree plantations take place in addition to rice-growing and palm stands.

- The low plateau zone where the main croplands are the hillsides and bottom lands.

Rice is intensively cultivated in mangroves around Kabak, grown in non-irrigated, rainfall flooded fields in the plains (bogonî) and islands off the lower estuaries (subject to submersion during high tide). The potential of this sort of rice cultivation is particularly attractive and yields vary between three and four tonnes per hectare per growing cycle, with no inputs (fertilizers or herbicides). This region remains one of Guinea’s rice baskets and the economy of these islands is therefore based primarily on rice cultivation.

Other economic activities in this area include fishing which is another major source of sustenance and livelihoods. The islands’ other economic activities include salt extraction, wood cutting, palm oil extraction, gathering and selling of coconuts, and livestock raising (cattle and sheep). Animal husbandry is another important economic activity prevalent all across the Project footprint area. Three main forms of animal husbandry are common to the Project footprint in general and to this region in particular:

- animals that are kept close to the residence (animaux de case), including poultry, small ruminants, traction oxen;

- cattle raised by sedentary farmers in more distant pastures, but which never leave the village territory; and

- transhumant cattle, which is mainly raised by Peul herdsmen.

**Other Livelihoods**

The Project area has good potential for livestock (good pasture and abundance of water sources). Every family keeps at least a few cattle, with women usually in charge of tending the animals. Cattle are left to graze by themselves from November until the end of April/early May. During the farming season, they are tied up in the fields or in the villages. Animal husbandry is not integrated with farming. Organic matter produced by animals is not used as fertilizer. A significant source of income in animal husbandry is the trade and/or sale of cattle, especially oxen, through established cattle trading routes along the border of Guinea and Sierra Leone, especially in the Prefectures of Mamou and Faranah.

Due to its natural potentialities (very large pasture and rivers) some of the areas (like Beyla) have a significant proportion of inhabitants that also carry out hunting activities. Many villagers hunt in the areas around the cultivated fields, sometimes lighting bushfires to chase animals such as rodents. Oral tradition records that village like Moribadou (in Beyla) was a village of hunters. However, this activity now appears to be marginal.

**4.3.9 Cultural Sensitivity**

Cultural and traditional sensitivities are a key aspect of the lives of people in the Project footprint area. In forests and fields around villages throughout the area, there are important cultural sites which are
considered sacred and culturally significant and these hold a key place in the societal affairs.

There are some virtually permanent or very widespread cultural landscape elements in almost all the villages which are considered sacred. Each large village usually has a cemetery, sometimes containing tombs of the village's founders. There are also sacred or religious sites such as a small haunted or sacred forest on a hillside, sacred ponds, or significant natural elements (special trees, grottos, and rocks) where one goes to ask the spirits' grace. For example, sacred forests are found in the Project area, where offerings to genies and ancestors are performed. These forests are usually located by a river sources and are used in pharmacopoeia, circumcision, and other youth initiation rites. Similarly, some particularly large isolated trees may bear cultural significance. The same is true for rock outcrops or springs. It should be noted that the most preserved and revered sacred sites are located along the coast.

Extensive cultural heritage mapping was undertaken in 2008, 2010 and 2011 for the mine area. Altogether, 106 cultural sites were identified; they include; Historic, Archaeological, Religious, Sacred and Initiation sites. Of these, 21 in 16 villages were identified as having 'high cultural importance' and 15 archaeological sites are linked to traditional iron ore reduction activity.

![Map of cultural heritage sites in the mine project zone](image)

**Figure 4.4 – 2010 baseline – 'Cultural Heritage sites in the mine project zone'**

Maintenance of traditional rituals and practices are still common among people in the Project footprint area. In forests and fields around villages throughout the area, there are important cultural sites which are considered sacred and culturally significant and these hold a key place in the societal affairs.

In general, cultural sites are the most revered and secretive traditions within the Guinean society. Traditionally, only a few members of the Council of Elders are privy to information about the locations of such sites and customs that are associated with them. Newcomers to a village or area are generally not informed about the existence of such sites. In terms of sanctity, it is observed that sites associated with rituals such as initiation and circumcision are much more important for a community in comparison with sites that are frequented by animistic or spiritual beings.
4.3.10 Physical and Social Infrastructure

Education and Literacy

A large proportion of the population (irrespective of gender and community groups) in the Project footprint area is illiterate and has no access to either formal or informal educational institutions. Educational infrastructure to support primary and secondary education is generally not available at the village level. In the absence of these inhabitants either remain illiterate or drop out after basic primary education. A small percentage (<1%) of people access post-secondary education.

Health

The health coverage and services in the Project footprint area is very low and almost absent in most of the villages. It does not meet the national standard for district-level integrated health stations which stipulates that districts with populations greater than 3,000 people and located more than 10 km from the Sub-Prefecture community health centre should have an integrated health station. Typically basic health services are available at the Prefecture level and specialized health services are available in key urban centres especially in the capital town of Conakry.

In the absence of proper health infrastructure and services, the dependence on traditional systems of medicine is very high (more than 60%). Health seeking behaviour of the general community is mostly driven by traditional myths and practices. Infant and maternal mortality rates are reportedly high and episodes of ailments linked to malaria, respiratory infections, diarrheal diseases and bilharzias are common. In addition, the existing health facilities are under-equipped and lack staff and resources to cater to the needs of the communities.

Water Supply

The main sources of water for communities alongside the infrastructure corridor are boreholes, traditional wells and surface water bodies such as rivers or streams. These rivers and streams are vital to the wellbeing and livelihoods of communities that use them to meet household needs (drinking, cooking, washing and bathing); make bricks to for house construction; for irrigation; to provide water for livestock; for fishing; and for cultural rituals.

Apart from basic domestic purposes, water is also used for supporting local livelihoods activities including small-scale irrigation, mainly for rice cropping in lowlands; palm oil extraction; artisanal mining; housing construction, and for livestock breeding. Subsistence fishing is also practiced in several watercourses and is a significant part of local communities’ livelihoods. It should also be noted that cultural sites (eg initiation sites for circumcision and excision) are very dependent on the presence of good quality water. The Project area faces water problems relating to quality (potability), quantity (availability) especially during the dry season, and access (water sources being located at a distance).

Power and Telecommunications

Across the Project area access to electricity is limited and available to less than 25% of all households. The service is also much more concentrated in urban areas: less than 5% of households living in rural areas have access to electricity as compared with more than 64% of urban households. Electricity supply is also limited with an average supply of less than three to four days per week for an average daily duration of five to seven hours. A small number of households use electricity through rechargeable batteries, solar panels and/or generators. Access and coverage of telecommunication facility is increasing due to increased penetration of mobile telephones. However, the mobile network though relatively good in urban areas is not so in many rural areas.
Hygiene and Sanitation

Both the rural and urban areas have low coverage in terms of sanitary facilities. More than 50% of the population does not use any latrines. Solid waste management is a problem in both rural and urban areas with no provisions for collection and disposal of waste.
5 LEGAL AND POLICY FRAMEWORK

This section describes the statutory or legal and other provisions or standards applicable to the land expropriation, compensation and resettlement related issues of the Simandou Project. The regulatory framework highlights the provisions and identifies the key stipulations that are applicable for the Project and activities associated with it. These include the IFC Performance Standards (PS) and Simfer’s own policy and standards on land and community issues.

5.1 The legal and Regulatory Framework

Laws that are either directly or indirectly linked to the issues around land, resettlement and compensation are those that pertain to natural resource management (and are mostly focused around laws for mining, forestry, livestock rearing, town planning and land). The mining code also provides the Framework under which the concession rights have been given and are to be implemented by the Project.

5.1.1 Constitution (2010)

Before discussing the most appropriate legal provisions and legislations dealing with land expropriation and Compensation it is important to discuss the overarching Framework which governs land and property rights in the Republic of Guinea.

Article 13, Constitution (2010) of the Republic of Guinea which is aligned to Article 17 of the Universal Declaration of Human Rights\(^5\), guarantees every citizen of Guinea the right to own property. It suggests that nobody can be deprived of the right to property except where public interest has been established. Even such cases are subject to payment of fair and prior compensation. This provision of the Constitution (2010) has also been confirmed by the Civil Code. The Domain and Land Code provides provisions on expropriation for public purposes though there is no detailed procedure defined in these regulations.

5.1.2 Mining Concession 2011 pursuant to Basic Convention

The mining concession for the exploration and mining of iron ore over the Southern part of Simandou was granted by decree (Decree D/2011/134/PRG/SGG) to Simfer on April 22, 2011. This decree was issued in accordance with the Basic Convention and the Settlement Agreement. The decree granting the concession identifies the location, the area and the perimeter of the territory in the concession and defines the duration of its validity. The Basic Convention defines the general and specific conditions related to the exploration and mining of the Simandou iron ore deposits. The Basic Convention also defines the applicable laws and decrees and the obligations pertaining to the respect of health and safety regulations, environmental conservation and the rehabilitation of areas disturbed by the mining works, in accordance with the Mining and the Environment Codes.

Moreover the Basic Convention contains specific provisions governing land expropriation, compensation and resettlement issues.

5.1.3 The Mining Code, 1995\(^6\)

The Mining Code 1995 aims at setting the Framework for all mining activities in Guinea, including investigations, operation, trade and transformation. It presents the principle of State ownership of all mineral resources contained in the territory of Guinea. It suggests that if not directly undertaken by the State itself, development of mines and quarries can only be granted to Guinean entities, whether public or private. Different instruments provide the appropriate Framework for mining operations according to their scope, with major extraction operations falling under the mining concession regime. These include aspects such as the

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\(^5\) as adopted and proclaimed by United Nations General Assembly resolution 217 A (III) of 10 December 1948

\(^6\) Pursuant to the Basic Convention and to the Settlement Agreement, the new mining code adopted in September 2011 and amended in April 2013 is not applicable to the Project. Therefore, references to the Mining Code refer to the applicable provisions of the 1995 Mining Code.
rational development of national mineral resources using standard techniques (good practice) recognized in the mining industry; ensuring environmental protection by taking measures for prevention of environmental pollution, treatment of wastes, emissions and effluents, and preservation of forest and water resources, c) preferential treatment to Guinean enterprises and workers and encouraging transfer of technology.

Under the provisions of the Mining Code, the concessionaire is allowed to occupy land needed to carry out their activities within the perimeter of their title or concession area, if so authorized by the title or by order of the Ministry of Mines. The onus of compensating the legitimate occupants of such land (primarily for losses of use) lies with the concessionaire in such cases. The Mining Code appears to provide for two different processes with respect to land expropriation and/or compensation for loss of enjoyment:

1. **Acquisition (Article 70)**, with the ability to expropriate for public interest as long as related requisites are in place (Declaration of Public Interest). In such cases compensation is due to owners, usufruct beneficiaries and occupants for any damage caused, including developments that are not damaged but cannot be used due to the mining operations;

2. **Occupation (Article 69)**, which is deemed temporary, only for the duration of the concession, with compensation to owners, usufructuaries, and occupants for damage caused, and the eventual return of land to the latter when mining operations are complete.

### 5.1.4 The Domain and Land Code, 1992

**Background**

Land legislation in Guinea was long dominated by a regime based on state ownership of land. However, considerable progress has been made after the enactment of the Domain and Land Code (Act 0/92/019 of 30 March 1992) in developing land legislations based on the recognition and protection of private property. This Act replaces legislation that had been in force since the First Republic, which vested in the state monopoly of all land in the country and a concessionary system that allowed individuals to obtain rights of use.

The Domain and Land Code has the broadest scope in terms of land management and was promulgated by the government to orient its development policies around the doctrine of economic liberalization. It recalls the first the right of private ownership in accordance with the general principle set forward by the Constitution 2010.

**Scope and Applicability**

Administration of both private and public lands in both rural and urban areas is now based on the provisions for the Domain and Land Code. The Domain and Land Code determines the rules for the appropriation of land by private persons, and establishes which land belongs to the State and other public bodies. It also specifies the modalities for protecting these rights, setting out the procedure for the registration of land and land titles. It contains 238 articles grouped under 6 headings, as shown below.

- Rights of Ownership;
- Establishing the Nature of Ownership;
- Curbs on Ownership Rights;
- Characteristics of Property Rights Held by Public Institutions;
- Land Registration; and
- Provisional and Miscellaneous Arrangements.

Although the Domain and Land Code contains many innovations designed to encourage sustainable land
management, it does not adequately define how the customary land ownership ways would be considered in the new land management regime.

Summary of Key Provisions

The primary focus of the Domain and Land Code is on registered property, with many of its provisions relevant to the processes and procedures for the establishment and registration of titles, leases, mortgages and encumbrances.

In the context of the above, the Act grants the provision for the State as well as all corporate and legal entities to hold title to land as property (Article 1). Property as per this Act is defined as the free use and disposal of a resource, subject only to specific limitations related to public interest (Article 2). However, to be normally considered property, the said land must be registered in a land tenure plan that is maintained by the relevant Urban Commune, as the case may be (Article 3). The land must also be registered with the national land tenure registry (Article 3). This confers legal rights to the land to the title holder (Article 10). However in Article 39 of the Domain and Land Code, on provisions regarding Customary Land Rights, a peaceful occupier of the land could also be legally considered as the owner of such land without having a land title registered.

Two types of land registration procedures are envisaged and defined under the Act:

- The Land Ownership Plan, a simple administrative document, not in itself a property title and held at the urban municipality or Rural Development Community level.

- The Land Ownership Registration, held by the Land Ownership Conservation Department, and allowing for the issuance of a full ownership deed.

In rural areas, there has been little progress as yet in the implementation of these registration procedures though there have been some attempts (such as the OPPFR – Opération Pilote du Plan Foncier Rural, launched in 1991-92 with funding from the World Bank) aimed at mapping and registration of land plots, including those having customary ownerships, which have had initial success but were not carried forward due to paucity of funds.

Provisions regarding Customary Land Rights

Although the primary focus of the Domain and Land Code is on registered/formally titled property and it does not recognize “Customary Rights”, there are provisions of the law (such as Article 39) which provide directions/guidelines with respect to the recognition of traditional and customary rights. For example the definition of “owners” as per the Domain and Land Code includes “those occupants, physical persons or legal entities, who demonstrate peaceful, personal, continuous and bona fide occupation of a land or dwelling and in the manner of an owner. If required, good faith is established by all means, and especially by the payment of property taxes arising from the said land or dwelling, by the development of the land or dwelling in conformance with local custom or by an adversarial public inquiry”.

According to this Article 39, a peasant farmer continuously holding or occupying land for 30 or more years can be considered as bona fide occupants who have developed their land in conformance with local custom. The Domain and Land Code does enable such people to register formal property rights to such land, provided they have maintained a level of investment in the land and, as validated in a public process, there are no contradictory claims to the land.

Land Expropriation

The limitations on private property include the right of the State to expropriate land where a public interest has been established, to regulate land uses for the purposes of urban or rural development and, where the public interest warrants, establishing servitudes.

As set out in the Domain and Land Code, besides private property rights, the State (and local authorities)
has also rights to land deemed to be in its public or private domains. The public domain is land that is allocated to provide public services and/or is used by the public. The property rights held by the State to land in the public domain are inalienable and not subject to statutory limitation. As part of the private domain, the Domain and Land Code explicitly includes all vacant or unclaimed land. Expropriation requires a rigorous public process and a fair and prior indemnity.

The Domain and Land Code contains detailed provisions related to expropriation for public interest. In line with above-mentioned provisions no expropriation can be implemented unless a first step is carried out, Public Utility is declared by Decree or by a Declaration of Public Interest (Déclaration d’Utilité Publique-DUP), which require a public enquiry. Public enquiries in Guinea are organized as follows:

- A Ministerial Order (arrêté ministériel) details the applicable procedure: time period for the Public Enquiry (usually one month), official in charge (commissaire-enquêteur), places where meetings are organized and where documentation is available and places where the Public Enquiry register is available.

- Consultation with the interested public takes place, usually in Prefectures, Sub-Prefectures and Town Halls, and if needed in interested rural villages. This consultation includes a Project presentation, a tentative presentation of its potential impacts, and rounds of questions and answers.

- Once the Public Enquiry period is closed, the commissaire-enquêteur prepares a report for the attention of the Minister of Housing, Urbanism and Construction, taking consideration of observations made by the public in the registers and during the public meetings.

- The Project sponsor is supposed to take part in the organization of the Public Enquiry and bears its cost.

Once the Decree of Public Interest is passed, the expropriation process must be completed in less than three years. Between the notification of expropriation to affected owners and the notification of the proposed compensation amount, less than five months should elapse.

Another important step in the expropriation process is the enquête parcellaire or cadastral enquiry. Its objective is to identify all land plots and all interests therein, including both ownership and occupation interests. The enquête parcellaire is based on a ministerial order delineating the area potentially subject to expropriation (arrêté de cessibilité).
Figure 5.1  The Land Expropriation Process – Key Steps

1. Protocols with central and local authorities for the implementation of the process and of safeguards measures

2. Arrêté for opening the public enquiry (Ministerial Order)
   - Public Enquiry

3. Arrêté for opening the Enquête parcellaire
   - Enquête Parcellaire

4. Public Utility Declaration by Decree
   - Arrêté from the Minister in Charge of the Domain
     (If the list of the plots which will be expropriated is not included in the DUP Decree)

5. Notification to the owners & negotiation in relation to the compensation (Land commission)

   - No
     - Amicable Settlement
       - Case is brought before competent tribunal
         - Valuation by three experts appointed by the tribunal
           - Tribunal defines the compensation
             - No
               - Amicable Settlement
                 - Court appeal ruling
                   - Payment
                     - Taking of possession
   
   - Yes
     - Payment
       - Taking of possession
         - Court rules a-posteriori to legalise new rights
           - Registration of new rights

6. Taking of possession
   - Payment to Treasury as per first instance decision
     - Payment
       - Registration of new rights
In its letter and content the application of the law is only for formal occupation rights (title ownership, or tenancy sanctioned by a written tenancy contract) during the enquête parcellaire. However, as discussed above, Article 39 guarantees eligibility to compensation for the bona fide occupants (ie customary owners) in the event of expropriation for public interest. Practice in neighbouring countries has also been to include the compensation of such rights in the expropriation procedure. The law also has provisions for a Right of Appeal in case of grievance or dissatisfaction with the expropriation process or the actions therein.

5.1.5 Decentralisation Law

Under the Decentralisation Law, the property of the Urban Communities includes public and private domains. The public domain includes lakes, streams and underground water resources, local public forests, tourist sites, and land reserves. The private domain includes patrimonial resources and is presumed to include land holdings.

5.1.6 Pastoral Code

Natural pastures under the Pastoral Code (Law L/95/051/CTRN; August 29, 1995) are defined as the portions of forest domains that provide pasture resources, as well as fallow or post-season crop lands. These areas are open to pasturing livestock, subject to environmental protection considerations and, in the case of fallow agricultural lands, the permission of the property owner.

5.1.7 Rural Land Policy

The Rural Land Policy (Decree D/2001/037/PRG) recognises customary rights and sets out proposals to reorient and improve the effectiveness of the existing statutory system. The focus is on clarifying and securing land tenure property rights in rural areas, including increasing the participation of local authorities and stakeholders. The policy also proposes a programme (Plan Foncier Rural) to inventorise and harmonise existing traditional and statutory rights to land and other resources. This programme represents an attempt to create a synergy between land issues and poverty reduction strategies, with a view to protecting the rights of vulnerable or marginal social groups in rural areas.

5.2 Valuation and Compensation

There is lack of legal clarity in the norms and guidelines for valuation and compensation of land and assets in the current legislative regime of the Republic of Guinea. The existing laws are at best general principles of fairness for valuation and compensation of expropriated assets (Article 55 of the Domain and Land Code). Article 69 states that compensation must cover the whole direct, material and certain loss caused by expropriation. The Mining Code provisions are slightly more detailed, in that they cover, under the assets eligible for compensation, those developments that are not damaged but cannot be used due to the mining operation.

In the event of expropriation for public interest, the procedure for valuation is the following:

- **At the amicable negotiation stage** the expropriating entity proposes in agreement with the Land Commission a compensation amount and invites the affected owner to make a counter-proposal. Negotiation then takes place before the Land Commission.

- **If an amicable agreement is not reached**, the court takes responsibility for the valuation, and would order the valuation to be carried out by three experts designated by the judge from a list of Guinean certified experts. However, the process of expropriation does not stop while the matter is looked into by the court.

The Land Commission defined by the Domain and Land Code is proposed to be in place in each of the Prefectures. As per the Domain and Land Code, its primary purpose is to act as the negotiating body in the expropriation procedure. The Domain and Land Code does not address in-kind compensation or resettlement in lieu of cash compensation, but it does not prohibit them either.
5.2.1 Institutional Framework

Legislation

Relevant Guinean legislation does not appear to allocate the responsibility for compensation and/or resettlement to a specific institution (ministry or other). On the contrary, it is inferred from the Domain and Land Code that the beneficiary of the Declaration of Public Interest (whether this is the State or a public or private entity), may carry out the expropriation process, as long as the following Government involvement is fulfilled:

- The list of affected properties must be endorsed by the Minister in charge of Public Domain (Ministry of Urban Planning) who issues an order towards this purpose (arrêté de cessibilité – Article 58).

- The Land Commission, which in principle is attached to each Prefecture, is the negotiating body in the negotiation process; their opinion will be necessary prior to the declaration of the DUP, in matters concerning expropriation of Lands and during grievance redressal. The constitution and powers of the Land Commission are described in the Domain and Land Code under Articles 49 to 53. It is composed of representatives of four ministries (Urban Planning, Agriculture, Home Affairs, Mines) and three other individuals appointed by the Préfet, and chaired by the representative of the Ministry of Urban Planning. For the Early Works stage of the Simandou Project, the Land Commission will be under contract (Protocole d’accord) for participation and oversight of the process of land access, including asset and socio-economic survey, negotiation of compensation package at household and community levels, and final delivery of compensation and resettlement as agreed during negotiation.

- With respect to the occupancy procedures as per the Mining Code, it is implicit that the beneficiary of the Mining Title is allowed to carry out the displacement and compensation as long as a general Framework has been defined in the Mining Title (Article 69 of the Mining Code) and has been approved by the Ministry in charge of Mining.

Current Practices

Examples of current practices are presented in Box 5.1 below.

Box 5.1 Land Commissions

Recent experiences with similar privately-led Projects in Guinea provide ample evidence that Government involvement was critical to the success of any resettlement and/or compensation activities. While the Central Government needs to be involved in setting resettlement and compensation principles, the most important level where Government needs to be involved is usually the Prefecture level through administrative commissions. Usual practice has been to involve these commissions:

At the planning stage in:
- Validating resettlement action plans prepared by mining companies, including compensation and resettlement strategies and principles, compensation rates, grievance mechanisms, and implementation arrangements;
- Assisting in identifying and securing resettlement sites;
- Validating the census of affected people and affected assets, and the related lists of eligible people and assets;

At the implementation stage:
- Validating compensation proposals prepared by the Company;
- Participating in monitoring and evaluation.

The administrative commission does not have to be involved in the actual delivery of entitlements, particularly in payment of compensation.

7 No A/2011/8360/MUCH/CAB of the 30th December 2011
5.3 The IFC Performance Standards

The IFC applies the Performance Standards (PS) to manage social and environmental risks and impacts and to enhance development opportunities in its private sector financing Projects. For the Simandou Project, the IFC Performance Standards are legally binding and are included in the Settlement Agreement that has been signed with the Government of Guinea. The IFC Performance Standards have been revised in 2011 and the revised Standards 2012 will be applicable for the project. IFC expects its clients to follow the spirit of the revised standards in whichever Project area they are operational.

**IFC Performance Standard 5 – Land Acquisition and Involuntary Resettlement** is identified as being of particular relevance to this PARC Framework. PS5 reaffirms the concepts of physical displacement (loss of shelter) and of economic displacement (loss of means of livelihood); both physically displaced and Economically Displaced People are to be considered in resettlement planning. The stated objectives of resettlement planning are:

- To avoid or at least minimize involuntary resettlement wherever feasible by exploring alternative Project designs.
- To mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons’ use of land by providing compensation for loss of assets at replacement cost and ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.
- To improve or at least restore the livelihoods and standards of living of displaced persons.
- To improve living conditions among displaced persons through provision of adequate housing with security of tenure at resettlement sites.

PS 5- Land Acquisition and Involuntary Resettlement puts an obligation on the Project proponent to:

- Compensate displaced persons and communities for loss of assets at full replacement cost and provide other assistance to help them improve or at least restore their standards of living or livelihoods.
- “Where livelihoods of displaced persons are land-based, or where land is collectively owned, the Project or client will offer land-based compensation, where feasible”.
- The Project will “consult with and facilitate the informed participation of affected persons and communities, including host communities, in decision-making processes related to resettlement. Consultation will continue during the implementation, monitoring, and evaluation”.
- The Project is expected to “establish a grievance mechanism consistent with PS1 (Social and Environmental Assessment and Management Systems) to receive and address specific concerns about compensation, resettlement and rehabilitation issues, including a recourse mechanism designed to resolve disputes in an impartial manner”.
- The Project is expected to “carry out a census survey of impacted persons, to determine eligibilities for compensation, assistance and other benefits. In the absence of host government procedures, the client will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and disseminated throughout the Project area”.
- “If people living in the Project area must move to another location, the client will: (i) offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate; and (ii) provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable. Alternative housing and/or cash compensation will be made available prior to relocation. New resettlement sites built for displaced persons will offer improved living conditions”.
“If land acquisition for the Project causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, the client will meet the following requirements:

- Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost.

- In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery or other equipment.

- Provide replacement property (e.g. agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable under the national laws.

- Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost. The client is not required to compensate or assist opportunistic settlers who encroach on the Project area after the cut-off date.

- Provide additional targeted assistance (e.g. credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected.

- Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

5.4 Land Acquisition and Compensation Regime

An analysis of the applicable provisions of the existing laws suggests two possible options for meeting the land requirements of the Project namely:

- The Expropriation process through a Declaration of Public Interest (Domain and Land Code).

- The Mining Code process, that allows for compensation of the owners and occupants.

The Mining Code provides for specific rules applying to loss of enjoyment or expropriation of lands within the perimeter of each mining title. However, the rules and procedure applicable to expropriation will be those of the Domain and Land Code which indistinctively apply to expropriation procedure initiated over lands located either within or outside mining titles perimeters.

(Also see section 10.2.1 for discussion on the above)

5.5 Agreement for Early Works

In addition, and with regard to the Early Works, an Early Works Protocol has been agreed between Simfer SA and the Government of Guinea to define the obligations on resettlement for undertaking of Early Works on 14 May 2012. The context of this protocol is described in its recitals. Some paragraphs of these recitals are inserted (in part) below [modified from a ‘For information only’ English translation; original in French]:

“………
- The realisation of the Infrastructures requires the completion of Early Works that cannot wait until
the finalisation of all the Contractual Documents and in particular the incorporation of the SPV and the conclusion of the Framework Agreement envisaged for all the Lands;

- the Parties agree that the Company responsible for the Implementation of the Infrastructures must carry out Early Works in connection with and on the basis of (i) the Contractual Documents already signed in accordance with which the State has given certain undertakings to the Company responsible for the Implementation of the Infrastructures concerning the Lands, (ii) the authorisations that have already been granted to SIMFER and (iii) the authorisations that are still to be granted by the State;

- Thus in accordance with authorisations granted in July and August 2011 and in particular authorisation n°0586/MUCH/CAB/2011 granted by the Minister of Housing, Town Planning and Construction on 12 August 2011, the State has authorised SIMFER to carry out all Early Works for which an authorisation request was submitted prior to 12 August 2011 and to occupy for that purpose all Land;

- Pursuant to authorisation no.0862/MUCH/CAB/2011 from the Minister of Housing, Town Planning and Construction dated 9 November 2011, the State authorised SIMFER to launch the Surveys beginning on 10 November 2011 under the terms stipulated in the draft Protocol submitted to the State on 4 November 2011, in consultation with the Prefectoral Divisions for Housing, Town Planning and Construction, for the purpose of Resettlement and Compensation of Affected Persons;

- the urgent occupation of the Useful Lands by the Company responsible for the Implementation of the Infrastructure is necessary for the rapid completion of Early Works;

- The majority of occupations of Useful Lands shall, in principle, be temporary for the duration of the construction of the Infrastructures or for shorter periods for some Useful Lands (such as quarries and borrow pits for building materials), but some occupations of Useful Lands, shall have the authority to continue beyond the construction phase of the Infrastructures, for all or part of the exploitation period of the Infrastructures (including without limitation, the Pioneering Marine Offloading Facility as well as some camps and logistical supply camps);

- The Company responsible for the Implementation of the Infrastructures shall, as necessary, conduct the environmental and social impact studies required by the Legislation in Force and International Standards and shall make every effort to minimise the environmental and social impacts of Early Works as well as the number of Affected Persons and to limit the impacts which cannot be avoided;

- Despite these steps, Early Works shall involve physical and/or economic displacements of Affected Persons as defined by International Standards, who may among other things lose, where necessary, their homes, as it will not be possible to move some of their assets, the possibility of occupying the agricultural lands and/or some Rights of Use concerning the Land;

- For the requirements of the completion of Early Works in accordance with International Standards, it is first necessary to resettle the Affected Persons;

- The principle objectives of this Resettlement, which methods shall be specified in the PARC Framework, shall be to rehouse and compensate the Affected Persons with regard to restoring their living conditions in accordance with the Legislation in Force and International Standards and shall involve the Government making Resettlement Land available to some of the Affected Persons;

- The Parties note that, in practice, the land plans and land registers provided for by the public and domain and land code (code foncier et domanial) have been generally poorly kept, in particular in rural areas and they therefore agree that, in order to comply with International Standards, it is necessary to conduct a Survey prior to the Resettlement in order to determine the Affected Persons who shall be eligible for Resettlement as well as their living conditions that shall be affected by Early Works;

………. (Protocole d’accord relatif à l’indemnisation des personnes affectées par les travaux urgents, May 14, 2012)
5.6 Rio Tinto Policies, Standards & Guidelines

In its statement entitled *The Way We Work*, Rio Tinto established its commitments regarding corporate policies and governance. These commitments aim to ensure that the company's values and best practices are reflected in the day-to-day activities of all employees. These values and best practices relate mainly to accountability, fairness, integrity and openness.

An extract from the Human Rights, Communities and Environment chapter of *The Way We Work* is presented in Box 5.2 below:

<table>
<thead>
<tr>
<th>Communities Standard</th>
<th>Requirement overview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline communities Assessments</td>
<td>Baseline Communities Assessments (BCA) are required to be carried out first and provide the factual information that is needed to build the communities programme. The BCA should identify the communities directly affected by the business and those communities who can directly affect the business. It should provide relevant data on socio-economic status and the like.</td>
</tr>
<tr>
<td>Resettlement of communities</td>
<td>Resettlement of communities should only be undertaken using: a) The IFC’s applicable Performance Standards b) after advice is sought from Rio Tinto External Affairs; and c) with the explicit support of the relevant product group head.</td>
</tr>
<tr>
<td>Compensation payments</td>
<td>Compensation payments proposed should follow: a) procedures that are consistent with established good practice and IFC PS 5; b) advice from Rio Tinto External Affairs; and c) with the explicit support of the relevant product group head.</td>
</tr>
<tr>
<td>Land access</td>
<td>This policy ensures that the company will adopt an inclusive, consultative, and participatory process in order not to prejudice anyone’s rights in the course of land acquisitions. To do so the company adopts a transparent process, based on tradition and legislation, to satisfy land claims and pay fair and equitable compensation. The company also acknowledges the importance of respecting areas that are protected or recognised as world heritage sites. Rio Tinto will also develop some land dedicated to purposes other than mining to meet employee and local community needs in matters of education, lodging, health and leisure, food production, forest exploitation, habitat protection, and biodiversity conservation. The company is committed to rehabilitating the land at the end of the operating period, in conformance with good environmental practices and existing laws and regulation.</td>
</tr>
</tbody>
</table>

In keeping with its commitments, Rio Tinto will also ensure that the standards adopted for the Project will meet the best practices recognized by the industry as well as those of the Guinean government, the International Finance Corporation (IFC) and Rio Tinto’s own internal guidelines.

5.6.1 Rio Tinto Communities Standard & HSEC Policies- Relevant Standards

Rio Tinto’s Communities Standard and Health, Safety, Environment and Communities (HSEC) policies sets out a basic Framework for implementing the Communities policy. All Rio Tinto managed activities, Projects and businesses are required to develop their own, locally designed community relations programmes for maximum effectiveness, building upon this Framework. Table 5.1 sets out Rio Tinto's Communities Standard

The long-term vision for the Simandou Project is enshrined in the Simandou principles, (discussed earlier) underpins the approach for resettlement and community development.
6 SOCIO-ECONOMIC IMPACTS

6.1 Introduction

This PARC Framework is based on a broad understanding of the socio-economic profile of the Project area and its communities, with a specific focus on land tenure, land management systems and livelihoods. An understanding of these has informed the approach towards the land acquisition process and the entitlement Framework. The section below summarizes the broad socio-economic baseline conditions in the Project area and its implications on Project impacts. The baseline has been developed from a baseline of the mine prepared in 2007, and available literature on the port and the rail corridor. As discussed in Section 2, the Project has three principal components, namely – the mine, the ore railway and the deepwater port. These three components along with associated and/or support infrastructure like access roads, camps, tunnels, air strip and quarries etc have been cumulatively defined as the study area for the purpose of this Framework.

The discussion on impacts focuses on only those that are relevant to land acquisition and resettlement, while other social impacts (non-land based) will be addressed under the SEIA process. The SEIA will refer to the PARC Framework for the mitigation of any impacts that may result in physical or economic displacement. In addition, the PARCs for every components and sub-components like the Port and the Rail will capture the specific impacts of land acquisition and resettlement in those components.

6.2 Assessment of Impacts

The Project and the planned activities are likely to result in a range of impacts, which, depending upon the nature, location and duration, will vary in extent and severity. A detailed assessment of impacts will be done during the course of the preparation of the detailed PARC reports for the different components of the Project. Box 6.1 below lists broad categories of impacts that are likely to result due to the land acquisition for the Project.

Box 6.1 Broad Categories of Impacts

<table>
<thead>
<tr>
<th>Physical Displacement:</th>
<th>The land acquisition for the Project is likely to result in physical displacement of a large number of households. Physical displacement is likely to occur in the mine area, the railway corridor and the deepwater port and the various infrastructure (such as access road, air strip, material offloading facility etc) that is going to be created for the Project.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of Land and Assets:</td>
<td>The land acquisition for the Project is likely to result in loss of land and assets either privately owned by individuals or commonly owned by the communities. Customary land ownerships and holdings are also likely to be impacted in this process. Landlessness and associated vulnerabilities linked to loss of land are likely to result due to the land acquisition for the Project.</td>
</tr>
<tr>
<td>Loss of Access to Commonly Held Resources:</td>
<td>The acquisition of land is likely to impact access to commonly held resources like i.e. medical plants, non-timber forest resources, rangeland, pastures, fallow land etc. This loss of access can impact livelihoods, access to fuel and food as well as customary practices.</td>
</tr>
<tr>
<td>Economic Displacement and Impacts on Incomes and Livelihoods:</td>
<td>Loss of land and common property is likely to result in adverse impact on families dependent on agriculture, plantation, animal husbandry, fishery, and wage labour. The extent of impact on income and livelihoods will depend upon the category and existing usage of impacted land and/or the common property used.</td>
</tr>
<tr>
<td>Loss of Common Property Resources (CPRs):</td>
<td>Common property resources such as grazing areas/resources, forests, water bodies, fishing zones, access road and networks that are commonly used by the communities are likely to be impacted by the Project. The impact on these CPRs is likely to result in inconvenience to the communities and also cause short or long term livelihood and other economic losses. Many of these CPRs are on public lands.</td>
</tr>
<tr>
<td>Loss of Fishing Areas and Access to Fishing Grounds:</td>
<td>The proposed deep water port may potentially obstruct movement of fishing boats and cut off access to certain fishing areas. It is understood that while villages do not have formal territorial rights over the sea, there are a number of fishing and fishing related activities (including processing, labour etc) which will get impacted. Construction and dredging activities can also impact fish in the area and the Project will compensate the fishermen in accordance with the PARC Framework and the requirements of PS 5.</td>
</tr>
</tbody>
</table>
Impact on Vulnerable Communities and Women: Loss of land and other livelihood impacts will be most severely felt by the vulnerable and the weaker sections of the community (Project affected families). These would typically include households with no land, women-headed families or families with weak old and/or infirm members. It has been seen that displacement affects men differently from women, and if not assessed and addressed accordingly, can lead to increased vulnerabilities among the women affected by the Project.

Access impacts: Typically, access related issues linked to either severance or disruption of access will result especially along the access roads and the proposed railway corridor. At most places, these access points would be either roads linking to the village or connecting internal roads leading to agricultural fields or different village settlements.

Severance of Community Bond and Impact on Social Networks: Physical displacement and relocation of Project affected families are likely to result in weakening of community and/or familial bonds. In Guinea where lineage defines a family’s position in society, being resettled out of the village, and into an area where another lineage dominates, could impact social wellbeing of these families. Some of these issues may affect decisions on where to resettle people and how to procure replacement land for livelihood restoration.

Host Community Impacts: In case of resettlement in another community and/or village, differences in the belief, lifestyle, occupation and other social processes, coupled with increased pressure on natural resources and cultivable land in the resettlement areas, could potentially result in conflicts.

Issues of Influx: While in-migration is a common trend in the country, influx of people, especially migrants, linked to growth of economic opportunities is likely to result in the Project footprint area. These influx issues could, if not managed well, lead to problems of security, strain on existing resources etc leading to potential community conflicts. On the positive side, influx of populations can encourage growth of settlements and economic activity that can create more opportunities for livelihoods of the local communities.

The management of land-based impacts on the local community, i.e. economic and physical displacement and compensation of land owners and occupiers, has been identified as a significant risk and as an opportunity for development for the impacted community as well as host community. Table 6.1 identifies the expected impacts and mitigations, are presented in the SEIA documents and will be further developed in the individual PARCs.

Table 6.1 Potential Land Requirement and Impacts resulting in Physical and Economic Displacement

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Potential Land-based Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simandou Mine</td>
<td>Temporary or permanent displacement of people, their homes and assets and productive land uses (referred to as physical and economic displacement). Physical displacement at the mine pits is likely to be limited as the ore outcrops are located at the summit of the mountain range but there will be greater displacement at the mine plant and rail head. Physical and economic displacement is likely to occur within the safety zone and/or limits for blasting activities, noise, vibration, and air quality. Impact on livelihoods by reducing access to land for subsistence and commercial agriculture (crops and livestock). Loss of forest habitats will also impact on hunting and gathering which is used to supplement farming for meat and the use of forest products, such as wood for fuel and plants for medicines.</td>
</tr>
<tr>
<td>Simandou Ore Railway</td>
<td>Temporary or permanent displacement of people, their homes and assets and productive land uses (referred to as physical and economic displacement). Impact on livelihoods by reducing access to land for subsistence and commercial agriculture, livestock, and cattle herding. Loss of forest habitats will also impact on hunting and gathering which is used to supplement farming for meat and the use of forest products, such as wood for fuel and plants for medicines.</td>
</tr>
<tr>
<td>Project Component</td>
<td>Potential Land-based Impacts</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td><strong>Simandou Deepwater Port</strong>&lt;br&gt;The port is expected to occupy of the order of 1000 hectares of land.</td>
<td>There is likely to be temporary land acquisition during construction and permanent land acquisition from the port and ancillary induced developments which is likely to lead to temporary or permanent displacement of people, their homes and assets and productive land uses (referred to as physical and economic displacement). Project land acquisition and restrictions on fishing will impact on livelihoods by reducing access to land and sea for subsistence and commercial agriculture and fishing, currently the primary source of food and income for communities in the port area. Fishing is a major source of livelihood with many associated cultural and ritual aspects. Local communities share marine resources, the sea is open to everybody and a number of spoken and unspoken rules appear to exist. dredging and shipping associated with the development and operation of the port has the potential to have significant impacts on shore structures, access to traditional fishing grounds, fishing practices and community structure and stability. There is the potential for transboundary impacts to fishermen from Sierra Leone and further afield.</td>
</tr>
<tr>
<td><strong>Early Works</strong>&lt;br&gt;• Pioneering Marine Offloading Facility (pMOF)&lt;br&gt;• Worker Camps and Logistical Supply Centres (LSC);&lt;br&gt;• Ancillary Works.</td>
<td>There is likely to be temporary land acquisition during construction and permanent land acquisition from the pMOF and ancillary induced developments which is likely to lead to temporary or permanent displacement of people, their homes and assets and productive land uses (referred to as physical and economic displacement). Project land acquisition and restrictions on fishing will impact on livelihoods by reducing access to land and sea for subsistence and commercial agriculture and fishing, currently the primary source of food and income for communities in the port area. Permanent and temporary land acquisition to facilitate construction and operation of the camps and access roads will result in economic and/or physical displacement of people living in or using the impacted area.</td>
</tr>
<tr>
<td><strong>Infrastructure</strong>&lt;br&gt;Access roads and road widening of national roads.</td>
<td>There is likely to be temporary land acquisition during construction and permanent land acquisition from the port and ancillary induced developments which is likely to lead to temporary or permanent displacement of people, their homes and assets and productive land uses (referred to as physical and economic displacement)</td>
</tr>
</tbody>
</table>

Severance of access

*Component footprints updated March 2012 - Project designs are not final yet.*

Please note that in addition to land based impacts there could be a need for resettlement due to other project impacts such as noise, dust, loss of access, severance and vibration. This PARC Framework will also apply to such resettlement.
7 LAND TENURE AND MANAGEMENT

Land is the key resource for the communities all across the Project footprint area and is one of the most critical factors for meeting the sustenance and livelihood needs of the communities. It plays a key role in the traditional Guinean system because of the limitations of other factors of production. Land also has important cultural and historical meaning for the communities and shapes the social interactions and power balance in the society. Access to and management of land resources are defined by social structures, leadership and power relations in local communities.

In Guinea, two systems of land administration and management are mainly prevalent. These are:

- the legal or statutory system;
- the traditional or customary systems of land tenure and use rights.

These two systems are discussed in greater detail in the sections below.

7.1 The Statutory Land Tenure System

The legal or statutory land tenure systems are defined and guided by laws (discussed in Section 5) and lay down systems and institutions to address issues of land tenure, land use planning in villages and urban areas, and conflict resolution mechanisms. This system is increasingly being adopted, especially in the urban areas where land is seen as limited and rights over it considered to be a key indicator of economic status. The salient features of the statutory land tenure system include:

- **Recognition of Private Ownership**: The state recognizes and defends the right to ownership and affirms the right of private individuals to land ownership.

- **Establishment of Land Ownership**: The statutory laws consider a) holders of title deeds, b) Occupants who are registered as rights holders in the land registry, or hold habitation or occupancy permits issued under the old Domain and Land Code and c) Occupants who can prove continuous peaceful, personal occupation in good faith, as land owners and hence protected by law.

- **Management and Protection of Ownership Rights**: The law aims to protect land rights through the registration of title in the land registry (immatriculation) and recording of deeds, mortgages and other instruments in a public office (publicité foncière). This basic mechanism is complemented by the land use plan, which graphically identifies these rights. There is a dual mechanism for recording ownership recognized by the Domain and Land Code that entails first, notation on the land use plan and then recording in the land registry.

- **Development of Land Use Plan**: The land use plan is envisaged as an administrative tool for land management, whose different elements are designed to provide reliable information about immovable assets (their owner, location and substance) and titleholders. It consists of three types of documents, namely a plan of the area showing the location of the immovable asset in its global environment, a form giving the location of the asset within the municipality, neighbourhood and block, the surface area of the plot and characteristics of any constructions found on it and a fact sheet identifying title holders and specifying the nature of their rights.

- **Registration of Land Titles**: Land registration involves registering all titles pertaining to an immovable asset in the land registry, in a subsidiary account opened for each immovable asset. This is the only way that titleholders can secure their rights over land.

The statutory systems also suggest specific instances in which ownership rights may be restricted. These include expropriation for public purposes, rulings on property rights for the purpose of town planning or rural development and the introduction of regulations in the public interest.

The statutory land tenure system is not widely implemented across due to, in large measure, the lack of institutional capacity to implement the Domain and Land Code and other legislations. The two key limitations
to the implementation of the statutory land tenure systems include lack of trained personnel, financial or other resources and increased/additional cost burden on the land owners (the process and costs of registering title are significant, reducing the number of people who pursue this option).

7.2 The Traditional or Customary Land Ownership and Management System

Access to and use of land in rural areas continues to be managed in most parts of rural Guinea by customary and non-formal land tenure systems. Land access and rights under this system are largely determined by membership in social networks and involve actors from one or more family groups that may be linked by lineage ties or alliances, enslavement or exchange. The customary systems distinguish between the ownership rights of the founding family and recognized use rights of other lineages in the community and of individuals. This non-formal tenure system takes guidance from the customary principles to explain and legitimize their right to occupy land and exploit its resources. While customary management may vary according to the ethnic group involved, local traditions generally share the same underlying principles. The section below discusses in detail the customary land management system and practices in the Project footprint area.

7.2.1 Community Ownership Rights

Village lands belong symbolically to the first founding family of the village. The founding family is considered to hold ownership rights to all village lands. It is understood that they derive these rights from the agreement negotiated with the local spirits that granted permission to the head of the founding family to clear land to establish the village. They are rights that are passed from generation to generation within the founding lineage. Village lands are traditionally considered to be inalienable. The ownership rights of the founding family mean that they have been entrusted with the custodianship and management of the village lands on behalf of the community; they do not hold absolute rights as under statutory law.

Within the village the founder lineages have the right to welcome newcomers after them (on the same land) and/or show them new lands within their informal control. They are responsible for allocating land to other community members and, as necessary, for asking for land back when it is no longer being used. The land therefore belongs theoretically to the founding family. Moreover, these rights confer respect on the founding family as well as responsibilities for local governance and decision-making in the community. The founding family therefore will be instrumental in identifying the rightful land owners during the land acquisition process.

Clearing and farming for a certain length of time are the essential elements of the land system of the various village landholdings. All families have access to land but the right of ownership is recognized for the members of the founding lineage only.

The allocation system based on lineages applies to residential and agricultural purposes. However, other lands such as forests and savanna lands including old fallow lands, water bodies etc remain in community ownership managed by the founding lineage.

7.2.2 Lineage Rights

As part of the process of establishing the village, the founding family invites two or three other lineages to settle. The newcomers are allocated lands to clear and exploit for their needs, namely agricultural land (lowlands and plain lands and/or uplands) as well as land suitable for building a dwelling. They initially hold conditional rights (droits précaires) that required them to acknowledge the founding family as having granted them the lands; and to continue to occupy and cultivate the lands.

Progressively over time, these more recently-arrived lineages gain recognition as having unconditional rights (droits consolidés), namely, a monopoly of use to the lands they have been granted. The elder of the lineage assumes the role and responsibilities for custodianship and management of the lineage lands. Subsequently, these lineages may invite other lineages to settle, and allocate some of their lands to them. As a result, in some communities, there are three or four generations of lineages that hold consolidated rights to their lands and that constitute the principal lineages.
Lineage Lands

Among the members of lineages that hold recognized rights to land, a person can identify unused land within the lineage landholding to cultivate his crops, for example, fallow land that is ready to cultivate again. The normal process is for him (the interested person) to consult with the last person to use it who, in turn, will confirm with his immediate family that the land is available to be used by another member of the lineage. This process has evolved to the point where the elder of the lineage may not be directly involved in approving the new user, having effectively delegated this responsibility to the members or users themselves.

In most instances, the individual rights to use agricultural land within a lineage landholding are generally limited in nature. In order to ensure that all members of the lineage have the land resources they need, the area of land cultivated by each person may vary from year to year depending on the overall needs of members of the lineage. An exception is upland areas used for tree plantations. In this case, the person responsible for the plantation is normally granted consolidated rights to the land which he can leave to his children as part of his inheritance. As a consequence, he must have the approval of the elder of the lineage prior to establishing his plantation.

Individual Rights in the Traditional System

An underlying principle of customary land tenure systems is that within a community everyone has access to the agricultural lands required to meet his or her needs. Individual rights may be limited or consolidated in a manner similar to lineage lands. The individual member of a lineage does not own land he merely has a use right *quamdiu se bene gesserint* which may be withdrawn by the lineage if there is misbehaviour.

Community Lands

Members of the founding or other principal lineages also have individual rights to use community lands. Through a process similar to that for lineage lands, a person obtains the agreement of the previous user prior to cultivating unused community lands. Initially, the new user will have limited rights. However, as long as he continues to cultivate the land, after three years or more he will be recognised as having consolidated, permanent rights to the land which he can, subsequently, leave to his children as part of his inheritance. In this way, land within the village can be transferred from one lineage to another.

Women and Youth Lands

Women and young people have limited rights to the land that they cultivate, for example, to grow groundnuts, manioc, beans and other vegetables. They are granted these rights by their husbands and/or other relatives.

7.2.3 Access to Land

The access to land and the nature of land transactions generally follow traditional systems, particularly in rural villages. As discussed earlier, access to land is generally determined by one’s membership in social networks and is managed by traditional authorities. The traditional land management system includes three ways of land access:

1. **Gift of land by the lineage chiefs, customary chiefs, or land managers to families of the same lineage:** It may also occur that during the settlement of villages, the founding lineage or a lineage with recognized rights can invite another lineage to settle, by allocating or gifting land to them. The new lineage may acquire recognized rights if they continue to use the land over a long period. If a lineage abandons an area of land and it grows wild, the head of the founding lineage and/or the village chief can re-allocate this land, after an observation period, to other people in the community who wish to farm it.

2. **Inheritance of land:** Within the founding lineage or a lineage with recognised rights to land, individuals can inherit land from their father or another close relative. This is the most common means to access land among households that hold customary tenure rights. When someone inherits land, he acquires full rights to grow whatever he wishes or to install any kind of permanent structures. He can loan, give or sell the land and, in turn, can transfer it to his descendants. While the concept of inheritance is the
succession that occurs at the death of the head of the lineage, in rural Guinea there is also a strong tradition of transferring possessions including land to one’s successor in relation to his needs and capacities.

3. **Lending** of land which generally takes place between owner lineages and migrants or any person looking for land. When people migrate to a community, they generally do not have any traditional land use rights based on their lineage. He makes a request for land to his host who in turn transmits the request to the village chief who, in turn, informs the village elders who give their approval. The newcomer is permitted to cultivate the land, but with certain restrictions. For example if there are certain types of trees on the land, the trees and their fruit remain the property of the person who loaned the land. The newcomer is also not allowed to plant fruit or other trees or dig a well on the land.

Women and youth have access to land through their husbands or relatives to cultivate, among other produce, ground nuts, niébé beans, manioc and vegetables. Their right to farm is temporary. They would typically occupy relatives’ or husbands’ fields which are lying fallow, with the main user's permission.

### 7.2.4 Land Transactions - Sale and Purchase

There is a lack of formal land market in at least most portions of the Project footprint area. However, land sales are increasingly becoming common (especially in urban areas) as newcomers enter communities where they do not have traditional rights to land through their lineage. Broadly, there are two types of land sales, including those between individuals and the purchase of a subdivided land plot from local authorities.

- **Customary transfers**: Informal agreements for sale of land that are negotiated between two individuals. Typically, a document of land transfer is signed by the two parties and countersigned (not always) by the district chief. The informal, traditional nature of this process is reflected in the fact that, in some cases, the exchange of money is referred to as a “donation”. In customary systems the only obligation for any buyer is to offer “cola nuts”.

- **Purchase of subdivided plots**: In urban areas and rapidly expanding towns, the prefectural Department of Urban Development and Housing may be involved in the establishment and sale of subdivided house plots. A prospective buyer applies to the department and following agreement to sell, the department registers the deed in the official land use plan and submits the details of the transaction to the Ministry of Urban Development and Housing for final approval. The purchaser has three months to obtain ministerial approval to close on the purchase and three years to develop the land.

The sales transactions entitles the buyers to acquire full rights to grow whatever they wish or install any kind of permanent structures. They can loan, give or sell the land and transfer it to their descendants. In the Project area most land, as has been discussed before, is managed by a mix of traditional and modern (read statutory) rules.

In rural areas the customary transfers are practiced and land sale/transaction takes place through informal settlements (symbolized through exchange of cola nuts). In most cases monetary value of land is not established and financial transactions (especially in cash) are not practiced.

In the urban areas there is an increasing trend of land sale/purchase and the land market though in a very nascent state, does exist. Typically in these areas most land is managed according to a mix of traditional and modern rules. People wanting to acquire land are first required to negotiate the purchase with the traditional owners before regularizing his property deed with the Prefectoral town planning and housing services.

### 7.2.5 Land Rental and Sharecropping

The practice of land renting is also prevalent in the Project footprint area and is increasingly becoming common. Factors like influx and migration to urban centres are linked to the growing practice of renting and/or sharecropping land. Typically the rental agreements are normally verbal.

Sharecropping, or the practice of making agricultural land available on a seasonal or longer-term basis in
return for a proportion of the sharecropper's harvest, is also common in the Project area. The transaction normally involves people living in the same community and is a common means for newcomers to access land for crops. Sharecropping agreements are also normally verbal and have no documented agreements. Rental and sharecropping agreements normally include prohibitions on certain uses of the land. These include planting fruit or other types of trees, growing perennial crops, digging wells, enclosing fields or any other activity that could give the tenant or sharecropper a basis to claim ownership rights over the land.

7.2.6 Trends in Land Use

The land situation in Guinea is changing significantly as a new category of land actors emerges: urbanites operating in rural areas as agricultural entrepreneurs. These new actors are not prepared to put up with tenure insecurity, and their investment strategy is predicated on securing firm rights of tenure.

A number of surveys and studies conducted in rural areas have revealed that the monetization of land transactions such as gifts, loans, exchange and sharecropping is still in its very early stages. However, a large amount of state land (the disputed former Franco-Guinean lands) has been allocated to applicants seeking land; while incomers from troubled neighbouring countries are investing in land for export crops like pineapple, mango or banana, or (especially on the outskirts of large agglomerations) for property speculation.

Paradoxically, rural communities do not necessarily see this as a negative development, especially those around large urban centres.8

The favourable reception given to urban land buyers by rural communities should not distract from the risks entailed in this type of process, particularly for the poorest sectors of society. Rural communities are generally illiterate, uninformed about land procedures and have a poor grasp of the medium-term consequences of land appropriation. They may find themselves progressively short of land resources, particularly with natural population growth. While the movement to establish rural entrepreneurs in the rural land market is normal and irreversible, it is important to assess the long-term social changes this will engender and put in place appropriate political and legal arrangements.

7.3 Institutional Framework for Land Management

The government institutions for land management though not robust are evolving at the levels of the Prefecture and local government, with varying mandates, responsibilities and capacities for addressing issues of land tenure, land use planning and development, and conflict resolution. Rural villages and urbanizing towns continue to rely heavily on traditional mechanisms, particularly with reference to land use rights and conflict resolution. The section below provides a brief summary of the structures that have either been established or proposed for land management.

7.3.1 Government Land Management Institutions

Prefecture Land Commission

A Land Commission is to be established and proposed at the Prefecture level. The Land Commission is the negotiating body in the amicable phase of the negotiation process; their opinion will be necessary prior to the declaration of the DUP, in matters concerning expropriation of Lands in the event of urgency and during grievance redressal. Land Commission is generally composed of seven members among whom four are appointed by Ministers responsible for Urbanism, Agriculture, Territorial Administration and Decentralisation and Mines. The remaining three are appointed by the Prefect. The land commission has at present either not been established or is not functional in most Prefectures. Land Commissions have been created in the ten Prefectures affected by the Project since an order from the Minister of Urbanism, Housing and Construction dated 30 December 2011.

8Diakite Ibrahima (2005) Land Tenure Issues in the Republic of Guinea, Rio Tinto Simandou Communities Programme,
Prefecture Department of Urban Planning and Housing

The Department of Urban Planning and Housing is responsible for carrying out the mandate of the Ministry of Urban Planning and Housing within the Prefecture. This includes establishing the Framework for physical development within the territory of the Prefecture inclusive of the Rural Communes and Urban Communes. Official plans such as strategic and local development plans (Plans ou Schémas Directeurs, Plans Locaux d’Urbanisme) which defines the principal orientations for physical development of an urban area, like the types and locations of land uses, transportation infrastructure, public and community services and future development areas are prepared and approved according to prescribed procedures, by the relevant administrative department at the national, regional or Prefecture level.

Land Commission of the Rural Communes

The law stipulates that Rural Communes are responsible for the management of community land and assets. The Rural Land Policy advocates the establishment of local Land Commissions at the Rural Communes. However, to date, these have either not been established or are not functional in most places.

Land Management Responsibilities of the Rural Communes

The Councils of the Rural Communes are mandated to prepare Local Development Plans that establish a programme of development and maintenance of infrastructure and public services within the Rural Commune’s territory. The Rural Communes also manage bushfire prevention services, access to water points and the establishment and maintenance of transhumance paths and land management. However, the capacity of most Rural Communes is very limited to fulfil these responsibilities.

7.3.2 Traditional Land Management Institutions

Within rural communities, several people or groups play important roles in the management of lineage and/or community lands. The hierarchy of actors having weight in the social organization of the village is the following:

- The “lutii” (family head), who has responsibilities related to resource and labour management within the nuclear family.

- The “kabilakunti” (lineage head), who plays the same role within the extended family and the lineage. The “kabila” is a particularly important unit in the management of natural resources because the most important decisions concerning land use are made at this level. It is at this level that the choice of modes of inheritance is made.

- At village level, the Council of Elders presided by the village chief (sotikèmo), which constitutes the supreme decision-making body and assumes a multitude of functions and responsibilities, the first of which is proper resource management and resolving disputes and conflicts. Its decisions cannot be appealed; all the important families are represented and take part on a consensual basis. The sotikèmo has the last word defining the date for starting work in the fields and the date for tying up animals.

Village associations such as mutual groups (sèrè) and groups of hunters (donzo) also influence decision-making on all issues concerning the community. They are generally administered by the youth and women. Their main activities are providing services and helping out in the fields during the rainy season.

The customary system provides social security - it takes care of everyone in the community including the vulnerable. These systems do not accept permanent land alienation because even if the current user wishes to dispose of the land, the family and lineage, who also have rights in the land, are reluctant to see it alienated. Under the pressure of market forces and growing land values, particularly in peri-urban areas, many customary systems have come to accept and recognise such alienation.
7.4 Different Types of Conflicts and Conflict Resolution Mechanism

Land is a common source of conflict in villages. Land disputes include those that occur within a community, as well as those that involve one or more communities. Broadly the conflicts can be classified into two main categories:

- **Intra-community conflicts** which are generally minor in nature and occur between individuals and families. Typically these may be linked to claims of compensation (such as for damage to crops by animals), encroachments on allocated land, claims on unallocated land.

- **Inter-community conflicts** are similar in nature to those that occur within a community, but are often compounded by the lack of allegiance of the parties to the same social group as well, sometimes, as the intervention of local administrations or other authorities.

There could also be conflicts resulting from forced land expropriation.

Conflicts in relation to the implementation of the PARC will be dealt with in accordance with the grievance mechanism specified in paragraph 11 below.

7.4.1 Traditional Conflict Management Mechanisms

The objective of traditional conflict resolution mechanisms is to preserve the social cohesion within a community. This is achieved by reaching a consensus that considers the claims of both parties while respecting their social status in the community.

The traditional conflict management involves the Council of Elders in a given community, which would collectively review the case, hear the parties, and make a collective decision based on oral tradition and jurisprudence. The procedure takes place under a tree, in the public square or in the chief’s courtyard. Proverbs and oral jurisprudence are quoted to give more weight to the arguments used in resolving conflicts. Generally these mechanisms are found to be effective and throughout the villages and towns, conflicts are most often settled through the intervention of the Local Councils, without reference to administrative authorities or the courts.

7.4.2 Modern Conflict Management Mechanisms

The Sub-Prefecture is the administrative body responsible for hearing and resolving conflicts for people living in rural villages; the Prefecture has this responsibility in the Urban Communes. Following receipt of a complaint, the Sub-Prefecture or Prefecture calls on other, relevant administrative officials (e.g., agriculture, police) to investigate and prepare a report; the parties to the complaint cover the expenses. If either party does not accept the judgment of the Sub-Prefecture or Prefecture made on the basis of the report, he may request that a non-conciliation report be prepared and the matter referred to the prefectural Peace Court which is mandated to judge land litigation matters.

7.5 Summary of Land Rights in the Project Area

Table 7.1 summarizes aspects related with land rights that are relevant to the development of resettlement and compensation measures.
Table 7.1 Summary of Land and Other Rights in the Project Footprint Area

<table>
<thead>
<tr>
<th>Type/Nature of Asset</th>
<th>Type of Rights</th>
<th>Individuals Holding Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Built-up Areas</strong></td>
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</tbody>
</table>
| Houses & other structures in residential areas in rural as well as in urban areas | **Individual or family ownership:** Customary ownership by and individual or head of nuclear family  
   **Occupation right:** may be granted to an individual different from the owner through an informal tenancy or other agreement | Usually One  
   - The individual or head of nuclear family |
| Hamlets (used temporarily or during agri/fishing season) | **Individual or family rights/ownership:** Customary ownership by and individual or head of nuclear family | Usually One  
   - The individual or head of nuclear family |
| Camps (wërélä- established by herders near grazing lands for their animals), hunting camps cattle shed etc | **Individual or family rights/ownership:** Customary ownership by and individual or head of nuclear family  
   **Herder Group Grazing Rights:** Customary management rights held by herders | Usually Two  
   - The individual or head of nuclear family  
   - Head of clan if usage right has been conceded to such a group |
| **Residential land in villages** | **Community customary ownership:** Symbolic customary ownership right held by the head of the founder lineage of the village (usually also the village Chief)  
   **Lineage management right:** Customary management right held by the head of the lineage.  
   **Family or individual usage right:** held by a given individual or nuclear family within the lineage | Usually three:  
   - The village chief or head of the founder lineage (usually the same individual) or the Council of Elders in the name of the whole community  
   - The head of a Lineage  
   - The individual or head of nuclear family to whom this land has been allocated by the head of lineage |
| **Agricultural land, including coteau fields (upland), low land fields and recent fallow land** | **Community customary ownership:** Symbolic customary ownership right held by the head of the founder lineage of the village (usually also the village Chief)  
   **Lineage management right:** Customary management right held by the head of the lineage.  
   **Family or individual usage right:** held by a given individual or nuclear family within the lineage | Usually three:  
   - The village chief or head of the founder lineage (usually the same individual) or the Council of Elders in the name of the whole community  
   - The head of a Lineage  
   - The individual or head of nuclear family to whom this land has been allocated by the head of lineage |
| **Fallow land** | **Community customary ownership:** Symbolic customary ownership right held by the founder lineage of the village  
   **Lineage management right:** Customary management right held by the head of the lineage, unless the fallow is considered too old and has been returned to the community pool of savannah land (in that case it will fall under community customary ownership) | Usually two:  
   - The village chief or head of the founder lineage or the Council of Elders in the name of the whole community  
   - The head of a lineage |
| **Savannah land** | **Community customary ownership:** Symbolic customary ownership right held by the founder lineage of the village  
   **Herder group grazing right:** Usage right may be conceded on a temporary basis to herders | Usually two:  
   - The village chief or head of the founder lineage (usually the same individual) or the Council of Elders in the name of the whole community  
   - Head of clan if usage right has been conceded to such a group |
<table>
<thead>
<tr>
<th>Type/Nature of Asset</th>
<th>Type of Rights</th>
<th>Individuals Holding Rights</th>
</tr>
</thead>
</table>
| Forest land                          | • **State formal ownership**: Formal ownership and management right held by the State, with management by the local “Service des Eaux et Forêts”  
                                     | • **Community customary ownership**: Symbolic customary ownership right held by the founder lineage of the village  
                                     | • **Usage rights to community members**: Usage rights on a non-territorial basis (no boundaries) to village residents and possibly others if they have received permission from village authorities | • The head of the local “Service des Eaux et Forêts” on behalf and in the name of the State of Guinea  
                                     | • The village chief or the Council of Elders in the name of the village       | |
| Perennial crops                      | • **Individual or family ownership**: Ownership right on the perennial crop by a given individual or head of nuclear family |                                                                                                                     | • The owner of the perennial crop, who is usually one of the individuals identified above as holding rights on the related piece of land |
| Annual crops                         | • **Individual or family ownership**: Ownership right on the annual crop by a given individual or head of nuclear family  
                                     | • **Rights of tenants or sharecroppers**: Farming Rights (on a temporary basis) over land and produce                 | • The owner of the land and the crop who may be the same individual identified above as holding rights on the related piece of land  
                                     |                                                                                                                     | • The owner of the crop, who may not necessarily be one of the individuals identified above as holding rights on the related piece of land (he can be a “tenant” or “sharecropper” having obtained farming rights on a temporary basis) |
| Natural trees in bush, fields and fallow land | • **Usage rights to community members**: Usage right may be either at community level or at individual / nuclear family level |                                                                                                                     | Community head or individual/ head of nuclear family |
| Natural Resources (including water bodies, marine environment and Forests etc)    | • **Community customary ownership**: Customary ownership right held by the community groups (like fishing)               |                                                                                                                     | The head of the community group or the founding father, principal lineages of that group |
| Community Assets like cultural sites, rock outcrops, graves etc                 | • **Community customary ownership**: Customary ownership right held by the founder lineage of the village                 |                                                                                                                     | The village chief or head of the founder lineage or the Council of Elders in the name of the whole community |
7.5.1 Simfer’s Approach to Land Titles

Simfer is guided by Rio Tinto’s Communities Policy, which among other things focuses on the importance of developing durable and respectful long-term relationships with communities affected by its projects. Rio Tinto’s Resettlement Guidance adopts the IFC Performance Standards in relation to the resettlement of affected people.

The first step towards developing a durable long-term relationship with affected communities is to understand the community, its characteristics and the circumstances in which it exists.

Relevantly, in Guinea the Land Right and Domanial Code of 1992 overlays an older and more widespread customary land tenure system. In practice registered land titles under the Code exist typically in cities and towns, and sometimes in rural and regional areas (for example, commercial plantations). In relation to the rest, the majority of the country, land ownership and use are governed by unwritten but well understood and respected customary laws and practices.

In contrast to the Code’s orientation towards individual land ownership, customary land ownership is essentially communal in nature. The collective customary owner of land is the lineage. Decisions about management, occupation and use of lineage lands are made by the senior members of the lineage. The majority of occupants and users of lineage lands do so by permission of lineage elders, although entitlement to use and to occupy land may improve over time, by virtue of ongoing occupation and stewardship.

The lineage system way of handling land allocation, matching individual effort and capability to land availability is very useful because it to orchestrate social and economic organisation in a familiar context. So far as possible, Simfer seeks to minimise impact on system. Along the rail corridor, where the local economy is not well developed and the use of money is limited, the promotion of land tenure registration could be risky and premature. In other countries with a strong subsistence sector land registration has been followed by a process of forcing people off the land into impoverishment. A disadvantage that can accompany land registration, particularly in areas with an elevated birth rate, is progressive fragmentation of holdings until productive capacity is highly constrained.

On the other hand, there may be a prima facie case for land registration at either end of the corridor (i.e. the mine and port areas) where the local economy is more developed.

The approach then is to identify the means to provide security of tenure to Project-affected people in a way so far as possible compatible with and respectful of the contemporary customary land tenure and management system, whilst providing sufficient flexibility to enable the owners, occupiers and users of the land to adapt as regional economies develop.
8 RESSETTLEMENT AND COMPENSATION STRATEGY

8.1 Objectives

The general objectives of the land acquisition, resettlement and compensation strategy is to avoid and/or minimize the negative impacts of the Project on the population and improve the quality of life of the population by implementing a successful resettlement, compensation and rehabilitation program fully integrated with cultural and customary ethos of the country and regional and socio economic development.

8.2 Reference Framework and Applicable Requirements for PARC

The key requirements committed in this PARC are the following:

- IFC PS 5 (Land Acquisition and Involuntary Resettlement) and subsequent revisions in 2011;
- Applicable Guinean Legislations;
- Relevant customary and traditional laws; and
- Rio Tinto Community Standard and HSEC policy.
### 8.2.1 Guinean Law and IFC’s Requirements

The table below discusses and compares the key provisions of the Guinean law and IFC’s standards on land and resettlement and identifies the processes of providing positive outcomes for the PAP.

**Table 8.1 Comparison of Guinean Law and IFC’s Requirements**

<table>
<thead>
<tr>
<th>Topic / Impact</th>
<th>Guinean Law</th>
<th>IFC’s Requirements</th>
<th>The Principles for the Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impacts to Titled Land or assets: (includes all kind of land under private ownership with established titles in rural and urban areas)</td>
<td>The Domain and Land Code, covering both urban and rural lands requires “Fair and prior” cash compensation. No detailed guidelines for the calculation of compensation. No provisions as to resettlement/relocation or “land-for-land” compensation. No entitlement to specific assistance triggered by displacement/relocation. People who lose only part of a plot can require expropriation of the whole plot.</td>
<td>Choice of replacement property of equal or higher value, equivalent or better characteristics and advantages of location and cash compensation if appropriate. Compensation is at replacement cost, plus cost of preparation to levels similar or better to the land affected, transaction costs etc. and are a few of many elements within a comprehensive rehabilitation strategy (“no worse-off if not better-off” requirement). Cash compensation is appropriate where (i) livelihoods are not land-based; (ii) livelihoods are land-based but the land taken is a small fraction of the affected assets and the residual land is economically viable</td>
<td>Land for land compensation is committed in the entitlement Framework, and will be a part of a larger compensation package that addresses livelihood restoration in case of land expropriation. Where land is purchased through a negotiated settlement, the land price will be agreed with the seller and will be at par with its replacement value. In cases where land is taken on lease for a short duration of time, the lease arrangement will be done through an amicable agreement with the land lord or user and will take into account livelihood dependence on that land.</td>
</tr>
<tr>
<td>Impacts on Customary Land (includes lands under all categories of use without legal titles)</td>
<td>Article 39 of the Domain and Land Code indicates that “bona fide” occupants can be granted the same benefits in terms of compensation for developments (structures, land improvements, crops) as titled owners.</td>
<td>For those who do not have formal legal rights to land or assets but have a claim to land that is recognised or recognisable under the law and those who have no recognisable legal right or claim to the land or assets they occupy or use; all people must be compensated along the same principles as legally recognized owners Compensation in kind should be considered in lieu of cash. The project will improve security of tenure through formalisation of tenure status on replacement land.</td>
<td>The Project will recognise the rights of legally recognised land owners as well as the rights of informal and customary users of land. Both categories will be compensated at replacement value with a preference for land for land compensation commensurate with extant rights though with adequate provisions for security of tenure. The lineage/traditional leaders will be appropriately engaged to approve and ensure continuation of this security of tenure.</td>
</tr>
<tr>
<td>Impacts on Land Tenants and Sharecroppers</td>
<td>Article 39 of the domain and land code can be interpreted as granting “occupants and notorious users” with entitlement to compensation for land, however entitled to compensation for loss of structure and livelihood. Income must be restored as long as</td>
<td>Not entitled to compensation for land, however entitled to compensation for loss of structure and livelihood. Income must be restored as long as</td>
<td>Such tenants and sharecroppers will be identified during the PARC surveys. Loss of livelihoods and incomes for such users will be</td>
</tr>
<tr>
<td>Topic / Impact</td>
<td>Guinean Law</td>
<td>IFC’s Requirements</td>
<td>The Principles for the Project</td>
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<tr>
<td><strong>Impacts on Non-residential Structures</strong>&lt;br&gt;Buildings are part of the immovable assets that are eligible for compensation in the event of expropriation or occupancy. No detailed guidelines other than the general &quot;fairness&quot; principle. Assets that are not lost but cannot be used any more are eligible to compensation.</td>
<td>Rights to compensation. The loss of land causes loss of income.</td>
<td>In-kind compensation or cash compensation at full replacement cost including labour.</td>
<td>All structures and assets will be compensated at full replacement cost, including labour cost. Schools, business, mosques, churches and public buildings will receive replacement structures.</td>
</tr>
<tr>
<td><strong>Impact on Shelter/residential structure</strong>&lt;br&gt;Buildings are part of the immovable assets that are eligible for compensation in the event of expropriation or occupancy. No detailed guidelines other than the general &quot;fairness&quot; principle. Assets that are not lost but cannot be used any more are eligible to compensation.</td>
<td>Provision of adequate housing and a degree of security of tenure to displaced persons at resettlement sites. Adequate housing or shelter can be measured by quality, safety, size, number of rooms, affordability, habitability, cultural appropriateness, accessibility, security of tenure and locational characteristics.</td>
<td>The project will provide alternate housing to all households who will lose their shelter, along with security of tenure. The housing design, quality and layout will reflect the current living arrangement to the households to the extent possible, but will be of improved quality compared to what they have today. In exceptional circumstances, if permanent housing is not ready at the time people need to be moved, Simfer on behalf of the SPV, will ensure temporary arrangement (rental or temporary houses) for a maximum period of 1 year, before providing the permanent housing as agreed in the Resettlement Agreement.</td>
<td></td>
</tr>
<tr>
<td><strong>Impacts on Crops and trees</strong>&lt;br&gt;Cash compensation based upon unit rates established in 2008 by the Ministry of Agriculture.</td>
<td>Compensation for loss of standing crops and trees and livelihood. Loss of opportunity/opportunity cost must be taken into account. For example transition period between planting and effective production and harvest should be taken into account while calculating compensation or determining assistance value. Compensation for trees will vary, but will take into account the productive life of the tree and the livelihood/income derived from it.</td>
<td>Loss of crops and trees will be compensated at replacement cost. Compensation will also take into account improvements to land and rotational cycle of crop/ productive life of the trees. A transition allowance will be provided for loss of livelihood until an alternate land or livelihood is provided to the impacted land user.</td>
<td></td>
</tr>
<tr>
<td><strong>Impact on access to common property resources like fishing areas/sea, pasture lands, common</strong>&lt;br&gt;Not addressed specifically.</td>
<td>Restore access to alternative locations and resources and compensate loss of livelihood in the transition period.</td>
<td>The project will either provide access to alternate areas, or will provide in-kind compensation on lieu of loss of a community resource and look at opportunities to develop other lands for the purpose. Any commonly held</td>
<td></td>
</tr>
<tr>
<td>Topic / Impact</td>
<td>Guinean Law</td>
<td>IFC’s Requirements</td>
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<tr>
<td>plantations etc</td>
<td></td>
<td>assets like trees will also be compensated in kind at the community levels if there are no individual rights on it. The approach would be on the development of remaining resources or the establishment of viable alternatives.</td>
<td></td>
</tr>
<tr>
<td>Impacts on Business Income</td>
<td>Not addressed specifically.</td>
<td>Establish access to similar opportunities, compensation for the cost of re-establishing commercial activities, compensation for lost net income during the period of transition etc. Assistance to employees of the business to compensate for temporary loss of employment.</td>
<td>The Project will compensate loss of livelihood, and provide assistance to re-establish businesses through its livelihood restoration programme. In case there are employees involved in the business, they will be provided transitional allowance in lieu of loss of employment, supplemented by livelihood restoration support.</td>
</tr>
<tr>
<td>Non-land based impacts</td>
<td>The impacts are to be mitigated under the environmental laws. No specific guidance on the potential displacement that may occur.</td>
<td>This issue is covered under the PS 1. Where this could result in potential displacement of people, the provisions of PS 5 will be triggered.</td>
<td>The SEIA process will identify locations where environmental impacts such as noise and vibration, as well as issues like loss of access may require relocation of people. The provisions of the PARC framework will apply.</td>
</tr>
<tr>
<td>Impacts on Livelihoods and Livelihood Restoration</td>
<td>Not addressed specifically.</td>
<td>The Project developer is required to “improve or at least restore (PAPs’) income-earning capacity, production levels, and standards of living”</td>
<td>Affected livelihoods will be restored as a minimum, or preferably improved, and living conditions of affected households will be improved. Livelihood restoration programmes can be a combination of re-establishing, replacing or enhancing income levels and productivity of subsistence activities. A robust monitoring mechanism will ensure that livelihood restoration is regularly tracked and through consistent and continuous engagement maximize livelihood restoration.</td>
</tr>
<tr>
<td>Impacts on Vulnerable Groups</td>
<td>Not addressed specifically.</td>
<td>The Project developer is required to identify and assist vulnerable groups</td>
<td>The Project recognizes that vulnerable groups, including women have special needs and require specific measures and provisions to ensure they are not further marginalised. Project benefits in terms of employment and livelihood restoration will be given on priority to these vulnerable groups. Women’s use rights on</td>
</tr>
<tr>
<td>Topic / Impact</td>
<td>Guinean Law</td>
<td>IFC’s Requirements</td>
<td>The Principles for the Project</td>
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</tr>
<tr>
<td>Monitoring &amp; Evaluation</td>
<td>Not addressed specifically.</td>
<td>Monitoring and evaluation should be on-going during and after resettlement activities</td>
<td>The Project is committed to a robust monitoring programme that will keep track of both the PARC progress as well as process and impacts aspects of the resettlement.</td>
</tr>
<tr>
<td>Consultation</td>
<td>No specific legal provisions related with resettlement and compensation but there are consultation requirements in relation with ESIAs</td>
<td>Public consultation and free, prior and informed consultation a key requirement. Consultation is expected to be on-going during implementation of resettlement and monitoring activities.</td>
<td>The Project will be transparent in disclosing information related to the Project and entitlements and people’s participation will be sought across the lifecycle of the project. Project Consultations will be commenced early to inform the potentially impacted communities, and to discuss with them the process of surveys and assessments relating to PARC; consultations will continue during the implementation of resettlement and rehabilitation works. Affected communities including host communities will be engaged in the decision making processes related to resettlement and livelihood resettlement.</td>
</tr>
<tr>
<td>Documentation</td>
<td>No specific document addressing resettlement and compensation is required from a Project sponsor beyond the usual ESIA.</td>
<td>The Project developer is required to develop a Resettlement Action Plan including Livelihood Restoration Plan or Resettlement Framework, to consult upon it, and to disclose it to interested parties.</td>
<td>This PARC Framework provides the overarching commitments of the Project on various aspects of resettlement. A separate PARC will be prepared for each of the three Project components.</td>
</tr>
</tbody>
</table>
The PARC principles and provisions under which the resettlement and compensation will be carried out are committed to meeting the above standards and requirements therein.

8.3 Key Principles

The key principles committed to are the following:

- **Security of Tenure**: Security of tenure will be ensured through legal provisions as well as customary ways as relevant. Formal and informal leadership in the community will be engaged to approve and ensure continuation of this security of tenure.

- **Compliance**: Ensure compliance with the Guinean legislation, Rio Tinto and IFC Standards (including with regard to the struggle against corruption).

- **Minimization of adverse impacts**: Negative/ adverse impacts of the Project will be avoided or minimized, to the extent practicable.

- **Minimization of displacement**: Where feasible, avoid or at least minimize physical and economic displacement by exploring alternative Project designs and locations.

- **Consideration of both physical and economic displacement**: Impacts from permanent or temporary land acquisition on assets and livelihoods will be mitigated, with both physical and economic displacement (severance of livelihoods) taken into consideration.

- **Compensation at Replacement Value**: The Project will compensate both physical and economic impacts of land acquisition at full replacement value (i.e. the market value of assets plus transaction costs).

- **Opportunity Cost**: The determination of compensation will take into account the opportunity cost of the land and/or asset affected to the extent feasible.

- **Livelihood restoration**: Affected livelihoods will be restored as a minimum, or preferably improved, and living conditions of affected households will be improved. A robust monitoring mechanism will ensure that livelihood restoration is regularly tracked and through consistent and continuous engagement maximize livelihood restoration.

- **Recognition of customary rights**: The Project will recognize customary land ownership aligned with the different layers of land rights identified in the local land tenure system and develop culturally appropriate and sustainable entitlements and compensation plans;

- **Consultation and Disclosure**: The Project will be transparent in disclosing information related to the Project and entitlements and people’s participation will be sought across the lifecycle of the Project. Consultations will be commenced early to inform the potentially impacted and host communities, and to discuss with them the process of surveys and assessments relating to PARC, involve them in the decision making process to gauge views on the resettlement planning and proposed mitigation measures; consultations will continue during the implementation of resettlement and rehabilitation works. Simfer will engage in free, timely, and informed consultation and promote informed participation.

- **Grievance Procedure**: An effective and accessible grievance redressal mechanism will be established at the Project level to ensure speedy resolution of grievances/disputes. Representation of the community will be ensured in the grievance redressal mechanism.
Minimizing impacts on Heritage Sites and Community Assets: The Project will to the extent possible and feasible avoid impacts on cultural and heritage sites as well as community assets.

Vulnerable Groups: The Project will recognize that vulnerable groups including women have special needs and require specific measures and provisions to ensure they are not further marginalised and that they are adequately compensated.

Rights of the spouse: The project will allow the customary process to determine the rights of spouses, considering there could be more than one wife of some heads of household. This also considers the fact that women retain the lineage rights of their birth place. Titles for land and house will be in the name of the Chef de ménage or head of household. If a woman is the established head of household or owner of the house or land, the title will be in her name, however cash compensation for loss of crops and income will be paid directly to the individual who uses that land. Thus in the case of vegetable gardens, salt areas, plantations of palm trees, which women specifically use and operate. Women will be entitled to the compensation for loss of livelihood from these.

User rights: The Project will take into account traditional and other rights of usage and passage of pastoralists, transhumant herders etc on lands and along corridors of movement to ensure that these are taken into account for provision of compensation, resettlement and/or provided for, in the engineering design, to the extent possible.

The Project commits to ensure that:

- The compensation is received by the rightful and eligible person or family through a process agreed with the village elders and the concerned family.
- The Project Affected Person (PAP) and/or Project Affected Families (PAF) families will be provided options of monetary compensation as well as non-monetary (in-kind) compensation.
- Resettlement housing and replacement agricultural land, will be offered to the PAPs, preferably as close to their original village/location as possible; should this not be feasible, alternate locations will be discussed with the impacted households and decided based on their agreement.
- The project will not displace any individual or family in the host community, either physically or economically to provide replacement land for agriculture or replacement homes.
- PAPs are assisted in restoring their affected livelihoods. Provisions of transitional assistance, rehabilitation grant and livelihood support programmes will be considered to restore livelihoods to pre-project levels, and preferably improve.
- The implementation of PARC and its outcomes are monitored and evaluated as part of a transparent process involving independent parties.
- Impact on host communities and neighbouring villages is minimized to the extent possible, and where possible, they benefit from the resettlement process.
- Community resources will be compensated at a community level along with programmes to mitigate impacts and enhance the value and quality of the remaining resource.
- Adverse impacts on access routes, CPRs and other community sensitivities are minimized to the extent possible. Wherever unavoidable the Project will provide alternatives for such loses and restore and/or strengthen community resources.
8.4 Eligibility and Entitlements

8.4.1 Kinds of Entitlement

Based on the assessed impacts and the broad entitlement principles, the affected persons in the Project will typically be entitled to the following kinds of compensation and assistance:

- compensation for loss of land, crops, trees etc;
- compensation for structures (residential and commercial) and other immovable assets;
- compensation for loss of livelihood loss of income and livelihood restoration support;
- compensation and assistance for loss of common resources (such fishing areas, water resources, forest) and dependent livelihoods;
- assistance for resettlement, relocation and rehabilitation;
- replacement and shifting of community assets;
- strengthening and rebuilding and/or restoration of community resources, assets and/or facilities;
- preferential employment and skill building support; and
- community development activities.

8.4.2 Entitlement Categories

Based on the impacts assessed and stakeholder getting impacted the following broad groups have been identified as eligible for entitlement and/or other benefits in the entitlement Framework;

- general community/villagers;
- lineage;
- individual or a nuclear family unit;
- a household or concession which may be composed of several families;
- share croppers and/or tenants
- transhumant herders;
- users of Common Property Resources (CPRs);
- vulnerable families;
- fishermen and/or fisherwomen; and
- Business owners and their employees.

The entitlement matrix presented in Table 8.2 provides category-wise details regarding the entitlements in relation to the PARC principles enumerated above. The headings of the columns should be read as follows:
- Impacted Asset: provides description of the type of asset that is impacted;
- Impacted Category: describes the community level unit of impact (village, family etc);
- Unit of Entitlement: describes to whom the given entitlement will be delivered;
- Eligible Conditions: describes the conditions that the asset or the right holder must meet for the entitlement to be delivered, including cut-off-date with respect to the census survey ("cut-off-date" described later in the section); and
- Entitlement: describes the compensation and other benefits that will be delivered in the event that the asset is affected by Project activities.

8.4.3 Revisions and Amendments

The resettlement and compensation and the entitlement Framework proposed in this PARC Framework may require to be updated based on the legal instruments adopted for the Project, as well as census survey outcomes. Nevertheless, the underlying principles of resettlement and compensation will remain the same and meet the requirements of PS5. The entitlements provided here take into consideration the requirements of the local law and the IFC standards and will be strengthened (and updated) as the Project progresses and such updation is required.
<table>
<thead>
<tr>
<th>Impacted Asset</th>
<th>Impacted Category</th>
<th>Potential Rights/Interests(^9)</th>
<th>Unit of Entitlement</th>
<th>Eligibility Condition</th>
<th>Proposed Entitlements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential structures</td>
<td>Structures – Home owner(s) [Houses &amp; other structures in residential areas of village and agricultural hamlets (used temporarily/during season)]</td>
<td>Legal rights: <em>Customary rights</em></td>
<td>Individual or a family unit (nuclear family)</td>
<td>Included in census prior to cut-off</td>
<td>Resettlement package including: - Residential land of similar size and potential - Residential house of similar or better size, design and characteristics - Security of tenure - Moving allowance and assistance - Livelihood restoration assistance in case livelihood is impacted In the case of migrants from other countries, self relocation will be considered, should they opt to leave the country (Guinea).</td>
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<td></td>
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<td></td>
<td>Concession or household which can comprise of several families.</td>
<td>Community and lineage consensus that the person actually owns the house; Consensus on the occupancy right of the person from lineage head Documented evidence of legal title if any;</td>
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<tr>
<td></td>
<td>Users/Tenants</td>
<td>Occupation rights</td>
<td>Tenant or other occupant, and non-paying tenants, if different from the owner</td>
<td>Included in census prior to cut-off Consensus on the occupation rights</td>
<td>Moving allowance and support Transition or rental support for disruption Livelihood restoration assistance if required Replacement house with security of tenure and livelihood restoration measures On non-paying tenant, the project will consider them as a part of the family. In they have an arrangement with the family and provide services like labour/sharecropping, the project will treat them as tenants and compensate them for any loss of livelihood.</td>
</tr>
<tr>
<td></td>
<td>Squatters</td>
<td>Occupation/ use for livelihood reasons</td>
<td>Occupant (unauthorised /illegal) Individual or family</td>
<td>Included in census prior to cut-off Consensus on the occupation over a period of time for livelihood reasons and not as opportunistic squatting</td>
<td>Moving allowance and support Transition or rental support for disruption Livelihood restoration assistance if required Replacement house with security of tenure</td>
</tr>
<tr>
<td>Agricultural Land (including coteau fields, low land field and recent fallow land)</td>
<td>Community Customary Ownership</td>
<td>Community represented by head-founder lineage of village or Council of Elders</td>
<td>Agreement and consensus on the title of the land and that it falls within the village boundary</td>
<td>Community compensation discussed with Council of Elders and community, valued at a given amount in Guinean Francs per hectare of affected land (provided in kind). This will be a negotiated settlement, and be based on agreed criteria that people are not worse off as a result of the land loss, that there is community consensus on other compensation in kind</td>
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<tr>
<td>Village and/or General community</td>
<td>Village and/or General community</td>
<td>Village and/or General community</td>
<td>Village and/or General community</td>
<td>Village and/or General community</td>
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<tr>
<td>Host Community</td>
<td>Ancestral and/or Lineage rights</td>
<td>Community - represented by head-founder lineage of village or Council of Elders of the host community</td>
<td>Land in the host community village used for resettlement/replacement land</td>
<td>Community compensation (in-kind) discussed with Council of Elders and community, valued at a given amount in Guinean Francs per hectare of affected land (provided in-kind). This will be through negotiation, and be based on agreed criteria</td>
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</tr>
<tr>
<td>Lineage (Family or a group of families represented by a lineage/family head)</td>
<td>Ancestral and/or Lineage rights</td>
<td>Lineage head represents one or a group of families under one common lineage</td>
<td>Recognition of the lineage right by the community and Council of Elders</td>
<td>Community compensation (in-kind) discussed with Council of Elders and community, based on a given amount in Guinean Francs per hectare of affected land. This will be through negotiation, and be based on agreed criteria</td>
<td></td>
</tr>
<tr>
<td>Individual or Family</td>
<td>Individual/private rights</td>
<td>Head of the family (mostly nuclear family)</td>
<td>Legal title deed for the land (if registered)</td>
<td>Replacement land of similar size and potential allocated through the traditional lineage land allocation mechanisms within the boundaries of the village territory</td>
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<tr>
<td></td>
<td>Women and Youth rights</td>
<td>Women or youth in the family using the land</td>
<td>Agreement in lineage and community (principle lineages and founding family head) that the individual holds rights (usage or hereditary) to the land</td>
<td>Cash compensation for any improvements on the land, including clearing, irrigation systems, ploughing</td>
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<td>Clearing or cultivation of land in the past years</td>
<td>Livelihood restoration assistance (like preference in employment, skill building support)</td>
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<td>OR if replacement land is not available</td>
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<td>Cash compensation for land and improvements on land at replacement value;</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Livelihood restoration assistance (like preference in employment, skill building support)</td>
<td></td>
</tr>
<tr>
<td>Residential Land</td>
<td>Village/ General Community</td>
<td>• Community Customary Ownership</td>
<td>• Agreement and consensus that the residential land falls within the village boundary</td>
<td>• Community or lineage compensation in kind through development projects defined with the affected community or lineage, based on a given amount in Guinean Francs per hectare of affected land. This will be through negotiation, and be based on agreed criteria</td>
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<tr>
<td>Lineage (Family or a group of families represented by a lineage/family head)</td>
<td>• Ancestral/Lineage rights</td>
<td>• Family head – who represents one or a group of families under one common lineage</td>
<td>• Recognition of the lineage right by the community and Council of Elders</td>
<td>Resettlement package including: • Residential land of similar size and potential • Residential house of similar or better size, design and characteristics • Shifting allowance and assistance • Livelihood restoration assistance (employment, skill building support). In the case of the pMOF, where the permanent house is not ready at the time of resettlement, the family will be provided temporary housing for a maximum period of 1 year. In such cases, the family will be provided another round of shifting allowance for the second time they will need to move into the permanent house.</td>
<td></td>
</tr>
<tr>
<td>Individual or Nuclear Family</td>
<td>• Individual/private rights (including women and youth)</td>
<td>• Head of the family (mostly nuclear family)</td>
<td>• Legal title deed for the land (if registered) • Lineage/community consensus that the individual head actually holds usage right for that residential land</td>
<td></td>
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</tr>
<tr>
<td>Fallow Land</td>
<td>Village/ General Community</td>
<td>• Community Customary Ownership</td>
<td>• Agreement and consensus that the fallow land falls within the village boundary</td>
<td>• Community compensation discussed with Council of Elders and community, based on a given amount in Guinean Francs per hectare of affected land • Compensation always in kind for community assets (school, health care, access road, housing, water supply) • Livelihood restoration program.</td>
<td></td>
</tr>
<tr>
<td>Lineage (Family or a group of families represented by a lineage/family head)</td>
<td>• Ancestral/Lineage rights</td>
<td>• Lineage or expanded family, represented by the lineage head</td>
<td>• Recognition of the lineage right by the community and Council of Elders</td>
<td>Community compensation discussed with Council of Elders and community, based on a given amount in Guinean Francs per hectare of affected land</td>
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</tr>
<tr>
<td><strong>Savannah land</strong></td>
<td><strong>Village/ General Community</strong></td>
<td><strong>Herder/Grazing Groups</strong></td>
<td><strong>Forest Land</strong></td>
<td><strong>Village/ General Community</strong></td>
<td><strong>Individual or Family groups</strong></td>
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<td></td>
<td>Community Customary Ownership</td>
<td>Community represented by head/founder lineage of village or Council of Elders</td>
<td>Agreement and consensus that the fallow land falls within the village boundary</td>
<td>Community compensation discussed with Council of Elders and community, based on a given amount in Guinean Francs per hectare of affected land this will be through negotiation, and based on agreed criteria [that people are not worse off as a result of the land loss, that there is community consensus on other compensation in kind]</td>
<td>Community compensation discussed with Council of Elders and community, based on a given amount in Guinean Francs per hectare of affected land this will be through negotiation, and based on agreed criteria that people are not worse off as a result of land loss.</td>
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<td></td>
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<td>Head of the livestock farmers group or, when relevant, of the hunting clan if usage right has been conceded to such a group</td>
<td>Consensus with head of the livestock farmers group or, when relevant, of the hunting clan and host/other inhabiting communities on herding/grazing groups holding rights to the affected piece of land</td>
<td>Compensation always in kind for community assets (school, health care, access road, housing, water supply) with community agreement on arrangements for running the facilities and their O&amp;M and</td>
<td>Compensation to consider loss of timber and non-timber products (i.e. loss of access to natural resources)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Individual Herder</td>
<td>Not applicable: pursuant to the Early Works Protocol dated 14 May 2012, the State, through the “Service des Eaux et Forêts”, is not eligible to resettlement or compensation</td>
<td>Not applicable (Documentation held by Service des Eaux et Forêts)</td>
<td>Not applicable as agreed with GoG in the Early Works Protocol and later as per the agreement</td>
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<td></td>
<td>Forest land with formal ownership of state</td>
<td>Legal ownership;</td>
<td>Not applicable: pursuant to the Early Works Protocol dated 14 May 2012, the State, through the “Service des Eaux et Forêts”, is not eligible to resettlement or compensation</td>
<td>Consensus with head of the livestock farmers group or, when relevant, of the hunting clan and host/other inhabiting communities on herding/grazing groups holding rights to the affected piece of land</td>
<td>Community compensation discussed with Council of Elders and community, based on a given amount in Guinean Francs per hectare of affected land this will be through negotiation, and based on an agreed criteria that people are not worse off as a result of land loss.</td>
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<td></td>
<td>Village/ General Community</td>
<td>Customary ownership of Community;</td>
<td>Community represented by head/founder lineage of village or Council of Elders</td>
<td>Agreement and consensus that the forest land falls within the village boundary;</td>
<td>Community compensation discussed with Council of Elders and community, based on a given amount in Guinean Francs per hectare of affected land this will be through negotiation and based on an agreed criteria that people are not worse off as a result of land loss.</td>
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<tr>
<td></td>
<td>Individual or Family groups</td>
<td>Usage rights to community members;</td>
<td>Individuals and family units;</td>
<td>Consensus on individuals/groups using the forest and its produce;</td>
<td>Included in the community compensation</td>
</tr>
<tr>
<td>Non-residential structures</td>
<td>Individual or Family groups</td>
<td>Ownership rights</td>
<td>Individuals and family units;</td>
<td>Included in census at the time of cut-off</td>
<td>Cash compensation at full replacement value OR</td>
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<tr>
<td>Perennial Crops</td>
<td>Individual or Family groups</td>
<td>Ownership rights</td>
<td>Individuals and family units;</td>
<td>Community consensus that the person/family actually owns the crop</td>
<td>Cash compensation at full replacement value</td>
</tr>
<tr>
<td>Sharecroppers</td>
<td>User Rights</td>
<td>Individuals and family units;</td>
<td>Included in census at the time of cut-off</td>
<td>Community consensus that the person/family undertakes sharecropping with approval of the owner and user</td>
<td>Cash compensation for crops at full replacement value</td>
</tr>
<tr>
<td>Religious/Sacred/Cultural/Heritage Site</td>
<td>Lineage/Village and/or General Community</td>
<td>Community access and customary rights</td>
<td>Community-represented by head/founder lineage of village or Council of Elders</td>
<td>Agreement and consensus that cultural/religious or sacred site falls within the village boundary; Prioritizing the local significance of the cultural/sacred/heritage site</td>
<td>Avoid (to the extent possible) any impact on cultural/religious/heritage sites; If avoidance is not feasible, mitigation plans for relocating of cultural/heritage/religious sites and their restoration will be worked out along with the Council of Elders/Founding Families with due regards for cultural processes using an appropriate cultural heritage management plan**</td>
</tr>
<tr>
<td>Community Assets &amp; Infrastructure</td>
<td>Village/ General Community</td>
<td>Community customary ownership:</td>
<td>Community-represented by head/founder lineage of village or Council of Elders</td>
<td>Agreement and consensus that community asset and infrastructure falls within the village boundary;</td>
<td>Restoration of the community assets and infrastructure in consultation with the community and Council of Elders</td>
</tr>
<tr>
<td>Fishing related assets</td>
<td>Fishing Groups and Communities – rivers and lakes</td>
<td></td>
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<tr>
<td><strong>Community fishing rights in areas within the village boundaries</strong></td>
<td><strong>Individual or a family unit (nuclear family)</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Community fishing rights in areas within the village boundaries</strong></td>
<td><strong>Concession or household which can comprise of several families</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>General Community</strong></td>
<td><strong>Agreement and consensus that the fishing area (catchment) falls within the village boundary.</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>Included in the census survey</strong></td>
<td><strong>Replacement area of similar size and potential allocated through the traditional community area allocation mechanisms where possible;</strong></td>
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<tr>
<td></td>
<td><strong>Community compensation discussed with Council of Elders and the fishing groups/community, based on impact and losses</strong></td>
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<td></td>
<td><strong>Compensation always in kind for community assets (school, health care, access road, housing, water supply);</strong></td>
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<td><strong>Livelihood support measures such as adding value to fishing activities to improve incomes including marketing and storage</strong></td>
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<td><strong>General skill building support for youth and persons in employable age and in employment, subject to skill and qualification</strong></td>
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<tr>
<th>Fishing related assets</th>
<th>Fishing Groups and Communities - ocean</th>
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<tr>
<td><strong>Community fishing rights in the ocean</strong></td>
<td><strong>Women involved in fishing related businesses.</strong></td>
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<td><strong>Agreement on the fishing women involved in secondary activities related to fishing.</strong></td>
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<td><strong>Included in the census prior to cut-off</strong></td>
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<td><strong>Compensation at replacement cost for loss or damage to any equipment and assets</strong></td>
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<td><strong>Compensation for temporary loss of income</strong></td>
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<td><strong>Livelihood support measures such as adding value to fishing activities to improve incomes including marketing and storage.</strong></td>
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<td><strong>Other means of restoring livelihoods if fishing related activities become unviable; to develop alternative livelihoods.</strong></td>
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<td><strong>Fishing Community-represented by head/founder lineage of village or Council of Elders</strong></td>
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<td><strong>Agreement and consensus on the area that each village has rights to fish in the impacted area.</strong></td>
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<td><strong>Community compensation discussed with Council of Elders and the fishing groups/community, based on impact and losses;</strong></td>
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<td><strong>Providing alternative fishing grounds</strong></td>
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<td><strong>Providing cash compensation with the encouragement for it to be invested in initiating an alternative business.</strong></td>
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<td><strong>Livelihood restoration measures that add value to fishing activities to improve incomes;</strong></td>
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<tr>
<td></td>
<td><strong>General skill building support for youth and persons in employable age and in employment subject to skill and qualification</strong></td>
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</tbody>
</table>
| Commercial Structure | Owners of business structures | • Business Income and assets | • Individual or family unit | • Included in the census at time of cut-off.  
• Community and lineage consensus that the person actually owns the commercial structure;  
• Consensus on the occupancy right of the person/family from lineage head  
• Documented evidence of legal title if any;  
• Replacement commercial structure;  
• Compensation for loss of livelihood for transition period;  
• Assistance to re-establish businesses through its livelihood restoration programme;  
• Moving costs- shifting allowance  
• In case there are employees involved in the business, provide transitional allowance in lieu of loss of employment, supplemented by livelihood restoration support. |
|---|---|---|---|---|
| Impact on the assets of vulnerable households | Vulnerable Groups | • Ownership, occupancy and user rights | • Vulnerable Groups as identified such as women, marginalized communities, senior citizens etc | • Agreement on vulnerability on the basis of socio-economic survey and consensus among the wider concession  
• Included in the census at the time of cut-off  
• All entitlements as defined in this Framework in accordance to the appropriate impacted assets;  
• Preference for skill development, employment, local procurement as feasible;  
• Transition allowance for longer duration if required  
• Support for moving- shifting allowance  
• Preference for livelihood restoration programs customized to the nature and extent of vulnerability. |

** Refer to the Cultural Heritage survey and Management Plan to deal with such sites
8.5 Compensation Framework

This section provides an overview of the compensation options that will be designed to address the impacts associated with Project construction and operation (livelihood restoration options are discussed in Section 9). For each subsequent PARC an Entitlement Matrix will be prepared providing full details of all categories of affected people, all types of losses associated with each category, and all types of compensation and assistance to which each category will be entitled.

8.5.1 Guiding Principles

Physical and economic displacement will be managed in compliance with the Guinean legislation, the principles and requirements of Rio Tinto’s Community Standards, in particular the resettlement and compensation guidance,¹ and the IFC’s Performance Standard 5. Resettlement and compensation packages will be designed to enable physically and economically displaced persons to fully restore their standard of living and income-earning capacity to pre-Project levels, guided by these standards and the principles and commitments detailed in Section 8.3. In summary, compensation options to address physical and economic displacement will be guided by the following principles:

- Affected people are defined as those whose livelihoods and standards of living are adversely affected by Project activities - whether through the loss of assets or access to assets, through being deprived of resources, through loss of income sources or means of livelihood, through physical relocation, or through other losses that may be identified during the process of resettlement planning. All persons resident in a Project displacement area at the time of the census survey and cut-off date will be eligible for resettlement entitlements. Host communities affected by resettlement activities will be considered as Project-affected parties.

- Displaced persons, their traditional and local/government authorities and host communities (where applicable) will be involved in the planning of the resettlement programme. The outcomes of the resettlement planning exercise and agreements will be documented in the PARC for the relevant Project component.

- Economically feasible options for resettlement will be prepared in collaboration with the affected people, which will include the identification, selection and preparation of suitable resettlement sites and the provision of replacement cultivation land of equivalent or better productive potential that is in reasonable proximity to the acquired land.

- The resettlement programme will be implemented at no cost to the displaced households. All establishment and transaction costs will be covered by the Project.

- Resettlement planning will ensure that no host community member is physically or economically displaced.

- Security of tenure will be ensured to resettled and economically displaced persons.

- Just and fair compensation will be provided for all lost assets, at full replacement cost. In kind compensation will as far as possible be provided instead of cash compensation, especially where the livelihoods of affected persons are land-based. Where cash compensation is provided in settings with a limited cash economy, the payment of compensation at regular intervals, instead of a once-off payment, will be a preferred option, especially where relatively large amounts of cash compensation are involved.

- Where livelihoods depend on natural resources, continued access to those resources will be provided for, or alternative resources that will provide the same amount of income or livelihood earning potential.

¹ Rio Tinto Resettlement Guidance (1 September 2011) and Rio Tinto Compensation and Benefits for Land Access (1 January 2012).
• Where land is occupied on a temporary basis, the owner will be compensated for the period of use and land will be returned within 6 months of first access. Any unavoidable impacts will be compensated to the owner and users as per the PARC Framework. This will include compensation for the reestablishment of croplands and crop yields after the temporary disruption. In cases of cash compensation, the payment of staggered compensation will be considered to ensure that the compensation is used to restore livelihoods.

• Real-time monitoring of livelihood restoration activities will be undertaken to ensure no income/production/food security gap emerges. After resettlement, livelihood monitoring by independent experts will occur for a minimum of five years. This will include annual surveys of resettled and host communities’ opinion of the resettlement programme.

8.5.2 Physical Displacement

The Project will compensate all the individuals who will be physically displaced as a result of land acquisition and other Project related impacts that may entail displacement. The compensation will be at full replacement cost for land and other assets lost. Resettlement assistance will be provided to all eligible people (residents, business owners, tenants and squatters enumerated at the time of the various cut-off dates). Assistance shall be in form of transportation, food, shelter other social services. Resettlement will include, as appropriate, replacement land entitlements, resettlement housing/business entitlements and moving allowances and assistance.

(a) Relocation Options

Relocation options will be prepared in consultation with directly affected individuals/communities, taking account of factors such as the magnitude of the resettlement, the existing economic base and livelihoods of displaced persons and their preferred forms of livelihood restoration. Relevant information will be provided ahead of time so that people can participate in an informed manner.

The preferred form of resettlement will be relocation to sites identified by affected households within their community, in consultation with community members and the relevant authorities. Preference will be given to relocation options that cover relatively short distances to areas that are known by displaced people, and that keep communities intact. Requests for self-relocation by individual households will be considered only if the affected families are migrants and want to migrate to their home country.

Accommodation in rental housing may be required at the Pioneering Marine Offload Facility (an early works component) while permanent resettlement sites are assessed, secured and prepared. Appropriate rental housing arrangements will be made for the interim period in full consultation with the affected persons and relevant local communities. This rental arrangement will be for a maximum period of 1 year, beyond which the Project will be liable to pay double the allowance for the delay until such time that the PAPs are shifted into their permanent homes provided by the Project - this additional delay cannot exceed 3 months, beyond the 1 year period.

Shifting Allowance will be paid on two occasions in cases where people will first need to move to initial (temporary/rental) housing and a second time to permanent replacement homes - in the pMOF.

(b) Site Selection

The process of site selection will involve the government at the Prefecture and Sub-Prefecture levels, the Land Commission, as well as the affected and host communities. Relocation sites will be selected from government-owned land not occupied by third parties and from land under traditional rights not used for residential purposes. The selection of relocation sites will be based on engagement with the affected communities, and will amongst others include the following criteria:

• suitability for development of residential areas and community infrastructure, including access to water (for drinking water supply and livestock);
suitability for allocation of replacement land of similar size and similar agricultural potential, and other locational criteria as appropriate (e.g. access to natural resources, services, employment opportunities);

and

socially and culturally acceptable, and formally accepted by government and affected and host communities.

Preparation of relocation sites will be undertaken once the location and layout are finalised. Site preparation will be scheduled to allow for the construction of replacement housing and other required infrastructure sufficiently in advance of actual relocation. As noted above, households to be relocated from the site of the Pioneering Marine Offload Facility could initially be accommodated in rental housing until their relocations sites and replacement housing are ready for occupation.

Where residential land is held under title or registered user right (e.g. urban areas), cash compensation, at full replacement value, will be developed as an additional option.

Many of those to be resettled will wish to move to the lands of lineage kin and this could be encouraged as an alternative to resettlement on state lands. The lineage based resettlement process would require the making of open and transparent agreements.

(c) Replacement Housing

Resettlement houses will be constructed by the Project and will be based on the like-for-like principle. The preferred form of compensation for houses will be provision of replacement housing at full replacement cost, including the provision of cooking (kitchen) and basic sanitation facilities. Cash compensation will be applicable in urban areas for titled properties.

Housing locations and options/designs will be carried out in consultation with the affected households. Replacement housing will be culturally appropriate to enable integration with the non-resettled/host population, compatible with local climatic conditions, and designed for low maintenance.

The housing construction program will maximise local employment and facilitate the development of local building operators to supply materials and construction services.

Non-residential homestead structures such as granaries, sheds and animal shelters will be compensated at full replacement cost or replaced by the Project at the relocation site if requested by the displaced person/family. Economic impacts from the loss of these structures (e.g. livestock enterprise) will be included in the livelihood restoration programme.

(d) Business Enterprises and Employees

Displaced business structures, including informal trading/vending stalls will be reconstructed, at full replacement cost, at the designated relocation site. As for replacement structure, any request for cash compensation for business structures will be assessed on a case-by-case basis by the Project and local authorities (Land Commission) and, when relevant, traditional authorities.

Compensation for re-establishing the business elsewhere and for lost net earnings will be paid during the transition period to owners and employees for the duration of work stoppages resulting from the relocation of enterprises. Transition allowance will be paid through the period to restore the loss of income. This allowance will be for a period of one year or until such time as the business is re-established (which ever happens earlier). Business owners will also be included in the livelihood restoration programme.
(e) Shifting Allowance

All displaced households and business owners will be provided with an allowance for moving their belongings and settling in at their new sites. These allowances will be paid at an appropriate time prior to physical relocation dates. Where necessary the Project will provide evacuation assistance to assist vulnerable people such as the aged and infirm.

Tenants occupying rented accommodation that has to be vacated will receive a moving allowance as well as a rental allowance of six months.

8.5.3 Agricultural Land

Agricultural land to be acquired by the Project is mainly under traditional customary ownership (community rights, lineage rights and individual rights), although statutory rights (e.g. title deeds and registered rights users; see Section 7) are also likely to be affected. As discussed in the baseline section, land-based livelihoods area key feature across the Project footprint area. In view of this dependence, emphasis will be placed on land-for-land compensation, especially for the loss of land held under lineage and individual rights used for crop cultivation. Cash compensation will also be developed as an option in specific situations.

(a) Land-for-Land

Land pressure remains generally low in the Project area, except in the port and some areas of the mine, and large areas of uncultivated land remain available. The traditional mechanism of allocation and re-allocation of land appears to be functional and socially sound and fair. The best option for ensuring that affected people can access replacement land is therefore to use this mechanism for the reallocation of replacement land to those lineages or households who will be affected by land losses.

The Project will, in consultation with the Council of Elders, principle lineage heads, founding fathers, and villagers facilitate the creation of common land pools for a village (or group of villages). Residential and agricultural land allocations will be made out of this common land pool to the affected families. These will be taken into account in the process of physical planning and design of relocation sites. A menu of options with schematic plans based on considerations of local spatial organisation and typologies will be developed for consultation at village level to provide the affected population with an opportunity to participate in the selection of the best relocation options. Affected land held as community land will be compensated at community level as discussed below.

In case land parcels are rendered unviable after the land take, the project will consider the loss of livelihood for the entire parcel of land.

Costs for the preparation of replacement land will be borne by the Project.

The Project will monitor whether the lineage, family or individual affected by land acquisition does access replacement land for agricultural and other purposes. Case-by-case monitoring of actual access to replacement land and livelihood restoration will be undertaken (by visiting the affected lineage, family or individual, and documenting the process of accessing replacement land, with tracking in a database). The Project will also ensure that the community land pool remaining available in the village is sufficient for the traditional land allocation mechanism to be effective. This will be done by tracking land use within the boundaries of the village using satellite imagery. Any observed unacceptable increase in land pressure will be carefully monitored and mitigation actions planned and implemented.

(b) Cash Compensation

Though preference will be given to the land-for-land option, monetary compensation, at full replacement value, will also be considered for individual and/or privately owned land, especially land having registered legal titles and those wanting to move back to their home country in case they are migrants. Cash compensation will be
made available on the basis of a negotiated settlement based on uniform and acceptable rates for such transactions.

Compensation rates will be discussed and agreed (between all stakeholders such as Project proponents, government staff and community representatives) at each Prefecture level at the time of developing the specific PARCs. The Market Valuation study (summarised in Box 8.1, in this section) will provide the basis for discussion and finalisation of compensation rates.

As noted earlier, the payment of compensation in tranches will be a preferred option in rural settings where livelihoods are mainly land-based. The option will be discussed with all stakeholders (affected households and traditional and government authorities) so that they can be involved in the development of modalities and payment procedures.

The Project will provide monetary compensation at replacement value for any improvement (such as burning, clearing, levelling, ploughing and small-scale irrigation systems) which the owner and/or user may have carried out on the affected land.

(c) Transition Allowance

A transition allowance will be paid for:
- the total number of harvests per hectare of land, and/or
- loss income by any disruption of income earning activity,

until the replacement land is ready for productive use or the livelihood activity is restored. The allowance will be through food security support or in cash or a combination of both. This takes into consideration that good practice in resettlement planning is to maximise people’s ability to continue cultivating their lands and such allowances is only intended to assist with the transition period.

8.5.4 Other Natural Resources

The Project will also impact on other natural resources such as forest and savannah land, and other useful resources such as medicinal plants and fish. Affected categories include villagers, herders/grazing groups and fishermen. Income generation through fishing and salt extraction is also likely to be affected by the development of the port.

As discussed in the legal review, the provisions of the law (and its interpretation) recognize the customary governance structure around land and common assets, as does the IFC Performance Standard 5. Compensation for the loss of these resources will therefore be on a community basis. Persons whose income from fishing and salt extraction is affected by the port will be provided transition allowance for loss of income and will be included in the livelihood restoration programme discussed in Table 9.2.

The key principles for delivering community compensation are as follows:

- Compensation will always be provided like-for-like and will be aimed at mitigating the impacts associated with loss of access and use of commonly held land and resources. The focus will be on the development of remaining resources or the establishment of viable alternatives. Where this is not possible, other forms of mitigation, such as the provision of improved social infrastructure, will be considered.

- Community participation will be ensured in the decision making process with regard to community commonly held resources and land. Collective decisions based on the needs of the community will be agreed upon along with timelines and responsibilities for the creation of agreed infrastructure and/or amenities.

In the case of fishing in the inland areas to be affected by the Project, compensation will be at a community level with a broad aim to provide livelihood support for a transitional period, supplemented by a long term
programme to enhance the value of fishing in the area, enhance fish resources, increase the capacities of fishermen and ancillary activities, and improving markets and market linkages for fishing. The livelihood restoration programme focusing on this theme will follow the principles described in the following section (Section 9). As stated earlier, persons whose income from fishing and salt extraction are affected by the development of the port will be specifically included in the livelihood restoration programme. Livelihood restoration plans will be included in the PARC and be detailed based on the context, consultations with the impacted groups and scale of impact.

8.5.5 Standing Crops

(a) Annual Crops

Annual crops will be compensated at full replacement value to the cultivators, including sharecroppers, based on the market value of the crops in the area.

A market valuation has been undertaken by a qualified independent agency, INSUCO, to arrive at the appropriate rate (see box). The assumptions and rates provided in that study were agreed with the GoG and used for the calculation of compensation.

The assessed rates for crops will be discussed with the affected communities and presented to the government officials for their examination and approval. The PARCs for each of the individual Project components will have a breakdown of these rates in the impact area. The rates will be reassessed annually.

(b) Perennial Crops

Compensation for perennial crops and fruit bearing trees will also be at full replacement value. The market valuation study referred to above will undertake an assessment of the value of these perennial crops and assets that would be impacted by the Project, including the cost of re-establishing the crop (seedlings, soil preparation, fertilizers and others) and the lost income during the period needed to re-establish the crop. The basis of compensation will therefore be at net present value based on the total loss of production over the productive life of trees, irrespective of the age or production cycle stage of the lost trees;

All resources from privately-owned trees (e.g. fruit, timber, fuel wood) will remain the property of the concerned owner.

Box 8.1: Market Valuation Studies for Calculation Rationale of Compensation Rates

This is a summary of the calculation rationale to determine compensation rates for the Simandou Project based on the Market Valuation Study conducted by INSUCO (Nov 2011-May 2012).

Market valuation studies include market research using:

- Available official records, “taux d’indemnisations” of the Agriculture, Animal Husbandry, Fisheries and Forest Departments;
- Secondary survey and data collection on rates, yields, production cost etc;
- Consultations with local leaders who have witnessed land sale, and with recent land sellers/buyers and their agents;
- Consultations with local land departments and land agents;
- Discussions with the Land Commission; and
- Market investigations on crop prices in different regions and seasons.

1.1 CALCULATION RATIONALE FOR IMPACTED ASSETS

1.1.1 Structures

- Houses subject to replacement have been assessed in detail in order to provide similar or improved new houses;
- Secondary structures are valued based on a national average of prices of materials and involved labour costs related to type of roof, walls and floor including amenities.
1.1.2 Shifting Allowance
- Compensates for the nuisance/stress for all physically displaced households for having to move as well as for time spent packing, moving, un-packing and settling-in (calculated as 300 USD per displaced family).

1.1.3 Crops
- Replacement value for the loss of standing annual crops is calculated as the average annual yield (kg/ha) based on scientific verification as detailed in the report multiplied by retail price for the affected crops (GNF/kg); based on the rates in the market survey multiplied by the field acreage (ha);
- Cereals and root crops are valued based on a national average of lean season prices collected during the market survey and also taking into account records of prices by the government department (staple crops are storable, which enables sale at highest yearly price), while the yields are based on scientific assessment of field observations and official government and FAO figures;
- Other crops such as vegetables etc. are valued based on an average of prices collected during the market survey and also taking into account records kept by the government department of seasonal prices, while the yields are based on a verification in the field, and official Governmental and FAO figures.

1.1.4 Fruit Trees
- Replacement value for fruit trees is based on the average yield per tree, the retail price of harvested products and the number of years it would take to bring a new tree into full production stage. It also includes the planting costs. Finally, the replacement value is moderated according to the age of the impacted tree;
- The retail prices of fruit crops are valued based on data gathered on prevailing prices, a national average during the main harvesting season (not storable and thus mainly sold at harvesting time) while the yields are based on field verification and official Governmental and FAO figures.

1.1.5 Forest Trees
- Replacement value for forest trees is based on the usable volume (the trunk volume for timber species) of an impacted tree multiplied by the retail price for timber depending on the specie and its added-value potential;
- Timber is valued based on the prices in Conakry’s specialised markets of the different species / groups of species such as hardwoods, soft woods and fire woods;

1.1.6 Land
- Replacement land of equal size and quality will be provided to affected households;
- Land purchased from third party or compensation preferably in kind to community or lineage for net-loss of land if other community land, is used for replacement land;
- Land is categorized in 6 types: Irrigated coastal rice paddies (plaine de mangrove/bogoni), low land (bas fond), flat land (plaine), upland (coteau), non-agricultural land and homestead land. Homestead land is valued based on a national average based on available transaction records in the 10 Prefectures of the rail corridor;
- Productive land is valued based on an average of both the few existing transaction records as well as on level of productivity with the lowest producing land type (upland) as the starting point, increasing the value of land parallel to the increase in its productivity (plus 30% for flat land, 40% for low land and 80% more for irrigated rice paddies). Even non-agricultural land is partially productive as it is used for hunting and gathering. It is thus is given a lower value, at 60% of the value of the least valuable land type (upland).

1.1.7 Transition Allowance
- Defined as the loss of income between the initiation of construction (loss of access to land) and the initiation of production on replacement land;
- The value of the allowance is that of all crops usually planted in impacted fields during a 1 year agricultural cycle after initiation of construction (loss of access to land) and other income-generating activities not pursued (salt extraction, fishing in bogoni dykes etc) during the same period.

1.1.8 Land Clearing Cost
- Defined as the cost of clearing and preparing replacement land;
- The value of the allowance is that of the cost of clearing and preparing above mentioned productive land categories for production including the cost of labour as well as agricultural tools for labourers.

(c) Plantations

Compensation for plantations under private ownership will entail an equivalent amount of plantation land of the same productive capacity will also be provided, as well as costs for the preparation of the replacement land and initial investment to establish a new plantation and for the lost opportunity cost.

All resources from privately-owned plantations (e.g. fruit, timber, fuel wood) will remain the property of the concerned owner.
8.5.6 Community Infrastructure

Community infrastructure, buildings and facilities affected by Project development will be repaired to their previous condition or replaced in areas identified in consultation with the concerned communities and the relevant authorities.

8.5.7 Cultural Heritage

Project development and operation are likely to impact on cultural heritage sites (sacred, religious or other sites of cultural importance). A Cultural Heritage Management Plan (CHMP) has been prepared to address impacts on Cultural Heritage. More details cannot be addressed here in framework-form as management of each site will be unique and planned based on its significance to the local community.

The CHMP is based on the following:
1. Early baseline studies to ensure that the first attempt is to avoid affecting cultural heritage sites
2. If avoidance is not possible, and a cultural heritage site will be affected, consultations will be held with the community (and the Ministry of Culture if relevant) to discuss and agree on the best management options including:
   a. For those sites that the community wishes to be moved or relocated the project will bear the costs of the associated ceremony and the logistics for relocation
   b. The project will document and record the site as best as possible (e.g. ‘little rock’ at the pMOF or other archaeological sites) in accordance with the advice of Ministry of Culture, Government of Guinea.
   c. Where impact to cultural heritage is unavoidable, the Project will seek to ensure the ‘values’ of cultural heritage sites to communities are maintained through activities such as assisting with ceremonies or relocation of moveable heritage items etc.
   d. Other consensus based strategies will also be adopted to manage sites, as relevant to the context. The project will bear the associated costs of undertaking such management

8.5.8 Annual Review of Compensation Rates

All compensation rates will be based-dated and indexed annually to allow for inflation adjustments. The rates will be annually updated based on the Market Valuation Study which will also be updated annually.

8.5.9 Management of Compensation Payments

The resettlement programme will take into account the existing lack of organized financial infrastructure in the rural areas of Guinea as well as the levels of financial literacy of the Project affected persons. Strategies will be put in place to link monetary compensation to formal and institutional banking networks (which include their expansion to the Sub-Prefecture level) such as Crédit Rural de Guinée. These strategies will also be expanded to develop financial literacy initiatives to sensitize the affected people and the local community in general of the advantages of formal banking institutions. Training will include use of banking systems, financial record keeping, advantages of and disadvantages of keeping cash in a bank or at home, and the use of money (purchase household items, purchase agricultural equipment, house improvements, loans, and small investments).

Compensation will always be paid directly to the affected household or individual. Under no circumstance will it be paid to another individual, be it a village chief or other village elder or an administration official. If the compensation recipient happens to be absent at the time when compensation is paid, the Project will retain the compensation until such time that it can be paid to the intended recipient. Situations where the identified recipient is deceased between identification and payment will be handled on a case-by-case basis, either through the Project’s grievance procedure or the legal system if no amicable agreement acceptable to the Project can be reached.
The project will provide the option of compensation in tranches. This will ensure that the PAPs are not overwhelmed with a lot of cash, and are in parallel, trained in banking processes and about proper utilization of compensation money to build long term assets and income sources.

### 8.6 Census Survey and Cut-off Date

Land acquisition for the Project will be based on a census survey of all project affected people. The census survey will cover the socio-economic, land, livelihood/occupational and dependence details (among other information) for each of the project affected person. Household level entitlement plans detailing individual level compensation and resettlement options based on the proposed entitlements will be developed by the Project.

The cut-off date for the census survey will be the date of the completion of the census in a village or a zone. Hence, each of the Project components (and each batch of land acquisition) will have a specific cut-off date on the basis of which the entitlements will be proposed. Opportunistic settlers arriving after the cut-off date will not be eligible for compensation. Claims of loss and/or impact raised by stakeholders after the cut-off date will be examined by the grievance procedure set up for the Project. Information regarding the cut-off date will be disseminated among all the stakeholders for the Project in a legally and culturally appropriate manner. All reasonable efforts will be made to seek out and include all land owners and users but in the case of their absence at the time of survey, a list of such persons will be prepared based on local consultation. Copies of these lists will be provided to the office of the relevant sub-prefect with detailed information on the process in the Grievance Process, to address such situations.

Each of these cut off dates will be informed to the relevant sub-prefect in the presence of the elders. Based on local preferences, other popular media may also be employed in ensuring the widest dissemination of this information, within the target areas (radio announcements, notices in significant newspapers in the local language etc.) as well as posting areas where cut-off have been established. This has been described in Section 10.

### 8.7 Public Consultation and Participation

Consultation and participation by the affected communities and individuals is an essential element of the land acquisition, compensation and resettlement process. Throughout the process there will be consultation and involvement of affected parties. Affected parties will be consulted on the following issues and their feedback will be sought:

- the entitlement matrix;
- market valuation, calculation and rates;
- the plans for development of the property or land;
- their options and rights pertaining to resettlement and compensation;
- technically and economically feasible options for compensation and resettlement;
- the process of and proposed dates for compensation and resettlement;
- the availability of compensation at full replacement cost for loss of assets and services; and
- other assistance available to maintain or improve their living standards.

Consultations and disclosure will be done at the following key stages:

- prior to the census and socio-economic survey to inform people of the process and during the asset
inventory survey;

- during the PARC and SEIA national and regional consultations;
- during the survey process through interviews, focus group discussions and village consultations to understand impacts and compensation, resettlement and rehabilitation options;
- post completion of the survey to discuss the PARC entitlement matrix and seek feedback on it from the PAPs and to discuss resettlement housing and locations options;
- during PARC disclosure by IFC;
- during the implementation of the PARC for each component at the stage of negotiation of compensation packages with impacted parties, and other concerned parties (government, village elders etc), delivery of compensation and concurrently, through the process of resettlement and livelihood restoration;
- post implementation, during monitoring and evaluation audit processes; and
- through the Project operations.

8.7.1 Stakeholder Engagement and Disclosure Process

The community engagement process for PARC will be tailored to provide information about the proposed activities that are part of each PARC.

A more detailed (Draft) Stakeholder Engagement for PARC has been prepared describing applicable principles, levels of stakeholder engagement, methods and proposed mediums relevant to the context, time, message and stage of PARC, with the inclusion of suggested tools for planning, recording and tracking stakeholder engagement. The outline of content to be discussed is also included in the proposed schedule of stakeholder engagement activities for PARC.

A summary of elements relevant to the PARC Framework are as below.

Disclosure of the PARC Framework

The PARC Framework, the main principles and the key entitlements proposed herein will be disclosed to the affected population at a Prefecture, Sub-Prefecture and village level. The feedback obtained through this disclosure process will be instrumental in designing resettlement and mitigation options for the component-wise PARC relevant for the particular stakeholder group. Some of the channels by which the disclosure will be planned include:

- PARC Workshop at the National level to disclose the final PARC Framework and planned PARCs for each Project component/sub-component.
- National and Prefecture Level Stakeholder Conferences for the Social and Environmental Impact Assessment for the Simandou Project since these are scheduled to occur either before or concurrently with the PARC surveys, depending on the area (see sub-section 8.7.2), and will cover, as part of the larger set of Project impacts, resettlement related impacts.
- Disclosure of PARC at the village-level for those villages that are likely to be impacted. – principles and Framework at the time of pre-survey consultations and discussions, followed by the PARC surveys for the area.
Resettlement Planning

1) Consultations with the government authorities to plan and mobilize the PARC process for each Project component. This will include:

- inputs into the legal instrument for PARC;
- review and approval of the PARC Framework;
- review and approval of the survey instruments to be used for the Census survey & Asset Inventory; and
- on-going discussions with the Ministry of Urbanism and Habitat and Construction on the progress of the PARC for specific components.

2) Prior information to potentially impacted persons through, presentations, discussions and other participation tools, as well as a simple communication dossier covering the following:

- PARC Framework and its key provisions;
- typical activities that would be carried out during the implementation of the PARC process (baseline survey, land survey, asset evaluation etc);
- cut-off date for survey in the village;
- grievance redressal systems;
- schedule of events/actions;
- what can the community expect; and
- request for cooperation.

3) Consultations during the household and community survey that will profile the land – use and tenure, and livelihood patterns of the community, and also seek their feedback on various issues, including alternate livelihoods, resettlement preferences. This will help develop the PARC entitlement matrix for specific Project components.

4) Village level consultations regarding process, compensation, resettlement sites, resettlement and livelihood restoration, proposed compensation. In addition, focus group discussions will be prepared to determine community compensation both for the impacted and host villages.

5) Consultations during negotiations for household level entitlements and reaching agreement on various aspects of compensation and livelihood restoration. There will also be on-going consultations during the implementation of the PARC.

Resettlement Implementation

Free, prior and informed consultation and disclosure will continue during the implementation of resettlement for specific Project components. Such consultations will take the form of community-level meetings to track the progress of mitigation measures and feedback on the adequacy, process and effectiveness of the same.

8.7.2 Stakeholder Engagement for SEIA and PARC

A SEIA Stakeholder Engagement Plan (SEP) setting out the approach to engaging with all interested parties during the SEIA for the Simandou Project has been prepared with the purpose of informing stakeholders about the developing plans and giving them an opportunity to express their views on the Simandou Project and its potential impacts. These views, including ones on resettlement related impacts (in a broad sense, not based on specific identified areas) were then taken into account in the impact assessment. The consultations have also sought to identify useful information on the baseline situation and on vulnerable resources and receptors in the study area.

The means of consultation disclosure and engagement used have included conferences at the national capital, towns within the affected Prefectures; through setting up a webpage on the Simandou website to seek wider
comment; A summary of the comments received will be made available on the webpage and taken into consideration in the finalisation of the SEIA for the relevant Project.
9 REHABILITATION AND LIVELIHOOD RESTORATION

Livelihoods refers to all elements of household and individuals activities by which they support existence. This includes strategies to meet basic needs for:

- physical resources – food, water, shelter, land, resources;
- economic resources – cash (to purchase physical resources that they cannot make themselves – clothing, tools, inputs such as seeds and fertilizer; and certain foodstuffs) and credit;
- social capital – social networks, community cohesion and political power; and
- human capital – literacy and numeracy, skills and knowledge.

The project commits to compensation and replacement of losses for physical displacement and/or the loss of physical resources, these are the focus of much of the compensation matrix. The livelihoods programme rises out of the project impact on physical productive capacity and on economic resources through loss of cash income opportunities. Impacts on social capital and its mitigation are addressed through community investment programmes. Programmes to address human capital needs of affected persons to enhance outcomes are embedded in livelihood restoration programmes and economic development plans based on production and work.

This livelihood restoration plan recognises the reality of multiple survival strategies for individual men and women within households. Whilst there is some overlap in production, generally men and women have different roles in production, processing and marketing. Programmes and entitlements recognise the need for all household members to have independent sources of livelihoods and that most people depend on more than one strategy over the year. For example, many fishermen sell their catch to their wives and buy the family rice supply. The wives process the catch, sell the fish and make all other household cash payments. Each wife is responsible for her children’s welfare and may combine vegetable gardening with fish processing and petty trading. Agricultural livelihoods depend on subsistence production of rice and other staples, sale of vegetables in season, livestock raising and grazing, fishing, processing and sale of palm oil at some times and salt extraction at others or petty trading.

The Entitlement Matrix of each PARC will include livelihoods restoration as a right of the impacted persons whose physical or economic resources have been lost to the project through land or access loss. Livelihoods restoration is envisaged to complete the basket of entitlements due: from the short term and more immediate compensation, to the longer term commitment of the project sponsor to support the impacted people in rebuilding their economic opportunity to ensure that if not better off than before, they have at least the same level of income as they had before the project.

Livelihood restoration is a package of individual opportunities offered at the compensation negotiation stage from which affected persons can choose a number of options that suit and enhance their interests and capacity over 5-10 years.

Community livelihoods enhancement programmes will compensate communities for direct or indirect losses (i.e. affected persons livelihoods sharing common fishing grounds), and will promote the welfare of all participants through support for collective activities, e.g. support to fish-smokers associations). This will in turn promote sustainable economic development in project areas.

Each PARC will include a Livelihood Restoration Plan based on consultations with affected persons and intended beneficiaries. The plan will be based on participatory approaches to identify programme components offering a range of land-based initiatives for livelihood restoration and non-land based initiatives for livelihood restoration (see paragraph 9.2).
9.1 Approach and Principles

The approach to livelihoods restoration and rehabilitation is based on the following principles:

- Livelihoods restoration strategies and plans are part of an integrated approach aimed at local development: that will build on existing local strengths and opportunities, promote partnerships and collaborations with ongoing activities for the long term sustainability of measures.

- Livelihood is a multi-faceted strategy and its restoration requires a combination of approaches.

- The strategies are developed through participation of the intended beneficiaries to enable partnerships and long term sustainability.

- Livelihood restoration strategies are inclusive and encourage the participation of all intended beneficiaries in planning and decision making, recognising the specific needs of women and youth cadres by ensuring that they are included in the process.

- Livelihood Restoration is planned to enhance livelihoods, bring improvements in income, production, quality of life and lead to empowerment of communities.

- Livelihoods entitlements assume that land for land, common lands or alternate fishing areas are available. In the case of insufficiency of land or fishing area, intensification of existing allocations will be promoted followed by assistance to change livelihoods sources through training and small enterprise development.

- The Monitoring and Evaluation Plan closely monitors livelihood restoration until resettlement completion after resettlement and land acquisition to ensure success of restoration.

- The livelihood restoration package will be communicated to affected people as part of the compensation package prior to negotiation.

9.2 Types of Livelihoods Restoration

Losses in the project revolve around land based production and relocation of economic activities. Livelihoods are primarily focussed on subsistence agriculture with some other households facing fishing and livestock production impacts. Enterprise impacts are likely to be related mainly to very small scale processing of agricultural production, salt, and processing of fish, though impacts on commercial enterprises cannot be ruled out.

The livelihoods of men and women are drawn from different parts of the production cycle. The approach followed in this plan looks at all parts of the production cycles and ensures that options are available throughout the cycle to ensure that both men and women receive equal opportunity to restore their livelihoods and that multiple strategies continue to be available and are enhanced.

*For Land-based livelihoods*

Land based livelihoods restoration focus on the provision of replacement land or access to pasture rights for livestock. All affected persons are entitled to draw on a range of components to reinstate and enhance production to create sustainability. The components of agricultural livelihoods are extensive as multiple strategies and opportunities are required to cover both the production and marketing cycles. Other programmes are required to enable efficient impact and outcomes; eg community management training for community infrastructure is needed before construction.
Affected persons can select programme components according to the type and quantity of land allocated and interests in livelihoods enhancement. It is probable that sufficient land is not available to replace lost resources and so diversification of livelihoods is required.

Components of agricultural enhancement programme elements could be:

- Access to replacement agricultural, grazing land and fallow, forest, fishing areas, and water resources.
- Agricultural extension for production intensification through Government of Guinea Project Agricole or other partner agencies.
- Physical preparation of farm land (clearing, levelling, creating access routes and irrigation channels as appropriate, and soil stabilization).
- Agricultural inputs (seeds, seedlings, fertilizer, irrigation).
- Fencing for pasture or cropland.
- Veterinary care through “animal care assistants” with supplies of drugs.
- Support to grower/ producer’s associations in all types of agricultural production to facilitate functional literacy and numeracy, small-scale credit including seed-banks, cattle banks, and cash loans; and access to markets.
- Sustainable salt extraction techniques.
- Improved Palm Oil extraction and marketing.
- Improved production and marketing of coconut palm products, coconut shell charcoal, coconut oil, coconut flesh foods, coir fibre products.
- Tree nurseries as small enterprises – oil palm, coconut palm, mango, avocado and pineapple plants, etc.

For Wage-based livelihoods

Indications from the initial socio-economic baseline surveys are that loss of wage based livelihoods is likely to be limited and mainly confined to agricultural labour and in other cases, employees of businesses. These people need to be provided with skills to ensure long term sustainable employment with improved incomes. Alternatives include continued access to land for agricultural labourers under some tenure arrangements, to continue to maintain their livelihoods. For impacted employees of businesses, employment opportunities with the project or assistance for re-skilling, support with local entrepreneurial opportunities and access to credit facilities etc. Special attention will be paid to vulnerable or marginalised people in this category which may entail that tailored compensation measures be developed for them.

Assistance will be provided to compensate for temporary loss of income from employment (until the business is re-established), if permanent, then other measures as stated above will be developed and instituted.

The following points broadly summarise the approach to income restoration but particular programmes will be developed based on the local context and opportunities and these areas will be flagged in the respective PARC for the project component/sub-component. Progress will be measures and assessed against outcome and process indicators, to ensure agreed, time-bound delivery.

1. Affected persons will be eligible for a life skills programme to develop functional literacy, basic health, water, sanitation, household and community conflict resolution skills.
2. The project already has a skills training and enterprise programme at the mine and is to develop one at the Port site. Candidates for skills training in agricultural related skills will be enabled to participate in the training available at these centres. Support for business training is included.

3. Candidates for other skills will be assisted to find local training or to participate in project skills training as that may be provided and will be supported to find alternative employment as required.

For Enterprise-based livelihood

The likelihood of the project requiring any businesses or enterprises to relocate is small. Support to businesses required to relocate temporarily or permanently is detailed in the compensation entitlement matrix. Entitlement is for replacement land and structures and for financial compensation whilst businesses relocate and restore business levels, compensation for employees for temporary or permanent loss of employment. The Project will assist each such affected business to benefit from business skills training and integration with other NGO/GoG programmes and the wider Simfer economic development programme.

Fishing-based livelihood:

Fisheries livelihoods include – sea fishing, river mouth fishing near the port, inland river and streams, irrigation channels, and fish ponds. Fish processing and marketing (i.e., smoking fish, salting and drying, and making fresh fish balls) are also important sources of income; while related activities include, boat, net and sail repair. Men and women have different roles and often have independent livelihoods based on the activity. These have to be replaced appropriately and integrated into other livelihood programmes reflecting their role as one of a number of survival strategies.

Potential losses to fisheries-based livelihoods have been significantly reduced by the siting of the port on the PMOF location but impacts will still remain. At the port, a number of fishing families will be relocated access and navigation routes may also be affected to differing degrees based on fishing practices. Fisher folk/communities may have to negotiate new fishing areas with surrounding communities to continue their fishing activities. The project will support the affected groups to secure fishing grounds. The project will also provide community compensation in the form of infrastructure improvements to landing jetties, better storage and transport facilities and support to fishermen’s associations—based on the type and degree of assessed potential impact and feedback from the impacted groups.

Inland river fishing impacts (including temporary lack of access to river banks, loss of fishing grounds and loss of income) will be compensated and the impacted persons or groups will be entitled to short or longer term livelihoods restoration programmes. Some temporary impacts will be addressed through the Environmental Management Plan and the longer term impacts will necessitate livelihoods restoration for those impacted along the chain, compensation for income loss and community compensation for impacts on the common resource. Irrigation channel and fishpond fishing is primarily a female activity arising out of opportunities for catching fish in paddy field irrigation or in purpose-made pools.

Even as the unit of impact could be groups or individuals and the type of impact could be short or long term, the entitlement of those impacted will take into account all the losses to be compensated and economic resettlement measures like livelihoods restoration that are due. To illustrate, components of fishing livelihoods enhancements:

- Community level, for impacted common resources
  - Improved common infrastructure like landing sites
  - Support to fishing and fish-smoking associations

1 The scale of impacts on fisheries is still not well understood at the Port, thus a broad and comprehensive approach is adopted in the PARC Framework. As the impacts are better understood, more specific livelihood restoration strategies and impact mitigation measures will be included in the component and sub-component PARCs.
Improved processing and storage technologies through Associations

- Individual level (in addition to compensation for income loss and entitlements as described in the earlier section) relating to livelihoods restoration
  - Access to basic life skills
  - Skills training - for example, in improved fish processing, storage and marketing or, in equipment construction and repair
  - Access to savings and credit/loans for boat and motors, nets and sail repairs through the association

9.3 Process of assessing livelihood restoration needs

Livelihoods will be recorded at community, household and individual level during both the socio-economic surveys and the household asset and loss inventory surveys. Consultations will include discussions about existing livelihood activities, seasonal variations in the activities and production, degree of commercialisation, use of local markets, prices for products, history of collective arrangements for undertaking such activities etc.

Arrangements for women

Data collection on impacts will be made at individual level within the household specifically to capture the (frequently separate) survival strategies, livelihoods and budgeting activities and responsibilities of women. Women have separate entitlements to land for vegetable gardens and fishing opportunities in irrigation channels in Bogoni land and for livelihoods lost from processing and marketing agricultural or fishing products separately and independent of their husband’s activities.

In parallel, discussions will be held with relevant government departments at the Sub-prefecture and Prefecture to identify similar government initiatives or programmes, that address the particular needs of affected women and to ascertain the government’s assessment of the feasibility of introducing new programmes or strengthening existing ones.

9.4 Developing livelihood restoration programmes

Community consultations on compensation negotiations following assessment include discussion of availability and potential distribution of available land and access to resources before livelihood options are agreed with individuals, men and women.

The livelihood restoration programme is designed to provide a participatory selection of livelihood restoration components. In certain areas there may not be sufficient land for each person to reinstate original livelihoods and so combinations of programme choices will be made available to meet all needs.

The following combinations of choices for livelihoods restoration will be considered, in addition to the other assessed entitlements (eg, compensation for standing crops, transition allowance etc), based on the entitlement matrix, in the earlier section (Section 8):
<table>
<thead>
<tr>
<th>Entitlement</th>
<th>Programme</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Immediate</strong></td>
<td></td>
</tr>
<tr>
<td>Loss of wage employment</td>
<td>Assistance to find at least unskilled employment. Cash compensation for lost jobs until the business is re-instated</td>
</tr>
<tr>
<td></td>
<td>1. Skills training in Government programme or project identified partner programme or Simfer communities skill training programme</td>
</tr>
<tr>
<td></td>
<td>2. Includes basic life skills and appropriate level business development training and support</td>
</tr>
<tr>
<td><strong>Long term</strong></td>
<td></td>
</tr>
<tr>
<td>Loss of agricultural land</td>
<td>Land for Land</td>
</tr>
<tr>
<td></td>
<td>1. Support for re-establishing fields and reinstating irrigation channels where necessary</td>
</tr>
<tr>
<td></td>
<td>2. Agricultural extension and intensification on Project Agricole or other programmes</td>
</tr>
<tr>
<td></td>
<td>3. Advice on improved techniques and inputs, processing, storage and marketing</td>
</tr>
<tr>
<td></td>
<td>4. Rice milling small enterprises</td>
</tr>
<tr>
<td></td>
<td>5. Salt extraction improved technologies</td>
</tr>
<tr>
<td></td>
<td>6. Support for apiculture and honey marketing</td>
</tr>
<tr>
<td></td>
<td>7. Savings and credit schemes</td>
</tr>
<tr>
<td>Loss of vegetable gardens</td>
<td>Land for Land</td>
</tr>
<tr>
<td></td>
<td>1. Support for land preparation</td>
</tr>
<tr>
<td></td>
<td>2. Extension advice on improved seeds and techniques</td>
</tr>
<tr>
<td></td>
<td>3. Support for groups of vegetable growers</td>
</tr>
<tr>
<td></td>
<td>4. Advice on improved processing and storage</td>
</tr>
<tr>
<td></td>
<td>5. Advice on marketing and sales</td>
</tr>
<tr>
<td></td>
<td>6. Savings and credit schemes</td>
</tr>
<tr>
<td>Loss of grazing lands</td>
<td>Community negotiation to enable access to other grazing land</td>
</tr>
<tr>
<td></td>
<td>1. Support to pastoralists to promote conflict resolution with agricultural communities</td>
</tr>
<tr>
<td></td>
<td>2. Community strengthening</td>
</tr>
<tr>
<td></td>
<td>3. Support to “barefoot vet” training and small enterprise development for animal health</td>
</tr>
<tr>
<td></td>
<td>4. Community infrastructure in host communities</td>
</tr>
<tr>
<td>Loss of commercial or nutritive trees</td>
<td>Cash compensation for loss</td>
</tr>
<tr>
<td></td>
<td>1. Provide access to tree seedling projects</td>
</tr>
<tr>
<td></td>
<td>2. Training on improved palm oil refining techniques</td>
</tr>
<tr>
<td></td>
<td>3. Support knowledge/technology linkages to coconut palm products technologies and marketing</td>
</tr>
<tr>
<td>Loss of fishing areas</td>
<td>Community compensation for sharing fishing areas</td>
</tr>
<tr>
<td></td>
<td>1. Community infrastructure for communities sharing fishing rights – jetties, landing platforms and processing sites</td>
</tr>
<tr>
<td></td>
<td>2. Support to fishermen’s associations (male)</td>
</tr>
<tr>
<td></td>
<td>3. Support to fish-smokers associations (female)</td>
</tr>
<tr>
<td></td>
<td>4. Savings and credit/loans for fishing equipment</td>
</tr>
<tr>
<td>Individual livelihood restoration</td>
<td></td>
</tr>
<tr>
<td>Loss of Bogoni fishing and fishponds</td>
<td>Replacement of irrigation channels in Bogoni areas</td>
</tr>
<tr>
<td></td>
<td>1. Reinstatement and restocking of Bogoni land irrigation channels</td>
</tr>
<tr>
<td></td>
<td>2. Reinstatement of fishponds and restocking</td>
</tr>
<tr>
<td></td>
<td>3. Support to women’s groups to improve processing and marketing of small scale fish catches</td>
</tr>
<tr>
<td>If no replacement land</td>
<td>Alternate long-term livelihood strategies</td>
</tr>
<tr>
<td></td>
<td>1. Assistance to identify new skills and areas of interest, (small trading, new small businesses) in commerce or the service sector eg Hairdressing, tailoring etc.</td>
</tr>
<tr>
<td></td>
<td>2. Skills training on RT, GoG or other partner programme including functional literacy if appropriate</td>
</tr>
<tr>
<td></td>
<td>3. Assistance to gain employment or</td>
</tr>
<tr>
<td></td>
<td>4. Access to savings and credit programme</td>
</tr>
<tr>
<td></td>
<td>5. Access to tools, equipment and other inputs</td>
</tr>
</tbody>
</table>

1 In addition to other compensations due, based on the inclusions in the Entitlement matrix in the earlier section (Section 8)
The Livelihood Restoration Programme is envisaged as an overarching on-going programme integrating the wider communities’ programmes and the economic developing plan for the region.

A Livelihoods Restoration Plan will be presented for each PARC, utilising appropriate elements of the Programme to address the full range of impacts to livelihoods resulting from the project land acquisition or restrictions to land use. The Livelihoods Restoration Plan for each PARC will identify every individual affected person and provide a detailed plan to address economic impacts, based on consultations and agreements with those impacted, taking into account their preferences for livelihoods restoration activities.

Each plan for a component of the project will provide the following information:

- a summary of the impacts and number of households affected with a focus on economic displacement;
- a description of current livelihood activities and the potential and challenges of replacing these;
- social baseline data on household income and income from affected economic activities;
- feedback from stakeholder consultations on the options and preferences; and
- for each livelihood activity, a description of the following:
  - The proposed project and activities involved;
  - Number of households and age and sex of persons eligible;
  - The mechanism through which the programme will be implemented;
  - Mechanism to consult and involve the household in developing and implementing the project;
  - Linkages and institutional support required;
  - Potential of dovetailing into relevant regional development initiative;
  - Resources and Budget;
  - Envisaged outcomes
  - Monitoring indicators.

**9.5 Monitoring of Livelihoods**

Livelihood restoration requires a long term commitment of support over at least 5 years to ensure both success and sustainability. Individual elements vary in the time required to ensure sustainable development – some are programmes of a few months, others will take years. Livelihoods restoration support needs to continue until external auditors confirm adequate sustainable restoration has occurred and that conditions are favourable for the future.

Simfer is responsible for ensuring integration of programmes and that day to day, programme elements are meeting the targets and delivery outcomes planned. Internal monitoring of livelihoods is undertaken by the Simfer team of officers and agents on a monthly basis to record progress against agreed plan. Should there be programme partners in certain livelihoods restoration programmes (NGOs, technical/marketing support or credit support organisations providing linkages to other programmes) they will be required to undertake internal monitoring of these programmes and to regularly report progress and issues to the Simfer Livelihoods Officers to facilitate immediate rectification and reorientation as necessary.

The external monitoring organisation will monitor progress towards completion of livelihood restoration as part of its annual programme. An independent audit will be undertaken by a resettlement specialist 3 years from the commencement of the resettlement activities to determine whether the outcomes of the PARC were achieved and/or sufficient progress has been achieved to certify completion of resettlement. This process is described in
the Monitoring and Evaluation of Resettlement Plan for the project. The report will be available to the public and placed on Simfer's website.
10 PARC IMPLEMENTATION

The section describes the approach that will be taken to design, plan, and implement resettlement and compensation based on the PARC Framework. It explains the agreed legal arrangements and sharing of responsibilities for PARC implementation and also outlines key activities, the different steps that will be taken, and processes followed for the management and operation of PARC implementation.

10.1 PARC Implementation: Planning and Preparation

The pre-planning and preparatory phase is envisaged as the key step for the successful implementation of the resettlement and livelihood restoration programme. It is during this stage that the planning and development of a road map, resource allocation, follow up, monitoring and reporting systems etc will be developed. However, these will be modified and updated based on field conditions across the project-impacted areas and based on community consultation.

Resettlement for the Simandou Project will be managed by the GoG, and in accordance with the Protocol d’Accord (covering Early Works, signed between GoG and Simfer on 14th May 2012), IFC PS5 and Guinean Law.

The Protocol d’Accord is a precursor to a Framework Agreement between GoG and Simfer that will form a key part of the legal framework for the Project. Given the tight project timeframe, the purpose of the Protocol d’Accord is to govern land access requirements connected with Early Works until the effective date of the Framework Agreement. After the Framework Agreement is signed, it will, among other aspects, also cover land access requirements for the Project. Like the Protocol d’Accord, the Framework Agreement will also commit to follow IFC PS5, in addition to being based on Guinean Law.

At the operational level most of the work will be undertaken by Simfer, but with guidance and assistance of the GoG, with clear communication protocols and structures established for this purpose, as described in this section, for various stages on implementation and for different project components (Port, Rail, Mine and other infrastructure).

The section below describes several key aspects of planning and preparation for PARC Implementation.

10.2 The Legal Framework Established

As discussed in the legal section, the PARC Framework will need a sound legal mandate and instruments to make it credible and acceptable to the stakeholders and defensible within the legal system of the country. Key legal elements include:

- **The Protocol d’Accord** – This details the obligations of the Company (Simfer) and Government for accessing land for the Simandou Project Early Works and land for resettlement purposes. The Protocol d’Accord is the precursor to a Framework Agreement, but enables the project to proceed with the resettlement process in a legally binding manner. Compliance with GoG laws is assured as is compliance with the UN conventions that GoG is signatory to, for example the United Nations Universal Declaration on Human Rights.

- **Declaration of PIN** - Given the high strategic and national interest, the Project was declared as Project of National Interest (Projet d'Intérêt National) (PIN) by Decree dated 4 October 2012 and published in the Official Journal of the Republic of Guinea (Journal Officiel de la République de Guinée) (JORC). The PIN process plans that the corridor and footprint of the Project is notified and communicated to the stakeholders at different levels (National, Regional, Prefecture, Sub Prefecture etc), and any large scale development activities is restricted by law within that corridor (Ref Map- PIN corridor Section 4 Fig 4.2, Pg: 20).
• **Declaration of a DUP** - The Project would lay emphasis on land acquisition through the process of negotiated settlement and purchase of land rather than expropriation. If the Project is able to purchase all the land through negotiated settlement then there would be no need for the adoption of one or more acts declaring the public utility of the expropriation operation or operations (*Déclaration d'Utilité Publique*) (DUP). The legal provisions entail that no expropriation can be implemented unless a first step is carried out, the Decree of Public Interest (*Décret d'Utilité Publique* - DUP). Usually the DUP requires a public enquiry and consultations with a range of stakeholders. After the completion of the public enquiry a report is prepared for the attention of the Minister, taking consideration of observations made in the public enquiry. Steps like the *enquête parcellaire* or cadastral enquiry follow based on which the Decree of Public Interest is passed. Once the DUP is passed, the expropriation process has to be completed in less than three years.

10.3 **Government and SIMFER Obligations: Planning, preparation and implementation**

The PARC Framework will be planned and implemented in collaboration with the Government of Guinea who will lead the resettlement process. Simfer or the SPV\(^1\) (when incorporated) will undertake the processes prior to resettlement and compensation, i.e. identification of land parcels and owners, planning compensation and resettlement options and getting agreement on compensation and resettlement options. The responsibility of resettlement and compensation will rest with Simfer, on behalf of the SPV to be constituted. All these activities will be undertaken per Guinean Law, IFC (PS5) and Rio Tinto standards and the commitments in this Framework. Description of activities in the planning and preparatory stage, as well as the implementation phase are detailed below.

10.3.1 **Planning and Preparation Phase**

*Preparation, field studies and surveys*

- Preparation of the PARC Framework (this document) by Simfer, and, approved by IFC and the Government of Guinea
- PARC related field studies and surveys will be carried out by Simfer with the assistance of the State;
- The compensation rates and entitlement matrix will be prepared by Simfer in consultation with the affected communities and will require the approval of the State;

* Provision of Land for Resettlement of Project Impacted Households:

The State has the responsibility for making available the land required for resettlement of affected people. This will translate into practise thus:

- The State assisted by Simfer will undertake to identify the potential parcels of replacement land for resettlement of affected people.
- The State will acquire the land with the financial support of Simfer on behalf of the SPV.
- The government will permit the SPV to occupy the land for the construction of infrastructure.

In the absence of the SPV, Simfer will occupy the land for the necessary activities until the SPV is incorporated.

Under the direction of the Government of Guinea, all lands will be acquired in the name of the Government, until they are re-titled to either the affected persons or the SPV.

10.3.2 **Implementation Phase**

\(^1\) A Special Purpose Vehicle (SPV) is to be incorporated for the infrastructure projects- even as its incorporation may initially take some time, it will provide clearer and more legally binding/defined roles for the partners to function smoothly and without conflict.
The implementation of the PARCs for the project components and subcomponents will be coordinated with the relevant authorities of the State, particularly the Ministry of Urbanism, Housing and Construction and the Ministry of Territorial Administration and Decentralisation as well as the authorities at the level of each Prefecture and Sub-Prefecture. Simfer or the SPV when incorporated will support the completion of the required land transaction procedures and ensure that all compensation is delivered, and the agreed livelihood restoration programmes implemented within the first year of relocation.

Component-wise implementation responsibilities:

- **For the pMOF, Port, Rail and related infrastructure**

Simfer will be responsible on behalf of the SPV to implement resettlement operations with the State's assistance in the field (national and local authorities).

Simfer will provide the funds on behalf of the State pending the establishment of the SPV which will be responsible for financing operations. Simfer commits to the costs of resettlement and compensation and is responsible for the implementation of the resettlement operations and compliance with the Framework although it acts on behalf of the SPV.

- **For the Mine**

Simfer will undertake to perform the operational and financial aspects of resettlement and compensation with the assistance of the State (local and national representatives). No SPV will be involved in this operation, only Simfer is in charge and will be accountable.

### 10.3.3 PIN and DUP

On the declaration of the PIN and DUP for the Simandou Project (should that be the case), government responsibilities will be as defined under the Domain and Land Code and Land Planning Code and subsequent amendments.

Land Commissions defined under the Domain and Land Code were put in place in each of the Prefectures affected by the Project in particular for the implementation of the PARC and of the DUP process as the case may be. The first objective of the Land Commission is to act as the negotiating body in the expropriation procedure and as representative of the State for the implementation of the PARC pursuant to its missions defined in the domain and land code and in the Protocol entered into on 14 May 2012. The rates of land and other assets (movable and immovable) used for compensations are determined by using the Market Valuation work undertaken by Rio Tinto Simfer with reference to the Ministry of Agricultural rates. Rates for land and assets were agreed through the Cellule – Simfer, Government of Guinea Technical committee on Resettlement and Compensation applying IFC standards.

Grievance redressal (beyond the purview of Rio Tinto grievance procedure) will also be managed at these levels.

The land survey and verification process that will be undertaken during the PARC implementation will be validated and approved by the Land Commissions and other government representatives before being sent to the regional and/or national levels for formal registration and transfer.

### 10.3.4 PARC Implementation: Team, Coordination Mechanisms and Processes

To support the GoG in preparing for and implementing resettlement and livelihood restoration, Simfer has a Simfer Communities Team overseen by the Director Communities & Social Performance, who has overall responsibility of delivering the PARCs. This Communities team will coordinate and work closely with the
different Rio Tinto departments and Government of Guinea to ensure that resettlement meets Rio Tinto and IFC Performance Standards and guidelines.

The Communities Team will also be supported by external and local consultants who will advise and work for the successful completion of the PARC programme. Given the scale of the Project and the challenges involved it is important that a technically qualified team of experts is in place to handle the Project activities and the different challenges of the implementation work. The joint team that is proposed for this PARC process will be a mix of the following experts;

Core team:
- resettlement specialists;
- socio-economic experts;
- community engagement specialists;
- land survey specialists;

Supported by:
- Agronomists;
- Housing and planning experts;
- Anthropologist with local experience in Guinea;
- Cultural heritage specialists;
- Information system and data management experts;
- Conflict mediation specialists; and
- Health & Safety experts.

To support GoG, Simfer has established an integrated project management approach for the implementation of resettlement. This approach comprises of a PARC Management accountable for ensuring the effective and timely resettlement and compensation planning, preparation, implementation and monitoring.

This approach is being used for the implementation of the pMOF PARC, lessons from this will inform and corrections to the process of implementation and delivery can be extended to the wider project. Monitoring and Evaluation will be designed to facilitate continuous learning and knowledge management.

Practical and user friendly Management Information Systems will be established to assemble and collate the data from the field and consolidate it in a manner which makes it easier for analysis and reporting. The data compilation and consolidation will be done by a team of qualified Management Information Systems (MIS) experts. The first level of data compilation and consolidation is expected to happen at the Prefecture level before it is centralised in Conakry. The data will link household data with the land and asset survey as well as maps and remote sensing data. The MIS will also enable the production of resettlement compensation agreements and documentation related to compensation payments. Particular attention will be given to information and data security processes to protect the privacy of householder data and information.

Successful implementation of the PARC Framework and associated PARCs will be through close collaboration with appropriate GoG officials at different levels of the Government hierarchy.

**10.3.5 Setting up Grievance Mechanism**

A Grievance mechanism will be set up to manage complaints and grievances arising out of the land acquisition and resettlement process. The application of the grievance procedure is expected to result in minimization of the social risks, reduce conflict and strengthen the relationship between the Project and the local communities.

The Grievance Mechanism is described in greater detail in the following section (Section 11).
10.4 PARC Activities: Field surveys and PARC preparation

The activities that will be carried out in the field for PARC preparation and implementation:

- **Prior information and disclosure to the Prefectures and the affected communities:**

  The Simfer Communities Team will inform each of the Prefectures where the Project components are located, as well as the affected villages and communities, about the PARC Framework and the key principles agreed to by the Project in the Framework. It will share a brief note or pamphlet on the Framework with the key village representatives and/or elders to be used for their internal consultations. The Simfer team will also inform them about the Simandou Project, the proposed dates of the survey and its purpose. This process will request the village leaders and/or elders to deliberate among themselves the customary processes they would like to follow in deciding land ownership and rights as well as community entitlements and also discuss what could be feasible resettlement site options for those who will need to be relocated. In case the decisions are not acceptable to the land owner/user, they can approach the Land Commission with their grievance for resolution.

- **Census survey, asset inventory and community engagement:**

  The teams will concurrently conduct:

  - the survey of each land parcel affected by the Project, to define the boundaries of the parcel, determine its dimensions, classify the land and size and mark these out on drawings in relation to visible features and by pegging-out on the ground; land classification by category (irrigated agricultural, non-irrigated agricultural, current or old fallow, pasture, bush, forest, habitation, cultural site etc); ownership/use status; agro-climatic zone and type of cultivation;

  - the household census and socioeconomic survey, to determine the circumstances of each household owning, occupying or using all or part of the land, including demographic details and incomes from various sources, in addition to the impacted land/asset;

  - an inventory of assets present on or associated with the land parcel that will be impacted by the Project; residential, commercial and other structures, description of form, material, use etc;

  - consultations and focus group discussions at the village level to identify community level impacts and particular contextual issues that need to be addressed in the PARC; and

  - identification of any sensitive cultural sites in the area that the Project would need to avoid or replace.

This will commence with meetings with the Land Commissions at the relevant Prefectures, seeking the involvement of their representatives in the survey process followed by visits and discussions with the village chief and Council of Elders to plan and commence the process.

*Land Survey*

The survey of affected land parcels will be led by a surveying company. The plot boundaries will be registered by handheld GPS (Global Positioning System) devices to ensure quality and integrity of the original data. The GPS equipment uses an incorporated real time correction that ensures the quality of satellite signals before registering any reference point.

Other information captured will include measured plot dimensions with reference to fixed land marks, aerial or satellite photos marked up with information on land cover, features, structures etc including any evidence of

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1 A supplementary survey exercise is being undertaken to address the issue of Cultural Heritage and a separate Cultural Heritage Management Plan will be prepared to address this subject.
land improvements, and photographs of plots and features, and this will all be scanned and uploaded to the MIS.

**Household census and socio-economic survey**

The household census for each physically and/or economically displaced household or individual will identify:

- demographic characteristics of the household, in terms of household size, gender, age, skills, educational profile of each member;
- specific vulnerabilities of the household in terms of physical or other disabilities, age-related, social status related, informal settlers or squatters, nomadism;
- livelihood or occupation of each individual (for example, employed, self-employed, entrepreneur, employer, farmer, landless labourer, sharecropper, subsistence farmer, cattle-herder/pastoralist etc);
- supplementary income streams (market produce or livestock, seasonal or part time labour, in-kind bartering, money sent from elsewhere or remittances etc);
- dependence on natural resources, (grazing, fishing, forest based produce etc) including seasonal dependence;
- any traditional or customary rights;
- access to credit; and
- access to and use of common property resources, public infrastructure and cultural property.

All data will be entered into handheld devices (or paper forms) and in-built validation checks will be set-up in the system (eg on field ranges) as a first screen for entry errors. Manual notes will also be taken as back up and to provide more qualitative supporting information.

During the household surveys and wider community consultations the teams will also conduct early consultations on preferred forms of mitigation of envisaged impacts amongst affected parties. Based on the applicable entitlements the teams will identify possible locations for replacement land and housing, and will also look to identify other types of development measures that could be used, as in the case of community compensation. All project affected persons will have access to a suit of mitigation measures and livelihood restoration strategies, based on their entitlement, to address the negative effects of the displacement.

**Asset Inventory**

In parallel with the land survey and census the teams will prepare a full asset inventory of the impacted land and households. This will identify all fixed assets in each land parcel including structures (buildings, fences, wells, etc), trees, perennial and seasonal or annual crops. These will all be recorded in terms of their position, dimensions and condition through maps and photographs where possible. Other assets available to the affected households that are relevant to their socio-economic status and the impacts of the Project will also be recorded; for example they may currently use land, trees, wells, schools, clinics or other community resources or cultural properties outside directly affected land but which they will no longer be able to access or to which access will be hindered. Alternatively the Project could acquire only part of their land making the balance perhaps unviable, particularly if the acquired area is the more productive land. Similarly, common infrastructure (wells, roads, playgrounds) and community assets like schools, clinics, etc will also be inventoried.

The asset inventory will include the survey of structures: housing and business enterprises: Business enterprises will be classified according to ownership and will record the number of employees, and /or associated/dependent businesses, if any, and the extent of their impact.
All surveyed assets will be photographed and these pictures will be co-referenced and included in the database for record.

**Sign-off and Definition of Cut-Off Date**

On the basis of the survey, census and asset inventory, the field team will be required to develop a *pro-forma land and asset description* which should be verified and signed off by all agreed owners, occupiers and users of affected land and by the head of each household, by the team head, by the government representative and by a village representative. This will endorse the identity and declarations of each affected party. It is proposed that the date of sign-off should constitute the cut-off date at an individual level. By asking people to sign-off, there will be an agreed and transparent basis for further negotiations, and affected parties should engage with and accept the process.

- **Establishing the cut off dates:** As the Project designs and layouts will be finalised in phases, it would be impossible to establish a single cut-off date for the entire Project. Considering this limitation, and not underestimating the risks of encroachment and influx of outsiders in the Project area, segmented or fragmented cut-off dates are proposed to be formally established for Project sub-components, as and when the full surveys and asset inventory process is completed. Once the survey is completed in a Prefecture, the Head of the Prefecture, the teams will formally inform the Head of the Prefecture of the date of the completion of the survey for each relevant area, who in turn will declare the date to the affected villages.

- **Design Entitlements Resettlement Measures:** The information obtained through the socio-economic survey will be assimilated and assessed to identify potential sources of primary, secondary and supplementary income. This will be carried out in parallel with surveying and analysing the current socio-economic contexts of the Project area, demand for goods and services, availability of support services such as credit agencies and current skill pool and labour requirements (to match with what the displaced families have). The PARC team in consultation with the affected persons will also need to identify new economic opportunities, such as land based opportunities, or skill based livelihood opportunities both within and outside the Project area.

- **Developing income and/or livelihood restoration programmes:** Alternative livelihood restoration measures are important elements of the mitigation strategy. These packages will be developed including specific actions to enable people to restore and where possible enhance their existing livelihoods, or to allow them to develop new skills and capacities suited to alternative livelihoods. The livelihood restoration programmes will emphasize specific provisions for vulnerable groups and women. The Framework for Livelihood Restoration Plans which will be included in each PARC has been discussed in the previous section (Section 9).

- **Identification of relocation sites:** Potential host sites for relocation will be secured with the help of the State after consultation with the physically impacted households regarding their preferences as also with the host villages and the local administration. Plans developed for this purpose will include housing, environmental management, infrastructure and social services at the resettlement site to cater to both the affected families as well as the impacted host community. The proposed layout for relocation sites will be discussed with the respective host communities in order to consider their feedback on the same. The relocation site selection would include:

  - environmental and social impact assessment of the proposed resettlement sites, should the scale of the resettlement require it, and mitigation measures (if any) for adverse impacts;
  - access to services and amenities- water, sanitation, schools, employment, access to productive assets (fields, pastures, forests etc) of a similar or improved level than in their original location;
  - institutional and technical arrangement for identifying and developing resettlement site;
- specific provisions for relocation of cultural sites;
- measures to prevent land speculation and influx by outsiders;
- process of relocation, including timetable;
- legal, including customary arrangements for providing security of tenure and transfer of titles, where applicable; and
- influx management strategies and plans.

- Developing component PARC plans: Considering the diverse nature of the Project components and their locations, separate PARCs are envisaged for each Project component and/or sub-component, guided by the PARC Framework agreed with the State. Each PARC will have a baseline, eligibility criteria, an entitlement matrix, specific institutional arrangements, resettlement process details, timeframe for implementation, and rehabilitation measures and monitoring and evaluation. The PARC processes and management measures such as consultation, disclosure, grievance procedures will be as defined in the PARC Framework A household-level entitlement matrix for each family impacted by component or sub component will be included in each PARC detailing the exact entitlements due to each family along with livelihood restoration options.

- Consultation with affected and host communities: The details of entitlement Frameworks, livelihood restoration plans and Framework of the household level micro-plans will be disclosed and approved by the affected communities. Consultations are likely to be carried out at the Sub-Prefecture and/or Rural Commune level across the footprint area for each Project component. Host communities, where the PAPs will be relocated and/or provided replacement land, will be consulted about impacts on them, and mitigation measures will be adopted accordingly. These measures will ensure that the host community’s current access to amenities and resources are retained or enhanced as the case may be, and they too get benefits at a community level.

- Disclosure of the PARCs and communication to the Government: Simfer or the SPV when incorporated, will finalise the PARCs after review by the State and thereafter disclose the plans to the Project affected families across the Project components and seek feedback and comments.
Box 10.1  Indicative Contents of the PARC for each Project component/sub-component

The PARC for each sub-component of the Simandou Project will comprise of the following:

- **Introduction**
  - Purpose and Scope Of Application

- **Socio-Economic Baseline And Livelihood Sensitivities**
  - Profile Of Affected Villages
  - Profile Of Affected Households

- **Consultation And Engagement**
  - Findings

- **Land-Based And Livelihood Impacts** (this will include the number of people impacted, by category)
  - Land Acquisition – Affected Parcels
  - Other Affected Individual Assets
  - Shared Assets And Affected Community Assets
  - Impacted Vulnerable Households
  - Host Community Impacts
  - Cultural Heritage

- **Compensation Framework**
  - Entitlement Matrix
  - Compensation Costs
  - Replacement Land

- **Implementation**
  - Key Issues For PARC Implementation
  - Mitigation Strategies
  - Negotiation And Compensation Recommendations
  - Livelihood Restoration Programs
  - Future Community Development

- **Annexure: Village Summary; Budget; Compensation Rates; Household List etc**

- **Monitoring and Evaluation**

It is to be noted that each PARC report will refer to the PARC Framework for common elements like the institutional structure and implementation mechanisms as well as processes like the stakeholder engagement, grievance redressal etc. Since these are common elements, PARC reports will reference these mechanisms; monitoring and evaluation will be included in each PARC.

10.4.1 Implementation of the Detailed PARCs

Implementation of the PARCs is a GoG obligation with economic and logistical support provided by Simfer or SPV when incorporated through the resettlement process, which will be delivered in accordance with IFC's performance standards (PS5). More details regarding these arrangements have been included earlier in this section.

Broadly, the tasks will include the following:

- stakeholder and community engagement, disclosure and communication;
- host community consultation and collaboration with GoG offices on finalisation of relocation house sites and land;
- negotiation and finalisation of household and community compensation agreements;
- payments of compensation;
- commencement of transition activities and livelihood restoration programmes;
- construction of housing and land preparation where relevant;
- dismantling/demolition of houses; vacating houses and land;
- signing of resettlement certificates; and
- GoG making available replacement land and land use rights, in line with agreed processes.
10.5 Institutional Arrangements for PARC

Simfer will be responsible on behalf of the SPV to implement resettlement operations with the State's assistance in the field (national and local authorities). The overall coordination and advisory role for the Simandou Project is placed with a National Technical Committee that is a joint committee of representatives from fourteen Government departments and the SPV. As a sub-group of this Technical Committee, is a Sub-committee on Resettlement and Compensation, comprising the five main Ministries, namely Ministry of Mines and Geology, Ministry of Housing, Urbanism and Construction, Ministry of Territorial Administration and Decentralisation, Ministry of Agriculture and Ministry of Environment, Waters and Forests and representatives from Simfer. Representatives of the Simfer Communities Team and the Legal Team participate in the Sub Committee. The MATD has been designated the task of communicating with the Prefectures and thereafter the Land Commissions on their roles in the PARC process.

Within the project proponent, the Simfer Community Team will be the Nodal Team for the PARC process. The resettlement and compensation process is one part of the overall functions of the communities' team, while the other functions support PARC. The Communities team will undertake PARC studies and manage the implementation process. It is envisaged that the livelihood restoration process will evolve and merge into the broader programme of the company on Community and Regional Development.

The institutional arrangement for the coordination and implementation of the PARC is demonstrated by the following org-chart.
Figure 10.1 PARC Coordination and Implementation

Project Technical Committee
A joint committee of the SPV and 14
Government Departments/Ministries

SPV

Communities Team lead by
a General Manager

Communities
Manager

LAND ACQUISITION,
RESETTLEMENT AND
COMPENSATION
(LARC)

Community Relations

PARC Studies

PARC Implementation

Physical Resettlement

Livelihood Restoration

Grievance Redressal

Monitoring and Reporting

Community Development

Regional Development

Sub Committee- Resettlement & Compensation
• 5 Ministries (Mining and Geology, Housing, Urbanism and Construction, Agriculture, Territorial Administration and Decentralisation and Environment) and attendance of other relevant Ministries (in particular Ministry of Fishing and Aquaculture
• SPV Community Team

Ministry of Territorial Administration and Decentralisation (MATD)

Prefecture Administration

Land Commissions

Communication and Coordination

Reporting
11 GRIEVANCE MECHANISM PROCEDURE

11.1 Purpose/Objective

The objective of the Grievance Mechanism Procedure (GR) is to put in place a formalized mechanism to manage complaints if any, as they arise out of the land acquisition and resettlement process. The application of the Grievance Procedure is expected to result in minimization of the social risks and reduce conflict and strengthen the relationship between the Project and the communities. Simfer has prepared a Grievance Mechanism Procedure, specified with the State since July 2012\(^1\) which will be revisited based on PAP input and monitoring and evaluation to improve the Project’s performance regarding management of community grievances.

The specific objectives of this GR mechanism are to:

- Provide a channel for the Project affected persons and communities to voice their concerns in an efficient and transparent manner.
- Provide potentially displaced people with a venue to log complaints or claims on issues related resettlement and compensation (i.e. the rates of compensation, eligibility criteria, relocation sites etc.).
- Establish a transparent and mutually respectful relationship with the Project affected persons in particular and the communities and other stakeholders in general.
- Minimize community conflict by addressing issues through systemic change;
- Create a culturally acceptable and accessible process to allow the Project affected persons and communities to raise their issues, concerns, problems, and claims.
- Build operations’ accountability for community issues.
- Implement a process through which grievances can be resolved effectively, constructively and in a timely and transparent manner to avoid lengthy disputes.

11.2 General Principles

The fundamental principles underlining the GR mechanisms are:

- The process for grievance resolution will be transparent, in harmony with the local culture and in the appropriate language.
- Channels of communication regarding the grievance will remain open throughout the process.
- Every project affected family and stakeholder groups will have access to the Project’s Grievance Procedure at no cost.
- All complaints and grievances will be registered in the Social MIS whether they are factual or perceived.
- All claims warrant discussions with the complainant and a site visit to gain a first-hand understanding of the nature of the concern.

\(^1\) Ref: MTP-PMOF – 072012 applicable to Early Works.
• Special provisions will be made for women, vulnerable and marginalised groups to enable them to voice their concerns and log complaints.

• Response to the grievance and its redressal will be prompt.

• Simfer will not impede access to any judicial or administrative remedies available.

11.3 Likely Types of Grievances and Disputes

The land acquisition and resettlement process is likely to result in the following types of disputes, complaints and grievances:

• project affected people raising grievances regarding eligibility criteria, compensation rates, and location of resettlement sites;

• misidentification of assets or mistakes in valuing them;

• disputes over plot limits, either between the affected person and the Project, or between two neighbours;

• dispute over the ownership of a given asset (two individuals claim to be the owner of this asset);

• disagreement over the valuation of a plot or other asset;

• successions, divorces, and other family issues, resulting in disputes between heirs and other family members, over ownership or ownership shares for a given asset;

• damage to crop land, not previously covered in the planned land acquisition;

• damage of community asset eg walls, not previously covered in the planned physical displacement process;

• commitments made by Simfer or the SPV that were not kept eg promises made to build community infrastructure not respected by Simfer or the SPV;

• disagreement over resettlement measures, for instance on the location of the resettlement site, on the type or standing of the proposed housing, or over the characteristics of the resettlement plot;

• disputed ownership of a business (for instance where the owner and the operator are different persons), which gives rise to conflicts over the compensation sharing arrangements;

• unfair treatment or inappropriate behaviour by Project staff and/or team;

• lack of response or follow-up by the Project staff and/or team; and

• delay in disbursement of compensation packages.

While the channels for logging the grievances may be different, the system to address them will be the same. The overall responsibility of ensuring that grievances are resolved will be with the SPV, though contractually different parties, including the contractors, may be obligated to address them on the ground.
11.4 The Grievance Process

The Grievance Procedure for receiving, evaluating and addressing Project-related grievances is described below. The specific responsibilities of key stakeholders are discussed in this document, together with the mechanism and channels available to resolve the grievances. The Grievance Procedure (mechanism) for the Project comprises of the following key steps as suggested and discussed below:

- receipt and acknowledgement of grievance;
- registration of the grievance in the MIS;
- review and investigation of grievance;
- resolution of grievance;
- close-out; and
- follow-up and monitoring.

11.4.1 Receipt and Acknowledgement of Grievance

Verbal or written grievances received via the different sources will be channelled to the Communities Team. Grievances would be primarily received by:

- The Communities Team during engagement with the villages, or through their involvement with the PARC survey teams;
- Written complaints deposited in boxes (should complainants choose to remain anonymous), located at convenient locations in the impacted villages;
- Telephone either anonymously or by identifying themselves, to register complaints
- Contractors (and their sub-contractors) through their Community Liaison Officers at various locations;
- and
- Land Commission in the Prefecture.

Grievances can be received either verbally or by written notification. Where grievances are received by another party they must be documented as necessary and communicated to the Community Relations Officer within 24 hours. Grievances can also be logged anonymously through different channels, as described above. As a preparatory activity, the Communities team will visit each village affected by the project and clearly communicate the grievance procedure. The grievance procedure pamphlet will have the name and contacts of the relevant community team member for that area so that people have the option of registering the grievance over phone, through email, logging it with the contractor or submitted directly to the Communities Team or to the Land Commission as the case may warrant. Grievances can also be registered with the village elders either through a written application or in a complaint register, and these will be picked up at least once a month by the Communities Team if the project activities are on-going in those villages. Whatever be the channel of logging of the grievance, a notification of the same will reach the Communities Team within 24 hours.

The grievance will then be recorded on the standard grievance form and a formal confirmation along with a copy of the form signed by both the complainant and Communities Team representative will be sent to the complainant along with an explanation of the next steps to be taken and the duration for resolution of the complaint. The person who receives the grievance will ensure that the name of the village, date recorded, name
of complainant, and name of the person that receives the grievance are noted. If the grievance is received
directly by the Community Staff, then the standard grievance form should be used to record the grievance.

11.4.2 Registration of the Grievance in the MIS

The Community team member will register the grievance in the MIS and In-Control system. For each grievance,
a grievance file will be opened, including the following elements:

- initial grievance sheet (including the description of the grievance), with an acknowledgement of receipt
  handed back to the complainant when the complaint is registered;

- grievance monitoring sheet, mentioning actions taken (investigation, corrective measures); and

- closure sheet, one copy of which will be handed to the complainant after he/she has agreed to the
  resolution and signed-off.

All grievances will be registered in the MIS regardless of whether they are ultimately deemed legitimate.

11.4.3 Review and Investigation of grievance

The Communities Team representative will either undertake the site inspection or will assign someone from the
Communities Team to undertake the inspection. The purpose of the site inspection is to verify the validity and
severity of the grievance. The following will be undertaken:

- Assign the grievance to a Community Officer or the Community Superintendent who will manage the
  grievance directly.

- Interview the person receiving the complaint to gather as much information as possible on the nature of the
  grievance and determine the appropriate response and course of action.

- Schedule a site visit to investigate the grievance. Ensure that the complainant and any other relevant
  parties are present.

- Determine whether the grievance took place within an area affected by Project activities. If the grievance is
  not related to Project or contractor’s activities, inform the complainant that the grievance is not accepted
  and the underlying reasons, fill out the appropriate forms and send or provide a copy of the grievance form
  along with the reasons for the grievance closure. Provide all necessary documentation or evidence to
  support this position. Ensure that the complainant is informed of his/her rights to take present the
  grievance through judicial or administrative processes available to them and/or customary dispute
  resolution mechanisms within the communities to investigate the legitimacy of the grievance by meeting
  with complainant and if necessary the village authorities, and neighbours or other individuals or groups who
  may be familiar with the situation. Where possible document all evidence related to the grievance including
  taking photographs and GPS coordinates of the damage. Confirm the identity of the complainant by
  documenting information from official I.D. and a photograph of the person raising the grievance if the
  complainant to this.

- Identify whether the grievance is high risk (a grievance that is either serious, major, or catastrophic on the
  risk scale) or high urgency. If the grievance is identified as potentially high risk or high urgency contact the
  Community Superintendent immediately and provide information on the grievance. The Community
  Superintendent or other assigned manager will assume responsibility for resolving the grievance.

- If the grievance can be resolved immediately (an example might be compensation for an affected crop),
discuss the possible solution with the complainant and if the complainant agrees with the resolution,
document the solution on the Grievance form and determine the date for the next site visit to solve the grievance including compensation. Have the complainant sign the Grievance form.

- If the complainant does not agree with the solution proposed or no immediate solution is available and further consultation is required with management, document this on the Grievance form and have both parties sign. Provide additional information to the complainant regarding the complainants’ rights and the steps proposed to arrive at a resolution including timeframe. Inform the complainant that the usual timeframe is 30 days.

- Classify the grievance according to the following risk categories: minor, medium, serious, major, catastrophic using Rio Tinto’s consequence category.

- Ensure that the visit is registered on the Grievance Form) and submitted to the Social Management Information System, In-Control and, if applicable, Social Environment Assurance Reporting Tool (SEART).

11.4.4 Resolution and Close-out

There are four resolution levels to grievance resolution:

- **The Simfer Community Group and the complainant (individual or group):** The grievance is easily resolved by mutual agreement between members of the Community Group and the complainant.

- **Simfer Community Group, other SPV departments or supplier and the complainant:** The grievance will be evaluated in conjunction with other Simfer (or SPV) departments or contractors who may be at least partially responsible for the grievance.

- **Mediation Committee or another similar mechanism:** If the grievance was not able to be immediately resolved by the Community Group either alone or with other involved departments, the grievance is presented to a Mediation Committee or a similar mechanism to assess and to propose a solution. The Mediation Committee will be elected by community members to service as a neutral third party providing solutions to grievances that are not immediately resolvable. The Committee will be representative of the communities at large including women and other traditionally underrepresented peoples.

- **Land Commission/Government approval:** Any grievances closure related to eligibility, asset inventory and entitlements will need to be approved and signed off by the Land Commission or its representatives.

- **Lawsuit in Civil Court:** The complainant has the right to present the grievance case in civil court according to the laws of Guinea.

In the communication of the grievance procedure, the project will clearly communicate to the people the different avenues available to them for the redressal of their grievances.

Once the investigations are finalised, the results will be communicated to the complainant and the complaint will be closed in the database if the complainant agrees to the resolution proposed.

11.4.5 Follow up and Monitoring

Two to three weeks after resolving the complaint the Community team member will pay a visit to the complainant to ensure that the complainant is satisfied and to gather feedback on the grievance resolution process. The team will try and collect documentary evidence on the resolution of the grievance including photographs, copy of documents, or a signed satisfaction statement from the complainant. The visit will be registered in the Social Management Information System along with any evidence collected to demonstrate...
compliance.

For grievances that receive a rating of major to catastrophic, the visit will take place with greater frequency with the first visit to occur within a week of the resolution.

11.4.6 Reporting and Evaluating

The Communities Team will track key grievance indicators and report the results of these monitoring efforts internally and externally (to the communities) on a quarterly basis. The reporting will include a summary of the number of grievances registered by category and severity; the average time to resolution; the number of grievances unresolved and any high risk issues. Every quarter, there will be an internal review of the grievance procedure to understand:

- The category of grievances collected and changing trends (with the reasons for the same);
- The effectiveness of the system in capturing the grievances in different parts of the project;
- Lessons learnt in terms of redressal including coordination on response;
- An analysis of the feedback from the complainant; and
- What are the actions required for a more effective process.
12 MONITORING AND EVALUATION

IFC guidelines on involuntary resettlement require monitoring and evaluation of the PARC resettlement plans. Such monitoring measures progress to completion and identification of problems during implementation. Timely identification of the need for changes and timely corrections are critical factors for achieving the desired resettlement outcomes. Best practice requires a project needing resettlement to make arrangements for monitoring the implementation of resettlement in a formal Monitoring and Evaluation Plan.

Simfer will monitor and evaluate the resettlement and compensation process in order to ascertain that the procedures prescribed have been followed and that affected persons are at least no worse off than they were without the project. Effective Monitoring & Evaluation (M&E) can help accomplish this task and facilitate appropriate corrective measures during resettlement implementation based on the information obtained through routine collection of data and community involvement in the monitoring process.

The M&E plan will cover:

- regular, on-going monitoring of implementation processes at specified times;
- measurement of success in meeting objectives;
- measures to ensure stakeholder participation; and
- steps to enhance the use of available data for analytical purposes and policy development.

A two-tier monitoring information system is planned. The first level is for internal monitoring within Simfer and requires an appropriate information management and supervision system. The second tier is for external monitoring by an independent agency. The external monitoring agency conducts independent monitoring and evaluation to review and verify progress, highlight delays in meeting targets and recommends corrective measures.

12.1 Internal Monitoring Process

The RT R&C team Manager is responsible for monitoring internal resettlement activities with the R&C responsible for creating inputs to the MIS system. The R&C team led by the Area Community Superintendent is responsible for leading community participation in the monitoring process and ensure that women and any disadvantaged groups are represented and heard.

Reports

There will be:

- **Resettlement Monthly Monitoring Reports** providing a checklist for each PARC segment, covering the land acquisition, compensation and resettlement process at monthly intervals, until acquisition is complete.

- **Quarterly report** detailing progress per PARC is required to in order to permit management of the planning for project progress.

**Resettlement Monthly Monitoring Reports**

After compilation of the entitlement database and estimation of the costs of compensation by the PARC teams, the process of payment of compensation and resettlement allowances and commence livelihoods restoration, and land acquisition will start. Progress against targets will be reported monthly together with the mitigating actions by the R&C team. This monitoring level will continue until all land acquisition and relocation activities are complete or until such time to be determined. These reports will be collated into Quarterly Report per project area – mine, rail and port and published on the RT website for public view.

A structure for this information collection for this report is detailed in the Resettlement Monitoring and Evaluation Plan for the project\(^1\). Information will be collected and presented following the implementation process on the delivery of:

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\(^1\) Under development
• assets loss compensation and replacement;
• consultation;
• grievances;
• the quality and timeliness of delivering entitlement;
• achievement of resettlement implementation, housing land, cash compensation, livelihoods to verification (progress, i.e. percentage of work completed or number completed versus targets/plans/schedule); and
• future action required to progress to completion of resettlement.

The Quarterly report will summarise the progress towards completion of the PARC from the monthly reports, and identify future progress requirements and allows management to integrate the resettlement process into wider project implementation. A quarterly view is a suitable timeframe to provide an overview of progress and future action assessment.

12.2 External Monitoring Process

A Verification Report will be issued at the end of acquisition activities detailing the completion of all planned mitigation. This independent HSEC monitoring/audit will assess the level of conformance/non-conformances of the Project against IFC performance standards on social and environmental sustainability, the performance against IFC EHS guidelines agreed criteria and the progress of closure of previous independent monitoring actions. Thereafter, annual Monitoring Reports will be issued to cover the income restoration and poverty intervention components of the project.

Verification Report

The independent external monitoring agency will visit resettlement sites to monitor and evaluate the implementation of the PARC Framework and the sub-components and verify the project’s monitoring information:

The Verification Report will describe whether involuntary resettlement has been successfully implemented (a) in accordance with the PARC Framework and IFC PS 1 and 5, and (b) whether international best practice has been met.

The independent monitoring agency consultant is required to describe any outstanding actions that are required to bring the resettlement activities in compliance with IFC policy and the PARC Framework, describe further mitigation measures needed to meet the needs of any affected person or families judged and/or perceiving themselves to be worse off as a result of the Project.

The Verification Report will also include, as needed, a timetable and budget for any supplementary mitigation measures and detail the process of compliance monitoring and final “signing off” for these PAPs. It will also include lessons learned that could inform future activities or be useful in developing the new national resettlement policy and legal/institutional framework for involuntary resettlement.

The completion audit will be undertaken by a separate consultant.

Monitoring Report

Following the completion of acquisition, the income restoration and poverty intervention components will commence and will be monitored by the independent monitoring agency as agreed.

Each annual Monitoring Report will cover, among other aspects, the following:
income restoration employment achieved, its adequacy and income levels achieved;
impacts on women and vulnerable groups;
community Infrastructure, relocation or replacement as required and as agreed to;
implementation and delivery of compensation and resettlement commitments, and
actions required to ensure the programme continues to work towards its objective.

An independent resettlement audit (Section 12.4) by a resettlement specialist will be undertaken 3 years from the commencement of the resettlement activities to determine whether the outcomes of the PARC were achieved.

12.3 Monitoring indicators

The most crucial components/indicators to be monitored and evaluated are specific contents of the activities and entitlement matrix. Indicators and benchmarks are set for achievement of the objectives under the resettlement programme. These indicators and benchmarks are of three kinds:

- **Process indicators** - (more to be used for monitoring) including project inputs, expenditure, staff deployment *etc.*
- **Output indicators** – (for evaluation)-indicating results in terms of numbers of affected people compensated and resettled, training held, credit disbursed *etc.*
- **Impact indicators**- (for evaluation) related to the longer-term effect of the project on people's lives, such as improved housing, re-establishing livelihoods.

These are summarised in the table below.

**Table 12.1: Monitoring and Evaluation Indicators**

<table>
<thead>
<tr>
<th>Type</th>
<th>Indicator</th>
<th>Examples of Variables - All Data should be disaggregated by gender, vulnerable groups as required and for different groups of PAPs/PAHs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Input</td>
<td>Staffing</td>
<td>• Number of line agency officials available for tasks&lt;br&gt;• Number of R&amp;C Officers and assistants located in the field</td>
</tr>
<tr>
<td></td>
<td>Budget and Time</td>
<td>• Have all land acquisition and resettlement staff been appointed and&lt;br&gt;• R&amp;C capacity building and training activities been completed on&lt;br&gt;• Are funds for resettlement available on time?&lt;br&gt;• Have payment arrangements (through Crédit Rural) been achieved on&lt;br&gt;• Have funds been disbursed according to the agreed compensation&lt;br&gt;• Has all land been acquired and occupied in time for implementation?</td>
</tr>
<tr>
<td>Frame</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type</td>
<td>Indicator</td>
<td>Examples of Variables - All Data should be disaggregated by gender, vulnerable groups as required and for different groups of PAPs/PAHs.</td>
</tr>
<tr>
<td>------</td>
<td>-----------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Basic information on PA households | • Location  
• Composition and structure, ages, educational and skill levels  
• Gender of household head  
• Ethnic group  
• Access to health, education, utilities and other social services  
• Housing type  
• Land and other resource owning and using patterns  
• Occupations and employment patterns  
• Income sources and levels  
• Agricultural production data (for rural households)  
• Participation in neighbourhood or community groups  
• Access to cultural sites and events  
• Value of all assets forming entitlements and resettlement entitlements |
| Process Indicator | Consultation, Grievance | • Number of Community Compensation Assessment meetings held  
• Grievances by type and resolution  
• Number of field visits by R&C team staff  
• Number of NGOs/CBOs participating in project  
• Have consultations taken place as scheduled including meetings, groups, and community activities?  
• Have resettlement leaflets been prepared and distributed?  
• How many APs know their entitlements?  
• How many know if they have received the correct entitlement?  
• Have any APs used the grievance redress procedures? What were the outcomes?  
• Have conflicts been resolved?  
• Was the community preparation/sensitisation phase implemented?  
• Were special measures for vulnerable peoples implemented as necessary? |
| Participation | | • No. of General meetings (for both men and women)  
• % of women out of total participants  
• Number of meetings exclusively with women  
• Number of meetings exclusively with vulnerable groups  
• Level of participation in meetings (of women, men & vulnerable groups) |
| Procedures in Operation | | • Census and asset verification/quantification procedures in place  
• Effectiveness of compensation delivery system  
• Number of land transfers effected  
• Coordination between PARC and other line agencies |
| Output Indicators | Acquisition of Land | • Area of cultivation land acquired  
• Area of other private land acquired  
• Area of communal land agreed  
• Area of cultural sites acquired |
| Cultural heritage management | | • Number of agreements on management of cultural heritage elements  
• Number of design adaptions implemented to preserve immovable heritage sites |
| Buildings | | • Number, type and size of private buildings acquired  
• Number, type and size of community buildings acquired  
• Number, type and size of community infrastructure built  
• Number of rituals implemented to transfer movable cultural sites |
| Trees and Crops | | • Number and type of private trees acquired  
• Number and type of government/community trees acquired  
• Crops destroyed by area, type and number of owners |
<table>
<thead>
<tr>
<th>Type</th>
<th>Indicator</th>
<th>Examples of Variables - All Data should be disaggregated by gender, vulnerable groups as required and for different groups of PAPs/PAHs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restoration of community</td>
<td>• Have PAHs adopted the housing options developed?</td>
<td>• Have community networks been restored?</td>
</tr>
<tr>
<td></td>
<td>• Have PAHs achieved replacement of key social and cultural elements?</td>
<td>• Have host communities absorbed re-settlers amicably</td>
</tr>
<tr>
<td></td>
<td>• Have community heritage site provisions working</td>
<td>• Are community heritage site provisions working</td>
</tr>
<tr>
<td>Delivery of Entitlements</td>
<td>• Have all PAPs received entitlements according to numbers and categories of loss set out in the entitlement matrix?</td>
<td>• Have PAPs received payments on time?</td>
</tr>
<tr>
<td></td>
<td>• Have PAPs who were impacted by temporary land access been compensated?</td>
<td>• Have all PAPs received the agreed transition costs, shifting allowance, income support and any other resettlement allowances, according to schedule?</td>
</tr>
<tr>
<td></td>
<td>• Are measures in place to provide land titles/security of tenure or community land agreements to PAPs as agreed?</td>
<td>• Are measures in place to provide land titles/security of tenure or community land agreements to PAPs as agreed?</td>
</tr>
<tr>
<td></td>
<td>• How many households have received land titles/ other forms of tenural security or community agreements?</td>
<td>• How many households have received land titles/ other forms of tenural security or community agreements?</td>
</tr>
<tr>
<td></td>
<td>• Is restoration proceeding for social infrastructure and services?</td>
<td>• Is restoration proceeding for social infrastructure and services?</td>
</tr>
<tr>
<td></td>
<td>• Are income and livelihood restoration activities being implemented as set out in the Livelihoods restoration plan?</td>
<td>• Are income and livelihood restoration activities being implemented as set out in the Livelihoods restoration plan?</td>
</tr>
<tr>
<td></td>
<td>• Have community compensation agreements been honoured and infrastructure constructed</td>
<td>• Have community compensation agreements been honoured and infrastructure constructed</td>
</tr>
<tr>
<td>Restoration of Livelihoods</td>
<td>• Has employment provision adequately supplemented measures to compensate loss of earnings</td>
<td>• Has employment provision adequately supplemented measures to compensate loss of earnings</td>
</tr>
<tr>
<td></td>
<td>• Were compensation payments sufficient to replace lost assets?</td>
<td>• Were compensation payments sufficient to replace lost assets?</td>
</tr>
<tr>
<td></td>
<td>• Was sufficient replacement land available of suitable standard?</td>
<td>• Was sufficient replacement land available of suitable standard?</td>
</tr>
<tr>
<td></td>
<td>• Did transfer and relocation payments cover these costs?</td>
<td>• Did transfer and relocation payments cover these costs?</td>
</tr>
<tr>
<td></td>
<td>• Did income restoration allow for re-establishment of enterprises and production?</td>
<td>• Did income restoration allow for re-establishment of enterprises and production?</td>
</tr>
<tr>
<td></td>
<td>• Have livelihood restoration programmes been implemented</td>
<td>• Have livelihood restoration programmes been implemented</td>
</tr>
<tr>
<td></td>
<td>• Have enterprises affected received sufficient assistance to re-establish themselves?</td>
<td>• Have enterprises affected received sufficient assistance to re-establish themselves?</td>
</tr>
<tr>
<td>Levels of PAP Satisfaction</td>
<td>• How much do PAPs know about resettlement procedures and entitlements?</td>
<td>• How much do PAPs know about resettlement procedures and entitlements?</td>
</tr>
<tr>
<td></td>
<td>• Do PAPs know their entitlements? Do they know if these have been met?</td>
<td>• Do PAPs know their entitlements? Do they know if these have been met?</td>
</tr>
<tr>
<td></td>
<td>• How do PAPs assess the extent to which their own living standards and livelihoods have been restored?</td>
<td>• How do PAPs assess the extent to which their own living standards and livelihoods have been restored?</td>
</tr>
<tr>
<td></td>
<td>• How much do PAPs know about grievance procedures and conflict resolution procedures?</td>
<td>• How much do PAPs know about grievance procedures and conflict resolution procedures?</td>
</tr>
<tr>
<td>Effectiveness of Resettlement Planning</td>
<td>• Were the PAPs and their assets correctly enumerated?</td>
<td>• Were the PAPs and their assets correctly enumerated?</td>
</tr>
<tr>
<td></td>
<td>• Were any land speculators assisted?</td>
<td>• Were any land speculators assisted?</td>
</tr>
<tr>
<td></td>
<td>• Was the time frame and budget sufficient to meet objectives?</td>
<td>• Was the time frame and budget sufficient to meet objectives?</td>
</tr>
<tr>
<td></td>
<td>• Were entitlements sufficient?</td>
<td>• Were entitlements sufficient?</td>
</tr>
<tr>
<td></td>
<td>• Were vulnerable groups identified and assisted?</td>
<td>• Were vulnerable groups identified and assisted?</td>
</tr>
<tr>
<td></td>
<td>• How did resettlement implementers deal with unforeseen problems?</td>
<td>• How did resettlement implementers deal with unforeseen problems?</td>
</tr>
<tr>
<td>Type</td>
<td>Indicator</td>
<td>Examples of Variables - All Data should be disaggregated by gender, vulnerable groups as required and for different groups of PAPs/PAHs.</td>
</tr>
<tr>
<td>------</td>
<td>-----------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
|      | Compensation Payments and entitlements | • Was compensation as described in the PARC paid on time?  
• Were other entitlements distributed on time, allowances, loss of income support?  
• Were there additional costs PAP’s had to bear?  
• Were adequate funds available to meet the costs of resettlement?  
• How effective was the Crédit Rural/ bank account payment process? |
|      | Restoration of Livelihood | • Were income restoration activities appropriate to restore or improve living standards?  
• How many PAP’s/PAHs were impoverished as a consequence of resettlement?  
• Were vulnerable groups adequately assisted to improve living standards?  
• Are the livelihood schemes as described in the PARC being implemented satisfactorily? |
|      | Reestablishment of Community Resources and Community Compensation structures | • Number of community buildings repaired or replaced  
• Number of cultural sites relocated and inaugurated  
• Number of community compensation structures or infrastructure agreed and built  
• Community management committees in place for community structures  
• Training given to community management teams  
• Number of group associations in communities formed and assisted |
| Impact | Household Earning Capacity | • Employment status of economically active members  
• Landholding size, area cultivated and production volume, by crop  
• Selling or transfer of cultivation land  
• Changes to productive capacity – pre- and post-disturbance  
• Changes to income-earning activities (agriculture) – pre- and post-disturbance  
• Changes to income-earning activities (off-farm) – pre- and post-disturbance  
• Amount and balance of income and expenditure |
| Indicator as appropriate | Changes to Status of Women | • Receipt and use of compensation  
• Access to and use of bank accounts  
• Participation in training programmes  
• Use of credit facilities  
• Take up of formal employment  
• Participation in commercial enterprises |
|      | Changes to Status of Children | • School attendance rates (male/female) |
|      | Settlement and Population | • Growth in number and size of settlements  
• Growth in market areas  
• Influx of squatters  
• Increase in trips made to main towns  
• Increase in use of telecommunication |

The socio-economic survey undertaken as part of the Socio-economic impact assessment establishes a baseline to record pre-Project conditions and is summarised in the PARC for the respective project component/sub-component. The household asset surveys for assessment of loss provide a baseline against which to assess individuals and household incomes and livelihoods.
Box: 12.1 Baseline Monitoring Indicators

- Number of vulnerable households and their status;
- Standard of living quantified by asset ownership, quality of house, access to amenities (clean drinking water, sanitation, roads, electricity etc);
- Land ownership/user rights of affected families;
- Occupation/livelihood profile and changes therein;
- Health and education levels;
- Other agreed quality of life indicators;
- Influx and out-migration;
- Work participation rate of male and females;
- Occupational pattern of the family – number of family members in occupations and nature of that occupation and income generated from it;
- Average annual income levels of households;
- Total landownership at the family/household level (private, traditional, customary);
- Proportion of landless, agricultural labourers, sharecroppers;
- Type of housing/commercial structure value;
- Personal access to durable assets and any movable assets;
- Ownership of livestock;
- Access to common property resources;
- Access/arrangement/adequacy of physical infrastructure (road, electricity, drinking water, sanitation, telecommunication, etc); and
- Access/arrangement/adequacy of social infrastructure (education, health, credit sources, markets, skill development, play grounds, worship places, etc);

12.4 Resettlement Completion Audit

The purpose of the Resettlement Completion Audit is for the external resettlement auditor to verify the Project's compliance with the PARC Framework and more generally against IFC’s Performance Standards and the Guinean legislation. It will assess the implementation of the resettlement and its outcomes including livelihood restoration. The resettlement audit will have the following specific objectives:

- General assessment of the implementation of the PARCs against the objectives and methods set forth in the PARC Framework.
- Verify that all commitments made in the PARC Framework and -PARCs have been met.
- Evaluate the outcomes of the mitigation measures as described in the Framework PARC and PARCs for each Project component/sub-component against objectives and the respective baseline.
- Assessment of compliance of implementation with laws, regulations and IFC’s performance standards PS5; Assessment of the fairness, adequacy and promptness of the compensation and resettlement procedures as implemented.
- Evaluation of the impact of the compensation and resettlement program on livelihood restoration, measured through incomes and standards of living, with an emphasis on the “no worse-off if not better-off” requirement.
- Assessment of the socio-economic status of the affected population including the host communities (measured against the baseline conditions of the populations before displacement).
- Identification of potential corrective actions necessary to mitigate the negative impacts of the program, if any, and to enhance its positive impacts.
The Completion Audit will be based on documents and materials generated by internal and external monitoring and field assessment with affected people. The Completion Audit will take place three years from the commencement of the resettlement activities to determine whether the outcomes of the PARC were achieved. The date will be determined by the external auditor. The completion audit will be conducted once all resettlement and compensation activities have been completed to bring closure to the Company's liability for resettlement, compensation, livelihood restoration and development support. It is to be undertaken by an independent resettlement specialist. The completion audit indicates that the project has complied with its commitments related to the PARC implementation and that livelihoods have been adequately restored.
Note Technique sur les questions d’indemnisation des Agriculteurs, relative aux dommages subis par la destruction de leurs arbres plantés, arbres naturels exploités, champs de cultures vivrières ou jardins potagers.
PREAMBULE

Les agriculteurs sont souvent objet de dommages par la partielle ou totale de leurs plantations d’arbres fruitiers plantés, de plantations d’arbres naturels entretenus et exploités, de champs de cultures vivrières ou de jardins potagers ou d’infrastructures rurales.

Ces dégâts ont deux sources principales :

- Les catastrophes naturelles : Sécheresse, inondations, fléaux phytosanitaires, conflits sociopolitiques et incendies d’origine non identifiée.
- Les actions humaines pour des intérêts publics, individuels, des dégâts divers ;

Elles sont entre autres :

L’ouverture de routes, la construction d’infrastructures et d’édifices ruraux, les exploitations minières et forestières et les incendies involontaires ou criminelles.

Dans ces deux types de sources de dégâts, les agriculteurs méritent une assistance ou une indemnisation :

+ Une aide d’urgence en cas de catastrophes naturelles par l’État ou des Agences humanitaires.

Si les dégâts sont de sources humaines, les agriculteurs doivent bénéficier d’une indemnisation juste et équitable à la valeur des dégâts de la part des destructeurs (individus, sociétés, État), à l’œil que soit l’intérêt pour lequel les dégâts ont été commis.

La valeur de cette indemnisation doit permettre à l’agriculteur de poursuivre ses activités agricoles de façon normale. Si la superficie des plantations ou des champs est d’une certaine importance, la valeur du terrain doit être prise en compte et conforme à sa valeur agronomique.
Paramètres d'évaluation des coûts d'indemnisation des pertes agricoles

L'indemnisation agricole désigne tout avantage de toute nature consenti à un individu ou à une communauté d'individus en termes de services, d'argent liquide, de bien ou de toute autre chose de valeur indemnisant la perte subie par ledit individu ou ladite communauté par la destruction des arbres plantés, des arbres naturels exploités, des cultures vivrières et maraîchères et toutes infrastructures rurales.

Le document de cette évaluation doit être dynamique et flexible car les prix des intrants agricoles et le coût de la main-d'œuvre agricole sont évoluifs. Aussi, certains paramètres socio-économiques ne sont définitissables que dans le temps.

Ces paramètres d'évaluation sont :

Pour les cultures pérennes plantées :
- coût de la main d'œuvre pour les opérations culturelles au moment de l'indemnisation
- coût des intrants du moment (semences, plants, engrais, produits phytosanitaires)
- valeur du manque à gagner de la production nette annuelle, multipliée par le nombre d'années d'attente de la nouvelle production après replantation.

Pour les cultures pérennes naturelles exploitées
- valeur du manque à gagner de la production nette annuelle, multipliée par le nombre d'années d'attente de la nouvelle production après repousse.

Pour les vivrières et cultures maraîchères :
- valeur de la récolte totale estimée pendant l'année en cours.

Pour toutes infrastructures rurales :
- valeur de la reconstruction pendant l'année en cours.
Annexes :

QUELQUES EXEMPLES D'ÉVALUATION DU COUT D'INDEMNISATION
(2007-2008)
### Palmier à huile planté, non en production

<table>
<thead>
<tr>
<th>N°</th>
<th>Nature du coût</th>
<th>Quantité ou norme</th>
<th>Valeur (FG)</th>
<th>observation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Plants</td>
<td>1 plant</td>
<td>7,000</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Dénichement et nettoyage</td>
<td>69,93 m²/plant</td>
<td>6,000</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Trouaison et mise Engrais de fonds</td>
<td>1 trou</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Transplantation</td>
<td>1 plant</td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Engrais de fonds</td>
<td>2.5 kg</td>
<td>7,500</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Entretien et clôture</td>
<td>1 ha</td>
<td>6,000</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Mauvaise à gagner du retard de production</td>
<td>25 litres x 3 ans x 5000 FG</td>
<td>405,000</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Coût récolte et extraction</td>
<td>1 plant</td>
<td>130,000</td>
<td>A soustraire de la valeur</td>
</tr>
<tr>
<td>9</td>
<td>Coût d’indemnisation</td>
<td>1 plant</td>
<td>275,000</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>1 ha (143 plants)</td>
<td>1 ha</td>
<td>39325000</td>
<td></td>
</tr>
</tbody>
</table>

### Palmier à huile planté en production

<table>
<thead>
<tr>
<th>N°</th>
<th>Nature du coût</th>
<th>Quantité ou norme</th>
<th>Valeur (FG)</th>
<th>observation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Plants</td>
<td>1 plant</td>
<td>7,000</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Dénichement et nettoyage</td>
<td>64 m²/plant</td>
<td>6,000</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Trouaison et mise Engrais de fonds</td>
<td>1 trou</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Transplantation</td>
<td>1 plant</td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Engrais de fonds</td>
<td>2.5 kg</td>
<td>7,500</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Entretien et clôture</td>
<td>1 ha</td>
<td>6,000</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Mauvaise à gagner du retard de production</td>
<td>25 litres x 5 ans x 5000 FG</td>
<td>625,000</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Coût récolte et extraction</td>
<td>1 plant</td>
<td>250,000</td>
<td>A soustraire de la valeur</td>
</tr>
<tr>
<td>9</td>
<td>Coût d’indemnisation</td>
<td>1 plant</td>
<td>405000</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>1 ha (143 plants)</td>
<td>1 ha</td>
<td>57915000</td>
<td></td>
</tr>
</tbody>
</table>
### Palmier de cueillette (non planté)

<table>
<thead>
<tr>
<th>No</th>
<th>Nature du coût</th>
<th>Quantité ou norme</th>
<th>Valeur (FG)</th>
<th>observation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Manque à gagner avant entrée en production</td>
<td>15 litres x 7 ans x 5000 FG</td>
<td>525,000</td>
<td>Temps d'entrée en production : 7 ans</td>
</tr>
<tr>
<td>2</td>
<td>Coût de récolte et d'extraction</td>
<td>50,000 FG x 7 ans</td>
<td>350,000</td>
<td>A soustraire</td>
</tr>
<tr>
<td>3</td>
<td>Coût d'indemnisation</td>
<td>1 plant</td>
<td>175,000</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>1 ha (150 plants au moins)</td>
<td>1 ha</td>
<td>26,250,000</td>
<td></td>
</tr>
</tbody>
</table>

### Caféier

<table>
<thead>
<tr>
<th>No</th>
<th>Nature du coût</th>
<th>Quantité ou norme</th>
<th>Valeur (FG)</th>
<th>observation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Plants</td>
<td>1 plant</td>
<td>5,000</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Dénichements et nettoyage</td>
<td>6,6 m²/plant</td>
<td>3,000</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Tronçonnage et mise Engrais de fonds</td>
<td>1 trou</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Transplantation</td>
<td>1 plant</td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Engrais de fonds</td>
<td>1 kg</td>
<td>3,000</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>1ère entretien et clôture</td>
<td>1 h/j</td>
<td>6,000</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Manque à gagner</td>
<td>1 kg x 4 ans x 3000 FG</td>
<td>12,000</td>
<td>Temps d'entrée en production : 4 ans</td>
</tr>
<tr>
<td>8</td>
<td>Résolue et traitement</td>
<td>1 plant</td>
<td>20,000</td>
<td>à soustraire</td>
</tr>
<tr>
<td>9</td>
<td>Coût d'indemnisation</td>
<td>1 plant</td>
<td>12,500</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>1 ha (1500 plants)</td>
<td>1 ha</td>
<td>16,750,000</td>
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</tr>
</tbody>
</table>

### Collier

<table>
<thead>
<tr>
<th>No</th>
<th>Nature du coût</th>
<th>Quantité ou norme</th>
<th>Valeur (FG)</th>
<th>observation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Plants</td>
<td>1 plant</td>
<td>6,000</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Dénichements et nettoyage</td>
<td>50 m²/ plant</td>
<td>6,000</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Tronçonnage et mise Engrais de fonds</td>
<td>1 trou</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Transplantation</td>
<td>1 plant</td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Engrais de fonds</td>
<td>1/2 kg</td>
<td>1,500</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>1ère entretien et clôture</td>
<td>1 h/j</td>
<td>6,000</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Manque à gagner</td>
<td>7 kg x 7 ans x 5000 FG</td>
<td>245,000</td>
<td>Temps d'entrée en production : 7 ans</td>
</tr>
<tr>
<td>8</td>
<td>Résolue et conditionnement</td>
<td>1 plant</td>
<td>46,000</td>
<td>à soustraire</td>
</tr>
<tr>
<td>9</td>
<td>Coût d'indemnisation</td>
<td>1 plant</td>
<td>202,000</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>1 ha (200 plants)</td>
<td>1 ha</td>
<td>49,400,000</td>
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</tr>
</tbody>
</table>
### Cacaoyer

<table>
<thead>
<tr>
<th>N°</th>
<th>Nature du coût</th>
<th>Quantité ou norme</th>
<th>Valeur (FG)</th>
<th>observation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Plants</td>
<td>1 plant</td>
<td>5.000</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Défrichements et nettoyage</td>
<td></td>
<td>6.000</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Trouaison et mise Engrais de fonds</td>
<td>1 trou</td>
<td>2.000</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Transplantation</td>
<td>1 plant</td>
<td>1.500</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Engrais de fonds</td>
<td>2 kg</td>
<td>6.000</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>1ère entretien et clôture</td>
<td>1 ha</td>
<td>6.000</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Manque à gagner avant entrée en production</td>
<td>1,3kg x 4 ans x 4000 FG</td>
<td>20.800</td>
<td>Entrée en production : 4 ans</td>
</tr>
<tr>
<td>8</td>
<td>Récolte et traitement pour 1,3 kg cacao marchand</td>
<td>1 plant</td>
<td>30.000</td>
<td>A soustraire de la valeur</td>
</tr>
<tr>
<td>9</td>
<td>Coût d'indemnisation</td>
<td>1 plant</td>
<td>17.300</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>1 ha (1600 plants)</td>
<td>1 ha</td>
<td>27.880.000</td>
<td></td>
</tr>
</tbody>
</table>

### RIZICULTURE EN GUINEE FORESTIERE

(Pour 1 ha)

<table>
<thead>
<tr>
<th>Nature riziculture</th>
<th>Rendement / ha (en paddy)</th>
<th>Valeur production (FG)</th>
<th>Récolte et traitement (FG)</th>
<th>Valeur indemnisation (FG)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colza et plaine sèche</td>
<td>1200 kg</td>
<td>720.000</td>
<td>150.000</td>
<td>570.000</td>
</tr>
<tr>
<td>Bas-fonds</td>
<td>2000 kg</td>
<td>1.300.000</td>
<td>200.000</td>
<td>1.100.000</td>
</tr>
</tbody>
</table>

NB : Le riz de bas-fonds coûte plus cher.