



Date: 28 November 2016

Notice of Registration

Request No.:RQ2016/3

Country: Guinea

MULTINATIONAL - ROAD DEVELOPMENT AND TRANSPORT FACILITATION PROGRAMME WITHIN THE MANO RIVER UNION (GUINEA SECTION)

1. On 15 September 2016, the Compliance Review and Mediation Unit (CRMU) received a Complaint/Request relating to the Multinational - Road Development and Transport Facilitation Programme within the Mano River Union (the Project). The Request specifically relates to the part of Guinean section of the Road.
2. The Request (included in Annex 1 of this Notice of Registration) was submitted by two nationals of Guinea who work with the Agroforestry Resources Unlimited (ARU) organization focusing on environment and governance. The Requestors claimed to be affected by the project.
3. The Requestors have made several allegations that could be summarized as follows:
 - a. The Project will cause irreparable harm on the people and the environment. For instances, it will damage the ecosystem services that are the source of livelihoods.
 - b. The Project violates both national and international laws. The roadworks and clearance are to occur inside the boundary of the Nimba Mountains Strict Nature Reserve, a World Heritage Site (WHS) and a core area of the Nimba Mountains Biosphere Reserve (NMBR), in violation with national laws and the Convention for the Protection of Cultural and Natural World Heritage to which Guinea is a party.
 - c. The Environmental and Social Impact Assessments of the Project issued in February 2013 (ESIA) is inadequate because no consideration was given to the protection status of the Nimba Mountains.
 - d. The public consultation was not conducted as required by the Guinean laws.
 - e. The ESIA does not cover all the potential negative impacts and hence, the potential mitigation measures are inadequate.
 - f. The ESIA mentions a Global Environment Facility (GEF) project that is not accessible on the GEF's website.

- g. The project violates the Integrated Safeguards System of the Bank of December 2013, most notably, Operational Safeguards 1 and 3 on 'Environmental and Social Assessment' and 'Biodiversity, Renewable Resources and Ecosystem Services'.
4. The Requestors claimed to have written a letter raising the same concerns to the Bank in June 2016, but they did not receive any response from Bank Management.
 5. The Project covers Côte d'Ivoire, Guinea and Liberia. It was approved by the Boards of Directors on 18 December, 2014. Its overall objective is to support economic recovery in the post-conflict region of the Mano River Union by improving its road infrastructure and promoting intra-community trade. Specifically, the project seeks to improve transport conditions and reduce transport costs, facilitate the free movement of persons and goods between the three countries and improve the living conditions of communities living in the project area.¹
 6. The approved loan to Guinea was in the amount of \$11,774,000 to pave the 39.75km dirt road from Lola City to the border of Cote d'Ivoire at Gouéla Pos. Roadworks are expected to be completed over 20 months and is to start at the end of the rainy season in 2016, approximately in October.
 7. According to the summary of the Environment and Social Impact Assessment (ESIA) distributed to the Boards on 2 September 2014, several national ministries will be responsible for implementation of the project's Environmental and Social Management Plan (ESMP). The Bank applicable safeguards to the project include but not limited to : (i) the Environment Policy (2004); (ii) the Bank's Policy on Involuntary Resettlement (2003); (iii) the Bank's Gender Policy (2001); (iv) the Engagement Framework with Civil Society (2012); (v) the Policy on Disclosure and Access to Information (2012); (vi) the Bank's Policy on Integrated Water Resources Management (2000); (vii) the Bank's Poverty Reduction Policy (2001); and the Bank's Environmental and Social Assessment Procedures for Public Sector Operations (2001).²
 8. The project is classified as Category 1 due to its significant potential negative impacts on both the environment and people during construction and operations including³: air and chemical pollution of soil and water; dangers to Wildlife and Flora. Its negative impacts linked to the resettlement of two hundred (200) people for right-of-way clearance include: (i) partial or total loss of one hundred twenty one (121) houses; (ii) disturbance of one hundred eighty four (184) commercial activities; (iii) loss of a public facility and; (iv) damage to crops during the construction works, (v) disruption of movement of the local inhabitants during construction phase. Moreover, the project will expose the workers and locals to epidemics such as HIV/AIDS, EBOLA, malaria and respiratory diseases. In addition, the temporary presence of foreign workers could trigger cultural conflicts with the local communities. Furthermore, construction will encroach on sacred and cultural sites. The ESIA included a set of mitigation measures to contain these negative impacts.⁴ The measures intend to protect water resources and soils, air quality, wildlife and flora as well as sacred and/or cultural sites of importance to the people. Specific measures must be put

¹ The Project Appraisal Report, page 3.

² ESIA Summary GUINEA-Road Development and Transport Facilitation Programme within the Mano River, Distributed to the Boards on 2 September 2014, page 4.

³ Ibid., pages 7-9.

⁴ ESIA Summary, pages 10-14.

in place for the proper monitoring of the resettlement action plan and the functioning of grievance redress mechanisms.

9. After conducting a preliminary assessment of this Request, I have concluded that the Request falls within the mandate of the IRM and meets the requirements of paragraph 7 of the Operating Rules and Procedures of the Independent Review Mechanism (IRM). I have also noted the allegations by the Requestors that “the project does not comply with the Bank's operational safeguards, and if implemented as planned, will result in significant and irreparable environmental and related social damage”.
10. In keeping with Paragraphs 23 of the IRM Rules and Procedures, I have registered on **25 November, 2016** the Request relating to the Multinational - Road Development and Transport Facilitation Programme within the Mano River Union (Guinea section) in the IRM Register of Request. This Notice of Registration has been sent to the Requestors, the Boards of Directors and the President of the Bank Group. The Register of Request is accessible on the Bank website: www.afdb.org/irm.
11. In line with Paragraph 36 of the IRM Rules, the Management must submit to CRMU its Response to the Request or evidence indicating how the Bank has complied, or intends to comply with the Bank’s safeguard policies and procedures applicable to this project within twenty one (21) working days from the receipt of this Notice of Registration, which shall be **by no later than 27 December, 2016**. In considering the Requestors’ preference as stipulated in Paragraph 22 of the IRM Rules, I will determine the best course of action on whether or not the Request is to be handled through compliance review.
12. For any future correspondences relating to this complaint, the Requestors, the Bank’s Management or any other interested parties shall refer to the request number **RQ2016/3** as posted on the IRM Register of Requests.
13. The Requestors have been notified that all communications in connection with the Request will be sent to the mailing address indicated in the Request letter unless they provide a different contact information to CRMU.



Sekou Toure
Director

Compliance Review and Mediation Unit

Cc:

1. The Requestors
2. The President, African Development Bank Group
3. The Boards of Directors, African Development Bank Group

Annex 1
The Request



**AGROFORESTRY RESOURCES UNLIMITED
(ARU)**

Biodiversité - Productivité - Innovation - Coopération

République de Guinée
Etats-Unis d'Amérique

Compliance Review and Mediation
Unit
African Development Bank Group
01 P.O. Box 1387
Abidjan 01, Cote d'Ivoire

15-September-2016

Ref: Complaint about the project *Road Development and Transport Facilitation Programme within the Mano River Union- Guinean portion*

Dear Sir/Madam,

We, the undersigned environmental organisation, duly registered and operating in the Republic of Guinea, herewith respectfully submit a formal complaint to the Compliance Review and Mediation Unit (CRMU) of the African Development Bank (AfDB).

As Guinean organisations, staffed by Guinean nationals working on environmental management and governance in our nation, and seeking to improve the lives of all its citizens, we deeply appreciate the assistance that the AfDB provides to countries across the continent to improve the lives of its peoples. We are staunch supporters of sustainable development and progress.

However, we believe that the Guinean portion of the project entitled '*Road Development and Transport Facilitation Programme within the Mano River Union*' does not comply with the Bank's operational safeguards, and if implemented as planned, will result in significant and irreparable environmental and related social damage. The project will furthermore be illegal under Guinean and certain international law. As an organisation whose mission and operations are to promote sustainable development, sound environmental management and governance, and that has been involved over the years at the Guinean Nimba Mountains, our work would be greatly compromised and the lives of the communities along portions of the road would likely be negatively impacted through damage to the ecosystem services on which they depend.

In late June 2016, FFI contacted the AfDB with its concerns, namely Ms Sheila Khama, Head of Sustainability, and Mr. Justin Ecaat, Head of ESS, but neither responded. FFI's concerns are all covered in the attached complaint, as well as additional ones of ARU. Pippa Howard of FFI (Pippa.Howard@fauna-flora.org) can provide the communications if requested.



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République de Guinée
Etats-Unis d'Amérique

The project is scheduled to begin implementation in the fourth quarter of this year, which means that this complaint needs to be addressed as a matter of urgency if the project is to be executed in compliance with the Bank's policies and standards, and with Guinean law.

We look forward to hearing from you at your earliest convenience.

Yours Sincerely,

Pokpa NORAMOU

Director of Operations for
Natural Resources Management
Agroforestry Resources Unlimited

Abdoul Karim DIALLO

Administrator
Agroforestry Resources Unlimited

Cc: B.Kargougou@afdb.org, B.Fall@afdb.org, S.Toure@afdb.org

**COMPLAINT ABOUT THE PROJECT 'ROAD DEVELOPMENT AND
TRANSPORT
FACILITATION PROGRAMME WITHIN THE MANO RIVER UNION' –
GUINEAN PORTION**

Submitted by Agroforestry Resources Unlimited
15 September, 2016

Summary.

On December 18, 2014, the Board of Directors of the African Development Bank (AfDB) Group approved loans to Côte d'Ivoire, Guinea and Liberia, intended to finance a programme for road development and the facilitation of transport within the Mano River Union. Based on information contained in the *Summary*

Environmental and Social Impact Assessment (ESIA), the project, for which a loan to Guinea worth \$11,774,000 is getting underway, is in major violation of the AfDB's Integrated Safeguards Systems of December 2013, and in particular Operational Safeguards 1 and 3 on 'Environmental and social assessment' and 'Biodiversity, renewable resources and ecosystem services'. These deficiencies are likely to lead to irreparable loss of biodiversity, ecosystem services and damage to the Mount Nimba World Heritage Site and Nimba Mountains Biosphere Reserve, because the current alignment of the project encroaches into these protected areas. This will have a deleterious effect not only on the environment but also on local livelihoods which are heavily dependent on the ecosystem services and cultural values of the strictly protected area that will be impacted.

Analysis of the Summary ESIA reveals that parts of the project, as proposed, are in violation of Guinean law, too, and international convention law to which Guinea is party.

As a Guinean NGO that advocates for environmental protection and the rights and welfare of rural communities living in proximity to Guinea's rich forests, rivers and savannahs, we seek that the African Development Bank respect its operational safeguards and abide by Guinean law by conducting an informed, legally compliant and transparent environmental and social impact assessment for this project *before* work begins on the ground.

Introduction.

On December 18, 2014, the Board of Directors of the African Development Bank (AfDB) Group approved loans to Côte d'Ivoire, Guinea and Liberia taken from the resources of the Transition Support Facility (TSF) and the African Development Fund (ADF). These loans are intended to finance a programme for road development and the facilitation of transport within the Mano River Union.

In Guinea, a loan to Guinea worth \$11,774,000 was approved by the Board of the AfDB. It will be used to "develop and asphalt" the dirt road from Lola City to the border at Gouéla Post for a length of 39.75km, following the existing alignment of the N2 highway. It will be a two-lane road – one in each direction – capable of accommodating heavy trucks, with asphalt 7.4 metres in width. However, the clearing and embankment will be 13m wide, and the right-of-way for disturbance and other uses related to the road is 20m. Roadworks are scheduled to be completed over 20 months and are to start at the end of the rainy season in 2016, which is approximately in October.

A *Summary Environmental and Social Impact Assessment (ESIA)*, dated 12 August 2014, is available on the AfDB's website, as well as an international tender announcement for asphaltting of the road from Lola City to the Ivoirian border at Gouéla Poste, from March 2015. The project is described in other documents of the AfDB, such as the *Combined Mid-Term Review and Regional Portfolio Performance Review of the Regional Integration Strategy Paper for West Africa 2011-15*, and press releases like *AfDB approves loans to improve transport and roads in Mano River countries* of 18 December 2014.

Complaint and Remedial Actions Sought.

Based on a review of the Summary ESIA and other documents listed above, our knowledge of Guinea's laws and regulations concerning ESIA, discussions with stakeholders including members of the Ministry of Environment, Water and Forests, and our combined knowledge of the area, we will demonstrate the following deficiencies and problems with the project:

1. The Summary ESIA was prepared by people with little to no understanding of the area and is egregiously deficient in terms of baseline characterisation, assessment of potential impacts and mitigation measures.
2. Although the Summary ESIA does not mention it, the existing alignment of the N2 runs for 7km within metres of the border of the Nimba Mountains Strict Nature Reserve, which is also a World Heritage Site (WHS) and a core area of the Nimba Mountains Biosphere Reserve (NMBR). The specifications in the international tender announcement indicate that roadworks and clearance would occur inside the boundary of these strictly protected areas, which is in violation of Guinean law and of the Convention for the Protection of Cultural and Natural World Heritage, of which Guinea is a party.
3. The ESIA on which the Summary ESIA was based was not done in accordance with Guinean law or regulations. The process codified in Guinea's General Guidelines for Conducting Environmental and Social Impact Assessments of February 2013 was not followed, nor did proper public consultations occur as required by Guinean law.
4. The Summary ESIA indicates the project is in stark violation of the AfDB's Integrated Safeguards Systems of December 2013, and in particular Operational Safeguards 1 and 3 on 'Environmental and social assessment' and 'Biodiversity, renewable resources and ecosystem services'.

In response, we seek that:

- A- No work on the ground begins on this project until an environmental and social impact assessment is completed by a qualified, independent professional and the Ministry responsible for Environment issues the consequent certificate of environmental compliance. The ESIA must meet all applicable Guinean standards and procedures, including as regards transparent, inclusive public consultations, as well as be compliant with the AfDB's Operational Safeguards.
- B- The resulting mitigation measures identified by the ESIA must be made conditions of the loan's disbursement and the contractor's (and its sub-contractors') obligations when executing the works.
- C- The Guinean State Party must inform the World Heritage Centre, in accordance with international law, of the project and seek its technical opinion before proceeding with works.

As stakeholders in the process, we will review the ESIA and any revised plans against Guinean law, regulations and standards, and against the AfDB's Operational Safeguards, and report our findings publicly.

Deficiencies.

(1) and (2) Inadequate impact assessment and no consideration of the protection statuses of the Nimba Mountains.

While the Summary ESIA might suffice as an initial scoping document that serves as the basis for planning the preparation of a full ESIA, it is entirely insufficient as an ESIA from many perspectives. The Summary ESIA does not consider to any substantive extent that part of the project is planned to occur directly adjacent to the Nimba Mountains Strict Nature Reserve, which is also a World Heritage Site, and most of the project is planned in the Nimba Mountains Biosphere Reserve. These areas were classified because of their extraordinary biological diversity, about which there exists a rich and publicly available literature dating back to the 1950s, much of which has been updated and new discoveries made in recent years by studies led by local mining companies undertaking ESIA's. However, the project's Summary ESIA does not mention any of this, but instead refers to studies done in 1991-94 in the Ziama and Diécké *Forêts Classées*. These studies are both out-of-date and at best only partially relevant to the Nimba Mountains, whose biodiversity is known to exceed that of the *forêts classées*. Baseline characterization in the Summary ESIA does not mention a single species by name.

The Summary ESIA's baseline characterization does not include substantive information on hydrology or hydrogeology, and the rivers that could be impacted and need protection. It does not contain precise information on climate or air quality, but mentions only broad ranges. It contains no information on the ecosystem services provided by reserves or forests outside them, however local villages are heavily dependent on streams for their water, and on plants and animals that live in the forests surrounding the strictly protected area. The Nimba Strict Nature Reserve and WHS are of very high cultural significance, containing numerous sacred sites and sites of cultural heritage, although this was never mentioned.

While the only document available is a Summary ESIA, the full ESIA on which the summary is based does not appear to be well informed either, if it exists.

With inadequate baseline characterisation, consequently the assessment of impacts is entirely deficient. Threats include habitat fragmentation, impacts to threatened species, spontaneous settlement, alien invasive species, impacts to the WHS's outstanding universal value, among others, are not mentioned. Certain potential impacts are correctly identified, like influx and increased illegal incursions, but left essentially unaddressed. There is no assessment of the pre-existing threats to the area's environment, or its current trends and dynamics. There is no assessment of the institutional framework for managing the NMBR. For example, the NMBR's management authority, the Centre de Gestion de l'Environnement des Monts Nimba et Simandou (CEGENS), has no operating budget so the document's assertion in section 5.2 is illogical that upgrading the road will permit better access by the management authority to control law-breakers. CEGENS already has adequate access but no means of transport. Experience from the road between Zouguépo and Séringbara, built illegally through the WHS by the UNDP in around 2008, already shows that a road intended for improving law enforcement serves mainly to permit illegal incursions.

As currently planned, the Summary ESIA falsely states that “specific impacts on the Nimba reserve... are indirect as the road does not directly affect the said reserve” (section 5.1.2). The project description states it will clear up to 20m either side of the road, and the road passes directly adjacent (<2m) from the world heritage site’s boundary, in violation of Guinean and international law.

Given that the assessment of impacts is faulty, the mitigation measures identified are completely inadequate. In a situation working directly adjacent to, and possibly within, a natural WHS, it is highly risky and generally unacceptable for a road contractor to be tasked with managing impacts to hundreds of threatened species, controlling alien invasive species in a highly sensitive zone, managing population influx, controlling illegal incursions in a protected area (for agriculture, forestry, non-timber forest products, hunting, etc.), in addition to standard impacts like managing dust, noise and run-off. Yet this is the Summary ESIA’s main answer to the environmental risks posed by the project (see first dot-point in section 5.4).

As an organisation that has worked on conservation in Guinea, we attest that the realities of implementing ‘wildlife and flora measures’ at Nimba as proposed, however good-intentioned, are extremely tricky and require specialized, long-term support. There is mention of a project for “integrated management of transboundary forests” funded by the GEF, but no such project exists either on the GEF’s website or from discussion with the NMBR’s management authority. A project funded by UNDP and GEF closed in mid2014, having achieved almost none of its objectives, and no further GEF funding is planned within the foreseeable future. CEGENS is practically unfunded and unable to maintain an active presence on the ground.

It is standard practice in impact assessment to consider different alternatives, including the no-project option. The Summary ESIA does not consider a no-project option, and alternatives were summarily dismissed with the statement “Since the project involves the rehabilitation of an existing road, the possible variants are quite limited. In most cases, the road will as much as possible follow the existing alignment.” At best, this ‘conclusion’ is uninformed and misleading. The project involves *upgrading*, not rehabilitating, the existing road. An informed ESIA would have revealed a ~7km stretch from east of the village of Gouamo to the town of N’Zoo where upgrading the road would be very risky environmentally and illegal. An alternative alignment should be considered for this stretch, for example.

In conclusion, regarding the lack of any consideration of the environmental sensitivity of the area and its protection statuses and, consequently, the ESIA’s inadequate assessment of impacts, *we demand that before any works begin on the ground:*

- *The ESIA be revised to reflect the constraints imposed by the legal statuses of the areas where the road upgrades are planned.*
- *The ESIA be revised to include detailed and updated baseline characterization, which can be done mainly with existing information.*
- *With a proper baseline, impacts are then assessed fully.*
- *Mitigation measures and the means for their implementation (finances, personnel with the right skill set) are then upgraded to the level required for such a sensitive location.*
- *An objective assessment of alternatives, including the no-project option, be conducted before the project moves forward.*

(3) An ESIA was not completed according to the requirements of Guinean law and regulations.

The Summary ESIA claims that an ESIA had been prepared in accordance with the policies in force in

Guinea, however this does not appear to be true. The Director of the *Bureau Guinéen des Etudes et Evaluations Environnementales* (BGEEE), the agency in the Ministry responsible for Environment mandated to oversee ESIA's, stated informally to a partner of ARU in June 2016 that no ESIA had been formally initiated for this project under Guinean law, although it should be. The Director of CEGENS said to this same partner in June 2016 that he understood a scoping process had been done, but an ESIA had not yet been realized.

The list of laws in section 2.1 of the Summary ESIA contains outdated texts, like Decree 199/PGR SOC/89 governing impact assessments, but omits key new texts like Decree A/2013/474/MEEF/CAB adopting a general guide for environmental assessment, and Decree D/2010/185/PRG/SGG updating the acts of classification and management of the areas of the Nimba Mountains Biosphere Reserve. The former of these texts outlines a process whereby an ESIA is formally initiated and a scoping process occurs. After a review of the scoping report, if the project is deemed to potentially have significant impacts, the project proponent proposes terms of reference for the impact assessment which BGEEE reviews and the Minister approves. Then the study is executed, at the end of which there is a public inquiry and, if successful, the Ministry issues a certificate of environmental compliance. Public consultations accompany this process from start to finish, and must be done to a minimum standard whereby any member of the affected public can find information on the project and attend consultations. This process was not followed for the present project, and therefore the project is not permitted and cannot legally begin.

The consultations that occurred appear to have targeted only limited stakeholders in Lola City (on 24 February 2014) as well as consultations related to compensation for losses with villagers along the right-of-way. NGOs operating in the area, mining companies and many other local stakeholders were never informed of the project or of any consultations, although they will be directly impacted. For example, the project directly overlaps West Africa Exploration's mining permit and infrastructure plans, but it has not been able to comment publicly. The communication plan mentioned in section 9 of the Summary ESIA does not appear to have been executed, nor has the public consultation described in section 4.1 of the framework resettlement action plan. The consultations for this project seem to have occurred in the run-up to and during the Ebola virus disease crisis, which was not an appropriate time to conduct such exercises.

In conclusion, regarding how the ESIA appears not to have been conducted in accordance with Guinean laws and regulations, ***we demand that before any works begin on the ground:***

- ***An ESIA should be conducted that adheres to current Guinean legal requirements, including the two legal texts mentioned above, by a qualified, independent professional environmental consultant.***
- ***Consultations in accordance with Guinean legal requirements and the Summary ESIA's commitments need to occur and the results adequately reflected in the project's design.***

(4) The Summary ESIA indicates that the project is in violation of the AfDB's Integrated Safeguards System. The AfDB's Integrated Safeguards Systems (December 2013) states:

The Bank is committed to ensuring that its public and private sector operations comply with the Operational Safeguards (OSs) by assessing environmental, climate change and social risks and impacts as early as possible in the project cycle, and providing effective audit, monitoring and supervision of agreed environmental and social management measures during implementation. If the Bank finds that the environmental or social impacts of any of its investments are not likely to be adequately addressed, the Bank may choose not to proceed with the investment. (p.16)

The objectives of **Operational Safeguard 1** on ‘Environmental and social assessment’ include, among others:

- i. Identify and assess the environmental and social impacts and risks — including those related to gender, climate change and vulnerability — of Bank lending and grant-financed operations in their areas of influence;
- ii. Avoid or, if avoidance is not possible, minimise, mitigate and compensate for adverse impacts on the environment and on affected communities;
- iii. Provide for stakeholders’ participation during the consultation process so that affected communities and stakeholders have timely access to information in suitable forms about Bank operations, and are consulted meaningfully about issues that may affect them;
- iv. Ensure the effective management of environmental and social risks in projects during and after implementation; and
- v. Contribute to strengthening regional member country (RMC) systems for environmental and social risk management by assessing and building their capacity to meet AfDB requirements set out in the Integrated Safeguards System (ISS).

As has been outlined above, the Summary ESIA falls well short of (i) identifying and assessing the environmental and social impacts and risks of the project in question. Neither does it implement the mitigation hierarchy effectively (ii), but simply dismisses avoidance measures by saying that alternatives are “quite limited” and will not be considered.

The consultations that occurred fell well short of meeting standard good practice in impact assessment, and Guinean requirements, and there is no local grievance mechanism available to our knowledge in Guinea. Thus the project is in violation of (iii) providing for stakeholder’s participation so that affected communities and stakeholders have timely access to information in suitable forms and are consulted meaningfully about issues that may affect them.

In light of the inadequacy of the ESIA, the project’s provisions to manage its environmental and social risks are entirely deficient with regard to objective (iv). With regard to objective (v), the project appears to contain no measures to strengthen CEGENS’ or any other agency’s capacity to manage the increased risks associated with this project, but refers to a non-existent GEF-funded project and to an environmental manager from the contractor.

Because the AfDB has categorised this as ‘Category 1 – Bank operations likely to cause significant environmental and social impacts’, we do not accept that the project may proceed with what appears a deficient (if not absent), full ESIA.

Operational safeguard 3 on ‘Biodiversity, renewable resources and ecosystem services’ refers to upholding the World Heritage Convention, but the Bank is funding a project that is planned to have both direct and indirect impacts on a world heritage site, although the Summary ESIA

fails to recognise this. Article 172 of the Operational Guidelines of 2013 of the World Heritage Convention seeks that State Parties to the Convention:

...inform the [World Heritage] Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved.

The World Heritage Secretariat and Committee were not informed of this project until it was brought to their attention in June of this year, although they should have been as long ago as 2014.

Operational safeguard 3 is supposed to apply to operations “in areas providing ecosystem services upon which potentially affected stakeholders are dependent for survival, sustenance, livelihood or primary income”, however the Summary ESIA provides no indication that any of these have been assessed, or that there will be any material impacts to them, or that any avoidance or mitigation measures are required.

The project has a high likelihood of impacting local ecosystem services, fragmenting natural habitat and connectivity (between the Nimba Mountains and the Déré Forest for example), promoting alien invasive species like *Chromolaena odorata* (which is locally widespread outside the strictly protected zone) inside the strict nature reserve/WHS, promoting increase illegal incursions into the WHS for hunting, logging and collection of plants and animals, but no assessment of the threats – existing or with the project – was done and no credible measures are proposed to counter these threats.

Based upon the literature in the public domain, as well as the studies conducted recently by mining companies and other researchers that have not yet been published, the portions of the road near the boundary of the WHS easily meet the safeguard’s criteria for critical habitat because of the presence of species that are critically endangered, endemic and/or range-restricted species and sub-species, for example the critically endangered Lamotte’s round-leaf bat (*Hipposideros lamottei*), the Nimba otter shrew (*Micropotamogale lamottei*) and the endangered fish *Barbus huguenyi*. As a biological refuge during past glaciation period, the Nimba Mountains contain regionally significant, threatened and unique ecosystems including in the lowlands along where the N2 passes. The Nimba World Heritage Site is classified as world heritage under criteria (ix) for exceptional biodiversity and (x) for its on-going, key evolutionary processes, which the safeguard explains triggers critical habitat requirements.

The Summary ESIA gives no indication that the Bank’s critical habitat requirements are triggered – which we insist are triggered, nor that the mitigation hierarchy has been followed, nor that “either net benefit or no net loss of biodiversity” will be achieved. These have not even been considered.

None of the six conditions on page 41 of the Integrated Safeguards System for the Bank to agree to finance a project in critical habitat are met. None of the five requirements for assessment and/or planning by the borrower/client with respect to critical habitat on pages 41-42 of the same publication are met either.

No review of important ecosystem services and potential impacts on them was conducted, as required by the safeguard.

In summary, in light of the significant list of violations of the project with the Bank's operational safeguards, which is not exhaustive here, we insist that a full ESIA of the scale and detail appropriate for a Category 1 project, *and in full compliance with the Bank's safeguards*, be completed prior to works starting on this project.

Agroforestry Resources Unlimited, founded in 2013, registration number 2537, is a Guinean environmental organisation that emerged out of the *Programme pour la Gouvernance Environnementale en Guinée*. Its objectives are to promote sound natural resources management, Better Management Practices (BMPs) for sound forestry, agriculture, and watershed management, as well as the application of local, national, and international environment-related laws. Its activities have included a climate change adaptation program with support from the Global Environment Facility, the Forum on Environmental Governance, and the establishment and operation of the Agroforestry Demonstration Farm. ARU is actively concerned with good environmental governance and the proper application of Guinean environmental laws at all times, by all organisations operating in the country. It seeks to build a constituency and advocates.