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First- and second-class citizens? Governance disparity in the urban development of Conakry – Republic of Guinea

Abstract: This article focuses on urban development in Conakry, the capital of the Republic of Guinea, to reflect on the progress and innovation represented by the increasingly widespread application of the World Bank’s international environmental and social standards with respect to the consideration of local stakeholders in governance processes. It also examines the paradoxical fact that, within the same territory, the variable application of those standards can create strong inequalities, particularly in the treatment of people involuntarily displaced by projects of public interest. This article underlines that the funding source of a project often determines whether international standards are adhered to. These differences in the consideration of people affected by projects may thus depend on criteria that are difficult for them to understand and are largely beyond their control.

Key words: Governance, International Standards, Involuntary displacement, Republic of Guinea, Urban Management

Introduction

Both public and private development projects increasingly refer to the Equator Principles, a reference that is based on the environmental and social standards of the World Bank Group and has been ratified by most international financial institutions and private banks. These standards were initiated by Michael Cernea in the late 1980s (Cernea 1988) in response to the observation that projects financed by the World Bank could induce negative social and environmental externalities, particularly in the context of involuntary displacements, or more gener-

ally regarding cultural heritage. They were formalized as the Equator Principles¹ in 2003, and have been ratified by 132 public and private financial institutions. The World Bank standards have recently evolved (World Bank 2018) to focus on stakeholder involvement in territorial planning, particularly the governance of urban development. In practice, these standards apply to different stages of urban planning projects: from consultations to socio-economic impacts assessment, including procedures for the reinstallation of people involuntarily displaced by projects of national interest, they encompass environmental and social issues and ensure that they are considered.

This article is based on studies conducted in Conakry (Republic of Guinea) during the development of several private and public projects subject to international standards (specified below), documentary reviews, and semi-structured interviews with stakeholders who have been displaced by public projects but are otherwise unconcerned with the implementation of international standards.

Here, the authors review social issues associated with the implementation of these standards in the specific case of infrastructural development in Conakry and reflect on the innovation these standards represent in terms of the governance of both project development and implementation. After presenting the geographic and societal context in a first part, the authors will use concrete examples of infrastructure projects in Conakry to discuss the advances and innovations demonstrated by the increasingly generalized application of these international standards to include local stakeholders in governance in the second part. After discussing about the innovation represented by the application of international standards in the third part of the article, the paradox that these standards are not always applicable within the same territory, creating and accentuating social inequalities, will be also explored.

Conakry: a case of painful urban development

The Republic of Guinea, a coastal country in West Africa, is situated on lands extremely rich in minerals and ores (bauxite, iron, gold, diamonds, etc.). Guinea receives sufficient rainfall that, combined with its favorable geology, it has one of the highest potentials for hydroelectric production in West Africa. Despite these natural riches, Guinea is one of the poorest countries in the world, ranking 178th on the United Nations Development Programme's Human Development Index in 2020.

Conakry, Guinea's peninsular capital, illustrates well the general situation and problems of its country: natural riches, weak infrastructure, and a lack of public services and coherent government. Despite the implementation of various urban development plans (Urban Development Plan in 1989, Grand Conakry 2040),

¹ The Equator Principles is a risk management framework adopted by financial institutions for determining, assessing, and managing environmental and social risks in project finance. It is primarily intended to provide a standard for due diligence to support risk-reduction through responsible decision-making.

the capital city was not constructed with a coherent master plan; today, its inhabitants are victims to a near-lack of sanitation, poor connection to electricity, impractical road infrastructures, incompetent or even unsanitary health services, etc. Nonetheless, with the help of numerous public and private investors, the government has implemented, and continues to implement, urban development projects aiming to improve the capital and the lives of its inhabitants and workers.

To relieve congestion in downtown Conakry, situated at the tip of the peninsula, and reorganize circulation within the city while reducing morning and evening rush-hour traffic, the government of Lansana Conté (1984–2008) initiated a polycentric development policy. In particular, this policy included a project to build a new urban center outside the city center, on the other side of the Kapor-Rails district. This project grew to include the objective of integrating foreign embassies, companies, and other services into the new urban center.

During the presidency of Lansana Conté, clashes during the eviction of occupants from to-be-developed areas led to military interventions and deaths in the early 2000s (FIDH 2004), a policy that continued during the presidency of Alpha Condé (2010–2021)². The non-governmental organization Human Rights Watch (2019) denounced the thousands of physical and economic displacements executed under the force of bulldozers and justified only by a 1989 decree attributing lands in this area to the State. Alpha Condé proclaimed that “only persons holding duly authenticated land titles are entitled to compensation by the State”. However, the difficulty in claiming a private title for a public space will be highlighted.

In Guinea, urban development and management are based on several laws or regulations including the Civil Code, the Urban Planning Code, the Land Tenure Code (Rey 2011), and the Construction and Housing Code. Beyond purely technical considerations and those related to ownership, the 2019 Environmental Code guides project developers in terms of environmental and social considerations, notably in the case of public utility projects. This code specifies which studies should be conducted to evaluate the environmental and social impacts of an urban project on its area, whether they be positive or negative. The implementation and evaluation of these obligatory studies are overseen by the Guinean Office of Accreditation and Environmental Compliance (*Bureau Guinéen d'Accréditation et de Conformité Environnementale*, BGACE) under the supervision of the Ministry of Environment and Sustainable Development (*Ministère de l'Environnement et du Développement Durable*, MEDD). The Guinean legal and regulatory framework requires that project stakeholders be consulted via the distribution of public notices or through public disclosures. Upon their completion, the government requires that the results of these consultations be reported to the project

² The precise origin of these evictions is still unclear. Indeed, the Kapor-Rails neighbourhood had benefited from the official provision of access to basic services (water and electricity), which legitimized the settlement of households in the area. However, the authorities decided to reclaim this densely populated area under the pretext of “public domain”, and the majority of the evicted population, from the ethno-linguistic groups Peuhl and Malinke, constituted the opposition stronghold during the presidency of Lansana Conté.

stakeholders, both within the study area and at the national level by designating a Technical Environmental Analysis Committee comprising 23 managerial staff from from the governmental entities concerned in the project.

The Land Tenure Code takes over where the Environmental Code leaves off by providing its own framework for procedures related to population displacements. This framework integrates and develops upon the principles of involving and consulting affected populations through the procedure of Expropriation for the Cause of Public Utility (Republic of Guinea 2017). According to a new MEDD decision, effective as of April 2021 (Republic of Guinea 2021), if a project physically or economically³ affects more than 50 people, a Resettlement Action Plan (RAP) must be put in place, requiring validation by the BGACE. However, this new order does not specify how such a resettlement plan should be implemented or validated. Furthermore, it does not concern the cases described herein because it was enacted after their occurrences.

Expropriation can only occur once a project has been declared to be of public interest, either by presidential decree for projects with major land-use and social impacts or by order of the governmental entities in charge of the region(s) concerned for projects of limited impact. The Declaration of Public Utility is the culmination of the Public Utility Inquiry process; once validated, it designates that the project is more important to the public than individual and collective property rights as defined in the Constitution and the Universal Declaration of Human Rights (Republic of Guinea 2017).

However, the reality 'on the ground' is often very different. As examples, two infrastructural projects related to the urban development in Conakry are here presented. The first is that mentioned above, the construction of a new urban center, affecting the districts of Kaporo-Rails, Kipé 2, Dimesse, and Dar-Es-Salam; this project began more than 20 years ago, underwent transformations in 2019, and has not progressed since. The second example is related to widening a 3.7-km-long section of the Route de Donka, one of the city's main arteries. This project is the fruit of a Sino-Guinean framework agreement (Rey, Mazalto 2020) and is part of a larger project to build and rehabilitate ~70 km of roads in Conakry. Both projects are unique in that they are financed by funds whose release is not subject to verification of compliance with the international standard framework, only with the Guinean framework summarized above. Displacements related to the first project were carried out by force, and very few of the people affected were able to assert their rights; the ensuing clashes often degenerated and resulted in deaths (FIDH 2004).

The project to widen the Route de Donka began in October 2019. This road is very popular among Conakry citizens, especially motorists and taxi drivers, whose destination is the downtown area at the tip of the peninsula. The old

³ According to the IFC (2002), a **physical displacement** is defined as the loss of housing and property due to land acquisitions by the project, requiring the affected person to move to a new site, whereas an **economic displacement** is the loss of sources of income or means of subsistence due to land acquisitions or the restriction of access to certain resources (land, water, forests) by the construction or operation of the project or ancillary facilities.

road had to be destroyed and rebuilt section-by-section. However, an alternating traffic circulation pattern was organized, the COVID-19 pandemic slowed the work, and drains now protrude from the roadway, making this major artery more congested and dangerous. The residents, especially those living along the road, are now much less able to voice their opinions, although it only takes one glance to understand the situation: the sidewalks on which women had traded have disappeared and the houses closest to the road have simply been cut in two, leaving residents' kitchens, living rooms, and even bathrooms open to the view of passers-by and motorists. No consultations nor displacements have been organized with these stakeholders, despite how acutely they have been impacted by this project. Nonetheless, the Guinean legal and regulatory framework is categorical on this subject: it is the government's responsibility to perform the required studies, whether Environmental and Social Impact Assessments (ESIAs) or RAPs, consult with stakeholders, and provide compensation and/or indemnity should displacements be required. Furthermore, according to the regulatory framework, the matrix of compensation rates and eligibilities, which allows Persons Affected by Projects (PAPs) to be remunerated or compensated as fairly as possible, must be presented to them for validation. This exemplifies the limits of the governing capacity of Guinean institutions when projects not subject to international standards, even if they fundamentally serve national interests and urban development. There is also no guarantee that the national legislative corpus will be respected when the State is the contracting authority, independent of any partnership with institutions recognizing international standards (Fortier 2014).

Better governance through the application of international standards

Other projects, public or private, contributing to the infrastructural development of Conakry are subject to international environmental and social standards. Such public projects remain under the supervision of the State, but require international financing. Such private projects may be recognized as being of public interest and depend on financing by international banks that have ratified the Equator Principles.

The first framework for intervention according to international standards relates to project feasibility during the project-design stage: the standards encourage consulting all stakeholders to determine their expectations, needs, and concerns regarding the project. The objective of these consultations is to minimize any negative impacts, enhance positive impacts, and, above all, to ensure that all stakeholders, particularly residents and beneficiaries of the project, are clearly informed and have their voices heard (Aguilar-Stoen, Hirsch 2015).

International standards then detail the obligations of the promotor in the context of developing impact studies. Again, residents and beneficiaries are at the heart of these processes because the social baseline study, part of the impact

study, focuses on their socio-economic situation. All the classic themes of an impact study are considered, from heritage and cultural issues to household economic strategies. Also within the framework of the impact study, an environmental and social management plan defines a program to ensure that the project is socially integrated into its territory – be it a neighborhood or an entire city, depending on the size of the project and the extent of its impacts – and respects the environment in general (Porter, Fittipaldi 1998, Leduc, Raymond 2000, Therivel, Wood 2018).

The international standards enacted by the World Bank were revised in 2018; of the ten Environmental and Social Standards (ESS), the following are specifically relevant to the themes explored herein: ESS1 – Assessment and Management of Environmental and Social Risks and Impacts; ESS4 – Community Health and Safety; ESS5 – Land Acquisition, Restrictions on Land Use and Involuntary Resettlement; and ESS10 – Stakeholder Engagement and Information Disclosure. According to the World Bank (2018), ESS10 “recognizes the importance of open and transparent engagement between the Borrower [i.e. the promoter] and project stakeholders as an essential element of good international practice. Effective stakeholder engagement can improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation”. This new standard represents one of the most important changes effected in 2018 because it systematically includes stakeholder engagement plans for all types of projects; it reflects a true desire to include all stakeholders in urban governance (World Bank 2018).

One of the main discrepancies between Guinean national legislation and international standards, in terms of stakeholder consultation and involvement in the project development process, concerns the absence of a legislative obligation to produce a stakeholder engagement plan. International standards provide for the systematic inclusion of all persons concerned by the project in all phases of its development, even before the feasibility stage. Indeed, the stakeholder engagement plan must provide channels for both information flow and consultation to allow all stakeholder groups to voice their expectations, concerns, and issues. A perfect example of this process is that of an extension project for a hotel complex in the Kaloum district of downtown Conakry. Although this project was funded by a private-sector donor, supported by the presidency, and recognized as being in the public interest, it never saw the light of day. Indeed, it was widely rejected by residents who had already settled, albeit illegally, in the space concerned.

Both national law and international standards require that an ESIA be performed based on a baseline study encompassing all key social themes. Based on the knowledge obtained and the consultations performed, an impact assessment should produce a plan to mitigate any negative impacts. However, as detailed in the previous section, such studies are rarely conducted, and when they are, they rarely meet the expectations of such an exercise. The State does not always comply with legal prerequisites to implement its projects, and obtaining construction or operating permits is generally no more complicated than simple negotiations between the involved governmental entities.

Nonetheless, when performed properly, an ESIA fully contributes to the governance of a project and permits stakeholders, particularly persons affected and residents, to participate in its definition. Here, the example of an internationally funded project to build a thermal power plant in the Matoto district is taken. As part of its implementation, the promoter developed a social impact management plan, through which they accounted for the expectations of local residents and supported them throughout the duration of construction, thus succeeding in limiting the project's impact on the population.

A detailed discussion of the differences between the consideration of PAPs in national legislation and international standards, and in the specific context of involuntary urban displacements in Guinea, would be of little interest because the differences are so large, as mentioned above. The difference between the forced displacement of landowners with only a semblance of consideration versus the consideration of all people impacted, whether economically or physically, periodically or permanently, and whether residing on the land legally or illegally, speaks for itself (IFC 2012). Indeed, the World Bank standards consider people occupying project sites illegally, on the condition that they occupied the land in the project zone before a fixed eligibility deadline (ESS5, section 34.c).

As evidence of this, the example of the energy production project with the case of one economically displaced person is here highlighted. A small street vendor was forced to move his stand by 200 m during the construction period. For this inconvenience, namely the possible loss of income, he was compensated for two months of activity, was helped to move his stand, and was consulted five times during the work period to ensure that the compensation he received was sufficient to cover his losses.

International standards: an innovation in urban governance

The Equator Principles represent a true advance in the urban governance of numerous southern countries. Socially, they are based on the consideration of all stakeholders, and they place a part of the governance of urban development in the hands of the citizens. If the Equator Principles are not respected through national or international authority, they are enforced in practice through financial leverage in that failure to respect this standard framework will close the door to all financing. Financiers' refusals to finance projects or insistence on additional consultations or studies to ensure financing are the best proof of this. There are thus two ways to strengthen the consideration of stakeholders during project governance: the written rules and the effectiveness of their implementation. This latter point represents an innovation in terms of respecting national legislation, which has not often been the case when only the State is involved in project management.

In addition, several positive developments for the integration of an urban project to its social environment have been mentioned, namely frameworks for

stakeholder consultation, the consideration of stakeholder expectations, interests, and concerns, the assessment of impacts that may affect the project design, etc. Most of all, the fair consideration of all people affected by projects of general interest represents a considerable advance in the respect of human rights.

These international standards also represent an innovation for states whose legislative corpus is under construction or reformation. Indeed, it is not uncommon that legislative codes refer to such standards for the more ambiguous social or environmental issues. It is thus essential to add financial leverage to legal leverage for obtaining project permits.

Nonetheless, this innovation in terms of governance can create strong disparities among peoples affected by the projects depending on whether international standards are followed: people impacted by an urban development project might see their expectations taken into account to varying degrees and receive varied treatments depending on how the project is financed.

As an example, we return to the case of the Kaporo-Rails project, in which displacements were managed exclusively by the State without taking international standards into account. One landowner presented a title but was not considered beyond the value of their investments. Mr S., a former resident of the Kaporo-Rails district, showed us a certificate gifting him two plots of land that his father had acquired before the 1989 decree, as well as his land deed dated to 1989. However, he was not compensated when he was forced to move. In contrast, some of his neighbors, whose homes were destroyed, did receive compensation, although that compensation was set arbitrarily and never exceeded the equivalent of € 2,000. In this case, the compensations differed greatly from the recommendations of both international standards and national legislation, which stipulate that compensation be calculated without prejudice.

Indeed, on one hand, the State used a compensation matrix with very low and unrealistic rates contrasting those proposed by international standards. On the other hand, in principle, the title deed to a public space is not recognized by the State. Although issued by the administration, it could not be used because it was within a zone that could not be privatized. In such cases where the State does not recognize the fraudulent past practices of its administration, persons affected have no other option than to accept the low compensation offered, if any, and leave their land.

In contrast, in the case of the energy production project, although the small vendor was not legally recognized, they were involved in the consultation process and ultimately received approximately € 1,500 in compensation for moving his stand a few hundred meters. The inconsistent application of international standards can thus create vast differences among project impacts.

These differences in the treatment of displaced persons are paradoxical. On one hand, people unable to prove their land ownership in the sense of the Land Code (i.e., absence of a title) might benefit from full support for their displacement. On the other hand, despite having a land title, others might be forcibly expropriated because their title is deemed null and void by the fact that they

occupy public land, in many cases because the title was previously sold by the government to benefit the personal interests of the administrator.

There are obviously limits on the extent to which international standards can contribute to urban governance in the contexts described here. These phenomena raise the question of how to standardize practices related to displacements by projects of national interest, and, more generally, in the context of governing urban development and assuaging States' fears that the Equator Principles represent a risk of increased costs for infrastructure projects. Although it is interesting to question the legitimacy of those fears, the reference to these same standards in legislative texts remains symptomatic of an evolution towards best practices.

Conclusions

In a context where no supranational entity can exercise power over States to provide compensation for any shortcomings in terms of how citizens are treated during urban development, the latest updates to the environmental and social standards of the World Bank Group, and the numerous financial institutions that have ratified them, represent a true innovation in urban governance. One of the major challenges in complying with these international standards is directly linked to the issue of stakeholder engagement (Rey et al. 2020): whether these standards are applied largely determines whether residents are involved in the development of their city.

These standards impact how people affected by urban development projects are considered, but can indirectly create considerable inequalities in how residents are treated. Such inequalities are directly linked to the funding source of a given project. When a project is developed by a State using its own funds or within a framework of agreements not subject to international standards, only national legislation can be applied, which does not ensure that the people affected are treated fairly. Therefore, the funding source of a project, which may lead to the consideration of international standards, is a factor contributing to such inequalities. In this way, residents affected by urban development face a sort of lottery: their fate ultimately depends on factors beyond their control.

That said, by increasingly applying these international standards to urban development projects, their progressive integration into the legislative corpus, as well as the habits adopted by residents involved in the development of their city, give hope that this new way of governing urban development projects can expand, further increasing resident participation in urban governance.

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Obywatele pierwszej i drugiej kategorii? Zróżnicowanie rządów w rozwoju miejskim Konakry

Zarys treści: Na przykładzie rozwoju miejskiego Konakry niniejszy artykuł ma na celu refleksję nad postępem i innowacjami, jakie niesie ze sobą coraz powszechniejsze stosowanie międzynarodowych standardów środowiskowych i społecznych Banku Światowego w zakresie uwzględniania lokalnych interesariuszy w procesach zarządzania. Celem jest także zbadanie paradoksu polegającego na tym, że na tym samym terytorium mogą one nie być stosowane, co prowadzi do znacznych nierówności, zwłaszcza w traktowaniu mieszkańców miast w kontekście przymusowych przesiedleń ludności w ra-

mach projektów użyteczności publicznej. Różnice w traktowaniu osób, na które projekt ma wpływ, zależą od kryteriów, które są trudne do zrozumienia dla zainteresowanych.

Słowa kluczowe: zarządzanie, standardy międzynarodowe, przymusowe przesiedlenia, Republika Gwinei, zarządzanie miejskie