



## USAID COUNTRY PROFILE

### PROPERTY RIGHTS AND RESOURCE GOVERNANCE

# GUINEA

#### OVERVIEW

The majority of Guinea's population is rural, and more than 70% of the population works in the agriculture, livestock, fishery, forestry, and mining sectors. Farms are family-owned and -operated, and generally small: two-thirds are less than three hectares. Pastoralists move large herds seasonally between the hinterland and the coast, negotiating with the settled farming communities for access to dry-season grazing and saltlicks in the grasslands and coastal plains.

Population growth, the extension of farmland, and growing numbers of livestock have increased conflict over land and natural resources, particularly in areas where herders must negotiate with sedentary farmers for access, where mining operations are established, and where refugees fleeing violence in neighboring countries have relocated. In addition, unregulated commercial logging has expanded, increasing land degradation and deforestation. Many people, including displaced persons, refugees, and migrants to urban areas, have limited access to land. In spite of their substantial role in agriculture, women and former slaves are rarely landowners; they depend on use-rights received through relationships with male relatives and former masters.

Many of Guinea's formal land laws and policies recognize customary land rights but there remains a distinct gulf between statutory policies and customary practices.

Under the Land Code, rights must be registered, but state land administration institutions lack capacity and resources to support registration or have never been created. The Rural Land Policy calls for formalization of customary rights but lacks implementing regulations and programs. Most of Guinea's land is unregistered, governed by customary law, and vulnerable to transfer by the state or privatization. Customary rights are recognized within sectoral policies to varying degrees, but are generally limited to *use*-rights.

Guinea has substantial mineral resources. However, the sector is characterized by corruption and poor management. Mining is responsible for widespread degradation of natural resources, including soil erosion, water pollution, and habitat loss.

Of Guinea's US\$ 3.8 billion GDP in 2008, agriculture comprised 25% of the economy, industry 46%, and services 29%. Poverty in the country is increasing. In 2003 approximately 49% of the population lived below the national poverty line; in 2005, that percentage had increased to 54. Eighty-six percent of the poor live in rural areas, although urban poverty is increasing (World Bank 2009a; GOG 2007).

#### KEY ISSUES AND OPPORTUNITIES FOR INTERVENTION

Guinea is a fragile state with political, economic, and social sources of instability. Recent political upheavals have caused donors to focus on humanitarian assistance and programs supporting democratic process and governance until the 2010 elections. As these programs evolve and other programs resume, USAID and other donors may consider building on their prior successes, including programs devoted to: building democratic institutions and supporting good governance; providing capacity-building for local government and community-based organizations; providing technical assistance to the Government of Guinea (GOG) on drafting laws and regulations; and creating community-based resource management groups. All of these areas of program and technical expertise could be extended and deepened to address issues of rights to land and other natural resources.

- **Support a comprehensive land-tenure assessment.** Information regarding land tenure in Guinea is extremely limited. The most detailed information comes from a single region (Fouta Djallon) and is more than a decade old. *USAID and*

*other donors could fill the significant gap in knowledge by assisting with the design and implementation of a land tenure and property rights assessment.*

- **Conduct legal framework analysis.** Guinea’s legal framework governing land, forestland, water, and minerals is fragmented and incomplete, and in some cases has lacked implementing regulations and programs. The Land Code was not designed with rural land in mind, and the Rural Land Policy remains largely unimplemented. *USAID and other donors could help the GOG identify needs for additional or revised law, fill gaps and close unintended loopholes, and draft implementing regulations and programs.*
- **Improve women’s land rights.** USAID and other donors have experience working with gender issues in Guinea, especially in the education sector and through governance programs aimed at women’s organizations. *Using these programs as a foundation, donors could develop and extend programs to include land-rights education and capacity-building for women’s groups, focused on the identification and assertion of rights, such as in the event of divorce or the death of a spouse. Working with local NGOs or academic institutions, donors could support the design and development of legal aid programs for women that provide public-awareness building, legal literacy campaigns, and technical services to women’s organizations.*
- **Strengthen land institutions.** Guinea’s legal framework devolves authority over many land issues to Land Commissions and other local entities. The effort to devolve and decentralize land administration has not been successful to date, in large measure due to the lack of capacity within the institutions. *USAID and other donors could apply their past experience working directly with governments and community-based organizations in the forestry sector in Guinea to build further local administrative capacity in the forestry sector, and could extend that expertise to the land sector. Special attention could be given to issues regarding the management and administration of farmland and pastures.*
- **Extend co-management programs.** USAID and other donors have long been engaged in community-based co-management programs for forestland areas in Guinea. *Donors could use the current hiatus in program work as an opportunity to evaluate experience, gather lessons learned and best practices, and develop model programs. The programs could be extended throughout the country’s forest areas and potentially reframed to extend to other resources, such as grazing land, land with mineral resources, and water.*

FOR MORE RECENT LITERATURE:

<http://usaidlandtenure.net/guinea>

Keywords: Guinea, tenure, agrarian, land law, land reform, property rights, land conflicts, water rights, mineral rights

## SUMMARY

The Republic of Guinea, formerly known as French Guinea, suffers from political, economic, and social instability. The country's GDP has been stagnant since 2002, with poverty increasing. Following a 2008 *coup d'état*, Guinea has been governed by a military junta. The U.S. government has suspended all non-humanitarian aid to Guinea, except for programs in support of the democratic process, until the country holds elections. Guinea is bordered by six countries: Cote d'Ivoire Guinea-Bissau; Liberia; Mali; Senegal; and Sierra Leone.

Two-thirds of Guinea's population is rural, and more than 70% of the population works in the agriculture, livestock, fishery, forestry, and mining sectors.

Conflict over rights to land and natural resources is common, particularly in areas where herders compete with sedentary farmers, where mining operations are established, and where refugees fleeing violence in neighboring countries have relocated. Some portions of the population, including displaced people, refugees, and migrants to urban areas, have limited access to land.

Women and former slaves are rarely landowners; they depend on use-rights received through relationships with male relatives and former masters."

Agriculture is dominated by subsistence-level farming. Population growth and low agricultural productivity have increased pressure on grazing and forestland as local communities struggle to meet needs for fuel, food, and income. Unregulated commercial logging has expanded, increasing land degradation and deforestation.

Many of Guinea's formal land laws and policies recognize customary land rights but lack implementation. Under the Land Code, rights must be registered, but state land administration institutions lack capacity and resources to support registration. The Rural Land Policy calls for formalization of customary rights but lacks implementing regulations and programs. Most of Guinea's land is unregistered and governed by customary law: rights to this land are vulnerable to transfer by the state or privatization.

Sustainable water resource management for Guinea is critical. Guinea's water quality affects every major West African river. Agriculture accounts for 90% of total water withdrawal in the country. Drinking water supply is in poor condition and all water resources are increasingly threatened by human activity and pollution.

Rich in forest resources, Guinea maintains 3 million hectares of forest for conservation of biodiversity and 490,000 hectares for the protection of soil and water. However, cultivation, grazing of domestic animals, hunting,

### BOX 1. MACRO INDICATORS

	Year	Score
Population, total	2008	9,833,055
Population ages 0-14: 15-64: 65+ (% of total)	2008	42.9; 53.8; 3.2
Population growth (annual %)	2008	2.2
Rural population (% of total population)	2008	65.6
Population density (people per sq. km)	2008	40.0
Literacy rate, adult total (% of people ages 15 and above)	2003	29.5
Land area: Surface area (sq. km)	2008	245,860
Arable land (% of land area)	2005	4.9
Agricultural land (% of land area)	2005	51.2
Permanent cropland (% of land area)	2005	2.7
Irrigated land (% of cropland)	2003	5.4
Forest area (% of land area)	2005	27.4
Nationally protected areas (% of total land area)	2006	6.1
Renewable internal freshwater resources per capita (cubic meters)	2008	22,984
Annual freshwater withdrawals, agriculture: domestic: industry (% of total freshwater withdrawal)	2007	90.1; 7.9; 2.0
Crop production index (1999-2001 = 100)		111.7
Livestock production index (1999-2001 = 100)	2005	120.5
GDP (current US\$)	2008	\$3,798,727,273
GDP growth (annual %)	2008	4.7
Agriculture: Industry, Manufacturing: Services, Value added (% of GDP)	2008	24.8; 46.4; 28.8, 29
Ores and metals exports: imports (% of merchandise exports: imports)	2008	..
Aid (% of GNI)	2006	4.99

Source: World Bank, 2009, World Bank 2008

and unregulated harvesting of natural resources in forest areas – coupled with logging, mining, and infrastructure development – have resulted in deforestation.

Guinea has substantial mineral resources, including bauxite, iron ore, gold, diamonds, and uranium. Mining accounts for 90% of the country's export earnings, and the sector has struggled with corruption and poor internal and environmental management. Women make up 75% of artisan or small-scale mining in Guinea. The mining sector has caused widespread degradation of natural resources, including erosion, destruction of soil, water pollution, and habitat loss. Donors are providing the government with assistance to help reform and manage the sector for the benefit of the country's population.

## I. LAND

### LAND USE

Of Guinea's 2008 US \$3.8 billion GDP, agriculture comprised 25%, industry 46%, and 29%. Poverty in the country is increasing. In 2003 approximately 49% of the population lived below the national poverty line, and by 2005 that percentage had increased to 54. Eighty-six percent of the poor live in rural areas, although urban poverty is increasing (World Bank 2009a; GOG 2007).

Guinea's total land area is 245,860 square kilometers. Total water area is 140 square kilometers. Agricultural land comprises 51% of total land area, and 5% of cropland is irrigated. Conakry, the country's capital, is the largest of the 38 *urban communes* (urban areas) in the country. Forestland comprises 27% of total land area, and protected areas comprise 6.1% (World Bank 2009a).

The 2010 estimated population of Guinea is 10,324,025. Two-thirds of all people reside in rural areas. Population growth, low incomes, and high unemployment in rural areas have increased the reliance of Guinean smallholders on subsistence farming and environmentally inappropriate cropping patterns to meet food needs. Farmers cultivate marginal lands, convert woodlands to agriculture using slash-and-burn practices, and reduce or eliminate fallow periods. Investment in soil conservation is low. Erosion affects 10% of arable land, and the loss in soil fertility has contributed to a steady decline in agricultural productivity and increased environmental degradation (CIA 2010; Catterson et al. 2001; ADF 2005).

One-third of Guinea's population lives in urban areas; the urbanization rate between 2005 and 2010 was 3.5% annually. Rural-to-urban and international migration is expected to increase, causing the urban population to swell and challenging the urban housing supply, which is inadequate to meet current demand (UN 2010; Balbo 2009).

Guinea houses a quarter of West Africa's total mangrove wetlands, which stretch from Senegal to northern Angola. Guinea's protected areas include 156 classified forests, two national parks, and four biosphere reserves. According to the United Nations Food and Agricultural Organization (FAO), Guinea's formal protected areas include about 10% of its total land area (USAID 2007; World Bank 2009a).

Forests are used for cultivation, grazing, hunting, logging, and mining. Deforestation is currently occurring at an annual rate of 0.5% (USAID 2007; World Bank 2009a).

### LAND DISTRIBUTION

Guinea has approximately 844,454 agricultural production units, the vast majority of which are family-owned and -operated farms. The farms are the main source of income and employment for the rural population, and are the primary source of food. Half of all farms in Guinea are less than 2 hectares, and two-thirds of all farms are less than 3 hectares. The average farm is 9.8 hectares, however, reflecting the presence of a small number of large farmers and unequal land distribution (GOG 2007).

In addition to its established farms, Guinea has a long history of pastoralism. The country's southern coastal zone provides dry-season grazing and saltlicks for large numbers of herds from the hinterland. Traditionally, the predominantly Fulani herders would negotiate with the customary authorities of the landholding Soussou Landouma and Baga for rights of access to the coastal plains and the grassland resources. More recently, the extension of farmland, growing numbers of livestock, and increasing pressure on natural resources have disrupted the negotiated system (Touré 2004).

Women are responsible for nearly 80% of the country’s food production, but only a small percentage of women own land in Guinea. Instead, women obtain use-rights to agricultural land through their husbands and sons, and they are usually dependent on those relationships to maintain their rights of access to land (Fischer 1995; GOG 2007; Clapp 1993).

Limited access to seeds, agricultural tools, and arable land, as well as the impact of armed conflict in the sub-region, has reduced food security. Many households have depleted food stocks and inputs in their efforts to assist refugees, internally displaced people (IDPs), and returnees from countries in conflict. In 2006, at least 10% of households faced constant food insecurity, and 18% of households were at risk (GOG 2007; CERF 2006).

Urban housing markets are generally inaccessible to low-income migrants. The number and extent of informal settlements, most lacking any services, are expanding (UNECA 2008).

Government intervention in past political regimes continues to impact land access. Prior to the Touré regime, members of the upper class kept slaves and controlled and benefited from their slaves’ livestock herds. Touré’s regime declared all land to be state-owned, forced the upper classes to return the herds to the former captives and granted them land-use rights. After the fall of the regime, the upper classes attempted to reappropriate land held by the former captives. The upper classes continue to control agricultural lands in many regions, while ex-captives hold use-rights (Astone 1998; Cotula et al. 2006).

## LEGAL FRAMEWORK

The evolution of the legal framework regarding land tenure, property rights and resource governance can be characterized as moving from a post-independence environment where private property rights and investment were not reflected in the statutory framework, to one where private property rights and promotion of international private investment are strongly considered. In regard to the latter, tenure legislation was, and in many cases still is, oriented toward the urban environment. Most recently, rural land policy provides explicit recognition of customary property rights and promises a forthcoming strategy to create avenues for the formalization of such rights and to bring them into the statutory system. Finally, environmental legislation has become much more participatory as a result of increasingly progressive decentralization laws that require stakeholder participation (USAID 2008).

The Constitution, known as the Fundamental Law of the Second Republic of Guinea (1990), guarantees its citizens the right to private property and the unalienable right to benefit from the country’s natural resources (Reynolds and Flores 2009).

<b>BOX 2. LAND TENURE INDICATORS</b>		<b>Score</b>
<u>Millennium Challenge Corporation Scorebook, 2009</u>		
– Land Rights and Access (Range 0–1; 1=best)		0.566
<u>International Property Rights Index, 2009</u>		
– Physical Property Rights Score (Range: 0–10; 0=worst)		..
<u>World Economic Forum’s Global Competitiveness Index, 2008-2009</u>		
– Property Rights (Range: 1–7; 1=poorly defined/not protected by law)		..
<u>World Economic Forum’s Global Competitiveness Index</u>		
– Ease of Access to Loans (Range: 1–7; 1=impossible)		..
<u>International Fund for Agricultural Development, Rural Poverty Report, 2001</u>		
– Gini Concentration of Holdings, 1981-1990 (Range: 0–1; 0=equal distribution)		0.51
<u>International Fund for Agricultural Development, Rural Sector Performance Assessment, 2007</u>		
– Access to Land, 2007 (Range: 1-6; 1=unsatisfactory access)		3.5
<u>Food and Agricultural Organization: Holdings by Tenure of Holdings</u>		
– Total Number of all Agricultural Holdings, Year		..
– Total Area (hectares) of all Agricultural Holdings, Year		..
– Total Number of Holdings Owned by Holder, Year		..
– Total Area (hectares) of Holdings Owned by Holder, Year		..
– Total Number of Holdings Rented from Another, Year		..
– Total Area (hectares) of Holdings Rented from Another, Year		..
<u>World Bank Group, Doing Business Survey, 2009</u>		
– Registering Property-Overall World Ranking (Range: 1–181; 1=Best)		163
<u>World Bank Group, World Development Indicators, 2009</u>		
– Registering Property-Number of Procedures		6
– Registering Property-Days Required		104
<u>World Bank Group, World Development Indicators, 1998</u>		
– Percentage of Population with Secure Tenure		..
<u>Heritage Foundation and Wall Street Journal, 2009</u>		
– Index of Economic Freedom-Property Rights (Range 0-100; 0=no private property)		20
<u>Economic Freedom of the World Index, 2008 (2006 data)</u>		
– Legal Structure and Security of Property Rights (Range 0-10;0=lowest degree of economic freedom)		..
– Protection of Property Rights (Range 0-10; 0=lowest degree of protection)		..
– Regulatory Restrictions of Sale of Real Property (Range 0-10;0=highest amount of restrictions)		..

The 1992 Guinea Land Code (*Code Foncier et Domanial*) introduced an elaborate land privatization and registration system – at least on paper. The code affirms state ownership of vacant land and grants individuals the right to own land. Land ownership is established through land registration. The Land Code also includes provisions for the establishment of Land Commissions in each *commune* and in the capital city of Conakry. However, the code is largely unenforced in rural areas (USAID 2008; AfDB 2008).

In response to this and the lack of success of the 1992 Land Code in rural areas, the GOG passed a Rural Land Policy in 2001 (*Déclaration de la Politique Foncière en Milieu Rural*). The policy recognizes certain customary land rights and calls for the development of legislation to formalize such rights. The code analyzes the existing land legislation and establishes new principles to guide future legislation and practices that: improve the effectiveness of existing land tenure legislation; clarify and secure land-tenure property rights; decentralize land tenure management and increase the participation of local actors; reinforce the land-tenure administration institutional framework; and seek to harmonize property rights across existing bodies of natural resource legislation. However the policy lacks application texts and so is not yet functioning (USAID 2007; USAID 2008).

The Pastoral Rights Law of 1995 (*Loi du 29 Août 1995 Portant Code Pastoral*), grants herders open and free access to pastoral areas and natural resources in pastoral areas, with restrictions against overuse, and the requirement to respect the customary rights of other users. The Pastoral Code endeavors to grant greater security to livestock herders while encouraging sustainable use of pasturelands and better integration with agriculture. The Code regulates: 1) the organization of natural resource use for livestock-rearing; 2) the preservation of pastoral rights of use; and 3) resolution of conflicts between herders and farmers (Grell and Kirk 2000; Touré 2004).

In general, natural resource legislation remains spread across many sectors (e.g., land, forests, water, minerals) and many of the provisions both within a given code and between and among codes may be inconsistent or contradictory. Implementation of laws is also a challenge due to a lack of key implementing decrees as well as capacity and resources (USAID 2008).

There remains a distinct gulf between statutory policies and customary practices. In general, customary property rights remain dominant in rural areas. Customary rights are secured by the person who initially cleared the piece of land. Management and use rights of the land fall to the land founder's family or descendants, but the ownership of land remains with the state. Usufruct land rights are recognized within the formal legal system as well as the customary system. The legal regime in Guinea is further complicated by the fact that, for Guinea's large Muslim population (80% of the total population), a blend of formal law, Islamic (*Shari'a*) law and customary law governs property transactions, especially those related to marital property and inheritance. For example, although formal law may provide equal rights of inheritance to men and women, any disputes arising from inheritance may be resolved outside the formal court system at the village or local administrative level. In settling such cases, local communities may give precedence to customary law, *Shari'a* law or some combination of the two (Reynolds and Flores 2009; AfDB 2008; World Bank 2006; USAID 2008).

## TENURE TYPES

Land tenure in Guinea can be classified into statutory and customary and falls along a rural-urban divide. Land tenure legislation is more oriented toward urban areas. The Land Code recognizes private ownership of land, and the formal law grants owners rights to use and alienate land held in ownership. Land rights must be registered with the national land registry and be included within a local land tenure plan. Once established, land rights registered under formal law are enforceable against competing claims. In urban areas, especially Conakry, demand for land is greater than supply, and residents rely on legal titles to determine land ownership (USAID 2008; USAID 2007).

The Land Code recognizes state-owned public land, which includes areas that provide public services or are used by the public. Such land cannot be alienated. Some state land is classified as within the private domain (such as land identified as vacant or unclaimed) and can be alienated (USAID 2008).

The Land Code also provides that ownership rights under customary law may be registered and granted status under formal law provided that the landholder has occupied the holding for a statutory period of time and has made a sufficient level of investment in the land. The Land Commissions (described below) determine the requisite level of investment, which can include creation of structures and infrastructure or the development of plantations, irrigation, and cultivation. Registration requires a public process to confirm the occupant's rights and the lack of competing claims to the land. Few rural people have the knowledge and resources to register land, and the state has limited capacity to register land. The Land Code stipulates that *unregistered* land in rural areas (the vast majority of rural land) is owned by the state (USAID 2008; USAID 2007).

While this formal land tenure system with transferable ownership rights exists in some parts of the country, most of Guinea's tenure systems and types are based on informal and customary law. The customary tenure structures include a range of tenure forms, including individual and communal ownership, use rights, and pastoralist rights. Customary tenure systems vary by region, but are characterized by the following general attributes: (1) land and resources are inalienable, (2) access to land is secured by social identity and kin-group membership; and (3) different use-rights may be granted for the same land. As the population increases, customary rights have increasingly focused on families and individuals, rather than on lineage and tribe (World Bank 2006; Fisher 1995; Winter 1999).

In the Upper and Middle Guinea regions, the *tongo* regime for common property management is common. The *tongo* is an alternating common property regime that regulates access to vegetation and wildlife in village commons and on individualized lands on a seasonal basis. Under this system, seasonal produce and wildlife are assured of reaching full maturity. The system is governed by village institutions and applies to fishing areas, fruit and palm trees, sacred forests, and village water sources (Freudenberger et al. 1997).

With Guinea's wide range of tenure arrangements it is important to note that the relationship between statutory and customary property rights systems is also often very site-specific and may exhibit countless regional variations (USAID 2008).

## SECURING LAND RIGHTS

Guineans may secure land rights through purchase, inheritance, lease, loan, borrowing, gift, sharecropping, exchange, and appropriation (through clearing vacant land) (World Bank 2006; Fischer 1995).

To secure formal rights, land must be registered with the national land registry. Registration of land upon formal sale in Guinea is accomplished in the following six steps: 1) obtain a map indicating the extent and boundaries of the property; 2) confirm identity of landowner and a clear title at the Land Registry (*Bureau de la Conservation Foncière*); 3) obtain tax clearance from authorities; 4) sign the sale contract as written and witnessed by the notary; 5) register the sale contract with the National Tax Authorities (*Service des Impôts*); and 6) transfer the final ownership with the Land Registry (*Bureau de la Conservation Foncière*). Registration requires 104 days and 14% of the property value (World Bank 2008).

Formal sales and lease agreements are not the only means by which people can have access to land, particularly for disadvantaged groups. Sharecropping, exchange and borrowing are important institutional arrangements to secure land tenure. Land borrowing may be short term (e.g., one or two seasons) or long term. Short-term borrowers may pay for the right to use the land while long-term borrowers have a number of arrangements. In some cases, the landholder is a former "master" of a former slave, and the ex-slave has been using the land free of cost, although his use of the land is restricted (UNECA 2008; Fischer 1995).

Customary rights are secured by the person who initially cleared the piece of land (known as the land's "founder"). Use-rights are allocated on the basis of social customs and kinship relations. However, the right to use the land is not considered ownership. As stated in the Legal Framework section above, unregistered rural land (*terres vacantes et sans maître*) – nearly all of the land that exists in rural areas – legally remains the property of the state (World Bank 2006; Fischer 1995; USAID 2008).

Pastoralists generally have guaranteed rights of pastoral use (mainly grazing rights), and rights to use harvested fields (crop residue) and natural resources such as water. In some parts of the country, grazing lands are open to

the assertion of private interests and privatization of pastures as grazing reserves. Local governments also have the authority to create common pastures for herders and to impose use-taxes (Touré 2004).

### INTRA-HOUSEHOLD RIGHTS TO LAND AND GENDER DIFFERENCES

Guinea’s Fundamental Law guarantees women and men the right to own property and prohibits discrimination on the basis of sex. The Land Code makes no distinction between men and women. The Family Code permits spouses to enter marriage contracts in which they may mutually agree to specify the mode of property ownership as joint, separate, or shared in proportions (Hartl 2004; Reynolds and Flores 2009).

BOX 3. LAND AND GENDER INDICATORS		Score
<u>OECD: Measuring Gender In(Equality)—Ownership Rights, 2006</u>		
– Women’s Access to Land (to acquire and own land) (Range: 0-1; 0=no discrimination)		1
– Women’s Access to Property other than Land (Range: 0-1; 0=no discrimination)		0
– Women’s Access to Bank Loans (Range: 0-1; 0=no discrimination)		0
<u>FAO: Holders of Land Classified by Sex, 1993</u>		
– Percentage of Female Holders of Agricultural Land		.2

Although Guinean formal law supports equality of land rights, under customary law and traditional practice women tend to be highly marginalized. Only 14% of adult women are literate, compared to 46% of men. Early marriage and polygamy are common. In most areas women rarely assert ownership rights to land, but rather depend on use-rights to land owned by male relatives. In the Fouta Djallon region, a woman loses her use-rights to land if she leaves her husband’s household, as in the case of divorce, although the woman’s male children usually retain their inheritance rights. A woman’s right to land upon the death of her husband is less clear cut, but in many areas she may retain use-rights if she has male children who will inherit the land in the future (GOG 2007; Astone 1998; Fischer 1995; OECD 2009.).

Historically, women have had a very limited role in managing natural resources. During Touré’s regime, women’s participation increased; Touré required women to participate at every level of governance, including within villages. However, these efforts were contrary to traditional gender norms, and women’s participation gradually diminished. Recent donor programs in natural resource management and rural livelihood activities seek to improve women’s participation in resource management (Astone 1998, USAID 2002a).

Increased out-migration of men from rural areas and the pressures of a cash economy have increased women’s role in farming in recent years. In addition, some Fulbe in Guinea have a matrilineal inheritance system, in which women inherit land from their mothers. Overall, however, women’s percentage of landownership and control of land remains low (GOG 2007; Hartl 2004; Astone 1998; Fischer 1995; OECD 2009; Bruce 1996).

Finally, inheritance rights for widows frequently do not reflect the principles of equal property ownership acquired during marriage. For example, a childless widow’s inheritance, if there are child heirs or other widows with children of the deceased, is calculated on the basis of every five years of a marriage —based on dignity and devotion.” Islamic law provides for inheritance of property by girls and women, at a percentage of the share taken by boys and men. However, in some areas customary law trumps Islamic law to deny women their share. In Fouta Djallon, for example, the eldest son has traditionally inherited the largest portion of his deceased father’s wealth, and women have not been allowed to inherit land (ILC 2004, 9; Feder and Noronha 1986; Fischer 1995).

### LAND ADMINISTRATION AND INSTITUTIONS

Both statutory and customary institutions strongly influence local patterns of control and access to land and natural resources. Faced with this plurality, Guinea has embarked on reforms that create administrative and institutional arrangements that seek to: (a) involve stakeholders more widely in providing more tenure security, in routine management, and even in setting new directions; (b) ensure greater cooperation and coordination among disparate land- and resource-related sectors; and (c) decentralize land tenure governance (USAID 2008).

At the national level, land tenure and natural resources legislation, policies and plans have been implemented by ministries and agencies that continue to shift and reorganize. Current Ministries applicable to land tenure and natural resources include: the Ministry of Agriculture; Ministry of Construction and Public Land Management; the Ministry of Decentralization and Local Development; the Ministry of Environment and Sustainable Development; and the Ministry of Mines and Energy. Technical agencies within ministries, and even ministries themselves, are routinely reorganized, which often involves changing the institutional home-base of individual

agencies. Ministries have developed their own strategies and plans in isolation, without the benefit of coordination with other ministries (CIA 2009; USAID 2008; GOG 2010).

The Land Registry (*Bureau de la Conservation Foncière*) is responsible for maintaining the land registry and processing formal land transactions (World Bank 2008).

The 1992 Land Code provides for the establishment of Land Commissions in each *commune* and the capital city of Conakry. The commissions are composed of seven members, of whom four are designated by the Ministries of Urbanism, Agriculture, Interior, and Mines; the three remaining members are to be designated by a prefect or governor. Land Commissions are charged with: 1) ensuring that land is actually being put to productive use; 2) facilitating agreements between parties when lands are expropriated in the public interest; 3) advising on the price that should be paid for buildings during preemptive acquisitions; and 4) opining on real estate transactions and any issues pertaining to the direction of the local government's land tenure policy. In practice however, few Land Commissions are active (AfDB 2008; USAID 2007; UNECA 2008).

The Rural Land Policy of 2001 envisions the decentralization of rural land management to local governments (*collectivités locales*) in the form of local-level land tenure and property rights administration institutions (CIFOR 2008).

Further, under the Pastoral Land Code, local governments are responsible for pastureland management tasks including: (a) the identification and demarcation of areas allocated for rainy-season grazing; (b) establishing the conditions regulating access to crop residues; (c) establishing conditions of access to developed pastoral zones; (d) determining the end of the period when free livestock movement is permitted; (e) establishing conditions of access to water points; and (f) determining the period when early fires are permitted (Touré 2004).

#### **LAND MARKETS AND INVESTMENTS**

Guinea's formal housing market is largely restricted to urban areas. In order to obtain secure land title, a property holder must register the land with the national land-tenure registry, a costly and cumbersome process that may impede transactions in the formal market. Formal urban housing markets are generally inaccessible to poor and low-income migrants to the area. Authorities are often unable to cope with the demands for planning, utility supplies, and urban management services such as sanitation and waste management, resulting in the development of informal settlements and slums that lack water and sanitation services. Security of tenure in these areas is therefore not very strong (World Bank 2008 ; Balbo 2009; UNECA 2008).

Rural land transactions in Guinea are embedded in customary principles and arrangements. As such, the country has a very limited rural land sales market. Land tends to remain with families or kinship groups and transfer informally within those networks. In the Fouta Djallon region, incidents of land within villages being bought and sold were limited to sales to former slaves or newcomers to an area, and were usually limited to sales of "inner" lands (*suntuure*) located near to or within villages. As with the rest of West Africa, according to observers, customary land tenure in Guinea will likely show flexibility and adaptability despite the lack of (or in the face of) an active land-market since access to land is based on social connections, negotiations and logic (Fischer 1995; UNECA 2008; IIED 2002).

The Land Code provides that unregistered land in rural areas (the vast majority of rural land) is owned by the state. Few rural people have the knowledge and resources to register land, and the state has limited capacity to register land (USAID 2008; USAID 2007).

#### **COMPULSORY ACQUISITION OF PRIVATE PROPERTY RIGHTS BY GOVERNMENT**

According to Guinea's Constitution (1990), private property in general can only be expropriated: (1) where a public interest has been established; (2) for purposes of urban or rural development; and (3) where the public interest is compelling enough to justify a restriction of property rights and just compensation is paid (USAID 2008).

Private land rights are generally considered well-protected from state expropriation in Guinean law. Under the Land Code, land expropriations must be in the public interest. Expropriation requires just compensation, and Guinea's Land Commissions are charged with responsibility for helping parties negotiate the amount of compensation. According to the Constitution expropriation may occur where public interest has been established and must adhere to a rigorous public process (Reynolds and Flores 2009; AfDB 2008; USAID 2008).

## LAND DISPUTES AND CONFLICTS

Land disputes and conflicts in Guinea are of varying scales and can be classified as conflicts between individuals and families, conflicts between pastoralists and sedentary farmers, and conflicts resulting from larger regional conflicts that have had sub-regional consequences. Causes of conflict, including growing commodification of rights and increased competition between various users of land in both rural and urban areas, are rooted in the social, economic and political realities of the region (UNECA 2008).

Intra-family conflict over inheritance rights to outer fields and family concession land is common in Guinea, and inter-family conflicts may arise between land users and landowners, such as in cases where individuals using borrowed land claim ownership rights. Disputes also occur when landholders migrate out of the area and others use the land and ultimately claim primary rights to the land (Fischer 1995).

One of the most common causes of conflict in Guinea is disputes related to conflicting land uses by herders and cultivators. Conflicts have been increasing as grazing land is degraded, herds increase, some pastoralists become more sedentary, and traditional methods of negotiating for land uses become less common. Fields used by cultivators are frequently damaged by the large number of livestock that pass through them, which has led to hostility and violence in some areas (Touré 2004; Fischer 1995).

Guinea has avoided civil war and large-scale conflicts that have occurred in Liberia, Sierra Leone, and Côte d'Ivoire, but refugees have moved into Guinea from these neighboring countries (including 21,856 from Liberia; 5259 from Sierra Leone, and 3900 from Côte d'Ivoire. A further 19,000 people are displaced within the country due to armed incursions from neighboring Liberia and Sierra Leone. In some areas these refugees and displaced peoples increase pressure on land and other natural resources, which has in some instances resulted in violent conflict. Small-scale conflict over access to land has arisen in *Guinée Forestière*, a rain forest area. In 1985, hundreds died when Malinke people and forest communities clashed over access to land, and the movement of people across borders has created the potential for renewed land conflict in that region (UNECA 2008; IDMC 2005; UNHCR 2008; Sarro 2009).

The formal court system does not have the capacity to handle rural land disputes. In 2007, the country had an aging population of 250 magistrates. The Supreme Council of the Magistracy is not yet functional, courthouses do not exist in the interior of the country, and recordkeeping is antiquated. In 2007, the Ministry of Justice received less than 1% of the national government's operating budget, and the independence and integrity of the justice system were compromised (GOG 2007).

In some cases, land conflicts are resolved by a customary chief. In others, a local agency steps in to mediate. Elected rural community officials, largely from the upper class, also intervene in matters regarding land. In the Fouta Djallon region, for example, there are five distinct levels to resolve disputes: (1) within the family; (2) by the council of village elders; (3) by the sector and district representatives; (4) by the district office; and (5) by the sub-prefect. Difficult disputes, such as those between clans, are mediated by the *Ligue Islamique Préfectorale* (Cotula et al. 2006; Fisher 1995).

The enforcement order of the Pastoral Land Code requires conciliation efforts before litigation over conflicts and recommends the creation of local and inter-prefectoral committees to manage livestock movements. Where they are functioning, these transhumance committees are overseen by the administrative authorities and are designed to include technicians from the livestock and agricultural services in the areas concerned as well as representatives of herders and farmers in the reception districts. In some areas the transhumance committees have reduced conflicts and encouraged disputing parties to play an active role in seeking solutions to their differences. These local committees are often able to deal effectively with issues related to access to natural resources and conflict management because their zones of intervention reflect the structure of pastoral and village lands as opposed to artificially created administrative boundaries (Touré 2004).

## KEY LAND ISSUES AND GOVERNMENT INTERVENTIONS

The 2001 Rural Land Policy called for: (1) improving the effectiveness of Guinea's existing land tenure legislation; (2) clarifying and securing land tenure property rights; (3) decentralizing land tenure management and increasing the participation of local actors; (4) reinforcing the land tenure administration institutional framework; and (5) developing pilot programs. The policy proposes a program (the *Plan Foncier Rural*) to inventory existing land rights, aims to protect the rights of vulnerable or marginal social groups, and seeks to harmonize property rights across existing bodies of natural resource legislation. The government has not yet implemented the programs and plans suggested by the land policy (USAID 2008; USAID 2007).

Guinea's Poverty Reduction Strategy Plan II (PRSP2007–2010) recognizes that support for family farming is key to transforming the rural economy in terms of jobs, food security, sustainable management of natural resources, poverty reduction, social cohesion and equity. The GOG identifies the conversion of subsistence agriculture into a modern, productive, and competitive system as the main challenge. The GOG's strategic objectives include: (1) supporting increased productivity and competitiveness of food crops, especially rice, on a sustainable basis; (2) ensuring rational and sustainable soil management by fighting erosion; (3) expanding the surface area of developed plains and low-lying areas; and (4) raising the productivity of farmland and strengthening sustainable soil management capabilities (GOG 2007).

The PRSP II also includes a government commitment to improving the living conditions of 75% of slum residents, development of the urban fringes to prevent the formation of new slums, and identification and categorization of slums in order to find adequate solutions to them (GOG 2007).

## DONOR INTERVENTIONS

The US Government condemned the December 23, 2008 *coup d'état* and suspended all aid to Guinea, except for humanitarian assistance and programs in support of the democratic process. The suspension will remain in effect until civilian rule is restored, as characterized by free, fair, transparent and timely elections (USDOS 2009).

USAID's support for Guinea has included programs aimed at increasing agricultural production, improving economic conditions for farmers, and promoting responsible management of natural resources. USAID sectoral interventions in agriculture have focused on improvement in agricultural input policy at national and local levels, technical assistance to the GOG to help simplify and clarify agricultural export and import laws, and improvement of the GOG's capacity to assist farmers. USAID has supported the creation of farmers' associations, provided women's groups with capacity-building related to governance and natural resource management, and supplied farming associations with inputs (USAID 2009a).

USAID's Landscape Management for Improved Livelihood Project (LAMIL 2005–2007) aimed to stimulate agricultural markets, develop innovative and appropriate farming technologies, and improve governance on a local and national level. The agency also supported Africare, [Adventist Development and Relief Agency \(ADRA\)](#) and Opportunities Industrialization Centers International (OICI)'s work to build the capacity of community-based organizations (CBOs) and improve agricultural yields through more effective technologies and management systems. A follow up to the LAMIL project, focusing on the border between Guinea, [Liberia](#) and Sierra Leone, began in 2008 to provide further support for forestry co-management in another area. The project, known as the LAMIL-transboundary activity (LAMIL-TBA), takes place in an area that has experienced rapid population growth caused by a combination of the exodus of refugees from Sierra Leone during the civil war, declining soil fertility and widespread forest loss (USAID 2007; CIFOR 2008).

The African Development Bank (AfDB) has provided Guinea with assistance in the areas of environmental management and agricultural development. The World Bank has supported projects related to community empowerment, poverty alleviation and rural development, renewable energy, road rehabilitation, biodiversity and conservation and environmental management, and mitigating land and water degradation. The United Nations Development Programme (UNDP) has conducted projects on climate change, land management and conservation, and capacity-building for the global environment (AfDB 2004; World Bank 2006).

## 2. FRESHWATER (LAKES, RIVERS, GROUNDWATER)

### RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION

Guinea is the source of every major West African river, and the country's watersheds are critical to the stability of water resources internally and in six other West African countries. Guinea's total renewable water resources are estimated at 226 cubic kilometers per year. These water resources are threatened by increasingly intense human activity and the risk of various kinds of pollution. The sustainable management of the Fouta Djallon highlands is a prerequisite for the efficient management of six major river basins – the Gambia, Kaba, Kolenté, Koliba, Niger and Senegal. Mountainous forests in the highlands are especially important in watershed protection (USAID 2009b; FAO 2005).

Agriculture accounts for 90% of total water withdrawal in Guinea. The northern and highland areas of Guinea suffer from low rainfall and rely on irrigation for agriculture. Agriculture in the coastal and forest regions, which have better rainfall, only requires irrigation in the dry season (World Bank 2009a; *Earthtrends* 2003; FAO 2005).

Sixty-two percent of households in Guinea have access to safe drinking water. The water supply is in poor condition. In 1999–2000, the daily per capita water supply was 47 liters. By 2004, Conakry had a daily per capita water supply of 20 liters and inland towns had only 7 liters. Factors contributing to the drop in water supply include poor use of existing capacity both in Conakry and in the interior, rapid urbanization, and insufficient facilities. Compounding these factors are administrative and institutional problems such as: (1) lack of strong, stable institutions; (2) lack of an independent agency capable of restraining arbitrary government action, regulating private operators, and enforcing contractual arrangements; and (3) lack of adequate conflict-resolution mechanisms for contract disputes. Inland households increasingly depend on wells and rivers for their water supply, which increases the risk of waterborne disease (GOG 2007; Menard and Clarke 2000).

### LEGAL FRAMEWORK

Guinea's Water Code (1994) provides the general management framework of water resources in the country. The Code covers rights of use, prevention of harm to water resources, hydrology works and installations, protected water zones and areas, planning and administration of the water resources, financing, tariffs and regulation of international waters (FAO 2005).

In addition to the Water Code, a plethora of formal laws have provisions governing water resources. The Land Code (1992) governs issues of water cleansing (rainwater, wastewater, waste solids and liquids) and urban hydrology. The Environment Code (1987) regulates continental water (subsoil and surface water), maritime water, and matters pertaining to environmental protection of water resources. The Forestry Code (1989) covers water conservation in relation to forest resources. The Mining Code (1995) covers geothermic subterranean water impacted by mining operations, and the Public Health and Sanitation Code (1997) addresses matters related to drinking water (FAO 2005).

Under customary and Islamic religious law, water resources are considered gifts of Allah. As such, water is considered a common-pool resource and cannot belong to anyone as private property. Some villages have communal management systems governing water access and use that reflect the persistence of customary and religious law, while in other areas reliance on communal systems has declined with installation of household wells (Fischer 1995).

### TENURE ISSUES

At the local level, water is managed by local authorities and districts. Local authorities grant water-use rights insofar as they do not contradict the Water Code. In Conakry and some other urban areas, water rights are leased to operators. The water sector operator is responsible for collecting revenues and meeting operating and maintenance costs. The operator retains any surplus as profit. Although the use of lease contracts initially improved access to water sources in urban areas, increasing water tariffs have restricted poorer users from access, and many sources have since become inactive. The government is responsible for financing new investments within the water sector (FAO 2005; Turrell et al. 1999).

At the national and international levels water is a potential source of conflict. As with most countries in Africa, Guinea is particularly vulnerable to geopolitical implications of hydrological variations. Climate change, pollution

from mining activities and scarcity of water contribute to tensions and even conflicts over water resources within Guinea and among West African states (Naisse 2005).

#### **GOVERNMENT ADMINISTRATION AND INSTITUTIONS**

The Ministry of Energy and Water Resources is charged with the conception, elaboration, implementation and the control of policy related to water resources and energy. The state-owned national water authority, *Société Nationale des Eaux de Guinée* (SONEG), and the *Société d'Exploitation des Eaux de Guinée* (SEEG), manage the country's water resources at the national level, while local authorities are in charge of granting and managing use-rights at the local level, as discussed above (GOG 2010; USAID 2007; FAO 2005; Turrell et al. 1999).

Other institutions involved in water resources include: (1) the Ministry for Fishing and Aquaculture; (2) the Ministry of Agriculture; (3) the Ministry of the Environment; (4) the Ministry of Decentralization and Local Government; (5) the Ministry of Mines and Geology; and (6) National Directorate of Water Resources (GOG 2010).

Guinea is included in the Niger, Senegal and Gambia river basins. The country is a member of the Authority of the Basin of Niger (ABN) and the Organization of Development of the Gambia River (OMVG) (FAO 2005).

#### **GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS**

The GOG's water resource management strategy focuses on improving access to drinking water, fighting water pollution, and achieving better water control for agriculture and livestock-breeding. Guinea's PRSP II (2007–2010) identifies the following priorities in the water sector: (1) increasing the water supply in urban areas; (2) increasing supplies of safe drinking water; (3) reforming the sector's institutions; (4) improving private sector participation in the development and management of the water sector; (5) developing production infrastructure (especially well-drilling facilities); and (6) rehabilitating watering points that are more than 10 years old. The GOG is committed to drafting a National Program for Providing Safe Drinking Water and Sanitation in Rural Areas by 2015 (GOG 2007).

#### **DONOR INTERVENTIONS AND INVESTMENTS**

Both USAID and FAO have projects focusing on the preservation and management of water resources of the Fouta Djallon highlands in the center of Guinea, which is the source of the Niger, Gambia, and Senegal Rivers. USAID has supported the international NGO, Population Services International (PSI), in its safe water initiatives in Guinea (FAO 2007; PSI 2009).

USAID partnered with the Ministry of Agriculture and other institutions on a climate change project that included the development of water control technologies. The World Bank supports watershed management projects in Guinea, as well as the development of water sanitation facilities (USAID 2009b; World Bank 2006).

### **3. TREES AND FORESTS**

#### **RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION**

In 2005 Guinea had 6.7 million hectares of forest, and 5.8 million hectares of other wooded areas. There are four primary forest types in Guinea: (1) mangrove; (2) dense humid forest; (3) dense dry forest; and (4) wooded savannah/other. Three million hectares of forest are used for conservation of biodiversity, 490,000 hectares for the protection of soil and water, and 103,000 hectares for forestry production (FAO 2006).

Guinea has 164,000 hectares of protected areas, making up 0.7% of total land. The country has six types of protected areas: *parc national* (national park) ; *réserve naturelle intégrale* (strict nature reserve) ; *réserve naturelle gérée* (managed nature reserve) ; *réserve spéciale* (special reserve) or *sanctuaire de faune* (faunal sanctuary) ; *zone d'intérêt cynégétique* (trophy hunting zone) ; and *zone de chasse* (hunting zone). Classified forests receive some protection as government property, but that protection does not necessarily include biodiversity conservation (FAO 2006; USAID 2007).

With an estimated annual deforestation rate of 0.5%, it is believed that about 35,000 hectares of forest are lost every year in Guinea. As of 2005, less than 1% of forest cover in Guinea was primary forest (ACDF 2010).

The forests of Guinea have been highly impacted by fires, logging, infrastructure development, agriculture and human conflict. For example, the Fouta Djallon region, which is covered with sedges gradually giving way to savanna woodland in the Upper Guinea region, is subjected to extensive burning. Slash-and-burn agriculture also threatens forested areas, as has unregulated harvesting of natural resources in forest areas. Commercial logging is accelerating throughout Guinea as a result of timber exports. Local populations have historically relied on forests for wood, roots, bark, leaves, fruit, medicines, and forage for livestock. Ninety-five percent of the population uses wood for fuel. Increasing population pressures and lack of agricultural development on traditional farmland have pushed rural people to encroach on forestland to meet needs for fuel, food, and income. Conflicts in Guinea and surrounding countries have increased the difficulty of managing forest resources, as parties to national and regional conflicts use forest resources to fund their activities (Fairhead and Leach 2000; GOG 2007; Catterson et al. 2001; Fischer 1995; FAO 2006; USAID 2007).

## LEGAL FRAMEWORK

Guinea's Forestry Code, 1999 (*Loi L/99/013/AN portant Code Forestier*), governs the country's forests. The Code also establishes guides for the protection of the national forests and the management of its key resources. The Code recognizes the need to engage the rural population in a participatory management process for both classified and community forests, and the right for communities to manage forests through local forest associations. It devolves control of the forest to the country's elected rural councils, supported by forestry service representatives. The Code recognizes the need for forest management plans (*plans d'aménagement*) to be prepared in collaboration with the local population, and calls for the transformation of forest service agents from enforcers to advisors. Implementing decrees for the Forestry Code have not yet been adopted (Catterson et al. 2001; Fischer and Furth 2000; USAID 2007; World Bank 2006).

Other legislation related to Guinea's forests include: the Wildlife Code (*Loi L/99/038/AN*), enacted in 1998, which sets out the policy on the protection of wildlife and their habitats as well as the regulation of hunting of unprotected species; the Environmental Protection Law (*Code de la Protection et de la Mise en Valeur de L'environnement, Ordonnances N°045/PRG/87 et N°022/PRG/89*), which seeks to combine protection of the environment with sustainable development of natural resources; and the Decentralization Law (*Loi Portant Code des Collectivités Locales en République de Guinée*), which defines the legal regime and rights of local collectives. Guinea is a signatory to several international agreements on environmental practices and policies (ACDF 2010; USAID 2008).

## TENURE ISSUES

The Forestry Code divides Guinea's forestland into three categories: (1) state forests; (2) forest areas of decentralized collectives; and (3) unclassified forest areas. Outside classified forests, administrative organs have no control over use of forest resources, including logging. Even within classified forests, logging areas are often undefined or not respected, licenses are not required, and in some areas logging has been uncontrolled (FAO 2006).

The Forestry Code recognizes the customary rights of communities living within or close to forests. Under customary law, communities with rights to forestland or land adjacent to forests generally have rights to use the land and forest products. The Code permits local communities to use wood products to meet domestic requirements and to graze livestock in classified forests. The Code does not recognize rights of local communities to engage in commercial logging. To curb the 0.5% annual deforestation rate, the Code specifies that forest areas should be protected against any form of degradation or destruction caused by factors such as overuse or overgrazing (Touré 2004; Bruce 1996).

## GOVERNMENT ADMINISTRATION AND INSTITUTIONS

Despite the good intent of the Forestry Code, forest policies, plans, and legislation have been implemented by continually shifting and restructuring government ministries. In 1986, Guinea established a Ministry of Natural Resources, Energy, and Environment. Following a restructuring in 1993, a Ministry of Energy and Environment emerged. In 1996, the "Environment" was housed in the Ministry of Mining and Geology. In 2004, Guinea created the more specialized Ministry of the Environment. In 2007, the "Environment" moved to the Ministry of Agriculture, Livestock, Environment, Water, and Forests. In 2008 the GOG created the Ministry of Sustainable Development and Environment. Very recent restructuring of Ministries now puts forest-related activities within

the Ministry of Environment and Sustainable Development. The Directorate of National Forests and Wildlife, *Directrice Nationale des Forêts et de la Faune* (DNFF) appears to have survived throughout these numerous permutations of ministry functions (USAID 2007; USAID 2008; GOG 2010).

These government institutions charged with protecting forest resources face challenges in identifying the forest classification (e.g., classified, protected) and applying and enforcing appropriate regulations. In addition, many of the DNFF's already struggling programs have stalled as a result of this political upheaval as salary payments and other basic operating funds are reduced or eliminated (Deutsch 2009; USAID 2008).

### **GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS**

The GOG's PRSP II (2007–2010) recognizes the value of the country's forests and the threats posed by unregulated use. The GOG's strategy for managing forests and protected areas focuses on: (1) evaluation, protection and exploitation of national resources, including biodiversity; (2) expanding and strengthening management of the protected areas; (3) supporting community forestry; (4) expanding forest areas; and (5) building institutional capacity (GOG 2007).

### **DONOR INTERVENTIONS AND INVESTMENTS**

Over the last decades, USAID has facilitated a number of natural and forest resource management projects in Guinea, including introducing the concept of co-management of classified forests. Three USAID/Guinea projects have involved co-management of forests: Natural Resources Management (NRM) or *Programme de Gestion des Ressources Naturelles à la Direction Nationale des Eaux et Forêts* (PGRN in French) (1993–1999); the Enlarged Project for Natural Resources Management (*Winrok*) (1999–2005); and the Landscape Management for Improved Livelihoods (LAMIL) project (2005–2007). LAMIL worked in four areas of the country and was designed to improve on the previous two programs, which USAID evaluations found to be successful at improving the status of classified forests but not the biodiversity, governance, and livelihoods of surrounding communities. Specific activities include teaching nursery techniques, providing trees for reforestation, supporting co-management of classified forests and community forests, conducting agroforestry techniques and extension activities, supporting biotechnology research for improved planting materials, and producing marketing information and support for agricultural products (USAID 2007).

USAID has provided technical support to assist the GOG to develop laws and practices regulating protected forests, parks, endangered species, and water sources as well as co-management and decentralization of authority over natural resources. Working with local NGOs, USAID supported the creation of community forest user groups. The user groups created forest management plans that included plans for reforestation, protection of water sources, rehabilitation of degraded areas, implementation of agroforestry practices, and fire prevention techniques (USAID 2009a; Catterson et al. 2001; USAID 2005; USAID 2002b; World Agroforestry Center 2008).

The United States Forest Service (USFS)'s International Program has worked with USAID within the PGRN program to develop participative management, effective policy development, information management, and sound personnel management within the forest department offices. The program has assisted the GOG in conducting forest inventories, developing capacity-building and training programs for forest staff, supplying equipment, and hosting the first West African Regional Workshop on Sustainable Forest Management in November 2007 (USFS 2007).

Between 2007 and 2010, the USFS also participated in Phase I of the Sustainable and Thriving Environments for West Africa Regional Development (STEWARD) program, in which USFS worked with a network of leading local and international environmental organizations, governments, regional working groups, and local communities to promote a regional approach for biodiversity conservation in West Africa. In FY 2008, two assessments were conducted which identified key transboundary priority zones across the Upper Guinea Forest Ecosystem. Also, stakeholder networks were developed through the STEWARD Forum and FRAMEweb.org website (USFS n.d.; Frameweb.org 2009).

UNDP implemented a nine year (1999–2008) project, Conservation of the Biodiversity of the Nimba Mountains through Integrated and Participatory Management, to conserve the biodiversity of the Nimba Mountains in Guinea's forest region. The project used a participatory approach to integrated ecosystem management and

enhanced the mainstreaming of biodiversity conservation into local and national sustainable development planning. Guinea is receiving technical assistance from the United Nations Environment Programme (UNEP) and UNDP to establish an information-exchange center to catalog and evaluate existing levels of biodiversity in the region (USAID 2007).

The European Union (EU), USAID, the Economic Community of West African States (ECOWAS), the African Union (AU), and a number of other international organizations have either suspended or severely restricted most forms of aid to Guinea, including in the forestry sector, until a democratically-elected civilian government is established (Deutsch 2009).

## **4. MINERALS**

### **RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION**

Guinea is rich in minerals, possessing an estimated one-third of the world's proven reserves of bauxite, more than three billion tons of high grade iron ore reserves, significant deposits of diamonds, more than 200 million tons of gold reserves, undetermined quantities of uranium, and large potential reserves of other valuable minerals. Recent oil discoveries in Ghana indicate that Guinea also might have significant oil reserves and, in 2009, China began negotiations with Guinea's government for access to oil and mineral reserves (Dragotto et al. 2005; World Bank 2009b; *UPI* 2009; *MBendi* 2009).

Minerals generate 90% of Guinea's export earnings, approximately 90% of which are derived solely from bauxite exports. Guinean bauxite supplies nearly 50% of the U.S. and Canadian import markets. On a global scale, approximately 15% of all finished aluminum is produced from Guinean bauxite (Dragotto et al. 2005; *UPI* 2009).

The bauxite and alumina sector has contributed to environmental degradation through the removal of vegetation, destruction of the soil, habitat loss and fragmentation, air pollution through contaminated dust, and water pollution through mineral tailings. The Mount Nimba Biosphere Reserve is threatened by iron ore mining (Campbell 1997; Baker et al. 2003; USAID 2007).

Some areas of Guinea are reserved for artisanal (small-scale) mining, mostly for gold. Artisanal miners have been prevalent in the country since the colonial era and they continue to operate at the present time. Women make up 75% of artisan or small-scale mining in Guinea. The artisanal mining sector is difficult to regulate, and smuggling in and out of the country remains a problem (Gberie 2001; ARD 2008; GOG Mining Code 1995; Logan 2004).

Competition over mineral resources, particularly diamonds, has resulted in conflict in areas bordering Sierra Leone and Liberia. As a result, many mining companies operating in border regions have been forced to shut down. The mining sector has suffered from lack of accountability and corruption. For decades, political elites have siphoned off proceeds from Guinea's mineral wealth. Between 2006 and 2007, mining laborers launched a series of strikes to demand wage increases and union participation in Guinea's economic and social policy. A violent strike in 2007 forced most bauxite and alumina productions to halt temporarily (Bermúdez-Lugo 2008; Campbell 2009; Dufka 2009; Baker et al. 2003; Gberie 2001).

### **LEGAL FRAMEWORK**

Guinea's Mining Code of 1995 was revised and amended in 1998. The Mining Code governs exploration, prospecting, operation, possession, holding, circulation, trade and transformation of mineral or fossil substances in Guinea and the tax regulations applicable to such activities. The Mining Code established the Center of Promotion and Development of Mining to deal with all aspects of investment in the mining sector (GOG Mining Code 1995; Bermúdez-Lugo 2008).

Mining companies are legally obliged to pay taxes to owners of the land they mine, and are encouraged to support additional local development projects that will improve people's lives (IRIN 2008).

### **TENURE ISSUES**

Under Guinea's Mining Code, the state owns all mineral or fossil substances in Guinea and grants extraction by license, permit, or concession. By law, all mining operations must comply with environmental laws. De facto compliance is under considerable debate (GOG Mining Code 1995; IRIN 2008).

Any natural or juridical person may seek permission to mine in Guinea. Types of mining titles include: (1) staking permits; (2) artisanal operation license; (3) mining prospecting permit; (4) mining operation permit; (5) mining concession; (6) quarrying titles; (7) quarry prospecting permits; and (10) quarry opening permits (GOG Mining Code 1995).

Mining agreements define the rights and obligations of the respective parties. The Government may choose not to renew a mining agreement or may revoke a permit if: exploration is contrary to the public interest; the recipient of the permit violates the Mining Code; the recipient fails to pay taxes or maintain a register; the recipient assigns or transfers the rights without prior approval; or the recipient fails to use the permit (GOG Mining Code 1995).

Despite requirements of current mining regulations, the conditions governing mining contracts have often been the result of specific contracts negotiated between state representatives and companies (Campbell 2009).

Conflicts surrounding the mining industry emanate from communities near mining companies that have advocated for companies to: provide access to electricity and safe drinking water; curtail the effects of pollution surrounding the industry on livelihoods; and improve funding for local development projects. Conflicts peaked in 2007 when mining communities staged massive demonstrations in Mambia, Boke' and Conakry to express their grievances (IRIN 2008).

#### **GOVERNMENT ADMINISTRATION AND INSTITUTIONS**

The mission of the Ministry of Mines and Geology is the formulation, implementation and monitoring of policy related to the mining, geology and hydrocarbons sectors in Guinea. The *Centre de Promotion et de Développement Minière* (CPDM) deals with all aspects of mining investment in the country (Wright 2003; GOG 2007).

Since 2008 the GOG has been revising its mining contracts with foreign mining companies. Administration of the sector remains in flux in the midst of political uncertainty in the country (IRIN 2008).

#### **GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS**

The GOG's PRSP II (2007–2010) includes plans to promote major mining projects in iron and aluminum by facilitating the construction of infrastructure (trans-Guinean railway, deepwater mining port) to support large-scale projects. The government is revising its Mining Code and taxation system to support the increased investment. With the help of the World Bank, the government has drawn up a Model Mining Agreement (*Convention Minière type-CMT*) that includes: procedures for renewing or withdrawing an exploration permit; jurisdiction and authority of Ministry of Mines officials; clarification of surface rights; and provisions for community development (GOG 2007).

Guinea joined the Extractive Industries Transparency Initiative (EITI) in 2005 and has collected and reconciled data on the payment flows of mining companies and revenue collected by the government in order to meet audit requirements. The government has also established a Directorate of Research and Projections Department within the Ministry of Mines and Geology to collect, analyze and synthesize technical, economic and strategic information. The Directorate will be responsible for establishing basic objectives with respect to the exploitation of mineral and mining resources and sustainable management of the environment (GOG 2007).

#### **DONOR INTERVENTIONS AND INVESTMENTS**

The World Bank is supporting a US \$15 million Mineral Sector Induced Growth Program designed to assist the GOG to develop a framework for resource management and economic linkages that ensures that mining activities: (a) benefit the people of Guinea, in particular the communities and regions where mining assets are located; and (b) serve as a catalyst and an engine of private-sector-led growth for other sectors of the economy. The program has components designed to strengthen the government's capacity to collect mining revenue, develop new economic opportunities – especially for micro, small, and medium enterprises – and strengthen central and local institutions (World Bank 2009c; Wright 2003).

USAID and USDOS are currently operating the Property Rights and Artisanal Diamond Development Program (PRADD) in Guinea. PRADD supports the Kimberley Process, which seeks to suppress the trade of conflict diamonds. Guinea has participated in the program since 2003. In order to retain membership in the program, Guinea is required to adhere to policies designed to reduce the illicit diamond trade. The project is currently in its

pilot phase, which will include a property rights and information management policy review and a stakeholder education project on local development from diamond mining (ARD 2008).

In addition the CPDM receives international financial support, much coming from the World Bank, to harmonize the Mining Code with other national legislation, to undertake new surveys and to create a national database of geological information (MBendi 2009).

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