



Date: 26 July, 2011

Notice of Registration

Re: Request for Problem Solving Exercise

Request N°: RQ2011/1

Country: Senegal

Project: Dakar-Diamniadio Highway Project

The Compliance Review and Mediation Unit (CRMU) received two requests on 15 June, 2011 and 22 June, 2011 respectively regarding the Dakar-Diamniadio Highway Project in Senegal. The first request is submitted by Mr. Mamadou Mbaye, le Directeur de l'école franco-arabe Imam Moussa Mbaye C.A. Guinaw Rails Sud, Senegal also representing the staff of the school and the parents of the students (hereinafter, "the first requestor"). The other request is submitted by Mr. Mohamed Aidara, le Président de Collectif des locataires affectés par le projet de l'autoroute à péage (CLAP), Guinaw-Rails Sud, Senegal (hereinafter, "the second requestor").

Prior to the registration of these complaints, CRMU contacted the requestors to verify whether or not they had contacted the Bank's Management or the Bank's Country Office in Senegal, since this step is stipulated under the IRM Operating Rules and Procedures (hereinafter the 'IRM Rules') as a precondition for registering the requests. The CRMU received a fax from the first requestor on 13 July, 2011 confirming that as of that date they had not received a response from the Bank's Country Office in Senegal. He provided CRMU with a copy of the letter that he had sent and stamped as received by the Bank's Office on 1 June, 2011. The second requestor confirmed to CRMU the same over a telephone conversation on 13 July, 2011.

CRMU verified the received information, and according to the IRM Rules, it considers that the two Requests **fulfill the preliminary requirements for registration**. Nevertheless, since the two requests relate to the same project, raise similar social issues and they demand problem-solving, CRMU has decided to combine the complaints in one Request and handle them through a problem solving exercise in deference to the demand of the requestors.

Accordingly, I am notifying you that pursuant to Paragraphs 19 and 20 of the IRM Rules, the aforesaid Request has been registered on 26 July 2011 for problem solving in the IRM Register of Requests which is accessible on the Bank's website at <www.afdb.org/irm>.

The Board of Directors of the African Development Bank Group (AfDB) approved, on 15 July, 2009, through its public sector lending window, an ADF loan of UA 45 million for financing the Dakar-Diamniadio Highway Project with respect to the construction of the highway, the development of the resettlement area and other components.¹ L'Agence Nationale de Promotion de l'Investissement des Grands Travaux (APIX), a public limited company with majority public capital is designated to monitor the implementation of the project.² On 19 July, 2010, the Boards of Directors also approved, through its private sector lending window, an ADB senior loan of 12 million euro and a standby debt facility of 1.5 million euro for the financing of the Dakar Toll Highway Project.³ This to complement and support the construction of the 20.4 km section of the Dakar - Diamniadio highway from Pikine to Diamniadio and the tolling and operation of the toll highway from Patte d'Oie to Diamniadio (including the 4.2 km section between Patte d'Oie and Pikine which was constructed under a separate contract).⁴ La Société Effage de la Nouvelle Autoroute Concédée (SENAC), an administered limited company in Senegal, will be the beneficiary of the ADB senior loan and responsible for the operation and maintenance of the toll highway.⁵

The project's total cost is estimated at UA 335.60 million. It consists of four components: Component A "highway construction"; Component B "development of the TIVOUANE Peul Resettlement Site"; Component C "Urban Restructuring of Pikine Irrégulier Sud"; and Component D "management and monitoring of project implementation".⁶ The project will be implemented during July, 2009 to May, 2014.⁷

According to the project appraisal report, the length of the Dakar-Diamniadio Highway is about 31.60 km.⁸ The Government has financed the Malick Sy-Patte d'Oie-Pikine section (12 km) to be completed by December 2009.⁹ For the construction of the last 20.4 km between Pikine and Diamniadio and operation of the 24.6 km toll highway from Patte d'Oie to Diamniadio, the Government initiated a Public Private Partnership (among a private concessionary company, the Government and donors) on the basis of a 30-year concession with the installation of toll stations.¹⁰

The route of the highway runs across irregular, unserved and flood-prone districts. The appraisal report provides that the project will: (i) restructure these districts, build houses, public utilities and commercial infrastructure over a 165 ha new resettlement area; and (ii) close the uncontrolled refuse tip at Mbeubeuss in the Dakar region after identifying an interim refuse disposal site and conducting studies on the construction of a waste burial centre.¹¹ The appraisal report also mentions that the project will contribute to: (i) improvement in the overall operation of the transport system to support the accelerated growth

¹ Resolution of the Board of Directors N° F/SN 2009/46.

² Appraisal Report of Dakar-Diamniadio Highway July, 2009, p. iv and p. 14.

³ Resolution of the Board of Directors N° P/SN/2010/19.

⁴ Appraisal Report of Dakar Toll Highway Senegal, July 2010, P.1.

⁵ *Ibid.*

⁶ Appraisal Report, *supra note 2*, p. 3.

⁷ *Ibid.*, p. iv.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Appraisal Report, *supra note 4*, p. 1.

¹¹ *Ibid.*

strategy put in place by Senegal; (ii) strengthening regional integration through better competitiveness of Dakar Port and implementation of the sub-regional rules concerning facilitation of transport; (iii) create a rapid link between the heart of Dakar and Diamniadio, which is the gateway to the new economic development pole; and (iv) improve the living conditions of people located near the road as well as others affected by the project.¹²

With respect to the benefits of the project, the appraisal report mentions that the direct beneficiaries will be the transport users of the Dakar region and the inhabitants (300,000) of the Pikine Irrégulier Sud (PIS) district. Moreover, the project will improve the living environment of the inhabitants of PIS by protecting their district from flooding, by facilitating access to transport and security services and by carrying out land regularization. Similarly, the negative impacts of the existing refuse tip at Mbeubeuss on pollution of the air, groundwater and market gardening will be eliminated.¹³

From the environmental standpoint, the appraisal report provides that the project is classified in Category 1 because of its potential direct and indirect negative impacts. Between 2005 and 2007, the environmental and social impact assessment (ESIA) was conducted, and the resettlement action plans (RAP) and environmental and social management plans (ESMP) were prepared.¹⁴ The major negative impacts of the project mentioned by the appraisal report include: (i) the displacement of 3,350 families and economic and commercial activities to a new fully serviced and built up resettlement area; (ii) nuisances during the works phase; and (iii) environmental impacts related to the crossing of the Mbao classified forest and the possibility of worsening flooding in the marshlands located in some sectors of Thiaroye. The project mitigation measures comprise: (i) cash expropriation compensation; (ii) the development of the resettlement area; (iii) the development of the refuse dump and sanitation network in the floodable area of PIS including the required studies and works for the closure of the Mbeubeuss refuse tip; (iv) the implementation of the ESMP in terms of sensitization and capacity building in monitoring; and (v) under the concessionary company's contract, the company will build a noise protection wall, replant green spaces, and improve sanitation and protection of the Mbao classified forest;¹⁵ and (vii) most of the people affected by the project (3,350 families) will be rehoused in the new resettlement area and the remaining 30% will receive cash compensation, as they have requested.¹⁶

The Requestors raise several issues indicating the direct harm allegedly inflicted on them by the project which are summarized by the following sections.

The first requestor complains that the project will negatively affect the Imam Moussa Mbaye Franco-Arabic School along the corridor, in Zone 1 and located in the Mousdalifa 3 neighborhood of Guinaw Rails Sud. The school has eleven (11) staff members, electricity, running water and a water pump for its water well. Furthermore, the neighbouring population holds meetings in the school and the *talibés* (students) use it as dormitories at night. According to the request, the school represents a window of opportunity for the children, the teachers, and the population as it provides different educational materials and services (health booklets, training in pedagogy, hygiene and management). The request mentions that owing to the project and the implementation of the RAP, the teachers and the riparian population are

¹² Appraisal Report of Dakar-Diamniadio Highway, *supra note 2*, p. iv.

¹³ *Ibid.*

¹⁴ *Ibid.*, p.12.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

about to lose these benefits, and the school has to close its doors forcing regular and free enrolled students to change schools -which is also a challenge since the majority of their parents are poor. The request also states that closing the school will undermine the choice of some parents who desire to have their children attend a local Franco-Arabic school and not solely French education. Furthermore, it provides that the school helps to fight begging among *talibé* (students) children. In addition, the staff will lose their jobs and free education for their children hence the project will have negative socio-economic effects on the breadwinning families. For all these reasons, the requestor hopes that the Bank will help them to resettle the school so that it can sustainably continue to ensure its social mission for the local population.

The second request is submitted by the president of the association of tenants of affected houses by the project. The request complains about the difficulty encountered by evacuated tenants to find affordable accommodation due to the high prices and demand. It also mentions that the resettlement of parents will deprive their children from benefiting from the continuity of the academic year. It also raises concerns about the insufficient amount allocated to affected small businesses and tenants; the dispersion of social safety networks in particular supporting people with special needs, the widows and the elders; the high insecurity and level of criminality created by illegal inhabitants of deserted houses; and the difficulty for families who used to live together to rent divided and small houses.

The Requestors have demanded CRMU to intervene since they have not received any response from the Bank's Country Office in Senegal. They have asked CRMU to handle their complaints through problem-solving.

On the basis of the preliminary review and in deference to the demand of the complainants, the Director of CRMU has decided to register the complaints in one request and to handle it through a problem-solving exercise.

In accordance with paragraph 31 of the IRM Rules, the Bank's Management must provide CRMU with written evidence that the Bank has, or intends to comply with the Bank's relevant policies and procedures for this project within 21 working days, which shall be by no later than **25 August 2011**.

For any future correspondence about these complaints, the Requestors, the Bank's Management and other interested parties shall refer to request number **RQ2011/1** posted on the IRM Register of Requests. All decisions relating to the Request will, until further notice, be communicated to the following persons:

1. M. Mamadou Mbaye, le Directeur de l'école franco-arabe Imam Moussa Mbaye
C.A. Guinaw Rails Sud, Senegal
2. M. Mohamed Aïdara, le Président de Collectif des locataires affectés par le projet de l'autoroute à péage (CLAP), Guinaw-Rails Sud, Sénégal

After receiving the Management's response and, if needed, any additional information and clarifications from the Requestors and/or the Bank, the Director of CRMU will, according to paragraphs 34-37 of the IRM Rules, initiate the problem-solving exercise with the objective of finding a solution to the alleged problems acceptable to all parties. Upon completion of the

exercise, pursuant to paragraphs 38-42 of the IRM Rules, the Director of CRMU shall prepare a problem-solving report. In the case that the exercise is unsuccessful or if warranted, the Director under paragraph 43 of the IRM Rules can also decide to recommend in this report that the project undergo a compliance review.

Yours sincerely,



Per Eldar Sovik

Director

Compliance Review and Mediation Unit

To:

The Requestors:

- Directeur de l'école franco-arabe Imam Moussa Mbaye
- Le Président de Collectif des locataires affectées par le projet de l'autoroute à péage (CLAP), Guinaw-Rails Sud, Sénégal

- The President, African Development Bank Group

- Executive Directors, African Development Bank Group