

AFRICAN DEVELOPMENT FUND



SENEGAL

DAKAR-DIAMNIADIO HIGHWAY CONSTRUCTION PROJECT

SUMMARY REPORT OF THE RESETTLEMENT ACTION PLAN

INFRASTRUCTURE DEPARTMENT (OINF)

TRANSPORT DIVISION (OINF.1)

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1. INTRODUCTION

1.1. The Dakar-Diamniadio-Thiès highway is one of the major infrastructural projects that seeks to: (i) recreate the optimal conditions that would enable Dakar to fully play its role as an economic centre; (ii) ensure balanced development of the country; (iii) define and implement enhanced policies on urban transport, the environment, housing, hygiene and sanitation; and (iv) as regards transport, restore the conditions required for the consolidation of growth and promote the emergence of new investment and economic development zones on the Dakar-Thiès highway. The highway is also expected to allow for rapid connection between the new Diass airport, the special integrated economic zone, and the future Business Centre to be built on the existing airport site.

1.2. Today, the construction of the highway is a necessity in view of the traffic which has become permanently congested, and is almost paralyzed during peak hours and even beyond. For reasons of economic viability, the Government of Senegal has decided to develop the Dakar - Diamniadio - Thiès highway in two phases: first, the Dakar – Diamniadio section, then the Diamniadio – Thiès section.

1.3. The construction of such a structure requires the displacement of populations living in the road alignment zone and their relocation to another site; the expropriation of properties such as houses, socio-economic, health and school infrastructures, playgrounds, crops and cultural properties, etc. In accordance with the Bank's policies on involuntary population displacement and the Senegalese laws and regulations on expropriation, a Relocation Action Plan (RAP) is required. The purpose of this RAP is to undertake: (i) a complete census of all the people affected by the project (RAP) and directly located on the roadway; (ii) an inventory and assessment of private and collective property; (iii) a socio-economic description of the affected populations; (iv) the definition of a compensation approach based on the type of loss; and (v) the definition of an organizational structure for the management and implementation of the RAP. This report is a summary of the project's Resettlement Action Plan.

2. PROJECT DESCRIPTION AND JUSTIFICATION

2.1. Following the RAP presented to APIX for the Malick Sy - Patte d'Oie and Patte d'Oie – Pikine sections, this RAP concerns: (i) the Pikine - Keur Massar-Diamniadio section, and (ii) the Pikine restructuring zone. The Pikine - Keur Massar section is 5.6 km long and runs across the administrative districts of Guinaw Rail Sud, Guinaw Rail Nord, Thiaroye Gare, Tivaouane Diack Sao, and Diamaguene Sicap Mbao. Further on, the section crosses various districts of the South Pikine zone and ends just at the edge of the Mbao forest fence. Since the Pikine - Keur Massar section crosses a densely populated zone, the right-of-way is technically limited to 60 metres to minimize the social impacts. The Keur Massar-Diamniadio section of the highway stretches over 11.4 km. It starts just before the Keur Massar interchange, runs to the North of Rufisque town, over 3 km before the existing Diamniadio junction, with three interchanges (Keur Massar, Rufisque Ouest, Rufisque Est).

2.2. The current cross-section of the highway, proposed for this section, is defined as follows: a middle strip 4 m wide, bounded by two guard railings, allowing for the installation of street lights and supports for the highway overpass, two left lowered strips 1 m wide each and the width determined by the chosen level of construction, two 3-lane carriageways 3.5 m wide each: 2x 10.50 m, two emergency lanes 3 m wide each, and two boulevard strips 3.5 m long each.

2.3. There is an interchange at Thiaroye. The configuration of the interchange comprises two roundabouts, one in the north of the highway and the other in the south to facilitate entrance into and exit from the highway. For this reason, a toll gate will be installed in the north (west of the roundabout) and another on the highway (for vehicles heading towards the east). Finally, a 3-metre protection wall will run along the limit of the right-of-way.

2.4. The programme of the Pikine restructuring zone comprises two levels of restructuring, namely: a level 1 restructuring concerning structuring investments (storm water management system; a major road network; economic centres; etc.); a level 2 restructuring, including local investments.

3. DESCRIPTION OF THE PROJECT AREA

3.1. The Pikine-Diamniadio section study area comprises the toll highway between the Seven-Up roundabout (RN1 junction with the railway) and Mbaou forest. The districts affected by the road are Guinaw Rail Sud, Guinaw Rail Nord, Thiaroye Gare, Tivaouane Diack Sao and Diamaguene Sicap Mbaou. The Keur Massar-Diamniadio section concerns the rural area dominated by agricultural and livestock activities, and crosses the districts of Sangalkam, and Sicap Mbaou, as well as Rufisque and Bargny council areas. The restructuring zone concerns the following districts: Guinaw Rail Nord, Guinaw Rail Sud and Pikine Est, CA Thiaroye Gare, Tivaouane Diaksao, Diamaguene Sicap Mbaou and Yembeul.

4. POTENTIAL IMPACTS

4.1. The highway project could have multidimensional potential impacts. Indeed, the displacement and resettlement of the population could generate impacts ranging from the loss of income to the loss of property. Since the Pikine – Diamniadio section crosses a densely populated area, the potential impacts of the project are considerable. The construction of this road section will lead not only to the displacement and resettlement of businesses, traders and markets, but especially of households (3 131 for Pikine-KM ; 228 plots, 53 houses, 76 orchards for the Keur Massar-Diamniadio section, and 1 770 concessions for the restructuring zone).

4.2. In short, the most significant negative impacts are: the loss of concessions and buildings in the road area, the temporary loss of commercial and agricultural income, the loss of fruit and shade trees, the loss of collective facilities, the displacement of the population to a new site, the social and psychological integration of people affected by the project (PAP) in the new site, the increase in the travel time of the PAPs because of the displacement, an increase in women's workload during the displacement and resettlement, and the disruption of the quality of life because of the displacement and resettlement of the population.

4.3. Several positive impacts of the resettlement were identified, namely: the general improvement of the quality of life, improved sanitation on the new site, guaranteed access to drinking water and sanitation, the possibility of access to basic services such as electricity and fixed telephone, improved security on the new site because of street lighting, the reconstruction of houses and buildings in compliance with recognized standards, the reduction of women's workload because of the presence of drinking pipe water in the houses offered as compensation. Furthermore, the improved accessibility will improve the transport conditions.

5. ORGANIZATIONAL RESPONSIBILITY

5.1. As mentioned earlier on, the consultations constitute only a stage in the process of participation by the affected populations, and should be pursued throughout the RAP implementation period.

5.2. The organization and routine decisions will be decentralized as much as possible, within the framework of periodic programmes and budgets approved at the highest level of the organizational chart. The decentralized authorities will be closely involved and, in this regard, it is proposed that “Urban Resettlement Committees” (URC) should be proposed. These URCs, the composition of which should, as much as possible, reflect the representativeness of a decentralized authority, without however having an excessive number of members, so as to guarantee its operation, will work closely with the Local Liaison Committees (LLC) set up by the Environmental, Social and Right-of-way Release Unit (UESLE). With the Project’s support: (i) these authorities will be responsible for the implementation of measures in their areas of competence, and (ii) they can take on additional responsibilities based on a contractual arrangement with the project. They will be stakeholders in the approval of the RAP programmes and budgets, in the monitoring and evaluation of programmes, and in the acceptance of works.

5.3. The National Agency for Investment Promotion and Major Projects (APIX) will be the delegated project owner of the Toll Highway Project on behalf of the Senegalese State. An Environmental, Social and Right-of-way Release Unit (UESLE) was set up within APIX’s Major Projects Department and entrusted with preparing and implementing the RAP, in particular. This unit works in synergy with the Environmental and Social Unit (USE) of the Department in charge of the Highway Project at APIX.

5.4. ***The Ad hoc Committee for supervision of Right-of-way Release Operations for Major Government Projects:*** This committee is responsible for supervising the release of the rights-of-way of major Government projects, as well as carrying out the following tasks: informing and sensitizing the populations concerned, making an inventory of the expenditures and occupants of the road areas, evaluating and paying the expenditures, issuing the notice to vacate the area and assisting the administrative authorities in operations relating to the release of the area, as well as identifying the displaced persons and resettling them on the site developed for that purpose.

5.5. ***The Dakar Operational Group:*** It is the implementing organ of the Ad hoc Committee for supervision of right-of-way release operations, chaired by the Governor of the Region and comprising a technical team of employees from the regional services. The Operational Group will identify and evaluate expenditures in road area of the project.

5.6. Several other institutions participate in the resettlement of the populations:

- ***To declare that the project is of public utility:*** The Land Registration and Stamp Duty Department prescribes the opening of a public utility investigation so as to start the expropriation phase. The supervisory Minister of Lands (Minister of Finance and the Economy), or if need be, the Minister in charge of the project to be implemented, will prepare a report on the basis of which the public utility declaration is issued by decree.

- ***The Lands Operations Control Commission (CCOD)*** gives its opinion on the following land issues: the amount of compensation to be proposed for expropriation for reasons of public utility, the need to use emergency procedures for expropriation, the relevance, regularity and financial terms of all the operations concerning the private property of the State, local authorities and public institutions.
- ***The Conciliation Commission:*** It is responsible for amicably fixing the amount of compensations to be paid to expropriated persons.
- ***The National Soil Evaluation Commission:*** It is in charge of evaluating the proposals of the regional soil evaluation commissions.
- ***The Regional Soil Evaluation Commission:*** It is created in each region and is responsible for proposing the price per square metre for registered lands.
- ***The local authorities*** (councils and administrative districts; rural communities)
- ***The Land Restructuring and Regularization Fund (FOREEF)***
- ***The Fondation droit à la ville (FDV)***

6. COMMUNITY PARTICIPATION

6.1. During the conduct of the detailed environmental and social impact assessment, as well as the present socio-economic studies and consultation sessions which led to the preparation of the resettlement action plan, the participatory activities enabled the affected persons to be involved beyond simple data collection. They were consulted on their apprehensions and expectations with respect to the displacement and resettlement. During the next phases of the project, the affected persons will increase their involvement by participating in the decision-making process.

6.2. During the implementation of the resettlement action plan, the affected persons and their representatives should be fully informed and consulted, both within the displaced communities and the host communities (if necessary). Community participation will promote transparency and equity in the conduct of all activities and, more particularly, during the compensation process. Similarly, the participation will encourage the communities to take responsibility for their displacement and their “future” on the new sites.

6.3. The resettlement action plan will regularly inform the affected persons on the progress of work through the Local Liaison Committees (LLC). The presence of these local committees in the study area and the decentralization of APIX staff will encourage information sharing. Various means of communication will be used to inform the stakeholders; these include posters and radio programmes in local languages.

6.4. Mechanisms will be adopted to encourage the participation of affected persons throughout the implementation of the resettlement action plan, as well as to follow up comments, suggestions and complaints. A complaint management unit within the Local Citizens Liaison Committee will be established to follow up all complaints with the authorities concerned.

6.5. **Participatory consultations with PAPs:** Several participatory meetings were held with prefects, sub-prefects and inhabitants of areas affected by the project. Meetings were held with the prefect, sub-prefects and representatives of the affected areas (mayors, local organizations and associations) to plan the following two information sessions. The purpose of these sessions was to inform the representatives of the populations about the project and know their views and concerns of the populations they represent, and determine more precisely the areas that will be affected by the project. Each participatory session started with the presentation of the project. The project was first placed in its context by describing the phases that preceded the phase of identification and preparation of the resettlement action plan. The project was then described in all its facets: the current route, the identification of PAPs and their property and assets, the preparation of a resettlement action plan and the development of the new site.

6.6. The participants generally welcomed the project, and were pleased to be able to participate in it by expressing their views during the meetings. However, there were fears as regards the compensations which might not be proportionate to the losses. The identification exercise was another opportunity to inform the PAPs about the project and gather their views and concerns. Indeed, the PAPs were asked several questions on their preferences concerning the compensation, displacement and resettlement activities.

6.7. The PAPs will participate in the monitoring/evaluation system in different ways: collecting simple data concerning their activity; participation of PAP representatives in meetings on programming, monitoring and evaluation, particularly through Local Liaison Committees (LLC), participation in LLC meetings during the preparation of work programmes and evaluation of implementation of the previous programme, contacting their representatives or UESLE in case they are not satisfied with the implementation of the RAP and the terms and conditions of intervention by operators, participation of Local Authorities and/or PAP representatives in the acceptance of investments concerning them, opinion polls during the evaluations, regular visits by a sociologist consultant seeking to identify the problems and risks linked to community and inter-community cohesion and unforeseen situations of marginalization or impoverishment of households.

7. INTEGRATION WITH THE HOST COMMUNITIES

7.1. Concerning the Pikine restructuring zone, the PAPs will remain in their current villages. Thus, there is no problem of integrating with the host populations, which is a difficulty often encountered in urban restructuring operations. In the case of this restructuring, the PAPs are expected to agree with the neighbours in the same way as they are doing now to organize their new living environment.

7.2. The issue of integration with the host communities was discussed with the beneficiaries in several focus group meetings which identified all the potential stumbling blocks, fears and concerns and prevent them. Special emphasis was thus laid on: compliance with the traditions and customs of the host populations, while taking into account the similarities between the cultural practices and behaviours of the areas to be displaced and the host areas, the servicing of the new sites and resizing of socio-economic facilities and equipment (health, water supply, education, sanitation, etc.), the terms and conditions of occupation and management of farming and grazing areas, etc.

7.3. As regards the persons to be displaced to the Tvaouane Peul site, it should be noted that the first occupants of Keur Massar are some Wolof, Lebou and Toucouleur families who have been established there for over three centuries. With respect to the ethnic composition of Keur Massar, it should be noted that with the arrival of new populations, like the Diolas, Serers and Manjacks, the area has become multiethnic.

7.4. In view of the rapid urbanization of Dakar and its suburbs, Keur–Massar has, over the past few years, become a huge reception zone because of the availability of lands, which mainly belong to the State. Keur-Massar village is traditionally known to be a hospitable land. The village elders indicate that the revered religious leader, Seydina Limamoulaye, had predicted the urban development of the zone. He had told them: “Strangers will come! Welcome them with open arms and offer them hospitality”. In light of the foregoing, and based on the attachment of the Layene community to the teachings of their revered guide, it is easy to understand that the native populations of Keur-Massar have gladly welcomed the inflow of new arrivals.

8. SOCIO-ECONOMIC STUDIES

Pikine - Keur Massar Section and Pikine Restructuring Zone

8.1. The Pikine - Keur Massar section of the highway runs across five densely populated administrative districts, namely Guinaw Rail Nord, Guinaw Rail Sud, Thiaroye Gare, Diamaguene Sicap Mbao, and Tivaouane Diack Sao. Land use in this area is generally irregular and is characterized by precarious housing, land insecurity, insalubrity, insecurity and lack of basic infrastructure. The socio-economic profiles of households, businesses and farmers identified in the road section are presented in the paragraphs below.

8.2. A total of 3 630 households were identified in the Pikine – Keur Massar section as against 1770 concessions in the restructuring zone (Only 36% of affected concessions will effectively “leave” the area, meaning that they will be subject to full expropriation). Only 3 131 of these households are eligible for compensation. There are 888 eligible resident land-owner households, and 2 243 eligible tenant households. With an average of 6.74 persons per household, the total eligible population is 21 109. The population is very young with more than 70% under 30 years old. The average age of heads of household is 42. Male heads of household represent 77%, while 23% are female. 53% of heads of households are married and monogamous, 24% are polygamous, 13% are bachelors and 10% are divorced or widows/widowers (mostly women).

8.3. The three key ethnic groups in the zone are Wolof (32%), Fulani/Toucouleur (27%) and Serer (21%). Other ethnic groups are also found in the area: Mandingo/Socé (5%), Mandjack/Ballante (3%), Soninké/Sarrakolé (3%), Lébou (2%), as well as Bambara, Maure, Bassary, Korobaro and Pepel representing a total of 7% of the identified ethnic groups. Islam is the dominant religion of these households with about 95% of heads of household. The rest (5%) are Christian households. The three major languages spoken in the zone are, in descending order, Wolof, Pulaar and Mandingo.

8.4. The heads of household have a low level of education. Indeed, close to 32% of them are not educated, while the highest level of education for about 33% of them is the Coranic School. More than 97% of households have no means of transport at all: be they animals, carts, bicycles, motorcycles or cars.

8.5. The identified households have an insecure occupancy status. According to statements gathered during the surveys, close to 72% of identified households (2 243 households) are tenants. Most of them have no written lease (89%) and about 10% say they have an occupancy permit. About 72% of the resident land-owner households (888 households) say they acquired their lands through a bill of sale. Some 20% of the land-owner households have title deeds. A total of 7% of land-owner households have occupancy permits, and 1% have building permits. The average area of identified plots is 199 m². Most of the houses in the area are villas. Most of the buildings have concrete walls (79.6%).

8.6. As regards the economic activities of households, more than 65% of the identified adults are economically active, i.e. they currently have a job or are in search of one. These people operate in the following areas of activity: trade (37%), private or government services (11%), domestic services (10%), building and construction (10%), transport (8%), manufacturing (4%), food processing/beverage and tobacco making (3%), and fisheries (3%).

8.7. The commercial ventures and businesses identified during the survey are essentially involved in the sale of vehicle spare parts and repairs, petty trade, panel beating, catering, bakery and carpentry. The majority of the workers are youths under 20, and the most of them work as full time apprentices. There is a constant inflow of trade and business customers all year round. During the busiest periods, the gross incomes per week are CFAF 140 000 as against CFAF 10 000 during less busy periods.

8.8. An exponential development of market gardening has been noted on “Camp de Thiaroye” area since 1990. This activity has been the main source of income for virtually all the farmers, and has enabled them to meet the needs of their families. Only 8% of all the identified farmers pay rent to the land owners. The average monthly rent is CFAF 85 700. The most grown crops are lettuce (22.6%), onions (14.7%), mint (13.9%), sweet pepper (10.9%), cabbage (6.4%) and pepper (6.8%).

8.9. The study area runs across five administrative districts with a total of 3131 households, 2 288 concessions and 2 850 eligible buildings. With an average of 6.74 persons per household, the total identified population is 21 109. According to the identification data, the eligible households comprise 888 resident land-owner households and 2 243 tenant households.

8.10. There are 1 126 eligible commercial ventures and businesses. 917 of these are big, medium and small businesses, while 209 are vendor stands. The average number of workers per commercial venture or business is 2.6 persons.

8.11. The project will also affect farming plots. Indeed, 91 farming plots are eligible for compensation because they are located within the road of the final design. 71 of these plots are declared to belong to “Camp de Thiaroye” and 20 belong to private individuals. However, only 7 plots (3 in “Camp de Thiaroye” and 4 in Guinaw Rail Sud) have title deeds. The main crops cultivated on these plots are, in descending order of magnitude, lettuce, mint, onions, pepper, cabbage, “jaxatu”, tomatoes, sweet potatoes, and “bissap”. Only 6.3 hectares of a total of 14 hectares of identified and eligible farmland in the section are effectively cultivated.

8.12. The identification exercise also made assessed the number of trees owned by the eligible PAPs. A total of 3 759 trees are eligible for compensation on the farming plots affected by the project, and 894 trees were identified in residential and commercial areas.

8.13. There are a relatively small number of collective infrastructures in the road section. They are limited to a few schools and mosques, and some boreholes and public fountains. A relatively big church was also identified.

8.14. The collective infrastructures found on the Pikine–Keur Massar section include 4 schools, 12 mosques, 1 church, 1 residence for a secondary school principal and secretary, and 1 basketball field. Furthermore, the identified eligible public utilities are as follows: six taps, seven public fountains, eight boreholes, and four wells. Three power transmission poles were also identified.

Keur Massar-Diamniadio section:

8.15. The construction of the Keur Massar-Diamniadio section crosses an area under urbanization in the extreme west, but that is distinctly rural, after Kambe. In all, there are some 228 plots, 53 houses, and 76 orchards. The part of the section that runs north of the town of Rufisque has no houses or businesses, and is like a rural area. In the Kambe area in full expansion, three-quarters of 273 plots affected by the project have not yet been built. They are either bare plots, or merely have foundations. Most of the 60 occupied houses have only one storey, without any finishing. There are very few two-storey houses, and finished houses that are painted or with tiles. Shops are currently being built. The part of the section that runs north of Rufisque stretches from one zone under urbanization in the west to an agricultural area in the east. In the west sector, large land owners are parcelling out their lands into plots. Between the East Rufisque interchange and Diamniadio, the lands form part of rural settlements (or villages) of Keur Ndiaye Lo, Keur Daouda Sarr and Sangalkam (chief town of the sub-prefecture). There are very few title deeds in this sector.

9. LEGAL FRAMEWORK, INCLUDING DISPUTE SETTLEMENT AND APPEAL MECHANISMS

9.1. In Senegal, the legal framework on resettlement comprises the land tenure system and expropriation procedures. Regulations on land tenure in Senegal are based on several laws including Law No. 64-46 of 17 June 1964 organizing the management of lands. In addition to this law, the following texts need to be explained: Law No. 76-66 of 2 July 1976 relating to State Lands Code, the Civil Code and the Decree of 26 July 1932 which applies to lands owned by individuals, the Civil and Commercial Obligations Code, Law No. 96-07 of 22 March 1996 on the transfer of areas of competence to regions, councils and rural communities.

9.2. The legislation defines procedures relating to forced displacement, particularly with respect to land restructuring and regularization. Regulations on expropriation for public utility are based on this law and Decree No.77-563 of 3 July 1997. This law defines an expropriation procedure by which the State may, for public utility and subject to fair and prior compensation, compel any person to transfer the ownership of a building or charge on private property.

9.3. APIX is responsible for coordinating the preparation and implementation of the RAP. Consequently, it must ensure the establishment of preparation and operation structures, as well as those to be entrusted with dispute resolution: declaration of public utility by the Lands Service, demarcation of the road area by the Surveys Department, establishment of an operational group for evaluation of occupancy and estimation of compensations, and establishment of the Conciliation Commission.

9.4. The Conciliation Commission has a major role to play in preventing disputes and avoiding disagreements during the property assessment process. The commission should include representatives of the community in addition to its members. All documents should be signed by the parties.

9.5. In the event of agreement as a result of negotiations with the PAPs, the Compensation Committee will sign a compensation agreement with each of the persons concerned. In view of the high level of illiteracy in the area, a representative of the PAPs with the ability to read will be present during the signing, if necessary. A copy of the agreement will be kept by the two parties, and the corresponding section of the PAP monitoring sheet will be completed and signed by the PAP and the Compensation Committee. In case an agreement cannot be reached, the negotiations will be pursued in the presence of a mediator accepted by the two parties. The mediator's recommendation will not be enforceable, but will represent the last option before a dispute is officially registered. The matters in dispute will then be referred to the legal dispute settlement process.

9.6. Senegalese laws on Expropriation for public utility and temporary occupancy stipulate that in the absence of an agreement, the parties are summoned before an expropriation judge who delivers a ruling using the services of an evaluation expert, if one of the parties so requests. The ruling by the expropriation judge may be subject to appeal, only for lack of jurisdiction, jurisdictional error or technical irregularity. Furthermore, the settlement of a dispute cannot delay the displacement of a community, because it would cause excessive delays in project implementation. Consequently, in the event that a dispute is brought before a court and a decision is not taken before the displacement date, the affected person who filed an appeal will be compensated on the basis of the ruling made by the expropriation judge, with the understanding that an adjustment will be made after the displacement should the Court so decide.

10. ELIGIBILITY

10.1. The Senegalese legislation recognizes official property (with a deed) and customary property. Any person affected by the project and who is a property owner (legal or customary) and has been identified within the route of the final design of the road, is considered eligible for compensation. The eligibility criteria for the definition of the categories of persons affected by the project are: (i) persons with formal legal rights on the land or other properties recognized by the laws of the country; (ii) persons without formal legal rights on the land or other properties during the identification, but who can prove their rights based on the customary laws of the country (under the project, customary ownership concerns two types of properties: property acquired on the basis of ancestral rights over the land and ownership acquired through bills of sale recognized by the community; (iii) persons with no legal or other rights over the lands they occupy, and who are not included in the two categories described above. These persons are entitled to resettlement assistance to enable them to improve their living conditions (compensation for the loss of income-generating activities, means of subsistence, ownership of common resources, crops, etc), provided they occupied the project site before a fixed cut-off date.

10.2. The marginalized or more vulnerable populations within the three preceding groups, and particularly in the third, will be entitled to plots of land, housing and infrastructures. The persons in groups (i) and (ii) above will receive full compensation for the land, structures and properties they lose. As for the third group (land borrowers, tenants, occupancy against surety, women or children over 18, etc), the PAPs will receive resettlement assistance to enable them to improve their living conditions, while the most vulnerable affected persons will be entitled to at least plots of land, housing and infrastructures as compensation.

10.3. The eligibility deadline corresponds to the end of the identification of affected persons and their properties in the area under study. Beyond this date, no compensation will be paid for the occupation and/or development of land or resource targeted by the project. For the Pikine-Keur Massar section, the identification of PAPs was conducted in two phases. The first identification took place in 2006 on the basis of the preliminary design of the road. Another identification was conducted in 2007 following acceptance of the final design. There are therefore two eligibility deadlines depending on the PAP's location. The eligibility deadline for PAPs registered during the first identification is 7 September 2006 and that of PAPs registered during the second identification is 6 August 2007. The identification date for each PAP was included in the data bases. For the Keur Massar-Diamniadio section, the deadline is therefore 27 March 2007, corresponding to the end of the survey to identify the occupation of the area. For the restructuring area, the eligibility deadline is the time when the field investigations are carried out by the survey teams.

11. ASSESSMENT AND COMPENSATION FOR LOSSES

a. Pikine-Keur Massar Section

11.1. **Residential or commercial lands:** The identification showed that 2 044 PAPs declared that they own formal title deeds for their lands, and 244 PAPs declared that they are informal owners. Thus, the compensation to be earmarked for these losses stand at CFAF 1,129,105,800.

11.2. **Farm lands:** As regards compensation for the loss of title deeds, two PAPs with title deeds were identified. Compensation for these two plots, including compensation for title deed fees, is rounded up to CFAF 362 481 000. With respect to compensation for permanent loss of land and to enable the persons to look for other lands, the overall budget to be earmarked stands at CFAF 118 395 000, making a total of CFAF 480 876 000.

11.3. **Concessions:** Compensations to be earmarked for concessions concern all expenditures for each affected plot, with the exception of buildings. In all, the compensations for installed structures and equipment in the concessions are estimated at CFAF 454 315 600.

11.4. The survey identified four types of buildings: those with concrete walls (2 321 buildings), those with wooden walls (200), those with iron fencing (9), those with sheet metal walls (289) and containers (31). Since, according to the identification, 25.9% of PAPs would like to be compensated in cash, while 74.1% would like to receive their compensation in kind on the new site, the overall budget to be earmarked in the RAP for the compensations in cash is CFAF 2 990 773 150, and the budget to be integrated in the final design for the reconstruction of buildings on the new site is CFAF 14 751 537 581.

11.5. All in all, 84 PAPs declared that they have fixed equipment on their farming plots (wells, boreholes, cemented tanks, latrines, warehouses, etc.). Thus, the costs of replacing (compensation) all these affected and eligible farm structures and equipment are estimated at CFAF 7 010 000.

11.6. As mentioned in the compensation principles, all the identified and eligible tenants and sub-tenant households (referred to hereinafter as “tenants”) will be paid a lump-sum compensation in cash equivalent to 6 months rent. The monthly lump sum is 20 000 CFAF. On the other, where the rent effectively paid by a household exceeds the said CFAF 20 000/month, the lump-sum compensation is calculated on the basis of the amount effectively paid to the owner. The identification results show that there are 2 097 eligible tenant households. The overall amount to be earmarked to compensate tenants for the loss of accommodation is CFAF 282 670 000.

11.7. Each concession on the new site will be automatically connected to running water, and the project will be responsible for paying the connection charges. The electricity and telephone systems will also be provided on the new site, and PAPs will have the possibility to be connected but they will have to pay for the costs. The PAPs who were already connected during the identification will be refunded their connection fees by the project. All in all, the compensations for connection to basic services, such as water, electricity and fixed telephone, are estimated at CFAF 72 589 500.

11.8. As mentioned earlier on, only one major firm, NMA, will be affected by the highway route. However, since this firm will not be displaced, it will not lose income from its activities because they will not be interrupted. In addition to the compensation for its depot, the firm will receive the amount of CFAF 1.5 million to cover the sundry costs for the reorganization of the property.

11.9. The identification estimated the real monthly income of 873 small and medium-size enterprises which have to move because of the project. Furthermore, the identification estimated the real monthly income of 300 working individuals who are eligible and who do most of their work in their own concessions. It is estimated that once these businesses are relocated, they will have sufficient time within a month to resume their normal activities. The compensations for loss of income to be paid to small and medium-size enterprises affected by the project are estimated at CFAF 940 097 100.

11.10. The survey identified a total of 214 vendors whose main activity is sidewalk sales. 208 of these vendors occupy land located within the road of the final design and over 15% of their land is affected. These 208 sidewalk vendors will therefore receive a lump-sum compensation of CFAF 150 000 for their temporary loss of income due to the construction of the highway. The compensations for loss of income to be paid to small and medium-size enterprises affected by the project are estimated at CFAF 31 220 000.

11.11. Since such losses are compensated only if they materialize, it is necessary to assess the probability of loss for the 1 281 eligible owners of rented housing units who will leave the area. Since 75% of the resident owners declared, during the identification that they would prefer to be compensated in cash for their buildings, it can be projected that the number of non-resident owners wishing to be paid in cash for their buildings is 961. With an average monthly rent of CFAF 20 000, a budget of CFAF 76 880 000 should be set aside for loss of rents.

11.12. Such traders will receive a lump-sum compensation of CFAF 150 000. The compensation covers a displacement assistance since it is estimated that their incomes will not be affected because of their great mobility. The survey identified a total of 214 vendors whose main activity is sidewalk sales. 208 of these vendors occupy a concession located within the road area of the final design, and over 15% of their area is affected. These 208 sidewalk vendors will therefore receive a lump-sum compensation of CFAF 150 000 for their temporary loss of income due to the construction of the highway. The compensations for loss of income to be paid to small and medium-size enterprises affected by the project are estimated at CFAF 31 220 000.

11.13. Since such losses are compensated only if they materialize, it is necessary to assess the probability of loss for the 1 281 eligible owners of rented housing units who will leave the area. Since 75% of the resident owners declared during the identification that they would prefer to be compensated in cash for their buildings, it can be projected that the number of non-resident owners wishing to be paid in cash is 961. With an average monthly rent of CFAF 20 000, a budget of CFAF 76 880 000 should be set aside for loss of rents. In addition to this amount, due account should also be taken of income losses due to the long time required to find new tenants, i.e. CFAF 7 680 000 (96 owners x CFAF 20 000 /month x 4 months). Thus the budget to cover the possible rental income losses to be incurred by the non-resident owners of concessions is CFAF 84 560 000.

11.14. In all, 91 farmers are eligible for compensation for loss of farming income. Only the actual losses of crops will be compensated, and in cash only. Out of the 168 449 m² of farmland identified, 139 738 m² are affected by the project and 63 704 m² (45%) of these are cultivated by the farmers. Thus, based on the estimates, the total compensation to be earmarked for possible losses of an annual yield for each PAP based on their current production, stands at CFAF 225 094 000. This represents an annual value of CFAF 3 533 /m² affected by the project. In addition to this amount, due account should also be taken of the losses of 8 of the 91 identified and eligible farmers who were renting their current plots, i.e. CFAF 4 234 000. The budget to be set aside to cover the farmers' possible income losses stands at CFAF 229 328 000.

11.15. As mentioned earlier; most of the lost farm land should be replaced by the PAPs themselves. To enable them to convert the newly acquired land into land suitable for farming, the 91 identified and eligible farmers will receive a lump sum of CFAF 100 000 per hectare of the land lost because of the project. The amount to be set aside to compensate farmers for preparation of new farm lands is CFAF 1 400 000.

11.16. Several persons affected by the project own trees which will be destroyed because of the construction of the Dakar-Diamniadio highway. During the identification, data on these trees were collected and all the eligible trees will be compensated. The compensation for trees will be based on their degree of maturity, as was the case during the compensation of PAPs located in the first two sections. All in all, 85 farmers have 3 759 fruit and shade trees in their plots. CFAF 108 284 000 will be required for the compensation of all the trees on the farming plots. Moreover, for the other types of tree owners, the survey identified 58 non-resident concession owners, 164 resident households, and 43 commercial ventures/businesses with a total of 894 trees. The compensation for all the trees owned by these eligible PAPs is CFAF 23 735 000. The budget required to compensate the loss of fruit and shade trees is CFAF 132 019 000.

11.17. The identified infrastructures and public utilities, such as schools, mosques and churches, will be replaced by new ones on the new site, in accordance with the development plan of the new site. Private-owned collective properties (a private school, for example) can be compensated in kind on the new site or in cash, at the owner's choice. The total value of public infrastructures lost in the highway section is CFAF 1 345 473 000 (round figure). For each religious property lost, a ceremony will be organized before the displacement if the affected populations so desire. With a total of 12 mosques and 1 church, the budget to be set aside for this compensation is CFAF 6 300 000. The budget to be earmarked in the RAP to cover loss of infrastructures and public utilities and the costs of ceremonies is CFAF 1,359,152 000.

11.18. The moving costs for eligible households, commercial ventures and businesses, i.e. those located within the area of the final design and over 15% of whose concession is affected by the highway route, will be paid in cash. An amount of CFAF 150 000 is earmarked for each household and commercial venture/business as compensation. Thus, with 816 resident owner households, 2 097 tenant households, and 873 commercial ventures and businesses to leave the area, the total budget to be earmarked is CFAF 567 900 000.

11.19. As mentioned above, this assistance will be financed under the contingency item of the budget. Thus, there will be no additional budget for that purpose. The assistance will be provided, if necessary, through the contingency item of the budget.

b. Keur Massar-Diamniadio Section

11.20. The compensation costs of private residences (uninhabited plots and houses) is estimated at CFAF 6 633 506 000. Private residence owners with legal title deeds or purchase deeds and who have received building permits for their buildings (or are capable of obtaining them) will be paid compensation in cash corresponding to the replacement cost of the land. The compensation costs for orchards and gardens are CFAF 1 046 055 000. Orchard owners and gardeners within the route of the highway section will be paid for the lost crops and compensated for the lost land, amounting to CFAF 7 679 561 000.

c. Pikine Restructuring Zone

11.21. The total amount to be paid as compensation is CFAF 14 266 400 000 broken down as follows:

- Compensation for loss of land: As regards the concessions affected but not displaced (1 137 concessions), the total amount of compensation for the loss of land belonging to these owners is about CFAF 1 400 000 000. For the affected concessions “required to leave” the area, 51% of owners declare that they would prefer compensation in kind, while 44% would prefer to be paid cash, i.e. CFAF 1 513 464 240.
- Compensation for loss of buildings: As regards the concessions affected but not displaced, the amount for loss of buildings for the 1 137 “concessions that remain in the area” is estimated at CFAF 5 590 000. Compensation for the temporary loss of buildings of concessions “that remain in the area” is estimated at CFAF 114,830,000. For the affected concessions “required to leave”: 259 cases for an overall amount of CFAF 2 047 959 428. The

compensation in kind for loss of buildings in the concessions “required to leave” is estimated at: CFAF 1 922 918 220 (indicative amount). The amount to be used to compensate owners of commercial establishments outside the concessions is CFAF 126,300,000.

- Loss of housing for tenant households of the concessions “that could remain” is estimated at CFAF 229 028 816, as against CFAF 98 473 096 for loss of housing for tenant households of concessions «required to leave».
- For the temporary losses of income for owners of rented spaces, the total compensation for “owners of rented spaces” is: CFAF 90 530 752 for the renting of houses (concessions “that may remain”); CFAF 38 498 912 for the renting of houses (concessions “required to vacate”); CFAF 10 300 850 for the renting of commercial establishments (all affected concessions).
- The amount earmarked to compensate income losses for commercial establishments slightly exceeds CFAF 500 000 000. Special cases will include the Thiaroye and Waranka markets (CFAF 353 655 500), specific cases of mosques (CFAF 92 438 080), and specific cases of vulnerable households that should benefit from specific assistance.

12. IDENTIFICATION OF RESETTLEMENT SITES

12.1. APIX has already identified and selected the resettlement site. The site selected by APIX is mainly within the urban and rural context of the administrative district of Keur Massar and the rural community of Sangalkam.

12.2. The zone for resettlement of the affected populations covers a surface area of 165 ha north of Keur Massar and west of Tivaouane Peul, and should be considered, for the purpose of the study, as a population-free virgin land. In reality, there are various buildings within the site and huge areas are used for market gardening. These areas are the Mbeubeuss and Khaaw valleys used by the Tivaouane Peul and Niakoul Rap communities. A specific RAP for this zone should be prepared by APIX, and is not part of the Tecresult mandate.

12.3. At present, this sector of the great Dakar region has several resettlement projects including that of “Fondation droit à la ville” (FDV) which is currently developing as an extension of the Keur Massar urban fabric, as well as the Jaxaay project some three kilometers south of the APIX site. Furthermore, several plots that are in the project phase or are being developed are located east of the resettlement site. More than 1 000 development hectares and improved plots programmes are located south of the site. These residential projects are precursors of the intensive urbanization that is rapidly taking root in this region.

12.4. Within its local context, it is noted in particular that : (i) the site is located at the extreme east of Mbeubeuss lake, opposite the Mbeubeuss regional dump about two kilometres from Keur Massar; (ii) the site is strategically located. Indeed, it is located near the Tivaouane Peul community and between the sea, the urbanized part of Keur Massar, and the future urban development sites. This geographical position within Keur Massar Council and close to Tivaouane Peul could be advantageous from the viewpoint of development of autonomous economic activities that are complementary to the local activities; and (iii) the relative distance of the site in terms of extension of the municipal services and dealers’ networks of Keur Massar makes connection to existing networks more costly.

13. HOUSING, INFRASTRUCTURES AND SOCIAL SERVICES

13.1. The public infrastructures to be built on the new site will be planned on the basis of the compensation for the public utilities. The compensations are based on the following assumptions: replacement of all existing community facilities with new ones, sufficient number of classrooms to enable children of school age to go to school, providing health infrastructure which exceed national standards, if necessary, drinking water infrastructures that meet all the needs and are designed to satisfy future expansion needs, and collective sanitation infrastructures in the form of underground collection system covering the entire site. All in all, the project intends to build socio-collective facilities on the resettlement site: 3 health posts, 6 schools, 9 mosques, 1 big mosque, 1 church, 3 basketball fields, 3 football fields, 3 public squares, 2 police posts, 2 post offices, 3 public markets, 1 big public market, 6 green spaces, 1 fire station, 1 bus terminal, 1 water station, and 1 socio-cultural facility.

13.2. Furthermore, as regards private buildings, it should be noted that all the buildings and other constructions to be replaced will be built in strict compliance with construction standards to ensure safety and durability. The construction work will be entrusted to contractors who will have the contractual obligation to recruit local labour.

13.3. Level 1 restructuring will comprise structuring investments (storm water management network, the main road network (primary and secondary roads) including 3 km of primary roads, 20 km of secondary roads, and 4 km of structuring tertiary roads, and business centres in Camp Thiaroye, Waranka and Seven Up. Level 2 restructuring will comprise investments mainly for school and basic health infrastructures, and the tertiary road network.

14. IMPLEMENTATION SCHEDULE

14.1. It should be noted that implementation of the various measures and actions proposed in the resettlement action plan at the appropriate time and under the suggested conditions will be very important in achieving the objectives. The implementation schedule for the activities relating to the resettlement, from preparation to implementation, including the approximate dates, is presented below:

a. Pikine-Keur Massar Section

RAP Components	Period
A. Information campaign	
• Validation of RAP by the PAPs	0.5
• PAP sensitization and information campaigns	continuous
B. Acquisition of land	
• Declaration of public utility	1.0
• Declaration of transferability	1.0
• Demarcation of the road area	3.0
• Negotiation of compensation estimated by the PAPs	In the RAP
• Informal occupation (Operational Group)	3.0
• Title deed (Conciliation Committee)	3.0
• Evaluation of occupation (in case of disagreement during the initial negotiations)	4.0
• Estimation of compensations (in case of disagreement during the initial negotiations)	4.0
C. Compensation and Payment to PAPs	
• Approval and transfer of funds	4.0
• Compensation to PAPs	
• Informal occupation (Operational Group)	4.0
• Title deed (Estates service)	4.0
D. Invitations to bids	
• Preparation of bidding documents	3.0
• Invitations to bid and negotiation of contracts	3.0
E. Construction and development of the new site	
• Development and construction of the new site and allocation of new houses (Assumption: 10 contractors, see final design)	24.0
F. Displacement of facilities and persons	
• Displacement assistance	13.0
• Taking possession of new lands	12.0
G. Commencement of civil works on the highway (Pikine-Mbao)	NA
H. Development support measures	
• Development requirements survey	3.0
• Implementation of the development programme	6.0
I. Monitoring and evaluation	
• Monitoring of RAP implementation	Continuous
• Monitoring and evaluation of development measures	12.0

b. Keur Massar-Diamniadio Section:

14.2. The schedule of tasks for RAP implementation is presented below:

Activity	Start-up date
I. Information campaign	
• Information dissemination	December 2006, then continuously
II. Acquisition of land	
• Declaration of public utility	May 2003
• Declaration of transferability (Land Registry)	July 2007
• Evaluation of occupation	March 2007 (preliminary)
• Estimation of compensations	March 2007 (preliminary)
• Negotiation of compensations	Last quarter 2007
• Informal occupation (Operational Group)	
• Title deed (Conciliation Committee)	
III. Compensation and payment to PAPs	
• Approval and transfer of funds	First quarter 2008
• Compensation to PAPs	First quarter 2008
• Informal occupation (Operational Group)	First quarter 2008
• Title deed (Lands Service)	First quarter 2008
IV. Displacement of facilities and persons	
• Displacement assistance	First quarter 2008
• Taking possession of land	Second quarter 2008
• V. Monitoring and evaluation	
• Monitoring of RAP implementation	As from June 2007
• Evaluation of the operation	June 2008
VI. Commencement of civil works	August 2008

15. **COST AND BUDGET**

a. **Pikine-Keur Massar Section**

15.1. This section of the report presents all costs relating to the implementation of the Resettlement Action Plan. The estimates include not only the compensations for the losses already assessed in chapter 11, but also the costs relating to the physical displacement of the populations and their property, the costs of support measures to facilitate transition during the adjustment period, and the costs of proposed development measures. The overall budget for the implementation of the Resettlement Action Plan is estimated at CFAF 10 800 370 000. This amount includes compensations which total CFAF 8 764 500 000, and costs relating to other resettlement measures amounting to CFAF 514 725 000. More than 80% of the overall budget is devoted to compensation in kind and cash for the PAPs. All the costs were based on constant prices in 2006. However, reserve funds of CFAF 1 314 375 000 were included in the budget to protect the compensations of affected persons against inflation. The 10% contingency fund, which amounts to CFAF 55 470 000, applies only to RAP expenditures other than compensations.

15.2. The various meetings and consultations (focus group), as well as negotiations with the stakeholders led to concerted and consensual agreement on the basis for evaluating the compensations and estimating the overall costs relating to the resettlement. The estimates were made on a negotiated basis, taking into account the views of technical services of the Assessment Committee, as well as estimates made by the affected persons themselves.

b. Keur Massar-Diamniadio Section

15.3. The proposed budget is about CFAF 9 974 79 178. The budget includes the right-of-way acquisition costs, plus a negotiation margin for the formal properties, and the costs of monitoring and evaluation which will be conducted by the Operational Group expected to sign a contract with APIX, and a margin for contingencies.

c. Pikine Restructuring Zone

15.4. The RAP implementation budget is extremely: CFAF 13 200 000 000. This budget covers the following: compensation of affected properties at the market price of new ones (without deterioration factors), equitable compensation of owners without formal title deeds, various implementation and support measures, and reserve funds equivalent to 15% of the compensation to protect the affected persons against inflation.

16. MONITORING AND EVALUATION

16.1. The main objective of the resettlement action plan is to ensure that the living conditions of the affected persons are equivalent to or better than before implementation of the highway project. Consequently, the monitoring and evaluation of actions proposed in the resettlement action plan must focus, as a matter of priority, focus on achieving this objective. Once the final RAP is approved, APIX should immediately launch its implementation to ensure that the resettlement operation is completed before the civil works begin, and this is a fundamental condition.

16.2. The resettlement operation as such will consist in negotiating compensations based on the properties and assets identified, and in establishing a Conciliation Commission which will determine the compensations in case of disagreement. After receiving their compensation and once the new site is developed, the PAPs can move to the new site or start building on the new sites. Thus, construction works cannot start unless all the PAPs are compensated and relocated on a permanent basis, and the new site is completely ready.

16.3. When the PAPs move to the new site, the compensations should be monitored to ensure that the PAPs are satisfied with their compensations in kind (houses, commercial buildings, etc). The development measures identified during the requirements survey proposed in the RAP could begin after the PAPs are well settled in their new environment.

16.4. Monitoring the RAP implementation consists in permanently ensuring that: the actions included in the UESLE work programmes, as well as the contractual operations, are implemented within the prescribed time frame; the costs of the measures are in accordance with the budgets. The monitoring operation is determined by the UESLE work programmes, the sub-contractors' contracts, and protocols concluded with third-parties (Local Authorities, for example).

16.5. The monitoring of RAP implementation is the responsibility of the UESLE charged with the highway project management and, more particularly, of a specialist in programming, monitoring and evaluation.

16.6. The monitoring of RAP results will concern the work programmes, as “expected results”. These results are first, and mainly the intermediate results (the commercial buildings are constructed on the new site and used), as well as the final results (the incomes of commercial ventures return to normal, etc.), as these results determine the impacts (increase in incomes, improvement of the standard of living, etc.). The views expressed by the PAPs and their representatives will be part and parcel of the monitoring system. They should draw the attention of APIX to the validity and, more particularly, acceptability of measures proposed for the project area.

16.7. The PAPs will participate in the monitoring/evaluation system in different ways: collection of simple data points on their activity, participation of PAP representatives in meetings on programming, monitoring and evaluation, particularly in Local Liaison Committees (LLC), participation in meetings of the LLCs during preparation of work programmes and evaluation of the preceding programme’s implementation, contacting their representatives or the UESLE in case they are not satisfied with the RAP implementation and interventions by operators, participation of Local Authorities and/or PAP representatives in the acceptance of investments concerning them, opinion polls during the evaluations, regular visits by a sociologist consultant who will identify problems and risks linked to community and inter-community cohesion, as well as unforeseen situations of marginalization or impoverishment of households.

16.8. The RAP identified some environmental and social components, which will require monitoring during the construction and operation phase of the project. Monitoring will focus on the following components: information and consultation, quality and standard of living, gender equity, administrative and social organization, land use, concessions, buildings and equipment, activities of businesses and traders, agriculture, fruit and non-fruit trees, infrastructures and services, and cultural and religious heritage.

16.9. RAP monitoring measures to be undertaken during the displacement and resettlement of the PAPs: quality and standard of living, security of goods and persons, gender equity; housing, economic activities, and infrastructures and services.

16.10. RAP monitoring measures after displacement and resettlement: quality and standard of living, economic activities, health, and compensation for damage and losses.