CASE SUMMARY OF SENEGAL REQUEST

CASE STORY

THE REQUEST RELATING TO THE DAKAR-DIAMNIADIO HIGHWAY PROJECT IN SENEGAL
1. **Introduction**

On 22 July 2011, CRMU registered two requests relating to the Dakar-Diamniadio Highway. The first Request was submitted by Mr. Mamadou Mbaye, the Head Teacher of Imam Moussa Mbaye Guinaw Franco-Arabic School located in Rails Sud, Senegal. The second one was submitted by Mr. Mohamed Aïdara, who was also representing the affected members of the Tenants Association (CLAP) located in Guinaw-Rails Sud, Senegal. The Head Teacher alleged that the relocation of the school to pave way for the project would deprive pupils of their studies and the teachers of their income, and will hinder the social mission of the school. The CLAP alleged that the compensation paid to the affected tenants was insufficient to enable them find affordable housing. The Requestors demanded CRMU to intervene to help them resettle in better off conditions. (See document No.1-“The Request” in the Annex).

CRMU combined the two complaints into one Request since the complaints related to the same project involuntary resettlement and inadequate compensation and the Requestors asked for the resolution of their problems through problem-solving. On 25 July 2011, the Director of CRMU submitted the Notice of Registration of Request to the Boards of Directors, the President and the Requestors whereby he informed them that the Request relating to the “Dakar-Diamniadio Highway” Project in Senegal had been registered for problem-solving (see document No.2 - “Notice of Registration of Request” in the Annex) . The Bank Management Response to the Request was submitted to CRMU on 25 August 2011 (see document No.3. “Management Response” in the Annex). On 23 September 2011, the Management confirmed its engagement in the CRMU problem-solving exercise.

2. **Project Background**

The Dakar-Diamniadio Highway project is a public-private partnership operation. The Highway construction covered a 32-Km stretch of the road within a duration of five years (2009-2014). In 2009, the Board of Directors of the AfDB approved UA45 million as a loan for the public sector part of the project, and in 2010, the Boards approved EUR 12 million for the private sector activities. The executing agency of the project was L’Agence Nationale de Promotion de l’Investissement des Grands Travaux (APIX). The project was classified by the Bank as Category 1, due to its high potential negative impacts on people and the environment. The project displaced 3350 families and disrupted economic activities, and the corresponding mitigation measures included development of new resettlement site for the people affected by the project (PAPs) or cash compensation paid to 30% of the affected families as they opted not to be relocated to the new site.

3. **The Steps of the Problem Solving Exercise**

3.1 **Fact-Finding Mission And Follow up Actions**

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1 Appraisal Report of Dakar-Diamniadio Highway, 2010
Following the Registration of the Request, CRMU conducted a fact-finding mission to Senegal from 10 to 14 October 2011 to visit the affected school and the houses of tenants and meet with Requestors, the APIX, the Bank staff responsible for the project in the Headquarters and the Bank Country Office in Senegal (SNFO) (the Parties). On 13 October, 2011, CRMU held a joint meeting of the Parties to help them find an agreeable solution to the problems raised by the Requestors. The meeting covered the following:

- The first Requestor (Head Teacher of the School ‘Ecole Franco-Arabe’) demanded the APIX to: (i) relocate the school to suitable area and provide financial support of FCFA 16,000,000 to construct the new school; (ii) compensate the teachers for the loss of income; (iii) cover the fees of the students who were enrolled in the affected school; (iv) find sponsors like those who used to support the school; (v) pay compensation for the demolition of the old school; and (vi) facilitate means of transport for the students to come to the new school. In response, the APIX offered to prepare the plan of the new school, facilitate for the Head Teacher to contact with competent administration offices, and oversee the construction of the new school including providing the construction materials.

- The second Requester (CLAP) demanded the APIX to: (i) expedite the payment of compensation to tenants who had not yet received it; (ii) help the tenants to establish a cooperative to enable them access social housing; and (iii) facilitate the tenants to access land in the new resettlement site; and (iv) help the tenants to build houses under a facilitated payment plan. In response, the APIX offered to pay the outstanding compensation by the end of October, 2011, and with support of an NGO, help the tenants establish their cooperative and to advocate their rights to access land.

At the end of the meeting:
- The Head Teacher rejected the aforementioned offer made by the APIX. Accordingly, the APIX and SNFO agreed to meet again with the Head Teacher on 18 October, 2011 at the project office in Pikini to find an alternative suitable solution.
- The APIX and CLAP signed an agreement whereby APIX committed to speed up the payment of compensation to tenants who had not yet received it, and to assist CLAP to establish a cooperative to access land.

3.2 CRMU Follow-Up and Further Consultations

CRMU continued to follow up with the Requestors. SNFO informed CRMU that the APIX and the Head Teacher met on 18 October, 2011. However, the Head Teacher did not accept the offer made by the APIX to pay FCFA 1,500,000 as compensation for the disruption of school activities. The Head Teacher’s position was that he used to live close to the demolished school. When both his house and the school were acquired by the project, the compensation for his
demolished house enabled him to buy and build a new house in a large piece of land in a remote area. Due to shortage of funds, he proposed that the new school be built in the undeveloped part of this land and the school premises be enlarged by transforming two rooms- adjacent to this land- into class rooms. With this proposal, he argued that the compensation offered by APIX was insufficient.

CRMU held further consultations with the Head Teacher, SNFO and APIX. Subsequently, a third meeting was held on 28 November 2011 between the APIX and the complainant. The parties agreed that: APIX will pay the Head Teacher FCFA 3.5 million as a compensation for loss of income and disruption of the school year due to the resettlement. In addition, it will offer other resettlement benefits, such as covering cost of education materials, preparing the plan for transformation of the two rooms into classrooms and supply and install signposts in the street to indicate the location of the new school.

4. The Problem-Solving Report

Upon successful resolution of the complaints of the Head Teacher and the CLAP, the Director of CRMU prepared and submitted the Problem-Solving Exercise Report to the President, the Boards of Directors and the Requestors on 03 January 2012 (see document No. 4-“Problem-Solving Report” in the Annex). The Report confirmed that the Requestors were satisfied with the outcome of the settlement agreements reached with the APIX. In this agreement, APIX was to fulfil its commitments over a period of 8 months, and therefore the Director of CRMU recommended that CRMU should monitor these actions over a period of twelve months.

5. CRMU Monitoring Mission and its Outcome

In accordance with Paragraph 40 of the IRM Rules of 2010, CRMU conducted a monitoring mission in Senegal from 18 to 21 December 2012. The objective of this mission was to assess whether APIX had fulfilled its commitments to the Requestors as contained in the Settlement Agreements. CRMU facilitated two meetings with the Requestors, APIX and SNFO, and visited the new school. On 19 December 2012, CRMU convened a meeting for building confidence among the Parties and invited LEAD Afrique Francophone-which was the project witness NGO- to sit as a rapporteur. The positions of the Parties could be summarized as follow:

- The first Requestor, the Head Teacher acknowledged that APIX had fulfilled its commitments, and that he was satisfied with the compensation amount provided by APIX because it enabled him to resettle the school in acceptable conditions.

- The second Requestor, representative of CLAP, confirmed that APIX had paid compensation to all affected tenants. In addition, CLAP and APIX agreed to invite a specialist in housing cooperatives and the NGO Inge SAHEL/Enda Graf, to an information session with members of CLAP to be held on 20 January 2013 at the headquarters of the
Coordinating Committee for the Development of Guinaw-Rails. In this context, CLAP agreed that APIX will provide technical support while CLAP will pursue the legal procedures to establish its cooperative. On 09 January 2013, APIX provided CRMU with a copy of official letter that it had addressed to the Department of Agriculture which is in charge of the housing cooperatives, requesting this Department to assist CLAP and to help it acquire land ownership.

6. Closure of the Problem Solving Exercise

Upon the Requestors satisfaction with the outcome of the settlement agreements reached with the APIX, the Director of CRMU considered that:

- The willingness of the Parties to abide with the settlement agreements was instrumental to the success of the problem solving exercise.
- In accordance with Paragraphs 39 and 40 of the IRM Rules (2010), the Director of CRMU closed the problem-solving exercise since the issues raised by the Request (Request No. RQ2011/01) in relation to the Dakar-Diamniadio Highway Project were successfully solved.

On 19 February, 2013, the Director of CRMU submitted the Closure of the IRM Problem-Solving Report to the Boards of Directors, the President, and the Requestors (see document No. 5-“Closure of Problem-Solving Report” in the Annex).
## Annex

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