

AFRICAN DEVELOPMENT BANK GROUP



SENEGAL

DAKAR-DIAMNIADIO HIGHWAY PROJECT

CLOSURE OF THE IRM PROBLEM SOLVING EXERCISE

REQUEST NO. RQ2011/01

CRMU DEPARTMENT

December 2012

Translated document



**INDEPENDENT REVIEW MECHANISM
COMPLIANCE REVIEW AND MEDIATION UNIT**

CLOSURE OF THE IRM PROBLEM SOLVING EXERCISE

SENEGAL - DAKAR-DIAMNIADIO HIGHWAY PROJECT

REQUEST NO. RQ2011/01

“Request Registered for a Problem Solving Exercise”

December, 2012

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ACKNOWLEDGEMENTS

The Compliance Review and Mediation Unit (CRMU) would like to acknowledge the support of the Requestors, the National Investment Promotion and Major Projects Agency (APIX), Lead Afrique Francophone, the African Development Bank Management and the Bank's Regional Office in Senegal. The technical assistance provided by these project stakeholders facilitated considerably the assessment of the Request related to Dakar-Diamniadio Highway Project in Senegal and CRMU processing of the complaint through a problem solving exercise. The successful handling of the Request is the subject of this Report.

ACRONYMS AND ABBREVIATIONS

AfDB	African Development Bank
APIX	National Investment Promotion and Major Projects Agency
CLAP	Project Affected Tenants Association
CRMU	Compliance Review and Mediation Unit
IRM	Independent Review Mechanism
SNFO	Bank Office in Senegal

EXECUTIVE SUMMARY

The Compliance Review and Mediation Unit (CRMU) received two Requests in June 2011 relating to the Dakar-Diamniadio Highway Project in Senegal. 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, representative of the Project Affected Tenants Association (CLAP) in Guinaw-Rails Sud, Senegal. The Requestors raised several issues indicating a direct harm that may be inflicted on their constituents by the project. The Head Teacher complained that the relocation of the school to another site would deprive pupils of their studies and teachers of their income. CLAP claimed that the compensation offered to the affected tenants was inadequate.

Pursuant to paragraph 31 of the Rules and Procedures of the Independent Review Mechanism (IRM), CRMU registered the Requests in July 2011 for a problem solving exercise, and Bank Management submitted its response to the Requests to CRMU in August 2011.

CRMU commenced the problem solving exercise by conducting a field mission to Senegal in October 2011. In accordance with Paragraph 39 of the IRM Rules, the Director of CRMU submitted the IRM Problem Solving Report to the President and Boards of Directors in January 2012. The Report confirmed that the Requestors were satisfied with the settlement agreements reached with the National Investment Promotion and Major Projects Agency (APIX) that was to undertake mitigation measures over a certain period. Accordingly, the Director of CRMU recommended that CRMU would monitor the implementation of these measures over a period of twelve months.

In line with Paragraph 40 the IRM Rules, CRMU conducted a monitoring mission to Senegal in December 2012 to follow up on the implementation of mitigation measures by APIX as provided in the settlement agreements it had signed with the Requestors in 2011. During this mission, the Officer in Charge of CRMU (OIC)^{1*} held two meetings with the Requestors, the Bank's task manager of the project in Senegal and APIX, and visited the new premises of the school. In addition, after the monitoring mission, CRMU received additional information from APIX confirming that it had offered the necessary technical support to CLAP and that the latter accepted the terms of the provided support.

In light of the above-mentioned facts, the OIC considers that APIX has honoured all its commitments regarding compensation and resettlement to the satisfaction of the Requestors. **Therefore, in keeping with Paragraphs 39 and 40 of the IRM Rules and Procedures, issues raised in the Request related to the Dakar-Diamniadio Highway Project (Request No. RQ2011/01) registered for a Problem Solving Exercise, are considered successfully solved.**

¹ OIC was responsible for CRMU during 1 February- 31 December, 2012 in the interim of processes of recruitment of the new Director of CRMU

I. INTRODUCTION

1. In July 2009, the Board of Directors of the African Development Bank approved, through its public sector window, a loan of UA 45 million for the Dakar-Diamniadio Highway Project, in particular, to finance the construction and development of the resettlement site.² The National Investment Promotion and Major Projects Agency (APIX), a company with a majority public capital, was responsible for monitoring the project's implementation. In July 2010, the Board also approved, through its private sector window, a loan of EUR 12 million and a credit facility confirmation of EUR 1.5 million to finance construction of a 20.4-km stretch of the Highway.³ Eiffage de la Nouvelle Autoroute Concédée (SENAC), a limited liability company in Senegal, was responsible for the operation and maintenance of the toll Highway.⁴ The project should be implemented from July 2009 to May 2014.

2. On account of its potential negative impacts, the project was classified under Category 1. The main negative impacts of the project were the displacement of 3350 families and disruption of economic activities. The mitigation measures planned under the project included:

- (i) Financial compensation for persons affected;
- (ii) Development of the resettlement site;
- (iii) Relocation of most affected families to the new resettlement site and payment of financial compensation to the 30% of families if they demand not to be relocated.⁵

3. CRMU received two Requests in June 2011 relating to the Dakar-Diamniadio Highway Project in Senegal. 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, representative of the Project Affected Tenants Association (CLAP) in Guinaw-Rails Sud, Senegal. The Requestors raised several issues indicating a direct harm that the project may inflict on their constituents. The Head Teacher complained that the relocation of the school to another site would deprive pupils of their studies and teachers of their income. CLAP claimed that the compensation offered to tenants was inadequate.

4. In accordance with the IRM Rules, the Director of CRMU registered in July 2011 the two Requests as one case for a problem solving exercise. The Bank Management submitted its response to the Request to CRMU in August 2011.

² Board Resolution No. F/SN 2009/46.

³ Board Resolution No. P/SN 2010/19.

⁴ Appraisal Report of the Dakar-Diamniadio Highway Project, July 2010, p.1.

⁵ *Ibid.*

II. OUTCOME OF THE PROBLEM SOLVING EXERCISE

5. CRMU initiated the problem solving exercise by a field mission, in Senegal, from 10 to 14 October 2011 that led to the following results:

- (i) APIX and CLAP signed an agreement in October 2011 whereby APIX committed to speed up the payment of compensation for tenants who had not yet received it, and assist CLAP to establish a cooperative in order to gain access to land ownership;
- (ii) APIX and the Head Teacher of the affected school signed an agreement in November 2011 whereby APIX accepted to offer resettlement benefits and compensation covering the provision of assistance and education materials to the pupils, transformation of some rooms into classrooms in the Head Teacher's residence (where the school is relocated), preparation of the plan to build new classrooms, and supplying and installing signposts in the street to indicate the school's new location. Moreover, APIX accepted to pay the Head Teacher a sum of CFAF 3.5 million as a compensation for disruption of the school year and the loss of income due to the school's relocation;
- (iii) In keeping with Paragraphs 38 and 39 of the IRM Rules, the Director CRMU submitted the IRM Problem Solving Exercise Report to the President and the Boards of Directors on 3 January 2012. The Director recommended that since, under settlement agreements, APIX should undertake mitigation measures over a certain period; CRMU would monitor their implementation within twelve months.

III. FINDINGS OF THE CRMU MONITORING MISSION

6. According to Paragraph 40 of the IRM Rules, CRMU conducted a **monitoring** mission in Senegal from 18 to 21 December 2012. The objective of this mission was to monitor the implementation of mitigation measures by APIX as provided in settlement agreements signed with the Requestors in 2011. CRMU OIC facilitated two meetings with the parties and the project task manager at Bank office in Senegal (SNFO), and visited the new location of the school.

7. During the monitoring mission, CRMU facilitated a meeting on 19 December 2012, at SNFO for the Requestors (Head Teacher of affected school and representatives of CLAP) and the representative of APIX. Participants included the project task manager at SNFO and the representative of NGO LEAD Afrique Francophone who was the rapporteur. They discussed progress made in the implementation of mitigation measures by APIX. The first Requestor, the Head Teacher of the school acknowledged that APIX had fulfilled its commitments, and that he was satisfied with the compensation received since it had enabled him to resettle the school in better conditions. The representative of the second Request, CLAP, also confirmed that APIX had met all its financial obligations toward them.

8. In addition, CLAP and APIX agreed to organize for CLAP's members an information meeting on conditions of affiliation to a cooperative, on 20 January 2013 at the headquarters of the Coordinating Committee for the Development of Guinaw-Rails, with the participation of a specialist in housing cooperatives and the NGO Inge SAHEL/Enda Graf. In the end, CLAP agreed with APIX's view that its support should remain technical while CLAP pursue with the legal procedures to establish its cooperative.

9. With APIX implementation of mitigation measures, and the results of the monitoring mission, CRMU's OIC considers that:

(i) APIX honoured all its commitments under the settlement agreements to the satisfaction of the Requestors;

(ii) APIX provided CRMU, on 9 January, 2013, appropriate evidence (electronic copy of official letter) that it had requested the Department of Agriculture in charge of the establishment of housing cooperatives to assist CLAP to setup a cooperative that is to help its members access land ownership. CLAP agreed to make direct contact with the said Department.

10. In light of the above-mentioned facts, and in accordance with Paragraphs 39 and 40 of the Independent Review Mechanism (IRM) Rules and Procedures, **the issues raised in the Request related to the Dakar-Diamniadio Highway Project (Request No. RQ2011/01) registered for a Problem Solving Exercise, are considered successfully solved.**