PROJECT: RICE PROJECT OF SAINT-LOUIS AGRICULTURAL COMPANY
COUNTRY: SENEGAL

SUMMARY OF THE RESETTLEMENT ACTION PLAN (RAP)

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INTRODUCTION

Upon request by Arthur Straight Investment (ASI), the Bank intends to co-finance the Rice Development Project of the Compagnie Agricole de Saint-Louis, Senegal (CASL).

The implementation of the planned investments will require the acquisition of land from the population of the area chosen for the project implementation. Therefore, a comprehensive resettlement plan has been prepared by the Sponsor in accordance with national procedures and the procedures of the African Development Bank. This document provides a summary of it.

Note that the RP was developed while the process of acquiring the required land had already begun. The Consultants team mandated by the Sponsor and a mission of the African Bank have therefore sought to verify the compliance of acts and regulation where necessary.

Finally, it should be noted that this RP is essentially about Phase 1 of the project, which involves for agricultural development, the acquisition of 2,024.5 ha of land at the Djeuss site. With Phase 2 of the project, land acquisition will reach 4,500 ha. The site chosen for the agro-industrial unit is part of decommissioned protected lands of Ndial and reassigned to CASL by the Municipality of Diama (e.g. Rural Assembly of Diama before 2014).

I. PROJECT DESCRIPTION AND ITS AREA OF INFLUENCE

I.1. Project Description

The Rice Project of the Compagnie Agricole de Saint-Louis (CASL), Senegal, aims to promote food security in Senegal by producing locally white rice for the local market. It will have the following components: (i) development of four thousand (4,000) net hectares of irrigated rice farming in the Senegal River Delta to produce 56,000 tons of paddy rice; (ii) contracts with farmers for the production of a minimum of 9,000 tons per year of paddy rice; (iii) Storage capacity of 30,000 tons of paddy rice; (iv) production and marketing of 45,000 tons of white rice (plain and flavoured rice) per annum in the local market.

I.2 Project location

The project is located in the delta of the Senegal River in the municipality of Diama. The farm is located on the site of Djeuss (zone 1 on the map). The agro-industrial site is located on the edge of the town of Ross-Béthio.
The RAP focuses on land acquisition of the site of Djeuss, earmarked for agricultural development.

**Figure 1. Map of Senegal (left) and the project area (right zones 1, 2 and 3)**

**Demographic and administrative situation:** The Municipality of Diama is located in the District of Ndiaye, in the Department of Dagana, in the Administrative Region of St. Louis. It has 67 official villages and several hamlets. The scattered settlements that characteristic of the Municipality are reflecting the desire of space occupation by people close to their areas of activities, mainly livestock breeding and farming. The Municipality of Diama has a population of 46,416 inhabitants, including 51% of women. Furthermore, there is a majority of young people with 56% under 20, and 22% in the 20-35 age group. The settlement consists mainly of Pulaar and Wolof.

**Education:** The municipality of Diama has several schools covering the level of early childhood, preschool, intermediate and secondary education. Literacy and Koranic education are widespread with 4 literacy centres and 25 Arabic teaching schools identified.

**Health:** The town of Diama has 04 health posts (Diama, Ross-Bethio, Savoigne and Djoudj) and 26 health centres which depend on the Health District of Richard Toll, located in the department of Dagana. The most commonly encountered diseases in the region are Acute Respiratory Infections (ARI), injuries (wounds), diarrhea, High Blood Pressure (HBP), hematuria, Helminthiases and flu. Diseases controlled by large state-funded and partners programs, include among others: HIV/AIDS, malaria, schistosomiasis, tuberculosis. For malaria, morbidity declined from 30.8% to 0.52% and malaria-related mortality has followed the same trend. Waterborne diseases may also expand due to the establishment of the Project, which in its implementation and in the operational phase may entail potential development risks of waterborne diseases throughout the area of influence.

**Water and sanitation:** In the Municipality of Diama, drinking water remains a major concern for the population. The access rate to safe water within a radius of one (1) km from a borehole, a water purification station or fountain, was 49% (Source: PLD 2010 -2015). The lack of drinking water supply pushes people to fetch water directly from watercourses (River, backwater, channel) with all the health consequences. The use of groundwater is relatively low due to the salinity of the water table. In terms of sanitation, there is no organized garbage management solution (wild dumping and, eventually, burning as a final treatment, despite the presence of the Gandon municipality landfill). In addition, there is the threat of faecal peril (25% of households do not have latrines and defecate in the open air).

**Economic activities:**

Irrigated agriculture is practiced in the Walo area where the huge availability of water provides for the development of an irrigable area of around 45,000 ha.

Livestock is a key activity in the area. It is practiced by all ethnic groups present in the area and everywhere across the municipality. All forms of animal rearing are practiced in the area, namely, small ruminants, cattle breeding, poultry farming.
The proximity of the Senegal River and its distributaries favours inland fisheries in the municipality of Diama throughout the year in streams (distributaries) and channels of the irrigation schemes.

The artisans are present in the project area (municipality of Diama and municipality of Ross-Béthio) through various artisan trades: tanning, carpentry, mat weaving, pottery, hairdressing, etc. These are sometimes secondary activities performed by women to earn small cash income.

Trade is an intense activity in the Project area of influence, particularly in big towns like Mboundoum Barrage in the town of Diama. The town of Diama does not yet have a weekly market and has only eleven (11) small size markets. In each village, there is also at least one shop, and consultations revealed that there is a total of 164 units at the level of the municipality.

Gender and vulnerability

Women represent 51% of the total population of the Municipality of Diama. In the agricultural sector, women are present in the production of rice, tomato and onion, vegetable growing and rice selling. The production of Bissap (hibiscus) is basically done by women. In the field of livestock, women are more active in selling milk and in dairy processing. In the fisheries sector, women are active in the processing of fishery products. Women are much involved in marketing of rice (paddy and white rice), onion and tomatoes in this area.

The report on the economic and social situation in 2011 in the region of St. Louis estimated the percentage of households living below the poverty line at 23.10% in the department of Dagana. The vulnerability affects mainly children under five (20% of the population), the elderly people over 60 years (6%), people with disabilities (1.8%), orphans and poor widows without family support.

II. POTENTIAL IMPACTS

The project consists of irrigation schemes, the infrastructure of the farm and agro-industrial unit, agricultural production, production contracts and the process of drying, storage, processing and marketing of rice. It also involves human and material resources used by the company, as well as needs for inputs and energy. In its Phase 1, the project implementation therefore requires the acquisition of 2,024.5 ha of land on the site of Djuss which was selected by CASL, but already belong to the population in the area. The implementation of the project will impact positively and negatively on the human environment and the living environment, as shown under the two following points.

4.1. Positive impact

The main impact of this project development is the improvement of food security in Senegal. The project will create 250 direct permanent jobs, and nearly 1,000 permanent jobs will be induced by production contracts with farmers. The project will have a significant demonstration effect for the country, because it will be the first large-scale rice farm. CASL will also provide land development of irrigated areas for farmers, and assist in the mobilization of water by constructing channels that other operators may use, and shall participate in social projects for the neighbouring communities.

4.2. Negative Impacts

The properties affected by the agro-industrial project of the CASL are exclusively plots of land for agricultural and pastoral use. Specifically, CASL’s project covers a total area of 2,024.5 hectares held
by 94 people, consisting of fifteen (15) legal entities registered as Economic Interest Group (EIG), or Agricultural Operation Companies or Village Section (SVC), and 79 individuals. These lands were allocated by the Municipality of Diama to all those beneficiaries. The project will lead to permanent loss of land for those people without them having to physically relocate. At the time of transferring the land no infrastructure was built in the plots. Likewise, no agricultural activity was carried out in the plots. So the project will not lead to any losses of tree or crops.

III. ORGANIZATIONAL RESPONSIBILITY

This private sector project is led by the French Arthur-Straight Investment Company, which established in October 2011 its Senegalese subsidiary, called “Compagnie Agricole de Saint-Louis-du-Senegal SA” (CASL SA), registered in St. Louis as a subsidiary of French AfricAgri Holding Company.

The primary responsibility in terms of resettlement rests with CASL SA, the main implementing agency of the project. CASL is responsible for ensuring that involuntary resettlement measures throughout the process of preparation, implementation, monitoring and evaluation activities are conducted in accordance with Senegalese law and the requirements of the AfDB on involuntary resettlement of populations. In this sense, the overall responsibility for designing, preparing and reviewing planning documents, at least in the initial phase, and implementation of resettlement activities is under its responsibility. In practice, this includes the following tasks and responsibilities:

- Reviewing and validating with the competent authorities the resettlement action plan (RAP) report prepared by the consultant;
- Disseminating the report (RAP) at the central and decentralized authorities levels (Prefecture and municipalities affected by the project) and among the targeted communities;
- Ensuring that consultation and information can be held easily in conjunction with local partners such as local authorities (Mayors), farmers, pastoralists and their representatives;
- Overseeing in a participatory manner the implementation of monitoring and evaluation of the RAP.

To achieve this, CASL SA has already recruited an expert on environmental and social issues (EES/CASL). The key mission of the Expert, in connection with the relevant local authorities includes:

- Monitoring the implementation of the Resettlement Action Plan;
- Assistance to all those affected in their resettlement process (development of new plots, access to water for irrigation, training, etc.);
- Monitoring and regular evaluation of activities or socioeconomic reconversion operations;
- Maintaining a record of complaints and claims by those affected.

The Municipality of Diama, the only one affected by the acquisition and reallocation of land as part of the project, shall shoulder the following responsibilities:

- Receiving the RAP;
- Sharing and disseminating the RAP findings to affected populations and their representatives;
- Information, communication and awareness-raising on the process and social measures.
- Treatment of acquisition and redeployment cases.
The Administrative Authority, namely the Prefecture, shall approve the land-use proceedings. It also provides a mediating role in conflict management, failing amicable settlement, or failing to reach a settlement at the Municipality.

IV. COMMUNITY INVOLVEMENT/PUBLIC CONSULTATIONS

Community participation is part of a logical implication of technical services, the people affected by the project and local governance institutions to highlight the social issues of the project and contribute effectively to its sustainability.

6.1. Public Consultations

The overall objective of public consultation is to involve the various stakeholders and the PAPs in making a final decision regarding the resettlement program. The strategy that was put in place to encourage broad community participation is structured around three main axes: (i) general information meetings with institutional and grassroots stakeholders; (ii) Information of the population to be expropriated; (iii) socio-Economic Survey.

The first line consisted of general information meetings with regional institutional actors first (technical services: urban planning, land registry, SAED, Environment, etc.) to collect their views, concerns and suggestions about the planned resettlement activities and support for people affected by the project. Then, other series of meetings were held with grassroots and opinion leaders and those involved in land transfer operations. The meetings were held from 25 to 31 October 2013 (for the first group of 65 PAPs) and from 10 to 17 August 2014 (for the second group of 29 PAPs).

The opinions voices in relation to the project can be summarized into an almost generalized sense of satisfaction with the approach and initiative of the promoter (CASL) that has complied with the rules established, and promoted a broad-based dialogue between the different actors around the project. This inclusive approach contributed to anticipating the risk of resistance in relation to negotiations regarding land issues.

Similarly, according to stakeholders, the development by the project (CASL) of the areas (2,024.5 ha) that were hitherto lying fallow, is a real opportunity to revitalize activities in the area and to sustainable reduce underemployment and poverty in the rural areas.

Fears and concerns raised are related to: the management of rangelands; creation of water point for livestock; diverting project goals to develop other crops than rice; failure by the promoter to respect their commitments for supporting local population.

Socioeconomic surveys were conducted concurrently with the consultation of the population to be expropriated. The surveys are aimed at determining the socio-demographic profile of those affected by the project to provide for measures to support the vulnerable and build a database for monitoring and final evaluation of the resettlement action plan. The survey confirmed that: (i) 98% of respondents participated in the consultations conducted by the promoter and local authorities to discuss the resettlement options; (ii) 96% of those surveyed believe that their choice has been respected in relation to resettlement options; (iii) 97% of the affected population expect the project to respect the commitments, to boost agricultural activity and to prioritize local labour for seasonal jobs created under the project.
6.2. Information to people affected by the project

As they are scattered across villages in the municipalities of Ross-Béthio and Diama, the people to be expropriated were informed by local resource persons or by phone by the project about the mission to prepare the Resettlement Action Plan. Thus, small groups discussions were conducted to gather opinions, concerns, fears and expectations from the expropriated people regarding the resettlement process that was initiated by the project. The meetings were conducted between October 25 and November 2, 2013 (for the first group of 65 PAPs) and from 10 to 17 August 2014 (for the second group of 29 PAPs).

Overall, the affected populations welcomed the project and the entitlements under the compensation process that was initiated by the project. The approach that was adopted by the project is transparent and fair, according to the people involved.

Indeed, since the allocation of plots by the rural assembly of Diama, people are unanimous in recognizing that they have been unable to develop them due to lack of water and soil salinity. Thus, the coming of an operator who will have the means to bring water and develop large areas of land is seen as an opportunity to develop agricultural activity and create jobs for local people.

Fears and concerns are related to: the non-involvement of the population in the implementation of the project; the promoter not respecting the commitments made to the populations; the non-recruitment of local labour.

6.3. Communication plan for local development

The project should represent an opportunity to conduct development-driven communications by promoting natural resources, environment, rural development etc. Besides, the project will consider a communication plan for local development which aims to ensure environmental and social acceptability of the project at the community level, with all players in a network for sharing information both on the environment and on the project itself. The plan aims to enable the players to have – at the community level – a common vision and shared goals of the actions undertaken by the project in a three-dimensional logic: before the project (identification and preparation phase); during the project (implementation phase); after the project (management, operational and retrospective evaluation phase). The communication process refers to the need to fully involve the population in identifying needs, in monitoring and evaluation of activities from the perspective of citizen control, knowledge sharing, participation and social efficiency.

The strategy will build around information, advocacy, social mobilization and capitalization.

The communication plan unfolds through three ways: (i) local consultation or organizing public information days; (ii) organizing community forums; (iii) sectoral meetings with social or interests groups.

As the PAPs still have areas of land, they are now able to undertake their operations with the support of the project.

V. INTEGRATION WITH HOST COMMUNITIES

The project did not result in physical displacement of persons or resettlement in a host site. Thus, no provision is required for settling any dispute that may arise between displaced and host communities.
Similarly, no action is required to increase public services (education, water, health and production) in host communities to make them comparable to those provided to relocated people. In this respect, this section is not applicable.

VI. SOCIO-ECONOMIC STUDIES ON AFFECTED PERSONS

7.1. Geographical distribution

Though the agroindustrial project mainly involves the localities of Diama we can see that the PAPs are from different villages that are located beyond the project immediate area of influence. Thus, the majority of respondents 22.7% are living in Ross-Bethio, followed by Déby Tiguette and Diadiam 3 respectively where 18.2% and 13.6% of respondents are living. The lowest proportions were observed in Owan and Odabe Naware with 2.3% of PAPs. People affected by the project coming from other localities are from Dental 9%, Saint Louis 6% and Dakar.

7.1.1. Structure by age and gender

The distribution of PAPs from 35 to 60 years by five-year age groups has a regular trend, the proportions of each age group are steadily increasing gradually as we move from one age group to the next, from 9.1% at 35-40 years to 12.2% at 55-60 years. From 60 years the trend declines to reach 4.5% in the 65 years and older. We can notice also that the average age of PAPs is quite high – 48.49 years.

![Figure: Age and gender-based structure (Consultant's survey in November 2013)](image)

7.1.2. Gender, vulnerability and marital status

The gender breakdown reveals that 88.6% of PAPs are men; a situation that raises the issue of women’s access to land since they represent only a little over one tenth of the workforce. This situation reopens the debate on women’s vulnerability when taking into account their marital status. Indeed, at the time of the surveys, 20% of women were single, mostly with children under their care. However, only 5.3% of men reported being single.

PAPs are composed of 11 legal entities and 54 individuals. The 65 PAPs represent 390 people. The 65 PAP gender-based is breakdown as follows:

- 11 legal entities (EIG, SVC etc.)
54 individuals, including 11 women and 45 men

7.1.3. Nationality, religion and ethnicity

Regarding the nationality we noted that all PAPs are Senegalese, they are also Muslim. It is only in terms of ethnic groups that differences more or less marked. Note that the Moors and related parties are the most represented with 36.4% of respondents, followed by the Wolof group (34.1%) and the Fulani (25%).

7.1.4. Level of education

The surveys disclosed that the level of education of PAPs was rather low. Indeed, 19% of PAPs have not reached secondary school. A small proportion 9.5% attended primary education. The majority of respondents received Koranic education (about 44% of them).
7.1.5. Occupation and returned PAPs

The survey results have shown that the majority of PAPs are active in the primary sector. Agriculture is their main occupation, involving by 59% of those affected. Animal rearing and crafts are practiced respectively by 9.3% and 7% of respondents. The survey found that women are virtually not active in agriculture; they are rather more dynamic in crafts where they represent 40% of the workforce. The remaining 60% are active in diverse activities, including: administration 20%, trade 20% and domestic work.

The survey results confirmed that 70.5% of PAPs incidentally practice other activities in parallel to their main occupation, mainly in trade 25%, livestock 9.1% and fishing 4.5%.

7.1.6. Average income per number of children

The monthly income of the PAPs is somewhat low although 52% of PAPs reported higher revenues than 200,000 CFA francs per month. However, 18.2% have less than 50,000 CFA francs per month and 20.5% have less than 75,000 CFA francs per month. Low incomes can lead to an economic vulnerability situation if the number of dependent children is high or if the PAP has a disability. In this regards, it should be noted that PAPs with less than 50,000 per month have on average 5.71
children. The average number of children going up to 11 among those reporting an income between 76,000 and 100,000 CFA francs.

![Revenue moyen mensuel selon le nombre d’enfants](image)

**Figure: Average monthly income according to the number of children (Consultant’s survey in November 2013)**

### 7.1.7. Status of occupation of the affected goods

Investigations have revealed that the populations affected by the CASL project are all beneficiaries of land before the start of the resettlement process. They were assigned those plots of land by Rural Assemblies of Diama and Ross-Béthio (before being changed into municipalities in 2008). The first assignees have settled on the land since 2004 – they are the most ancient group representing 2.3% of PAPs – and in 2011 for newly established, representing 27.3%. It may be noted that the majority of PAPs, representing 54.5% of them, have established on these plots following the allocation decision in 2008. However, it should be noted that since their allocation, these lands were never developed.

### 7.2. Inventory of assets of the displaced households

#### 7.2.1. Characteristics of the affected plots

All of the affected properties consists of uncultivated lands which support no agricultural activity and no fixed or removable infrastructure that may be damaged. Since their allocation PAPs are unable to develop the land (water problem; etc.). The area of affected parcels vary between 2 and 100 ha. The highest range of surface areas allocated varies between 10 and 20 ha and represents 29.5%, they are followed by those between 20 and 30 ha and those of 30 and 40 ha which together represent 16% of the plots of land.
7.2.2. Expectations of the people affected

All affected persons interviewed during the survey reported being consulted by CASL on compensation options. Thus, 98.40% of those affected by the land expropriation wished to be compensated in cash. The rest chose compensation in kind in the form of access to water and development of their land by the project. Through the interviews, almost all land owners, around 90% of those who gave their land to the project reported holding other farmlands, except for some non-resident PAPs (civil servants, pensioners and traders) whose primary profession is not farming. The compensation paid by the project have generally been used to fund agricultural equipment for beneficiaries or to launch new activities including poultry farming, trade, etc.

VII. LEGAL FRAMEWORK INCLUDING DISPUTE SETTLEMENT MECHANISMS AND MEANS OF REDRESS

7.1 Legal framework

The legal framework consists of the key environmental and social legal regulations promulgated by the Government of Senegal. It also includes the applicable international conventions ratified by Senegal.

7.1.1 National Framework

The Constitution of Senegal of 7 January 2001 (Article 15) guarantees the right of ownership. The regulations on land tenure in Senegal are based on Law No. 64-46 of 17 June 1964 organizing the management of the land property. In Senegal, land property is divided into three categories: i) the national domain which consists of unprotected land in the public domain, not registered or the ownership of which has not been transcribed in the Conservation of mortgages; ii) the State land that includes the public domain and private domain that are movable and immovable property and rights belonging to the State; iii) private domain that includes land registered in the name of individuals.

Access to land in Senegal is governed by Law No. 64-46 of 17 June 1964 on the national land. This law is enforced through: Decree No. 64-573 of 30 July 1964 laying down the conditions of enforcement of Law No. 64 --- 46 of 17 June 1964 on the national land. Decree No. 64-573 of 30 July 1964 implementing Article 3 of Law No. 64-46 of 17 June 1964 relating to national land allowing, in a transitional basis, the registration in the name of the occupants having built structures of permanent nature. Decree No. 72-1288 of 27 October 1972 concerning the conditions of allocation and

The regulation in terms of expropriation for public interest is based on Law No. 76.67 of July 2, 1976 and the implementing decree 77563 of July 3, 1997. The Law 76-67 establishes a expropriation procedure which the State, for purposes of public utility and subject to fair and prior compensation, as provided under the Constitution of 7 January 2001, may force any person to give the ownership of a real estate or a real right on land subject to private property. This law provides the legal basis for the procedures of relocation and compensation. The usual procedure of expropriation for public purposes includes (i) an administrative stage (inquiry, declaration of public utility, transferability statement, conciliation procedure) that, in the absence of amicable agreement, can lead to; (ii) judicial phase during which the transfer of ownership is made by the judicial authority which sets at the same time, the amount of compensation. Despite the absence of Displacement and Compensation Policy Framework Plan for the population, there is however in Senegal, mechanisms for the resettlement of populations, particularly for the purposes of land restructuring and regularization.

As part of this project, the sponsor does not benefit at all from the acquisition of land by expropriation for public utility declaration, but applies the provisions of Decree No. 72-1288 of 27 October 1972 concerning the conditions of allocation and expropriation of national domain land within rural communities.

Land use

The decrees N° 64/573 and 72/1288 of 30 July 1964 and 27 October 1972 as amended are setting out modalities for national domain land management practices.

The regime of the national land poses two conditions for access to in local area: belonging to the community and valorisation capacity. Allocation is personal and individual (Art.19 Decree 64-573) and cannot be subject to transaction. Its duration is unlimited and gives the recipient a right of use (art. Supra). It can be allocated to either a member of the Community or several members grouped into associations or cooperatives (Article 3 Decree No. 72-1288 of 27 October 1972).

It should be noted that the decisions of the Council on rural land allocation or expropriation are not binding until approved by the Administrative Authority.

Land expropriation

The allocation of land is decided in principle for an indefinite period. But it can be terminated in case of fault by the assignee, upon request, or for reasons of public utility.

Expropriation for reason of “general interest” was provided for in Article 15 paragraph 2 of Law No. 64-46 of 17 June 1964; it may be justified either by specific operations or by the resolve to conduct a general review of allocations. The first category includes expropriation for the development of livestock rangelands for example, for hydraulic engineering, for housing developments..., Article 11 and 14 of Decree No. 72-1288. Furthermore, the Rural Council may, under Article 12 of Decree No. 72-1288, seek a general review of allocations in case of changing demography or cultural conditions require so. In this case the resolution is to be adopted by a majority of 3/4 of its members and approved by Decree.
Expropriation as punishment, under Article 20 of Decree No. 64-573, can be operated automatically one year after formal notice with no effect for the following reasons:

- Inadequate development arising in particular from poor maintenance or failure to comply with regulations applicable to the land;
- Where the recipient no longer lives on the land or does not personally ensure the development of the land allocated.

In the event of expropriation for public interest, the expropriated assignee is given a new plot of land equivalent to the former as compensation. In the event of a reallocation, the new assignee is required to pay to the former or his/her heirs a compensation equal to the value of the buildings and pending harvest estimated on the day of the reallocation.

### 7.1.2 Policies of the African Development Bank (AfDB) on involuntary displacement of populations

The operational safeguard 2 – Involuntary Resettlement applies to AfDB funded projects that cause involuntary resettlement of people. It results in: i) relocation or loss of shelter by residents in the project area of influence; ii) loss of assets (including loss of structures and properties of cultural, spiritual and social importance) or restriction of access to assets including national parks and protected areas or natural resources; iii) loss of income sources or livelihoods as a result of the project, either the affected persons have to relocate or not.

The specific objectives of this operational safeguard are:

- To avoid involuntary resettlement wherever possible or minimize impacts where involuntary resettlement is unavoidable, after all project design alternatives were considered;
- To ensure that displaced persons are genuinely consulted and have the opportunity to participate in the planning and implementation of resettlement programs;
- To ensure that displaced people receive substantial assistance for resettlement under the project, so that their living standards, their ability to generate income, their production capacity, and all of their livelihoods are improved above what they were before the project;
- To provide clear guidance to borrowers on the conditions that must be met for involuntary resettlement issues in Bank operations, to mitigate the negative impacts of displacement and resettlement, to actively facilitate social development and develop a viable economy and society;
- To establish a mechanism for monitoring the performance of involuntary resettlement programs through the Bank operations and find solutions to problems as they arise, to guard against inadequately-prepared and poorly implemented resettlement plans.

### 7.1.3 Consistency between the legal framework of Senegal and the AfDB procedures

The main points on which the AfDB policies require going beyond the relevant national regulations are:

- Give precedence to in-kind compensation over cash compensation, especially for the land where “land for land” replacement should be preferred wherever possible,
- Compensation for the full replacement value, where cash compensation is to be applied (fruit trees, crops, houses)
- Support for the restoration of income and livelihoods (agriculture, livestock)
- Participation of those involved in the whole process of resettlement,
- Support for vulnerable people,
- Socio-economic empowerment of women in the project area,
- Monitoring and evaluation with supporting measures (training, technical support, subsidized loans...)

7.2. Dispute settlement mechanisms and means of redress

Several types of conflicts may arise during the relocation process. Conflicts are usually related to the following: Errors in identifying the PAPs and property valuation; Disagreement on plot boundaries, or between the affected person and the Evaluation Commission, or between two neighbours; Dispute over ownership of a property (PAPs reporting being the owner of a given property); Disagreement on the assessment of a plot or other property; Successions, divorces and other family problems, resulting in conflicts between heirs or members of the same family over ownership of a particular property; Disagreement on resettlement measures (resettlement site, proposed plots of land, etc.).

In case of disputes or disagreements, appropriate mechanisms must be made available to PAPs to defend themselves and express themselves freely. To this end, the project will provide PAPs with all information concerning the methods of assessment, the means of redress and mechanisms available to them to help them perform all procedures related to the whole process. To address these potential conflicts, the following mechanisms are often used: (i) Appropriate communication that provides detailed explanations; involvement of PAPs from the outset and throughout the process; (ii) arbitration by community leaders; (iii) The Reconciliation Commission; (iv) litigation in courts.

Complaints will be received and processed in the first instance (that is to say out of court) by the Environmental and Social Expert of CASL for management with the Promoter. In case of disagreement, the case is referred to the Mayor of Diama for mediation. In case of disagreement, the case is forwarded to the Sub-Prefecture of Ndiaye. Failing agreement, the case shall be referred to the Court.
The M&E Manager of CASL will arrange to inform and educate the different entities (including Diama City Council and the Sub-Prefecture) on the various modalities for the gathering and processing of complaints and disputes arising from resettlement.

This dispute resettlement mechanism will be formalized and signed by CASL, relevant administrative authorities and PAP. The written evidence of this formalisation will be submitted to the AfDB, preferably before the project is presented for Board approval. If necessary, this can become a condition precedent to loan disbursement.

**VIII. INSTITUTIONAL FRAMEWORK**

This project involves a procedure of expropriation and reallocation of land from the national domain. Therefore, institutional responsibilities are as follows: (i) the PAPs, who file a request for the expropriation of their land to the Municipality of Diama; (ii) CASL that files a request for the allocation of the land expropriated from the PAPs; (iii) the Municipality of Diama, the Council of which shall decide on expropriating the land from PAPs and reallocating to CASL; (iv) The Administrative Authority approving the decision of the Rural Assembly for land reallocation and (v) the Regional Court, if not disputes are not settled amicably.

*The actors at national and local levels*

As part of this project, the institutional framework that applies to the resettlement action plan is structured around the following stakeholders who will be responsible for leading the preparation, validation and implementation of the Resettlement Action Plan: the Compagnie Agricole de Saint-Louis (CASL); Local Authorities (Diama); Administrative Authority (Sub-prefect); Regional Court.

*The PAPs*

Under the project, the categories affected are mainly PAPs who suffered asset losses of agricultural land. PAPs were not physical relocated as a result of the project. All PAPs were identified and characterized as part of this study.

The table below shows the institutional framework applicable to this project:

<table>
<thead>
<tr>
<th>Institutional stakeholders</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASL project</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Empower the Environmental and Social Assessment Expert (EES/CASL) for monitoring of resettlement</td>
</tr>
<tr>
<td></td>
<td>• Recruitment of Consultants/NGOs to conduct socio-economic studies, RPs and monitoring/evaluation</td>
</tr>
<tr>
<td></td>
<td>• Evaluation of affected property</td>
</tr>
<tr>
<td></td>
<td>• Preparation, approval and dissemination of RAPs</td>
</tr>
<tr>
<td></td>
<td>• Payment of compensation</td>
</tr>
<tr>
<td>Institutional stakeholders</td>
<td>Responsibilities</td>
</tr>
<tr>
<td>----------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
|                            | • Monitoring the implementation of the RAP  
|                            | • Approval of the RAPs  
|                            | • Monitoring the implementation of RAPs  |
| Municipality of Diama      | • Preparation deeds of assignment  
|                            | • Preparing deeds of expropriation and reallocation  
|                            | • Approval and dissemination of RAPs  
|                            | • Registration of complaints and claims  
|                            | • Management of disputes and conflicts  
|                            | • Release of sites  
|                            | • Outreach monitoring of resettlement  
|                            | • Monitoring of resettlement and compensation  
|                            | • Dissemination of the RAPs  |
| Sub-Prefect                | • Approval of the land-use proceedings  
|                            | • Litigation Management  |

**IX. ELIGIBILITY**

**9.1 Eligibility**

In line with the SO2 Policy on involuntary resettlement, three groups of displaced persons should be entitled to compensation or resettlement assistance for loss of land or other property due to the project:

(a) Those who have formal legal rights to land or other assets recognized under the laws of the country concerned. This category includes people who physically reside at the project site and those to be displaced or may lose access or suffer a loss of their livelihoods as a result of project activities.

(b) Those who have no formal legal rights to land or other assets at the time of the census or assessment, but can prove to have a claim that would be recognized by customary laws of the country. This category includes people who do not physically reside at the location of the project site or people who may not have assets or direct sources of livelihood from the project site, but have spiritual and ancestral links with the land and are recognized by local authorities as customary heirs. According to the customary rights on land use in the country, these people can also be considered as rights holders if they are sharecroppers, farmers, seasonal migrants or nomadic families that lose their usage rights.

(c) Those who have no legal rights or claims recognized on the lands they occupy in the area of influence of the project and who do not fall under either of the two categories described above, but, by themselves or through other witnesses can prove they occupied the area of
influence of the project for at least six months before a deadline established by the borrower or client and acceptable to the Bank. These categories are entitled to resettlement assistance in lieu of compensation for land to improve their previous standard of living (compensation for loss of livelihood activities, common property resources, structures and crops etc.).

Displaced people under Categories (a) and (b) below are entitled to compensation for their land and other resources confiscated for the needs of the project. The group of people in Category (c) only receives relocation assistance.

9.2 Deadline

The deadline for eligibility is the start date of the census operations to identify households and properties eligible for compensation, when households and property on the site are eligible for compensation. Under the project, this date is 18 July 2013. All persons or households who may come to the site after that date will not be eligible for compensation. The PAPs were informed of this deadline for eligibility. Indeed, information sheets were sent to the Diama City hall for display.

X. EVALUATION AND COMPENSATION FOR LOSSES

It is worth recalling the regulatory provisions (Decrees No. 64/573 and 72/1288 of 30 July 1964 and 27 October 1972 as amended) governing the management of the national domain lands in order to better understand the rate-setting mechanisms for compensating the losses suffered by the land owners. According to those legal instruments, the land use is personal and individual (Art.19 Decree 64-573) and cannot be subject to transaction.

10.1. Assessment of overhead expenses of affected populations

It is specified that the land allocated by the rural council to populations cannot be subject to transaction. So the land assignees cannot sell their plots as they do not the real owners. Therefore, it would be inappropriate to speak of reimbursement in the case concerning this resettlement action plan for the CASL project. Thus, payments made by the project to the land assignees is a compensation in respect of “overhead expenses” incurred (for basic facilities, demarcation charges, etc.) on their plots that were allocated by the Rural Assemblies of Diama and Ross-Béthio.

10.2. Assessment Methodology

The methodology for estimating compensation under “overhead expense” has considered land rental and transfer practices at local level. Generally the rates charged for these scenarios consider several factors prevailing in the project area, including:

- **The size of the plot of land**: the smaller the plot the higher the amount of expropriation - between 100,000 and 200-000 f CFA per hectare – and conversely, the larger the plot, the lower the amount the transfer amounts – between 50,000 and 80,000 f CFA per hectare;

- **The proximity of water**: it is a decisive factor in the value of the expropriation. In the project area water is distant from sites. So the land sale value goes down.

- **Soil quality**: the lower the salinity of the land, the higher its value. On the project site, land is salty.
Thus, for setting the rate of land expropriation, negotiations between CASL and affected populations have considered all these criteria. The consensual amount that was reached between the various parties (representatives of the Union of EIGs of the Delta and CASL, in March 2013) established rate at 180,000 CFAF per hectare. This rate was deemed very fair by 98% of those affected.

10.3. Land Allocation

With the help of the land commission and the geographer of SAED, the Company completed the verification of administrative documents of land assignees (decisions, approvals, installation) and verification of the boundaries of the 94 plots.

The assignees then filed a request with the Municipality for expropriation due to lack of means to develop part of the land they were allocated.

The company obtained on 4 July 2013, a resolution by the former Rural Assembly of Diama allocating a plot of 1,000 ha and another 500 hectares approved by the Sub-prefect of the District of Ndiaye. Both plots have been demarcated and a plan was drawn up by the SAED Cartographer (96 georeferenced markers).

Subsequently, other neighbouring land owners contacted the Company to sell all or part of their land. The Company obtained as of January 23, 2014 a new allocation of 524.5 ha approved by the Sub-prefecture of Ndiaye. The company does not wish to obtain additional land on this site, in order to maintain family farming and preserve extension of village irrigation areas. However, it intends to conduct some land consolidation with resident assignees by cross-exchange plots of land in order to rationalize the development to conduct.

10.4. Compensation for overhead expenses

Two terms of compensations for overhead expenses have been proposed by CASL to those affected. These are: (i) financial compensation for 98.50% of expropriated persons (93 of 94 people involved) and; (ii) in-kind compensation for the Village Section of Rone. The terms of compensation in kind provide a land use planning of the Village Section in proportion to the amount of land given to the project (CASL), representing 18 million CFAF. This agreement is recorded in a memorandum of agreement binding the village and the CASL project.

10.5. Payment of overhead expenses

It should be noted that CASL has already made the full payment of compensation due to the first group of 65 PAPs for the overhead expenses on their agricultural plots. The development of the SVC of Rone has been approved in June 2015. For the 2nd group of 29 PAPs who gave 85% of their land, the payments were fully made.

10.6. Additional social measures in support to communities

Note that CASL SA has planned in the framework of the agreements, some social measures in support of this compensation process for both the Diama Municipality and the village of Rone.
XI. IDENTIFICATION OF POSSIBLE RELOCATION SITES, CHOICE OF SITE(S), SITE PREPARATION AND RELOCATION

The project implementation does not require the relocation of affected populations to another site. There is no need to take action under this chapter. However, it should be noted that the project will enable the PAPs to exploit their remaining lands.

XII. HOUSING, INFRASTRUCTURE AND SOCIAL SERVICES

The project did not result in physical displacement of persons or resettlement in a host site. Thus, no action is required to provide housing, infrastructure and social services (education, water, health and production). However, it should be emphasized that CASL has already planned social measures in support of the compensations to affected persons and communities, which are subject to an agreement between the Municipality and CASL. These social measures are:

- Extending the water supply canals to the irrigation lands of the Company and residents;
- Developing irrigated areas for villages;
- Building drain collectors and pumping station;
- Signing paddy rice production contract with rice
- Conducting public production feeder roads;
- Maintaining corridors for livestock at the POAS and construct watering ponds supplied with water throughout the year by the Company;
- After the winter rice harvest, enable the cattle of ranchers to graze under some conditions;
- Hiring natives of the municipalities in priority;
- Supporting vocational training for natives of the municipalities;
- Supporting business creation;
- Supporting the municipalities for the realization of social projects, according to PLDs (Local Development Plans).

XIII. ENVIRONMENTAL PROTECTION

The ESIA prepared by the Sponsor provides an ESMP that it has committed to implement to mitigate the negative environmental impacts and undertake social beneficiation actions.

XIV. IMPLEMENTATION SCHEDULE

It is worth recalling the specificity of this project, of which the implementation of the actions in this resettlement action plan began even before its development. This is the reason behind the schedule presented:
<table>
<thead>
<tr>
<th>N°</th>
<th>Steps and activities of the procedure</th>
<th>Dates/Periods</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>1. Preparatory Phase</strong></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Development of detailed preliminary draft</td>
<td>October-November 2013</td>
</tr>
<tr>
<td>1.2</td>
<td>Delimitation, setting up and demarcation</td>
<td>October 2013</td>
</tr>
<tr>
<td>1.3</td>
<td>Information Campaign</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Dissemination of information</td>
<td>October 25 and November 2, 2013</td>
</tr>
<tr>
<td>1.4</td>
<td>Censuses/evaluation of disbursements</td>
<td>Completed in July 2013 and early 2014. However, the audit was made for this study, in December-January 2013 and August 2014.</td>
</tr>
<tr>
<td></td>
<td>• Evaluation of occupations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Estimate of compensations</td>
<td></td>
</tr>
<tr>
<td>1.5</td>
<td>Display of the list of PAPs, claims processing</td>
<td>February 2014 and thereafter</td>
</tr>
<tr>
<td>1.6</td>
<td>Estimated total budget</td>
<td>February 2014</td>
</tr>
<tr>
<td>1.7</td>
<td>Development of RAP</td>
<td>February to August 2014</td>
</tr>
<tr>
<td>1.8</td>
<td>Validation of RAP by all actors involved in the project implementation</td>
<td>September 2014</td>
</tr>
<tr>
<td>1.9</td>
<td>Publication of the RAP + forwarding copies to the Municipality of Diama,</td>
<td>August 2014</td>
</tr>
<tr>
<td></td>
<td>the Municipality of Ross-Béthio, and DREEC of St. Louis</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>2. RAP implementation phase</strong></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Reconciliation Commission</td>
<td>June 2013 - August 2014 (Activities already carried out)</td>
</tr>
<tr>
<td></td>
<td>• Negotiation of compensations</td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>Signing of deeds of consent</td>
<td>July 2013 and early 2014 (Activities already carried out)</td>
</tr>
<tr>
<td>2.3</td>
<td>Implementation of compensation and payment of PAPs</td>
<td>July 2013 and early 2014 (Activities already carried out for the first group of 65 PAPs; ongoing activities for the 2nd group of 29 PAPs)</td>
</tr>
<tr>
<td></td>
<td>• Mobilisation of funds</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Compensation to PAPs</td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>Formal notice</td>
<td>July 2013 (for the first group of 65 PAPs) and early 2014 for the 2nd group of 29 PAPs</td>
</tr>
<tr>
<td>2.5</td>
<td>Release of site</td>
<td>July 2013 (for the first group of 65 PAPs) and early 2014 for the 2nd group of 29 PAPs</td>
</tr>
<tr>
<td>2.6</td>
<td>Relocation of facilities and people</td>
<td>Not applicable</td>
</tr>
<tr>
<td></td>
<td>• Relocation Assistance</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Occupation of land</td>
<td></td>
</tr>
<tr>
<td>2.7</td>
<td>Monitoring and evaluation of the RAP implementation</td>
<td>May 2014 until the end of relocation At the end of resettlement (2015)</td>
</tr>
<tr>
<td></td>
<td>• Monitoring the implementation of the RAP</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Evaluation of the operation</td>
<td></td>
</tr>
<tr>
<td>2.8</td>
<td>Provision of land</td>
<td>already done since July 2013 and early 2014</td>
</tr>
<tr>
<td>2.9</td>
<td>Start of project engineering</td>
<td>work already carried out since July 2013 and early 2014</td>
</tr>
</tbody>
</table>
**XV. COSTS AND BUDGET**

15.1 Cost and Budget

The cost and budget of the resettlement action plan amounts to 480 million CFAF and is distributed as follows:

<table>
<thead>
<tr>
<th>Section</th>
<th>Financing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
</tr>
<tr>
<td>Expropriation of land</td>
<td>364 410 000 CFAF</td>
</tr>
<tr>
<td>Social support mechanism for PAPs</td>
<td>50 000 000</td>
</tr>
<tr>
<td>Development and implementation of a communication plan (information and awareness; dissemination of RAP, etc.)</td>
<td>30 000 000 CFAF</td>
</tr>
<tr>
<td>Provisions for final evaluation of the RAP</td>
<td>20 000 000 CFAF</td>
</tr>
<tr>
<td>Contingencies</td>
<td>15 590 000 CFAF</td>
</tr>
<tr>
<td><strong>General TOTAL</strong></td>
<td><strong>480 000 000 CFAF</strong></td>
</tr>
</tbody>
</table>

15.2 Financing Plan

CASL will fund the entire budget of the resettlement action plan that amounts to 480 million CFAF. It should be noted that CASL has already made the full payment of the compensation due to the first group of 65 PAPs for the overhead expenses on their agricultural plots. The development of the SVC Rone has been approved in June 2015. For the 2nd group of 29 PAPs who gave 85% of their land, the payments were fully made.

**XVI. MONITORING AND EVALUATION**

16.1 Monitoring

For the implementation of the CASL resettlement action plan, it will be necessary to have in place a monitoring and ex-post supervision tool, to check if the implementation is consistent with the previously accepted plan and to the satisfaction of PAPs and other stakeholders (e.g. AfDB and Local Government), and if, where appropriate, problems that were not identified in the plan have emerged.

Given that the project has already acquired the land and that all affected persons are already compensated, it is suggested that one monitoring (internal monitoring) should be conducted by the Environmental and Social Expert (EES) of CASL who should develop his/her own monitoring program, meaning, permanent monitoring of ongoing activities. This will be done with the support of local communities at the local level, normally in the form of reports that provide a brief overview of the progress of resettlement measures, comparing them to the goals and deadlines previously set, and giving explanations, if any, for any discrepancies between the plan and reality. This will allow CASL to provide for corrective measures, if necessary, to solve problems.
The monitoring and evaluation shall be conducted through a participatory approach, with the inclusion of gender.

**Indicators for monitoring**

As part of the implementation of the RP, the following indicators will be monitored and informed:

<table>
<thead>
<tr>
<th>Phases</th>
<th>Type of indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>RP preparation and implementation indicators</td>
<td>• Number of information sessions held with PAPs;</td>
</tr>
<tr>
<td></td>
<td>• Number of people who participated in the meetings;</td>
</tr>
<tr>
<td></td>
<td>• Topics discussed during the meetings.</td>
</tr>
<tr>
<td>RAP implementation plan</td>
<td>• Number of jobs created for the PAP;</td>
</tr>
<tr>
<td></td>
<td>• Number of PAPs who had started their agricultural activity;</td>
</tr>
<tr>
<td></td>
<td>• Difficulties encountered in the process;</td>
</tr>
<tr>
<td></td>
<td>• The solutions proposed or effected to overcome the difficulties;</td>
</tr>
<tr>
<td></td>
<td>• The number and types of conflicts related to relocation;</td>
</tr>
<tr>
<td></td>
<td>• The system implemented for conflict resolution.</td>
</tr>
<tr>
<td>Social supporting measures for PAPs</td>
<td>• Number of PAPs benefiting from supporting measures</td>
</tr>
<tr>
<td></td>
<td>• Nature of the supporting measures</td>
</tr>
</tbody>
</table>

**Monitoring agencies and their roles**

The monitoring of the RP will be provided by CASL through the EES/CASL. As part of the monitoring, the EES/CASL shall establish a progress report on resettlement measures against the indicators defined above. CASL should consider monitoring as a priority activity to be carried out in a participatory manner with the affected people.

**16.2 Evaluation**

The final evaluation should be conducted in 3 phases: Initial situation overview and analysis – midterm situation overview – final situation overview and analysis.

The evaluation will be performed through an NGO or an independent consultant hired by CASL. That expert will use the documents and materials from the internal monitoring and in addition, evaluators will conduct their own field investigations, interviewing stakeholders and people affected by the project. Evaluation of assistance actions and possibly relocation actions undertaken as part of the resettlement action plan is carried out by competent auditors selected against objective criteria. The evaluation is undertaken immediately after the completion of resettlement operations to determine whether the PAPs have been fully compensated and assisted and if indemnifications and compensations have been paid.

The assessment must highlight the impact of the project and resettlement on PAPs before, during and after the project. The evaluation should be conducted by an external body to the project.

Besides, it is important to know that apart from the compensation of PAPs, the project should be concerned about their new situation.