

THE REPUBLIC OF SENEGAL

One people, One goal, One faith

Ministry of Petroleum and Energy



**DEVELOPMENT PROJECT OF THE 120 MW THERMAL
POWER PLANT IN MALICOUNDA**

DEVELOPMENT OF A RESETTLEMENT ACTION PLAN

FINAL REPORT

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LIST OF ACRONYMS

| | |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------|
| AGEROUTE | : Road Construction and Management Agency (Agence des Travaux et de Gestion des Routes) |
| ANIDA | : National Agency for Agricultural Integration and Development |
| ANSD | : National Agency of Statistics and Demography (Agence Nationale de la Statistique et de la Démographie) |
| APIX | : National Agency for Investment Promotion and Major Projects (Agence pour la Promotion des Investissements et des Grands Travaux) |
| ASC | : Sports and Cultural Association |
| AfDB | : African Development Bank |
| CCOD | : State Operations Control Commission |
| CDREI | : Departmental Commission for Census and Assessment of Expenses |
| CFP | : Professional Formation Center |
| CLM | : Local Mediation Committee |
| DEEC | : Direction de l'Environnement et des Etablissements Classés (Environment and Classified Facilities Office) |
| DUP | : Declaration of Public Utility |
| FESCOMA | : Festival of Cultures at the Municipality of Malicounda |
| MGP | : Complaint Management Mechanism |
| MW | : Megawatt |
| CBO | : Community-Based Organization |
| NGO | : Non-Governmental Organization |
| CSO | : Civil Society Organization |
| PAP | : Project Affected Person (individuals who have lost assets to the Project) |
| RAP | : Resettlement Action Plan |
| PDC | : Community Development Plan |
| ESMP | : Environmental and Social Management Plan |
| RGPHAE | : General Census of Population, Housing, Agriculture and Livestock |
| SDE | : Senegalese Waters (Sénégalaise des Eaux) |
| SENELEC | : National Electricity Company of Senegal (Société Nationale d'Electricité du Sénégal) |
| SFE | : State midwife |
| SO | : Operational Safeguard |
| SSI | : Integrated Safeguard System |
| ICT | : Information and Communication Technology |

EXECUTIVE SUMMARY

Compensation summary matrix

Summary Matrix: Resettlement Data Summary Sheet

| # | Variables | Data |
|-----------------------------|----------------------------------------------------------------------|---------------------------------------------------|
| A. General data | | |
| 1 | Region / Department / Prefecture /Province ... | Thiès/Mbour/ |
| 2 | Community / Municipality / District... | Malicounda/Keur Meissa |
| 3 | District / Village / Town street... | Sindia/Keur Meissa |
| 4 | Activity inducing resettlement | Development of the Malicounda Power thermal plant |
| 5 | Project budget | 101 000 000 000 FCFA |
| 6 | RAP budget | 400 404 716 FCFA |
| 7 | Applied deadline(s) or date (s) | 15 May 2019 |
| 8 | Dates of consultations with affected people | 20 August 2019 30 August 2019 |
| 9 | Dates of negotiation of compensation / expense / compensation rates | ... |
| B. Consolidated data | | |
| 10 | Number of people affected by the project (PAPs and their households) | 765 |
| 11 | Number of affected households | 45 |
| 12 | Total number of households losing agricultural land | 13 |
| 13 | Total number of households losing household plots | 32 |
| 14 | Number of affected women | 7 |
| 15 | Number of affected vulnerable people | 8 |
| 16 | Number of adult PAPs | 45 |
| 17 | Number of minor PAPs | 0 |
| 18 | Total number of beneficiaries | 45 |
| 19 | Number of households that have lost their home | 0 |
| 20 | Total area of lost land (ha) | 16.87 ha |

| # | Variables | Data |
|----|-----------------------------------------------------------|---------|
| 21 | Total number of households that have lost crops | 12 |
| 22 | Number of non-land-owning households that have lost crops | 2 |
| 23 | Total area of agricultural lost land (ha) | 12.6204 |
| 24 | Total area of permanently lost agricultural land (ha) | 12.6 04 |
| 25 | Number of completely destroyed houses | 0 |
| 26 | Number of houses destroyed at 50% | 0 |
| 27 | Number of incomplete houses destroyed | 1 |
| 28 | Total number of destroyed fruit trees | 7 |
| 29 | Number of destroyed kiosks | 0 |
| 30 | Number of displaced street vendors | 0 |
| 31 | Total number of socio-communal infrastructures destroyed | 1 |
| 32 | Total number of telephone poles to be moved | 0 |
| 33 | Total number of electric poles to be moved | 0 |

Project background

The project consists of the development, construction and operation of a 120 MW diesel thermal power plant operating on HFO heavy fuel oil, equipped with seven (07) identical new generator sets and one (01) steam turbine in continuous service on the Malicounda site. The power plant will include seven (07) reciprocating fuel-powered engines, with a capacity of 18 MW each. A combined cycle is also planned, which will allow a higher yield. The Malicounda power plant will initially use heavy fuel oil as fuel, then plans to switch to gas when the latter is operational in Senegal¹ (by 2021). The thermal power plant will be built on a land base of about 06 ha to be removed from the 18 ha that have already been the subject of deliberation by the Malicounda municipal council. In the meantime, subdivisions have taken place on the site in question and many allocations have been made so that some individuals will lose their plots. Thus, to remain in compliance with the regulatory provisions of the State of Senegal and the financial partners of Malicounda Power, a RAP is carried out in order to ensure that all the losses linked to this project are covered and that no PAP was affected.

During the development of this project, and with the presence of an international financial institution which has its own procedures, it was shown necessary to develop a RAP in accordance with the SSI (Integrated Backup System) of the AfDB. As per the RAP, one of the first priorities is the census report of the CDREI, as well as carrying out the socio-economic survey and following the outline of the development of the RAP. The latter thus, considers the opinions and recommendations of all the stakeholders involved in the implementation process. The expected effects of the RAP in light of the progress of the process are:

- PAPs will have a say in the process of the implementation preparation;

¹ In fact, discoveries of gas fields are made in Senegal. The studies are underway; as exploitation will be effective in 2021 according to forecasts and press releases from the Government of Senegal. Thus, diesel power plants are anticipated to use gas instead of diesel. This transition of Malicounda from diesel to gas is a function of the start of the exploitation of this so-called clean energy. This transition is scheduled for the year 2022-2023.

- a discrepancy will be noted between the cut-off date and the period of the socio-economic surveys, especially since the censuses are made by the CDREI in May and the socio-economic surveys in September;
- the amounts determined by SENELEC risk being revised upwards since account must be taken for the price of land in the locality;
- the compensation process will not end following the payment of compensation, but will continue in order to support vulnerable PAPs and PAPs whose affected property constitutes a livelihood.
- However, PAPs not identified by the CDREI during its May census in may be known at this stage after 4 (four) months.

The launch of the conciliation and payment activities can be done once the RAP report has been approved by the stakeholders and its distribution in the municipality of Malicounda. This dissemination will be done through a presentation of the RAP results and the progress of the compensation activities, starting with the signing of the agreements until the compensation is paid.

As soon as the PAPs give their opinion on the planned resettlement procedure in the presence of local and administrative authorities, the start of the implementation of the RAP can be effective.

At the same time, arrangements will have to be made in order to find the PAPs that cannot yet be found, through radio releases, in the online press. Throughout the implementation of resettlement operations, these PAPs can refer to the administrative authority, the town hall, representatives of the PAPs in the villages or the facilitating structure.

Objectives of the RAP (listing of the principles of national legislation, the additional requirements of the AfDB, and the requirements of IFC's Performance Standard 5)

The objectives of this Resettlement Action Plan (RAP) are to:

- (i) minimize, as much as possible, involuntary resettlement and the acquisition of land, by examining all viable alternatives from the design of the project;
- (ii) ensure that the people affected by the project (PAP) are effectively consulted in complete freedom and with the greatest transparency and have the opportunity to participate in all the major stages of the development and implementation process involuntary resettlement and compensation activities;
- (iii) ensure that compensation, if any, is determined in a participatory manner with the PAPs in relation to the social impacts suffered, in order to ensure that none of them is penalized;
- (iv) ensure that those affected, including the vulnerable ones, are assisted in their efforts to improve their livelihoods and standards of living; and
- (v) ensure that involuntary resettlement and compensation activities are designed and implemented as a sustainable development program, providing sufficient investment resources so that those affected by the project have the opportunity to share the profits.

With respect to IFC's Performance Standard 5 (PS 5), this land acquisition was government-managed and purely economic displacement. Senelec, with the support of other government agencies, have done the compensation and land acquisition actions to this point. The PS 5 requirements under these circumstances are contained in paragraph 32, which specifies that the client should describe the measures that the responsible government agency plans to use to compensate affected persons. Where those measures do not meet the requirements of PS 5, the client will develop an Environmental and

Social Action Plan to complement government action. These actions may include additional compensation and efforts to restore livelihood. This RAP describes what Senelec and other government entities have done to date, then discusses actions to provide additional compensation to meet the standard of full replacement cost. A Livelihood Enhancement Plan,² to meet both AfDB and IFC requirements, will be completed as part of the overall ESAP required by potential lenders.

The government-managed compensation took place in November 2019 and has been completed. Thus, this RAP concerns the additional compensation that the Company will be pay once potential lenders agree to this plan.

Main socio-economic characteristics of the localities hosting the PAPs

a. Positive aspects of the Project

The development of a country requires access to basic services and economic growth. Senegal for several years, has entered an era of concretization of the objectives set in the letter of the energy policy. In this letter, Senegal sets itself the objectives of making electricity accessible to all citizens for both domestic and industrial uses. Today, there is a deficit that can only be filled by diversifying the energy mix. It is in this sense that several power plants operating from various sources are developed. The policy of the State of Senegal is not only to have a power capable of supporting all the needs of the populations, but also to have a densified electric network capable of ensuring the distribution of energy throughout the national territory. The balance between the network of the territory and the production of sufficient energy will, therefore, make it possible to achieve the objectives of the State. The development of the Malicounda Power project will thus have a considerable impact on the living conditions of the populations to the extent that it will contribute to considerably improving the quality of the electricity service in Senegal.

The most significant positive impacts during all phases of this project are: job creation; improving income and living conditions; the development of commercial activities for the benefit of the local population.

The electrical network operation phase (after works) will generate several positive impacts such as:

- (i) the improvement of the supply of electrical energy to neighboring districts;
- (ii) the improvement of living conditions at the household level in all the villages and neighborhoods which do not have access to electricity and which will be served with the increase in the distribution capacity of SENELEC³;
- (iii) the development of income-generating activities since SMEs will be able to access energy at affordable costs;
- (iv) better functioning of certain basic social infrastructures such as: schools, health centers and hospitals, etc., thereby improving their attendance rate, the quality of life of pregnant women, children, the elderly and the disabled;
- (v) lower costs of supplying alternative energy for domestic activities (firewood, gas, oil, etc.).

b. Land tenure regimes / statutes / constraints in the project area of influence

² AfDB resettlement policy requires that livelihood improvement measures go beyond restoration to actual improvement. IFC policy encourages improvement, but sets a lower standard of restoration.

³ The populations are asking to be connected to the SENELEC network. Whenever there is an extension of the distribution network in the municipality, all households are connected.

The lands targeted by the thermal power plant project of Malicounda are in the national domain (see section 6a for an explanation of what this means). It is important to publicize their methods of acquisition.

- **Inheritance:** inheritance is the main mode of access to land for autochthonous with land rights.
- **The rental of land** is equivalent to the granting of cultivation rights in exchange for a fixed annual consideration in cash. The duration is often 1 to 2 renewable years but can sometimes be indefinite.
- **Free of charge loan:** it is a method of access to land which tends to replace donation. This mode is mostly common in villages.
- **Sharecropping** is an exploitation contract by which the landowner has his land developed by a third party called sharecropper who agrees to pay him royalties in kind. This royalty is always in proportion to the production from the concession land.
- **The pledge** is a contract that is used to guarantee a debt often in money.
- **The purchase** is a mode of acquisition that confers on the purchaser a right of property.
- **Donation** is a method of acquiring land that is tending to disappear today. It actually constitutes a transfer of ownership that often excludes for the beneficiary the right to alienate the ceded land.
- **Land use** is a formal mode of land acquisition. For land in the national domain, only the local authority is empowered to allocate land.

The modes of land acquisition in the project area are mainly based on purchase and inheritance.

All landowners on the site had deeds to their land kept on record at the mayor's office or have community-recognized ownership of the land. Two types of plots are found on the site: the largest area (12 ha, 13 plots) is dedicated to agriculture, but there are also 32 smaller residential plots. Residential landowners may have more than one these plots. Two of the agricultural PAPs do not actually own the land they farm. None of the residential plots had houses on them, although one did have an uncompleted house. A community grain storage building, owned by the municipality, was the only completed structure present. Some of the residential plots had gardens growing on them.

c. Profiles of local/dependent/living actors in the area of influence of the project (site, area of influence, immediate surroundings, buffer zone, etc.)

This section is devoted to the presentation, in the initial state, of the socio-economic situation of the area of influence of the project. It concerns a geographic presentation and demographic, social and economic characterization. The study was carried out taking into account the scale of the municipality of Malicounda as an area of influence for the development project of the 120 MW Diesel thermal power plant.

The population of the municipality of Malicounda has been increasing since 2013, at an annual rate of 2.8%. In fact, according to the RGPHAE 2013, the municipality of Malicounda had in 2013 approximately 61,033 inhabitants composed of:

- 51% men and 49% women
- 62% young people younger than 25 years of age
- less than 1% of people over than 79 years of age
- 14,68 % of children at the school age (school population).

Moreover, in 2016, according to the *Projections of the population of Senegal/MEFP/ANSD*, this population reached 66,240 inhabitants. As for 2019, it is estimated at 71,961 inhabitants. The

population structure of the municipality of Malicounda, with a predominantly young population, is still growing and represents a determining weight in the implementation of local public policies.

In terms of ethnicity and religion, it is noteworthy that the population of the community of Malicounda is essentially made up of Sérères (70%), Bambaras (15%), Wolofs (10%), Peulhs (4%). The other minority ethnic groups make 1%. The most widely practiced religion is Islam at 95% of the population followed by Christianity at 5%. The community includes within bearers of traditional knowledge capable of curing several tropical diseases.

The economic activity of the municipality of Malicounda is focused on agriculture, fishing, trade, animal husbandry and handicrafts. The economy of the municipality of Malicounda is mainly characterized by the predominance of agriculture and fishing. These activities occupy a large segment of the population.

However, people practice other activities, such as crafts, animal husbandry, trade.

Agriculture is one of the growth sectors for the municipality. The agricultural land potential is estimated at around 25,000 ha, of which 12,872 ha are actually exploited in sub-rain crops, 137 ha in irrigated crops, 211 ha in fruit species.

Agricultural activity is mainly oriented towards rain cultivation with speculations: millet, corn, peanuts, cowpeas, among others. Crops such as Bissap, okra and cassava are exploited in the lowlands.

The main constraints to the practice of agriculture are inherent in land management, various climatic hazards, the availability of agricultural equipment and inputs, in particular:

- Climate changes;
- The decline in performance of crops under rain;
- The lack of organization of the sectors;
- Land pressure;
- Insufficient quality inputs ;
- Lack of equipment;
- Difficulties in accessing irrigation water; and
- Animal ramblings.

Fishing :

Fishing is practiced all year round, on a very fishy seafront with the fishing centers of the villages of Mballing, Warang, Nianing and Pointe Sarène. The town has a fishing port and a fleet of over 700 motorized canoes. The equipment and materials used are: the bottom sleeping nets, the simple motorized line, the cuttlefish basket. The encircling gillnet and scuba diving which migrant fishermen make.

In 2015, landings are estimated at around 1,800 tonnes for a commercial value of 1.7 billion FCFA. The non-industrial transformation is ensured by the women who preferentially target the gastropods. It is a buoyant sub-sector that allows nearly 500 women from the villages of Nianing, Mballing and Pointe Sarène to have income by transporting processed products to major markets like Dakar, Mbour and Diaobé. The Nianing solar dryer unit created within the framework of cooperation between the region of Thiès and Languedoc Roussillon-Midi Pyrénées is an initiative to modernize the transformation systems carried by women, even if there are still some difficulties from a technical point of view, in particular:

- ✓ The organizational deficit in the sector;
- ✓ The marketing problem ;

- ✓ Difficulty accessing equipment ;
- ✓ The scarcity of fishery resources;
- ✓ Poor access to equipment ;
- ✓ Climate change ;
- ✓ Fishermen's capacity deficit.

Trade, crafts :

The trade sub-sector is dominated by the presence of general food stores that number in the hundreds across the town. With the absence of a weekly market, small businesses are growing in neighborhoods and around the nation through a few of mini-restaurants run by women. The municipality of Mbour remains the main supply market for traders of non-agricultural products.

The main constraints to commercial activity are the low mobilization of internal resources, insufficient hangars in the markets, the lack of market closure, the absence of bus station, difficulty in accessing funding sources.

Breeding

The local livestock sector is still characterized by a traditional type of farming with a certain cultural touch, because livestock is a dimension of social barometer. It is mainly practiced by the Fulani and Sereres who breed cattle, goats and sheep. The sector suffers from insufficient infrastructure and grazing space.

The other constraints are: difficulties in accessing funding, insufficient vaccination and development of livestock routes, deficit in the supply and availability of livestock feeding.

The efforts made in the sector are mainly the work of very dynamic private individuals who are active in poultry farming. There are dozens of poultry farms throughout the villages and produce eggs and broiler chickens, sold mainly in Mbour.

5. Socio-economic impacts on people affected by the project

a. Project land requirements

The activities which may give rise to loss of assets can be summed up in the installation of equipment and installations of the thermal power plant on the one hand and in the buffer zone erection on the other hand. The planned equipment and installations will take place on a 6-hectare base. But for security reasons, given the need to respect a buffer zone, an additional 12 ha have been acquired. At this point, it should be noted that the Senegalese Environment Code of 2001 stipulates in its article L 13 a distance of 500 meters between the limits of the classified installation and the nearest human settlements. However, it has been agreed with the Ministry of the Environment to base the safety distance on the results of the Danger Study. This is how a distance of 260 meters is observed and this has resulted in the need to free up an area of an additional 12 hectares.

b. Profiles of people affected by resettlement including their degree of vulnerability;

- Categorization of PAPs by gender

During the inventory of the affected properties, two types of loss were listed:

- Land for residential use, whose plots have not yet been developed, therefore bare land. They are owned by eighteen (18) PAPs (or nearly 60% of the 30 PAPs affected and interviewed), three (03) of which are women;
- Agricultural land, whose plots are in use. These croplands are all owned by men (12 in total, or 44% of men). Therefore, no woman affected by the project and surveyed has a plot for agricultural use in the area of the project.

- Status of PAPs in their household by gender

It seems that not all the people affected by the project and interviewed during the socio-economic surveys claim to run households.

The breakdown by household status and gender establishes that, out of the thirty (30) PAPs questioned during socioeconomic surveys, all categories combined, fifteen (15) among them, approximately 50% of the total number, run a household, including one (01) woman out of the three (03) surveyed. Male heads of households represent 93% of PAPs and are 14 times more numerous than female heads of households (7%). Among the men affected by the project, almost 52% are heads of households.

Indicators on the size of PAP households by gender

The project-affected household (PAH) in the project area are large. On average, there are 17 people per household. Also, at least 50% of PAH have 15 people. However, dissimilarities are noted with small households (5 individuals) and large households (50 people).

Depending on whether the PAPs are men or women, the average size of the households in which they reside varies considerably. On average, the same number of people live in the households of male PAPs (17 individuals) and those of female PAPs (16 individuals). However, the maximum size of male PAP households (50 people) is much larger than that of female PAP households (22 individuals).

- Age of PAPs surveyed by gender

The results of socio-economic surveys on the age of the PAPs show that at least 50% of the surveyed individuals, all genders combined, that is to say half of the individuals, whose age has been certified, are 45 years and over.

Half of the women affected by the project are over forty; the median age of women is 43 years. Affected men are generally older than women; half are over the age of 45.

Overall, the PAPs are relatively old. On average, they are 49 years old. The average age of women is estimated at 47 years against 49 years for men. The youngest person affected and interviewed is a 26-year-old man and the oldest is also an 80-year-old man. In addition, the youngest of the women affected is 36 years old and the oldest of the women is 63 years old. It should also be noted that the affected men are relatively older than the women.

- *Matrimonial property regime of the surveyed PAPs*

Socioeconomic surveys have revealed relatively negligible proportions of singles (7%) and divorced (3%) among the surveyed PAPs. The divorced PAP is a woman.

In addition, most of the surveyed PAPs are married, i.e. almost 90% of the number (25 men and 2 women are affected by marital status). Among PAP brides, the majority are monogamous and represent more than half of the number surveyed, or 53% in relative terms. Polygamy represents a little more than 1/3 of the total of the PAPs (37% exactly) and most of the men have two or three women (34%). There is one PAP that has four (04) women.

- *Main activities of the surveyed PAPs*

The main wealth creation activities of the PAPs in the project area remain the most suitable in this area, for reasons of availability of space and the nature of the activities they carry out. The main activities are agriculture (40% of the PAP) and trade (23% of the PAP).

Women are all involved in trade. Beyond this activity, affected women are not present in other areas of wealth creation. They are not in the so-called heavy trades. They exercise informal and precarious activities which do not bring them substantial income, hence their vulnerability to various hazards, notably the poor sales of their products or the absence of customers. Men are particularly active in agriculture (44%), commerce (15%) and administration (11%).

- *Incomes of the surveyed PAPs*

The distribution of monthly income declared by the PAPs is very unequal. The amounts vary between less than 50,000 CFA francs and more than 200,000 CFA francs. In fact, nearly 87% of those surveyed receive at least 50,000 CFA francs per month. Nearly 33% of those affected have incomes equal to at least 200,000 CFA francs, and are all men. Among the PAPs, whose income is known, about 3% earn less 50,000 CFA francs per month.

The distribution of PAPs by monthly income proves once again the vulnerability of some PAPs, who not only work in risky sectors, but also earn low incomes. At least 67% of them earn less than 200,000 CFA francs monthly.

On average, male PAPs earn 3.4 times more than female PAPs. The average monthly income of men is around 287,461 CFA francs and that of women is 84,667 CFA francs. In general, the average calculated monthly income is 263,541 CFA francs. The average monthly income of people affected by the project is much higher than the national average which is estimated at 65,750 CFA francs (ANSD, RGPHAE 2013).

In addition, almost 50% of men make at least 160,000 CFA francs and the same proportion of women earns at least 100,000 CFA francs. As with women, many male PAPs have low, if not insignificant, incomes. Some PAPs only earn 50,000 CFA francs while others have really good incomes.

- *Monthly expenditures of the surveyed PAPs*

The indicators of central tendency and extreme values underline a paradox on the level of expenditure of the households which host PAP men and those in which the women affected by the project live. In fact, households of female PAPs spend on average (289,333 CFA francs) more than households of male PAPs (268,259 CFA francs). In addition, the minimum expenditure (68,000 CFA francs) is higher for women than for men. Also, at least 50% of households of female PAPs spend (250,000 CFA francs) more than those of male PAPs (240,000 CFA francs). And yet male PAPs earn, on average, more than female PAPs.

The absolute difference between the average monthly household expenditure (266,645 CFA francs) and the average monthly income of the PAP (263,541 CFA francs) may herald a paradox. The assumption may suggest that households are borrowing or saving to support their inherent burdens to meet their needs, or perhaps PAPs are more inclined to specify their spending rather than report their income correctly. Furthermore, the difference between these two amounts cannot be due to the fact that the PAPs have made false declarations concerning their income which is often underestimated or overestimated. The explanation is to be found in the participation of household members other than the PAP. In fact, some people from PAP homes regularly contribute to meet the different needs of members. This financial support finds its foundation in the overall active solidarity - which is bottom-up and contributory - established for generations in rural areas who would like everyone to participate in the good management of the home. In these rural areas, people reflect more collectively and they make the family - which is part of the household - sacred and identify with this group for all self-help actions.

- ***Financial access to basic social services***

The analysis of the situation of access by PAPs and members of their households to the various basic social services only takes into account the aspect relating to their financial accessibility, by considering the budgetary shares allocated to health, education, water and electricity to meet needs. During the surveys, the physical accessibility of the PAPs and their households to the various basic services was not provided in terms of distance and availability of infrastructure.

Thus, the results of socioeconomic surveys of the PAPs, on some of their socioeconomic characteristics, have revealed that they affect 7% of their total expenditure on health; almost 16% in education; and 6% to water and 12% to electricity.

The monthly shares of the budget allocated to meet access to basic social services seem relatively small. The reasons are to be found in socio-cultural considerations in certain rural areas of the poorest countries, notably Senegal, obviously with low incomes.

c. Indirect impacts and effects related to temporary or permanent loss of their source of income / livelihood

The following tables present in more detail the impacts of the project on people and property.

Table 1 : Impacts of the project on plots for residential use

| Number of the affected plots for residential use | Affected Area (m ²) | Number of PAPs |
|--------------------------------------------------|---------------------------------|----------------|
| 115 | 42 624 | 32 |

The plant project will affect 115 plots for residential use, which in total will cover an area of **42,624 m²**. These **115 plots** belong to **32 people** including **4 women**. This number of significant property is explained by the fact that the site had been the subject of subdivisions. While some plots have been the subject of a transaction, others have not yet been and are still the property of the first occupant. This explains why some PAPs have several plots in their name. Even if it turns out that transactions have taken place over the years, socio-economic surveys, consultation of the town hall registers as well as consultations with the municipality of Malicounda make it possible to identify the first names of the new beneficiaries. In the event that they cannot be reached, the amounts of their respective compensation are recorded in an escrow account of the project company.

Table 2 : Impacts of the project on agricultural lands

| Number of affected agricultural lands | Affected area (m ²) | Number of PAPs |
|---------------------------------------|---------------------------------|----------------|
| 13 | 126 204 | 13 |

A total of **13 fields** belonging to **13 different PAPs** will be affected. These 13 fields have a total area of **126,204 m²**. These 13 PAPs are mostly men, since **only one woman** will lose land and is not the operator of the field. Two operators who are not owners, but who work the land for the owners, will also be affected by the loss of the land.

Table 3 : Impacts on fruit trees

| Fruit trees | Number of trees | Number of PAPs |
|-------------|-----------------|----------------|
| Mango tree | 7 | 2 |

The only fruit tree listed on the site is the mango tree. This type of loss only concerns two PAPs. One loses 1 tree of mango while the other loses 6.

Table 4 : Impacts of the project on crops

| Speculations | Planted areas (m ²) | Number of PAPs | Yield (kg/m ²) | Affected quantity (kg) |
|--------------|---------------------------------|----------------|----------------------------|------------------------|
| Niébé | 6794 | 2 | 0,7 | 4 755,8 |
| Arachide | 70137 | 4 | 0,1083 | 7 595,84 |
| Mil | 39889 | 5 | 0,066 | 2 393,34 |
| Manioc | 3862 | 1 | 0,95 | 3 668,9 |
| TOTAL | 120 682 | 12 | ... | 18 413,88 |

Four types of crops are grown on the 18-hectare site. These are mainly cowpeas (6,794 m²: 4,755.8 kg), peanuts (70,137 m²: 7,595.84 kg), millet (39,889 m²: 2,393.34 kg) and cassava (3,862 m²: 3,668.9 kg).

Table 5 : Impacts of the project on forest species

| Affected forest species | Number of trees | Number of PAPs |
|-------------------------|-----------------|----------------|
| Acacia nilotica | 2 | 1 |
| Anacardium occidentale | 2 | 1 |
| Azadirachta indica | 7 | 6 |
| Calotropis procera | 15 | 5 |
| Combretum glutinosum | 246 | 4 |
| Combretum micranthum | 49 | 3 |

| Affected forest species | Number of trees | Number of PAPs |
|-------------------------|-----------------|----------------|
| Faidherbia albida | 121 | 18 |
| Moringa oleifera | 23 | 1 |
| Nguiera senegalensis | 1267 | 17 |
| Tamarindus indica | 5 | 1 |
| TOTAL | 1 737 | 18 |

Eleven varieties of forest species are affected by the thermal power plant project. Of the **1,737 affected trees**, the Nguer are more represented (1,267 trees), then the Ratt (246 trees), the Kadd (121 trees), then the Kinkeliba (49 trees), then the Nebeday (23 trees), Poftans (15 trees), Nimas (7 trees), tamarind trees (5 trees), cashews and nep nep (2 trees each). Of these **18 people** who will lose **trees, two are women**. However, it should be noted that some of these species are found in the project buffer zone, so that it should be possible to preserve a good part of them.

Table 6 : Impacts on concrete structures

| Types and function of the structure | Number of built structures | Number of PAPs |
|-----------------------------------------------------|----------------------------|----------------|
| Grain store | 1 | 1 |
| House at the start of the construction phase | 1 | 1 |
| TOTAL | 2 | 2 |

In the 18 hectares that constitute the site of the Power Plant, two buildings have been identified one belonging to a person and the other to a legal entity. This is represented by the municipality that operates this grain store, which is the only one to cover the villages around the power plant.

Herding

While it is likely that some grazing of livestock has taken place on the site, as would be typical even in the urban area of Dakar, the site does not have any inherent attraction to herders such as a permanent or seasonal body of water. The use of the site as a passage between pastures by herders has also become unlikely with the construction of the A1 Autoroute (a limited access toll road) on the south side of the site and the SENELEC substation on the eastern end, which would limit access to people seeking to pass through.

6. Legal and institutional framework for resettlement

a. Constitutional, legislative and regulatory provisions relating to land tenure and expropriation procedures (considering the requirements of the AfDB)

Legal framework

Considering the different texts relating to land in Senegal, the administrative classification of land brings out three main categories:

- The national domain with its components (urban regions, terroirs, classified and pioneer zones);
- The State domain which is subdivided into the private domain and the public domain of the State;
- The private domain of individuals consisting of land registered in the name of individuals.
- Each area is subject to a specific mode of administration and management and powers are either entrusted to the central administration and its technical services, or to local authorities.

National domain

Under the terms of article 1 of law n ° 64-46 of June 17, 1964, the national domain is made up of all the lands not classified in the public domain, unregistered and whose property has not been transcribed for conservation mortgages on the date of entry into force of the law. It is divided into four categories of land, namely:

- 1) Urban areas: Urban areas consist of land in the national domain located on the territory of municipalities and town planning groups provided for by the legislation applicable in this area (Art.5).
- 2) The classified areas: The classified areas are made up of forest-oriented areas or protection areas that have been classified under the conditions provided for by the specific regulations applicable to them (Art.6).
- 3) Terroir zones: The terroir zone corresponds in principle to land which is regularly used for rural housing, cultivation or breeding on the date of publication of the law, (Art.7 al.2).
- 4) Pioneer zones: Pioneer zones correspond to other lands (Art. A1.2). All the Delta lands were classified as pioneer zones from 1965 to 1987 (Decree N ° 65-443), date on which they were decommissioned and transferred to the terroir zone (Decree N ° 87-720 of June 4, 1987).

The State Domain

The domain of the State is governed by the law n ° 76-66 of July 2, 1976 of the Code of the State Domain and the decree n ° 81-557 of May 21, 1981 of its private domain.

Article 1 gives the extent of this domain in these terms: "the domain of the State includes the public domain and the private domain". Article 9 stipulates that "the public domain is inalienable and imprescriptible". All occupation titles issued in the public domain are precarious and revocable and their withdrawal does not give rise to the payment of any compensation. It's about :

- road permissions which allow the construction of light, removable or mobile facilities and which must not have a significant hold on the public domain;
- authorizations to occupy the natural or artificial public domain;
- concessions and operating authorizations giving rise to the payment of fees.

The private domain of individuals

It appeared in the texts, under the terms of the decree of July 26, 1932 reorganizing the land tenure regime in West Africa and of the law n ° 2011-07 of March 30, 2011 of the land tenure regime. The law designates this land as "land that has been registered in the name of a person other than the state."

b. Institutional framework for expropriation for public utility / payment of compensation

Several organizations are involved in the population resettlement procedure according to the legal procedure implemented at national level. These organizations responsible for land acquisition and resettlement are described below.

At the national level

At the national level, several national institutions and structures are involved in the procedure of expropriation, land acquisition and resettlement of populations:

- The Directorate of Domain and Stamp Registration, which is responsible for prescribing the opening of the public utility investigation to begin the expropriation phase. The Domain Receiver called "Investigating Commissioner" keeps the investigation file. The Minister in charge of the domains (Minister of Economy and Finance), or if necessary, the Minister responsible for the project to be carried out, draws up a report on the basis of which the declaration of public utility is pronounced by decree. The Department of Domains examines the Declaration of Public Utility (DUP), the transferability decree, the signing of acquiescence acts and compensation.
- The Cadastre Department takes care of the demarcation of the project, its establishment and the demarcation of sites or routes. These structures have skills in both legal and land matters and are proficient in the Senegalese expropriation procedure.
- The State Operations Control Commission (CCOD) stipulated in article 55 of the State Domain Code. The CCOD gives its opinion in particular on the following land issues: (i) the amount of compensation to be offered in matters of expropriation for reasons of public utility; (ii) the appropriateness of resorting to the emergency procedure, in matters of expropriation, and (iii) the expediency, regularity and financial conditions of all operations concerning the private domain of the State, of communities local and public establishments.
- The CCOD has several members: The Director of Registration, Domains and Stamp; the Director of Civil Affairs or his representative; the Director of Town Planning or his representative; the Director of Regional Planning or his representative; the Director of the Cadastre or his representative; the Investment Director or his representative; the Financial Controller or his representative; a representative of the service or organization interested in the project; a deputy.

At the regional, departmental and local levels:

- The ad hoc Supervisory Committee for the Operations to clear the rights of way of major projects.
The ad hoc Supervisory Committee for the Operations to liberate the rights of way of Major State Projects, set up by primatorial decree n ° 002943 of 21 March 2011, is responsible for supervising the liberation of the lands of Large State Projects. It is formally responsible for the following tasks: informing and raising the awareness of the populations concerned; the inventory of expenses and occupants of rights-of-way; the assessment and payment of expenses; the notification of summons to vacate the premises and the assistance of the administrative authorities for operations relating to the liberation of the sites; the identification of displaced persons and their resettlement on the developed sites.
- The ad hoc committee is chaired by the Minister of the Interior or his representative, who reports to the Prime Minister. This Committee also includes the following authorities: a representative of the Prime Minister's Office, the Minister of Economy and Finance and all the National Directorates, including DEEC, the National Agency for Investments Promotion and

Major Projects (APIX) and the Road Construction and Management Agency (AGEROUTE). APIX provides the Secretariat for the Committee, which meets at least once a month, when convened by its Chairman. It can also meet in extraordinary session whenever its President deems it necessary.

- At the regional level, the Regional Soil Assessment Commission is established in each region and is responsible for suggesting values per square meter to assign to registered land.
- At the departmental level, the Departmental Commission for Census and Assessment of Expenses is established in each department with the objective of determining the value of the property affected in any operation to recover land from individuals or legal entities. It is composed as follows: The Prefect of the department, President; the Head of the Urban Planning Department; the head of the cadastral service; the head of the agricultural department; the head of the Public Works department; the representative of the expropriating structure, and the representatives of the concerned local communities. The Prefect of the department presides the commission for the assessment of expenditure, which carries out the inventory and assessment of the affected properties.
- A Conciliation Commission is responsible for fixing, out of the Court, the amount of compensation to be paid to the expropriated persons.
- A judge in charge of expropriations is appointed at the level of the Regional Court to rule on cases of litigation which have not found amicable solutions between the State and the affected person.
- Local authorities: Following the reform of February 2002, on the territorial and local administrative organization of the Republic of Senegal, Senegal has been divided into departments, communes and division communes. According to the expropriation law, the municipalities will play their normal role in context of this resettlement operation.

Operational safeguard 2 - Involuntary resettlement: Acquisition of land, displacement of populations and compensation

This OS aims to facilitate the operationalization of the Bank's Policy on Involuntary Resettlement of 2003, within the framework of the conditions for the implementation of OS and by doing so, to integrate the factors of resettlement in the Bank's operations. This OS concerns projects financed by the Bank which involve involuntary resettlement of people. It aims to ensure that people who are to be displaced are treated in a fair, equitable, socially and culturally acceptable manner, that they receive compensation and resettlement assistance so that their standard of living, capacity to generate an income, their production levels and all their livelihoods are improved, and that they can benefit from the advantages of the project which induces their resettlement. The specific objectives of this OS reflect the objectives of the involuntary resettlement policy: (i) Avoid involuntary resettlement as much as possible, or minimize its impacts when it is unavoidable, after all alternative project designs have been considered; (ii) Ensure that displaced persons are genuinely consulted and have the opportunity to participate in the planning and implementation of resettlement programs; (iii) Ensure that the displaced persons benefit from substantial resettlement assistance under the project, so that their standard of living, their ability to generate income, their production capacities, and their overall livelihoods are improved beyond what they were before the project; (iv) Provide borrowers with clear guidelines, on the conditions that must be validated regarding involuntary resettlement issues in Bank operations, in order to mitigate the negative impacts of displacement and resettlement, to actively facilitate social development and build a viable economy and society; and (v) Establish a mechanism to monitor the performance of involuntary resettlement programs in Bank operations and find

solutions to problems as they arise, in order to guard against resettlement plans poorly prepared and poorly implemented.

The borrower or the client will have to prepare a full Resettlement Action Plan (full RAP) for (i) any project involving 200 or more people (as defined in the involuntary resettlement policy) or (ii) any project likely to have negative impacts on vulnerable groups.

For any project for which the number of people to be displaced is less than 200 and the acquisition of land and the potential for displacement and disruption of livelihoods are considered less significant, the borrower or the client prepares a Resettlement Action Plan (abbreviated RAP).

The Bank will publish the RAPs at the Bank's Public Information Center and on its website for public examination and comment, in accordance with the ESAP procedures. The full RAP must be communicated to the public at least 120 days and the RAP summaries at least 30 days before their presentation to the Councils.

The OS places particular emphasis on Consultation, participation and broad community support; compensation procedures; Host Communities; Vulnerable Groups; Implementation, monitoring and evaluation. The borrower or client prepares a Community Development Plan (CDP) for projects that have a proven risk for vulnerable communities and that must be managed. The specific risks associated with land issues, resettlement, or environmental degradation are integrated into the RAP or the ESMP and the accompanying measures will be designed and managed in consultation with the affected communities to respect their cultural preferences.

The Policy on dissemination and access to information (May 2013)

This policy aims to i) maximize the dissemination of information in the possession of the Bank Group and limit the list of exceptions; ii) facilitate access to information on AfDB operations and its sharing with a broad spectrum of stakeholders; iii) promote good governance, transparency and accountability; iv) improve the efficiency of implementation and better coordinate the information dissemination processes; (v) raise awareness of the Bank Group's overall mission, strategies and activities; vi) support the consultative process; and vii) strengthen harmonization with other development finance institutions in the area of information dissemination. The aims of this policy are also to encourage States to communicate information to the public, in particular to groups directly affected by operations in the Member States; increase public awareness of Bank Group operations, activities, policies, programs, procedures and operations, facilitate the participation of local people affected by projects financed by the Bank Group, including Non-profit Organizations Eligible government agencies (NGOs) recognized by the Bank Group and other community stakeholder organizations.

The 2014-2018 Gender Strategy

The AfDB has adopted a document on the 2014-2018 Gender Strategy, in which it sets out the principles of equality which must guide all the operations in which it is involved. In this latter document, the Bank considers gender to be an integral component of Africa's economic development and strongly advocates for an end to the gender-based discrimination of all kinds. For the Bank, this is neither more nor less than a question of human rights or a smart economy.

Equal access to the means of production, equal treatment, including in terms of salary, above all, are therefore expected from the institution's partners. The strategy is based on three main pillars :

- Pillar 1 (Legal status and property): Support for gender-oriented governance, law reforms, secure land tenure for women farmers, reduction of gender-based violence, and establishment of a private sector and a business climate favorable to women.

- Pillar 2 (Economic empowerment): Support for increasing women's access to and control over financial resources and services, mobilizing the infrastructure for the gender equality, speech for the defense of positive discrimination in favor of women and of businesses led by women, increase the productivity of women farmers and facilitate their inclusion in the market, and provide skills training in science and technology for women.
- Pillar 3 (Knowledge management and skills building):
 - (i) Provision of resources and technical assistance for knowledge management in gender equality;
 - (ii) Improvement of gender results reporting;
 - (iii) Capacity building of its personnel for the promotion of gender equality in operations;
 - (iv) Support RMCs in strengthening their capacities to promote and integrate gender equality in policies and programs, and produce better data and statistics ventilated by gender.

The Civil Society Participation Framework (2012)

The ultimate objective of the Engagement Framework with Civil Society Organizations (CSOs) is to enable the Bank to obtain better results and a greater impact on the development process by consolidating its participation mechanisms and coordination with CSOs. More specifically, the objectives of the Framework are: a) to strengthen the Bank's capacities to establish cooperation modalities with CSOs; b) encourage interactions with CSOs in a way that effectively contributes to the Bank's mission and the effectiveness of its support to PRMs; and c) to set out operational guidelines for headquarters, regional resource centers, field offices and staff working on projects.

c. Role of the project management unit:

The primary responsibilities for the RAP come to the Company of the project. It constitutes the main project implementation body, responsible for coordinating and controlling project activities, including taking into account social and environmental safeguarding issues.

Its departments are responsible for ensuring that involuntary resettlement measures throughout the process of preparation, implementation, monitoring and evaluation of activities carried out in accordance with the Senegalese legislation and the principles of OS 2 on involuntary resettlement. In this sense, the overall responsibilities for the design, preparation and review of planning documents, at least in the initial phase, and the implementation of resettlement actions are their responsibility. This practically includes the following tasks and responsibilities :

- validate the Resettlement Action Plan (RAP) report prepared by the consultant;
- diffuse the report (RAP) in the resettlement areas;
- ensure that the consultation and information can easily take place in conjunction with local partners such as local administrators, village chiefs and people affected by the project; and
- participatively supervise the implementation of RAP monitoring and evaluation actions.

d. Roles and responsibilities of authorities in the implementation of the RAP

In Senegal, it is the Departmental Commission for Census and Assessment of Expenses (CDREI) which is the body recognized at state level to conduct census operations and assessment of expenses when it comes to free up rights-of-way to house state projects. It is also in this sense that prior to the

mission of the RAP consultant, the said commission was mobilized to make an inventory work of the existing properties in the expropriated lands of the project and to make an evaluation of it.

This is also where the protocol signed between Malicounda Power and the CDREI of Mbour follows, which supports them in the preparation of compensation and resettlement operations. Sectoral reports have thus been produced respectively by the Office of Domains, the Departmental Office of Rural Development, the Water and Forest Sector and the Departmental Division of Urban Planning and Housing.

During the implementation of this RAP, all these sub-supervisory services of the Prefect of the Department of Mbour will have to participate in mediation actions if necessary. At the same time, in the event of a complaint brought by a third party on the grounds of omission or dispute of the amount proposed, these departmental services will be mobilized in order to carry out an evaluation or re-evaluation. These services work in perfect collaboration with the consultant involved in the implementation and Malicounda Power.

Finally, the payment of compensation is subject to the signing of an irrevocable act of acceptance. Prior to the signing, the PAP is presented with a document informing him of how his or her compensation was calculated. If the PAP disagrees with this calculation, he can seek the mediation of the Prefect. This act of acceptance that binds the State of Senegal and the PAP, is prepared by the CDREI and the Prefect (President of the Commission) is the only one who can sign as a legal representative of the State.

7. Compensation Plan

a. Legal owners, assessment of property rights and eligibility criteria

As a result of the Project's land acquisition, all the lands used by the thermal power plant is in the national domain. Thus, operators have only a regulatory right to use.

But, in line with the OS 2 policy on involuntary resettlement of the African Development Bank (AfDB) group, three groups of displaced persons should be entitled to compensation or resettlement assistance for the loss of land or other goods because of the project:

- a) Those who have formal legal rights to land or other property recognized under the laws of Senegal. This category includes people who physically reside at the project site and those who will be displaced or may lose access or suffer a loss of livelihood 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 appraisal, but can demonstrate that they have a claim that would be recognized by customary laws of the country. This category includes people who would not physically reside at the project location or people who do not have assets or direct sources of livelihood from the project site, but who have spiritual or ancestral ties to the land and are recognized by local communities as customary heirs.
- c) Those who have no recognizable legal or claim rights over the land they occupy in the area of influence of the project, and who do not belong to any of the two categories described above, but who, for themselves or through other witnesses, can prove that they occupied the area of influence of the project for at least 6 months before a deadline established by the borrower or the client and acceptable by the Bank.

a. Census including deadline, and eligibility criteria (see section 6a above);

Table 7 : Impacts of the project on plots for residential use

| Number of affected plots | Affected area (m ²) | Number of PAPs |
|--------------------------|---------------------------------|----------------|
| 115 | 42 624 | 32 |

The plant project will affect **115 plots** for residential use, which in total will cover an area of **42,624 m²**. These **115 plots** belong to **32 people** including **4 women**. This number of significant property is explained by the fact that the site had been the subject of subdivisions. While some plots have been the subject of a transaction, others have not yet been and are still the property of the first occupant. This explains why some PAPs have several plots in their name.

Table 8: Impacts of the project on agricultural lands

| Number of affected lands | Affected area (m ²) | Number of PAPs |
|--------------------------|---------------------------------|----------------|
| 13 | 126 204 | 13 |

A total of **13 fields** belonging to **13 different PAPs** will be affected. These 13 fields have a total area of **126,204 m²**. These 13 PAPs are mostly men, since only **one woman** suffers this type of loss and is not the operator of the field. Two operators who are not landowners, but who work the land for the owners, will also be affected by the loss of the land.

Table 9 : Impacts on fruit trees

| Fruit trees | Number of stalks | Number of PAPs | Compensation cost |
|-------------|------------------|----------------|-------------------|
| Mango tree | 7 | 2 | 1 540 000 |

The only fruit tree listed on the site is the mango tree. This type of loss only concerns two PAPs. One loses 1 stalk of mango while the other loses 6.

Table 10 : Impacts of the project on crops

| Speculations | Planted areas (m ²) | Number of PAPs | % | Yield (kg/m ²) | Affected quantity (kg) |
|--------------|---------------------------------|----------------|------------|----------------------------|------------------------|
| Niébé | 6794 | 2 | 17 | 0,7 | 4 755,8 |
| Arachide | 70137 | 4 | 33 | 0,1083 | 7 595,84 |
| Mil | 39889 | 5 | 42 | 0,066 | 2 393,34 |
| Manioc | 3862 | 1 | 8 | 0,95 | 3 668,9 |
| TOTAL | 120 682 | 12 | 100 | ... | ... |

4 (four) types of crops are grown on the 18-hectare site. These are mainly cowpeas (6,794 m²: 4,755.8 kg), peanuts (70,137 m²: 7,595.84 kg), millet (39,889 m²: 2,393.34 kg) and cassava (3,862 m²: 3,668.9 kg).

Table 11 : Impacts of the project on forest species

| Affected forest species | Number of trees | Number of PAPs |
|-------------------------|-----------------|----------------|
| Acacia nilotica | 2 | 1 |
| Anacardium occidentale | 2 | 1 |
| Azadirachta indica | 7 | 6 |
| Calotropis procera | 15 | 5 |
| Combretum glutinosum | 246 | 4 |
| Combretum micrantum | 49 | 3 |
| Faidherbia albida | 121 | 18 |
| Moringa oleifera | 23 | 1 |
| Nguiera senegalensis | 1267 | 17 |
| Tamarindus indica | 5 | 1 |
| TOTAL | 1 737 | 18 |

Eleven varieties of forest species are affected by the thermal power plant project. Of the **1,737 of affected trees**, the *Nguer* are more represented (1,267 trees), then the *Ratt* (246 trees), the *Kadd* (121 trees), then the *Kinkeliba* (49 trees), then the *Nebeday* (23 trees), *Poftans* (15 trees), *Nimas* (7 trees), *tamarind* trees (5 trees), *cashews and nep nep* (2 trees each). Among these **18 people** who will lose **1,737 forest specie trees**, **2 (two) are women**.

Table 12 : Impacts of the project on concrete structures

| Types and function of the structure | Number of built structures | Number of PAPs |
|-----------------------------------------------------|----------------------------|----------------|
| Grain store | 1 | 1 |
| House at the start of the construction phase | 1 | 1 |
| TOTAL | 2 | 2 |

In the 18 hectares that constitute the site of the Power Plant, two buildings have been identified belonging to two people, including a legal entity. This is represented by the municipality that operates this grain store, which is the only one to cover the villages around the power plant. Moreover, the testimony of city hall officials indicates that its capacity no longer meets the needs of the communities, so that they are forced to borrow premises belonging to private sector actors. Today, the mayor who is the respondent for the loss of this property believes that it is better to build a replacement store with a larger storage capacity. Malicounda Power will build the replacement with larger dimensions. The exchange with the promoter, Malicounda Power, allowed to notice that the latter is in the process to accede to the request of the commune.

Impacts on hydraulic structures

All in all, a well has been identified and belongs to the owner of the above-mentioned house at the start of construction.

b. Applicable principles and rates;

Method for assessing losses of plots for housing use

Within the framework of this RAP, an evaluation work has already been made by the Departmental Commission for Census and Assessments of Expenses of Mbour. This evaluation work was based on the texts of national regulations whose scales do not allow PAP access to a replacement good. Indeed, for a plot of 300 m², an amount of 296,000 CFA francs was suggested. Having considered the amount very low, the PAPs did not withdraw their compensation. It was then that the amount was revised upwards by adding 500,000 CFA francs: which amounts to 796,000 CFA francs. This amount is still considered insufficient in view of all the interest in this area of Malicounda that has let lose an outburst in property values.

In 2017, a social audit that the resettlement consultant participated in carried out real estate assessments based on transactions on the market at that time, the proximity of the airport and the serving to Malicounda through the toll highway. The price applied in the village of Falokh⁴ was 3,333 CFA francs per square meter. In the meantime, the toll highway has opened and the closer the plots are to the main road, the more valuable they are. It emerges from this analysis that the prices fixed by national regulations are not applied on the local market. In order to maintain control over land transactions in the department of Mbour, the Office of Domains adapts these scales via calculations which adapt to the reality of the local market. This provision is especially important when it comes to implementing the project funded by international institutions.

From this point of view, an amount of 1,500,000 CFA will be allocated to each plot owner of a plot of 300 m². The price per square meter to be considered in the context of this RAP is therefore 5,000 CFA francs.

Method for assessing fruit tree losses

In this RAP, only one species of fruit tree is identified. This is the mango tree. No other fruit trees are found on the site. The national scale of 2010 assesses a mango tree of production age at 75,000 CFA francs, an amount that is supposed to cover all the compensation and the cost of putting a plant back into production. As per the RAP principle, it is necessary to take care not only of the loss of the tree, of its production, but also of the costs relating to a replanting operation of a new one until its production age.

The exchanges with the Departmental Service of Agriculture of Mbour made it possible to understand that:

- a mango tree of production age produces an average of 200 kg of fruit per year;
- a young mango tree needs 7 years of maintenance to reach its full production potential;
- at 3 years old, the young mango tree can start to produce but in a modest and inconsistent manner.

The evaluation of the compensation for this loss will all take into account the following:

- 200 kg of production per year;

⁴ Falokh was the only village in the Malicounda commune concerned by the PEAMU hydraulic works.

- the unit price for 1 kg of mango is 300 francs;
- 10,000 francs constituting the purchase price of a young mango stalk;
- 3 years representing the production age of the mango tree;
- 10,000 francs for annual maintenance costs for 3 years.

This calculation leads to the result of 220,000 CFA francs to be paid for a mango stalk. This amount then covers the loss of the tree, the loss of annual income from this tree and the costs of buying a nursery and maintaining it until its production age. This is how compensation can repair the damage suffered by the PAP.

Method for assessing agricultural land losses

All of the plots to be acquired permanently are lands in the national domain. Their owners acquired them by inheritance, but with the primacy of the formal law, farmers are adapted to the context of formalization of their land and have acquired title deeds which grants them the right to exploit. This is why the national regulations, through the law on the national domain do not provide compensation. Investing in land remains the only reason for compensation. Therefore, to meet the principles of the AfDB, it will be a question of allocating the PAPs compensation or amounts that would allow them to restore their pre-project living conditions. The national regulations refer to decree “n ° 2010-439 of April 06, 2010 which repeals and replaces decree No. 88-074 of January 18, 1988, fixing the price scale of bare land and built land applicable for determining the rent of premises for residential use”. Upon reading the given decree, an amount of 200 francs / m² is fixed for rural lands like the one of the municipality of Malicounda. This scale is unsuitable to date in view of local market practices.

The investigations carried out made it possible to note that the compensation offered to the PAPs of the Solar Power Plant of Malicounda was 3,000,000 CFA francs per hectare in 2015. As part of the social audit of the PEAMU / Axis drinking water project Mbour-Mbodiène (2017), compensation was made in the villages of Nguekhokh, Malicounda and Nguéniène and suggested amounts that varied between 500 CFA francs and 1,000 CFA per m² francs depending on the proximity of the main road.

At the same time, it is noteworthy that transactions between individuals for this type of property are becoming increasingly rare given that the municipality of Malicounda, in addition to having been served by the toll highway, receives a lot of projects from the government. Moreover, the surrounding municipalities no longer have a property tax base enabling them to carry out some of their projects. Landowners, aware of this situation, decided to parcel their lands to give more value to the land they occupy. This is why to establish the principle of equality and equity, an amount of 500 CFA francs per m² for the loss of agricultural land is suggested. Thus, the price of one hectare of land would be 5,000,000 CFA francs.

Crop loss assessment method

Compensation for crops will be paid to people farming their own land, including people growing crops on their subdivision housing plots, and people who do not own the land they are farming. Two people fall into that latter situation. Certain PAPs will lose their land permanently, no matter the season, when it is taken over for construction. But whether their crops will be affected depends on the season and whether construction starts before the harvesting of crops. Agricultural activities are undertaken during the rainy season and the harvest usually occurs at the end of that season. If the construction

takes place during the rainy season, but before the harvest, some PAPs will lose that year's crops.⁵ Compensation will therefore be assessed on the basis of the affected area and the yield per square meter or hectare. The assessment is made from the yield compared to the value of the harvest on the local market. The crops grown on these lands are: peanuts, millet, corn, cowpeas and cassava. The assessment of compensation for this type of loss will cover three harvest seasons. The amount of compensation will therefore allow the PAP to restore the losses while finding another site where it can develop the same activities. To better assess the accuracy of the amounts, reference was made to the scales applied during a social audit in the same area of Malicounda, Nguekhokh, Ngarparou. In addition, the consultant carried out a price survey at the Market of Malicounda itself. This made it possible to suggest and apply the following scales:

| Speculations | Price per Kg (Social audit PEAMU) | Suggested amount for this RAP | Yield (kg/m ²) |
|--------------|-----------------------------------|-------------------------------|----------------------------|
| Niébé | 753 | 750 ⁶ | 0,07 |
| maïs | 212 | 225 ⁷ | 0,0778 |
| mil | 245 | 275 ⁸ | 0,06 |
| Arachide | 437 | 450 ⁹ | 0,1083 |
| Manioc | 455 | 622 ¹⁰ | 0,9500 |

Since this is a permanent loss, it was deemed necessary to compensate the equivalent of 3 crops for people affected by the project. The PAPs need this amount of compensation to find a new farm and see a new crop to harvest. This typically takes 2-3 years. The following formula is therefore applied:

$$\text{Compensation} = (\text{Area} \times \text{Yield} \times \text{Unit price per Kg}) \times 3$$

Method for assessing losses of forest trees

Within the framework of this RAP, compensation is provided in cash for losses of forest trees. The compensation assessment depends on their species and their productivity.

For the replacement price of the trees, it is noteworthy that scales are offered by the State of Senegal. The latter were also used by the CDREI of Mbour as part of the first assessments. Indeed, to determine the replacement price of trees, reference is made to the scales decreed in the CPR PEAMU which was based on the decree of 2001-217 of March 13, 2001 revising article 3 of decree N ° 96- 572 of July 09, 1996 fixing the taxes and earnings.

⁵ Note that there is an update at the end of the Executive Summary that states that only the 6 hectares of land needed for the powerplant site have been acquired as of the date of this RAP. People are still farming outside of the site in the 12 remaining hectares. They will be allowed to harvest their current crop at the end of the 2020 rainy season, after which the entire site will be fenced off.

⁶ At the current period when harvests are still awaited, the kilogram is sold in Malicounda at the price of 800 CFA francs

⁷ The price varies between 200 and 250 CFA francs.

⁸ Currently, the price is 300 CFA francs / kg. Right after the harvest, prices drop to 225 CFA francs.

⁹ Due to the low prices approved by the State (225FCF), producers prefer to wait until the end of the peanut marketing year before placing their products on the market. Therefore, it allows them to claim for more attractive amounts. Moreover, the hay trade has become a sector in the agricultural trade. Intensive breeding has indeed given more value to this by-product. Consequently, the sale is made per unit of bag at a variable price between 4,500 CFA frncs and 5,000 CFA francs.

After the lead investigations, it turned out that these prices were set 18 years ago. Their application does not make it possible to repair the damage suffered by the PAPs. Especially that, intensive agriculture is giving more and more value to species like kadd, baobab. This is why these prices will be revised upwards taking into account the social and economic services that these natural resources provide to users. This is how, for recorded losses, the following prices are offered.

Table 13 : Revision of compensation scales for forest species

| Species | Applicable scales by the CDREI | Suggested scales for the present RAP |
|-------------------------------|--------------------------------|--------------------------------------|
| <i>Nguiera senegalensis</i> | 8 000 | 1 500¹¹ |
| <i>Combretum glutinosum</i> | 8 000 | 8 000 |
| <i>Adansonia digitata</i> | 10 000 | 25 000 |
| <i>Faidherbia albida</i> | 12 000 | 20 000 |
| <i>Anacardium occidentale</i> | 8 000 | 20 000 |
| <i>Moringa oleifera</i> | 8 000 | 10 000 |
| <i>Combretum micrantum</i> | 8 000 | 10 000 |
| <i>Tamarindus indica</i> | 8 000 | 15 000 |
| <i>Azadirachta indica</i> | 8 000 | 10 000 |
| <i>Acacia nilotica</i> | 8 000 | 8 000 |
| <i>Calotropis procera</i> | 8 000 | 5 000 |

The project-affected forest trees number 1 737, of which the *Nguiera senegalensis* represents 73 %, i.e., 1 267 trees. CDREI proposed a compensation amount that is 8 times above the amount the amount proposed by law. This amounted to 8 000 FCFA per tree. With the appreciation in the value of this tree a value of 1 500 FCFA was proposed for this RAP. Given the much higher amount already paid out for the *Nguiera senegalensis*, the most common tree, the analysis determined that no additional compensation was needed for these trees.

Before the release of the land expropriation for the site concerning the power plant, the owners of the affected trees may harvest the fruits or products and cut them if they wish to recuperate the wood.

¹¹ The national scale offers 1,000 CFA Francs per tree. It could be an error during the CDREI evaluation. With regard to social uses (use for firewood), an amount of 1,500 CFA Francs is suggested.

Method for assessing losses of concrete structures

The State of Senegal has devoted texts to the evaluation of structures for residential use according to several categories that reflect the level of standings in buildings. Thus, a price per square meter built is applied to determine the market value of the structures to be affected. This is the decree 2014-144 of February 05, 2014 amending decree n ° 81-683 of July 07, 1981 fixing the elements for calculating the rent of premises used for residential purposes.

To remain faithful to the principles of the stakeholders and allow PAPs to replace their new property after compensation, it was deemed more appropriate to initiate an evaluation method allowing the determination in detail, of the value of the affected buildings, the prices on the marketplace for all necessary reconstruction materials. This is how an evaluation at cost price is made for all evaluations of hard structures. This approach was chosen and applied for the evaluation of all the hard structures identified in the rights of way of the power plant project site of Malicounda. Thus, no fixed scale can be given for this category of loss. There are only two hard structures on the Malicounda site: a grain storage and an uncompleted house. Malicounda Power will be constructing a larger grain storage building to replace the existing one. The compensation for the unfinished house was determined to be at replacement cost. Thus, no additional compensation is planned for these structures.

Assessment method for loss of wells

On the project site, the cost of making a well depends on the depth of the water table. Thus, the plaintiffs call on a laborer to dig. Two negotiation options are generally available:

- (i) Payment of labor to the person doing the digging; purchase of the material by the applicant;
- (ii) Full payment of the amount necessary for the laborer who purchases the material.

In both cases, the full cost for the construction of a well is around 750,000 CFA francs according to surveys.

c. Estimated losses and related compensation costs

| Types of compensations | Amount of compensations (CFA francs) |
|----------------------------------------------|-----------------------------------------|
| Compensation for residential use plots | 213 120 000 |
| Compensation for losses of forest trees | 7 295 500 |
| Compensation for losses of agricultural land | 63 102 000 |
| Compensation for crop losses | 21 971 974 |
| Compensation for fruit tree losses | 1 540 000 |
| Compensation for built structures | 15 832 160 |
| Compensation for loss of wells | 750 000 |
| TOTAL | 323 611 634 |

d. Consultations and negotiations held/conducted

To collect the different opinions of the concerned people, an essentially qualitative approach was used. It is mainly based on the use of interview and focus guides which have enabled stakeholders to speak in depth and freely.

Thus, in the first place, meetings with the administrative authorities were organized: these are municipal councilors, the deputy mayors, the director of the mayor's office, etc. Then, the local populations (precisely the people affected by the project and the village chiefs) and technical services such as: Safety and Environment Service / Quality Department, Safety and Environment, Service Department of Agriculture of Mbour, Water and forest Sector of Mbour.

In general, all stakeholders agreed that the government scales applied to compensate PAPs are generally very low. They therefore insist that the project tries as far as possible to bring compensation to market realities.

e. Livelihood Restoration and Enhancement

Malicounda will undertake a Livelihood Enhancement Plan (LEP) to ensure that the people who were economically displaced have been able to improve their livelihoods (based on the AfDB requirement). As noted, the final compensation amounts for crops and trees is intended to allow PAPs to restore their livelihoods based on restarting their agricultural activities elsewhere. Several factors may, however, prevent this restoration from happening, such as difficulties in finding land or other demands on the

PAPs for their cash. The LEP will review the socio-economic status of those who lost their agricultural activities, then through a combination of consultation and socio-economic analysis it will identify possible measures to help the PAPs improve their livelihood. Particular attention will be paid to women's activities that may have been affected. The LEP will theoretically focus on the 12 PAPs who lost crops, but given for example that 18 PAPs lost trees, the plan may need to look at people beyond those 12.

The terms-of-reference will be developed in consultation with stakeholders, including the PAPs themselves. Because of the current measures to contain COVID-19 in Senegal, preparation of the LEP has been delayed. A target date for completion and implementation is June 2021, to coincide with the next rainy season.

f. Costs and budget for full resettlements, including a livelihood restoration plan:

For the implementation of this RAP, the following budget defines all the costs associated with compensations for the PAPs; resettlement assistance measures and necessary monitoring and evaluation. The budget is divided into several headings: compensation measures for the compensation of affected property; measures to support vulnerable PAPs and the restoration of livelihoods, information, communication and monitoring and, evaluation.

| N° | Headings | Budget in CFA | Source of financing |
|----|----------------------------------------------------------------|--------------------|-------------------------|
| 01 | Compensation for penalties and care of agricultural plots | 63 102 000 | MALICOUNDA POWER |
| 02 | Compensation for crop losses | 21 971 974 | |
| 03 | Compensations loss of plots for residential use | 213 120 000 | |
| 04 | Compensation for hard structure losses | 15 832 160 | |
| 05 | Compensation for forest tree losses | 7 295 500 | |
| 06 | Compensation for fruit tree losses | 1 540 000 | |
| 07 | Compensation for well losses | 750 000 | |
| 08 | Loss compensation budget | 323 611 634 | |
| 09 | Unpredictables 5% | 18 793 082 | |
| 10 | Total compensation budget | 342 404 716 | MALICOUNDA POWER |
| 11 | Support to vulnerable PAPs | 3 000 000 | |
| 12 | Support for the restoration of livelihoods of PAPs | 30 000 000 | |
| 13 | Cost of the RAP implementation (Consultant) | 25 000 000 | |
| 14 | Budget for the implementation and monitoring of the RAP | 58 000 000 | MALICOUNDA POWER |

| N° | Headings | Budget in CFA | Source of financing |
|------------------------------|----------|------------------------|---------------------|
| Total cost of the RAP | | 400 404 716 CFA | |

Compensation – previously paid by SENELEC and additional compensation to be paid by Malicounda Power - for all the losses identified on the site of the power plant amounted to **323,611,634 CFA francs**. It is necessary during implementation to provide additional support, which may be in kind or in cash for the benefit of the 8 vulnerable people. The budget required for these people is **3,000,000 CFA francs**. Likewise, it is expected from the company of the project to invest in the implementation of actions to restore the livelihoods of the PAPs, based on the Livelihood Enhancement Plan, who are losing sources of income and subsistence. There are 12 PAPs and will receive support for one to two years, depending on the performance levels achieved. All these activities will cost approximately, added to the costs of compensation, a total amount of **400 404 716 CFA francs**. The latter also covers the provision of consultancy services and the operating costs of the Departmental Commission for Census and Assessments of Expenses of Mbour.

g. Payment and resettlement calendar

| Steps | Designation of activities | | | | | | | | | | | | | | |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--|--|-----------|--|--|-----------|--|--|-------------|--|--|----------------|--|
| | | September 2019 | | | June 2020 | | | July 2020 | | | August 2020 | | | Februar y 2021 | |
| Step 1 | Deposit of a RAP model to the client | | | | | | | | | | | | | | |
| Step 2 | Review of the Report by the lessor and integration of comments | | | | | | | | | | | | | | |
| Step 3 | <ul style="list-style-type: none">Diffusion of the RAP to PAPs, local and administrative authorities.Presentation of the compensation and acceptance protocol.Signing of conciliation and irrevocable acts indicating the asset affected, its financial estimate and the compensation methods | | | | | | | | | | | | | | |
| Step 4 | <ul style="list-style-type: none">Payment of financial compensation | | | | | | | | | | | | | | |
| Step 5 | <ul style="list-style-type: none">elease of expropriations | | | | | | | | | | | | | | |
| Step 6 | <ul style="list-style-type: none">Support for the restoration of the livelihoods of PAPs | | | | | | | | | | | | | | |
| Step 7 | <ul style="list-style-type: none">Monitoring of the resettlement procedure | | | | | | | | | | | | | | |
| Step 8 | <ul style="list-style-type: none">(Assessment of RAP implementation) | | | | | | | | | | | | | | |

8. Complaints /Arbitration Management Mechanism

Requirement

The projects financed by the Bank require the establishment and maintenance of a Complaint Management Mechanism (MGP) open to all stakeholders. This mechanism, which is established within the framework of this RAP, will be maintained throughout its implementation.

It aims to provide a fair and rapid system for recording and managing complaints for any complaint related to the implementation of the RAP of the said Malicounda power plant project.

One of its main objectives is to avoid resorting to the judicial system and to seek an amicable solution in all possible situations, while thereby preserving the interest of the complainants and the Project and limiting the risks inevitably associated with an action in justice.

Key principles

In the context of this RAP, people who wish to file a complaint or raise a concern will do so only if they are certain that the complaints will be dealt with quickly, fairly and without risk to themselves or to others. The fear of reprisals is often feared among complainants.

To ensure that a system of complaint is effective, that it ensures confidence and that it is likely to be used, the following fundamental principles must be respected: **Participation; Security; Confidentiality; Transparency; Accessibility.**

General principles

The fundamental principles underlying the grievance mechanism are:

- the process for resolving conflicts will be transparent, in harmony with local grievance mechanisms in the municipality of Malicounda;
- complaint communication channels will remain open throughout the process;
- each person affected by the project and other stakeholders will have free access to the complaints procedure;
- all complaints and claims will be recorded, whether based on facts or feelings;
- all complaints will be the subject of interviews with the complainant and, if necessary, a site visit to obtain a first-hand understanding of the nature of the concern;
- special provisions will be made for women, vulnerable and marginalized groups, to allow them to voice their concerns and register their complaints;
- the response to the complaint and its treatment will be rapid and should not exceed 10 days.

However, the Power plant of Malicounda can manage, through the judicial or administrative available entities, if the amicable remedies do not lead to satisfying results.

Complaint handling procedure

The complete complaint resolution process suggested in this RAP is made up of the following steps and instances:

Step 1

A team for receiving and monitoring complaints will be made available by Malicounda Power and will play the role of facilitating structure. This internal unit, made up of part of the project staff, will be presided by a manager who centralizes all information relating to complaint management. The composition of this unit will be determined by the head of mission. The actors involved in the resettlement will have the task of assisting the PAPs on a daily basis and will be called upon to assist the PAPs and inform them of their rights and of the planned compensation measures.

This unit will be the place to which any PAP or complainant wishing to deposit a complaint. It will examine the complaints of the PAPs and will try to find an appropriate answer for them before the PAP addresses its request to the local Mediation Committee.

Step 2

Complaints that could not be resolved by the consultant responsible for implementing the RAP will be transmitted to the Local Mediation Committee (LMC) for amicable resolution within 48 hours of its receipt by the given committee.

If the Local Mediation Committee (LMC), which is a mediation entity, determines that the request is well-founded, the complainant must receive the rest of the compensation, and benefit from adequate reparation procedures.

This Committee will be made of the following people:

- The chief of the district / village,
- a representative of the PAPs,¹²
- a representative of the contracting authority or the consultant responsible for the implementation
- a representative of select groups, for example from among the elders or traditional authorities, as the case may be.

The Committee will be fully constituted when this RAP is approved.

Step 4

Departmental Court: Failing to reach a resolution by mediation with the conciliation commission, the file is transferred to the Court of Mbour to start legal procedures, and the complainant may initiate a referral to the Prefect of the department in order to rule on this situation. In the event of disagreement with this body, the PAP may then initiate a contentious judicial procedure.

Step 5

This last stage of negotiation includes the Regional Court, which is the common law judge in all matters. In fact, the regional Court will deal with the claims of PAPs who have not found an amicable solution.

¹² The PAPs' representative has already been chosen during a recent consultation meeting with the PAPs.

The litigation procedure is sometimes very firm, complex and it can involve significant costs for the litigant. It is sometimes unsuitable for those who hold formal rights, especially for those who only benefit from informal rights. For the latter, the judge may pay no attention. Finally, the litigation procedure represents many problems for a population which is generally illiterate. For this reason, an amicable resolution of the dispute is preferred in the context of this project.

9. Monitoring and evaluation of implementation

a. Monitoring indicators;

The monitoring indicators in the context of implementation are as follows:

| Monitoring indicators and parameters | Types of data to collect |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Participation /Social mobilization | <ul style="list-style-type: none"> + Number of RAP validation sessions with PAPs; + Number and types of information sessions for PAPs held in the different localities; + Number of participatory sessions held to discuss the preparation of the resettlement operations; + Number and representativeness of different social segments involved; + Level of participation. |
| Negotiation /Compensation | <ul style="list-style-type: none"> + Number of collective or private goods destroyed and rehabilitated; + Number of buildings affected and compensated; + Number of residential plots affected and compensated; + Number of trees destroyed and compensated; + Type and amount of paid compensation; + Number of minutes of agreements signed by the PAPs and the commission. + Number of PAPs in disagreement |
| Resettlement process | <ul style="list-style-type: none"> + Number of sensitized PAPs ; + Number and types of the granted support; + Number of assistance offered to vulnerable PAPs |
| Restoration /Improvement of livelihoods | <ul style="list-style-type: none"> + Number of identified PAPs ; + Number of reconversion identified activities; |

| Monitoring indicators and parameters | Types of data to collect |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> Types of support provided by the Project; Agricultural income before and agricultural or new income sources after project construction |
| Resolution of all legitimate grievances | <ul style="list-style-type: none"> Number of identified conflicts ; Number and types of conflicts; Number of resolution reports (agreements); Number of disputes brought to justice / continuous monitoring. |
| PAP satisfaction | <ul style="list-style-type: none"> Number of sensitized PAPs ; Percentage of PAPs who expressing satisfaction with outcomes in surveys Number and Type of the granted support. |

b. Supervisory institutions and their roles

The institutions involved in monitoring resettlement operations are located at different levels; the following table presents their respective roles.

| Actors involved | Roles in the resettlement process |
|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The project company of Malicounda Power | <ul style="list-style-type: none"> validate the Resettlement Action Plan (RAP) report prepared by the consultant; disseminate the report (PAR) in the resettlement areas; Proceed to PAP payments Ensure that consultation and information can easily take place in conjunction with local partners such as local administrators, village chiefs and people affected by the project; and An active supervision of the implementation of RAP monitoring and evaluation actions. |
| The Departmental Commission of Census | <ul style="list-style-type: none"> Conduct of mutually-agreed censuses ; |

| Actors involved | Roles in the resettlement process |
|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| and Evaluation of the Expenses of Mbour | <ul style="list-style-type: none"> • Participation in social mediation activities when needed • Handing of checks to PAPs • Supervision and support in the implementation of measures to improve the livelihoods of PAPs • Claims processing • Signature of the irrevocable act of acceptance |
| The Malicounda City Hall | <ul style="list-style-type: none"> • Taking part in the validation of the RAP prepared by the consultant; • Participation in the resettlement planning process; • Participation in the information of neighborhood leaders and affected people; • Participation in the monitoring and implementation of compensation; |
| The Local Resettlement and Mediation Committee | <ul style="list-style-type: none"> • Transmission of messages between the populations, the Resettlement Monitoring Committee and SENELEC/Malicounda Power • Popularization of project messages and decisions • Registration of complaints in the registers kept at the localities and contributing to the management of these complaints at a decentralized level |
| Company community liaison | <ul style="list-style-type: none"> • Supervision of the RAP implementation • Formulation and Monitoring of social support measures • Development of a communication plan for PAPs that cannot be found |

c. Dissemination of periodic monitoring and completion of audit reports

Monitoring will allow the promoter to ensure full compliance with the principles and procedures set out in the RAP. The follow-up activities of the RAP are included in the tasks entrusted to the Consultant who will be recruited part-time and will work in close collaboration with Malicounda Power. It will involve carrying out the following actions:

- interview the PAPs in the context of open discussions to determine their knowledge and concerns regarding the resettlement process, their rights to benefits and rehabilitation measures;
- observe information sessions and public consultations with PAPs;
- observe the functioning of the resettlement program at all levels to assess its level of effectiveness and compliance with the action plan;
- verify the type of problems giving rise to complaints and the functioning of the mechanisms for resolving these complaints by reviewing the treatment of complaints at all levels and by questioning the people affected who are the source of complaints;
- assess the quality and relevance of the replacement goods allocated;
- advise project managers on improvements to be made, if necessary, to the implementation of the RAP.

To allow different parties to have a look at resettlement activities. As mentioned thereof, the consultant suggests the recruitment of a social facilitation structure which will lead the resettlement process with the support of the local administration. In the same context, it will have to produce quarterly activity reports. Depending on the requests of the client and the lessors and depending on the circumstances, ad hoc meetings may be required to allow all the involved parties to have visibility on the initiated resettlement process.

Finally, the structure responsible for the implementation will have to produce a detailed report describing all the activities carried out from A to Z (minutes of meetings, press release, payment of PAPs, copies of checks, letters, etc.). Moreover, the activities supporting the improvement of the livelihoods of the PAPs eligible for this support must be described in the final RAP implementation report.

d. Monitoring and evaluation costs

The estimated provisioned budget for monitoring and evaluation of the resettlement process is 25,000,000 CFA Francs as presented in the RAP budget.

10. Total cost of the full implementation of the RAP.

| Items | Budget in FCFA | | |
|-----------------------------------------------------------------|-------------------|-----------------------------------------------------|---------------------------------------|
| | Total Amount Paid | Amount Paid by Senelec (Included in the Land Price) | Amount to be paid by Malicounda Power |
| Compensation for improvements on and care of agricultural plots | 63 102 000 | 0 FCFA | 63 102 000 |
| Compensation for crop losses | 21 971 974 | 5 450 966 | 16 521 008 |
| Compensations for the loss of plots for residential use | 213 120 000 | 123 154 000 | 89 966 000 |
| Compensation for hard structure losses | 15 832 160 | 15 832 160 | ... |
| Compensation for the loss of forest trees | 7 295 500 | 7 295 500 | ... |

| | | | |
|----------------------------------------------------------------|-------------------------|--------------------|--------------------|
| Compensation for the loss of fruit trees | 1 540 000 | 420 000 | 1 120 000 |
| Compensation for the loss of wells | 750 000 | 250 000 | 500 000 |
| Budget of the compensation for losses | 323 611 634 | 156 074 976 | 167 536 658 FCFA |
| Contingencies 5% | 18 793 082 | ... | 18 793 082 |
| Total compensation Budget | 342 404 716 | 156 074 976 | 186 329 740 |
| Support to vulnerable PAPs | 3 000 000 | ... | 3 000 000 |
| Support for the restoration of livelihoods of PAPs | 30 000 000 | ... | 30 000 000 |
| Cost of RAP implementation (Consultant) | 25 000 000 | ... | 25 000 000 |
| Budget for the implementation and monitoring of the RAP | 58 000 000 | ... | 58 000 000 |
| Total cost of RAP | 400 404 716 FCFA | 156 074 976 | 244 329 740 |

11. Update on Land Acquisition (June 2020)

Senelec paid compensation to the PAPs in November 2019 acquiring the entire 18 ha site, based on the government's determination of compensation rates during the census of May 2019. Malicounda has started construction within the 6 ha of its Project site, which was released to the EPC contractor on October 14, 2019. The remaining 12 ha will become a safety zone based on Senegalese regulations once the plant is operational. Senelec is permitting people to continue farming on the 12 ha through the end of the rainy season in October 2020, when they can harvest their crops. At that time a fence will encircle the entire 18 ha site will be enclosed with a fence to prevent encroachment.

RESETTLEMENT ACTION PLAN

1. INTRODUCTION

1.1. PROJECT BACKGROUND

Senegal experienced a period of energy crisis which reached its culminating point in 2012. The situation in the country was characterized by frequent interruptions in the supply of electricity which damaged businesses and households. These cuts thus, constitute a factor of economic slowdown but also a risk of insecurity in the country due to the social unrest often caused. This critical situation has prompted the State to put in place a number of mechanisms which have contributed to improve the satisfaction of the country's demand for electrical energy through a program to restructure the energy sector. It is within this framework that the energy emergency plan (the Energy Sector Development Policy Letter) was implemented and it immediately financed the urgent and necessary investments to remedy the production deficit which is holding up the development of the country's economy and leaves serious threats to the risks of disturbance that cannot be controlled by the social actors.

Despite the increase in the production capacity at the national level and the significant progress, the energy sector continues to face obstacles and constraints of various kinds which must be resolved. Indeed, the share of energy available for each household remains insufficient to promote the emergence and socio-economic development despite the efforts made by the Senegalese National Electricity Company, SENELEC.

In its Letter of Development Policy for the Energy Sector, the energy strategy adopted by the Senegalese government is broken down into several parts with the development and exploitation of national energy potentials, the diversification of the energy mix, the acceleration of access to electricity and restructuring of the electricity subsector with a view to greater efficiency and prudent involvement of the private sector in particular. Thus, several power plants have been built to address some of the significant energy gaps in the country. The thermal power plant of Malicounda (120MW), also in IPP, will result in a marked improvement in the quality of service and will make it possible to put an end to the situation of structural deficit recorded in recent years. All of this additional electricity production capacity will allow optimization of the means of production with a lasting guarantee of the supply balance of the interconnected network. With the advent and completion of the construction and operation of the thermal power plant of Malicounda, Senegal would enter a new era of energy during which self-sufficiency in energy will be a reality across the country.

The project consists of the development, construction and operation of a 120 MW diesel thermal power plant operating on heavy fuel oil (HFO), equipped with seven (07) identical new generator sets and one (01) steam turbine in continuous service on the site of Malicounda. The power plant will include seven (07) reciprocating oil-powered engines, with a capacity of 18 MW each. A combined cycle is also planned, which will allow a higher yield. The Power Plant of Malicounda will initially use heavy fuel oil as fuel, then plans to switch to gas when the latter is operational in Senegal (by 2021). This transition of Malicounda to gas is expected between 2022 and 2023. The thermal power plant will be built on a land base of about 06 ha to be separated from the 18 ha that have already been the subject of deliberation by the municipal council of Malicounda. It is also noteworthy that this 6 ha have already been the subject of a lease of land delivered to SENELEC by the Ministry of Finance. In the meantime, subdivisions have taken place on the site in question and many allocations have been

made so that some individuals claim plots. Thus, to remain in conformity with the regulatory provisions of the State of Senegal and the requirements of the financial partners of the project company, a RAP is carried out in order to ensure that all the losses linked to this project are taken into consideration and that no PAP was harmed.

1.2. BACKGROUND OF THE RESETTLEMENT ACTION PLAN REQUESTS

The power plant development project of Malicounda is a part of the implementation of the "Takkaal Plan". Indeed, during 2010-2011, Senegal experienced significant unballastings which were explained by the huge gap between the need for electricity and the capacity to supply energy. Several energy development projects have been designed by the State of Senegal and were to take place on different sites in the country. Malicounda was one of the targets and therefore, had to house a Power Plant. In 2012, the Rural Council of Malicounda deliberated to allocate the site to SENELEC to house the Power Plant. Between 2012 and 2019, allocations took place. Some have acquired plots for residential use and others have kept their fields which they cultivate. When it came to establishing Malicounda Power, the municipality of this locality urged the promoters to make an effort in the direction of compensating those claiming their land(s) in order to avoid tensions and possible conflicts which could constitute an obstacle to the realization of the project: this is what was done by the promoters in order to accelerate the process of implementation of the project. From this point of view, with the payment of the balances by the promoters of Malicounda Power, the development of the thermal power plant should not face any obstacles.

The CDREI¹³ (Departmental Commission for Census and Assessment of Expenses) of Mbour worked so that it can do the work of identifying the occupants and assessing their property. It is noteworthy that during this operation, there were several properties the owners of which were not identified. Thus, in the CDREI report presented in May 2019, 146 properties were identified. The amounts of compensation are determined on the basis of the scales of Senegalese national regulations on the release of properties. The standard area of a plot for residential use is 300 m² and is assessed by the CDREI at 296,000 CFA Francs per unit. The applied rates made it possible to reach the total amount of compensation of 83,574,976 CFA Francs.

Having suggested this amount, the local authorities deemed these amounts too low in view of the value that the land in the area of Malicounda has today following the establishment of Blaise Diagne airport and the opening of the toll highway in this locality. SENELEC thus added, to the 296,000 CFA Francs per plot, an additional amount of 500,000 CFA Francs: which would, therefore, make a total amount of 796,000 CFA Francs per plot. This addition resulted in the amount of 156,074,976 CFA Francs which SENELEC has already made available to the PAPs.

During the development of this project, it proved to be compulsory with the presence of an international financial institution, which has its own procedures, to develop a RAP in accordance with the SSI (Integrated Safeguard System) of the AfDB. In the RAP, it is essential to appropriate the census report of the CDREI, to carry out the socio-economic survey and to follow the outline of the development of the RAP. The latter thus, considers the opinions and recommendations of all the stakeholders involved in the implementation process. The expected effects of the RAP in light of the process improvement are:

- PAPs will have a say in the process of preparing for implementation;

¹³ In the Senegalese national regulations, this body is the only one having the prerogative to make censuses and estimates of expenditures. It is a departmental level committee always chaired by the Departmental Prefect.

- a discrepancy will be noted between the cut-off date and the period for carrying out the socio-economic surveys, especially that the census are made by the CDREI in May and the socio-economic surveys in September;
- the amounts determined by SENELEC risk being elevated since account must be taken of the price of land in the locality;
- the compensation process will not end following the payment of compensation, but will continue in order to support vulnerable PAPs and PAPs whose affected assets constitute livelihoods;
- PAPs not identified by the CDREI during its census in May may be identified at this stage after 4 (four) months.

With respect to IFC's Performance Standard 5 (PS 5), this land acquisition was government-managed and purely economic displacement. Senelec, with the support of other government agencies, has done, the census of assets, set and promulgated the cut-off date, and paid the compensation. The PS 5 requirements under these circumstances are contained in paragraph 32, which specifies that the client should describe the measures that the responsible government agency plans to use to compensate affected persons. Where those measures do not meet the requirements of PS 5, the client will develop an Environmental and Social Action Plan to complement government action. These actions may include additional compensation and efforts to restore livelihood. This RAP describes what Senelec and other government entities have done to date, then discusses actions to provide additional compensation to meet the standard of full replacement cost. A Livelihood Enhancement Plan,¹⁴ to meet both AfDB and IFC requirements, will be completed as part of the overall ESAP required by potential lenders.

The government-managed compensation took place in November 2019 and has been completed. Thus, this RAP concerns the additional compensation that the Company will be pay once potential lenders agree to this plan.

1.3. SITE PRESENTATION

1.3.1. Geographical situation of the project site

The power plant will be located in the municipality of Malicounda located in the department of Mbour of the Thiès region. The municipality covers an area of 124 km² and has 22 villages. The site selected for the establishment of the Power Plant is located in the village of Keur Meissa, chief town of the commune. The plant will be located on an 18 ha site granted to SENELEC by the municipality.

The site is limited :

- to the north by fields of rain-fed crops and some buildings under construction;
- to the east by the village of Keur Maissa, Faye (Malicounda Wolof) an orchard and fields
- rainfed crops ;
- to the south by a housing estate, foundation dwellings and a paved road;
- to the west by the toll highway and by rain-fed fields.

The site is accessible by the A1 highway at exit number 16 where a ramp connecting the RN1 to Malicounda allows to reach the site. Also, from the RN1, the ramp that links Malicounda and Keur Meissa provides access to the site of the power plant.

¹⁴ AfDB resettlement policy requires that livelihood improvement measures go beyond restoration to actual improvement. IFC policy encourages improvement, but sets a lower standard of restoration.

1.1.1 Physical characteristics of the plant site

1.1.1.1 Vegetation and flora

From a physiognomic point of view, the power plant site is located in the Sudano-Sahelian zone. The characteristic vegetation of this area are trees and shrub savannah. However, the strong anthropization of the environment with agricultural activities has made this characteristic vegetation disappear.

Today, it is made up of scattered stands of *Faidherbia albida* (Kaad), *Adonsonia digitata* (gouy), *Acacia seyal* (Sourour), *Acacia nilotica* (red gum tree), *Acacia tortilis* (Seing), *Guiera senegalensis* (Nger), *Euphorbia balsamifera* (Salane), *Combretum glutinosum* (Ratt).



Forest species on site

© RAP Consultant, September 2019

1.1.1.2 Wildlife and wildlife habitat

The plant site is very poor in natural habitats. The loss or deterioration of habitats on the site of the power plant is mainly due to agricultural practices (use of fertilizer, weeding, tillage, etc.). However, no particularly sensitive wildlife habitat was observed inside the site to host the project.

Rodents thrive in this environment consisting of cultivable land where they dig their burrows. The existing fauna species are limited to a few rare reptilian species (lizards, snakes, salamander, etc.), *Xerus erythropus* (palm rat), *Xerus inauris* (burrowing squirrel) and avian fauna often passing through the area. All these environmental components have been the subject of an evaluation of measures which are integrated into a monitoring system by the Senegalese environmental administration.

1.1.2 Presentation of use of land in the expropriated areas (18ha)

Corresponding to the expropriation of the sight, the surface of the area is 18 ha and have been deliberated by the City Council of Malicounda at the location of SENELEC where it foresees the construction and operation of the thermal power plant on approximately 06 ha.

1.1.2.1 Agricultural and arboricultural plots

This area is currently characterized by agricultural land. Indeed, the site is exploited by local populations who practice rain-fed agriculture with peanuts, millet and cowpeas as their dominant speculations. The fields are dotted with *Mangifera indica* (mango), *Guiera senegalensis* (Nguer), *Combretum glutinosum* (Rate). These agricultural plots are mostly unfenced; others are delimited with hedges of "salane".

Two (02) partially protected plant species have been identified on the site. These are *Andansonia digitata* (Baobab) and *Faidherbia albida* (Kadd). These species have economic values for people.



Millet fields on site



Peanut fields on site

© RAP Consultant, September 2019

1.1.2.2 Plot of land for residential use and house under construction

Inside the site we also observe the presence of numerous lots of plots for residential use. Indeed, with the presence of the toll highway, many individuals have broken up their fields to make them plots for residential use and thus increase the market value of the land.

Some individuals have already started to develop their plots, as evidenced by the presence of houses under construction and wells to facilitate access to water for construction work. Other more or less precarious forms of development are also observed, these are posts or hedges to limit the plots. In the south-eastern part, there is also the presence of a store for the storage of seeds and food belonging to the commune of Malicounda.



House under construction on site



Bare plot for residential use on site

© RAP Consultant, September 2019

1.1.2.3 SENELEC Electrical sub-station and pylons

On site, there is also a SENELEC transformer station which is completely hedged. Access to the station is strictly controlled. Pylons supporting power lines also exist on site.



© RAP Consultant, September 2019

1.1.2.4 Wild garbage dumps

At the western part of the site, we observed the presence of a wild deposit of construction waste on a plot for agricultural use.

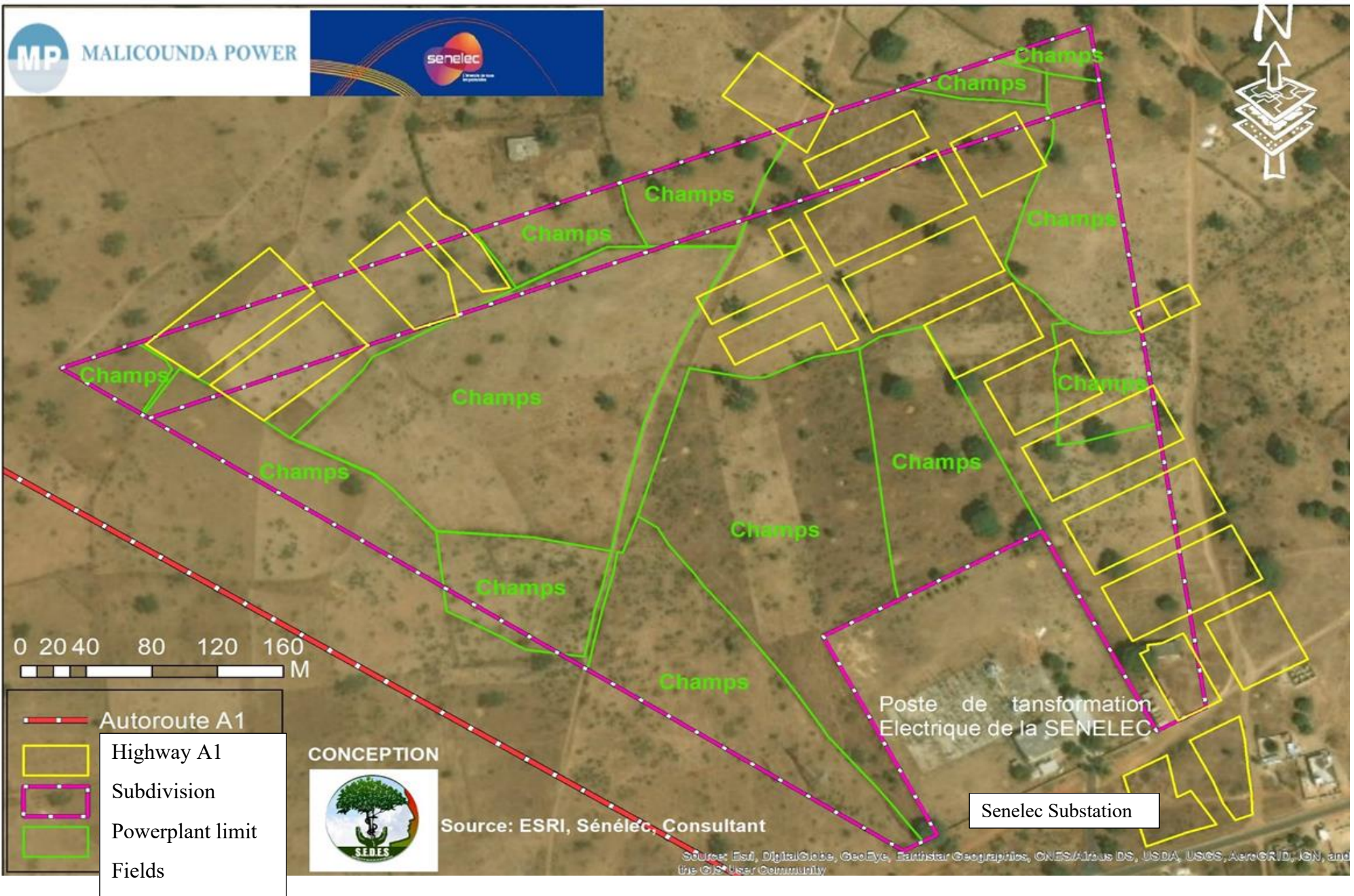


Wild garbage dump on site

© RAP Consultant, September 2019

The following map shows the land occupation on the plant site.

Map 1: Presentation of land use on the thermal power plant site



1.4. SOCIO-ECONOMIC DATA OF THE PROJECT ZONE

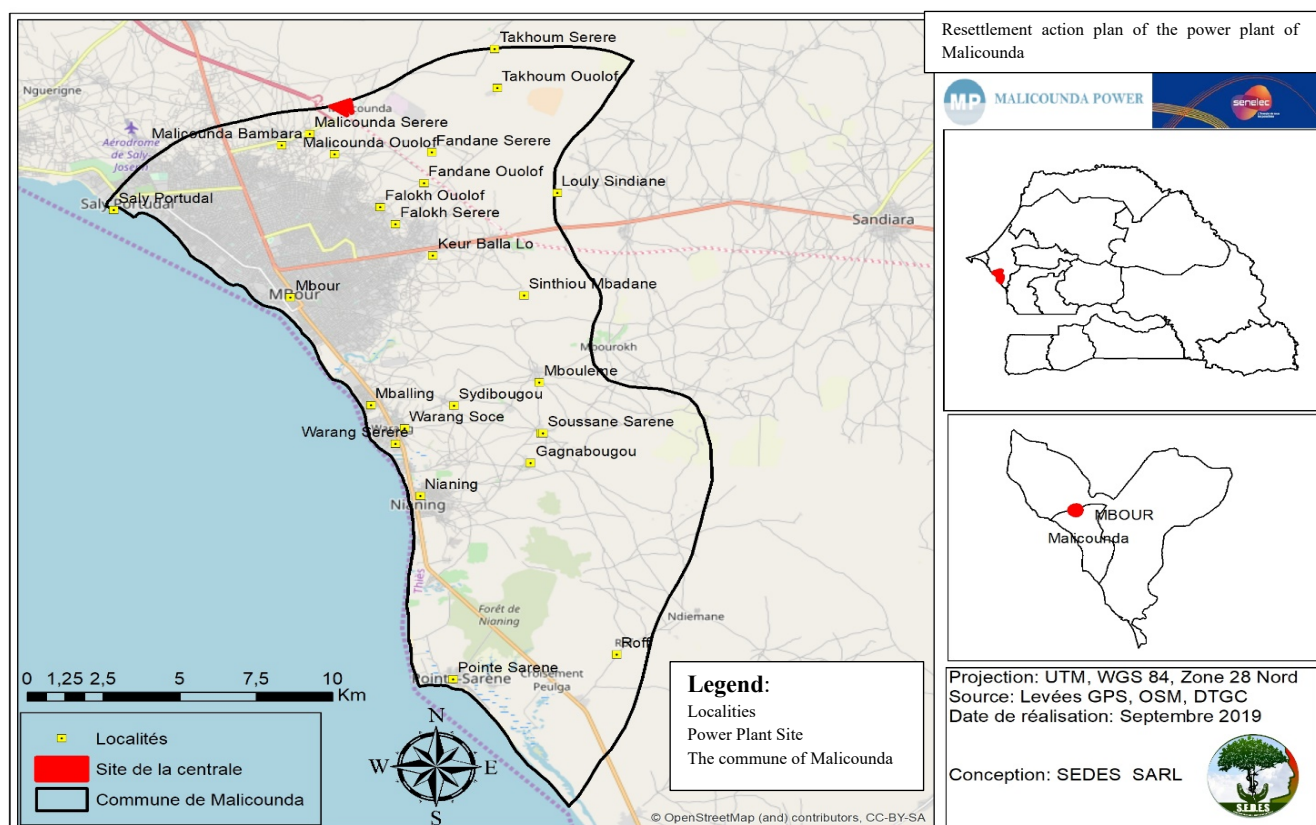
This section is initially for the presentation of the socio-economic situation of the project area of influence. It concerns a geographic presentation and demographic, social and economic characterization. The study was carried out taking into account the scale of the municipality of Malicounda as an area of influence for the development project of the 120 MW Diesel thermal power plant. The data described in this section comes essentially from the Communal Development Plan (PDC) of the local community of Malicounda as well as that obtained from the municipal services and the technical services of the State.

1.1.3 Geography

Of the law N ° 72-25 of April 25, 1972, for establishing rural communities in Senegal, the local community of Malicounda, grouping twenty-two (22) villages, became a fully-fledged municipality following the advent of 'I 'Act III' of decentralization. The municipality of Malicounda, covering an area of 124 km², is a local community in the district of Sindia, which is located in the department of Mbour, region of Thiès. It is limited :

- in the North by the Municipality of Sindia,
- in the South by the Municipality of Nguéniène,
- to the East by the Municipality of Sandiara
- to the West by the Atlantic Ocean and the Municipality of Mbour.

Map 2: Administrative map of the municipality of Malicounda

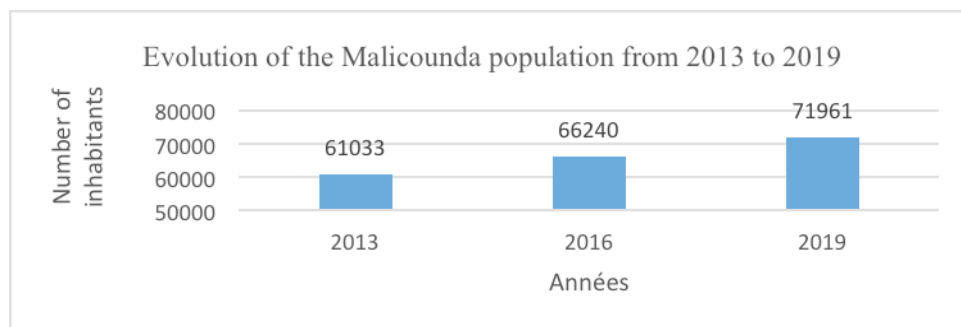


1.1.4 Demographic situation

The population of the municipality of Malicounda has been increasing since 2013, at an annual rate of 2.8%. Indeed, according to the RGPHAE 2013, the municipality of Malicounda had in 2013 approximately 61,033 inhabitants composed of:

- 51% male and 49% female.
- 62% of young people under 25.
- less than 1% of people aged over 79.
- 14.68% of children of school age (school population).

Figure 1 : Evolution of the population

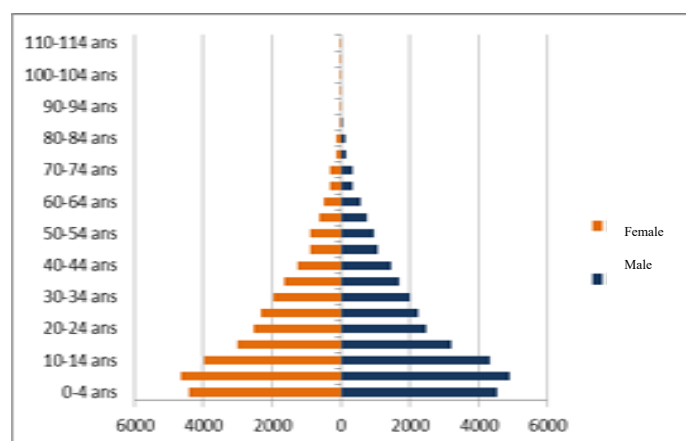


Source: RGPHAE 2013, PDC of Malicounda

And, in 2016, according to the *Projections of the population of Senegal /MEFP/ANSD*, this population reached 66,240 inhabitants. Finally, for 2019, it is estimated at 71,961 inhabitants. The population structure of the municipality of Malicounda, with a predominantly young population, is still current and constitutes a determining weight in the implementation of local public policies.

The age pyramid presented below reveals that the male population is relatively larger than the female population, at almost all ages. The sex ratio is around 104 men per 100 women.

Figure 2: Population pyramid of the population of Malicounda

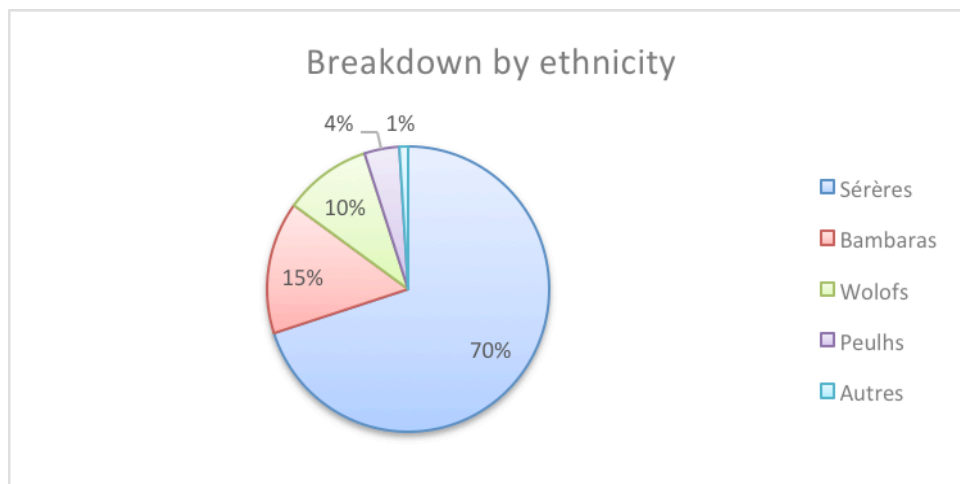


Source: RGPHAE, 2013.

In terms of ethnicity and religion, we note that the population of the commune of Malicounda is essentially made up of Sérères (70%), Bambaras (15%), Wolofs (10%), Peulhs (4%). The other minority ethnic groups

make 1%. The most widely practiced religion is Islam at 95% of the population followed by Christianity at 5%. The community includes bearers of traditional knowledge capable of curing several tropical diseases.

Figure 3 : Breakdown by ethnicity



Source : RGPHAE, 2013

1.4.3 Access to basic social services

1.4.3.1 Access to health

Health facilities are clearly available, within a reasonable geographic radius in the local community of Malicounda. In fact, according to the Municipal Development Plan (2016, p.6), the municipal health map, established following the tour of the municipal health commission, in April 2016, shows 7 health posts and 16 health cases. This mapping thus, announces a fairly acceptable coverage rate of 86.3% with a more or less equitable spatial distribution.

Also, with regard to the WHO standards relating to health infrastructures, the below municipal health indicators are acceptable:

- 1 health post for 8,719 inhabitants, while the recommended standard is 1 health post for 4,132 inhabitants in rural areas according to the health map of Senegal; this situation shows a level of coverage below 50%;
- 1 State nurse for 8719 inhabitants compared to the PNDS standard which is one State nurse for 3000 inhabitants;
- 1 midwife / 3206; 1 SFE / 3821 FAR (recommended standards).

In the commune of Malicounda, significant efforts have been made to support maternal health, with the presence of 7 midwives and around thirty (30) birth attendants serving 16,030 women of reproductive age.

However, the health sector still remains in the grip of many difficulties, like most municipalities in Senegal. Indeed, the inaccessibility of health facilities, the insufficiency of sanitary equipment and staff, the insufficiency of medication and the support of contract workers do not meet the sanitary demand of most of the populations of the municipality of Malicounda. Indeed, the main constraints to access to health in this area of influence of the project concern in particular:

- The distance from the tarmac road compared to certain villages;
- The defective condition of the premises of certain infrastructures;
- The lack of storage and preservation equipment;
- The recurrent stock-outs of medicines;
- The difficult access in wintering for certain areas;
- The high bills for water and electricity;
- The lack of assistance to the disabled and other vulnerable groups;
- The weak adherence of populations to mutual health insurance,
- The difficulties in evacuating the sick.

1.4.3.2 Access to education

The municipality of Malicounda, according to data from the Community Development Plan (CDP, 2016) has significant educational and Quranic basics for its populations within a reasonable geographic radius to support them in meeting their need for education. Nursery, elementary, secondary schools and vocational training centers are present everywhere in the different villages of the municipality.

Indeed, according to CDP of Malicounda (2016, p.3), Twenty-one (21) pre-school structures were counted in 2016. The Gross Preschool Rate (TBPS) is 14.6% for enrollment of 1,312 children, with pupil/ class and pupil /teacher ratios favorable to the smooth running of lessons. However, access to amenities at the preschool level still requires some effort with a rate of 61.9% for water and 76.2% for toilets.

The elementary cycle has 36 establishments, for 248 classrooms. The offer and quality of services are listed as follows:

- An ineffective Gross Enrollment Rate (GER) of 63.9%;
- A parity index in favor of girls (104 girls versus 100 boys);
- Somewhat acceptable learning conditions with ratios that meet the standards of the Senegalese education system except for that of the number of students per table-bench which slightly exceeds the standard with 2.5 instead of 2. There are eleven (11) double flow classes, eleven (11) multigrade classes and thirteen (13) temporary shelters distributed in certain villages.

Access to amenities includes eleven (11) schools without a wall, four (04) schools without functional hygiene blocks, nine (09) schools without potable water and twenty-two (22) schools without electricity.

Middle and secondary education is rich with five (05) CEM and three (03) high schools, including one (01) located in Malicounda and the other two in Nianing, for a total enrollment of 4,975 students with a female presence rate just over 46%. This relative weakness of the parity index is a historical phenomenon which has habits and customs with early marriages/pregnancies and highlights the problem of maintaining girls in education after elementary school. However, the current trend is to close the gap with the efforts made by institutional actors, such as the departmental council, the educational community and associations which especially develop information and awareness strategies.

Professional and technical training is provided by a CFP located in Warang (Malicounda). The subjects taught are cooking, hotels, masonry and plumbing in line with the needs of economic activities in the area. Each year around twenty young graduates are placed on the job market.

Informal schools have a significant presence in the social environment. Some thirty-seven (37) known daaras (traditional Quranic schools) have been counted in the commune. However, the vast majority do not have built premises and content with the courtyard of houses and public spaces where children are exposed to the seasonal weather. Very few daaras have equipped classrooms, on the sidelines of the state's policy of modernizing daaras.

1.4.3.3 Water supply and sanitation

The drinking water supply system in the municipality of Malicounda is ensured by three different sources, namely:

- the SDE in the villages of Mballing, Warang, Nianing and Pointe Sarène;
- drilling in the villages of Malicounda Bambara and Malicounda Wolof and
- wells equipped with motor pumps in the other villages.

The water distributed is generally of good quality and the water table is little deep. The main constraint is linked to the poor distribution coverage.

According to the CDP of Malicounda (2016, p.7), the garbage management system exists in four (04) villages:

- at Mballing and Pointe Sarène, collection is carried out by carts,
- at Warang and Nianing, work is made easier by the use of tractors managed by community organizations for the payment of taxes.

This opportunity noted in these localities is offered by tourism, which represents one of the leading sectors of the local economy.

However, despite the effort made in the management of garbage, there is not yet a site for a controlled (regulatory) public sanitary landfill in the town. Thus, community organizations are taking care of the illegal dumping scattered in the different villages, thus contributing to the degradation of the environment.

The municipality does not have sewage and rainwater drainage networks. The latters are directly dumped on the streets or evacuated by the emptying trucks. The absence of these networks causes flooding and stagnation of water, leading to the proliferation of mosquitoes and the increased risk of malaria.

Furthermore, access to collective or individual sanitation facilities with latrines is far from satisfactory, thus posing the problem of faecal peril and its consequences on human health and environmental degradation.

1.4.4 Town planning, Housing and Living environment

The municipality of Malicounda does not yet have an adequate urban management tool due to the lack of an urban master plan, an incomplete land book. However, some villages such as Nianing, Pointe Sarène, Warang and MBalling have been subject to alignment. A subdivision plan is underway in the commune to

restore and normalize land occupations in order to ensure better organization of housing. It should however be recalled that the municipality of Malicounda covers an area of 124 km² which is not occupied yet. Exchanges with the municipality made it possible to note that subdivisions exist in the municipality and that there is enough bare lands for housing in the various villages and districts. However, the resettlement will include 115 plots for residential use affecting 32 people. From this point of view, the current resettlement does not constitute a potential risk of land tenure tension in the commune of Malicounda.

According to CDP of Malicounda (2016, p.7), housing is made up of almost 70% of hard construction, 30% of mud and straw construction. Public lighting, provided by streetlights, exists in villages like Keur Balla, Malicounda Wolof, Malicounda Sérère, Takhoul, Mboulème, Mballing, Soussane Bambara, Pointe Sarène, Warang and Nianing.

The living environment is made vulnerable by various types of pollution and the deficit in collective and individual sanitation equipment in terms of sumps, improved latrines with ventilated pits. In addition, some villages are victims of recurrent floods and insecurity is a phenomenon that is spreading in the commune.

1.4.5 Road infrastructure and transportation

The municipality of Malicounda has a strategic geographical position in the department of Mbour. It constitutes a very busy passageway. This location gives it real potential in the transport sector, with the presence of a few sections of paved roads. In addition, there are parking spaces in almost all the villages, with the passage of the National Road 1 (RN1), allowing the movement of people and goods. There is also a main axis connecting the exit of the toll motorway to the RN1 which serves a dozen villages and districts at the same time.

However, movement to the interior villages and mobility are difficult with the lack of modern means of transport and production tracks. With the toll highway project and the proximity of Blaise Diagne International Airport, the municipality should be able to benefit from the economic spinoffs arising from the scope of the polarization space thus created.

1.4.6 Electricity, ICT and financial services

The main source of electricity supply in the area is SENELEC, which assure the production, transportation and commerce. The newly opened 20 MW solar power plant offers an alternative source of energy for the town and the rest of the country. It also represents an interesting opportunity in terms of innovative financing for the municipality because it benefits from social shares in the capital of the company. In addition, the localities which do not yet have access to electrical energy should be able to take advantage of this opportunity to make up for lost time: Sinthiou Mbadane Sérère and Peul, Soussane Sarène, Takhoul Wolof, Roff, Fandane and Sidibougou. Other villages like Nianing, Falokh, Mboulème, Soussane Bambara are not yet fully covered and need a densification program.

The municipality of Malicounda has fairly good coverage of telephone networks from all the operators present in Senegal (Orange, Tigo and Expresso). Signals from radio stations and TV channels are received without major problems. The municipality of Malicounda shelter banks and agencies of the decentralized financial system present in the villages of Malicounda Wolof and Nianing. This dynamism in the supply of financial services has led to the creation of several transfer points of money.

1.4.7 Sports, Culture and Tourism

The commune has only one stadium under construction in Nianing. However, football fields are set up in different villages. Sports activities are practiced by more than 30 Community Health Workers CHWs divided into three zones.

The municipality of Malicounda organizes important cultural events. Each year, the town hosts a cultural festival in the village of Nianing called "Kaay NianingFestival". Since 2015, the municipal council has initiated the Festival of Cultures of the Municipality of Malicounda "FESCOA". These two festivals have become real milestones on the cultural agenda of the small coast. This richness

stems from the folk heritage of the different ethnic groups that make up the population. It is an important factor in the development of tourism, when it is linked to the existence of attractive sites, such as the seafront, the vast incursion spaces and places of discovery of the "sacred Baobab", the forest classified with a fauna and a diverse flora. These places attract many tourists and constitute a real economic and financial asset for antique dealers, artisans, restaurants, inns, the transport sector and other services offered by the populations. The attractiveness of this local community is also reflected in the good presence of hotels and private residences.

However, the low level of organization of cultural players, the lack of cultural infrastructure and the inadequacy of local initiatives are hampering the development of local tourism.

1.4.8 Economic Situation

The economic activity of the municipality of Malicounda according to its CDP (2016, p.8), is focused on agriculture, fishing, trade, livestock and crafts. The economy of the project area of influence is mainly characterized by the predominance of agriculture and fishing. These activities occupy a large segment of the population.

However, people are active in other things, such as crafts, breeding and, trade.

1.4.8.1 Agriculture

Agriculture is one of the growth sectors for the municipality. According to the CDP of the municipality (2016, p.8), the agricultural land potential is estimated at around 25,000 ha, of which 12,872 ha are actually exploited in rain-fed crops, 137 ha in irrigated crops, 211 ha in fruit species.

Agricultural activity is mainly oriented towards rain cultivation with speculations: millet, corn, peanuts, cowpeas, among others. Crops such as Bissap, okra and cassava are exploited in the lowlands.

However, with the support of the ANIDA project and the appearance of Community Agricultural Domains, the populations were introduced to new forms and agriculture practices. Thus, irrigated cultivation, on areas developed around rivers and the Nianing dam specially built to develop agriculture in this area, is regularly practiced. Thus, market gardening takes shape with onion, tomato, cabbage, okra, above all.

The rational exploitation of the potential of the municipality would position it as an incubating agro-industrial area encouraging the creation of many jobs and wealth capable of containing rural exodus or long-term emigration, moreover, the town enjoys a strategic geographical position for the products sale.

The main constraints to the practice of agriculture are inherent in land management, various climatic hazards, the availability of agricultural equipment and inputs, in particular:

- Climate change;
- The decline in performance of crops under rain;
- The lack of organization of the sectors;
- Land pressure;
- The lack of quality inputs
- Under equipment;
- Difficulties in accessing irrigation water;
- Animal wandering.

1.4.8.2 Fishing

Fishing is today one of the most dynamic economic sectors in the municipality of Malicounda. It is practiced all year round, on a very fishy seafront with the fishing centers of the villages of Mballing, Warang, Nianing and Pointe Sarène. According to the town's CDP (2016, p.8), the town has a fishing port and a fleet of over 700 motorized canoes. The equipment and materials used are: the bottom sleeping nets, the simple motorized line, the cuttlefish trap. The encircling gillnet and scuba diving are the work of migrant fishermen.

In 2015, unships are estimated at around 1,800 tonnes for a commercial value of 1.7 billion CFA Francs. The artisanal transformation is ensured by the women who preferentially target the gastropods. It is a buoyant sub-sector that allows nearly 500 women from the villages of Nianing, Mballing and Pointe Sarène to have income by transporting processed products to major markets like Dakar, Mbour and Diaobé. The Nianing solar dryer unit created within the framework of cooperation between the Thiès region and the Languedoc Roussillon-Midi Pyrénées region is an initiative to modernize the transformation systems carried by women, even if there are still some difficulties from a technical point of view, in particular:

- ✓ The organizational deficit in the sector;
- ✓ The marketing problem
- ✓ Difficulty accessing equipment;
- ✓ The shortage of fishery resources;
- ✓ Poor access to equipment
- ✓ Climate change;
- ✓ The capacity deficit of fishermen.

1.4.8.3 Trade, crafts

The trade sub-sector is dominated by the presence of general food stores that number in the hundreds across the town. With the absence of a weekly market, small businesses are growing in neighborhoods and around the Nationale 1 through a few mini-restaurants and small restaurants run by women. The municipality of Mbour remains the main supply market for traders of non-agricultural products.

The main constraints to commercial activity are the low mobilization of internal resources, insufficient hangars in the markets, lack of market closure, absence of bus station, difficulty in accessing funding sources.

Crafts represent real advantages for the populations of the commune. Indeed, throughout the community, there are informal artisans whose activities are focused on forging, dyeing, carpentry and especially saponification. These artisans are confronted with difficulties linked to the supply of materials, raw materials and access to sources of finance for their activities.

1.4.8.4 Breeding

The local livestock sector is still characterized by a traditional type of agriculture with a certain cultural touch, because livestock is a dimension of social barometer. It is practiced mainly by the fulani and sereres who breed cattle, goats and sheep. The sector suffers from insufficient infrastructure and grazing space.

The other constraints are namely: difficulties in accessing funding, insufficient vaccination and development of cattle routes, deficit in the supply and availability of livestock feed.

The efforts made in the sector are mainly the work of very dynamic private individuals who are active in poultry farming. there are dozens of poultry farms throughout the villages that produce eggs and broiler chickens, sold mainly in Mbour.

1.5. OBJECTIVES OF THE RESETTLEMENT ACTION PLAN

The fundamental objective of any resettlement project is to avoid harming people. The reason is simple: a project that damages part of the population can lead to the impoverishment of these same people. Although the project is undertaken in the name of the general public interest, in this case the provision of the population of Senegal in sufficient quantity and the impoverishment of a part of the population contributes neither to development nor to poverty eradication; on the contrary, the act of causing damage to the society for the benefit of the others goes against the idea of development which aims, in one way or another, to have profit from the project to all of the society. Therefore, the idea is not to underdevelop in the process of achieving development goals.

In accordance with this principle, the African Development Bank (AfDB) has adopted its Operational Safeguard System (OS2) on: involuntary resettlement: the acquisition of land; displacement and compensation of populations. According to this policy, resettlement must reach a minimum of people and that they must be involved in all the phases of implementation of the project that affects them. Furthermore, the same AfDB policy recommends that the affected populations shall be consulted and that they shall be fairly assured and receive equitable compensation for the losses suffered. These people will benefit from assistance proportional to the losses suffered (loss of habitat/plots/livelihoods) with a view to improving their standard of living prior to the project. It is noteworthy that resettlement must be an ultimate solution, the aim is to move people as possible. However, the need to minimize the impact on people and property must in no way affect the effectiveness of the project in achieving its aims.

The aims of this Resettlement Action Plan (RAP) are to:

- (i) minimize, as much as possible, involuntary resettlement and the acquisition of land, by examining all viable alternatives from the design of the project;
- (ii) ensure that the people affected by the project (PAP) are effectively consulted in complete freedom and with the greatest transparency and have the opportunity to participate in all the major stages of the development and implementation process of involuntary resettlement and compensation activities;
- (iii) ensure that compensation, if any, is determined in a participatory manner with the PAPs in relation to the social impacts suffered, in order to ensure that none of them is penalized;
- (iv) ensure that those affected, including the vulnerable, are assisted in their efforts to improve their livelihoods and standard of living; and
- (v) ensure that involuntary resettlement and compensation activities are designed and implemented as a sustainable development program, providing sufficient investment resources for those affected by the project to have the opportunity to share them profits.

Eventually, an emphasis is placed on the gender implications linked to the implementation of resettlement and compensation operations. From this point of view, a detailed analysis is made on the situation of women PAPs who should be the subject of particular attention during the process of project implementation.

1.6. THE RAP DEVELOPMENT METHODOLOGY

To proceed with the development of this Resettlement Action Plan (RAP), the consultant, on behalf of Malicounda Power, adopted a methodological approach based on several complementary approaches:

- a) Coordination and framing meeting of the study mission with the promoter (This meeting was an opportunity to come back to the context of the study, the benchmarks used, the requirements, the institutional arrangement between the promoter and SENELEC);
- b) Visit of the site of the thermal power plant of Malicounda with Malicounda Power experts (Taking photos, taking bearings using geo-referenced coordinates).
- c) The documentary review, namely, the analysis and use of all the literature on the project and its area of intervention (TDR, strategic and scoping documents, technical documents, commission reports, letters exchanged between stakeholders, site maps);
- d) An information session on the project with the municipal councilors of the municipality of Malicounda to: define the best strategy for mobilizing the PAPs; plan PAP information/consultation meetings; program socio-economic surveys. The purpose of this meeting was also to inquire about the social tension associated with this project in order to better define the immersion approach within the community;
- e) Public consultations which brought together the municipal councilors, the district heads and the technical services concerned by the project in the department of Mbour and the district of Sindia, and the PAPs or their representatives in order to broaden the information process and to collect the opinions and concerns of the actors on the project and the resettlement activities. The several meetings made it possible to collect the opinions, expressed fears and concerns, as well as suggestions and recommendations made by the players regarding the project to build a power plant and the resettlement they will induce. These consultations will highlight the collective values to be considered in decision-making and the implementation of resettlement and compensation activities.
- f) Surveys, collection and analysis of biophysical and socio-economic data on all construction sites of electrical substations with the aim of identifying the people and goods affected and determining the socio-economic profiles of PAPs and the conditions and means of existence of people likely to be affected by the project to serve as a basis for calculating the related compensation and monitoring the restoration of socio-economic activities. These surveys included a market survey to determine fair market value for particular crops.

Photo 1 : Illustration of field activities



Photo 2 : Conduct of socio-economic surveys





2. PROJECT DESCRIPTION

The project consists of the development, construction and operation of a 120 MW diesel thermal power plant operating on HFO heavy fuel oil, equipped with seven (07) identical new generator sets and one (01) steam turbine in continuous service on the site of Malicounda. The power plant will include seven (07) reciprocating oil-powered engines, with a capacity of 18 MW each. A combined cycle is also planned, which will allow a higher yield. The Power Plant of Malicounda will initially use heavy fuel oil as fuel, then plans to switch to gas when the latter is operational in Senegal (by 2021). This transition is expected between the years 2022 and 2023.

The thermal power plant will be built on a land base of about 06 ha to be removed from the 18 ha that have already been the subject of deliberation by the municipal council of Malicounda. In the meantime, subdivisions have taken place on the site in question and many allocations have been made so that some individuals will lose their plots. Thus, to remain in compliance with the regulatory provisions of the State of Senegal and the financial partners of MelecPowerGen, a RAP must be carried out in order to ensure that all the losses linked to this project are covered and that no PAP was harmed.

2.1. CHARACTERISTICS OF THE EQUIPMENT PROVIDED ON THE THERMAL POWER PLANT SITE

On the plant site, several facilities are planned and will occupy a land base of approximately 6 ha. The following table summarizes the equipment and installations aimed to be installed on site:

Table 14 : Planned equipment and installations:

| Units | Components |
|-------------------------------------------|-----------------------------------------------------|
| Electricity production system | 07 electrical generators Wärtsilä |
| | 7 chimneys/stacks |
| | 2 centrifuges |
| | 1 auxiliary boiler |
| Combined cycle | 1 turbine |
| | 7 recovery boilers |
| | 2 condensers |
| Storage of heavy fuel oil | 3 storage tanks : 3 000 m ³ each |
| | 1 daily tank : 560 m ³ |
| | 1 buffer tank : 560 m ³ |
| Storage of light fuel oil (diesel) | 1 tank of 200 m ³ |
| Oil storage | 1 tank of new oil : 75 m ³ |
| | 1 tank of used oil : 25 m ³ |
| | 1 tank of maintenance oils : 16 m ³ |
| Water storage | 1 tank of raw water : 500 m ³ |
| | 1 tank of demineralized water : 80 m ³ |
| | 1 tank of firefighting water : 1 000 m ³ |

| Units | Components |
|-------------------------------------------|-------------------------------------------------|
| Air storage | 7 refrigerated compressed air bottles : 0.12 m3 |
| Transformer station | 2 transformers type 90 MVA/225/15kV ONAF |
| Buildings and auxiliary facilities | Control room |
| | Administrative block |
| | Warehouse |
| | Mechanical workshop |
| | Laboratories |
| | Cafeteria |
| | Loading/unloading area |
| | Firefighting block |
| | Maintenance workshop |
| | Fencing |

The works will be spread over a 22-month period and the construction of the plant will require the recruitment of nearly 400 employees during peak periods while its operation requires a number of 50 employees. The site that is the subject of land deliberation is 18 hectares of which the Project will acquire 06 ha.

2.2. PROJECT ACTIVITIES LEADING TO RESETTLEMENT

The activities which may give rise to loss of assets can be summed up in the installation of equipment and installations of the thermal power plant on the one hand and in the erection of the buffer zone on the other. The planned equipment and installations will take place on a 6-hectare base. But for security reasons, given the need to respect a buffer zone, an additional 12 ha have been acquired. On this point, it should be noted that the Senegalese Environment Code of 2001 stipulates in its article L 13 a distance of 500 meters between the limits of the classified installation and the nearest human settlements. However, it has been agreed with the Ministry of the Environment to base the safety distance on the results of the Danger Study. Hence, a distance of 260 meters is observed and has resulted in the need to free up an area of an additional 12 hectares.

The Malicounda Substation, where the power from the power plant will be evacuated, is at the southern end of the project site and is pre-existing. The access road is part of the 18 ha that was acquired for the project.

Therefore, people who carry out activities on the site will suffer variable losses from one PAP to another. The site presents the characteristics of an agricultural area insofar as, even if subdivisions are observed there, forest species colonize it over its entire extent. So, while some land is for agricultural use, others have already been subdivided.

2.3. MINIMIZATION OF RESETTLEMENT

In accordance with the provisions of the AfDB SSI and the World Bank's safeguard instruments, measures to minimize resettlement have been implemented. Minimization is very relevant in rural areas, in Malicounda, especially as the land in this locality is valued. In fact, this commune serves as an extension to the department of Mbour which no longer has space for housing and the creation of social infrastructure. Furthermore, the opening of the toll highway has had the additional effect of raising real estate values in the said commune since its access has become easy. This is how in 2 (two) years, the land increased.

Minimization measures are translated into a limitation of land needs. Indeed, with the required safety distance of 500 meters (buffer zone), the necessary liberated land should reach 30 ha and even invade dwellings. This is how the optimization of the expropriation was adopted with the Danger Study of the Environmental and Social Management Plan which determined the relevant regulatory distance for the opening and operation of the thermal power plant. The Circular Letter, in appendix 7, presents the official document authorizing such an option. However, it should be noted that the principles of safeguarding lessors even insist that minimizing resettlement must not affect the effectiveness of the project. In the current context, effectiveness lies not only in acquiring a necessary area, but also in complying with the law and taking into account the health and safety of neighboring communities. As a result, 18 hectares are acquired and allow to establish and operate the thermal Power Plant of Malicounda by ensuring the safety conditions of local residents.

3. IDENTIFICATION OF POTENTIAL IMPACTS, DISPLACED POPULATIONS AND CATEGORIES OF AFFECTED PEOPLE

3.1. POTENTIAL IMPACTS OF THE PROJECT

3.1.1. Positive impacts on the human environment

The development of a country requires access to basic services and economic growth. Senegal for several years has entered an era of objects implementation set in the letter of energy policy. In this letter, Senegal sets itself the objectives of making electricity accessible to all citizens for both domestic and industrial uses. Today, there is a deficit that can only be filled by diversifying the energy mix. It is in this sense that several Power Plants operating from various sources are developed. The policy of the State of Senegal is not only to have a power capable of supporting all the needs of the populations, but also to have a densified electric network capable of ensuring the distribution of energy throughout the national territory. The balance between the network of the territory and the production of sufficient energy will therefore make it possible to achieve the objectives of the State. The development of the Malicounda Power project will thus have a considerable impact on the living conditions of the populations to the extent that it will contribute to considerably improving the quality of electricity service in Senegal.

The most significant positive impacts during all phases of this project are: job creation; improving income and living conditions; development of commercial activities for the benefit of the local population.

The electrical network operation phase (after works) will generate several positive impacts such as:

- (i) the improvement of the supply of electrical energy to neighboring districts;
- (ii) the improvement of the living conditions at the level of households in all villages and neighborhoods which do not have access to electricity and which will be served with the increase in the distribution capacity of SENELEC;
- (iii) the development of income-generating activities since SMEs will be able to access energy at affordable costs;
- (iv) better functioning of certain basic social infrastructures such as: schools, health centers and hospitals, etc., thereby improving their attendance rate, the quality of life of pregnant women, children, the elderly and the disabled;
- (v) lower costs of supplying alternative energy for domestic activities (firewood, gas, oil, etc.).

3.1.2. Negative impacts on the environment

The thermal power plant project of Malicounda has already undergone a successful environmental and social assessment process. From this point of view, all potential environmental impacts and risks have been identified, assessed and treated f in the Environmental and Social Management Plan. Briefly, these impacts can be summarized as follows:

| Construction phase | Operation phase |
|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">Emissions of dust and exhaust gases from vehicle traffic, transport and storage of | <ul style="list-style-type: none">Emissions of dust (PM10 and PM 2.5) and Greenhouse gases (SOx, NOx, PM10, |

| Construction phase | Operation phase |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>construction materials</p> <ul style="list-style-type: none"> • The risks of contamination of the soil, subsoil and water resources by discharging accidental oil spills or by poor waste management • Degradation (erosion, compaction) of soils by civil engineering works • Vegetation degradation on at least 6 ha • Loss of ecosystem services • Modification of the natural flow of water due to earthworks (leveling, compaction, cut and fill) • Risks of accidents at work and with the population • Loss of land and sources of income • Risk of conflicts with local populations • Disruption of the living environment (noise, vibration, waste). | <p>PM2.5 and CO)</p> <ul style="list-style-type: none"> • Soil and groundwater pollution likely to be caused by various activities of the plant (handling of fuel oil, storage of hydrocarbons, maintenance and washing activities of the plant) • Impacts on the water resources used by the populations (competition, overexploitation) • Risk of professional accidents • Risk of conflicts with local populations • Impact on the landscape with the presence of the power plant • Disruption of the living environment (noise, waste) • Hygiene, health and safety impacts) |

These impacts have been the subject of in-depth analysis and the preventive and corrective measures taken have been identified and planned as part of the Environmental and Social Impact Study (ESIA).

3.1.3. Identification of assets and people affected by the project

The project will have negative impacts during its implementation, starting with the release of land expropriation. The following paragraphs list all the assets affected by the thermal power plant project. At the same time, the people who will suffer the losses are also identified. This exercise, therefore, makes it possible to better assess the impact of the project in order to suggest the most relevant social management measures in the context of Malicounda.

3.1.4. Affected property and assets

The project takes place on an 18-hectare site, 6 of which will be occupied by the installations and equipment of the thermal power plant. The rest of the area will be used for the needs of the buffer zone, thus preventing incompatible occupations in the immediate vicinity of the site. In the land expropriation of the 18 hectares of the power plant, the following are affected: plots used for housing; agricultural land; cultures; fruit trees, forest species, buildings and a well. A total of 45 people along with the town's grain store, and 2 (two) unknown. Among these 46 PAPs, 7 are women.

In summary, the impacts of the project on people and assets are as follows:

Table 15 : Summary of losses induced by the project

| Affected property | Number of losses | Number of PAPs | | |
|-----------------------------------|------------------|----------------|---------------------|--------------------|
| | | Owner-operator | Non-operating owner | Non-owner operator |
| Loss of land for agricultural use | 13 | 10 | 3 | 0 |
| Loss of yields | 12 | 10 | 2 | 2 |
| Loss of fruit trees | 7 | 2 | 0 | 0 |
| Loss of forest species | 1 737 | 18 | 0 | 0 |
| Loss of plots for residential use | 115 | 32 | | |
| Loss of built structures | 2 | 2 | | |
| Loss of wells | 1 | 1 | | |

It noteworthy that during the development of the RAP, several PAPs were not found despite several examinations in the municipality of Malicounda. Their first and last names were notified because they existed in the town hall register. Their telephone numbers and National Identity Card were not in the register; they were not found due to the lack of available telephone contacts. Of these 46 people or entities to be compensated, 30 (thirty) were found, 15 (fifteen) were not found and 1 (1) constitutes the storage warehouse. For PAPs that cannot be found, measures are suggested in order to make such communications on resettlement measures.

However, all the existing properties on the site were identified and were the subject of presentation in the following paragraphs.

The following tables present, in details, the impacts of the project on people and property.

3.1.4.1 Impacts of the project on plots for residential use

Table 16 : Losses of plots for residential use

| Number of affected plots | Affected area (m²) | Number of PAPs |
|--------------------------|--------------------|----------------|
|--------------------------|--------------------|----------------|

The plant project will affect **115 plots** for residential use, which in total will cover an area of **42,624 m²**. These **115 plots** belong to **32 people** including **4 women**. This number of significant property is explained by the fact that the site had been the subject of subdivisions. While some plots have been the subject of a transaction, others have not yet been and are still the property of the first occupant. This explains why some PAPs have several plots under their name.

3.1.4.2 Impacts of the project on agricultural lands

Table 17 : Losses of land for agricultural use

| Number of affected lands | Affected area (m ²) | Number of PAPs |
|--------------------------|---------------------------------|----------------|
| 13 | 126 204 | 13 |

A total of **13 fields** belonging to **13 different PAPs** will be affected. These 13 fields have a total area of **126,204 m²**. These 13 PAPs are mostly men, since **only one woman** suffers this type of loss and is not the operator of the field. Two operators who are not owners, but who work the land for the owners, will also be affected by the loss of the land.. Whether the PAPs have other agricultural land will be determined in the proposed livelihood enhancement plan (LEP).

3.1.4.3 Impacts on fruit trees

Photo 3 : Field where mango trees are found



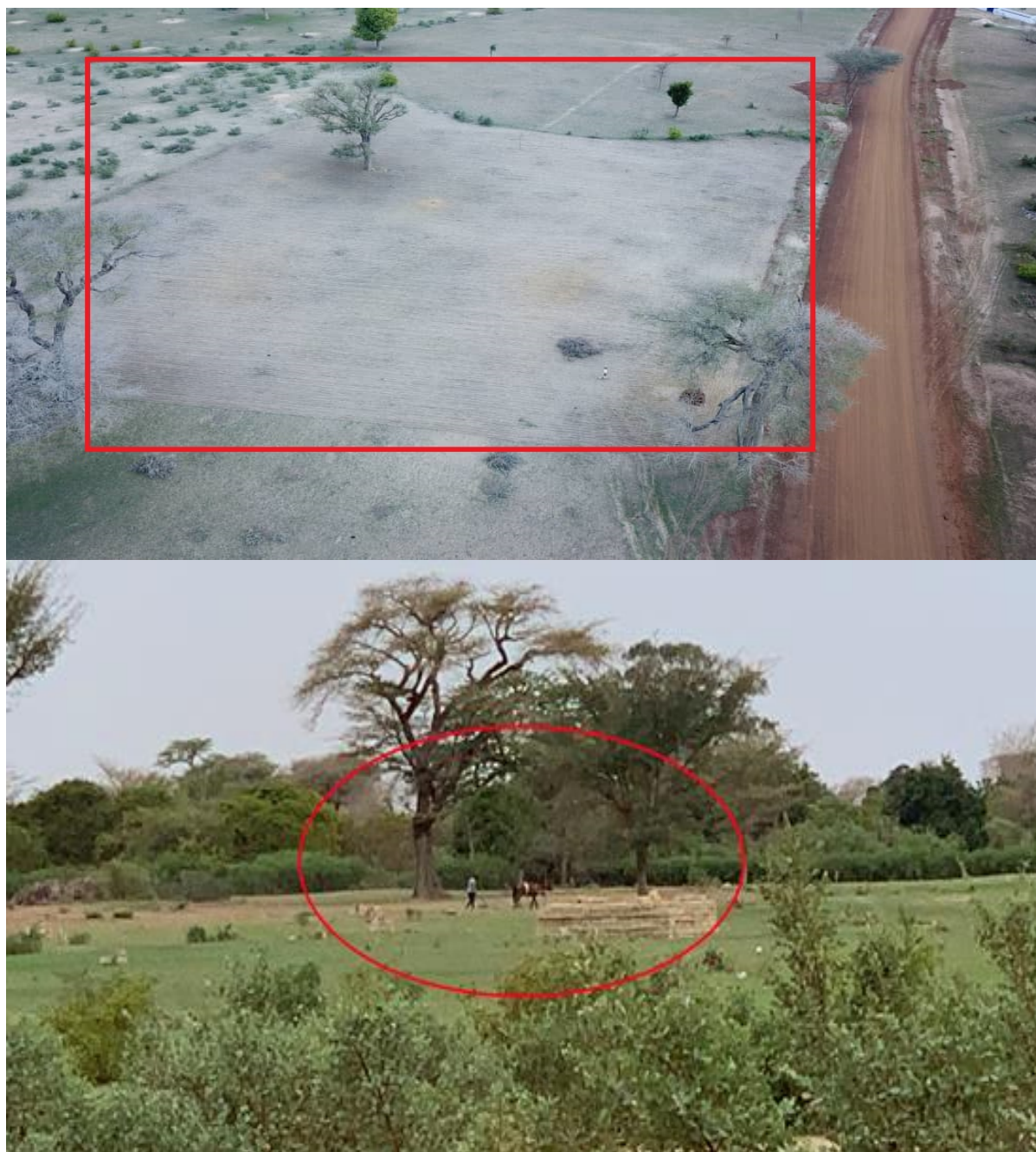
Table 18 : Losses of fruit trees

| Fruit trees | Number of stalks | Number of PAPs | Compensation cost |
|-------------|------------------|----------------|-------------------|
| Mango tree | 7 | 2 | 1 540 000 |

The only fruit tree listed on the site is the mango tree. This type of loss only concerns two PAPs. One loses one mango tree, while the other loses 6.

3.1.4.4 Impacts of the project on yields

Photo 4: Developed crop fields



| Speculations | Planted areas (m ²) | Number of PAPs | % | Yield (kg/m ²) | Affected quantity (kg) |
|--------------|---------------------------------|----------------|----|----------------------------|------------------------|
| Niébé | 6794 | 2 | 17 | 0,7 | 4 755,8 |
| Arachide | 70137 | 4 | 33 | 0,1083 | 7 595,84 |
| Mil | 39889 | 5 | 42 | 0,066 | 2 393,34 |

| | | | | | |
|--------|---------|----|-----|------|---------|
| Manioc | 3862 | 1 | 8 | 0,95 | 3 668,9 |
| TOTAL | 120 682 | 12 | 100 | ... | ... |

Four types of crops are noted on the 18-hectare site. These are mainly cowpeas (6,794 m²: 4,755.8 kg), peanuts (70,137 m²: 7,595.84 kg), millet (39,889 m²: 2,393.34 kg) and cassava (3,862 m²: 3,668.9 kg).

3.1.4.5 Impacts of the project on forest species

Photo 5 : Affected forest species



Population of the site by *Nguer*

Table 19 : Losses of forest species

| Affected forest species | Number of species | Number of PAPs |
|-------------------------|-------------------|----------------|
|-------------------------|-------------------|----------------|

| Affected forest species | Number of species | Number of PAPs |
|-------------------------|-------------------|----------------|
| Acacia nilotica | 2 | 1 |
| Anacardium occidentale | 2 | 1 |
| Azadirachta indica | 7 | 6 |
| Calotropis procera | 15 | 5 |
| Combretum glutinosum | 246 | 4 |
| Combretum micrantum | 49 | 3 |
| Faidherbia albida | 121 | 18 |
| Moringa oleifera | 23 | 1 |
| Nguiera senegalensis | 1267 | 17 |
| Tamarindus indica | 5 | 1 |
| TOTAL | 1737 | 18 |

Eleven varieties of forest species are affected by the thermal power plant project. Of the **1,737 trees** the *Nguer* are more represented (1,267 trees), then the *Ratt* (246 trees), the *Kadd* (121 trees), then the *Kinkeliba* (49 trees), then the *Nebeday* (23 trees), *Poftans* (15 trees), *Nimas* (7 trees), tamarind trees (5 trees), cashews and *nep nep* (2 trees each). Amongst these **18 people** who **are losing trees, 2 (two) are women**.

3.1.4.6 Herding

While it is likely that some grazing of livestock has taken place on the site, as would be typical even in the urban area of Dakar, the site does not have any inherent attraction to herders such as a permanent or seasonal body of water. The use of the site as a passage between pastures by herders has also become unlikely with the construction of the A1 Autoroute (a limited access toll road) on the south side of the site and the SENELEC substation on the eastern end, which would limit access to people seeking to pass through.

3.1.4.7 Impacts of the project on concrete structures

Photo 6 : Affected built structure. Grain storage structure above, and unfinished house below.



Table 20 : Impacts on concrete structures

| Types and function of the structure | Number of built structures | Number of PAPs |
|-------------------------------------------|----------------------------|----------------|
| Grain store | 1 | 1 |
| House at the start of construction | 1 | 1 |
| TOTAL | 2 | 2 |

In the 18 hectares at the power plant site, two buildings have been identified, one belonging to a legal entity. This legal entity is represented by the municipality, which operates this grain store, which is the only one to cover the villages around the power plant. Moreover, the testimony of city hall officials indicates that its capacity no longer meets the needs of the communities, so that they are forced to borrow premises belonging to private sector actors. Today, the city hall, respondent for the loss of the property, believes that it is better to build a replacement store with a larger storage capacity. Malicounda Power will build the

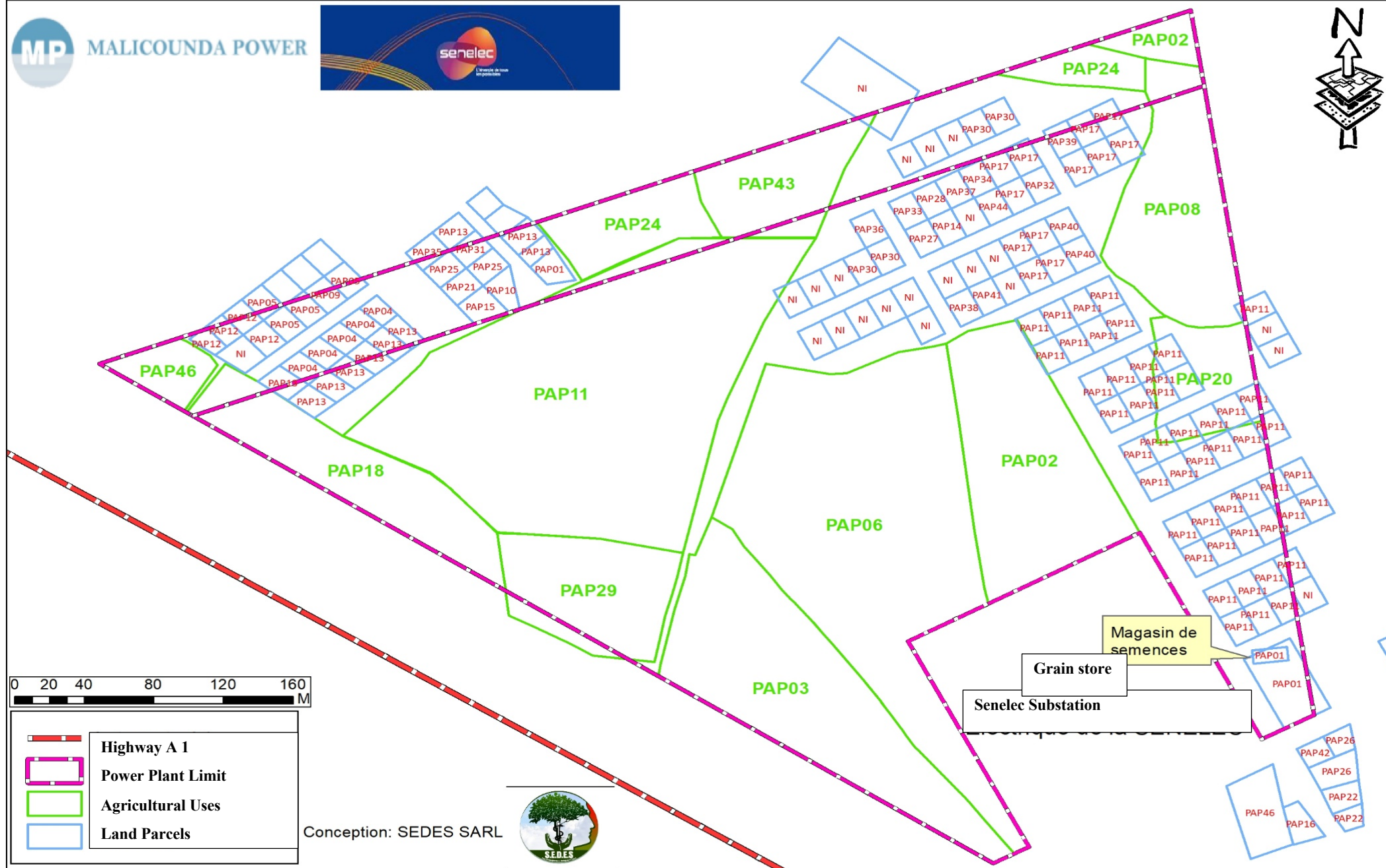
replacement with larger dimensions. The exchange with the promoter of the power of Malicounda noted that the latter is in the process to comply with the request from the municipality.

3.1.4.8 *Impacts on hydraulic structures*

All in all, a well has been identified and belongs to the owner of the house at the start of construction.



Map 3: Location of the different types of goods



3.2. POPULATIONS AFFECTED BY THE PROJECT

The project expropriation of land is in the locality of Malicounda and includes property owned by thirty (30) known Project Affected People (PAP), some of whom will undergo economic displacement and which have been found and investigated. The PAPs not only carry out agricultural activities, the crops of which are either self-consumed or sold for cash income, but also own land, intended for housing, which is affected.

During the census of the properties affected, a socio-economic survey was conducted with these people affected by the project, in order to establish their demographic and socio-economic profile. Not everyone affected by the project was investigated. They were not all found on the scene at the time of the investigators' visit. The socio-demographic and economic profile of PAPs will therefore be analyzed according to these investigated individuals.

The socio-demographic and economic profile of PAPs and members of their households is related to a number of 30 surveyed individuals- who are owners of impacted goods - in order to avoid bias, which would constitute the non-Answers of the fifteen (15) PAPs not encountered in the analysis. The proportions contained in the various paragraphs are reported to the 30 PAPs questioned. It should be noted that not all PAPs are heads of household.

In addition, this analysis may be subject to a slight non-Answer bias, particularly for certain aspects linked to income and expenditure.

3.2.1. Socio-demographic profiles of PAPs and their households

The results of the socio-economic survey, as part of the project's RAP design, show inherent gender disparities and categorical classification within the interviewed PAPs.

3.2.1.1. Categorization of PAPs by gender

During the inventory of the affected properties, two types of losses were listed:

- Land for residential use, whose plots have not yet been developed, therefore bare land. They are owned by eighteen (18) PAPs (or nearly 60% of the 30 PAPs affected and interviewed), three (03) of which are women;
- Agricultural land, whose plots are in use. These croplands are all owned by men (12 in total, or 44% of men). Therefore, no woman affected by the project and surveyed has a plot for agricultural use in the area of the project.

Table 21: Distribution of PAPs by type and kind of losses

| Type of losses | Woman | | Man | | General total | |
|---------------------------|----------------|-------------|----------------|-------------|----------------|-------------|
| | Number of PAPs | % | Number of PAPs | % | Number of PAPs | % |
| Agricultural Lands | 0 | 00,0% | 12 | 44% | 12 | 40% |
| Plots for residential use | 3 | 100% | 15 | 56% | 18 | 60% |
| General total | 3 | 100% | 27 | 100% | 30 | 100% |

Source: Socio-economic survey data, August 2019

The known and surveyed PAPs are mostly men (27 individuals) and represent around 90% of the total affected number. The women affected by the project are three (03) individuals and they constitute almost

10% of all the PAPs surveyed. It should be noted that, overall, the men affected are almost nine (09) times more numerous than the women affected.

In addition, there is a certain dissimilarity between the PAPs related to the types of lost properties. Indeed, most of the known and surveyed PAPs (18 individuals), that is to say 60% of them, will lose plots for agricultural use, including around 17% of women. For this category of property affected by the project, almost 56% of men are concerned and are people, whether owner-operators or not, who have at least one agricultural plot located in the project expropriated land. Whatever the category, men outnumber women.

The socio-economic analysis of the PAPs as well as their household will be done taking into consideration these disparities highlighted above.

3.2.1.2. Status of PAPs in their household by gender

It seems that not all the people affected by the project and interviewed during the socio-economic surveys claim to be heads of household.

Table 22: Distribution of PAPs by household status and gender

| <i>Status of PAP in the household</i> | Woman | | Man | | General total | |
|---------------------------------------|----------------|---------------|----------------|---------------|----------------|---------------|
| | Number of PAPs | % | Number of PAPs | % | Number of PAPs | % |
| Head of household | 1 | 33% | 14 | 52% | 15 | 50% |
| Not head of household | 2 | 67% | 13 | 48% | 15 | 50% |
| General total | 03 | 100,0% | 27 | 100,0% | 30 | 100,0% |

Source: Socio-economic survey data, August 2019

The breakdown by household status and gender establishes that, out of the thirty (30) PAPs questioned during socioeconomic surveys, all categories combined, fifteen (15) among them, approximately 50% of the total number, run a household, including one (01) woman out of the three (03) surveyed. Male heads of households represent 93% of PAPs and are 14 times more numerous than female heads of households (7%). Among men affected by the project, almost 52% are heads of households

These survey results indicate a relatively large number of PAPs managing a basic social unit in terms of economic organization or production. The project can be a factor of fragility, especially if these PAPs care for children of nutritional and school age with low income and working in sectors with low added value and full of risks.

Also, within the framework of this project, some PAP men, whether they are heads of households or not, will lose an agricultural plot, therefore a land which constituted for them an acquired rent or means of subsistence, because inherited from their ancestors. Consequently, the loss of land for agricultural use can make them vulnerable if this property remains their only source of income. As previously noted, the determination of whether the PAPs, particularly the PAPs that are farming, have other land will be done in the proposed LEP.

3.2.1.3. Indicators on the size of PAP households by gender

The PAP households in the project area are large. On average, there are 17 people per household. Also, at least 50% of PAP households have 15 people. However, dissimilarities are noted with small households (5 individuals) and large households (50 persons).

Table 23: Central and extreme trend indicators on household size by gender

| <i>Gender of the PAP</i> | Average | Minimum | Maximum | Median |
|--------------------------|-----------|----------|-----------|-----------|
| Woman | 16 | 5 | 22 | 20 |
| Man | 17 | 6 | 50 | 14 |
| Total | 17 | 5 | 50 | 15 |

Source: Socio-economic survey data, August 2019

Depending on whether the PAPs are men or women, the average size of the households in which they reside varies considerably. On average, the same number of people live in the households of male PAPs (17 individuals) and those of female PAPs (16 individuals). However, the maximum size of male PAP households (50 persons) is much larger than that of female PAP households (22 individuals).

Furthermore, there are relatively slightly more people in households inhabited by female PAPs than those in which the male PAPs reside. Because, according to the results of socio-economic surveys, at least 50% of the households of PAP women contain 20 persons of which 14 individuals for those of men.

These different sizes of central tendency and the relatively high in these households can constitute, for certain PAPs who manage them, particularly women, a factor of vulnerability when they exercise paid activities subject to various hazards, including marital status (divorced or widow especially) is not enviable and also if they are in charge of young children and especially school-age.

3.2.1.4. Age of interrogated PAPs per gender

The results of socio-economic surveys on the age of the PAPs show that at least 50% of them, known and surveyed, all genders combined, or half of the individuals, whose age has been certified, are 45 years and over.

Half of the women affected by the project are over forty. The median age of women is 43 years. Affected men are generally older than women; half are over the age of 45.

Table 24 : Different indicators on the average age, min, max and median age of PAPs by gender

| <i>Gender</i> | Average | Minimum | Maximum | Median |
|---------------|-----------|-----------|-----------|-----------|
| Woman | 47 | 36 | 63 | 43 |
| Man | 49 | 26 | 80 | 45 |
| Total | 49 | 26 | 80 | 45 |

Source: Socio-economic survey data, August 2019

Overall, the PAPs are relatively old. On average, they are 49 years old. The average age of women is estimated at 47 years against 49 years for men. The youngest person affected and interviewed is a 26-year-old man and the oldest is also an 80-year-old man. Furthermore, the youngest of the women affected is 36 years old and the oldest of the women is 63 years old. It should also be noted that the affected men are relatively older than the women.

Table 25: Distribution of PAPs surveyed by age class and gender

| | Woman | Man | General total |
|--|-------|-----|---------------|
|--|-------|-----|---------------|

| <i>Age group</i> | Woman | | Man | | General total | |
|----------------------|-------------|---------------|-------------|---------------|---------------|---------------|
| | Number PAPs | of % | Number PAPs | of % | Number PAPs | of % |
| Less than 20 years | 0 | 0% | 0 | 0% | 0 | 0% |
| 20 – 35 years | 0 | 0% | 4 | 15% | 4 | 13% |
| 35 – 50 years | 2 | 67% | 12 | 44% | 14 | 47% |
| 50 – 65 years | 1 | 33% | 8 | 30% | 9 | 30% |
| 65 years and more | 0 | 0% | 3 | 11% | 3 | 10% |
| General total | 03 | 100,0% | 27 | 100,0% | 30 | 100,0% |

Source: Socio-economic survey data, August 2019

The analysis of central trend indicators and extreme values has just been confirmed by grouping the people affected by the project into age groups. Indeed, the distribution proves that, among the people affected by the project, individuals over the age of 50 are relatively numerous - they represent 40% of all PAPs (12 people concerned among the 30 affected, including one (01) woman out of the three (03) affected (33% among her).

These results confirm the relatively advanced age, all genders combined, of certain people affected by the project. However, there are more PAPs under the age of 50 (60% of all affected). Young PAPs under 35 constitute around 13% of the number, all of them men. Most PAPs are between 35 and 50 years old, mostly men for only two (02) women. In the land expropriation of the project, no PAP is less than 20 years old.

In addition, regardless of gender and/or age group, more men than women are affected, possibly due to a mass effect.

Certain PAPs, whether women or men, because of their very advanced age, could be in a vulnerable situation by losing an economic and /or social asset as important as the land. Also, this vulnerability of women may be exacerbated by their marital status (divorced or widowed)and, the number of children in care if they head a household. The same fragile situation can be encountered by male PAPs of the same age group.

3.2.1.5. Nationality, religion and ethnicity of the surveyed PAPs

Table 26 : Distribution of PAPs by nationality and gender

| <i>Nationality of the PAP</i> | Woman | | Man | | General total | |
|-------------------------------|-------------|----------------|-------------|----------------|---------------|----------------|
| | Number PAPs | of % | Number PAPs | of % | Number PAPs | of % |
| Senegalese | 3 | 100% | 27 | 100% | 30 | 100% |
| General total | 03 | 100,00% | 27 | 100,00% | 30 | 100,00% |

Source: Socio-economic survey data, August 2019

Only one (1) nationality was recorded during surveys of the PAPs: The Senegalese nationality. The presentation of the people's identity document (Senegalese national identity card) certifies it.

Table 27 : Distribution of PAPs by religion and gender

| <i>Religion of the PAP</i> | Woman | | Man | | General total | |
|----------------------------|-------------|----------------|-------------|----------------|---------------|----------------|
| | Number PAPs | of % | Number PAPs | of % | Number PAPs | of % |
| Muslim | 3 | 100,0% | 27 | 100% | 30 | 100% |
| General total | 03 | 100,00% | 27 | 100,00% | 30 | 100,00% |

Source: Socio-economic survey data, August 2019

The religion of all known and interviewed PAPs was determined during the surveys. Only one (1) religion was recorded during surveys of PAPs. The surveyed PAPs are all Muslim.

Table 28 : Distribution of PAPs by ethnicity and gender

| <i>Ethnicity of the PAP</i> | Woman | | Man | | General total | |
|-----------------------------|-------------|----------------|-------------|----------------|---------------|----------------|
| | Number PAPs | of % | Number PAPs | of % | Number PAPs | of % |
| Bambara | 0 | 0% | 4 | 15% | 4 | 13% |
| Mandingue | 0 | 0% | 1 | 4% | 1 | 3% |
| Peulh | 0 | 0% | 4 | 15% | 4 | 13% |
| Sérère | 0 | 0% | 9 | 33% | 9 | 30% |
| Wolof | 3 | 100% | 9 | 33% | 12 | 40% |
| General total | 03 | 100,00% | 27 | 100,00% | 30 | 100,00% |

Source: Socio-economic survey data, August 2019

The linguistic affiliation of all known and interviewed PAPs was determined during socioeconomic surveys. Five (05) languages spoken throughout Senegal are listed in this project area. They are mainly the languages of: Wolofs, Peulhs, Bambaras, Sérères and Mandingos.

The PAPs are mostly Wolofs (40%) and Sereres (30%). These two ethnic groups alone constitute around 70% of the number of people surveyed during socioeconomic surveys. It is noteworthy that regardless of the gender, these two ethnic groups are more numerous. The majority of the PAPs are also Wolofs (33%) and Serer (33%) among men and 100% of Wolofs among women. The Peulhs (13%), the Bambaras (13%) are the other relatively representative ethnic groups. The minority people are Mandingo (3%).

The presence of these ethnic groups in this project area is easily explained for historical and economic reasons.

3.2.1.6. Marital status of the surveyed PAPs

Socio-economic surveys have revealed relatively negligible proportions of singles (7%) and divorced (3%) among the PAPs surveyed. The divorced PAP is a woman.

Table 29: Distribution of the PAPs surveyed according to their marital status

| Gender | Woman | Man | General total |
|--------|-------|-----|---------------|
|--------|-------|-----|---------------|

| Gender <i>Marital status of the PAPs</i> | Woman | | Man | | General total | |
|---------------------------------------------|-------------|----------------|-------------|----------------|---------------|----------------|
| | Number PAPs | of % | Number PAPs | of % | Number PAPs | of % |
| Single | 0 | 0% | 2 | 7% | 2 | 7% |
| Divorced | 1 | 33% | 0 | 0% | 1 | 3% |
| Married (monogamous) | 2 | 67% | 14 | 52% | 16 | 53% |
| Married (polygamous at 2) | 0 | 0% | 5 | 18,5% | 5 | 17% |
| Married (polygamous at 3) | 0 | 0% | 5 | 18,5% | 5 | 17% |
| Married (polygamous at 4) | 0 | 0% | 1 | 4% | 1 | 3% |
| General total | 03 | 100,00% | 27 | 100,00% | 30 | 100,00% |

Source: Socio-economic survey data, August 2019

Moreover, most of the PAPs surveyed are married, or almost 90% of the number (25 men and 2 women are affected by this marital status). Among PAP brides, the majority are monogamous and represent more than half of the surveyed number, or 53% in relative terms. Polygams constitute a little more than 1/3 of the total of the PAPs (that is to say exactly 37%) and the majority has two or three women (34%). One of the surveyed PAP has four (04) women.

In addition, the women affected by the project and who are in couples also live in majority in monogamous households (67%). The only divorced PAP is a woman. Regardless of the marital status, the affected men are more numerous. The men affected and questioned are mainly monogamous (around 52%). Some men are polygamists with two (02) wives (18.8%), polygamists with three wives (18.5%), polygamists with four wives (4%) and singles (7%).

The marital status of the PAP affected divorced woman and the PAP men affected with three or four women can, in particular, raise the question of the vulnerability of the latter, especially when they manage a household, with a low income and in charge of the children in school age and nutritional status. And, especially if the lost plot, within the framework of the project, is for agricultural use and remains the only source of income.

3.2.1.7. Level of education of the surveyed PAPs

The results of the surveys on their level of education, presented below, reveal that some people affected by the project have never attended either the French school, the Koranic school, or a literacy school, therefore illiterate. In fact, they are noted under the illiterate category because they have received no education whatsoever. There are five (05) PAPs concerned, or around 17% of the total surveyed number.

Table 30 : Distribution of the PAPs surveyed by level of education and gender

| Gender <i>Level of education of the PAP</i> | Woman | | Man | | General total | |
|------------------------------------------------|-------------|------|-------------|------|----------------|-----|
| | Number PAPs | of % | Number PAPs | of % | Number of PAPs | % |
| Literate | 1 | 33% | 4 | 15% | 5 | 17% |
| Koranic | 1 | 33% | 11 | 41% | 12 | 40% |
| Primary | 1 | 33% | 2 | 7% | 3 | 10% |
| Middle | 0 | 0% | 1 | 4% | 1 | 3% |

| Gender | Woman | | Man | | General total | |
|----------------------|-----------|----------------|-----------|----------------|---------------|----------------|
| Secondary | 0 | 0% | 5 | 19% | 5 | 17% |
| Higher | 0 | 0% | 4 | 15% | 4 | 13% |
| General total | 03 | 100,00% | 27 | 100,00% | 30 | 100,00% |

Source: Socio-economic survey data, August 2019

However, the majority of PAPs consulted, around 83%, can read and write in French and/or have learned the Koran. In general, the educational level of PAPs is almost high. Thus, they generally followed more Koranic education (40%) than the French education (43%).

All levels of studying relating to the teaching of French, have been attended by PAPs. However, only one female PAP reached elementary school. Most male PAPs have attended Koranic school (41%) or are illiterate (15%). Approximately 7% went to elementary school, nearly 4% went to college, about 19% attended high school and some have a higher level (15% of the compulsive).

Surveys of PAPs show that women have a lower level of education than men. This situation on the low education level of certain affected women can be a factor of vulnerability, especially if they are heads of households with a low income, divorced or young, single, and have a lot of people in charge of, especially children of school age.

3.3. Economic profile of PAPs and their households

The analysis of economic variables will first of all focus on the main and secondary activities of the PAPs to highlight the livelihoods on which they rely to obtain the necessary income to meet the different expenses of their household. The level of their income, their expenses and the situation of their assets and heritage are analyzed to highlight their living conditions.

3.3.1.1. *Main activities of the surveyed PAPs*

In the project area, the people affected mainly invest in three (03) traditional activity sectors (primary, tertiary and quaternary), like most Senegalese. The men and women who will lose an asset because of the project are active mainly in agriculture, breeding, crafts industry, trade and the provision of various services, as well as administration (Only those PAPs who work in this sub-sector have permanent income). Service delivery activities generally relate to Koranic education, drilling management services. All the craftsmen work in masonry.

Socio-economic survey results also show that all PAPs are gainfully employed, except one retired individual without a main source of income.

The gender differentiation of the distribution of PAPs according to their main activity also highlights disparities.

Table 31 : Distribution of PAPs surveyed by main activity and gender

| <i>Main activity sector of the PAP</i> | Woman | | Man | | General total | |
|----------------------------------------|---------------|---|---------------|---|---------------|---|
| | Number of PAP | % | Number of PAP | % | Number of PAP | % |

| | | | | | | |
|----------------------|-----------|----------------|-----------|----------------|-----------|---------------|
| Administration | 0 | 0% | 3 | 11% | 3 | 10% |
| Agriculture | 0 | 0% | 12 | 44% | 12 | 40% |
| Arts and crafts | 0 | 0% | 1 | 4% | 1 | 3% |
| Trade | 3 | 100% | 4 | 15% | 7 | 23% |
| Service provider | 0 | 0% | 2 | 7% | 2 | 7% |
| Breeding | 0 | 0% | 2 | 7% | 2 | 7% |
| Immigrant | 0 | 0% | 1 | 4% | 1 | 3% |
| Retired | 0 | 0% | 1 | 4% | 1 | 3% |
| Transportation | 0 | 0% | 1 | 4% | 1 | 3% |
| General total | 03 | 100,00% | 27 | 100,00% | 30 | 100,0% |

Source: Socio-economic survey data, August 2019

The main wealth creation activities of the PAPs in the project area remain the most suitable in this area, for reasons of availability of space and the nature of the activities they carry out. The main activities are agriculture (40% of the PAP) and trade (23% of the PAP).

Women are all involved in trade. Beyond this activity, affected women are not present in other areas of wealth creation. They are not in the so-called heavy trades. They exercise informal and precarious activities which do not bring them substantial income, hence their vulnerability to various hazards, notably the poor sales of their products or the absence of customers. Men are particularly active in agriculture (44%), commerce (15%) and administration (11%).

3.3.1.2. *Secondary activities of the surveyed PAPs*

Practically, the same activities as the main ones are carried out jointly by certain PAPs surveyed in the project area. Findings indicate that a minority of people affected by the project have other sources of income. They operate in the three (03) sectors of traditional activities similar to the essential activities mentioned earlier.

Table 32 : Distribution of PAPs surveyed by secondary activity and gender

| Gender | Woman | | Man | | General total | |
|--------------------------------------|----------------|---------------|----------------|---------------|----------------|---------------|
| | Number of PAPs | % | Number of PAPs | % | Number of PAPs | % |
| <i>Secondary activity of the PAP</i> | | | | | | |
| Agriculture | 0 | 0% | 2 | 7% | 2 | 7% |
| Arts and crafts | 0 | 0% | 2 | 7% | 2 | 7% |
| No secondary activity | 2 | 67% | 18 | 67% | 20 | 67% |
| Trade | 0 | 0% | 1 | 4% | 1 | 3% |
| Breeding | 0 | % | 1 | 4% | 1 | 3% |
| Service provider | 1 | 33% | 2 | 4% | 3 | 10% |
| Transportation | 0 | 0% | 1 | 4% | 1 | 3% |
| General total | 03 | 100,0% | 27 | 100,0% | 30 | 100,0% |

Source: Socio-economic survey data, August 2019

Most of the PAPs surveyed have only one economic activity. Socio-economic results show, in fact, that only 10 PAPs out of the 30 or so, or 33% of the total number, carry out a secondary activity, including one (01) woman. Among those with a secondary activity, almost all are men (90%). So, there are few people affected by the project who practice another activity in addition to those they carry out regularly.

The lack of diversification of income sources can make women PAPs even more vulnerable, especially if they are heads of households as much as they are involved, for the most part, in random activities such as trade. The proposed LEP will look at the vulnerability of women PAPs, particularly heads of households, and consider opportunities for diversifying their sources of livelihood. These women either do not have the time to spend all day looking for other income because of household chores, or do not have enough financial resources to develop other income-generating activities. This is among other things because of their marital status, thus hampering their overflowing dynamic, annihilating their will or courage to want to improve daily their living conditions and those of the members of their households.

3.3.1.3. Household income of the surveyed PAPs

The income of PAPs differentiated by gender concerns both those who are heads of households and those who are not. The incomes declared by the PAPs questioned, on behalf of their household, are often estimates and rarely reflect their real financial situation. In fact, the income generated by the various economic activities is often overestimated or undervalued, which makes it difficult to assess correctly. This is even more difficult if agricultural production is largely intended for household consumption and incomes from non-agricultural activities are volatile because their sources are clearly informal.

The majority of PAPs get their income from a non-permanent source, because they work in contingent sectors of activity, notably rain-fed agriculture. Few have regular and periodic income.

Table 33 : Distribution of PAPs surveyed according to average monthly income and gender

| <i>Monthly Household Income by Group in CFA Francs</i> | Woman | | Man | | General total | |
|--------------------------------------------------------|-------------|----------------|-------------|----------------|---------------|----------------|
| | Number PAPs | of % | Number PAPs | of % | Number PAPs | of % |
| Don't know | 0 | 0% | 3 | 11% | 3 | 10% |
| Less than 50.000 | 0 | 0% | 1 | 4% | 1 | 3% |
| Between 50.000 – 75.000 | 1 | 33% | 2 | 7% | 3 | 10% |
| Between 75.000 – 100.000 | 1 | 33% | 4 | 15% | 5 | 17% |
| Between 100.000 – 150.000 | 1 | 33% | 4 | 15% | 5 | 17% |
| Between 150.000 – 200.000 | 0 | 0% | 3 | 11% | 3 | 10% |
| Between 200.000 et plus | 0 | 0% | 10 | 37% | 10 | 33% |
| General total | 03 | 100,00% | 27 | 100,00% | 30 | 100,00% |

Source: socio-economic survey data, August 2019

Because they could not assess their income, some PAPs could not answer this question. They are, in fact, three (03) individuals affected by not having affirmed the amounts they obtain from their economic activities on the 30 people affected by the impacts of the project. In general, some PAPs are reluctant to specify their income.

The lack of predisposition of some men to say what they earn from their economic activity is to be found in sociological, even fiscal, factors in order to pay less taxes. Sometimes they tend to make false statements about their income level, which is often underestimated and even sometimes overestimated, mainly to snub the investigators.

The distribution of monthly income declared by the PAPs is very unequal. The amounts vary between less than 50,000 CFA Francs and more than 200,000 CFA Francs. Some receive substantial income. Most of the income exceeds the minimum wage. In fact, nearly 87% of those questioned receive at least 50,000 CFA Francs per month. Almost 33% of those affected have incomes equal to at least 200,000 CFA Francs, and are all men. Among the PAPs, whose income is known, about 3% earn less 50,000CFA Francs per month.

The distribution of PAPs by monthly income proves once again the vulnerability of some PAPs, who not only work in risky sectors, but also earn low incomes. At least 67% of them earn less than 200,000 CFA Francs monthly.

Table 34 : Different indicators on the average, min, max and median income of PAPs by gender

| <i>Gender of the PAP</i> | Average | Minimum | Maximum | Median |
|--------------------------|----------------|---------------|------------------|----------------|
| Woman | 84.667 | 50.000 | 104.000 | 100.000 |
| Man | 287.461 | 16.600 | 1.500.000 | 160.000 |
| General total | 263.541 | 16.600 | 1.500.000 | 150.000 |

Source: Socio-economic survey data, August 2019

On average, male PAPs earn 3.4 times more than female PAPs. The average monthly income of men is around 287,461 CFA Francs and that of women is 84,667 CFA Francs. In general, the average monthly income calculated is 263,541 CFA Francs. The average monthly income of people affected by the project is much higher than the national average which is estimated at 65,750 CFA Francs (ANSD, RGPHAE 2013).

In addition, almost 50% of men earn at least 160,000 CFA Francs and the same proportion of women earn at least 100,000 CFA Francs. As with women, many male PAPs have low, if not insignificant, incomes. Some PAPs only earn 50,000 CFA Francs while others have really good incomes.

However, the high average monthly income in this project area compared to the national average, hides a certain precariousness in the households of these PAPs. The distribution of income of PAPs by gender once again, proves the vulnerability of certain PAPs, who not only work in risky sectors, but earn modest incomes.

3.3.1.4. Monthly expenditure of the surveyed PAPs

The monthly expenditure analysis of the PAPs surveyed covers seven (07) aggregated budget items. These consumption items take into account all the different categories of needs that members of a household often express. Two budget items burden household spending in this project area.

The satisfaction of basic needs, whether biological and /or physiological, occupies a primordial place in the budget of these households (almost 58% of the total expenditure is devoted to it). Households spend around 42% of their budget on meeting the needs that arise from life in society.

Table 35 : Distribution of the average monthly expenditure in CFA Francs in budget item and by gender

| Gender | Woman | | Man | | Overall average | |
|--------------|---------|-----|-----------|-----|-----------------|-----|
| Budget items | Amount | % | Amount | % | Amount | % |
| Food | 405.000 | 47% | 4.310.000 | 60% | 4.715.000 | 58% |

| Gender | Woman | | Man | | Overall average | |
|--------------------------|----------------|-------------|------------------|-------------|------------------|-------------|
| Health | 150.000 | 17% | 395.000 | 5% | 545.000 | 7% |
| Energy | 213.000 | 25% | 1.276.000 | 18% | 1.489.000 | 18% |
| Education | 100.000 | 12% | 1.202.000 | 17% | 1.302.000 | 16% |
| Transportation | 0 | 0% | 45.000 | 1% | 45.000 | 0,6% |
| Family ceremonies | 0 | 0% | 5.000 | 0,07% | 5.000 | 0,06% |
| Communication | 0 | 0% | 10.000 | 0,14% | 10.000 | 0,12% |
| Total expenditure | 868.000 | 100% | 7.243.000 | 100% | 8.111.000 | 100% |

Source: Socio-economic survey data, August 2019

Average monthly expenses vary by gender. For example, women spend most of their income on meeting food (47%), health (17%), education (12%) and energy (25%) needs. Men also, in different proportions, spend to meet the same needs as women. Male PAPs spend nearly 60% on food, about 18% on energy and approximately 17% on education.

Variability in spending on food, education; energy and health are more visible where the deviation from the overall average can sometimes reach 13 percentage points. This situation can be explained by the fact that some PAPs do not sell all their crops because of self-consumption. It thus reaffirms the theory that the more one receives the more one spends particularly on food. It should also be noted that women who are heads of households are more concerned than men. They do not skimp on the means to satisfy the basic needs of the household, in particular food and the education of the children.

The expropriation of agricultural land in the public interest is likely to have a significant impact on the livelihoods of some people affected by the project. In fact, a significant number will lose crop land. This loss of land will decrease the volume of their agricultural production, a consequent drop in income which will affect their budget.

Table 36 : Different indicators on average, minimum, maximum and median expenditure on PAPs by gender

| Gender | Average | Minimum | Maximum | Median |
|----------------------|----------------|----------------|----------------|----------------|
| Woman | 289.333 | 68.000 | 550.000 | 250.000 |
| Man | 268.259 | 20.000 | 735.000 | 240.000 |
| General total | 266.645 | 20.000 | 735.000 | 240.000 |

Source: Socio-economic survey data, August 2019

The indicators of central tendency and extreme values presented above, underline a paradox on the level of expenditure of the households which host PAP men and those in which the women affected by the project live. In fact, households of female PAPs spend on average (289,333 CFA Francs) more than households of male PAPs (268,259 CFA Francs). In addition, the minimum expenditure (68,000 CFA Francs) is higher for women than for men. Also, at least 50% of households of female PAPs spend (250,000 CFA Francs) more than those of male PAPs (240,000 CFA Francs). And yet male PAPs earn on average more than female PAPs.

The absolute difference between the average monthly household expenditure (266,645 CFA Francs) and the average monthly income of the PAP (263,541 CFA Francs) may herald a paradox. The assumption may suggest that households are borrowing or saving to support their inherent burdens to meet their needs, or perhaps PAPs are more inclined to specify their spending rather than report their income correctly. Furthermore, the difference between these two amounts cannot be due to the fact that PAPs have made false declarations regarding their income which is often underestimated or overestimated. The explanation is to be found in the participation of household members other than the PAP. In fact, some people from PAP homes regularly contribute to meet the different needs of members. This financial support finds its foundation in the overall active solidarity - established for generations in rural areas who would like everyone to participate in the good management of the home. In these rural areas, people reflect more collectively and they make the family - which is part of the household - sacred and identify themselves in this group for all self-help actions.

3.3.1.5. Financial access to basic social services

The analysis of the situation of access by PAPs and members of their households to the various basic social services only takes into account the aspect relating to their financial accessibility, by considering the budgetary shares allocated to health, education, water and electricity to meet needs. During the surveys, the physical accessibility of the PAPs and their households to the various basic services was not provided in terms of distance and availability of infrastructure.

As a result, the findings of the socio-economic surveys of the PAPs, on some of their socio-economic characteristics, have revealed that these affect 7% of their total expenditure on health; almost 16% in education; and 6% to water and 12% to electricity.

The monthly shares of the budget allocated to meet access to basic social services seem relatively small. The reasons are to be found in socio-cultural considerations in certain rural areas of poorest countries, notably Senegal, although obviously incomes are low.

Thus, for education there is a certain intergenerational solidarity between the elders and the cadets at the moment when, for example, the school supplies of the ones are transferred to the others from one year to the other after passing in a higher class. Regarding health, in these rural areas, people most often turn to traditional medicine or self-medication, using especially leaves, bark or roots of plants found in the bush or forests. For water, an historical popular belief, in countries south of the Sahara, especially in rural areas, says that water from wells is better than that from boreholes and other sources. Regarding electricity, modern sources are not often within their reach, households are turning to traditional lighting and logging products, including coal and firewood for cooking.

3.3.1.6. Property and assets of the surveyed PAPs

The socio-economic survey of the PAPs and their households also made it possible to make an inventory of their financial and material heritage. Relatively many of them have savings in different forms. Most of the people affected by the project have cattle, others have cash savings deposited in financial structures and kept by them and rented houses.

Table 37: Distribution of PAPs by type and kind of animal owned

| Gender | Woman | | Man | | General total | |
|---------------|----------------|-----|----------------|-----|----------------|-----|
| <i>Answer</i> | Number of PAPs | % | Number of PAPs | % | Number of PAPs | % |
| No | 2 | 67% | 9 | 33% | 11 | 37% |
| Yes | 1 | 33% | 18 | 67% | 19 | 63% |

| Gender | Woman | | Man | | General total | |
|----------------------|-----------|-------------|-----------|-------------|---------------|-------------|
| General total | 03 | 100% | 27 | 100% | 30 | 100% |

Source: Socio-economic survey data, August 2019

Of the 30 surveyed PAPs, the 19 individuals (63%) have a pet, including one (01) woman out of the three (03) affected. Among men, about 67% own cattle. About 37% of PAPs do not have livestock as their heritage and most of them are men (9 out of the 11 PAPs who have them, or almost 82%). They also represent almost 33% of all women affected by the project. These men and women PAP mainly practice house farming and rarely concern all domestic animals.

Also, only 23% of PAPs declare that they save part of their income in decentralized or traditional financial structures. Generally, the main uses of this savings are: support for the extended family and/or family ceremonies, investment (especially in agriculture) and financing children's school fees.

Table 38 : Distribution of PAPs according to whether or not they have savings deposited in a financial structure and by gender

| Gender | Woman | | Man | | General total | |
|----------------------|----------------|-------------|----------------|-------------|----------------|-------------|
| <i>Answer</i> | Number of PAPs | % | Number of PAPs | % | Number of PAPs | % |
| No | 2 | 67% | 21 | 78% | 23 | 77% |
| Yes | 1 | 33% | 6 | 22% | 7 | 23% |
| General total | 03 | 100% | 27 | 100% | 30 | 100% |

Source: Socio-economic survey data, August 2019

Most of the surveyed PAPs (around 77%) do not have any formal financial assets. They say they do not deposit liquidity in financial structures. Yet most of them are engaged in economic activities (either they have no savings or they use it otherwise). In fact, the surveyed PAPs who declared that they did not hold monetary savings deposited in financial institutions, either saved or kept the savings with associations.

In addition, one (01) single woman, whose property is impacted by the project, kept money in financial structures. Among men, only six (06) of the 27 surveyed have savings, or nearly 22% of their total number.

Not all PAPs surveyed keep savings with them. Of the 30 PAPs questioned, only 40% of them, or 12 individuals, have liquidity at home.

Table 39: Distribution of the PAPs surveyed according to whether they have savings kept by them or not and by gender

| Gender | Woman | | Man | | General total | |
|---------------|----------------|-----|----------------|-----|----------------|-----|
| <i>Answer</i> | Number of PAPs | % | Number of PAPs | % | Number of PAPs | % |
| No | 2 | 67% | 16 | 59% | 18 | 60% |

| Gender | Woman | | Man | | General total | |
|----------------------|-----------|----------------|-----------|----------------|---------------|----------------|
| Yes | 1 | 33% | 11 | 41% | 12 | 40% |
| General total | 03 | 100,00% | 27 | 100,00% | 30 | 100,00% |

Source: Socio-economic survey data, August 2019

They are, in fact, only eleven (11) men and one (01) woman affected who keep money at their disposal. Generally, the PAPs adhere to "tontines" which are traditional forms of solidarity savings, which allow them later, once their turn to dispose of them arrives, to hope to satisfy some of their deferred needs or inherent cyclical situations, in particular, at family ceremonies. This form of savings has the advantage of facilitating its access and allows members to forge bonds of solidarity beyond the financial one that unites them. The majority of men also do not have it; there are 16 of the 27 impacted individuals that do not have savings.

Table 40: Distribution of the surveyed PAPs according to whether they own houses for rent or not and gender

| Gender | Woman | | Man | | General total | |
|----------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| <i>Answer</i> | Number of PAPs | % | Number of PAPs | % | Number of PAPs | % |
| No | 3 | 100% | 26 | 96% | 29 | 97% |
| Yes | 0 | 0% | 1 | 4% | 1 | 3% |
| General total | 03 | 100,00% | 27 | 100,00% | 30 | 100,00% |

Source: Socio-economic survey data, August 2019

Only one male PAP, among the thirty interviewed, owns a house for rent. All of the other surveyed PAPs responded with a no when the investigators asked them whether or not they own rental houses.

This type of physical asset constitutes, however, a rent situation. The periodic rents which would be collected from the rental of these houses are generally sources of income which can constitute an obstacle to a possible vulnerability caused by the temporary displacement or the permanent resettlement of certain PAPs who have them.

Analysis of the socio-economic profile of the known surveyed PAPs and their households illustrates that their situation relatively reflects that of other rural areas in Senegal. Most of the studied demographic, social and economic indicators do not indicate the precarious state in which the majority of the surveyed PAP households live. The Gender of the PAP, the age of the PAP and that of the members of their household, the average household size, the marital status of the PAPs and their level of education, presented in the socio-economic analysis are all socio-demographic parameters to highlight their living conditions and those of their household.

In addition, the standard of living of the households of certain surveyed PAPs is, in fact, very low as demonstrated by the declared income and the declining daily expenditure, all types combined. Furthermore, the random incomes that others obtain, because of the nature of their activities, also remain revealing facts of the precarious living conditions of some PAP households.

Socio-demographic and economic analysis also revealed disparities between men and women affected by the project. This study effectively adopted the gender approach in order to identify and/or highlight gender-based dissimilarities in their living conditions and livelihood activities. But, this male/female opposition in the analysis is against women, especially concerning the possession of material wealth and financial assets.

4. POLITICAL AND LEGAL FRAMEWORK

4.1. INSTITUTIONAL FRAMEWORK

Many mechanisms are involved in the population resettlement procedure according to the legal procedure implemented at national level. These mechanisms, responsible for land acquisition and resettlement are described below.

4.2. AT THE NATIONAL LEVEL:

At the national level, several national institutions and structures are involved in the procedure of expropriation, land acquisition and resettlement of populations:

- The Directorate of Domain and Stamp Registration, which is responsible for prescribing the opening of the public utility investigation to begin the expropriation phase. The Domain Receiver called "Investigating Commissioner" keeps the investigation file. The Minister in charge of the domains (Minister of Economy and Finance), or if necessary, the Minister responsible for the project to be carried out, draws up a report on the basis of which the declaration of public utility is pronounced by decree. The Department of Domains examines the declaration of public utility (DUP), the transferability decree, the signing of acts of acquiescence and compensation.
- The Cadastre Department takes care of the demarcation of the project, its establishment and the demarcation of sites or routes. These structures have skills in both legal and land matters and are proficient in the Senegalese expropriation procedure.
- The State Operations Control Commission (CCOD) provided for in article 55 of the State Domain Code. The CCOD gives its opinion in particular on the following land issues: (i) the amount of compensation to be offered in matters of expropriation for reasons of public utility; (ii) the expediency of resorting to the emergency procedure, in matters of expropriation, and (iii) the expediency, regularity and financial conditions of all operations concerning the private domain of the State, of communities local and public establishments.
- The CCOD has several members: The Director of Registration, Domains and Stamp; the Director of Civil Affairs or his representative; the Director of Town Planning or his representative; the Director of Regional Planning or his representative; the Director of the Cadastre or his representative; the Investment Director or his representative; the Financial Controller or his representative; a representative of the service or organization interested in the project; a deputy.

4.3. AT THE REGIONAL, DEPARTMENTAL AND LOCAL LEVELS:

- The ad hoc Supervisory Committee for the Operations for liberation of the land expropriation of major projects
The ad hoc Supervisory Committee for the Operations for the Liberation of the land expropriation of Large State Projects, set up by primatorial decree n° 002943 of 21 March 2011, is responsible for supervising the liberation of the land expropriation of Large State Projects. It is formally responsible for the following tasks: informing and raising awareness among the concerned populations; the inventory of expenses and occupants of land expropriation; assessment and payment of expenses; the notification of summons to vacate the premises and the assistance of the administrative authorities for operations relating to the liberation of the sites; the identification of displaced persons and their resettlement on the developed sites.
- The ad hoc committee is chaired by the Minister of the Interior or his representative, who reports to the Prime Minister. This Committee also includes the following authorities: a representative of the Prime Minister's Office, the Minister of Economy and Finance and all the National Directorates, including DEEC ((Environment and Classified Facilities Office), National Agency for Investment Promotion and Major Projects (APIX) and the Road Construction and Management Agency (AGERROUTE). APIX provides the Secretariat for the Committee, which meets at least once a month, when convened by its Chairman. It can also meet in a private (extraordinary) session whenever its President deems it necessary.
- At the regional level, the Regional Soil Assessment Commission is established in each region and is responsible for suggesting the values per square meter to assign to registered land.

- At the departmental level, the Departmental Commission for the Assessment of Expenses is established in each department with the objective of determining the value of the property affected in any operation to recover land from individuals or legal entities. It is composed as follows: The Prefect of the department, President; the Head of the Urban Planning Department; the Head of the cadastre service; the Head of the agriculture department; the Head of the Public Works department; the representative of the expropriating structure, and the representatives of the local communities concerned. The prefect of the department presides the committee for the assessment of expenditures, which carries out the inventory and assessment of the affected properties.
- A Conciliation Commission is responsible for fixing, out of Court, the amount of compensation to be paid to the expropriated persons.
- A judge in charge of expropriations is appointed at the level of the Regional Court to rule on cases of litigation which have not found amicable solutions between the State and the affected individual.
- Local authorities: Following the reform of February 2002, on the territorial and local administrative organization of the Republic of Senegal, Senegal has been divided into departments, communes and district municipalities. According to the expropriation law, the municipalities will play their normal role in the context of this resettlement operation.

4.4. LEGAL FRAMEWORK

Considering the different texts relating to land in Senegal, the administrative classification of land brings out three main categories:

- the national domain with its components (urban, terroir, classified and pioneer zones);
- the State domain which is subdivided into the private domain and the public domain of the State;
- the private domain of individuals consisting of land registered under the names of individuals.

Each area is subject to a specific mode of administration and management and powers are either entrusted to the central administration and its technical services, or to local authorities.

4.5. THE NATIONAL DOMAIN

Under the terms of article 1 of law n ° 64-46 of June 17, 1964, the national domain consists of all the lands not classified in the public domain, unregistered and whose property has not been transcribed for the conservation mortgages on the date of entry of the law into force. It is divided into four categories of land, namely :

- 1) Urban areas: Urban areas consist of land in the national domain located on the territory of municipalities and town planning groups provided by the legislation applicable in this area (Art.5).
- 2) The classified areas: The classified areas are made up of areas with a forest vocation or protection areas that have been classified under the conditions provided by the specific regulations applicable to them (Art.6).
- 3) Terroir areas: The terroir area corresponds in principle to land which is regularly used for rural housing, cultivation or breeding on the date of publication of the law, (Art.7 al.2).
- 4) Pioneer zones: Pioneer zones correspond to other lands (Art. Al.2). All the Delta lands were classified as pioneer zones from 1965 to 1987 (Decree N ° 65-443), date on which they were decommissioned and transferred to the terroir zone (Decree N ° 87-720 of June 4, 1987).

4.6. THE STATE DOMAIN

The domain of the State is governed by the law n ° 76-66 of July 2, 1976 relating to the Code of the State Domain and the decree n ° 81-557 of May 21, 1981 relating to its private domain.

Article 1 gives the extent of this domain in these terms: "the domain of the State includes the public domain and the private domain". Article 9 states that "the public domain is inalienable and imprescriptible". All occupation titles issued in the public domain are precarious and revocable and their withdrawal does not give rise to the payment of any compensation. It's about :

- road permissions which allow the construction of light, removable or mobile facilities and which must not have a significant hold on the public domain;
- authorizations to occupy the natural or artificial public domain;
- concessions and operating authorizations giving rise to the payment of fees.

The private domain of individuals

It appeared in the texts, under the terms of the decree of July 26, 1932 for reorganizing the land ownership regime in West Africa and of law n ° 2011-07 of March 30, 2011 relating to the land property regime. The land is designated by law as "land that has been registered in the name of a person other than the state." There is no legally recognized customary tenure in Senegal.

Main texts applicable to the displacement of populations in Senegal

In matters of resettlement, the Constitution of Senegal of January 22, 2001, which is the fundamental law of Senegal, in its article 15 guarantees the right of property, which can only be infringed in the case of legally controlled public necessity, subject to fair compensation paid in advance. The damage must be direct. This means that it must result from the expropriation. Indirect damage is not compensated. Various decrees, applying the laws relating to the national domain, also apply to resettlement. These include :

- Decree n ° 64-573 of July 30, 1964 fixing the conditions of application of the law n ° 64-46 of June 17, 1964 relating to the national domain;
- Decree n ° 64-574 of July 30, 1964 applying article 3 of law n ° 64-46 of June 17, 1964 relating to the national domain and temporarily authorizing registration in the name of the occupants having made a bet in permanent value;
- Decree No. 72-1288 of October 27, 1972 relating to the conditions for the allocation and decommissioning of land in the national domain included in rural communities;
- Decree n ° 80-1051 of October 14, 1980 repealing and replacing articles 2, 8, 14, 19 and 20 of decree n ° 72-1288 of October 27, 1972 relating to the conditions of allocation and decommissioning of lands in the national domain included in rural communities.
- Art. 38 of decree n ° 64-573 of July 30, 1964 fixing the conditions of application of law 64-46 of June 17, 1964 relating to the national domain in its version modified by decree 91-838 of August 22, 1991, allows all occupants to be compensated.
- Law n ° 2011-07 of March 30, 2011 on the land ownership regime.

Law 76 - 66 of 02 July 1976 on the State domain code governs real assets and real property included either in its public domain or in its private domain. This law is supplemented by Decree 81-557 of May 21, 1981 applying the State domain code; it is a text which determines the conditions of application of the law on the State domain. This area is in principle inalienable and imprescriptible. However, the public domain can be the subject of road permissions, occupation permits, concessions and operating permits. (art.11). The State can also issue authorizations to occupy the natural and artificial public domain, on a precarious and revocable basis (art. 13) and decide to incorporate a building into the artificial public domain (art. 8) by classification or execution of works making it acquire a character of public domain. The artificial public domain may be downgraded to the benefit of the private domain, if it is registered, or to that of the national domain that can be registered in the name of the State.

Allocation and putting of terroirs areas to another purpose

Decree 72-1288 of October 27, 1972 modified by Decrees 80-1051 of October 14, 1980 and 86-445 of April 10, 1986 places the management of lands in terroir areas under the responsibility of the Rural Communities which have become common. These then have a very important decision-making power over the allocation and putting of land to another purpose, and the installation of dwellings and camps in local areas. The Municipality is a local authority and a legal person who is required to take all initiatives or develop all actions to promote the economic, social and cultural development of the region.

Allocation of lands

Decrees N ° 64/573 and 72/1288 of July 30, 1964 and October 27, 1972 modified, which specify the practical modalities of management of the lands of the national domain. The national estate system sets two conditions for access to land in local areas: belonging to the community and the capacity for development. The assignment is personal and individual (art.19 of Decree 64-573) and cannot be the subject of a transaction. Its duration is unlimited and gives the beneficiary the right of use (above art.). It can be pronounced in favor, either of a member of the Community, or of several members grouped in associations or cooperatives (art.3 Decree N ° 72-1288 of October 27, 1972). It should be noted that the deliberations of the Rural Council relating to the allocation or putting of land to another purpose are only binding after having been approved by the Administrative Authority.

Putting of lands to another purpose

The allocation of land is in principle decided for an indefinite period. However, it can end in the event of fault on the part of the transferee, at his request, or for reasons of public utility.

Putting of lands for reasons of “general interest” was provided in Article 15 paragraph 2 of Law No. 64-46 of June 17, 1964; it can be justified either by ad hoc operations or by the desire to carry out a general review of assignments. In the first category, it is necessary to classify the putting of lands for the establishment of cattle routes for example, for hydraulic works, for housing estates intended for housing ..., article 11 and 14 of Decree n ° 72-1288. Furthermore, the Rural Council may, under the terms of Article 12 of Decree No. 72-1288, request a general review of the allocations in the event that changes in demographic or cultural conditions. In this case the deliberation must be adopted by a majority of 3/4 of its members and approved by Decree.

Putting of land as a sanction, under the terms of Article 20 of Decree No. 64-573, may be made automatically one year after a formal notice has remained ineffective for the following reasons:

- insufficient development resulting in particular from poor maintenance or non-compliance with the regulations applicable to the land;
- when the beneficiary no longer resides in the region or no longer personally ensures the development of the land allocated to him.

In the event of putting of lands motivated by the general interest, the dispossessed transferee benefits from a new plot equivalent to the old as compensation. In the event of a reassignment, the new assign is bound to pay the old or his heirs compensation equal to the value of the buildings and the pending harvest estimated on the day of the new allocation.

AfDB Operational Policy on Involuntary Displacement

Operational safeguard 2 - Involuntary resettlement: Acquisition of land, displacement of populations and compensation

This OS aims to facilitate the operationalization of the Bank's Policy on Involuntary Resettlement of 2003, within the framework of the conditions for the implementation of OS. By doing so, it integrates the factors of resettlement into the Bank's operations. This OS concerns projects financed by the Bank which involve involuntary resettlement of people. It aims to ensure that people who are to be displaced are treated in a fair, equitable manner and to be socially and culturally acceptable, that they receive compensation and resettlement assistance so that their standard of living, capacity to generate an income, their production levels and all their livelihoods are improved, and that they can benefit from the advantages of the project which induces their resettlement.

The specific objectives of this OS reflect the objectives of the policy on involuntary resettlement: (i) Avoid involuntary resettlement as much as possible, or minimize its impact when it is inevitable, after all the alternative designs of the project have been considered; (ii) Ensure that IDPs are genuinely consulted and have the opportunity to participate in the planning and implementation of resettlement programs; (iii) Ensure that the displaced persons benefit from substantial resettlement assistance under the project, so that their standard of living, their ability to generate income, their production capacities, and all of their livelihoods are improved beyond what they were before the project; (iv) Provide borrowers with clear guidelines, on the conditions that must be satisfactory regarding involuntary resettlement issues in Bank operations, in order to mitigate the negative impacts of displacement and resettlement, to actively facilitate social development and build a viable economy and society; and (v) Establish a mechanism to monitor the performance of involuntary resettlement programs in Bank operations and find solutions to problems as they arise, in order to guard against resettlement plans poorly prepared and poorly implemented.

The borrower or the client will have to prepare a full Resettlement Action Plan (full RAP) for (i) any project involving 200 or more people (as defined in the involuntary resettlement policy) or (ii) any project likely to have negative impacts on vulnerable groups.

For any project for which the number of people to be displaced is less than 200 and the acquisition of land and the potential for displacement and disruption of livelihoods are considered less significant, the borrower or the client prepares a Resettlement Action Plan (RAP).

The Bank will publish the RAPs at the Bank's Public Information Center and on its website for public comments, in accordance with the ESAP procedures. The full RAP must be communicated to the public at least 120 days and the abbreviated RAP at least 30 days before their presentation to the Councils.

The OS places particular emphasis on Consultation, participation and broad community support; compensation procedures; Host Communities; Vulnerable Groups; Implementation, monitoring and evaluation. The borrower or the client prepares a Community Development Plan (CDP) for projects that have a proven risk for vulnerable communities and that must be managed. The specific risks associated with land issues, resettlement or environmental degradation are integrated into the RAP or the ESMP and the accompanying measures will be designed and managed in consultation with the affected communities to respect their cultural preferences.

Other policies in the resettlement process

The Policy on dissemination and access to information (May 2013)

This policy aims to i) maximize the dissemination of information in the possession of the Bank Group and limit the list of exceptions; ii) facilitate access to information on AfDB operations and its sharing with a broad spectrum of stakeholders; iii) promote good governance, transparency and accountability; iv)

improve the efficiency of implementation and better coordinate the information dissemination processes; (v) raise awareness of the Bank Group's overall mission, strategies and activities; vi) support the consultative process; and vii) strengthen harmonization with other development finance institutions in the area of information dissemination. The objectives of this policy are also to encourage States to communicate information to the public, in particular to groups directly affected by operations in the Member States; increase public awareness of Bank Group operations, activities, policies, programs, procedures and operations, facilitate the participation of local people affected by projects financed by the Bank Group, including Non-profit Organizations Eligible Government Organizations (NGOs) Recognized by the Bank Group and Other Community Stakeholders.

The gender strategy 2014-2018

The AfDB has adopted a document on the 2014-2018 Gender Strategy, in which it sets out the principles of equality which must guide all the operations in which it is involved. In the latter document, the Bank considers gender to be an integral component of Africa's economic development and strongly advocates for an end to gender-based discrimination of all kinds. For the Bank, this is neither more nor less than a question of human rights or a smart economy.

Equal access to the means of production, equal treatment, including in terms of salary, above all, are expected from the institution's partners. The strategy is based on three pillars :

- **Pillar 1 (Legal status and property)**: Support for gender-oriented governance, law reform, secure land tenure for women farmers, reduction of gender-based violence, and establishment of a sector private and a favorable business climate to women.
- **Pillar 2 (Economic empowerment)**: Support for increasing women's control and access to financial resources and services, mobilizing infrastructure for gender equality, advocating for positive discrimination for women and women-led businesses, increasing the productivity of women agriculturist and facilitating their inclusion in the market, and providing skills training in science and technology for women agriculturist.
- **Pillar 3 (Knowledge management and skills building)**:
 - (i) Provision of resources and technical assistance for knowledge management in gender equality;
 - (ii) Improvement of gender results reporting;
 - (iii) Capacity development of its personnel for the promotion of gender equality in operations;
 - (iv) Support RMCs in strengthening their capacities to promote and integrate gender equality in policies and programs, and produce better data and statistics disaggregated by gender.

The framework of participation in the civil society (2012)

The ultimate aim of the Engagement Framework with Civil Society Organizations (CSOs) is to enable the Bank to obtain better results and a greater impact on the development process by consolidating its participation mechanisms and coordination with CSOs. More specifically, the objectives of the Framework are: a) to strengthen the Bank's capacities to establish cooperation modalities with CSOs; b) encourage interactions with CSOs in a way that effectively contributes to the Bank's mission and to the effectiveness of its support to RMCs; and (c) set out operational guidelines for headquarters, regional resource centers, field offices and staff working on projects.

PERFORMANCE STANDARD N° 5 OF THE INTERNATIONAL FINANCE CORPORATION (2012)

The PS 5 sets the following objectives:

- Avoid, and whenever impossible, limit involuntary resettlement by considering alternative designs to projects.
- Avoid forced eviction.
- Anticipate and avoid, or when it is impossible to avoid, limit the negative social and economic impacts resulting from the acquisition of land or restrictions on its use by: (i) providing compensation for the loss of assets at replacement price and by (ii) ensuring that resettlement activities are accompanied by appropriate communication of information, consultation and informed participation of those affected.
- Improve or at least restore the livelihoods and living conditions of displaced people.
- Improve the living conditions of physically displaced persons by providing adequate housing with security of tenure in resettlement sites.

The PS 5 specifies the following notions:

- The replacement price corresponds to the market value of the assets plus transaction costs. The market value is defined as being the value necessary to allow the affected people and communities to replace the lost assets with new assets of similar value. The recovery method must be detailed in the resettlement plan;
- The right to maintain means that displaced persons or communities are resettled in a place which they can legally occupy and from which they cannot be legally expelled.

Requirements

To facilitate the achievement of PS 5 objectives, the lessor provides guiding principles for the development and implementation of RAPs.

Projected socio-economic census

The planning of a RAP must be based on a socio-economic census, i.e. the collection of appropriate socio-economic baseline data intended to identify the people who will be displaced by the project, to determine the people who will be entitled to compensation and assistance, as well as discouraging people, such as opportunistic occupiers, who are not eligible for these benefits.

Hence, if no specific procedure exists in local legislation, an eligibility date should be set and the information relating to the deadline [must be] well documented and disseminated throughout the project area (PS 5 paragraph 12).

Distinction of principle between physically displaced and economically displaced

The people affected must be identified according to whether they are:

- physically displaced persons (moving or losing a shelter);
- economically displaced (loss of assets or access to assets resulting in loss of source of income or livelihood).

Each of these displaced persons must be taken into account in the resettlement and compensation process, the same person being able to be considered as a physically displaced person and an economically displaced person (PS 5, paragraph 1).

Partnership with communities and prevention of difficulties

Affected communities, including host communities (affected by physical displacement), must be informed, associated and consulted during the planning, implementation, monitoring and evaluation of the payment of compensation, restoration activities subsistence and resettlement (PS 5, paragraph 10).

A grievance mechanism in accordance with Performance Standard 1 should be put in place as early as possible in the project development phase to allow the client to receive and address specific compensation concerns in a timely manner and resettlement raised by displaced persons or members of host communities, the objective being the impartial resolution of disputes (PS 5, paragraph 11).

Principle of suitable and diverse compensation

Overall, PS 5 states the following:

The compensation standards will be transparent and systematically applied to all the people and communities affected by the project. When the livelihoods of displaced people are derived from the use of land, or when land is collectively owned, displaced people will be offered compensation, if possible, in the form of land. The client will only take possession of the land and related assets when the resettlement sites and travel allowances have been provided to the displaced in addition to the compensation (PS 5, paragraph 9).

In the case of physical displacement, the project promoter shall:

(i) provide displaced persons with a choice between different feasible resettlement options, including adequate replacement accommodation or monetary compensation, if applicable; and (ii) provide resettlement assistance appropriate to the needs of each group of displaced persons. The new sites built for the displaced will provide improved living conditions. IDPs' preferences for resettlement in existing communities and groups will be taken into account. The social and cultural institutions of displaced persons and host communities will be respected (PS 5, paragraph 20).

Customary rights are taken into account; NP 5 classifying displaced persons as follows:

- people who have formal legal rights to the land they occupy or use; persons who have no formal legal rights to the land, but who have claims that are recognized or may be recognized by national law in relation to the land they occupy or use (PS 5, paragraph 17, i, ii).

To the affected people of these two categories, the project promoter will offer the choice between replacement housing of equal or greater value, security of tenure in the premises, characteristics and advantages in terms of location or compensation in cash, if applicable. Compensation in kind will be considered instead of cash compensation. The levels of cash compensation will be sufficient to replace the land and other property lost at full replacement cost in local markets (PS 5 paragraph 21).

- people who have no legal rights or claims that could be recognized on the land they occupy or use (PS 5, paragraph 17, iii).

For affected people in this category, the project promoter will offer the choice, among several options, of adequate housing with security of tenure on the premises so that they do not run the risk of being evicted. If these displaced persons own and occupy structures, they should be compensated for the loss of assets other

than land, such as housing and other improvements to land, at full replacement cost, provided that they have occupied the project area before the deadline for defining their eligibility (LE5, paragraph 22).

In the case of economic displacement, PS 5 sets out the following principles:

- Economically displaced persons who suffer loss of property or access to property will be compensated for this loss at full replacement cost.
- In cases where the acquisition of land or restrictions on the use of land affect commercial structures, the owner of the concerned business is compensated for the cost of restoring his commercial activities in another place, the net loss of income during the transition period and the costs of transferring and reinstalling its plant, machinery or other equipment.
- In the case of persons with legal rights or claims to land that are recognized or likely to be recognized by the law of the country, provide replacement goods (for example, agricultural or commercial sites) of value identical or greater, if any, cash compensation at full replacement cost.
- In the case of economically displaced persons without admissible land claims in law compensate them for lost assets other than land (including crops, irrigation infrastructure and other improvements to land), at replacement cost integral (PS 5, paragraph 27).

Also, about the economically displaced:

- In addition to compensation for loss of property, if necessary, economically displaced persons whose livelihoods or income levels are negatively impacted will also have to benefit from opportunities for improvement or, at least, recover their ability to earn an income, their production levels and their standard of living (LE5, paragraph 28).
- Temporary support will be provided, as necessary, to all economically displaced persons, based on a reasonable estimate of the time required to restore their earning capacity, production levels and living standards (PS 5, paragraph 29).

Conclusion on the PS 5 IFC:

In order to ensure compliance with PS 5, the IFC (International Finance Corporation) naturally took care of the various operators concerned to plan and implement monitoring and evaluation procedures for the application of a BY (PS 5, paragraph 14).

In this context, the concern for taking into account communities and customary realities seems more appropriate than a written normative framework, as presented in standards and more particularly in PS 5. The main thing is to apply the principle of association of local populations in the preparation, implementation and monitoring of a RAP. Within the framework of this RAP, PS 5 will be coupled with the Operational Safeguarding of the AfDB and Senegalese National Legislation.

COMPARATIVE ANALYSIS BETWEEN AfDB POLICY, THE PERFORMANCE STANDARD 5 AND NATIONAL LEGISLATION

The importance of this analysis resides in its need to implement, whenever necessary, the most restrictive requirements taking into account the challenges linked to socio-economic feasibility and social acceptability.

In some areas there is convergence and in others there are gaps between Senegalese legislation and the AfDB's involuntary displacement policy.

The points of convergence concern the following aspects: eligibility for compensation; eligibility deadline; payment type and PAPs livelihoods improvements.

The points where the most significant differences are noted are as follows: the participation of populations; irregular occupation; special assistance to vulnerable groups; economic rehabilitation; compensation alternatives.

These points are not and/or insufficiently taken into account in the national legislation compared to the directives of the AfDB, but do not concern a divergence.

On the other hand, there is a general convergence between the AfDB's involuntary displacement policy and IFC Performance Standard 5. The main difference between the two is livelihoods: PS 5 requires that resources be restored, but AfDB policy requires that resources be improved. However, PS 5 would prefer that the means be improved.

In the table below, this comparative analysis is summarized and the most restrictive requirements are identified.

Table 41 : Comparative analysis between national legislation and AfDB directives

| Themes | National legal framework | AfDB requirements | IFC requirements | Observations | Analysis | Suggestion |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Eligibility deadline (CUT-OFF DATE) | Article 20 of Law No. 76-67 of July 2, 1976: compensation established on the basis of the inventory report. Improvements made after the PV has been drawn up and which are intended to obtain capital gain compensation are not taken into account. | §3.4.3: people affected by the project are entitled to compensation or resettlement assistance, provided that they have occupied the project site before a deadline set by the borrower and accepted by the Bank. The deadline must be clearly communicated to the population affected by the project. | PS 5, para. 5. The client is not obliged to compensate or assist those who encroach on the project area after the eligibility deadline, provided that the deadline has been clearly established and made public. | There is no difference between the two standards. The eligibility deadline can be determined as that relating to the establishment of the inventory report. However, the operational policy is also explicit with regard to the application of the principle relating to the right to information, which is not the case in Senegalese legislation, even if practically the rules of public participation are implemented. | AfDB guidelines guarantee better social acceptability. However, the principles of the IFC emphasize the wide dissemination of the deadline. | Application of the AfDB and IFC operational policy based on the legal obligation provided in Senegalese positive law for the eligibility deadline. However, choose the communication methods taking into account the socio-cultural context and the languages spoken in the project area. |
| Compensation in cash | Article 14 law of ECUP: Cash compensation is the principle in Senegalese law when it is an expropriation for reasons of public utility or the withdrawal of land from the national domain. The offered compensation must be sufficient to compensate all of the suffered damage. | Compensation in kind is prioritized where possible. However, in the case of financial compensation, advice must be given to beneficiaries to help them make judicious use of it. | Cash compensation levels will be sufficient to replace lost land and other property at full replacement cost in local markets. | There is a concordance between the three policies but those of the IFC and the AfDB are more complete because in the event of inevitable financial compensation, it recommends social support in terms of training and advice. | The AfDB guidelines are more comprehensive and make it possible to integrate the vulnerability and gender dimensions for losses in the national domain. However, the principle of prioritizing compensation in kind will depend on the kind of loss (total or partial loss of land, etc.), spare land capacities in the areas crossed, and those of the expenditure assessment committee to instruct this type of compensation and monitoring. | Application of ADB and IFC directives and assistance if necessary to the departmental commission for the assessment of expenditures and local authorities |
| Compensation in kind - Quality criteria | Decree n ° 64 - 573 of July 30, 1964 fixing the conditions of | For the agricultural and rural development sector, the Bank's experience shows that in most cases, land | If populations living in the project area have to move to another location, the client: (i) will offer | Total agreement between the two policies in their application in the national | As part of this project, no PAP resides in the rights of way of the | Application of IFC guidelines which is the most complete. The choice is left to the PAPs, but |

| Themes | National legal framework | AfDB requirements | IFC requirements | Observations | Analysis | Suggestion |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | application of the law relating to the national domain provides in case of putting of lands to another purpose, when the general interest requires it, that the victim of receives an equivalent plot as compensation (Article 20). Law n ° 76 - 66 of July 2, 1966 on the State domain code does not give any possibility to holders of authorizations to occupy the natural or artificial public domain to receive land for compensation or even indemnity. | compensation has been provided to farmers and agricultural workers to restore production systems. | displaced persons a choice between different feasible resettlement options, including adequate replacement housing or monetary compensation, if applicable; and (ii) provide an appropriate resettlement assistance to the needs of each group of displaced persons. | domain. On the other hand, the law on the domain of the State excludes this possibility of compensation contrary to the policy of the AfDB which requires aid for resettlement. | power plant, hence the plots. Compensation in kind is possible for one case: grain store. | the feasibility of the choice is taken into account. However, another support type is appropriate for the restoration of the livelihoods of the PAPs who are losing agricultural land. |
| Integration of the gender dimension in projects | The compensation process in Senegalese national regulations does not take into account the gender of the person to be displaced. Men and women are put on equal in the displacement process. | The AfDB developed the Gender Strategy 2014-2018 and put forward 3 pillars, namely: <ul style="list-style-type: none"> - Legal status and ownership - Economic empowerment - Knowledge management and skills building Its principles apply to all projects financed by the AfDB involving resettlement operations. | PS 5. On Community Engagement. "The consultation process should allow women to voice their views and ensure that their interests are taken into account in all aspects of the planning and implementation of resettlement." | No discrepancy between international financial institutions but they oppose national regulations. | The directives of the integrated safeguard system are more restrictive than the principles of PS 5. | Application of the pillars of the AfDB and its gender strategy which will also include the recommendations of the IFC in terms of taking gender aspects into account in the resettlement process. |
| Resettlement Program | Article 35 of Law No. 76-67 of July 2, 1967 specifies that a program for the resettlement of the population may be provided in the event of the withdrawal of | The Safeguard applies when a physical displacement of populations and a loss of economic property are inevitable, the borrower must develop a full or abbreviated resettlement action plan according to the criteria defined in the policy. This plan should be designed to reduce displacement and | As per the PS 5, 9 on Compensation and Benefits for Displaced Persons "The client will also give communities and displaced people the opportunity to take advantage of appropriate development benefits." | Discrepancy in the scope between national legislation and the two policies in IFC and AfDB. Because the resettlement program is optional in national law and only applies to holders of | The Performance Standards are more comprehensive and clearer in that they outline the very content of the PAP livelihood restoration plan. | Application of the IFC performance standards. |

| Themes | National legal framework | AfDB requirements | IFC requirements | Observations | Analysis | Suggestion |
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| | titles to occupy state land. | provide displaced persons with assistance before, during and after physical resettlement. | | occupation titles, whereas it is an obligation for the AfDB and the IFC and covers all PAPs | | |
| Compensation Infrastructure | The principle of fair and prior compensation is provided by national law. In addition, the scales are established on the basis of market prices, including capital gains. | Displaced persons must be compensated at full replacement cost before their actual displacement. | The levels of cash compensation will be sufficient to replace lost land and other property at full replacement cost in local markets. | No significant difference is observed. | The three standards are not contradictory. | Application of IFC and AfDB guidelines. |
| Evaluation-lands | Replace based on scales according to quality per m ² . Article 12 of law n° 76-67 of July 2, 1967 specifies that if the building contains significant constructions or developments and if one of the parties requests it, the judge orders a transport on the sights and sets up an establishment of facts including the statements of the parties and the oral explanations of the experts who can assist the interested parties. In principle, if the compensation relates to lands in the national domain, only the expenses are assessed and reimbursed | Replace at a full replacement cost (compensation based on the current replacement value of lost property, resources or income, not including depreciation) | IFC specifies that resettlement conditions must be at least equal and that there must be a choice in terms of resettlement site as well as between resettlement and relocation (financial compensation) when appropriate. | Divergence between national legislation and the directives of the AfDB and the IFC, but in practice, the principles of evaluation remain the same, particularly if the putting of land for another purpose is at the request of the recipient. | Both AfDB and IFC Policies are different from the National Land Evaluation Policy | Application of AfDB and IFC directives and communication to the expenditure assessment commission. |
| Evaluation-structures | Replace based on scales per m ² depending on construction materials | Replace at the full replacement cost. | IFC specifies that resettlement conditions must be at least equal and that there must be a choice in terms of resettlement site as well as between resettlement and | Convergence between National Legislation, IFC Performance Standards and AfDB Guidelines | The IFC is more explicit as the new replacement cost is returned to the PAP | Application of AfDB and IFC requirements. It should be ensured that the cost of m ² per building material is updated to allow the PAP to acquire the same |

| Themes | National legal framework | AfDB requirements | IFC requirements | Observations | Analysis | Suggestion |
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| | | | relocation (financial compensation) when appropriate. | | | |
| Participation | In the public utility decree, the opening of which is preceded by an investigation, it is announced to the public by any means of usual advertising. During this period, any interested person may make observations (art. 5 Law n ° 76-67 of July 2, 1976); after notification of the building's transfer agreement, fifteen days deadline to formulate observations. | Displaced populations and host communities should be adequately consulted at an early stage in the planning process and be encouraged to participate in and carry out the resettlement program. | Paragraph 3 in the PS 5 on Community engagement. The preferences of men and women will have to be examined from the point of view of compensation mechanisms, for example, compensation in kind rather than cash. The IFC insists on the need to establish a framework for dialogue by "ensuring that resettlement activities are accompanied by appropriate communication of information, consultation and participation of affected people". pt. 2 of the objectives of PS 5 | Senegalese law provides for an inquiry into expropriation for reasons of public utility. This investigation is public and subject to publicity. However, such an information procedure is only reserved for the expropriation procedure, therefore only concerned land in the domain of the State and land in the domain of private individuals. However, in practice, since involuntary resettlement is now systematically integrated into the environmental assessment procedure, public consultation is compulsory, even for lands in the national domain. | Practically, a fundamental difference is not noted. However, the IFC requirements are more specific on the right to information obligations. | Application of IFC requirements can further ensure an inclusive and participatory approach. |
| Vulnerable groups | Senegalese law has not made special provisions for vulnerable groups. But, article 10 of law n ° 76-67 of July 2, 1976 specifies that if the property of minors or other incapacitated persons is compromised in the act of transferability, the guardians can consent amicably to the alienation of said property. | Particular attention should be given to the needs of disadvantaged groups among the displaced population, in particular those whose income is below the poverty line, the landless, women, children, the elderly, ethnic, religious or linguistic minorities as well as those who do not have legal titles on property, and women heads of households. Appropriate assistance should be provided to these disadvantaged groups. | Paragraph 8 of PS 5 suggests "avoiding or limiting physical and/or economical displacement, while balancing environment, social and financial costs and benefits, paying particular attention to the impacts on the poor and groups vulnerable » | The vulnerable groups mentioned in the AfDB policy are not actually protected by national legislation on resettlement, but other legal references in the area of social protection can be put forward. | AfDB directives are explicit and respond to the principles of international commitments to which Senegal has approved. | Application of AfDB and IFC guidelines. |

| Themes | National legal framework | AfDB requirements | IFC requirements | Observations | Analysis | Suggestion |
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| | However, Senegal has ratified international treaties aimed at protecting these vulnerable groups. | | | | | |

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| Litigation | Negotiation through the conciliation commission; negotiations at the local level are generally required; referral to the Courts and the Mediator of the Republic. Article 11 of Law No. 76-67 of July 2, 1976 stipulates that in the absence of an amicable agreement, expropriation is ordered by the judge. In the event of agreement, the expropriation is ordered against payment of the agreed compensation. The expropriation order can be challenged before the judge. In practice, intervention by traditional authorities. | Dispute resolution procedures must be agile enough to quickly resolve evaluation disputes. To this end, appropriate and accessible grievance mechanisms, operating in the form of informally constituted local committees composed of representatives of the main stakeholder groups, should be established to resolve any disputes arising during the compensation procedures. | Par.11 <i>on the PS 5 Grievance Mechanism</i> "A grievance mechanism that meets Performance Standard 1 as soon as possible in the development phase of the project. This mechanism will allow the client to receive and respond in a timely manner to the specific compensation and resettlement concerns raised by the displaced." | Two different methods in terms of principles, but in reality, the national dispute resolution mechanism is similar to that of the AfDB and the IFC. | No difference in the content of the registration and settlement procedure. The IFC is clearer, however, in that it even requires the establishment of a documented mechanism. | Application of national law and IFC |
| Type of payment | Article 23 of decree n° 64-573 of July 30, 1964 which specifies that the new transferee has the obligation to pay to his predecessor or his heirs, compensation equal to the value of the improvements made to the building and the pending crops if applicable, estimated on the day the new allocation is made (payment in cash) Article 15 of Decree No. 72-1288 of October 27, 1972 specifies that in the event of | Compensation can be in cash as well as in kind | The preference is to compensate in kind as far as possible. | AfDB policy and Senegalese legislation meet in the area of cash compensation. Moreover, Senegalese law provides fair and prior compensation, in the sense that it must repair all of the, material and certain damage caused directly to the displaced person. | The IFC has a more pronounced choice for compensation in kind. However, it opens up the possibility of paying in cash and at a new replacement cost when the first option is not possible. Thus, when it comes to sources of income, support is provided by the IFC in order to ensure the restoration of the livelihoods of | Application of national legislation and the AfDB or the principles of the IFC. There is no contradiction between the three standards. In the Malicounda case, the original cash compensation was dictated by national requirements. The additional compensation to be paid follows suit on that. |

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| | decommissioning of land necessary for the establishment of tracks, the widening of tracks or the development of water points, the transferee can receive an equivalent parcel when this compensation is possible. | | | | the PAPs.. | |
| Relocation of the PAPs | Article 14 law n ° 76-67 of July 2, 1976: After payment or deposit of the provisional compensation provided by the expropriation judge or within 8 days after transportation to the premises ordered by the judge. | After the payment and before the start of work | Par. 9, PS 5 recalls that "The client will not take possession of the land and related assets until the compensation has been paid". | Difference between the national legislation and the directives of the AfDB, only based on the principle of the recording of a provisional indemnity (which can be supplemented, cf. article 15) and concerning the procedure of expropriation for reasons of public utility. | The difference only applies in the case of an expropriation procedure. | Application of AfDB and / or IF5 PS 5 guidelines. For these two financial institutions, the relocation is only possible after having effectively compensated (in kind or in cash) the PAPs and having taken the practical measures favorable to this relocation. |
| Resettlement costs | Not stated in national law, but is an implied condition. | The costs of resettlement are borne by the borrower. Funding for implementation is specifically charged to the borrower. | All operations to acquire land and restore the livelihoods of PAPs are the responsibility of the client. | Mainly, there is no contradiction between national legislation, IFC and AfDB directives. | NPs are more explicit and give more responsibility to the project company to bear the costs of resettlement. | Application of IFC guidelines. |
| Economic reform | Not mentioned in legislation | Resettlement planning must be based on a development approach which assumes that displaced persons and host communities are offered several possibilities for development, including activities aimed at restoring the production base of the displaced. | Par.12 of PS 5 "Collect appropriate socio-economic reference data intended to identify the people who will be relocated by the project". | Difference between national legislation, IFC standards and AfDB guidelines. This uses the term of improved livelihoods of the PAPs while the IFC sticks to restoring livelihoods in the PAPs. | The performance standards are more restrictive and are more beneficial for the PAPs. | Application of AfDB directives which would be more beneficial for agricultural PAPs within the framework of this project. |
| Monitoring and evaluation | Not stated in national law, but is an implied condition. In fact, monitoring the application of legal and/or administrative measures is the responsibility of the competent authorities. In addition, the environmental monitoring program may include monitoring | Compliance monitoring is a principle provided in the AfDB SSI and specifically in the OS2. | Par. 14 on planning and implementing resettlement. "For projects presenting significant risks of involuntary resettlement, the client will use the services of specialists competent in resettlement matters who will advise him on compliance with the requirements of this Performance Standard and will have to check the | In terms of the aim, there is not a difference between the three. However, the requirements of the IFC and the AfDB have the advantage of being more explicit. | Slight difference between the AfDB and the IFC, because the IFC insists on the use of a specialist especially when the risk of resettlement is high. | Application of IFC or AfDB principles. These two institutions request monitoring of resettlement activities which should culminate in a post-resettlement completion audit. |

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| | of resettlement measures. | | follow-up information established by the customer ". | | | |
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4.7. INSTITUTIONAL CAPACITIES FOR IMPLEMENTING OF THE RAP

It is noteworthy that within the framework of this project, SENELEC and MELECPOWERGEN are involved in the implementation of site acquisition activities. The assessment of these capacities is based on interviews with these actors and not on the results of studies carried out by the State. These interviews allow us to learn about the experiences they have had on the lessor's policies.

SENELEC, for its part, has experience in conducting operations for the resettlement of projects financed by the World Bank (IFC; IDA). Regarding IFC policies, it should be noted that SENELEC is not funded by the IFC as a state. Its funding comes from IDA (International Development Association). However, the activities of private developers who build and/or operate power plants in Senegal are very closely monitored by the environment department of SENELEC. This gives it a foothold in performance standards. His experience is therefore more pronounced in IDA policies.

However, resettlement activities were never carried out on AfDB-funded project. Its knowledge of the Operational Safeguarding of the African Development Bank is therefore limited.

In terms of human resources, it has 6 (six) HSE experts, two Safety and Environment coordinators who can thus participate in the monitoring activities of the Power project of Malicounda. In terms of capacity building needs, the SENELEC agents who follow this project must above all be interested in gender and vulnerability issues.

In this sense, SENELEC should benefit from capacity building on Operational Safeguard 2 (OS2). To do this, from the start of resettlement operations, a sharing workshop or an upgrade seminar can be organized. This session could at the same time bring together all the parties involved in the implementation of resettlement. In addition, its purpose will be to address the following chapters: Compensation rate; Liability of the borrower for resettlement; Improving livelihoods of PAPs; Integration of the gender dimension in the resettlement process; Complaint Management Mechanism (MGP); Monitoring of the resettlement process.

MelecPowergen has been building and operating power plants in Senegal and Africa for more than 10 years. It has extensive experience with national procedures and with their differences from those of lessors. Therefore, and whenever necessary, it appoints commissions consultants and design offices responsible for bringing its activities into line with the requirements of the lessors.

5. PRINCIPLES, AIMS AND PROCESSES FOR THE PREPARATION AND IMPLEMENTATION OF THE RESETTLEMENT ACTION PLAN

5.1. ELIGIBILITY CRITERIA FOR AFFECTED PERSONS

In line with the OS2 policy on involuntary resettlement of the African Development Bank (AfDB) group, three groups of displaced persons should be entitled to compensation or resettlement assistance for the loss of land or other property because of the project:

- a. Those who have formal legal rights to land or other property recognized under the laws of Senegal. This category includes people who physically reside at the project site and those who will be displaced or may lose access or suffer a loss of livelihood 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 appraisal, but can demonstrate that they have a claim that would be recognized by customary laws of the country. This category includes people who would not physically reside at the project location or people who do not have assets or direct sources of livelihood from the project site, but who have spiritual or ancestral ties to the land and are recognized by local communities as customary heirs. According to the customary law for the use of land in the country, these people can also be considered as right holders, if they are sharecroppers, farmers, seasonal migrants or nomadic families who lose their rights for use.
- c. Those who have no recognizable legal or claim rights over the land they occupy in the area of influence of the project, and who do not belong to either of the two categories described above, but who, for themselves or through other witnesses, can prove that they occupied the area of influence of the project for at least 6 months before a deadline established by the borrower or the client and acceptable to the Bank.

These categories are entitled to resettlement assistance instead of compensation for land in order to improve their previous standard of living (compensation for loss of subsistence activities, common land resources, structures and crops, etc.).

Displaced persons belonging to groups (a) and (b) above are entitled to compensation for their land or other resources confiscated for the needs of the project. People in group (c) only receive resettlement assistance.

Specifically, under the present RAP of the power plant project of Malicounda, the different categories of PAP that have been identified in the site expropriation of land are eligible. These are the PAP undergoing:

- (i) Losses of built structure for storage use;
- (ii) Loss of plots for residential use;
- (iii) Loss of perennial crops (trees);
- (iv) Loss of seasonal crops.
- (v) Loss of plots for agricultural use.

Census surveys indicate that all of the affected persons identified under this RAP fall into the first category ((a) above). Indeed, as for to the property affected and its location, we can consider the laws of the country, through the local authority; the ownership of these plots can be for the people who thus, are

entitled to compensation. It is noteworthy that all the PAPs have deeds from the town hall of Malicounda, which proceeds by allocating plots once the subdivisions have been completed.

5.2. DEADLINE FOR ELIGIBILITY OR LIMIT DATE

As part of the implementation of the power plant project of Malicounda, the censuses were carried out by the Departmental Commission of Census and Assessment of Expenses (CDREI) of Mbour. For reasons of identification of the owners of the plots and affected fields, two operations were carried out by the specified commission. The date of the last census is considered to be the deadline for eligibility for compensation.

Hence, the administration, on May 5, 2019, set the deadline for May 15, 2019, which corresponds to the end of the field surveys and censuses by the various members of the departmental commission involved in resettlement planning activities. The village chiefs were informed of the deadline. As stated in point 1.2. upon the context of the RAP request, the censuses were taken on April-May 2019, while the socio-economic surveys which are an important element of the RAP were carried out in September 2019. This justifies the time difference between these two dates without having a negative impact on the collection of socio-economic and expenditure data.

After this date, any new infrastructure built in the project expropriated land will not be eligible. However, if the work should take place more than a year after the end of the studies, the promoter will revise the deadline accordingly and will update the inventories.

The deadline will be widely disseminated using appropriate communication media (written correspondence to local authorities, public meetings, official journal, radio, television, etc.).

5.3. PRINCIPLES AND RECOMMENDATIONS OF AFFECTED PERSONS

5.4. COMPENSATION PRINCIPLES

The following seven principles will serve as the basis for establishing compensation:

1. Affected persons must be consulted and participate in all the pivotal stages of the process of developing and implementing compensation activities;
2. Compensation activities cannot be successfully designed and carried out without being integrated into a local development program, providing sufficient investment resources so that those affected by the project have the opportunity to share the benefits;
3. All affected persons must be compensated without discrimination on the grounds of nationality, ethnicity, cultural, social or gender, as these factors do not increase the vulnerability of the persons affected by the project and therefore do not justify enhanced support measures;
4. The affected people must be compensated at replacement cost without depreciation, before the real relocation of the affected people and the goods therein or the start of the project work, retaining the first to occur from these events;
5. The compensation may be paid in cash or in kind, depending on the individual choice of the PAPs;
6. The compensation and resettlement process must be fair, transparent and respectful of the rights of persons affected by the project;
7. The compensation process shall be almost over before the start of works at the plant.

5.5. FORM OF COMPENSATION

Three modes of compensation were selected and offered to those concerned during the census:

Table 42 : Possible form of compensation

| | |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Compensation in cash | Compensation will be calculated and paid in local currency. |
| Compensation in kind | The compensation may include, as the case may be, elements such as the reconstruction of the building, the allocation of a new plot for residential use. |
| Compensation part in cash/ in kind | The PAPs have all chosen to be compensated in cash apart from the town hall which is opting for a reconstruction of its storage room for agricultural inputs |
| Assistance | Accompanying and support measures may include, in particular, allowances for access to a new plot, support for the restoration of livelihoods, assistance in the event of vulnerability, etc. |

The company of the Power plant project of Malicounda will remain open to all the compensation options declined by the PAPs. However, in view of the nature of the losses that have been assessed and the choice of PAPs that has been expressed, it will be preferable to compensate in cash with regard to the loss of plots for housing use. The loss of permanent structure concerning the town hall of Malicounda will be compensated in kind.

Furthermore, taking into account experiences with the management of compensation by the PAPs, it is suggested that, within the framework of resettlement measures, **support by a consultant or a mechanism shall be provided to supervise the PAPs in the resettlement and compensation process.** The terms of reference of this mechanism will include at least:

- preparing the administrative necessary files for the payment of compensation;
- support the opening of a bank account especially for PAPs whose amounts exceed five million (5,000,000 CFA Francs), and who express the wish;
- use of monetary compensation and permanent listening for advice and their social development;
- maintain livelihoods, with the aim of improving their living conditions.

5.6. COMPENSTATION MATRIX

The compensation estimate refers to the legislation and practices of the Republic of Senegal by respecting the requirements of OS2, AfDB and PS 5. The section on the compensation assessment method presents in detail how the compensation rates vary according to the standards of the national regulations and of the Bank. Analysis of the price evolution thus, made it possible to conform the compensation prices to the requirements of the SSI (Integrated Safeguard System).

Based on the typology of impacts identified; the appropriate compensation measures by type of loss and by type of PAP have been identified in the table below.

Table 43 : Compensation matrix

| Types of losses | Category of PAPs | COMPENSATION | | | | |
|------------------------------------------------------|----------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------------------------|----------------------------------------------------------------------------------------|
| | | In kind | In cash | Legal formalities | Other costs | Comments |
| Loss of forest trees | Tree owners | None | Compensation for the value of the tree according to the scales established in the RAP report | None | Replanting and maintenance costs | The owner should be installed before the deadline |
| Loss of seasonal yields | Owners of seasonal yields | None | Value per m ² of the speculations identified at the time of the survey (public land no loss of land) which is compensated according to the equivalent of three crops | None | Maintenance and gardening costs | Provided that the owner has exploited the field before the deadline |
| Partial loss of bare land for residential use | Owner of the listed land | None | Compensate with the current price per square meter of land on the market | None | None | None |
| Total loss of land for agricultural use | Landowner | None | Compensate with the current price per square meter according to the scales agreed by common agreement with the State services, taking into account the current real estate values | None | None | None |
| Loss of seasonal yields | Owners of seasonal yields without land | None | Same as for "Loss of seasonal yields," above | None | Maintenance and gardening costs | Provided that the owner of seasonal yields has exploited the field before the deadline |
| Total loss of a built structure | Storage warehouse operator | New reconstruction on the site to be determined by the municipality of Malicounda | Compensate taking into account the specifics of the building and the purchase price of the reconstruction materials | None | Pallet storage warehouse equipment | The town hall should give its agreement with the option of compensation in kind |

6. GOODS ASSESSMENT METHODS AND COMPENSATION RATES

6.1. COMPENSATION ASSESSMENT METHODOLOGY

Within the framework of this project, the following types of loss were recorded: loss of plots for housing use, loss of agricultural land, loss of crops, loss of forest trees, loss of concrete structures. Each of these losses will be analyzed in the following paragraphs. The compensation assessment took into account the aspirations of the populations to be compensated not on the basis of purchase prices which date back several years, but on the basis of the prices currently applied on the market. This principle effectively supports the RAP principle. Thus, during the PAP and local government consultation sessions, the valuation methods based on the purchase price were used. Participants expressed satisfaction with this approach, which will normally allow them to improve their livelihoods.

6.2. METHOD FOR ASSESSING LOSSES OF PLOTS FOR RESIDENTIAL USE

Within the framework of this RAP, an evaluation work has already been made by the Departmental Commission of Census and Assessment of Expenses (CDREI) of Mbour. This evaluation work was based on the texts of national regulations, the scales of which do not allow PAP access to a replacement of good. Indeed, for a plot of 300 m², an amount of CFA Francs 296,000 was suggested. Having considered the amount very low, the PAPs did not withdraw their compensation. It was then that the amount was revised upwards by adding 500,000 CFA Francs: which amounts to 796,000 CFA Francs. This amount is still considered insufficient in the eyes of all the lust in this area of Malicounda which has led to a surge in property values.

In 2017, a social audit, in which the resettlement consultants participated, carried out real estate assessments based on transactions on the market at the times, the proximity of the airport and the service to Malicounda by the toll highway. The price applied in the village of Falokh¹⁵ was 3,333 CFA Francs per square meter. In the meantime, the toll highway has opened and the closer the plots are to the main road, the more valuable they are. It emerges from this analysis that the prices fixed by national regulations are not applied on the local market. In order to maintain control over land transactions in the department of Mbour, the Office of Domains adapts these scales via calculations which adapt to the reality of the local market. This provision is especially important when it comes to implementing the project funded by international institutions. As such, PAPs compensated in cash on the basis of these scales can easily access new land. This work made it possible to reach the following formula:

From this point of view, an amount of 1,500,000 CFA Francs will be allocated to each plot owner of a plot of 300 m². The price per square meter to be considered in the context of this RAP is therefore 5,000 CFA Francs.

6.3. METHOD FOR ASSESSING FRUIT TREE LOSSES

In this RAP, only one species of tree is identified. This is the mango tree. The national scale for 2010 estimates a mango tree of production age at 75,000 CFA Francs, which amount is supposed to cover all the compensation and the cost of putting a plant back into production. In the principle of the RAP, it is necessary to take care not only of the loss of the tree, of its production, but also of the costs relating to a replanting operation of a new one until its production age.

The exchanges with the Agricultural Departmental service of Mbour made it possible to understand that:

- a mango tree of production age produces an average of 200 kg of fruit per year;
- a young mango tree needs 7 years of maintenance to reach its full production potential;

¹⁵ Falokh was the only village in the Malicounda commune concerned by the PEAMU hydraulic works.

- at 3 years old, the young mango tree can start to produce but in a modest and random manner.

The evaluation of the compensation for this loss will therefore take into account:

- 200 kg of production per year;
- the unit price of 300 Francs for 1 kg of mango;
- 10,000 Francs constituting the purchase price of a young mango stalk;
- 3 years representing the production age of the mango tree;
- 10,000 Francs for annual maintenance costs for 3 years.

This calculation leads to the result of 220,000 CFA Francs to be paid for a mango stalk. This amount then covers the loss of the tree, the loss of annual income from this tree and the costs of buying a nursery and maintaining it until its production age. This is how compensation can repair the damage suffered by the PAP.

6.4. METHOD FOR EVALUATING THE LOSS OF AGRICULTURAL LANDS

All of the plots to be acquired permanently are lands in the national domain. Their owners acquired them by inheritance, but with the primacy of formal law, farmers have adapted to the context of the formalization of their land and have acquired title deeds which entitle them the right to exploit. This is why the national regulations, through the law of the national domain do not provide compensation.

Investing in land remains the only reason for compensation. Therefore, to meet the principles of the AfDB, it will be a question of allocating to the PAPs, compensation or amounts that would allow them to restore their pre-project living conditions. The national regulations refer to decree “n ° 2010-439 of April 06, 2010 which repeals and replaces decree No. 88-074 of January 18, 1988, fixing the price scale of bare land and built land applicable for determining the rent of premises for residential use”. On reading this decree, an amount of 200 francs/m² is set for rural land like that of the municipality of Malicounda. This scale is unsuitable to date in view of local market practices.

The investigations carried out made it possible to note that the compensation offered to the PAPs of the Solar Power Plant of Malicounda was 3,000,000 CFA Francs per hectare in 2015. As part of the social audit of the PEAMU/Axis drinking water project Mbour-Mbodiène (2017), compensation was made in the villages of Nguekhokh, Malicounda and Nguéniène and proposed amounts varied between 500 CFA Francs and 1,000 CFA Francs depending on the proximity of the main road.

At the same time, it should be noted that transactions between individuals for this type of property are becoming increasingly rare since, the municipality of Malicounda, in addition to having been served by the toll highway, receives a lot of governmental projects. Furthermore, the surrounding municipalities no longer have a property tax base enabling them to carry out some of their projects. Landowners aware of this situation, decided to parcel out their land thus, give more value to the land they occupy. This is why to establish the principle of equality and equity, an amount of 500 CFA francs/m² for the loss of agricultural land is suggested. Accordingly, the price of one hectare of land would be 5,000,000 CFA Francs.

6.5. METHOD FOR EVALUATION CROP LOSSES

Compensation for crops will be paid to people farming their own land, including people growing crops on their subdivision housing plots, and people who do not own the land they are farming. Two people fall into that latter situation. Certain PAPs will lose their land permanently, no matter the season, when it is taken over for construction. But whether their crops will be affected depends on the season and whether construction starts before the harvesting of crops. Agricultural activities are undertaken during the rainy

season and the harvest usually occurs at the end of that season. If the construction takes place during the rainy season, but before the harvest, some PAPs will lose that year's crops.¹⁶

Compensation will therefore be assessed on the basis of the affected area and the yield per square meter or hectare. The assessment is made from the yield compared to the value of the harvest on the local market. The crops grown on these lands are: peanuts, millet, corn, cowpeas and cassava. The assessment of compensation for this type of loss will cover three harvest seasons. The amount of compensation will therefore allow the PAP to restore the losses while finding another site where it can develop the same activities. To better assess the accuracy of the amounts, reference was made to the scales applied during a social audit in the same area of Malicounda, Nguekhokh, Ngaparou. In addition, there is a price survey carried out at the market of Malicounda itself. This made it possible to propose and apply the following scales:

Table 44 : Price comparison of speculations

| Speculations | Price per KG (Social Audit PEAMU) | Suggested amount for the current RAP | Yield (kg/m ²) |
|--------------|-----------------------------------|--------------------------------------|----------------------------|
| Niébé | 753 | 750 ¹⁷ | 0,07 |
| maïs | 212 | 225 ¹⁸ | 0,0778 |
| mil | 245 | 275 ¹⁹ | 0,06 |
| Arachide | 437 | 450 ²⁰ | 0,1083 |
| Manioc | 455 | 622 ²¹ | 0,9500 |

Since this is a permanent loss, it was deemed necessary to compensate the equivalent of 3 crops for people affected by the project. This amount of compensation will allow the PAP to put his/herself into new perspectives of intensification of current economic activities, or of economic reconversion. The following formula is therefore applied

Compensation = (Area X Yield X Unit price per Kg) 3

6.6. METHOD FOR ASSESSING LOSSES OF FOREST TREES

Within the framework of this RAP, compensation is provided in cash for losses of forest trees. The compensation assessment depends on their species and their productivity.

For the replacement price of the trees, it should be noted that scales are offered by the State of Senegal. The latter were also used by the CDREI of Mbour as part of the first assessments. Indeed, to determine

¹⁶ Note that there is an update at the end of the Executive Summary that states that only the 6 hectares of land needed for the powerplant site have been acquired as of the date of this RAP. People are still farming outside of the site in the 12 remaining hectares. They will be allowed to harvest their current crop at the end of the 2020 rainy season, after which the entire site will be fenced off.

¹⁷ At the current period when harvests are still awaited, the kilogram is sold at the price of 800 CFA Francs in Malicounda.

¹⁸ The price varies between 200 and 250 CFA Francs.

¹⁹ Currently, the price is 300 CFA Francs/kg. Right after the harvest, prices drop to 225 CFA Francs.

²⁰ Due to the low prices approved by the State (225 CFA Francs), producers prefer to wait until the end of the peanut marketing year before placing their products on the market. This allows them to claim more attractive amounts. Moreover, the hay trade has become a part of the agricultural sector. Intensive breeding has indeed given more value to this by-product. Consequently, the sale is made per unit of bag at a variable price between 4,500 CFA Francs and 5,000 CFA Francs.

²¹ At the time of preparation of this RAP, the sale is made by bag whose weight varies between 40 and 45 CFA Francs sold at 28,000 CFA Francs.

the replacement price of trees, reference is made to the scales decreed in the CPR PEAMU which was based on the decree of 2001-217 of March 13, 2001 revising article 3 of decree N ° 96- 572 of July 09, 1996 fixing the taxes and royalties in matters of forest exploitation.

Table 45: Scale of forest trees

| Forest trees | Market value in CFA Francs |
|--------------------------------------------------------|----------------------------|
| Sclérocarya (Berr) | 10 000 |
| Acacia albida (Kadd) | 12 000 |
| Balanites (Soump) | 12 000 |
| Neem | 10 000 |
| Accacia Raddiana (Seing) | 8 000 |
| Moringa oleifera (NEBEDAYE) | 10 000 |
| Fathie lep / Soigne tout / Docteur | 10 000 |
| NEP NEP (acacia nilotica) | 10 000 |
| Combretum micrantum (Douté / Sehaw / Kinkéliba) | 1 000 |
| Acacia seyal (Surur / Niob / Ndom) | 5 000 |
| Bauhinia refuscens (Rande / Rad / Rada) | 1 000 |
| Boscia senegalensis (Aisan / Ndiadam) | 1 000 |
| Calotropis procera (Poftane) | 10 000 |
| Cassia seamea (Cassia du siam) | 8 000 |
| Guiera senegalensis (Guiera / Nguer) | 1 000 |
| Sambe (Sam / Acacia ataxacantha) | 1 000 |
| Wenn (Vène / Pterocarpus erinaceus) | 35 000 |
| Thevetia / Thevetia neriifolia | 1 000 |
| Anogeissus leocarpus | 8 000 |
| Acacia leta | 5 000 |
| Acacia auriculiformis | 8 000 |
| Acacia mellifera | 5 000 |
| Parkinsonia aculeata | 5 000 |

Source : CPR PEAMU (2016)

These surveys indicate that these prices were set 18 years ago. Their application does not make it possible to repair the damage suffered by the PAPs. Moreover, more intensive agriculture gives value to species like kadd, baobab. This is why these prices will be revised upwards taking into account the social and economic services that these natural resources provide to users. This is how, for recorded losses, the following prices are offered.

Table 46 : Revision of compensation scales for forest species

| Species | Applicable scales by the CDREI | Suggested scales for the present RAP |
|-----------------------------|--------------------------------|--------------------------------------|
| <i>Nguiera senegalensis</i> | 8 000 | 1 500²² |

²² The national scale offers 1,000 CFA Francs per stalk. It could be an error during the CDREI evaluation. With regard to social uses (use for firewood), an amount of 1,500 CFA Francs is suggested.

| Species | Applicable scales by the CDREI | Suggested scales for the present RAP |
|-------------------------------|--------------------------------|--------------------------------------|
| <i>Combretum glutinosum</i> | 8 000 | 8 000 |
| <i>Adansonia digitata</i> | 10 000 | 25 000 |
| <i>Faidherbia albida</i> | 12 000 | 20 000 |
| <i>Anacardium occidentale</i> | 8 000 | 20 000 |
| <i>Moringa oleifera</i> | 8 000 | 10 000 |
| <i>Combretum micrantum</i> | 8 000 | 10 000 |
| <i>Tamarindus indica</i> | 8 000 | 15 000 |
| <i>Azadirachta indica</i> | 8 000 | 10 000 |
| <i>Acacia nilotica</i> | 8 000 | 8 000 |
| <i>Calotropis procera</i> | 8 000 | 5 000 |

The project-affected forest trees number 1 737, of which the *Nguiera senegalensis* represents 73 %, i.e., 1 267 trees. CDREI proposed a compensation amount that is 8 times above the amount proposed by law. This amounted to 8 000 FCFA per tree. With the appreciation in the value of this tree a value of 1 500 FCFA was proposed for this RAP. Given the much higher amount already paid out for the *Nguiera senegalensis*, the most common tree, the analysis determined that no additional compensation was needed for these trees.

Before the release of the land expropriation for the site concerning the power plant, the owners of the affected trees may harvest the fruits or products and cut them if they wish to recuperate the wood.

6.7. METHOD FOR ASSESSING LOSSES OF CONCRETE STRUCTURES

The State of Senegal has devoted texts to the evaluation of structures for residential use according to several categories which reflect the level of building standings. Thus, a price per built square meter is applied to determine the market value of the structures to be affected. This is decree 2014-144 of 05 February 2014 amended decree n ° 81-683 of 07 July 1981 for fixing the elements to calculate the rent of premises for residential use.

Table 47. Classification of buildings by category

| Categories | Characteristics |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1st Category | Modern design house with large reception rooms, modern facilities and very good quality equipment, particularly neat. |
| 2nd Category | Housing of very good quality but of simpler or older design than the 1 st category, offering a great comfort. |
| 3rd Category | Smaller housing than the second category, providing modern comfort, built using very good materials. |
| 4th Category | Villa made with very good materials, providing good comfort, possible semi-detached villa. |
| 5th Category | Economic type villa, modern, built with good materials, with ordinary modern comfort |
| 6th Category | Individual dwelling built with lower quality materials, of a faulty implementation, presenting certain construction defects, without goods nor comfort; poor living conditions. |
| 7th Category | Individual construction of wooden barrack type, built in good quality materials with a roofing in tile, fiber cement or galvanized sheet, with/without a tiled floor. |

The descriptions made of the different categories of buildings are rather general and do not take into account the specificities of each building. Moreover, the practice in the context of the implementation of RAP shows that even if hard structures are identified in a category, there may be differences in materials and prices so that certain PAPs could be favored over others who would be harmed.

To remain faithful to the principles of the stakeholders and allow PAPs to replace their new property after compensation, it was more appropriate to initiate an evaluation method allowing to determine in detail the value of the buildings affected, the prices on the marketplace for all necessary reconstruction materials. This is how an evaluation at cost price is made for all evaluations of hard structures. This approach was chosen and applied for the evaluation of all the permanent structures identified in the expropriation of land of the Malicounda power plant project site. Thus, no fixed scale can be provided for this category of loss.

6.8. METHOD FOR EVALUATING WELL LOSSES

On the project site, the cost of making a well depends on the depth of the water table. Thus, someone wanting a well will call on a laborer to dig it. Two negotiation options are generally available:

- (i) Payment of labor to the person doing the digging; purchase of the material by the applicant;
- (ii) Full payment of the amount necessary for the laborer who purchases the material.

In both cases, the full cost for the construction of a well is around 750,000 CFA Francs according to surveys

6.9. LIVELIHOOD ENHANCEMENT

Malicounda will undertake a Livelihood Enhancement Plan (LEP) to ensure that the people who were economically displaced have been able to improve their livelihoods (based on the AfDB requirement). As noted, the final compensation amounts for crops and trees is intended to allow PAPs to restore their livelihoods based on restarting their agricultural activities elsewhere. Several factors may, however, prevent this restoration from happening, such as difficulties in finding land or other demands on the PAPs for their cash. The LEP will review the socio-economic status of those who lost their agricultural activities, then through a combination of consultation and socio-economic analysis it will identify possible measures to help the PAPs improve their livelihood. Particular attention will be paid to women's

activities that may have been affected. The LEP will theoretically focus on the 13 PAPs who lost crops, but given for example that 18 PAPs lost trees, the plan may need to look at people beyond those 13.

The terms-of-reference will be developed in consultation with stakeholders, including the PAP themselves. Because of the current measures to contain COVID-19 in Senegal, preparation of the LEP has been delayed. A target date for completion and implementation is June 2021, to coincide with the next rainy season.

6.10. RESULTS OF ESTIMATED LOSS COMPENSATION COSTS

6.11. COMPENSATION OF PLOTS FOR RESIDENTIAL USE

Compensation for losses of plots used for housing concerns 32 PAPs and amounts to 213,120,000 CFA Francs.

Table 48 : Estimate of compensation for plots for residential use

| Number of plots | Number of PAPs | Area (m ²) | Total amount of compensation (CFA Francs) |
|-----------------|----------------|------------------------|-------------------------------------------|
| 115 | 32 | 42624 | 213 120 000 |

6.12. COMPENSATION FOR LOSSES OF FOREST SPECIES

Eighteen PAPS will be compensated for losses of forest species is estimated at 7,295,500 CFA Francs. The loss of these trees is a result of their losing their residential and agricultural plots where the trees grow.

Table 49 : Estimated compensation for losses of forest trees

| Affected forest species | Number of species | Number of PAPs | Cost of compensation (CFA Francs) |
|-------------------------------|-------------------|----------------|-----------------------------------|
| <i>Acacia nilotica</i> | 2 | 1 | 16 000 |
| <i>Anacardium occidentale</i> | 2 | 1 | 40 000 |
| <i>Azadirachta indica</i> | 7 | 6 | 81 000 |
| <i>Calotropis procera</i> | 15 | 5 | 75 000 |
| <i>Combretum glutinosum</i> | 246 | 4 | 1 968 000 |
| <i>Combretum micranthum</i> | 49 | 3 | 490 000 |
| <i>Faidherbia albida</i> | 121 | 18 | 2 420 000 |
| <i>Moringa oleifera</i> | 23 | 1 | 230 000 |
| <i>Nguiera senegalensis</i> | 1 267 | 17 | 1 900 500 |
| <i>Tamarindus indica</i> | 5 | 1 | 75 000 |
| TOTAL | 1737 | 18 | 7 295 500 |

6.13. COMPENSATION FOR LOSSES OF AGRICULTURAL LAND

Regarding agricultural land, their compensation amounted to 63,102,000 CFA Francs. A total of 13 people are affected by this type of loss.

Table 50 : Estimated compensation for losses of agricultural land

| Number of fields | Number of PAPs | Area | Cost of the compensation (CFA Francs) |
|------------------|----------------|---------|---------------------------------------|
| 13 | 13 | 126 204 | 63 102 000 |

6.14. COMPENSATION FOR CROP LOSSES

Crop losses concern 12 people (the agricultural land of one person is not cultivated) who will lose cowpea (1,070,055 CFA Francs), peanuts (10,254,380 CFA Francs), millet (3,801,372 CFA Francs) and cassava (6,846,167 CFA Francs). Their compensation is estimated at **21,971,974 CFA Francs**.

Table 51 : Estimated compensation for crop losses

| Speculation | Area (m ²) | Number of PAPs | Cost of the compensation (CFA Francs) |
|--------------|------------------------|----------------|---------------------------------------|
| Niébé | 6794 | 2 | 1 070 055 |
| Arachide | 70137 | 4 | 10 254 380 |
| Mil | 39889 | 5 | 3 801 372 |
| Manioc | 3862 | 1 | 6 846 167 |
| TOTAL | 120682 | 12 | 21 971 974 |

6.15. COMPENSATION FOR LOSSES OF FRUIT TREES

Two people are concerned by the loss of fruit trees, namely the stalks of mango trees, the compensation for which is 1,540,000 CFA Francs.

Table 52 : Estimate of compensation for fruit trees

| Fruit trees | Number of trees | Number of PAPs | Cost of the compensation (CFA Francs) |
|-------------|-----------------|----------------|---------------------------------------|
| Mango tree | 7 | 2 | 1 540 000 |

6.16. COMPENSATION FOR LOSSES IN CINCRETE STRUCTURES

Two built structures belonging to a legal entity and a PAP will be affected by the project. Their compensation amounts to 15,832,160 CFA Francs.

Table 53 : Estimated value of built structures

| Type of building | Number of PAPs | Number of buildings | Value of compensation |
|-----------------------------|----------------|---------------------|------------------------------|
| Grain store | 1 | 1 | 10 976 160 CFA Francs |
| Building under construction | 1 | 1 | 4 856 000 CFA Francs |
| Total | 2 | 2 | 15 832 160 CFA Francs |

There are only two hard structures on the Malicounda site: a grain storage and an uncompleted house. Malicounda Power will be constructing a larger grain storage building to replace the existing one. The

compensation for the unfinished house was determined to be at replacement cost. Thus, no additional compensation is planned for these structures.

6.17. COMPENSATION FOR WELL LOSSES

As part of this project, only one privately-owned well is affected. The compensation for this hydraulic structure is 750,000 CFA Francs.

The following table presents the amounts of compensation according to the types of losses suffered by the 46 PAPs, including a legal PAP.

Table 54 : Synoptic table of compensation for losses

| Types of compensations | Amount of the compensations (CFA Francs) |
|---------------------------------------------------|---------------------------------------------|
| Compensation for plots for residential use | 213 120 000 |
| Compensation for the losses of forest trees | 7 295 500 |
| Compensation for the losses of agricultural lands | 63 102 000 |
| Compensation for the loss of crops | 21 971 974 |
| Compensation for the loss of fruit trees | 1 540 000 |
| Compensation for built structures | 15 832 160 |
| Compensation for well losses | 750 000 |
| TOTAL | 323 611 634 |

7. PUBLIC CONSULTATION AND COMMUNITY PARTICIPATION

The development of a resettlement plan must always be based on the effective consideration of the opinions and concerns of the stakeholders concerned in the process of carrying out a project. A guarantee of objectivity and success, public consultation remains hereby one of the fundamentals of the methodological approach to be adopted to bring the actors concerned to participate in the decision-making process.

Thus, meetings in this direction were organized in the municipality of Malicounda with the PAPs and the local elected officials identified in the area with a view to better discuss the resettlement mechanisms and the economic and social challenges inherent in achieving the 120 MW power plant in Malicounda.

7.1. AIMS OF THE CONSULTATION

The general interest of these consultations is to establish better communication on the ins and outs of the project between the people affected, local elected officials and the promoter. In other words, to get the PAPs as well as local elected officials to be more involved in the planning process of the resettlement program. It is more specifically about :

- informing the various stakeholders about the project, its potential impacts, and the compensation measures;
- allowing those likely to be affected by the project to express their opinions, their opinion on the project and on the compensation measures in view;
- collecting the different worries of the people concerned (fears, needs, expectations, etc.) with regard to the project and compensation measures, and;
- collecting their suggestions and recommendations on resettlement activities.

7.2. ADOPTED METHODOLOGY

To collect the different opinions of the concerned people, an essentially qualitative approach was used. It is mainly based on the use of interview and focus guides which have enabled stakeholders to speak in depth and freely.

Thus, in the first place, meetings with the administrative authorities were organized: municipal councilors, the deputy mayors, the director of the mayor's office, etc. Then, the local populations (precisely the people affected by the project and the village chiefs) and technical services such as: Safety and Environment Service/Quality Department, Safety and Environment, Agricultural Departmental service of Mbour, Water Sector and Forests of Mbour

| Met entities | Nature of the meeting | Date of the meeting |
|--------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------|
| Mayor's office (Director of the mayor's office, First deputy mayor, municipal councilors) | Scoping and planning meeting for field activities | 7 August 2019 |
| Deputy of the prefect of Mbour | Institutional meeting | 7 August 2019 |
| PAPs/village chiefs/ Malicounda municipal councilor | Information dissemination & Public consultation | 20 August 2019 |

| Met entities | Nature of the meeting | Date of the meeting |
|---------------------------------------------------------------------------|-----------------------|---------------------|
| Safety and Environment Service/Quality, Safety and Environment Department | Scoping meeting | 28 August 2019 |
| PAPs/village chiefs/ Malicounda municipal councilor | Public consultation | 27 August 2019 |
| Agricultural Departmental service of Mbour | Institutional meeting | 26 September 2019 |
| Mbour Water and Forest Sector | Institutional meeting | 30 August 2019 |

7.3. RESULTS OF CONSULTATIONS WITH THE CONCERNED ACTORS

Photo 7 : Preparation meeting at the town hall



7.4. SUMMARY OF OPINIONS, PERCEPTIONS AND RECOMMENDATIONS OF LOCAL ELECTED OFFICIALS AND PAPS

In general, the institutional entities met during these series of public consultations expressed their interest and their desire to see the project succeed. Moreover, as recalled during the exchanges, their intentions and proofs of good faith have been expressed since 2012, year in which the town hall had acted of deliberating a space of 15 hectares intended for Sénélec, plus 3 additional hectares in 2017. However, the respective speeches of the authorities seem to be surrounded by fears especially linked to unrest in the populations which started since 2012 and which are resurfacing at the present time. In their opinion, it should be noted that the project constitutes one of the most concerning projects in the commune.

Consequently, a series of calming measures must be taken in order to remedy these potential constraints. Amongst which :

- compensate the populations having lands on the 18 hectares by not relying on the principles of the National Domain Law concerning the Assessment of losses;
- with respect to the meetings, it is necessary to invite all the people affected to the town hall so that we can exchange with them the RAP activities rather than doing them in their respective villages because that could stir up the fire even more;
- take into account the fact that the toll highway has brought a gain of 800,000 to 1,000,000 CFA Francs in the project area. This means that the acquisition of a plot in the said area costs at least 1,500,000 CFA Francs;
- review the payment upwards while defining a new scale unlike those which were made concerning the project on the toll motorway;

Resolutions and decisions taken after this meeting

- ☞ Holding of a meeting to circulate information at the town hall of Malicounda in the presence of the PAPs; Village chiefs and municipal councilors;
- ☞ Start of socio-economic surveys only after this information meeting to explain the process;
- ☞ Support investigators in the villages by facilitators who will be appointed by the town hall;
- ☞ Revise the amounts proposed by the Departmental Commission for Census and Assessment of the expenses of Mbour;
- ☞ Compensation of PAPs in cash and not in kind since there is no land available in the municipality.

Photo 8 : Information meeting/consultation with PAPs at Malicounda town hall before the start of the surveys



Even if some affected people remain more or less resistant to the realization of the project, others argue that it is a process already underway that they can do nothing and they also consider that it is a development project that requires a number of sacrifices. It is noteworthy through the speeches that the most important point, widely addressed by many of them, is the amount and terms of compensation. In general, their fears and opinions revolve around the following key points:

- Insufficient compensation compared to the values of their assets and livelihoods
- Failure to keep promises made in the RAP

- A significant gap between the payment deadlines which can lead them to use the first amounts received for other purposes
- Fear of suffering the same fate (under-compensation, failure to fulfill promises) during toll highway projects and the construction of the solar power plant
- The non-profitability of the project for all the components of the population of Malicounda (Man, Woman, child, old man etc.)
- Fear of negative environmental effects linked to the completion of the project
- Fear of settling accounts in the future with their families over the management of their land which should constitute a legacy.

PAP solutions /recommendations

PAPs strongly recommend :

- Setting up a local monitoring committee to keep updated with the progress of the project. This committee will bring together: the mayor or a representative of the mayor, a representative of the PAPs in each village as well as the heads of the villages where the PAPs are located. Remember that the project site is located between the villages of Malicounda Wolof, Malicounda Sérère and Malicounda Bambara;
- speeding up the compensation process and the implementation of the RAP to start the project works as quickly as possible;
- reviewing the scales by increasing the payment amounts;
- ensuring that compensation allows PAPs to acquire new land and new livelihoods;
- avoiding deducting the amount of SENELEC from the amounts of the Resettlement Plan;
- taking into account the fact that the PAPs prefer land to money, but that it almost no longer exists in the municipality;
- avoiding the difference between the two payments being significant since the payment of compensation is planned in two installments.

Specifically, it should be noted that the methods of evaluating compensation have been discussed with the people affected by the project. The PAPs expressed their satisfaction with these methods which, according to them, will make it possible to improve their respective living conditions. The most essential concern for them is to receive compensation as soon as possible.

7.5. SUMMARY OF OPINIONS, PERCEPTIONS AND RECOMMENDATIONS OF INSTITUTIONAL ACTORS

With regard to technical services, very fruitful discussions have been held with them. At the end of these discussions, several lines of thought were identified. This allowed us to understand their level of information and evolution about the project, their concerns and their needs.

7.5.1.1. Safety and Environment Service/Quality, Safety and Environment Department/SENELEC

Photo 9 : Meeting with the department of the environment of SENELEC



At the level of the structure, it can be said that the implementation phase is already underway. Officials have already implemented a number of strategies to enable PAPs to receive their debts. These strategies include: making 156 million available from the main cashier, fitting out offices specifically for PAPs.

This meeting also made it possible to take stock of the internal organization of SENELEC by the organizations involved in the implementation of the displacement operations carried out by the said company. The structures involved in the implementation of this project, are:

- The DQSE, the Finance and Accounting Department (DFC): This establishes the checks and organizes the payment methods (bank, check, provision), according to the data provided by the DQSE. It ensures that compensation is made available as soon as possible. The DQSE relies on data that provides it with its consultants and the administrative authorities;
- The External Communication Unit. It manages all notices and press releases. During implementation activities, it identifies the best communication channels in relation to the project area and the specificity of the RAP. In the environment department, we have 6 experts, two SE animators, a head of fire safety unit, two drivers, a storekeeper (who manages the PPE stock);
- The Production Department is the technical department that steers the projects. Its powers in terms of environmental and social protection are devolved to the DQSE.

However, the only expressed fear is that they have not led the development and implementation of a RAP for a project financed by the AfDB.

7.5.1.2. Departmental Agricultural service of Mbour

Photo 10 : Meeting with the agricultural service of Mbour



Opinions and concerns

This meeting made it possible to note that:

- the cost assessment work was done on the basis of the national service scale which does not reflect current prices;
- the assessment of agricultural expenses did not take into account the land and was based only on the last speculation practiced, hence the need to increase on several crops to value the compensation;
- the application of the national scale does not allow substantial compensation;
- cases of family disputes related to land noted on the project site;
- difficulties in finding new land in the area for compensation in kind;
- a risk of recolonization of plant easements by the populations;
- the service very often participates in cost assessment missions but does not have skills on the principles of ADB, IFC in resettlement;
- the service is available to support the PAPs during the post RAP period;

Finally, at the end of the meeting, this service insisted on the needs for capacity building of the service. These include the following aspects :

- supply of equipment such as GPS;
- renewal of the used equipment;
- the provision of means of travel;
- strengthening of technical capacity, particularly in AfDB and IFC policies.

Suggestions and recommendations

- Support the PAPs in dealing with the new situation (loss of land) because the applied scale does not allow peasants to develop new activities.
- Set up a monitoring and support system for PAPs.

7.5.1.3. Water and forest sector of Mbour

Photo 11: Meeting with the water and forest sector of Mbour



This service is ready to support project activities, especially during the implementation phase. They claim to have the necessary information (expenditure assessment report), personnel and skills to carry out their activities. During this consultation, it was clearly stated that the scales used to assess forest expenses do not reflect market prices since they are long dated.

Facing this situation, as actors in the Senegalese administration, they cannot go beyond the amounts set by the State of Senegal.

7.6. CONSIDERATION OF THE CONCERNS AND RECOMMENDATIONS OF THE ACTORS MET

The most significant concerns of the participants are essentially: the fair and prior payment of compensation; the evaluation of compensation in accordance with the prices applied on the market; the information to be communicated to interested persons before taking decisive actions; options to replace land by land in the same project area; the use of law enforcement to expropriate the occupants.

| N° | Expressed fear | Registered responses |
|----|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Fair and prior payment of compensation | The first payments have already been made before any access to the site. Steps are also taken to reduce the gap between the first payments and the payment of outstanding amounts |
| 2 | Evaluation of compensation in accordance with market prices | The chapter on the compensation method shows that the compensation rates are perfectly for the benefit of the PAPs who will be able to access replacement goods if |

| N° | Expressed fear | Registered responses |
|----|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | they wish, as soon as they are compensated. |
| 3 | Sharing information with PAPs taking initiatives | Meetings will be organized in concert with the local authorities in order to disseminate all useful information on the project. This dissemination can also be done through the press. |
| 4 | Options to replace land for land in the same project area | This option has been examined, but according to the town hall which ensures land management, there is no land belonging to the town hall which it would be possible to allocate to PAPs, especially in the project area where the land has been used with more acquired value. |
| 5 | Use of law enforcement to expropriate the occupants | All measures have been taken since the start of the project to favor dialogue. This concern also justifies commissioning the RAP, the involvement of actors in the decision-making process whenever necessary. |
| 6 | Compensation payment as soon as possible | <p>All parties to which SENELEC Malicounda Power has already made available funds to pay compensation as soon as the RAP is approved by the lessors.</p> <p>Besides, SENELEC having made its counterpart available, has already made the payment.</p> |

8. IDENTIFICATION OF VULNERABLE GROUPS

The mandate of the Consultant, in charge of developing the Resettlement Action Plan (RAP) for persons affected by the project, also includes requirements in terms of analyzing the vulnerability and defining the assistance measures in favor of vulnerable people.

For the objectives of the resettlement policy to be fully respected, particular attention must therefore be paid to vulnerable groups within the affected populations who will have to be resettled. And, this aspect is the subject of this section, the purpose of which is to specifically assess the degree of vulnerability of the persons affected by the project (PAP) in order to suggest specific social support measures in their areas.

8.1. ANALYSIS OF THE VULNERABILITY AND HOUSEHOLD OF PAPS

The implementation of certain development projects often affects the production systems and livelihoods of local populations, due to the loss of agricultural land, housing, business places, among others. One of the major consequences of these losses of property is the risk of impoverishment if appropriate, accompanying measures are not identified and implemented to mitigate the harmful effects on the socio-economic living conditions of the affected people. It is in this sense that, one of the principles of OP 4.12 stipulates that: "In the event that resettlement affects the earning capacity of displaced families, a simple compensation will not guarantee the restoration or improvement of their levels of life. Special support measures for these families, especially those who are most vulnerable, must be designed and implemented." The Development Project incorporates this fundamental principle.

8.2. CONCEPTUAL AND METHODOLOGICAL FRAMEWORK

The conceptual dimensions of the notion of vulnerability and the methodological approach that has been used to study the nature of the vulnerability of PAPs are described in this paragraph in order to define the appropriate social support measures to be implemented to mitigate the negative impacts of the project.

8.2.1.1. Conceptual framework

Vulnerability is a transdisciplinary concept which refers to the meeting of an individual and/or a social group with a hazard. In fact, the hazard is indicative of the coping strategies of households based on their lineage position which determines the rights to the resources, the assets they owned or their social network. (Dercon 2006, Devereux 2006).

Thus, "Vulnerability highlights a lack of resources or the lack of framework conditions affecting the individual's ability to face a critical context, at the same time as the ability to seize opportunities or supports to overcome this ordeal in order to maintain an existence by yourself" (Soulet, 2014a, p. 63). Furthermore, "Based on the dialectical conviction that we are all vulnerable, but also have resources that can be mobilized to regain more autonomy, it appears to be fully congruent to the new policies of empowerment and" active social state." (Brodiez-Dolino Axelle 2014)

Vulnerability implies a dynamic relationship to the uncertain event. Faced with the threat, individuals or social groups develop strategies to end the crisis by mobilizing their social, cultural or economic capital. In short, the peculiarity of vulnerability is that it is reversible.

Nevertheless - despite this consensus around the definition of vulnerability by the various social and human disciplines (geography, economy, sociology, above all) - to have an exact understanding of the concept, it is important to contextualize it. It is necessary to clarify the situation in which it is employed. It is indeed possible that a wealthy person in certain circumstances is vulnerable: for example, if they live

in an earthquake zone. From the perspective of geologists, he is a person who can be vulnerable. To be vulnerable, in short, is to be in a situation of reversible fragility in the face of an external shock.

In the context of a Resettlement Action Plan (RAP), vulnerability refers to the difficulties that some persons, affected by a project (PAP), may encounter in adapting to the changes it induces, in fully enjoying its benefits or to find conditions and / or a standard of living equivalent or superior to what existed in the project. The vulnerability of some PAPs can be physical, psychological, social and/or economic. The RAP aims, in particular, to identify all PAPs who are more at risk of encountering difficulties inherent in their vulnerability, regardless of the nature of this fragility or its degree of importance.

Indeed, in the context of resettlement, we speak of vulnerability for all "People who, because of their gender, ethnicity, age, physical or mental disabilities, or economic or social factors, may find themselves affected more significantly by the displacement and resettlement process or have a limited ability to claim or receive resettlement assistance and other benefits."

However, to make the concept more operational and to include it in a perspective of social support, it is important to link it to another concept, that of resilience.

Within the UN system, it is "the capacity of a system, a community or a society potentially exposed to hazards to adapt, by resisting or evolving in order to reach and maintain an acceptable level of operation and structure." (UNISDR, 2005).

In the same spirit, according to Amartya SEN, it is the capacity for an individual or a social group to overcome a critical situation, to resist it and survive it.

Thus, one of the challenges of a RAP is to equip the identified vulnerable PAPs with capacities for **adaptation, absorption and anticipation**, by helping them to rebuild their livelihoods, to expand their social network and to equip new technical or professional skills through qualifying training, among others.

According to work from the BRACED method, **adaptation** is "the ability to make deliberated and planned decisions to achieve a desired state, even when conditions have changed or are about to change. Adaptive capacity also includes the ability to take advantage of a disturbance to "build better or recover better" (Manyena et Al. 2011), as well as the ability to learn from recurrent shocks and stresses. This ability to recover while reducing vulnerability to future events is essential for the notion of adaptive capacity." (Aditya Bahadur et Al. 2016)

Adaptation can be translated, in reality, for vulnerable people into resort to diversification. For those who are active in agriculture, for example, to devote themselves to non-agricultural or alternative activities.

Still using the BRACED²³ method, anticipation concerns the ability of social systems, using available skills and resources, to cope with and manage negative conditions, emergencies or disasters (Hudner and Kurtz, 2002).

Absorption capacity can be seen as the ability of communities to access and use tangible goods like savings and intangible goods like social networks to help them survive violent shocks and maintain a certain level of well-being (Levine et al. 2011). Indeed, the availability of economic or social capital in the event of a crisis is an important factor of resilience. This is why, all these aspects have been questioned in the context of vulnerability, in order to allow the PAPs identified as such to acquire skills to optimally develop the resources of their environment.

²³ BRACED (Building Resilience and Adaptation to Climate Extremes and Disasters) is a program to build resilience and adapt to extreme phenomena and disasters.

8.2.1.2. *Methodological approach*

The vulnerability assessment process for affected people and their households involves the following steps:

- An analysis of certain social aspects, which are often factors of vulnerability, is suggested in addition to those already studied during the presentation of the demographic and socioeconomic profile of the people affected by the project;
- Then, an identification of potentially vulnerable PAPs is made, from the socioeconomic database, using established primary and secondary eligibility criteria;

8.3. CROSS ANALYSIS OF VULNERABILITY

The demographic and socio-economic profile of the PAPs analyzed above, highlighted certain aspects which can be considered as factors of vulnerability. The age of the PAP, the size of his household, his marital status, his educational level, the nature of the activity that he carries out, the level of his income and/or the expenditure of his household, among others, are all causes that can explain the situation of vulnerability of a person affected by the project.

In order to preliminary identify potentially vulnerable PAPs, various socio-economic factors have been documented. An analysis of crossed socio-economic indicators is proposed in the following. Around an economic indicator, in particular monthly income, the cross-analysis is based on a social variable in an attempt to determine the situations of vulnerability of certain PAPs. It is significant to use the monthly income or the monthly expenditure as an economic indicator, for this level analysis, because the average propensity to consume is close to one unit in our economies especially in rural areas.

8.3.1.1. *Care for children in the household*

The care for children in households in this project area is considerable for some PAPs, given the nature of their economic activities and the level of their income. At first glance, it should be noted that all the PAPs gave an answer to this question, as well as for many other aspects that the investigators submitted. Twelve (12) PAPs among thirty surveyed have more than five (05) children in charge and eighteen (18) have less than five (05) children in charge.

Table 55: Distribution of PAPs by number of dependents and monthly income

| Number of children in charge | Less than 50.000 | | 50.000 – 75.000 | | 75.000 – 100.000 | | 100.000 – 150.000 | | 150.000 – 200.000 | | 200.000 and more | | General total | |
|------------------------------|------------------|-------------|-----------------|-----------|------------------|-------------|-------------------|-------------|-------------------|-------------|------------------|-------------|---------------|-------------|
| | Effective | % | Effective | % | Effective | % | Effective | % | Effective | % | Effective | % | Effective | % |
| Less than 5 | 0 | 0% | 0 | 0% | 3 | 100% | 4 | 67% | 2 | 67% | 9 | 53% | 18 | 60% |
| + than 5 | 1 | 100% | 0 | 0% | 0 | 0% | 2 | 33% | 1 | 33% | 8 | 47% | 12 | 40% |
| General total | 1 | 100% | 0 | 0% | 3 | 100% | 6 | 100% | 3 | 100% | 17 | 100% | 30 | 100% |

Source: Socio-economic survey data, August 2019

The total number of children in care in PAP households does not follow an increasing or decreasing logic of the income level of PAPs. It is not a question of income. The number of children in care is much higher at the upper end of the income classes thus defined. Paradoxically, PAPs with incomes greater than or equal to 200,000 CFA francs have a large number of children in care. Indeed, eight (08) who have an income greater than or equal to 200,000 CFA Francs have more than five (05) dependent children. It is important to point out that the PAPs who have high incomes owe it due to intra-family solidarity in rural

areas which would like the different members, who constitute the household, to participate financially in domestic management.

In addition, people affected by the project whose monthly income is less than 200,000 CFA Francs and who have more than five (05) children to support socially and economically can be considered potentially vulnerable, also if the lost property remains land for agricultural use.

The high number of children in care often leads to a precarious situation, when the concerned PAPs not only have a single source of income, often low, non-periodic or permanent, but also carry out economic activities subject to climatic hazards amongst other changes like the poor sales of products. As a result, these PAPs and their households can be considered vulnerable.

8.3.1.2. Disabled among PAPs

Visual impairment is the main type of disabled identified in socio-economic surveys. This category includes the visually impaired and the blind;

Apart from this type of disability, no PAP treats disabling chronic diseases which prevent them from carrying out economic activities.

The survey results indicate that out of the 30 known and investigated PAPs, the twenty-eight (28) are in good health.

Table 56: Distribution of PAPs according to the nature of the disability and according to gender

| <i>Gender</i> | Woman | | Man | | General total | |
|----------------------------|----------------|-----------|----------------|-------------|----------------|-------------|
| | Number of PAPs | % | Number of PAPs | % | Number of PAPs | % |
| Blind or visually impaired | 0 | 0% | 2 | 100% | 2 | 100% |
| General total | 0 | 0% | 2 | 100% | 2 | 100% |

Source: Socio-economic survey data, August 2019

The handicap situation presented in the tables below is differentiated according to gender. During the surveys we noted eleven (11) PAP in situation of handicap, including one (01) Woman. The blind and visually impaired PAPs (3.0%, or 6 individuals out of the 11 PAPs with disabilities) are more numerous. And among the latter there is a woman. Only one male PAP has a disabling chronic disease. No PAP has a hearing impairment. Four (04) PAP men were identified as physically disabled.

The disability situation can be considered as a criterion of vulnerability, especially for the disabled who will lose a plot for agricultural use. Ultimately, all disabled PAPs can be considered vulnerable. Thus, given the activity they exercise, the eleven (11) disabled PAPs can be considered as potentially vulnerable.

8.4. PROCESS OF SELECTING VULNERABLE PAPs

Within the framework of this project, the approach used for the identification of vulnerable PAPs then, consisted in defining criteria and indicators from the data provided by socio-economic surveys. Analysis of the database therefore, made it possible to construct a selection grid based on the following main and secondary criteria:

Table 57 : Vulnerability analysis grid

| MAJOR VULNERABILITY CRITERION | PROFILE | SUPPORTING EVIDENCE |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Heading household | <ul style="list-style-type: none"> ➤ Divorced Women PAP heads of household ➤ PAP Head of household Minors (under 18) ➤ PAP head of household living with a Disability ➤ PAP Women aged 60 or more and PAP Men aged 70 or more ➤ PAP having only the impacted property as a source of income or without secondary activity. | <p>The status/place or role in the household remains a determining criterion in the assessment of social vulnerability. It is recognized that being a female head of household (widows, divorced or single) increases the risk of vulnerability. Women heads of household, and the families in their care, may be particularly sensitive to the consequences of resettlement.</p> <p>Minors or the elderly, and those living with a disability due to their physical condition, are people who do not have the necessary capacities to rebuild their economic environment and could therefore be more affected than others through the implementation of the project.</p> <p>The loss of a single source of income or income-generating property greatly affects the well-being of a household. Combined with the type or extent of the loss, this criterion is an important factor in defining the vulnerability of a PAP.</p> |
| SECOND CRITERION | PROFILE | Evidence |
| Household financial capacity | <ul style="list-style-type: none"> ➤ Monthly income below 263.541CFA Francs. ➤ Number of children in care more than or equal to 5 with a monthly income of less than 200,000 CFA Francs. ➤ PAP head of household not having another member who helps them to take care of the household. | <p>Income level is an important indicator for assessing economic vulnerability. A monthly income level below the average income of PAPs can be considered as a factor of vulnerability, especially in relation to the size of households which is often large in rural areas.</p> <p>This indicator provides information on the standard of living or the socio-economic conditions of the PAPs. The greater the number of children in care is, the greater the risk of vulnerability will be. The threshold was set to take into account the level of dependence of the members, in particular the number of minors.</p> <p>Not having a member of the household who helps meet needs when the income is low and insufficient for their satisfaction can be an indicator of precariousness. PAPs that do not have financial support can therefore be more</p> |

| MAJOR VULNERABILITY CRITERION | PROFILE | SUPPORTING EVIDENCE |
|-------------------------------|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | ➤ Being a PAP head of household with a monthly expenditure of less than 240,000 CFA Francs. | vulnerable, when they exercise an informal activity subject to variations linked to climatic hazards or temporal opportunities. The level of monthly expenditure can also be considered as an indicator of vulnerability, especially if the household has a large number of people in charge. |

To make this vulnerability analysis grid more readable, values were assigned to each identified criterion with scores ranging from 5 to 10.

- 10 points for major criterion
- 5 points for the secondary criterion.

Table 58 : Weighing of the eligibility criteria for vulnerability

| Main Criteria | Value |
|--------------------------------------------------------------------------------------------------------|-------|
| Being a PAP woman head of a household with more than 5 children in charge | 10 |
| Being a divorced woman PAP head of a household | 10 |
| Being a single woman PAP head of a household | 10 |
| Being a minor PAP head of a household (less than 18 years of age) | 10 |
| Being a 60 years old or more woman PAP head of a household | 10 |
| Being a 70 years old or more man PAP head of a household | 10 |
| Being a PAP head of a household living with a disabled or a disabling chronic illness | 10 |
| Being a PAP head of a household with no secondary activity | 10 |
| Secondary Criteria | Value |
| Being a PAP with a monthly income less than 263,541 CFA Francs | 5 |
| Being a PAP with more than 5 children in charge with an income of less than 200,000 CFA Francs | 5 |
| Being a PAP head of a household not having another member who helps them to take care of the household | 5 |
| Being a PAP head of a household with a monthly expenditure of less than 240,000 CFA Francs | 5 |

Any PAP having obtained a score greater than or equal to 20 points is identified as potentially vulnerable.

After examining the vulnerability criteria, potential vulnerable PAPs were identified. Of the 30 surveyed PAPs, 08 were identified as potentially vulnerable, including 1 (one) women and 7 (seven) men. Among these 8 (eight) PAP, 4 (four) had a score of 20 points, 2 (two) had a score of 25 points and 2 (two) had 30

points. Reported to the total number of surveyed PAP, this leads to a percentage of 26% of vulnerable PAPs.

8.5. SUGGESTED MEASURES TO ASSIST VULNERABLE PAPs

Support measures for vulnerable PAPs and certain categories of household members are necessary within the framework of the project. They must be implemented by the promoter, in order to minimize and mitigate the risks to which vulnerable people are exposed.

Vulnerability is pre-existing in this project area, according to the demographic and socio-economic profile of the PAPs and the analysis of certain factors of fragility carried out in the previous paragraphs of this section. Therefore, it is present before the start of project activities. It may also be induced by its realization, that is to say result from activities due to the Project, such as resettlement.

Pre-existing vulnerability is due to several main causes, including relative poverty; the marital status and/or age of certain PAPs with a low and random income, the handicap of certain PAPs, the inability of certain PAP households to provide their children with formal education or French schooling.

- Indeed, some affected people do not have a permanent income. Most of them have low monetary incomes and are below the poverty line defined by the World Bank. And, those who will lose a productive good, or access to this resource, such as land for agricultural use, are particularly threatened by vulnerability. This category includes, for example, households whose livelihood depends on agricultural production and/or its residues, but those who do not have land, which means that their exploitation is supported by borrowing or leasing from other people.
- Some households contain disabled PAPs. The latter cannot practice certain economic activities because of their physical condition.
- Due to their low and random income, some PAP households do not send their children to French school. And yet the project area has enough school infrastructure.

Thus, it is the responsibility of the promoter of the Project, not only to allow the affected people and their households, presenting pre-existing vulnerabilities, to benefit from the advantages linked to the activities of the Resettlement Action Plan, but also to avoid or mitigate any case of fragility that will arise in the context of resettlement.

Consequently, the promoter will implement measures to assist vulnerable people. For this, it will be necessary to develop, during the implementation of the RAP, a method of systematic identification of transient difficulties and other forms of vulnerability resulting from resettlement as well as appropriate mitigation measures.

8.6. AIMS OF ASSISTANCE MEASURES

Assistance measures for vulnerable people have as main objective to reduce pre-existing vulnerabilities, incidentally to the objective of reducing vulnerabilities resulting from resettlement activities.

The specific aims are to:

- Identify the truly vulnerable PAPs during the implementation of the RAP and follow up on these cases, in order to ensure good and complete resettlement planning.
- Provide vulnerable PAPs and some members of their households with additional support or assistance enabling them to participate in and benefit from resettlement activities.

8.7. ASSISTANCE PROCESS

The identification carried out during the design of the RAP, from the available socio-economic data, is only preliminary, since individual interviews with potentially vulnerable PAPs are necessary during implementation, to determine in fact if they are pertinent or not. If so, the interview would also clarify the challenges that vulnerable PAPs will face and ways to help them overcome them.

In other words, during the implementation of the RAP, by an independent consultant, home visits will be necessary, the aim of which is to deepen the vulnerability of the PAPs to determine if their case requires inclusion/referral for additional assistance. The resulting data will be examined to determine whether the PAP in question is actually vulnerable or not.

Once a better understanding of vulnerability has been achieved, appropriate adaptations will be made so that this is reflected in the implementation of RAP activities - i.e. promoting household participation PAPs who are vulnerable to the resettlement process and help them receive the benefits of RAP fairly.

Vulnerable PAPs, whose households will be displaced because of Project activities, may, under certain conditions, participate in the definition of assistance measures.

8.8. ASSISTANCE MEASURES FOR VULNERABLE PERSONS

The assistance measures for vulnerable people will be recorded in a specific program, in the form of an action plan, which will be developed near the date of resettlement, during the period of implementation of the RAP. However, the consultant, through this report, is trying to offer certain assistance measures.

Support actions will be suggested to supplement awareness sessions during the period preceding resettlement, at the time of implementation, to enable PAPs to be informed of the main risks linked to resettlement, in order to better prepare them to face the transition period.

Activities for vulnerable people and certain members of their household can include, but are not limited to:

- Facilitating the access of vulnerable people, who do not benefit from the family welfare grants and equal opportunities cards, to health care, through the community health insurance funds which practice micro-insurance within the program;
- Helping vulnerable PAP households to enroll their children who do not go to school for financial reasons. The promoter could grant, if possible, school kits to all children of vulnerable PAPs;
- Granting scholarships to girls from vulnerable PAPs for their retention in school, for the entire duration of their school curriculum;
- Helping young people and women, from vulnerable PAP households, who are able to work to seize the opportunity offered by projects and programs in the Project area which carry out promotion, self-employment and empowerment of vulnerable targets.

As part of this project, eight (8) vulnerable households were identified. The promoter can make a provision of 250,000 CFA Francs per household to meet the types of support best indicated by these households. An amount of 2,000,000 CFA Francs will therefore be provided per year to meet these needs.

8.9. MONITORING OF ASSISTANCE MEASURES

Specific monitoring of PAPs and their households, whose vulnerability has been confirmed, will be undertaken to facilitate their access to the benefits of the RAP. As part of the ongoing monitoring of activities for the implementation of this Resettlement Action Plan, the PAP should be all time updated to reflect the characteristics of the vulnerabilities that will emerge over time among displaced households.

Pre-existing vulnerability indicators will be integrated into regular monitoring carried out in the resettled community. Activities aimed at fighting vulnerability will be defined in collaboration with the population as part of the community development program to be implemented by the Project.

The development works will generate economic displacement. This situation is likely to affect, for example, the productive capacities of the agricultural PAPs. Thus, in addition to the compensation that will be put in place for the benefit of the PAPs, the project promoter should undertake to implement resettlement assistance measures, each with specific targets, to help them restore and/or improve their livelihoods.

9. RESPONSIBILITY FOR THE IMPLEMENTATION OF THE RESETTLEMENT ACTION PLAN

9.1. THE PROJECT COMPANY

The primary responsibility for the RAP resides within the Project Company. It represents the main project implementation body, responsible for coordinating and controlling project activities, including social and environmental safeguarding issues.

These directorates are responsible for making sure that involuntary resettlement measures throughout the process of preparation, implementation, monitoring and evaluation of activities are executed in accordance with the Senegalese legislation and the principles of OS2 on involuntary resettlement. Hence, the overall responsibilities for the design, preparation and review of planning documents, at least in the initial phase, and the implementation of resettlement actions are their responsibility. This practically includes the following tasks and responsibilities :

- Validate the Resettlement Action Plan (RAP) report prepared by the consultant;
- Circulate the report (RAP) in the resettlement areas;
- Ensure that consultation and information can easily take place in conjunction with local partners such as local administrators, village chiefs and people affected by the project; and
- Participate in the supervision of the implementation of RAP monitoring and evaluation actions.

9.2. THE DEPARTMENTAL COMMISSION FOR CENSUS AND ASSESSMENT OF THE EXPENSES OF MBOUR

The CDREI is the recognized body at the state level for carrying out census operations and evaluating expenditures when it comes to freeing up expropriated land to house state projects. It is also in this sense that prior to the mission of the RAP consultant, the said commission was mobilized to make an inventory work of the existing properties in the expropriated land of the project.

This is also the reason for the protocol signed between Malicounda Power and the CDREI of Mbour, which supports them in the preparation of compensation and resettlement operations. Sectoral reports have thus been produced respectively by the Department of Domains, the Departmental Service for Rural Development, the Water and Forest Sector and the Departmental Division of Town Planning and Housing.

During the implementation of this RAP, all these sub-instruction services of the Prefect of the Department of Mbour will have to participate in mediation actions if necessary. At the same time, in the event of a complaint made by a third party on the grounds of omission or dispute of the suggested amount, these departmental services will be mobilized in order to carry out an evaluation or re-evaluation. The works are done in perfect collaboration with the consultant involved in the implementation of Malicounda Power.

Finally, the payment of compensation is subject to the signing of the irrevocable act of acceptance. This binding act is the State of Senegal and the PAP is prepared by the CDREI; the Prefect (President of the Commission) is the only one who can sign as act as a legal representative of the State.

9.3. THE TOWN HALL OF MALICOUNDA

- The town hall of Malicounda provides information and social mobilization. This practically includes the following tasks and responsibilities :
- taking part in the validation of the RAP prepared by the consultant;
- participating in the resettlement planning process;
- participating in the information of neighborhood chiefs and affected people;
- participating in the monitoring and implementation of compensation;

9.4. THE LOCAL RESETTLEMENT AND MEDIATION COMMITTEE

It is a committee representing the village chiefs and the PAP representatives of each locality concerned by the resettlement activities. This committee will be set up by order of the Administration of the area concerned by the resettlement. It will be composed of the Sub-Prefect of Sindia who assumes the presidency, the district chief of Malicounda Bambara, Malicounda Serere and Malicounda Wolof, representatives of the PAPs.

It plays a role of transmission link between the populations, the Resettlement Monitoring Committee and SENELEC/Malicounda Power. It also has the role of bridging the messages and decisions of the project to the population. This committee will also play the role of ensuring the registration of complaints in the localities' registers and contributing to the management of these complaints at a decentralized level, participating in the mediation of conflicts arising from resettlement, and certifying the acquisition of land by the PAPs.

9.5. CONSULTANT FOR THE IMPLEMENTATION OF RAP

A facilitating structure plays a role in the implementation of resettlement activities. As part of its mission to support the preparation and implementation of the RAP, the consultant will have to work in collaboration with all the actors, in particular with the chiefs of villages/neighborhoods, administrative authorities and representatives of Persons affected by the Project (PAPs). More specifically, the mission of the consultant responsible for monitoring includes:

- being present during conciliation activities;
- being present during the payment of PAPs;
- supporting the elderly for their trips;
- developing a communication plan for PAPs that cannot be found;
- supporting the opening of a bank account for the benefit of PAPs who express the need to;
- registering and processing complaints from PAPs;
- preparing a report on compensation payment activities;
- deepening the knowledge of the aspirations of people who should benefit from support for the restoration of livelihoods;
- analyzing the feasibility of the options suggested by the PAPs;
- searching for an option to restore the livelihoods of the PAPs;
- supporting with the purchase of necessary materials and equipment;
- supporting/ raising awareness on business management;

- searching for administrative documents if necessary;
- report-writing on livelihood restoration activities every three months including a socio-economic survey.

Table 59 : Organizational responsibilities for implementation

| Institutions | Roles |
|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ministry of Finance /Malicounda Power | Mobilization and provision of resources for the payment of compensation |
| Malicounda Power | Overall coordination and supervision of resettlement operations |
| Departmental Commission of Census and Assessment of Expenses of Mbour | Preparation of agreements between the PAPs and the State of Senegal Conduct of conciliation activities with the PAPs Preparation of Conciliation and irrevocable Acts; |
| Malicounda Town Hall | Social mobilization in the concerned localities Raising awareness among PAPs Participation in compensation/resettlement activities |
| Local Resettlement and Mediation Committee | PAP information; Social facilitation; Registration and preliminary processing of complaints |
| Rehabilitation Monitoring Commission | Monitoring of implementation ; Litigation management |
| Consultant responsible for the implementation of the RAP | Supervise the implementation of the RAP Monitoring of social support measures |
| Consultant evaluation | Mid-term and final evaluation |

In all cases, the organization must be flexible, scalable and adapt quickly to the evolution of the project. The PAPs must be in a functional relation with the entire system for the implementation of the resettlement plan.

10. THE RESETTLEMENT PLAN COMPLAINTS MANAGEMENT MECHANISM

10.1. REQUIREMENTS

The projects financed by the AfDB and the IFC require the establishment and maintenance of a Complaint Management Mechanism (MGP) open to all stakeholders. This mechanism, which is established within the framework of this RAP, will be maintained throughout its implementation.

It aims to provide a fair and rapid system for registering and managing complaints for any objection related to the implementation of the RAP of the pertaining Malicounda power plant project.

One of its main objectives is to avoid resorting to the judicial system and to seek an amicable solution in all possible situations, while thereby preserving the interest of the complainants and the Project and limiting the risks inevitably associated to legal actions.

10.2. KEY PRINCIPLES

In the frame of this RAP, people wishing to file a complaint or raise a concern will do so only if they are certain that the complaints will be dealt with quickly, fairly and without risk to themselves or to others. The fear of reprisals is often felt among complainants.

To ensure that a complaint system is effective, that it is eminent of confidence and that it is likely to be used, the **following fundamental principles must be observed:**

- **Participation:** the success and effectiveness of the system will only be ensured if it is developed with a strong participation of representatives of all stakeholder groups and if it is fully integrated into project activities;
- **Security:** to ensure that people are protected and that they can safely submit a complaint or concern, it is necessary to carefully assess the potential risks for the different users and integrate them into the design of a Complaint Management Mechanism (MGP). Ensuring the safety of those who use the mechanism is essential if it is to be trusted and to be used effectively.
- **Confidentiality:** to create an environment where stakeholders can more easily raise concerns, have confidence in the mechanism and be sure that there will be no reprisals if they use it and, confidential procedures must be guaranteed. Confidentiality helps ensure the safety and protection of those who file a complaint and those affected by it. To do this, the number of people with access to sensitive information must be limited.
- **Transparency:** stakeholders must be clearly informed of the procedure to follow to gain access to the MGP and of the various procedures that will follow once they have done so. It is important that the purpose and function of the mechanism is communicated transparently.
- **Accessibility:** it is essential that the mechanism is accessible (easy to enter from both a system and a language point of view) to the greatest possible number of people belonging to different stakeholder groups, in particular those who are often excluded or who are most marginalized or vulnerable. When the risk of exclusion is high, special attention should be given to safe mechanisms that do not require literacy.

10.3. GENERAL PRINCIPLES

The fundamental principles underlying the grievance mechanism are:

- the process for resolving conflicts will be transparent, in harmony with the local grievance mechanisms in the municipality of Malicounda;
- complaint communication channels will remain open throughout the process;
- each person affected by the project and other stakeholders will have free access to the complaints procedure;
- all complaints and claims will be recorded, whether based on facts or felt;
- all complaints will be the subject to interviews with the complainant and, if necessary, a site visit to obtain a first-hand understanding of the nature of the concern;
- special provisions will be made for women, vulnerable and marginalized groups, to allow them to voice their concerns and register their complaints;
- the response to the complaint and its treatment will be rapid and should not exceed 10 days.

However, Malicounda Power not offer judicial or administrative remedies if the amicable remedies do not lead to convincing results.

10.4. POTENTIAL TYPES OF COMPLAINTS AND LITIGATION

Particularly in the RAP, the land acquisition and resettlement process can lead to the following types of litigation, complaints and claims:

- a) Persons Affected by the Project or other individuals expressing complaints concerning the eligibility criteria, the amount of compensation and the location of the resettlement site;
- b) misidentification of assets or errors in their valuations;
- c) disputes concerning the boundaries of a property, between the affected person and the Project or between two (2) neighbors;
- d) disputes concerning the ownership of a given asset (two people claiming to be the owner of this asset);
- e) disagreement regarding the assessment of land or other assets;
- f) a lack of information on the eligibility criteria;
- g) inheritances, divorces and other family issues resulting in litigation between the heirs and other family members concerning the property or the shares of property for a given asset;
- h) damage to a community asset such as walls, not previously covered in the scheduled physical displacement process;
- i) commitments made by the project not respected, such as promises to build community infrastructures not respected;
- j) a delay in the payment of compensation.

While the channels for recording complaints may be different, the system for dealing with them will be the same.

10.5. COMPLAINT HANDLING PROCEDURE

The complete complaints handling process suggested in this PAR is made up of the following steps and instances:

Step 1

A team for receiving and monitoring complaints will be made available by the Project Company and will play the role of facilitating structure. This internal unit, made up of part of the project staff, will be chaired by a manager who centralizes all information relating to complaint management. The composition of this unit will be determined by the General Manager of Malicounda Power. The actors, who are involved in the resettlement, will have the task of assisting the PAPs on a daily basis and will be called upon to assist the PAPs and inform them of their rights and of the planned compensation measures.

This unit will be the place where any PAP or complainant, wishing to lodge a complaint, can refer to. It will examine the claims of the PAPs and will try to find an appropriate answer for the PAP before the latter addresses its request to the local Mediation Committee.

This unit will act as an interface between the PAP and the project promoters and will be responsible for:

- ✓ Receipt of the complaint ;
- ✓ PAP's assistance in formulating its complaint (illiterate people, people with physical disabilities, etc.). For example, if the complainant PAP is illiterate, they should be accompanied by a witness who can read and write;
- ✓ Registration of the complaint on a complaint sheet;
- ✓ Verification of the complaint in the field with the PAP. This verification will assess the admissibility of the complaint. The results of the verification will be registered on the claim form signed by the PAP;
- ✓ Recording of admissible complaints from the PAP in a complaints tracking system;
- ✓ Making available unresolved complaints to the local mediation committee (CLM) for amicable resolution.

The resettlement measures will be carried out with the support of a facilitating structure which will have social sciences specialists and social workers on its team. The latter will thus be able to help the PAPs, or those who wish to appeal without being able to do so, to fill in the complaint registration forms in the required format.

Table 60: Complaint registration form template

CLAIM REGISTRATION

| | |
|----------------------------------------------------------------|---------------|
| <u>Registration date of the complaint:</u>/..... /201... | <u>CNI:</u> |
| <u>Name(s) and family name:</u> | <u>Phone:</u> |
| <u>Email:</u> | |

Address of the PAP :

| |
|--|
| |
|--|

BASIC CENSUS DATA

Location of the PAP :

| | | |
|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <u>PAP Code:</u> | <u>Category:</u> | <u>Property status:</u> |
| <input type="checkbox"/> Land area in m ² : | <input type="checkbox"/> Measurements in (<input type="checkbox"/> m ² and/or <input type="checkbox"/> ml) : | <input type="checkbox"/> Number of rooms : |
| Value in CFA Francs <input type="checkbox"/> Property: | <input type="checkbox"/> Expenditures: | |
| <input type="checkbox"/> Equipements: | | |
| <input type="checkbox"/> Incomes (specify the type and value) : / <input type="checkbox"/> Total compensation : | | |

AIM OF THE CLAIM

| | | |
|---------------------------------------------------------|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Expenditures | <input type="checkbox"/> Property | <input type="checkbox"/> Omission (presented census form) : <input type="checkbox"/> Yes / <input type="checkbox"/> No) |
| <input type="checkbox"/> Number of rooms | <input type="checkbox"/> Rental income | <input type="checkbox"/> Leasing amount |
| <input type="checkbox"/> Activities incomes | | |
| <input type="checkbox"/> Other claims to be specified : | | |
| 3-DESCRIPTION OF THE CLAIM: | | |

Signature of the PAP

This committee will basically work to mobilize actors from the various neighborhoods, in addition to local elected officials and neighborhood leaders. Its composition will be presented as follows:

| Neighborhood/village | Statuses/Functions | Names and family names | Phone |
|--------------------------|---------------------------|------------------------|---------------------|
| Malicounda Bambara | PAP Representative | Aliou SANGHARE | 76 581 40 12 |
| | Village chief | Samba SOW | |
| Malicounda <i>Serere</i> | PAP Representative | Moustapha FAYE | 77 820 07 93 |
| | Village chief | Maguette DIENG | 77 823 46 68 |
| Malicounda Wolof | PAP Representative | Aliou FAYE | 77 312 21 03 |
| | Village chief | El Hadji Masidy FAYE | 77 532 03 79 |

In addition to these people, the social facilitation structure that will be engaged in the context of the implementation of this RAP will support this committee in the formalization of the amicable settlement process for complaints. In addition to these village leaders, female leaders will be identified during implementation. The choice will have to be concise and women representing their villages in the municipal council could be targeted.

Step 2

Complaints that could not be resolved by the consultant responsible for implementing the RAP will be transmitted to the Local Mediation Committee (CLM) for amicable resolution within 48 hours of its receipt by the said committee.

If the local mediation committee (CLM), being a mediation entity, determines that the request is well-founded, the complainant must receive the additional compensation, and benefit from adequate reparations.

This Committee will be composed of the following people:

- The district/village chief,
- A representative of the PAPs,²⁴
- A representative of the contracting authority or the consultant responsible for implementation
- A representative of the chosen populations, for example from among the elders or traditional authorities, as the case may be.

If the PAP agrees on the suggestion of a resolution recommended by the CLM, the minutes of mediation can be signed and the resolution of the complaint will be entered in the complaint tracking system of the consultant responsible for the implementation of the RAP, thereby ending the claim resolution process.

The following table shows an example of a complaint registration form with the local mediation committee.

Table 61: Claims' registration form with the local mediation committee

| CLAIM REGISTRATION FORM | |
|-------------------------------------------|-------------------------------------------|
| WITH THE LOCAL MEDIATION COMMITTEE | |
| Number of the claim : | Date : |
| Place of registration : | |
| Person having presented the claim : | |
| Unique number of PAP : | |
| File N° : | |
| COMPLAINANT | |
| Name of the complainant : | |
| Address : | |
| Aim or nature of the claim: | |
| Affected housing and/or assets : | |
| DESCRIPTION OF THE CLAIM | |
| | |
| At _____ | On _____ |
| Signature of the complainant | The representative of the Local Mediation |

²⁴ A PAP representative has already been identified during a consultation session with the PAPs.

| | |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| CLAIM REGISTRATION FORM | |
| WITH THE LOCAL MEDIATION COMMITTEE | |
| | Committee |
| OBSERVATION OF THE LOCAL MEDIATION COMMITTEE | |
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| <p>Made at _____</p> <p>On _____</p> | <p>_____</p> <p>Signature of the representative of the Local Mediation Committee</p> |
| ANSWER OF THE COMPLAINANT | |
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| <p>At _____</p> <p>_____</p> <p>Signature of the complainant</p> | <p>On _____</p> <p>_____</p> <p>The representative of the Local Mediation Committee</p> |
| FOLLOW-UP OF THE CLAIM | |
| 1. | |
| 2. | |
| 3. | |
| 4. | |

| | |
|-------------------------------------------|-----------------------------------------------------|
| CLAIM REGISTRATION FORM | |
| WITH THE LOCAL MEDIATION COMMITTEE | |
| At _____ | On _____ |
| Signature of the complainant | The representative of the Local Mediation Committee |

If the attempt to reach an amicable resolution is unsuccessful, or if a party is not satisfied with the resolution rendered by this second, the parties may take the dispute to Court.

Step 4

Departmental Court: Failing to reach a resolution by mediation with the conciliation commission, the file is transferred to the Court of Mbour to start legal procedures, and the complainant may initiate a referral to the Prefect of the department in order to rule on this situation. In the event of disagreement with this body, the PAP may then initiate a contentious judicial procedure.

Step 5:

This last stage of negotiation includes the Regional Court, which is the common law judge in all matters. Then, the Regional Court will deal with the claims of the PAPs who have not found an amicable solution.

The litigation procedure is sometimes too heavy, complicated and it can involve significant costs for the litigant. It is sometimes unsuitable for those who have formal rights, to have a fortiori for those who only benefit from effective rights. For the latter, the judge may pay no attention. Finally, the litigation procedure causes many problems for a population which is generally illiterate. Therefore, amicable dispute resolution will be preferred in the context of this project.

Moreover, it is important to mention that while the litigation is in the hands of the judge, the amounts of compensation contained in the RAP are deposited at the Deposit and Consignment Office. The absence of agreement on the amount of compensation to be paid can in no way be a factor blocking the progress of work in the field.

11. RESETTLEMENT AND RESTORATION MEASURES OF PAP

11.1. METHODS OF PAYMENT OF COMPENSATORY ALLOWANCES

The compensation will be paid in cash to the PAPs under secure conditions. It is recommended that the project company approach the Mbour departmental authorities to assist them in choosing an office and to provide them with police protection throughout the process. To avoid a rush to the office, PAPs will be convened according to a schedule defined in advance by the implementation team. All PAPs must be compensated up to the amount indicated in the RAP, and from which will be deducted the amount previously paid by the CDREI (Departmental Commission for Census and Assessment of Expenses) and SENELEC.

11.2. PROCEDURE FOR PAPs THAT WERE NOT FOUND DURING INVESTIGATIONS

During the censuses, fifteen (15) PAPs could not be identified and investigated because they were not found during the entire period of investigation and the passage of teams to the concerned sites. For these affected people, the project company must, in accordance with the SENELEC communication unit, the CDREI of Mbour, the town hall of Malicounda and the facilitating structure, continue the search for the identification of these PAPs. At the same time, snowball searches can be done by asking identified PAPs to help identify PAPs not found. On a more global scale, press releases can be made in three (3) press houses on a regular basis for 3 (three) months. Online news sites, printed newspapers and social media may also be relevant to inviting people to reach targets lost at this point. The budget for the implementation of the RAP will cover the related costs.

The consignment of compensation to the Caisse des Dépôts et Consignation (CDC) may have the effect of delaying the provision of funds when the PAPs that cannot be found are reported, which is why the amounts of their compensation will be made available of the Departmental Commission of Census and Assessment of Expenses (CDREI) of Mbour which will secure them and hand them over to the beneficiaries as soon as the latter will present themselves.

11.3. SUPPORT FOR THE CONSTITUTION OF PAP FILES

After the public return of the RAP and display of the list of PAPs, Malicounda Power will provide assistance to each impacted person (in particular the PAPs, men and women, who cannot read and write) in the process of constituting their individual file in view of the signing of his act of acquiescence. To this end, an information meeting will be held in the municipality of Malicounda. It will make it possible to communicate and share with the PAPs the documents to be provided and the assistance they will receive from the project during the implementation of the RAP. As part of the process of signing the act of acquiescence, the PAP will be presented with a document that explains to him or her how his compensation was calculated for his or her verification.

According to the suggested principles of the African Development Bank, the PAPs are supervised individually, in order to provide the necessary documents for the constitution of their individual files.

11.4. ASSISTANCE OF THE SIGNATURE OF AGREEMENTS

PAPs will be compensated for losses suffered as a result of the Project and according to the scales and compensation options recommended in this RAP. Before the start of the conciliation activities which is the responsibility of the Government of the Republic of Senegal (Departmental Commission of Census and Assessment of Expenses of Mbour), Malicounda Power will suggest a timetable for the passing of

PAPs to sign their agreements. This schedule will be communicated within the PAPs through their representatives in the three villages and the local press.

The Project will provide assistance to the PAPs during these sessions and will ensure that each PAP has a copy of his/her act of conciliation duly signed by the prefectural authority.

Specific assistance will also be provided to all PAPs, men and women, who cannot read and write.

In the event of disagreement with a PAP, the grievance mechanism will be activated. Thus, the Project via its facilitating structure will assist the complainants for the submission of their file subject to complaint or litigation.

11.5. COMPENSATION IN KIND

In context of this project, there is a grain store that needs to be moved. **Option 1** would consist in paying the assessed allowance to the municipality so that it can rebuild another at a location of choice. **Option 2** will consist in leaving the choice of site to the townhall, then the charge is left to the management company, in relation to the companies responsible for the works, which can provide a store to them.

Since the townhall believes that the current store can no longer meet the storage needs of the community, it would be appropriate for **Option 2** to be chosen in order to maximize the capacity of the future store.

To do this, a procedure must be followed and consists above all in asking the townhall to present a site of its choice which is the subject of deliberation in order to ensure that it is not the subject of any kind of claim.

It will then be a question of preparing to face exchanges between: the town hall, the CDREI president, the implementation consultant and the project company. The dimensions of the replacement store must be discussed between the parties, then a plan must be validated by the different companies responsible for carrying out the work. At this point, we should specify that the works of the power plant will be done at the same time as those of the storage store.

11.6. IDENTIFICATION OF PAPS ELIGIBLE FOR LIVELIHOOD RESTORATION MEASURES

Socio-economic surveys have determined who will be entitled to support for restoring or improving their livelihoods. In the principle of RAP for the PAPs, those who suffer loss of housing, etc. are less exposed than those who lose their means of survival, especially when the only means available to them or most of them are affected. When it comes to housing, the agency that affected people need only to rebuild new concessions. But if the sources of income are affected, it becomes necessary for the client to implement measures going in the direction of restitution to the PAPs of their means of survival.

There are 12 of these PAPs, out of the 30 surveyed. The other PAPs lose plots for residential use.

11.7. REDEVELOPMENT ACTIVITIES IDENTIFIED BY THE PAPS

Individual interviews, on the sidelines of socio-economic surveys, made it possible to learn about each of the PAPs concerned by the livelihood restoration measures. At the end of this exercise, we can retain the following expectations.

Table 62 : List of PAPs to benefit from support of the restoration/ improvement of livelihoods

| PAP Code__ | Area of the affected field | Annual income from the affected property | Expressed needs | Approximate amount |
|------------|----------------------------|------------------------------------------|--------------------------------------------------------------------|--------------------|
| PAP_1 | 1668 m². | Between 100.000 and | This PAP is in agriculture and is active in the informal brokerage | 500 000 CFA |

| PAP Code__ | Area of the affected field | Annual income from the affected property | Expressed needs | Approximate amount |
|------------|-------------------------------------|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| | | 150 000 CFA Francs | activity. She believes that she can prosper in the fish trade. Thus, she thinks that financial support would allow her to start this activity well. | Francs |
| PAP_2 | 3262 m ² | 750 000 CFA Francs | Wants to acquire a vehicle for clando taxi. He was reminded that the project cannot invest in this type of non-formal activity (illegal taxi). He is suggested to do poultry farming and he agrees. | To be determined |
| PAP_3 | 14936 m ² . | Between 250 000 and 300 000 CFA Francs | This PAP has another field of around 4 ha in a neighboring commune in Sandiara. This field is exposed to the intrusion of wandering animals. This PAP asks for (i) support to obtain a fence with wire mesh (ii) support for the acquisition of a well | To be determined |
| PAP_4 | 1640 m ² | Between 75 000 and 100 000 CFA FRANCS | PAP masonry by training, and wishes to acquire masonry tools: wheelbarrows, boards, beams, barrel, | Request of 700 000 CFA Francs |
| PAP_5 | Thianar FAYE field operating family | 200 000 CFA Francs | Wants to revive his business: general food store. He has started building a room and thinks he can make a living from this activity. | To be determined Pay the first supply of basic necessities |
| PAP_6 | 21712 m ² | 1 050 000 CFA Francs | This PAP has a garden of about ½ ha, but it lacks water. He believes that he can develop this activity and combine it with chicken farming. For this, he needs: (i) a well which would cost FR 500,000; (ii) a mesh to complete the fence (200 m of mesh due to 1,300 Frs per | 500 000 CFA FRANCS & 1300 frs ×200 ml =260 000 Frs & Price of the mesh. |

| PAP Code__ | Area of the affected field | Annual income from the affected property | Expressed needs | Approximate amount |
|---------------|--------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| | | | ml | |
| PAP_7 | 7327 m ² | 359 000 CFA Francs | This PAP manages the henhouse of a person who pays it periodically. It is possible for him to rent premises where he could put items and sell them for his own account. | 750.000 Frs |
| PAP_8 | 11515 m ² | 209 000 CFA Francs | Installation of a hardware store in the town. | 1 000 000 CFA Francs |
| PAP_9 | 8445 m ² | 225 000 CFA Francs | This PAP believes that with compensation, she could buy another field and develop market gardening | 1 500 000 CFA Francs |
| PAP_10 | 36 939 | 1 800 000 CFA Francs | These PAPs believe that support should be directed to poultry farming | 750 000 CFA Francs |
| PAP_11 | 5154 m ² Sohna Lala field operator | 270 000 CFA Francs | This PAP believes that compensation will allow them to have their own field | 2 000 000 CFA Francs |

It is noteworthy that the intervention sectors are essentially:

- Market gardening ;
- Poultry ;
- Trade in basic necessities ;
- The sale of building construction materials (hardware);
- Rental of building construction tools;
- Agricultural development.

These advanced amounts come from exchanges with the PAPs. Even if in social studies it is suggested to value local knowledge, it must be noted that these data are also subject to the uncertainties of price fluctuations on the national market. From this point of view, a provision should be made to prepare for this relocation. During the implementation phase of resettlement support activities, these data will be dynamic and may evolve according to the aspirations of the PAPs themselves.

During the implementation of livelihood restoration activities, the facilitating structure will ensure that: support is proportional to the losses that have been suffered by the PAPs and that the PAPs benefit from capacity building, or initial training in the activities they wish to be engaged in. At the same time, follow-up is required by the project company to ensure that the restoration objectives have been reached.

11.8. APPROACH TO IMPLEMENTING THE RESTORATION / LIVELIHOOD IMPROVEMENT PLAN

It is important that Malicounda Power is assisted by a facilitating structure in its social support program. This structure will provide a multidisciplinary team capable of rendering services in agricultural advice; entrepreneurship/management, civil engineering; poultry farming and project development.

This approach also relies on the technical services of the State, in this case those of the department of Mbour. This is how a protocol will also be signed between the project company and each of the departments which will be called upon.

This program will help to compensate for the loss of land and agricultural income and restore the means of production of PAPs.

Implementation requires individual consultations with each PAP and will be carried out by the consultant in charge of implementing the RAP. During his individual consultations the following points will be determined with the greatest precision:

- The resilience capacity of the PAPs;
- The degree of feasibility of the restoration options proposed by the PAPs;
- The willingness of the PAP to follow activities properly.

| | |
|---------------------------------|-----------------------------------------------------------------|
| Indicative budget | 30 000 000 CFA FRANCS |
| Number of potential PAPs | 12 |
| Supporting entity | Malicounda Power |
| Implementation | Departmental Technical Services of Mbour/Facilitating structure |

This amount of 30,000,000 CFA Francs covers not only the support needs of the PAPs but also the administrative formalities, the costs of taking charge of the departmental technical services of Mbour.

It is especially during the implementation of social support activities that all the details of the PAP alternatives will be known so that they can be budgeted with precision. The budget indicated above is for only for the record.

12. COST OF RESETTLEMENT AND COMPENSATION

12.1. ESTIMATED RAP BUDGET

For the implementation of this RAP, the following budget defines all the costs associated with compensating the PAPs; resettlement assistance measures and necessary monitoring and evaluation. The budget is divided into several headings: compensation measures for the compensation of affected property; measures to support vulnerable PAPs and restore livelihoods, information, communication and monitoring and, evaluation.

Table 63 : Estimated budget for implementing the RAP

| Items | Budget in FCFA | | |
|-----------------------------------------------------------------|--------------------|-----------------------------------------------------|---------------------------------|
| | Total Amount Paid | Amount Paid by Senelec (Included in the Land Price) | Amount to be paid by Malicounda |
| Compensation for improvements on and care of agricultural plots | 63 102 000 | 0 FCFA | 63 102 000 |
| Compensation for crop losses | 21 971 974 | 5 450 966 | 16 521 008 |
| Compensations for the loss of plots for residential use | 213 120 000 | 123 154 000 | 89 966 000 |
| Compensation for hard structure losses | 15 832 160 | 15 832 160 | ... |
| Compensation for the loss of forest trees | 7 295 500 | 7 295 500 | ... |
| Compensation for the loss of fruit trees | 1 540 000 | 420 000 | 1 120 000 |
| Compensation for the loss of wells | 750 000 | 250 000 | 500 000 |
| Budget of the compensation for losses | 323 611 634 | 156 074 976 | 167 536 658 FCFA |
| Contingencies 5% | 18 793 082 | ... | 18 793 082 |
| Total compensation Budget | 342 404 716 | 156 074 976 | 186 329 740 |
| Support to vulnerable PAPs | 3 000 000 | ... | 3 000 000 |

| | | | |
|----------------------------------------------------------------|-------------------------|--------------------|--------------------|
| Support for the restoration of livelihoods of PAPs | 30 000 000 | ... | 30 000 000 |
| Cost of RAP implementation (Consultant) | 25 000 000 | ... | 25 000 000 |
| Budget for the implementation and monitoring of the RAP | 58 000 000 | ... | 58 000 000 |
| Total cost of RAP | 400 404 716 FCFA | 156 074 976 | 244 329 740 |

The **compensation for all the losses identified on the site of the power plant** amounts to **323 611 634 CFA Francs**. It is necessary during implementation to provide additional support which may be in kind or in cash for the benefit of the 8 vulnerable people. The budget required for these people is **3,000,000 CFA Francs**. Likewise, the project company is expected to invest in the implementation of actions to restore the livelihoods of the PAPs who are losing sources of income and subsistence. There are 12 PAPs and will receive support for one to two years, depending on the performance levels achieved. All these activities will cost approximately, added to the costs of compensation lead to a total amount of **400 404 716 CFA Francs**. The latter also covers the provision of consultancy services and the operating costs of the Departmental Commission for Census and Assessment of Expenses of Mbour.

12.2. SOURCES OF FINANCING

The compensation costs for structures, land, crops and fruit and forest trees are tolerated by the State of Senegal. However, support for the restoration of livelihoods and vulnerable households will be paid for by the project company: Malicounda Power.

The costs of implementing the RAP, monitoring, awareness/communication are tolerated by Malicounda Power. The costs relating to the final evaluation of the RAP are tolerated by the budget of Malicounda Power.

At this stage, SENELEC has already made available the sum of **156,074,976 CFA Francs**. An additional amount of **167,536,658 CFA Francs** (not including the unexpected 5% being 18,793,082) is required for the payment of the balance of compensation. For information purposes, the costs of improving livelihoods, supporting vulnerable PAPs and monitoring sum up to **58,000,000 CFA Francs**. From this point of view, it is necessary for the Malicounda Power to mobilize the sum of **244,329,740 CFA Francs**.

12.3. UPDATE ON LAND ACQUISITION (JUNE 2020)

Senelec paid compensation to the PAPs in November 2019 acquiring the entire 18 ha site, based on the government's determination of compensation rates during the census of May. Malicounda has started construction within the 6 ha of its Project site, which was released to the EPC contractor on October 14, 2019. The remaining 12 ha will become a safety zone based on Senegalese regulations once the plant is operational. Senelec is permitting people to continue farming on the 12 ha through the end of the rainy season in October 2020, when they can harvest their crops. At that time a fence will encircle the entire 18 ha site will be enclosed with a fence to prevent encroachment.

13. RESETTLEMENT ACTION PLAN MONITORING AND FRAMEWORK EVALUATION

13.1. MONITORING AND INDICATORS

Follow-up procedures will begin upon the approval of the RAP and well before the clearing and release of the expropriation of land. The objective of monitoring is to report to project managers any problem that arises and to ensure that RAP procedures are followed. The assessment of the resettlement plan can be carried out after the payment of most of the compensation and almost, all of the resettlement has been completed. The aim of the evaluation is to certify that all the PAPs are well resettled and that all economic and productive activities are well restored.

Monitoring will allow the promoter to ensure full compliance with the principles and procedures set out in the RAP. RAP follow-up activities are included in the tasks entrusted to the Consultant who will be recruited part-time and will work in close collaboration with Malicounda Power. It will involve carrying out the following actions :

- Interview the PAPs in the context of open discussions to determine their knowledge and concerns regarding the resettlement process, their rights to benefits and rehabilitation measures;
- Observe information sessions and public consultations with PAPs;
- Observe the functioning of the resettlement program at all levels to assess its level of effectiveness and compliance with the action plan;
- Verify the type of problems giving rise to complaints and the functioning of the mechanisms for resolving these complaints by reviewing the treatment of complaints at all levels and by questioning the affected complainants,
- Assess the quality and suitability of allocated goods for replacement;
- Advise project managers on improvements to be made, if necessary, to the implementation of the RAP.

The populations concerned will be involved as much as possible in all phases of monitoring the project's impacts, including the definition and measurement of indicative references. The follow-up process should continue beyond the completion of the physical inputs of a RAP to ensure that income recovery efforts and development initiatives have been successful.

Monitoring of the implementation of resettlement activities is ongoing. It begins from the start of resettlement implementation activities until the end of the resettlement. The consultant involved in the implementation will have to set up his calendar for monitoring resettlement activities and will communicate it to the Prefecture of Mbour (which informs the Sub-Prefecture of Sindia) to the Communes and, to the affected people.

Proximity monitoring of restoration activities/improvement of livelihoods of PAPs is carried out by the Consultant. In this sense, it supports the PAPs in setting up technical and regulatory conditions to achieve the objectives of creating new IGAs (Income Generating Activities). This monitoring is also the responsibility of the Departmental Technical services of Mbour. As part of monitoring and follow-up, this will involve reporting to project managers any problem that arises and ensuring that RAP procedures are followed.

The monitoring indicators in the context of implementation are as follows:

Table 64 : Monitoring indicators

| Monitoring indicators and parameters | Types of data to collect |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Participation/Social mobilization | <ul style="list-style-type: none"> ✚ Number of PAR validation sessions with PAPs; ✚ Number and types of information sessions for PAPs held in the different localities; ✚ Number of participatory sessions held to discuss the preparation of resettlement operations; ✚ Number and typology of actors involved; ✚ Level of participation. |
| Negotiation/Compensation | <ul style="list-style-type: none"> ✚ Number of collective or private goods destroyed and rehabilitated; ✚ Number of buildings affected and compensated; ✚ Number of residential plots affected and compensated; ✚ Number of trees destroyed and compensated; ✚ Type and amount of compensation paid; ✚ Number of minutes of agreements signed between the PAPs and the commission. ✚ Number of PAPs disagreement |
| Resettlement process | <ul style="list-style-type: none"> ✚ Number of sensitized PAPs; ✚ Number and Type of support granted; ✚ Number of assistance offered to vulnerable PAPs |
| Restoration/Improvement of livelihoods | <ul style="list-style-type: none"> ✚ Number of identified PAPs; ✚ Number of reconversion identified activities; ✚ Types of support provided by the Project; ✚ Agriculture income before and after project construction |
| Resolution of all legitimate grievances | <ul style="list-style-type: none"> ✚ Number of identified conflicts; ✚ Number and type of conflicts; ✚ Number of resolution reports (agreements); ✚ Number of disputes brought to justice / continuous monitoring. |
| PAP satisfaction | <ul style="list-style-type: none"> ✚ Number of sensitized PAPs ; ✚ Number of PAPs who expressed satisfaction |

| Monitoring indicators and Types of data to collect parameters | |
|---------------------------------------------------------------|-------------------------------------|
| | Number and type of granted support. |

13.2. EVALUATION

The objectives of the evaluation are:

- Provide an independent source of assessment during the implementation of resettlement and compensation activities;
- Provide an overall evaluation of the RAP from a global perspective in order to draw lessons that can be used for future RAPs.

The following indicators will be monitored by the provider of Malicounda Power in addition to his task:

- Payment of compensation
 - (i) Full payment of compensation must be given to the displaced persons as soon as possible before moving and taking possession of the plots;
 - (ii) The amount of compensation must be sufficient to replace the lost property;
 - (iii) The compensation for the two affected buildings must be equivalent to the cost of replacing materials and labor based on the prices in force in the construction phase; no deduction should be made regarding the depreciation of the building or the value of recoverable materials.
- Public consultation and knowledge of compensation policy
 - (i) Affected persons must be fully informed and consulted on the procedures for land acquisition and resettlement;
 - (ii) The Consultant responsible for Monitoring must have participated in the information meetings in order to assess the consultation activities, the problems and questions that arise during the consultations and the solutions that are suggested.
 - (iii) The consultant must also assess the knowledge by the PAPs of the compensation policy and their rights.
- Restoration of economic activities: IDPs must be checked to see if they have been able to restore or even improve their economic activities.
- Level of satisfaction :
 - (i) The level of satisfaction of IDPs on the various aspects of the RAP must be assessed and noted;
 - (ii) The progress of the wrongdoing procedure and the speed of the repair will be assessed.

14. EXECUTION CALENDAR

Table 65 : Implementation schedule

| Steps | Designation of activities | | | | | | | | | | | | | | | | |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--|--|-----------|--|--|-----------|--|--|-------------|--|--|--|---------------|--|--|
| | | September 2019 | | | June 2020 | | | July 2020 | | | August 2020 | | | | February 2021 | | |
| Step 1 | Deposit of a copy of the RAP to the client | | | | | | | | | | | | | | | | |
| Step 2 | Review of the Report by the donor and integration of comments | | | | | | | | | | | | | | | | |
| Step 3 | <ul style="list-style-type: none">Dissemination of the RAP to PAPs, local and administrative authoritiesPresentation of the compensation and acceptance protocolSignature of conciliation and irrevocable acts indicating the asset affected, its financial estimation and the compensation procedures | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |
| Step 4 | <ul style="list-style-type: none">Payment of financial compensation | | | | | | | | | | | | | | | | |
| Step 5 | <ul style="list-style-type: none">release of expropriated land | | | | | | | | | | | | | | | | |
| Step 6 | <ul style="list-style-type: none">Support for the restoration of the livelihoods of the PAPs | | | | | | | | | | | | | | | | |
| Step 7 | <ul style="list-style-type: none">Monitoring of the resettlement procedure | | | | | | | | | | | | | | | | |
| Step 8 | <ul style="list-style-type: none">(Assessment of RAP implementation) | | | | | | | | | | | | | | | | |

The launch of the conciliation and payment activities can be done once the RAP report has been approved by the stakeholders and distributed in the municipality of Malicounda. It will be done through a presentation of the RAP results and the progress of the compensation activities, starting with the signing of the agreements until the payment of the compensation.

As soon as the PAPs give their opinion on the planned resettlement procedure in the presence of local and administrative authorities, the start of the implementation of the RAP can be effective.

At the same time, arrangements will have to be made in order to find the PAPs that cannot yet be found, through radio releases, in the online press. Throughout the duration of the implementation of resettlement operations, these PAPs can seize the administrative authority, the townhall, the representatives of the PAPs in the villages or even the facilitating structure.

15. THE DIFFUSION OF THE RAP

After acceptance of this Resettlement Action Plan by Malicounda Power, the report will be submitted to the Lenders for approval. Once validated by said financial institution, this Resettlement Action Plan (RAP) will be published on the SENELEC website. Its summary will also be published on the respective websites of the Lenders.

The RAP will be disseminated at the local level, in particular to the Sub-prefecture of Sindia, the Municipality of Malicounda and the Prefecture of Mbour. The distribution mechanism at the local level will inform the populations of the areas concerned and the public of the availability of the document at the townhall of Malicounda and to the administrative authorities of Sindia and Malicounda.

The dissemination/publication provisions aim to make relevant information available to affected populations and third parties within an appropriate timeframe. They fall under the following mechanisms :

- (i) Information coming from the Project towards the persons affected by the project, on the RAP, its preparation procedure, its content and the state of its implementation, and in return, any useful information from the populations of the localities affected by the resettlement reported to the Project;
- (ii) the publication of this RAP, and any new provision attached thereto, under conditions guaranteeing that the affected populations will have access to it and understand it in their respective localities.

THE REPUBLIC OF SENEGAL

One people, One goal, One faith

Ministry of Petroleum and Energy



**DEVELOPMENT PROJECT OF THE 120 MW THERMAL POWER
PLANT IN MALICOUNDA**

**ANNEXES FOR THE RESETTLEMENT
ACTION PLAN FOR THE 120 MW THERMAL
POWER PLANT IN MALICOUNDA**

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Annex 1 : List of PAP

| Code PAP | Losses of forest species | | | Losses of plots for residential use | | | Losses of agricultural lands | | | Crop losses | | | Hard structures | | Losses of well | | Amount of compensation (CFA francs) |
|-------------|--------------------------|-----|---------------------------|----------------------------------------|---------|---------------------------|------------------------------|---------|---------------------------|-------------|-----------------|---------------------------|-----------------|---------------------------|----------------|--------|-------------------------------------------|
| | Species | No. | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | Speculation | Surface (m²) | Amount (CFA francs) | No. | Amount (CFA francs) | No. | amount | |
| PAP01 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 | 10 976160 | ... | ... | 10 976 160 |
| PAP02 | Faidherbia albida | 4 | 60 000 | ... | ... | ... | 1 | 1 668 | 834 000 | Mil | 1668 | 90 823 | ... | ... | ... | ... | 984 823 |
| PAP03 | ... | ... | ... | ... | ... | ... | 1 | 14 936 | 7468 000 | Mil | 14936 | 813 265 | ... | ... | ... | ... | 8 281 265 |
| PAP04 | ... | ... | ... | 5 | 1 500 | 7 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 7 500 000 |
| PAP05 | ... | ... | ... | 4 | 1 200 | 6 000 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 6 000 000 |
| PAP06 | Nguiera senegalensis | 110 | 165 000 | ... | ... | ... | 1 | 21 712 | 10 856 000 | Arachide | | 3 174 403 | ... | ... | ... | | 14 395 403 |
| | Faidherbia albida | 10 | 200 000 | | | | | | | | | | | | | | |
| PAP07 | ... | ... | ... | ... | ... | ... | ... | ... | ... | Niébé | 5154 | 811 775 | ... | ... | ... | ... | 811 775 |
| PAP08 | Faidherbia albida | 26 | 520 000 | | ... | ... | 1 | 8 445 | 4 222 500 | Manguier | 1 | 220 000 | ... | ... | ... | ... | 5 738 330 |
| | Nguiera senegalensis | 54 | 81 000 | | | | | | | | | | | | | | |
| | Combretum micrantum | 14 | 140 000 | | | | | | | Mil | 8 445 | 459 830 | ... | ... | ... | ... | |
| | Tamarindus indica | 5 | 75 000 | | | | | | | | | | | | | | |
| | Azadirachta indica | 2 | 20 000 | | | | | | | | | | | | | | |

| Code PAP | Losses of forest species | | | Losses of plots for residential use | | | Losses of agricultural lands | | | Crop losses | | | Hard structures | | Losses of well | | Amount of compensation (CFA francs) |
|----------|--------------------------|-----|---------------------|-------------------------------------|---------|---------------------|------------------------------|---------|---------------------|-------------|--------------|---------------------|-----------------|---------------------|----------------|---------|-------------------------------------|
| | Species | No. | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | Speculation | Surface (m²) | Amount (CFA francs) | No. | Amount (CFA francs) | No. | amount | |
| PAP09 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP10 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP11 | Nguiera senegalensis | 358 | 537 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 94 947 166 |
| | Faidherbia albida | 2 | 40 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| | Combretum glutinosum | 26 | 208 000 | 47 | 14 100 | 70 500 000 | 1 | 36 939 | 18469500 | Arachide | 36 939 | 5400666 | ... | ... | ... | ... | |
| PAP12 | Nguiera senegalensis | 136 | 204 000 | 4 | 1 200 | 6 000 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 6 444 000 |
| | Combretum glutinosum | 20 | 160 000 | | | | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| | Faidherbia albida | 4 | 80 000 | | | | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| PAP13 | Nguiera senegalensis | 34 | 51 000 | 12 | 4 100 | 20 500 000 | 1 | 3 319 | 1 659 500 | ... | ... | ... | 1 | 5 606 000 | 1 | 750 000 | 27 916 500 |
| | Combretum glutinosum | 10 | 80 000 | | | | | | | | | | | | | | |
| | Faidherbia albida | 1 | 20 000 | | | | | | | | | | | | | | |
| PAP14 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP15 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP16 | Nguiera senegalensis | 30 | 45 000 | 1 | 373 | 1 865 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 2 080 000 |
| | Faidherbia albida | 7 | 140 000 | | | | | | | | | | | | | | |

| Code PAP | Losses of forest species | | | Losses of plots for residential use | | | Losses of agricultural lands | | | Crop losses | | | Hard structures | | Losses of well | | Amount of compensation (CFA francs) |
|----------|--------------------------|-----|---------------------|-------------------------------------|---------|---------------------|------------------------------|---------|---------------------|-------------|--------------|---------------------|-----------------|---------------------|----------------|--------|-------------------------------------|
| | Species | No. | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | Speculation | Surface (m²) | Amount (CFA francs) | No. | Amount (CFA francs) | No. | amount | |
| | Calotropis procera | 3 | 15 000 | | | | | | | | | | | | | | |
| | Azadirachta indica | 1 | 15 000 | | | | | | | | | | | | | | |
| PAP17 | ... | ... | ... | 12 | 9 300 | 46 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 46 500 000 |
| PAP18 | Nger | 65 | 97 500 | ... | ... | ... | 1 | 7 386 | 3 693 000 | Arachide | 7 386 | 1079870 | ... | ... | ... | ... | 4 890 370 |
| | Kadd | 1 | 20 000 | | | | | | | | | | | | | | |
| PAP19 | Kadd | 6 | 120 000 | ... | ... | ... | ... | 11 515 | 5 757 500 | Mil | 11 515 | 626 992 | ... | ... | ... | ... | 6 624 492 |
| | Nger | 80 | 120 000 | | | | | | | | | | | | | | |
| PAP20 | ... | ... | ... | ... | ... | ... | ... | ... | ... | Arachide | 4 100 | 599 441 | ... | ... | ... | ... | 599 441 |
| PAP21 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP22 | Nguiera senegalensis | 30 | 45 000 | 1 | 455 | 2 275 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 2 483 000 |
| | Faidherbia albida | 7 | 140 000 | | | | | | | | | | | | | | |
| | Calotropis procera | 3 | 15 000 | | | | | | | | | | | | | | |
| | Azadirachta indica | 1 | 8 000 | | | | | | | | | | | | | | |
| PAP23 | Faidherbia albida | 5 | 100 000 | ... | ... | ... | 1 | 1 640 | 820 000 | Niébé | 1 640 | 258 300 | ... | ... | ... | ... | 1 215 800 |
| | Nguiera senegalensis | 25 | 37 500 | | | | | | | | | | | | | | |

| Code PAP | Losses of forest species | | | Losses of plots for residential use | | | Losses of agricultural lands | | | Crop losses | | | Hard structures | | Losses of well | | Amount of compensation (CFA francs) |
|-------------|----------------------------|-----|---------------------------|----------------------------------------|---------|---------------------------|------------------------------|---------|---------------------------|-------------|-----------------|---------------------------|-----------------|---------------------------|----------------|--------|-------------------------------------------|
| | Species | No. | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | Speculation | Surface (m²) | Amount (CFA francs) | No. | Amount (CFA francs) | No. | amount | |
| PAP24 | Moringa oleifera | 23 | 230 000 | ... | ... | ... | 1 | 3 662 | 1 831 000 | Manioc | 3862 | 6846167 | ... | ... | ... | ... | 10 391 667 |
| | Nguiera senegalensis | 3 | 4 500 | | | | | | | Manguier | 6 | 1320000 | | | | | |
| | Faidherbia albida | 6 | 120 000 | | | | | | | | | | | | | | |
| | Anacardium occidentalis | 2 | 40 000 | | | | | | | | | | | | | | |
| PAP25 | ... | ... | ... | 2 | 600 | 3 000 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 3 000 000 |
| PAP26 | Nguiera senegalensis | 30 | 45 000 | 2 | 775 | 3 875 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 4 075 000 |
| | Faidherbia albida | 7 | 140 000 | | | | | | | | | | | | | | |
| | Calotropis procera | 3 | 15 000 | | | | | | | | | | | | | | |
| | Azadirachta indica | 1 | 8 000 | | | | | | | | | | | | | | |
| PAP27 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP28 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP29 | Faidherbia albida | 4 | 80 000 | ... | ... | ... | 1 | 6 503 | 3 251 500 | ... | ... | ... | ... | ... | ... | ... | 5 151 500 |
| | Nguiera senegalensis | 200 | 300 000 | | | | | | | | | | | | | | |
| | Combretum glutinosum | 190 | 1 520 000 | | | | | | | | | | | | | | |

| Code PAP | Losses of forest species | | | Losses of plots for residential use | | | Losses of agricultural lands | | | Crop losses | | | Hard structures | | Losses of well | | Amount of compensation (CFA francs) |
|-------------|--------------------------|-----|---------------------------|----------------------------------------|---------|---------------------------|------------------------------|---------|---------------------------|-------------|-----------------|---------------------------|-----------------|---------------------------|----------------|--------|-------------------------------------------|
| | Species | No. | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | Speculation | Surface (m²) | Amount (CFA francs) | No. | Amount (CFA francs) | No. | amount | |
| PAP30 | ... | ... | ... | 4 | 1 200 | 6 000 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 6 000 000 |
| PAP31 | | | | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP32 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP33 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP34 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP35 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP36 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP37 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP38 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |

| Code PAP | Losses of forest species | | | Losses of plots for residential use | | | Losses of agricultural lands | | | Crop losses | | | Hard structures | | Losses of well | | Amount of compensation (CFA francs) |
|-------------|--------------------------|-----|---------------------------|----------------------------------------|---------|---------------------------|------------------------------|---------|---------------------------|-------------|-----------------|---------------------------|-----------------|---------------------------|----------------|--------|-------------------------------------------|
| | Species | No. | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | Speculation | Surface (m²) | Amount (CFA francs) | No. | Amount (CFA francs) | No. | amount | |
| PAP39 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP40 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP41 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |
| PAP42 | Nguiera senegalensis | 30 | 45 000 | 1 | 233 | 1 165 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 380 000 |
| | Faidherbia albida | 7 | 140 000 | | | | | | | | | | | | | | |
| | Calotropis procera | 3 | 15 000 | | | | | | | | | | | | | | |
| | Azadirachta indica | 1 | 15 000 | | | | | | | | | | | | | | |
| PAP43 | Faidherbia albida | 12 | 240 000 | ... | ... | ... | 1 | 5154 | 2 577 000 | | | | | | | | 3 151 000 |
| | Nguiera senegalensis | 32 | 48 000 | | | | | | | | | | | | | | |
| | Combretum micranthum | 27 | 270 000 | | | | | | | | | | | | | | |
| | Acacia nilotica | 2 | 16 000 | | | | | | | | | | | | | | |
| PAP44 | ... | ... | ... | 1 | 300 | 1 500 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 500 000 |

| Code PAP | Losses of forest species | | | Losses of plots for residential use | | | Losses of agricultural lands | | | Crop losses | | | Hard structures | | Losses of well | | Amount of compensation (CFA francs) |
|-------------|--------------------------|-----|---------------------------|----------------------------------------|---------|---------------------------|------------------------------|---------|---------------------------|-------------|-----------------|---------------------------|-----------------|---------------------------|----------------|--------|-------------------------------------------|
| | Species | No. | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | No. | Surface | Amount (CFA francs) | Speculation | Surface (m²) | Amount (CFA francs) | No. | Amount (CFA francs) | No. | amount | |
| PAP45 | Faidherbia albida | 6 | 120 000 | ... | ... | ... | 1 | 3 325 | 1 662 500 | Mil | 3 325 | 1810463 | ... | ... | ... | ... | 3 702 963 |
| | Nguiera senegalensis | 20 | 30 000 | | | | | | | | | | | | | | |
| | Combretum micrantum | 8 | 80 000 | | | | | | | | | | | | | | |
| PAP46 | Nguiera senegalensis | 30 | 45 000 | 1 | 1 588 | 7 940 000 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 8 155 000 |
| | Faidherbia albida | 7 | 140 000 | | | | | | | | | | | | | | |
| | Calotropis procera | 3 | 15 000 | | | | | | | | | | | | | | |
| | Azadirachta indica | 1 | 15 000 | | | | | | | | | | | | | | |

Annex 2 : Investigation sheet

Resettlement Action Plan (RAP) of the Project to develop a 120 MW thermal power plant in the commune of Malicounda

FULL NAME OF THE INVESTIGATOR:

SECTION: 0. ADMINISTRATIVE LOCALIZATION OF THE INVESTIGATOR:

Sheet number /___/___/___/___/___

PAP Code: /___/___/

Commune : **Quarter or village :** /.....

SECTION I - Identification of the affected person

I.1. Property status of the investigated person

1. Owner: 2. Tenant; 3. others :/...../.....

1.1 Full name:

1.2 Full name of the respondent:

1.3 gender of the PAP: (male =1; female =2) ☐

1.4 Age of the PAP: /___//___/

1.5 Telephone number of the PAP: .../___/___/___//___/___/___//___/___/___/

1.6 Identity number of the PAP (CNI) /___/___/___//___/___/___//___/___/___/___//___/

1.7. How long have you been acquiring this plot of land/field?..... years.....months

1.7.1. . What is the current use of the land? Agriculture; Housing; Breeding; Bare land

If the land is bare, what were you planning to do with it?

1.8 Does the house where you currently live belong to you? 1=Yes; 2=No /___/

1.8.1. if not, is it by renting? family house? by borrowing? Others, specify.....

1.9 Do you have another plot? 1 = Yes; 2 = no /___/, If yes, where is it located

..... How many kilometers?

1.10 How did you acquire the plot impacted by the power plant?

.....
.....

1.11 Have you identified a plot that you could potentially acquire? 1 = Yes; 2 = no /___/

1.12 What do you need to facilitate the acquisition of this plot??.....

1.13 When are you planning to build on this plot?

1.14 Do you already have the financial resources to start this construction? 1=Yes; 2=No /___/

1.15 How did you plan to finance this construction? Ready / __ / ; Own funds / __ / ; Donation/ __ /
Other, specify

For tenants or borrowers only for agricultural activities

- 1.16. If tenant: do you pay a rental value: (Yes=1; No=2) []
 1.17. If yes, what is the rent amountCFA francs/Month
 1.18. Are there other available plots to proceed with your activities? 1=Yes; 2=No / __ /
 1.19. How much do you earn annually or monthly or per season? _____
 1.20. Full name of the property owner:
 1.21. Owner's place of residence:
 1.22. Telephone number of the owner:

SECTION II - SOCIODEMOGRAPHIC AND ECONOMIC CHARACTERISTICS OF THE PAP AND ITS HOUSEHOLD

A – SOCIAL CHARACTERISTIC:

A-1 What is the marital status of the PAP? (Select the correct answer)

| | |
|--------------------------------|--------------------------------|
| 1 – Married, monogamous | 2 – Married, polygamous with 2 |
| 3 – Married, polygamous with 3 | 4 – Married, polygamous with 4 |
| 5 - Divorced | 6 – Single |
| 7 – Widow | |

A-2 what is the nationality of the PAP? (Select the correct answer)

| | |
|---------------------------|-----------------|
| 1 – Senegalese | 3 – Malian |
| 2 – Guinean | 4 - Mauritanian |
| 5 - other (specify) _____ | |

A-3 what is the religion of the PAP? (Select the correct answer)

| | |
|---------------|---------------------------|
| 1 - Muslim | 3 - Animistic |
| 2 - Christian | 4 – other (Specify) _____ |

A-4 what is the ethnic group of the PAP? (Select the correct answer)

| | | |
|-----------|-----------------------|----------------------------|
| 1 - Wolof | 4 – Sérère | 7 – Soninké |
| 2 - Diola | 5 – Mandingue or Socé | 8 – Maure |
| 3 – Peulh | 6 - Bambara | 9 - Others (Specify) _____ |

A-5 what is the education level of the PAP? (Select the correct answer)

| | | |
|----------------|---------------|-------------------------------|
| 1 - Illiterate | 4 – Middle | 7 – Technical or Professional |
| 2 - Koranic | 5 – Secondary | 8 - Literate (native langue) |
| 3 - Elementary | 6 – Higher | 9 - Others (Specify) _____ |

A-6 does the PAP suffer from a disability? 1- Yes 2- No *If no, check A-7)*

| Type of disability | Select the correct answer (s) |
|---------------------------|-------------------------------|
| Blind or sand-blind | |
| Mental deficit | |
| Physical disability | |
| Chronic disabling disease | Specify _____ |
| Mute | |
| Deaf | |
| other (Specify) _____ | |

A-6 1: does the PAP have a health book? 1 - YES 2 – NO

A-7 Are there people with disabilities who depend on the PAP 1 - YES 2 - NO *If no, refer to B)*

| Type of disability | How many person? | How many person of male gender? | How many person of female gender? |
|-------------------------------------------|------------------|---------------------------------|-----------------------------------|
| Blind or sand-blind | [_____] | [_____] | [_____] |
| Physical disability | [_____] | [_____] | [_____] |
| Mental deficit | [_____] | [_____] | [_____] |
| Chronic disabling disease (specify) _____ | [_____] | [_____] | [_____] |
| Deaf | [_____] | [_____] | [_____] |
| Mute | [_____] | [_____] | [_____] |
| Other (specify) _____ | [_____] | [_____] | [_____] |

B- DEMOGRAPHIC CHARACTERISTICS

| | How many person of male gender? | How many person of female gender ? |
|------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------------|
| B-1 How many persons work in the household? [_____] | [_____] | [_____] |
| B-6 How many person of 65 years old and over are working in the household? [_____] | [_____] | [_____] |
| B-7 How many children aged from 5 and 14 years go to formal school (French school)? [_____] | [_____] | [_____] |
| B- 8 how many children do you have? | | |
| B- 9 how many person are you in charge of? | | |
| B-10 How many children aged between 5 and 14 go to non-formal school (Franco-Arab / Dahra / Koranic | | |

| | How many person of male gender? | How many person of female gender ? |
|------------------|---------------------------------|------------------------------------|
| School)? [_____] | [_____] | [_____] |

C) ECONOMIC CHARACTERISTICS OF THE PAP'S HOUSEHOLD

| | How many person of male gender? | Hoe many person of female gender |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------------------|
| C-1 How many persons in the household work who contribute financially to the functioning of the housework? [_____] | [_____] | [_____] |
| C-2 How many working person have permanent income? [_____] | [_____] | [_____] |

C-5 In which sector of activity does the PAP work mainly? (Select the correct answer)

| | | |
|-----------------|-------------------------|----------------------------|
| 1 - Agriculture | 5 – Transport | 9 – Surface technician |
| 2 - Fishing | 6 - Administration | 10 – Domestic Service |
| 3 - Breeding | 7 – Catering and hotels | 11 - Other (specify) _____ |
| 4 - Commerce | 8 – Arts and crafts | |

C-6 Does the PAP carry out other secondary activities? 1 - YES 2 – NO *If no, refer to D-7*

C-7 If yes, specify the secondary activity? _____

C-8 what are the different sources of household income and their amount?

| Sources | Monthly amounts (CFA francs) |
|----------------------------------------------------------------------|------------------------------|
| Main activity of the PAP | |
| Secondary activity of the PAP | |
| Activities of other members of the household <i>(except for PAP)</i> | |
| Retirement pension | |
| Money transferred from abroad | |
| Others (specify) _____ | |

C-9 what are the amounts (CFA francs) of the different monthly expenses of the household?

| Post | Monthly expenses | Post | Monthly expenses |
|--------------------|------------------|----------------|------------------|
| 1) Alimentation | | 6) Education | |
| 2) Health | | 7) Transport | |
| 3) Rent | | 8) Clothes | |
| 4) Family ceremony | | 9) Electricity | |
| 5) Water | | 10) Telephone | |

| | | | |
|---------------------------|--|--|--|
| 14) Others (specify) ____ | | | |
|---------------------------|--|--|--|

SECTION III – HERITAGE OF THE HOUSEHOLD AND OF THE PAP

E-1) does the household own cattle? 1 - YES 2 – NO

E-2) if yes? How many types of cattle does the household own?

E3) if yes, what are the types of animals that the household doesn't have?

| Types of animals | Quantity | Types of animals | Quantity |
|------------------|----------|---------------------------|----------|
| 1) Beefs | | 5) Donkeys | |
| 2) Sheep | | 6) Camels | |
| 3) Goats | | 7) Poultry | |
| 4) Horses | | 8) Others (Specify) _____ | |

E-4) Does PAP have savings allocated in a financial structure? 1 – YES 2 – NO

E-5) La PAP possède-t-elle une épargne gardée par devers elle ? 1 - OUI 2 – NON

E-6) Does the PAP participate in a form of tontine? 1 – YES 2 – NO.

E-6.1.) if yes, what is the amount? _____

E-7) does PAP own houses for rent? 1 - YES 2 – NO

E-7.1.) If yes, what is the monthly income? _____

E-8) Does PAP have public transport vehicles? 1 - YES 2 – NO

E-8.1.) If yes, what is the monthly income? _____

SECTION IV: Suffered losses by the PAP

4.1. Agricultural activities

4.1.1. Cultures

| Type of speculations | Affected cultivated areas (ha or m2) |
|----------------------|--------------------------------------|
| 1 | |

| Type of speculations | Affected cultivated areas (ha or m2) |
|----------------------|--------------------------------------|
| 2 | |
| 3 | |
| 4 | |

4.1.2. Trees

| Species | Number of affected feet | Level of maturation (young 1 or adult 2) |
|---------|-------------------------|------------------------------------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |

4.2. Losses of lands

| TYPES | Number of lands | Surface |
|-----------------------------|-----------------|---------|
| Agricultural lands | | |
| Parcel of lands for housing | | |

4.3. Losses of built structures

| Number | Type of infrastructure | Affected element (s) Function | Type of construction materials |
|--------|------------------------|----------------------------------|--------------------------------|
| 1 | | | |

| Number | Type of infrastructure | Affected element (s) Function | Type of construction materials |
|--------|------------------------|----------------------------------|--------------------------------|
| 2 | | | |
| 3 | | | |

Questions for agricultural PAPs:

- What is the annual income from agriculture? _____
- How long it will take them to have the same harvest value? _____
- Are you looking for another field or are you going to develop a new activity? _____
- In the second case, what activity would it be? _____
- What experience do you have in this activity? _____

SECTION V: Preference of resettlement and / or PAP compensation

1.34. In terms of compensation, what is your preference for suffered losses?

| Type of compensation (for land, buildings, property, trees and other possessions) | Select your choice |
|--------------------------------------------------------------------------------------|--------------------|
| Fully compensate for cash losses | 1 |
| Obtain a replacement land and compensate in cash for the rest of the losses | 2 |
| Replace the land by another | 3 |
| Other, Specify : _____ | |

1.34. In the event that you opt exclusively for compensation in kind, what are the most important aspects for you?

SECTION VI: Social transformations induced by resettlement

1.36. How cash compensation could change your future?

.....
.....
.....

1.36. What do you plan to do with your money if you are compensated in cash?

.....
.....
.....

Thank you for your availability

Signature of the affected person

Signature of the investigator

Annex 3 : TEMPLATE OF REGISTRATION AND COMPLAINT HANDLING SHEET

Date: _____

Traditional chiefdom of City hall of File N °

COMPLAINT

Name of the complainant: _____

Address: _____

Quarter: _____

Type of the affected properties: _____

DESCRIPTION OF THE COMPLAINT:

.....
.....
.....

In, on.....

Signature of the complainant

OBSERVATIONS OF THE CHIEFDOM:

.....
.....
.....

In, on.....

(Signature of the district delegate or the Mayor)

COMPLAINANT RESPONSE:

.....
.....
.....

In, on.....

Signature of the complainant

RESOLUTION

.....
.....
.....

In, on.....

(Signature of the district delegate or the Mayor)

(Signature of the complainant)

Annex 4 : list of questioned people

Objet : Consultation des PAP (Personnes Affectées par le Projet)
Localité : Malicounda

Date 30/08/2019

FEUILLE DE PRESENCE

| N° | Prénoms et Nom | Fonction | Contact | Signature |
|----|-------------------------|------------|--------------|-------------|
| 1 | Maïsa FAÏE | Adj Maire | 776723903 | [Signature] |
| 2 | Magnans [Signature] | PAP | 44534065 | [Signature] |
| | Aliou Fayé de THIANE | PAP | 77312403 | [Signature] |
| | Abdoulaye Youm | conseiller | 772357607 | [Signature] |
| | Pape sanghaï | PAP | 77595-1611 | [Signature] |
| | Maustapha Fayé | PAP | 77-8900743 | Gra |
| | Aliou Ndour | PAP | 77-342-2671 | [Signature] |
| | Omar Ndour | PAP | 76-722-42-55 | [Signature] |
| | Aliou sanghaï | PAP | 77581 4011 | [Signature] |
| | Baba Konati | PAP | 774558550 | [Signature] |
| | Hbaye Camara | PAP | 77 179 32 58 | [Signature] |
| | Moussa Fayé | PAP | 770837893 | [Signature] |

Daouda Pange

Mbaye Zeineba Mbaye

Cheikhou Faye

7781097081

773561171

77-505-31-80



Scanned with
CamScanner

Projet : Centrale «Sakane» Thermique de Malicounda.

Objet : Réunion de Planification
 Date : 07/08/2019
 Lieu : Malicounda

| Prénoms et Nom | Statuts et Fonctions | Contacts | Signatures |
|-------------------|----------------------|-------------|------------|
| Mor Fassa N'DJAF | Directeur Cabinet | #612 3356 | |
| Mansour Sarr | Conseiller | #556 1022 | |
| Ndiome Jean | Conseiller | #735 7607 | |
| Maïssa Day | Adjoint Maire | #7672 3903 | |
| Mouhamadou Fall | Conseiller | #44 321 375 | |
| Emile Ndione S'DP | Conseiller | #73 08994 | |
| Fatou M. FALL | Adj. Préfet | #75 23081 | |
| | | | |
| | | | |
| | | | |

Plan d'Action de Réinstallation (PAR) du Projet de développement d'une centrale thermique de 120 MW dans la commune de Malicounda

Catégorie d'acteurs : SERVICES TECHNIQUES.
 Objet : RENCONTRE INSTITUTIONNELLE.

Liste des personnes rencontrées

| Prénoms et Nom | Statuts/Fonctions | Date de la rencontre | Téléphones | Signatures |
|----------------|--------------------|----------------------|-------------|------------|
| Daseal MANGA | IA/Bureau Semence | 26/08/2019 | 763154092 | |
| Mamadou N'DA | DTA Chef B Semence | 26/08/2019 | 76 496 1696 | |
| Mamou Sarr | Adj. Chef Sect B2F | 29/08/2019 | #575 6109 | |
| | | | | |
| | | | | |
| | | | | |

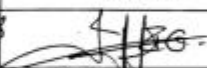


Plan d'Action de Réinstallation (PAR) du Projet de développement d'une centrale thermique de 120 MW dans la commune de Malicounda

Catégorie d'acteurs : DASE

Objet : Information Consultation

Date de la rencontre : 28/08/2019

Liste de Présence

| Prénoms et Nom | Statuts/Fonctions | Téléphones | Signatures |
|-----------------------|----------------------|------------|-------------------------------------------------------------------------------------|
| Abraham Gueye | Expert Environnement | 773334478 |  |
| El Hadji Halick SAMBA | Animateur DASE | 778866380 |  |
| Ennè Ndiame SIOU | Coordinateur PAR | 77370 8394 |  |
| | | | |
| | | | |
| | | | |
| | | | |

Annex 5 : REAL ESTATE EXPERTISE REPORT

**EXPERTISE**

DU TERRAIN DE 6 HA A DISTRAIRE DU
TERRAIN DE 15HA OBJET D'UN BAIL, LOT
SN DU T.F N° 3 274/MB SIS AU KEUR MEISSA
FAYE, MALICOUNDA, MBOUR.

Cheikh Latyr DIACK,
Expert immobilier, Membre de l'ONES

MAI 2019

5, Boulevard du Sud-Point F, B.P : 45 840 Dakar-Fann, Tél : 33 824 40 44/33 825 94 15

Email cegepi@orange.sn et cegepi2@yahoo.fr

N.I.T.I: 2.03.061 888 - C.C: 061 888/N - : A 5674 - NINEA: A 005 007 I 2S1

Dakar, May 20, 2019

Applicant : Mr. Said JAI.KH
Project manager of Tobene Power SA company
YOF turn, airport route, Dakar

Subject : 6 ha field expertise, to be diverted from the field at 15 ha
Subject of the lease, LOT sn DU TF 3.274/MB SIS A KEUR MEISSA FAYE,
MALICOUNDA, MBOUR

- I, the undersigned, Mr. Cheikh Latyr Diack, real estate expert, holder of a Diploma from the Institution of Construction and Habiat, faculty of Law of Montpellier, and holder of a D.E.S.S. in Construction Law, urban planning and development member of the national order DFS, approved experts of Senegal (ONEAS) and registered before the Courts and tribunal of Senegal.

As per the request of Mr. Said JAI.KH, project manager of Tobene Power SA company, YOFF turn, airport route, Dakar.

Acting within the framework of decree No.439-2010 of April 6, 2010 for setting the prices of bare and constructed lands and market prices for constructed lands.

- **Having the mission of determining the market value of the subject land, declare and certify the following :**
 - Findings and surveys made on the ground of the plans received
 - The price survey conducted by us
 - And the calculations represented in the report.

Results to follow.

VIEW OF THE LAND LOCATION AREA



VUE DE LA ZONE DE SITUATION DU TERRAIN



VIEW OF THE SURROUNDING AREA WITH LATERITY ROADS IN PROGRESS



VUE DE L'ENVIRONNEMENT DU TERRAIN AVEC UNE VOIERIE EN LATERITE EN COURS DE REALISATION



Table of content

| Headings | Pages |
|------------------------------------------------------|-------|
| • Major findings | 01 |
| • Location and configuration of the building | 02 |
| • Increase in the value of the land | 03 |
| • Routes ad networks | 04 |
| • Brief description of the development of land | 05 |
| • Land assessment | 06-07 |
| • Conclusions | 08 |

...01...

Major findings

Type of the land building plot

Surface of the land 60.000M²

Value per M².....4000F

The capital gain factor of the increase in the value of the land 30%

The depreciation factor due to the absence of various route and networks elements 5%

The definitive value per M² 5.000F

Value of the land 300.000.000 F

Total Market value 300 000.000F

In witness whereof, we have drawn up and delivered this true and certified report, to be used accordingly.

POUR SERVIR ET VALOIR CE QUE DE DROIT.

Cheikh Latyr DIACK
Le Directeur

CE.GE.PI
Cabinet d'Expertise, de Gestion et
de Promotions Immobilières
5, Boulevard du Sud Point E Dakar
Tél: (221) 33 824 40 44 - (221) 33 925 91 15
Cell: (221) 77 644 55 83 - (221) 77 644 55 83

LOCATION AND CONFIGURATION OF THE BUILDING

...2...

LOCATION AND CONFIGURATION OF THE BUILDING

A) - LOCATION

The land of approximately 60,000 m² to be diverted from the 15 HA land Subject to a lease, lot SN of T.F NO 3.274 / MB, is located in Keur Meissa FAYE, in Malicounda. A residential and professional area where there are technical installations of SENELEC and some dwellings. The environment is calm, peaceful.

The location gives to the land an exceptional yearly income.

B) -CONFIGURATION

The land, subject of this mission, is intended for professional use.

The ideal shape of a building plot is that of a rectangle whose length is twice the width or at least one and a half times. This allows a good arrangement and distribution of the elements of the room.

Also, the more elongated the shape of the land is, the lower its market value will be.

The land, subject of this expertise with its dimensions is close to the characteristics described above and therefore benefits from a configuration guaranteeing it the best qualities of a building land.

REAL ESTATE CAPITAL GAIN FACTOR

REAL ESTATE CAPITAL GAIN FACTOR ON THE LAND VALUE

(Location and position)

In all expertise methods, the location or the position, in other words, the environment occupies a preponderant place and constitutes for the building a determining element of the market value.

The value of the building is in its rewarding qualities.

The constituent elements of the building capital gain factors are:

- Its quality of buildability: the area in terms of construction.
- The proximity of administrative and commercial centers:
- Proximity to means of transport: part of the land is along a road in Laterite and is served by the toll highway
- The environment is professional and residential ...

The appreciation of all these elements allows us to assign to the value of the land subject of the mission, an increase coefficient of 30%.

ROUTES AND NETWORKS

...04...

ROUTES AND NETWORKS

financial wise, the routes and supply networks are the most important in the cost of the construction of a building. In fact, their existence constitutes an element of capital gain factor and, their non-existence, an element of depreciation.

- **THE CIRCULATION NETWORK**

The land is served by the toll highway and a laterite road.

- **THE WATER SUPPLY NETWORK**

Public water pipes exist in the area.

- Master pipes
- Transit lines
- Supply lines

- **THE SANITATION NETWORK**

The area does not have a collective wastewater and storm water drainage network. Septic tanks are legion.

- **THE ELECTRICAL NETWORK**

Existence of a SENELEC high voltage network

- Existence of a low voltage consumption network
- Existence of a low voltage / high voltage transformation structure

It is therefore advisable to consider a coefficient of depreciation of the value of the land of 5% due to the absence of the central network for the evacuation of used and rain water and of road coated with concrete.

BRIEF DESCRIPTION OF THE DEVELOPMENT OF LAND

...05...

BRIEF DESCRIPTION OF THE DEVELOPMENT OF LAND

(Roads-Viability)

ROADS:

It is undeniable that the characteristics of the public road such as the consistency and the width have a certain impact on the value of the buildings.

A narrow unpaved road with laterite or asphalt and without sidewalk, has less value than that well paved.

The width of the road is rewarding for the waterfront land.

VIABILITY:

The importance of viability for a building plot is well established. It also gives the plot a number of characteristics that make it suitable for construction.

In this regard, it should be noted that the level of viability remains average.

EVALUATION OF THE LAND

TYPE OF THE LAND= TO BUILT
APPROXIMATE SURFACE.....= 60.000 m²
VALUE PER M² = 4,000F
INCREASE COEFFICIENT FOR REAL ESTATE CAPITAL GAIN FACTOR..... = 30 %
DEPRECIATION COEFFICIENT FOR THE ABSENCE OF ELEMENTS OF ROADS AND NETWORKS..... =5%
RESIDUEL COEFFICIENT = 25 %
FINAL VALUE PER M².....= 5.000F
VALUE OF THE LAND5.000 x 60.000 =300.000.000 F

NB: THE DECREE NO 439/2010 OF 6 APRIL 2010 FOR FIXING THE PRICE OF LANDS HAVE NOTHING TO DO WITH THE MARKET PRICE.

SO IN THE AREA OF LOCATION OF THE LAND THE PRICE PER SQUARE METER IS FIXED AT 2000 F WHEN THE REALITY IS DIFFERENT.

THE PRICES OF THE DECREE ARE IN GENERAL USED TO FIX THE ALLOWANCES FOR EXPROPRIATION.

AUTHORS OF MARKET TRANSACTIONS AND THE TAX ADMINISTRATION DO NOT USE THE PRICES OF THE DECREE.

...07...

TABLE OF ASSESSMENT

| NATURE IMMEUBLE | SURFACE | VALUE PER M² | INCR.COEF. | DEPREC. COEF. | | MARKET VALUE |
|--------------------------|----------|-----------------|------------|------------------|------|-----------------|
| | | c | | | F | BxCxF |
| LAND FOR CONSTRUCTION | 60.000m² | 4.000 F | 30 % | | 1,25 | 300.000.000 |

CONCLUSIONS

...08...

CONCLUSIONS

WITH REGARD TO THE FINDINGS MADE ON THE SITE, TO THE METRIC SURVEYS PROCESSED BY OUR CARE, TO THE STUDY OF SUSTAINABILITY OF THE AREA, THE PRICE SURVEY CARRIED OUT AND DETAILS APPEARING IN THE REPORT, WE HAVE ESTIMATED THE VALUE OF THE LAND OF 60,000 M² FROM THE LAND OF 15 HA SUBJECT TO LEASE.

LOT SN DU T.F NO.3.274/MB SIS A KEUR MEISSA FAYE, MALICOUNDA. MBOUR.

THE SUM OF: **THREE HUNDRED MILLION FRANCS (300.000.000 F).**

IN WITNESS WHEREOF, HAVE DRAW UP AND DELIVER THIS REPORT, CERTIFIED AND TRUE TO BE USED ACCORDINGLY.

POUR SERVIR ET VALOIR CE QUE DE-DROIT.

Cheikh Latyr DIACK
Le Directeur

CE.GE.PI
Cabinet d'Expertise, de Gestion et
de Promotions Immobilières
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Annex 6: Minutes of consultations

Subject: Presentation and planning meeting at the town hall of Malicounda

Date of the meeting: 07 August 2019

Participants: Mor Fassa NDIAYE, Director of the mayor's office
Maissa FAYE, Deputy of the mayor of Malicounda
Ndiome FAYE, City Councilor
Mansour SARR, City Councilor
Mouhamadane FALL, Environmental Consultant
Emile Ndiome DIOP, Consultant, Sociologist,

Photo illustrating the meeting



The meeting starts with the usual civilities between the participants.

It is thus the 1st deputy mayor who opens the session with a brief reminder of the history of the site of the plant which is the subject of the PAR.

The power station is between the villages of Malicounda Wolof, Malicounda Serer and Malicounda Bambara. The site was considered in 2012 when 15 ha were deliberated for the Takkal plan. When the delimitation was made, the populations were agitated to claim their due.

In 2017 SENELEC asked for an additional 3 ha, which is why we are now at 18 ha. This is the most hectic project in the commune of Malicounda, so it is not an easy thing awaiting you. But we are reassured since there is a PAR. With the new mayor, we asked to compensate the people with land on the 18 hectares. On this point, the mayor asked not to rely on the principles of the National Domain Law concerning the Assessment of losses. It has been two weeks since we held a meeting with SENELEC.

The Prefect's Commission made an assessment and proposed 296,000 CFA francs for each plot of 300 m². They had asked the PAPs to go to the tax authorities to recover the money. We asked them to wait because it would cause a stir. Then they added 500,000 CFA francs per plot, which makes 796,000 CFA francs.

One information we have is that there are protests in sight in the commune and it is because of the central. In fact, these young people are politicians on vacation but we will manage with them.

All plots are identified but there are some that have not been registered. This is mainly the Thianar Faye family affair and there is a dispute over these plots. It is not at the town hall that there is a problem, but at the level of the family. The grandfather had 5 children, which means that there are 5 families. This file even came to justice. This family is from the village of Malicounda Wolof.

The other is Modou Pouye who is still alive. All of his plots are under his name except the plots that have been allocated.

As for the meetings, we think that it is more judicious to call all the people affected to the town hall so that we can exchange with them on the PAR activities, the approach and their participation in them. We will not need to organize meetings in each village, because people, not concerned, could come and jeopardize the activities. If we hold meetings in the villages, it will not stir up the fire. The question of acceptability is settled by the environmental impact study. From this point of view, we think that the meetings should be held with only the people concerned so that there will be no problems.

So we meet with village chiefs, imams, municipal councilors, and PAPs on the premises of the Town Hall. At this meeting, we will have to discuss the work to be done. We will also have the contacts of all the people concerned and we will define with them the schedule of socio-economic surveys in the villages.

It should also be noted that in the project area, to have a plot of 300 m², you need at least 1,500,000 CFA francs. The toll highway has created added value in the area. With an amount of 800,000 FCFA or 1,000,000 CFA francs, the PAPs will have to move away from villages where basic social services are inaccessible. With the solar power plant, we had agricultural land compensated at 3,000,000 CFA francs per hectare. The toll highway did not pay the PAPs well either. It is therefore necessary to revise prices upwards in order not to create a climate of tension.

In addition, we have a storage store near the central. For this loss, it will be a question of asking SENELEC to build another one in the village of Keur Meissa. All agricultural inputs are stored there.

☞ **Resolutions and decisions made**

- ☞ Holding of an information diffusion meeting at Malicounda town hall in the presence of the PAPs; Village chiefs and municipal councilors;
- ☞ Starting socio-economic surveys only after this information meeting to explain the process

- ☞ Addition of investigators in the various villages by organizers who will be designated by the town hall;
 - ☞ Upon revision of the amounts proposed by the Departmental Commission of Census and Assessment of the Expenses of Mbour
 - ☞ Compensation of PAPs in cash and not in kind since there is no land available in the commune.
-

Met actor: Deputy of the Prefect of Mbour

Date of the meeting: 7 August 2019

Location of the meeting: Mbour Prefecture

Photos illustrating the meeting



Opinions, fears and concerns:

This project is experiencing some delays due to these compensation issues;

- From our side, our role is to contribute as much as possible to the success of the public utility projects;
- We have been following this project for some time. Compensation has been suggested, but so far it is difficult to pay the PAPs and make the site accessible to the lessor;

- By respecting the framework of national regulations, it is always difficult for us to go beyond national scales. But the RAP has the advantage of opening doors to satisfy the people who will be impacted and make the project socially acceptable;
- There are some complicated cases of litigation, which can only delay the completion of the project. If the PAR fails to resolve it, it will be up to the departmental Court to decide;

Expectations and recommendations

- Consult the technical services involved in the implementation of resettlement activities;
- Consult the Sindia sub-prefecture which is also following this project;
- Speed up the PAR development process in order to start work as soon as possible;
- Favor dialogue with affected communities;

Met actor: PAP/ Village Chiefs / Malicounda municipal Council

Date of the meeting: 20 August 2019

Location of the meeting: Hôtel de ville of Malicounda

Meeting time (start): 16:13

Meeting time (end): 17: 50

Photos illustrating the meeting



Beginning of the session with opening prayers by a participant from the village.

The session is presided by Deputy Mayor Meissa FAYE. He recalls that the project in question is the one whose site was already the subject of a deliberation in 2012. But it has always been said that the occupants of the site should be compensated. This is why the CDREI did a census work. The mayor has also always asked that the national scale not be applied, but that the current prices of the affected goods to be applied in order to ensure respect for the rights of PAPs.

1st Deputy. We are glad to hear you saying that PAPs will not be harmed. The site is strategic because of its location right outside the highway. All the lands have owners and we have no replacement land. But we are counting on you not to be affected, because I personally lost a field because of the highway for which I was compensated up to 24,000 CFA francs.

Reaction of the persons affected by the project

- We do not want this project, but since the promoter comes for his profit he must be careful not to harm us. After all, we can no longer resist because there is the State of Senegal.
- I have a plot but I will not sell it for less than 6,000,000 CFA francs;
- We thank the municipal council for its initiatives and its respect for its populations.
- We also thank the consultants;
- We also understand through the consultant's presentation that this project is based on transparency and communication;
- In 1000 years, our descendants may also want to know what was their heritage and which, at some point, was compromised: this is why we are very careful;
- We are in the exchange phase and we are waiting for the actions to be bound-up with words;
- We believe that PAPs should be informed;
- We prefer to stay on these lands more than any other land. The promoters do not like the land more than the current occupants. So, whatever you are saying let it be really sincere;
- Knowing that what the PAP are saying comes from the heart, that's why;
- The land belongs to all of us. But, we need to know that if the state needs the land, we cannot;
- We did not steal this land. For almost 16 years, we started to cut trees. From this point of view, if we are told that we want to take your land, we cannot remain indifferent;
- The highway took me 10 hectares and didn't even pay me the price of half a hectare. This project took our land and created social separations;
- We want this project to be useful to us;
- All the public buildings we have today were agricultural lands. The drilling site that we have has not been the subject of any compensation;
- This project must also be part of a development process;
- I have a land in the village of Keur Malick Ba. I have 4 plots on this site bought at 6 million in 2016: this means that one plot cost me 1,500,000 CFA francs;
- All of the projects that come here are utility projects;
- These lands are those of the State of Senegal. It's a loan; if its owner needs it, nothing stops him from repossessing it. Especially, since the benefits of the project directly target citizens;
- We also expect that the project will be beneficial for the entire local population of Malicounda (Man / Woman / Boy / Girl);
- We thank everyone present at the meeting;
- We think that the project is not in a matter of negotiation because it will, no matter how, take place;
- Take all measures so that the project does not have negative environmental impacts;
- I have no land here, but I really want you to keep your word so that the PAPs are not harmed. The toll highway has created a psychosis here and it actually scares us. All our fears are linked to this bad experience;
- We do not reject the project and we want development;
- These plots cannot cost 2,000,000 CFA francs. The minimum is three to four million;
- The price of a field varies according to ---;

- Yesterday on the side of the toll highway, the Ministry of Education came to say that she wants 5 hectares, but it is not even possible at less than 15,000,000 CFA francs. It's behind the village of Keur Malick BA that you can have the hectare at around 3 to 4 million.

Deputy mayor

We want a local monitoring committee so that we can keep up with developments. Malicounda is getting bigger, so it will need resources to have the commune operating.

At the public hearing we reported on the environmental impacts and we really expected the measures to be respected.

On the site side, someone wanted a plot but we asked for 18,000,000 CFA francs;

We really ask you to speed up the process so that aspects of the compensation can be raised as quickly as possible and the work begins;

Regarding local mediation committees, it is the 3 village chiefs, district delegates and municipal councilors above all who must represent the PAPs;

The Local Mediation Committee may be composed of the following members:

- The mayor or his representative (Maguette SENE);
- A PAP representative in the village of Malicounda Wolof (Thianar FAYE) and the village chief M El Hadji Masidy FAYE;
- A PAP representative in the village of Malicounda Bambara (Aliou Sangharé) and the Village Chief Mr. Samba Sow;
- A PAP representative in the village of Malicounda Serère (Moustapha FAYE) and the village chief Maguette Dieng.

We mainly ask you for this project, to speed up the process so that we finish this quickly and start the work.

Met actor: Safety and Environment Service / Quality, Safety and Environment Department

Date of the meeting: Wednesday 28 August 2019

Illustrating photo



We have 156 million today, at the disposition of the chief cashier. The latter has already taken the necessary steps to ensure payment of the PAPs. The offices are ready to accommodate PAPs. The town hall is committed to liberate the site if we add the 500,000 CFA francs, in additions to the first amounts that were suggested;

We urgently want to hold an information meeting for the PAPs to explain them the current procedure. This will provide a first list to the Prefect who will settle the first payments;

We already want to refine the list of PAPs, identified by the consultant, so that we can start with the payments;

We know ADB procedures and our aim is to follow them;

As a structure involved in the implementation of this project, there are:

The DQSE, the Finance and Accounting Department (DFC): organizes the checks and determines the payment terms (bank, check, provision), according to the data provided by the DQSE. It ensures that compensation is made available as soon as possible. The DQSE relies on data provided by the consultants and the administrative authorities;

The External Communication Unit. It manages all notices and statements. During the implementation of activities, it identifies the best communication channels in relation to the project area and the specificity of the RAP. In the Environment Department, we have 6 experts, two SE animators, a head of fire safety unit, two drivers, a storekeeper (who manages the EPI stock);

The Production Department is the technical department that pilots the projects. Its responsibilities, in terms of environmental and social protection, are entrusted to the DQSE.

In terms of experience, we can say that we have not yet carried out resettlement activities for projects financed by the AfDB. But for projects financed by the World Bank (IDA and IFC), we have carried out 5 resettlement operations. We have no experience in taking gender aspects into account in resettlement activities;

Met actor: Departmental Service of Agriculture of Mbour

Date of the meeting: 26 September 2019



Opinions and concerns

- The evaluation of the expenses was done on the basis of the national scale service;
- We deplore the scale which is old and which does not reflect current prices on the market;
- The assessment of agricultural expenses did not take into account the land;
- The assessment of agricultural expenses takes into account only the last speculation practiced, hence the need to mark up several crops to value the compensation;
- The application of the national scale does not allow substantial compensation;
- Cases of family disputes related to land were noted on the project site;
- Difficulties in finding new land in the area for compensation in kind;
- Lack of security of the plant boundaries which can be recolonized by the populations;
- The service very often participates in cost assessment missions but does not have skills on the principles of ADB, IFC in resettlement;
- The service is available to support PAPs during the post PAR period;
- Needs for capacity building of the services (GPS, renewal of equipment used, means of travel, SO BAD and NP IFC).

Suggestions and recommendations

- Support the PAPs in facing the new situation (loss of land) because the scale applied does not allow peasants to develop new activities.
- Set up a monitoring and support system for PAPs.

Met actor: Mbour Water and Forest Sector

Date of the meeting: 30 August 2019

Photo illustrating the meeting



We are a state service, and we must act upon the instructions of the Prefect. If the latter asks us to go to the field, we will go. But we need travel expenses in addition to the daily allowance

In terms of human resources, we really have no problems. We have enough money to do this job;

Since a forest expenditure assessment report has been published, we will ask you to consult this document;

Project managers can always consult us for certain aspects related to implementation. But to do this, we will need the authorization of the Prefect;

As soon as the consultant declines a plan for the regeneration of the PAP fields, we can therefore support them. In this sense, a protocol must be tied directly with the Water and Forest Service since it is no longer a question of spending.

Met actor: People Affected by the Project & Malicounda City Hall

Date of the meeting: 30 August 2019

Location of the meeting: meeting room at Hôtel de ville de Malicounda

Meeting time (start): 15:23

Meeting time (end): 17:30

Photo illustrating the meeting



- It has always been said that the PAPs will receive amounts that will be accepted by the local communities. We want the promises to be kept;
- Note that the prices of the plots vary according to their positions on the site.

The representative of SENELEC returned to the initiatives of the structure that he represents. The main part of his speech can be summed up in the following points:

- Many activities have been carried out within the framework of this project. The owners were identified as well as their property found on the land;
- We are bound to comply with national regulations, but also the requirements of donors who finance the project such as the AfDB;
- This therefore explains the scales given by the State of Senegal via the CDREI, as well as the consultant's activities. we added 500,000 CFA francs per plot to the first found amounts;
- In view of this, we deemed it necessary to disburse the amounts established by the State of Senegal and make them available to the PAPs;
- As of today, 156,000,000 CFA francs are available and we want the PAPs to go and withdraw them. There is a procedure to follow: each PAP must go to the Tax and Estate services to sign the irrevocable act of acquiescence. As soon as the Prefect of the department reads and approves this act, the PAP can go to the SENELEC agency in Mbour. A counter has already been set up to accommodate PAPs.

As for the RAP consultant, he talked about the PAR preparation procedure. In his speech, he insisted on:

- The rights of PAPs in terms of access to information and to the activities progress;
- The method of assessing all losses that go beyond the national scale, but considers the market value of the assets affected;
- The distinction made in the identification of PAPs, between the owner-operator, the non-operating owner and the non-owner operator;

- The need to consider the amounts of the first payments as an advance payment that will be supplemented by the results of the RAP;
- The need to inform property owners who have not yet been informed about the start of compensation activities;
- Particular support for PAPs who are losing their livelihoods;
- Taking into account aspects relating to vulnerability and gender.

The deputy mayor clarified that the wish is to increase the amounts and that the procedure runs quickly. Because, if amounts are allocated in several installments and the time difference is significant, the PAPs will not be able to make good use of the compensation. Also, he believes that since there is an amount already available, the PAPs will go and collect the money in order to make the site accessible. Finally, he drew the attention of PAPs to the rumors surrounding these compensations. He therefore asked them not to be subjective to rumors and come systematically to participate in all information meetings.

Reaction of PAPs (People Affected by the Project)

Asked questions

- 1- What is the amount paid per plot?
- 2- How much will it cost you to acquire the 18 hectares?
- 3- What are we going to do with non-owner operators?
- 4- If we take the current amounts and there will be an increase in the PAR while we have already signed and the additional amount of the PAR does not suit us, can we refuse?

Answered question

- 1- The Prefect does not pay the land. He applied national regulations. Then we added 500,000 FCFA. Therefore, the consultant will improve the scales;
- 2- The social aspect is more important in the context of this project. But, we already have 156 million;
- 3- These categories of people are eligible for compensation;
- 4- You have to understand that the current amount is very much improved, because we have gone beyond the amounts based on national scales;

Opinions and concerns

- What was said on the national domain was not apply as promised at the time. It was said that it is forbidden to sell, lend, etc. The idea was to develop the land or make it available to the state or its representative. But today everyone sells land. It was forbidden, but today we are witnessing excesses without precedent;
- They must either pay us correctly or not pay us;
- We are very happy that you are sharing information, because if rumors continue to spread there could be tensions;
- We believe that if you give an amount, it should not be deducted from the PAR suggested amount;
- We really count on the intervention of the consultant to improve our living conditions. And also, we welcome his approach;
- There are people who own land but have not used it for several years. What are we going to do with the operators of these fields? Failure to take them into account can cause problems;
- The mayor keeps insisting that the scales must be motivating in order to allow the populations to access new plots;

- Those who have plots near the road will no longer have this location which is a real business opportunity. Therefore, the amounts for these plots must be higher than those of the others;
- The store is on the field of FAYE Family, and it is the equivalent of 2 plots. We are wondering if you could include it in the compensation.

Recommendations

- Ensure that compensation allows PAPs to acquire new land;
- Avoid deducting the amount of SENELEC from the amounts of the Resettlement Plan;
- Take into account that the PAPs prefer land to money, but land almost no longer exists in the commune;
- Make sure that the time difference between the two payments is not significant.

**Annex 7 : CIRCULAR LETTER OF THE MINISTRY OF ENVIRONMENT
AND SUSTAINABLE DEVELOPMENT**

[URGENT]- Confidential

REPUBLIC OF SENEGAL

No. MEDD/CAB/DC/SP

One people, One goal, One faith

Dakar, 15 November 2018

**MINISTRY OF ENVIRONMENT
AND SUSTAINABLE DEVELOPMENT**

The minister,

Circular letter

Subject: Application of the provisions of the Environment Code

The director,

The application of the provisions of the environment code must necessarily take into account the requirements of national construction, especially in the context of PSE projects

Therefore, the spirit of the text should be linked to its practical application, allowing the diligent execution of the procedures while pursuing the desired objective of protecting the Environment. This is the case with the treatment of projects energy developed by SENELEC, in relation with its partners.

In fact, such projects are strategic for the near future of our country, considering the importance of the supply in the development process of all other productive activities.

In this regard, you are asked for the following:

- For the 120MW power plant project in Malicounda; take into account the study of the conclusions of the hazard study limiting the distance of irreversible effects to 260m;
- For Diass solar power plant project: Take into account letter No.00679 / DMB / P dated 07/18/2018 of the Prefect of Mbour, as a supplement to the missing aspects of the public hearing report.

Also, more generally, it is a question of borrowing the way of the dissociation between the environmental assessments; of the procedure of authorization of classified installation. This option frames the reality of the elements of consolidation even of the project carried by the promoter, while the authorization of installation intervenes for the implementation

In addition, it is also a question of finalizing the draft modification of article L-13 of the Environment code, in order to reduce the safety distance of classified installations, to a radius delimited on the basis of the scientific basis of the study of hazard or inconvenience.

Thus, for all similar situations, this circular letter will replace the directive, pending the adaptation of the relevant texts.

I wish you a good reception

A

Mame Thiemo DIENG

Madame Mariline Diara

Director of Environment and Listed Establishments

(Signature and seal)

Ministry of environment and sustainable development Marist fathers' street

BP 4055 Dakar tel.: 00 22133 859 13 45

Annex 8 : PARTNERSHIP AGREEMENT BETWEEN SENELEC, MALICOUNDA POWER AND MALICOUNDA MAYOR OFFICE

Partnership agreement

Between:

1. National electricity company of Senegal
(SELENEC)
2. Malicounda Power company
and
3. The commune of Malicounda

May 2019

Between

The first party,

Selenec, a joint stock company company with capital shares of one hundred and seventy-five billion two hundred and thirty-six millions three hundred and forty thousand (175,236,340,000) CFA francs, having its headquarter at 28, rue vincet. BP93, Dakar, registered in the register of commerce N°00140012G3, and duly represented for the purposes hereof by its Director, Mr. Papa Mademba BITEYE;

The company MALICOUNDA POWER SAS, having its registered office at Yoff Virage route de l'airoport Villa KP, duly represented by its Director Mr. Said JALKH,

And

The second party

2

THE COMMUNE OF MALICOUNDA, having its head office at Maticounda Woloff, Sindia, represented by its Mayor Mister Maguette SENE (Hereinafter referred to as - COMMUNE OF MALICOUNDA)

Herein referred to —individually or collectively – by the party or the parties .

PREAMBLE :

As part of its policy for universal access to electricity, Senelec plans to increase and diversify its power generation capacity.

It is in this context, it is planned, in partnership with MALICOUNDA POWER, to build a heavy fuel oil power plant with a capacity of 120 MEGAWATTS in the commune of Malicounda.

Also, the studies made on the land required for the establishment of such project have revealed the need to add to the 15 hectares, already allocated by Senelec in Malicounda site, an additional area of 03 hectares.

The commune of Malicounda having undertaken to deliberate for the benefit of Senelec the additional area requested.

In view of the vital importance of the project in favor of Senegal and the expectation of the populations, the commune asked Senelec and the Promoter for social measures to win the support of the populations.

This is what justifies this framework of collaboration between Senelec, MALICOUNDA POWER and the commune of Malicounda.

The parties agree as follows:

FIRST ARTICLE: Purpose of this partnership agreement

The first partnership agreement aimed to define the supporting social measures in the context of the establishment of a power plant in Malicounda, between Senelec, the company MALICOUNDA POWER and the commune of Malicounda

ARTICLE 2: Measures to be taken by the commune of Malicounda

The commune of Malicounda will carry out the deliberation for the benefit of Senelec, a plot of three (03) hectares to serve as a base for the implementation of the dual fuel power plant project.

ARTICLE 3 : Support for Senelec

Within the framework of RSE, Senelec is committed to carry out the following measures for the benefit of the populations of the commune of Malicounda:

- Fairly and formerly compensate the occupants of said land in accordance with the laws and regulations in force in Senegal;
- Carry out, for the benefit of the commune, extension and maintenance work on the public lighting network ;
- Proceed in accordance with its social policy to certain social connections to electricity in favor of the poor populations of the locality;
- Enforce the local recruitment for unskilled jobs at the time of the execution of the site and the recruitment of young graduates of the commune with an appropriate qualification at the time of operation;
- Guarantee the involvement of the commune in the whole environmental and social management process;
- Ask the Promoter to support the commune in the construction of health, school, social and sports facilities and equipment in the impacted area of the project.

These Senelec commitments are to be read and understood in the legal sense of an obligation.

4

ARTICLE 4 : Measures to be taken by Malicounda power

Malicounda Power undertakes to carry out the following social measures for the benefit of the commune of Malicounda:

- Apply the local preference for unskilled jobs at the time of the execution of the site and the recruitment of young graduates of the commune with an appropriate qualification at the time of operation;
- Support the commune in the construction of health, school, social and sports infrastructure and equipment in the villages located in the impacted area of the project.

These Malicounda power commitments are to be read and understood in the legal sense of an obligation.

ARTICLE 5 : Implementation and monitoring

To monitor the effective implementation of the provisions of this partnership agreement, a committee is set up composed of a representative for each party.

This monitoring committee will meet at least once every two months when convened by the mayor of the municipality of Malicounda or whenever necessary at the request of one of the parties.

ARTICLE 6 : Effective date and duration of the agreement

This partnership agreement takes effect as of its signature by the parties. It ends at the end of the support.

ARTICLE 7 : Affidavit of good faith

The parties undertake to always behave towards each other as loyal and good faith partners and in particular to inform each other of any difficulty which may arise or which they may encounter in the course of execution of this Partnership Agreement.

DAKAR, le 27 May 2019

In five (5) pages, in six(06) original copies

Read and approved

On behalf of Senelec

The General Manager

Mr.Papa Mademba BITEYE

(signature and seal)

On behalf of Malicounda Power

The Resident Director

Mr.Said JALKH

(Signature and seal)

On behalf of the commune of Malicounda

The mayor, Maguette SENE

(Signature and seal)