

GROUP OF AFFECTED COMMUNITIES IN BARGNY

Bargny, 12 July 2016

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Subject: Complaint against the Sindou Coal Power Plant, Senegal

Dear Messrs. Touré and Priem,

Mr. Daouda GUEYE; Tel.: 221776342667, daoudalarry@hotmail.fr

Mr. CheikhFadel WADE; Tel.: 221776501372, cheikh.fadel01@gmail.com

Mandated by the Group of Affected Communities in Bargny, hereby submit a complaint concerning the Sindou Coal Power Plant Project in Senegal.

The project is financed by AfDB, BOAD and FMO, and the works started in 2013 without taking into account the problems described in this complaint.

In 2008, SENELEC applied for a 120 ha piece of land situated in Bargny for the implementation of a 125 MW coal power plant project, known as Sindou Power Plant 1. A BOO2 contract was signed on 24 January 2008 between the Government of Senegal and Nycombsynergeticsdevelopment AB, a Swedish lead company of a group of companies ("Compagnie sénégalaise d'électricité S.A." - CES).

The Government of Senegal declared the project of public utility by Decree No. 2009-849 of 3 September 2009, and allotted the 120 ha land to SENELEC for the construction of a power plant. The 120 ha land includes:

A 10 ha 30a 90 ca piece of land given on lease to HOLDING KEUR KHADIM company;

A 85 ha piece of land with two land certificates belonging to SCI LES COTTAGES DU CAP-VERT;

A 54 ha 43 a 77 ca piece of land with two plots (MINAM 1 and MINAM 2) allotted by Municipal Order No. 001/CB/SGM of 28 March 2006 and approved by Prefectural Order No. 056/DR of 5 April

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2006 for the resettlement of Bargny and Minam people affected by the advancing sea and climate change, comprising 1,633 plots.

It was established that a portion of the land declared to be of public utility was allotted to CES for the construction of the coal power plant.

Curiously, CES bought 29 ha from the 120 ha land for CFAF 1.45 billion. The sale deed was approved on 14 October 2009 by the then Minister Delegate to the Minister of the Economy and Finance in charge of the Budget, Mr. Abdoulaye Diop, and co-signed by the Lands and Stamp Duty Registrar, Mr. Max Bidi Vincent, and the Manager of CES, Mr. Jean Claude NorlandSuzor. Paradoxically, the deed specifies that the plot should be taken from TF 475F, whereas this land certificate is not mentioned in the report that motivated President Abdoulaye Wade to issue a decree on the allocation of 120 hectares land to SENELEC. The land also includes an area for the processing of fishery products, known as Khelcom, which employs 1,000 women. On 28 February 2009, a public hearing was held in Bargny Town Hall, as part of the environmental impact assessment of the project to build a coal power plant in Bargny municipality. The objective of the interim report produced by Quartz Afrique consulting firm recruited for the assessment was to gather the views and concerns of the population in the town.

It was while waiting for the report that the Mayor of the town found out that the project implementation had started on the site several weeks earlier. Consequently, on 28 March 2011, the Mayor sent a correspondence (No. 060/CB/SGM) to the Prefect of Rufisque Department, with copies to the Director-General of SENELEC and the project developers to draw their attention to the fact that the site chosen for the project had been divided into two administrative layouts.

However, for several reasons, the Bargny communities and the then Mayor strongly objected to the implementation of the project. Indeed, the power plant is dangerous for the health of the population and ecosystems, and a poor decision had been taken to establish this dangerous and unhygienic power plant in the centre of Bargny in total disregard for the rules of the Environmental Code, which in its Article L13 states: "First class facilities (such as thermal power plants) should, before their construction or commissioning, obtain an operating permit ..., the permit shall ensure that the facility is at least 500 m away from homes, buildings usually occupied by third parties, institutions receiving the public, and dwelling areas, a stream, a lake, a means of communication, a water catchment ". It is clear from this provision of the Environmental Code that the distance of 500 m from homes (Miname 1 and Miname 2 plots), institutions receiving the public (Minam health centre, the day care centre, the primary school, and the fish processing site) has not been respected.

The developers disregarded these provisions by establishing the coal power plant on a layout of 1,433 plots; the following are within 500 m radius from the power plant:

- The first houses on 206.51 m each;
- A health centre on 395.29 m;
- A primary school on 520.52 m;
- Secondary houses on the Sindou road on 266 m each;

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- The Ngadjé- NdiagaSamb neighbourhood to the South-West on 494 m.

The project directly affects the human and economic rights of 1,000 women processing fishery products, who risk losing their jobs since the power plant is very close to the processing site; indeed, according to the regulations, a food processing unit should not be close to a property classified as dangerous and unhealthy.

The power plant significantly increases the air pollution levels already generated by the over 50 years presence of the cement factory (SOCOCIM) which pollutes the town environment with dust and gas, and through the mines.

Consequently, non-compliance with environmental, health, cultural and social standards through the establishment of a coal power plant close to the population and work places has become a serious threat to public health due to chronic inhalation of several toxic substances that in the long term often cause fatal lung diseases, risks of cancer, premature deaths, and birth defects, as well as constitute a major threat to the lives of the population of Bargny.

Considering the negative environmental and social impacts of the project;

Considering the inadequate public consultations;

Considering the high risks of the project to the population's health due to gas emissions, as well as air, water and soil pollution;

Considering the impacts on land use such as access to cemeteries, the primary school, the daycare centre, the health post, and the fish processing site, which are sensitive irreversible impacts that can lead to the loss of economic and social rights;

Considering that the project site is not appropriate due to non-compliance with the requirement to ensure a 500 m distance from:

A layout of 1,433 plots or houses already built, but not taken into account in the impact assessment;

A fishery products processing site, which is an important economic area for the town and its suburbs, and is very close to the coal power plant;

Homes that are very close to the coal power plant;

Expropriations have been conducted without fair and equitable compensation.

Considering the non-compliance with community rights to a healthy environment, as well as non-respect for cultural heritage (the Baobab tree where ancestors' rites are conducted is on the site of the power plant);

Considering that the Government's responsibility is fully committed by the Ministry of Environment which authorized, by Order dated 7 May 2010, the opening and operation of a dangerous, unhealthy or inconvenient establishment, classified in Category 1 class, without taking into account the fact that the Senegal Electricity Company (CES) did not comply with Article 13 of the Environmental Code;

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Considering that the local climate change adaptation measures are now compromised because the site was expected to resettle over 300 families affected by coastal erosion, with 2-3 m coastal erosion per year;

Considering the threats to small-scale fishing and related activities that account for over 60% of the community's economic sector, which if no mitigation measures are taken, hot water from the power plant with toxic substances will be discharged directly into the sea in a protected biological area for marine species;

Considering the serious danger for the population created by the establishment of the coal power plant in an unsuitable and improper place;

We call on the independent inspection mechanisms of the AfDB, BOAD and FMO to undertake a compliance review on the site.

Yours sincerely,

Daouda GUEYE



Cheikh Fadel WADE

