CAO COMPLIANCE ADVISOR OMBUDSMAN

The Independent Accountability Mechanism for IFC & MIGA

OCTOBER 2026

# Assessment Report

## Regarding the First Complaint Received in Relation to MIGA's Guarantees for DP World Dakar SA in the Republic of Senegal

MIGA Project number: 15092

## About CAO

The Office of the Compliance Advisor Ombudsman (CAO) is the independent accountability mechanism of the International Finance Corporation (IFC) and Multilateral Investment Guarantee Agency (MIGA), which are members of the World Bank Group. We work to facilitate the resolution of complaints from people affected by IFC and MIGA projects in a fair, objective, and constructive manner; enhance environmental and social project outcomes; and foster public accountability and learning at IFC and MIGA.

CAO is an independent office that reports directly to the IFC and MIGA Boards of Executive Directors. For more information, see http://www.cao-ombudsman.org/about-us.

## List of Acronyms

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| CAO | Office of the Compliance Advisor Ombudsman |
| ESIA | Environmental and social impact assessment |
| IFC | International Finance Corporation |
| MIGA | Multilateral Investment Guarantee Agency |
| PAD | Autonomous Port of Dakar (Port Autonome de Dakar) |



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# 1 Executive Summary

*In April 2026, CAO received a complaint from a resident of Ndayane acting on behalf of her family, who lives within the area the complainants described as affected by the Ndayane port development and associated road construction. The complainants stated that vegetation clearing and construction activities associated with DP World Dakar SA, the Operator of the new container terminal and related infrastructure at Ndayane, as part of the Multilateral Investment Guarantee Agency (MIGA) supported project, began without the residents being informed of the road, and without adequate notice or consultation.*

*During the assessment, the complainants, DP World Dakar SA, and the Société Nationale du Port Autonome de Dakar (PAD), a state-owned enterprise, expressed interest in engaging in a CAO-facilitated dispute resolution process to address the issues raised. Therefore, in accordance with the CAO Policy, this complaint will be referred to CAO's Dispute Resolution function.*

*This report provides an overview of the assessment process, including the project background, the complaint, the assessment methodology, the respective views of the parties, and the next steps. CAO's assessment process does not judge the merits of a complaint. Instead, it seeks to understand the perspectives of the parties and empower those involved to make informed decisions on how to address the issues raised.*

# 2 Background

## 2.1 The Project

The MIGA-supported project relates to the Government of the Republic of Senegal's increase of its shareholding in DP World Dakar SA from 10 percent to 40 percent through PAD. DP World Dakar SA is the concessionaire responsible for operating and maintaining the existing container terminal at the Port of Dakar and for developing and operating a new container terminal at the Port of Ndayane, approximately 50 kilometers from Dakar. DP World Free Zone Establishment (FZE) indirectly holds the remaining 60 percent and retains operational control.

To refinance debt associated with this increased government ownership, Standard Chartered Bank, J.P. Morgan Chase Bank N.A. (London Branch), and CACIB provided a €369.8 million loan to the Government of the Republic of Senegal, acting through the Ministry of Finance and Budget. In March 2023, MIGA issued a Non-Honoring of Sovereign Financial Obligations guarantee of up to €516 million covering 95 percent of scheduled principal and interest payments over the term of the loan and expiring on January 1, 2041.

In 2007, PAD granted DP World FZE a concession covering the existing container terminals at the Port of Dakar and a proposed new container terminal then referred to as the "Port du Futur." Phase 1 included the modernization, upgrading, operation, and maintenance of the existing Port of Dakar container terminal for an initial 25-year term. DP World Dakar SA was established to implement the concession, and DP World FZE assigned its rights and obligations under the concession to DP World Dakar SA in 2008. In 2010, MIGA provided separate Phase 1 guarantees covering DP World FZE's equity investment and Standard Chartered Bank's loan and associated interest-rate hedging. Those guarantees are no longer in effect.



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The concession was amended in 2020 to provide for the development of Phase 2 at Ndayane. Phase 2 covers the new container terminal, common maritime infrastructure (CMI), and related social and administrative facilities. The Ndayane container terminal has an initial 25-year term starting when commercial operations commence. The broader Port of Ndayane master plan provides for third-party development of the surrounding area, including a free economic zone, with PAD responsible for selecting developers. Once the new port becomes operational, DP World Dakar SA plans to gradually shift container operations from Dakar to Ndayane.

The government views the investment as strategically important to Senegal's regional connectivity and trade, and it expects its increased ownership interest to boost dividend income and strengthen the country's participation in the port sector. The refinancing is intended to improve the terms of existing debt during a period of fiscal constraints and volatility in financial markets. The project is classified as category A under MIGA's Policy on Environmental and Social Sustainability.[1]

## 2.2 The Complaint

In April 2026, CAO received a complaint from a family stating that they are affected by the development of the Ndayane Port and the associated road construction works. The complainants stated that the construction of approach road and vegetation clearing began without prior notice or adequate consultation. They further explained that laterite excavation operations carried out a few dozen meters from their property, which they link to the port infrastructure associated with DP World Dakar SA, have resulted in deep depressions, craters, and steep drops of up to 10 meters in some places that they believe endanger residents and livestock that cross the plots daily. They stressed that these excavations are particularly dangerous because no safety barriers or warning signs have been installed. Additionally, the complainants stated that project-related works have altered the beach near Ndayane, causing coastal erosion and replacing sandy areas with stones. While they acknowledged that environmental studies and displacement plans were shared with the community, they argued that residents obtained these documents themselves after years of requests to the authorities because there was no official prior communication. Furthermore, they stated that this disclosure was insufficient and that potential impacts on homes, livelihoods, farmland, cultural sites, and a school within the project area were not adequately considered.

In July 2026, CAO initiated the assessment process after determining that the complaint met all three eligibility criteria. With the consent of Crédit Agricole Corporate and Investment Bank (CACIB), acting as the Facility Agent for the financial institutions whose loan is covered by MIGA's guarantee, the assessment team communicated directly with the Operator, DP World Dakar SA, to coordinate the assessment.

The complainants filed a similar complaint with the Reports and Complaints Mechanism of British International Investment (BII), which holds indirect minority shares in DP World Dakar SA. In addition to this complaint, CAO has received two other eligible complaints related to this project.[2]

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[1] See https://www.miga.org/sites/default/files/archive/Documents/Policy_Environmental_Social_Sustainability.pdf.

[2] See more details at https://www.cao-ombudsman.org/case/senegal-dp-world-dakar-sa-02 and https://www.cao-ombudsman.org/case/senegal-dp-world-dakar-sa-04.



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# 3 Assessment Purpose & Methodology

## 3.1 Assessment Purpose

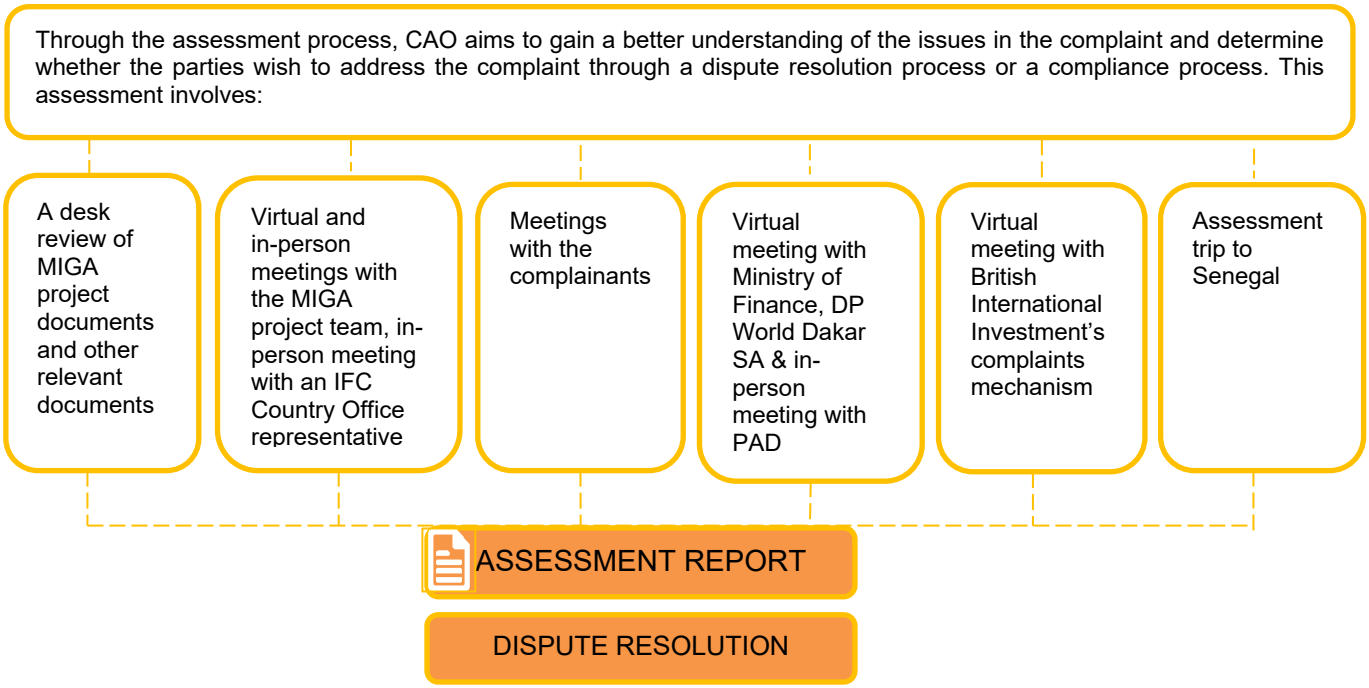
The aim of the CAO assessment process is to develop a thorough understanding of the issues and concerns raised by the complainant(s), gather information on the views of different stakeholders, and determine whether the complainants and the relevant project parties are interested in engaging in a dispute resolution process facilitated by CAO or whether the complaint should be handled by CAO's Compliance function for appraisal of MIGA's environmental and social performance related to the project (see appendix A for CAO's complaint-handling process).

CAO's assessment process does not judge the merits of a complaint. Instead, it seeks to understand the perspectives of the parties and empower those involved to make informed decisions on how to address the issues raised.

## 3.2 Assessment Methodology

Figure 1 illustrates the approach and methodology of CAO's assessment process.

**Figure 1. CAO's Assessment Process**




The assessment was conducted by the CAO assessment team with support from two interpreters who provided French translation and interpretation. The CAO team and the interpreters communicated with the parties and collected information through in-depth virtual and in-person conversations and an on-site mission from August 17 to 22, 2026.



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# 4 Perspective of the Complainants

As residents of Ndayane living near the port development area, the complainants shared concerns regarding excavation activities, uncertainty over the status and future use of their family property, and potential environmental and socioeconomic impacts. The specific issues raised in the written complaint and shared in person with the CAO assessment team are detailed below.

**Unauthorized soil extraction.** The complainants stated that their residence is located immediately behind the approach road associated with the Ndayane Port development project. They explained that before excavation began, the area was a hillside covered in bushes. According to the complainants, heavy machinery operated by project subcontractors entered the area and began clearing vegetation and excavating soil without prior notice to them or to the owners of the plots located closest to the extraction activities.

The complainants reported observing subcontractors of the port project extracting laterite from the area on multiple occasions. They noted that they intervened several times to ask the subcontractors to cease operations. The complainants stated that they immediately contacted the DP World project manager, who responded that public authorities may have initially authorized some contractors to extract laterite located closer to the road (see photos 1 and 2). The complainants also stated that they raised safety concerns with project representatives and requested the installation of warning signs, barriers, or other protective measures around the excavated area. Finally, the complainants reported that since May 2026, they have not noticed any further excavation activity at the site.

| **Photo 1. Laterite extraction site adjacent to the complainants' residential area** | **Photo 2. View of laterite extraction site from the complainants' residential area** |
|---|---|
|  |  |
| Source: CAO Assessment Team, August 20, 2026. | Source: CAO Assessment Team, August 20, 2026. |

**Affected land and property valuation.** The complainants shared that only one formal interaction regarding the potential impact of the project on their land took place. They stated that while they were outside the country, representatives from the Municipality of Ndayane and the Prefecture of Mbour visited their property to conduct a valuation. According to the complainants, the property caretaker allowed the representatives access after obtaining the family's permission. However, the complainants noted that this visit was arranged informally without advance written notice, and they stated that they never received the valuation results, feedback, or subsequent follow-up visits.



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The complainants described their property as comprising a residence, a well, fencing, landscaping features, and physical boundary markers. They stated that they possess documentation demonstrating their legal rights to the property and had their property appraised by a professional.

**Inadequate communication and consultation.** Since the announcement of the Ndayane port project, the complainants stated that they and the other local residents had spent years not knowing whether their land would be affected, when they would be displaced, or under what conditions. They emphasized that the first discussion with DP World did not take place until mid-2026, when they then understood that their house might fall within the right-of-way of the Ndayane Port development project. Nevertheless, they stated that they did not receive any formal notification or explanation regarding if, how, or when their property might be affected. They explained that they had expected the PAD and other relevant authorities to convene a meeting to outline the land acquisition and resettlement process, but no such meeting occurred. The complainants noted that this ongoing uncertainty led them to delay their plans to construct a community medical center on their property.

**Social, environmental, and economic impacts.** Although compensation might be offered, the complainants stated that their priority is to preserve the site as one of the few remaining green spaces in the area. They explained that in their view, the potential impacts of the project extend beyond physical or financial loss to include broader social and economic effects on residents, landowners, businesses, employees, and planned investments. The complainants also noted the significant personal value of the property to their family.

Given what they described as a lack of concrete follow-up after earlier interactions, the complainants explained that they have chosen to participate in a CAO-facilitated dispute resolution process rather than engaging directly with DP World Dakar SA.

# 5 Perspective of Relevant Project Parties

During the assessment phase, CAO engaged with MIGA Guarantee Facility agents and representatives of PAD and DP World Dakar SA. All parties expressed support for the CAO process and demonstrated a willingness to identify mutually acceptable solutions.

## 5.1 Perspective of DP World Dakar SA

**Soil extraction.** DP World Dakar SA stated that no road construction activities have occurred outside the project's concession area, and that current works are confined to the container terminal footprint covered by the project's Environmental and Social Impact Assessment (ESIA)[3]. Representatives of the company stated that land clearance under the concession began in November 2025, after preclearance documentation was completed and approved by DP World Dakar SA, and after the project's main construction contractor received formal authorization. To address proximity concerns, DP World Dakar SA stated that two nearby properties are located approximately 204 and 196 meters from the active work area, respectively. The company noted that the owner of one of these properties was compensated in 2025 by PAD, while efforts to

[3] DPWD SA shared that the ESIA was approved in January 2023 following the certificate of compliance received from the Environment Agency of Senegal.



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access and notify the owner of the second property were denied on two occasions. Furthermore, DP World Dakar SA explained that land clearance for the port approach road was done within the DP World Concession Area. The port approach road within the Wider Port Area and the port approach road outside of the port zone are planned for development later. No work has commenced in these areas.

**Affected land and property valuation.** To contextualize the project activities in relation to the complainants' concerns, DP World Dakar SA stated that its responsibilities extend beyond the primary container terminal to include the common user area (CUA), such as a truck parking yard, government offices, and the highway approach road. The company explained that the first phase of the Ndayane Container Terminal involves constructing the port approach road located within the container terminal, wider port area and the connection from port zone to the Route National 1. Addressing the concerns about land acquisition, representatives stated that port construction under this first phase can only proceed in areas where PAD has already compensated landowners and where all occupants have vacated the premises. The company further noted that most houses within the container terminal area are unoccupied or only partly constructed, and it emphasized that the sequencing of construction is strictly linked to the fulfillment of compensation by the government and site clearance requirements.

**Consultation, Social, environmental, and economic impacts.** DP World Dakar SA stated that public consultations on the ESIA prepared by AECOM and Tropica took place from October to December 2022, with consultation records issued for the Diass, Popenguine, and Ndayane areas in November 2022. The company stated that PAD disclosed the final ESIA to relevant public authorities between July and October 2023 in accordance with Senegalese requirements, which enabled members of the public to request access. Company representatives noted that the final documentation includes consultation minutes and attendance registers. DP World Dakar SA further added that it has continued to engage periodically with communities, including through focus groups on issues of interest.

DP World Dakar SA acknowledged the community’s concerns regarding coastal erosion and explained that this risk had been anticipated with or without the port. However, the company noted that the beach loss observed immediately after reclamation occurred earlier than its modeling had forecast. The company stated that it met with residents from Toubab Dialaw, Ndayane, and Popenguine in March and June 2026. During these meetings, representatives presented shoreline monitoring information and committed to continued engagement. The company also reported that it engaged HR Wallingford, a contractor, to undertake additional hydrodynamic studies and coastal modeling. These studies will assess coastal change and potential mitigation measures, with an initial report expected in December 2026 and a full report in the first quarter of 2027.

## 5.2 Perspective of PAD

Representatives of PAD stated that they were aware that the complainants had submitted a complaint and added that they had previously engaged directly with the family and reviewed their concerns. The port representatives explained that compensation and resettlement measures are primarily designed for persons meeting specific vulnerability criteria or requiring livelihood restoration support. In their view, many complainants do not fall into those categories. They noted that a significant proportion of the affected properties are secondary residences or vacation homes occupied intermittently, which they believe should not be their primary focus.



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According to PAD, implementing resettlement measures presents practical challenges because of the limited availability of alternative land and the potential to affect other land users if replacement plots are provided. The representatives explained that compensation can be provided for structures and other assets, but they noted that compensation for the land itself may be addressed differently under Senegalese law, often through social support measures rather than direct land valuation[4].

The representatives expressed support for a dialogue-based approach and stated that concerns raised by multiple complainants might be better addressed through collective discussion than individual financial remedies. Regarding coastal erosion, they suggested that solutions should focus on understanding shoreline dynamics, implementing protective measures where necessary, and restoring affected areas rather than relying solely on monetary compensation. They noted that they favor addressing matters collectively through a CAO-facilitated, issue-based dialogue involving complainants and relevant project and public stakeholders.

# 6 Conclusion & Next Steps

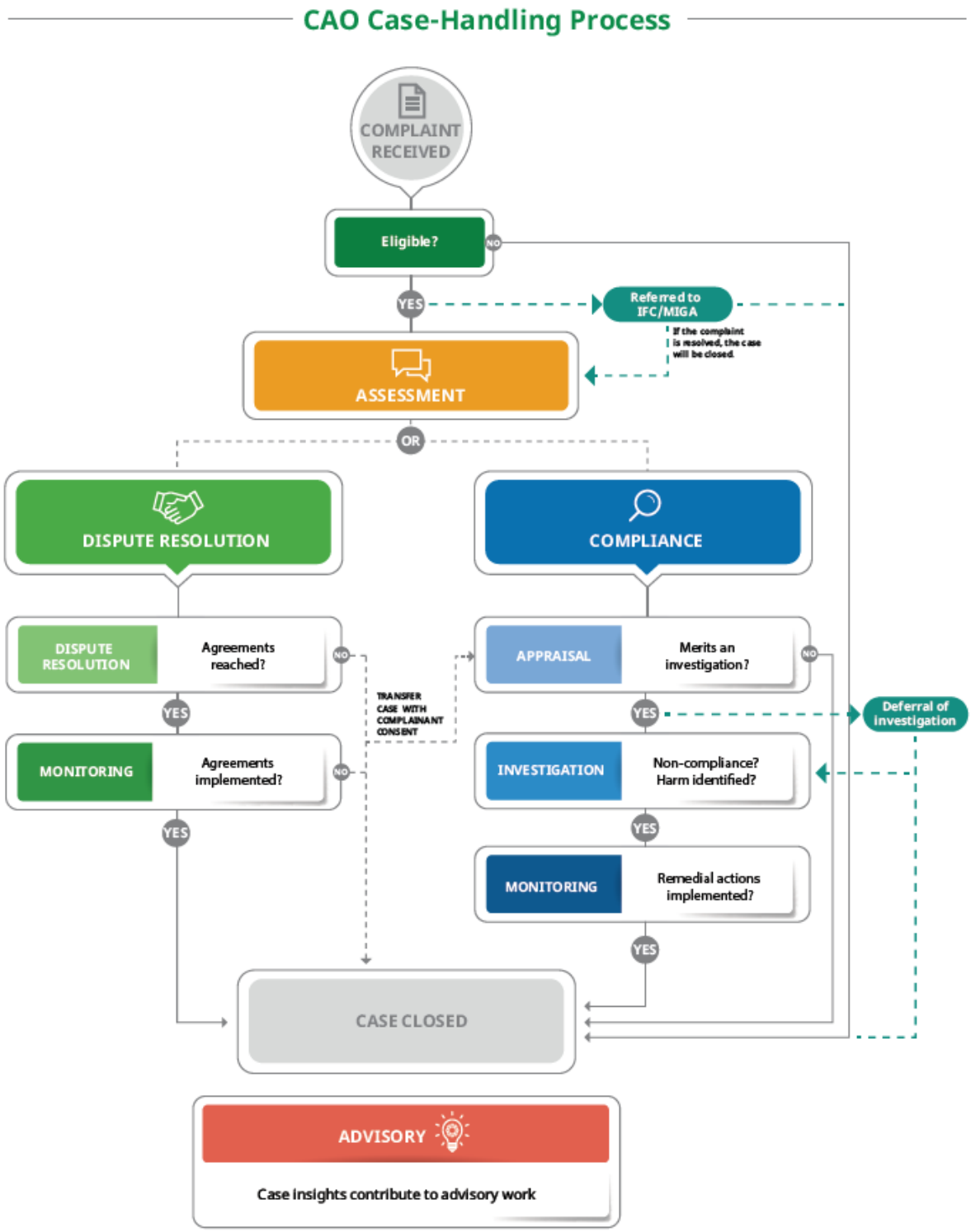
The complainants, PAD, and DP World Dakar SA agreed to participate in a dispute resolution process. According to the CAO Policy, the complaint will therefore be transferred to CAO's Dispute Resolution function. CAO will facilitate the dialogue process, including helping the parties prepare for the dialogue, agreeing on ground rules and the scope of the dialogue, and working together in a collaborative way to try to reach a resolution of the issues raised in the complaint and summarized in this report.

[4] PAD shared that plots are dealt with on a case-by-case basis.



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# Appendix A. CAO Complaint Handling Process






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As per the IFC/MIGA Independent Accountability Mechanism (CAO) Policy, the following steps are typically followed in response to a complaint that is received:

Step 1: **Acknowledgment** of receipt of the complaint.

Step 2: **Eligibility:** A determination of the complaint's eligibility for assessment under the mandate of CAO (no more than 15 business days).

Step 3: **Assessment:** Assessing the issues and providing support to stakeholders in understanding and determining whether they would like to pursue a consensual solution through a collaborative process convened by CAO's Dispute Resolution function or whether the case should be handled by CAO's Compliance function to review IFC/MIGA's environmental and social due diligence. The assessment time can take up to a maximum of 90 business days, with the possibility of extension for a maximum of 30 additional business days if, after the 90-business day period, (1) the parties confirm that resolution of the complaint is likely or (2) either Party expresses interest in dispute resolution, and there is potential that the other Party will agree.

Step 4: **Facilitating settlement:** If the parties choose to pursue a collaborative process, CAO's Dispute Resolution function is initiated. The dispute resolution process is typically based on or initiated by a Memorandum of Understanding and/or mutually agreed-upon ground rules between the parties. It may involve facilitation/mediation, joint fact finding, or other agreed resolution approaches leading to a settlement agreement or other mutually agreed and appropriate goals. The major objective of these types of problem-solving approaches will be to address the issues raised in the complaint, and any other significant issues relevant to the complaint that were identified during the assessment or the dispute resolution process, in a way that is acceptable to the parties affected.

*OR*

**Compliance Appraisal/Investigation:** If the parties opt for an investigative process, the complaint is transferred to CAO's Compliance function. The complaint is also transferred to the Compliance function when a dispute resolution process results in partial or no agreement. At least one Affected Community Member must provide explicit consent for the transfer, unless CAO is aware of concerns about threats and reprisals. CAO's Compliance function reviews IFC/MIGA's compliance with environmental and social policies, assesses related harm, and recommends remedial actions where appropriate, following a three-step process. First, a compliance appraisal determines whether further investigation is warranted. The appraisal can take up to 45 business days, with the possibility of extending by 20 business days in exceptional circumstances. Second, if an investigation is warranted, the appraisal is followed by an in-depth compliance investigation of IFC/MIGA's performance. An investigation report will be made public, along with IFC/MIGA's response and an action plan to remediate findings of noncompliance and related harm. Third, in cases where noncompliance and related harm are found, CAO will monitor the effective implementation of the action plan.

Step 5: **Monitoring and Follow-up**
Step 6: **Case Closure**



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