

AFRICA RISK CONSULTING

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Senegal Summary 13 May 2019

The Assemblée Nationale (national assembly) votes to approve a constitutional amendment that will lead to the abolition of the post of prime minister. This will turn Senegal into a presidential regime and enable President Macky Sall (2012-present) to concentrate power in the office of the presidency. The bid evaluation committee of the water and sanitation ministry confirms that it has granted the contract for the management of the production and distribution of water in urban and semi-urban areas to France-based Suez, despite the Agence de Regulation des Marches Public (public procurement regulatory agency) cancelling the Suez contract attribution in February. Salif Sadio, a leader of the separatist Mouvement des Forces Démocratiques de Casamance (MFDC) (movement for the democratic forces of Casamance), accuses the Senegalese government of stalling peace talks, and threatens to relaunch attacks in the Casamance region.

National Assembly passes amendment to abolish position of prime minister

The **Assemblée Nationale** (national assembly) adopted a constitutional amendment on 4 May that abolishes the position of prime minister.¹ As a result, Senegal is likely to become a presidential regime giving President **Macky Sall** (2012-present) more centralised power. Prime minister **Mahammad Abdallah Dionne** announced the decision to abolish the position of prime minister on 6 April (see *ARC Briefing Senegal April 2019*).² Cabinet approved the draft bill to enact this development on 17 April and sent the bill to the national assembly for examination.³

Government secretary general **Maxime Ndiaye** said the amendment aims to accelerate transformation and remove administrative bottlenecks.⁴ Ndiaye suggests that eliminating the position of prime minister will allow the president to have direct contact with administrative authorities.⁵ Ndiaye also claimed that since the president's current mandate is five years, in contrast to the previous seven-year term, he needs more leeway to fulfil his stated objectives.⁶ Some of the constitutional changes will grant the president greater power with respect to appointment of ministers, signature of decrees and providing instruction to public administration.⁷

Opinion was sharply divided in the run-up to the vote on whether to abolish the prime ministerial position and to amend 22 other constitutional provisions.⁸ In a joint statement, the four opposition candidates of the February presidential election – **Ousmane Sonko**

¹ RFI, 4 May 2019

² RFI, 6 Apr 2019

³ RFI, 18 Apr 2019

⁴ Jeune Afrique, 18 Apr 2019

⁵ Jeune Afrique, 18 Apr 2019

⁶ RFI, 24 Apr 2019

⁷ RFI, 24 Apr 2019

⁸ RFI, 27 Apr 2019

(Pastef); Idrissa Seck (Remwi); Issa Sall (Parti de l'Unité et Rassemblement); and Madicke Niang – denounced the way in which President Sall intends to remove the position of prime minister.⁹ The four politicians opposed the use of a legislative vote to effect the changes and said there should have been broader consultation.¹⁰ They argue that a referendum is needed to legitimise the outcome.¹¹

Alioune Tine, founder of Senegal-based think tank **Fondation Afrikajom Centre**, similarly deplored the lack of debate around the plan to abolish the prime minister's post.¹² Tine alluded to the fact that President Sall did not announce his intentions during his presidential campaign and highlighted the impact of the change on relations between the legislature and the executive.¹³ The amended version of Article 52 of the constitution allows the president to dissolve parliament in the event of an institutional blockage.¹⁴ Opposition **Parti Democratique Senegalaise (PDS)** member of parliament (MP) **Toussaint Manga** argues that this amendment aims to make President Sall less accountable to parliament as MPs will no longer be allowed to censure the president.¹⁵ The presidential coalition has predictably refuted these allegations.¹⁶

The opposition lost an appeal to halt the session in which the amendments were voted on.¹⁷ President Sall needed 99 votes for the bill to pass and obtained 124 votes in his favour.¹⁸ He will now sign an executive decree to put this reform into effect.¹⁹

Sall's desire to abolish the position of prime minister came as a surprise to most observers and analysts. During past instances in which the position of prime minister was removed from the government apparatus, notably in 1963 and from 1983 to 1991, it was due to rivalries between the president and prime minister.²⁰ Such a scenario does not currently exist, so the move seems quite inexplicable. Sall had, in fact, praised the work of prime minister Mahammad Abdallah Dionne during the presidential campaign.²¹ Some speculate that by abolishing the position, President Sall is keeping potential successors or '*dauphins*' from emerging during his final term of office, which will allow him to better manage his succession.²²

Water management contract saga takes new twist

The bid evaluation committee of the water and sanitation ministry has confirmed that it has granted the contract for the management of the production and distribution of water in urban and semi-urban areas to **France-based Suez**.²³ This counters the February decision by the **Agence de Regulation des Marches Public (ARMP)** (public procurement regulatory

⁹ RFI, 27 Apr 2019

¹⁰ RFI, 27 Apr 2019

¹¹ RFI, 27 Apr 2019

¹² RFI, 3 May 2019

¹³ RFI, 3 May 2019

¹⁴ RFI, 1 May 2019

¹⁵ RFI, 1 May 2019

¹⁶ RFI, 1 May 2019

¹⁷ RFI, 4 May 2019

¹⁸ RFI, 4 May 2019

¹⁹ RFI, 4 May 2019

²⁰ RFI, 18 Apr 2019

²¹ RFI, 18 Apr 2019

²² RFI, 18 Apr 2019

²³ Jeune Afrique, 19 Apr 2019

agency)²⁴ to revoke the initial attribution of the contract to Suez in October.²⁵ The award is certain to lead to appeals by Suez's two competitors for the contract, France-based **Veolia** and la **Sénégalaise des Eaux (SDE)**, a branch of France-based **Eranove**. Uncertainty will also persist over who is in charge of the management of Senegal's water sector.

The 19 April decision by the bid evaluation committee of the water and sanitation ministry is the latest in a line of events that stretches back to October when Suez was awarded Senegal's water management contract. The international tender for this service, which SDE had carried out since 1996, was launched in May 2016.²⁶ In June 2018, water and sanitation minister **Mansour Faye**, the supervising minister for the tender offer, declared that SDE had submitted the cheapest bid offer.²⁷ According to the terms of the tender, this would have favoured SDE to be the frontrunner to retain the contract.²⁸ However, on 23 October, the water ministry announced that Suez had won the tender (see *ARC Briefing Senegal November 2018*).²⁹ In response, SDE filed a lawsuit at the ARMP on 5 November to protest the decision.³⁰ While testifying before the ARMP's **Comité de Règlement des Différends en Matière des Passation des Marchés Publics (CRMPMP)** (public procurement dispute settlement commission), Faye said that the water ministry had rejected SDE's bid because it was tainted by "*substantial non-conformities*".³¹ The ARMP agreed with Faye's assertion, but ruled that this did not prevent Suez from being awarded the contract, as that shortcoming was stipulated in the terms of the tender offer.³² In order to preserve transparency, the ARMP ordered a re-examination of the three bids by SDE, Suez and Veolia.³³ Pending a review of the bidding process, SDE's management of the water sector was extended to June 2019.³⁴

Although the saga appears now to have come to an end, the water and sanitation ministry's directive to overrule the ARMP's decision has led to allegations of corruption by some of the key actors in the process. According to France-based weekly satirical **Le Canard Enchaîné**, Faye, who was formerly mayor of **St Louis** (Senegal), received a donation of five refuse collection trucks from Suez in 2015.³⁵ The allegations suggest that this previous relationship might have influenced the decision to award Suez the contract.³⁶ The rumours were fuelled by the fact that **Alioune Diop**, an associate of Faye, coordinated the deal.³⁷ In response to these accusations, Suez stated that the St Louis municipality had purchased the trucks.³⁸ Suez also noted that they had followed all the correct procedures during the transaction.³⁹ The municipality of St Louis has denied all allegations of being tied to corrupt dealings.⁴⁰

²⁴ Jeune Afrique, 8 Mar 2019

²⁵ Jeune Afrique, 24 Oct 2018

²⁶ Jeune Afrique, 24 Oct 2018

²⁷ Jeune Afrique, 8 Mar 2019

²⁸ Jeune Afrique, 8 Mar 2019

²⁹ Jeune Afrique, 24 Oct 2018

³⁰ Jeune Afrique, 8 Mar 2019

³¹ Jeune Afrique, 8 Mar 2019

³² Jeune Afrique, 8 Mar 2019

³³ Jeune Afrique, 8 Mar 2019

³⁴ Jeune Afrique, 8 Mar 2019

³⁵ Jeune Afrique, 19 Apr 2019

³⁶ Jeune Afrique, 19 Apr 2019

³⁷ Jeune Afrique, 19 Apr 2019

³⁸ Jeune Afrique, 19 Apr 2019

³⁹ Jeune Afrique, 19 Apr 2019

⁴⁰ RFI, 13 Apr 2019

Suez and Veolia can still appeal and seek litigation at the CRMPMP, according to articles 89 and 90 of the **Code des Marchés** (procurement code).⁴¹ SDE has said it intends to use all legal measures at its disposal, including seeking recourse at the **Cour Supreme** (supreme court).⁴²

Senegal has a reputation as one of **Africa's** least corrupt nations. It ranked 67 out of 180 countries in the 2018 **Transparency International Corruption Perceptions Index** (see *ARC Senegal Briefing December 2018*).⁴³ This makes Senegal the highest-ranking country in the **Economic Community of West African States (ECOWAS)**. In 2018, the **World Bank Doing Business** report cited Senegal as one of **sub-Saharan Africa's** top five business environments, further cementing its credibility on the international scene (see *ARC Senegal Briefing November 2018*).⁴⁴ Despite its credentials, the on-going debacle over the water management contract is a cause for concern.

Casamance separatist group threatens to re-launch attacks

Salif Sadio, one of the leaders of the separatist **Mouvement des Forces Démocratiques de Casamance (MFDC)** (movement for the democratic forces of **Casamance**), accused the Senegalese government on 27 April of stalling peace talks, and threatened to re-launch attacks in the Casamance region.⁴⁵ Resumed conflict would end the three-year truce between the MFDC and the government. The MFDC is an armed separatist group seeking independence for the Casamance region and has led an intermittent rebellion in the region since 1982, amidst longstanding claims of discrimination and land confiscation by Senegalese government authorities.⁴⁶ Thousands of civilian and armed fighters are reported to have died since the rebellion started, but exact figures are unavailable.⁴⁷

Despite failed peace negotiations to end the conflict in 1991 and 2004, President Macky Sall has made a definitive end of hostilities one of his core objectives.⁴⁸ As a result, there has been a significant reduction in attacks since he took office. A ceasefire between both sides has been in place for the past three years. However, a January 2018 attack in the Casamance region left 14 wood collectors dead, and led to speculation that the MFDC had resumed attacks.⁴⁹ The MFDC denied these allegations and reiterated its desire to pursue dialogue with the Senegalese government.⁵⁰ However, in the aftermath of the attack, the Senegalese army launched a series of operations in the Casamance region with the aim of identifying the perpetrators of the attacks.⁵¹ The MFDC accused the Senegalese army of targeting its members indiscriminately and threatened to recommence attacks.⁵²

⁴¹ Jeune Afrique, 19 Apr 2019

⁴² Jeune Afrique, 19 Apr 2019

⁴³ Corruptions Perception Index 2018

⁴⁴ World Bank, 31 Oct 2018

⁴⁵ Jeune Afrique, 28 Apr 2019

⁴⁶ Jeune Afrique, 7 Jun 2011

⁴⁷ Jeune Afrique, 6 Jan 2018

⁴⁸ Jeune Afrique, 6 Jan 2018

⁴⁹ Jeune Afrique, 24 Jan 2018

⁵⁰ Jeune Afrique, 24 Jan 2018

⁵¹ Jeune Afrique, 24 Jan 2018

⁵² Jeune Afrique, 24 Jan 2018

Sadio's recent threat highlights the lack of progress in establishing a peace deal. The last formal talks between the MFDC and the government took place in October 2017 in **Rome (Italy)** under the guidance of the **Sant' Egidio** Catholic congregation.⁵³

Despite concerns over Sadio's apparent call to arms, the government appears to be in a position of strength. According to **France**-based conflict analyst **Jean-Claude Marut**, an expert on the Casamance conflict, Sadio only controls a certain faction of the MFDC.⁵⁴ Marut claims the MFDC is weaker having lost support they used to receive from ousted **Gambian** president **Yaya Jammeh** (1994-2018).⁵⁵ In addition, the Senegalese government has promised to allocate 300 billion FCFA (\$513m) towards development initiatives in the Casamance region until 2022. This may dissuade residents in the region as well as MFDC members from taking up arms.⁵⁶

The Casamance region has significant economic potential, particularly in the domains of agriculture and tourism. The Senegalese government needs to take recent developments seriously and accelerate peace efforts.

Planner

18-20 Jun 2019 **Dakar (Senegal) UpStream West Africa;**

7-9 Oct 2019 **Dakar (Senegal) MSGBC Basin Summit & Exhibition**

2022 **Grand Tortue Ahmeyim (GTA)** offshore gas field: production of natural gas set to begin

Chronology

9 May 2019 **Dakar (Senegal) Agence Ecofin.** **Germany**-based **HYBRID** has been selected to construct seven mini-power plants in remote areas and will generate 2MW;

5 May 2019 **Dakar (Senegal) Jeune Afrique.** The **Assemblée Nationale** (national assembly) votes to remove the position of prime minister from government;

29 Apr 2019 **Dakar (Senegal) Agence Ecofin.** Senegal's state telecommunications operator **Sonatel** purchases 91.6% stake in **Gambia**-based internet service provider **Xoom Wireless;**

28 Apr 2019 **Dakar (Senegal) Jeune Afrique.** **Salif Sadio**, one of the leaders of the **Mouvement des Forces Démocratiques de Casamance (MFDC)**, threatens to relaunch attacks in the **Casamance** region;

25 Apr 2019 **Dakar (Senegal) RFI.** The examination of the bill to modify 20 articles of the constitution, including removing the position of prime minister, gets underway at the **Assemblée Nationale** (national assembly);

24 Apr 2019 **Dakar (Senegal) Agence Ecofin.** **United States**-based engineering firm **Black & Veatch** is selected to equip the FLNG Gimi liquefaction plant at the **Grand Torture Ahmeyim** offshore gas field, with its patented PRICO liquefaction technology;

⁵³ Jeune Afrique, 28 Apr 2019

⁵⁴ Jeune Afrique, 30 Apr 2019

⁵⁵ Jeune Afrique, 30 Apr 2019

⁵⁶ Jeune Afrique, 30 Apr 2019

19 Apr 2019 **Dakar (Senegal)** *RFI*. The bid evaluation committee of the water and sanitation ministry upholds the attribution of the water, production, distribution and billing contract to **France-based Suez**;

18 Apr 2019 **Dakar (Senegal)** *RFI*. Ministerial council adopts the draft law to remove the position of prime minister from the government apparatus;

About Africa Risk Consulting:

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