



## **INDEPENDENT REVIEW MECHANISM COMPLIANCE REVIEW AND MEDIATION UNIT**

### **PROBLEM SOLVING REPORT**

**Request No.: RQ2010/01**

**Request for Compliance Review and Problem Solving**

**Project: Construction of the Marrakech – Agadir Motorway  
Morocco**

November 21, 2011

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## **ACKNOWLEDGEMENTS**

CRMU would like to express its gratitude for the support it has received from the Centre de Développement de la Région de Tensift (CDRT), the Requestors, la Société Nationale des Autoroutes du Maroc (ADM), the Management of the African Development Bank and the Bank' Country Office in Morocco. The technical assistance provided by these parties has immensely facilitated the assessment of the request about the Construction of the Marrakech-Agadir Motorway project in Morocco submitted to CRMU and its handling through a problem-solving exercise which is the subject matter of this report.

**ACRONYMS**

ADB	African Development Bank
ADM	la Société Nationale des Autoroutes du Maroc
CRMU	Compliance Review and Mediation Unit
CDRT	Centre de Développement de la Région de Tensift
ESIA	Environmental and Social Impact Assessment
IRM	Independent Review Mechanism
MAFO	Bank's country office in Morocco

## EXECUTIVE SUMMARY

The Compliance Review and Mediation Unit (CRMU) registered, on July 19, 2010, a request regarding the construction of Marrakech-Agadir motorway in Morocco. The Request was submitted by CDRT (*le Centre de Développement de la Région de Tensift*) on behalf of associations and affected people along the motorway's Chichaoua-Imintanout section (33 km) which is financed by the African Development Bank (ADB).

The Boards of Directors approved the project, on 21 July, 2006, and the Bank's loan (EUR 118.60 million) was for financing the civil works and consultancy services in Chichaoua-Imintanout section. The *Société Nationale des Autoroutes du Maroc* (ADM) is the executing agency, and the motorway became operational in July, 2010. The project aims to improve the living standards of people by supporting the country's economic development, tourism and the agro-based industry. Due to its potential negative impact, the project was classified as "category 1", which requires a full environment and social impact assessment (ESIA).

The Requestors complained about a direct and material harm inflicted by the construction of the motorway on people and land in different *Douar* (villages) along the Chichaoua-Imintanout section. The alleged harm included among others: constrained crossing to lands and social amenities due to the inadequate overpasses and underpasses; difficult access to water since the construction diverted the water courses; and degradation of the agricultural lands by the resulting flooding from graveling. The Requestors demanded CRMU to conduct both a compliance review and a problem-solving exercise.

According to the Operational Rules and Procedures of the Independent Review Mechanism [hereinafter, "IRM Rules"], CRMU registered the request for problem-solving in July 2010. The notice of registration also provided that the Director of CRMU can recommend converting the exercise to compliance review if warranted. The Bank Management's response to the request was submitted to CRMU in August, 2010, including a remedial action plan agreed upon by the Requestors and ADM during the Bank's mission to affected people and areas in August, 2010.

The key steps of the IRM problem solving exercise included the CRMU fact-finding mission in Morocco, in October, 2010, which culminated in the signature of a time-bound action plan by the Requestors, ADM and the Bank. Under this plan, ADM undertook to deliver all necessary civil works to remedy the inflicted harm by the motorway by the end of January, 2011. Consequently, the Bank Country Office in Morocco (MAFO) undertook three consecutive supervision missions (25 November, 2010, 21-24 March, 2011, and 16-17 June 2011), and reported to CRMU that ADM implemented the civil works in three out of the five affected villages to the satisfaction of the principal Requestor. Nonetheless, ADM has not yet carried out the agreed upon works to facilitate access to water in *Douar* Talaaïnt (build a water catchment basin), and to restore the affected agricultural lands in El Bour. In light of this progress, CRMU conducted another mission, in October, 2011 in Morocco to discuss with ADM and MAFO to accelerate the pending works in Talaaïnt and El Bour in a timely fashion. On 2 November, 2011,

MAFO informed CRMU that ADM confirmed that the works on Talaaint will be delivered in the first quarter of 2012, but it maintained its refusal to restore and clean stones from the affected lands in El Bour since the landowners were not present when ADM was on the site to carry out the remedial works.

Accordingly, the Director of CRMU's findings, decision and recommendations are as follow:

- As a general finding, the Director of CRMU considers the resolution of some of the complaints underlined in the request in a timely fashion are largely due to the Bank's immediate actions (*e.g.*, its mission accompanied by Requestors to affected areas upon the receipt of the notice of the registration of the request); in addition to the Bank's regular supervision to ensure the resolution of the issues underpinned in the request. However, the Director of CRMU points out that the Bank, in close cooperation with ADM, should have had ensured a regular supervision of the contractor's actions and the fulfillment of its contractual duties and responsibilities before removing its equipment from the site. In the case of this request, it could be highlighted that the IRM problem-solving exercise played a key persuasive role in the resolution of the complaints, including enforcing the conclusion of a time bound remedial action plan that allowed the principal Requestor together with the Bank follow up and monitor its implementation.
- The Director of CRMU confirmed that the principal Requestor, on behalf of affected people, is satisfied with the implemented civil works in three out of the five affected *Douar* (namely, Sidi Mohamed Samba, Bouannfir and Jdida).
- Taking into consideration the works undertaken by ADM and its willingness to resolve the pending issues, the Director of CRMU recommends that ADM shall provide an ultimate date for the construction of the water catchment basin in *Dour* Talaaint whereas CRMU shall conduct a monitoring mission within twelve (12) months to ensure that this work is delivered and completed to the satisfaction of the affected communities in this *Dour*.
- Cognizant of the remedial actions undertaken by ADM in *Douar* El Bour, the Director of CRMU recommends that the Bank shall continue to persuade ADM to complete the pending works to alleviate the inflicted harm on agricultural lands in the *Douar*. In light of the retreat of ADM from its commitment to clean the construction stones from these affected lands, the Director of CRMU considers the problem solving exercise efforts in resolving this complaint from *Douar* El Bour as unsuccessful.
- Since the request is registered for compliance review, and taking into consideration the totality of actions, outcomes and the unresolved pending issue, the Director of CRMU does not recommend a compliance review for the several reasons. First, all the complaints except for that from El Bour have been resolved to the satisfaction of the Requestors. This problem in El Bour is caused by the contractor's non-fulfillment of its contractual obligations and does not amount to a violation of any of the Bank's

applicable policies *per se*. Secondly, the Bank agrees to continue following up in order to ensure that ADM undertakes its commitments under the action plan agreed upon with the Requestors, notably, to restore the affected agricultural lands at El Bour. Thirdly, the costs of conducting a compliance review outweigh the costs to be incurred for restoring the affected lands at El Bour. Finally, the compliance review would not provide the Bank with different lessons than those concluded by the problem solving exercise. However, in line with Paragraph 48 of the IRM Rules, the Director of CRMU has referred the request to the IRM Experts to, *inter alia*, take into consideration the outcomes and the recommendations of this problem solving report to determine whether or not the request is eligible for a compliance review. The Experts shall, within twenty one (21) days from the receipt of this report, recommend their determination to the Boards of Directors.

## I. INTRODUCTION

The Compliance Review and Mediation Unit (CRMU) registered, on July 19, 2010, a request related to the construction of Marrakech-Agadir motorway in Morocco. The Request was submitted by le Centre de Développement de la Région de Tensift (CDRT) on behalf of the Chichaoua Province Development and Law Association, affected land owners and communities on the Chichaoua-Imintanout section (33 km) of the motorway. The civil works at this section were financed by the African Development Bank (ADB).

The Motorway project was approved by the ADB's Boards of Directors on 21 July, 2006. The project's total cost was UA 583.99 million whereof the Bank's loan (EUR 118.60 million) allocated to finance the civil works and supervision consultancy on Chichaoua-Imintanout section. The Project involved civil works of a 233.5 km 2-lane dual carriage motorway from Marrakesh to Agadir. It also includes the construction of interchanges, viaducts, overpasses and underpasses, and vehicle and pedestrian crossings. The Société Nationale des Autoroutes du Maroc (ADM) is responsible for the construction, maintenance and operation of the motorway. The objective of the project is to improve the living standards of the people and create employment by supporting the country's economic development and the tourist and agro-based industry. Due to its potential impact, the project was classified as "category 1", which requires a full scale environment and social impact assessment (ESIA). The Appraisal Report of the project states that although the Bank finances the works on the Imintanout-Chichaoua section, the environmental and social considerations will be taken into account for the entire motorway.<sup>1</sup> The report also mentions several negative effects of the construction of the motorway, such as noise, dust and gas emissions which could have an influence on the health of the local residents or workers; the traffic involving movement of construction equipment could cause accidents; the risk of worsening the problem of flooding due to the inadequate sizing of hydraulic structures; and cuts in farmlands which will in the future make cultivation more difficult and will hinder the movement of livestock. The report adds that during the appraisal of the project, many NGOs and associations were consulted. Finally, it refers to several mitigation measures for reserving a roadway for the free movement of local people, cattle, and heavy farm machinery, maintaining the agricultural drainage and irrigation networks during the project construction and compensating possible damages or loss of production resulting from the civil works.

The Requestors complained about a direct and material harm inflicted on people and land in different *Douar* (villages) on the Chichaoua-Imintanout section. The alleged harm included: serious cracks on the houses' walls due to blasting; constrained access to farming lands and social amenities because of inadequate overpasses and the congested underpasses; difficult access to water in different *Douar* since the construction had either diverted the water courses, destructed a traditional dam or dumped water spring; degradation of the agricultural lands by flooding resulting from the graveling and diversion of the valley runoff; and the destruction of a main road by the passage of construction equipment.

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<sup>1</sup> Appraisal Report, para. 4.6.1, p.23.

The Requestors demanded CRMU to conduct a compliance review and a problem-solving exercise. Under the IRM Rules, CRMU registered the request, on 29 July, 2010, for problem-solving exercise. Nevertheless, the notice of registration of the request provided that the Director of CRMU can recommend a conversion of this exercise into a compliance review if warranted.

## **II. THE COMPLAINT-HANDLING STEPS**

Following the review of the Bank's Management Response to the request and the correspondences with CDRT and MAFO, CRMU conducted two site visits. The objective of the first visit was to facilitate a meeting between the Requestors, ADM and MAFO (the parties) to find an agreeable solution to the problems. The second visit was to discuss with ADM and MAFO to accelerate the pending works agreed upon under the action plan signed by the parties during the first visit of CRMU. The following sections describe the steps of CRMU's problem-solving exercise.

### **1. Registration of the Request**

Under the IRM Rules, the Director of CRMU assessed and registered, on 29 July, 2010, the Request submitted by CDRT for problem-solving. In accordance with the IRM Rules, the Bank's Management response to the request was submitted to CRMU on 31 August, 2010. The Management response included an action plan that the Bank had already agreed upon with the Requestors and ADM during its mission to the affected areas and people on 11-23 August, 2010 [hereinafter, "the Bank mission"].

### **2. The Request and the Management Response**

The full texts of the Request and the Management Response are included in annex 1 and annex 2 of this report. However, this section illustrates the main issues raised by the Requestors and responded to by the Management including other essential outcomes of the aforesaid Bank mission. The Requestors initially raised eight issues relating to the negative impact of the construction of Marrakech-Agadir motorway on the Chichaoua-Imintanout section which is financed by the ADB.<sup>2</sup> Upon the receipt of the notice of registration of the request, the Bank Management- accompanied by the principal Requestor, ADM and other affected people- conducted a supervision mission on 11-23 August, 2010. The outcome of this mission was that the ADM, the Bank and the Requestors agreed that five out of the complaint about eight issues were acceptable for remedial actions. However, for a comprehensive overview, the following sections summarize the Request, the Management Response, and the undertaken remedial actions.

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<sup>2</sup> The complaints received in Arabic and translated by CLSD into English and French. For cross-referencing refer to Annex 1 and 2 including the translation of actual texts.

**Complaint 1- Blasting: Damages to the houses in Douar Sidi Mohamed Samba and the motorway separation of the Mosque from the Douar**

*Eight residents of Douar Sidi Mohamed Samba located at the Chichaoua interchange (Section RN8) complained about serious cracks on the walls of their homes as a result of the explosives used by the contractor MaK-Yol Company. The people also complained that the motorway has separated their Douar (village) from their mosque.*

For the blasting effect, the Management Response provided that ADM undertook a site visit, on 24 February, 2010, and met with the complainants to verify the alleged harm. It sent a sample of affected walls' building materials to the national laboratory to determine whether or not such cracks resulted from the blasting.<sup>3</sup> Despite of the negative results of the laboratory, ADM provided the complainants with building materials-whereby seven of them accepted and considered their complaints resolved and eighth one disagreed and demanded ADM to repair his whole house. The Management Response informed that although the Bank mission considered this demand as unjustified,<sup>4</sup> it recommended ADM to renegotiate a solution with the disagreeing Requestor.<sup>5</sup> With respect to the Motorway separation of the Douar from the Mosque, the Management Response reported the views of the Bank mission and ADM that the separation relates to the design of the existing national highway (RN8), and the contractor had only resized RN8 to make the residents' crossing to the mosque secure.<sup>6</sup>

**Complaint 2: Lack of road crossing infrastructure in the Bouafiren-Chichaoua on the Chichaoua-Imintanout road section**

*The Requestors complained about the lack of crossings between the two sides of the motorway for the residents of Bouafiren.*

The Management Response pointed to the findings of the Bank's mission that four crossing points (PV79, PV87, PV 91 and PV97) were built in this area, in line with the road security norms, and they allow the passage of humans, vehicles and animals. In addition, the Management mentioned that ADM (also confirmed later by the Bank mission) had required the contractor to clear out the stones from the areas around these crossing points. According to the Management Response, the Bank's mission considered this complaint closed and the principal Requestor agreed.<sup>7</sup>

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<sup>3</sup> Management Response Submitted to CRMU, on 31 August, 2010, p.5 [hereinafter, " Management Response"].

<sup>4</sup> *Ibid.*, p.6.

<sup>5</sup> *Ibid.*, p.7.

<sup>6</sup> *Ibid.*, p.7.

<sup>7</sup> *Ibid.*, pp. 7-8.

**Complaint 3: Lack of road crossing infrastructure and disruption of watercourse and runoff in *Douar Jdida* and *Douar Hssain* along the Chichaoua-Imintanout section**

*The Requestors complained that the residents in Douar Jdida and Hssain have difficulty to cross the motorway due to the lack of road crossing infrastructure, and to access water since the construction disrupted the watercourse in the area.*

The Management Response underlined the Bank mission's finding that ADM had identified that the hydraulic infrastructure (OH) for the reconnection of *seguias* (rivulets) was not adequate. Accordingly, it put in place five additional hydraulic infrastructures (OH263, OH269B, OH276B, BrOH2 and BrOH3) to increase the capacity of the existing structure. However, the Management Response reported that ADM disagreed with the Requestors' demand for the restoration of the road crossing in *Douar Jdida* since there are already two crossings (PV 252 and the overhead on the RN8) which are 900m apart. Also, the crossway (PV 252) is relayed by a track constructed adjacent to the right-of-way fence to facilitate access to the riparian farmlands. Moreover, the Management Response added that the Bank mission explained to the residents that the outer track along the right-of-way fence of the motorway is created as an access road for the riparian population.<sup>8</sup> In addition, the Bank mission recommended ADM to instruct the contractor to extend the un-faced gutter along the RN8, near the toll station, by calibrating and fencing it properly. ADM asked the complainants to obtain the consent of the owners of lands adjoining the gutter to permit it to undertake the recommended work.<sup>9</sup> With respect the drainage system, the Management Response informed that the Bank's mission also recommended ADM to improve the runoff drainage in the open trench extending along the RN8 near the toll station. ADM agreed provided that the representative of the complainants obtains the prior consent of the owners of the lands where the systems will be installed.<sup>10</sup>

**Complaint 4: Degradation of land following diversion of watercourse in *Douar Imiliine* (Commune de Oued El Bour)**

*The Requestors complained that due to the extraction of building materials from El Bour oued (valley) located in the Douar d'Imiliine for constructing the Imintanout-Argana motorway section, the contractor diverted the valley natural runoff whereupon the strong water flows from the valley inundated and damaged the agricultural lands which were already degraded by the contractor's movement of the construction heavy machines in the Douar.*

The Management Response considered the Requestors' complaint as well founded.<sup>11</sup>

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<sup>8</sup> Management Response, *supra* note 3, p. 10.

<sup>9</sup> *Ibid.*, p. 11.

<sup>10</sup> *Ibid.*, p.9-10.

<sup>11</sup> *Ibid.*, p.12.

It referred to the Bank mission's view that although ADM had undertaken corrective land restoration measures, the mission still pointed out the immediate need for ADM to strengthen the dike, refill the eroded valley banks and remove the stones from the affected lands in the downstream to rehabilitate the area and to prevent the recurrence of flooding in future.

**Complaint 5: Destruction of water sources and inadequate road crossing at Douar Taliint (Commune d'Oued Elbour)**

*The Requestors complained that during construction of the motorway, the contractor destroyed a sacred Ain "water spring" which used to be one of the water sources for the Douar. The residents also considered that the motorway crossing road is "too narrow" and demand that an overpass should have also been built.*

The Management Response said that ADM considered these complaints as unfounded. ADM considers the road crossing (PP68)-that constructed according to the standard 2.5 m x 2.5m- permits the movement of people and animals across the motorway. With respect the dumping of the sacred *Ain*, ADM said that it had consulted the site log of the area before construction and noted that there was no evidence of the existence of this *Ain*. The Management also mentioned that the Bank mission, in the presence of ADM, the principal Requestor and the population of the *Douar*, confirmed that there are two hydraulic structures for draining runoff water between the two sides of the motorway and from the mountain into the bed of the existing *Oued*. In addition, the mission noted that between these two structures, there is a 2.5m x 2.5m pedestrian tracks and underpass (PP68) for residents to access and cross the motorway. Moreover, in the opinion of the Bank's mission, the Requestors' demand for construction of a pedestrian overpass is inappropriate since it will not allow the movement of animals and the technical solution would be expensive and at the same time less effective.<sup>12</sup> Regarding access to water in the *Douar*, the Management Response mentioned that notwithstanding the differing views of ADM and the Requestors, the Bank mission considered the problem of water supply in the *Douar* as crucial.<sup>13</sup> Based on its discussion with the population and the CDRT, the mission recommended in the short term a water retention basin shall be built in the downstream of the existing hydraulic structure; whereas, in the long term, it recommended that the national authorities shall be informed to find a sustainable solution. ADM undertook to examine the conditions for building the water retention catchment.<sup>14</sup>

**Complaints 6 and 7: Destruction of « traditional » dam and lack of road crossings in Douar Talmest and Mellal (Commune de Oued Elbour)**

*The Requestors said that the populations of the Talmest and Mellal Douar and along the Imintanout-Argana highway section complained that the contractor destroyed a*

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<sup>12</sup> Management Réponse, *supra* note 3, p12.

<sup>13</sup> *Ibid.*, p.14.

<sup>14</sup> *Ibid.*

*traditional dam. They also alleged that there is no road for the people in these Douar to cross the motorway.*

The Management considered these complaints as unjustified.<sup>15</sup> It stated ADM's explanation that the contractor Technovia had dredged materials for ridges and waterproofing of the motorway from the bed of this small dam, which was abandoned as it was completely covered with sediments.<sup>16</sup> It added that the Bank mission confirmed the Requestors' agreement that the dredging had improved the retention capacity of the dam - in effect was informed that the riparian population restarted to rely upon the dam.<sup>17</sup> Regarding the road crossing, the Management reported the Bank mission's finding that the PP68 (2.5m x 2.5m) provides access, as well as the people could also use other access roads built for the riparian population and the livestock. The Bank mission also noted that, on 5 August, 2010, the complainant Amenzas Association and the contractor Technovia had signed an agreement according to which the rural roads and one *segua* (rivulet) for neighboring areas had been constructed within a period of two months.<sup>18</sup>

### **Complaint 8: Degradation of the road connecting RN8 Road to Bouabout village**

*The Requestors said that the Bouabout population complained that the movement of heavy machines had degraded the road linking their Douar with the RN8 national road.*

The Management Response referred to the ADM's statement that the movement of machines was occasional since this road is narrow. It mentioned that the complainants had not provided the Bank mission with evidence that the degradation of the road was caused by the movement of machines and that the road used was in a better condition before the construction.<sup>19</sup> However, the Bank mission recommended the contractor to reinforce the existing invert slab already on the said road.<sup>20</sup>

### **3. The Problem-Solving Exercise**

The key steps of the problem-solving exercise included CRMU's fact finding mission during which the Unit facilitated a meeting between the Requestors, ADM and the Bank (the parties) to reach agreeable solutions; and another follow up mission to discuss with ADM and MAFO to address the pending issues relating to the implementation of the agreed upon action plan signed during the CRMU's fact finding mission.<sup>21</sup> The outcome of these missions is summarized in the following sections.

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<sup>15</sup> *Ibid.*, p. 16.

<sup>16</sup> Management Response, *supra* note 3, p.15.

<sup>17</sup> *Ibid.*, p. 16.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*, pp. 16-17.

<sup>20</sup> *Ibid.*

<sup>21</sup> A copy of the Action Plan is included in Section 3.2 of this report.

### **3.1 Fact Finding Mission**

CRMU began the problem exercise with conducting a fact-finding mission, on 11-14 October, 2010, in the Chichaoua-Imintanout section of the motorway where the problems subject of the complaints originated. The mission permitted CRMU to familiarize with the situation on the ground, and to identify the views of the parties and the actions already undertaken by ADM in conjunction with the recommendations of the Bank mission on 11-23 August, 2010. The CRMU mission met with CDRT and the Principal Requestor, and thereafter accompanied by the MAFO's Chief Transport Officer and Socio-Economist Expert, visited the affected areas and people. The main outcome of this mission is that the CRMU facilitated meeting with the Requestors, CDRT, ADM and the Bank culminated in the signature of a time bound action plan. The below sections details respectively the main findings of the mission site visits to verify the Requestors' complaints; and the outcome of the above-mentioned signed action plan during CRMU facilitated meeting.

#### **Blasting damages to houses in *Douar* Sidi Mohamed Samba and the separation of the Mosque from the *Douar* because of the motorway**

CRMU visited the *Douar* and met with three out of the eight Requestors including the disagreeing complainant. CRMU observed that the houses in *Douar* Samba are built of ramped clay and red sand and their walls have several major and minor cracks. The Requestors confirmed to CRMU that ADM had provided them with the building materials (cement and sand). The disagreeing Requestor expressed to CRMU his willingness to re-negotiate with ADM, and that he is considering filing a lawsuit. The CRMU mission recommended *ADM to discuss again with the Requestor to find an agreeable solution*. As regard the motorway separation of the *Douar* from the Mosque, CRMU observed that *there is a crossing way to the Mosque, and took into account the principal Requestor's view that this matter is resolved*.

#### **Lack of road crossing infrastructure in the Bouafiren-Chichaoua on the Chichaoua-Imintanout road section**

The CRMU mission visited the four crossing points in this area, and is of the view that they permit the passage of humans, vehicles and animals across the motorway. The mission noted that the areas around these crossings had been cleaned; however, since the congestion could reoccur in future, the CRMU mission pointed out that *the cleaning activities should be undertaken on regular basis to prevent congestion of underpasses*.

#### **Lack of road crossing infrastructure and disruption of watercourse and runoff in *Douar* Jdida and *Douar* Hssain**

CRMU observed that hydraulic infrastructures only exist on one side of the motorway, and considered the importance of the Bank mission's recommendation that ADM should improve the runoff drainage in the open trench extending along the RN8 near the toll station. The CRMU mission also noted that there is an overpass connecting the two sides

of the RN8 located about 900 meters away from the *Douar*, another underpass (PV 252) and a track leading to the *Douar*. CRMU recommended that the *ADM shall implement the recommendation of the Bank's mission to extend the un-faced gutter along the RN8 near the toll station by calibrating and fencing it properly.*

**Degradation of land following flooding due to diversion of valley natural runoff in *Douar Imiliine (Commune de Oued El Bour)***

CRMU visited the *Douar* and identified the damages caused by the flooding to the valley banks and the agricultural lands as a result of the contractor's graveling and the diversion of the valley's natural runoffs. The Requestors asked CRMU and MAFO to inform ADM to restore the valley banks, remove stones from affected agricultural lands and help them to demarcate the boundaries of their affected lands. By looking at the conditions of damaged lands, CRMU *confirmed the need for undertaking immediate remedial actions to rehabilitate these lands.*

**Destruction of water sources and inadequate road crossing at *Douar Taliint (Commune d'Oued El Bour)***

CRMU mission assessed that the people in *Douar Taliint* face a serious problem in accessing water. The mission also observed that there is a tower; however, it was informed by the Requestors that it does not supply water to all of the houses in the *Douar*. The mission recommended *the Bank and ADM to contact the national authorities to find lasting solutions; however, in the meanwhile, it identified the need for provisional actions to be undertaken by ADM to repair the disruption of water courses caused by the construction.*

**Destruction of « traditional » dam and reservoir and lack of road crossings in *Douar Talmest and Mellal (Commune de Oued El Bour)***

CRMU confirmed that the Requestors had agreed with the Bank mission and ADM that the dredging of the dam's bed by the contractor had improved the retention capacity of the dam, *and took noted that the Requestors consider this matter as closed.*

**Degradation of the road connecting RN8 Road to Bouabout village**

CRMU visited the road connecting Bouabout village. It confirmed that the Requestors had agreed with ADM that the lack of regular maintenance rather than the movement of construction equipment is the main reason for the road degradation, *and that the resolution of this problem is beyond the responsibility of ADM.*

### 3.2 CRMU's Facilitation Meeting and Consequent Actions

During its fact finding mission, CRMU facilitated, on 14 October, 2010, a meeting at CDRT in Marrakech which was attended by the principal Requestor, other complainants, the ADM and MAFO. The parties signed a time-bound action plan including the responsibilities of each of the signatories for supporting ADM to undertake the essential civil works to remedy the inflicted harm on affected people and lands. Subsequently, MAFO conducted three consecutive supervision missions (29 November, 2010, 24 March 2011, and 16-17 June, 2011), and provided CRMU with the corresponding reports on the stance of the progress of the implementation of the concluded action plan. The below table consolidates the up-to-date progress.

#### *ACTION PLAN SIGNED BY PARTIES ON 14 OCTOBER 2010 AND SUBSEQUENT PROGRESS*

Location	Complaint	Points of agreement	Responsible for follow up	Date of fulfillment	Progress reported by the Bank
<i>Douar</i> Sidi Mohamed Samba	Repair of cracks on walls of the disagreeing Requestor Mr. Sadeq Idrissi	Requestor to be contacted to renegotiate with ADM	Principal Requestor will facilitate such contact	End of Oct. 2010	MAFO and principal Requestor informed CRMU that the complainant filed a lawsuit against the contractor in national court, <b>thus CRMU considers this matter closed.</b>
Bouannfir Community	Problem of pass ways close to PK12	Restore existing pass ways along the motorway	ADM	End of Oct. 2010	The pass ways rehabilitated and surface strengthened with additional layer <b>to the satisfaction of affected people and the principal Requestor.</b>
<i>Douar</i> Jdida	Problem to <i>Saguia</i> (rivulet)	ADM agreed to install the water connections subject to the consent of the owner of the land crossed by these connections	ADM	End of Oct. 2010	Work completed for length of 2500m2 and affected people since winter 2010 started to rely on the installed connections for irrigations. <b>The matter is resolved to the satisfaction of affected people.</b>
<i>Douar</i> Talaaint	Difficulty to access water following the dumping of well	In the short-term: a water catchment will be constructed; in the long term the authorities should be contacted either for heightening the existing water tower or installing a new well	ADM, MAFO and CDRT	End of Oct-December, 2010	- ADM tender n° 83/11; opening of bids on 28/04/2011 and work is expected to be completed before the end of June 2011 <b>which as of yet has not commenced. ADM informed that it will complete this work in the first quarter of 2012.</b> - MAFO received information from CDRT on November 23, 2010. It sent a letter, on March 25, 2011, to the government for rehabilitation of existing water tower. However, as of yet MAFO is following up with relevant authorities.
<i>Douar</i> Iminlain-community Oued El Bour	Diversion of valley water course and cleaning up stones piled on agricultural lands	Repair the valley banks, clean land from stones and help in re-demarcation of boundaries of lands	ADM	17-27, Oct. 2010	The agreed upon reconstruction of valley banks is carried out; however. ADM refused to remove the stones from the affected agricultural land. It considers that it had carried out the necessary work and the matter is closed. <b>However, the Bank reported that the stones should be removed and one of the valley banks should be strengthened .This issue is still pending.</b>

### 3.3 CRMU Follow-Up Mission

In light of MAFO progress reports and discussion with the principal Requestor, CRMU undertook, on 3-5 October, 2011, another mission in Morocco to verify the Requestors' satisfaction with the completed works, and to persuade ADM to complete the remaining civil works in *Douar* Talaaint and El Bour as agreed upon in the concluded action plan on 14 of October 2010.

CRMU and MAFO met with the ADM's Development Director on 3 October, 2011. The Director informed that ADM undertook the necessary remedial works; however, it retreated from its commitment to clean the stones from affected lands for two reasons. The first reason is that due to the geographic nature of *Douar* El Bour, ADM believes that the stones are not piled by the construction. The second reason is that the affected landowners were not present when ADM was on the site to undertake the agreed upon works. ADM asked MAFO to prepare a site condition report including photographs of areas where stones believed to be piled by the construction.

CRMU, accompanied by MAFO and the principal Requestor, conducted on 4-5 October 2011 a visit to the affected people and lands. It verified the satisfaction of the affected people with undertaken works. It identified that ADM has not yet commenced the works to facilitate access to water in Talaaint. It also observed that ADM had conducted some of agreed upon works in the *Douar* El Bour. It underlined with the principal Requestor, MAFO and the three owners of the five (5) affected agricultural lands the essential remaining restoration actions to be undertaken by ADM. These actions include the removal of the stones from these lands to permit the owners to demarcate their boundaries and to rehabilitate their land. In addition, a proper refilling of one of the valley banks to prevent the recurrence of flooding. MAFO took notes and photos of areas to be submitted to ADM for action. The main findings of CRMU's mission were that ADM needs to better coordinate with the principal Requestor, MAFO and the landowners in order to address the pending issue of cleaning of stones in a satisfactory way. Moreover, MAFO has conducted the necessary follow-up with respect of the implementation of the agreed upon action plan but should leverage efforts for ADM to consider feasible options to undertake definite actions in El Bour.

### III. FINDINGS, DECISION AND RECOMMENDATIONS OF DIRECTOR OF CRMU

Subsequent to its above-mentioned mission, CRMU received a copy of MAFO's report submitted to ADM on 13 October, 2011. Moreover, MAFO, on 2 November 2011, informed CRMU that ADM confirmed that the works to facilitate access to water in Talaaint will be completed in the first quarter of 2012, but maintained its refusal in respect of removing the stones to restore the affected agricultural lands in El Bour.

Accordingly, the Director of CRMU's findings, decision and recommendations are as follow:

- As a general finding, the Director of CRMU considers the resolution of some of the complaints underlined in the request in a timely fashion are largely due to the Bank's immediate actions (*e.g.*, its mission accompanied by Requestors to affected areas upon the receipt of the notice of the registration of the request); in addition to the Bank's regular supervision to ensure the resolution of the issues underpinned in the request. However, the Director of CRMU points out that the Bank, in close cooperation with ADM, should have had ensured a regular supervision of the contractor's actions and the fulfillment of its contractual duties and responsibilities before removing its equipment from the site. In the case of this request, it could be highlighted that the IRM problem-solving exercise played a key persuasive role in the resolution of the complaints, including enforcing the conclusion of a time bound remedial action plan that allowed the principal Requestor together with the Bank follow up and monitor its implementation.
- The Director of CRMU confirmed that the principal Requestor, on behalf of affected people, is satisfied with the implemented civil works in three out of the five affected *Douar* (namely, Sidi Mohamed Samba, Bouannfir and Jdida).
- Taking into consideration the works undertaken by ADM and its willingness to resolve the pending issues, the Director of CRMU recommends that ADM shall provide an ultimate date for the construction of the water catchment basin in *Dour* Talaaint whereas CRMU shall conduct a monitoring mission within twelve (12) months to ensure that this work is delivered and completed to the satisfaction of the affected communities in this *Dour*.
- Cognizant of the remedial actions undertaken by ADM in *Douar* El Bour, the Director of CRMU recommends that the Bank shall continue to persuade ADM to complete the pending works to alleviate the inflicted harm on agricultural lands in the *Douar*. In light of the retreat of ADM from its commitment to clean the construction stones from these affected lands, the Director of CRMU considers the problem solving exercise efforts in resolving this complaint from *Douar* El Bour as unsuccessful.
- Since the request is registered for compliance review, and taking into consideration the totality of actions, outcomes and the unresolved pending issue, the Director of CRMU does not recommend a compliance review for the several reasons. First, all the complaints except for that from El Bour have been resolved to the satisfaction of the Requestors. This problem in El Bour is caused by the contractor's non-fulfillment of its contractual obligations and does not amount to a violation of any of the Bank's applicable policies *per se*. Secondly, the Bank agrees to continue following up in order to ensure that ADM undertakes its commitments under the action plan agreed upon with the Requestors, notably, to restore the affected agricultural lands at El Bour. Thirdly, the costs of conducting a compliance review outweigh the costs to be incurred for restoring

the affected lands at El Bour. Finally, the compliance review would not provide the Bank with different lessons than those concluded by the problem solving exercise. However, in line with Paragraph 48 of the IRM Rules, the Director of CRMU has referred the request to the IRM Experts to, *inter alia*, take into consideration the outcomes and the recommendations of this problem solving report to determine whether or not the request is eligible for a compliance review. The Experts shall, within twenty one (21) days from the receipt of this report, recommend their determination to the Boards of Directors.

## **Annex 1 The Request**

*CRMU received different complaints in Arabic which were combined and handled as one request and their translation is provided below*

**Document 1** is table of contents of below requests.

### **Document 2**

(12 letters of complaints to [IRM about Highway interception of passage to land and access to water way](#))

#### **Letter 1**

To the Director of the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

8 March 2010

**From** Mr. Ibrahim Alkurashi Ben Alal

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

**Subject:** Request for Intervention to Remedy Harm

After greetings:

I hereby the signing below Ibrahim Alkurashi Ben Alal living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway part connecting Chichaoua and Imintanout which prevents me from accessing my farming land that I rely on to generate income. I am obliged to walk a long distance to be able to access the land from the locality where I live. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient.

While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,

Ibrahim Alkurashi Ben Alal

Signature

**Document 2**

**Letter 2**

To the Director of the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

8 March 2010

**From** Mr. Ahmed Aziroual Ben Abdel Allah

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

**Subject:** Request for Intervention to Remedy Harm

After greetings:

I hereby the signing below Ahmed Aziroual Ben Abdel Allah and living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway part connecting Chichaoua and Imintanout which prevents me from accessing my farming land that I rely on to generate income. I am obliged to walk a long distance to be able to access the land from the locality where I live.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient.

While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,

Ahmed Aziroual Ben Abdel Allah

Signature

**Document 2**  
**Letter 3**

To the Director of the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

8 March 2010

**From** Mr. Ahmed Ben Alkhdar Ben Mohamed

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

**Subject:** Request for Intervention to Remedy Harm

After greetings:

I hereby the signing below- Ahmed Ben Alkhdar Ben Mohamed, the holder of the national ID n. EB 3961 and living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway part connecting Chichaoua and Imintanout which prevents my passage between my house and the village. I am obliged to walk a long distance to be able to reach my house or the village. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient.

While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,  
Ahmed Ben Alkhdar Ben Mohamed  
Signature

**Document 2**  
**Letter 4**

To the Director of the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

8 March 2010

**From** Mr. Ahmed Almoudn Ben Tahir

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

**Subject:** Request for Intervention to Remedy Harm

After greetings:

I hereby the signing below Ahmed Almoudn Ben Altahir living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway part connecting Chichaoua and Imintanout which prevents me from accessing my farming land that I rely on to generate income. I am obliged to walk a long distance to be able to reach it from the village. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient.

While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,  
Ahmed Almoudn Ben Altahir  
Signature

**Document 2**  
**Letter 5**

To the Director of the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

8 March 2010

**From** Mr. Tuhami Alzahi  
**Inhabitant of:** Gadida Village  
Anfaifa Locality  
Chichaoua Region  
Neighboring the Marakech-Agadir Highway  
In particular the part connecting Almouzoudia (N8) and Imintanout

**Subject:** Request for Intervention to Remedy Harm

After greetings:

I hereby the signing below Tuhami Alzahi living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway part connecting Chichaoua and Imintanout which prevents me from accessing my farming land that I rely on to generate income. I am obliged to walk a long distance to be able to reach it from the village where I live. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient.

While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,

Tuhami Alzahi  
Signature

**Document 2**  
**Letter 6**

To the Director of the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

8 March 2010

**From** Mr. Hassan Alkurashi Ben Rahal

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

**Subject:** Request for Intervention to Remedy Harm

After greetings:

I hereby the signing below Hassan Alkurashi Ben Rahal living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway part connecting Chichaoua and Imintanout which prevents me from accessing my farming land that I rely on to generate income. I am obliged to walk a long distance to be able to reach it from the village where I live. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient.

While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,

Hassan Alkurashi Ben Rahal

Signature

**Document 2**  
**Letter 7**

To the Director of the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

8 March 2010

**From** Mr. Mohamed Asous Ben Massoud  
**Inhabitant of:** Gadida Village  
Anfaifa Locality  
Chichaoua Region  
Neighboring the Marakech-Agadir Highway  
In particular the part connecting Almouzoudia (N8) and Imintanout

**Subject:** Request for Intervention to Remedy Harm

After greetings:

I hereby the signing below Mohamed Asous Ben Massoud, the holder of the national ID n. E134489, and living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway part connecting Chichaoua and Imintanout which prevents me from accessing my farming land that I rely on to generate income. In addition to that a house and a well I own in this land had been also destructed. I am obliged to walk a long distance to be able to reach my land from the village where I live. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient.

While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,

Mohamed Asous Ben Massoud  
Signature

**Document 2**  
**Letter 8**

To the Director of the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

8 March 2010

**From** Mr. Abdul Allah Belkhadr Ben Mayloud  
**Inhabitant of:** Gadida Village  
Anfaifa Locality  
Chichaoua Region  
Neighboring the Marakech-Agadir Highway  
In particular the part connecting Almouzoudia (N8) and Imintanout

**Subject:** Request for Intervention to Remedy Harm

After greetings:

I hereby the signing below Abdul Allah Belkhadr Ben Mayloud living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway part connecting Chichaoua and Imintanout which prevents me from accessing my farming land that I rely on to generate income. I am obliged to walk a long distance to be able to reach it from the village where I live. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient.

While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,

Abdul Allah Belkhadr Ben Mayloud  
Signature

**Document 2**  
**Letter 9**

To the Director of the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

8 March 2010

**From** Mr. Aiad Alzahi

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

**Subject:** Request for Intervention to Remedy Harm

After greetings:

I hereby the signing below Aiad Alzahi living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway part connecting Chichaoua and Imintanout which prevents me from accessing my farming land that I rely on to generate income. I am obliged to walk a long distance to be able to reach it from the village where I live. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient.

While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,

Aiad Alzahi

Signature

**Document 2**

**Letter 10**

To the Director of the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

8 March 2010

**From** Mr. Mohamed Alkurashi Ben Ibrahim

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

**Subject:** Request for Intervention to Remedy Harm

After greetings:

I hereby the signing below Mohamed Alkurashi Ben Ibrahim living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway part connecting Chichaoua and Imintanout which prevents me from accessing my farming land that I rely on to generate income. I am obliged to walk a long distance to be able to reach it from the village where I live. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient.

While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,

Mohamed Alkurashi Ben Ibrahim

Signature

**Document 2**

**Letter 11**

To the Director of the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

8 March 2010

**From** Mr. Mohamed Belkhadir Ben Maylout

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

**Subject:** Request for Intervention to Remedy Harm

After greetings:

I hereby the signing below Mohamed Belkhadir Ben Maylout, the holder of the national ID n. EB 18204, and living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway part connecting Chichaoua and Imintanout which prevents me from accessing my farming land that I rely on to generate income. I am obliged to walk a long distance to be able to reach it from the village where I live. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient.

While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,

Mohamed Belkhadir Ben Maylout

Signature

**Document 2**  
**Letter 12**

To the Director of the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

8 March 2010

**From** Mr. Mohamed Almoudn Ben Altahir

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

**Subject:** Request for Intervention to Remedy Harm

After greetings:

I hereby the signing below Mohamed Almoudn Ben Altahir living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway part connecting Chichaoua and Imintanout which prevents me from accessing my farming land that I rely on to generate income. I am obliged to walk a long distance to be able to reach it from the village where I live. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient.

While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,  
Mohamed Almoudn Ben Altahir  
Signature

**Document 3**

(A group of land owners and users *complaining to IRM about construction damages inflicted on their lands*)

Complainants Owner of Damaged Lands  
Village Amilain-locality Wad Albour  
Anfaifa Locality Wad Albour Imintanout Constituency  
Chichaoua

To the Independent Review Mechanism Office affiliated to the African Development Bank, Tunis

Subject: Complaint

We the signatories below the owner and users of the farming lands located in area called (toun Iblgn) and other neighboring places to this area that located close to village Amilain the locality of Wad Albour, we present to you this complaint about the serious damages inflicted on our lands as a result of the massive construction work carried out by the Portuguese company TECNOVIA.

This construction work is represented in taking the materials from Wad Albour waterways since 2008 to this date. At the beginning these materials were stones and large rocks ,thereafter the mentioned above company took medium size stones and soil, due to that the areas through which the valley water is distributed to the lands were widened. In addition, the natural way of the valley runs off has been changed and due to the sliding geographic nature of the area, the seasonal strong floods wash off large areas of the framing lands. The passage of large trucks carrying heavy equipment in another way destructed these lands, and renders it difficult to farm on them. Due to the construction, large amounts of stones of different sizes and sand have been piled up and left back by the mentioned company. We demanded the company, the local authority and the locality but with no avail, and no body comes back to clean up the areas that remain suitable for farming- notwithstanding to pay adequate compensation to alleviate these damages. The damages also created disputes and problems among the land owners as the construction destructed the fences and wiped off the boundaries dividing the lands which as you would know an important issue for different owners in these areas.

While waiting for your just solution and persuasion of the beneficiary company from these construction works to return and repair at least the minimum of what has been damaged, please accept our appreciation and respect.

Best regards,

Full name	National ID n	Signature
Ibrahim Lshukur	E800556	
Aburan Abdul Allah	EB22202	
Bakir Amar	E219220	
Bel Kadi Alhussein	EB12492	
Alarabi Bel Kadi	E152628	
Could not read handwriting my guess is Baskam Ibrahim	E37947	

## ANNEX 2

### Management Response

#### MANAGEMENT RESPONSE TO THE REQUEST FOR VERIFICATION OF CONFIRMITY AND MEDIATION RQ 2010/01 RELATED TO THE CONSTRUCTION OF THE MARRAKECH – AGADIR HIGHWAY IN MOROCCO

#### I. Project information

##### I.1 Summary of Project

The project was approved by the Board on 21st July 2006 and had an implementation schedule covering 36 months. The project comprises construction of 233.5 km of motorway linking Marrakesh to Agadir, consisting of two 7m-wide carriageways, a 2.5m emergency lane, a 1- meter berm, a 5m central reserve and two 1m shoulders, as well as the construction of a safety fence on the entire motorway to protect pedestrian and animal crossings.

The project, which is implemented by Société Nationale des Autoroutes du Maroc (ADM), is co-financed with other donors, namely the Japanese Bank for Investment and Cooperation, the Arab Fund for Economic and Social Development “AFESD”, Kuwaiti Economic Development Fund and the Islamic Development Bank “IDB”. Out of the 233.5 km, AfDB’s financing supports construction of 33 Km from Chichaoua to Imintanout. The complaint is made on works performed and structures implanted on this 33 km portion.

##### I.2 Environmental Considerations

**The project is classified as Category 1 in SAP requiring a full Environmental and Social Impact Assessment (ESIA).**

**In order to mitigate potential impacts on the mobility of neighboring populations, the Project has planned and constructed construction of 70 overpasses, 12 underpasses, 22 passages for vehicles and 16 pedestrian crossings.**

In order to enhance positive impacts the ESIA report and ESMP emphasize the adoption of a participatory approach of project design and implementation through public consultation. Necessary compensation of Project Affected People for any damage to their livelihoods and assets has also been taken into account.

## **II. Information on the Request for registration**

The complaints below have been registered with the Compliance Review and Mediation Unit (CRMU) of the Bank by the Centre de Développement de la Région de Tensift (CDRT) on behalf of local community groups. The complaints have been raised by individuals, groups of individuals and associations whose property (mainly farmlands) have been affected by construction activities on the Marrakech-Agadir highway, Morocco. Associations represented include Imelaine Development Association, Tifawine Association for Development and Safe Water, Jdida Development Association, Bouanfir Association for Development and Solidarity, Talmest Association for Development, Culture and Well Management and Moroccan Ifoulki Association). The complaints raised include general complaints and site-specific complaints.

## **III. Information on the content of the Complaint**

### **III.1 General complaints**

1. The road under construction has interfered with access to farmland and some local farmers now have to go a long distance to reach their land;
2. Irrigation canal (segua) for irrigating farmlands has been diverted as a consequence of constructing the road;
3. Areas for extraction of construction materials have not been reinstated leading to erosion of farmlands;
4. Farmland has deteriorated as a consequence of construction activities as construction debris, including leftover heavy stones and rocks, sand and detritus, and damage to farmland by construction machinery;
5. No compensation has been provided for the damage and loss suffered by the farmers.

### **III.2 Site specific complaints**

1. At Sidi Mohamed Eddalil Municipality, the contractor has used explosives that have caused wall cracks that threaten some houses with collapse and raised panic among the population;
2. At Sidi Mohamed Eddalil Municipality, the highway has also separated the people from a mosque they attend;
3. At "Ait Hedi" commune, several inhabitants have been cut off from their pastures as it is difficult to cross the highway: the existing passage is narrow as it is constructed mainly for runoff water and not for people and animals and is often obstructed by sand and stones. This type of narrow passage cannot be used for transporting baggage and animals carrying loads in the ploughing and harvest season. A solution is needed (eg; bridge or other means) to enable the population on both sides of the highway to move about safely;

4. Close to douar Hsayen in Nfifa Municipality, no canals have been provided under the highway to allow for flow of water to enable the inhabitants to irrigate their land as they have done for long;
5. Extraction of large quantities of construction materials (stones and sand) by the Contractor, at Oued Elbour Municipality has widened the wadi and this has caused diversion of run-off, some of which now runs through the Hsayen settlements causing substantial material damage to the houses and posing a risk to inhabitants during the rains. Water has also eroded the banks of the wadi and has uprooted many olive trees in the area;
6. A local water source, Talaint, has been eliminated as a consequence of the construction works, thus eliminating a feature of historical and cultural significance. The complainants, however, note that the water source can be restored if there is a will on the part of the contractor to do so.

The complainants indicated that several complaints on the above issues have been addressed to the contractors, to the local authorities and municipality to no avail. The complainants therefore request the Bank to intervene to address the concerns raised.

#### **IV. Management Response**

Draft management response has been received from OITC. The draft has been reviewed by ORQR on the extent to which it addresses the issues raised in the complaint and hereby provides the necessary feedback to OITC before the final management response is submitted to CRMU within the stipulated deadline of 30<sup>th</sup> August.

*The Bank reiterates that the Borrower is responsible for the preparation and implementation of the Environmental and Social Management Plan as well as the development and implementation of resettlement measures. The Bank has the role of reviewing the documents and authorizing their disclosure prior to project approval.*

##### **IV.1 Status of complaints, and issues to be resolved**

#### **Complaint 1: Damage to houses in Douar Sidi Mohamed Samba and separation of the Mosque from the Village due to highway**

The highway does not pass between the mosque and the village. The separation cannot be attributed to the highway. The separation was done by an existing national road (RN8) which has even benefited from the security measures initiated by the project to allow safe crossing for villagers from their homes to the mosque.

#### **Complaint 2: Lack of road crossing infrastructure in the Bouafiren-Chichaoua on the Chichaoua-Imintanout road section**

Four (4) road crossings were constructed in conformity with works implementation plan and road (security) norms to allow crossing of humans, cattle and vehicles.

**Complaint 3: Lack of road crossing infrastructure and disruption of watercourse and runoff in Douar Jdida and Douar Hssain**

ADM recognized at the beginning of project implementation that the hydraulic infrastructure which was put in place for reconnection of seguias was not sufficient. To correct this situation, ADM has added more hydraulic structures which are mainly culverts (OH263, OH269B, OH276B, BrOH2 and BrOH3) and has increased capacity of the existing hydraulic structure OH269. The drainage problem originates from lack of involvement of ADM in discussion and consultation between Contractor and communities.

Hydraulic works constructed by ADM before and after the complaint are adequate and efficient. The only problem which needs to be resolved is the improvement of drainage water collection system in the area near the toll. A solution to improve the drainage of runoff has been discussed with ADM, Douar community representatives and the Bank.

**Complaint 4: Degradation of land and habitat following change of watercourse in Douar Imiliine (Commune de Oued El Bour)**

Construction work has induced changes in watercourses and flows causing inundation of parts of land situated downstream. Circulation of heavy machinery has caused damage to agricultural land.

ADM and the Contractor have implemented corrective land restoration measures and built a dike which re-establishes runoff to its initial path in order to alleviate inundation of the area of previously impacted areas. However, there is still need to widen and strengthen the dike as well as to refill eroded banks and remove stones carried and deposited by floods on land immediately downstream from the dike.

**Complaint 5: Destruction of « historical, cultural and sacred water source and inadequate road crossing at Douar Taliint (Commune d'Oued Elbour)**

There are differences in opinion between ADM and community representatives on the religious status of the water source. According to the Contractor, there is no evidence that the disappearance of the source is directly related to construction work. There is de facto a critical problem of water supply in this Douar which is home to 150 households (1000 inhabitants). The landscape is generally made of hills and slopes which are unfavorable for water retention and storage. Therefore, populations turn to consumption of silt-loaded standing water that women have to collect from remote areas. Ultimately, it will be necessary for Government and agencies in charge to implement sustainable water supply measures for this Douar.

**Complaint 6 & 7: Destruction of « traditional » dam and reservoir and lack of road crossings in Douar Talmest et Mellal (Commune de Oued Elbour)**

The « traditional » dam has not been destroyed. The Contractor has even improved the water retention capacity by dredging the reservoir and removing sediments therefore ensuring more water supply to neighboring communities.

The Contractor and the local group called Amenzas have signed and implemented an agreement for construction of rural roads and one seguia in neighboring areas within a period of two months.

### **Complaint 8: Degradation of the road connecting RN8 Road to Bouabout village**

There is no evidence of changes in the state of the road before and after construction. However, this road needs rehabilitation and the Contractor has offered to rehabilitate the road before removing his equipment from the site.

#### **IV.2 Conclusion on effectiveness of issues raised and action plan**

In summary, the joint ADM and Bank mission to the site and subsequent discussions and field visits with community representatives have resolved most of the problems. Out of the 8 complaints, only 3 have been ascertained to have direct bearing on the construction activities:

- Complaint No. 3: The said seguias have to be restored. The Bank will consult with Government to come to agreement with complainants on a road map for acquisition of land necessary to implement an agreed remediation plan;
- Complaint No. 4: The Bank will examine how the Government of Morocco has implemented the compensation schemes and will encourage the government to conduct public consultation and new studies to ascertain the extent of the said damage to agricultural land and loss of assets and to compensate affected populations accordingly; and
- Complaint No 5 (and 2): Crossing points for human and cattle are physically in place and used by populations; however, these are seemingly unsatisfactory to complainants. Bank suggests that the Government of Morocco should conduct necessary audits and, on the basis of audit results, consult with Project Affected People to find solutions to the problem.

#### **V. Conclusion and recommendations**

This region is inhabited by rural communities whose livelihoods depend on subsistence agriculture and scarce water resources. As they experience high poverty levels with low development, there is a strong need for a comprehensive development plan to be established by the Government of Morocco on the basis of i) improving access to agricultural land as well as potable water supply, ii) creating income generating

opportunities, especially for women, iii) increasing agricultural productivity, and iv) protecting the environment and natural resources.

In general, linear structures (roads, railways, canals and power transmission lines) can always be a source of social resentment in communities they go through. The highway construction is always planned as a trigger and favorable factor for development of local communities. This is a matter of development planning internal to countries.

In the current case, it is evident that there is a need for better communication between the contractor and the local stakeholders, the establishment of an adequate and efficient grievance resolution mechanism and community participation/involvement in project implementation activities. The Bank will confirm with Government Officials that the action plan will be implemented to incorporate a community inclusion process as well as better communication between ADM and Project Affected People and involve joint monitoring and supervision.

The Fact Finding Mission believes that the bulk of the complaints has already been adequately addressed. Beyond actions already taken, there is agreement on what needs to be done in order to settle the remaining issues. An action plan composed of 4 points has been discussed and agreed upon between ADM and Community representatives in the presence of Bank experts. Implementation of this action plan is the responsibility of ADM and will be monitored by the Bank. The action plan is provided in the joint Bank, ADM and CRDT fact finding mission report which is annexed to this Management Response. The Bank will also closely monitor the outcome of the action plan as well as the implementation of planned activities, especially during the mission planned at project completion.

## **Management Response Annex**

### **NOTICE OF REGISTRATION**

**SUBJECT : REQUEST FOR COMPLIANCE REVIEW AND MEDIATION  
REQUEST No : RQ 2010/01**

**COUNTRY : MOROCCO: CONSTRUCTION OF MARRAKECH – AGADIR  
MOTORWAY**

#### **I. Introduction**

The Bank's Compliance Review and Mediation Unit (CRMU), on 19 July 2010, received a request regarding the proposed construction of the Marrakech – Agadir Motorway in Morocco. The request was submitted by the *Centre de Développement de la Région de Tensift* (CDRT) on behalf of the main requestor, the *l'Association pour le Développement* of the Chichaoua Province and other communities and individuals affected by the project, including 12 farmers along the RN8 and 8 Douar Sidi Mohamed Samba landowners.

CRMU had on 23 April 2010 received a number of complaints through CDRT, however, since no evidence was provided that the complainants had taken any steps to try and resolve the problems with the Bank's operational staff as per the requirements of the IRM Operating Rules and Procedures (hereinafter the "IRM Rules"), CRMU, on 27 April 2010, asked the Requestors to contact and discuss their problems with the Banks' country office in Morocco. The Requestors later informed CRMU that they had sent a letter to the Bank's country office in Rabat on 11 May 2010, whereupon the Bank's Resident Representative in Morocco wrote to the Director General of Société Nationale des Autoroutes du Maroc – ADM (the National Motorway Company of Morocco) requesting ADM to assess the situation and attend to the concerns raised by the complainants.

Given that the request meets the preliminary registration requirements pursuant to IRM regulations and in keeping with paragraphs 19 and 20 of this Regulation, it was registered on 29 July 2010 for problem solving. The Requests Register is published on the Bank's website ([www.afdb.org/irm](http://www.afdb.org/irm)) since 2 August 2010.

The requestors raised several issues of direct harm suffered by some individuals and communities. They claimed that they had referred the problem to national, provincial, municipal authorities and *Société Nationale des Autoroutes du Maroc* (ADM) and the Bank's Country Office in Morocco in vain up to the date of their request.

Based on the preliminary review of the request, CRMU decided to first of all initiate problem solving (mediation) between the Bank's management and staff, on the one hand, and the Requestor's representative on the other hand. Pursuant to Section 31 of the IRM regulations, Bank Management is required to provide in writing to CRMU not later than 31 August, 2010, evidence that it has complied or intends to comply with the relevant policies and procedures of the Bank Group.

Following this decision and for the purposes of further investigation, the OITC Department sent out a fact-finding mission from 11 to 23 August 2010, headed by the Project Officer and including an environmental expert, an expert in socio-economics and a social development expert.

The mission conducted an on-site review of available project implementation documents and then visited the entire motorway stretch from Marrakesh to Agadir in the localities concerned by the requests, in particular Sidi Mohammed Samba, Jdida, Hssain, Imiliine, Taliint in the Imintanout district of the Chichaoua province. During these visits, the mission also met with all the stakeholders (population, elected representatives, state representatives, ADM, CDRT representative).

The following sections present: the project origin and background, documents reviewed and the main outcomes relating to the investigation of each request.

It should be recalled that on 10 August, the executing agency forwarded to the Bank's Country Office in Rabat, the responses to those requests. This report takes account thereof.

## **II. Results of the Investigation**

### **2.1 Project Origin and background**

The Boards of Directors of the Bank on 21 July 2006 approved funding for part of the project to construct a 233.5 km 2-lane dual carriage motorway from Marrakesh to Agadir. The Bank loan, amounting to 118.3 million Euros, specifically funds works on the 33-km Chichaoua-Imintanout section and consultancy for the control and supervision of the motorway works on the same section including all the lots of the project annexes (toll stations, road markings and traffic signs, safety equipment, fencing, argania tree planting). The *Société Nationale des Autoroutes du Maroc* (ADM) is the project executing agency.

The project was approved by the Bank in March 2006 and is co-funded by the Japan Investment Cooperation Agency "JICA", the Arab Fund for Economic and Social Development "AFESD", the Kuwait Development Fund "KDF" and the Islamic Development Bank "IDB".

The sectoral goal is improvement of the standard of living of communities and creation of jobs by supporting the economic development of the country, particularly the tourist and agro-industry sectors.

Specifically, the project will contribute to the building of transport capacities between Marrakesh and Agadir and improving the living standards of the communities in the project area through the development of productive activities; it will also help to reduce vehicle operation costs and improve transport safety between Marrakesh and Agadir.

With regard to the environmental impact, the project is classified as "category 1", which requires a full scale environment and social impact assessment (ESIA).

The project is consistent with the strategy that the Bank intends to implement in Morocco.

### **2.2 Documents Review**

The main documents consulted are (i) the summary of the environmental and social impact assessment study (ESIA), (ii) the environmental and social management plan (ESMP) including the matrix, (iii) the appraisal report, minutes of the meetings between ADM, contractors and individual complainants, the findings subsequent to the investigations of complaints by ADM. It follows from the review of these documents that measures have been taken to mitigate the negative impacts identified.

Actually, the measures taken during the works phase concern primarily the precautions relating to the operation of worksites (site setup, access roads, bypass roads, storage arrangements for hazardous substances etc.).

The measures taken during the operation phase concern mainly the rehabilitation of all materials extraction sites and access tracks thereto, rehabilitation of storage sites,

rehabilitation of farming fences affected by the project, the construction of roads for free movement of the local populations, livestock and agricultural machinery.

Furthermore, in order to mitigate the effects of construction activities on the riparian population, the project planned and constructed (see paragraph 4.5.3 of the appraisal report), 70 overpasses (PS), 12 underpasses (PI), 22 vehicle crossings (PV) and 16 pedestrian crossings (PP).

### **2.3 Review of the Complaints**

The Requestors raised eight (8) points of concern (complaints) about the immediate effects of the Marrakech - Agadir Motorway construction works, which they allege are violations of the African Development Bank's policies and procedures. These complaints are discussed below with emphasis on the views of stakeholders and the findings of the ADB mission:

#### **Complaint 1: Damage to houses in Douar Sidi Mohamed Samba and separation of the Mosque from the Village because of the highway.**

##### The facts:

Eight (8) residents of Douar Sidi Mohamed Samba situated at the Chichaoua interchange (Section RN8) complain of cracks on the walls of their respective homes as a result of the explosives used and compaction by the MaK-Yol company, in charge of the works.

The population also complains about the separation of Douar from its mosque by the motorway.

##### Measures taken by Autoroute du Maroc to address the complaint:

About damage to housing: a field visit to ascertain the allegations and identify corrective action was organized by ADM on 24/02/10, in the presence of representatives of the Council,

Marrakech equipment services (DRET) and the complainants.

On 30/03/10 a fact-finding mission was conducted by ADM to the materials control and testing laboratory (LPEE), to identify the origin of the damage. It concluded that cracks on the walls of houses were not due to the use of explosives. These are rural buildings without rammed clay (clay mixed with straw and stones). These damages likely appeared in August 2009 and must have developed over time. In addition, the complaints were made by the persons concerned in February 2010 whereas the Contractor used explosives in July 2010, hence subsequent to the request.

However, on 21/05/10, a second field mission involving the same persons as the previous one presented the findings of the mission and revealed to the complainants that the Contractor, although not being responsible, had decided to assist them to repair this natural damage by providing building materials (sand and cement). An acceptance report

signed by the stakeholders (contractor/complainants) indicates that these materials were actually provided.

One resident did not accept the assistance as he requested that his house be completely redone according to new plans he himself submitted.

Regarding the separation of Douar from its mosque, ADM pointed out that it is the RN8 already existent and only rehabilitated that separated the Douar from its mosque. This had been the case even before the construction of the motorway. During construction, the contractor better resized RN8 and pedestrian crossings to make access by the residents to their mosque secure.

#### Findings of the ADB Mission:

After reviewing documents provided by the ADM and the site visit with the elected representatives of the council, state administration, complainants and the ADM, the mission confirmed the Laboratory's findings. It also confirmed the statements made by the 7 complainants that they did receive donations of building materials and believed they had obtained satisfaction thereby bring the matter to a close.

Regarding the refusal of the 8<sup>th</sup> complainant that the mission was unable to meet and given that the contractor's responsibility was not established and regardless of the substantial social assistance provided by the latter, this request for total reconstruction does not seem admissible at all.

In relation to Douar's separation from its mosque, it is not a question of access to the mosque being cut off on account of the highway but actually a rehabilitation of the RN8 to make it safer for the riparian population. The Mission confirmed that useful works were carried out by the Contractor at the behest of ADM. It should be noted that from the social point of view, the mosque's parking lot was laid out including a fence built around Marabout Sidi Mohammed Samba's mausoleum.



To sum up, the complaint, therefore, does not seem to be justified. The measures taken by ADM and the Contractor, even though they were not responsible for the actions in

contention, are quite substantial. They were appreciated by the complainants, except one. The seven complainants were satisfied and consider the matter closed.

It is recommended that ADM and the Contractor should once more contact the 8<sup>th</sup> complainant to give him another chance for assistance similar to that offered to the other 7.



### Lessons:

This complaint was a just a ploy for these people to gain further from the construction of the motorway along their locality. The site visit brought to light the precarious situation of the population of this town. The population of the Douar would have liked to see some actions to improve their homes and promote income generating activities (the motorway will influence the petty trading they may develop in order to survive).

### **Complaint 2: Lack of road crossing infrastructure in the Bouafiren-Chichaoua on the Chichaoua-Imintanout road section**

The facts:

Some residents of the area complain of the lack of pedestrian crossings linking the two sides of the motorway.

Measures taken by Autoroute du Maroc to address the complaint:

In that area of the highway, four standard crossing points were built in keeping with the works implementation plans and road security norms. These crossings measuring 4.5m x 4.5m allow the crossing of humans, vehicles and animals from one side of the road to another. (See photos).

In addition, as concerns site clean-up, ADM plans for the contractor to clean and clear out the area around these crossings.



Findings of the ADB Mission:

The mission observed that the 4 crossings did exist each at 450m-intervals from each other. These are vehicle crossings PV79, PV87, PV 91 and PV97.

In conclusion, this complaint is not justified. The leader of the association ascertained this on the ground during a visit organized with him on August 18 in the morning.

It is recommended for the contractor to clean and clear the areas surrounding these crossings and structures in question when construction site equipment cleanup.

Lessons:

To begin with, officials of the association representing the complainants had not really bothered to find out whether the complaint was found or not.

**Complaint 3: Lack of road crossing infrastructure and disruption of watercourse and runoff in Douar Jdida and Douar Hssain**

Statement of facts:

Some Douars residents in Jdid and Hssain located along the Chichaoua-Imintanout stretch complain about the lack of road crossing infrastructure and disruption of watercourse and runoff.

Measures taken by ADM to address the complaint:

Following a site visit, ADM recognized that the hydraulic infrastructure (OH) which was put in place for reconnection of seguias was not adequate. To correct this situation, OH263, OH269B, OH276B, BrOH2 and BrOH3 were constructed to increase the capacity of the existing hydraulic structure OH269.

As regards the problem relating the restoration of road crossing infrastructure, raised by some residents of Douar Jdid along the RN8, ADM considered the latter unfounded, because there are two crossings, the first being PV 252, the second crossing overhead on the RN8 900m from Douar where it was initially located. Also, PV 252 is relayed by a track that was constructed adjacent to the right-of-way fence to facilitate riparian farmlands

Findings of the ADB Mission:

Hydraulic works constructed by ADM before and after the complaint are adequate and efficient. However near the toll station, it is necessary to improve runoff drainage in the open trench extending along the RN8 near the toll station. This solution was discussed with representatives of Douar, the Municipality and ADM. Following these discussions, ADM promised to carry out these improvements as soon as possible provided that the complainants' representative, in close collaboration with local authorities, gets the consent of the landowners whose lands are situated along the ditch extension to be built.

Regarding the road crossings mentioned, there is already an overpass connecting the two sides of the RN8 located 900 meters away from the Douar and another underpass PV 252 underneath the highway and the track leading to the Douar. (See photos). It is worth mentioning that the problem is rather that of the residents not understanding the use of the outer track created along the right-of-way fence of the motorway meant as access road for the riparian population. This misunderstanding has been cleared.



In conclusion, the complaint about the lack of hydraulic structures was partly confirmed especially as regards the non-extension of the trench on the side near the toll station. The solutions provided by ADM helped to resolve the problems.

In addition to work already carried out, the mission recommends that ADM and the Contractor extend the un-faced gutter along the RN8 near the toll station calibrating and facing it properly. The complainants should make sure they obtain the consent and support of landowners adjoining the gutter before work can start as soon as possible. On the other hand, that relating to the road crossings is unfounded.

Lessons:

The issues raised are caused by a lack of communication between ADM and the riparian communities in preparing and executing the work. At some point, ADM seems to have left the initiative of discussing with the population to the Contractor alone.

**Complaint 4: Degradation of land and habitat following change of watercourse in Douar Imiliine (Commune de Oued El Bour)**

Statement of facts:

Following the extraction of building materials in the bed of the El Bour wadi located in the Douar d'Imiliine for constructing the Imintanout-Argana motorway section, the Contractor induced changes in watercourses and flows causing inundation of parts of land in the locality and damage to the agricultural land caused by the circulation of heavy machinery.

Measures taken by ADM to address the complaint:

ADM claims to have implemented corrective land restoration measures and built a dike which re-establishes runoff to its initial path in order to alleviate inundation of the area of previously impacted areas

Findings of the ADB Mission:

The Contractor effectively carried out corrective works, however, there is still need to widen and strengthen the dike as well as to refill eroded banks and remove stones carried and deposited by floods on land immediately downstream from the dike.



In conclusion, the complaint is justified. As part of the rehabilitation of building materials extraction sites and during site cleanup, the Contractor must carry out corrective works, strengthen the dike, refill eroded banks and remove stones carried and deposited by floods on land immediately downstream from the dike.

Lessons:

Better consultation between the ADM, the Contractor and the riparian population would have prevented the problems raised.

**Complaint 5: Destruction of water sources and inadequate road crossing at Douar Taliint (Commune d'Oued Elbour).**

Statement of facts:

During construction of the highway, the Contractor allegedly destroyed a historical, cultural and sacred water source "Ain" which was one of the water supply sources in Douar. The village also uses traditional rain water retention.

Residents also felt that the crossing built from one side of the highway to another is inadequate: the crossing built is considered "too small" and that an overpass should also have been built.

Measures taken by ADM:

ADM considers the complaint unfounded. In fact, it is of the opinion that with the construction of a 2.5 mx2.5m pedestrian crossing PP68 (standard dimensions), the

movement of people and animals from one side of the motorway to the other is facilitated.

As concerns the water source, ADM, after consulting the site log and implementation plans, declared not having noted the existence of this water source before the works began.

Findings of the ADB Mission:

During the site visit in the presence of an ADM official, the CDRT association leader representing the complainants and the population of Douar, note was taken of: a hydraulic structure located about 1 km from the tunnel entrance and with the proper dimensions for the drainage of water between the two sides of the highway. In addition, a second hydraulic structure (thalweg) is located 500m from the tunnel entrance and serves to drain runoff water from the mountain into the bed of the existing wadi.

Lastly, between these two hydraulic structures, there is indeed a 2.5m x 2.5m pedestrian underpass PP68 for residents to cross the motorway. (See photos). Access is by walk-in. Pedestrian tracks were constructed on both sides.

The request for the construction of a pedestrian overpass that the association's representative would have preferred is not the appropriate solution because it does not allow the movement of animals (not being walk-in) and the technical solution would be more expensive but less effective.



In conclusion, the complaint about the lack of pedestrian crossing is not justified. Regarding the water source, it should be noted that the “historical nature” of this source by no means attests to its being a heritage of old or a sacred cultural symbol.

Notwithstanding the differing views of ADM and the population on this subject, the crucial problem of water supply must be addressed in Douar which is home to 150 households (1,000 inhabitants). The landscape is rugged and therefore the population

turns to consumption of silt-loaded standing water that women have to collect from remote areas

In the immediate future, based on discussions with the population and the CDRT representative, it was agreed that a water retention pond be built downstream of the existing thalweg. ADM will as soon as possible examine the conditions for building this structure in relation with CDRT in order to obtain the population's support for this small retention pond.

In the medium term, it will be necessary to contact the competent authorities and services to effectively establish a sustainable water supply for the Douar concerned.

#### Lessons:

The mission again noted some lack of communication between the stakeholders and inadequate involvement and accountability of the respective riparian populations concerned. Construction of the highway could have been a structuring factor in responding to some of the basic needs of these people by mobilizing the local authorities, relevant state services and associations in the region.

#### **Complaint 6 & 7: Destruction of « traditional » dam and reservoir and lack of road crossings in Douar Talmest et Mellal (Commune de Oued Elbour).**

#### Statement of fact :

The populations of the Talmest and Mellal Douar and along the Imintanout-Argana highway section claim that the Contractor destroyed a traditional dam.

They also allege that there is no crossing from one side of the highway to another.

#### Measures taken by ADM:

ADM declares that the Contractor Technovia dredged the bed of the small dam that was unusable before the commencement of work because it was completely covered with sediment. The extraction of materials increased the retention capacity of that dam. The said dredging materials were used on the highway for ridges and waterproofing in the trenches and trickles (useful for effective drainage).

Regarding the crossing between the two sides of the highway, the 2.5m x 2.5m pedestrian crossing PP68, which was the subject of previous Complaint No. 5, undeniably provides a crossing for the riparian population (it is situated close to it).

Moreover, in the vicinity of the dam, access roads have been built for the population and their livestock.

Findings of the ADB Mission:

It is clear that the traditional dam was not destroyed. Rather, it was found that the Contractor improved the water retention capacity of the traditional dam by dredging, which has provided more water resources for the riparian population.

Regarding the lack of a crossing on both sides of the highway, pedestrian crossing PP68 exists for residents around the dam.

In conclusion these two complaints are not justified. It follows from the records signed on 5 August 2010 that the Amenzas association and the Contractor, Technovia, signed and implemented an agreement for construction of rural roads and one seguia in neighboring areas within a period of two months.

Lessons:

Better communication between ADM, the Contractor and the riparian population and greater involvement of the latter from the beginning would have averted their complaints.

**Complaint 8: Degradation of the road connecting RN8 Road to Bouabout village**

The facts:

The Bouabout population claims that the movement of machinery damaged the road linking the RN8 road to the Douar.

Measures taken by ADM to address the complaints:

ADM notes that construction equipment plied temporary roads made for this purpose. Movement on that road was only occasional. It further notes that this road created problems for the site given that it is narrow.

Findings of the ADB Mission:

The mission travelled through this road without noticing any damage caused by the movement of machinery. However, for social purposes, the Contractor could reinforce the existing invert.

In conclusion, this complaint is not justified since there is no evidence of changes in the state of the road before and after construction.

However for social purposes it was recommended that before removing his equipment the Contractor should reinforce the existing invert slab already on the road.

Lessons:

The filing of this complaint is rather a grievance for the rehabilitation of the road leading from the Douar to the main road.