



Date: 29 July, 2010

Notice of Registration

Re: Request for Compliance Review and/or Problem Solving
Request No.: RQ2010/01
Country: Morocco
Project: Construction of the Marrakech – Agadir Motorway

The Compliance Review and Mediation Unit (CRMU) received on 19 July, 2010, a Request regarding the Marrakech – Agadir Motorway Project in Morocco. The Request was submitted by *Centre de Développement de la Région de Tensift* (CDRT) on behalf of the principal Requestor, the Chichaoua Province Development and Law Association (operating in the vicinity of the Marrakesh – Agadir Motorway, particularly section (N8) between Mazoudhia and Imintanout) and other groups of people and individuals directly affected by the project, comprising:

- 12 farmers living along the section from Mazoudhia to Imintanout along the new N8 Highway, and
- 6 land owners in the Douar Imelaine area, Oues Elbour Municipality, Delegation of Nifia. Oued Elbour at 'Imintanout District Chichaoua Province.

Prior to the aforementioned Request, 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 have 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.

On 19 July 2010 CRDT informed CRMU that no further actions had yet been taken by neither the Moroccan authorities nor the Bank, and therefore requested CRMU to intervene.

Following the Requestors' actions, as described above, CRMU considers that the Request **fulfills the preliminary requirements for registration** under the IRM Rules. Due to the similarities of the issues raised in the individual complaints, which have been submitted by CDRT, CRMU has decided to handle all the complaints as one Request. Pursuant to paragraphs 19 and 20 of the IRM Rules I am notifying you that the Request has been registered in the IRM Register of Requests on 29 July 2010, for problem-solving. The Register of Requests is accessible on the AfDB website www.afdb.org/irm.

The Bank Group's Boards of Directors approved, on 21 July 2006, the funding of the Marrakech – Agadir Motorway Project. According to the Project's Appraisal Report, the total cost of the Project is estimated at UA 583.99 million, whereof the Bank is providing a loan of EUR 118.60 million. The Project involves 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 loan of the Bank will be used for the financing of civil works on the 33-km Chichaoua-Imintanout section and a consultancy for the control and supervision of the motorway works on the same section. The *Société Nationale des Autorotes du Maroc* – ADM (the National Motorway Company of Morocco) 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 more particularly, the tourist and agro-based industry sectors.

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 Appraisal Report *inter alia* states that "*although the Bank's financing only concerns the works on the 33-km Imintanout-Chichaoua section, [.....], the environment and social considerations relate to the entire length of the Marrakesh-Agadir motorway.*"¹

Of particular environmental impacts, the Appraisal Report mentions the negative effects of a normal road or motorway construction site, such as noise and vibrations, dust and gas emissions, etc. which could have an influence on the health of the local residents or workers, and traffic involving trucks and heavy duty construction equipment which could cause accidents. Moreover, it states that there is a risk of worsening the problem of flooding resulting from the inadequate sizing of hydraulic structures and filling of flood-prone zones, and cuts in farmland will in the future make cultivation more difficult, and hinder the movement of livestock.

With regard to mitigation of potential negative environmental impacts, the Appraisal Report *inter alia* mentions that measures will be taken by reserving a roadway for the free movement of local people, cattle, and heavy farm machinery; maintaining of agricultural drainage and irrigation networks during the project construction; and compensation for possible damages or loss of production resulting from the works.

¹ Appraisal Report, paragraph 4.6.1, p. 23

The Appraisal Report states that a participatory approach was adopted during the appraisal of the project, and many NGOs and different associations were consulted. A review of the environmental aspects of the project during implementation will be conducted in consultations with the same organizations and associations.

The Requestors raise several issues indicating direct harm, allegedly to be inflicted on some people and communities living in areas along the new Motorway, of which the salient ones are:

1. At the Sidi Mhammed Essamba village, the contractor has used explosives that have caused cracks in the walls of houses, often to a serious extent threatening some houses to collapse and causing panic among the population of the village. At this location, the motorway has further separated the people from their Mosque.
2. At Ait Hédi commune in Chichaoua the people find it difficult to cross the motorway, and several inhabitants have been cut off from their pasture land, especially since the passage constructed is narrow and often obstructed by sand and stones. The bridge built is intended for vehicles and is too far away for most of the region's inhabitants.
3. Close to douar² Jdida and douar Hsayen in Nfifa Municipality in Imintanout District, canals are not provided to allow the flow of water, which are used by the inhabitants to irrigate their farmlands.
4. At Oued Elbour, especially in douar Imelaine in Oued Elbour Municipality, the contractor has extracted large quantities of stones and sand from the wadi³, affecting the natural water flow during the rainy season.
5. At Haouar (where the contractor has its main site), the water course has been directed towards the Hsayen settlement on the other side of the highway and has caused substantial material damage to the houses and posing a constant flooding threat to the inhabitants during the rainy season.
6. The construction of Oued Elbour diversion has led to deterioration of certain farmlands owing to extraction of large stones with the result that the water has eroded the Wadi banks and uprooted many of the olive trees that have been entrusted to the dwellers over the centuries. Other farmlands are allegedly been invaded by rocks and stones of varied sizes, and the passage of heavy machinery has prevented people from farming their lands since the start of the works.
7. At Talaint, in Oued Elbour Municipality, situated on the right hand side of the motorway, on the way to Agadir, just before the tunnel, the villagers claim that they are practically cut off from their vital areas located on the other side of the motorway. Although a passage has been constructed under the motorway, the complainants allege that it has been designed for water runoff and not as a passage for people and it is too narrow for transportation of agricultural supplies and products. The complainants also allege that a water stream, which has flowed vigorously from ancient times, and which the

² Arab village or settlement

³ Oasis in North Africa

inhabitants consider as a historical site and a sacred cultural symbol, has been destroyed.

8. In the Talmest area, Oued Elbour Municipality, the Requestors claim that the contractors' heavy engines have destroyed an ancient traditional dam (at Ain Tikelcht), from where the populations of the neighboring douars used to draw water for irrigation of their farmland.

In conclusion, the Requestors ask CRMU to intervene since their complaints to the local authorities and the contractors have been in vain. Furthermore, their discussion with the Bank's country office in Morocco resulted in a letter issued to the Motorway administration in May, 2010, however, they allege that no further actions have been taken to resolve the problems encountered by different local communities.

On the basis of the preliminary review of the complaints, the Director of CRMU has decided to pursue the matter through a problem-solving exercise in accordance with the Requestors expressed priority. However, if the Director determines that it is unlikely that the issues could be resolved through problem-solving, he may recommend that the Request be considered for a compliance review.

In accordance with paragraph 31 of the IRM Rules, the **Bank's Management must provide CRMU with written evidence** that the Bank has, or intends to comply with the Bank Group's relevant policies and procedures for this project within 21 working days, which shall be by no later than 30 August, 2010.

The Request has been assigned number **RQ2010/01** in the **IRM Register of Requests**. The Requestors, the Bank's Management and other interested parties shall refer to this number in future communication with CRMU with regard to this Request.

All decisions relating to the Request will, until further notice, be communicated to the following person and mailing address:

Prof. Abdelkader MOKHLISSE,
 Director, Centre de Développement de la Region de Tensift (CDRT)
 B.P. 3670 Amerchiche, Marrakech
 Morocco
 Email: cdrt@menara.ma
 Tel.: +212 5 24311608

After receiving the Management's response and, if applicable, additional information from the Requestors, the Director of CRMU will, in accordance with paragraphs 35 – 37 of the IRM Rules, initiate the problem-solving with the aim of finding a solution to the alleged problems acceptable to all parties.

Pursuant to paragraphs 38 – 42 of the IRM Rules, the Director of CRMU will prepare a problem-solving report upon completion of the problem-solving exercise, and, pursuant

to paragraph 43, if a compliance review is warranted he can also decide to recommend that the project undergo a compliance review.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Per Eldar Sovik". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Per Eldar Sovik
Director
Compliance Review and Mediation Unit