**PROJECT** : NADOR WEST MED PORT COMPLEX CONSTRUCTION PROJECT

**COUNTRY** : MOROCCO

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### SUMMARY FULL RESETTLEMENT ACTION PLAN (FRAP)

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<tr>
<th>Team Role</th>
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<th>Title/Position</th>
<th>Division/Office</th>
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SUMMARY FULL RESETTLEMENT PLAN (FRAP)

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<tr>
<th><strong>Project Name</strong></th>
<th>Nador West Med Port Complex Construction Project</th>
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<tr>
<td><strong>Project Number</strong></td>
<td>P-MA-DD0-004</td>
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INTRODUCTION

At the request of the Moroccan authorities, the African Development Bank will support the implementation of the “Nador West Med Port Complex Construction Project,” Phase 1 of which involves in the construction of port infrastructure.

From the environmental and social standpoint, the project is classified under Category 1, given the nature of works to be carried out, the size and scope of the project, and its potential direct and indirect impacts.

The implementation of phase 1 of the port complex construction project, which is subject to this request for financing from the Kingdom of Morocco to the African Development Bank (AfDB), will require the expropriation of land, crops and trees for a public purpose. It is worth mentioning that no residential house will be affected by the project.

Therefore, in accordance with the African Development Bank’s involuntary resettlement policy, the Government of Morocco will prepare a Full Resettlement action Plan (FRAP) to ensure the compensation and resettlement of the persons affected by the project (PAP). The Plan seeks to: (i) minimize involuntary resettlement as much as possible; (ii) avoid the destruction of property as much as possible; and (iii) compensate the persons affected for the loss of housing plots, farmland, buildings and equipment, as well as income. This document summarizes the FRAP, which defines the principles and terms of compensation and resettlement of persons affected by the project, as well as establishes an approximate budget and an indicative implementation schedule.

The FRAP will be implemented in phases according to the development of the NWM port complex and because of the fact that the declaration of public utility for expropriation is only valid for 2 years (beyond that the FRAP should be revised with a new declaration of public utility):

- Phase 1: It concerns the construction of the port and access road. Its implementation will lead to the release of the maritime boundary and the access road from the RN16. Nador West Med will proceed with the expropriation of those affected before starting the construction of the access road (the port area falls under the Public Domain of the State). This phase will be implemented immediately and is subject to a declaration of public utility with a validity period of 2 years.

- Phase 2: It concerns the development of the free zone through the expropriation of the households in this area which will serve primarily to logistical and industrial activities of the port site and fishermen in the Bay of Betoya. This operation expropriation is deferred for future development phases of the free zone and depending on demand. However, an estimate of those affected and the current cost of compensation has been made. The area of the "Betoya Free Zone" which is already protected by Decree No. 2-09-684 of 17 March 2010 will be subject to a declaration of public utility with an update.
of the valuation of compensations. These documents will be submitted to the Bank for assessment in due course. These phases will not start before 2020.

Although the two phases are deferred in time, Nador West Med intends to apply the same compensation arrangements and will follow the same standards and recommendations provided in the FRAP for both the populations on the access road as well as those of the free zone.

1. PROJECT DESCRIPTION AND RATIONALE, PROJECT AREA, AND IMPACT AREA

1.1 Project Description and Rationale

The implementation of this project is in line with the overall national transport sector development strategy, particularly the continuous upgrading and modernization of transport infrastructure and services to enhance the logistical competitiveness of the national economy.

The sector goal of the project is to contribute to eradicating regional disparities, particularly by accelerating and strengthening the economic and social development of the Oriental Region through enhancement of its attractiveness and creation of wealth and jobs.

Specifically, it seeks to: (i) strengthen Morocco’s port services in the Western Mediterranean region and take advantage of its geostrategic position on the Strait of Gibraltar to attract part of global shipping activities; (ii) firmly establish Moroccan value chains in the global economy and develop the hinterland; and (iii) secure the supply of energy commodities to Morocco, particularly for the future thermal power plant that will be built in the project area, by establishing a second pole.

The construction of the Nador West Med port complex is an integrated project, ambitious and progressive project. It has local, regional, national and Mediterranean dimensions. The Port infrastructure have been designed to enable its implementation in several modules that provide: (i) development potential in the medium and long term to enable potential operators and owners to have better perspectives and prospects; (ii) a gradual implementation of infrastructure and flexibility in planning for possible future extensions; (iii) the ability to adapt to changing traffic and shipping industries.
The first phase of the project, which is subject of this request for financing, whose completion is expected by 2020, will include:

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<th>No.</th>
<th>Component Name</th>
<th>Cost (UA Million)</th>
<th>Description</th>
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</table>
| A   | CONSTRUCTION OF PORT INFRASTRUCTURE | 757               | A.1 Engineering works for the construction of: (i) a 4 200 metre-long main breakwater; (ii) a 1 200 metre-long secondary breakwater; (iii) a container terminal with a 1 520 metre quay, a depth of 18 metres and a 76-hectare back-up space; (iv) a specialized bulk cargo berth with a 360 metre-long and 20 metre-deep quay; (v) a hydrocarbons terminal with three 20-metre deep oil berths; (vi) a 320-metre general cargo terminal (a roll-on/roll-off berth and a service quay) with a depth of 16 metres; and (vi) a fence, road networks and an access road.  
A.2 Fencing and access road  
A.3 Works control and supervision |
| B   | PROJECT MANAGEMENT                 | 10                | B.1 Project monitoring and coordination  
B.2 Project financial audit. |

The second phase of the project will comprise the development of the free zone (following the implementation of the first phase which covers about 500 ha by 2020) for commercial, industrial, logistical and services activities. The remaining will be developed based on the demand from the industries.

The first phase of the project, which will to expropriations and compensation triggers this resettlement plan, of which the right of way comprises both the maritime and forest public domains as well as the private domain:
The project, which will cost a total of UA 740 million, will be co-financed by NWM Company (UA 326 million), the European Bank for Reconstruction and Development (EBRD) (UA 160 million) and the African Development Bank (UA 90 million). The Arab Fund for Economic and Social Development (AFESD) (UA 141 million).

1.2 Main Characteristics of the Direct and Extended Project Impact Areas

The Nador West Med Port Complex will be built on the strategic site of Betoya Bay, which is located in a reforested dune area, or an artificially reforested forest area. It is located in a demarcated area known as the “Project Development Area,” located on the Western coast of the Cape of Three Forks some 30 kilometres from Nador town, facing the main East-West container and petroleum shipping routes.

Project area of direct influence

The Port and the free zone associated with it are exclusively within the territory of the rural municipality of Iaazanene (capital: Iaazanene center), which belongs to the Nador Province (capital: Nador), itself located in the Oriental Region (capital: Oujda). The neighboring town of Amjaou will be marginally affected by the relocation of some fishermen, as well as some activities of phase 2.

Demography

The population of the rural Municipality of Iaazanene is estimated, according to the municipal monographs of 2010 to nearly 10 303 inhabitants, which comprises 2 322 households and the number of people per household is on average 4.4 people. The density of population is 121.2 inhabitants/km² (national average of 43 inhabitants/km² in rural areas). The female population is estimated to about 5 003 women, or 48.6% of the total population, the male population is estimated at 5 300 men, or 51.4%.

The distribution of population by age group and gender shows that young people whose age is less than 15 years represents almost the same proportion of women as well as men with respective percentages of 26% and 26.34%. The working age between 15 and 59 years encompasses 62.9% of women and 63.6% of men. The percentage of women whose age is above 60 years slightly outnumber men which are 11.1% and 10% respectively. This shows that life expectancy is slightly longer for women than for men. According to the municipal monograph of the active population, that is, those having an age between 15 and 59 years, is about 63.3%. The young population with an age below or up to 15 years is about 26.2%. The age group above 60 years represents 10.6% of the total population.

Education
The average rate of illiterate population whose age is between 11 and 45 years is about 24.7%. This rate is 40.2% for women and 10.5% for men. The level of education of children in the rural municipality of Iaazanene is about 85%. From the 69% of children entering primary school, only about 3% reaches higher education, the rest left school or college or high school. The rate of uneducated children is about 9.4% (out of which 18.5% for girls and 13% boys).

Social organization
The official organizational unit of the population in rural areas is the rural municipality, which can also contain an entire or portion of a tribe. The population of the rural municipality of Iaazanene belongs to the Beni Bougafer tribe. Associations and cooperatives in the rural community remains relatively low. Indeed, the number of existing NGOs does not exceed 5 associations and one cooperative. They are not very active.

Housing
The type of habitat in the municipality of Iaazanene recalls the suburban landscapes where permanent structures replace the most common rural housing type in the area. About 90% of the households hold less than 5 ha of agricultural land. The average land size per household in the municipality is about 2 ha. The houses are fairly close together. They are made of concrete with one or two floors.

Project Extented area of influence
The project will benefit to the Oriental Region which includes the councils of Iaazanene and Amaejjou where the port will be located. The Oriental Region is bounded on the north by the Mediterranean Sea, on the east and south by the Morocco-Algeria border, and on the west by Al Hoceima, Taza, Boulmame and Errachidia Provinces. It covers a total surface area of 82 820 square kilometres or 11.6% of the national territory. It comprises a prefecture (Oujda-Angad), 6 provinces (Jerada, Berkane, Taourirt, Fiquig, Nador and Driouch), and 27 urban and 87 rural councils. It has a population of 2 002 000 inhabitants (2014 HCP projections), of whom over 51.7% are women. The population of Oriental Region represents 6% of the population of Morocco. The number of households in 2014 was 453 630, with an average of 4.5 persons per household (5.2 in 2004).

Oriental Region has a 10.1% poverty rate, which is more than the national average (8.8% in 2007). However, it should be noted that between 2004 and 2007, this rate dropped significantly by -44%. The Region, which has an urbanization rate of 68.5%, is urban.

Socio-economic activities of the Oriental Region are mainly based on

The tertiary sector accounts for more than half of the GDP of Oriental Region. The unemployment rate is 16% (2014) compared with the national rate of 9% - which underscores the Region’s lack of employment opportunities. Employment opportunities are concentrated in the services sector, which accounts for over 53% of all employment opportunities in the Region. To a lesser extent, the agricultural and public works and civil engineering sectors follow in the second and third positions, with 21% and 16% of employment opportunities respectively.

The Region has a large expanse of livestock grazing areas where stockbreeding is an ancestral tradition. It includes the vast Moulouya plains which are irrigated through the irrigation complex, areas irrigated with manual irrigation pumps and the Fiquig and Ich oases. The Region has huge prospects for agricultural sector growth given its proximity to major urban centres which provide a market for the sale of agricultural products and the development of a major agro-industrial fabric (fruit and vegetable packaging stations and agricultural product processing plants). Cereals cover the largest area under cultivation in the Region (298 000 hectares or 41% of the usable agricultural area). However, crop yields are low. Olive cultivation and market
gardening have high value added, and employ 33% to 40% of the labour force. On the other hand, the Region has farmland in irrigated areas which are used to cultivate very high value-added and job-generating crops such as citrus and other fruit trees. The ovine red meat sub-sector is the biggest contributor to turnover and the creation of value added in the animal production sector. The sub-sector also has the highest demand for farm labour in the Region.

**Concerning mining,** Oriental Region has numerous metal and non-metal deposits and showings across the entire region. The main ones are lead, barite, smectite, iron ore, zinc and silver bullion.

**As regards fisheries,** fleets consist of trawlers, sardine boats, longliners and artisanal fishing boats. According to statistics, the fisheries sector in Morocco employs 100 000 fishermen, 1 580 of them in Nador Port. In addition, other activities that have developed absorb the manpower available in various Moroccan ports (specialized labour, shipyards, ice factories, etc.).

The **Region’s industrial sector** accounts for barely 3.2% of the turnover of the national industrial sector. Enterprises remain small as the Region’s 390 enterprises represent only 7.6% of the country’s number of industrial enterprises. The average turnover per industrial enterprise therefore remains well below MAD 19 million. These industrial units employ 6 200 people.

**Tourism** in Oriental Region is characterized by a much larger number of beds in star hotels (780 beds per five-star hotel, 413 per four-star hotel and 72 and 53 respectively per two-star and one-star hotels). Tourist traffic is heavily concentrated in Berkane Province, due mainly to the province’s attractiveness to foreign tourists, about 55 000 of whom visited the province in 2011. Over the next few years, the tourism sector will be developed through the Oriental Region “MED East” Development Programme which will involve the construction of the Mediterrania Saïdia Integrated Tourist Complex comprising 9 luxury hotels, 12 tourist vacation villages - including a 350-room Marmara club, 8 tourist residences, 2700 apartments, 300 villas; and “Marchica MED” which is an integrated seaside resort project on Nador lagoon, the biggest lagoon on the southern Mediterranean coast, involving the construction of 7 developed areas for a residential complex, hotels and sports infrastructure.
2. POTENTIAL IMPACTS

Given that the potential impacts on the human and natural environments are presented in detail in the Environmental and Social Impact Assessment (ESIA), this section only focuses on impacts on the human environment in terms of expropriation for the release of the port complex project right-of-way, ensuring that the nuisances arising therefrom are reduced to the minimum. Special attention will be paid to vulnerable people to ensure that their situation does not become more precarious.

The implementation of the Nador West Med Project which will have positive socioeconomic impacts will require the expropriation of the project, the development of part of the free zone, as well as the port access road (30 metres wide and 4 kilometres long or 4.37 hectares) linking up with RN16. The Nador West Med Port Complex Project, which is considered as promising from the socio-economic standpoint, will have the following negative and positive impacts:

Positive Social Impacts:

- The creation of medium-size enterprises;
- Tax benefits for local authorities and the Kingdom of Morocco;
- Job creation and use of local labour;
- Strengthening of vocational training to meet labour market needs;
- Reduction of unemployment in the Region;
- Improvement in the income level of the population;
- Improvement in the population size and structure;
- Increased urbanization of the project area resulting in the improvement of social services and infrastructure to meet the Kingdom’s requirements;
- Better access to the Oriental Region;
- Economy of time through transport sector investments under the Med Development Programme (which includes the NWM project).

Negative Social Impacts:

- Discontinuance of swimming and boating activities in Betoya Bay;
- Increase in gaseous emissions (port operation and increased traffic) which are harmful to health;
- Permanent change of the function of the site that was initially a natural site, resulting in change in the lifestyle and living conditions of the local population;
- Increase in noise level which is harmful to the local population;
• Risk of construction site accidents for the local population;
• Increased traffic and pressure on infrastructure and the population;
• Risk of the spread of STIs and HIV/AIDS;
• Involuntary resettlement of the population, loss of trees and crops and income-generating activities: the release of the port complex project right-of-way will result in: (i) the expropriation of 324 farms covering a surface area of 149.55 hectares from private individuals, of which 147.38 hectares for the free zone and 2.17 hectares for the access road; (ii) loss of income-generating activities by the affected small-scale fishermen; (iii) loss of 13,899 fruit trees and crops (cereals and vegetables) on about 95% of the private plots affected; and (iv) loss of 4 dilapidated buildings.

The NWM project will affect a total of 241 households comprising 1,158 persons, that is: (i) 154 households with 680 persons living on the free zone right-of-way; (ii) 17 households with 157 persons living on the port access road right-of-way; (iii) 70 owners of artisanal fishing boats comprising 220 people carrying out their fishing activities in the maritime area of the future port.

**Gender Impacts:**

The promotion of gender equality and equity is one of the priorities of the Moroccan Government. This is reflected in the adoption and entry into force, in February 2004, of the new “Family Code” which consolidates gender equality in all domains and strengthens the rights of women, who are a major component of Moroccan society. To that end, the Government plans to increase access by disadvantaged populations to basic infrastructure and social services, particularly in the education and health sectors. Despite significant progress, the application of this plan remains limited, particularly in rural areas due to the shackles of cultural traditions.

Oriental Region, and in particular the municipality of Iaazzanene and Amaajou which is home to the Nador West Med Port Complex Project, is no exception given that it is one of the pockets of poverty where health and education indicators are well below the national level and where youth unemployment, particularly among young girls (more than a third of the labour force is unemployed), is high, thereby exacerbating marginalization. The project intends to contribute to promoting regional development and strengthening social cohesion. As per article 14 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Ministry of Infrastructure, Transport and Logistics (METL), in charge of setting implementation and coordination of the Government's policy on all modes of transport (road, rail, sea and air), is the key stakeholder for all actions aiming at improving the situation of women in rural areas. This importance stems from the crucial role of transport infrastructure in the economic and social development, enabling women / girls in rural areas to access to basic social infrastructure. In the same vein, this Ministry is a key player to achieve most of the Millennium Development Goals (MDGs) by 2015.

The NWM project area covers the rural municipality of Iaazanene with 6,115 women and the municipality of Amejou with 3,253 women. The illiteracy rate is still very high with 50.5% of which 66.1% for women. Like for the entire country, women in the project area continue to represent the most vulnerable category, due to their limited access to means of production. Women do not participate directly to the fishing.

Among the affected households, 19 are headed by women. Members of the affected households are mostly married people. Married people represent, in fact, over 89% of the total population...
(85% of household heads). Singles represent 8.9% of the population, a relatively higher percentage for women (14.7%) other than those who are heads of household, the latter being all married. It should be noted that women headed households are predominantly (almost 71%) widows.

Gender issues were mainstreamed during the preparation of studies, which helped to define the project content and its socio-economic impacts on the population. During the conduct of public consultations to inform, sensitize and mobilize the local population, women and youths had the opportunity to express their views and expectations. This approach will be pursued in subsequent phases. The jobs to be created during the construction and operation periods, as well as the training of the skilled labour needed to ensure the optimum operation of the industrial and port complex, will be beneficial to men and women as well as youths, in particular. Such is the case with the ports of Casablanca and Tangier Med.

Overall, the project affects the three following categories of persons and / or private properties:

- The access Road under phase 1 of the project will 18 plots belonging to 20 owners;
- The development of the free zone under phase 2 of the project, which is a facility associated with the port, will affect 30 private agricultural lands belonging to 154 owners.
- One hundred fishermen (owners and employees together) will also be affected during construction and operation of the Port and existing jetties will be moved to a new landing point (PDA).

**Mitigation Measures for the Negative Impacts (all the phases):**

- Organize the resettlement of fishermen in conjunction with the relevant Departments (Fisheries and Equipment);
- Prepare a communication plan to inform the population about the construction works (period, location and duration) using sign posts;
- Prioritize the hiring of local labour;
- Ensure the safety of the population living near work sites by implementing appropriate safety measures (fence, monitoring, etc.);
- Conclude agreements with local space owners and temporary occupants, and comply with such agreements;
- Ensure that works do not jeopardize the safety of workers and the local population;
- Use road signs giving warning about the execution of works;
- Comply with municipal regulations (Municipal Charter);
- Avoid obstructing public access;
- Avoid obstructing specific areas (access roads, pedestrian crossings, etc.);
• Minimize the accumulation of wastes associated with the storage of building materials; dump them in the disposal sites provided for that purpose;

• Avoid storing machinery on surfaces other than those reserved specifically for works; ensure the proper identification of the limits of such storage areas;

• Ensure compliance with safety rules;

• Expropriate the assets of the local residents living on the right-of-way for a public purpose, as provided for by the relevant instruments. A public purpose statement (DUP) will be issued by decree allowing for the expropriation of the assets of persons affected by the project. The Nador West Med Company will then take appropriate measures to ensure that the persons affected by the project are compensated in line with the value of the loss suffered. To promote poverty reduction in the project area, Nador West Med will support the resettlement of the so-called vulnerable populations of the project area and handle the specific case of people without land titles who have lived on the project right-of-way for generations. Lastly, it will ensure the mitigation of negative environmental and social impacts before, during and after construction works, as specified in the Environmental and Social Management Plan (ESMP) and this Full Resettlement Plan (FRAP).

3. ORGANIZATIONAL RESPONSIBILITY

Given Morocco’s institutional framework, the management of resettlement is incumbent on Nador West Med Company (NWM). Consequently, it will manage and coordinate activities, while the relevant municipal and divisional services will ensure their implementation.

Attached to the NWM’s Executive Management, an Environmental and Social Officer will be recruited to strengthen its capacity. He/she will have direct responsibility for implementing the RAP and the ESMP. This person will be supported by a team based on the port site. This team will be responsible for the information office in Iaazanene. It will also be responsible for the organization of information and consultation exercises undertaken locally; liaison with local councils of Iaazanene and Amejaou; Complaints management as described in related chapter; preparation of monthly reports for different departments of NWM (information and consultation exercises, and complaints and litigation).

The Provincial Valuation Commission whose composition and functioning is indicated in the legislation and procedures in force will be set up at the request of NWM. Municipal Councils of Iaazanene and Amejaou are empowered with the role of informing, raising awareness and social mobilization of the population of their respective municipality to ensure their involvement at all stages of the project. They will take part in the implementation of social enhancement measures for those affected.

4. COMMUNITY PARTICIPATION

4.1 Public Consultation

In accordance with Moroccan instruments concerning such projects, NWM has adopted a participatory approach to enable all stakeholders (National Authorities and decentralized services, local authorities, local NGOs, private operators, populations of the concerned
municipalities, those affected by the project) to participate in all project preparation and implementation phases.

To that end, Nador West Med has developed a "Stakeholder Engagement Plan" which covers the actions of public consultation and information dissemination and applies to the Project as a whole and in its various stages of implementation. This plan is available on its website http://www.nadorwestmed.ma/fr/documentation-publique-form

The information and consultation activities undertaken to date by the project towards the public and relevant stakeholders have taken three types:

**Public inquiry conducted according to the laws and regulations relating to the ESIA**

Pursuant to Decree No. 2-04-564 of 4/11/2008 laying down conditions for the organization and conduct of public inquiries on projects subject to the conduct of environmental impact assessments, the Governor of Nador, at the request of NWM, conducted a public inquiry from 15/9/2014 to 5/10/2014 in Arabic and French in Iaazanène and Amejjaou Rural Councils. The expectations and concerns expressed by the populations are:

- The future of properties in the Project RoW
- The impact of petroleum products on the environment and health
- The future of agricultural land including fruit trees
- The project's impact on tourism activities in the municipality.

Public consultation on the survey of plots of land for the release of the port access road right-of-way (8/10/2014 to 10/12/2014) and the free zone (December 2014) was conducted. The concerns and expectations raised by project affected people relate to respecting their rights.

**Discussions between the project team and concerned populations in the framework of the various surveys and enquiries on the field for the project needs**

During the preparation of the preliminary and detailed designs, the environmental impact assessment and socio-economic study, the consultant firms have used a participatory approach based on discussions with relevant institutional technical entities and sensitization of the population and consultation of various stakeholders of the project.

**Public meetings with NWM team, the population on one hand and local authorities, municipal authorities and other stakeholders on the other hand since the beginning of the project**

His Majesty King Mohamed VI personally presided over the public ceremony for the signing of agreements concerning the financing and management of the future port complex in Iaazanène Rural Council (Nador Province). During this occasion, an information campaign on the project and its content was launched using posters, leaflets and social mobilization.

Furthermore, an exhibition was held in late February 2015 Iaazanène for the general public. The aim of this exhibition was to present the Nador West Med project as well as results of the environmental impact assessment and the content of the Environmental Management Plan.

About 250 people attended this exhibition out of which 25% are fishermen, 17% are traders or in the tertiary sector, 10% are workers, 10% are members of associations, 8% are local...
authorities, 7% of farmers and 22% are in other groups (civil servants, students, etc). The following issues were discussed: job opportunities and recruitment of local resources; the training of local resources in the port activities; procedures for expropriation of agricultural land and the conditions for compensation; the establishment and strengthening of basic infrastructure including the sanitation system in the Region; transfer conditions of fishermen located in the Bay of Betoya; arrangements for the protection of the environment.

The project implementation phase will also adopt a participatory approach consisting in informing, sensitizing and mobilizing all stakeholders.

4.2 **Informing Persons Affected by the Project**

During the head count conducted from November to December 2014, PAPs were identified, issued identification cards, and informed about the compensation process in force.

The PAPs expressed fears about the consequences of the expropriation of farmland in particular. In fact, they were apprehensive about poor or late compensation by the State, which would negatively affect their income and therefore standard of living.

4.3 Future arrangements

It should be noted that it envisaged in the framework of stakeholder engagement plan, the preparation and implementation of a Communication Plan to support not only the implementation of the Full Resettlement Action Plan (FRAP), but also the entire project. The participatory approach will be adopted to involve the entire population concerned, particularly household heads, as well as professional associations, civil society, private operators and local authorities at all stages of the project.

This communication plan will provide:

- i) the establishment of an information desk and project management in the locality of Iaazanene and the establishment & operation of partnership, consultation, dialogue and negotiation bodies. These bodies will be able to assist the governing bodies of the project to make decisions regarding the management of the project as a whole, those related to expropriation / compensation, to the enhancement measures in favor of local residents of the project. This action can be either individual or collective;

- ii) information campaigns of local residents about the project, its development and progress. In this context the project will use the media (written and oral) and other interactive media;

- iii) awareness campaigns and education of local populations and PAP on specific topics to better identify risks or prevent adverse impacts of the project as: Prevention STI-HIV / AIDS; Preventing violence against women; immigration; Preventing accidents related to work; Port security; Environmental protection etc.

Targeted discussions with-focus groups, public meetings, campaigns, surveys, etc. may be used in this context.

It should be noted that vulnerable populations will be assisted by a competent firm to support them in the context of managing their living conditions vis-à-vis the project and its consequences.
The project implementation phase will also follow a participatory approach, based on informing, sensitizing and mobilizing all stakeholders.

5. INTEGRATION WITH HOST COMMUNITIES

The persons affected by the project who have been compensated will have the opportunity to remain in the project area and carry on their activities or retrain and start a new career depending on their personal projects. Administrative and local authorities and Nador West Med have agreed to facilitate the resettlement of the population, while ensuring the maximum safeguard of their interests and socio-economic development.

Thus, there will be no problem concerning integration with host communities.

6. SOCIO-ECONOMIC STUDIES

6.1 Characteristics of Persons Affected by the Project

The Nador West Med Port Complex Project will affect a total of 171 households composed of 741 persons, that is: (i) 154 households composed of 584 persons living on the 764-hectare free zone right-of-way; (ii) 17 households composed of 157 persons living on the right-of-way of the port access road linking up with RN16; and (iii) 71 fishing boat owners with 187 persons who carry out their activities in the maritime area of the future port.

- 154 households on the free zone right-of-way (phase 2 du projet)

The household size ranges between 1 and 10 persons with an average of 4.4 persons per household. The data analysis shows that the nuclear family (father, mother and children) tends to be the household structure. This follows the national trend where the household size continues to reduce over time.

It should be noted that 13% of heads of households (17) are women. The age of household members ranges from 1 to 102 years, with an average of about 41 years among men and women. It is also worth noting that the household heads surveyed are relatively old as their average age is 60 years. Female household heads, whose average age is 69 years, are older than their male counterparts whose average age is 59 years.

The population affected by the project is relatively not well educated. In fact, 35% of all the household members surveyed have never been to school and barely 1% of them have reached the higher education level. This situation is even more pronounced among household heads as more than half of them (54%) are not educated.

The population surveyed in the free zone is mainly made up of married people. This is consistent with their relatively high average age (41 years). In fact, married people represent nearly 61% of the total population (82% among household heads). Unmarried people represent one third (33%) of the population, while the rest of the population (6%) are divorced or widowed. It should be noted that most female household heads (almost 71%) are widows.

The labour force participation rate (the labour force expressed as a percentage of the total population) among the affected population is about 44.2% (close to the regional average of 45.6% in 2013). These rates include the unemployed and people with permanent or temporary employment. Nearly 36% of the population have a full time activity. This percentage is much higher among household heads, two-thirds of whom have a permanent job. The unemployment rate (percentage of the working population aged 15 years and above that does not have
employment) among the affected population is 17.6%, which is higher than the rate in Oriental Region in 2013 (15.9%).

Pupils and students in the households surveyed represent about 12% of the total population and 16% of members other than household heads. Their age ranges from 6 years to 24 years, with an average of 13 years. Fifty percent of pupils/students go to college, 44% of them are in primary school and 6% in the university.

The average household income is MAD 8247 per month. Money transfers by Moroccans living abroad (MRE) is the main source of household income and represents 52% of the household income structure. Fishing is in second place with a share of 16%. It is followed by agriculture, which is the third source of household income with a share of 10%.

- **17 households that are on the right-of-way of the access road to the port linking up with RN16 (phase 1 of the project)**

The size of households on the access road right-of-way varies between 1 and 30 members, with an average of about 7.8 members. The 17 households have 157 members. It should be noted that a relatively large proportion of household heads live with their brothers/sisters and nephews/nieces. Only one-tenth of household heads (or 2) are women. The age of family members ranges from 18 years to 93 years. The average age of household heads is relatively the same as that of other members (55 years).

The educational level of the population on the access road right-of-way is low. The majority of members of the households affected by the access road are married. They represent over 89% of the total population (85% among household heads). Unmarried people represent 8.9% of the population. This percentage is relatively higher among women (14.7%) other than those who are household heads, as all of them are married. Although widowers account for only 1.9% of the population, they represent a significant proportion (11%) of male household heads.

The labour force participation rate (the labour force expressed as a percentage of the total population) among the affected population is about 41.1%. These rates include the unemployed and people with permanent or temporary employment. Nearly 32% of them (65% among heads of households) have a full time activity. However, the proportion of housewives is relatively higher on the access road (over 53% of the population). Furthermore, the unemployment rate is relatively low among the population affected by the access road (6.7%).

The average household income is MAD 2 750. Agriculture is the main source of income for 89% of the households affected. Other sources of income are few.

- **71 fishing boat owners occupy the maritime area of the future port**

In the project area, there are three informal wharves used by local fishermen from Kallat, Sammar and Chamllalla. These sites are home to 71 owners of artisanal fishing boats practicing a kind of fishing that is officially banned in Morocco. Kallat and Sammar are in the municipality of Iaazannene while Chamllalla is located in the municipality of Amjaou. Although current landings are not located within the direct area of influence of the project, it is clear that the continued presence of fishermen in the near vicinity of the port where large ships operate could have safety implications and is therefore not desirable.

Fishing activity still plays an important socioeconomic role in the project area because it creates 2 jobs per boat for local people, especially young people. Thus, this activity contributes to improving the income of nearly 200 fishing families in the project area. Small-scale fishermen live in remote villages or douars generally located some 1 kilometre to 2 kilometres from home sites. Most fishing boat owners in fishing centres in Iaazanène rural council are relatively old. In fact, the average age of fishermen is over 50 years, particularly on the “Sammar” fishing site. For their part, seamen are generally younger, with an average age of
27 years. Most fishermen with means are married and own a home with seven members on average. Conversely, seamen are generally unmarried and have small families of four people, on average. According to the Delegation of Maritime Fishery in Beni Nsar, the average income of fishermen on the study sites varies between MAD 2 000.0 and MAD 3 000.0/month. Fishing is the main source of income for all fishermen. However, other activities such as subsistence farming and fish trade may also be carried out at the same time.

In the fishing centres of the area, the organization of fishermen into NGOs is very poor or nonexistent. In fact, the area has only two associations: (i) the Artisanal Fishing Boat Association in Beni Boughafer founded in 1998, which is at present inactive; and (ii) the El Kallat Fishermen and Fishmongers Association founded in 2003, which is also inactive. The poor organization among fishermen and dysfunction of the associations set up is mainly due to the high rate of illiteracy among members and lack of sensitization and training of fishermen in the organization and management of NGOs. The source of these data is the environmental diagnostic conducted by NWM in 2011. They are indicative. Nonetheless, NWM is planning to conduct a more comprehensive socioeconomic assessment of the small scale fishing activities in the Betoya Bay.

### 6.2 Vulnerable People

The households affected by the project (free zone) spend an average of MAD 5 600 per month per household, or about MAD 1 280 per month per capita. This average is above the vulnerability level defined by the HCP (According to the HCP, poor people are individual members of a household whose per capita expenditure is below the relative poverty line. In 2007, this poverty line was MAD 3 834 per person per year in urban areas and MAD 3 569 per person per year in rural areas. However, vulnerable people are individuals who are not poor, but who live under the threat of poverty, that is household members whose expenditure and MAD 5 751 in urban areas and between MAD 3 569 and MAD 5 353 in rural areas. Nevertheless, this situation conceals disparities because some households are vulnerable or even poor. In fact, as regards the affected people in the free zone, about 1.5% of them are poor and nearly 3% are vulnerable, according to the HCP’s definition. However, when compared with the rest of the population of Oriental Region (10.1% of whom were poor in 2007), the poverty rate of the population affected by the project is relatively low. The average expenditure per household on the access road, which is MAD 1 250 per month or about MAD 160 per capita per month, is relatively low. Thus, most members of the households affected by the access road are poor: 91% of them live below the national poverty line. In addition, 5% of them are vulnerable. In total, therefore, 96% of households are poor or vulnerable to poverty.
6.3 PAPs and Land Occupancy Status

There are 324 plots of land on the project right-of-way. They cover a total surface area of 14,928,975 square metres (that is 25,828 square metres on the access road and 14,903,147 square metres on the free zone). Two of these plots cover a surface area of 12,925,469 square metres, or 90% of the total surface area. These plots do not belong to individuals, but are the property of the State. The other plots (321) cover a surface area of 14,928,989 square metres, or 100% of the total surface area of plots affected.

The households affected by the free zone depend on the plots concerned. In fact, for 82% of households, the plots affected by the free zone right-of-way represent at least half of the total surface area of the land they own. Moreover, the only plots owned by up to 62% of households are those affected by the project. The dependence of households on the plots affected by the project is relatively lower on the access road than on the free zone.

For most of the households, the value of crops harvested from the plots affected by the free zone in 2014 represented a large portion of the total harvests from all their plots. In fact, 71% of households harvested at least half of all their crops from the affected plots in 2014. Sixty percent of households harvested all their crops from them. Cereal crops are cultivated on 48% of the plots affected by the free zone. Fruit trees also cover a large portion of the plots (29%). In addition, vegetables are the main crops cultivated on 23% of the plots. A similar trend is observed on plots on the access road right-of-way: cereals are the main crops grown on 60% of the plots, fruit trees on 25%, and vegetables on 15% of the plots.

On the free zone, there are about 13,899 trees. Most of them are olive trees and vine. These trees are present over half of the concerned plots. It should be noted that 158 plots do not have fruit trees.

6.4 Enhancement measures for PAPs

In this context, the project intends to support, during the release of the right of way of the access road under phase 1, to support PAP through the following actions:

- To prevent those affected, 96% are vulnerable, to find themselves without a source of income and/or unemployed, the project (in addition to compensation for the losses) intends to support the reconversion of the heads of 20 affected households. In addition, to account for the changing socio-economic needs of the PAP, NWM will develop and implement a plan for diversification of economic activities and to enable PAP to benefit from the economic impacts of the project. The implementation of the latter will be part of the monitoring and evaluation plan.

- To regulate the high unemployment rate among youth in the oriental region, the project will support the establishment of a school site linked to the construction of the port. To this end, it is expected to provide 150 young people out of which 1/3 of girls (priority is given to the expropriated families), their practical training and professional integration in the context of a construction learning school. The implementation of this activities will be the responsibility of competent authorities at province level together with contractors recruited for the construction of the port.

- To boost the improvement of health and education indicators in the municipalities of Iaazanene and Amaejou, and to support populations that are expected to adjust to new living conditions and environment, the project will provide financial support for the
financing of social, cultural and sport activities as part of a support agreement to local development. In addition, the project will contribute to the rehabilitation / creation of social infrastructure and provide the needed equipment in accordance with the local development plan.

- Support to the recruitment of the local workforce and coaching as part of the professional conversion in collaboration with the appropriate provincial services in the field. The project will facilitate the implementation of this system by supporting the costs involved in the operation and functioning. Appropriate measures should be taken to encourage the recruitment of women and girls in the context of the construction works.

- Litigation may arise before, during and after construction works, it is therefore critical that an appropriate grievance redress mechanism is set up. Even though the amicable settlement of grievance is the one promoted by the Nador West Med Company, nonetheless this may not be enough and the legal process of the Kingdom would have to be used. To do this, the project intends to provide legal assistance to enable people affected in one way or another to access to legal professionals. Beside, this legal advisory assistance may also be used for local populations who have complaints related to the implementation of the project (employment, accident, degradation, etc.). The NWM Company could give this assistance to a competent body in the field (to be specified later). NWM should carry out extensive information and awareness raising of local communities on the obligations of concerned stakeholders.

7. LEGAL FRAMEWORK, INCLUDING DISPUTE SETTLEMENT AND APPEAL MECHANISMS

The legal framework for the design and implementation of the FRAP takes into account Morocco’s legal provisions, on the one hand, and the requirements of the African Development Bank’s Involuntary Resettlement Policy, on the other hand.

7.1 Land Tenure and Moroccan Regulations on Expropriation

The project will apply Moroccan laws on expropriation. The entire State land and land tenure system is governed by Law No. 07-81 on expropriation for public purpose and temporary occupancy, promulgated by Dahir No. 1-81-254 of 6 May 1982. The law comprises four parts: part one concerns expropriation for public purpose; part two deals with temporary occupancy; part three is on compensation for loss of value added; and part four on transitional and implementing provisions.

The State and local authorities, as well as other legal persons established for a public or private interest or persons to whom a public authority delegates its rights to carry out works or operations declared to be for public purpose, have the right to expropriate land. Public purpose is declared by an administrative instrument, which specifies the area that may be expropriated (Section 6).

It provides for public information of the parties concerned through:

- the full publication of the public purpose statement in the Official Gazette (and in at least two local newspapers)
- the filing of the expropriation plan at the Land Property Registry, which records the lands to be expropriated in the land register.
Where the lands are not registered, the information is recorded in a special public register;

The filing of the expropriation plan at the concerned municipalities to register comments and complaints

The Moroccan land tenure system is characterized by a multiplicity of legal status established throughout the country’s history.

- **Melk** is the status of the largely dominant modern private ownership. Melk lands belong to one or more persons who have full enjoyment thereof.

- **Collective lands**, formerly known as tribal lands, were transformed by the legislator (Dahir of 27 April 1919) into “imprescriptible, inalienable and indefeasible” lands belonging to ethnic groups subject to the supervision of the Ministry of Interior. These lands are distributed among successors in interest who have only a right of enjoyment (usufruct), which itself is inalienable. Communities with legal status have collective ownership of land which can be registered and demarcated.

- **Guich** are lands within the private property of the State allocated to tribes for the enjoyment thereof in return for military services rendered. Such lands are often located near imperial cities.

- **Habous** are lands bequeathed by a person to a religious foundation. They represent only about 1% of the country’s arable land.

Land acquisition mechanisms differ depending on the status of land:

- **Private lands** (Melk) are acquired amicably as follows: The Administrative Review Board, which meets in the Divisional Office, fixes the price of the plot of land to be purchased. Where the owner accepts the price fixed, a sale agreement is concluded with the purchasing body. Otherwise, the expropriation procedure is triggered. Section 42 of the law on expropriation provides that the Compensation Assessment Commission shall determine the value of loss incurred and damages suffered. Compensation does not take into account any changes in valuation resulting from the public purpose statement (land speculation);

- For collective lands and Guich, the Ministry of Interior, which has supervisory authority over collective lands, is required to pay compensation to farmers using such lands under this status for loss of means of production;

- Public property of the State: The plot of land is transferred free of charge;

- Private property of the State: The plot of land is transferred free of charge;

- Forests: A procedure for declassification of the land in question is initiated, in collaboration with HCEF. The land becomes public property of the State, and subsequently, private property of the State;
Under this project, plots of land are the assets that are most affected. Given that farming is the population’s main source of income, the acquisition of the plots of land for project needs will have consequences on their owners.

7.3 Judicial Mechanism of the Provisions of Law No. 07-81

Law No. 07-81 governs the following provisions: (a) Public purpose statement and transferability; (b) Effects of statements of public purpose and transferability; (c) Pronouncement of expropriation, possession and fixing of compensation; (d) Payment or deposit of compensation; (e) Remedies; (f) Effects of expropriation; (g) Miscellaneous provisions; (h) Temporary occupancy; (i) Compensation for value added; (j) Transitional and implementing provisions.

The expropriation procedure includes an inquiry carried out to prepare the public purpose statement, as well as an administrative public inquiry.

- **Plot inquiry:** To obtain the public purpose statement (DUP), the expropriating body prepares and submits a plot file to the Prefect who issues an order fixing the date of commencement and duration of the plot inquiry. The DAG-NWM, with the support of specialists, prepares the list and demarcation of assets and an initial estimate of the cost of assets subject to the acquisition request.

- **Public purpose statement:** the DUP file contains: (i) information on the operation; (ii) the demarcation of the expropriation zone; and (iii) the estimated cost of assets. The file is submitted to the Prefect who issues an order fixing the date for the commencement and duration of the public inquiry and appointing an inquiry commissioner. The order is published at least eight days before the start of the inquiry and posted up throughout its duration at the premises of the municipal office concerned. The inquiry file is consulted by the inhabitants of the municipality who may express their opinion to the inquiry commissioner. Members of the public may submit their comments, questions or objections to the plan presented in the public register. At the end of the inquiry, the inquiry commissioner submits his findings to the Prefect and forwards a copy to any person who so requested, as well as the Municipality. The public purpose statement is then issued.

- **Expropriation procedure - Compensation:** The persons affected by expropriation are notified of the State’s intention to expropriate their property. The amount of compensation is fixed by the Prefectural Commission by mutual agreement between the expropriating body and the person whose property is to be expropriated. Thus, the expropriating body sends a compensation offer to the person concerned by registered letter with acknowledgment of receipt. The latter has 15 days within which to accept the offer or communicate his claims. Where both parties fail to reach an amicable settlement within one month, legal proceedings are then initiated.

7.4 Complaint and Dispute Management Process

The proposed grievance redress mechanism covers various aspects of the Project, ie: the Project in general, including the overall planning; the environmental impact assessment process; the compensation process; Project-related employment, usually the biggest source of complaints and disputes for projects of this nature.

In order to handle complaints and litigation, NWM Company will establish a grievance redress committee, composed of: A representative of the NWM Company, a representative of
Territorial Administration; a representative of the PAPs; two representatives of the local population (1 Laazanene and 1 Amaejou) a representative of the municipalities. The committee will meet once a quarter (or as needed) in the presence of a Project representative. Minutes of its meeting will be recorded.

Where an amicable settlement has not been reached, two remedies exist: an administrative remedy before the expropriating body’s supervisory authority, in the case of an amicable renegotiation, or a remedy through the Diwane el Madhalime (intermediation and specific remedy body) and, where necessary, a court remedy.

In this case, the expropriating body must bring the matter before the high court Which acts at two stages: i) the order of taking possession of the land to allow the expropriating body to start the works; ii) the transfer of ownership and determination of compensation. Both judgments are not subject to appeal. Only the amount of compensation is subject to appeal. The project intends to provide assistance to illiterate populations that would need assistance to be able to express and deal with their complaints.

7.5 AfDB Policy and Degree of Compliance

The African Development Bank Group has opted for “people-centred development” in its regional member countries (RMCs). This option enables the Bank Group to initiate sustainable transformation of the economies of RMCs by giving autonomy to their populations to enable them to increase their productivity and real incomes in an equitable and sustainable manner. To that end, the Bank has developed policies and guidelines to help to materialize and concretize this option on the ground within the framework of its operations.

The African Development Bank Group’s Environmental and Social Safeguards Policy (AfDB) was strengthened with the adoption and implementation since 1 July 2014 of the Integrated Safeguards System (ISS) which develops five operational safeguards to be observed. This policy consists in preventing and mitigating any unintended negative impact of the Bank’s activities on the population and the environment. Ensuring environmental protection and improvement for better quality life for human beings are therefore the Bank’s key operational objectives. Thus, all AfDB-financed projects are subject to an environmental and social impact assessment in accordance with the “Environmental Assessment Guidelines” and “Environmental and Social Assessment Procedures (ESAP)”. ESAPs formalize the use of environmental and social impact assessment (ESIA), the Environmental and Social Management Plan (ESMP) and Environmental and Social Audits (ESA) as tools for enhancing project benefits and, in order of priority, for preventing, minimizing, mitigating or compensating for the negative impacts.

The African Development Bank Group policy on the involuntary displacement of people applies in cases of displacement, loss of shelter or other property by the persons residing in the project area, or damage to their livelihoods. The policy is set within the framework of the Bank’s Vision whose overarching goal is poverty reduction. The primary goal of this policy is to ensure that when people need to be displaced for the implementation of a project they are treated equitably, and that they share in the benefits of the project that involves their displacement. To that end, a compensation and resettlement plan (CRP) should be prepared based on a development approach that addresses issues of the livelihood and living standards of the displaced persons, as well as compensation for loss of property, using a participatory approach at all stages of project design and implementation. The borrower or beneficiary of the ADF grant/loan will be required to prepare a full resettlement plan for any project that involves the displacement of at least 200 persons with loss of property, or access to property or reduction in their livelihood. The full resettlement plan will be released as a supplement
The African Development Bank Group involuntary resettlement policy has been developed to cover involuntary displacement, loss of shelter or other property by the persons residing in the project area, or damage to their livelihoods. The policy is set within the framework of the Bank’s Vision in which poverty reduction represents the overarching goal. Within this goal, the strategic action to achieve sustainable development will be pursued. The policy therefore reaffirms the Bank’s commitment to promote environmental and social mainstreaming as a means of fostering poverty reduction, economic development and social well-being in Africa. The borrowers or beneficiaries of grants/loans must address the issues of displacement of people in order to mitigate the consequences of displacement and establish a sustainable economy and society. The primary goal of the involuntary resettlement policy is to ensure that when people need to be displaced they are treated equitably, and that they share in the benefits of the project that involves their displacement. To that end, a compensation and resettlement plan should be prepared and based on a development approach that addresses issues of the livelihood and living standards of the displaced persons as well as compensation for loss of property, using a participatory approach at all stages of project design and implementation.

Compensation at full replacement cost for loss of lands and other assets should be paid prior to project implementation with a view to improving former living standards, income earning capacity and production levels of the affected population. Economic benefits and costs must be taken into consideration in determining project feasibility with regard to the displacement of people. Economic and social considerations should be taken into account in determining the requirements for compensation. Under the present policy, only displaced persons having formal legal rights to land or other assets and those who can prove entitlement under the country’s customary laws are considered and will be fully compensated for loss of land or other assets. However, displaced persons who have no recognizable legal right or claim to the land they are occupying in the project area will be entitled to resettlement assistance in lieu of compensation for land. Without prejudice to the borrower’s legislation, at least lands, housing and infrastructure will be provided to marginalized populations who may have usufruct rights to the land and other resources expropriated for the project.

The borrower or beneficiary of the ADF grant/loan will be required to prepare a full resettlement plan (FRAP) for any project that involves the displacement of at least 200 persons with loss of property, or access to property or reduction in their livelihood. The full resettlement plan will be released as a supplement document to the summary Environmental and Social Impact Assessment for projects involving the involuntary displacement of people. However, for any project involving the displacement of less than 200 persons, an abbreviated resettlement plan will be released together with the environmental annex of the Bank’s Appraisal Report. The full resettlement plan and the abbreviated resettlement plan should be posted at the Bank’s Public Information Centre and on its website for public review and comments in accordance with the Bank’s disclosure policy and the Bank’s Environmental and Social Assessment Procedures.

The FRAP should be the result of careful planning, close consultation and coordination among the stakeholders concerned by the project. The plan should be supported by a
comprehensive socio-economic survey to determine all the relevant characteristics of the affected population, various options, and required resources to resettle and/or compensate them. Resettlers should be well integrated with their host communities. Displaced persons and host communities should be meaningfully consulted early in the planning process and encouraged to participate in the planning and implementation of the resettlement programme. The displaced persons should be informed about their options and rights pertaining to resettlement. They should be given genuine choices among technically and economically feasible resettlement alternatives.

**Compliance of the Moroccan Policy with that of the AfDB**

The operationalization of the policy will require the integration of involuntary resettlement issues at all levels of the project cycle management (from identification to the post-evaluation phase). Most of the national measures to be considered during compensation and resettlement (in the form of indemnification) are in line with AfDB requirements, while others have slight divergences. There is therefore no opposition to the compensation of irregular owners (without land titles) under Moroccan law, or to compensation for the loss of income from crops and orchards.

Legislation does not expressly make provision for vulnerable groups, but positive discrimination can be made. The Moroccan positive law will be able to handle issues related to gender, as women and youths are considered as important targets.

7.6 Unprocedural Mechanism

Compensation and indemnification will be done entirely and exclusively under the Moroccan legal and regulatory framework. The provisions of Bank guidelines will help to minimize the number of complaints and cases of redress. The provision applicable in this case is a conciliatory approach aimed at protecting the rights of the persons affected by the project, while ensuring the judicious management of compensation resources.

8. **INSTITUTIONAL FRAMEWORK**

8.1 Institutional Responsibility

The project contracting authority will be the General Management of Nador West Med (NWM) Company established by the Kingdom of Morocco. The company will be responsible for the implementation and monitoring of the FRAP.

The Moroccan institutional framework for expropriation provides for the involvement of the following bodies: the Ministry of Interior, the Ministry of Finance, the Ministry of Equipment, the Ministry of Agriculture and Agrarian Reform, the municipalities concerned and the local population on the project site. Each of these entities intervenes in accordance with its prerogatives.

8.2 **Persons Affected by the Project (PAP)**

These are the people affected by the project on the project site. They are a part of stakeholders that should be involved in the implementation. To this end, they are represented in the grievance redress committee in charge of amicable disputes settlement. They are involved in the identification of the affected assets and losses and their valuation. They benefit from social enhancement measures.
9. **ELIGIBILITY**

9.1 **Eligibility Criteria for Persons Affected by the Project**

Eligible persons are men and women negatively affected by the implementation of the project who are located within the right-of-way of the port complex, free zone and access road.

By definition, a person is considered to be negatively affected by the project if, as a result of the project, that person loses sources of income, rights of ownership, use or other rights on a building, a portion of land or any other movable or immovable property, in whole or in part, permanently or temporarily. In brief, within the purview of the requirements of Moroccan law and the Bank, these people are those who:

- have legal rights to land, including customary and traditional rights;
- do not have legal rights to land at the time of the identification but have recognized rights of enjoyment or certain claims to the land or property; and
- occupy land although they have no legal right to it.

Persons thus affected will be entitled to indemnification and compensation, that is, they will be entitled to measures that will help to mitigate any damage caused. Such measures may be indemnification or compensation based on their status of occupancy of the affected area, rehabilitation, relocation allowance, or disturbance allowance.

Formally recognized rightful claimants of persons deceased during the time lapse between asset identification and distribution of benefits and compensation will also be eligible for compensation.

9.2 **Eligibility Date**

The eligibility cut-off date shall correspond to the end of the period of identification of persons affected and their built-up, agricultural or business assets found in the project area. After this date, the occupancy and/or use of the resource affected by the project shall not be eligible for compensation.

For phase 1 which concerns 20 households within the right of way of the access road, the eligibility cut-off date fixed for the project by Moroccan legislation is December 10, 2014 which corresponds to the closing date of the administrative inquiry.

10. **LOSS ASSESSMENT AND COMPENSATION**

- **Compensation for Farmland**

Section 42 of Law No. 7-81 and Article 7 of its implementing Decree No. 2-82-382 define the administrative procedure for assessment of compensation. The amount of compensation, which is calculated on the basis of current land market prices in the region (scales taking into account different parameters favorable for a new acquisition), should help to cover all the damages caused and paid within **three months** failing which the person whose property is expropriated may demand the payment of interest calculated at the statutory rate.

The document certifying the collection of the agreed amounts will be prepared and signed by the Department of Lands (Ministry of Finance) and the persons compensated. The conditions
for payment of such compensation will be set forth in the document in order to prevent the accumulation of arrears.

The Prefectoral Loss Assessment Commission will determine the amounts of compensation. The amounts of compensation will be calculated on the basis of current land market prices in the regions concerned. They will constitute the basis of negotiation.

The compensation payment file will include: (i) the compensation agreement endorsed by the Prefectoral Assessment Commission and co-signed by Nador West Med and the affected person; (ii) the affidavit issued by the Court for the rightful claimant in the event of the death of the owner of a building or activity; and (iii) the compensation receipt signed by all the parties mentioned above.

Compensation should be paid in a manner that would provide the population with means that enable them to sustain their living standards. Budgetary and regulatory measures will be taken to that end. All compensation will be paid before the start-up of works.

To pay substantial compensation to affected persons, Nador West Med should provide for budgetary resources to cover the cost of land acquisition, compensation for crops, buildings and loss of income-generating activities, as well as measures to support PAPs and the cost of managing the operation.

- **Compensation for Crops and Trees**

The scale corresponding to the project area will be used to calculate the amount of compensation for loss of crops and/or trees. The compensation will be fixed on the basis of the value applicable on the date of signature of the expropriation order in line with the scales of the Kingdom taking into account different parameters favorable for agricultural development without loss.

- **Compensation for Non-residential Buildings**

The scale corresponding to the project area will be used to calculate the amount of compensation for loss of non-residential buildings (barns, shops, etc.). The compensation will be fixed on the basis of the value applicable on the date of signature of the expropriation order.

- **Compensation of Fishing Boat Owners**

As part of its overall policy to support small-scale fisheries and grouping of artisanal fishermen on sites where marketing and cold chain can be better organized, the Ministry of Agriculture and Maritime Fishing (MAPM) has prepared a relocation plan of fishermen in the Betoya Bay on a "Landing Point" (PDA) at a place called Chamlalla, which is currently established an informal landing.

Thus, owners who have their boats located in the NWM project area are concerned by this national measure which is not related to the implementation of the project. The resettlement of artisanal fishermen boats owners will be provided on site by the Chamlalla MAPM.

NWM should ensure that the execution plan of the project, in particular its timing, are compatible with the start of construction of the port. To this end, it should conduct a consultation with the MAPM to harmonize implementation schedule of both projects. It will provide the Bank with all elements ensuring suitable support for the relocation of the MAPM.
Nonetheless, NWM intends to provide transitional facilitation provisions in case the schedules do not match, to compensate losses for affected fishermen. A compensation can then be paid to the 71 affected owners.

11. IDENTIFICATION OF POSSIBLE RESETTLEMENT SITES, CHOICE OF SITE(S), SITE PREPARATION AND RESETTLEMENT

Insofar as land will be bought and the loss of crops, buildings and income-generating activities compensated, no relocation site is needed.

12. HOUSING, INFRASTRUCTURE AND SOCIAL SERVICES

No community social service will be affected by the implementation of the Nador West Med project. However, since the project will permanently end swimming activities (although this is forbidden in the area) and will cause a change in socio-cultural and socio-economic habits of populations of the municipalities, the project intends to take enhancement actions. These measures which intends to contribute to combating poverty and promote local development, will enable the Nador West Med project to facilitating access to the basic social infrastructure inherent in its future operation and meeting the needs of local populations.

In this regard, NWM will finance the construction / rehabilitation of social facilities in the two municipalities concerned with priority to the municipality of Iaazzenene. The municipalities will define the investment options.

13. ENVIRONMENTAL PROTECTION

Management Plan (ESMP Environmental protection will be carried out in accordance with the Environmental and Social) contained in the Environmental and Social Impact Assessment.

14. IMPLEMENTATION SCHEDULE

This calendar relates exclusively to the implementation of phase 1 of the project (access road). Therefore, only PAPs located on the RoW of the access road to the port will be considered for this schedule. The table below presents the general planning of the implementation of these various phases:

<table>
<thead>
<tr>
<th>Phase</th>
<th>Activities</th>
<th>Implementation Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plot inquiry</td>
<td>Inventory of all landed and agricultural property located in the right-of-way/assessment of the value of the property of each owner</td>
<td>October 2014 for the access road</td>
</tr>
<tr>
<td>Public enquiry</td>
<td>Establishing the expropriation act and opening of public enquiry</td>
<td>8/10/14 to 10/12/14 for the access road</td>
</tr>
<tr>
<td>Preliminary investigation</td>
<td>Verification of the legitimacy of the public purpose statement and effective occupancy by owners</td>
<td></td>
</tr>
<tr>
<td>Public purpose statement (DUP)</td>
<td>Publication of decree declaring the road right-of-way to be for a public</td>
<td>October 2015</td>
</tr>
<tr>
<td>Purpose/Establishment of the Plot Inquiry and Expropriated Property Assessment Commission/Information and sensitization of the affected population</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setting up of the minimum compensations amounts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 2015 for the access road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establishment of Prefectoral Commission / Deliberations of Divisional Commission</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recruitment of professional in charge of social issues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recruitment of a communication officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preparation and implement a communication plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dispute management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation of affected persons</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Release of free zone and access road rights-of-way</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Release of offshore project right-of-way</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requisitioning of the right-of-way by the company recruited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implementation of support social measures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitoring and evaluation of FRAP implementation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purpose/Establishment of the Plot Inquiry and Expropriated Property Assessment Commission/Information and sensitization of the affected population</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setting up of the minimum compensations amounts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 2015 for the access road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistance to PAPs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support to the conversion and to the recruitment of local workforce</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior to the beginning of the works</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prepare and implement the communication plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Information and Sensitazation campaigns on selected topics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Throughout the operation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Registering and management of grievance from the population</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Throughout the operation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signing of final agreements with PAPs/Effective payment of compensation to persons whose property is expropriated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Before the effective start-up of works</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Release of the Right of Way and support to conversion of PAPs + technical, administrative and institutionnal support</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior and after the payment of compensation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discontinuation of the activities of boat owners in the maritime area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>After relocation of PAPs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Verification of evictions / Start of clearing, effective release of the right-of-way and earthmoving works</td>
<td></td>
<td></td>
</tr>
<tr>
<td>After the relocation of PAPs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preparation and implementation of the Social Action Plan for Support to PAPs and the Local Population</td>
<td></td>
<td></td>
</tr>
<tr>
<td>From the start to the end of the project</td>
<td></td>
<td></td>
</tr>
<tr>
<td>This involves taking stock of the status of implementation of the FRAP and evaluating its impact.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>From the start to the end of the project</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## 15. BUDGET

### 15.1 Cost of the FRAP

The budget for the implementation of phase 1 of the project, including all resettlement and local development measures, and costs related to the implementation and monitoring and evaluation of the operation, stands at MAD 17 595 601 or EUR 1 639 834. The cost breakdown is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount (in MAD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation for the loss of farmland</td>
<td>2 066 240</td>
</tr>
<tr>
<td>Compensation for the loss of crops, trees and buildings (surface damage)</td>
<td>583 200</td>
</tr>
<tr>
<td>Resettlement of boat owners affected during the transition phase (3000 MAD of income per month for 12 months * 71 owners)</td>
<td>2 556 000</td>
</tr>
<tr>
<td>Provisions for omission and (or) updating of scales (10% of the compensation amount)</td>
<td>264 944</td>
</tr>
<tr>
<td><strong>S/Total Compensation</strong></td>
<td><strong>5 470 384</strong></td>
</tr>
<tr>
<td>Communication Plan (information + sensitization + dialogue +</td>
<td>691 120</td>
</tr>
</tbody>
</table>
social mobilization)

<table>
<thead>
<tr>
<th>S/Total communication plan</th>
<th>691 120</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support social measures (2340 MAD of monthly income per household * 12 months * 20 households)</td>
<td>561 600</td>
</tr>
<tr>
<td>Preparation of the conversion plan + implementation and technical, administrative and institutional support.</td>
<td>387 042</td>
</tr>
<tr>
<td>Legal advisory assistance to PAPs and neighboring population (lump sum of 4500 MAD * 100 per cases + prevention information)</td>
<td>450 000</td>
</tr>
<tr>
<td>Support to social activities in the two municipalities (lump sum)</td>
<td>1 082 844</td>
</tr>
<tr>
<td>Youth construction training school (150 young people * 10 828 MAD of training fees per person)</td>
<td>1 624 200</td>
</tr>
<tr>
<td>Support to the recruitment of local workers (lump sum based on the potential local work force)</td>
<td>1 082 844</td>
</tr>
<tr>
<td>Support to the rehabilitation/construction of social infrastructures</td>
<td>3 221 893</td>
</tr>
<tr>
<td>S/T of social enhancement measures</td>
<td>8 410 423</td>
</tr>
<tr>
<td>Cost of monitoring and implementation of the resettlement plan (Monitoring and Evaluation + Capacity Building + operating costs of the Divisional Commission + cost of land acquisition processes)</td>
<td>2 185 789</td>
</tr>
<tr>
<td>Physical contingencies and price escalation (5% of the total amount)</td>
<td>837 885</td>
</tr>
</tbody>
</table>

**Total cost of the FRAP (in MAD)** 17 595 601

### 15.2 Financing Plan

<table>
<thead>
<tr>
<th>Institution</th>
<th>Amount (in MAD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nador West MED</td>
<td>17 595 601</td>
</tr>
</tbody>
</table>

### 16. MONITORING AND EVALUATION

The monitoring and evaluation of FRAP implementation will be through a participatory approach taking into account all project stakeholders. It will be integrated into that of ESMP implementation. It will include internal and external monitoring, AfDB supervision missions and final FRAP impact assessment.

Nador West MED will be responsible for monitoring and evaluating the FRAP implementation. Its environmental and social conservation expert will be specifically responsible for this dimension. In addition, Nador West MED should partner with experts from other relevant ministries to carry out such monitoring and evaluation, depending on their prerogatives.

Specifically, monitoring and evaluation should help to ensure that: (i) pre-determined compensation is effectively paid; (ii) resettlement is progressing as planned; (iii) appropriate care is provided to vulnerable groups; (iv) all complaints are considered and decisions known; (v) the established schedule for FRAP implementation is adhered to; (vi) resettlement does not create any negative impacts or such impacts are mitigated. Essentially, it will be a matter of ensuring that PAPs are properly integrated into their host communities and that their living standards have not worsened.
Objective and verifiable indicators should be defined to ensure effective and efficient FRAP monitoring. In this regard, the following indicators could be used:

<table>
<thead>
<tr>
<th>Monitoring Parameter</th>
<th>Authority Responsible</th>
<th>Indicators / Period</th>
<th>Performance Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participation</td>
<td>NWM Municipalities</td>
<td>• Number and type of PAPs</td>
<td>All PAPs and their property have been identified.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Number of PAPs taking part</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Number of households and persons who have been physically displaced due to the development of the canal (Quarterly)</td>
<td></td>
</tr>
<tr>
<td>Negotiation and compensation</td>
<td>MIN NWM Municipalities</td>
<td>• Nature and amount of compensation per PAP</td>
<td>All PAPs entitled to compensation have been compensated. A consensus has been reached on the compensation due to all PAPs.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Number of reports of agreements signed (During the passage of the Assessment Commission and following complaints filed)</td>
<td></td>
</tr>
<tr>
<td>Moving and resettlement process</td>
<td>NWM Municipalities</td>
<td>• Number of PAPs sensitized (Quarterly)</td>
<td>All PAPs to be resettled have been settled as planned.</td>
</tr>
<tr>
<td>Resolution of all legitimate grievances</td>
<td>Prefectoral Offices Municipalities</td>
<td>• Number of conflicts</td>
<td>All conflicts have been resolved amicably.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Types of conflicts</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Number of PAPs supported</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Reports of resolved cases (agreements) (Monthly)</td>
<td></td>
</tr>
<tr>
<td>Satisfaction of PAPs</td>
<td>NWM Prefectoral Offices Municipalities</td>
<td>• Number of PAPs sensitized</td>
<td>All PAPs are satisfied with the resettlement conditions.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Type of support provided</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Number of PAPs satisfied</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Number of PAPs converted (Quarterly)</td>
<td></td>
</tr>
</tbody>
</table>

The impact assessment will involve conducting a comparative analysis based on a baseline situation study at project start-up, a situation study at mid-term and another at the end of the project. The aim of the assessment of the FRAP is to ensure that the living conditions of the PAPs are better or at least equal to those that they had prior to the project. To this reason, it is necessary to:

- establish and interpret the baseline situation of the affected population, before starting the project (census and household survey carried out as part of this mandate of developing the FRAP will form the basis of the baseline);
- define, at regular intervals, some or all of the above parameters in order to assess and understand the changes;
- establish, at the end of the project, a new baseline for assessing socioeconomic impacts of the FRAP.

The indicators to be defined by the entity responsible for the assessment and Nador West Med company, will help measure performance of the FRAP implementation in terms of compensation, relocation and resettlement of PAP and improvement of living conditions and environment.

Under the responsibility of the Environmental and Social Safeguard Expert of Nador West Med, the impact assessment will be entrusted to an external competent entity which will be recruited by NWM. The project management unit will prepare the terms of reference for the assessment.