# ABBREVIATED RESETTLEMENT PLAN SUMMARY

<table>
<thead>
<tr>
<th>Project Appraisal Team</th>
<th>Team Leader</th>
<th>Team Members</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Team Leader</strong></td>
<td>Belgacem BEN SASSI, Chief Water and Sanitation Engineer</td>
<td><strong>Team Members</strong></td>
</tr>
<tr>
<td><strong>Team Members</strong></td>
<td>William DAKPO, Regional Procurement Coordinator</td>
<td>Mohamed ELOUAHABI, Water and Sanitation Specialist</td>
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<td></td>
<td>Mamadou YARO, Regional Financial Management Coordinator</td>
<td>Habib KAMOUN, Consultant, Financial Analyst</td>
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<td></td>
<td>Mohamed EL ARKOUBI, Procurement Officer</td>
<td>Modeste KINANE, Principal Environmental Specialist</td>
</tr>
<tr>
<td></td>
<td>Leila KILANI JAAFOR, Social Development Specialist</td>
<td>Mohamed EL ARKOUBI, Procurement Officer</td>
</tr>
<tr>
<td></td>
<td>Iman SERROKH, Disbursement Assistant</td>
<td>Leila KILANI JAAFOR, Social Development Specialist</td>
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<tr>
<td></td>
<td>V. FAGBOHOUNI, Principal Legal Counsel</td>
<td>Iman SERROKH, Disbursement Assistant</td>
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AFRICAN DEVELOPMENT BANK GROUP

PROJECT: DRINKING WATER QUALITY AND SERVICE IMPROVEMENT PROJECT
1. INTRODUCTION

At the request of the Moroccan Authorities, the African Development Bank (AfDB) intends to support the implementation of the 'Drinking Water Quality and Service Improvement Project', which will strengthen and safeguard drinking water supply to several urban centres (Bouznika, Ben Slimane, Youssoufia and Safi) and improve water quality of the Bouregreg system (artificial aeration at the SMBA dam and ozonation at the existing treatment plant) as well as the performance of the existing DWS systems (reduce losses, optimize operation, etc.).

From an environmental and social standpoint, the project is classified in Category 2, in view of the nature of the works to be implemented and the environmental and social impacts ranging from low to moderate. The project's implementation requires expropriation affecting less than 200 persons, in the public interest. These expropriations, which are technically impossible to avoid, are necessary to allow the laying of certain pipes and the construction of some storage facilities. However, ONEE-Water Branch (called ONEE in this document) has made every effort to ensure that these expropriations are minimized. No physical displacement is concerned by the project and the affected property is entirely agricultural land.

In accordance with the AfDB Involuntary Resettlement Policy, an Abbreviated Resettlement Plan (ARP) must be prepared for this project, the objectives of which are to: (i) minimize involuntary displacements to the extent possible; (ii) prevent the destruction of assets as far as possible; and (iii) compensate affected persons for their losses. The ARP is the subject of this document. It defines the principles and modalities for implementing actions to compensate and resettle project-affected persons and establish an estimated budget that will be incorporated into the project cost.

2. PROJECT DESCRIPTION AND ITS IMPACT AREA

2.1 Project Description

The project's sector goal is to improve the socio-economic and health conditions of the population by safeguarding drinking water supply in terms of quality and quantity in the urban and rural centres concerned.

The project's specific objectives are to strengthen and safeguard DWS in several urban centres (Bouznika, Ben Slimane, Youssoufia and Safi) and improve water quality (artificial aeration and ozonation) as well as the performance of existing DWS systems (reduce losses, optimize operation, etc.).
The project will be co-financed by the Bank, ONEE, IBRD and EBRD (in parallel financing). The Bank will contribute EUR 88.85 million, i.e. about UA 68.5 million. This amount represents 50% of the estimated project cost. ONEE, with IBRD and EBRD\(^1\), will finance the remaining 50%.

The project components with the respective brief descriptions are presented in Table 1 below.

**Table 1: Project Components**

<table>
<thead>
<tr>
<th>Component/Sub-Component Name</th>
<th>Component Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> Strengthen Drinking Water Supply in Urban Centres</td>
<td></td>
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</tbody>
</table>
| Sub-Component A.1: Strengthen DWS in Bouznika (including rehabilitation of the supply pipe upstream) and Ben Slimane | - Laying of water supply pipes and related structures  
- Tanks (semi-buried and elevated)  
- Pumping stations |
| Sub-Component A.2: Strengthen DWS in Youssoufia and South Safi | - Water supply pipes and related structures  
- Equipment for pumping stations and tanks  
- Power transmission lines |
| **B** Improve Water Quality in the Bouregreg Complex | |
| Sub-Component B.1: Artificial Aeration at the SMBA Dam | - Artificial aeration systems (aerator and piping)  
- Air compressor  
- Power line and transformer substations |
| Sub-Component B.2: Ozonation process at the existing treatment plant | - Ozonizers and related equipment  
- Hydraulic structures and feeder pipes |
| **C** Improve the performance of existing DWS systems | |
| Rehabilitate treatment plants; strengthen production facilities; increase storage autonomy; improve network yields; install meters and leak detection. | - Rehabilitation of raw water intake mains and treatment station facilities  
- Rehabilitation of pumping stations  
- Rehabilitation of supply pipes  
- Storage tanks  
- Electric flowmeters  
- Mechanical meters  
- Mobile leak detection units |
| **D** Project Technical and Management Support | - Studies, works control and supervision |

Source: PAR, February 2016 Version

2.2    Main Socio-Economic Characteristics of the Project Area of Intervention

The project area encompasses all the provinces around the Rabat-Casablanca motorway, in particular Bouznika and Ben Slimane provinces (in the Rabat-Casablanca economic hub), as well as Youssoufia and Safi provinces (in the Abda Doukkala economic hub) for components A and B and almost the entire Moroccan territory for Component C.

The town of Benslimane lies halfway between the administrative capital (62 km) and Casablanca metropolis (55 km). It is located between Tit Mellil, Ain Harrouda, Mohammedia in

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\(^1\) ONEE: UA 22.5 million ≈ EUR 29.2 million; EBRD: UA 12 million ≈ EUR 15.6 million and IBRD: UA 34 million ≈ EUR 44.1 million.

\(^2\) AfDB will contribute to the financing of all these components.
the South; Skhirat and Temara in the North and Bouznika in the West. In 2015, its population was estimated at 60,100. The rural municipalities on the outskirts of Ben Slimane are also taken into account in the calculation of needs and sizing of the water supply pipes. The population of the adjacent rural municipalities are as follows: (i) Ziaida rural municipality: 14,581 inhabitants; (ii) Ain Tizgha rural municipality: 15,692 inhabitants; (iii) Bir Nasser rural municipality: 4,855 inhabitants; and (iv) Ouled Yahya Louta rural municipality: 9,430 inhabitants.

Agriculture is the mainstay of the economy of Benslimane Province. The useful agricultural area (UAA) represents 55.8% of the province's surface area, i.e. about 133,920 ha (3,767 irrigated hectares, 130,153 'bour' areas) distributed among 14,000 farms. 23.7% is covered by forests (56,988 ha). Grazing and uncultivated land represent 20% (49,119 ha). The main type of agricultural practice is cereal farming followed in order of importance by fodder crops, pulse crops, tree farming and market gardening.

The town of Bouznika lies on National Road 1 between Rabat and Casablanca on the coast. It is bordered to the West by Mansouria urban municipality, to the East by Echarrat rural municipality and to the South by Ain Tizgha rural municipality. Bouznika covers an area of 1,905 hectares and had a population of 37,238 - according to the 2014 census. The population of the project area, including the town of Bouznika, is 45,400.

The population of the area covered by the project in the towns of Youssoufia and Safi (in the region of Doukkala Abda) is estimated at 123,532. Much of this population is young since the percentage of persons aged 15 to 59 exceeds 50%. The illiteracy rate of the population aged ten years and over far exceeds the national average (43%). In the project areas in Youssoufia and Safi, agriculture also plays a major role in the formation of the economic fabric. The UAA represents 70% of the municipal area of the study zone. Agriculture is the second most important activity carried out by the region's population. Agriculture in the region concerns above all cereal cropping, which occupies an average of 80 % of its UAA. The main cereal crops are hard wheat, soft wheat, maize and barley.

The Rhamma Plateau and its immediate environs stand out in the national classification as the Kingdom's most productive regions in terms of cereal orange and olive crops. In view of the extent to which the land has been farmed, natural species are only to be found in highly degraded patches due to the expansion of croplands.

There are now very few areas dominated by natural species. Most of the land has been shaped and used for fruit crops (olive and orange trees), market garden and, to a large extent, cereal crops. The vegetation introduced or planted by humans comprises eucalyptus, poplar trees and fruit tree plantations (olive trees, etc.). The rest of this area is made up of fields for cereals (barley and hard wheat) and leguminous crops (broad beans, lentils, green beans, chickpeas, etc.), as well as uncultivated spaces. Irrigated crops (by traditional seguias following contour lines) are confined to a few market garden plots (onions, potatoes, tomatoes, peppers, peas, etc.) close to the wadi inlets.
From a health standpoint, the project area is characterized by:

- A 22.9% prevalence rate of waterborne diseases in 2011
- An under-five mortality rate of 30 per 1,000 in 2014;
- A maternal mortality rate of 112 per 100,000 in 2014.

The overall poverty rate in the project area was estimated at 8.9% in 2012.

2.3 Land Tenure System

There are many different types of land tenure systems in Morocco, which may be grouped into two categories:

- State land system, representing 3% of the UAA comprising: (i) public land owned by the State and local authorities; (ii) private land owned by the State and local authorities; (iii) forest areas;

- Non-State systems comprising: (i) Habous land (religious endowments) (1% of UAA); (ii) collective tribal land (17% of UAA); (iii) Guich land (3% of the UAA); (iv) privately held titled land (or Melk) representing 76% of the UAA, which is divided into moukia (untitled land, ownership of which is governed by deeds under Islamic law) and titled property, registered under a number at the land registry.

3 POTENTIAL IMPACTS AND ASSOCIATED MEASURES

Environmental-type impacts are covered in the Environmental and Social Management Plan (ESMP) for the works concerned. In this ARP, only the positive socioeconomic impacts are presented along with the negative impacts from damage to and expropriation of the land concerned.

The project's main expected benefit will be an increase in the quantitative and qualitative availability of water, which will help to improve the population's living conditions and health, in particular children's health that will record improvement, thanks to a reduction in waterborne diseases. From an economic standpoint, this project will contribute to poverty reduction by fostering the creation of temporary jobs during works implementation and a few other additional jobs for the operation of the ONEE-Water Branch facilities, and the region's economic development (establishment of industrial or tourism units). The availability of water will also have a positive impact on the consolidation and emergence of economic activities in the regions served (tourism, services and industry) in urban areas and income-generating activities (IGA) in rural areas.

Furthermore, the project will certainly have a direct impact on women who not only represent about 51% of the Moroccan population but are also the main water users, particularly for household chores. The drudgery of fetching water (especially in rural and peri-urban areas) will be reduced, thus enabling women to develop micro-economic activities. It will improve the
The private sector will also be concerned by the project’s positive spin-off through the creation of opportunities during works implementation and by the additional volume of drinking water produced by the project, which will allow private operators in the tourism sector to expand their activities.

Generally, ONEE tries to lay pipes as far as possible in public rights-of-way, which only requires temporary occupation and compensation for the damage caused during the works. To limit the expropriation procedures, ONEE makes every effort not to enter private property. ONEE reviews the proposed technical design based on plot inventories to assess the technical possibilities of avoiding a maximum number of expropriations, in particular for the location of infrastructure which, from ONEE’s experience, represents the majority of expropriations. This approach is consistent with the requirements of ISS operational safeguard 2. Despite all the efforts made by ONEE, 158 plots of undeveloped or agricultural land will be affected during implementation of certain DWS works in Ben Slimane, Bouznika, Youssoufia and Safi. No building or economic structure will be impacted.

Compensation will be paid for expropriated land. Special attention will be paid to ensure that vulnerable people do not find themselves in a more precarious situation. The potential social impacts on the human and natural environments are comprehensively presented in the Environmental and Social Impact Assessment (ESIA) notes on the DWS components concerned.

### 4. SOCIO-ECONOMIC STUDIES

An inventory of the plots affected by the expropriations is compiled during the topographical studies and land parcel mapping.

#### 4.1 Land Parcelling Plan and Affected Persons

158 plots of land covering a total area of 137,371 m² will be expropriated; 160 people are affected all of whom are men. It should also be noted that some plots belong to more than one person. Practically all the land concerned falls under the Melk category (private property).

The Melk is the main land type in Morocco. Melk land belongs to one or more people who have full ownership rights. Privately held titled land (or Melk), which is divided into moulkia (untitled land, ownership of which is governed by deeds under Islamic law) and titled property are registered under a number at the land registry. Since the Moroccan constitution guarantees the right of ownership, Melk land may only be expropriated in the specific cases and forms stipulated by law.

State-owned public land concerns 3,511 m² in Benslimane. It is not taken into account in this ARP.
Table 2: Type of Land and Affected Persons

<table>
<thead>
<tr>
<th>Province</th>
<th>Municipality Concerned</th>
<th>Type of Land</th>
<th>Total Surface Area (m²)</th>
<th>Total Number of Plots Concerned</th>
<th>Number of Landowners Concerned (Estimated)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benslimane</td>
<td>Echaratte</td>
<td>Melk</td>
<td>31,179</td>
<td>23</td>
<td>23</td>
</tr>
<tr>
<td>Bouznika</td>
<td>Echaratte</td>
<td>Melk</td>
<td>3,954</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Youssoufia</td>
<td>Youssoufia</td>
<td>Melk</td>
<td>8,855</td>
<td>13</td>
<td>15</td>
</tr>
<tr>
<td>Safi</td>
<td>El Ghiat</td>
<td>Melk</td>
<td>9,909</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Ouled Selmane</td>
<td>Melk</td>
<td>41,011</td>
<td>53</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>Sebt Gzoula</td>
<td>Melk</td>
<td>42,463</td>
<td>56</td>
<td>56</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>137,371</td>
<td>158</td>
<td>160</td>
</tr>
</tbody>
</table>

Table 2 above presents information on the type of land and persons affected. Average household size in the project area is six people and is significantly above the national average which is 5.4. The population concerned in the project area is young with over 50% aged between 15 and 59. The vulnerable are mainly those over 65 years old, who represent most of the PAPs. The only mitigation measure planned is to allow them sufficient time prior to possession (see Table 3 on the comparison between AfDB and Moroccan procedures). The Communication Plan to be implemented by ONEE’s Communication Division takes these aspects into account.

The main source of income for over 60% of people contacted is agriculture in the broad sense (agriculture, forestry and fishing). Other sources concern activities in the industry and services sectors (including building and public works).3

The project does not entail any resettlement/displacement of persons, dwellings or production units. It neither creates nor increases poverty or vulnerability among the affected persons.

4.2 Status of the Expropriation Procedure (as at 20 March 2016)

Form A.2.1 enables ONEE to take stock of the status of the expropriation procedure at any time. Table 3 below shows the status as at 30 January 2016.

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3 These are very preliminary data, which will only be considered as final when ownership has been confirmed for each PAP.
Table 3: Status of the Expropriation Procedure as at 30 January 2016

<table>
<thead>
<tr>
<th>Action</th>
<th>Benslimane</th>
<th>Bouznika</th>
<th>Youssoufia</th>
<th>Safia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publication of the Declaration of Public Interest (DPI) in the Official Gazette (OG)</td>
<td>OG No. 5322 of 29 October 2014</td>
<td>OG No. 5283 of 29 January 2014</td>
<td>OG No. 4980 of 09/04/08</td>
<td>In March 2016</td>
</tr>
<tr>
<td>Administrative Valuation Commission (CAE) for the valuation of land</td>
<td>Held on 27/07/2015 and 29/10/2015</td>
<td>Held on 22/01/2015</td>
<td>Ongoing</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

ONEE will use the data collected from the A.2.1 forms to provide detailed and updated information on the PAPs.

5 CONSULTATION

5.1. AfDB Requirements

AfDB’s Integrated Safeguards System (ISS) requires that:

1. The Borrower carry out adequate consultation (i.e. free, prior and informed consultation) with communities likely to be affected by the environmental and social impacts, and with local actors.

2. The resettlement plan include an explicit public information strategy.

The objective is to ensure stakeholder participation throughout the consultation process so that affected communities and stakeholders have timely access to information concerning the Bank's operations, through appropriate channels, and that they are adequately consulted on issues that might affect them.

5.2 Provisions of National Regulations

Act No. 7-81 requires the expropriation authority to complete all the specified regulatory formalities, including the publication and posting of the declarations of public interest in order to clearly inform the beneficiaries and provide them with an opportunity to exercise their rights to compensation. There are provisions under Law 7-81 that can meet the AfDB ISS requirements regarding consultation raised in paragraph 4.1.

As regards the first point of AfDB requirements, in particular free, prior and informed consultation, pursuant to Article 10 of Dahir 1-81-254 (6 May 1982) promulgating Act no.7-81 on expropriation in the public interest and temporary occupation, the transferability act must be preceded by an administrative investigation. The administrative investigation includes a public enquiry. To that end, the draft decision:
• Is published in the Official Gazette (OG) and in one or more newspapers authorized to accept legal notices;

• Is delivered, accompanied by a plan to municipality office where interested parties may read it and submit their comments within two months of the date of publication in the Official Gazette.

The Declaration of Public Interest (DPI) 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.

Potentially affected or interested parties may therefore consult it in a free, prior and informed manner, and write their comments in the above-mentioned register within two months of its publication in the Official Gazette. Thus, the administrative investigation makes it possible to gather the objections raised against the project's public interest and its conditions of implementation, and also to reveal the holders of rights pertaining to the assets concerned by the operation. Thus, affected persons were consulted as part of the expropriation procedure, once under the public enquiry prior to publication of the expropriation decree and a second time during the administrative investigation, then a third time at the Consultation Commissions, when each affected person was proposed an amount of compensation as determined by the CAE.

Apart from the PAPs, the ONEE organizes stakeholder consultations as required, as part of the preparation of the ESIA/ESMP notes on the sub-components concerned.

As regards the second point, and to enhance the consultation, communication and participation of all actors, a communication plan has been prepared. It will be steered by ONEE's Cooperation and Communication Department. The plan's objective is to provide relevant information that can be understood by the target stakeholders. This process will provide stakeholders with an opportunity to receive accurate information on the project before, during and on completion of the works. It will thus help to minimize the risks of misunderstandings between the project and stakeholders due to a lack of information.

5.3. Status of Public Participation

The project beneficiary communities that will be potentially affected by its social impacts, in particular land acquisition, are consulted on many occasions during the different project preparation phases:

• All the stakeholders are consulted at ONEE's initiative during the preparation of documents related to the project’s environmental and social impacts, in keeping with the ISS requirements;

• Affected persons were consulted during the expropriation procedure, once during the public enquiry (administrative investigation) prior to publication of the expropriation decree. The draft declarations of public interest were posted in the
localities concerned by the project. These consultations were held in October 2014 and January 2014 for Benslimane and Bouznika, respectively. In March 2015, PAPs in Youssoufia were consulted as part of the expropriation procedure. In the case of Safia, the consultations were held in March 2016. This phase resulted in some corrections which, in certain cases, led to re-publication in the OG.

- Potentially affected persons were allowed two months in accordance with the regulations to communicate their comments on the administrative investigation. The phase of collecting and recording the comments of potentially affected persons has also been completed for the draft decrees published for these localities.

- A further consultation sessions is scheduled for the conciliation commissions, during which the amounts of compensation as determined by the Administrative Experts Panel (CAE) are communicated to the PAPs. In the case of Bouznika, the representative of the local authorities in the area was contacted on 6 June 2014 to convene a meeting of the CAE. Only one PAP is concerned in this locality.

4.5 Future Consultations

The Administrative Commission of Experts is responsible for fixing the unit prices and amounts of compensation by amicable settlement. These committees comprise the following members: (i) the Pacha or Caïd, Chairperson; (ii) a local representative of the Ministry of Finance (Tax Department); (iii) the State-Land Department; (iv) local representatives of the Ministry of Agriculture; (v) the High Commission for Water Resources and Desertification Control; and (vi) an official from the registration and stamp duty authority.

The administrative procedure for calculating compensation is determined by Article 20 of Act 7-91 and by Article 7 of its implementing decree No. 2-82-382. The compensation determined by the CAE is often equal to or slightly above the market value.

Future consultations will more closely target eligible persons (the consultations will be carried out entirely by the Conciliation Commissions planned under the expropriation procedure and will focus on expropriation and compensation issues). During these meetings, the eligible persons:

- Will be able to express their concerns and difficulties, make suggestions and receive the related responses and recommendations;

- Will be informed of their rights and the redress systems available to them (see procedures for further details).

In addition to expropriations and in order to bolster consultation and the participation of all the actors, a communication plan has been prepared and will be implemented by ONEE's Cooperation and Communication Department.
6. COMPENSATION AND RESETTLEMENT ASSISTANCE

Acquisition of land for the project structures and compensation paid for damage will be done in accordance with the compensation and expropriation procedures governed by Act No. 7-81 on expropriation in the public interest and temporary occupation, promulgated by Dahir No.1-81-254 of 6 May 1982. This Act governs the following provisions: (i) Declaration of Public Interest and transferability; (ii) Effects of Declarations of Public Interest and transferability; (iii) Pronouncement of expropriation, possession and fixing of compensation; (ii) Payment or deposit of compensation; (iv) Remedies; (v) Effects of expropriation; (vi) Miscellaneous provisions; (vii) Temporary occupancy; (viii) Compensation for value-added; and (ix) Transitional and implementing provisions.

As mentioned, this concerns land expropriation without displacement of persons. The resettlement component is not applicable.

6.1 Valuation Method and procedures for Affected Assets and their Compensation

In the case of land acquisition, compensation in relation to the market value of the expropriated land is determined based on the area measured by the certified land/geomatics surveyor (LGS). It is paid to the owner of the plot of land in the case of individuals and to the oversight authorities in the case of collective land, Guich or Habous.

Where developed land is concerned, the law recognizes that all the title holders are entitled to receive compensation irrespective of whether they are owners, tenants or occupiers, usufructuaries, owners of trees or any other development existing on the expropriated plots of land when the Declaration of Public Interest is made.

Irrespective of the land system of the expropriated land, superficial damage (crops, trees, etc.), as well as the related loss of income will be recorded and compensation paid to entitled persons. The inventory will be carried out in the presence of the entitled persons, the local authority and the representative of the expropriating authority.

6.2. Valuation of Affected Property

The valuation of affected property is carried out by an Administrative Valuation Commission (CAE), in accordance with Act No. 7-81 governing expropriations. It comprises the following permanent members:

- Representatives of the local authorities in the provinces concerned
- Chairs of the municipal councils concerned
- Representative of the registration service of the Regional Tax Department
- Representatives of the Regional State Lands Departments
- Representatives of the expropriating administrative service.
The following members may sit, if required:

- Representatives of certain decentralized government services (Ministry of Interior, Ministry of Equipment, Ministry of Agriculture and Marine Fisheries, Department of Urbanization, etc.), and
- Representative of the traditional authorities.

The Commission negotiates the amount of compensation both for superficial damage and for the market value (commercial value). This amount is determined based on current market prices in the region.

As prescribed by law, the valuation criteria require the parties concerned to adopt an estimation that excludes all speculation: only present and undisputed damage is taken into account, including the appreciation or depreciation following publication of the 'Notice Concerning the Projected Structure or Operation'.

Article 20: Compensation for expropriations is determined in accordance with the following rules:

- It shall only compensate present and undisputed damage directly caused by expropriation; and does not apply to doubtful, contingent or indirect damage;

- It is determined by the value of the building on the day the expropriation decision is announced but shall not, in determining the value, include constructions, plantations and improvements made, without the agreement of the expropriating authority, from the publication or notification of the public purpose statement designating the properties affected by expropriation;

- The amount of compensation thus calculated may not exceed the value of the building on the date of publication of the transferability statement or notification of the public purpose statement designating the properties affected by expropriation. Any speculative increase in the value of the property alleged to have occurred since the Declaration of Public Interest shall not be taken into consideration. However, if the expropriating authority has not submitted, within six months of the publication of the transferability act or notification of the public purpose statement, a request to have expropriation announced and compensation determined as well as a request to order the taking of possession, the amount of compensation for expropriation which may not be exceeded is the value of the building on the day the second of these requests was submitted to the Chief Clerk of Administrative Court;

- If required, the amount of compensation shall be modified, depending on the ensuing appreciation or depreciation for the non-expropriated portion of the building pursuant to publication of the Notice of the Proposed Structure or Operation.

- Each of the elements referred to in points 2, 3 and 4 above will set a figure.
Compensation to be paid to affected persons will include compensation for land and damage caused to crops and trees. Notice to Proceed shall only be given if the compensation process has been initiated, documented and completed for each expropriated plot under A2.2 and A3.2 of the resettlement plan, both for the damage caused during temporary occupation (trees and crops) and for compensation for expropriated land. The process to compensate affected persons must be finalized and documented prior to works start-up on the plots concerned.

6.3 AfDB Policy and Degree of Compliance

Moroccan national measures to be taken into consideration as regards compensation and resettlement (in the form of indemnification) are for the most part compliant with AfDB requirements, although some slight divergences exist. Thus, under Moroccan law, there are no obstacles to assisting occupants without land title deeds, or for compensating them for loss of income on crops or forestry resources. Vulnerable groups are not expressly mentioned in the law, but they can be favoured under the law (affirmative action). In the case of this project, it is planned to finalize their identification when the PDD are published. Special attention will be paid to possible vulnerable persons as part of monitoring and evaluation.

7. REDRESS MECHANISMS

7.1 Eligibility Criteria

Affected persons are defined under this project as 'persons who, as a result of the project, risk losing all or part of their moveable or immovable property, such as productive land, rentals or sources of income from them. These persons may be: (i) owners with official or customary title deeds; (ii) tenants or land users.

7.2 Eligibility Cut-Off Date

Pursuant to Article 10 of Act 7-81, the transferability decision shall be preceded by an administrative investigation.

- Therefore, the draft decision: (i) is published in the Official Gazette (OG) and in one or more newspapers authorized to accept legal notices; (ii) is delivered, accompanied by a plan to the municipality office where interested parties may read it and submit their comments within two months of the date of publication in the OG.

During the period determined under Article 10 of Act No. 07-81, the interested parties shall make known all the farmers, tenants and other holders of rights on the buildings, otherwise they alone shall assume sole liability towards these persons for the payment of any compensation they may claim. During the same period, all other third parties are required to make themselves known or forfeit all rights. The expropriating authority is required to have delivered by the landed property registrar an attestation giving the status of holders of real rights in the land registers. This may be a collective attestation.

During a two-year period from the publication of the Declaration of Public Interest in the Official Gazette, no structure may be erected and no planting or improvement works carried out
without the agreement of the expropriating authority on the plots located in the area demarcated by the aforementioned Declaration.

7.3 Amicable Agreement

The expropriation procedure provides for the possibility of reaching an amicable agreement between the owner and the expropriating authority, if there is an agreement on the amount of compensation.

This agreement is concretized by the signing of the text of the Amicable Agreement, which goes to the local authority and is lodged at the land registry for the transfer of property, after which the expropriating authority pays the totality of the compensation agreed upon to the entitled persons.

7.4 Depositing of Compensation at the Deposit and Management Fund (CDG)

If the amounts of compensation determined by the CAE commission during the administrative phase are not directly received by the expropriated persons under an amicable agreement, they shall be deposited at the Deposit and Management Fund (CDG) by the expropriating authority.

This deposit shall become a mandatory public policy provision that cannot be derogated from or mitigated. By their binding and compulsory nature, such deposits of funds are not simple provisions on debts but are comparable to the voluntary requisition of funds of the expropriating authority by CDG.

It is a secure procedure, both to safeguard public funds from dilatory tactics and the beneficiaries from misappropriations or fraudulent actions perpetrated by others.

7.5 Means of Redress and Judicial Phase

7.5.1 Means of Redress

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

7.5.2 Judicial Phase

The litigation phase requires the prior approval and publication of the transferability decision, the Final Expropriation Decree (ED). Thus, once the ED is published and the depositing of compensation not settled amicably at CDG, requests for taking of possession (TP) and transfer of property (TP) are lodged at the Administrative Court for plots where no amicable agreement has been reached. This phase has four successive stages: taking possession, transfer of property, determination of compensation and the release of deposits to the beneficiaries.
The expropriating authority must refer the case to the Regional Court. Two months after the referral, the following arrangements are made: (i) a site visit to the plot; and (ii) a meeting between the two parties. A hearing is scheduled after the site visit with the two parties. The judge grants the expropriated party and expropriating authority 8 days to reach an amicable agreement, otherwise he/she shall fix the compensation by court order.

In general, any person affected by the project may file an appeal. The court receives the complaints and examines the procedures followed, before delivering its decision.

7.5.2.1 Taking Possession Pronounced by the Judge

The judge orders the taking of possession of expropriated land after confirmation of public interest and the effective depositing by the expropriating authority of the provisional compensation determined by the Administrative Valuation Commission (CAE) during the administrative phase.

The judge may only refuse authorization to take possession of the land on the ground of nullity of the procedure, which can only occur if:

- The public interest of the project is not recognized;
- He/she detects any formal irregularity in the procedure (Administrative Procedure) initiated by the expropriating authority.

Thus, the order to take possession of expropriated land is subject to strict compliance with the required formalities. Act No. 7-81 stipulates that works on expropriated land may start as soon as the judge's decision to take possession is delivered.

7.5.2.2 Determination of the Compensation Entitlement by the Judge

The judicial authority responsible for assessing the amount of compensation may maintain the provisional compensation proposed by the expropriating authority in the attempt to reach an amicable settlement as the provisional compensation. However, the expropriated persons may challenge the amount of the provisional compensation before the judge, who may reassess it or seek assistance from experts whenever a valuation difficulty arises.

7.5.2.3 Transfer of Property

The transfer of property is the final stage of appropriation. It may be decided upon within a short time by the judge in the absence of any opposition. However, it takes longer when the expropriated person and/or expropriating authority have not reached an agreement on the amount of compensation payments, or if the expropriated property is the subject of objections of third parties recorded in the comments register during the administrative enquiry.
7.5.2.4 Release of Compensation to the Beneficiaries

Whenever a final decision to transfer property is delivered and the necessary formalities for advertising and posting of public notices have been completed, the deposited compensation is officially released to the beneficiaries.

8. IMPLEMENTATION SCHEDULE

8.1 Implementation Responsibilities

ONEE-Water Branch is the Project Executing Agency. The Technical and Engineering Department and the State Lands Department as well as the Regional Departments concerned (DR-2 and DR-3) will be responsible for managing all the project's technical aspects in close cooperation with ONEE’s other departments. These include the Sanitation and Environment Department for monitoring the project's environmental impacts, the Legal Affairs Department (DAJ) for the expropriation component and the Cooperation and Communication Department for the component on communication.

The DAJ has the following responsibilities: (i) in collaboration with ONEE's technical services and the municipalities, identification of land tenure activities to be carried out for the implementation of the expropriation and compensation programme; (ii) conduct of land research at competent bodies in order to have a clear understanding of the legal and land tenure situation of the plots of land concerned by the expropriation and compensation programme; (iii) planning and implementation of the necessary land regularization operations; (iv) preparation of the necessary formalities for the clarification of property rights: prepare expropriation files on plots for the Conciliation Commission (CC), participate in the deliberations of the CC, record payments and monitor expropriation files; (v) monitoring of legal files on expropriation in the event of legal proceedings; (vi) registration with the district revenue office; (vii) completion of registration formalities at the property registry; and (viii) national land management (monitoring sheet, updating, etc.).

In terms of capacity, ONEE personnel assigned to the monitoring of the administrative and litigation component of expropriations as at 1 March 2016 may be summarized as follows:

- Regional Department: Legal and Land Affairs Division (01 legal professional per DR and one topographical technician)
- Central Department: (02 employees will be seconded during the administrative and litigation phases).

ONEE has acquired considerable experience in land acquisition, particularly expropriation, through its handling of over 50,000 plots of land expropriated for the requirements of the DWS projects implemented (an average of 1,650 plots per year).

In accordance with requirements in force in Morocco and those of AfDB, this experience has provided it with the ability to implement land acquisition procedures, despite the complexity of
the Moroccan land tenure system, which is governed by the principles of traditional law (Islamic law and local customs) and by the land registration system.

### 8.2 Implementation Schedule

The general implementation schedule for the different stages is presented in the table below. Since the different regional departments are at different stages, an overall schedule by main stages has been prepared with specific details per locality, if necessary (Table 4). Since the acquisition of land is a prerequisite for the works, DAJ will be responsible for monitoring and constantly updating the ARP.

DAJ is responsible for the supervision and monitoring of operations concerning displacement, compensation, redress and conflict resolution. This Department has an operational link with the technical and administrative departments, and consequently maintains external relations with the government services, lawyers, courts and other bodies concerned. This Department is responsible for planning and implementing: (i) acquisition operations to secure the necessary land for the project's implementation; (ii) expropriation and clearing of the right-of-way in general; and (iii) programming and management of contentious affairs.

### Table 4: Overall ARP Implementation Schedule

<table>
<thead>
<tr>
<th>Stages</th>
<th>Responsible Bodies</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultations and communication</td>
<td>DR in collaboration with DCM-DAJ (ONEE)</td>
<td>For all remaining project phases</td>
</tr>
<tr>
<td>Triggering of procedures specified in the documents prepared by the technical service and initiation of negotiations</td>
<td>DR concerned (ONEE) and the Conciliation Commission</td>
<td>As they are prepared.</td>
</tr>
<tr>
<td>Triggering of the amicable settlement process and preparation of expropriation files</td>
<td>DR concerned (ONEE) and the Conciliation Commission</td>
<td>As soon as the affected persons concerned have been notified</td>
</tr>
<tr>
<td>Monitoring of approval stages and publication of ED</td>
<td>DAJ (ONEE)</td>
<td>Ongoing process from February 2016</td>
</tr>
<tr>
<td>Compensation and registration of properties acquired in the name of ONEE</td>
<td>DAJ (ONEE)</td>
<td>Ongoing process as the files are closed</td>
</tr>
<tr>
<td>Triggering of the judicial phase by depositing the surveys on taking possession and transfer of ownership, provisioning of funds required to promulgate the expropriation decree</td>
<td>DAJ (ONEE)</td>
<td>On a case by case basis</td>
</tr>
<tr>
<td>Taking possession of property</td>
<td>DAJ (ONEE)</td>
<td>On a case by case basis</td>
</tr>
<tr>
<td>Monitoring of files under preparation</td>
<td>DAJ (ONEE)</td>
<td>On a case by case basis</td>
</tr>
</tbody>
</table>

ONEE must ensure that land acquisition is carried out in compliance with the requirements of national regulations in force and those of AfDB Operational Safeguard 2. In the case of acquisitions to be made by the municipalities, ONEE's responsibility also entails asking such municipalities to carry out regular monitoring of the land acquisitions for which they are
responsible, with a view to documentation. At this level, ONEE is required to verify from the municipalities concerned that prior to works start-up, they have made the required land available, duly justified and documented.

DAJ is responsible for the supervision and monitoring of operations concerning displacement, compensation, redress and conflict resolution. This Department has an operational link with the technical and administrative departments, and consequently maintains external relations with the government services, lawyers, courts and other bodies concerned. This Department is responsible for planning and implementing: (i) acquisition operations to secure the necessary land for the project's implementation; (ii) expropriation and clearing of the right-of-way in general; and (iii) programming and management of contentious affairs.

Following closure of the public enquiry and handling of comments in the comments register recovered from the municipalities in which the draft expropriation decree was posted for two months, ONEE has begun to prepare the final expropriation decrees to put them into the approval and publication circuit at the oversight ministry. This process is initiated by the oversight ministry at the Ministry of Interior and the Government General Secretariat.

9. ARP BUDGET

ONEE will bear the cost of financing the ARP from its own investment budget. An annual appropriation is made for the acquisition of land through the payment of compensation for expropriation and temporary occupation. This appropriation will take into account the status of the expropriation files for each sub-component.

It will also cover the operating costs generated by the management of the expropriation files, in particular legal fees, registration fees, the fees of external service providers (lawyers and solicitors), etc. In general, these fees represent 10% of the estimated expropriation budget.

As at 20 March 2016, the indicative estimated cost of land to be expropriated was MAD 16 million, broken down as indicated in Table 5 below. This cost was estimated based on the established prices per square metre (m²), administrative and monitoring costs.

Table 5: ARP Cost

<table>
<thead>
<tr>
<th>Province</th>
<th>Municipality Concerned</th>
<th>Land Type</th>
<th>Total Surface Area (m²)</th>
<th>Estimated Land Value (in MAD)</th>
<th>Estimated Value of Administrative and Other Costs (in MAD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benslimane</td>
<td>Echaratte</td>
<td>Melk</td>
<td>31,179</td>
<td>9,353,700.00</td>
<td>1,600,000.00</td>
</tr>
<tr>
<td>Bouznika</td>
<td>Echaratte</td>
<td>Melk</td>
<td>3,954</td>
<td>1,186,200.00</td>
<td>180,000.00</td>
</tr>
<tr>
<td>Youssoufia</td>
<td>Youssoufia</td>
<td>Melk</td>
<td>8,855</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safi</td>
<td>El Ghiat</td>
<td>Melk</td>
<td>9,909</td>
<td>198,180</td>
<td>29,727</td>
</tr>
<tr>
<td></td>
<td>Ouled Selmane</td>
<td>Melk</td>
<td>41,011</td>
<td>820,220</td>
<td>123,033</td>
</tr>
<tr>
<td></td>
<td>Sebt Gzoula</td>
<td>Melk</td>
<td>42,463</td>
<td>1,698,520</td>
<td>254,778</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>137,371</td>
<td>14,256,820</td>
<td>2,187,538</td>
</tr>
</tbody>
</table>
This budget will be constantly revised and updated as the information becomes more specific.

10. MONITORING AND EVALUATION

DAJ has developed monitoring sheets and mechanisms for land issues. The entire monitoring procedure has been mastered by DAJ and will be applied to this project. DAJ will carry out systematic monitoring and evaluations at four (4) levels:

- **Level 1**: When the expropriation and temporary occupation heading is budgeted: verify and confirm that the budget allocated for the acquisition of land required by the project is planned.

- **Level 2**: When bidding is launched for works implementation: ensure that all the land tenure action procedures to mobilize the land are initiated by ONEE and by each municipality to the extent it is concerned. This will be documented.

- **Level 3**: At works start-up: Notice to Proceed shall only be given if the compensation process has been initiated, documented and completed for each expropriated plot under A2.2 and A3.2 in annex, both for the damage caused during temporary occupation (trees and crops) and for compensation for expropriated land. Compensation for damages caused by the temporary occupation of affected plots will be made following an inventory and assessment of the damage in the presence of the local authorities. The process to compensate affected persons must be finalized and documented prior to works start-up on the plots concerned.

- **Level 4**: Before the commissioning of the facilities: taking possession of all expropriated land is effective either by amicable settlement (the compensation being paid to beneficiaries duly justified by ONEE and by each municipality to the extent it is concerned) or deposited at CDG with a view to taking possession by way of legal proceedings (with supporting documentation).

The monitoring of expropriations will be carried out and recorded by DAJ's land acquisition managers. These statements will be updated and made available for consultation. In particular, the monitoring of expropriation and temporary occupation procedures indicating the affected persons and damage to be compensated (statements A2 and A3) will be submitted regularly to AfDB as part of the six-monthly status reports and as often as requested by AfDB, to keep it informed of the main developments.

Furthermore, AfDB supervision missions, mid-term review and final evaluation incorporating the completion report of the executing agencies will be carried out in the context of external monitoring.
### Table 6: Monitoring Indicators

<table>
<thead>
<tr>
<th>Project Stage</th>
<th>Monitoring Parameter</th>
<th>Responsibility</th>
<th>Indicators / Period</th>
<th>Performance Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to project approval by AfDB</td>
<td>Preparation of plot technical files</td>
<td>ONEE/DR concerned</td>
<td>Note on Status of Expropriations/ September 2016</td>
<td>All expropriation procedures are triggered</td>
</tr>
<tr>
<td>Launching of project by AfDB</td>
<td>Agreement with owners</td>
<td>ONEE</td>
<td>Number of agreements accompanied by reports for the lot concerned/ before the works notice to proceed</td>
<td>Agreements with the affected owners before the notice to proceed with works start-up on the lot concerned</td>
</tr>
</tbody>
</table>
| Works on lots concerned | Number of complaints | ONEE/DAJ | Number of complaints received and handled | • No outstanding complaint during works on the lot concerned  
• Zero days of work stoppages due to objections |