

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

**REPORT ON CLOSURE OF PROBLEM-SOLVING EXERCISE OF REQUEST**

**Request No.: RQ2010/01**

**Request Registered for Problem-Solving and Compliance Review**

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

**11 December 2016**



## **ACKNOWLEDGEMENTS**

The Compliance Review and Mediation Unit would like to acknowledge the valuable support received from the Centre de Développement de la Region de Tensift (the Requestor); la Société Nationale des Autoroutes du Maroc, the project executing agency; the Management of the African Development Bank and the Bank's Country Office in Morocco. This support was invaluable in facilitating the successful problem solving of the Request relating to the Construction of the Marrakech-Agadir Motorway project in Morocco, which is the subject of this Report.

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## ACRONYMS

AfDB	African Development Bank Group
ADM	la Société Nationale des Autoroutes du Maroc
CRMU	Compliance Review and Mediation Unit
CDRT	Centre de Développement de la Région de Tensift
ESMP	Environmental and Social Management Action Plan
IRM	Independent Review Mechanism
MAFO	Bank country office in Morocco
PAPs	People Affected by the Project

## 1. EXECUTIVE SUMMARY

- 1.1. The Compliance Review and Mediation Unit registered the Request which was submitted by the Centre de Développement de la Région de Tensift (the Requestor), and related to the Marrakech-Agadir Motorway in Morocco, in July 2010. The Boards of Directors approved the Bank financing of this project for EUR 118.60 million) on 21 July, 2006, particularly, for the construction of the Chichaoua-Imintanout section of the Motorway. The Société Nationale des Autoroutes du Maroc (ADM) was the executing agency. The project was completed in July 2010.
- 1.2. The Requestor, among others, complained that the construction of Motorway had disrupted people living in project area access to water resources and degraded their agricultural lands.
- 1.3. In accordance with the Operating Rules and Procedures of the Independent Review Mechanism (IRM) of 2006, the CRMU registered the request for both problem-solving and compliance review on 29 July 2010. The Management's Response to the request was submitted to the CRMU in August 2010 including a Remedial Action Plan which had already agreed upon with ADM to mitigate the damages caused to the people and their lands.
- 1.4 The CRMU facilitated the problem-solving and the resulting outcomes are summarized as follow:
  - a) The signing of a **Mediation Action Plan** by the Requestor, the ADM and the Bank in October 2010. In addition, the ADM completed the agreed upon civil works and restored the affected properties and structures in three of five affected villages: Sidi Mohamed Samba, and Bouannfir in November 2011, with the exception of building water catchment basin in Talaaïnt and restoring agricultural lands in El Bour.
  - b) The Director of CRMU's Problem-Solving Report was submitted to the President and the Boards of Directors in December 2011. It recommended the monitoring of the pending civil works in Talaaïnt and the El Bour. In line with the IRM Rules, the Director also referred the request to the IRM experts to determine its eligibility for compliance review.
  - c) The ADM completed the civil works in December 2013. The IRM Experts assessed that the damages caused to the people did not amount to noncompliance with the Bank policies; but preserved the rights of people to submit new complaints if the issue in ELBOUR is not resolved. The IRM Experts Assessment was submitted to the Boards in January 2012.
- 1.5. The CRMU withheld the closure of the problem solving of the request which was due in February 2014. This is because the CRMU received additional claims from affected people demanding cash compensation; in addition to the restoration of their lands. The CRMU followed up with these developments. Subsequently, the CRMU received a formal communication from

the Requestor confirming that these claims were not well founded, and demanded the Director of CRMU to close their Request in December 2015.

- 1.6. In light of the certification received from the Requestor that the ADM had completed the civil works to the satisfaction of affected people, the Director of CRMU closed the problem solving of the Request relating to the Marrakech Agadir Motorway on 6 October 2016.
- 1.7. The CRMU's Director submits this report on closure of this problem solving to the Boards of Directors **for information** in line with the IRM Rules of 2006 which were applicable to this exercise.

## **2. INTRODUCTION**

- 2.1. The Boards of Directors approved the Bank financing of the Markechh-Agadir Motorway in July 2006. The total costs of the project was UA 583.99 million whereof the Bank loan was for EUR 118.60 million to finance the construction of the Chichaoua-Imintanout section of the Motorway.<sup>1</sup> The project included the construction of viaducts, overpasses and underpasses, as well as vehicle and pedestrian crossings. The Autoroute du Maroc (ADM) was the executing agency. The objective of the project was to improve the living standards of the local people by creating jobs and supporting the country's tourism and agricultural-based industry.
- 2.2. Due to its potential negative impact on people and the environment, the project was classified as high risk "category 1". The Appraisal Report<sup>2</sup> of the project mentioned several negative impacts of the construction of the Motorway including: noise, dust and gas emissions, possible serious flooding due to the change of course of run-offs from the valley; cuts in farmlands which will make cultivation difficult. An Environmental and Social Management Action Plan was prepared and implemented by the ADM to mitigate this negative impact.
- 2.3. The CRMU received a complaint about the project from the Centre de Développement de la Région de Tensift (CDRT) on behalf of the People affected by the project (PAPs) who lived along the Chichaoua-Imintanout section of the Motorway. The Request (included in Annex 1 of this report) raised several issues including: serious cracks in the walls of houses due to the blasting; constrained access to farming lands and social amenities because of the inadequate overpasses and the congested underpasses; difficult access to water for different villages since the construction had diverted the water courses; and degradation of the agricultural lands due to graveling and flooding from the construction diversion of the valley runoff.

## **3. COMPLAINT HANDLING PROCESS**

- 3.1. In keeping with the IRM Rules of 2006, the CRMU registered the Request for both a problem-solving exercise and compliance review on 29 July, 2010. The Management Response to the Request (included in Annex 2 of this report) was submitted to the CRMU on 31 August, 2010 including a Remedial Action Plan which had already agreed upon by the Bank and ADM to restore damages caused by the construction of Motorway.
- 3.2. The agreed upon Remedial action plan between the Bank and ADM is described in Table I below.

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

<sup>2</sup> Appraisal Report, para. 4.6.1, p.23.

**TABLE 1: BANK AND ADM REMEDIAL ACTION PLAN AUGUST 2010**

<b>Complaint</b>	<b>Issues Resolved and Actions Agreed upon</b>
Blasting: Damage to the houses in Douar Sidi Mohamed Samba and the motorway separating the Mosque from the Douar.	The ADM provided the complainants (7) with building materials to repair cracks in the walls of their houses. One complainant refused to take the materials and requested the repairs of his whole house. <b>The Bank urged the ADM to renegotiate a solution with this complainant.</b>
Lack of road crossing infrastructure in the Bouafiren-Chichaoua areas of the Chichaoua-Imintanout section.	The ADM requested the Contractor to clear out the stones from the areas around the crossing points; the <b>ADM and the Requestor considered this issue as resolved.</b>
Lack of road crossing infrastructure and disruption of the watercourse and runoff in Douar Jdida and Douar Hssain along the Chichaoua-Imintanout section.	The ADM should instruct the Contractor to extend the un-faced gutter along the RN8 by calibrating and fencing it properly. The Requestor should obtain the consent of landowners for ADM to enter their lands to undertake the civil works. In addition, the ADM should improve the runoff drainage in the open trench along the RN8. The <b>ADM agreed, provided that the Requester obtains the consent of the landowners to install the drainage systems.</b>
Degradation of land following the diversion of the watercourse in Douar Imiline (Commune de Oued El Bour).	The ADM should strengthen the dike, refill the eroded valley banks and remove the stones from the affected lands downstream so as to rehabilitate the area and prevent the recurrence of flooding in the future.
Destruction of water sources and inadequate road crossing at Douar Taliint (Commune d'Oued Elbour).	The ADM and the Bank considered these complaints as ill founded, except for the difficulty of water access in Taalint. They agreed that in the <b>short-term, a water catchment will be constructed in this village; and that long term, the Bank should contact the national authorities to either increase the height of the existing water tower or build a new well.</b>
Destruction of a “traditional” dam and lack of road crossings in Douar Talmost and Mellal (Commune de Oued Elbour).	The Requestor agreed with the ADM that the dredging had improved the retention capacity of this traditional dam, and that the riparian population were again relying on it. The Requestor and the ADM <b>considered the matter as closed.</b>
Degradation of the road connecting RN8 Road to Bouabout village.	ADM should instruct the Contractor to reinforce the existing invert slab already on the RN8 national road connecting this village.



## 4. PROBLEM SOLVING STEPS

4.1. In October 2010, the CRMU conducted mission to affected villages and facilitated the signing of the Mediation Action Plan by the Requestor, the ADM and the Bank. The Mediation Action Plan is detailed in Table 2 below.

Location	Complaint	Points of agreement	Responsible for follow up	Date of fulfillment	Outcome of CRMU follow up by December 2011
<b>Douar Sidi Mohamed Samba</b>	Repair to cracks on walls of the complainant	ADM renegotiate a solution with this complainant	The Requestor will facilitate	End of Oct. 2010	Issue closed to the satisfaction of Requestor and affected people.
<b>Bouannfir Community</b>	Problem of passes close to PK12	Restore existing pass ways along the motorway	ADM	End of Oct. 2010	Issue closed to the satisfaction of requestor and affected people.
<b>Douar Jdida</b>	Problem with <i>Saguia</i> (rivulet)	ADM agreed to install water connections, subject to the landowners' consent	ADM	End of Oct. 2010	The matter is resolved to the satisfaction of people affected by the disconnection of water.
<b>Douar Talaaaint</b>	Difficulty to access water following the dumping of well	In the short-term: a water catchment will be constructed; long term, the authorities should be contacted either to increase the height of the existing water tower or install a new well	ADM, MAFO and CDRT	End of Oct-December, 2010	The ADM tender n° 83/11; opening of bids on 28/04/2011 and work to be completed before the end of June 2011. MAFO follow up with authorities to find the work was ongoing.
<b>Douar Iminlain-community Oued El Bour</b>	Diversion of valley water course and cleaning up stones piled on agricultural lands	Repair the valley banks, clear land of stones and help in re-demarcation of boundaries of lands	ADM	17-27, Oct. 2010	The agreed-upon reconstruction of valley banks has been carried out; however, the ADM refused to remove the stones from the affected agricultural land. It considers that the necessary work had been carried out and the matter closed. <b>However, the Bank reported that the stones should be removed and one of the valley banks should be strengthened. This issue is still pending.</b>

4.2. In light of the resolution of six of the eight complaints by ADM, the Director of the CRMU submitted the Problem-Solving Report to the President and the Boards of Directors on 14 December 2011 (Ref. ADB/BD/IF/2011/281/Add.1 and ADF/BD/IF/2011/223/Add.1- 14 December 2011). The key findings and recommendations of this Report are summarized as follow:

- a) The Bank and the ADM should have supervised the Contractor to ensure the fulfillment of its contractual responsibilities before removing its equipment from the site.
- b) The complaints were resolved to the satisfaction of the Requestor. Taking into consideration the delays in completing the civil works in Taalint and El Bour, the report recommended that the CRMU should monitor these civil works within twelve months from the date of submission of this Problem-Solving Reports to the Boards.
- c) In line with Paragraph 48 of the IRM Rules of 2006, the Director of the CRMU referred the Request to the IRM Experts to determine whether or not the Request is eligible for a compliance review.

#### **THE IRM EXPERT ASSESSEMENT OF ELIGIBILITY OF REQUEST FOR COMPLIANCE REVIEW**

4.3. The independent assessment of the IRM Experts was submitted to the Boards of Director in January 2012(Ref. ADB/BD/IF/2011/281/Add.1 and ADF/BD/IF/2011/223/Add.1- 26 January 2012). It concluded that the Request was ineligible for compliance review since the Experts had established that “the CRMU has agreed to review the situation in twelve months and that should the situation in El Bour not be fully resolved at that time, the Requestors will have the right to resubmit their Request for a Compliance Review.” The Experts restated that: “this qualification should not be interpreted as implying anything about the eligibility or ineligibility of any Request that may be filed at that time”.

#### **THE MONITORING OF PROBLEM SOLVING ACTION PLAN**

4.4. From January 2012, the CRMU and MAFO monitored the pending civil works in Taalint and El Bour villages (building water catchments in Taalint and restoration of lands in El Bour). On 27 May, 2013, the ADM completed these works. In December 2013, MAFO submitted the certificates of completion of works, signed by the people affected by the projects and the Requestor.

4.5. The Director of the CRMU carried out a mission to Morocco from 05 to 07 February 2014, to ensure that the civil works were completed to the satisfaction of the Requestor and the people affected by the project. The Director, the Requestor, ADM, and the MAFO, visited the affected

areas in Taalint and El Bour, and consulted with the people and the project authorities. In light of completion of civil works by ADM to the satisfaction of the Requestor and the people affected by the Project, the CRMU considered the complaint was resolved.

4.6. The CRMU withheld closure of the request and the problem solving which was planned in May 2014. This is because the consultant of 2<sup>nd</sup> IRM review drew the attention of the Director of CRMU of some additional claims raised by some of people affected by the project. The primary issue was that some of these complainants were not satisfied with the restoration of their agricultural lands by ADM in El Bour; in addition they demanded cash compensation. They claimed that they had signed the attestations of completion of civil works on the basis of their trust in the ADM's commitments at the time.

4.7. The Director of the CRMU agreed with the Requestor to verify these claims. In March 2015, the Requestor visited the agricultural lands and held meeting with these complainants. Subsequently, the Requestors formally confirmed to CRMU that due to a misunderstanding, the people who had raised additional claims were under the impression that, in addition to the restoration of their lands, they would be compensated in cash. In December 2015, the Requestor sent its own evaluation of the problem-solving exercise to the CRMU, and demanded the CRMU to close their Request. CRMU remained in contact with the Requestor until satisfied that no further action is required.

## **5. THE CRMU DIRECTOR'S FINDINGS, DECISION AND RECOMMENDATIONS**

5.1. The Director of the CRMU noted positive developments:

- a) The Requestor and the people affected by the project confirmed their satisfaction with the civil works carried out by the ADM and the outcome of the CRMU Mediation Action Plan.
- b) The CDRT constructive engagement substantively contributed to the resolution of the request. Both the ADM's remedial actions and the MAFO monitoring of the implementation of these actions were instrumental in the successful resolution of the complaints.
- c) The Request persuaded MAFO to accelerate the Boards' approval of the "Projet d'approvisionnement en eau de la region de Marrakech" in 2012, as a long term solution of the problem of access to water in Taalint, located in Marrakech region.

5.2. In light of the positive outcome of the problem solving, the Director of CRMU has decided to close the Request and the problem solving exercise relating to the Marrakech Agadir Motorway on 6 October 2016.

3. The Director of the CRMU recommends that the Bank should:
- a) Strengthen its procedures on public consultations with people who are likely to be adversely affected by Bank financed projects.
  - b) Require the Borrowers' progress reports to include samples of agreements between the PAPs and the Contractors for Bank review prior to their signature to avoid any possible violations of land use.
  - c) Support the Borrowers through capacity building programs to handle complaints at earlier stages of project activities to avoid delays leading to costs overruns due to further civil works to restore damages to lands and structures which could result from complaints from people affected the project.

## **6. THE LESSONS LEARNED FROM PROBLEM SOLVING**

- 6.1. The consultations with the people affected by the project could have been meaningful, had the project implementation units mandate their public relation offices to refer the complaints to their Social Experts to help the people make conscious decisions when being affected by construction activities.
- 6.2. The additional costs associated to implementation of remedial action plans could have been mitigated, had the implementation units arranged for independent third party monitoring of complaints at early stage of project activities, and established grievances redress mechanisms accessible to the complainants.

## 7. ANNEXES

**Annex 1:**  
**The Request Letters**

**Document 1**

*(a group complaining to [local authority](#) about the blasting inflicted damages on their houses)*

**Chichaoua, 04/02/2010**

1. Abdel Sadiq Alidrissi, ID n. EB18843
2. Alarabi Alkhrshi, ID n. SL 1835
3. Hamida Bridih, ID. N. EB 4326
4. Magid Alkhrshi, ID n. EB 134304
5. Ahmad Agbar, ID n. EB 30465
6. Almukhtar Alkhrshi, ID n. EB 70434
7. Ahmed Alsubai, ID n. EB 29914
8. Almahgoub Alkhrshi, ID n. EB 29032

To the respectable President of the Highway Commission Marrakech:

**Subject:** Complaint about the Damages Inflicted on Our Houses as a Result of the Construction Works to build the Marrakech-Agadir (part of Sidi Alzouaine Chichaoua) in locality of Sidi Mohamed Samba

After expressing our gratitude of the presence of our leader Imam and hope for his glory and victory,

In reference to the subject mentioned-above, we would like to present to you our complaint counting on your help to find us a just solution for the damages of our houses which are located in the locality of Sidi Mohamed Samba, community of Sidi Mohamed Aldalil in Chichaoua, and are almost collapsing (see picture). These damages resulted from the construction work carried out by the Turkish company Mak-Yol (which its office is located close to the bridge of Wad Bulkhras at the Lamouzdia location, in Chichaoua) at Marakech-Agadir highway in particular the part of Sidi Alzouaine Chichaoua exactly close to the locality of Sidi Mohamed Samba.

We would like to inform you that, during the construction, the company had used strong underground explosive that caused serious and dangerous damages to our houses including:

- cracks in our houses' walls as a result of which the houses are almost collapsing
- in the absence of alternative, we are emotionally distressed and fear for our families

The houses which were built on the solid geological layer have more cracks compared to those built on mud layers, the direction of the pending walls of these houses towards the side from which the strong shocks were originating is an evident.

We would like to also refer to you that in this case the resort to litigation before the courts requires expensive expert opinion which is beyond our financial means, and the slandering of the company in the media is not part of our culture or our intention to antagonize our Turkish brothers whom we are proud of their achievements.

According to what has been mentioned above, we would like you to find us a just solution to remedy the damages inflicted on our houses, with the help of God, we would hope that your intervention would be accepted and responded to by the respectable company.

With this request, kindly accept our appreciation and respect.

Signatures

Attachment

-pictures of our houses wall cracks

**Document 2**

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

**Letter 1**

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

8 March 2010

**From** Mr. Ibrahim Alkurashi Ben Alal

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

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

After greetings:

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

where I live. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

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

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

Best regards,

Ibrahim Alkurashi Ben Alal

Signature



## **Document 2**

### **Letter 2**

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

8 March 2010

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

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

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

After greetings:

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

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

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

Best regards,

Ahmed Aziroual Ben Abdel Allah

Signature

## **Document 2**

### **Letter 3**

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

8 March 2010

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

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

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

After greetings:

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

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

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

Best regards,

Ahmed Ben Alkhdar Ben Mohamed

Signature

## **Document 2**

### **Letter 4**

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

8 March 2010

**From** Mr. Ahmed Almoudn Ben Tahir

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

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

After greetings:

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

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

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

Best regards,

Ahmed Almoudn Ben Altahir

Signature

**Document 2**

**Letter 5**

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

8 March 2010

**From** Mr. Tuhami Alzahi

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

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

After greetings:

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

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

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

Best regards,

Tuhami Alzahi

Signature

**Document 2**

**Letter 6**

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

8 March 2010

**From** Mr. Hassan Alkurashi Ben Rahal

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

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

After greetings:

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

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

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

Best regards,

Hassan Alkurashi Ben Rahal

Signature

**Document 2**

**Letter 7**

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

8 March 2010

**From** Mr. Mohamed Asous Ben Massoud

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

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

After greetings:

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

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

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

Best regards,

Mohamed Asous Ben Massoud

Signature

**Document 2**

**Letter 8**

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

8 March 2010

**From** Mr. Abdul Allah Belkhadr Ben Maylout

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

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

After greetings:

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

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient. While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,

Abdul Allah Belkhadr Ben Maylout

Signature

**Document 2**

**Letter 9**

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

8 March 2010

**From** Mr. Aiad Alzahi

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region  
Neighboring the Marakech-Agadir Highway  
In particular the part connecting Almouzoudia (N8) and Imintanout

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

After greetings:

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

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

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

Best regards,

Aiad Alzahi

Signature

**Document 2**

**Letter 10**

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

8 March 2010

**From** Mr. Mohamed Alkurashi Ben Ibrahim

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

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

After greetings:

I hereby the signing below Mohamed Alkurashi Ben Ibrahim living at the address mentioned above, I would like to submit to you my complaint about the damage inflicted on me as a result of the highway



part connecting Chichaoua and Imintanout which prevents me from accessing my farming land that I rely on to generate income. I am obliged to walk a long distance to be able to reach it from the village where I live. In addition, the waterway running from the traditional water pump (sagia) and from which we access water to plant our lands had been changed.

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient. While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,

Mohamed Alkurashi Ben Ibrahim

Signature

**Document 2**

**Letter 11**

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

8 March 2010

**From** Mr. Mohamed Belkhadir Ben Maylout

**Inhabitant of:** Gadida Village

Anfaifa Locality

Chichaoua Region

Neighboring the Marakech-Agadir Highway

In particular the part connecting Almouzoudia (N8) and Imintanout

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

After greetings:

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

Accordingly, I request you to intervene to remedy the harm in the ways you would consider convenient. While waiting for your intervention, kindly accept my appreciation and respect.

Best regards,

Mohamed Belkhadir Ben Maylout

Signature

**Document 2**

**Letter 12**

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

8 March 2010

**From** Mr. Mohamed Almoudn Ben Altahir

**Inhabitant of:** Gadida Village

Anfaifa Locality  
Chichaoua Region  
Neighboring the Marakech-Agadir Highway  
In particular the part connecting Almouzoudia (N8) and Imintanout

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

After greetings:

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

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

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

Best regards,  
Mohamed Almoudn Ben Altahir  
Signature

**Document 3**

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

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

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

Subject: Complaint

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

This construction work is represented in taking the materials from Wad Albour waterways since 2008 to this date. At the beginning these materials were stones and large rocks, thereafter the mentioned above company took medium size stones and soil, due to that the areas through which the valley water is distributed to the lands were widened. In addition, the natural way of the valley runs off has been changed and due to the sliding geographic nature of the area, the seasonal strong floods wash off large areas of the framing lands. The passage of large trucks carrying heavy equipments in another way destructed these lands, and renders it difficult to farm on them. Due to the construction, large amounts of stones of different sizes and sand have been piled up and left back by the mentioned company. We demanded the company, the local authority and the locality but with no avail, and nobody comes back to clean up the areas that remain suitable for farming- notwithstanding to pay adequate compensation to alleviate these damages. The damages also created disputes and problems among the land owners as the construction destructed the fences and wiped off the boundaries dividing the lands which as you would know an important issue for different owners in these areas.

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

Best regards,

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

Document 4 *Copy of this letter was sent to the National Road Company*

*(Environmental NGO letter to Governor of Chichaoua to intervene and urge the company to respond to affected people demands*

Amzinas Association for Social Services

and Management of Water

and Environmental Preservation,

Tirken area affiliated to Ltalmst , Casablanca: 14/10/2009

To the Respectable Governance of Chichaoua Region

Subject: Request for Intervention to Compel the Portuguese Company TECNOVIA to Respond to the Demands of the People of Tirkeen Villages

Greetings and our gratitude of our Imam Leader and we extend our support and hope for his victory:

The respectable Governor, firstly in the name of our association we would like to express our gratitude for your noble initiative in visiting our area to inaugurate the Talmst road and for which we appreciate your genuine efforts in serving the public interest since your appointment as governor of the region.....

I would like to take this opportunity, to request from you the respectable governor to intervene to compel the Portuguese company responsible for the construction of the part of the highway passing through our area to undertake its obligations towards the people in Wad Albour, especially there is an agreement signed by the leader of Wad Albour locality, TECNOVIA the company and the precedent governor.

The important obligations of this agreement that the people insist on their enforcement are:

1. The repair of the road connecting Mzbir village and Tirken village and its coating (with so called *toufîni*), this is an undertaking of the company and an obligation provided for in article 5 of the agreement.

2. The people insist on expediting the repair of the road connecting the Beja Village with Tirkeen village which is also provided for in point three of the fifth chapter of the agreement.

3. The people demand the mentioned company to repair the traditional dam (water reservoir) of water spring of Tiklscht which is destructed by the heavy equipment passing the valley to dig for water from the reservoir which in fact enables people to manage the water distribution in a balanced way. As you would know respectable governor that the area is exposed to dry winds without this amount of water which is a blessing from God the area will vanish.

We count on you the respectable governor to intervene and urge the company to undertake its obligations and to repair the damages inflicted by the heavy equipments notwithstanding the economic, health and environmental damages that have been caused by these equipments.

4. The people strongly demand to expedite the opening of a pathway under the highway to end their isolation, enable them access their social amenities and to meet their needs- noting that the Minister of Civil Works had already promised to fulfill this demand of the people.

5. We are questioning at the level of our association the rational for refusing the projects that we had proposed in the framework of the social action plan as to date we have not received any response on the reason of such refusal.

We have a great hope on you the governor in taking prompt actions towards responding to the demands of these vulnerable people, and we have no doubts that you would be on the side of the deprived and the needy as we are grateful for your generosity and open heart. God helps you in your efforts (Koran versus

is mentioned here.....) which means that the good heart and work will be the only rescue in the judgment day

.

Mohmed Oujgnan  
Head of Association

## ANNEX 2

### Management Response

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

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

#### **I. Introduction**

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

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

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

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

Based on the preliminary review of the request, CRMU decided to first of all initiate problem solving (mediation) between the Bank's management and staff, on the one hand, and the Requestor's

representative on the other hand. Pursuant to Section 31 of the IRM regulations, Bank Management is required to provide in writing to CRMU not later than 31 August, 2010, evidence that it has complied or intends to comply with the relevant policies and procedures of the Bank Group.

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

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

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

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

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

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

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

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

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

Specifically, the project will contribute to the building of transport capacities between Marrakesh and Agadir and improving the living standards of the communities in the project area through the



development of productive activities; it will also help to reduce vehicle operation costs and improve transport safety between Marrakesh and Agadir.

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

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

## **2.2 Documents Review**

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

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

The measures taken during the operation phase concern mainly the rehabilitation of all materials extraction sites and access tracks thereto, rehabilitation of storage sites, rehabilitation of farming fences affected by the project, the construction of roads for free movement of the local populations, livestock and agricultural machinery.

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

## **2.3 Review of the Complaints**

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

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

The facts:

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

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

Measures taken by Autoroute du Maroc to address the complaint:

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

Marrakech equipment services (DRET) and the complainants.

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

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

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

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

Findings of the ADB Mission:

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

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

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



To sum up, the complaint, therefore, does not seem to be justified. The measures taken by ADM and the Contractor, even though they were not responsible for the actions in contention, are quite substantial. They were appreciated by the complainants, except one. The seven complainants were satisfied and consider the matter closed.

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



### Lessons:

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

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

#### The facts:

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

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

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

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



#### Findings of the ADB Mission:

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

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

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

#### Lessons:

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

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

#### Statement of facts:

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

#### Measures taken by ADM to address the complaint:

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

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

#### Findings of the ADB Mission:

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

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





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

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

On the other hand, that relating to the road crossings is unfounded.

#### Lessons:

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

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

##### Statement of facts:

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

##### Measures taken by ADM to address the complaint:

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

Findings of the ADB Mission:

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



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

Lessons:

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

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

Statement of facts:

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



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

#### Measures taken by ADM:

ADM considers the complaint unfounded. In fact, it is of the opinion that with the construction of a 2.5 mx2.5m pedestrian crossing PP68 (standard dimensions), the movement of people and animals from one side of the motorway to the other is facilitated.

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

#### Findings of the ADB Mission:

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

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

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



In conclusion, the complaint about the lack of pedestrian crossing is not justified.

Regarding the water source, it should be noted that the “historical nature” of this source by no means attests to its being a heritage of old or a sacred cultural symbol.

Notwithstanding the differing views of ADM and the population on this subject, the crucial problem of water supply must be addressed in Douar which is home to 150 households (1,000 inhabitants). The landscape is rugged and therefore the population turns to consumption of silt-loaded standing water that women have to collect from remote areas

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

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

#### Lessons:

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

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

#### Statement of fact :

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

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

#### Measures taken by ADM:

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

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

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

#### Findings of the ADB Mission:

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

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

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

#### Lessons:

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

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

#### The facts:

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

#### Measures taken by ADM to address the complaints:

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

#### Findings of the ADB Mission:

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

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

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

Lessons:

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

