

Complaint Closing Report

Project Name	Loan 3599-Pakistan: Jalalpur Irrigation Project (46528-002)
ADB Department/Division	Central and West Asia Department/Pakistan Resident Mission
AM Function	Problem-Solving (SPF-2020-04-01-0096)
Eligibility Result	Ineligible
Non-eligibility Determination Date	9 September 2020
I. Compliant and Issues	<p>The Asian Development Bank (ADB) approved Jalalpur Irrigation Project on 24 November 2017 for development of irrigation infrastructure including a new non-perennial irrigation system and flood carrier channels for enhanced agricultural production on 79,750 hectares in Jehlum and Khushab districts of Punjab Province. Based on detailed engineering design separate LARPs were approved and disclosed for ICB-P1, ICB-P2, and ICB-P3.</p> <p>The Special Project Facilitator (SPF) of ADB received a complaint on 01 September 2020 about loss of land due to acquisition of ROW land for ICB-P1 of the JIP. The complainants wanted to avoid and/or minimize the impact by making adjustments in design alignment and/or enhancement of the compensation by alleging that the compensation awarded under law is not reflective of market value of the acquired land and assets.</p>
II. Actions taken to address the problems or issues	<p>Following the ADB's Accountability Mechanism Policy¹, the complaint was declared ineligible for the problem-solving process and sent to the Operation Department i.e. CWRD/PRM on 09 September 2020 for action. The CWRD/PRM staff approached the Government and complainant for redressing the complainant's issue through project based GRM. The Operation Department together with the Government (i.e. PMO JIP of Punjab Irrigation Department), met with the complainant on 30 September 2020 through online², wherein it was explained that the project alignment/design was finalized based on geo technical and hydrological assessment while acquisition of ROW land followed ADB's Safeguard Policy Statement (2009). Accordingly, the Land Acquisition and Resettlement Plans were completed and implemented before taking possession of acquired land for ICB-P1.</p> <p>Meanwhile, consultations were continued through exchange of emails and virtual meetings to reach an amicable resolution of the issues raised until the complainant visited the Pakistan in March-April 2022. During the complainant's stay at Pakistan, multiple consultations were held with them and ultimately, in the grievance redress committees' meeting dated 23 April 2022, consensus was arrived for i) avoiding the built-up structure of the complainant through adjustment in canal design/alignment, and ii) transferring alternate agricultural land parcel at same location to avoid/minimize the impact on the complainant's land/assets.</p> <p>Accordingly, the PMO adjusted design/alignment to avoid complainants built up structure and through the district land revenue authorities managed mutation of a land parcel in the name of the complainant to minimize the impact and paid compensation for acquired land parcel in September 2022. The land mutation and compensation payment process was witnessed by the complainant's authorized attorneys.</p>

¹ Paras. 138, 142–143 of the ADB's Accountability Mechanism.

² The complainants are non-resident land owners living in USA.

<p>III. Decisions or agreement by parties concerned</p>	<p>Vide email dated 12 September 2022, the complainant appreciated the efforts of OD in ADB and the PMO JIP for arriving a consensus resolution of his complaint and sharing all information regarding the project design and measures ensured to avoid impacting his property through adjustment in design alignment.</p> <p>On 04 & 05 November 2022, the complainant's authorized Attorney in Pakistan and Legal Counsel at USA acknowledges the amicable resolution of issue and deposit of compensation in the complainant's account and withdrew the case accordingly.</p>
<p>IV. Results and Lessons learned</p>	<p>For the projects involving acquisition of ROW land early engagement and structured consultation with the local community are required during preliminary/final design, and field surveys for acquisition of ROW land and execution of the project works.</p> <p>An early engagement of the civil society and affected persons for assessment and mitigation of the adverse potential impacts of any project is important throughout the project cycle i.e. the project planning, design, appraisal and execution phases.</p>

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