



Asian Development Bank

**REVIEW AND ASSESSMENT REPORT
OF THE
SPECIAL PROJECT FACILITATOR
ON
NATIONAL HIGHWAY DEVELOPMENT SECTOR INVESTMENT PROGRAM
PAKISTAN**

ADB Loan 2231-PAK (22 February 2006)



February 2007

ABBREVIATIONS

ADB	–	Asian Development Bank
AP	–	affected person
APCLC	–	Affected Persons and Citizens Liaison Committee
CWID	–	Infrastructure Division, Central and West Asia Department
GRC	–	Grievance Redress Committee
NHA	–	National Housing Authority
NHDSIP	–	National Highway Development Sector Investment Project
OSPF	–	Office of the Special Project Facilitator
PRM	–	Pakistan Resident Mission, ADB
RAR	–	review and assessment report
RP	–	resettlement plan

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EXECUTIVE SUMMARY

The National Highway Development Sector Investment Program (NHDSIP) in Pakistan¹ is to establish regional connectivity and promote economic growth by (i) strengthening institutional capacity of the National Highway Authority (NHA); (ii) enhancing policies in the road sector, and (iii) improving critical bottleneck sections of the national highway network. Its investment program is structured into three batches of subprojects with the first batch comprising three sample subprojects totaling 376 kilometers. One of the project locations under the first batch is the National Highway No. 70, (N-70) Multan to Muzaffargarh, Punjab. The loan agreements were signed on 14 June 2006, and the loans became effective on 27 July 2006. The Infrastructure Division (CWID) of the Central and West Asia Department is administering NHDSIP. A draft resettlement plan (RP), prepared by NHA and based on detailed designs of subproject N-70 Multan-Muzaffargarh dated July 2005 can be accessed through Asian Development Bank's website.²

The Office of the Special Project Facilitator (OSPF) received a complaint from affected persons (APs), the "Committee of Affectees of Muzaffargarh Bypass" (the Complainants) comprising 53 members on 9 September 2006 and declared it eligible on 29 January 2007. The Complainants expressed concerns that the Muzaffargarh Bypass (the Bypass) will cause their displacement; transparency on the process of land acquisition and resettlement is not available to them, and full compensation for their losses is not assured. OSPF reviewed and assessed these concerns, and found that all parties (Complainants, NHA and CWID) agree that there is a need to (i) explain principles, guidelines and basis for decision-making on the current alignment of the Bypass; and (ii) provide systematic, timely, and appropriate information to Complainants. OSPF also found the three parties involved willing to pursue a solution to the Complainants' problems.

The Complainants, in their written and verbal communication with OSPF, with NHA and with CWID, have assured that they are interested in constructively settling the issues, dialogue, and find solutions to their problems. They always stressed that they were not against the N-70, and just requested not to be deprived of their rights. Complainants, however, are afraid of losing their livelihoods. Female APs seem to be even more distressed than men, have a lower level of information than the male complainants. A few APs are quite angry. Trust in government is low, and the Complainants have little confidence that NHA cares for them. NHDSIP and its RP are in their early stages of implementation, and no physical harm has been done yet. Systematic and appropriate information, consultations and coaching at this stage seem to be the key to problem solving.

OSPF proposes to the parties to work out the course of action in a joint 1-day stakeholder consultation on the second week of May 2007. OSPF will facilitate this stakeholder consultation, which should (i) confirm willingness to engage; (ii) reconfirm priorities; (iii) agree on steps to be taken; (iv) accept ground rules; and (v) agree to a schedule to be followed by all parties. It should follow the CWID-NHA time-bound action plan, include female members of the Complainants' group, and be translated and documented.

¹ Loans 2210-PAK(SF) and 2231-PAK for \$773 million were approved on 13 December 2005 and on 15 February 2006, respectively.

² http://adb.org/Documents/Resettlement_Plans/PAK/national-highway-development-sector/default.asp

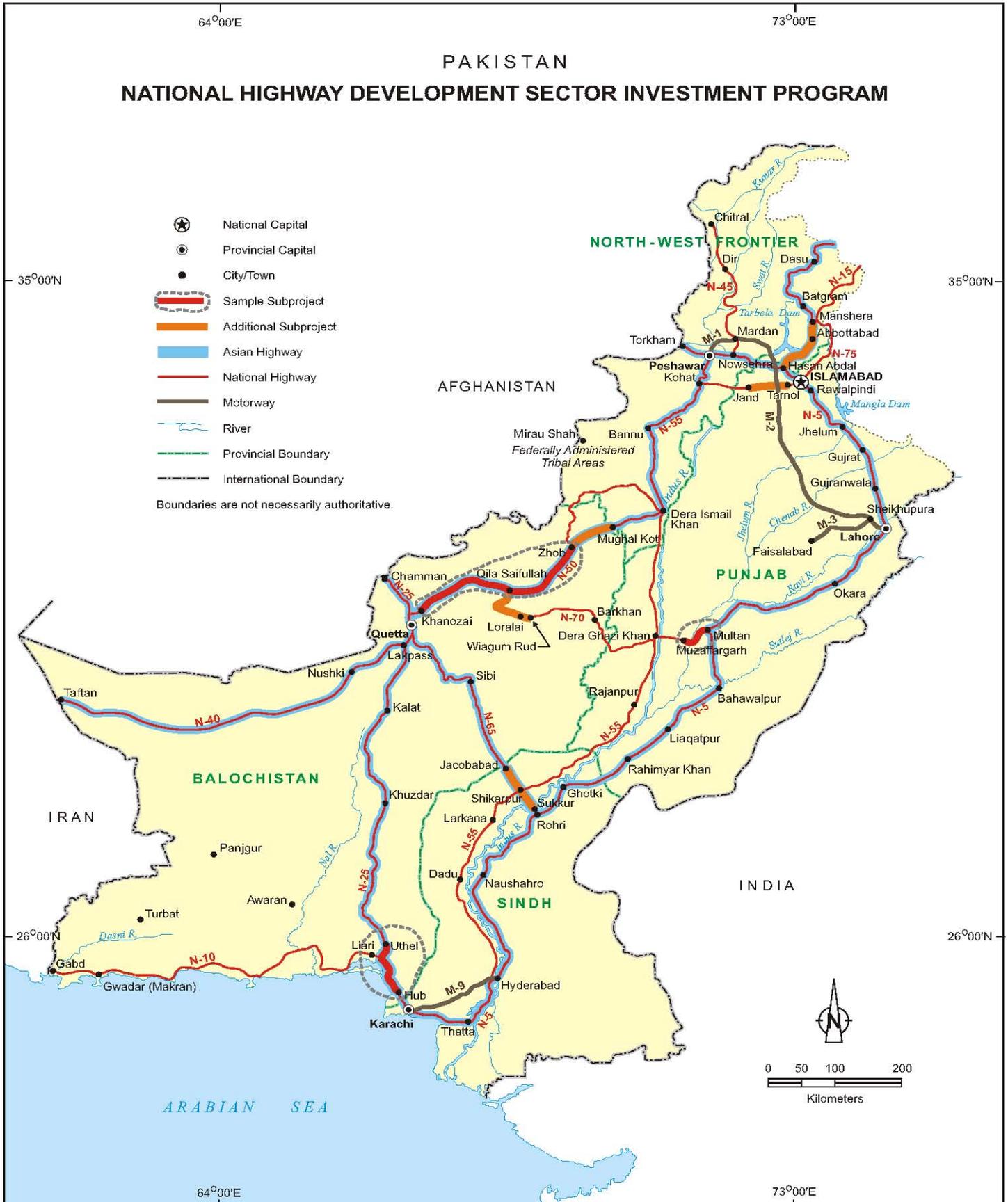
The course of action should include:

- (i) Formal, public and facilitated orientation sessions in the villages of Basti Gujja, Mauza Doaba, Basti Hanjranwali, Mauza Taleri,³—assuring that timing is convenient, and that women are appropriately informed and able to participate in the sessions—with the Complainants on the road alignment options, the principles for its identification, and presentation of safeguard measures such as protection walls, e.g. for the graveyard, underpasses for APs to access assets divided by the road;
- (ii) Formal, public and facilitated orientation sessions with the Complainants on resettlement procedures, compensation rates, and the timing, the monitoring of procedures and the grievance redress mechanism; and
- (iii) Formal, public, and facilitated sessions with Complainants and local government, after the resettlement plan has been revised, translated into Urdu and made available to APs, and a summary resettlement plan in Urdu has been sent to each AP by registered mail.

³ The APs living in the settlement near Mahmood Textile Mills, Mauza Taleri should be included in the orientation sessions with Basti Hanjranwali. Their agreement to this proposal needs to be confirmed.

MAP

PAKISTAN NATIONAL HIGHWAY DEVELOPMENT SECTOR INVESTMENT PROGRAM



BACKGROUND

A. The Project

1. The National Highway Development Sector Investment Program (NHDSIP) in Pakistan¹ is to establish regional connectivity and promote economic growth by (i) strengthening institutional capacity of the National Highway Authority (NHA); (ii) enhancing policies in the road sector, and (iii) improving critical bottleneck sections of the national highway network. Its investment program is structured into three batches of subprojects with the first batch comprising three sample subprojects totaling 376 kilometers. One of the project locations under the first batch is the National Highway No. 70, (N-70) Multan to Muzaffargarh, Punjab. The loan agreements were signed on 14 June 2006, and the loans became effective on 27 July 2006. The Infrastructure Division (CWID) of the Central and West Asia Department is administering NHDSIP.

2. A draft resettlement plan (RP), prepared by NHA and based on detailed designs of subproject N-70 Multan-Muzaffargarh dated July 2005 can be accessed through Asian Development Bank's (ADB) website.² It includes the N-70 Multan-Muzaffargarh subproject road and bypass, and mentions that land has to be acquired for the new bypass. According to the RP, a census has been conducted consisting of a 100% asset inventory and 20% socio economic survey of affected households in the villages along the road. Consultation workshops/group interviews with primary and secondary stakeholders, and in accordance with ADB's *Policy on Involuntary Resettlement (1995)* took place. The detailed measurement survey was completed, and the RP has been disclosed to the affected persons (APs). Para. 5 of the RP mentions that the entitlement matrix and an announcement on the availability of the RP in local and regional offices were published in the local newspaper on 30 June 2005, copies of the RP were placed at local government offices and NHA's Regional Office at Multan. NHA's official website should also disclose the RP. According to the RP, APs will participate in the land acquisition and resettlement activities through the Affected Persons and Citizens Liaison Committee (APCLC) and Grievance Redress Committees (GRCs). At Project Management Office level, a resettlement specialist will be recruited to supervise and coordinate resettlement-related activities. Resettlement specialists responsible for the implementation of resettlement activities will be recruited at field level (Project Implementation Unit). NHA will depute a deputy director in the operation wing as resettlement officer for overall coordination of the preparation of land acquisition and resettlement plans. A grievance process will be formulated immediately after the mobilization of resettlement officials and resettlement specialists.

B. The Complaint

1. Complaint History

3. On 20 June 2006, the Pakistan Resident Mission (PRM) received a complaint from the APs and forwarded it to CWID, which requested NHA to respond. CWID equally tried to respond by e-mail, but could not establish contact. PRM's efforts to communicate with the APs were unsuccessful, too. The NHDSIP Project Director through its field personnel committed to contact the APs. NHA, in its monthly situation reports, reported on results of meetings with complainants.

¹ Loans 2210-PAK(SF) and 2231-PAK for \$773 million were approved on 13 December 2005 and on 15 February 2006, respectively.

² http://adb.org/Documents/Resettlement_Plans/PAK/national-highway-development-sector/default.asp

4. The Office of the Special Project Facilitator (OSPF) received an email from the APs on 9 September 2006. OSPF acknowledged receipt and consulted with the project officer from CWID to confirm whether CWID had already dealt with the concerns earlier. After several attempts, OSPF was successful in contacting the APs, but could not get confirmation whether the APs considered their communication with OSPF as a complaint. At the same time, OSPF dispatched a set of brochures, including OSPF's field guide in Urdu to clarify the procedures, and to support the APs' decision-making. The APs acknowledged receipt of the package on 29 September 2006, but did not confirm that they wanted their communication to be treated as a complaint. On 10 November 2006, OSPF received, by courier, a package containing a letter in Urdu and a list with signatures attaching the minutes of a meeting held by the APs and the list of participants in that meeting. Another e-mail expressing concerns on NHA's increased activities in their area followed. OSPF was not entirely sure that its communication was understood by the recipients, and decided to field a consultant (the Consultant) to conduct a complaint enquiry. The objectives of the assignment were: (i) to do a preliminary assessment of the complaint in the field, including progress made by the government and CWID to resolve the issues; and (ii) to advise and guide the Complainants on OSPF procedures.

5. The Consultant established contact with NHA and the APs, conducted meetings with both, visited the project area between 22 and 27 December 2006, and submitted his report at the end of December 2006. He confirmed that the APs wanted their communication with OSPF to be considered as a complaint and that they did not request for confidentiality.

2. Complaint Issues

6. Based on the APs communication with OSPF and the Consultant's complaint enquiry, the situation is as follows: a group of APs belonging to (i) the village of Basti Gujja, Mauza Doaba; (ii) the village of Basti Hanjranwali, Mauza Taleri; and (iii) a settlement near Mahmood Textile Mills, Mauza Taleri have expressed their concern to the Chairman of NHA, in a number of letters, that the Muzaffargarh Bypass (the Bypass), which is part of the improvement of the N-70 Multan-Muzaffargarh road will cause their displacement. The group calls itself "Committee of Affectees of Muzaffargarh Bypass" (the Complainants) and comprises 53 members. Their first representative passed away in November 2006. The group assigned and later elected a new representative on 21 January 2007. The Minutes of Meeting and List of Participants are on file with OSPF.

7. The issues raised in their communication with NHA, OSPF and the Consultant are (i) alternate alignments to avoid their displacement; (ii) full transparency on the process of land acquisition and resettlement, and detailed information about the on-going activities on land acquisition and resettlement; and (iii) full compensation of land and other property according to market value, in one installment, and before taking possession of the land.

C. Determination of Eligibility

8. An eligibility check including a visit to the project area, discussions with the executing agency, the implementing agency, and the complainants took place from 23-27 January 2007. OSPF declared the complaint eligible on 29 January 2007, and informed the Complainants and CWID, accordingly. The Complainants reconfirmed that confidentiality was not an issue.

II. REVIEW AND ASSESSMENT

A. Objectives and Methodology

9. OSPF's role is to facilitate solutions to the issues as described by the different stakeholders, and to initiate and guide the consultation process. OSPF offers help to the parties³ involved in NHDSIP to resolve their issues through (i) providing the Complainants a conducive environment for their decision-making, providing opportunities for them to meet and discuss strategies, acquiring much needed information; and (ii) setting the stage for all parties involved to come to solutions. It is OSPF's responsibility to treat all parties with respect, care for them, and assure procedural fairness. It is not OSPF's role to take decisions on right or wrong, solve problems, detect the truth or arbitrate in favor of one of the parties involved. This Review and Assessment Report (RAR) is not intended to provide any definitive judgment on any issue related to NHDSIP, an evaluation of any stakeholder group or individual, or a set of expert recommendations on how the issues should be solved. It is intended to assist the stakeholders better understand each other's goals and concerns, and to help them consider options to address those concerns. Given this understanding, this RAR presents an independent and neutral assessment. It is provided to the Complainants (in English and Urdu) and to CWID first. Once the Complainants have decided to continue with the consultation phase, and if both, the Complainants and CWID agree, the report will be made available to the government as well.

10. The review and assessment (step 4 of the consultation phase) is based on (i) the Consultant's Pre-Eligibility Screening Report;⁴ (ii) documents provided by the Complainants; (iii) the RP; (iv) the results of OSPF's eligibility mission, including in-depth discussions with the Complainants and NHA and on-site visits; and (v) the results of CWID's Special Review Mission from 29 January to 3 February 2007.

B. Identification of Issues

11. The issues put forward by the Complainants and confirmed during OSPF's eligibility mission are (i) the realignment of the Bypass, (ii) resettlement and compensation for losses, and (iii) information and consultation.

1. Realignment of the Bypass

12. The Complainants requested NHA and CWID to consider a change in the alignment of the Bypass to avoid their houses and other properties to be destroyed. They claim that they have not been informed about a decision regarding their request. However, they feel that the activities observed in recent months (i) fixing of boundary markers for the alignment of the Bypass; (ii) publishing in the Punjab Gazette of notice for acquisition of land; and (iii) fixing of notices at their residences effectively mean that their request for a change in the alignment has been rejected.

13. According to information from NHA, other road alignment options were considered during the detailed design of the Bypass. But it seems that (i) the north side of the existing alignment is constrained by the railway and the station, (ii) houses and small shops are located along the existing alignment at Gujja Basti, (iii) a large textile factory is located along the existing road alignment, (iv) the route along the high sand dunes is technically and socially not

³ The parties to this complaint are: the Committee of Affectees of Muzaffargarh Bypass, CWID, and NHA.

⁴ <http://www.adb.org/SPF/Documents/Complaint-Enquiry-Final.pdf>

feasible, and (v) the Complainants' suggestion to shift the alignment 200 meters to the south would affect different communities.

2. Resettlement and Compensation for Losses

14. If the Bypass cannot be realigned, the Complainants are worried of losing their livelihoods. They are equally worried of just being thrown out of their houses, and left in the streets. They are afraid that the compensation would not be paid at all, not on time, or in installments only. They request to be appropriately and fairly compensated, but have not been informed until now, how much they would be compensated. Women⁵ do not understand why government is not using its own land, which according to them, is in abundance, but instead is depriving poor people of their livelihoods. Women think that they are facing misery once the Bypass is constructed. They say that they have no place to go, no place to live. Their trees and fields give good money at present, but they ask what will happen if they lose all that. They say that trees are like children, requiring a lot of care and time to grow up, but once they are grown up, they provide comfort. Imagining their village surrounded by a four-lane highway and a bypass, they wonder how their children could reach school safely or how their cattle would be able to cross those busy roads in future.

15. NHA told OSPF that the detailed compensation assessments were still on-going and could not be made public before approval by the authorities. There is agreement between NHA and CWID that land acquisition and resettlement will proceed in accordance with applicable laws, and ADB's policy on involuntary resettlement, as well as in accordance with the resettlement framework and resettlement plans. CWID advised NHA on 29 January 2007 not to proceed with civil works before the land acquisition and resettlement issues are resolved.

3. Information and Consultation

16. The Complainants feel that they have not received proper and full information in the past. Sometimes, they read about the Bypass in a newspaper article, or there are occasional visits from government employees from time to time, where someone picks up a bit of news. The Complainants have tried to receive detailed information from NHA,⁶ but report that they were not provided with written responses to their requests. They even sought clarity on the potential damages to their properties by drawing a map of the alignment following the boundary markers (Appendix 1). Instead of providing clarity, this exercise has caused further worries and distress.

17. NHDSIP Project Director, Multan expressed his willingness to start a formal consultation process, and assured OSPF that the APs would be appropriately informed. CWID and NHA agreed that NHA would follow the appropriate processes. CWID confirmed with NHA that the grievance procedures would be set up as a priority, and their proper functioning would be assured. These include the APCLC and the GRCs, as agreed in the RP (see para. 2 above).

C. Assessment of Problem-Solving Probability

18. The Complainants, in their written and verbal communication with OSPF, with NHA and with CWID have repeatedly assured that they are interested in constructively settling the issues,

⁵ Women were met separately, as only one had attended the meeting for a short moment, but had not shared her opinion.

⁶ Communications dated 28 June, 7 November, and 6 December 2006 to the Chairman of NHA. Copies provided to OSPF.

dialogue, and find solutions to their problems. They always stressed that they were not against the N-70, wished progress and prosperity to their country, and just requested not to be deprived of their rights. Complainants, however, are afraid of losing their livelihoods. Female APs seem to be even more distressed than men, and their level of information seems to be even lower. A few APs are quite angry. Trust in government is low and the Complainants have little confidence that NHA cares for them.

19. NHDSIP and its RP are in their early stages of implementation, and no physical harm has been done yet. Systematic and appropriate information, consultations and coaching at this stage seem to be the key to problem solving. They are at the same time, the basis for trust building. CWID's special review mission has resulted in clear and time-bound agreements: NHA has committed to implement a time-bound action plan which includes (i) setting up the grievance procedure; (ii) translating of the resettlement plan into Urdu and disclosing it to all APs; (iii) responding to Complainants' request for realignment; (iv) holding another full round of stakeholder consultations, including a review of the alignment alternatives together with the Complainants, and to demonstrate that NHA has chosen the alignment that would least affect communities, and be technically and economically feasible; and (v) updating the resettlement plan and translating revised resettlement plans into Urdu, making them available to the APs, and send a new summary resettlement plan in Urdu to each AP by registered mail. This time-bound action plan is in Appendix 2.

20. According to recent information from the Complainants, NHA at present, is in regular contact with individual APs. However, this contact does not seem to be planned, and the meetings are not held publicly. They are, therefore, not well received by the APs, but are rather perceived as a way of pressurizing them with various options, and not providing a constructive dialogue. A few days ago, the Complainants' representative informed OSPF that through "pressure tactics" of NHA, most of the affectees included in the list of complainants in village Hanjranwali signed some agreement. The content of this document is currently not known. The representative has not been involved, and has not seen this agreement. This has created further confusion and mistrust among the APs.

III. RECOMMENDATIONS AND PROPOSED COURSE OF ACTION

A. Remedial Action and Recommendations

21. **Realignment of Bypass.** Complainants feel that a realignment of the Bypass would solve their problems. If NHA could do this, they would not be affected anymore by resettlement and other losses. At present, the only information on the current alignment available to them is the map they have drawn themselves, and they do not even know whether this map is accurate and captures recent developments. They have a strong feeling that the alignment is at their disadvantage because more affluent people have influenced NHA's decision making. There is a need to (i) explain the guiding principles, technical and economic considerations in identifying the current alignment; (ii) explain alternative alignments that have been considered before coming up with the current one; (iii) provide a map that shows options as well as the current alignment; and (iv) respond to Complainants' questions and their suggested adjustments to the current alignment. Such activity is already proposed in the CWID-NHA agreed action plan as activity no. 13 and supposed to be completed by 22 March 2007.

22. **Resettlement and Compensation of Losses.** NHA and CWID confirm that the activities necessary to prepare for land acquisition and resettlement will be implemented as agreed in the RP, and that the basic resettlement principles and guidelines will be followed:

- (i) APs are defined as those who stand to lose land, houses, structures, trees, crops, businesses, income and other assets as a consequence of the improvements and/or upgradation of the project roads;
- (ii) All APs are equally eligible for cash compensation and rehabilitation assistance, irrespective of their land ownership status, to ensure that those affected by the Project shall be at least as well off, if not better off, than they would have been without the Project;
- (iii) The compensation packages shall reflect replacement costs for all losses (such as land, crops, trees, structures, businesses, incomes, etc.);
- (iv) Compensation and resettlement will be satisfactorily completed before a No-Objection Certificate can be provided by ADB for award of civil works contracts;
- (v) ADB will be systematically informed and consulted about the Project, and RPs will be made available in both English and Urdu languages to the APs and communities; and
- (vi) The consultative process shall include not only those affected, but also the adjacent communities, representatives of the local governments of the areas where the project is located, community leaders, local government (district/tehsil), and community-based organizations. Vulnerable groups (households below the recognized poverty line; disabled, elderly persons or female headed households) should be identified and given appropriate assistance to substantially improve their living standards.⁷

23. **Information and Consultation.** The Complainants, at present, are almost completely ignorant of Pakistan's legal procedures, ADB's resettlement policy, their situation and their rights as potential APs. They do not know at what stage the design for the N-70 or the Bypass is, nor do they know, what exactly are the concrete steps that need to be finalized before resettlement and compensation can take place. There is an urgent need to orient the APs, and Complainants in particular on these basics, provide an overview, a map, a clear schedule of planned activities, and to do this in an appropriate and gender-sensitive way. There is also an urgent need to communicate the CWID-NHA agreed action plan, and the deadlines of the various activities as far as they concern the Complainants directly. Regular communication and follow-up with NHA and frequent visits to the project area will be necessary over the coming months. CWID might consider delegating the day-to-day communication with NHA on this particular complaint to PRM, e.g. the Senior Project Implementation Specialist (Infrastructure). OSPF has recruited a consultant (OSPF Consultant) to maintain close contact, and assure that communication between OSPF and the Complainants is timely, and does not suffer from language barrier.⁸ This consultant, Mr. Wiqar Abbas, has been involved in the pre-eligibility screening of the complaint, OSPF's eligibility mission, is known to the Complainants and has their trust. Responsibilities are described in his terms of reference (Appendix 3). There will be a need to clarify responsibilities and explain OSPF's independent role, vis-à-vis, consultants recruited by CWID and responsible for monitoring of activities related to project implementation.

⁷ Resettlement Planning Document, link in footnote 2.

⁸ Terms of Reference are in Appendix 3.

B. Proposed Course of Action

24. OSPF will facilitate the process for the parties to agree on the course of action. It is suggested that the Complainants,⁹ CWID, NHA, with participation of local government representatives¹⁰ work out the course of action in a joint 1-day stakeholder consultation on the second week of May 2007.

25. This consultation will further (i) confirm willingness to engage; (ii) reconfirm priorities, (iii) agree on steps to be taken, (iv) accept ground rules,¹¹ and (v) agree to a schedule to be followed by all parties. The course of action should follow the CWID-NHA agreed action plan (Appendix 2). According to CWID, it will take NHA another 4 months to finalize the resettlement plan. The course of action, therefore, can be implemented without rush, following the OSPF consultation process, and taking all parties' availability into consideration. The proposed consultation process, and schedule is in Appendix 5.

26. OSPF Consultant will prepare and conduct this stakeholder consultation together with a female facilitator, two interpreters (one male, one female), and two documenters (one male, one female).

27. The course of action should include:

- (i) Formal, public and facilitated orientation sessions in the villages of Basti Gujja, Mauza Doaba, Basti Hanjranwali, Mauza Taleri¹²—assuring that timing is convenient and that women are appropriately informed and able to participate in the sessions—with the Complainants on the road alignment options, the principles for its identification, and presentation of safeguard measures such as protection walls, e.g. for the graveyard, underpasses for the APs to access assets divided by the road;
- (ii) Formal, public and facilitated orientation sessions with the Complainants on resettlement procedures, compensation rates, and the timing, the monitoring of the procedures and the grievance redress mechanism; and
- (iii) Formal, public, and facilitated sessions with Complainants and local government, after the resettlement plan has been revised, translated into Urdu and made available to the APs, and a summary resettlement plan in Urdu has been sent to each AP by registered mail.

⁹ To assure female complainants full participation in the stakeholder consultation, they will have a separate parallel working group session to prepare their proposals.

¹⁰ In the local government, the smallest unit, at present, is the union. No village councils have been formed yet. The Union Nazim and Union Council elected members belonging to the affected villages of Basti Hanjranwali and Gujja Basti are, therefore, recommended to participate as local government representatives.

¹¹ The proposed set of ground rules is in Appendix 4.

¹² The APs living in the settlement near Mahmood Textile Mills, Mauza Taleri should be included in the orientation sessions with Basti Hanjranwali. Their agreement to this proposal needs to be confirmed.

TIME-BOUND ACTION PLAN
(as agreed between CWID and NHA)

No.	Required Actions	Target Date
1.	The National Housing Authority (NHA) will not allow the contractor to commence any civil works in any areas where a land acquisition and resettlement plan is required.	indefinite
2.	Post the resettlement plans under all Asian Development Bank (ADB) projects on NHA's website.	15 Feb 2007
3.	NHA will issue an office order to direct staff working on ADB's project to strictly implement the RPs	22 Feb 2007
4.	Establish Affected Persons and Citizen Liaison Committee and hold a first meeting. The meeting minutes will be sent to ADB.	7 Mar 2007
5.	Establish Grievance Redress Committee and ensure it to functionalize and hold a meeting to address the complaints from the APs. The meeting minutes will be sent to ADB.	7 Mar 2007
6.	Start developing the resettlement databank at project management office and collect all information related to land acquisition and resettlement from the Project Implementation Officer under the Project	7 Mar 2007
7.	NHA will start establishing a quarterly monitoring system involving the resettlement specialists at the project management office, and will prepare progress reports on all aspects of land acquisition and resettlement activities from the first quarter 2007.	7 Mar 2007
8.	NHA will translate the RP (July 2005) in Urdu and disclose it to all APs (not only the Complainants) with a cover letter clearly indicating that the RP is being finalized. The letter also indicates that the final RP would be available in Urdu with the final compensation amounts.	7 Mar 2007
9.	NHA will ensure that the supervision consultants will be mobilized with the necessary capacity on land acquisition and resettlement to fully monitor the above process and the action defined below.	7 Mar 2007
10.	Recruit a resettlement specialist (consultant) for the project implementation unit	22 Mar 2007
11.	NHA will hold an at least two-day workshop on resettlement issues among all project directors, assistant directors (land management) in the field, and staff involved in ADB projects to ensure that all staff concerned become familiar with ADB's resettlement policy. ADB will provide resource persons to assist this workshop.	22 Mar 2007
12.	NHA will respond in writing to the APs' letter regarding the request for the realignment, copying ADB.	22 Mar 2007
13.	NHA will hold another full round of stakeholder information dissemination and consultation to the Group to ensure that all APs understand the implications of the RP and what will be done in order to compensate them. The same	22 Mar 2007

	stakeholder information dissemination and consultation should be provided to the rest of the affected communities by 31 March 2007. In addition to information dissemination, NHA will explain the process and reasons to come up with the current proposed alignment. This effort will entail the review with the Group regarding feasible alignment alternatives and to demonstrate that NHA has chosen the alignment that would least affect the community and be technically and economically feasible. This exercise will include consultation with the potentially affected communities.	
14.	NHA will depute a deputy director in the operation wing as resettlement project officer, who will report to Director and GM Land Management.	7 Apr 2007
15.	NHA will update as necessary the RP, including (a) an updated list of APs; (b) a modified impact assessment based on benchmarks clearly indicating when partial impacts on land and houses are to be considered as full impacts; (c) final compensation rates and budgets based on the decisions of the appropriate local government offices; (d) the methodology followed by the local governments in the valuation of assets; (e) measures to address many issues such as graveyard and isolated houses by the Group; and (f) a budgeted and scheduled livelihood rehabilitation plan for severely APs. The RP will distinguish the nature of road subsections in terms of land acquisition and resettlement impacts, i.e. subsections where no impact is expected, subsections concerning the Complainants, other areas of the Bypass, and subsections to be widened. NHA will translate the revised RP in Urdu and make it available to the APs. A new summary RP in Urdu will be sent to each AP by registered mail. Following the divulgation of the final RP, NHA will engage in a final consultation with local government's participation.	30 May 2007
16.	NHA will, on a monthly basis, report on progress of this action plan and the resettlement activities to ADB. Based on the actual performance in RP implementation and compensation, NHA may want to indicate in the report whether there are road subsections where all resettlement activities have been concluded and potentially considered for a possible early start of civil works.	From Feb 2007, Monthly
17.	To enable ADB to monitor the land acquisition and resettlement, NHA will provide information on all activities related to land acquisition and resettlement to ADB's consultant and cooperate with him/her for monitoring such activities. Based on the actual progress in implementation of the RP, NHA may request ADB approval for commencing civil works for the road sections where all compensation to the APs is completed.	From Feb 2007, Monthly
18.	Prior to hand over of each road section, NHA will seek ADB approval on hand over of the road section with the evidence that the APs on the road section have received compensation. ADB will verify the AP's receipt of compensation and approve handing over of the road section within 2 weeks.	As progress

TERMS OF REFERENCE
SOCIAL DEVELOPMENT SPECIALIST/FACILITATOR
(FACILITATION OF CONSULTATION PROCESS STEPS 4–7)
 (Timeframe: 30 person-days between 1 Mar and 15 Jun 2007)

A. Background

1. The Office of the Special Project Facilitator (OSPF) handles the consultation phase of Asian Development Bank's (ADB) new Accountability Mechanism (for further information on the Accountability Mechanism, refer to www.adb.org/spf). OSPF received a communication on the National Highway Development Sector Investment Program (NHDSIP) in Pakistan¹ on 9 September 2006. A pre-eligibility screening conducted in December 2006 confirmed the communication to be a complaint. A group of affected persons (APs) belonging to (i) the village of Basti Gujja, Mauza Doaba, (ii) the village of Basti Hanjranwali, Mauza Taleri, and (iii) a settlement near Mahmood Textile Mills, Mauza Taleri have expressed their concern to the Chairman of National Housing Authority (NHA) in a number of letters that the Muzaffargarh Bypass (the Bypass), which is part of the improvement of the N-70 Multan-Muzaffargarh road will cause their displacement. The group calls itself "Committee of Affectees of Muzaffargarh Bypass" (the Complainants) and comprises 53 members. OSPF conducted an eligibility mission in early January 2007 and determined eligibility of the complaint on 29 January 2007. The issues raised by the Complainants are (i) alternative alignments to avoid their displacement; (ii) full transparency on the process of land acquisition and resettlement and detailed information about the on-going activities on land acquisition and resettlement; and (iii) full compensation of land and other property according to market value, in one installment, and before taking possession of the land.

2. NHDSIP in Pakistan is to establish regional connectivity and promote economic growth by (i) strengthening institutional capacity of NHA; (ii) enhancing policies in the road sector; and (iii) improving critical bottleneck sections of the national highway network. Its investment program is structured into three batches of subprojects with the first batch comprising three sample subprojects totaling 376 kilometers. One of the project locations under the first batch is the National Highway No. 70, (N-70) Multan to Muzaffargarh, Punjab. The loan agreements were signed on 14 June 2006, and the loans became effective on 27 July 2006. The Infrastructure Division (CWID) of the Central and West Asia Department is administering the project. A draft resettlement plan (RP), prepared by NHA and based on detailed designs of subproject N-70 Multan-Muzaffargarh dated July 2005 can be accessed through ADB's website.² It includes the N-70 Multan-Muzaffargarh subproject road and bypass and mentions that land has to be acquired for the new bypass.

3. After determining eligibility of the complaint, OSPF prepared a Review and Assessment Report (RAR).

B. Objectives of the Assignment

4. The objectives of the assignment are to (i) guide the Complainants through the consultation phase, steps 4 (Review and Assessment) to 7 (implementation of the course of action); (ii) facilitate an agreement between the three parties, Complainants, NHA, and CWID on

¹ Loans 2210-PAK(SF) and 2231-PAK for \$773 million were approved on 13 December 2005 and on 15 February 2006, respectively.

² http://adb.org/Documents/Resettlement_Plans/PAK/national-highway-development-sector/default.asp

the implementation of a course of action; and (iii) advise and observe the implementation of the course of action.

C. Consultant's Role and Responsibilities

5. The Consultant acts as a fair and neutral third party in close cooperation and on behalf of OSPF, having no authority to resolve disagreements or impose a settlement to disagreements between the three parties. S/he is engaged to assist the parties in arriving at a mutually acceptable solution to the Complainants' concerns.

D. Specific Tasks

6. The Consultant will:

- (i) Maintain close contact with the Complainants, assure their decision making is based on a clear understanding of the RAR or any other document that requires their decisions and explain the implications of their decisions;
- (ii) Assure timely and factually correct translation of the RAR, and any other document, into Urdu or from Urdu into English as required including e-mail, fax or other communication relevant for the process and assuring the parties understand each other;
- (iii) Explain the RAR to Complainants and provide OSPF with a short documentation of the results;
- (iv) Assist the Complainants in formulating their comments on the RAR;
- (v) Design, prepare, conduct, and document the proposed 1-day stakeholder consultation (including logistics, invitations, identification of an appropriate meeting room);
- (vi) Make sure ground rules are discussed, accepted and followed by the three parties during the course of action;
- (vii) Assure the three parties, Complainants, NHA and CWID, follow agreements and act in good faith;
- (viii) Discuss the situation and changes to the situation with OSPF and provide suggestions for alternative action, if needed;
- (ix) Reassure that the three parties are willing to fully participate in the process and agree to the timing;
- (x) Reassure honest, good faith efforts of the three parties for the implementation of the course of action;
- (xi) Assure views of all parties involved are heard, respected and taken into consideration in the consultation process;

- (xii) Facilitate any agreement needed for the implementation of the course of action, e.g. representation of the parties, appropriate venues, timing of the sessions;
- (xiii) Provide timely information to and closely cooperate with OSPF on the developments in the facilitation process;
- (xiv) Prepare a report on the stakeholder consultation, its results and any other documentation as needed and deemed necessary by the parties involved; and
- (xv) Prepare a final report of the consultation process steps 4 to 7, including a recommendation for closure of the process (step 8).

7. The Consultant will have a postgraduate qualification in social science combined with a sound work experience in community development issues, thorough knowledge of and work experience in Pakistan. S/he should have excellent analytical and communication skills. S/he will, together with the Mission Leader, ensure that a thorough and balanced investigation of facts will be conducted. The Consultant will recruit a female facilitator, two translators/interpreters (1 male, 1 female) and two documenters (1 male, 1 female) for the 1-day stakeholder consultation and as needed.

GROUND RULES

Interactions of all parties involved in the dialogue process are suggested to be as follows. The parties to the dialogue process are asked to suggest revisions, or add other rules important to them:

- (i) Only one person will speak at a time and no one will interrupt when another person is speaking;
- (ii) Each participant will wait to be recognized by the facilitator before speaking;
- (iii) Each person will express his or her own views, or the views of his or her organization rather than speaking for others;
- (iv) In view of time constraints and in order to allow for maximum participation, participants will commit to keeping their comments short and to the point;
- (v) Each participant will refrain from making personal attacks, will make every effort to stay on track with the agenda, and avoid grandstanding and digressions in order to keep the discussion focused and constructive;
- (vi) Multi stakeholder consultations are open event and its records will be publicly available, unless the participants decide otherwise. However, to encourage a frank and uninhibited discussion, no media members will be invited to the consultation itself;
- (vii) The facilitation team will help implement the ground rules once they are accepted by all participants. The facilitation team will be impartial and neutral in its facilitation; and
- (viii) Following the multi stakeholder consultations, the facilitation team under the guidance of OSPF will produce and circulate reports of the results in English and Urdu to all parties.

CONSULTATION PROCESS AND SCHEDULE

STEP 4: Review and Assessment

Review and Assessment Report (RAR), English version	1 Mar 2007
Translation into Urdu and cross-checking of translation approx. 10 days	11 Mar 2007
The Office of the Special Project Facilitation (OSPF) sends RAR to Asian Development Bank (ADB) President, cc VP; to Complainants and Infrastructure Division, Central and West Asia Department (CWID)	11 Mar 2007 <i>Note: According to Policy Government does not get report at that stage</i>
OSPF goes back to communities to explain report	20 – 22 Mar 2007

STEP 5: Complainants' Decision to Carry on with Consultation Process or File for Compliance Review - 7 days according to policy

Complainants decide to continue and communicate their consent regarding provision of RAR to Government	29 Mar 2007
OSPF Consultant communicates Complainants' decision to OSPF in Urdu and English	29 Mar 2007
OSPF informs CWID and requests consent to provide RAR to government	Upon receipt of complainants' decision
OSPF provides RAR to government, if government expresses interest and CWID's and Complainants' consent	Upon receiving consent from CWID

STEP 6: Comments on SPF's Findings from Operation Dept & Complainant - 14 days SPF's Recommendation to President – 7 days from receipt of comments

Complainants provide comments on report	13 Apr 2007
OSPF Consultant assists Complainants in formulating their comments in Urdu, translates into English and sends to OSPF	18 Apr 2007
OSPF receives translated comments	20 Apr 2007
CWID might want to discuss report with government	Between end of Mar and 13 Apr 2007
CWID provides comments on report	13 Apr 2007
OSPF recommends to ADB President <ul style="list-style-type: none"> ➤ decision on continuation purposeful or not ➤ if purposeful, work out a course of action, suggestions for this course of action to be drawn from RAR, comments from Complainants and CWID, OSPF's suggestions 	4 th week Apr 2007
OSPF facilitates working out the Course of Action in a 1-day stakeholder consultation <ul style="list-style-type: none"> ➤ Parties involved: Complainants, CWID, National Housing Authority (NHA), including implementation consultants, local government 	Second week May 2007 Proposed Course of Action: <u>Formal, public and facilitated orientation sessions</u>

STEP 7: Implementation of the Course of Action – time frame depending on agreed activities and to be agreed by all stakeholders

STEP 8: Termination of Consultation Process