

**COMPLAINT CLOSING REPORT  
OF CONCERNED ADB OPERATIONS DEPARTMENT**

19 January 2024

PROJECT NAME	<a href="#">PAK: CAREC Development Investment Program (Tranche 1) Project</a>
ADB DEPARTMENT/DIVISION	Pakistan Resident Mission/CWRD
STAGE OF COMPLAINT	Problem-Solving
ELIGIBILITY RESULT	Ineligible
NON-ELIGIBILITY DETERMINATION DATE	4 August 2021
<b>I. Compliant and Issues</b>	<p>The Asian Development Bank (ADB) approved CAREC Development Investment Program (Tranche 1) Project on 28 September 2017 for construction of additional 2-lane carriageway with existing N-55 to upgrade it as 4-lane dual carriageway. Based on detailed engineering design execution of project works were awarded and being implemented separately for three sections, i.e., (i) Petaro-Sehwan Section, (ii) Ratodero-Shikarpur Section, and (iii) Dara Adam Khel-Peshawar Section of CAREC T-1 Project.</p> <p>The PRM/CWRD and OSPF of ADB received a complaint 7 July 2021 about ROW land title issue raised by the complainant at one location along the Ratodero-Shikarpur Section of T-1 Project. In impugned complaint designated ROW width along complainant's titled land parcels was challenged and the complainant claimed compensation for the land falling within existing ROW of N-55 that was required to construct additional carriageway at site.</p>
<b>II. Actions taken to address the problems or issues</b>	<p>Following the ADB's Accountability Mechanism Policy,<sup>1</sup> the complaint was declared ineligible for the problem-solving process which was communicated to the complainant, and he was advised to coordinate with the OD for action.</p> <p>In July/August 2021, the complainant and the PIU in NHA were also approached and advised to coordinate for address the complainant's concerns positively through the project based GRM. Since, the complaint was about land title dispute, so the PIU coordinated with respective land revenue as well as settlement survey and land record offices of BOR Sindh for joint measurement survey and demarcation of ROW limits along the complaint's land at site. Meanwhile, OD's safeguards Specialist (Consultant) conducted a mission 27-29 Oct 2021 and together with the GM and Land staff of NHA visited the site and met with the complainant on 29 Oct 2021. During site visit and meeting it was explained that designed works will be executed within the state owned existing ROW of N-55 which is 40 meter (132 feet) wide as confirmed by the district land revenue office as well as settlement survey and land record office of BOR Sindh. The ADB's accountability mechanism was also explained to the complainant and he was clarified about compensation eligibility criterion and entitlements for his lost assets as outlined in the ADB approved LARP being implemented to comply the ADB's SPS 2009 requirements.</p> <p>The coordination with the respective land record management authorities and consultations with the complainant were continued on regular bases during 2022 and 2023 for demarcation of the ROW limits at site and assessment of impact (if any) on complainant's land</p>

<sup>1</sup> Paras. 138, 142–143 of the ADB's Accountability Mechanism.

	<p>parcels for amicable resolution of the issues. Thus, after a series of consecutive consultation meetings a consensus on the designated ROW limits at sites was arrived in October 2023 and accordingly the complainant agreed to allow the construction works at site by withdrawing his complaint from ADB.</p>
<p><b>III. Decisions or agreement by parties concerned</b></p>	<p>In the meetings convened on 10<sup>th</sup> and 11<sup>th</sup> October 2023 with the complainant, consensus was arrived that the designated and demarcated ROW of the N-55 is 40 meter (132 feet) and the construction works will be limited within the designated ROW and the complainant's titled land will not be affected. Accordingly, the complainant tendered a consensus statement on stamp paper for confirming amicable resolution of his issue and withdrawal of his complaint from ADB. Meanwhile the complainant also kept liaising with the project team leader in OD and sent email on 11 October 2023 confirming consensus resolution of his issues and withdrawal of his complaint from ADB.</p>
<p><b>IV. Results and lessons learned</b></p>	<p>For the linear projects involving clearance of existing ROW or acquisition of land structured consultation with the local community and concerned land record management authorities are pivotal for confirming the designated ROW limits and the land titles issues during project planning, design and execution phases of any project.</p> <p>Effective engagement of the affected households/persons and concerned land record management authorities can support in assessment of potential issues and execute mitigation measures for addressing the adverse impacts and concerns/grievances raised by the affected person of any project throughout the project cycle.</p>

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