

Complaint Closing Report

Project Name	L3239-PAK: FATA Water Resources Development Project Loan Sub-project: (Haji Lawang Kas Uplift Irrigation Scheme)
ADB Department/Division	Pakistan Resident Mission, Central and West Asia Department
AM Function	Problem-Solving
Eligibility Result	Ineligible due to lack of good faith efforts
Eligibility Determination Date	19 May 2023
I. Compliant and Issues	<p>The Asian Development Bank (ADB) approved FWRDP Project on 15 December 2014. The project supported development of small irrigation infrastructure development schemes including small reservoirs/ponds, diversion weirs and irrigation channels for improved watershed management, sustainable water use and bringing new lands under irrigation for enhanced agriculture in Mohamand, Bajaur, and Khyber Districts/Agencies of Ex FATA.</p> <p>The execution of uplift irrigation scheme on Haji Lawang Kas in Bajaur District was one of the selected schemes under FWRDP that included fabrication of solar powerhouse with uplift irrigation system and construction of almost 2.5 km long lined irrigation water channel. The Terms of Partnership Agreement with benefiting community was signed in October 2018 and accordingly after completion of the construction works, the scheme was handed over to community on November 2022.</p> <p>The Special Project Facilitator (SPF) of ADB received a complaint in March 2023. The complainant raised issues related to design of lined irrigation channel and crop losses caused by flood water due delayed restoration of affected flood protection wall. He demanded for construction of additional 40-50 meters of flood protection wall to protect his land form flood risks and damages in future.</p>
II. Actions taken to address the problems or issues	<p>Considering the eligibility requirements of the ADB's Accountability Mechanism Policy¹, following initial assessment, the SPF concluded the complaint ineligible for the problem-solving process which was communicated to the complainant on 19 May 2023. However, the ADB's Accountability Mechanism being a last resort mechanism requested the operations department to have an opportunity for further communication with complainant to address the complaint first.</p> <p>Immediate after receipt of redacted complaint from OSPF, the Project Management Unit, FWRDP was coordinated for collecting baseline information about the complaint and in meeting dated 26 April 2023 the ANR Project team in PRM requested the OSPF for disclosing the identity of the complainant for improved coordination and redressing his grievances. Meanwhile, the preliminary information received from the PMU was shared with the OSPF on 27 April 2023 for review and further advice. The OPSF vide email dated 28 April 2023 waived of the confidentiality and un-redacted complaint letters including contact details of the complainant was shared.</p> <p>Accordingly, the PMU FWRDP was advised to coordinate with the complainant and after conducting site visit and consultations with</p>

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

	<p>the complainant household provide detailed assessment on including the way forward to address the raised concerns and demanded actions. Meanwhile, ANR project team together with the PMU FWRDP met with the complainant on 16 May 2023. The meeting outcome was communicated to the OSPF on 18 May 2023. The discussed and agreed key points are summarized below.</p> <ul style="list-style-type: none"> • The project works has been executed as per design and two water outlets are provided for irrigating complainants land. • The affected part of protection wall has been fully restored at site and construction of additional protection wall as demanded was beyond project scope. • The Haji Lawang Kas irrigation scheme has been handed over to the community since November 2022; • The FWRDP Loan was closed since 31 December 2023, so execution of any additional work through loan proceeds or counterpart funds of GoKP is impossible under the project. • The complainant was apprised to approach the relevant government departments i.e. the On-farm Water Management and/or Soil Reclamation Offices of Agriculture Department of GoKP for accommodating the demanded works through their Annual Development Budget. The PMU conceded to support the complainant in approaching the relevant departments of the GoPK. After deliberations, the complainant agreed to the explained approach/ way forward and confirmed for communicating it the OSPF as well.
<p>III. Decisions or agreement by parties concerned</p>	<p>Based on OSPF's instructions, the ANR project team in PRM again approached the complainant on 1 June 2023 to ask his feedback on agreed actions and need for follow-up meeting to review and redress his grievances.</p> <p>The complainant in his response email dated 1 June 2023, appreciated the efforts of the ADB project team and the clarifications provided by the PMU FWRDP in meeting dated 16 May 2023. Accordingly, based on explained facts, he conceded and allowed for closure of his complaint in ADB system.</p>
<p>IV. Results and Lessons learned</p>	<p>Early engagement and structured consultation with the local community are required for effective participation and information disclosure as well as timely mitigation of adverse impacts and grievances (if any) throughout project execution cycle i.e. during project planning, design and execution stages.</p>

Asad Zafar
Senior Project Officer (Water Resources)
Pakistan Resident Mission, Central and West Asia Department
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