

# **Joint Comments On Social Assessment of CRBIP Stage III**

We, the coalition of civil society groups and Chashma affectees, appreciate the efforts of the ADB consultants with regard to the identification of social issues concerning the Chashma Right Bank Irrigation Project (CRBIP) and suggesting the stakeholders' negotiation framework. Before commenting on the report, we want to make it very clear that many of our concerns have not been dealt in this report. These concerns include the negative environmental impacts, overly projected economic returns, option assessment and project design, the decision-making processes with special emphasis on compliance with the ADB policies and national laws, and the role of foreign consultants.

As one of the consultants' responsibilities was to facilitate stakeholders' dialogue and build consensus on principal concerns and possible solutions, the report is thus divided into three clear areas that are the identification of stakeholders and the process of dialogue between them, their major concerns, and possible institutional solutions. Our specific comments on these issues are as follows:

## **1. Framework for stakeholders' dialogue:**

**Rights and negotiations:** One important pre-requisite for multi-stakeholders dialogue is to develop consensus on the content, design and process of dialogue. The report itself says that its purpose "*is to assist the CRBIP stakeholders in conducting a joint assessment of CRBIP social issues, and in developing a mutually acceptable resolution of these issues, using a process that all stakeholders would consider fair and effective*" (p.3).

Recognition of fundamental rights is an important design element of any negotiation process. These fundamental rights include the right to life, right to just compensation in the case of involuntary land acquisition, right to resettlement in the case of involuntary displacement, right to information. Besides the universal nature of these rights, almost all of them have adequate protection in the constitution of Pakistan. These rights are also admitted and recognized by the ADB's policies and project guidelines. Also, we believe that a prior informed consent and participation of affected communities in decision-making process should be recognized as universal human right. Thus, we firmly believe and suggest that the negotiation framework should be explicitly based on the recognition of these fundamental human rights of the project-affected communities.

**Design and process of stakeholders' negotiation:** The proposed design and process of stakeholders' dialogue is deliberated in a manner that not only narrow the wide-range of concerns but also displace some of them that have been time

and again raised by the civil society organizations, national and international policy advocacy networks and the most importantly the Chashma affectees themselves. Interestingly, these concerns are not minor but represent important sectors and processes such as environment, technical design and option assessment and financial and economic viability of the project and unlawful practices, irregularities and corruption. The report rightly admits that its major focus is on social concerns. However, social impacts cannot be recognized and comprehended in isolation from other areas of concerns, which have otherwise profound implications for each other. Secondly, we suspect that without having the independent and comprehensive review and assessment of the environmental impacts, option assessment and technical design, assumptions about the project economic returns, the role of foreign consultants, and corruption and irregularities at the project management level, the scope of negotiation will be limited. How the concerns other than negative social impacts will be addressed during the review process?

**Identification of stakeholders:** So far as the identification of broader stakeholders' categories is concerned, we are in agreement with the ADB consultants. We are however not satisfied with the details and the proposed manner of stakeholders' selection.

There is a wide range of project-affected communities. They will not have the full representation unless the number is not increased. Secondly, the right of selection should be given to the coalition of civil society groups and Chashma affectees themselves. Civil society organizations and Chashma affectees have been raising the concerns together.

In the case of civil society representation, the consultants' proposal keeps a number of important and legitimate civil society groups out of this process. For example, Pakistan NGO Forum has been actively engaged in the advocacy campaign of Chashma affectees. The forum passed many resolutions on this issue. Similarly, Pakistan Network of Rivers, Dams and People is the most concerned policy advocacy network and have legitimate concerns in water projects and their impacts. They should be given representation in the negotiation process.

**Time allocated for the Workshop is insufficient:** One-day workshop is not sufficient. The range of issues and nature of conflicts involved in the project demands more time for developing understanding and reaching on certain agreement.

## **2. Findings of the report:**

The findings of the report confirm and substantiate many of the community perceptions and concerns about the adverse impacts of CRBIP that were initially raised by the NGOs' survey report. However, the ADB took almost one year to

initiate the process of assessment. However, during this period, Chashma affectees continued to suffer.

We have the following specific comments on the findings of the report.

**Flooding and Project Design:** Project induced flooding along with detrimental human, social, economic and environmental impacts cause serious threats to the life and livelihoods of large population living in the project area. This has already played havoc with many villages. In the report, local communities identified three major technical causes behind the project induced flooding which were high sill levels of the super-passages across the canal, unpredictable course of hill-torrents and wrong estimates made about the peak flood flows of different hill-torrents and the subsequent design problems in the cross-drainage structures.

Surprisingly, these serious technical objections raised by Chashma affectees remain by and large unanswered in the report. The project-engineering consultants<sup>1</sup> avoided providing the specific answers and technical elaborations against these concerns. Merely posing confidence on their recommended project design is not sufficient and seems ridiculous. However, some other technical studies share and support the analysis and concerns of local communities. Suffice is here only to mention the feasibility study conducted by the Japan International Cooperation Agency (JICA). This feasibility study was prepared in 1992, aiming at looking into different options for the development of irrigation system based upon the manipulations of flood flows of hill-torrents in the Dera Ghazi Khan district. Many findings and recommendations of the said study corroborate the concerns of local communities. This is particularly true about the estimates made about the peak flood discharges of different hill-torrents, the regular changes in the course of hill torrents and the proposed solutions for flood control.

Wrong estimates of Peak flood discharges: some specific examples: Maximum design flood recommended for *Kaura* hill torrent is 18,000 cusecs. However, the peak flood discharge of this hill-torrent estimated by JICA's study is about 42816 cusecs (P. 3.5). This is not an ignorable difference and has serious implications with regard to the flooding and design structure. Similarly, the maximum peak flood discharge of *Sanghar* hill-torrent is about 119744 cusecs. After emerging from the gorge, it splits into three branches of which the right side branch has the

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<sup>1</sup> Consultancy services were awarded to the joint venture of M/s HARZA ENGINEERING CO.USA, SOGREAH INGENRIE, FRANCE, and NATIONAL DEVELOPMENT CONSULTANTS, PAKISTAN. The Terms of References (ToRs) include planning, design, preparation of drawings, preparation of Tender Documents, and supervision of construction activities of the civil works components of Stage III of CRBIP. Besides the grave problems in project design, the consultant consortium has also failed to ensure the timely finalization of the project contractors which, in turn, caused the substantial delay and project cost overrun. From the outset, the delay in the first award impeded the project implementation for one and half year. The second award was impacted badly by this and took 27 months. The almost same situation is with the other awards. However, the project-engineering consultants profited large sum in the form of extended consultancy period and speedy devaluation of local currency.

tendency to draw more or even entire flows and would result in depriving the area on left branch from irrigation (P. 3.24). However, the design floods recommended for different nullahs in the right side that receive the major share of flood flows of *sanghar* are far below the actual flows.

What was the basis of estimate about peak flood flows? Why is there so wide difference of estimates made by the project-engineering consultants and technical team of JICA? What is the secret in the reluctance to share the details of technical design and source data? These are very specific questions and need to be addressed in very focused manner.

Changes in the courses of hill torrents: In almost all field meetings, communities claimed that the current cross-drainage structures would be rendered useless because of frequent changes in flood paths, which is quite normal phenomenon in flood irrigation system in this area. The project engineers and consultants, however, refused to acknowledge this fact without giving sound reasons and necessary explanations. Rather, they preferred to put the blame on traditional irrigation practices. For example, in the case of *Sokar* flood, the project engineers blamed the villagers that the flood was caused because the farmers had continued using flood flows despite the canal and had therefore diverted the floodwater towards their village. Villagers have been doing this for centuries. What is new in this process is the blockage of flood flow by the main canal. Are the engineers not aware that the whole area in the west side of CRBIP lies outside of canal command and would continue to be heavily dependent on using flood irrigation? Should people abandon their livelihood system centered on historically developed flood irrigation technologies? Have they any alternative? Was it not the main canal that blocked the flood flows and worsened the situation?

In fact, the project consultants failed to understand natural and ecological processes that cause frequent changes in the course of hill-torrents. Some pertinent factors with this regard are the role of high rate of sediment deposition, extreme variability in size of flood flows and its implications on design structures, and flood velocity. Change in the course of hill torrent floods is a regular occurrence. High-suspended silt and bed load of floodwater are deposited in its recession period as it flows into the unconfined course in the mild plain. These phenomena are more apparent in recession of large floods. The courses of streams in case of small to medium floods are affected by sediment deposition from previous large floods. The deposited sediments act as an impediment to them and the floodwaters cut across these deposits and form a new path for themselves and thus roam. The process of sediment deposition continues and so does the meandering of flood flows in the plains. However, the silt that accompanies the floodwaters and would have been spilling over a large area now gets restricted due to the main canal and between the embankments. It would be thus continuously raising the bed level of hill-torrents and creating possibilities for abrupt and frequent changes in flood courses. Farming

communities in the project area has the understanding of this process and are aware about the danger of this fact in the presence of huge embankment structures and blockages. Moreover, diverting multiple nullahs and sheet flows to single drainage structure enhances the chances of large floods coupled with high regular changes in the course of flood flows, thereby making the people in the project area more vulnerable. Similarly, the ever-rising bed level of nullahs would continue to demand the raising of the level of embankments accordingly.

Flooding and the degradation of the riverain belt: The report is almost silent about the grave flooding problem of downstream riverain belt, the location wherein floodwater is disposed into the Indus River. Intensity of this problem is not less than the left side flooding. While falling into the Indus River, these nullahs were causing flooding and soil erosion in the riverain belt and at the riverbank. Now, the floodwater in the drains that is more in quantity and faster has become devastating force and largely destroyed crops, structures and settlements in this season. Moreover, the fear of return flows compelled the engineers to keep the disposal points of flood flows very far from the Indus River. This makes the large riverain tract vulnerable to the huge annual floods and their livelihood has been completely destroyed.

Flood control approach and technical measures: The control and regulation of flood flows with the help of embankments and allied engineering intervention is bound to fail. Watershed management and conservation is the only sustainable solution to this problem. This will help in the reduction of flood peak discharge and prolongation of runoff period. Secondly, the watershed management will be helpful in reducing the sediment yield from the watershed area.

The evidence suggests that the CRBIP was technically an impossible endeavor. It is, however, made possible with the help of numerous faulty assumptions and hyper scientific and engineering imagination. Dominant thrust of the CRBIP design is to harness and thus conquer the centuries' old torrent-spate-irrigation system in order to make its design assumingly successful. Both systems stands diametrically opposite to each other in terms of their hydrological principles, hydraulics and social organization and are bound to compete. Some of the major objectives of the project design include ensuring the safe passage of floodwater from the main canal, protection of command area and safe exit of floodwater to the Indus River. The project design has been so far miserably failed to fulfill most of these objectives even at the initial stage. Main canal was breached at many points during this monsoon season; command area was flooded due to the failure of flood carrier channels in guiding the flood flows to the determined direction and disposal points; and devastating floods have ravaged the most productive riverain belt.

**Flooding and Resettlement:** The report does not provide any specific information about the exact number of settlements and people who would be displaced due to the flooding problem. Interestingly, the sokar village, which has

a population of more than 10,000 inhabitants and has been flooded many occasions during this season, was not included in the resettlement survey. It was assumed safe by the project consultants. This is exactly the case with many other villages. Therefore, we want to know the exact official estimates. On many occasions, we have asked the WAPDA and ADB to share the results of resettlement survey report with us. We have not yet received the survey report.

**Mitigation Strategies:** The report identifies two mitigation strategies that are protective bunds and resettlement. The construction of protective bunds around the threatened villages has already been proved ineffective and, in some cases, very dangerous. So far as the resettlement option is concerned, the cash compensation to the displaced communities is the most preferred strategy by the WAPDA. However, as the report identifies correctly, the communities who have been so far paid are not at all satisfied with the amount. The threat of force was also used in compelling them to accept very low cash compensation.

As we have stated before that the right of resettlement in the case of involuntary displacement should be considered and admitted as a fundamental human right and affected communities should be given wide range of options instead of imposing any mitigation measure on them. Local conditions and diversity of preferences demand the mitigation approach that should include varieties of options and flexibility. Cash compensation is only one option. The option of cash compensation has been proved ineffective in the context of livelihood restoration. The right to choose any of the options should be given to the displaced communities. Secondly, the resettlement framework should be based on the principle of livelihood restoration. In this case, the landless farmers, women, artisans and other disadvantaged groups should have differential treatment.

**Unlawful land acquisition and compensation process:** The report confirms and elaborates the concern we have been raising for the last one year. The land acquisition and compensation process remained unlawful throughout the project implementation. The concerned authorities even failed to implement the much-criticized colonial legal system for land acquisition. Affected communities and households were not informed. Unnecessary land acquisition is very common. There is a wide variation in awards and element of political influence is very prominent. Corrupt practices are wide spread. Many small farmers have now become landless and their livelihood is completely destroyed.

**Compensation Framework:** The report tends to recommend for efficient and transparent implementation of the existing legal framework for land acquisition and compensation. We think this is very simple thinking. All past experiences regarding project induced displacement and land acquisition confirm the limitation of the present legal system and its conspicuous failure in ensuring fair compensation, transparency at the level of implementation and accountability. First, the present legal system gives vast powers to the implementing agencies that become the basis of corruption. Secondly, it has clear limitation with regard to the valuation of assets on market rates. Third, it has no clear accountability

measures against corruption and misuse of powers. Fourth, the participation of local communities in decision making is not possible under this colonial legal framework.

### **3. Project management, irregularities and corruption**

The incidents of corruption and wrong-doings are not only limited to the field implementation level. This is also case with the overall management of the project. For example, in one of the CDWP meetings, it was recommended to initiate investigation with regard to the irregularities in undertaking three dovetailing works. It was formally minuted that *“the committee was not convinced by the arguments given by the WAPDA and that proper tenders should have been called for and the award was of the contract on negotiation was highly irregular and not acceptable and therefore needed to be inquired in to with regard to the increase in cost of civil works”*. Similarly, communities in the project area raised the issue of low quality civil works. The engineering consultants are responsible for the final approval of civil works. Similarly, the substantial delay in awarding the civil works contracts and controversy between the ADB and WAPDA need to be investigated. The PC-1 states that the donors threatened to suspend the loan in case the GOP did not agree to award contract to M/S TEKSER. We want to know what was behind this controversy that took almost one and half year to get settled under the threat of funding withdrawal.

### **4. Institutional approaches and solutions:**

We are planning to hold a workshop with local communities to deliberate on the best institutional mechanisms for the project implementation. However, there is an immediate need to take some practical steps to solve the most important problems concerning with project affectees. The project is nearing to completion. Most of the issues are however unresolved would continue to affect the local communities if some concrete steps are not taken immediately.