

IPN REQUEST RQ04/5

September 17, 2004

NOTICE OF REGISTRATION

**Re: Request for Inspection
PAKISTAN: National Drainage Program Project
(Credit No. 2999-PAK)**

On September 10, 2004, the Inspection Panel (the 'Panel') received a Request for Inspection, dated September 9, 2004 (the 'Request') related to the above-referenced Project. The Request was submitted by Khadim Talpur, Mohammad Ali Shah, Mustafa Talpur, Munawar Hassan Memon, Iqbal Hyder, Mir Mohammad Buledi, and Najma Junejo on their own behalf and on behalf of "*others who live in the area known as district Badin, Sindh Pakistan*" in the Indus River Basin.¹

The Requesters claim that they have suffered, or are likely to suffer, "*material harm and losses of livelihood*" as a result of the above-referenced Project which is partly financed by an International Development Association (IDA) Credit of US\$285 million equivalent.

According to the Development Credit Agreement, "[t]he objective of the Project is to assist the Borrower and the Provinces in implementing the first phase of the National Drainage Program [NDP], which is designed to restore environmentally-sound irrigated agriculture, inter alia, through the minimization of saline drainable surplus and the eventual evacuation of all saline drainable surplus to the sea, and to that end: (a) to promote the carrying out of policy and institutional reforms in the water sector; (b) to strengthen drainage and irrigation research and sector planning capabilities; and (c) to finance investments in drainage and irrigation infrastructure."² The Project has three components: (i) drainage and irrigation institutional reforms; (ii) drainage and irrigation

¹ The Request was received electronically. Prior to Registration, the Panel received a hard copy of the Request with over 2,000 original signatures.

² Development Credit Agreement between the Islamic Republic of Pakistan and the International Development Association. December 16, 1997. Schedule 2.

research and sector planning; and (iii) drainage and irrigation infrastructure investment projects, covering over 5 million hectares.

According to the Request, more than 50 villages in the district Badin, Sindh Province, will suffer the permanent threat of flooding from the disposal of upstream saline effluents if the existing Left Bank Outfall Drain (LBOD) system – which they allege is faulty - is further expanded under the NDP. The Requesters claim that the “*overflowing, breaches, and sea intrusion during 2003 rains*” have already caused the death of 30 people, damaged thousands of houses, and destroyed thousands of acres of agricultural crops.

The Requesters allege that the Project did not take into consideration the possible displacement of people caused by overflowing of the drainage system during monsoon rainy seasons. They further claim that they already “*sacrificed*” land during the construction of LBOD and that the expansion of drains under the NDP will entail the “*forceful acquisition of land,*” which “*will ruin our livelihood base.*”

They also claim that the National Surface Drainage System (NSDS), which is “*centered on the northwards extension of the LBOD as a spinal drain,*” and the use of the disposal system through the Tidal Link is not sustainable, because the Tidal Link’s failure has already caused the loss of thousands of acres of land. The Requesters further state that the “*super engineering ideas [that] have been used against the natural flows*” are causing them harm, while the “*alternate project options or disposal systems, which are historical natural disposal systems, have been ignored.*”

The Requesters claim that “[t]he proposed drainage network will badly affect the already degraded environment of Indus Delta.” They state that the absence of fresh water, which is essential for coastal forests and marine life, and the disposal of “*toxic drainage effluents will destroy the remaining resources of marine fisheries and mangrove forests.*” The Requesters further state that the drainage effluent contains not only saline sub-soil water but also residual traces of pesticides, fertilizer, and industrial waste accumulated along the way.

The Requesters claim that because of the effect of tidal flows from the sea, the flow of effluent in the drainage system is blocked twice in each daily cycle, and that this blockage causes the effluent to seep into both sides of the Kadhan Pateji Outfall Drain (KPOD) up to a distance of RD110 (110,000 feet),³ which “*negatively effects [sic] ground water quality, which is a single drinking source, thus causing severe impact on human health.*”

The Requesters claim that the NDP will cause the destruction of two *Dhands* (coastal wetlands), the Narreri lagoon and the Jubho lagoon, which are protected by the Ramsar Convention on Wetlands of International Importance for their “*significance for migratory birds and other significant biodiversity and ecosystem values.*” The Requesters state that Pakistan is a party to the Ramsar Convention, and allege that the Project violates Bank Policy because it disregards Pakistan’s “*requirements under international environmental treaties and agreements.*” They further consider that the failure of the Tidal Link and the Choleri weir (an 1800 feet long concrete-crested weir along the Choleri *Dhand*) to

³ According to the Request, Reduced Distance is measured at one RD=1000 feet.

moderate water levels *“has caused severe damage to the ecosystem, habitat and fish catch”* of these *Dhands* and adversely affected the *“livelihood resources to the forty villages of fishermen having a 12000-15000 population and living around these water bodies.”*

According to the Requesters, the majority of the coastal communities belong to the *Mallah*, which they assert are classified as *“indigenous people”* with a close attachment to ancestral territories and a distinct identity. The Requesters state that these people, who live in more than 60 villages and have a population of 25,000, are *“marginalized and vulnerable.”* They also state that the *Mallah* are *“engaged in fishing at both sea and contiguous wetlands”* and will be adversely affected by the Project. Furthermore, the Requesters claim that this community has suffered *“significant changes in the lives of [its] people,”* specifically during a cyclone in 1999 and monsoon rains during 2003, and that in both events the Tidal Link and KPOD *“inundated their villages, damaged houses and some families even lost their family members.”*

The Requesters claim that the districts of Thatta and Badin *“have been a rich cultural location due to the vicinity of sea as well as the Indus Delta.”* They state that the Tidal Link and KPOD are already affecting very important sites in Badin, including *“the monuments of saint Shaikh Kirhiyo Bhandari, the historical site of Roopa Mari and thari, these both sites were the important town of the dynasty of Soomra ruler in Sindh (1051 to 1351).”* They also state that *“[t]he KPOD is just passing through the identified 4 km area of Roopa Mari, where the soomra rulers have their capital. The tomb of Dodo Soomro the last ruler of Soomra dynasty is also located there.”* The Requesters also claim that *“[s]ome of these archeological sites have been explored and other has been just identified by several historians and archeologists.”* The Requesters fear that, as a result of the Project, what remains of the cultural and historical sites of the Soomra dynasty will be destroyed.

The Requesters claim that the *“local communities, and especially the affected people of coastal belt, have been kept entirely unaware about the plans of NDP and its environmental assessments.”* They further state that the Project *“planning process remained the business of a few bureaucrats and donors while project implementation remained non-transparent and hence failed to obtain informed consent or meaningful participation since the inception.”* The Requesters claim that they *“were entirely unaware of the NDP until the rains of 2003, when they were informed that more effluents would be added to the existing LBOD system.”* They also claim that they have protested *“since the inception of the project”* and have *“attempted several times to approach local implementing agencies as well as World Bank officials to discuss [their] concerns regarding NDP,”* but that they have received no response.

Finally, the Requesters call for *“the World Bank Inspection Panel [to] undertake an independent investigation into the policy violations in this project and recommend, in consultation with affected people, measures for bringing it into compliance and for correcting the harm that has been caused by policy violations.”*

The Requesters claim that *“the Bank has failed to observe or has otherwise violated”* various provisions of its own operational Policies and Procedures, including:

OD 4.01	Environmental Assessment
OP 4.04	Natural Habitats
OD 4.20	Indigenous People
OD 4.30	Involuntary Resettlement
OPN 11.03	Management of Cultural Property

All communications with the Requesters in connection with the Request will be sent until further notice to Mr. Mustafa Talpur at the addresses listed below.

In accordance with paragraph 17 of the Panel's Operating Procedures (the 'Operating Procedures'), I am notifying you that I have, on September 17, 2004, which is also the date of the dispatch of this notice, registered this Request in the Inspection Panel Register.

In accordance with paragraph 18 of the IDA Resolutions that established the Panel (the 'Resolution'), paragraphs 2 and 8 of the "*Conclusions of the Board's Second Review of the Inspection Panel*" (the '1999 Clarifications'), and paragraph 18 (d) of the Operating Procedures, Bank Management must provide the Panel, no later than October 19, 2004, with written evidence that it has complied, or intends to comply, with the Bank's relevant policies and procedures in relation to the above-referenced Project. The subject matter that Management must deal with in a response to the Request is set out in paragraphs 3 and 4 of the 1999 Clarifications.

After receiving the Management response, the Panel will, as outlined in the 1999 Clarifications and as provided by paragraph 19 of the Resolution, "*determine whether the Request meets the eligibility criteria set out in paragraphs 12 to 14 [of the Resolution] and shall make a recommendation to the Executive Directors as to whether the matter should be investigated.*"

The Request has been assigned IPN Request Number RQ04/5.

Yours sincerely,



Edith Brown Weiss
Chairperson

Mr. Mustafa Talpur
C/O ActionAid Pakistan
H # 10, St. 17, F-8/3
Islamabad Pakistan

Mr. James D. Wolfensohn
President
International Development Association
Room MC12-750

The Executive Directors and Alternates
International Development Association