

To: Executive Secretary, the Inspection Panel  
1818 H Street NW, Washington, DC 20433, USA

September 9, 2004

Dear Sir/Madam:

1. We Khadim Talpur, Mohammad Ali Shah, Mustafa Talpur, Munawar Hassan Memon, Iqbal Hyder, Mir Mohammad Buledi, and Najma Junejo live and/or represent others who live in the area known as district Badin, Sindh Pakistan. Our addresses are given at the end of this document.

2. We have suffered, or are likely to suffer, harm as a result of the World Bank's failures in the National Drainage Program Project (NDP) credit no 2999-PK, being implemented in Indus Basin Irrigation System in Pakistan for which credit agreement was signed on December 16, 1997 between Islamic Republic of Pakistan and International Development Association (IDA), IDA agreeing to provide \$ 285 million.

3. We have suffered or likely to suffer following material harm and losses of livelihood due to the implementation of NPD:

- I. The disposal of the entire up country saline effluents in existing LBOD system, which is faulty, will cause flooding in future. More than 50 of our villages will be in permanent threat of flooding if the existing LBOD drains will be expanded further under NDP.
- II. More than 30 people died due to the overflowing, breaches and sea intrusion during 2003 rains, thousands of houses were damaged and thousands of acres of agriculture crops were destroyed. This project-induced displacement is not one time; we have been made so vulnerable that in any monsoon rainy season the upcoming drainage effluents could displace us. But this type of displacement and involuntary settlement has never been considered in the project.
- III. The NDP will require more land to expand the drains, we have already sacrificed during the construction of LBOD and less land has left with us for livelihood, expansion of drains and forceful acquisition of land will ruin our livelihood base.
- IV. The National Surface Drainage System (NSDS), centered on the extension northwards of the LBOD as a spinal drain, is by far the major potential investment project within the NDP. We have already argued that existing disposal system through Tidal Link is not sustainable. We have already lost thousands of acres of land due to the failure of tidal link and NDP will aggravate the situation.
- V. The alternate project options or disposal systems, which are historical natural disposal systems, have been ignored and super engineering ideas have been used against the natural flows, which is causing harm to us.
- VI. The proposed drainage network will badly affect the already degraded environment of Indus Delta. There is no fresh water available to add to the ecological value of delta, which is essential for coastal forests and marine life. In the absence of fresh water, disposing toxic drainage effluents will destroy the remaining resources of marine fisheries and mangrove forests. The drainage effluents comprise not only the saline sub-soil water but also it accumulates along the way the residuals of pesticides, fertilizer and industrial waste.


- VII. The tidal effect restricts the drainage flow for two times in twenty-four hours this fight between drainage effluents and sea tides continues for about 4-6 hours, thus entirely blocks the drainage effluents. The standing drainage effluents seeps into both sides of KPOD up to RD. 110, negatively effects ground water quality, which is a single drinking source, thus causing severe impact on human health
- VIII. The proposed NDP will cause destruction of coastal wetlands two of them are Ramsar sites. The degradation of these important wetlands due to the failure of tidal link and choleri weir has caused severe damage to the ecosystem, habitat and fish catch. These Dhands (wetlands) provide livelihood resources to the forty villages of fishermen having a 12000-15000 population and living around these water bodies. There is no other livelihood source.
- IX. The project will badly affect the indigenous *Mallah* community; there are more than 60 villages of this community with the population of 25,000 and engaged in fishing at both sea and contiguous wetlands. The operation of LBOD has brought significant changes in the lives of these people. The two-mega shocks mentioned earlier one cyclone in 1999 and other monsoon rains during 2003 have changed the economic base of these people. In both these two tragic events the Tidal Link Canal and KPOD inundated their villages, damaged houses and some families even lost their family members.
- X. The southern part of Pakistan i.e. district Thatta and Badin have been a rich cultural location due to the vicinity of sea as well as the Indus Delta. There were several ports used for local and international trade. The few and very important cultural sites in Badin which are being badly affected by KPOD and Tidal link canal includes 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). We fear that under NDP the remaining portions of these important historical sites will be destroyed.
- XI. Local communities, and especially the affected people of coastal belt, have been kept entirely unaware about the plans of NDP and its environmental assessments. 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. We were entirely unaware regarding NDP until the rains of 2003, when we were informed that more effluents would be added in existing LBOD system.


4. We believe following World Bank policies and operation procedures have not been observed:

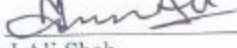
- ***Operational Directive OD 4.30 regarding Involuntary Resettlement***
- ***Operational Directive OD 4.01 Environment Assessment***
- ***Operational Policy OP 4.04, Bank Procedure BP 4.04 and Operation Policy Note No. 11.02***
- ***Operational Directive OD 4.20 regarding Indigenous People***
- ***Operational Policy OP 4.11 regarding Cultural property***
- ***Operational Manual Statement 2.36 regarding Environmental Sustainability***


We have been protesting since the inception of the project and had attempted several times to approach local implementing agencies as well as World Bank officials to discuss our concerns regarding NDP.


We have received no response. We request the Inspection Penal to investigation these policy Violations and the harm that we have suffered and make recommendations to the Board for how to resolve these harms and these policy violations, in consultations with the affected people.


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#### Attachments:

**Background Information**  
**Letter of Representation ( Authorization from the Affectees )**

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## Letter of Representation (Authorization from affectees)

## Acronyms

ADB	Asian Development Bank
BP	Band Procedure
CCA	Cultivable Command Area
CIDA	Canadian International Development Agency
DPOD	Dhoro Pura Outfall Drain
DSEA	Drainage Sector Environmental Assessment
Dhands	Local word used for Wetlands
EMP	Environmental Management Plan
EA	Environmental Assessment
EPAs	Environmental Protection Agencies
EIA	Environmental Impact Assessment
FATA	Federally Administered Tribal Areas
FLAR	Framework for Land Acquisition and Resettlement
GoP	Government of Pakistan
GoS	Government of Sindh
IDA	International Development Agency
IBIS	Indus Basin Irrigation System
JBIC	Japan Bank for International Cooperation
KPOD	Kadhan Pateji Outfall Drain
LBOD	Left Bank Outfall Drain
Mallah	Indigenous people engaged in fishing
NDP	National Drainage Program
NSDS	National Surface Drainage System
NWFP	North West Frontier Province
NGO	Non-Governmental Organization
NESPAK	National Engineering Services Pakistan
ODA	Overseas Development Administration
OD	Operational Directive
OP	Operational Policy
PIDs	Provincial Irrigation Departments
RBOD	Right Bank Outfall Drain
RAP	Resettlement Action Plan
RD	Reduced Distance measured, one RD=1000 feet
SDR	Special Drawing Rights
SF	Saudi Fund
SDC	Swiss Development Corporation
SAR	Staff Appraisal Report
TOR	Terms of Reference
WAPDA	Water and Power Development Authority
WMP	Wetland Management Plan

## **National Drainage Program Project: Background and brief history**

1. The National Drainage Program (NDP) is a multi million dollars program with the goal to minimize saline drainable surplus water and to facilitate evacuation of all saline drainable surpluses from the Indus basin to the Arabian Sea and thereby restoring environmentally sound irrigated agriculture in Pakistan. The project area covers the whole of the Indus River Basin located in Pakistan and small-irrigated areas in Balochistan, NWFP, FATA and Northern Areas.<sup>1</sup>

2. The idea of national drainage program considered as an integrated and cohesive national level efforts designed with program approach with the purpose to restore the sustainability of irrigated agriculture in an environmentally sound manner by: (a) minimization of the drainable surplus; and (b) evacuation of drainable surplus from the Indus Basin to the Sea. It is assumed that all separate drainage project will be managed under NDP umbrella. The main component of the project is investment component under which several thousand kilometers of surface drains and interceptor drains will be excavated, tube wells will be installed and tile drainage facilities will be provided. Finally all the effluents generated at upstream of Indus Basin will be transported through the network of surface drains called national surface drainage system (NSDS) and connected with existing LBOD fall point in left side of Indus and RBOD on right side of Indus in order to dispose into sea.

### **A. Involvement of World Bank in NDP**

3. The World Bank has been involved in water sector in Pakistan since early 1960's. Bank has financed several projects in both irrigation and drainage sectors in Pakistan including LBOD in 1980's and 1990's. This project seems to be the extension of LBOD at wider level. The bank approved the credit number 2999 Pak and development credit agreement was signed on December 16, 1997 between Islamic Republic of Pakistan and International Development Association (IDA). The IDA agreed to lend to the borrower, on the terms and conditions set forth an amount in various currencies to one hundred ninety-eight million six hundred thousand Special Drawing Rights (SDR 198, 600, 000), Equivalent to US \$ 285 million.<sup>2</sup> The closing date shall be December 31, 2004. Except IDA two other co-financiers Asian Development Bank and Japan Bank for International Cooperation (JBIC) are also involved in NDP and have separate loan agreements with government of Pakistan. The ADB and JBIC is planned to finance US \$ 140 and 100 millions respectively.

### **B. Implementation Issues**

4. As of June 30, 2003 the total expenditure of all the components of NDP was Rs. 6,961.832 million against allocated Rs. 28, 494.830 million. At the end of sixth year of project only 24.4 percent of project funds have been utilized. This indicates the delay in implementation of the various components of projects especially investment component.

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<sup>1</sup> See PC-1 Proforma (Revision-1): National Drainage Program Project, January 2004. NDP Management Organization, Lahore Pakistan.

<sup>2</sup> See Development Credit Agreement NDP between Islamic Republic of Pakistan and International Development Agency (IDA) and Staff Appraisal Report NDP.

5. The mid term review conducted by joint donor mission from March 19 to April 6, 2001 concluded that the implementation of NDP has been slowed by numerous bottlenecks and disputes, and its impact and results have been far less than anticipated.<sup>3</sup> Similar comments were generated by JBIC position paper. According to paper NDP has almost completed its third year; implementation of the project has been considerably delayed without any substantial accomplishment due to various reasons including absence of political initiatives, differing approaches and resultant disputes among stakeholders.

6. The NDP became the target of criticism because of structural flaws and slow implementation of the project. Subsequently, a decision given in the 13<sup>th</sup> Federal Program steering Committee meeting held on May 09, 2003 required WAPDA to immediately work on the revision of the PC-1 of NDP. Revision of the NDP PC-1 is therefore undertaken as per this directive. It should be noted that the revised total cost of the PC-1 to be financed by IDA, ABD, JBIC, Gop, Provinces and beneficiaries is now reduced to Rs. 28.68 billion (US \$ 490 million) with a scheduled completion date in December 2005.<sup>4</sup>

7. It is obvious that during the implementation of NDP, almost all the provincial governments were remained reluctant and Balochistan even opted out. The slow progress of government agencies indicates that project was not originated within country with broader consultation. Though the problem of waterlogging and salinity are local but World Bank borrowed the solutions and suggestions from other countries, which are neither compatible to local institutional set up nor favorable in country context.

### **C. Link between LBOD and NDP**

8. The LBOD stage-1 project was initiated in 1984. According to initial plan LBOD stage –1 project would be serving Culturable Command Area (CCA) of about 516,000 hectares and implemented over an eight years period (FY 1986-FY 1993). There were several components of the project including completion of main outfall drain, construction of bifurcation weir at the junction of the Kadhan Pateji Outfall Drain (KPOD) and the Dhoru Puran Outfall Drain (DPOD) to limit the flow of DPOD to 57 cumecs (2000 cusecs), construction of 3000 cusecs tidal link from Pateji Dhand to Shah Samdo creek.<sup>5</sup>

9. The Project cost estimated at early stage of appraisal was Rs. 9, 202.9 million (US \$ 635.7 million). The cost was agreed upon by 7 external co-financiers, these co-financiers were IDA; ADB; Saudi Fund for Development (SF); Canadian International Development Agency (CIDA); Overseas Development Administration (ODA-UK); Swiss Development Corporation (SDC); and the OPEC Fund for Development. The IDA and ADB remained the major donors of LBOD contributing US \$ 150.0 and \$122.0 millions respectively during appraisal estimates, however their actual disbursement differs from appraisal figures. The World Bank Credit 1532-PAK in the amount of SDR 147.6 million equivalent was approved on December 13, 1984.

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<sup>3</sup> See National Drainage Program (NDP) Project: Joint World Bank, ADB and JBIC Mid-Term Review (MTR) Mission Draft Aide-Memoire, April 10, 2001.

<sup>4</sup> See page S-1 National Drainage Program Project, PC-1 Proforma Revision-1, January 2004.

<sup>5</sup> See – Staff Appraisal Report (SAR), Left Bank Outfall Drainage Stage 1 Project, South Asia Projects Department Irrigation 1 Division, World Bank Report No. 5185-Pak, November 5, 1984.

10. The works of LBOD project could not finished in estimated cost and time. The works deleted from the Project were included in the National Drainage Program (NDP) launched in 1998 and co financed by ADB, the World Bank, and the Japan Bank for International Cooperation. The total cost at project completion is estimated at \$963.0 million (estimated US \$ 1021.0 million by World Bank), \$308.2 million (47%) higher than the appraisal estimate of \$654.8 million.

11. After the huge cost overrun and time lapse all the project components were not completed and it achieved partial objectives. Remaining components of the LBOD were transferred to NDP. Thus it makes direct link between the two projects, as NDP seems the extension of LBOD at national level. The project achieved many of its physical objectives as defined in the SAR and MTR Report; and will fully achieve them on completion in four years with financial support from the National Drainage Program (NDP) Project (Cr.2999-PAK).<sup>6</sup> In addition the government reports also indicate that works remaining incomplete have been transferred for execution under NDP.<sup>7</sup>

### **I. Material Harm and our concerns**

12. The implementation of NDP as envisaged in Staff Appraisal Report, mid term review and other World Bank documents will likely cause a serious adverse impacts on our livelihood and environment on which we depend. Significant losses have already been incurred due to ill design of LBOD. The losses of LBOD are multi-dimensional and have occurred over time and space. During the implementation phase several thousands families were displaced from main drain routes and Chotiari reservoir and have not been properly settled. There are also long term and continuous environmental and livelihood losses to coastal communities after the operation of the project.

13. There is no official record or survey to measure the losses occurred during the cyclone of 1999 and havoc of rains during 2003. The damage to Choleri weir, tidal link and KPOD is still there, when the World Bank and ADB planned another mega drainage project to connect the existing faulty disposal system of LBOD to further upstream in order to evacuate more effluents. We believe that in case of the NDP the historical custodian and local communities of coastal belt will be entirely wiped out due to this policy decision. Adding more effluents and extending these drains to provide drainage facility to entire Indus Basin Irrigation System (IBIS) without proper disposal into Arabian Sea will only add in the miseries of coastal communities. Since the key issues of NDP are related to the fall and disposal of LBOD, so these both projects will be referred in this claim. The final destination of entire effluents of NDP will transported through existing LBOD drains with the scheme of National Surface Drainage System (NSDS), so the social, environmental and livelihood issues as well as alternative project options discussed here are also relevant to both LBOD and NDP. For the technical reasons we focus our claim on NDP however the losses are interchange-able and have either occurred or most likely to hit under

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<sup>6</sup> See- Implementation Completion Report, LBOD Stage-1 Project, Rural Development Sector Management Unit South Asia Region World Bank Report No. 18037

<sup>7</sup> LBOD Stage I Project (Cr. 1532-PAK) Implementation Completion Report Appendix B: Borrower's Report



NPD. The scope, magnitude, geographical location and policy violation are interconnected between LBOD and NDP.

#### **A. Alternative Project Options: Ignoring our historical experiences**

14. The feasibility and sustainability of entire NDP depends on the sound foundations of LBOD because it is a final disposal point of drainage effluents. The design of NDP has entirely ignored the current reality and the social and environmental problems of the existing disposal route, and never explored the alternatives. We have been suggesting an alternative since early 1980's when the LBOD was started. Based on our knowledge of historical flow routes, from the very first day when the LBOD was launched, we have been raising objections regarding its feasibility and sustainability. We rightly pointed out that the fall of KPOD was against natural disposal system and would destroy the entire coastal environment. Implementing agencies, financiers including the World Bank, and the project consultants never listened to us.

15. There was historical drainage system of runoff water through Dhoro Puran, under LBOD that link was converted into Dhoro Puran Outfall drain and huge weir was constructed to restrict the flow towards Shakoor Dhand, hence entire load of effluents was diverted to KPOD. As mentioned in the report of World Bank Fact Finding Mission<sup>8</sup> that three possible options were considered for the terminus of the LBOD drain: one option was to continue to empty most of the LBOD flow through KPOD into Pateji Dhand, the second option was to empty the drain directly into the Rann of Kutch and the third was to empty the drain directly into sea through an independent canal linked directly with an active tidal creek. There were other options too, which were not properly evaluated, including disposing the effluents in Shakoor Dhand through existing Dhoro Puran, and other small waterways towards south. But the selected route was more dangerous and now it has proved that in future it will cause more damage rather than benefit.

16. The planning of NDP has never considered the problem in existing disposal system and conceived to bring more effluents in faulty system to dispose. These faults combined with seasonal (and predictable from a planning standpoint) shocks i.e. cyclone in 1999 and monsoon rains of 2003 created havoc with our lives and livelihood. There has been no recognition of our losses at policy level or compensation, because we are considered poor, powerless and voiceless. From time to time we have been pointing out the serious problem in the technical design of the LBOD system, and then in NDP, but no consideration have been given to our concerns. The donors and government, rather than focusing on the problems faced by us due to their technical mistakes, are instead planning another project in the name of NDP to add to our miseries.

17. Several documents both from government of Pakistan and World Bank indicate the extension of existing LBOD system and construction of National Surface Drainage System. As the SAR of NDP mentions, "the planners of Pakistan's IBIS and its principal donors led by IDA always knew that ultimately, the Indus Basin Irrigation System would require an outlet to the Sea. Sustainability can only be achieved in the long run by building a NSDS. Given the long lead time required for detailed planning, feasibility studies, and inter-provincial agreement on cost sharing and transportation of saline effluents from the Upper Bank of Indus to the Sea via Sindh

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<sup>8</sup> See- LBOD State –1 Project-Tidal Link, World Bank Fact Finding Mission. Technical Note and Recommendations.

Province, work on the NSDS is probably already overdue”.<sup>9</sup> The mid term review mission in its findings and recommendations mentioned, “it was understood that projects that mobilize large quantities of salt in NWFP, Balochistan, Punjab, and areas on the right bank of the Indus in Sindh, would be undertaken during a later phase of NDP, after trunk drains (LBOD, RBOD) were extended to these provinces”. It further states that project supported National System Drainage Study has recently started<sup>10</sup>. The mid term review admits two major constraints that dramatically affect scope and pace of NDP. First, the absence of a master drainage plan and second agreement on inter-provincial drainage flows that ensure environmentally safe and sustainable disposal.

18. We believe and it is obvious after the operation of LBOD that this is not a viable and sustainable solution for the effluents disposal. However time-to-time the World Bank officials are persistent on the studies on NSDS and its justification. They have not been talking the other alternative options. We feel strongly insecure in the case of going ahead with the current option of NSDS. We have a less confidence in the inter-provincial accord because those governmental accords do not incorporate the issues of local communities. So the validity of such accord will be questionable to us. We think that the way NDP has been planned and several mission recommendations are leading towards extending current LBOD system to upstream, against our wishes. If such plans will be implemented that will be serious violation of our human rights, rights to life and livelihood and development.

## **B. Project Induced flooding, Displacement and involuntary settlements**

### ***Likely Losses due to NDP:***

19. Though the NDP is being implemented in entire Indus Basin Irrigation System, which geographically covers whole country, but the specific location of drainage disposal has certain peculiarities. The southern part of Pakistan, where the proposed up country effluents will be disposed has a less gradient, more flat topography and bestowed with natural shallow water depressions and vegetation. There are several thousand people who entirely depend on local *Dhanda*/fishing, grazing and agriculture. Keeping in mind the experience of LBOD, we can easily predict that incoming saline water will cause huge flooding and having no other option we have to leave our ancestral villages. This type of displacement is even not considered in project documents even though it will occur due to the consequences of project outcome.

20. In case of connecting existing spinal drain further upstream as proposed in NDP, will require remodeling of spinal drain, KPOD and DPOD to cater the needs of more effluents. We have a fear that in the phase of expansion of KPOD, DPOD and spinal drain several thousand acres of land will be required. We have already sacrificed for existing system and left with meager resources for livelihood, in case of expansion, we might lose remaining land. In addition to land there are several villages, which will be displaced in broadening the cross sections of drains.

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<sup>9</sup> See – Para 1.24 Staff Appraisal Report, National Drainage Program Project September 25, 1997 World Bank Report No. 15310-PAK

<sup>10</sup> See- Mid Term Review Mission, Draft Mission Findings and Recommendations March-April 2001

21. The faulty disposal system through tidal link will increase the pressure of backwater flow during the high tide timings. Currently the system is just disposing the effluents of three districts i.e. Nawabshah, Sanghar and Mirpurkhas; even in this situation the high tide water significantly restricts the flow towards sea. In this fight of incoming saline effluents and high tide water the KPOD overflows and inundates the surrounding agriculture lands and villages. This is happening since the operation of LBOD system. In case of increasing the saline effluents in the system it will be permanent danger of overflowing and flooding the area during the high tide period, especially in monsoon rains. In this situation the population, agriculture land and villages up to RD. 70 of KPOD, except 42 KM area of tidal link will be affected.

***The World Bank's Operational Directive OD 4.30 regarding Involuntary Resettlement, which was adopted in 1990, has been violated. In particular, project planners have ignored the following provisions:***

- Development Projects that displace people involuntarily, generally give rise to severe economic, social and environmental problems: production systems are dismantled; productive assets and income source are lost.
- Involuntary resettlement should be avoided or minimized where feasible, exploring all viable alternative project designs
- Displaced persons should be (i) compensated for their losses at full replacement cost prior to the actual move; assisted with the move and supported during the transition period in the resettlement site; . . .and (iii) assisted in their efforts to improve their former living standards, income earning capacity, and production level, or at least restore them.
- Community participation in planning and implementing resettlement should be encouraged.
- Land, housing, infrastructure and other compensation should be provided to the adversely affected population, indigenous groups, ethnic minorities and pastoralists.
- The possibility of involuntary resettlement should be determined as early as possible and described in all project documents.

22. The government of Pakistan has no approved policy on resettlement and we have had very bad experience during the land acquisition and resettlement at *Chotiari* reservoir under LBOD and the affected families are still waiting for resettlement and compensation. The government of Pakistan prepared and submitted to the World Bank A Framework for Land Acquisition and Resettlement (FLAR) in 1996, which is quite vague and does not mention the location and quantity of land required<sup>11</sup>. The FLAR does not give time frame of compensation payment and credible economic rehabilitation of project affectees. The government has since disowned even that halfhearted FLAR. We think that our land will be acquired under land acquisition act of 1894 for expansion of KPOD, without proper compensation and resettlement and in violation of World Bank policies. There was no resettlement Action Plan (RAP), a fact that was recognized but not corrected at the time of the mid term review of NDP in year 2001 and mentioned by the Bank mission “during the March 2000 supervision mission, it was agreed that the Pakistan

<sup>11</sup> See- Annex –3 Revised PC-1 National Drainage Program

Drainage Consultants will prepare TORs for the preparation of RAPs”, to date no TORs have been prepared, and no consultants engaged to prepare RAPs<sup>12</sup>.

***Losses already incurred due to LBOD:***

23. The planned NDP project will further aggravate all the problems mentioned below. The major problem lies in the disposal system. The entire disposal system of tidal link and KPOD has been damaged and continuously causing livelihood and displacement problem for communities. Once this system will be connected with NDP drains it will just multiply the losses of local communities. The breaches in KPOD and tidal link, the blockage of flow towards sea during high tide, overflowing and inundation will increase and aggravate the existing very vulnerable conditions of the local communities. We are quite clear that it is impossible in current technical design of disposal system to carry the added effluents of NDP. The future losses will be very high. We are very poor people living around this area since centuries and will be entirely wiped out or could not survive in continuous shocks like flood and displacement. It is surprising that without resolving all the disposal issue related to LBOD and its technical flaws surfaced after operation, policy makers and donors including World Bank are engaged in extension of existing drainage system, while they are quite aware of our suffering since the operation of LBOD in 1995.

24. After the operation of LBOD system we have witnessed two severe shocks, which were aggravated by the KPOD and tidal link canal. First the cyclone, which hit this area in 1999, and severely damaged the tidal link, KPOD and *choleri* weir, which resulted in of breaches in KPOD the saline effluents flooded our villages, destroyed agriculture crops and forced thousands of people to leave their homes for couple of months. The unrestricted water of KPOD and tidal link, which was further coupled with high tide seawater, spread around and damaged our livelihood system which comprises on small/subsistence agriculture, fishing, livestock and forestry. According to experts, water of Kotri surface drains, which previously flowed through lakes into natural creeks, has been obstructed by the construction of Tidal Link; consequently this drainage water becomes stagnant and creates flooding.<sup>13</sup>

25. Immediately after the cyclone of 1999 Government of Sindh (GoS) constituted high-level technical committee to review the damage to the tidal link and Choleri weir. The committee’s key findings were: 56 breaches in the southern and northern embankments of the Tidal Link, severe erosion of canal banks; most of the northern embankment along with the entire berm has been eroded. At high tide water apparently flows over the banks at some of the low points or through the breached sections. In year 2002 World Bank also fielded its own fact-finding mission<sup>14</sup>. The mission also agrees with the technical committee observations mentioned above. Mission pointed out that as soon as Tidal Link began operation on June 6, 1995 it experienced significant erosion and scour problems along both banks and the bed. In some sections, almost 50 percent of the total embankment body was lost and erosion is still in progress. Both these

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<sup>12</sup> Mid term review of NDP, World Bank

<sup>13</sup> See- SZABIST center for information and research report on the cyclone 2A.

<sup>14</sup> See – World Bank fact finding mission comprised on Sakwa Bunyasi (Mission Leader), Walter Garvery (water resources advisor, South Asia Region), Safwat Abdel-Dayem, World Bank Drainage Advisor), Ohn Myint, ( Sr. irrigation engineer); and Usman Qamar (Sr. Irrigation engineer).

findings are compatible with our experience of flooding during high tide and rainy season, damaging our livelihood resources badly but both the mission were unable to suggest any solution to the breaches and damage to tidal link and its negative consequences on the livelihood of local community.

26. KPOD drain and tidal link has blocked all runoff water to move to *Rann of Kutch* and other grazing areas. This caused declining of vegetation to the south of KPOD, loss to forest species and decreased grazing areas. It impacted on the livelihood of local communities and finding no other alternative these people have migrated. Just two villages are settled now with less population in the southern side of KPOD in Rann of Kutch. While before there were about 10 villages. The area was green with several species of grass and forest trees, but when the water source has been blocked by KPOD this area desertified and could not support the life.

27. Another shock witnessed by us during monsoon rains of 2003. We are live witness of the episode that how the water of KPOD and *kotri* barrage surface drains flooded about 75 villages. The study conducted by national NGO ActionAid observed that the failure of the drainage system portrays the entire coastal strip of Sindh as a drainage bowl, destroyed tidal link indicate that saline water of LBOD, instead going into the sea, is continuously destroying the Badin District lands.<sup>15</sup> The newspapers reported that one hundred and sixty *dehs*<sup>16</sup> are completely under inundation, where agriculture crops standing over 200,000 acres has been destroyed and more than 200,000 villagers have been rendered homeless for couple of months. In single union council, which was worst hit by KPOD flowing water in villages, 32 people died due to drowning in drainage water. There were 14 major breaches observed in KPOD from RD 20 to RD 180. (*Annex-1 newspaper reporting on LBOD failure during 2003 rains and pictures of KPOD breaches and flooding*)

### C. Environmental Damages

#### *Likely Losses due to NDP:*

28. The National Surface Drainage System (NSDS), centered on the extension northwards of the LBOD as a spinal drain, is by far the major potential investment project within the NDP. We have already argued that existing fall system through Tidal Link is not sustainable. Contrary to its purpose, the Tidal Link canal has become a permanent inflow channel to bring seawater and thus caused serious sea intrusion. During the cyclone of 1999, it was obvious that tidal link was totally a failure and it provided a well designed and permanent passage to sea tide, block the drainage effluents and cause overflowing of KPOD and small drains of *kotri* barrage surface drainage system. This phenomenon of sea intrusion has not been recognized during the planning of NDP. [However in the early estimates regarding sea intrusion the world bank fact finding mission mentioned that the Tidal influence (back water) would extend from *Shah Samdo* Creek all the way up to the Tidal Link to KPOD, but Sea water was not expected to extend farther than 12 miles upstream from tidal creek (to RD-93), just below the Dhands.<sup>17</sup> But we have witnessed that Seawater during high tide timing (twice in twenty- four hours) comes up to RD 70 of KPOD

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<sup>15</sup> Disastrous effects of Left Bank Outfall Drain- LBOD A mega failure, ActionAid Pakistan December 2003.

<sup>16</sup> Deh indicates small revenue unit in Pakistan.

<sup>17</sup> See- Para 4 World Bank fact finding mission technical note and recommendations August 05, 2002

the way up]. We have a serious threat due to the extension of LBOD without looking into the environmental issues at disposal point and sea intrusion. The same has been identified in Environmental Management Plan Frame Work Sindh Province. The plan identified two key mitigation measures that are needed to counter trend several obvious potential major negative impacts of an NDP on – a National Surface Drainage System (NSDS) guaranteeing environmentally-acceptable modes of disposal to the sea for all unwanted effluents and a Wetland Management Plan (WMP) to sustain the many ecologically important wetlands.<sup>18</sup>

29. This phenomenon of sea intrusion has already destroyed the agriculture land. The loss of topsoil due to flooding is a common and hundreds of acres of coastal land are gradually being converted into sea. Thousands of acres of our land have been encroached by sea and this process has accelerated after the collapse of tidal link and Choleri weir, we have shared these concerns during the process of participatory poverty assessment in Sindh. Hundreds of farmer families have been pushed to live under extreme poverty. In case of increasing the drainage flow; this problem of land loss will be scaled up. In addition to loss of topsoil the problem of secondary salinity will also rise. In case of overflowing, breaches in Tidal Link and KPOD the saline effluents will just spread around the agriculture land, thus add into soil salinity.

30. The proposed drainage network will badly affect the already dying environment of Indus Delta. There is no fresh water available to add the ecological value of delta, which is essential for coastal forests and marine life. In the absence of fresh water, disposing toxic drainage effluents will destroy the remaining resources of marine fisheries and very little mangrove forests. The drainage effluents comprises not only the saline sub-soil water but also it takes along the residuals of pesticides, fertilizer and also industrial waste. There is no mechanism to monitor the quality of effluents; the disposal of thousands of cusecs of untreated effluents per day will pose serious negative impacts on marine resources, on which thousands of fishermen depend.

31. There are several small drains of Kotri Barrage Surface Drainage System falling into KPOD. Before extension of KPOD these drains were just disposing in open Rann of Kutch or some in local Dhands. The backwater effects of tidal link and then KPOD also affect the sub-drains falling in KPOD. During the monsoon rains in 2003 and cyclone of 1999 all these drains started flowing backward and caused flooding in thousands of acres. These drains brought sea water in our lands and the fertility of land is being degraded.

32. The tidal effect restricts the drainage flow twice in twenty-four hours; this fight between drainage effluents and sea tides continues for about 4-6 hours, during which time the drainage effluents is backed up. The standing drainage effluents seep into both sides of KPOD up to RD. 110, negatively effects ground water quality, which is a single drinking source, thus causing severe impact on human health. These impacts have never been studied or mitigated by project authorities or the World Bank. In case of increasing quantity of drainage effluents this problem will aggravate the ground water degradation.

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<sup>18</sup> See- Environmental Management Plan Framework, Sindh Province Terms of Reference (Final Draft) Pakistan Drainage Consultants, August 2000.

***We believe that following specific provision of World Bank Operational Directive OD 4.01 has been totally violated:***

- Project specific environmental assessments (EAs) should normally cover (a) existing environmental baseline conditions; (b) potential environmental impacts; (c) systematic environmental comparison of alternative comparisons; (d) preventive, mitigatory, and compensatory measures, generally in the form of an environmental mitigation or management plan. (There is no environmental management plan for NDP, after four years just EMP framework was prepared)
- Para 8 of annex-D of OD 4.01 mentions, “ In addition, in view of the need for the borrower to take the views of affected groups and local NGOs into account, the Task Manager ascertains the nature of the consultations undertaken with such groups and assesses the extent to which their views have been considered.
- (In case of NDP no such consultation have been conducted for EA)
- The project was classified into “ B” category, but that was again in violation of the World Banks guideline provided in annex-E of OD 4.01. The para 5 of guideline mentions, that a full EA is required if a project is likely to have significant adverse impacts that may be sensitive, irreversible and diverse. The projects of irrigations, drainage and flood control, as well as those that have resettlement impacts, are listed in category A projects. (NDP is a large drainage projects and has sensitive, irreversible and diverse environmental impacts, and resettlement impacts.)
- The appraisal mission ensures that the mitigation plan is adequately budgeted, and determines if the EA,s recommendations are properly addressed in project design and economic analysis. (In case of NDP there is no EMP and no budgeting).

33. The checklist for EA of bank-financed projects is quite comprehensive but in NPD all key components of EA has been either ignored or under estimated. The effect of NDP on marine resources, bio-diversity including local coastal plants, animal, critical habitats and protected areas will be entirely negative. The NDP has under estimated all these critical components during planning. We believe that we will lose several fish species and other marine bio-diversity due to toxic effluents; also there is threat to terrestrial plants. The economic costs of these biodiversity and environmental impacts have also been completely ignored.

34. We believe that World Bank has seriously violated its operational directive OD 4.01 in regard of taking into consideration the serious environmental issues. The Bank accepted the Drainage Sector Environmental Assessment (DSEA) prepared by the consultant on behalf of government of Pakistan. The DSEA focuses general environmental issues of the drainage sector in Pakistan. According to the assessment total saline effluents anticipated is 10.91 Maf (13.5 Bcm), of which, 60% is planned to be disposed directly into the sea through LBOD<sup>19</sup>, but the

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<sup>19</sup> Government of Pakistan, Water and Power Development Authority and International Bank for Reconstruction and Development. Pakistan Drainage Sector Environmental Assessment - National drainage Programme, June 1993, National Engineering Services Pakistan (PVT) Limited and Mott MacDonald International Limited

assessment which was acceptable to Bank to fulfill the requirement of OD 4.01 is incomplete, vague and does not cover the issues like coastal ecology, safe disposal into Arabian Sea and environmental degradation of wetlands.

35. The DSEA was prepared in early 1990's and during that time LBOD was not operational so the technical problems of LBOD fall system was not obvious, however this study was not updated during the consideration of NPD loan in 1997; we believe that this is a violation of Bank policies. The DSEA also lacks public legitimacy because no civil society groups or affected people were consulted during the prepared of study, as reported in DSEA volume-1 only experts and officials of different government agencies were consulted in all the workshops:

“The initial scoping sessions to identify the major environmental factors related to drainage were carried out in October 1991 with representatives of the EPAs, WAPDA and other interested agencies. It was followed by a Workshop in Environmental Assessment held at Lahore, on 8-9th April 1992, at which 27 professional representatives from EPAs, PIDs.”

36. The DSEA is also failed to focus on the environmental degradation of wetlands and its impact on species, as it is very clear from the text of DSEA and reproduced as under:

“The overall impacts of changes in wetlands and their species is extremely difficult, if not impossible, to attribute to the actual drainage process. Whilst drainage certainly can and does reduce wildlife stocks at specific sites, there have been powerful pressures against the survival of many wetland species over a long period. It is not possible to say that drainage is responsible for such declines, only that it is capable of augmenting the pressures from other directions.”

37. The World Bank operational directive is very clear and elaborative on mitigation measures and OD 4.01 suggests the preparation of Environmental Management Plan. But in case of NPD after the lapse of six years there is no such EMP. In addition to EMP the DSEA also proposed Wetland Management Plan and environment monitoring and Audit but nothing has materialized in this regard. This is a clear violation of World Bank's safe guard policies. We believe that the delay in formulation of EMP leads to the environmental degradation and eliminates our trust that any such kind of plan will be formulated in and implemented. The environmental disastrous effects of LBOD have not even been mitigated. Due to these delay in the implementation of EMP of LBOD and non-formulation of EMP of NDP we are bearing the cost of environmental degradation including reduced fish catch, loss of agriculture land and forest, loss of grazing land and degradation of Wetlands. Consequently the combined effect of all these factors is impoverishing us.

#### **D. Damage to nationally and internationally recognized Wetlands**

38. The Wetlands of Sindh especially mentioned below form an important component of a major migratory route for waterfowl known as the “ Indus Flyway”. They are important wintering, nesting and staging grounds for a large number of locally and globally important bird species,

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including some endangered species such as the Dalmatian Pelican. Two species of marine turtles inhabit the area, including green turtle and the loggerhead turtle. The wetlands, channels and creeks are also a productive fishery source including several species of commercially valuable shrimp, prawns and crabs. The western margin of the Rann of Kutch, where the drains enter the coastal zone, consists of a number of small, interconnected lakes called Dhands in Sindh, and a number of small lagoons. The surface area of the Dhands varies seasonally and from year to year but averages about 700 sq.km.

39. These Dhands provide livelihood resources to the forty villages of fishermen having a 12000-15000 population and living around these water bodies. There is no other livelihood source except the fishing because the saline soil does not support agriculture and even where the land is marginally good, the shortage of irrigation water limits the potential of agriculture. These fishermen are living in absolute poor conditions without any education, health and drinking water facilities.

40. Two of these Dhands have been internationally recognized as a Ramsar sites because of their significance for migratory birds and other significant biodiversity and ecosystem values. One is the *Narreri lagoon* near the outfall of the *Fuleli* drain in *Mehro Dhand*, and the other is *Jubho lagoon* located on the western side of *Mehro Dhand*. Pakistan is a signatory to the Ramsar Convention. Under the obligation of Ramsar treaty the government and donors have to ensure the wise use and conservation of wetlands defined, recognized and protected by the convention. The World Bank is not supposed to provide support to projects that would contravene a government's requirements under international environmental treaties and agreements. This project therefore violates Operational Manual Statement 2.36.

41. During the discussion of LBOD disposal system ignoring the community concerns and suggestion the option of Tidal Link canal was finally chosen. The adopted scheme included a 26-mile Tidal Link Canal running from northeast to southwest connecting KPOD to an active tidal creek, *Shah Samando Creek*. As mentioned in the fact-finding mission<sup>20</sup> "the canal would physically separate the four major Dhands in the Sindh portion of Rann of Kutch, called *Sanhro*, *Mehro*, *Cholri*, and *pateji* from Rann of Kutch. The upland drainage water of KPOD would be confined within the deep cut of the Tidal Link canal bounded at both sides by high earthen embankments. The northern side of the embankment running along Pateji and Choleri Dhands was provided with an overflow concrete-crested weir (*Choleri weir*), 1800 feet long." The purpose of the weir is clear from ADB report<sup>21</sup>, which mentions, "An embankment was included on the northern side of the Tidal Link, and the Choleri weir was provided to allow drainage flows from the north to escape at low tides and to permit temporary storage of drain water at high tides. Such storage would have served to attenuate peak water levels in the upstream Tidal Link and thus improve conditions for the Kotri surface drains.

42. The idea of linking the KPOD with *Shah Samado* creek through Tidal Link that was passing through these wetlands (*Dhands*) was entirely unsound. Before the implementation of LBOD, these drains were receiving water from *kotri* drains, rainfall and surface runoff in the monsoon season. The construction of Tidal Link prevented the water of Rann of Kutch during wet years to

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<sup>20</sup> See- Para 3 of Technical Notes and Recommendations of World Bank Fact Finding Mission.

<sup>21</sup> See-Project Completion Report on LBOD. Asian Development Bank PCR: PAK 17055 December 2002

enter into *Dhands* and the fall of *kotri* barrage surface drains into KPOD also reduced flow towards *Dhands*. The decreasing water flow to *Dhands* reduced the areas of *Dhands*. The 1989 EIA for the LBOD determined that the most important effect of the Tidal Link on the *Dhands* would be excessive drainage due to the tidal fluctuations. However no measures were taken to preserve and prevent such kind of situation.

43. The collapse of Tidal Link Canal and *Choleri* weir constructed to regulate tidewater into *Dhands* had a significant negative impact on the ecology of *Dhands*. As recognized in project completion report of LBOD by ADB, In June 1998:

“A section of the *Choleri* weir collapsed as a result of erosion in the Tidal Link. In consequence, deep channels developed into the *Dhands* from the Tidal Link. Later, in 1999, a cyclone hit the project area, seriously damaging the Tidal Link’s embankments. The damage has not affected the disposal of saline effluents from the project area into the sea, but the influence of the tide has moved more than 20 kilometers (km) upstream along the Tidal Link. The impact of these events on the *Dhands* ecology and the food chain for wintering birds is expected to be detrimental. It also adversely affects communities living along the periphery of the *Dhands*.”

44. The World Bank’s fact-finding mission also observed same situation, according to mission report, “Since the collapse of weir and cyclone breaches in the embankment, the whole water and salinity balance of Tidal Link and *Dhands* have changed. The tidal link flow is no longer confined, and is instead, intermingled with the flow to and from the *Dhands* and the Rann of Kutch at every tide cycle through the breaches along the embankment. The salinity has been increased in the Tidal Link up to RD-35”. The mission report further recognizes that:

“Since the complete destruction of the weir in 1998-99, water now flows freely in and out of the *Dhands* in response to tidal fluctuations in the canal through the opening left by the absent weir, and through major breach in the canal bank. North of the weir opening, and the large breach in the embankment observed by the mission, a network of channels has quickly formed in the *Dhands* through which a significant portion of the *Dhands* are drained at low tide twice a day. Anecdotal suggests that local people are fearful of the changes taking place. They are reported to be concerned that because water is coming from all directions waterlogging will increase, that the strong tidal influence is bringing sea water to the *Dhands*, and that the Sea, once far away, is now very close.”

45. Despite this recognition of our concerns, the Bank has not done anything to ensure that these problems are addressed or mitigated.

***We believe that following specific provision of World Bank Operational Policy OP 4.04, Bank Procedure BP 4.04 and Operation Policy Note No. 11.02 which are in operation since September 1995, have been totally violated:***

- The Bank promotes and supports natural habitat conservation and improved land use by financing projects designed to integrate into national and regional development the conservation of natural habitat and the maintenance of ecological functions. Furthermore, the Bank promotes the rehabilitation of degraded natural habitats.
- The Bank does not support projects that, in the Bank's opinion, involve the significant conversion or degradation of critical natural habitats.
- In projects with natural habitat components, project preparation, appraisal, and supervision arrangements include appropriate environmental expertise to ensure adequate design and implementation of mitigation measures.
- Natural habitat components of a project are linked as appropriate to the schedule of implementation for the project. The costs of conservation of any compensatory natural habitats are included in the project's financing.
- There are two principle justifications for wildland management. First, wildlands serve to maintain biological diversity and second wildlands provide environmental services important to society. In addition, certain wildlands are essential for maintaining the livelihood of tribal peoples.
- Based upon these criteria, projects with following aspects should normally contain wildland components:
  - Agriculture and Livestock projects involving: Wildland clearing, wetland elimination. Wetlands such as ponds, marshes, swamps, flood plain forests, estuaries, and mangroves) can be eliminated inadvertently through water diversions upstream or deliberately through drainage, diking or filling.

46. The degradation of these important wetlands has caused severe damage to the ecosystem, habitat and fish catch. Although both the technical committee of the Government of Sindh and World Bank fact-finding mission recognized these issues after the 1999 cyclone, no measure was taken to prevent or mitigate the situation. Under the section of "risk" the fact finding mission mentions that " the first major risk is that the outcome anticipated by the Technical Committee, i.e. that the Tidal Link stabilizes and functions adequately but the uncontrolled connection between the canal and *Dhands* remains, results in substantial and irreversible damage to the ecosystem, habitat and fishery in the *Dhands*. The large diurnal fluctuations in *Dhand* water level may change conditions in the *Dhands* sufficiently to cause severe degradation to the ecosystem and loss of biodiversity and key qualities of the waterfowl habitat. The changes in biodiversity and habitat noted above could adversely affect the fishery reducing yields particularly of commercially important species".

47. During 2003 heavy rains the situation of *Dhands* and Tidal Link canal again worsened. Though in theory there would be an environmental management plan, but physically nothing has been done to conserve these nationally and internationally recognized wetlands. The

environmental management and monitoring plan for *Chotiari* reservoir, Nara canal and Tidal Link prepared by Sir M MacDonald and Partners Limited in association with NESPAK and Associated Consulting Engineering (Pvt.) limited does not even identify the importance of wetland and risk due to Tidal link canal<sup>22</sup>. This important document prepared by national and international consultants failed to note the risks related to key wetlands. Currently the areas of Dhands have been reduced and water quality has degraded. In consequence the fish catch has declined and the numbers of migratory birds have reduced significantly.

48. The NDP is entirely blind regarding this aspect of coastal ecology. We believe that with the implementation of NDP as per design, and if there is a inter-provincial drainage accord and trunk drains are being connected to the spinal drain of LBOD and bringing more effluents without taking any serious measure to preserve the ecology of *Dhands*, these highly important wetlands will be the story of past and people earning their livelihood will be forcibly migrated. This will be yet another example of involuntary displacement of people that is ignored by the official documents of both government and donors.

### **E. Indigenous People**

49. The majority of coastal communities belong to *Mallah*, who from their forefathers are engaged in fishing. These groups of people are classified indigenous people, because they have close attachment to ancestral territories and natural resources in this area especially the shallow water bodies and wetland. These people are more marginalized and vulnerable to policy shocks such as degradation of their livelihood resources. Since having no asset base, the social and economic status of *Mallah* tribe of coastal belt is a major obstacle to access the productive resources. Living in and around the water bodies, far from the towns and lack of social amenities, these people have distinct identity, which is different from dominant society. There are more than 60 villages of this community with the population of 25,000 and engaged in fishing at both sea and contiguous wetlands. Some affected villages are very near to KPOD, Tidal Link canal and other are at some distance.

50. The operation of LBOD has brought significant changes in the lives of these people. The two-mega shocks mentioned earlier one cyclone in 1999 and other monsoon rains during 2003 have changed the economic base of these people. Both these shocks were interconnected with the operation of LBOD and aggravated by the overflowing and breaches in KPOD and Tidal Link. In both these two tragic events the Tidal Link Canal and KPOD inundated their villages, damaged houses and some families even lost their family members. The women and kids were the most affected groups during both events, as they cannot move quickly. In addition they lost their means of earning i.e. boats, and nets. These people could not manage to rebuilt their damaged house and buy the lost boats and nets. Already poor, these communities were pushed into further absolute poverty.

51. These communities have also witnessed eroding livelihood base after the operation of LBOD. The fish catch of shrimps, for example, has reduced significantly. In addition the reduced

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<sup>22</sup> See- Environmental Management and Monitoring Plan Chotiari Reservoir, Nara Canal and Tidal Link, Left Bank Outfall Drain Stage 1 Project, October 1995, Sir M MacDonald and Partners Limited in association with National Engineering Services Pakistan (Private) Limited and Associated Consulting Engineers (Private) limited.

area of *Dhanda*s and water quality have badly affected not only the fish catch but also several other aquatic plants, which were used both for commercial purpose and household use. This gradual decrease in livelihood resources affected overall health and well being of *Mallah* community and we have observed that these people have lost rather than gained from this huge project.

52. The NDP has not taken into account the poverty and impoverishment of indigenous people and is also unable to anticipate the negative effect of proposed NDP interventions on the already miserable conditions of these poor fishermen. We believe that proposed NDP investment will pose serious threat to the lives, livelihood and rights to development and culture of indigenous groups guaranteed under several international covenants. The project will inequitably distribute the costs and benefits. The marginalized and vulnerable group of indigenous communities as usual will be looser in this game. Again the worst affected will be women due to gender inequality in society.

***We believe that following specific provision of World Bank Operational Directive OD 4.20 which is operation since 1 991, have been totally violated:***

- The directive provides policy guidance to (a) ensure that indigenous people benefit from development project, and (b) avoid or mitigate potentially adverse effects on indigenous people caused by Bank-assisted activities.
- The bank's broad objective towards indigenous people, as for all the people in its member countries, is to ensure that the development process fosters full respect for their dignity, human rights, and cultural uniqueness. More specifically, the objective at the center of this directive is to ensure that indigenous peoples do not suffer adverse effects during the development process, particularly from Bank-financed projects.
- In many cases, proper protection of the rights of indigenous people will require the implementation of special project components that may lie outside the primary project's objectives. These components can include activities related to health and nutrition, productive infrastructure, linguistic and cultural preservation, entitlement to natural resources, and education.

## **F. Loss to Rich Cultural Property and Historical Monuments**

53. The southern part of Pakistan i.e. district Thatta and Badin have long been a rich cultural location due to the vicinity of sea as well as the Indus Delta. There were several ports used for local and international trade. The few and very important cultural sides in Badin which are being badly affected by KPOD and Tidal link canal includes 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). Some of these archeological sites have been explored and other has been just identified by several historians and archeologists. Unfortunately, due to the neglect of cultural and historical and livelihood factors, the rich history of this area has not been fully understood. But the existing monuments of saints and formers rulers are quite important cultural sites.

54. The 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. All these cultural and historical sites are in the range of KPOD and Tidal Link flooding. The floods have hit these places twice in five years and there is eminent threat that we will lose our history and culture. In addition the current passage of KPOD has already occupied some of the area of cultural and historical importance and in case of expansion of KPOD, the remaining areas and monuments will be entirely vanished. In both the projects neither

*We believe that following specific provision of World Bank Operational Policy OP 4.11, which is effective from August 1999 on cultural property, have been totally violated:*

- The Bank normally declines to finance projects that will significantly damage non-replicable cultural property, and will assist only those projects that are sited or designed so as to prevent such damage.
- The Bank will assist in the protection and enhancement of cultural properties encounter in Bank- financed projects, rather than leaving that protection to chance. In some cases, the project is best relocated in order that sites and structures can be preserved, studied and restored intact in situ.
- This policy pertains to any project in which Bank is involved, irrespective of whether the Bank is itself financing the part of the project that may affect cultural property.
- The management of cultural property of a county is the responsibility of the government. Before proceeding with a project, however, with prima facie entails the risk of damaging cultural property, Bank staff must (1) determine what is known about the cultural property aspect of the proposed project site. The government attention should be drawn specifically to that aspect and appropriate agencies, NGOs or university departments should be consulted.

government nor donors have even bother to recognize the cultural and historical importance of this area and the threat to those places due to drainage projects.

## **G. Community Participation and Information Disclosure**

55. Local communities, and especially the affected people of coastal belt, have been kept entirely unaware about the plans of NDP and its environmental assessments. There remains a serious lack of institutionalized mechanisms for information sharing and consultation with the affected people. The project planning process remained the business of few bureaucrats and donors and project implementation remained non-transparent and hence failed to obtain informed consent since the outset. We were entirely unaware regarding NDP until the rains of 2003 and we were informed that more effluents would be added in existing LBOD system. Even the NGOs involved in advocacy campaign with the World Bank have been refused vital information with regard to completion report of LBOD and feasibility studies of NDP. The participation of the affected people and local communities in any process of the project from planning to implementation is negligible.

The failure to involve local people especially marginalized indigenous groups who are worst affected by LBOD in the planning and implementation in NDP, the refusal to share information with affected communities and interested NGOs, and the failure to ensure that the voices and concerns of affected people are heard and considered in the context of environmental assessment, disposal of drainage effluents, conservation of wetlands and long term involuntary displacement is a violation of bank policies regarding involuntary resettlement, environmental assessment and indigenous peoples. Few of the project related document produced in English, which we cannot read was made available in the offices of WAPDA and other department and was also hard to access by us.

### III. Steps Taken to Convey Concerns to the Bank and other Relevant Authorities

56. In connection of NDP, we came to know very late that now the disastrous LBOD drains are being extended without our consent and addressing the concerns. The local people from the area including *Faqir Natho Lund*, *Bahadur Khan Lund* and *journalist Allah Bachayo Jamali* were raising the issue with WAPDA officials, consultants and visiting mission members from time to time. The local branch of Sindh *Abadgar* Board (a organization of farmers) and the Sindh chamber of Agriculture officials were raising the concerns regarding the fall of LBOD and NDP at various forums time to time. But both donors and government officials remained silent and nothing practically has been done to adequately respond to these concerns or to satisfactorily resolve the issues.

57. We expedited our efforts and communication with government officials and World Bank after the monsoon rains of 2003 when the proposed outfall drains brought death and widespread destruction to our communities. In the reporting of failure of drainage system Mustafa Talpur of ActionAid sent an email to several organizations including Mr. Usman Qamar of World Bank Islamabad office on September 9, 2003. The above message outlined the failure of drainage system in Badin and losses to human life and livelihood resources. Another email was sent on September 11, 2003 to World Bank officials in Islamabad. **(Annex-2). No response was received.**

58. The affected communities organized a protest march on September 17, 2003 in Badin town in which they demanded the reparation of LBOD losses and cancellation of NDP loan. The detailed report of protest march again was communicated to Bank officials in Islamabad by Mustafa talpur and widely published in local and national media. **(Annex-3)**

59. On December 24, 2003 Mustafa Talpur of ActionAid has a meeting with Mr. Rafique Safi managing director Sindh Irrigation and Drainage Authority to communicate the viewpoint of local communities and civil society regarding the failure of LBOD and incoming issue of NDP. Mr. Safi was quite agreeing with the reservation made by communities on extension of NDP.

60. On December 27, 2003 Mustafa Talpur has a meeting with Mr. Abdul Rehman Laghari Chief Engineer WAPDA south to discuss the issue related to the disposal of effluents through Tidal Link, failure of system and NDP. He could not get any satisfactory answer from WAPDA official.

61. On December 28, 2003 the affectees of LBOD/NDP organized a protest rally in Karachi and widely supported by affectees of other projects including affectees of Manchar Lake, Chotirai

reservoir, RBOD and Indus Delta. Again the issue of drainage system failure and NDP was highlighted in the rally. The rally was widely reported in media (**Annex-4**)

62. In December ActionAid Pakistan published its research on disastrous effects of LBOD and future risks of NDP. The report was widely circulated and also sent to World Bank and Asian Development Bank Islamabad offices.

63. In December 2003 Mustafa Talpur phoned Mr. Usman Qamar senior irrigation engineer in World Bank Islamabad office to set appointment to discuss the concerns of NDP, but Mr. Qamar declined to meet and suggested to meet with WAPDA and other implementing agencies instead. Mr. Talpur also requested him for NDP related documents especially environmental management plan, but he denied having such a document.

64. During the Period of September 2003 to December 2003 the Save Coast Action Committee sent letters regarding the concerns of NDP/LBOD to more than 50 related government officials, donors and civil society groups including President and Prime Minister of Pakistan, World Bank Country Director, Chairman WAPDA, Chief Secretary Sindh, Chief Minister of Sindh, Irrigation and Power Department and Federal departments. (**Copy of letter is reproduced in annex-5**)

65. The Save Coast Action Committee organized a press conference at Press Club Hyderabad on December 11, 2003 in which they highlighted the issue related to the fall system of LBOD. Media reporting is given in **Annex-6**

66. On January 01, 2004 the District Nazim, Taluka Nazim and four Nazims including Union Council Bhugra Memon, Badin 3, Badin 2 and Seerani district Badin sent a letter regarding the concerns related to LBOD/NDP under the subject of "Save Badin from the devastation of LBOD and help in rehabilitation of Affectees to President of Pakistan, Federal Minister for Water and Power, Chairman Planning Commission of Pakistan, Governor of the province of Sindh and chairman WAPDA. (**Annex-7**)

67. On January 30, 2004 Mustafa Talpur wrote an email to Mr. Fred Roche of Asian Development Bank with Copies to World Bank officials, requesting him for environmental management plan of LBOD/NDP. But he never gave a satisfactory reply. (**Correspondence is reproduced in Annex-8**)

68. On February 09, 2004 four civil society groups wrote an email to Mr. John Wall country Director World Bank Pakistan seeking appointment to discuss the issues related to NDP. But no response was received from Mr. Wall. (**Annex-9**)

69. On February 09, 2004 four civil society groups sent same email to Mr. Manuel Contijoch, World Bank Task Team leader of NDP for requesting a meeting when he is in Pakistan to discuss the issues related to NDP. But no response was received from Mr. Contijoch and he never bother to contact the communities and civil society groups when he visited Pakistan later.

70. On February 12, 2002 another email was sent to Mr. Manuel Contijoch, Task Team leader of NDP with its copies to John Wall Country Director World Bank Islamabad office, Usman Qamar



Senior Irrigation Specialist Islamabad office, Praful C. Patel regional vice president and Senior Advisor (South Asian Environment and Social) requesting them for considering the community concerns on NDP. But no replies have been received so far. **(Annex-10)**

71. On March 15, 2004 Ten people including a 11 years old girls and two women of Save Coast Action Committee, observed seven hours token hunger strike in front of World Bank Islamabad office to record their protest on National Drainage Program and losses occurred due to Left Bank Outfall Drainage. They handed over the demand letter to World Bank officials **(Annex-11)** and same letter was also sent by mail to the World Bank President James W. Wolfhenson and Vice President for South Asia Praful C. Patel. The event was widely published in national English and Urdu newspapers and communicated to World Bank officials, but there was no response. **(Annex-12)**

72. On April 20, 2004 Mustafa Talpur and Khadim Hussain of ActionAid Islamabad had a meeting with Mr. Roche and Suhail Sober Khan of Asian Development Bank, in which the issues related to NDP, was discussed in detail. Mr. Roche admired the role of NGOs in highlighting the community and environmental issues of mega projects and he was of the view that ADB is not interested in investing the mega water projects.

73. On May 01, 2004 the affected coastal communities and local NGOs organized a huge protest rally in Badin town and demanded reparation of LBOD, repair of LBOD breaches and cancellation of NDP loan. Local members of Sindh Assembly attended the rally. Again the rally was widely reported in local newspapers. **(Annex-13)**

74. On May 15, 2004 Taluka Nazim Badin wrote a letter to the President of Pakistan with copies to chief minister of Sindh, Federal minister for Water and Power, Country Director World Bank and Director General Pakistan Environment Protection Council under the subject of “Permanent solution of LBOD disposal system in district Badin and rehabilitation of 2003 affectees”. **(Annex-14)**

75. In May 2004 district Nazim Badin wrote a letter to the Commander of Five Corps of Pakistan army under the subject of “Permanent Solution of LBOD disposal system in district Badin and Rehabilitation of 2003 affectees”.

#### **IV. Summary and Demands**

76. The main idea of NDP is to construct a network of surface and sub-surface drainage system in entire Indus Basin Irrigation System. The effluents consisting of saline water, runoff water, and agriculture residuals would be transported through the network of surface drains to dispose into Arabian Sea. On the left side of Indus River this upcountry network will be connected to existing LBOD system and on the right bank to connect with on-going RBOD network. We are unhappy with the entire concept of NDP in which it is proposed to construct National Surface Drainage System because it is seriously flawed and will destroy the coastal ecology, the environment and our livelihood resources. We believe that the NDP if implemented as designed will encroach our fundamental rights including right of living and development. The effluents disposed through NDP constructed drains will degrade already dying wetlands, aggravate the

problem of sea intrusion & loss of agriculture land, will cause mass migration of coastal communities, will be permanent threat of flooding and destroying villages and crops, will further impoverish indigenous population of *mallah* and *cause* loss to cultural heritage.

77. Since the construction and operation of LBOD, we have been raising our concerns with relevant authorities, but nothing has been done to address our concern. After the operation of LBOD several environmental, social and technical issues have been surfaced, but without looking the drawbacks of already constructed system or mitigating existing problems and flaws, donors have financed another project to expand the current drainage system which will only exacerbate the harm suffered by local communities. We have tried our best to engage with local authorities and World Bank officials to discuss our concerns with them. But we have not got any positive response from them. From time to time we have been engaged in peaceful protest in order to protect our historical rights and entitlements. But all our peaceful efforts of engagement and protest have yielded nothing.

78. We are requesting the inspection panel to review and respond this inspection request submitted under the Inspection Procedure of World Bank. Our major demand is that the project be put on hold until it is brought into compliance with World Bank policies and clear link is established that there will be no social, environmental and livelihood losses in future. We have following specific demands:

- The World Bank must require and assist the borrowers-the government of Pakistan and the Sindh government-to bring the project into Compliance with the terms of the indigenous/tribal people's policy, the environmental assessment policy and involuntary resettlement.
- An independent and participatory social, cultural and environmental impact assessment should be carried out at the coastal areas including wetlands
- The full investigation of livelihood losses due to degradation of Wetlands and loss of life, livestock, and of agriculture land due to sea intrusion should be carried out and affected people must be compensated for such losses.
- Full independent technical study for the alternative option of disposal system.
- The calculation of losses occurred due to failure of LBOD and full reparation of the affected communities.
- Independent and transparent study with the full participation of local coastal communities to determine the possible future risks, losses and problems if the existing disposal routes will be used.

Based on the foregoing, the claimants hereby request that the World Bank Inspection Panel 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.