

Social Safeguard Due Diligence Report

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Pakistan: Emergency Flood Assistance Project

Prepared by Project Management Office (PMO), Irrigation Department, Government of Khyber Pakhtunkhwa, for the Asian Development Bank (ADB).

NOTES

- (i) The fiscal year (FY) of the Government of the Islamic Republic of Pakistan and its agencies ends on 30 June.
- (ii) In this report “\$” refers to US dollars.

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Pakistan: Emergency Flood Assistance Program (EFAP)



Project Loan No. 56312-001

Social Due Diligence Report

Subproject/ Scheme: Scheme No. 80, Rehabilitation of Gabion Wall Structure, Package 8: Bannu, Irrigation Division Flood Protection Works Khyber Pakhtunkhwa Irrigation

Prepared by: NESPAK Consultant for the Project Management Office (PMO), EFAP
Irrigation Department Government of Khyber Pakhtunkhwa, Pakistan to comply with the
Asian Development Bank (ADB) SPS 2009 Policy

TABLE OF CONTENTS

1 INTRODUCTION	1
1.1 BACKGROUND OF 2022 FLOOD IN PAKISTAN	1
1.2 SCOPE OF WORK OF SCHEME 80 UNDER PACKAGE-08.....	4
2 FINDINGS OF SOCIAL DUE DILIGENCES AND METHODOLOGY ADOPTED	6
2.1 DESIGN STATUS	8
3 SOCIO ECONOMIC.....	10
3.1 DISTRICT BANNU AT A GLANCE	10
3.2 GENDER SITUATION	10
4 INSTITUTIONAL ARRANGEMENT	12
5 INFORMATION DISCLOSURE AND CONSULTATION	14
5.1 OBJECTIVES	14
5.2 STAKEHOLDER IDENTIFICATION	15
5.3 DEPARTMENTAL CONSULTATIONS.....	15
5.4 COMMUNITY CONSULTATIONS.....	15
5.4.1 Locations of the Public Consultations and Participation	16
5.4.2 Findings of Community Consultations.....	16
6 GRIEVANCE REDRESSAL MECHANISM	18
7 CONCLUSION AND RECOMMENDATION.....	19

ANNEXURES

ANNEXURE-A: Voluntary Land Donation

ANNEXURE-B Involuntary Resettlement Impact Categorization

ANNEXURE-C: Indigenous People Impact Checklist

ANNEXURE D: Attendance Sheets of Participants

PHOTOLOG

LIST OF ABBREVIATION

ADB	Asian Development Bank
DED	Detailed Engineering Design
EFAP	Emergency Flood Assistance Project
FPWs	Flood Protection Works
GoP	Government of Pakistan
HHs	Households
JFPR	Japan Fund for Prosperous and Resilient Asia
JICA	Japan International Cooperation Agency
KP	Khyber Pakhtunkhwa
PD	Project Director
PMCSC	Project Management Construction Supervision Consultant
PDNA	Post-Disaster Needs Assessment
RoW	Right of Way
SDO	Sub-divisional Officer
SPS	Safeguard Policy Statement-2009
SDDR	Social Due Diligence Repprt
VLD	Voluntary Land Donation
UN	United Nations
UNDP	United Nations Development Program

Definition of Terms

Compensation	Payment in cash or in kind of the acquired/affected assets at replacement cost provided by the Project to displaced persons or households.
Cut-of-Date	The completion date of the census of project-displaced persons is usually considered the cut-off date. A cut-off date is normally established by the borrower government procedure that establishes the eligibility for receiving compensation and resettlement assistance by the Project displaced persons. In the absence of such procedures, the borrower/client will establish a cut-off date for eligibility.
Displaced Household	All members of a subproject affected household residing under one roof and operating as a single economic unit, who are adversely affected by the Project or any of its components; may consist of a single nuclear family or an extended family group.
Displaced Persons	In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Economic Displacement	Loss of land, assets, access to assets, income sources, or means of livelihood because of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Encroachers	People who have trespassed onto private/community land to which they are not authorized. If such people arrived before the entitlements cut-off date, they are eligible for compensation for any structures, crops or land improvements that they will lose.
Entitlement	Range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation, which are due to displaced persons, depending on the nature of their losses, to restore their economic and social base.
Meaningful Consultation	A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

Physical displacement	Meaning relocation, loss of residential land, or loss of shelter a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions or land use or on access to legally designated parks and protected areas.
Rehabilitation	Compensatory measures provided under the ADB Policy Framework on Involuntary Resettlement other than payment of the replacement cost of acquired assets.
Replacement Cost	Calculation of compensation based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In applying this method of valuation, depreciation of structures and assets should not be considered.
Squatters	People who do not own the land but are possessing and using it for residential, commercial, agricultural or other economic purposes, and as such they are not entitled to land compensation; they are, however, entitled to compensation for the loss of built-up structures, trees, crops and other non-land assets. They are also entitled to be supported to restore their livelihood.
Vulnerable Groups	Distinct group of people who may suffer disproportionately from resettlement effects. The policy defines vulnerable groups as households below the poverty line, the elderly, those without legal title to assets, landless, women, children and indigenous people.

1 INTRODUCTION

1.1 BACKGROUND OF 2022 FLOOD IN PAKISTAN

1. Pakistan is a flood prone country and one of the ten countries most affected by climate change in the world.¹ Flooding in Pakistan is primarily caused by heavy concentrated rainfall in the river catchments during the monsoon season which typically occurs from July through September. The floods are further supplemented by snowmelt/lake outbursts in upper snow covered reaches of the catchments. In the recent history, Pakistan witnessed unprecedented flooding in Khyber Pakhtunkhwa in 2010 and 2022. The occurrence of these flood events in upper most snow covered reaches of northern areas have proved that the climate change has severely impacted our region; 2022 flood was as a result of prolonged intense monsoon subsequent to unprecedented heat wave during April-Jun 2022 followed by intense rains experienced across the country and exposed our ill-planning towards adopting the climate resilient designs for irrigation as well as road infrastructure. The occurrence of these two rain-induced catastrophes within a span of just 13 years resulted in loss of life and major damages to irrigation and drainage infrastructure.
2. A post-disaster needs assessment (PDNA)² - an effort led by the Government of Pakistan (GoP) and supported by a core team comprising Asian Development Bank (ADB), the European Union, United Nations (UN) agencies, and the Japan International Cooperation Agency with facilitation from the United Nations Development Programme and the World Bank was concluded on 28 October 2022, which provides the bases for the development of a disaster recovery framework and arrangements for effective, efficient and coordinated post-flood recovery and reconstruction plan. ADB with the assistance from the financiers Japan Fund for Prosperous and Resilient Asia and the Pacific (JFPR) has proposed emergency assistance to GoP through the Emergency Flood Assistance Project (EFAP). GoP and ADB agreed on financing of the total EFAP at \$531 million of which Irrigation Department of Khyber Pakhtunkhwa component is about \$62 million.
3. Total one hundred and forty-three (143) locations of south and north regions of Khyber Pakhtunkhwa, the Irrigation component under EFAP have been identified to be taken up under the project on priority basis including seventy- nine (79) irrigation and drainage structures, sixty (64) flood management infrastructures, and strengthening/re-sectioning of various protection embankments. For the ease of design and implementations, the project has been divided into the Packages and sub projects (schemes). To cover the South and North regions of Khyber Pakhtunkhwa, the project has been divided into 14 packages. Out of these 14 packages, 8 packages are allocated for the south region and 6 packages are allocated for the north region. South region primarily consists of canals and drains, including major canal systems like Chashma

¹ D. Eckstein, V. Kunzel, and L. Schafer. 2021. *Global Climate Risk Index 2021: Who Suffers Most from Extreme Weather Events? Weather-Related Loss Events in 2019 and 2000–2019*

² Government of Pakistan, Ministry of Planning, Development & Special Initiatives. 2022. *Pakistan Floods 2022: Post-Disaster Needs Assessment*. Islamabad.

Right Bank Canal (CRBC) and Paharpur. On the other hand, the focus in the north region is mainly on flood protection works (FPWs). The map showing the work package detail is given as **Figure 1.1**.

4. The proposed scheme no 80 under package 8 has been included in the overall scope of the EFAP Irrigation component financed by Asian Development Bank (ADB). Out of total \$ 531 million Loan agreed between, GOP and ADB of which a \$ 62 million has been allocated for EFAP KP Irrigation component. The Irrigation component rehabilitation/reconstruction once implemented will have long lasting positive impact on socio economic condition of local communities and will further safeguard the settlements and Agriculture crops being the main source of livelihood locally to a large extent and/or impacts of the future Floods will be minimized or mitigated

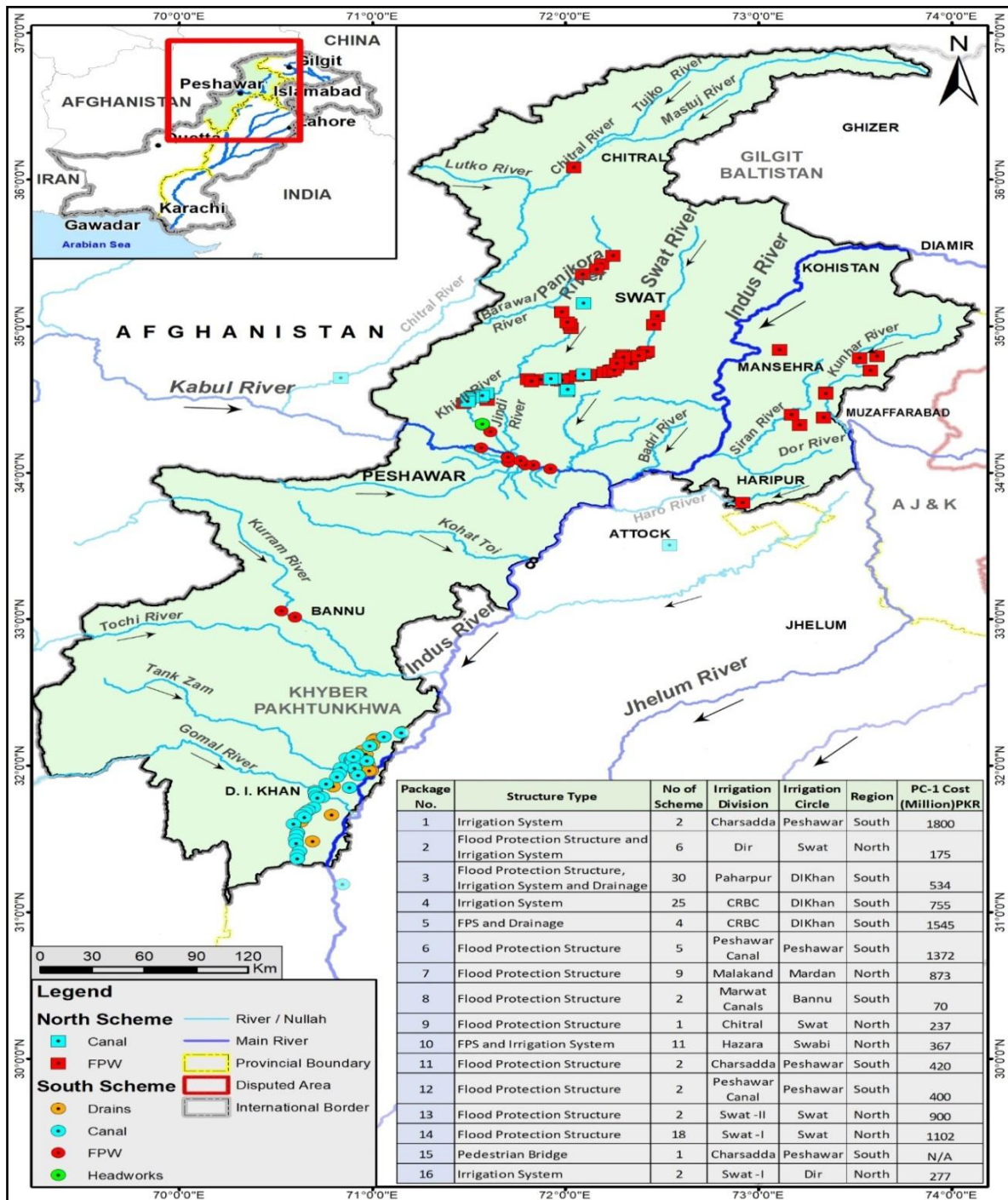


Figure 1.1: Locations Map of Packages

- All packages are categorized under different circles, and each package consists of a varying number of schemes. The area- wise package distribution is given in the pie chart below (**Figure 1.2**). The priority of the work packages is identified with the consent of client.

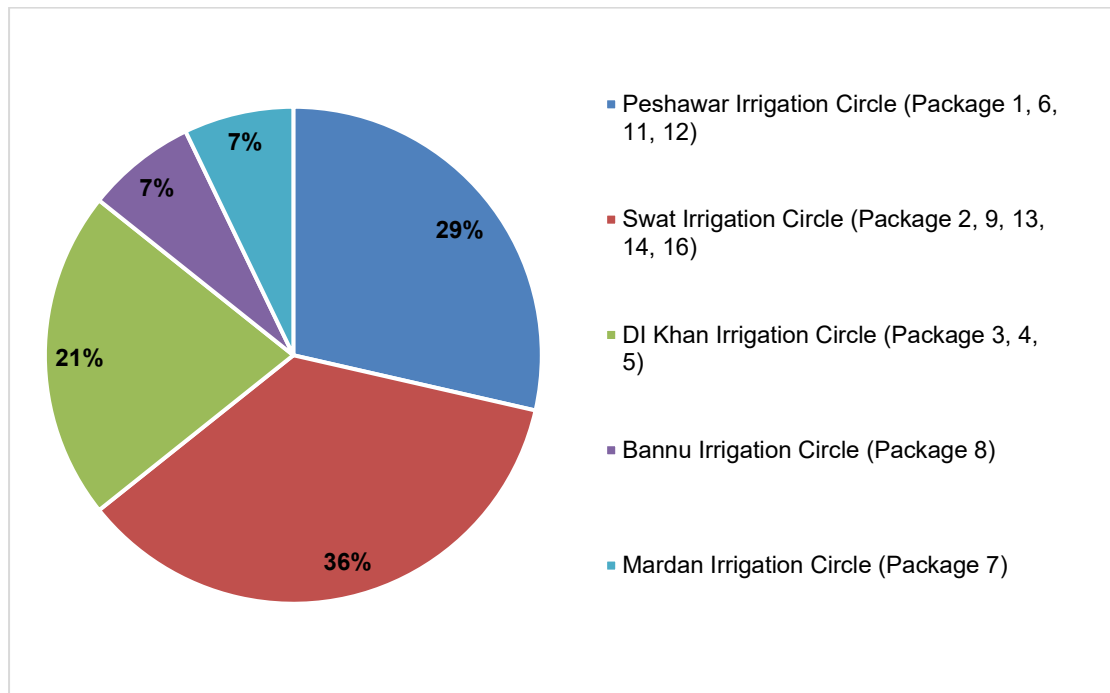


Figure 1.2: Area Wise Package Distribution

1.2 SCOPE OF WORK OF SCHEME 80 UNDER PACKAGE-08

6. Package-08 is in the overall scope of KP Irrigation EFAP located in Bannu Irrigation Circle (South Region). This package includes two schemes named as 'Amandi' (Scheme no. 79) and 'Kurram Garhi' (Scheme no. 80). The schemes no 80 is identified for the flood protections Gabion wall works and is proposed on the Kurram river. Scheme no. 80 (i.e. to introduce flood protection wall for the canal, adjacent road and to reclaim the agriculture land) is located in Sadgai Village on the downstream of the Bannu Headworks. This SDDR is only prepared for scheme no 80 whereas another scheme 79 of package 8 is subject to ROW confirmation by Irrigation and respective District Revenue Departments with scheme No 80 of the Package 08.
7. The scheme no 80 under package 8 Reconstruction of Gabion wall include of private land and the landowner in the interest to safeguard the local area from future Floods has donated the land. The reconstruction of the scheme will reduce the soil erosion which later after project implementation will be beneficial for the local farmers. The implementation of scheme shall bring about a remarkable progress and prosperity to the inhabitants locally. The location map for the proposed schemes under package 8 is presented in **Figure 1.3**

Table 1.1: Proposed Rehabilitation Works of Flood Damaged Structures

Sr. No.	Name of Scheme/Package	Coordinates	Scope of work under EFAP	Case wise Proposed Rehabilitation Works
1	Scheme 80 package 8 (Kuram Garhi) near Bannu Head Works	33°3'29.94"N	Reconstruction of Gabion wall structure	Protection of Gabion-cum Plum Concrete Wall
		70°32'12.16"E		

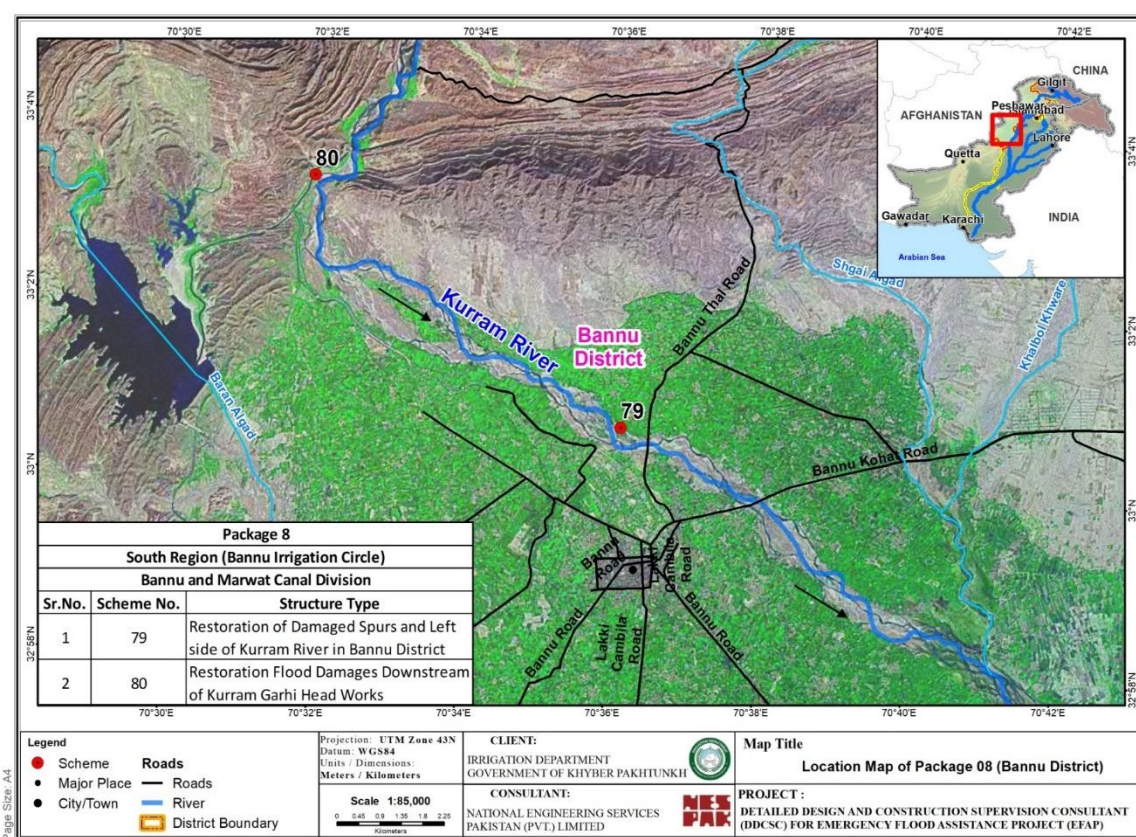


Figure 1.3. Location Map of Package-08

2 FINDINGS OF SOCIAL DUE DILIGENCES AND METHODOLOGY ADOPTED

8. **Need for Due Diligence:** This social due diligence report (SDDR) has been prepared to to screen or categorize for land and resettlement and ingenious people impacts. The scheme no 80 packages under package 08 was affected by 2022 flood. Among other subprojects/schemes in 3 provinces of Pakistan namely, KP, Baluchistan and Sindh, the government of Pakistan requested Asian Development Bank (ADB) for financial support. This SDDR has been prepared the by NESPAK Consultant for the Project Management Office Irrigation EFAP to comply with ADB's safeguard policy statement 2009, the due diligence was conducted including consultation with local community and land owner who donated the land in the interest to safeguard the community and Agriculture for forthcoming Floods. The PMO is headed by Project Director and a Deputy Director is safeguard focal based at PMO. The Provincial Irrigation Department is the Executing Agency (EA).
9. **Purpose of Due Diligences:** The ADB's Safeguard Policy Statement (SPS) 2009 (for IR policy) aims to "avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups". Following this aim of the SPS, the cross section or the design have been carefully reviewed to identify any potential land acquisition or resettlement impacts.
10. **Methodology Adopted by the PMO and NESPAK:** The LAR impact assessment was conducted based on detailed engineering design and available RoW land for rehabilitation works of the affected scheme 80. The proposed RoW has been screening for IR and IP impacts through consultation with local committees and stakeholders, the scheme involves of private in the reconstruction. In scheme no. 80 land acquisition is involved and land was donated by community person voluntarily for the rehabilitation works (**VLD attached**). The local communities and government officials were consulted and design was shared with local people for a clarity on the scheme scope of work. The objective of the scheme is the Reconstruction of Flood Protection Works, Bannu Irrigation Division.
11. **Findings of Due Diligences:** During field visit it accrued that scheme no 80 package 8 involve private land ($6.5\text{m} \times 7\text{m} = 45.5 \text{ m}^2$) which was inundated due to flood of 2022. There are no squatters or enhancement nor is the land communal confirmed upon further due diligence. Mr. Umar Gul CNIC No. 11101-7216016-1 resident of Head Kuram Ghari, Mohmand Khel, Bannu owns the land, and in the interest to safeguard the local comminutes and agriculture holding of people he voluntary donated the land under signed agreement with the respective Irrigation office and the agreement has been witnessed signed by Mr. Aslam Khan s/o Gul Dawar Khan CNIC No. 21504-9605725-1 and Mr. Nazar Gul Khan s/o Labati CNIC No. 21504-0276013-9 Residents of Mohmand Khel, Bannu. The agreement has been signed by SE Irrigation. There is

no encroachments or squatters living on the proposed private land, since the land has been donated, hence the IR doesn't trigger unless the expropriation that usually results upon the failure of voluntary donation or negotiated settlement, based on the meaningful consultation with land owner, the land owner agreed to volunteer the land and in return no demands were made, the agreement with the land owners was documented and considered a legal document signed by both parties countersigned by the witness. The signed agreement on Government stamp paper is Annexed as Annexure-A.

12. **The objective of SPS:** The objectives of SPS are to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups
13. **Involuntary Resettlement:** The involuntary resettlement impacts of ADB-supported projects are considered significant if 200 or more persons will be physically displaced from home or lose 10% or more of their productive or income-generating assets. For those involving involuntary resettlement, a resettlement plan is prepared that is commensurate with the extent and degree of the impacts, the scope of physical and economic displacement and the vulnerability of the affected persons. Projects are classified into the following categories: The filled and signed IR checklist is Annexed as Annexure-B.
- **Category A.** A proposed project is likely to have significant involuntary resettlement impacts. A resettlement plan, which includes assessment of social impacts, is required
 - **Category B.** A proposed project includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, which includes assessment of social impacts is required.
 - **Category C.** A proposed project has no involuntary resettlement impacts. No further action is required.
14. **Indigenous People:** The project area was surveyed for identification of any indigenous people or groups having customary rights on use and access of land and natural resources, socioeconomic status, cultural and communal integrity and self-recognition as IPs. However, no such groups were found in the entire project area who can be categorized as IP. More specifically, the people consulted do not recognize themselves as IP or those falling under IP groups as described in IP policy of ADB's SPS. Therefore, the project is categorized as "C" for IP safeguards hence; no Indigenous peoples plan is required for this project. The filled and signed IP Checklist is Annexed as Annexure-C.

2.1 DESIGN STATUS

15. **Scope of Scheme under EFAP:** Kurram Garhi near Bannu Head works (Scheme No. 80), the construction of a structure upstream within the river's designated right of way has altered the river's original flow pattern. This modification has caused detrimental effects on a nearby orchard located adjacent to the right bank. To restore the river's original flow pattern and protect the right bank, the consultant has recommended the implementation of a Gabion wall structure. This flood protection measure aligns seamlessly with the project requirements and represents the most suitable choice for Scheme No. 80. The scheme design has been finalized, during design the impacts of LAR are mitigated to the extent possible, though without the proposed private land the scheme was not viable technically from engineering perspective. **Table 2.1** shows design of proposed Gabion wall at Amandi and Kurram Garhi sites on Kurram River.

Table 2.1: Design of Proposed Gabion Wall at Project Sites

Structure	Bank Side	Type	Adopted Height of Gabion (H)	Base of Gabion (L ₁)	Length of Apron (L ₂)	Depth of Apron (D)
			m	m	m	m
Flood Protection Wall - Amandi Site	Right	Gabion	5.5	4.0	9.5	2.0
Flood Protection Wall - Kurram Garhi Site	Right	Gabion	7.0	4.5	7.0	2.0

16. Gabion walls will be made up of row upon row of orthogonal cages or baskets (gabion) which will be filled with rock fragments/cobbles and tie together. This arrangement forms a block of gravity structure that is able to withstand lateral pressure on it. The typical cross section of Gabion Wall is depicted in following **Figure 2.1**

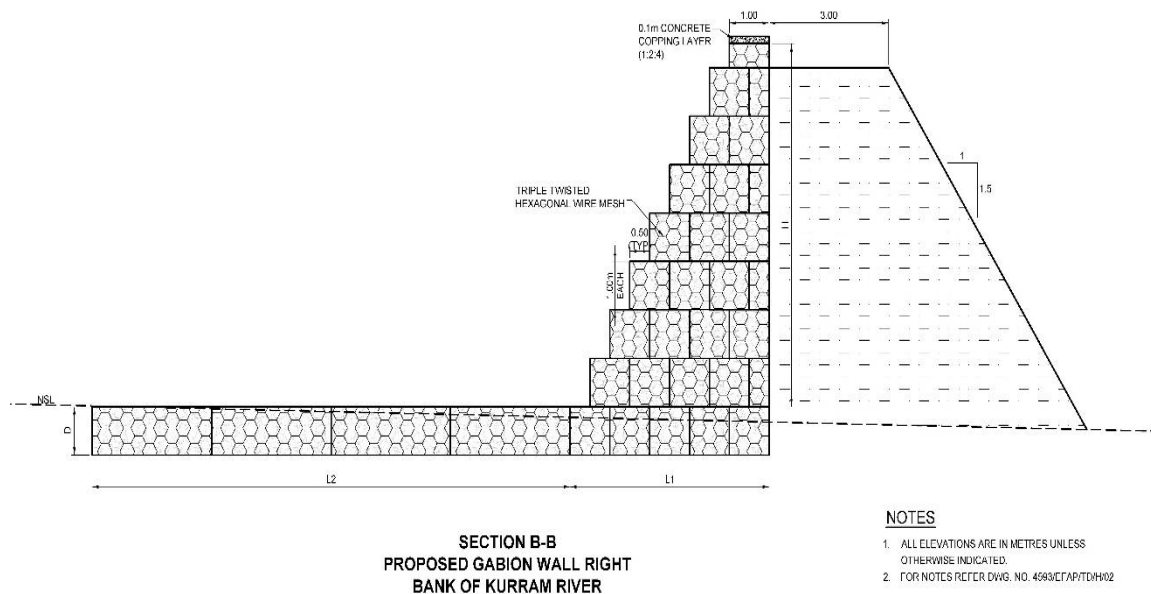


Figure 2.1: Design of Gabion Wall

17. The layout Kurram Ghari Sites are shown in **Figure 2.2**.

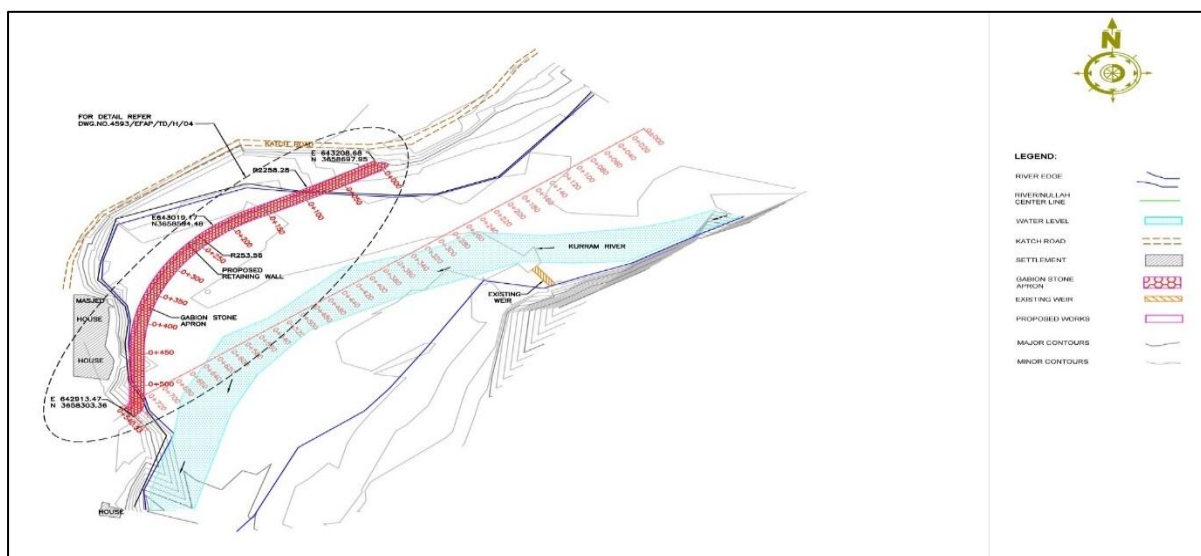


Figure 2.2: Layout of Kurram Ghari site Showing Shifting of Main River Creek towards Right Bank

3 SOCIO ECONOMIC

3.1 DISTRICT BANNU AT A GLANCE

18. Bannu District is a district in the Bannu Division of the Khyber Pakhtunkhwa province of Pakistan. Its status as a district was formally recorded in 1861 during the British Raj. This district constitutes one of the 26 districts that collectively form the Khyber Pakhtunkhwa province. It borders North Waziristan to the northwest, Karak to the northeast, Lakki Marwat and Bettani to the southeast, and South Waziristan to the southwest. It is represented in the provincial assembly by four MPAs. Bannu has a total area of 1227 sq.kms with a population size of 1,167,892 which comprises of 51% (approx.) male and 49% female population. The area has seen a population growth of approximately 72% in the last 19 years. The economy of Bannu has potential to develop on multiple sectors.
19. **Akra** is an archaeological site in Bannu, Khyber Pakhtunkhwa, Pakistan. It is located in an idyllic rural landscape, with lush green fields, palm and poplar trees, and set to the tranquil sound of the Lohra (known locally as the 'Lairra') Nullah. It dates from the Early Historic Period. Akra has been known to scholars, though not explored in any depth, since the middle of the last century, and untouched by the modern archaeologist until 1995. In 1995 the work of the Bannu Archaeological Project began at Akra. A much earlier site in this area, Sheri Khan Tarakai was also explored by the Bannu Archaeological Project
20. Bannu's residents are primarily members of the Banuchi tribe and speak Banuchi (Baniswola) dialect of Pashto which is similar to the distinct Waziristani dialect. The residents regardless of their tribes are commonly called Banusi, Banuchi or Banisi. The major tribes are Banisee, Niazi, Wazirs, Marwats, Abbasies, Bhitnaan, Syeds and Awan with many more sub-tribal groups and factions within each larger tribe.
21. Cloth weaving, sugar mills and the manufacturing of cotton fabrics, machinery and equipment are the major industries in Bannu. It is also known for its weekly Jumma fair. The district forms a basin drained by the Kurram and Gambila (or Tochi) rivers, which originate in the hills of Waziristan. Although Bannu is surrounded by rugged and dry mountains, it is a fertile place, and early English visitors had been known to refer to it as a "paradise".

3.2 GENDER SITUATION

22. Rural-women are major contributors in four sub-sectors of the rural economy, crop production, livestock rearing, cottage industry, household and family maintenance activities, such as transporting water, fuel and fodder to and from the home, food preparation and preservation and caring for children. Most of the women stay home and only travel outside the village in case of visit to relatives and to hospitals in nearby towns



in case of health emergencies. Whereas, females in urban settings were participating in different type of livelihood earning activities.

4 INSTITUTIONAL ARRANGEMENT

23. Irrigation Department KP is the Project Executing Agency while the PMO established for PHLCE Project Swabi is mainly responsible. The overall coordination will be provided by Project Management Office (PMO) located in District Sawabi (headed by the Project Director) in addition to recruitment of PRF consultant, contract signing and preparation of key reports. The Social and Environment team is headed by Deputy Director and the design and due diligence of both social and environment are the responsibility of the Nespak Consultant.
24. Unanticipated Impacts: The SPS Policy will trigger if any unanticipated impacts of land and resettlement occurs during the scheme implementation and corrective measures will be adopted by the project management office in compliance with the Project Environment and social framework and or ADB SPS. The project management unit will ensure the safeguard the presence of social safeguard personal in the Project Management Suppression Consultant (PMCSC) team.
25. The organizational setup for implementation of EMP during construction phase is provided in **Figure 4.1**

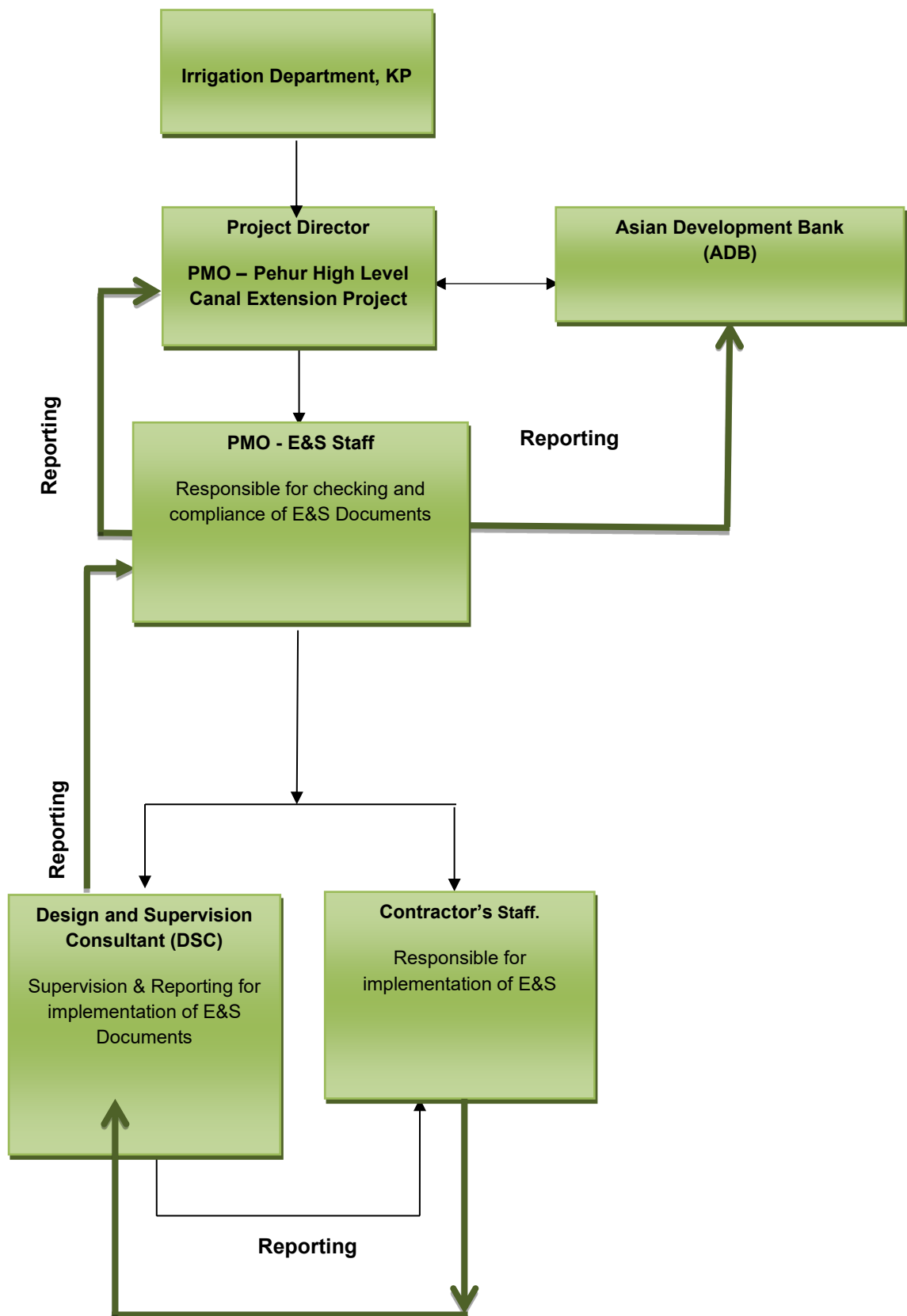


Figure 4.1: Organizational Setup for Implementation of Project

5 INFORMATION DISCLOSURE AND CONSULTATION

26. Stakeholders' involvement especially the local population is an important feature of social assessment study and can lead to a better and more acceptable decision-making regarding the project design and its implementation. It gives the feeling of an ownership to the local population. Consultation, is an integral part of IR planning and social safeguard documents preparation and implementation strategy for the project with LAR impacts. Consultation is an on-going process that: (i) begins in the project preparation stage and is carried out on an on-going basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information in manner readily accessible and understandable to affected people and beneficiaries; (iii) enables to document and address the concerns of stakeholders; iv) is undertaken in an atmosphere free of intimidation or coercion and is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultation is carried out in a manner commensurate with social fabric of the project area and the impacts on affected communities.

27. Under the proposed project, public consultation was carried out in the subproject area with the local community members and the officials of the Irrigation department. These consultations were carried out from July 26 & 27, 2023, September 22 & 23, 2023 and December 13 & 14, 2023. The consultations were carried out in five settlements in which 47 participants participated collectively. The feedbacks and issues raised during the consultation were recorded and documented for developing the strategy. The specimen list of participants is attached as **Annexure-D** while the pictures are depicted in **Photolog**.

5.1 OBJECTIVES

28. The objectives of stakeholder consultations were to contribute openness, transparency and dialogue. The concerned stakeholder groups were identified to include in the assessment process.

29. The objectives of stakeholders' engagement include:

- Informing the stakeholders about the proposed Project;
- Providing an opportunity to those who remained unable to present their views and values, therefore allowing more sensitive consideration of mitigation measures and trade-offs;
- Providing those involved with planning the proposal with an opportunity to ensure that the benefits of the proposal are maximized and that no major impacts have been overlooked;
- Providing an opportunity for the public to influence the project design in a positive manner;
- Increasing public confidence in front of proponent, reviewers and decision makers;
- Providing better transparency and accountability in decision making;

- Reducing conflict through the early identification of contentious issues, and working through these to find acceptable solutions;
- Creating a sense of ownership of the proposal in the minds of the stakeholders; and
- Developing proposals which are truly sustainable.

30. More intangible benefits flow from the public involvement as the participants realize that their ideas can help to improve the Project. People gain confidence and self-esteem through taking part in the decision-making process and perceptions are expanded by meeting and exchanging views with people who have different values and ideas.

5.2 STAKEHOLDER IDENTIFICATION

31. The first step for the stakeholder consultation is the identification of the stakeholders. Irrigation Department KP is the Project Proponent for the proposed Project. As per definition, stakeholder is an entity which is concerned with the proposed Project in any way. Direct stakeholders are those entities which are directly concerned with the Project. The Project has both primary as well as secondary stakeholders.

32. The primary stakeholders include all the local people because they suffer during flood situation, Provincial and District Level Government Departments of KP such as Environmental Protection Department (EPD), Irrigation Department and Agriculture Department, etc. However, the secondary stakeholders include the public and private agencies involved in the implementation of the Project.

5.3 DEPARTMENTAL CONSULTATIONS

33. Meetings and consultations were held with officials of the irrigation department. The official highlighted that the river water came and destroyed all their land. The land that has been spoiled. Mostly land fertile and garden on this land. Due to the construction of this project, the land of these people will be freed and the loss they have suffered will come to minimum level. He also emphasized the dire need of the proposed project on priority basis so that the other irrigation infrastructure and land of nearby community can be protected.

5.4 COMMUNITY CONSULTATIONS

34. For ascertaining the perceptions of different stakeholders about the project (during/ after construction) meetings were held with local communities and anticipated beneficiaries of the project within the subproject area. These meetings were held in an open atmosphere, in which participants expressed their views freely. Informal group discussions were also held as an additional tool for the assessment of the perceptions of the stakeholders about the project and potential impacts both positive and adverse likely to occur due to its implementation. The community highlighted that the proposed project will protect the residential area and agriculture land of nearby villages. Due to flood and soil erosion approximately our 300 canal land have been lost or badly affected. If you design a wall in such a can protect our land as well as residential areas then it would be beneficial for all. According of our point of view in respect of true

beneficial design wall. If you favor us in constructing of protection wall that area, then we will provide you free of cost land and also will ensure our full cooperation.

5.4.1 Locations of the Public Consultations and Participation

35. The detail of the locations of consultations is provided in the **Table 5.1**.

Table 5.1: Locations of Consultations

Sr. No.	Settlement	Tehsil	District	No. of Participants
1	Muhammad Khel	Bannu	Bannu	09
2	Cantt. Area Bannu	Bannu	Bannu	07

5.4.2 Findings of Community Consultations

36. The stakeholders recommended that the rehabilitation of proposed walls will protect the residential and agriculture area in nearby village which. Local community also pointed out the area for the wall construction and agreed to provide the land free of cost land and also will ensure our full cooperation.

37. The question raised and response given are provided in **Table 5.2** whereas, pictorial view of the community consultations, data collection and other filed activities is depicted as **Photolog**.

Table 5.2: Consultation Meetings

Sr. No.	Questions/Concerns Raised By Participants	Responses of Team Consultant
1.	Is there any land acquisition involved due to construction work?	It was explained to the participants that in in scheme no. 80 site, the construction work will be carried out in new proposed area. Hence, land acquisition will be involved. The proposed land is already identified by locals and they are agreed to donate the land volatility.
2.	When will the work of making the project start?	It was communicated that the proposed project is an emergency project which will be started soon after finalization of design reports and completion of land donation activity by the locals.
3.		
4.	What will we benefit from making this project?	Due to the construction of this project the residential structures and agriculture land of this village will be safe. Furthermore, the nearby irrigation infrastructure will be protected.

Sr. No.	Questions/Concerns Raised By Participants	Responses of Team Consultant
5.	Due to construction activities as well as influx of labor, movement of the citizens particularly of females, residing in the nearby villages will be restricted.	In order to tackle this situation, construction should be carried out in scheduled hours. So that after construction hours, local community, particularly females can easily move in the area.
6.	Local skilled and unskilled labour should be employed in the project construction work.	Employment opportunities will be created during construction. The bidding documents will include provisions for engaging local labour and contractors will provide jobs to the locals on priority basis.
7.	Dust and noise during construction activities will disturb the local community.	All protective measures shall be taken to manage the dust and noise during construction phase of the proposed project.
8.	Is there any fear regarding loss of income of the local inhabitants?	It was briefed to the participants that during the site visit of the proposed schemes under package-08, no livelihood activity was observed being carried out, hence, there will be no loss to livelihood of the local people. However, in scheme 80, the proposed structure will protect the agriculture land of the local inhabitants and protect their livelihood by eliminating/reducing flood damages.



6 GRIEVANCE REDRESSAL MECHANISM

38. The borrower/client will establish a mechanism to receive and facilitate resolution of the local communities during project/scheme/subproject rehabilitation. The grievance mechanism will be scaled to the impacts of the project if any, it should address concerns and complaints promptly, using an understandable and transparent process that is culturally appropriate, gender responsive, and accessible to the all locally. The mechanism should not impede access to the country's judicial or administrative remedies.
39. Field level grievances committee will be notified before allowing civil works that will address any grievance logged. The PMO is working on different tiers of GRC, and will notify the field level GRC by when----- Irrigation department level and PMO level headed by Project Director, the PMO level committee will include Deputy Director safeguard.
40. To ensure women have access to the grievance mechanism, separate Focus Group Discussions (FGDs) will be held with them to design protocols that are suited to their needs including procedures and mechanisms to enable their access to the mechanism without any hurdle or cultural norms.
41. The complaint register will be placed at an accessible location (Union Council office, mosque, or at contractor camp site) for respective community so anyone can register their complaint in this register and on weekly basis, it will be checked by the GRC. In case of any complaints, the following mechanism will be adopted to resolve it, the PMCS will ensure the presence the GRC officer in the Contractor camp office.
42. GRC will resolve the compliant in a week's time and inform in writing the action taken against that grievance.
43. If the complaint cannot be resolved at the GRC level, the issue will be brought to the notice in Irrigation Department and from there if not resolved will go to the 3rd tier Project Director office, the 2nd and 3rd tier formation OF GRC will be advised by ADB TA Consultant for GRC.



7 CONCLUSION AND RECOMMENDATION

44. The main conclusion drawn from the due diligence study is outlined below:

- This SDDR is only prepared for scheme 80 of package 8 KP Irrigation EFAP, the scope of the scheme involves only reconstruction of Gabion wall damaged in 2022 Flood;
- The screening or IR IP categorization of scheme 79 of the package 8 will be presented separately as the ROW confirmation is being prepared by the respective District Irrigation office which will be cross checked by the Revenue department before vetting;
- In scheme 80 there is no physical dislocation, nor any resettlement or encroachment involve, nor were any impacts on crops, trees observed by the Consultant safeguard team during due-diligence;
- The land owner the voluntary donated the land in the interest to safeguard the adjacent settlement and Agriculture farms from future calamity, the voluntary land donation has been witnessed by the safeguard team for any expropriation from the Irrigation or any other Government Department;
- The PMO safeguard unit will ensure the presence of social safeguard in the PMSC team who will identify and report any unanticipated impacts during project implementation and will inform ADB or Project Director for corrective measures in compliance with ADB SPS 2009 or the project Environment and social Framework; and
- The GRC will be notified locally at field level and also at the project level before initiating civil works, the GRC register will be placed at Contractor camp office, the GRC TA Consultant ADB will advise the PMO on formation of different tiers of GRC and will further advise to notify all tiers before the commencements of civil works

7.1 RECOMMENDATION

45. The scheme 80 scope under EFAP is reconstruction of the damaged Gabion wall affected by 2022 Flood, there is no new construction involve, since the project will comply with ADB SPS hence during consultation the Gabion previously included private land which has now legally been donated by the land owner in the interest to safeguard the adjacent settlements and crops. Hence the sub project is proposed Category C for IR and further it was screened during due diligence that no individual, groups or community recognized is indigenous is living in the scheme/sub project area therein the scheme is also proposed or recommended Category C for IP.

ANNEXURES



ANNEXURE-A: VOLUNTARY LAND DONATIONS



Agreement for Voluntary Donation of Land

The following agreement has been made on 14- day of Dec, 2023 Between Mr./Ms Umer Gul Khan aged 30, resident of Muhammad Khel Village, district Bannu (the owner) and Samiullah Khan (the recipient/subproject proponent) and Adjacent to

1. That the land with certificate no. is a part of K. River is surrounded from eastern side by village by River, western side by Canal, northern side by village, and southern side by K. G. H/w & Barrage.
2. That the owner holds the transferable rights of land 89000 (area in sqm), with plot/acre No. at the above location (include a copy of the certified map, if available).
3. That the Owner testifies that the land is free of squatters or encroachers and not subject to any other claims
- 3.1 That the Owner hereby grants to the Imig; deptt; (name of the recipient) this asset for the construction and development of the Flood Protection work for the benefit of the community.
- 3.2 That the Owner will not claim any compensation against the grant of this piece of land nor obstruct the construction process on the land in case of which he/she would be subject to sanctions according to law and regulations.
- 3.3 That the Imig; deptt; (name of the project proponent) agrees to accept this grant of asset for the purposes mentioned
4. That the recipient shall construct and develop the F.P.W and take all possible precautions to avoid damage to adjacent land/structure/other assets.
5. That the provisions of this agreement will come into force from the date of signing of this deed.

Umer Gul Khan Name and Signature of the Owner
Samiullah Khan Signature of subproject proponent/representative

Witnesses:

1. Aslam Khan s/o Gul Dawar Khan (21504-9605725-1) Mohamud
Khel Distt: Bannu
2. Nazar Gul s/o Labati (21504-0276013-9) Mohamud
Khel Distt: Bannu

(Signature, name and address)

Executive Engineer
Marwat Canal Division

NS03772

100 Rupees

Criteria for Voluntary Land Donations

Voluntary donation of land by beneficiary households is acceptable where:

- (a) The impacts are marginal (based on percentage of loss and minimum size of remaining assets);
- (b) Impacts do not result in displacement of households or cause loss of household's incomes and livelihood.
- (c) The households making voluntary donations are direct beneficiary of the project.
- (d) Land thus donated is free from any dispute on ownership or any other encumbrances.
- (e) Consultations with the affected households is conducted in a free and transparent manner;
- (f) Land transactions are supported by transfer of titles; and
- (g) Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained.

(signature of owner)

(signature of subproject proponent)

(signature of village head)

Shanarez Khan s/o Mirnat Khan

Executive Engineer
Marwat Canal Division
Bannu

Include record of any complaint raised by the owners: Nil

Attach map of the area showing location of affected land.



ANNEXURE-B: INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION



INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION

Date: 26-07-2023

A. Instructions

- (i) The project team completes and submits the form to the Office of Safeguards (OSPT) for approval by OSPT Director.
(ii) The classification of a project is a continuing process. If there is a change in the project components and/or site that may result in category change, the Sector Division submits a new form and requests for re-categorization, and approval by OSPT Director. The old form is attached for reference.
(iii) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by OSPT Director. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts.

B. Project Data

Country/Project No./Project Title : Pakistan, Khyber Pakhtunkhwa, Emergency Flood Assistance Project (EFAP)

Rehabilitation/Restoration of Flood Protection Works in Bannu Irrigation Division (Package 08)

Department/ Division : Central and West Asia Department (CWRD), Pakistan

Processing Stage :

Modality :

[] Project Loan [] Program Loan [] Financial Intermediary [] General Corporate Finance

[] Sector Loan [] MFF [✓] Emergency Assistance [] Grant

[] Results-based lending³³ [] Other financing modalities

C. Involuntary Resettlement Category

☐ New [] Recategorization — Previous Category []

☐ Category A

☐ Category B

☒ Category C

☐ Category FI

D. Comments

Project Team Comments:

The s scheme 80 under package 8 scope of work under EFAP is reconstruction flood damages and to construct Gabion wall, some portion of the ROW specification as (6.5m x 7m = 45.5m²) has been donated voluntarily by the land owner under written and legal agreement for restoration of works, agreement signed between Irrigation Department Bannu and the land owners, the agreement was witnessed and signed by community members . There are no encroachment, squatter impacts nor was any leased or third party user observed during diligence further there is no impact on crops trees.

OSFG Comments:

E. Approval

Proposed by:

Sardar Zafar Project Director

Project Director
PHLC Extension Project
District Swabi

Reviewed by:

Project Team Leader, (CWRD, Pakistan)

Date:

Social Development Specialist (Safeguards), OSFG

Date:

³³ For Results-Based Lending (RBL) modality, please refer to the [Staff Instruction on Business Processes for RBL for Programs](#) issued on 17 March 2021. The [supplemental checklist](#) needs to be submitted to OSPT for confirmation of eligible activities under the RBL program by OSPT Director.



Social Development Specialist, (CWRD, Pakistan) Date:		
Endorsed by:	Approved by:	☐ Highly Complex and Sensitive Project
Director, (CWRD, Pakistan) Date:	Bruce Dunn, Director, OSFG Date:	

Involuntary Resettlement Impact Categorization Checklist

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?	✓			In scheme no. 80 land acquisition is involved and land will be donated by community person voluntarily for the rehabilitation works.
2. Is the site for land acquisition known?	✓			In scheme no. 80 site is already identified because land will be donated by the community person.
3. Is the ownership status and current usage of land to be acquired known?	✓			In scheme no. 80 Land is already flood prone and reclaimed from river area and community member is willing to donate land voluntarily
4. Will easement be utilized within an existing Right of Way (ROW)?		✓		No easement will be disturbed
5. Will there be loss of shelter and residential land due to land acquisition?		N/A		For Scheme-80 there will be no loss of shelter and residential land because river scoured land will be donated voluntarily.
6. Will there be loss of agricultural and other productive assets due to land acquisition?		N/A		For Scheme-80 Land is not cultivable and no loss of agricultural and other productive assets are anticipated.
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?		N/A		For Scheme-80 no such assets exist on the land to be acquired as land is river scoured
8. Will there be loss of businesses or enterprises due to land acquisition?		N/A		For Scheme-80 no such business activities exist on the river scoured land. Therefore, no loss of businesses or enterprises in that particular area.
9. Will there be loss of income sources and means of livelihoods due to land acquisition?		N/A		For scheme 80 no such business activities exist on the river scoured land. Therefore, no loss of income sources or livelihood in that particular area.
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities, and services?		✓		No such impact is envisaged for both schemes.

11. If land use is changed, will it have an adverse impact on social and economic activities?		✓		No adverse impacts on social economic activities are envisaged for both schemes.
12. Will access to land and resources owned communally or by the state be restricted?		✓		There will be no restriction on such resources hence no such impact is envisaged on the scheme.
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project?	[✓] No [] Yes			
If yes, approximately how many? <u>N/A</u>				
Are any of them poor, female-heads of households, or vulnerable to poverty risks?	[✓] No [] Yes			
Are any displaced persons from indigenous or ethnic minority groups?	[✓] No [] Yes			

Note: The project team may attach additional information on the project, as necessary.

**ANNEXURE-C: INDIGENOUS PEOPLES IMPACT CATEGORIZATION
CHECKLIST**

INDIGENOUS PEOPLES IMPACT CATEGORIZATION

Date: 26-07-2023

A. Instructions

- (i) The project team completes and submits the form to the Office of Safeguards (OSPT) for approval by OSPT Director.
- (ii) The classification of a project is a continuing process. If there is a change in the project components and/or site that may result in category change, the Sector Division submits a new form and requests for re-categorization, and approval by OSPT Director. The old form is attached for reference.
- (iii) The project team indicates if the project requires broad community support (BCS) of Indigenous Peoples communities. BCS is required when project activities involve: (a) commercial development of the cultural resources and knowledge of indigenous peoples; (b) physical displacement from traditional or customary lands; and (c) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual use that define the identity and community of indigenous peoples.
- (iv) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by OSPT Director. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts.

B. Project Data

Country/Project No./Project Title : Pakistan, Khyber Pakhtunkhwa, Emergency Flood Assistance Project (EFAP)

Rehabilitation/Restoration of Flood Protection Works in Bannu Irrigation Division (Package 08)

Department/ Division : Central and West Asia Department (CWRD), Pakistan

Processing Stage : _____

Modality : _____

[] Project Loan [] Program Loan [] Financial Intermediary [] General Corporate Finance

[] Sector Loan [] MFF [✓] Emergency Assistance [] Grant

[] Results-based lending⁴ [] Other financing modalities

C. Indigenous Peoples Category

☐ New [] Recategorization — Previous Category []

☐ Category A

☐ Category B

☒ Category C

☐ Category FI

D. Project requires the broad community support of affected Indigenous Peoples communities.

[] Yes

[] No

E. Comments

Project Team Comments:

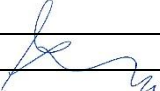
There are no indigenous ethnic minorities, indigenous cultural communities, aboriginals, hill tribes, minority nationalities, scheduled tribes, or tribal groups living on such groups are considered Indigenous peoples as per ADB SPS, no such groups, community were found on the site.

OSFG Comments:

F. Approval

Proposed by:

Sardar Zafar Project Director


Project Director
PHLC Extension Project
District Swabi.

Reviewed by:

Project Team Leader, (CWRD, Pakistan)
Date:

Social Development Specialist (Safeguards), OSFG
Date:

Social Development Specialist, (CWRD, Pakistan)
Date:

⁴ For Results-Based Lending (RBL) modality, please refer to the [Staff Instruction on Business Processes for RBL for Programs](#) issued on 17 March 2021. The [supplemental checklist](#) needs to be submitted to OSPT for confirmation of eligible activities under the RBL program by OSPT Director.

Endorsed by:	Approved by:	☐ Highly Complex and Sensitive Project
Director, (CWRD, Pakistan) Date:	Bruce Dunn, Director, OSFG Date:	

Indigenous Peoples Impact Screening Checklist

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, schedules tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?		✓		As per the definition of ADB SPS 2009 about "indigenous communities" there are no indigenous people in the project area.
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?		✓		No IPs exist in the project area
3. Do such groups self-identify as being part of a distinct social and cultural group?		✓		Not Applicable
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?		✓		Not Applicable
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?		✓		Not Applicable
6. Do such groups speak a distinct language or dialect?		✓		Not Applicable
7. Has such groups been historically, socially, and economically marginalized, disempowered, excluded, and/or discriminated against?		✓		Not Applicable
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?		✓		Not Applicable
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?		✓		Not Applicable as no IPs exists
10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)		✓		Not Applicable
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)		✓		Not Applicable

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?		✓		Not Applicable
C. Identification of Special Requirements <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?		✓		Not Applicable
14. Physical displacement from traditional or customary lands?		✓		Not Applicable
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?		✓		Not Applicable
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied, or claimed by Indigenous Peoples?		✓		Not Applicable
17. Acquisition of lands that are traditionally owned or customarily used, occupied, or claimed by Indigenous Peoples?		✓		Not Applicable

D. Anticipated project impacts on Indigenous Peoples

Project component/ activity/ output	Anticipated positive effect	Anticipated negative effect
1. Transportation of material for construction of retaining walls	N/A	N/A
2. Foundation preparation	N/A	N/A
3. Gabion Basket Assembly	N/A	N/A
4. Gabion filling	N/A	N/A
5. Drainage consideration for retaining walls	N/A	N/A
6. Provision of Free Drainage Granular Backfill	N/A	N/A

Note: The project team may attach additional information on the project, as necessary.

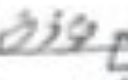
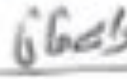
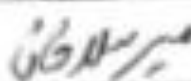
**ANNEXURE-D: ATTANDANCE SHEET OF PARTICIPANTS DURING
CONSULTATION MEETINGS**

Village Mohmand Khel
Tehsil & Distt Bannu

Khattam Ghazi
Head Works Scheme
No 80

List of Participants

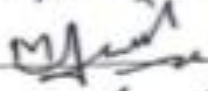
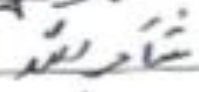
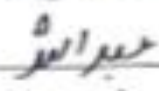
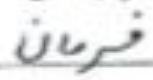
Date 23-5-23

Dr. No.	Name	Occupation	Signature/Thumb (NIC)
1	Shesam Khan	Land owner	0385-2020021 
2	Muatah Shah	Land owner + Farmer	
3	Shah Nawaz	Land owner + Farmer	0385-2020021 
4	Wakil Khan	Land owner + Farmer	
5	Wasa Khan	Land owner + Farmer	0385-2020021 
6	Feroz Shah	Land owner + Farmer	
7	Noor mail	Land owner + Farmer	
8	Mir splah Khan	Land owner + Farmer	0385-2020021 
9	Mas Loh Thio	Land owner + Farmer	0385-2020021 
10			
11			
12			
13			
14			
15			

Schema
No. 79

Cantt Area Bannu near Bannu-Thal Road
Tehsil District Bannu

List of Participants date 23-09-23

Sr. No.	Name	Occupation	Signature/Thumb (NIC)
1	Haleem Khan	Sab-Inspector Police	
2	Abdul Wahab	S. man	
3	Mahid vinas	Surgical Student	
4	Shakirullah	Labour	
5	Abdullah	Labour	
6	Ferman	Labour	
7	IAZ Ahmad	Sub Eng.	
8			
9			
10			
11			
12			
13			
14			
15			

PHOTOLOG

Consultation with Stakeholders



Consultation with local Community



Consultation with DPs Village Muhammad Khel



Site visit with SDO Irrigation Bannu



Project site village Muhammad Khel



Project site Cantt. area Bannu



Consultation with local People