

PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY



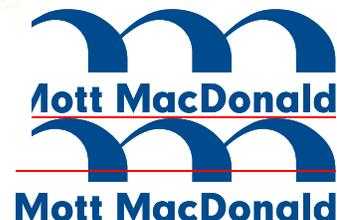
Tarbela 4th Extension Hydropower Project
Action Plan for Resolution of Pending Resettlement Cases of
Tarbela and Ghazi Barotha Projects (Final Draft)

MAY 2011



in association with

MMP
MM Pakistan (Pvt.) Ltd.



Tarbela 4th Extension

Action Plan for Resolution of Pending Resettlement Cases of
Tarbela and Ghazi Barotha Projects

August 2011

WAPDA

WAPDA
Shahrah-e-Quaid-e-Azam,
Lahore,
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Abbreviations

Acronym	Definition
GBHP	Ghazi Barotha Hydropower Project
GBTI	Ghazi Barotha Taraqiati Idara
GOP	Government of Pakistan
KPK	Khyber Pakhtoon Khwa
LARC	Land Acquisition and Resettlement Committee
MW	Mega Watt
NGO	Non Governmental Organisation
NWFP	North West Frontier Province
Pas	Project Affectee
PMC	Project Monitoring Cell
PMU	Project Management Unit
POE	Panel of Experts
R&R	Resettlement and Rehabilitation
Rs.	Rupees
SSB	Social Sciences Branch
TDP	Tarbela Dam Project
WAPDA	Water and Power Development Authority

Background and Objectives of Action Plan

Tarbela Dam and Ghazi Barotha Projects

The Tarbela Dam Project (TDP) was constructed on the River Indus in the Khyber Pakhtoon khwa (KPK) Province of Pakistan. The dam construction was completed in 1976 resulting in a reservoir consisting of an area of about 260 square kilometres. Project impacts included land acquisition and resettlement. In the 1990s, the Ghazi Barotha Hydropower Project (GBHP) was designed to generate 1,450 MW of energy. Addressing TDP outstanding resettlement claims was part of GBHP loan conditions. The Environmental and Resettlement Management Plan included an Integrated Rural Development Plan to address project induced impacts and promote long term sustainable development in the project area. A Panel of Experts (POE) for environmental and social/resettlement issues was established. A project NGO "Ghazi Barotha Tarqati Idara" (GBTI) was established to facilitate resettlement process in a smooth and transparent manner. WAPDA provided funding for its formation in the form of a trust fund with Rs.100 million as seed money. Interest on the fund was utilized to manage its administrative overheads and field operations.

Resettlement Impacts, Activities and Outstanding Issues under TDP and GBHP

The reservoir of Tarbela submerged 120 villages. About 82,000 acres of land was acquired and 96,000 people were displaced as project affectees. Resettlement Planning for TDP was based on the Pakistan Land Acquisition Act (1894 and its subsequent amendments). The main work related to Tarbela Dam resettlement was completed by the beginning of July 1985. However, many resettlement issues remained unsettled.

To address the outstanding claims, the Tarbela Dam Commission was established in 1998. Through newspaper advertisements, people with claims still outstanding were invited to inform the Commission. Consequently, the Commission received 12,000 applications including 112 applications already pending with WAPDA and 385 applications from tribal areas. The review committee determined that a total of 2,197 farms and 1,282 residential plots had not been compensated despite claimants being entitled to this through the resettlement plan and that 4,089 additional claims for farms and 7,649 for residential plots were justified. On completion of its tenure in 1999, the Commission submitted its conclusions and recommendations with a view to settling the claims of the Tarbela Dam affectees. These were accepted and adopted as the updated inventory of outstanding resettlement claims under Tarbela Dam Project. A series of follow up actions were then passed to GBHP to address. Nevertheless, some Tarbela Dam claims remain outstanding.

The GBHP required a total of 4,770 hectares of land to build, 1,180 hectares for the barrage and pond, 2,640 hectares for power channel and 950 hectares for the power complex at Barotha in Attock district of Punjab Province.. About 179 families (involving 899 persons) were relocated. A Resettlement Plan was developed with the objective to improve /restore the standard of living and earning capacity of all affectees. However, its implementation experienced various difficulties, leading to many court cases by both the affectees and WAPDA. Some of these continue outstanding today.

Brief Description of the Tarbela 4th Extension Project

The Water and Power Development Authority (WAPDA) in Pakistan, through funding by the World Bank (WB), has commissioned a Feasibility Consultant to conduct an environmental and social impact

assessment in accordance with the Pakistan national permitting process and WB financing guidelines for the “Tarbela 4th Extension Project” (hereafter referred to as the Project).

Pakistan continues to face a severe power deficit. Enhancement of power generation capacity of the Tarbela Dam is one of the cheaper options of power generation available. Therefore, the Project has been planned to produce additional 1350 MW electricity by installing three turbines at tunnel No. 4 of Tarbela Dam without affecting water supply for irrigation.

The Tarbela Dam is located on the Indus River in the Khyber Pakhtunkhwa (KPK) Province of Pakistan at a distance of about 70 km from the capital Islamabad in both Swabi and Haripur Districts. The salient features of the proposed Project are set out in the table below.

Table 0.1: Salient Features of the Tarbela 4th Extn. Project

Parameter	Detail
Tunnel 4	
Location	Tunnel 4 runs from the intake and through the right abutment of the dam for approximately 900m. The downstream control structure is connected to the tunnel at the portal in the rock face. The control structure is located between the foot of a steep slope to the west and the tunnel No.3 control structure to the east.
Purpose	Irrigation releases when reservoir level below the spillway level
Type	Concrete/Steel Lined
Cross Section	Circular 13.7 m – 11 m
Length	914 m
Outlet Type	Flip Bucket
Intake Level	353.6 m at Invert
Design Flow	2000 m ³ /s
Proposed Powerhouse	
Location	Location B-1 was chosen as the site for the powerhouse
Type of Turbine	Vertical Francis Turbine
Number of Units	3
Unit Generator Rating	450 MW
Total Generating Capacity	1,350 MW
Type of Generator	Vertical Shaft Umbrella
Generating Voltage	18 kV or 20 kV
Turbine Centre Line Level	327.6 m
Annual Energy	2,809 GWh
Tailrace Channel	
Length	Water flows directly from turbines to Ghazi Barotha head pond
Type	Not available
Tailrace Water Level	Between EL 344.1 m and 335.3 m
Penstock Connection to Tunnel 4	
Type of Penstock	Steel, probably concrete encased and buried

Source: T4CJV

The main construction site would be at Tunnel 4 and areas directly adjacent to construction material storage places, excavated material dumping sites, borrow areas, vehicles and other machinery parking areas would be located. WAPDA owns the land where the Project activities will take place and the

infrastructure built. The land is currently uninhabited and has low productivity value. The land required for expanding the switchyard and upgrading the access roads is also unused.

The proposed Project has no resettlement and rehabilitation issue and minimal environmental and social adverse impacts. However, to make the Project socially acceptable and beneficial for the local communities some enhancement measures have been included in the Project design. Resolution of pending resettlement and rehabilitation issues of Tarbela Dam and Ghazi Barotha projects is a key measure identified.

Objectives of Action Plan

The present Action Plan has been developed on the basis of a review conducted in August 2010 of the past and the current situation regarding resettlement claims for TDP and GBHP. Results of the review include an analysis of outstanding claims and consultation with a range of claimants and stakeholders.

The main objective of this Action Plan is to facilitate a faster process to conclude all land and resettlement related Tarbela and GBHP outstanding cases pending with various courts of law. The current Action Plan is a follow up of the Retrofit Resettlement Action for Tarbela Dam, developed and implemented under GBHP, on the basis of the Commission's findings and recommendations. This Action Plan is developed specifically for the known outstanding resettlement claims pending with various courts and is not meant to review and address any fresh claim.

During the past few decades of Tarbela Dam impacts, the affected population, including those who relocated to the developed resettlement sites, have achieved progress in their livelihoods while some are still experiencing difficulties due to various factors. Part of the profits generated under the Tarbela Hydro Project is allocated to the provincial authority and this fund is expected to help support and improve the general development in the project areas and benefit its population at large, including the affected population. This Action Plan is not meant to address the development challenges and needs of the local population, including the affected population under the old Tarbela Hydropower Project and the Ghazi Barotha Project. However it is aimed at resolving long standing court cases to the possible satisfaction of the affectees involved in claims.

Action Plan Structure

This Action Plan identifies arrangements that build on the recommendations of the resettlement legacy assessment report. The Action Plan is structured to present the:

- resettlement claim legacy and action plan coverage;
- implementation approach and arrangements;
- costs of pending claims and action plan budget; and,
- Organisational arrangements.

Resettlement Claim Legacy and Action Plan Coverage

Overview

This section provides key details of the outstanding claims of the TDP and GBHP. Appendix A provides further details and a full analysis is presented in the Assessment Report on Resettlement Issues for Tarbela and Ghazi Barotha Projects dated March 2011.

Existing Tarbela Dam Claims

As of June 2010 according to WAPDA, there were 40 existing outstanding claims, 27 with District Courts, 10 pending with the High Court Peshawar Circuit Bench at Abbottabad, and three under trial at the Supreme Court/Sharriah Court in Islamabad. [Table 0.1](#) ~~Table 0.1~~ summarises the category and court location for the pending resettlement and grievance cases for TDP.

Table 0.1: Distribution of Pending TDP Court Cases by Court of Law

Category	Court of Law			Total
	Lower Court	High Court	Supreme/Sharriah Court	
Compensation	09	03	02	14
Recovery/ Overpayment	-	03	-	03
Allotment/ Transfer of plot	11	01	-	12
Land possession	06	-	-	06
Others	01	03	01	05
TOTAL	27	10	03	40

Source of data for MMP analysis: WAPDA Resettlement and Legal Cell, Ghazi, July 2010.

There are ten TDP cases in the higher courts. These courts are already overburdened with cases of national and provincial interests. Cases of such minor nature may not be given priority by these courts and consequently these cases are likely to be further delayed. Appendix A provides additional details of the 40 pending cases under trial in various courts.

The total disputed amount from the Tarbela Dam resettlement claims and related issues was Rs. 182,437,263 as of June 2010. Out of this, Rs. 13,621,218 was claimed by WAPDA in respect of recovery for over payment and an amount of Rs.168,816,045 was by Project Affectees (PAs) against compensation package enhancement, interest and compensation against land. The compensation amounts (requested by the seven affectees) analysed are individually considered to be small and basically insignificant in magnitude.

WAPDA has already deposited its share for potential compensation payments with GoP treasuries through district collectors in Haripur and Mansehra. The compensation amount deposited by WAPDA is invested in various national investment schemes. The affectees will get compensation amount with interest (profit), if decisions are given in their favour by the Court.

Existing Ghazi Barotha Claims

As of mid July 2010 according to WAPDA, there were 410 pending court cases related to GBHP, 279 cases in Punjab Province and 131 in KPK Province. See [Table 0.4](#) ~~Table 0.4~~ for details. The majority of GBHP outstanding cases are recovery/overpayment claims by WAPDA against PAs, of which 207 (51 percent) are in the Province of the Punjab concentrated in two villages of Attock District. A vast majority of cases (285 or 69.5%) are under trial in lower level District courts. Tables 4.2, 4.3 and 4.4 provide statistics on pending court cases by category, province, claimant and court of law.

Table 0.2: GBHP Pending Cases by Province and Category

Category	Province		Total
	Punjab	KPK	
Compensation	61	79	140
Recovery/ Overpayment	207	35	242
Allotment/ Transfer of Plot	-	05	05
Land Possession	-	03	03
Others	11	09	20
Total	279	131	410

Source of data for MMP analysis: WAPDA Resettlement and Legal Cell, Ghazi, July 2010.

Table 0.3: GBHP Pending Claims by Type of Court and Province

Courts	Province		Total
	Punjab	KPK	
Lower	212	73	285
High	62	44	106
Supreme	05	14	19
Total	279	131	410

Source of data for MMP analysis: WAPDA Resettlement and Legal Cell, Ghazi, July 2010.

Table 0.4: Province Wise Distribution of GBHP Pending Cases by Appellants

Province	Affectees Vs. WAPDA	WAPDA Vs. Affectees, LACs and Patwaris	Affectees Vs. Affectees	Total
Punjab	66	212	01	279
KPK	83	34	14	131
Total	149	246	15	410

Source of data for MMP analysis: WAPDA Resettlement and Legal Cell, Ghazi, July 2010.

The analysis of pending court cases has already been discussed in our earlier Assessment Report on Resettlement Issues for Taebela and Ghazi Barotha Projects.

Resolution of Pending Cases

A vast majority (93 %) of the affectees surveyed for the legacy study indicated they were willing to resolve their claims out of court. See details in [Table 0.5](#).

Table 0.5: Surveyed Affectees' Willingness to Resolve Pending Resettlement Issues Out of Court

Project and Province	Yes Number	%	No Number	%	Total
Tarbela Dam	4	100			4
Ghazi Barotha	38	93	3	7	41
Punjab	27	96	1	4	28
KPK	11	85	2	15	13
TOTAL	42	93	3	7	45

Source: MMPakistan

Implementation Approach and Arrangements

Overview

Various options were discussed to speed up the process to conclude the cases out of court. These options included village Jirga, council of elders, commissioners' appointment and jointly empowered commission of WAPDA and affectees.

After thorough investigation of the complex problem of resettlement claims pending with various courts of law and on the basis of feedback of consultation process, we enunciated a novel approach of "Resettlement Claim Commissioner" for prompt and satisfactory resolution of these issues. This approach is the basis of this Action Plan. Implementation details for this option are presented below with regard to Commissioner's selection criteria and procedures, office establishment and staffing, working procedures, the grievance mechanism and implementation schedule.

The Resettlement Claim Commissioners Resolution Mechanism

The mechanism suggested for the resolution of resettlement issues (pending court cases) of Tarbela and Ghazi Barotha is the appointment Resettlement Claim Commissioners, one placed at Hattian and other at Haripur. The mechanism was evolved as an outcome of thematic exercise, literature review and consultation with WAPDA officials, NGOs and project affectees (claimants). The elected Mechanism (Resettlement Claim Commissioners) was prioritized by a vast majority of stakeholders. Moreover, the mechanism is believed to be in line with the philosophy of the World Bank Resettlement Policy. Mechanism is also considers an independent and impartial commission which produce just decisions after hearing both the parties.

Selection Criterion and Procedures

The selection of two Commissioners would be based on:

- Senior practicing lawyer / retired judge of High Court/Session Court/retired government official with vast experience in the field of revenue, general administration and having sufficient knowledge of land cases;
- Having linguistic abilities for the concerned district;
- Having a reputation for integrity and being honest, and
- Possessing at least ten years relevant experience, for instance dealing with civil suit cases related to revenue, land or property disputes.

The WAPDA Legal Advisor will be responsible for approaching candidates and advertising the positions to shortlist a reasonable number of competent candidates. An interviewing panel involving a team of three members (for instance a representative of WAPDA, a representative of Ministry of Water and Power, and Registrar, Peshawar High Court Bench, Abbottabad). The panel will interview the short listed candidates to select the two appropriate candidates. The selection of the candidates would be approved by the Ministry of Water and Power. WAPDA will appoint two Commissioners and enter into an eight month agreement with them.

Office Establishment and Staffing

Offices of Resettlement Claim Commissioners will be established at Hattian (probably in the premises of GM office GBHP) and Haripur. WAPDA would provide office space with furniture and fixture and will be responsible for utility expenses.

Each Commissioner will be supported by social mobilisation staff, a record keeper and an attendant along with security arrangements by WAPDA.

Working Procedures

It is anticipated that the working procedure will consist of social mobilisation, the organisation of hearings, the signing of applications to withdraw pending court claims, decision making by the Commissioners and payments. These are discussed in more detail below. :

Activation of Social Sciences Branch (SSB)

Social Sciences Branch(SSB) of WAPDA will be reactivated to provide momentum to the activities of the commissioners by mobilizing the claimant for the withdrawal of cases from the courts, reaching an agreement with claimants for cases with drawl and resolves these cases by adopting commissioners mechanism. Social mobilization teams will be organized keeping in view the number of claimant to be consulted and spread of claimants.

Social Mobilization

Social mobilization will be necessary to approach affectees involved. The social mobilization team will consist of experts, with rich experience working with rural communities and grievance redress to be selected from SSB of WAPDA. Head of the SSB will lead the Social Mobilization Team.

Social Mobilization Teams will obtain complete record of claims, lying within their respective area of operations, from Legal Branch of WAPDA. After receiving the record teams will formulate a detailed schedule of mobilization under the leadership the head of SSB. Mobilization will consist of two phases. During first phase, teams will survey the area and will inform the claimant about their purpose of visit, exchanging general information regarding the resolution activities and intended negotiation and resolution process.

The first phase mobilization visits will also involve leaving a brochure which describes the objectives of the Resettlement Claim Commissioners resolution mechanism, the main steps involved in organising a hearing to explain the proposed mechanism, its intention, setup, procedures and operating principles as well as the pros and cons vs the traditional court approach..In the second phase mobilisation will include more detailed consultation with claimants over the pros and cons, advantages and disadvantages of the proposed faster approach vs the court approach. The team will explain the options and work with the claimants for their thorough understanding. The team will help reach a decision over the options and for withdrawal of cases from the courts. The consultation process may be conducted at village common place (mosque, school or any meeting place). It is recommended that simple cases that are likely to be resolved quickly be dealt at the beginning for the teams to gather experience of negotiation process. Mobilization teams will seek the cooperation of local communities or the successful completion of their task.

Revival of Land Acquisition and Resettlement Committee (LARC)

Land Acquisition and Resettlement Committee (LARC) will be revived, LARC will also include two additional members, apart from its regular body, representing horizontal (bonding) and vertical (bridging) social capital from affected villages. Inclusion of these members will strengthen the LARC. The revival of LARC will be beneficial for the efficient and prompt functioning of the resolution mechanism as the organisation has the experience of Implementation of resettlement plans of Tarbela and Ghazi Barotha Projects. The LARC will play an advisory function and assist the social mobilization team. LARC will report to the Team Leader of the Social Mobilization Team. It will perform the following tasks.

- Resolutions of problem encountered by social mobilization teams during mobilization process.
- Facilitation to social mobilization process in reaching at an informal agreement for withdrawal cases from courts and developing consensus among both the parties.
- Conducting joint meetings with claimants and social mobilization teams in collaboration with SSB to resolve grievances at the possible extent at claimants door steps prior to withdrawal agreement.
- LARC will hold such meetings twice a month in the affected villages at common places such as mosque or school.

Withdrawal of Cases from Courts

On successful mobilization and reaching on consensus, the cases will be referred to Legal Branch of WAPDA at Ghazi for withdrawal, which will prepare withdrawal document (application) complying the court procedure. The withdrawal document will also include the condition of acceptance of commissioners' decision by both the parties (WAPDA and claimant).

Hearings

After withdrawal the cases will be referred to commissioners for hearing and decision. One of the first tasks to be completed by the Resettlement Claim Commissioners upon appointment will be deciding on the accepted hearing format or formats (claims involving group actions may have a different format than that involving individuals). The format agreed upon will identify the amount of time each side has for present their case, and the amount of time the Resettlement Claim Commissioners have for announcing their decision. It is anticipated that one sitting with no more than multiple days be allowed.

In principle, both sides will require equal opportunity and time to present their evidence and claims. All claimants will be informed of the process so they can properly prepare. All claimants, in particular project affectees, will be allowed to invite a personal representative to help present their claim request and negotiate with or on their behalf.

The hearing will be presided over by the Resettlement Claim Commissioner and follow the agreed format. The minutes of hearings will be prepared by the assistants of commissioners.

Claim Decision

After withdrawal from courts the cases will be referred for decision..Commissioner will give his decision after hearing. Each case will be decided in a single hearing to avoid further delay In the absence records or record gaps, verbal evidence will be given sufficient merit for case decisions The hearing environment will be kept democratic and friendly rather than traditional court atmosphere. Each commissioner will decide at

least five cases during a week. The decision of the Commissioner will be considered final and will not be challengeable in any court of law or authority.

Record Keeping

Commissioners will prepare the summary of each decision and maintain documentation of pending cases at their office. Copies of all decisions will be sent to the Legal Branch of WAPDA. Every two months the Commissioners will send status reports of pending cases to the Legal Branch of WAPDA. This procedure will help in monitoring the progress and adopting appropriate measures/actions, if required.

Mode of Payment

Based on the Commissioners' decisions, within seven working days the agreed amount will be paid through crossed cheque payable at local branches of the bank. Cheques may be delivered by the social mobilization team. The Superintending Engineer, Ghazi Barotha Hydropower Project, Ghazi shall be the Drawing and Disbursing Officer and will be responsible to issue cheques according to the Commissioner's decision..

Implementation Schedule

Recruitment of Resettlement Claim Commissioners, offices establishment and social mobilization teams formation will be completed prior to regular eight month's schedule during a month mentioned as zero month in the following Schedule. Depending on success levels, the results should be evaluated either internally or externally at the end of the eight months. If more than half are settled an external evaluation is recommended to capture the lessons learned. Commissioners will need to provide an end of contract report on progress, status, challenges and achievements. An eight month implementation period is detailed in the Table below.

Table 0.1: Indicative Implementation Schedule for Action Plan

Activities	Months								
	0	1	2	3	4	5	6	7	8
1 Recruitment and notification of Commissioners, social mobilization teams formation and support staff arrangement	█								
2 Decision on hearing formatting, schedule of work, production of brochure and other preparations for social mobilisation		█							
3 Social mobilisation to get claimants to agree to attend hearing			█	█	█	█	█	█	█
4 Preparation of withdrawal agreements to sign at hearing			█	█	█	█	█	█	
5 Hearings			█	█	█	█	█	█	
6 Decisions by Commissioners			█	█	█	█	█	█	
7 Payments related to decisions					█	█	█	█	█
8 Evaluation of process									█

Cost of Pending Claims and Action Plan Budget

Overview

The Action Plan budget includes two parts. The first part is the cost of the out of court settlements to be determined by the appointed Commissioners and agreed among the relevant parties. The second part is the operation costs for the functioning of the resolution mechanism, namely the Commissioner option. These are detailed below.

Costs of Pending Claims in Various Courts of Law

The maximum amount of compensation claims required for the outstanding cases with various courts of Laws related to TDP is Rs.168.816 million claimed by affectees versus WAPDA. The amount claimed by WAPDA versus affectees was Rs. 13.621 million. The total amount of claims currently pending in courts pending from TDP is presented in [Table 0.1](#).

Table 0.1: Indicative Amount of Pending TDP Claims by Type of Court

Claimant	District Courts (Rs. Millions)	Higher Courts (Rs. Millions)	Total (Rs. Millions)
Affectees	26.816	142.000	168.816
WAPDA	3.005	10.616	13.621
Total	29.821	152.666	182.437

For GBHP, three sets of outstanding claims have implications for the compensation amount including those dealing with straightforward losses, those dealing with refunds and taxes, and the last, more complicated set dealing with loss of potential investment, land use and damages.

For the set of claims from affectees regarding loss of land, property, crop damage, trees and orchards, it is understood from WAPDA that a full (100%) amount of these claims based on the amount at the time of the claim has been set aside into Government Treasury or in the accounts of LAC. They are accruing interest which would go to the awardee along with the principal amount. This amount totals approximately Rs. 652.16 million (Rs. 650.36 million for land and structure and Rs.1.80 million for trees and orchards).

A second set of GBHP refers to claims by PAs to refund monies in the form of taxes and fees already spent that they wish to be reimbursed. It is understood that 100% of the required funds to address these cases totalling Rs 69.33 million has also been deposited. It is understood that WAPDA has set aside funding related to these two sets of claims which total approximately Rs721.49 million.

A third set of GBHP claims pertains to loss of potential investment from proprietary rights and in other cases for use of mineral extraction, fishing, etc which was not paid in addition to the resource itself. For this set of claims (which are called "reference claims" under 18/1 and 18/30), the original claimed amount for the reference cases has already been deposited in government treasury by WAPDA. There are about 40 reference claims in the Punjab and 39 reference claims in KPK. Details for the various types of claims, compensation amounts and availability of funds are provided in the table below.

Table 0.2: Indicative Compensation Payment Claims for GBHP

No	Item	Total (Rs. Millions)	Comment
1.	Land & Structure Compensation (Built up property)	650.36	WAPDA has money set aside for affectee claims
2.	Compensation against fruit/ fire wood trees	1.80	WAPDA has money set aside for affectee claims
3.	Twenty five percent of total claimed amount for compensation related to claims against land use and loss of investment	1019.17	Additional funds needed for these claims
4.	Refund of taxes/ fees	69.33	WAPDA has money set aside for affectee claims
Indicative amount for resolving GBHP claims		1740.66	

Total costs for resolving TDP and GBHP Claims are provided in the following table..

Table 0.3: Indicative Cost Required for Resolving TDP and GBHP Claims

No	Item	Total (Rs. Millions)	Total (US\$ Millions)
1	Tarbela Dam Project	168.82	2.01
2	Ghazi Barotha Hydropower Project	1740.66	20.72
Total		1909.48	22.73

Operating Costs for the Resettlement Claim Commissioners

An operational budget for the Commissioners and their support team (social mobilizers, record keepers, and attendants) to function for eight months based on the implementation arrangements described in the previous chapter is summarised in Table 4.4.

Table 0.4: Operating Cost Estimates for Commissioners

No	Item	Total Rs	Total US\$
a	Commissioners X 2 for 8 months at Rs.250,000/no	4,032,000	48,000
b	Office rent, furniture & utility bills X2 offices X8 mo	537,600	6,400
c	Social mobilisers – 4 at 50,000/month for 8 months each	1,600,000	19,050
d	Social mobilisation expenses - \$2000 lump sum each for WAPD	336,000	4,000
e	Record keeper (2)and Assistants (2) at Rs. 40000 /month and attendant (2) at Rs. 20000/month for 8 mo each	1,600,000	19,050
f	Evaluation (external) costs	840,000	10,000
Contingency ¹ (15 % of a+b+c+d+e+f)		1,341,840	15,940
Total Operating Cost		10,287,440	122,440

Note: Based roughly on One US\$=PK Rupee 84

¹ It includes honoraria and out of pocket expenses incurred by two additional members (social capital) suggested to be included in LARC body. However, amount of honoraria shall be determined by WAPDA authority PMU.
 //// August 2011

Organisational Arrangements

The sections below identify management responsibilities, monitoring arrangement and reporting needs.

Action Plan Management

The General Manager, Ghazi Barotha Hydropower Project (GBHP) based at Hattian will be responsible for overall implementation of the Action Plan. WAPDA will be responsible for holding any funds provided for settlements. They will also be responsible for managing the operating cost funds and paying salaries of staff in a timely fashion.

Monitoring Arrangements

Monitoring refers to a time bond process to judge performance in achieving objectives, in this case resolving and reducing the number of claims and disbursing funds to the satisfaction of those involved in the claims. Monitoring will also review the implementation of activities by comparing the allocated budget and actual expenditures.

The Commissioners will be responsible for producing bimonthly status reports on activities. The format of these reports will be decided in collaboration with the WAPDA Project Monitoring Cell and the WAPDA Legal Department who will be interested in the results. The status reports will include reporting on activities and processes undertaken as well as results. Progress and status of achievement need to be addressed as well as a summary of the challenges that have affected achievement.

At month eight, the Commissioners will both present end-of-contract evaluation reports regarding activities undertaken and completed. Each evaluation report should include at least a half page summary of issues addressed or which were attempted to resolve. The discussion should provide documentation of the actions and efforts made, regarding “successes and “Failures” of the plan.

Reporting Requirements

WAPDA will forward a midterm report (based on the Commissioner’s month four reports) and final report (based on the Commissioners’ end of contract reports) to the World Bank.

Appendices

Appendix A. Claim Details for Tarbela Dam and Ghazi Barotha _____ 14

Appendix A. Claim Details for Tarbela Dam and Ghazi Barotha

Status of Pending Court Cases Classified by Appellant, Court of Law and Duration of Cases for Tarbela Dam Project

Category	Appellant						Court of Law						Duration						Total
	Affectees vs WAPDA		WAPDA vs Affectees		Affectees vs Affectees		Lower Courts		High Court Peshwar and Bench at Abbotabad		Supreme Court/Federal Shriah Court Islamabad		1995-1999		2000-2005		2006-2010		
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Compensation	11	78.6	3	21.4	–	–	9	64.3	3	21.4	2	14.3	–	–	3	21.4	11	78.6	14
Recovery/Overpayment	–	–	3	100.0	–	–	–	–	3	100.0	–	–	–	–	–	–	3	100.0	3
Allotment/Transfer of Plot	12	100.0	–	–	–	–	11	91.7	1	8.3	–	–	–	–	–	–	12	100.0	12
Land Possession	2	33.3	3	50.0	1	16.67	6	100.0	–	–	–	–	–	–	5	83.3	1	16.7	6
Others	1	20.0	2	40.0	2	40	1	20.0	3	60.0	1	20.0	–	–	2	40.0	3	60.0	5
Total	26	65.0	11	27.5	3	7.5	27	67.5	10	25.0	3	7.5	–	–	10	25.0	30	75.0	40

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Status of Pending Court Cases Classified by Appellant, Court of Law and Duration of Cases for Ghazi Barotha Hydropower Project (GBHP)

Category	Appellant						Court of Law						Duration						Total
	Affectees vs WAPDA		WAPDA vs Affectees		Affectees vs Affectees		Lower Courts		High Court (Lahore, Peshwar, Bench at Rawalpindi and Abbotabad)		Supreme Court/ Federal Shriah Court Islamabad		1995-1999		2000-2005		2006-2010		
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Compensation	126	90.0	1	0.714	13	9.3	66	47.1	65	46.4	9	6.4	4	2.9	57	40.71	79	56.4	140
Recovery/ Overpayment	4	1.7	237	97.93	1	0.4	199	82.2	39	16.1	4	1.7	-	-	189	78.1	53	21.9	242
Allotment/ Transfer of Plot	5	100.0	-	-	-	-	5	100.0	-	-	-	-	-	-	-	-	5	100.0	5
Land Possession	1	33.3	1	33.33	1	33.3	3	100.0	-	-	-	-	-	-	1	33.33	2	66.7	3
Others	13	65.0	7	35	-	-	12	60.0	2	10.0	6	30.0	2	10.0	5	25	13	65.0	20
Total	149	36.3	246	60	15	3.7	285	69.5	106	25.9	19	4.6	6	1.5	252	61.46	152	37.1	410

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Note: Others include theft cases seniority dismissal cases on the part of WAPDA and issuance of gate pass, declaratory suit, leasing rights of fisheries, dispute over record etc on the part of affectees. _

Nil

Status of Pending Court Cases Classified by Appellant, Court of Law and Duration of Cases for Ghazi Barotha Hydropower Project (Punjab)

Category	Appellant						Court of Law						Duration						Total
	Affectees vs WAPDA		WAPDA vs Affectees		Affectees vs Affectees		Lower Courts		High Court (Lahore, Bench at Rawalpindi)		Supreme Court/ Federal Shriah Court Islamabad		1995-1999		2000-2005		2006-2010		
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Compensation	60	98	–	–	1	2	18	30	43	17	–	–	–	–	35	57	26	43	61
Recovery/ Overpayment	1	0.5	206	99.5	–	–	188	91	19	8	–	–	–	–	182	88	25	12	207
Allotment/ Transfer of Plot	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Land Possession	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Others	5	45	6	55	–	–	6	55	–	–	5	45	–	–	1	9	10	91	11
Total	66	23.6	212	76	1	0.4	212	76	62	22	5	2	–	–	218	78	61	22	279

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Note: Others include theft cases seniority dismissal cases on the part of WAPDA and issuance of gate pass, declatory suit, leasing rights of fisheries, dispute over record etc on the part of affectees. _
Nil

Status of Pending Court Cases Classified by Appellant, Court of Law and Duration of Cases for Ghazi Barotha Hydropower Project (KP)

Category	Appellant						Court of Law						Duration						Total
	Affectees vs WAPDA		WAPDA vs Affectees		Affectees vs Affectees		Lower Courts		High Court (Lahore, Peshwar, Bench at Rawalpindi and Abbotabad)		Supreme Court/ Federal Shriah Court Islamabad		1995-1999		2000-2005		2006-2010		
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Compensation	60	75.9	1	1.3	12	15.19	48	60.8	21	26.6	9	11.4	4	5.1	22	27.8	53	67.1	79
Recovery/ Overpayment	3	8.6	31	88.6	1	2.857	11	31.4	20	57.1	4	11.4	–	–	7	20.0	28	80.0	35
Allotment/ Transfer of Plot	5	100.0	–	–	–	–	5	100.0	–	–	–	–	–	–	–	–	5	100.0	5
Land Possession	1	33.3	1	33.3	1	33.33	3	100.0	–	–	–	–	–	–	1	33.3	2	66.7	3
Others	8	88.9	1	11.1	–	–	6	66.7	2	22.2	1	11.1	2	22.2	4	44.4	3	33.3	9
Total	83	63.4	34	26.0	14	10.69	73	55.7	43	32.8	14	10.7	6	4.6	34	26.0	91	69.5	131

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Note: Others include theft cases seniority dismissal cases on the part of WAPDA and issuance of gate pass, declaratory suit, leasing rights of fisheries, dispute

