

**Augustinus
Rumansara/OCR/ADB**

20/10/04 04:11 PM

To: Mushtaq Gaadi <mushtaq_gaadi2000@yahoo.com>
cc: damaan123@yahoo.com, darvesh@super.net.pk,
forumonadb@yahoogroups.com, froche@adb.org,
hirrak_devcen@hotmail.com, khadim@actionaidpakistan.org,
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rbissell@adb.org, rzelius@adb.org, sindh-politics@yahoogroups.com,
snanwani@adb.org, Vitus A. Fernando/OCR/ADB@ADB,
naeem.iqbal@sungi.org
Subject: Re: Draft TOR for Panel's Monitoring - Chashma Project Inspection Request

Dear Mr. Gadi,

Your views on the nature and integrity of the ADB Accountability Mechanism are noted.

The Inspection Panel's recommendations and the Board Inspection Committee's report and recommendation to the ADB Board of Directors have been considered by the Board and has resulted in a Board decision on remedial actions. With regards to your request for disclosure of the minutes between the Inspection Panel and requesters on 27 March 2004, any relevant information that the Inspection Panel has disclosed is provided in its final report which is made available on the ADB website. The Compliance Review Panel (CRP) understands that the remedial actions for the Chashma Right Bank Irrigation Project (Stage III) are currently being discussed by ADB with the Government of Pakistan. The independent Compliance Review Panel is not engaged in this process.

The CRP will do its best to communicate and engage with the affected people in performance of its monitoring task. It will, as earlier communicated to you, respect your choice of not being a representative of the affected people. It would therefore not be appropriate for the CRP to seek your further assistance as a representative in this matter.

Your comments and this email correspondence will as requested by you be posted on the CRP website today. This email is also being copied to Mr. Naeem Iqbal, Advocacy Programme, Sungi Development Foundation who has informed us that you are no longer representing Sungi Development Foundation.

Sincerely,

Augustinus Rumansara
Chair, Compliance Review Panel
Asian Development Bank

Mushtaq Gaadi

<mushtaq_gaadi2000@yahoo.com>

10/19/2004 06:50 PM

To: arumansara@adb.org
cc: damaan123@yahoo.com, darvesh@super.net.pk,
forumonadb@yahoogroups.com, froche@adb.org, hirrak_devcen@hotmail.com,
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liqunjin@adb.org, ksenga@adb.org, mamalik@adb.org
Subject: Re: Draft TOR for Panel's Monitoring - Chashma Project Inspection Request

Dear Mr. Rumansara,

If anything I wish to clarify is that I consider ADB accountability rules and mechanism not only futile but an attempt to hide the truth and pervert the notion of justice. Nothing else makes it so clear than our decision to disengage from the inspection process.

My previous email was intended to provide the comments on the draft ToRs of the Panel's Monitoring . I hope my comments will be posted on the CRP website.

You have not answered my demand for the disclosure of the written minutes of the Panel's meeting with the requesters. If you look at the ToRs of the chashma inspection panel, my demand would not appear against rules.

Representation? Chashma Lok Sath is the only collective platform of local peoples. We can't stop ADB and the government to establish any fake grievance redress mechanism like the Grievance Redress and Settlement Committee, but this mechanism will remain fake and incredible. However, in the past, we have opposed to GRSC and we will be doing the same in future. Similarly, we will not endorse any agreement between the government and ADB that is being finalized without the consent of Chashma Lok Sath.

I have received the details of the visit program of ADB Mission. According to the suggested program, ADB Mission is scheduled to meet with the requesters (?) on October 21, 2004. As I have already clarified that we are no longer the inspection requesters. We have no hesitation to hold the dialogue with the Mission and the government on future remedial action. However, we consider the Lok Sath the only platform for holding dialogue with local peoples.

With best regards,

Mushtaq Gadi

arumansara@adb.org wrote:

Dear Mr. Gadi

I acknowledge your clarification that you and the other original requesters have disengaged from your role as inspection requesters, and presumably also as representatives of the affected people. The mandate of the Compliance Review Panel is not to consider or make judgement on your reasons for disengaging and will therefore accept your information as a factual situation. As one means of communication with the affected people and other interested parties, the Panel will make use of its website - www.compliance.adb.org

The Vice President for Operation Group 1, Mr. Liqun Jin is the focal point for ADB Management in pursuing the Board decision on the Chashma Inspection Request. The South Asia Department is the operative partner to designated Pakistani government entities and will provide support and assistance as agreed with these entities.

The mandate of the Compliance Review Panel is to monitor ADB's implementation of the Board decision. The Panel will, with support from Management, the Government of Pakistan and the affected people do its best to provide the Board with objective reports on the status of implementation of remedial actions.

I appreciate your kind offer to assist the Panel in performing its task and look forward to come back to discuss how this can best be done.

Augustinus Rumansara
Chair, Compliance Review Panel
Asian Development Bank

6 ADB Avenue, Mandaluyong City
1550 Metro Manila, Philippines

Mushtaq Gaadi

<mushtaq_gaadi2000@yahoo.com>

10/12/2004 04:51 AM

To: arumansara@adb.org, damaan123@yahoo.com,
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khadim@actionaidpakistan.org
cc: rzelius@adb.org, snanwani@adb.org, rbissell@adb.org,
vfemando@adb.org, froche@adb.org, forumonadb@yahoogroups.com,
sindh-politics@yahoogroups.com
Subject: Re: Draft TOR for Panel's Monitoring - Chashma Project
Inspection Request

Augustinus Rumansara
Chair, Compliance Review Panel
Asian Development Bank
6 ADB Avenue, Mandaluyong City
1550 Metro Manila, PHILIPPINES

Dear Mr. Augustine Rumansara, <?xml:namespace prefix = o ns =
"urn:schemas-microsoft-com:office:office" />

Thanks for sending me **the draft Terms of Reference for Monitoring Under the Chasham Right Bank Irrigation Project Inspection Report** for my comments as being one of the inspection requesters. My response is as follows:

First of all, I would like to clarify the fact that I am no longer inspection requester. This fact is clearly mentioned in the Final Inspection Report in the following manner:

"On 27March the Panel met with Mr. Khadim Hussain, one of the Requesters. He informed the panel that it had been decided at the Lok Sath that the requesters would "disengage" themselves from their role as the Requesters of the Inspection, but they would nevertheless facilitate the work of the Panel. This position was later confirmed by two other requesters-Mr. Mushtaq Gadi and Mr. Ahsan Wagha-when the Panel met with them to finalize plans for the field visit". (Para. 28, P.17).

Unfortunately, the Final Inspection Report is totally silent on the conditions and causes of the requesters' decision to disengage themselves from their role as the requesters. For the purpose of transparency, it would be better to disclose the minutes/written summary of the meeting between the Panel and the requesters held on 27 March.

I feel confidentiality has become an effective technology of silencing the dissenting voices. There are numerous incidents of silencing such voices in the chashma case. In deed, the major reason behind the decision to disengage from the role of requesters was to pose resistance against this imposition of silence. This resistance was triggered by the Panel's refusal to attend the Chashma Lok Sath that was being held to present peoples' testimonies and judgment on the project. There are definitely many other reasons that should be made public through formal disclosure of relevant chashma inspection record.

As you know the requesters decided to facilitate the field visit of Inspection Panel despite their formal disengagement from the role of requesters. This decision shows that we have never refused the possibility of dialogue, negotiations and peaceful settlement. However, we have never compromised on the principles of chashma struggles. One of the main principles of chashma struggles is holding of Chashma Lok Sath (Peoples Assembly) on any important matter so that the peoples could thoroughly discuss that matter and form the informed judgment. Therefore, we would like to engage with the ADB Mission and Compliance Review Panel in the forthcoming visit through the Chashma Lok Sath. We would not only invite local communities in the Chashma Lok Sath but local, provincial and national elected representatives will also be invited so that the process of dialogue and negotiations should be broad based and transparent. The agenda of the Lok Sath can range from the identification of losses, livelihood and ecological disruptions, and remedial measures to mechanisms for implementation and monitoring. Many of these issues have already been discussed in various sessions of Lok Sath held in the past. We can further work out the details once the decision is made.

Your response will determine the nature of our future engagement in this process.

With best regards,
Mushtaq Gadi
Chashma Lok Sath
www.chashma-struggles.net

arumansara@adb.org wrote:

Dear Requesters:

(1) Mr. Ahsan Wagha, Damaan Development Organization

- (2) Mr. Zafar Iqbal Lund, HIRAK Development Center
- (3) Mr. Mushtaq Gadi, SUNGI Development Foundation
- (4) Mr. Mohammad Nauman, Creed Alliance
- (5) Mr. Khadim Hussain, Action Aid-Pakistan
- (6) Mr. Shafi Qiasrani, CRBIP Affectees Committee.

Following the decision by the ADB Board of Directors on 19 August 2004, I am pleased to inform you that the Compliance Review Panel had yesterday posted on its website its draft Terms of Reference for the Panel's monitoring of the implementation of the remedial actions, including those specifically relating to the Chashma Right Bank Irrigation Project (Stage III) [the Project].

The draft Terms of Reference is for information and comment by interested parties, and your comments are specifically invited. Your comments should be emailed to the Chair, Compliance Review Panel at crp@adb.org by 12 October 2004.

Mr. Gadi: As I understand that Mr. Shafi Qiasrani has no access to internet, I would, based on your earlier offer, request your kind assistance in sending this message to him.

Following discussions with the government, a mission by the Panel to Pakistan may be scheduled to take place in November.

Sincerely,

Augustinus Rumansara
Chair, Compliance Review Panel
Asian Development Bank
6 ADB Avenue, Mandaluyong City
1550 Metro Manila, PHILIPPINES

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