

बुलाक मञ्चना २१३४, ६० न्युन्ताना मार्ग, पुनर्लसिजक, काठमाडौं, नेपाल
फोन: ४४२९७४९ • फ्याक्स: ०९-४४९९६९०

G.P.O. Box 2125, 60 New Plaza Marg, Pithalkot, Kathmandu, Nepal.
Tel: 00977-1-4429741 • Fax: 00977-1-4419610 • E-mail: wafed@ic.net.np



जल तथा ऊर्जा
उपभोक्ता महासंघ नेपाल

Water & Energy Users'
Federation - Nepal

June 21, 2004

Mr. Nalin P Samarasingha
Special Project Facilitator
Office of the Special Project Facilitator
Asian Development Bank
6 ADB Avenue, Mandaluyong City
Manila, Philippines

**Ref: Additional request for the investigation of policy non-compliance in
Melamchi Water Supply Project (MWSP) and other matters**

Dear Mr. Samarasingha

First of all, with regards to our claim filed on May 1, 2004 on the above project, thank you visiting Nepal and giving us the opportunity to provide you more information and other details during your visit last week.

Today, I am sending you additional request by five MWSP-affected victims who have not been provided any compensation or resettlement for their lands, water mills, electricity generation and other losses. The request is also related to the permanent displacement from employment as the regular source of income for their livelihoods.

I hope you are completing your report and preparing for findings and recommendations on our previous claim. I would like to request on behalf of all the claimants that you also include this request as an integral part of the May 1 claim.

I would also like to remind you that we, the claimants, are already in a disadvantageous situation with regards to equal access to project documents and information compared to the Bank Management. In such a situation, any findings or recommendations against our claims will be considered by us as discriminatory, thus illegitimate process.

I also would like to request you to recommend to the Compliance Review Panel and/or the Bank Management to take necessary steps to withhold further loan disbursement and other project implementation-related activities for the time-being. The reason is that it otherwise will create additional financial or other obligations on the claimants as the taxpayers, the actual borrowers of this loan, together with other

citizens of Nepal, till this whole investigation process and possible remedial procedures are over.

We are very much hoping for your fully independent and critical investigation of these claims and immediately refer them to the CRP if you find *prima facie* evidence that the Bank Management is not willing to fulfill our demands as part of its obligatory policy and procedural compliance.

I am also sending you the formal additional information as I submitted to you during our final meeting on June 15 and a list of some documents and information that we are primarily looking for.

We are looking forward to receive the acknowledgement of the additional claim, and your investigation report upon earliest.

Sincerely,

Gopal Siwakoti 'Chintan'
Co-ordinator, the claimant

June 21, 2004

Mr. Nalin P Samarasingha
Special Project Facilitator
Office of the Special Project Facilitator
Asian Development Bank
6 ADB Avenue, Mandaluyong City
Manila, Philippines

**Ref: Request for the investigation of policy non-compliance in
Melamchi Water Supply Project (MWSP)**

Dear Mr. Samarasingha:

First of all, we are happy to know that you are investigating various policy violations by the Asian Development Bank (ADB) vis-à-vis the Melamchi Water Supply Project (MWSP) as they adversely affect our rights and interests in the Melamchi Valley. For your information, we tried to express our grievances during your visit in Melamchi on June 13 but we could not get the opportunity to do so due to your very brief and busy schedules.

We must inform you that we are ordinary farmers and villagers and we have no information about the policies and the operational procedures of the ADB relating to MWSP and our rights and interests. They are simply not available to us in any language and we cannot understand anything in other languages other than our official Nepali language. We also do not have any information about how the MWSP was studied, designed and decided without any proper knowledge and consultation in the Melamchi Valley, and we are certainly the directly affected or concerned stakeholders.

But we are encouraged to take this step after knowing that a case representing our collective interests in the Melamchi Valley has already been filed on May 1, 2004 and that is why you were here in the Valley last week. In the past, we tried all our best to resolve our claims through meetings and/or written requests either individually or in group either to MWSP Office or the ADB Office in Kathmandu, but we failed.

So, we are filing this claim today by providing you the summary of our situation and demands. We would like to request you to register it as an additional claim to the previous claim filed by Mr. Hasta Pandit et al on May 1, 2004.

We are providing you the summary of who we are and how are we affected by the MWSP funded by the ADB and other donors/loaners as below. We will be happy to provide any further details and/or details of previous efforts if necessary.

Summary of claims:

I, Prabin Deuja of Talarang VDC 7, have been affected as below:

The construction of the MWSP access road in Timbu area destroyed my two water mills, my main source of income for a family of seven. I have claimed for the compensation of Rs. 5,75,000/- but I have not received as to date. There has not even been any survey of this damage.

I, Dil Bahadur Deuja of Talarang VDC 7, have been affected as below:

The construction of MWSP access road in Timbu area has made my 1.2 *ropanis* of agricultural land not good for further cultivation. It has destroyed my regular production of rice and other crops. There has been no survey as to date of this effect and loss. I have dependent family of 10.

We, Dinesh Deuja and Kedar Deuja of Talarang VDC 7, have been affected as below:

The construction of MWSP access road in Talarang area has destroyed our water turbine mill due to the displacement of water canal and the closure of 16 kw electricity generated from this. It has seriously affected the livelihoods of our family of 16. We have not received anything as to date. There has been no any response to our more than 11 applications in total.

I, Nara Bahadur Thapa of Talarang VDC 6, have been affected as below:

The construction of MWSP access road in Talarang area has destroyed my house due to blasting. They also dumped the construction waste in my compound, and took one *ana* land without compensation. I spent about Rs. 150,000 to repair the house and clean the waste. I want full compensation of my house and the affected land and leave the place since it is appropriate to stay there. But there has been no assessment of this damage.

I, Thangale Tamang of Kiul VDC 1, have been affected as below:

I have been employed in a water mill owned by Mr. Dal Bahadur Jyoti together with other three members of my family. It was our only source of livelihoods. We have heard that Mr. Jyoti has already received some compensation for his part. But according to him, it clearly seems to us that our rights and interests are not taken into any consideration when considering compensation for the destruction or displacement of the water mill. This mill was our source of income for the past 21 years. We have now a total family of 12. We have no land and no other income. Our additional traditional source of fishing also has been destroyed due to the effects caused by the access road in the Melamchi River. We have become completely jobless

and income loss. We are worried that the MWSP is destroying our whole livelihoods and offering no compensation and employment.

Specific requests and remedies sought:

1. Complete disclosure of information relating to the MWSP, including the ADB policies and operational procedures in Nepali language
2. Investigation of our claims, establishment of our rights and interests and the enforcement of remedies
3. Compensation, resettlement and employment to all those affected by the MWSP directly or indirectly. These measures must cover all the losses of future income in the case of water mills, electricity and other cottage industries that were established through bank or other private and those who loose their employment/income as a result of this as in the case of Thangale Tamang of Kiul above.

We are looking forward for the full investigation of our claims as a process of complying with the ADB policies and operational procedures. We also fully support the claim that has been filed by other affected persons and/or groups on May 1, 2004.

Please contact us if you need further information or details about our claim.

The claimants,

Prabin Deuja
Talarang VDC 7, Melamchi, Sindhupalchowk

Dinesh Deuja
Talarang VDC 7, Melamchi, Sindhupalchowk

Kedar Deuja
Talarang VDC 7, Melamchi, Sindhupalchowk

Nara Bahadur Thapa
Talarang VDC 6, Melamchi, Sindhupalchowk

Thangale Tamang
Kiul VDC 1, Melamchi, Sindhupalchowk