

# Resettlement and Indigenous Peoples Plan

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Document Stage: Draft for consultation  
Project Number: 55346-001  
July 2023

Nepal: Urban Resilience and Livability Improvement  
Project – Pokhara Metropolitan, Kaski District

Road and Drainage Project

Package Number: URLIP/PKR/CW01

Prepared by the Department of Urban Development and Building Construction, Government of  
Nepal for the Asian Development Bank.



## CURRENCY EQUIVALENTS

(as of 29 May 2023)

Currency unit	-	Nepalese rupee (NPR)
NPR 1.00	=	\$ 0.01
\$ 1.00	=	NPR 131.83

## ABBREVIATIONS

ADB	-	Asian Development Bank
BPL	-	Below poverty line
CDO	-	Chief District Officer
CFUG	-	Community forestry user group
DDC	-	District coordination committee
DMS	-	Detailed measurement survey
DSC	-	Design and supervision consultant
DUDBC	-	Department of Urban Development and Building Construction
EMP	-	Environment management plan
FGD	-	Focus group discussion
GON	-	Government of Nepal
GRC	-	Grievance redress committee
GRM	-	Grievance redress mechanism
IEE	-	Initial environmental examination
ISPC	-	Institutional Strengthening and community participation consultant
LACFC	-	Land acquisition and compensation fixation committee
LGOA	-	Local Government Operational Act.
MOU	-	Memorandum of Understanding
NGO	-	Non-governmental organization
NPC	-	National planning Commission
	-	Project coordination Unit
PIU	-	Project implementation unit
PMCDC	-	project management supervision consultant
PMCDC	-	Project management and capacity development consultant
ROW	-	Right-of-way
SPS	-	Safeguard policy statement
URLIP	-	Urban Resilience and Livability Improvement Project

## WEIGHTS AND MEASURES

ha.	—	hectare
km	—	kilometer
m	—	meter
m <sup>2</sup>	—	square meter

## **NOTE**

In this report, "\$" refers to United States dollars.

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## GLOSSARY

**Affected Person.** Any person, who as a result of the implementation of a project, losses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily

**Census.** Census is 100% enumeration of affected persons and to document the socioeconomic status of potentially affected persons within the project footprint. The census has provide a demographic overview of the population, households' assets, source of incomes, and means of livelihood.

**Compensation** means payment in cash or in kind of the replacement cost of the acquired property for the project.

**Dalits.** The group of people defined and recognized by National Dalit Commission. The word is usually designated for a group of people belonging to the lower castes, many of whom are traditionally regarded as 'untouchable'.

**Grievances Redressal Committee (GRC).** The committee established under the projects to document, hear, and resolve the project related grievances/concerns.

**Indigenous Peoples.** The ethnic groups and communities having distinct social and cultural characteristics such as distinct language/mother tongue, traditional customs, cultural identity, social structure from those of dominant populations and culture. The National Foundation for Upliftment of Adivasi/Janajati Act, 2058 (2002) has identified 59 groups as Adivasi/Janajati (or indigenous peoples or nationalities) in Nepal.

**Land Acquisition.** The process whereby private land and properties are acquired for the project activities. This includes acquisition through voluntary land donation, involuntary resettlement, and eminent domain.

**Replacement cost.** The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be 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. Where market conditions are absent or in a formative stage, the borrower/client will consult with the displaced persons and host populations to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information. The borrower/client will also collect baseline data on housing, house types, and construction materials. Qualified and experienced experts will undertake the valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be considered.

**Relocation** means the physical relocation of affected persons from their pre-project place of residence.

**Socio-economic Survey.** The survey was conducted to establish monitoring and evaluation parameters and establish a benchmark of socioeconomic status of affected persons.

**Vulnerable Group.** The vulnerable are individuals or groups who may experience differential adverse impacts from the proposed project more severely than dominant population because of their unique and inherit socioeconomic characteristics. Typically, those households falling below poverty line,<sup>1</sup> the landless, household members with disability, female headed households, single women, households having elderly (JesthaNagarik) and children, dalits, indigenous people, landless households and those without legal title to land.

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<sup>1</sup> As per Nepal Living Standards Survey 2010/2011, below poverty line income is NRs19,262/ person/year. On adjusting for inflation, this is estimated at NRs39064.50/person/year for 2021/22.

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## EXECUTIVE SUMMARY

**Project Background.** Urban Resilience and Livability Improvement Project (URLIP), the project, will support improving municipal infrastructures and governance of the selected project municipalities, thereby contributing to achieve inclusive economic growth and improved livability. This will be achieved through the following three outputs: (i) municipal infrastructure for resilience improved (Output 1); (ii) Tourism assets revitalized and management improved (Output 2); and (iii) capacity of communities, municipalities, provinces and Department of Urban Development and Building Construction strengthened (output 3). The project will support seven municipalities (Pokhara, Janakpur, and a cluster of five municipalities which include Devdaha, Lumbini Sanskritik, Sainamaina, Siddharthnagar, and Tilottama).

**Project Components.** Under Output 1 of URLIP, two road projects with roadside drainages have been proposed in Pokhara Metropolitan City. It consists of: (i) International airport to lakeside (Fewa) fast track road 8.8km.), and the other (ii) Damdame-Kudbi-Sidane-Bhanjyang road with a total road length of 13.km. The total road length is 21.8 km.

**Scope and Objective of Resettlement and Indigenous Peoples Plan.** This draft resettlement and indigenous peoples plan (RIPP) have been prepared to document the project's impact for components proposed under Output 1, methodology used and address the potential involuntary resettlement and indigenous peoples impacts of the proposed project components. Specifically, the objective of this document is to: (i) assess social impacts due to project implementation, (ii) design mitigation measures to ensure lives of affected persons are improved or maintained at the level of pre-project condition, (iii) ensure voluntary donation of adheres to the ADB SPS requirements, and (iv) assure adequate compensation payment and implementation of safeguards per the ADB SPS, 2009 and agreed entitlement matrix. The methodology of the RIPP preparation includes data collections through both primary and secondary sources. The primary data were collected through transect walk, impact assessment surveys, community consultations, and sample socio-economic surveys.

**Land Acquisition and Resettlement Impacts.** The proposed land requirements for this project will be fulfilled through a combination of use of right-of-way within the government lands, negotiated settlement, and/or voluntary land donation. The main alignment of the proposed road is located within the boundaries of right-of-way of municipal government roads. However, the preliminary assessment based on 100% inventory of loss shows that small strips/narrow section of the land near the road will require additional land consisting of 154 land parcels (154 households with 697 population) and five land parcels belonging to five government/institutional property are likely to be affected due to road improvement. The initial impact assessment also identified that two residential structures (two households and 10 population), 151 secondary structures (151 households, 684 population) and 12 structures owned and/or managed by community/government/CBO will be affected. The impact will be partial/minor limiting on boundary walls along roadside not amounting to any physical displacement or relocation. The design team will explore the possibility of reducing the corridor of impact and by adopting appropriate technical designs to minimize the potential impact during the detailed design. A detailed measurement study will be carried out to confirm the scale of impacts both on land and structure during detailed design, based on which the RIPP will be updated accordingly. Community consultations revealed the land owners' willingness for voluntary land donation due to higher beneficial impact. The project policy will not accept voluntary donations from persons with vulnerability. Hence, the PIU will discuss options for negotiated settlement with them. Hence, the additional land required for road improvement and road-side drains will be obtained through voluntary land donation and/or negotiated settlement from eligible owners. Where negotiated settlement is proposed, in the event of its failure, the project will

consider realignment of the road or adjustment of the road width during detailed design. All of these will be documented during RIPP updating.

The project conducted a sample study to assess the socioeconomic condition of the affected households. The project interviewed 34 affected households (20% sample). The survey identified 140 vulnerable groups with 833 family members (extrapolated figure based on the 28 vulnerable households identified during sample survey) consisting of below poverty line/poor households (5), *janajatis* nationalities/indigenous peoples (35), women-headed households (30), and households with multiple vulnerabilities (70).

**Impacts on Indigenous Peoples.** Saina Maina Municipality has a 195,315 (38.04%) indigenous peoples (*janajatis*) population of the total inhabitants (513,504) in the municipality. Out of the total *janajatis* population of the municipality, about 79.32% lies in disadvantaged category; followed by marginalized category (6.83%). Likewise, the 13.38% belongs to advantaged category and some 0.48% lies in highly marginalized category.<sup>2</sup> Around 0.2 % of the population lies in the highly marginalized category. Majority of *janajatis* are the followers of the Hindu religion and speaks their own mother dialect, within their groups, however, all also understand and speak Nepali Language as well.

The sample study Indicates that 17 indigenous peoples (extrapolated to 85 households consisting of 926 family members). All 85 indigenous peoples households are likely to be affected by the project with varied scale of impacts (involuntary resettlement impacts). 80 of the indigenous peoples will incur both land loss (small strips of land) and impact to secondary structures (compound walls) while 5 households will incur land loss only. In addition, boundary walls of two *Samaj Ghar* (community gathering centers of Gurung community) are likely to be affected in Panchase road section – although the scale of the impact will only be limited to impact to boundary walls. Given the involuntary resettlement impacts, and the high presence of the *Gurung* (indigenous peoples group) in the proposed road improvement, especially in Damdame- Kudbi-Sidane-Bhanjyang road section, a resettlement and indigenous peoples' plan (RIPP) is prepared, and a specific action plan has been included in the RIPP. The specific action plan is designed to ensure culturally appropriate project implementation among the indigenous peoples households.

**Legal Framework.** The policy, legal framework of land acquisition, involuntary resettlement and indigenous peoples' principles in the proposed URLIP are guided by the ADB's Safeguard Policy Statement (SPS), 2009 and Government of Nepal's Acts, laws.

**Consultations and Participation.** Formal and informal consultations were carried out with various stakeholders such as community residents/project beneficiaries including the poor, women, and local government officials. A team of safeguards consultants, and PIU team visited the project component proposed for project financing. Observation of proposed road alignments and consultation with local people to understand their opinion on project were the focus of consultation. A total of eight consultations were organized attended by 134 persons (91 males, 43 females) persons attended by elected representatives of local government, staff member of Municipal government and local people including project beneficiaries, and the affected persons. Informal meetings and household-level discussions were also conducted during transect walk and preliminary assessment among residents/project beneficiaries to obtain their opinions and views about the project. Consultations will continue throughout the project implementation. The draft/ updated RIPP will be made available at public locations in the area and will be disclosed to a wider

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<sup>2</sup> <https://censusnepal.cbs.gov.np/results/downloads/caste-ethnicity>

audience through the Government of Nepal and ADB website. A copy of the RIPP translated will be kept at site during the construction period.

**Grievance Redress Mechanism.** A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate, and facilitate the resolution of affected person concerns, complaints, and grievances about the social and environmental performance at the level of the project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. A Grievance Redress Committees (GRCs) will be formed at three levels; (i) field/ward level, ii) Municipality/PIU level, and iii) PCO level. There will be *Janajatis* and one-woman representative in the field/ward and municipality level, if required. A public awareness campaign will be undertaken to ensure that awareness on the project and its grievance redress procedures. The campaign will ensure that the poor, vulnerable including indigenous peoples and others are made aware of and are part of the awareness program. Grievance redress mechanism outlined in the draft RIPP will ensure that complaints and grievances are resolved in a collaborative, timely manner, and effective manner through dialogue, joint fact-finding, negotiation, and problem solving.

**Institutional Arrangement.** The RIPP implementation will be closely monitored by the Project Coordination Office with the support of project management and capability-building consultant (PMCDC) to effectively assess the RIPP progress and identifying potential difficulties and problems. Monitoring will be undertaken by the PCO and PIUs. The PIU within the municipality will have a social safeguards officer assisted by social safeguards specialist from the Design and Supervision Consultants (DSC), who will facilitate the implementation of the RIPP activities. Monitoring will involve administrative monitoring to ensure that implementation is on schedule and problems, if any, are dealt with on a timely basis; socio-economic monitoring during and after any resettlement and indigenous peoples impact utilizing baseline information established through the detailed measurement survey of affected persons undertaken during project preparation, and overall monitoring.

**RIPP Budget.** The budget item includes compensation of structure loss, cost for the negotiated settlement, cadastral data verification cost, third party certification cost and administrative cost. The total cost for implementation of RIPP is estimated **NPRs 119,121,641.**



## I. INTRODUCTION

### A. Project Description

1. The Urban Resilience and Livability Improvement Project (the project) aims to improve livability and sustainability of urban services by project municipalities. The project is aligned with the following impact: inclusive economic growth and improved living standards.<sup>3</sup> The project will have the following outcome: improved resilience, livability and sustainability of urban service delivery by project municipalities.<sup>4</sup> The project will develop municipal infrastructures aligned with the priorities set in the municipalities' investment plans. The project supports seven municipalities: Devdaha, Janakpur, Pokhara, Lumbini Sanskrit, Sainamaina, Siddharthnagar, and Tilottama. Five out of seven municipalities are from the western urbanizing corridor. The Department of Urban Development and Building Construction (DUDBC) on behalf of the Ministry of Urban Development will be the executing agency and the project municipalities are the implementing agencies. The project will support the following three outputs.

2. **Output 1: Municipal infrastructure for resilience improved. Municipal infrastructure for resilience improved.** Investments will use an integrated approach by ensuring a well-coordinated urban infrastructure system and, where feasible, employing green solutions to reduce inundation, improve mobility, and promote nonmotorized transport through cycle lanes and footpaths. Together, these investments aim to improve the livability of residents, support the sustainable growth of tourism, and enhance local economies. The project will (a) construct 150 kilometers (km) of stormwater drains; (b) reconstruct 100 km of urban roads with at least 45 km of footpaths with old age, women, children, and people with disabilities responsive features and cycle lane to promote nonmotorized transport; and (c) construct cold storage in Tilottama to ensure food security during climate and disaster events.

3. **Output 2: Tourism assets revitalized, and management improved.** The project adopts a combination of strategic planning, infrastructure development and customer service to support natural, cultural, and heritage-based tourism by enacting protective zoning around natural and heritage sites, expanding tourism activities, and promoting visitor's universal access and positive experience.<sup>5</sup> Output 2 will support to: (a) prepare and execute seven natural and heritage management plans through gender equality and social (GESI)-responsive, participatory approaches; (b) improve seven cultural and natural heritage sites with GESI-responsive tourism infrastructure and recreation amenities such as cycle route connecting seven lakes of Pokhara municipality, Bindabasini area street, Phewa organic trail, Pokhara SantiBan Batik (Forest) conservation, Janakpur Ratna Sagar Lumbini global park and Panchase eco-development, (c) improve 150,000 square meters of green spaces—Siddharthnagar Dandha River Corridor and greening initiatives of public spaces in all municipalities—with gender and climate-resilient-inclusive design feature; and (d) ensure at least 30% of the socio-economic development program spent on socioeconomic infrastructure and activities related to tourism and GESI. The project will construct at least seven GESI-friendly public toilets in cultural and natural heritage sites and support Lumbini Sarus Carne conservation and biodiversity awareness.<sup>6</sup>

4. **Output 3: Capacity of communities, Municipalities, Province, and Department of Urban Development and Building Construction strengthened.** The project supports

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<sup>3</sup> Government of Nepal, National Planning Commission. 2020. [Fifteenth-Year](#). Kathmandu.

<sup>4</sup> The design and monitoring framework is in [Appendix 4](#).

<sup>5</sup> Cultural, natural, and heritage assets under municipalities' jurisdiction.

<sup>6</sup> Public toilets will have male, female, and all-gender toilets with adequate wash facilities and design friendly to persons with disabilities.

implementing prioritized reforms, municipalities' digital transformation, institutional strengthening, and capacity-building actions. Key actions of output 3 include increasing own source revenue by implementing a comprehensive financial management improvement plan (CFMIP)—an institutional reform measure for revenue enhancement (broadening own source revenue coverage, digital tax billing and collection, and tax administration), budgeting procedure for better expenditure management, internal and external audit, procurement and asset management, and financial management procedures. The second action is to address carbon emissions and climate and disaster-related risks by preparing decarbonization and risk-sensitive urban plans and enforcing development control,<sup>7</sup> preparing seven heat action plans to ensure well-coordinated response actions during an extreme heat event tailored to high-risk groups, establishing Pokhara municipal emergency operation center, installing an electronic building permit system that factors in climate and disaster risk zoning, and will also support the issuance of digital tax bills. The third action is strengthening institutions and capacity by establishing and equipping O&M units in each municipality, maintaining a robust database of public assets, including infrastructure, utilities, cultural and natural heritage sites, and public land, constructing an energy-efficient and disaster-resilient municipal office building for Lumbini Sanskritik municipality, conducting training and workshop for staff, including eligible women staff and female-elected representatives of cities, provinces, and DUDBC, on municipal finance, natural ecosystems, decarbonization, and urban resilience planning, and support internship, skill improvement in traditional and local art, and tourist guide certification programs for women and disadvantage group implemented.<sup>8</sup>

## B. Project Location

5. Pokhara is a metropolitan city in Nepal, which serves as the capital of Gandaki Pradesh. It is the country's second largest city in terms of both population and area. The city also serves as the headquarters of Kaski District. Pokhara is located 200 kilometers west of the capital, Kathmandu. The altitude varies from 827 metres (2,713 feet) in the southern part to 1,740 metres (5,710 feet) in the north. The Annapurna Range, with three out of the ten highest mountains in the world — Dhaulagiri, Annapurna and Manaslu — is within 15–35 mi (24–56 km) of the valley. Pokhara is considered the tourism capital of Nepal, being a base for trekkers undertaking the Annapurna Circuit through the Annapurna Conservation Area region of the Annapurna ranges in the Himalayas. The demographic characteristics of the project area are given in the following Table.

**Table 1: Demographic Profile (Pokhara Profile)**

Population				Bhrami n/ Kshetri	Janajati	Dalit	Madheshi	Muslim	Other
Household	Male	Female	Total						
140,459	247,495	266,009	513,504	225,709	195,315	79,843	2,877	3,400	6,360
%	48.20	51.80	100	43.95	38.04	15.55	0.56	0.66	1.24

Source: <https://censusnepal.cbs.gov.np/results/downloads/caste-ethnicity>

6. The proposed project area is inhabited by population of various castes and ethnicity having diversity of culture, custom, tradition, norms. The majority, (225 709) of municipal population belong to *Brahmin/Kshetri* followed by *Janajati* (193,315). Likewise, the population of *Dalit* consists of 79,843. *Musalman* and *Madhesi* consist of 3,400 and 2,877, respectively.

<sup>7</sup> Including seismic microzoning and multi-hazard disaster risk assessment of Pokhara.

<sup>8</sup> GESI action plan (accessible from the list of linked documents in Appendix 2).



### C. Project Benefits

7. It is anticipated that there will be two-fold beneficial impact due to road and drainage network improvement. The local people will directly benefit from the improved roads and drainage services. Direct employment opportunities during construction will support the households having wage-based livelihood. Employment opportunities generated due to construction and improvement of road sections will support the household income of those who depend on wage-based livelihood.

8. Other common benefits to the people of the project area are: (i) reduction in travel time and cost, (ii) better mode and frequency of transportation, (iii) decreased cost of freight, (iv) access to quality health care, educational and other infrastructural facilities, (v) improved access to service centers at local and district level, (vi) improved quality of life of rural tribal population, (vii) reduced accidents, and (viii) better investment prospects creating more employment opportunities to local people. Facilities and infrastructure designed for visitors will benefit the wider urban community and improve the livability of Pokhara.

### D. Project Component

9. Under Output 1 of URLIP, two road projects have been proposed in Pokhara Metropolitan City (PMC). It consists of: (i) International airport to lakeside fast track road and the other ii) Damdame-Kudbi-Sidane-Bhanjyang road. The road connecting the international airport to the lakeside is an alternative route, most of which is already blacktopped and requires upgradation and addition of road safety and additional road components. Road 1 (Damdame- Kudbi-Sidane-Bhanjyang road) has a total length of 13km... Description of the road projects is as follows:

10. **Road 1 – International airport to Lakeside (Fewa) fast track road (8.8km.):** Road starts from Lakeside (Fewa Lake) which is one of the most popular destinations of tourists visiting Pokhara. Recently, with the establishment of Pokhara International Airport (PIA) and due to the existing narrow Seti River bridge, the lag time for the traffic in the highway has increased significantly. The Prithivi Highway is under construction and the expansion work in road approaching Pokhara is soon to start which will lead to even more traffic congestion. The traffic from the PIA is highly contributing the traffic jams. Hence, an alternative route for traffic using PIA seems vital. Besides, the proposed route will provide easy access for the beneficiaries using Hariyokharka Hospital and Institute of Forestry Pokhara Campus.

11. The road alignment extent is from Sahidchowk –Mustang chowk- Radhakrishna marga-SOS village–Ghalechowk–Nayagaun–Kantipur marga–Falepatan–International Airport. The proposed route is about 8.8 kms (3 kms from lakeside-mustang chowk-Road Transport Office (RTO) road-Tinkune- Radha Krishna marga +4.5 kms within ward 15+ 1.3 kms of airport approach road). The RTO section is recently an asphalt road constructed by PMC. The point of intervention begins at Radhakrishna Marga in ward 7, where widening and gravelling is being done by PMC. The road has a clear width of 11m with 8 m at some points. Most chainages in ward 15 have a clear 8m carriageway.

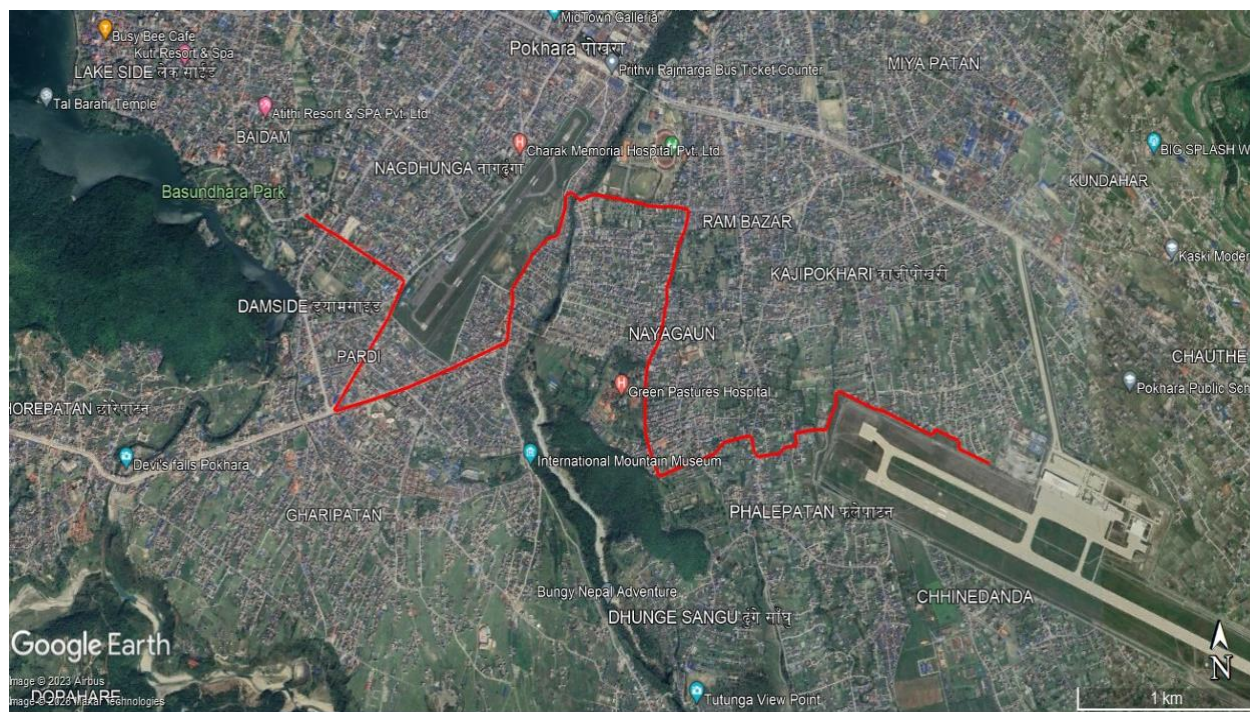
**Table 2: International Airport to Lakeside fast track road existing and proposed elements**

S. No.	Components	Existing Scenario	Proposed Scheme
1.	Length of Road	8.8kms	8.8 kms
2.	Right of Way (ROW)	Sahid Chowk to Tinkune = 80 ft Tinkune-Gharipatan-SOS section= 30 ft	Same as existing.

S. No.	Components	Existing Scenario	Proposed Scheme
	Declared by municipality	Radhakrishna-Ghalechowk-Nayagaun-Kantipur = 60 ft Phalepatan-Airport approach road =30 ft	
3.	Total Road Width	Varies from 6.5 m to 11m	12 m (8 m carriageway+1.5m footpath at both sides+0.5 m drains at both sides), footpath and drain width may vary at already existing sections
4.	Carriageway	Average 8.75 m	A minimum of 8m with expanded widths in existing wide sections
5.	Pavement type	Mostly Blacktopped with few concrete road sections	Double lane upgradation with the 40 mm surface course of asphalt concrete, 100 mm of base course and 150 mm of subbase course with proper grade and camber
6.	Side Drain	Side tick drains are provided along the most chainage with PCC covered drains at some sections. Size of side drains is not adequate and storm water overflows in the rainy seasons.	PCC surface drain of width (0.4 m - 0.5m water way) will be provided as per necessity.
7.	Cross drainage Structures	Bridge, Slab Culverts, Side RCC Slabs	Cross drainage structures like slab culvert, hume pipes, may be provided as required (No. will be provided once the survey is done)
8.	Protection works	Retaining walls at some locations	Retaining wall/slope protection measures as per requirement.
9.	Traffic signs/signage and road marking	Traffic signs and signals at some sections.	Provided all along the road to ensure maximum safety to pedestrian and vehicular traffic.
10.	Road furniture (streetlights, delineators etc.)	At some sections.	Streetlights, delineators to be provided for safety.
11.	Utility	Electric poles on the footpath section of the road.	Shifting of electric poles is necessary depending upon the design width of road.

Source: Pokhara Metropolitan, June 2023

**Figure 1: Location of the International Airport-Lakeside Road at PMC**



Source: Google earth image and road alignment from Pokhara Metropolitan City

12. **Road 2 – Damdame- Kudbi-Sidane-Bhanjyang road (13km.):** Road starts from Damdame which is connected by the newly blacktopped road being constructed by PMC. The proposed road alignment will connect the tourism center Panchase, which is a natural greenery protected area enriched with biodiversity and ponds. The targeted Panchase area is a famous destination where yearly religious festivities are also organized and thousands of pilgrims from nearby districts visit the place. The route is a way to various homestays established by the local Gurung communities and a cultural museum.

13. Pokhara metropolitan city has been constructing 3 kms of road from Ghatichina-Damdame under the support from provincial government. The proposed road under URLIP is 13 km. and will start from the end point of the ongoing road construction by the PMC. The track opened has almost a clear width of 9m all along the road extent with exception at 5-point locations of Kudhidanda, Damdame and Sidane with of 6m. Few sections of the road are concreted, and three culverts have been constructed in the route by PMC. Some retaining structures and drains are being constructed by PMC.

**Table 3: Damdame-Kudbi-Sidane-Bhanjyang Proposed Components**

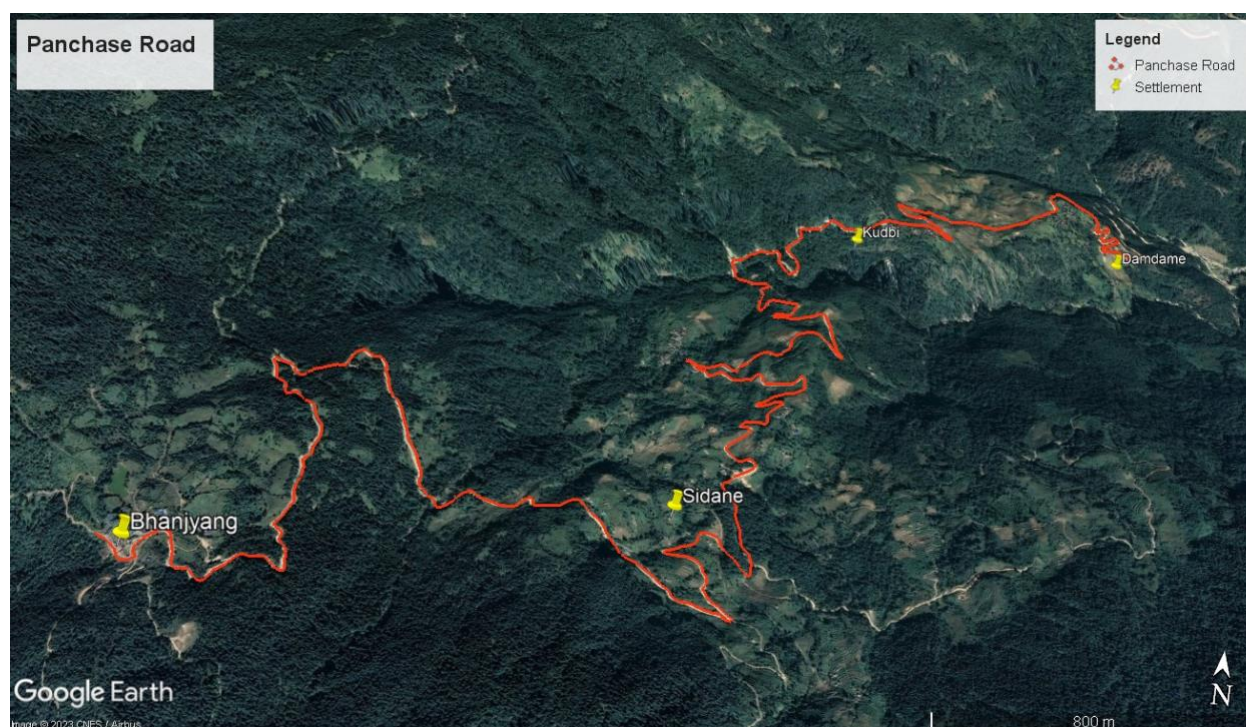
SN	Elements of component	Existing Scenario	Proposed Scheme
1.	Length of Road	13 km	13 km. asphalt road connecting Damdame, Kudbi, Sidane to Bhanjyang
2.	Right of Way (ROW) Declared by municipality	Row is 14 m in the proposed road section	Same as existing.
3	Total Road Width	7-9 m	8 m
4.	Carriageway	Average 7 m	7m with 1m drain

SN	Elements of component	Existing Scenario	Proposed Scheme
5.	Pavement type	Earthen and few sections of the road are concreted	Double lane upgradation with blacktopped of 40 mm surface course of asphalt concrete, 100 mm of base course and 150 mm of sub base course.
6.	Parking	No parking zones	Can be provided at Bhanjyang where the blacktop road ends.
7.	Side Drain	Existing side drains at some sections.	PCC surface single drain of 1m width (0.4 water way with 0.3+0.3 – plum wall)
8.	Cross drainage Structures	3 Culverts	Cross drainage structures like slab culvert, Hume pipes, RCC slabs may be provided as required.
9.	Protection works	Retaining walls at some locations	Retaining wall/slope protection measures as per requirement.
10.	Traffic signs/signage and road marking	Nil	Provided all along the road to ensure maximum safety to pedestrian and vehicular traffic.
11.	Road furniture (streetlights, delineators etc.)	Nil	Steel railings/guard rails for road safety
12.	Utility	There are 2-3 electric poles on the route.	Shifting of electric poles might be necessary depending upon the design width of road.

Source: Pokhara Metropolitan, June 2023



**Figure 2: Location of the Proposed Road Project**



Source: Google earth image and road alignment from Pokhara Metropolitan City

## **F Objective of combined Resettlement and Indigenous Peoples Plan**

14. The objective of the RIPP is to assess social impacts due to project implementation, and design mitigation measures to ensure livelihood of affected persons improved or maintained at the level of pre-project condition. The specific objectives of the RIPP are to:

- (i) to ensure that the affected persons belonging to indigenous peoples' groups receive culturally appropriate social and economic benefits;
- (ii) to ensure that when potential adverse impacts on the indigenous peoples are identified, these will be avoided to the maximum extent possible;
- (iii) to describe the identified scope and extent of land acquisition and involuntary resettlement impacts because of identified project components, and address them through appropriate recommendations and mitigation measures in the RIPP;
- (iv) to present the socio-economic profile of the population in the project area, identify social impacts, including impacts on the poor and vulnerable, and the needs and priorities of different sections of the population, including women, poor and vulnerable;
- (v) to describe the process undertaken during project design to engage stakeholders and the planned information disclosure measures and the process for carrying out consultation with affected indigenous peoples and facilitating their participation during project implementation;
- (vi) to establish a framework for grievance redressal for affected persons that is appropriate to the local context, in consultation with stakeholders;

- (vii) to describe the applicable national and local legal framework for the project, and define the involuntary resettlement and indigenous peoples policy principles applicable to the project;
- (viii) to define entitlements of affected persons, and assistance and benefits available under the project;
- (ix) to present a budget for resettlement and the specific action plan for indigenous peoples and other vulnerable groups and define institutional arrangements, implementation responsibilities and implementation schedule for RIPP implementation; and
- (x) to describe the monitoring mechanism that will be used to monitor RIPP implementation.

## **E. Resettlement and Indigenous Peoples Plan Preparation**

15. The methodology for preparation of the RIPP includes data collections through both primary and secondary sources. The primary data were collected through transect walk, preliminary impact assessment surveys, community consultations, socio-economic surveys, and interviews. The meetings were conducted at the institutional level with local government and community organizations. The phased process was adopted to collect primary information in following order: (i) introductory briefing meeting with community, likely affected persons residing along the road alignment, elected representatives of ward (ii) transect walk along existing alignment with municipal engineer and likely project affected persons to assess likely impact on land, structures, and other assets. (iii) preliminary measurement of loss of land, structures, and other assets was done during feasibility study. The extent of impact on land and structures were further verified with the involvement of local community members, affected persons, and elected representatives. Impact on structure and other assets assessed from inventory and field measurement. Socio-economic information has been collected through surveying 20% out of total affected households and used to measure impacts as well as the vulnerability of the affected persons.

## **F. Measures to Avoid and Minimize Involuntary Resettlement**

16. The following measures are being adopted to avoid and minimize impacts and disturbances during the construction. The RIPP will form part of the bid document and these impact minimization measures will be taken into consideration for budgeting and implementation by the contractor.

- (i) distribution of project information to residents and business units and others in the area;
- (ii) traffic management with proper liaison with police department;
- (iii) provision of planks to provide temporary access to citizens, access to residential and business units, religious places;
- (iv) excavation to be carried out in small sections, one section at a time, in order to reduce the time period of possible disruption and inconvenience to business establishments, hawkers, mobile vendors and residents of the area;
- (v) inform residents and others in sufficient advance time about the date and time of constructions activities in each section through the public announcement system. If required, a diversion way will be constructed temporarily, to facilitate the shops located adjacent to the road, to continue with their business;
- (vi) careful timing of implementation to avoid peak sale hours/days or school timings;
- (vii) night work in commercial areas, where possible;

- (viii) minimize construction period to the extent feasible.
- (ix) liaise with the police department for traffic management for uninterrupted traffic flow.
- (x) install signages at suitable locations.
- (xi) display details of GRM (address, contact number and email) for lodging grievances/ complaints, if any at several locations across the town where works are under implementation.
- (xii) provide other innovative measures to minimize the impact and disturbance during construction. These measures will be part of the bid document.

## II. SCOPE OF LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT

### A. Land Acquisition

17. **Development/Improvement of Road and Drainage facilities.** International Airport to Lakeside fast track road passes through the densely populated area. The entire road is blacktopped with partial drain and footpath. The improvement will mostly follow the existing road alignment which are within the road right-of way. However, preliminary assessment showed that part of 154 land parcels (154 individual households with 697 people), and five land parcels belonging to institutions (two are government-owned, 2 semi-government and one diplomatic mission – embassy of India) are likely to be affected due to road improvements of the proposed two road sections.

18. Improvement of international airport to lakeside route connects will largely include the foot path, drainage system, traffic light, traffic sign, zebra crossing, road marking, roadside plantation, green zone. The agreed principle of intervention is that the improvement will largely be focused on existing road sections, hence the adverse significant impacts can be avoided and/or will be minimal. During detailed design and detailed measurement survey, the exact impacts on land and structures will be assessed in detail and will be recorded in the updated RIPP. In International Airport to Lakeside fast track road, the additional area required for road improvement in entire 8.8 km. road section is estimated around 41,600 m<sup>2</sup>.

19. In Damdame- Kudbi-Sidane-Bhanjyang road section, only small strips/narrow part of the lands will be required which the exact land dimension will be determined during detailed design and detailed measurement survey. At present, the access road condition is travelled with riverbed aggregates and mostly without proper drainage and footpath facilities. From the start to 3 km., the road is being upgraded by Pokhara Metropolitan Office (PMO) with 6 meter wide including drainage. The road improvement work will be carried out mostly within the existing road footprint within the road-right-of way of the municipality, and most road alignment will not require additional land as 7-meter road is all clear throughout the alignment. Nonetheless, five private land parcels (5 household with 23 people) will be required in the Khudi Danda and Sidhare road stretches. Of the five land parcels, respective owners of the two parcels have provided land for the community gathering center (*Samaj Ghar*). Both parcels have already been donated but ownership has yet to be transferred to the *Samaj Ghar*.

20. Consultation meetings were organized at the start, middle and tail section of the proposed roads. Community consultations revealed the land donors willingness for voluntary land donation due to higher beneficial impact. Once the design is finalized, the DMS will confirm the exact land area required for the proposed road improvement.

21. A third-party verification of voluntary land donation process will be undertaken to confirm that: (i) voluntary donations do not severely affect the living standards of affected people, and are linked directly benefits for the affected people; (iii) no coercion was involved in the process either by the government or by the community, and (iii) voluntary donation is in fact voluntary through verbal and written record and verified by an independent third party such as a designated nongovernmental organization or legal authority. The third-party verification will be completed during DMS, and report/certificates/signed consent forms will be appended in the updated RIPP. All these activities will be completed before contract award.

22. The summary of the land affected due to road improvement is presented in the table below.

**Table 4: Summary of Affected Land**

S. No.	Type of land	Number of Households	Population	Number of Affected Plots	Remarks
1.	Private Land	154	697	154	Accurate land size will be measured during cadastral survey/DMS, during detailed design stage.
2.	GON/ institution			5	During community consultation, private landowners residing along the road alignment expressed willingness to contribute their land. The DMS will identify land requirements from each household and update this document accordingly before contract of awards.  The project will consider reducing the road width for road section for lands owned by 154 households and five GON land parcels. In case land will still be required ensuring efficiency for road access, the document will be updated, and clearance will be obtained from ADB prior contract award.
Total		154	697	159	

Source: Preliminary Impact assessment, Pokhara Metropolitan, June 2023

## **B. Impact on Structures/Assets**

23. Structures along the alignment are likely to be affected by road improvement. In International airport to Fewa road section, two residential (two households with 10 family members) structures will incur partial/minor impact not equivalent to significant impact, and 151 secondary structures (151 household and 684 people). Assessed impact will not amount to loss of more than 10% and no physical displacement will take place as a result of project intervention. The possibility of minimizing the impacts on residential buildings through reducing the corridor of impact (COI) will have to be considered during detailed design and the list of affected structures will be finalized. Details of impacts on structures are presented in the Table below.



**Table 5: Affected Structures**

S. No.	Type of Impacts	No. of Households
1.	Partial impacts on 2 residential buildings (wall of the house structures)	2 affected households (10 family members)
2.	Minor impacts on 151 secondary structures <sup>9</sup>	151 affected households (684 family members)

Source: Preliminary Impact assessment, Pokhara Metropolitan, June 2023

### C. Impacts to Public Utilities/Common Property Resources

24. Boundary wall of government and community structures and common property resources along the proposed alignment are likely to be affected by road improvement (refer to Table 6). During preliminary assessment, boundary walls of schools, hospitals, government buildings/offices will be affected. The impacts are assessed on the basis of the proposed 12-meter road corridor. Similarly, in Damdame- Kudbi-Sidane-Bhanjyang section, boundary walls of two community gathering centers of Gurung community are likely to be affected due to road improvement. A detailed assessment and consultation with Gurung communities will be carried out during the detailed design if these impacts cannot be avoided, and suitable mitigation measures identified and agreed with concerned stakeholders' will be included in the updated in RIPP. A provisional allocation for restoration of the public utilities/government structures/CPRs has been included in case of impact.

**Table 6: Impacts to Public Utilities/Government Structures/Common Property Resources (Impacts to Boundary Wall)**

S. No.	Public Utilities/Common Property Resources	No.
<b>A. International airport to Few Road Section</b>		
1.	Government structure/office - Indian embassy pension camp - Institute of Forestry	2
2.	Hospital/Clinic - Hariyokharka Hospital - Health Clinic	2
3.	Schools - SOS school - Siddha Madhyamik Vidyalaya (School)	2
4.	Community Centers/Building - Aama Samuha - Mother Group - Sangam Tole Bikash Sanstha (village development organization)	2
5.	Resting Area - Kalabange resting area (Pratikshya Laya)	1
6.	Temple - Radhakrishna Mandir (temple)	1
<b>B. Damdame- Kudbi-Sidane-Bhanjyang road</b>		
7.	Community gathering centers	2
<b>Total</b>		<b>12</b>

Source: Preliminary Impact assessment, Pokhara Metropolitan, June 2023

<sup>9</sup> Secondary structures include associated/annexed structures such as toilet, safety tank, tap, animal shed. Other secondary structures may include, but not limited to fences, sheds, etc. All impacts will be known during final detailed engineering design and detailed measurement survey stage. All impacts will be mitigated with appropriate compensation, and assistance based on this entitlement matrix.

25. The involuntary resettlement impacts will be further assessed and revalidated based on finalization of detailed design and detailed measurement survey (DMS) which will be conducted to update and finalize the RIPP accordingly. Rigour in data collection and consultations with local people will be required to ensure that all affected persons eligible for compensation are identified. It is confirmed through preliminary assessment that no roadside vendors and mobile kiosks are doing economic activities along the roadside of the proposed roads. During implementation, the Contractor, with the inputs from PIU and DSC, may consider adopting best engineering and construction practices to be implemented to ensure that disruption or disturbances are avoided and/or minimized to the general public. The following are the assessed impact of the project:

**Table 7: Summary of Land Acquisition and Involuntary Resettlement Impacts**

S. No.	Land Acquisition and Involuntary Resettlement Impacts	Scope of Land Acquisition and/or Involuntary Resettlement	Remarks
1.	Land Acquisition/Requirements	<p>154 affected land parcels (154 private owner, 697 family members)</p> <p>Five affected land parcels belonging to government/semi-government institutions</p>	<p>The land requirements will be met through a combination of voluntary land donations, voluntary land donation, and/or negotiated settlement. The road improvement with drainage works will be carried out mostly within the existing road corridor within the road right-of-way. Widening and minor realignments in some cases may require small/narrow strips of land. However, additional strips from private lands will be required for the road improvement.</p> <p>The people likely to be affected by the road improvement have expressed their consent for voluntary donation due to higher beneficial impact. The landowners expressed the need for such road infrastructure and are more than willing to contribute small strips of their lands voluntarily. Once the detailed design are finalized and detailed measurement survey is undertaken, the exact land dimension will be discussed with the affected landowners. The signed consent form for voluntary land donation/gift deeds will be included in the updated RIPP. A third-party verification of voluntary land donation process will be undertaken to confirm that: (i) voluntary donations do not severely affect the living standards of affected people, and are linked directly benefits for the affected people; (ii) no coercion was involved in the process either by the government or by the community, and (iii) voluntary donation is in fact voluntary through verbal and written record and verified by an independent third party such as a designated nongovernmental organization or legal authority. The third-party verification will be completed during DMS, and report/certificates/signed consent forms will be appended in the updated RIPP. All these activities will be completed before contract award.</p>

S. No.	Land Acquisition and Involuntary Resettlement Impacts	Scope of Land Acquisition and/or Involuntary Resettlement	Remarks
2.	Partial/minor impact to residential structures (insignificant impact)	2 residential buildings (wall of the house structures)	The assessment identified partial minor impacts on 2 residential structures (two household, 10 family member) in International Airport to Fewa Road section not amounting physical displacement or loss of more than 10%.
2.	Impact to secondary/annexed structures	151 secondary structures	151 secondary structure (151 households, 684 people) consisting of compound/boundary walls will be affected by partial/minor structure loss.
3.	Impacts to public structures/government office and CPRs	12 structures (impacts to annexed structure – boundary wall is assessed)	During preliminary assessment, it was found that boundary walls of the public and community property resources are likely to be affected by the road improvement. A detailed assessment in consultation with the concerned government agencies/user groups/temple committee will be carried out during the detailed design if these impacts cannot be avoided, and suitable mitigation measures identified in consultation with the concerned stakeholders will be included in the updated RIPP. A provisional allocation for restoration of the affected part has been included in case of impact.
6.	Number of Vulnerable Affected Households	140 vulnerable affected persons (833 family members)	<p>Based on the socioeconomic sample survey, 28 households (125 family members) are identified under vulnerable category (estimated no. is 140 vulnerable households derived from extrapolating the 28 households identified during sample survey). The vulnerability category is detailed out in the vulnerability section.</p> <p>Of the 140 vulnerable households, (i) 135 households will incur both land loss (small strips of lands) and impacts to residential structures limited to house walls only (5 households) or secondary structures (130 households)), (ii) while the remaining five households will have impact on land only.</p> <p>The land plots of 140 vulnerable households are likely to be affected by the road improvement. The socio-economic survey shows that registered land parcels (small strips/narrow lands) owned by vulnerable households likely to be affected will not lose more than 10% of the land. No land donation will be allowed from vulnerable persons. A negotiated settlement will be offered to them, in line with ADB policy. A detailed measurement study will be carried out after availability of final engineering design to confirm the scale of impacts both on land and structure during detail design, based on which the RIPP will be updated accordingly.</p>

S. No.	Land Acquisition and Involuntary Resettlement Impacts	Scope of Land Acquisition and/or Involuntary Resettlement	Remarks

Source: Preliminary Impact assessment, Pokhara Metropolitan, June 2023

### III. SOCIOECONOMIC INFORMATION AND PROFILE

#### A. Socio-economic Profile

26. The following sections present the socio-economic profile of the households likely to be affected by the proposed work components. Based on the inventory of loss, a total of 154 households (697 people) will be potentially affected by the project. A sample household survey was conducted sampling 34 households (154 population) taking 20% out of the project affected families. The survey focused on assessing the level of impact of losses together with the socioeconomic condition which includes the demographic composition, occupation and income resources, average income, and vulnerability.

27. **Social Category/Ethnicity.** The survey results showed that the proposed project area is inhabitant of various castes and ethnicity having diversity of culture, custom, tradition, norms, and values associated with ethnic culture to which they are associated. Of the 34 surveyed households, 15 males and 17 females. The majority, 17 households (89 people) of affected population belongs to *Janajati* followed by *Brahmin/Kshetri* 14 households (54 people). The 2 households (11 persons) residing in the roadside are from *Dalit* community (Table 8).

**Table 8: Affected Households by Social Category**

Road Sections	Number of HH	Population			Population by caste and ethnicity			Average family size
		Male	Female	Total	Brahmin/Kshetri	Janajati	Dalit	
Damdame-Kudbi-Sidane-Bhanjyang road	31	64	67	131	54 (14 HHs)	66 (14 HHs)	11 (3 HHs)	4.23
International airport to Lakeside	3	12	11	23	0	23 (3 HHs)	0	7.67
Total	34	76	78	154	54	89	11	5.95
	%	49.35	50.65	100.00	38.31	59.09	7.14	

Source: Socioeconomic sample survey, June 2023

28. **Occupation and Livelihood:** The occupation in the surveyed households is a mix of farm and non-farm activities. Of the 34 surveyed households, only 29 provided their source of income. Trade business remained the primary source of earnings of the majority of households (51.72%) followed by service remittance. Around 13.79% of households depend on other sources of income whereas, 24.14% relied on agriculture-based livelihood (Table 9).

**Table 9: Affected Households by Category of Livelihood**

S. No.	Means of Livelihood	No. of Surveyed Households	Percentage (%)
1.	Service /Remittances/ Foreign employment/ Pension	2	6.90
2.	Agriculture	7	24.14
3.	Trade / business/ cottage industry	15	51.72
4.	Wage Paid labor	1	3.45
5.	Other sources	4	13.79
Total of Surveyed Households		29	100

Source: Socioeconomic sample survey, May 2023

29. **Annual Income.** Out of the 34 surveyed households, 29 households provided their income sources. The average per capita income of surveyed households is NPR 84,575.54 which is substantially higher than national poverty line. According to Nepal Living Standards Survey 2010/2011, below poverty line income is NRs 19,262/ person/year. The national poverty line after inflation adjustment for the year 2021/22 is NPR 39, 064/person/year. 5 out of the 29 surveyed respondents fall below the poverty line (Table 10). The socio-economic survey revealed that majority of the households depend on two sources of income such as trade business supplemented with service remittances.

**Table 10: Annual Income of Affected Households**

S. No.	Average Annual Income (in NPRs)	No. of Surveyed Households
1.	84,575.54	23
2.	Below 39,064	6
Total of Surveyed Households		29

Source: Socioeconomic sample survey, May 2023

30. **Vulnerable Households:** Out of 34 interviewed household, 140 households with 833 people (extrapolated figure from the 28 vulnerable households identified during sample survey) are under the vulnerable category (Table 11). The Table below indicates the vulnerability of affected households.

**Table 11: Vulnerability**

S. No.	Vulnerability	No.
1	Below Poverty Line/Poor Households	5
2	Janajati/Indigenous Peoples	35
3	Woman-Headed Households	30
4.	Multiple Vulnerabilities	70
	Below Poverty Line +Dalit	5
	Below Poverty Line + Indigenous Peoples	10
	Below Poverty Line +Indigenous Peoples+Women-headed households	5
	Below Poverty Line +Women-headed households	5
	Indigenous Peoples +Women-headed households	20

S. No.	Vulnerability	No.
	Indigenous Peoples +Women-headed households	15
	Women-headed households+Dalit	10
Total		140

Source: Socioeconomic Sample Survey, May 2023

31. **Land Acquisition/Percent of Loss.** The percentage of the affected land has been assessed through the socio-economic survey of affected people. The survey result did not identify any households losing more than 10% of their total productive assets. However, the exact percentage of the land requirements will be calculated during detailed design and cadastral survey/detailed measurement survey.

32. **Economic viability of remaining land and structure.** The road section proposed for airport to lakeside travels through the urban area, the intervention will much focus on develop urban road facilities like drainage and foot paths. The survey highlighted that mostly the compound walls of the houses will be affected requiring to shift slightly backward than from current position. This will not lead to physical displacement or relocation.

## B. Indigenous Peoples

33. Nepal's complex social structure makes it challenging to define Indigenous Peoples. Nepal is a multi-ethnic, multi-lingual, multi-religious and multi-cultural country, dominated by Hindu caste groups. According to the national census 2011, there are 126 caste/ethnic groups with ten types of religion categories. Chhetri is the largest caste/ethnic groups having 16.6% (4,398,053) of the total population followed by Brahmin 12.2%, (3,226,903), Magar 7.1%, (1,887,733), Tharu 6.6%, (1,737,470), Tamang 5.8% (1,539,830), Newar 5% (1,321,933), Kami 4.8% (1,258,554), Musalman 4.4%, (1,164,255), Yadav 4%, (1,054,458) and Rai 2.3%, (620,004).

34. In Nepal, the term Indigenous People denotes to *Adivasi*, *Janajati* or ethnic groups with distinct identity in terms of their culture, language and social association from the prevalent dominant culture. National Foundation for Development of Indigenous Nationalities (NFDIN) Act, 2002 defines "nationalities" (Adivasi) and indigenous people (Janajati) as people having their own mother tongue, distinct separate traditional cultural identities, and social structure. This definition apparently is very close to the ADB definitions of the Indigenous People.

35. There are disparities in terms of socio-economic standing in *Adivasi Janajati* groups. IPs are a very heterogeneous group in Nepal and it is important to distinguish the vulnerable and poor indigenous peoples from the others in the context of this project. The National Foundation of Indigenous Nationalities has declared 59 groups as ethnic nationalities. NFDIN-affiliated NGO—the National Federation of Indigenous Nationalities (NEFIN) has classified these groups into five categories based on their population size and other socio-economic variables such as literacy, housing, land holdings, occupation, language, and area of residence. Table 12 shows the janajati in Nepal and their level of marginalization.

**Table 12: Indigenous People/Janajati of Nepal and Their Degree of Marginalization**

Region	Endangered Group	Highly Marginalized Group	Marginalized Group	Disadvantaged Group	Advantaged Group
<b>Hill</b>	Kusunda, Bankariya, Hayu, Kusbadiya, Lepcha, Surel (6 groups)	Baramu, Thami (Thangmi), Chepang (3 groups)	Bhujel, Dura, Pahari, Phree, Sunuwar, Tamang (6 groups)	Chhantyal, Gurung (Tamu), Jirel, Limbu (Yakthung), Magar, Rai, Yakkha, Hyolmo (8 groups)	Newar (1 group)
<b>Mountain</b>		Thudam, Siyar, Lhomi (Singsawa) (3 groups)	Topkegola, Dolpo, Bhote, Mugali, Lhopa, Walung, Larke (7 groups)	Chhairrotan, Tangbe, Tingaunle Thakali, Bahragaunle, Sherpa, Marphali Thakali, Byasi (7 groups)	Thakali (1 group)
<b>Terai/Madheshi</b>	Raji, Raute, Kisan, Meche (Bodo) (4 groups)	Bote, Danuwar, Majhi, Dhanuk (Rajbanshi), Jhangad, Santhal (Satar) (6 groups)	Darai, Kumal, Dhimal, Gangai, Rajbanshi, Tajpuriya, Tharu (7 groups)		
<b>Total</b>	<b>10</b>	<b>12</b>	<b>20</b>	<b>15</b>	<b>2</b>

Source: National Foundation for Development of Indigenous Nationalities Act, 2002.

36. **Distribution of the Indigenous Peoples in project municipality:** Out of the total population of project municipality, about 38.04% population belongs to the indigenous nationalities. The majority (79.32%) belong to the disadvantaged category followed by 13.38% advantaged category by their level of marginalization. Table 13 shows the various categories of indigenous population with their marginalization in Pokhara.

**Table 13: Indigenous Population with their Level of Marginalization (Pokhara)**

Total Population	Population of Janajatis	Endangered (%)	Highly Marginalized (%)	Marginalized (%)	Disadvantaged (%)	Advantaged (%)
513,504	195,315	0	930	13331	154926	26128
%	<b>38.04</b>	<b>0</b>	<b>0.48</b>	<b>6.83</b>	<b>79.32</b>	<b>13.38</b>

Source: <https://censusnepal.cbs.gov.np/results/downloads/caste-ethnicity>

37. The indigenous peoples live with non-indigenous peoples in the same project location. *Janajati* communities have their own social and cultural practices blended with different religious ideologies. All of them have distinct cultural practices and language followed by them. However, they respect and are engaged in mainstream Hindu culture collaborating with non-IP communities like *Brahmin* and *Chhetri*. These *janajati* communities are organized, maintained, and regulated through their social institutions. During the consultation observation road alignment, assessment did not identify any impact on cultural heritage sites such as built shrine structures, sacred places, monasteries, crematory sites etc. owned by *janajati*/indigenous peoples community.

38. **Project Impacts on Indigenous People.** The socio-economic sample survey conducted during preparation of the RIPP reflects that there is presence of indigenous peoples' group (Gurung) in the project areas particularly in the Damdame- Kudbi-Sidane-Bhanjyang road section. The socio-economic survey conducted during preparation of the RIPP reflects the presence of indigenous peoples in the project areas who are likely to be affected (involuntary resettlement impacts) due to road improvement. Out of the 34 surveyed household, 17 households are indigenous peoples (extrapolated figure is 85 households). During the consultation, 27 (76% of the attendees) of households belong to Gurung community. During consultation and sample survey, Gurung community members expressed that the project would provide better infrastructure and road facilities to their community, contribute to overall development of the community.

39. The major source of the income of Gurung community is remittance, especially the British Gorkha or the Gorkha Regiment under Indian Army. Almost one person from each family joins the Army and working in the army is considered as a symbol of social status. Based on the sample survey, the socio-economic showed that three out of the 17 indigenous peoples fall in the BPL category whereas the average annual income of the IP people per year stood around 85,523.81 which is higher than the national poverty line.

40. All 85 indigenous peoples' households (926 family members) are likely to be affected by the project with varied scale of impacts (involuntary resettlement impacts). Registered land parcels (small strips of land) owned by indigenous peoples households are likely to be affected. 80 of the indigenous peoples will incur insignificant land loss and impact to secondary structures (compound walls) while five households will incur land loss only. The project policy restricts from accepting voluntary donations from vulnerable households including indigenous peoples. Hence, a provision allocation is included in the budget. The scale of the impact will be evaluated during detailed design and DMS, and RIPP will be updated.

41. The project component in Damdame- Kudbi-Sidane-Bhanjyang road section will have beneficial impacts on indigenous peoples through improved road infrastructure. The Mother Group formed by Gurung women engaged to operate, homestay and other hospitality businesses in Panchase area and has been operational for almost a decade. The project intervention with improved connectivity may enhance the business opportunities/economic activities of Gurung women. Similarly improved road infrastructure will lead to an increase in the business volume of indigenous peoples in Bhanjyang. Awareness and knowledge on advancing the hospitality business would increase the efficiency of the services.

42. Improvement of the road will not have adverse impact to the cultural practice, livelihood systems and economic activities of the indigenous peoples communities. The general population including the janajatis/indigenous peoples will benefit from improved municipal infrastructures. Impacts to IP households will only be limited to minor/partial structure loss (involuntary resettlement impact) which will be addressed through the entitlement matrix. The project will not directly or indirectly affect the indigenous peoples' dignity, human rights, livelihood systems, or culture nor affect their territories or natural and cultural resources indigenous peoples own, use, occupy, or claim, as their ancestral domain. The project will not impoverish any IP or their families nor their condition will worse off as a result of the project intervention. The IP communities of the project area has been using the roads over the last two decade or more. The proposed project components will facilitate efficient road access and will contribute to the improvement of their existing economic activities. Further improved road services will provide them with easier access to health, education, and the communities living outside the Panchase area.



43. The project intervention will not restrict them from utilizing the resources or continuing their activities, however enhancement of the business opportunities due to project intervention may result in an inflow of outsiders which could impact on the Gurung community's business. A comprehensive social assessment which will include focus group discussion, key informant interview, sample survey, and in-depth consultation will be further undertaken with the indigenous peoples' communities to further understand their needs and aspirations. Assessment of likely impacts and results of the consultation with the indigenous peoples will be undertaken during detailed design and detailed measurement survey.

44. **Specific Action Plan.** The project components will be undertaken in a culturally appropriate manner, considering the specific preferences and concerns of the indigenous people's community. Issues and concerns of the indigenous peoples will be addressed through the specific action plan. Any issue raised from indigenous peoples community will be addressed through the project grievance redress mechanism. Any abrupt issues related to indigenous peoples will be recorded and solved through such pre-defined mechanisms. The Social and GESI consultant deployed under DSC at PIU will ensure meaningful participation of the indigenous peoples in the project implementation and report gender-disaggregated information as per GESI action plan. Indigenous Peoples will be consulted throughout the entire project cycle, and their comments and recommendations will be recorded and will be considered. The dedicated Social Safeguard Specialist from PCO together with Institutional Strengthening and Community Participation Consultant (ISCPC) will support the PIU and field level staff to monitor the implementation of benefit enhancement plan and ensure their participation including disaggregated reporting.

45. To enhance project benefits to indigenous peoples, ensure culturally appropriate project implementation, address any potential safeguards issues and ensure inclusion, a specific action plan for indigenous peoples is proposed for this project. The specific action plan has been developed which includes beneficial measures to ensure benefits to indigenous peoples are culturally appropriate; and to mitigation measures to avoid, minimize or mitigate adverse impacts on indigenous peoples. The action plan will carry out the following specific activities:

- (i) a baseline survey<sup>10</sup> will be conducted to enable tracking of benefits to indigenous peoples within the project influence area;
- (ii) proposed benefits (e.g. access to roads) to indigenous peoples will be shared and monitored;
- (iii) IEC materials, information sharing, consultations and other activities stated in the CAPP will be culturally sensitive and appropriate when implemented;
- (iv) GRC has designated indigenous peoples representatives, if required. GRC will also ensure that grievance redress established is gender inclusive in receiving and facilitating resolution of the indigenous peoples concerns;
- (v) consultations with indigenous peoples will be conducted in all project stages which shall help in identifying any culture-specific requirements and traditions like avoidance of any specific festival days, and/or other activities with cultural significance to the indigenous peoples during civil work; and any other indigenous peoples related issues and concerns that may be of importance to the community.

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<sup>10</sup> Contractors, with the guidance of the PIU and DSC, will conduct information and dissemination campaigns across the project coverage area and will be responsible to ensure that indigenous peoples and localities are identified and included in the campaign. Data on exact number of indigenous peoples can be generated from the survey to be conducted by the project contractor prior to start of civil work. Cost for such activity is already included in the contract document for the project.

- (vi) An end-line sample survey will be conducted to document the views of indigenous peoples households about project benefits.<sup>11</sup> Such survey is in line with project internal monitoring.

46. The proposed action plan with activities, timelines and responsibilities is presented in Appendix 6 while the monitoring template is provided in Appendix 7. This action plan will be used for project monitoring to ensure that indigenous peoples activities are undertaken on a timely basis and reported semi-annually and to determine whether project objectives have been achieved.

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<sup>11</sup> Contractors will conduct information and dissemination campaigns across the project coverage area and will be responsible to ensure that indigenous peoples households and localities are identified and included in the campaign. Data on exact number of indigenous peoples can be generated from the survey to be conducted by the project contractor prior to start of civil work. Cost for such activity is already included in the contract document for the project.

#### IV. CONSULTATION, PARTICIPATION AND DISCLOSURE

##### A. Field-level Consultation

47. Consultations were undertaken in line with the requirements pertaining to social and environmental considerations. Prior to consultation meetings with local stakeholders, advance notification was circulated, and coordination was established with stakeholders. The project safeguard requirements related to land and other essential documents presented/shared. Safeguard consultants team also visited the project location proposed for project financing. Consultation of local people to understand their opinion on project were the key agenda of the consultation. A total of eight consultations were organized attended by 134 persons (91 males, 43 females) participated by elected representatives of local government, staff member of Municipal government, project beneficiaries/local people, and potentially affected persons took part in consultation meeting.

48. Continuing involvement of those affected by the project is necessary in the resettlement process. The PIU will ensure that affected persons and other stakeholders are informed and consulted about the project, its impact, their entitlements, and options, and allowed to participate actively in the development of the project. This exercise will be conducted throughout the project—during preparation, implementation, and monitoring of results and impacts. PIU through monitoring support will ensure that stakeholder consultation, participation and information disclosure activities are carried out in the project area through the project cycle.

49. The DSC and PIU will continue consultations, information dissemination, and disclosure. RIPP will be made available in the PIU offices. ADB review and approval of the RIPP is required prior to the awarding of civil works contracts, and compensation/assistance of affected person is required prior impact. The consultation process will be carried out throughout the entire project cycle. The summary of consultation date, place and number of participants is given in the following table. The photographs showing field level consultation, a copy of the scanned minutes of the meeting and signed attendance sheets are presented in **Appendix 4**.

##### B. Summary of Consultations

50. The following are the general key points, issues and concerns noted public consultation:

- (i) Discussion of the project objective, scope and components of the project;
- (ii) Commitment of the project stakeholders to extend their support for the implementation of project activities;
- (iii) Consultation with the people living along the roadside expressed their willingness to support road improvement by contributing land if required;
- (iv) Access road was the top priority of the people of Panchase area.

**Table 14: Summary of Public Consultation**

S. No	Project component	Date and Place	Persons Consulted	Number of Participants		Key Discussion Points/Issues Raised
				Male	Female	
1.	All component	6 meetings April 29	PIU, Social Safeguard Consultant Team, Metropolitan staff member,	68	33	ADB safeguard requirement on land acquisition, involuntary resettlement, GRM,

S. No	Project component	Date and Place	Persons Consulted	Number of Participants		Key Discussion Points/Issues Raised
				Male	Female	
			local people 'local people including janajatis/indigenous peoples households			information disclosure were discussed. During the consultation, connectivity up to Bhanjyang has been marked as high priority of local people as well as of the metropolitan. Potential impact due to structures loss are identified in several sections of proposed road alignment, however impacts are partial and not amounting to physical relocations/displacement. During the consultation at various sections of proposed road alignment, community support was noticed in favor of the proposed road.
2.	Panchase road section	<u>2 Meeting</u> 1 - kundhi Danda, 2 - Sidane	Local people including janajatis/indigenous people's households Leader of mother groups Elected leader of local government	23 <sup>12</sup>	10	Project safeguards requirement on land acquisition, involuntary resettlement, GRM, information disclosure were discussed. Local women leader (mother group) highlight access road as their priority. Two community gathering center might have impact due to road improvement.
Total Participants: 134				91 (67.91%)	43 (32.09%)	

<sup>12</sup> 25 out of the 33 participants of two meetings were from Gurung community. Out of the 25 Gurung participants, 7 were women.

### C. Information Disclosure

51. A Nepali version of a summary RIPP will be prepared for the benefit of the affected persons, with a copy to be maintained by the PIU and made available to affected persons. The full RIPP will be made available in the PIU office. A copy of the RIPP (draft and final) will be disclosed in ADB's and DUDBC's website. Project information will be continually disseminated through disclosure of RIPPing documents. The documents will contain information on compensation, entitlement, and resettlement management for the and will be made available in the local language and distributed to Affected Persons.

52. Information will be disseminated to affected persons at various stages. In the project initiation phase, the Project Director supported by consultant team will be responsible to inform the community and the affected persons about the project along with the program information/details.

53. Information dissemination, through specific leaflets and public announcements in local FM and consultation will continue throughout project implementation. The project leaflets will be distributed to the affected communities for their information. The project cut-off-date will be informed to the affected persons directly, through dissemination of project leaflets, public announcements in the local media, as well as stated in the project sign boards.

54. The DSC social safeguards personnel will be entrusted with the task of ensuring ongoing consultations and public awareness program during project implementation. This task will be carried out in coordination with the PIU, detailed design consultant, PMCDC and contractors to ensure the communities are made fully aware of project activities in all stages of construction.

55. An intensive information dissemination campaign for affected persons will be conducted by the PIU with assistance DSC at the outset of RIPP implementation. All the comments made by the affected persons will be documented in the records and summarized in monitoring reports. A summary of consultation and disclosure activities to be followed for each is in the following table.

**Table 15: Community Participation at various stages of Project Preparation and Implementation**

Project Stage	Activities	Responsible Person/Agency
<b>PLANNING/PREPARATION STAGE</b>		
Reconnaissance	<ul style="list-style-type: none"> <li>• Provide project information.</li> <li>• Understand the purpose of the Project, nature of road improvement envisaged, and responsibility of the community in project preparation and implementation</li> </ul>	Municipality/PIU, PCO and DPR Consultant
Transect Walk/Mapping of the Project Area	<ul style="list-style-type: none"> <li>• Announce the date, time and route of transect walk/project mapping</li> <li>• Explain the objective of the transect walk and subsequent consultation will be conducted.</li> <li>• Map the critical areas of the proposed alignment with the community people and listen to the issues and concerns raised; provide suggestions to be incorporated in the road design such as issues relating to</li> </ul>	Municipality/PIU, PCO and DPR Consultant

Project Stage	Activities	Responsible Person/Agency
	drainage lines, irrigation water courses, road safety, etc. <ul style="list-style-type: none"> <li>Identify the locations requiring additional land, resettlement impacts, environmentally sensitive areas, vulnerable groups, etc.</li> <li>Identify modifications to be made to the design.</li> </ul>	
Consent Letter for Voluntary Land Donation	<ul style="list-style-type: none"> <li>Undertake consultations with landowners who willingly volunteer to provide lands for the project through land donation</li> <li>Verification of the voluntary land donation process by an independent third-party</li> </ul>	Municipality/PIU, and DPR Consultant
Disclosure of cut-off-date	<ul style="list-style-type: none"> <li>Disseminate/communicate the cut-off date to the community before the start of the survey.</li> </ul>	Municipality/PIU,
Sample/Census Survey of Affected Persons	<ul style="list-style-type: none"> <li>Mobilize survey enumerators/ social mobilisers to obtain the socioeconomic information and profile of the affected persons/ households to identify (i) extent of impacts, (ii) vulnerability of affected persons, and (iii) support required.</li> <li>Survey enumerators gather data on socio-economic profiles of affected persons/ households. Opinions and perspective of the individual households about the project will also be obtained.</li> </ul>	Municipality/PIU, and DPR Consultant, affected persons and survey enumerators.
Stakeholders Meeting	Meetings at the community and/or households level including affected persons (titleholders and non-titleholders) to obtain their ideas and opinions about the project.	Municipality/PIU, and Project Consultant, affected persons
RIPP Preparation	<ul style="list-style-type: none"> <li>Formulating compensation measures and rehabilitation measures</li> <li>Conducting discussions/ meetings/workshops with all affected persons and other stakeholders</li> <li>Draft RIPP will be made available in CDC and office/ PIU office, to be translated in local language, Nepali</li> </ul>	and DPR Consultant with support form PIU,
<b>IMPLEMENTATION</b>		
Consultations	<ul style="list-style-type: none"> <li>Awareness generation about the project activities</li> <li>Dissemination of project related technical and other information to representatives of all key stakeholders (at one platform), disclosure of summary of social safeguard documents in local languages, roles and responsibilities of stakeholders.</li> </ul>	PIU, with the support of the DSC Key stakeholder agencies (community residents/project beneficiaries, affected persons, municipal officials)
Information Disclosure	<ul style="list-style-type: none"> <li>Disclosure of construction schedule, potential temporary disturbances and GRM</li> <li>Updated/Final RIPP will be at the office/ PIU office, to be translated in local language, Nepali</li> </ul>	PIU, with the support of the DSC

Project Stage	Activities	Responsible Person/Agency
Facilitation in civil works	<ul style="list-style-type: none"> <li>• Constant coordination with APs and information to the road users during construction</li> <li>• Establish and implement the project grievance redressal mechanism to resolve the grievances of local people</li> </ul>	PIU/DSC/ contractor

## V. GRIEVANCE REDRESS MECHANISM

### D. Common Grievance Redress Mechanism

56. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate, and facilitate resolution of affected persons' concerns, complaints, and grievances related to social, environmental, and other concerns on the project. The project adopts a three-tier GRC and will ensure greater accountability of the project authorities towards affected persons. Grievances may be routed through letters, emails, text messages (SMS), verbal narration, grievance box and registers. The GRM is not intended to bypass the government's own legal process, but to provide a time-bound and transparent mechanism to resolve such concerns that is readily accessible to all segments of the affected persons and community. The aggrieved party shall be free to approach the national legal system at any given time. All costs involved in resolving the complaints (meetings, consultations, communications, and reporting/information dissemination) will be borne by the project.

57. PIU will ensure local community meetings are held to notify users and affected persons about grievance redress mechanism of the project. Awareness of grievance redress procedures will be created through the public awareness campaign, with the help of print and electronic media and radio. The key functions of the GRC are to (i) provide support for affected persons or any aggrieved party to lodge their complaints; (ii) record the complaints; (iii) facilitate grievance resolution in consultation with affected persons and concerned authorities; (iv) report to the aggrieved parties about the decision/solution; and (v) forward the unresolved cases to higher levels.

58. Grievance redress committees (GRCs) will be formed at three levels viz. ward/field level, PIU level and PCO level as under:

59. **First Level GRC (Field/Ward-Level):** The contractors, PIU safeguards personnel can immediately resolve issues on-site in consultation with each other with the support the designated municipal ward chairperson and will be required to do so within seven days of receipt of a complaint/grievance. In addition, contractors will place complaint boxes at prominent places viz. public places, contractor camp site etc. where local community members can put their complaints/grievances and contractor's personnel should be in charge to collect and process the complaints/grievances as necessary. The PIU safeguards personnel, SDC safeguards consultants and contractor can immediately resolve the complaint on site. If the grievance remains unresolved within the stipulated time, the matter will be referred to the next GRC level.

60. The field/ward-level GRC will comprise of the following:

- (i) Ward Chairperson (Committee Chairperson)
- (ii) PIU Engineer

- (iii) Ward Member representing vulnerable community (one woman and one *janajati* representative, if required)
- (iv) Contractor's Representative
- (v) SDC Safeguards Specialist
- (vi) Ward Chairperson's secretary will act as complaint receiving office and provide secretarial services to GRC

61. The ward-level GRC shall have at least one women member. For project-related grievances, representatives of affected persons, and community-based organizations will be invited as observers during GRC meetings. In case of impact on indigenous peoples, the grievance team must have representation of the affected indigenous peoples, and or CSOs/NGOs working with the indigenous peoples' groups.

62. **Second Level GRC (Municipality/PIU-Level):** Any unresolved issues at ward level will be referred to the second level GRC chaired by Mayor/Deputy Mayor. The complainant will be notified by the ward-level GRC that the grievance is forwarded to the municipality (PIU) level. All evidence submitted while lodging the complaint by the affected will also be forwarded. After proper examination and verification of the grievances, the committee will facilitate affected persons, and concerned parties to agree on a time-bound action plan to resolve the grievance if found to be valid. The GRC at this level will have to respond to its decision within 14 days of receipt of complaint from first level. The second level GRC will comprise the following:

- (i) Mayor/Deputy Mayor (Committee Chairperson)
- (ii) PIU safeguard personnel
- (iii) SDC social/environment specialist
- (iv) Contractor's representative
- (v) Ward member representing vulnerable community (one woman and one *janajati* representative, if required)
- (vi) Project manager of the PIU will act as a secretariat.

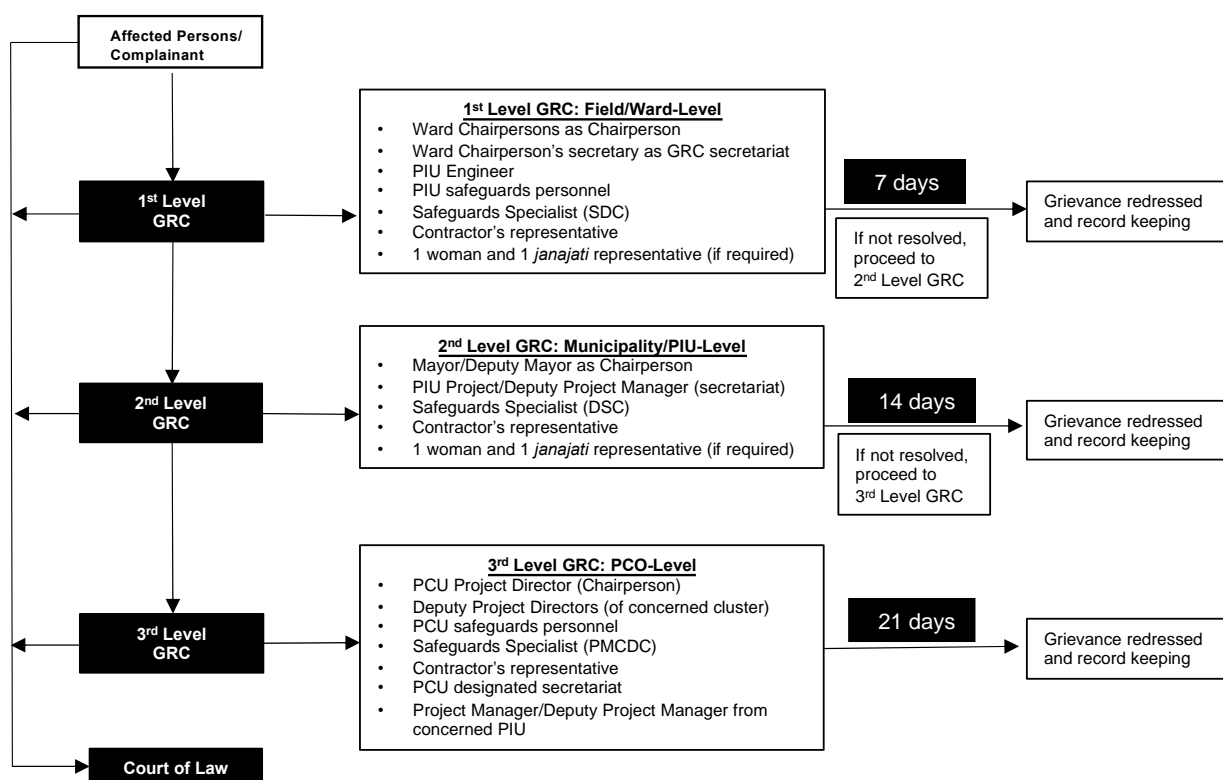
63. **Third Level GRC (PCO-Level):** If the grievance remains unresolved within the stipulated time, the matter will be referred to the PCO level. The PIU safeguards team will refer any unresolved or major issues to the PCO-level GRC. The PCO-level will comprise the following:

- (i) Project Director (Committee Chairperson)
- (i) Deputy Project Directors
- (ii) PCO Safeguards Personnel
- (iii) Safeguards Specialist
- (iv) Contractor's Representative
- (v) Project Manager/Deputy Project Manager from concerned PIU/municipality
- (vi) PCO-designated personnel who will act as secretariat.

64. The grievance redress process is represented in Figure 3.



Figure 3: Grievance Redress Process (URLIP)



65. **Record-keeping.** The PIU/PCO/DSC will keep records of grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were affected and final outcome. All complaints should be signed with complete information on name, contact address, phone number if any so that the person can be contacted when required. A sample template is provided in Appendix 10. An acknowledgement to the effect that the complaint has been received by the coordinator's office should be promptly sent to the complaints. All complaints received should be first registered, categorized and prioritized. They should be analysed and assessed the concerns raised by the affected parties and have discussion and consultation with them. Records of all such proceedings should be maintained, for future reference, and the attendance of all participants with their signature, in particular the complaints and affected groups should be recorded. The number of grievances recorded and resolved, and the outcomes will be displayed/disclosed in the PCO, PIU offices, and on the web, as well as reported in monitoring reports submitted to ADB on a semi-annual basis.

66. **Periodic review and documentation of lessons learned.** The PCO safeguards personnel will periodically review the functioning of the GRM in each municipality and record information on the effectiveness of the mechanism, especially on the project's ability to prevent and address grievances.

67. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the PCO and concerned PIU.

68. **Country Legal System and ADB's Accountability Mechanism.** Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism (AM) through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB Nepal Resident Mission (NRM).<sup>13</sup> Before submitting a complaint to the Accountability Mechanism, it is necessary that an affected person makes a good faith effort to solve the problem by working with the concerned ADB operations department and/or NRM. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

## VI. POLICY AND LEGAL FRAMEWORK

69. The policy, legal framework, resettlement and indigenous peoples safeguards principles and entitlements in this RIPP are guided by the ADB's Safeguard Policy Statement (SPS), 2009 and Government of Nepal's (GoN) Acts, laws and regulation. The objective of the review of legislative provision is to understand existing policies that are applicable for the implementation of the project. An overview of applicable acts and policies is presented in the following paragraphs.

### 1. Land Acquisition and Involuntary Resettlement

#### A. Government of Nepal Policies on Land Acquisition and Resettlement

70. **Constitution of Nepal.** The Constitution of Nepal (2015), Article 25 (1) guarantees the fundamental right of a citizen; right to acquire, own, sell and dispose of the property. Article 25 of the Constitution 2072 (2015), Right to Property, states that "(1) Every citizen shall, subject to the laws in force, have the right to acquire, own, sell, dispose, acquire business profits from, and otherwise deal with property. (2) The State shall not, except for public interest, requisition, acquire or otherwise create any encumbrance on property of a person provided that this clause shall not be applicable on property acquired through illegal means. (3) The basis of compensation to be provided and procedures to be followed in the requisition by the State of property of any person for public interest in accordance with clause (2) shall be as provided for in the Act.

71. **The Land Acquisition Act 1977.** The Land Acquisition Act, 2034 (1977) is the core legal document to guide the process of land acquisition and relocation in Nepal. The clause 3 of the Act states that "Government of Nepal may, if it so deems necessary, acquire any land at any place for any public purpose, subject to compensation under this Act." Also, clause 4 of the Act states that institutions seeking land acquisition may request the Government to acquire land subject to the payment of compensation and all other expenses by such institutions. Clause 13 states that the compensation payable shall be paid in cash, the amount to be paid shall be determined by the committee comprises Chief district officer (CDO), concerned Project Manager or Officer assigned by CDO and representative from District Coordination Committee (DCC.) Similarly, clause 14 states that in case any person whose land is wholly acquired under this Act wants to obtain compensation in the form of land elsewhere, Government of Nepal may, in exchange for such land, allot him/her any waste land, or land belonging to itself, or any other land which it is going to allot or sell in accordance with prevailing Nepal law, if available. Clause 27 of the Act provides for land acquisition through mutual agreement between a plot owner and a government

<sup>13</sup> ADB. Accountability Mechanism. <https://www.adb.org/who-we-are/accountability-mechanism/main>

department or agency. The EA should not require following all above procedure while activating clause 27.

72. **Land Reform Act, 2021 (1963).** Another key legislation in Nepal related to land acquisition is the Land Reform Act (LRA) 2021BS (1964). This act establishes the tiller's right to the land, which he/she is tilling. The LRA additionally specifies the compensation entitlements of registered tenants on land sold by the owner or acquired for development purposes. The most recent Act Amendment (2001) established a rule that in case the state acquires land under tenancy, the legally established tenant and the landlord will each be entitled to 50% of the total compensation amount. Land acquisition must also comply with the provisions of the Guthi Corporation Act, 2033 (1976). Section 42 of the Land Reform Act states that Guthi (religious/trust) land required for the development work must be replaced with another land (rather than compensated in cash).

73. **Land Revenue Act 2034 (1977).** The land Revenue Act 2034 (1977) comes into force in registration, transmission, Dakhil Kharej and striking out the record of the land acquired for development projects (i.e., public interest). Article 8 of this Act states that registration, ownership transfer, termination of ownership right and maintenance of land records are done by the local Land Revenue Office. Likewise, article 16 states that if the concerned owner did not pay land revenue for long period of time the government can collect revenue through auction off the concerned parcel.

74. **Land Use Policy 2015.** Land Use Policy is a policy document relating to limits and protection of land and land resources, optimum use, and effective management to that. Legal and institutional management for land and land resources and protection, use and management thereon are done under this policy. This policy shall bring about benefits of using land and land resources by creating a situation of distributing lands in a just manner. The need of this policy is to ascertain of environment-friendly construction-works by making optimum use of land and land resources in keeping with a balance between the environment and development, to develop a hygienic, beautiful, well-facilitated and safe human settlement; to enhance a planned and sustainable urbanization of the country, and to achieve sustainable and inclusive socio-economic development. The vision of this policy is to make optimum use of available land and land resources in pursuit of sustainable social, economic, and ecological developments and prosperity of the country as well.

75. **Forest Act, 2019 (2075 BS).** The Forest Act (2019) aims at conservation and management of forest resources in Nepal through various management modalities including 'government-managed forests', 'community forests', 'collaborative forests', 'leasehold forests', 'religious forests', 'private forests', 'agro-forests', 'urban forests' and 'public land forests'.

76. **National Forest Policy, 2019 (2075 BS).** The National Forest Policy (2019) is the umbrella policy and guiding document for managing forest, biodiversity, protected areas and watersheds. It aims at proper protection, conservation and utilization of forest, wildlife, medicinal plants and water resources for the ecological balance and uplift the livelihood of poor people. The long-term objectives of this policy are to meet peoples' basic needs for fuel wood, timber, fodder and other forest products on sustained yield basis, to protect land against degradation; and to conserve the ecosystems and genetic resources. The project implementation should not undermine these objectives at any cost.

77. It stresses the conservation of biodiversity, ecosystem, and protection of land degradation by soil erosion, landslides, floods desertification and other ecological disturbances. Public participation in forest management is sought through community forestry, collaborative forest

management, leasehold forestry etc. Mitigation measures such as plantation, NTFP program and other social and community support programs proposed by the project will be implemented by mobilizing local people which is in line with the Forest Sector Policy. This policy is important and related to the implementation of the proposed project in a sustainable way.

78. **Land Acquisition, Resettlement and Rehabilitation Policy for Infrastructure Development 2071** (2015). The Policy on Land Acquisition, Resettlement and Rehabilitation for Infrastructure Development has been approved by the GoN, which clearly states the need to conduct an economic and social impact assessment (SIA) of the development project, which was not a requirement under the LAA 1977. The assessment categorized the projects as high, medium, and low-risk. The act provisioned for the project affected families to be entitled to compensation if works affect livelihoods. The main goal of this policy is to improve social and economic status of project affected families by providing fair and adequate compensation, appropriate resettlement and rehabilitation assistances. Its main objective is to create conducive environment for timely completion of the project by simplifying land acquisition, valuation, compensation, and resettlement and rehabilitation process. This policy asks to carry out meaningful consultation with affected persons and vulnerable groups and provide compensation on time based on current market value. The policy mentions the four approaches for land acquisition: Voluntary donation, direct negotiation, Land development program and Expropriation.

79. The policy added all expenses related to land acquisition, compensation and the implementation of resettlement and rehabilitation plans that should be considered as project cost and interest should be paid on compensation amount depending on the days it took to release funds to those affected by the project. The interest calculation begins from the day a formal decision was taken to operate the project, says the policy. Those not satisfied with land acquisition, resettlement and rehabilitation processes can lodge complaints at a body formed at the project office and complaint hearing offices at district and regional levels. If a verdict issued by the regional level complaint hearing office is also deemed unsatisfactory, the person can knock on the doors of appellate court.

## **B. Other Policies, Process and Steps applicable to this Project**

80. **Local Government Operation Act, 2017.** The new act promulgated in 2017 for the operation of local government have superseded all previous acts regarding local governance in line with state restructuring of Nepal. The local government as Municipalities and Rural Municipalities has definite roles and rights in public land conservation and ownership as depicted in Clause 11 (g). Clause 11 (n-4) articulates the roles of local government in facilitation of land acquisition, compensation determination and distribution for public purposes. Similarly, the sub clause (n-5 and 6) articulates the roles of local government in facilitation and coordination for determination of land ownership and cadastral mapping. Another role like land ownership certificate distribution is also defined in these sub clauses.

81. Based on these authorities provided under LGOA 2017, the local governments across the country are providing public land for the construction/development of hospitals schools and other public utilities like drinking water, irrigation, road etc. Considering the positive impacts to and welfare of the entire society, disturbance on development/construction activities by local communities has not appeared and the decision process seems largely been accepted by all.

82. While reviewing the concurrent policies regarding the use of government land other than LOGA 2017, all state entities including the LGs requires to follow the process to obtain the right to use of public land for the development activities as defined under The working policy on

Registration, Use, and Leasing of Government Land, 2079 (2022” (<https://molcpa.gov.np/department/page/527>).

83. The working policy on Registration, Use, and Leasing of Government Land (WPRULGL), 2079 (2022” The policy has provision to register all unregistered government lands in the name of the Government of Nepal. Such lands include all the lands used by the Government of Nepal, provincial governments or local levels and their entities, but which have yet to be registered (clause-3 [2 & 3]).

84. **Clause-3** (4) declares that if any level of government request for the use of the untitled land for specific purpose, it shall first be registered in the name of the Government of Nepal. The right to use will be granted only after completing the registration process.

85. **Cause 4** of the working policy has defined the process for obtaining the permission for the right to use of government land. According to the working policy, the local government shall follow the following process to acquire the land for any purpose.

- (i) **Step 1:** The local government wishing to use the public land (Ailani/unregistered) shall apply to the District Land Revenue Office through the Ministry of Federal Affairs & General Administration with the decision of Municipal Executive committee.
- (ii) **Step 2:** Land Reform and Land Revenue office shall have to review the legal status of land and conduct an onsite investigation to ascertain that providing such land will not affect the life of the public and places of historical, archaeological, religious, and cultural significance and submit report to “Recommendation Committee” formed as per clause 10 of the working policy.
- (iii) **Step 3:** The recommendation committee reviews the report and shall conduct an inquiry to ascertain the appropriateness of the report received from the District Land Revenue Office (step-2 process) and submit to Department of Land Management and Archive (DLMA) with its opinion.
- (iv) **Step 4:** The DLMA shall review the documents received from recommendation committee, commission field investigation, if deemed necessary and forward report to Ministry of Land Management, Cooperatives and Poverty alleviation with opinion.
- (v) **Step 5:** The ministry shall review the documents and opinions received from DLMA and provide land use authority to entities concerning to federal government. If the land use proposal is related with provincial or local government, the Ministry than submit the request to Council of Ministries for approval.
- (vi) **Step 6:** With the opinion of Ministry, the land use proposal will have to be tabled to the council of Ministries for final approval after enquiry.
- (vii) **Step 7:** The approved decision of the use of land shall have to pass through the Ministry-Department to concerned land reform/revenue office.
- (viii) **Step 8:** The Land revenue office has to provide land use certificate in a prescribed format as annexed in the Working Policy

86. Similarly, **clause 5** of the policy defined the process steps for accepting voluntary land donation by individuals.

87. **Procedure for Providing Forest Areas for Other Purposes 2063 (2007):** Based on the procedure’s guidelines, the following steps and procedures are recommended to acquire community forest lands for project activities. The current situation is as follows:

**Table 16: Process Guidelines for Acquiring the Forest Land for other purpose**

Steps	Procedures/Activities	Responsibility	Current Status
1 <sup>st</sup>	Start official correspondence and consultations with the concerned CFUGs to get consent of the communities	Municipality	Municipality started to correspond and consultation with CFUG
2 <sup>nd</sup>	Identify and demarcate of the community forest lands (Area) required for the projects	Municipality/Project in presence of CFUG	Municipality started to correspond and consultation with CFUG
3 <sup>rd</sup>	Document the details of forests conducting inventory of the proposed forest areas	Municipality/Project in presence of CFUG	
4 <sup>th</sup>	Get official approval from CFUG executive committee as well as General Assembly  Apply to Department of Forest (DOF) get consent from District Forest Office (DFO) attaching all supporting documents (justification of projects showing no other options available, approval letter of CFUG, inventory report etc.)  Get recommendation letter from National Planning Commission (NPC) confirming that the proposed URLIP projects are of national priority	CFUG with facilitation by Municipality/Project  Municipality/Project and CFUG  /PD and Municipalities	Progress depends on step 2 <sup>nd</sup> above.
5 <sup>th</sup>	If 4 <sup>th</sup> step results positive outcomes, immediately start commissioning EIA/ or IEE studies (as per the requirements of schedule 1 and 2 of Environment Protection Rules 2054 whichever applicable for URLIP to prepare EIA/IEE study report	PIU/ /Project	
6 <sup>th</sup>	Submit an application to MoFE through DOF for getting cabinet approval attaching all supporting documents resulted from Steps 4 and	PIU /Project	
7 <sup>th</sup>	Get cabinet approval, sign Forest lease agreement with concern authority as prescribed in Schedule-21, preparing a Forest Lease format prescribed in Schedule – 19 and paying the annual fee mentioned in Schedule – 20 of the Forest Rules (2051)	PD//Municipality	
8 <sup>th</sup>	Start project constructions	Municipality /Project	

### **C. ADB's SPS (2009), Involuntary Resettlement Safeguards**

88. ADB Safeguard Policy Statement (SPS) in 2009 includes safeguard requirements for environment, involuntary resettlement and indigenous people. The objective of the policy is (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all

displaced persons in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups.

89. The safeguard policy involves a structured process of impact assessment, planning, and mitigation to address the adverse effects of projects throughout the project cycle. The involuntary resettlement safeguards cover physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (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. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. The safeguard policies require that (I) Impacts are identified and assessed early in the project cycle; (ii) plans to avoid, minimize, mitigate, or compensate for the potential adverse impacts are developed and implemented; and (iii) affected people are informed and consulted during project preparation and implementation. The implementation processes follow the sequence: (i) screening and scoping of the main issues start as soon as potential projects for ADB financing are identified and continue throughout the project cycle; (ii) impacts are assessed, safeguard plans summarizing mitigation measures, monitoring program, and institutional arrangements are prepared, and arrangements are made to integrate safeguards into project design and implementation; (iii) affected people are consulted during project preparation and implementation and information is disclosed in a form, manner, and language accessible to them; and (iv) safeguard plans are disclosed to the general public and the information is updated at various stages in the project cycle.

#### **D. Procedures for Voluntary Land Donation and/or Negotiated Settlement**

90. **Voluntary Land Donation:** Voluntary donation of land will be considered if donated land will not (i) bring any significant impact/impoverishment to the donor(s) and/or tenants/laborers/informal users; (ii) the donation does not come from the land owner categorized as poor or vulnerable; (iii) the donation will not cause any economic or physical displacement (to legal titleholders and/or formal or informal land users); (iv) the land donor(s) will get direct benefits from the proposed project activities; (v) meaningful consultations are conducted with the land owner(s) and any non-titled affected persons; and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The third-party assessment will ensure that the land donation process has been undertaken in an atmosphere free of coercion, either from the government or from the community who would benefit from the project, and any losses that are agreed upon through verbal and written record by affected people are replaced. Due diligence for cases of voluntary donation, based on consultations and third-party certification will confirm this. The project will also provide both options – donation and payment of market price, for a transparent process. Community consultations undertaken during preliminary assessment confirms expression of the landowners on its willingness for voluntary land donation. It will be ensured that the land donation process is free from coercion or intimidation. The steps to be followed and measures to be taken for land donation according to ADB's SPS, Safeguard Requirement 2, are as follows:

- (i) **Step 1:** The project will be open to the possibility of land donation from any interested person/community. The land requirement will be explained to the interested donor(s). ADB's SPS social safeguard requirements will also be explained to the people willing to donate land. An independent third party will be engaged in case of land donation. The donated land must not (a) bring any significant impact/impoverishment to the donor(s) and/or displace tenants/laborers; (b) the donation does not come from the land owner categorized

as poor or vulnerable family; (c) the donation will not cause any economical or physical displacement (legal or illegal); (d) the land donor(s) will get direct benefits from the proposed project activities; (e) meaningful consultations are conducted with the land owner(s); and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. This will be confirmed by the assessment undertaken by an independent third party, who will be engaged as indicated by the project.

- (ii) **Step 2:** After donation of land is decided by the donor(s), the project will initiate formalization of land donation by issuing a letter to the willing donor(s) with details of public purpose for which land is required and the donor(s) will reciprocate by responding to the intent of donation for the said specific purpose. Then the PIU with support of the will take necessary legal steps to formalize the donation of land.
- (iii) **Step 3:** The Deed of Gift will be registered in the name of the receiving agency/department and all necessary fees; stamp duties will be borne by this agency/department. Henceforth, the land ownership and the land record will be revised / amended with record of rights showing the changed ownership.

91. The entire land donation process will be verified and validated by an independent third party for all voluntary offer of land for the project. The above information must be included in a report to be prepared by the external third party, preferably from reputed and qualified agencies/non-government organization (NGO)/firms/individuals. The concerned PIU shall submit due diligence report to ADB for review and approval including information on impact assessment, voluntary donation process and report of independent third party.

92. **Negotiated Settlement Processes:** The project encourages management of required land through voluntary land donation (VLD) wherever possible. If not possible through VLD, a negotiated settlement wherever based on meaningful consultation with affected persons, including those without title to assets. The negotiated settlement will offer an adequate and fair price for land and other assets. Also, in case of negotiated settlement, an independent external party will be engaged by the implementing agency to document the negotiation and settlement processes. The principles of the SPS with regard to meaningful consultation processes, mechanisms for calculating the replacement costs of land and other assets affected, and record-keeping requirements will be followed during the negotiated settlement. An external independent entity will supervise and document the consultation process and validate the process of negotiated settlement as per legal requirement. Verification will also be provided by the external party that no person (e.g., tenants/users of the land) will be impoverished and/or coercively displaced.

93. The steps proposed and measures to be taken by the municipality/PIU for negotiated settlement, in keeping with the basic principles in negotiated purchase clause in Land acquisition Act (LAA) of Government of Nepal and ADB's SPS (2009), Safeguard Requirement-2, are as follows:

- (i) **Step 1:** In case of additional land requires for the development/improvements of infrastructure under URLIP and could not be obtained through voluntary contribution, the PIU will initiate preliminary negotiation with the legal titleholders along the roadside. The PIU will also search for the land title and identify any legal or other critical issues associated with the proposed land parcel (such as, jointly owned land, land under legal dispute, land under trust etc.).
- (ii) **Step 2:** If legal title is clear and seller(s) is/are willing, a detailed measurement survey (DMS) survey of the land parcel proposed for negotiation will be conducted



- by government surveyor, assisted by PIU. The survey will cover detailed measurement of the land parcel and inventory and status/condition of all other assets on the land e.g., trees, structures, irrigation infrastructure, etc.
- (iii) **Step 3:** The current value of the land and structures or assets, if any based on the market price will be arrived at, through market survey. This process helps define the amount that can be offered to the landowner.
  - (iv) **Step 4:** Negotiated settlement process will start between the willing landowners and other partners (in case of joint ownership) and the PIU s to arrive at a consensus. During negotiation, the requirements, the purpose for which the land is sought, provisions under Government of Nepal LAA 1977, WPRULGL and ADB policy will be explained to the landowner.
  - (v) **Step 5:** If the negotiated price for sale of land is not accepted by the landowner(s) or fails to lead to an agreement, the PIU will adopt the involuntary land acquisition approach/route, which will trigger ADB safeguards Requirements 2 and will preparation/updating of RIPP.

#### **E. Comparison Between GoN and ADB SPS, 2009 on Involuntary Resettlement Requirements**

94. The difference between the GoN's land acquisition policies and the principles laid down in ADB SPS, 2009 is compared in Table 15 below and the measures to bridge the gaps are discussed.

**Table 17: Comparison between Government of Nepal Laws and ADB Safeguards Policies on Land Acquisition and Resettlement**

<b>S. No.</b>	<b>ADB Safeguards Policy Statement (2009)</b>	<b>Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)</b>	<b>Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures</b>
1	Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	The Government of Nepal has formulated Land Acquisition, Rehabilitation and Resettlement Policy 2071 (2015) to facilitate the land acquisition process for infrastructure project. The policy outlines the need to conduct an economic and Social Impact Assessment (SIA) of the development project, which was not a requirement under the Land Acquisition Act 1977. Based on this assessment, projects will be categorized as high, medium, and low risk. The LAA spells out that physical inventory of assets and properties found on the land belonging to legal titleholders is prepared. No cut-off date is specifically mentioned in the LAA; the	<p>The Project will undertake screening of all projects in the line with the IR checklist of ADB, towards enabling identification of the potential resettlement impacts and associated risks.</p> <p>The LAA does not define the census survey. It only reflects the inventory of losses (IOL) for titleholders, which is more in physical terms. The ADB policy spells out a detailed census through household surveys of displaced persons in order to assess the vulnerability and other entitlements. Resettlement planning documents will be prepared based on the data collected through conducting a census, a socio-economic survey for the displaced persons, and an inventory of losses.</p>

S. No.	ADB Safeguards Policy Statement (2009)	Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)	Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures
		<p>affected persons need to apply for compensation for buildings, trees, crops etc. within 15 days of being served notice for acquisition, if not satisfied with compensation offered or if he/she wants compensation for assets in addition to land.</p>	
2	<p>Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement</p>	<ul style="list-style-type: none"> <li>Section 1 (6) of the LAA provides that whenever any property is needed or is likely to be needed for any public purpose or in the public interest, a notice is to be given at specified offices and house door/compound wall in the prescribed form and manner, stating that the property is proposed for acquisition.</li> </ul> <p>Section 11 of LAA allows the landowner to file complaints / raise objections in writing within a time frame of 7 days plus time taken for travel from the date of publication of notice. Complaints are to be filed with the Ministry of Home Affairs, Government of Nepal through the local officer in charge of land acquisition.</p>	<ul style="list-style-type: none"> <li>The LAA does not directly meet ADB's requirements. This section of the ordinance establishes an indirect form of public consultation. However, Local government Operation Act, 2017 Clause 11 (g) and Clause 11 (n-4) articulates the roles of local government in facilitation of land acquisition, compensation determination and distribution for public purpose. Similarly, the sub clause (n-5 and 6) articulates the roles of local government in facilitation and coordination for determination of land ownership and cadastral mapping. Other role in land ownership certificate distribution is also defined in these sub clauses. The LAA does not provide for public meetings and project disclosure, so stakeholders may not be informed about the purpose of land acquisition, its proposed use, or compensation, entitlements, or special assistance measures. The resettlement planning documents for this project will be prepared following a consultation process which involves all stakeholders (affected persons, government department/line agencies, local community including indigenous peoples and women etc.), and the</li> </ul>

S. No.	ADB Safeguards Policy Statement (2009)	Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)	Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures
	<p>decisions should be preceded by a social preparation phase.</p>		<p>consultation will be a continuous process at all stages of the project development such as project formulation, feasibility study, design, implementation, and post-implementation, including the monitoring phase.</p> <ul style="list-style-type: none"> <li>The resettlement planning documents include an appropriate grievance redress mechanism to resolve complaints at project level. This includes formation of a grievance redress committee starting from the ward/field, municipality level and project level, and publication of the notice of hearings and the scope of proceedings.</li> </ul>
3	<p>Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</p>	<ul style="list-style-type: none"> <li>The LAA does not address the issues related to income loss, livelihood, or loss of non- titleholders. It only deals with the compensation for loss of land, structures, buildings, crops and trees, etc. for the legal titleholders and for tenants with registered deeds.</li> <li>The LAA does not specify how compensation is to be determined. Section 13 states that the amount of compensation may be determined separately for persons whose land is wholly acquired and persons whose land is partially acquired.</li> </ul>	<ul style="list-style-type: none"> <li>The resettlement plans for this project keep the provision for a census survey that will have the data on the loss of income and livelihood, and the same will be compensated as per the entitlement matrix for both physically and economically affected persons.</li> <li>The LAA differs from ADB policy in the valuation of land and prices of affected assets, where ADB prescribes the use of current market rates/replacement cost in the project area. The ordinance does not ensure replacement value or restoration of pre-project incomes of the affected persons. The resettlement planning documents shall address all these issues and spell out a mechanism to fix the replacement cost by having a valuation committee which will be responsible for</li> </ul>

S. No.	ADB Safeguards Policy Statement (2009)	Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)	Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures
			<p>deciding the replacement costs, whether such land acquisition is full or partial.</p> <ul style="list-style-type: none"> <li>Valuation of structures is based on current market value, i.e. replacement cost of new construction of the structure without deduction of depreciation. Or assets to be compensated at replacement cost without depreciation. Affected persons is allowed to salvage materials.</li> </ul>
4	<p>Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.</p>	<p>Relocation assistance to affected persons is not specified in the LAA, although Section 16 (b) states the losses suffered by the concerned person as a result of his having been required to shift the residence or the place of his/her business by reason of acquisition of the land should be taken into account for computation of compensation.</p>	<p>The project will provide for the eligibility and entitlement for relocation of the affected persons, in the form of relocation assistance which includes shifting allowances, right to salvage materials, and additional transitional assistance for the loss of business and employment. Relocation/physical displacement, however, is not envisaged under the project.</p>

<b>S. No.</b>	<b>ADB Safeguards Policy Statement (2009)</b>	<b>Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)</b>	<b>Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures</b>
5	Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.	The LAA does not address the issues related to income loss, livelihood, or loss of affected persons particularly the vulnerable groups. It only deals with the compensation for loss of land, structures, buildings, crops and trees, etc. for the legal titleholders and for tenants with registered deeds.	The project will provide compensation at replacement cost and will provide additional assistance to vulnerable affected persons to maintain their pre-project conditions or improve their standards of living. The resettlement plan(s) will include eligibility and entitlement for the affected persons.
6	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	The Civil Code of Nepal is the legal basis for contractual agreements on the transfer of land from affected persons to the government. A negotiated purchase clause is provided under the Land acquisition Act (LAA) of Government of Nepal	The project will ensure a fair and transparent process, an independent third-party will be appointed to certify whether the process of negotiated settlement was undertaken without coercion, in a transparent, consistent and equitable manner.
7	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland asset.	The LAA does not provide such provision.	The LAA only takes into consideration the legal titleholders. The resettlement planning documents will ensure compensation and assistance to all affected persons, whether physically displaced or economically displaced, irrespective of their legal status, in compliance with the ADB SPS. Lack of formal legal title to land by any affected persons is not a bar to entitlements. Titled, legalizable and non-titled affected persons are eligible to receive different entitlements. Titled and legalizable affected persons are entitled to compensation and rehabilitation. Non-titled affected persons are eligible for entitlements such that they are no worse off than before the project. All affected persons are entitled to compensation at replacement cost of non-land assets. Affected persons without possession

S. No.	ADB Safeguards Policy Statement (2009)	Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)	Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures
			<p>or ownership certificate but occupying land in areas designated for land allocation or possession can be recognized as legalizable and thus are eligible for fair compensation and rehabilitation entitlements under the SPS. Date of notification for land acquisition (as per the section 9 of the Land Acquisition Act, 1977) will be the cut-off date for titleholders. Similarly, for the non-titleholders, census survey date will be considered as the cut-off date.</p>
8	<p>Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.</p>	<p>The LAA does not specify preparation of the resettlement planning document.</p>	<p>The project will prepare a resettlement plan for projects with impact following the template provided in this framework.</p>
9	<p>Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.</p>	<p>No specific provision in the LAA. Section 1 (6) of the LAA provides that whenever any property is needed or is likely to be needed for any public purpose or in the public interest, a notice is to be given at specified offices and house door/compound wall in the prescribed form and manner, stating that the property is proposed for acquisition.</p>	<p>The LAA does not specifically mention the disclosure of resettlement plan. The project will ensure adherence to SPS requirement that the resettlement plan, along with the necessary eligibility and entitlement, will be disclosed to the affected persons in the local language (Nepali) in the relevant project locations and concerned government offices, and the same resettlement plan will also be disclosed on the executing agency's website and on the website of ADB. In addition to the publishing of the approved resettlement plan, the resettlement framework includes provision for disclosure of the various documents pertaining to resettlement plan implementation.</p>
10	<p>Conceive and execute involuntary resettlement as part of a development project or program. Include the full</p>	<p>The LAA has a provision to include all the costs related to land acquisition and compensation of legal property and assets for legal</p>	<p>The LAA partially meets the requirement of ADB, as it only deals with the cost pertaining to land acquisition. The resettlement plan provides eligibility to both titleholders</p>

S. No.	ADB Safeguards Policy Statement (2009)	Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)	Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures
	costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	titleholders. However, it does not take into account the cost related to other assistance and involuntary resettlement.	and non-titleholders with compensation and various kinds of assistances as part of the resettlement packages, and the entire cost will be part of the project cost. Cost of resettlement will be covered by the executing agency.
11	<p>Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.</p> <p>Disclose the resettlement plan, including documentation of the consultation in an accessible place and a form and language understandable to affected persons and other stakeholders.</p>	<p>The LAA has the provision that at least 50% or a reasonable amount of compensation will be paid prior to possession of the acquired land.</p> <p>The ordinance only ensures the initial notification or the acquisition of a particular property.</p>	<p>It shall be specified in the resettlement planning documents that all compensation and other entitlements are to be paid prior to physical and economic displacement and prior to contract award.</p> <p>The LAA does not specifically mention the disclosure of resettlement plan. The project will ensure adherence to SPS requirement that the resettlement plan, along with the necessary eligibility and entitlement, will be disclosed to the affected persons in the local language (Nepali) in the relevant project locations and concerned government offices, and the same resettlement plan will also be disclosed on the executing agency's website and on the website of ADB.</p>
12	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	This is not defined in the LAA.	The LAA does not have provision on monitoring and assessment of resettlement outcomes. The resettlement planning documents will have a detailed provision for a monitoring system within the executing agency. The executing agency will be responsible for proper monitoring of resettlement plan implementation, and the monitoring reports will be submitted to ADB for review and disclosure. For the project, monitoring mechanism and frequency will follow ADB SPS.

## 2. Indigenous Peoples

### F. GON policies for Indigenous Peoples

95. The GoN has recognized and defined indigenous groups in the “National Foundation for Development of Indigenous Nationalities (NFDIN) Act, 2002”. The act established the National Foundation for Development of Indigenous Nationalities NFDIN.

96. Constitution of Nepal, 2015 recognizes the diversity of Nepalese peoples (Article 3) and defines the country as a secular, inclusive and democratic state (Article 4). It recognizes the right of each ethnic group to preserve and promote its language and cultural heritage, as well as to receive basic education in its mother tongue (Article 32). The constitution has provided right to employment in state structures on the basis of the principle of inclusion (Article 42). The constitution has clearly articulated the policies regarding the social justice and inclusion by means of making special arrangements for preserving and maintaining the traditional knowledge, skill, experience, culture and social practices of Adivasi and Janajatis and local communities (Article 51-J-8). In addition, the constitution has clear provision for the formulation of Adivasi and Janajati Commission, Tharu Commission for the upliftment of Adivasi and Janajati (Article 261 & 263).

97. **National Federation for Development of Indigenous Nationalities (NFDIN) Act 2002** gives mandate (clause 6) for NFDIN to work for the overall development of the indigenous nationalities by formulating and implementing programs relating to the social, educational, economic and cultural development and advancement of the indigenous nationalities, and promotion of their languages, scripts, cultures, arts, histories traditional knowledge, skills, and technologies of indigenous nationalities. As per the clause 2 (a) of the Act, indigenous or ethnic groups are a tribe, community or ethnic group which have its own mother language and traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history.

98. The GoN has signed the ILO convention 169 on Indigenous and Tribal Peoples and UN Declaration for the Rights of Indigenous Peoples (UNDRIP, 2007) 2007. Both UNDRIP and ILO 169 advocate for the human rights and fundamental freedoms of IPs. ILO Convention 169 is a legally binding international treaty. Following ILO 169, the GoN has identified 59 indigenous ethnic groups. All development projects are required to pay high attention to such groups during consultation and mitigation of potential project impacts on them.

### G. ADB SPS (2009) on Indigenous Peoples Safeguards

99. The objective of ADB’s SPS related to indigenous peoples safeguards is to design and implement projects in a way that fosters full respect for IPs’ identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the IPs themselves so that they can (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

100. The SPS states that the IPs safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IPs or affects the territories or natural or cultural resources that IPs own, use, occupy, or claim as an ancestral domain or asset. The term IPs is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a



distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party should be considered. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under the SPS. Projects financed and/or administered by ADB are expected to observe the following policy principles related to IPs:

- (i) Screen early on to determine (i) whether IPs are present in, or have collective attachment to, the project area; and (ii) whether project impacts on IPs are likely.
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on IPs. Give full consideration to options the affected IPs prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on IPs.
- (iii) Undertake meaningful consultations with affected IPs Peoples communities and concerned IPs Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance IPs' active participation, projects affecting them should provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.
- (iv) Ascertain the consent of affected IPs communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of IPs. For the purposes of policy application, the consent of affected IPs communities refers to a collective expression by the affected IPs communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected IPs communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.
- (vi) Prepare an IPP that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected IPs communities during project implementation; specifies measures to ensure that IPs receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
- (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal,

in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates should also be disclosed to the affected Indigenous Peoples communities and other stakeholders.

- (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that IPs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
- (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

101. Comparison Between Government of Nepal Policy on Indigenous Peoples and ADB SPS, 2009.

102. A gap analysis of laws and policies of Government of Nepal and ADB SPS, 2009 is undertaken and presented in the table below. Indigenous Peoples will be identified based on the definition of Indigenous Peoples by Government of Nepal in the NFDIN Act, 2002. Level of impact to Indigenous Peoples and process to be followed in case of adverse impacts to Indigenous Peoples, will be as per ADB SPS, 2009. In case of any discrepancy between the policies of ADB and the government, ADB policy will prevail.

**Table 18: Comparison of Government of Nepal and ADB Policy on Indigenous Peoples, Gap Analysis and Recommended Measures**

<b>ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle</b>	<b>Government of Nepal Policy Provision for Indigenous Peoples</b>	<b>Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements</b>	<b>Gap Filling Measures</b>
<b>1. Project Screening:</b> Screen early on to determine (i) whether IPs are present in, or have collective attachment to, the project area; and (ii) whether project impacts on IPs are likely.	Nepal recognizes the existence and the marginalized conditions of the indigenous nationalities. The Local Government Operation Act 2017 mandates that municipalities commit to the promotion, preservation, and protection of language, religion, culture of indigenous people.	Lack of specific guidelines pertaining to screening of project impacts on IPs	Project screening procedures are developed and included in project document. Training and capacity support program coupled with periodic refresher targeting to project stakeholder will regularly organized to internalize the IP issues solving mechanism in project implementation arrangement.
<b>2. Social Assessment</b> Undertake a culturally	Framework policies, prepared by development projects are	Specific guidelines for social assessment are not ex existed	Social assessment will be undertaken following standard procedures (as defined by SPS), to identify different levels of

ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle	Government of Nepal Policy Provision for Indigenous Peoples	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on IPs. Consider options for the affected IPs prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on IPs.	guiding the social assessment: stand alone GON policy applicable to all development is not exist		impact on Indigenous Peoples. The IPPF or IPP will includes the process and area to be focused while designing SA.
<b>3. Meaningful Consultation.</b> Undertake meaningful consultations with affected IPs Peoples communities and concerned IPs Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or,	Meaningful participation in the political, social, and administrative spheres will be ensured for the economically, socially, and geographically backward citizens through 'positive discrimination' and reservation. <b>(15<sup>th</sup> Five-year plan)</b>  In states and districts in which several indigenous	There is lack of regulation and guidelines for implementation of policy provision in practice.	Meaningful consultation will be carried throughout the project from the very beginning of project identification down to the monitoring of project results. Capacity of stakeholders on planning for impact mitigation will be developed for long term sustainability.

<b>ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle</b>	<b>Government of Nepal Policy Provision for Indigenous Peoples</b>	<b>Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements</b>	<b>Gap Filling Measures</b>
<p>when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance IPs' active participation, projects affecting them should provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.</p>	<p>peoples live, the minority and marginalized indigenous peoples shall be ensured special representation in all decision-making levels, including at village, local, district and state levels.</p> <p><b>(Rights of Minorities and Marginalized Communities – constitution of Nepal):</b></p>		
<p><b>4. Broad Community Support:</b> Ascertain the consent of affected IPs communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of</p>	<p>The ownership, occupation, possession and use of lands, territories and natural resources by indigenous peoples shall be protected through special measures that prevent land alienation and exploitation without the free, prior and informed consent of the legitimate representatives of the peoples concerned. <b>(Right</b></p>	<p>No specific regulations/guidelines to translate the constitutional guarantee</p>	<p>All possible options will be explored to address impacts to Indigenous Peoples through a meaningful consultative process, consent-seeking (broad community support) and culturally sensitive response.</p>

ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle	Government of Nepal Policy Provision for Indigenous Peoples	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of IPs. For the purposes of policy application, the consent of affected IPs communities refers to a collective expression by the affected IPs communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities	<b>on Natural Resources, Economic Rights and Revenue Allocation Constitution of Nepal)</b>		
<b>5. Avoid Impacts:</b> Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources or ensure that project benefit are equally shared.	Principally, the national policy and plans broadly speaks on the protection of IPs,	No formal mechanism to integrate protection measure in development projects, Local laws are silent (not specific) on assessment of differential impact and vulnerability	Based on the social assessment, multiple social, economic and project design/ technical alternatives and options will be explored to avoid or minimize adverse impacts to Indigenous Peoples, Possible measures will be explored for protection of Indigenous Peoples and their inclusion in project benefits, both direct and indirect through the stand-alone document (IPP) or incorporated into RIPP
<b>6. IPP Preparation</b> Prepare an IPP that is based on the	Project focused framework policies are guiding/	The existing structure of GRC may lacking the representation of	Indigenous Peoples Plans (IPP) will be prepared wherever ADB SPS safeguards on Indigenous Peoples are triggered. IPPs will

<b>ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle</b>	<b>Government of Nepal Policy Provision for Indigenous Peoples</b>	<b>Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements</b>	<b>Gap Filling Measures</b>
<p>social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected IPs communities during project implementation; specifies measures to ensure that IPs receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.</p>	<p>applicable to particular project only.</p> <p>Local self-government Act 2017 includes the provision of GRC at municipal level.</p>	<p>IP in GRC. The GRC may require specific expertise to handle the specific natured grievances</p>	<p>explore possible options to avoid or mitigate adverse impacts to Indigenous Peoples. Capacity of stakeholders on planning for impact mitigation will be developed.</p> <p>A project specific grievance redressal mechanism will be crafted and placed with specific mandate.</p> <p>.</p>
<p><b>7. Disclose IPP</b> Disclose a draft IPP, including documentation of the consultation process and the</p>	<p>Public hearing on development project is widely exercised through all three level of government. The</p>	<p>Specific mechanism essential to reach out to IPS may lacking in ongoing public hearing process</p>	<p>The IPP/RIPP will be disclosed following multiple channels ensuring that the contents of the plan are understandable to the concerned communities</p>

<b>ADB Safeguard Policy Statement 2009</b> <b>Indigenous people Policy Principle</b>	<b>Government of Nepal Policy Provision for Indigenous Peoples</b>	<b>Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements</b>	<b>Gap Filling Measures</b>
<p>results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates should also be disclosed to the affected Indigenous Peoples communities and other stakeholders.</p>	<p>local Government Operational Act recognizes the disclosure of information.</p>		
<p><b>8. Action Plan</b> Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that IPs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.</p>	<p>All government project requires preparing annual action plan with project targets and integrate the cross-cutting issues</p>	<p>The Indicator is very generic (not disaggregate by IP)</p>	<p>Activity based action plan with implementation timeline and specific targets will be included as an integral part of IPP/RIPP. Project design monitoring framework will also include the indicators related to the IPP/RIPP.</p>
<p><b>9. Monitoring Of IPP Implementation</b> Monitor implementation of</p>	<p>No specific government policies exist for IPP monitoring</p>		<p>The IPP/RIPP will define the monitoring indicators ensuring enough resources as an integral part of IPP/RIPP. Project design monitoring framework will include</p>

ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle	Government of Nepal Policy Provision for Indigenous Peoples	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.			specific monitoring indicator and targets from IPP/RIPP.

## VII. ENTITLEMENTS, ASSISTANCES AND BENEFITS

103. The project will pay compensation and/or rehabilitation support/assistance for the affected structures following the replacement cost principle. The compensation for such structures will be determined as per the prevailing laws and practices.

### A. Type of Losses

104. The anticipated type of losses due to the proposed project components under URLIP in the Pokhara Municipality comprise of:

- (v) Partial/minor impacts to residential building (not amounting to significant impact)
- (vi) Impact to secondary structures
- (vii) Partial/minor impacts to boundary walls of public utilities, and CPRs
- (viii) Impacts to vulnerable households

105. The PIU will deal with any unanticipated consequences of the project during project implementation as per the principle of entitlement matrix agreed in this RIPP.

### B. Cut-off Date

106. All affected persons who are identified in the project-impacted areas before the cut-off date will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cut-off date for titleholders will be the date of



notification under the Land Acquisition Act and for non-titleholders will be the census date.<sup>14</sup> People moving in the area after the cut-off date will not be entitled to any kind of compensation or assistance as per provision made herein. They, however, will be given sufficient advance notice, to vacate premises/dismantle in the case of affected structures prior to project implementation.

107. Damages/unanticipated losses causes during construction if any will be eligible for compensation and/or restoration. Such issues will be identified and closely monitored by the safeguard's personnel of and PIU. Any damage during construction will be borne by the contractor. Unanticipated loss, if any, will be mitigated and/or compensated as per GoN policies and ADB SPS, 2009. The project proposes the compensation and entitlements of different impact category through the project entitlement matrix in Table 17. The entitlement matrix provides guidance for compensation, resettlement, and rehabilitation assistance. The entitlement matrix lists various types of losses, defines eligibility criteria and entitlements and provides basic parameters for preparation of compensation and resettlement benefits. The entitlement matrix is prepared in accordance with GON and ADB SPS, 2009.

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<sup>14</sup> In Pokhara, the census survey in a particular locality date will serve as the cut-off date for non-titleholders.

**Table 19: Entitlement Matrix<sup>15</sup>**

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
<b>1. Loss of Land (Agricultural, Residential and Commercial)</b>				
1.1. Residential/ Commercial Land	Titleholders, including persons with traditional land rights <sup>16</sup>	(i) Land-for-land options will be offered if government unregistered land or <i>ailani</i> land is available under the jurisdiction of municipalities for affected persons losing entire land of his/ her ownership that is acceptable to the affected persons; or, (ii) Cash compensation based on replacement value; <sup>17</sup> (iii) All fees, taxes and other charges as applicable under relevant laws and regulations will be borne by the project; (iv) Project will facilitate transfer of ownership of the land; (v) In case remaining land will no longer be viable after acquisition, option of compensation will also be offered; (vi) In case of commercial lands, additional assistance to restore business loss as per item 5 of this entitlement matrix and exemption of municipal business tax for a year.	<ul style="list-style-type: none"> <li>• CDC will determine land valuation and compensation as per procedure of the Land Acquisition Act</li> <li>• Payment will be made in full to the affected person prior to taking possession of the land</li> <li>• With the consent of titleholder, compensation will be paid preferably under the joint account of husband and wife</li> <li>• PCO will ensure provision of notices</li> <li>• PIU with support of SDC will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households.</li> </ul>	As per Land Acquisition Act (clause 13 and 16), the compensation determination committee will determine the replacement value as per procedures outlined in Chapter VI of this RIPP. The committee comprises of CDO, Land Administrator or Chief of the Land Revenue Office, concerned Project Manager or Officer assigned by CDO and representative from CDC.
1.2. Agricultural Land (crops, pastures, ponds, etc.)	Titleholders, including persons with traditional rights	(i) Land-for-land options of equal or more productive capacity will be offered if government unregistered land or <i>ailani</i> land is available for affected persons losing entire land of his/ her ownership; or	<ul style="list-style-type: none"> <li>• CDC will determine land valuation and compensation as per procedure of the Land Acquisition Act</li> </ul>	As per Land Acquisition Act (clause 13 and 16), the compensation determination

<sup>15</sup> All cash compensations will be adjusted for inflation until the year of compensation payment.

<sup>16</sup> Traditional land rights refer to households with customary rights to lands and will be treated equivalent to titleholders. These households have patterns of long-standing community land and resource usage in accordance with Indigenous Peoples' and local communities' customary laws, values, customs, and traditions, including seasonal or cyclical use, rather than formal legal title to land and resources issued by the State.

<sup>17</sup> The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be 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.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
		<ul style="list-style-type: none"> <li>(ii) Cash compensation based on replacement value as per Land Acquisition Act;</li> <li>(iii) All fees, taxes and other charges as applicable under relevant laws and regulations will be borne by the project.</li> <li>(iv) Additional support will be provided for significantly affected persons and/or vulnerable affected persons as described in item 5, as applicable.</li> <li>(v) Project will facilitate transfer of ownership of the land;</li> <li>(vi) Preferential employment in project construction and maintenance work provided, if interested;</li> <li>(vii) Advance notice to harvest standing crops will be provided;</li> </ul>	<ul style="list-style-type: none"> <li>• Payment will be made in full to the affected person prior to taking possession of the land</li> <li>• Affected household will be notified will be advance of the actual acquisition</li> <li>• With the consent of titleholder, compensation will be paid preferably under the joint account of husband and wife</li> <li>• PCO will ensure provision of notices</li> <li>• PIU with support of SDC will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households.</li> </ul>	<p>committee will determine the replacement value as per procedures outlined in Chapter VI in this RIPP. The committee comprises of CDO, Land Administrator or Chief of the Land Revenue Office, concerned Project Manager or Officer assigned by CDO and representative from CDC.</p> <p>PIU/PCO, with the support of SDC</p>
<b>2. Loss of Structures</b>				
2.1. Loss of Residential and Commercial Structures	Titleholder Tenant Landless squatters/ encroachers/non-titleholders	<ul style="list-style-type: none"> <li>(i) Cash compensation as per replacement cost of the structure shall be provided. No deductions for depreciation shall be made. In case the remaining structure is uninhabitable/unviable for use, compensation will be provided for the entire structure;</li> <li>(ii) In case of relocation, transfer allowance to cover shifting (transport plus loading/unloading) of household goods and materials will be paid, based on actual cost or current market price;</li> <li>(iii) Every physically displaced household will receive 12 months' rental assistance or alternatively provided with temporary accommodation facilities;</li> </ul>	<p>Full list of vulnerable households will be identified during DMS as part of resettlement plan update.</p> <p>Replacement value of affected structures will be determined by the CDC.</p> <p>Compensation payment for land and assets attached to the land will be paid before occurrence of impact.</p>	CDC/PIU/PCO, supported by SDC

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
		(iv) Rental assistance (3 months) OR facilities (alternate shop or space to operate) will be provided for permanent loss caused to business/commercial structure; (v) Additional relocation assistance will be paid to households and business/commercial establishments that are physically displaced at 30 days minimum wages if displaced to another plot and at 15 days minimum wages if displaced within same plot. Latest government approved wage rate shall be applicable; (vi) Provision of all taxes/fees, registration cost, and other fees incurred for the replacement of structures; (vii) Owners of affected structures will be allowed to take/reuse salvageable materials for rebuilding/rehabilitation of structures without deducting any cost; (viii) Additional assistance for vulnerable households as described in section item 5.		
2.2 Loss of Secondary or Associated Structures (Toilet, Safety Tank, Tap, Animal Shed, and others) <sup>18</sup>	Owners of the structure with or without proof of ownership, including encroachers (non-titleholders)	(i) Replacement or full restoration of the affected secondary structures and/or associated structures to its original or better condition, or, cash compensation to restore affected structures if space is available. No deductions for depreciation shall be made.	The scope of work of the contractor should include the replacement and/or restoration of the structures if affected during project implementation.  PCO to monitor restoration works made by the contractor.	CDC/PIU/PCO, supported by SDC
<b>3. Additional Assistance to Vulnerable Affected Persons</b>				

<sup>18</sup> Secondary structures include associated/annexed structures such as toilet, safety tank, tap, animal shed. Other secondary structures may include, but not limited to fences, sheds, etc. All impacts will be known during final detailed engineering design and detailed measurement survey stage. All impacts will be mitigated with appropriate compensation, and assistance based on this entitlement matrix.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
3.1. Impacts to Vulnerable <sup>19</sup>	A. All permanently affected vulnerable households	(i) One-time rehabilitation allowance equivalent of 3 months minimum wage rate; (ii) Livelihood enhancement program will be provided – This will include provision of skill training for any one member of the affected vulnerable household; (iii) Additional financial grant of NRs. 15,000 per vulnerable household; (iv) Assistance to access microfinance institutions for livelihood ventures, in case of permanent livelihood impacts/impact to commercial structures; (v) Vulnerable persons will be entitled to preferential employment in the project construction, if interested.	<ul style="list-style-type: none"> <li>Vulnerable persons to be identified during census survey.</li> <li>Permanently displaced vendors/hawkers, to be determined after detailed design is prepared and census survey of affected households conducted to identify and establish income/livelihood impacts.</li> </ul>	PIU, assisted by PCO and SDC
	B. Temporarily affected vulnerable households	(i) Additional cash compensation equivalent to ten days of the prevalent minimum wage rate; (ii) Preferential employment in the project construction for one family member.		
<b>4. Community Facilities and Resources</b>				
4.1 Government and community structures, <sup>20</sup> and infrastructures	Local community Local government Informal settlers/ squatters on government land	(i) Restoration of affected community buildings and structures to at least their original condition or better, or provision of alternative access in consultation with affected communities and relevant authorities; (ii) Where damages do occur to government property as a result of construction works, the cost of restoring to at least their original	<ul style="list-style-type: none"> <li>Extreme care should be taken by the contractors to avoid damaging any properties during constructions.</li> <li>Reconstruction and/or restoration works will be done by the contractor to original or better condition. This will be a contractual requirement and</li> </ul>	PIU, assisted by PCO and SDC, Contractor/s

<sup>19</sup> The vulnerable groups include households falling below poverty line, households with persons with disability, female-headed households, households having elderly (JesthaNagarik) and children, dalits, indigenous people, landless households and households without legal title to land.

<sup>20</sup> Community structures include roads, inner roads, temples, foot paths/trails, culverts, and water points.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
		condition will be the responsibility of the project.	<p>will be reflected in the contractor's contract.</p> <ul style="list-style-type: none"> <li>Impacts to cultural properties will be avoided to the maximum extent possible through special measures such as project alignment modification and/or alteration.</li> </ul>	
4.2. Loss of access to water supply, wells, sewerage network/sanitation and sanitation facilities (public/private toilets, solid waste collection points, etc.)	Private persons and community that own the water points and sanitation	<p>(i) Immediate replacement and restoration of the affected facilities</p> <p>(ii) Advance announcement to the households prior to construction/flow disturbance and providing alternative source</p>	<ul style="list-style-type: none"> <li>The time gap between the construction of new system and transfer from the old system should be minimized.</li> <li>Alternative sources of water and sanitation facilities should be made available during the construction period (such as supply through water tanker, mobile toilets, increased frequency of solid waste collection)</li> </ul>	PIU, assisted by PCO and SDC, Contractor/ss
<b>5. Unanticipated Impacts</b>				
Any other losses not identified in the matrix	Any affected persons or affected entity	Unforeseen impacts will be documented and mitigated based on the principles agreed upon in this RIPP and rectified through implementation of a time-based corrective action plan and where necessary, updates to the RP. Specific entitlement will be determined following all applicable safeguards policies of GoN and ADB SPS 2009.		PCO/PIU/SDC

CDO = chief district officer, CDC = compensation determination committee, DMS = detailed measurement survey, LAA = Land Acquisition Act, PCO = project coordination office, PIU = project implementation unit, ROW = right of way, SDC = supervision and design consultants.

## VIII. RESETTLEMENT BUDGET AND FINANCING PLAN

108. The resettlement budget for the proposed components in Pokhara includes entitlements/compensation, as outlined in the entitlement matrix and contingency provision amounting to 25% of the total cost. The RIPP cost is presented in Table 15. PCO and PIU social safeguards personnel with the support of the SDC will be involved in facilitating the disbursement process and will facilitate opening bank accounts for the affected persons who do not have bank accounts. The total resettlement cost for the project is **NPRs 119,121,641**. DUDBD will be responsible to ensure payment of compensation to affected persons prior to the impact.

109. This draft RIPP will be updated during the detailed design and detailed measurement survey. If any changes are required, this document will be updated including the budgetary requirements. Details of the RIPP budget estimate are as follows:

- (i) **Provisional budget for structure loss (partial/minor)** – 2 residential structures and 151 secondary structures including 12 CPR/GON were identified as per preliminary assessment. The estimate is based on detailed quantity estimates. The affected structures are based on preliminary design and will be revalidated during final detailed design and detailed measurement survey, and those found to be affected will be eligible to receive compensation as per entitlement matrix. The estimable used is based on the detailed quantity calculation during preliminary assessment.
- (ii) **Additional assistance will be provided to the 140 vulnerable affected persons** facing partial/ minor structure loss on residential structures. Budget allocations are included for: (i) one-time rehabilitation allowance equivalent of 3 months minimum wage rate; (ii) allocation for the livelihood enhancement program which will include (a) training cost for skill development. Training is conducted by training institute certified by Council For Technical Education and Vocational Training. The minimum duration of the training is generally one month at NPRs; 59,000/person; and (b) an additional financial grant of NPRs.15,000/person has also been budgeted.
- (iii) **Provisional sum for negotiated settlement** – Exact measurements of land will be identified during detailed design. The project is considering reducing the corridor impact through reducing the proposed width for improvement. A provisional sum is included for the 140 vulnerable households' parcel of lands for negotiated settlement which will be utilized for the roads and roadside drains.
- (iv) The **cost of third-party certification** which will be required whether voluntary land donation or negotiated settlement is adopted for land donors/owners not falling under the vulnerable category, is also included in the RIPP budget.

110. This draft RIPP will be updated during the detailed design and detailed measurement survey. If any changes are required, this document will be updated including the budgetary requirements for resettlement. Details of the budget estimate are as follows:

**Table 20: Estimated RIPP Budget**

S. No.	Item	Unit/Number	Unit Rate	Amount
				(in NPRs)
A. Resettlement Cost				
1	Provisional budget for the structure losses	2	1,807,995.00	3,615,990

S. No.	Item	Unit/Number	Unit Rate	Amount
				(in NPRs)
	(minor/partial impacts to 2 residential structures)			
2	Provisional budget for the structure losses (secondary/annexed structures)	151	11589.7	1,750,046
3	Provisional allocation for repair/restoration of CPRs and GON and semi government-owned structures	12	11589.7	139,077
4	One-time rehabilitation allowance equivalent of 3 months minimum wage rate to permanently affected vulnerable households (minor/partial impacts to structures)****	140	577	7,270,200
5	Training cost for livelihood enhancement program	140	59,000	8,260,000
6	Financial grant	140	15,000	2,100,000
<b>Sub-total (A)</b>				<b>23,135,313</b>
<b>B. Negotiated Settlement</b>				
7	Provisional sum for negotiated settlement of 126 vulnerable households	140	500,000	70,000,000
8	Third-party certification	140	7,000	980,000
<b>Sub-total (B)</b>				<b>70,980,000</b>
<b>C. Voluntary Land Donation</b>				
9	Third-party certification for 28 landowners (non-vulnerable households)	14	7,000	98,000
10	Third-party certification to verify land donation of the two land parcels (Samaj Ghar)	2	7,000	14,000
<b>Sub-total (C)</b>				<b>112,000</b>
<b>D. Administrative Cost</b>				
11	DMS Survey for RIPP updating and documentation		Lumpsum	170,000
12	Baseline and monitoring survey as proposed under the specific action plan for benefits enhancement of Indigenous Peoples		Lumpsum	400,000
13	Consultations/Meetings, Grievance Redress		Lumpsum	250,000
14	Awareness generation and capacity-building		Lumpsum	250,000



S. No.	Item	Unit/Number	Unit Rate	Amount
				(in NPRs)
Sub-total (D)				1,070,000
TOTAL = A +B + C +D				95,297,313
15	Contingency cost (25%)			23,824,328
Grand Total (in NPRs)				119,121,641

\*Cost estimates were provided by the Project Engineers based on the Department of Urban Development and Building Construction schedule of rates. The detailed quantity estimate includes the dismantling and masonry works.

\*\*Restoration of public/community utilities/CPRs will be undertaken by the PIU with the contractor, with the concerned owners/user group. In Pokhara, only boundary wall will be affected. The updated RIPP will include consultations and their opinions and suggestions will be carefully documented.

\*\*\*The daily wage rate is NPRs 577/day as per the GoN's wage notification. Source: <https://moless.gov.np/np/post/show/99>

\*\*\*\* The list of affected vulnerable households will be finalized based on census survey at detailed design stage and will be included in the updated RIPP. Under the proposed loan, a socioeconomic development program (SDP) is also included to cover skill development training and provide community level infrastructure around tourism and heritages sites. The SDP has a budget allocation of USD 7 million (1 million per municipality). One family member of each affected vulnerable household can avail benefits under the SDP (skill development component) based on their interest and availability.

## IX. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION SCHEDULE

### A. Institutional Arrangement

111. The Ministry of Urban Development through the Department of Urban Development and Building Construction will be the executing agency of the project, which will be supported by the Project Management and Capacity Building Consultant (PMCDC), and Institutional Strengthening and Community Participation Consultant (ISCP). The PCO will be responsible for the overall management of the project. The municipalities will be the key implementing units of the project. The PIU with the support of the Supervision and Design Consultant (SDC) will be responsible for social safeguards compliance, monitoring, and reporting to ADB.

### B. Safeguards Implementation Arrangement

112. **Project Coordination Office (PCO).** The PCO will be headed by a Project Director, who will be responsible for the overall project management. The Project Director shall be supported by three Deputy Project Directors (DPDs) – DPD WUC cluster, DPD Pokhara and Janakpur cluster, and DPD for Urban Planning and Development. The PCO will have an environment and social safeguards officers of engineer rank, who will responsible for social safeguards compliance, planning, and implementation as per the agreed resettlement framework, resettlement plans/RIPP prepared consistent with the ADB's SPS and GON rules and regulations.

113. Roles and Responsibilities of the PCO (Social Safeguards) are as follows:

- (i) guide PMCDC and PIU social safeguards staff on all matters related to preparation, implementation and monitoring of social safeguards documents;
- (ii) review and finalize project involuntary resettlement and indigenous peoples category;
- (iii) oversee preparation of resettlement plans/indigenous people plans (IPPs)/RIPP; confirm existing resettlement plans/DDR/IPP/RIPPs are updated based on detailed designs, and that new project resettlement plans/DDRs (output 2) are prepared in accordance with the resettlement framework prepared for the project;

- (iv) responsible for issuing the public notice to acquire a particular land/ property for the project along with project information/details as well as the project cut-off date;
- (v) ensure that resettlement plans/DDR/IPP/RIPPs are included in bidding documents and civil works contracts;
- (vi) provide oversight on social safeguard management aspects of projects and ensure resettlement plans/IPP/RIPPs and impact avoidance measures outlined in the resettlement framework/environmental management plan/resettlement plans/IPP/RIPP are implemented by PIU and contractors;
- (vii) ensure and monitor the provision in the contract to include the indigenous people households/poor communities to be the beneficiaries of the facilities constructed;
- (viii) monitor and ensure effective implementation the specific action plan as indicated in each RIPP/DDR;
- (ix) facilitate and ensure compliance with all government rules and regulations regarding no objection certificates, third party certificates for negotiated settlement or voluntary land donation, land ownership and transfer details etc. for each site, as relevant;
- (x) supervise and guide the PIUs to properly carry out the social safeguard monitoring (involuntary resettlement/indigenous people) as per the resettlement plans/RIPP;
- (xi) review, monitor, and evaluate the effectiveness with which the resettlement plans/IPP/RIPPs provisions are implemented, and recommend corrective actions to be taken as necessary;
- (xii) consolidate monthly social safeguard monitoring reports from PIUs and submit quarterly and semi-annual social safeguard monitoring reports (SSMR) to ADB;
- (xiii) ensure timely disclosure of final resettlement plans/DDR/IPP/RIPPs in locations and form accessible to the public and affected persons;
- (xiv) address any grievances brought about through the grievance redress mechanism in a timely manner;
- (xv) oversee training needs assessment of affected persons and vulnerable persons by PIUs/SDC, coordinate training activities and convergence with livelihood programs of the government;
- (xvi) facilitate as resource person social safeguards training activities conducted by PMCDC/ISPC for the PIUs/ contractors/ community-based organizations for capacity building to implement the resettlement plans/IPP/RIPP, project GRM; and
- (xvii) coordinate database management for social safeguards implementation and monitoring.

**114. Project Implementation Units (PIU).** The municipalities will act as the implementing agencies of the project, under the guidance and overall management of the PCO. The roles and responsibilities of the PIU (Social Safeguards) are as follows:

- (i) fill up involuntary resettlement and indigenous people impact checklist and classify safeguards categorization of the project;
- (ii) oversee and conduct census and socioeconomic surveys, detailed measurement surveys, and verification surveys of affected persons together with the SDC during detailed design;
- (iii) prepare list of affected persons and inventory of losses, and ensure that all data required to prepare and/or update the resettlement plan/RIPPs, including specific plan for benefit enhancement for indigenous people, if/as required, with the assistance of the social safeguards specialist;
- (iv) Ensure updated information is submitted to PCO for preparation and/or updating of documents with PMCDC and contractor's support;

- (v) hold consultations with affected persons, finalize list of affected persons prepare/update resettlement plan/RIPP with the assistance of SDC, and submit to PCO for review and approval and further submission to ADB;
- (vi) inform and/or disseminate information to the affected persons on (a) the project cut-off date; (b) public notice for schedule of land acquisition, if any (c) public notice on the start of construction works; (d) entitlement matrix; and (e) compensation packages against different categories of loss, and tentative schedule of land clearing/ acquisition for starts of civil works activities; issue identity cards;
- (vii) facilitate and oversee updating of resettlement plans/RIPP, with the support of SDC; coordinate valuation of assets, trees of various species, etc. Based on proper due diligence and assessment, finalize compensation packages;
- (viii) liaise/facilitate compensation processes in consultation with the chief district officer; coordinate, supervise and monitor disbursement of compensation;
- (ix) obtain NOCs, land documents, third party certifications for negotiated settlement and voluntary land donation as required for the project and ensure compliance with all government rules and regulations and ADB SPS safeguards requirements;
- (x) include resettlement plans/PPs/RIPP in bidding documents and civil works contracts;
- (xi) responsible for the day-to-day implementation and monitoring of resettlement plans/RIPP; and ensure timely payment of compensation and other assistance are provided prior occurrence of impacts;
- (xii) oversee resettlement plan/PPs/RIPP and maintenance of data for monitoring;
- (xiii) take corrective actions when necessary to ensure no adverse social impacts;
- (xiv) Conduct continuous public consultation and information-disclosure with the support of the SDC social safeguards specialist and support staff;
- (xv) ensure timely report submission of monthly, quarterly progress reports and semi-annual social monitoring reports to PCO, with the support of SDC;
- (xvi) facilitate establishment of project-GRM at the ward-level and PIU level and ensure it is fully functional prior or during the award of the first contract or within one month of loan effectiveness, whichever is earlier; address any grievances brought about through the grievance redress mechanism in a timely manner as per the resettlement plans/ PPs/RIPPs;
- (xvii) organize course for the training of contractors, preparing them on resettlement plan/PP/RIPP implementation, social safeguard monitoring requirements related to mitigation measures, and on taking immediate action to remedy unexpected adverse impacts found during implementation.
- (xviii) Extend support in carrying out awareness campaigns, as needed.

115. The PCO and PIUs will be supported by PMCDC, ISCPC and SDC. The PMCDC will support the PCO in its day-to-day operation. The PIUs will be supported by the SDCs. The ISCPC will support the PCO and PIUs.

116. **Project Management and Capability Building Consultants (PMCDC).** PMCDC will provide capacity building support on safeguards, and safeguards compliance in line with ADB procedures. PMCDC will appoint a social safeguards specialist to carry out all social safeguards related tasks and provide support to PCO safeguards team to oversee the implementation of the safeguards framework/safeguards planning documents. The social safeguards specialist will guide the safeguards officers at the PCO and shall coordinate with the SDC's Social Safeguards Specialist (PIU-support) for carrying out all social safeguards related tasks.

117. The Social Safeguards Specialist (PMCDC) will be responsible for carrying out following tasks:

- (i) assist PCO in the overall management, implementation, monitoring and reporting of social safeguards compliance;
- (ii) screen/classify involuntary resettlement and indigenous peoples safeguards classification of the projects; finalize social safeguards documents, periodic social monitoring reports etc. prepared at PIU level and get ADB's timely approvals/clearances;
- (iii) resolve any issues, if involved; and, assist in obtaining all NOCs/permissions for project sites prior to civil works;
- (iv) guide PCO's safeguards officers in implementation of all social safeguards related tasks including grievances redressal;
- (v) develop periodic data collection/monitoring formats/indicators and guide safeguards officers and SDC in obtaining the information required for the same;
- (vi) Support PCO to prepare monitoring reports received from PIUs and submit to PCO for approval and submission to ADB;
- (vii) identify any non-compliances and help prepare time-bound corrective action plans, if and as required;
- (viii) maintain and update municipality-wise database of resettlement/grievance related issues and inform safeguards officers PCO for timely actions; and
- (ix) support ISPCP in all awareness, training and capacity building activities related to social safeguards.

118. **Supervision and Design Consultant (SDC).** Two SDCs will be established – (i) the WUC cluster, covering Devdaha, Siddharthnagar, Tilottama, Sainamaina and Lumbini; and (ii) Janakpur. SDCs will be responsible to support the PIU in the implementation and monitoring of safeguards compliance. They will also be responsible to prepare Output 2 designs, prepare and/or update the municipality-level safeguards documents in line with the resettlement framework and shall include Output 2 components. The SDCs will be supported by two support staff per municipality who will handle gender, environment and social safeguards, community mobilization, and communication.

119. **Design and Supervision Consultant (DSC).** The DSC will support Pokhara municipality in the design and supervision of infrastructure and greens solutions, implementing heritage and cultural improvement plans, and design of tourism infrastructure components. The DSC social safeguards specialist will be involved in detailed design and safeguards documents preparation and updating.

120. The key social safeguards tasks of the social safeguards (SDC and DSC) include:

- (i) based on final designs, conduct census and socioeconomic surveys/verification surveys/finalization of sites etc. and update resettlement plans/RIPP/due diligence reports;
- (ii) finalize the requirement for land certificates, NOCs for project sites in each municipality and assist PIUs in obtaining the same prior to start of civil works;
- (iii) assist PIUs in day-to-day implementation of DDRs/resettlement plans/RIPP activities, including specific plan for benefit enhancement of indigenous peoples and ensure contractors comply with conditions of resettlement framework/DDR/resettlement plan/RIPP;

- (iv) assist municipalities/PIUs (through the support staff) to ensure resettlement plans are implemented and all compensation paid prior to start of civil works and prior to occurrence of impact;
- (v) take proactive action to anticipate and avoid delays in implementation;
- (vi) under the guidance of SSS, develop system of indicators to monitor implementation of resettlement activities and ensure corrective actions are undertaken, if and as required;
- (vii) obtain resettlement related municipality level information with the help of field support staff and consolidate them; prepare periodic social safeguard monitoring reports;
- (viii) compile all monitoring inputs at PIU level for quarterly progress reports, for onward transmission to PCO and ;
- (ix) assist PIUs in conducting public consultation and disclosure activities related to social safeguards and that suggestions made by the affected persons will be documented and summarized in the monitoring reports ;
- (x) actively participate as member of ward-level and PIU-level GRCs, assist in grievance resolution and reporting;
- (xi) assist PIUs in monitoring the socioeconomic status of affected persons, post - resettlement plan/RIPP implementation;
- (xii) support ISCBC in all training and capacity building activities.

121. **Contractor/s.** The Contractor will have a dedicated Social Supervisor, who will engage with the PIU, and SDC on social safeguard, health and safety and core labor standards. Contractors are to carry out all the requirements and compliances as mentioned in their contract.

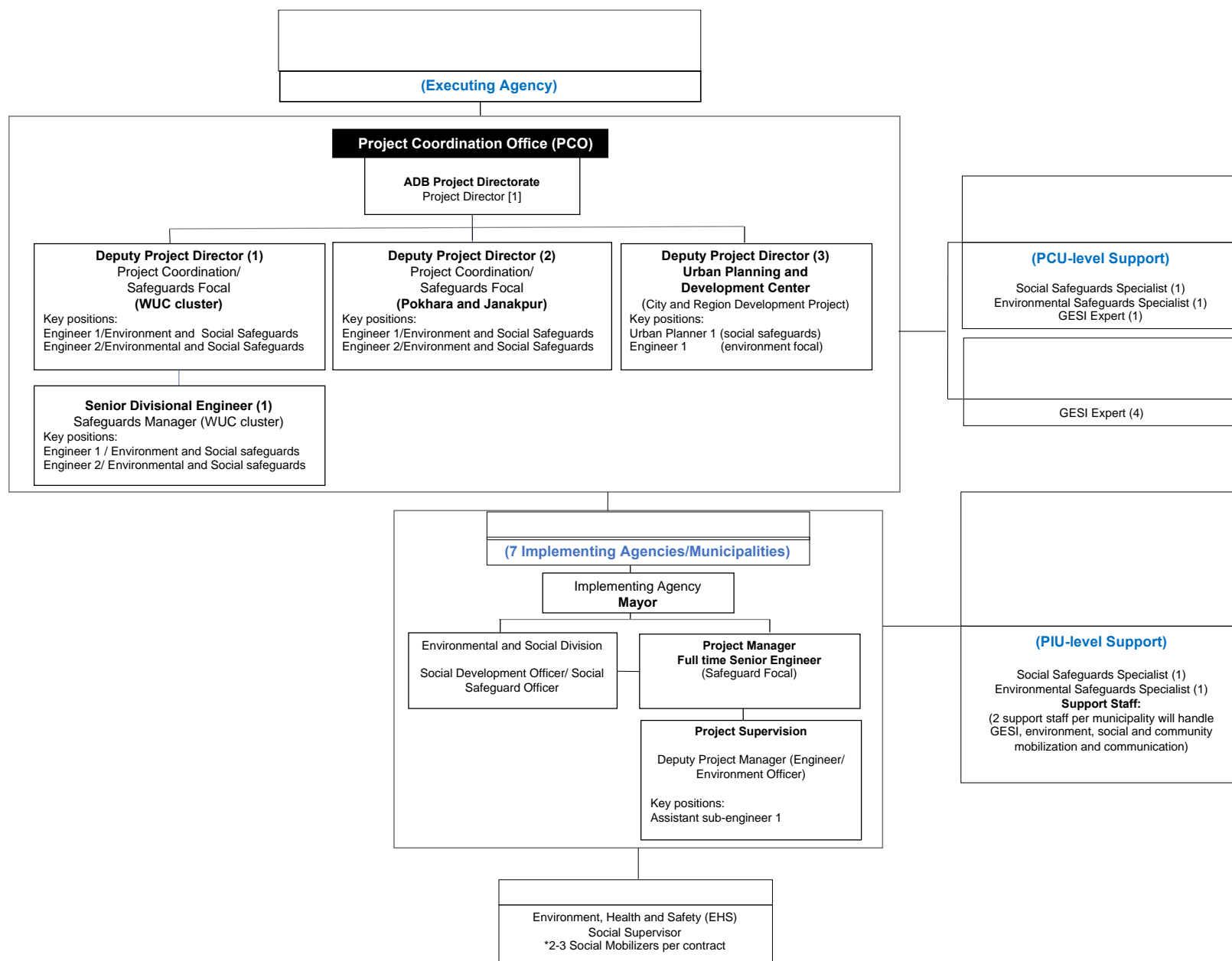
- (i) In close coordination with the PIU, SDC, and safeguards personnel, finalize detailed design keeping the safeguard principles adopted for the project.
- (i) With the assistance of engineers and social safeguard personnel of SDC, ensure that all design-related measures (e.g., special considerations for the vulnerable related to project locations or design, mitigation measures for affected persons, etc.) are integrated into project designs;
- (ii) Conduct joint walk-throughs with PIU, design engineers, and social safeguards personnel of SDC in sites/sections ready for implementation; assist to identify the need for detailed measurement surveys, and support SDC to jointly conduct detailed measurement surveys and census surveys to arrive at the final inventory of loss;
- (iii) Support project consultants in updating the draft resettlement plan/DDR/RIPP for submission to PIU/PCO and ADB for review and approval;
- (iv) Ensure strict adherence to agreed impact avoidance and mitigation measures in the resettlement plan/DDR/RIPP during implementation;
- (v) Assist with grievance redressal and ensure recording, reporting, and follow up for resolution of all grievances received; and
- (vi) Submit monthly progress reports including safeguards, health and safety, and sex-disaggregated data as required for monitoring.

122. **Civil works contracts.** The resettlement plans/IPPs/RIPPs are to be included in bidding and contract documents and verified by the PIUs and PCO. All contractors will be required to designate a social supervisor to ensure implementation of resettlement plan/RIPP/DDR social safeguard provisions during civil works and O&M, who will also have the responsibility for communication with the public under the guidance of PCO/PIUs and grievance registration. Contractors are to carry out all mitigation and monitoring measures outlined in their contract.

123. The PCO and PIUs will ensure that bidding and contract documents include specific provisions requiring contractors to comply with: (i) all applicable labor laws and core labor standards on: (a) prohibition of child labor as defined in national legislation for construction and maintenance activities; (b) equal pay for equal work of equal value regardless of gender, ethnicity, or caste; and (c) elimination of forced labor; and with (ii) the requirement to disseminate information on sexually transmitted diseases, including HIV/AIDS, to employees and local communities surrounding the project sites.

124. Figure 4 below depicts the implementation arrangement for safeguards (environmental and social), including gender-related aspects of the project.

**Figure 4: Safeguards and Gender Implementation Arrangement**



125. The summary of social safeguards implementation responsibilities is given in below table:

**Table 21: Institutional Roles and Responsibilities**

Activities	Agency Responsible
<b>Project initiation stage</b>	
Finalization of sites/alignments for projects	PIU/DSC
Finalization of detailed design/conduct of Detailed Measurement Survey (DMS)	/PIU/DSC
Meetings at community/ household level with APs	PIU/DSC
<b>RIPP preparation stage</b>	
Conducting census survey of all APs including identification of poor and vulnerable households	PIU/DSC
Conducting FGDs/ meetings / workshops during surveys	PIU/DSC
Verification of survey results, vulnerable households	PMU/PMCDC
Computation of compensation and other allowances/assurances	LACFC/PIU
Formulating compensation and rehabilitation measures	PIU
Conducting discussions/ meetings/ workshops with all APs and other stakeholders for this	PIU/DSC
Finalizing entitlements	PIU
Disclosure of final entitlements and compensation packages	PIU/DSC
Disclosure of grievance redress mechanism	
Approval of Resettlement and Indigenous Peoples Plan	/ADB
Compensation prior to displacement/shifting	PIU
<b>RIPP implementation stage</b>	
Implementation of proposed rehabilitation measures	PIU/DSC
Consultations with APs during rehabilitation activities	PIU/DSC
Implementation of Specific Action Plan for Benefit Enhancement	PIU/DSC
Grievances redressal	PIU/GRC
Monitoring	PIU

DDC = Design and Supervision Consultant; PIU= Project Implementation Unit; PMCDC = Project Management and capacity development Consultant; PCO = Project Coordination Office

### C. Safeguard Capacity Development

126. The PMCDC Social Safeguard Specialist along with the PCO Project Director will be responsible for development of a training program based on a capacity assessment of target participants (PIU staff, Contractor(s)) and for implementation of the training program to build capabilities on resettlement policy, planning, mitigation measures and safeguards. The PMCDC will coordinate with PCO and PIUs on specific capacity development program. The following are the indicate training modules:

- (i) sensitization on ADB's Policies and guidelines on social and indigenous people safeguards (ADB's Safeguard Requirement 2 and 3: Involuntary Resettlement and Indigenous Peoples) including meaningful consultation, GRM and accountability mechanism.
- (ii) introduction to the assessment of involuntary resettlement and indigenous peoples impacts and mitigation measures, including best practices, in the design, construction, operation and maintenance of sewerage, roads, and drainage projects and other municipal infrastructures.
- (iii) preparation and review of RIPPs/DDRs based on preliminary design and updating of the documents based on the final design.
- (iv) improved coordination within government departments.



- (v) disbursement of compensation, consultation; and
- (vi) monitoring and reporting requirements.

127. PCO and PMCDC will also organize trainings for PIU staffs, DSC, contractors, municipal officials preparing them on RIPP implementation including ADB policy, GRM, and social safeguards monitoring requirements and mitigation measures. Table 20 provides the indicative training needs assessment. The cost of trainings will be borne under the Project's capacity building program by PMU.

**Table 22: Indicative Training Program**

Description	Training Contents	Schedule	Participants
Program 1 Orientation Workshop	Module 1 – Orientation ADB Safeguard Policy Statement Government of Bangladesh policy  Module 2 – Social/Environmental Assessment and RIPP Planning/IEE Process  ADB policy and process, identification of impacts and mitigation measures, RIPP/IEE preparation, implementation, and monitoring requirements. Incorporation of safeguards into project design and contracts. Importance of robust GRM.	1 Day	DUDBC officials involved in project implementation PCO, PIUs, municipal officials
Program 2 Workshop for Contractors and Supervisory staff	Involuntary Resettlement/environmental issues during construction Implementation of RIPP/IEE Monitoring of RIPP/IEE implementation, Reporting Requirements, GRM	1 Day	PIUs, Contractors
Program 3 Experiences and Best Practices Sharing	Experiences on RIPP/IEE implementation, grievance redress – Issues and Challenges – Best Practices followed	1 Day (on a regular interval to be determined by PCO and PMCDC)	PCO, PIUs PMCDC, Contractors

DSC = Design and Supervision Consultant; IEE = Initial Environment Examination; DUDBC = Department of Urban Development and Building Construction; PIU = Project Implementation Unit; PMCDC = Project Management and Capacity Development Consultant = Project Coordination Office

## **X. MONITORING AND REPORTING**

128. The monitoring of or social safeguard related activities internally with the support of the SDC's social safeguards consultant. The monitoring will track (i) the delivery of the planned social safeguard activities to the affected people and (ii) whether the planned activities are producing the desired outcomes. Monitoring will be done by the Supervision and Design Consultants engaged by the project. The consultant will bring to the notice of about observed progress, issues, and challenges during internal monitoring. The monitoring should be carried out against the activities, time frames and budget set out in the safeguard documents.

129. In addition to recording the progress in social safeguards activities, the DSC through the social safeguards specialist will prepare a monitoring report to ensure that implementation has

produced the desired outcome. Information gathered from the monitoring exercise will be subjected to review by the project coordination unit ( ) at department level and other relevant stakeholders in view of taking remedial measures to mitigate or resolve the problems that need institutional interventions.

130. Supervision and Design Consultants with the support of the field staff will submit monthly progress reports comprising the information on (i) category wise details of APs, (ii) details of structures affected status of assistance provided, (iii) nos. of vulnerable households assisted, (iv) number of GRC meeting held and vi) number of complaints received by GRC and details of resolution. The Project Supervision Consultants will submit a consolidate progress report to the on a quarterly basis. PIU will verify the progress mentioned in the quarterly report submitted by DSC and finalize the report. The PCO, with the support of the PMCDC will regularly monitor the progress of RIPP implementation and prepare semiannual social monitoring report and submit to ADB for review and disclosure. Monitoring activities will continue until a project completion report is Issued.

## XI. IMPLEMENTATION SCHEDULE

131. The implementation of Resettlement and Indigenous Peoples Plan will be scheduled in line with the project implementation. The schedule is subject to modification depending on the progress of the project activities. The entire project will be implemented over a period of 5 years. In general, the project implementation will consist of the three major phases, namely project preparation, land acquisition (if required), and rehabilitation of affected persons. and the PIUs will ensure that project activities are synchronized between the Resettlement and Indigenous Peoples Plan implementation activities and the implementation. The executing agency and implementing agency will ensure that no physical or economic displacement of affected households will occur until:

- (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed.
- (ii) other entitlements listed in the Resettlement and Indigenous Peoples Plan are provided to the displaced persons.

132. All resettlement and compensation will be completed before the award of civil works contracts. All land required will be provided free of encumbrances to the contractor prior to handing over of project sites and the start of civil works. The implementation of the Resettlement and Indigenous Peoples Plan will include: (i) identification of cut-off date and notification; (ii) verification of losses and extent of impacts; (iii) finalization of entitlements and distribution of identity cards; (iv) consultations with affected persons on their needs and priorities; and (v) resettlement, provision of compensation and assistance, and income restoration for affected persons. A tentative implementation schedule is given in Table below.

### Table 23: Implementation Schedule

[illegible]

Activity/Milestone	2023				2024				2025				2026			
	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4
Census and socio-economic surveys (issuance of ID cards)																
Consultations and disclosure																
Confirmation of government land to be used and transfer from other departments																
Draft RIPP preparation																
Draft RIPP review and approval (PCO and ADB)																
Approval of Final RIPP by PCO and ADB																
Disclosure of RIPP and Distribution of RIPP Report Summary																
Issue notice to affected persons																
Compensation and resettlement assistance																
Relocation and/or shifting, as required																
Skills training as required																
GRM monitoring																
Internal monitoring																
Handover land to contractors																
Start of civil works																

## XII. NEXT STEP ACTIONS

133. The primary tasks involving with the RIPP updating and implementations are given below:

- (i) A 100% detailed measurement and census survey of project affected households will have to be conducted to measure the exact impact on land and structure including the socio-economic situation of all affected persons. The updated RIPP will have to be submitted with road-wise detailed measurement upon availability of the final detailed engineering design for roads, before award of contract;
- (ii) The voluntary land donation process and/or negotiated settlement requires engaging an independent third party to document the entire process and to verify that there is no coercion in the process. Record of meetings with land donor and municipality in presence of an independent third party and copies of minutes are to be annexed in the updated version of RIPP before contract awarded. The socioeconomic profile of the landowners will also be included as an appendix to the updated RIPP;

- (iii) The list of affected vulnerable households will be finalized based on census survey at detailed design stage and will be included in the updated RIPP;
- (iv) Updated RIPP will include third-party certification of the two parcels provided for the community gathering center (*Samaj Ghar*). Both parcels have already been donated but ownership has yet to be transferred to the *Samaj Ghar*;
- (v) A comprehensive social assessment which will include focus group discussion, key informant interview, sample survey, and in-depth consultation will be further undertaken with the indigenous peoples' communities particularly in the Gurung villages to further understand their needs and aspirations. Assessment of likely impacts and results of the consultation with the indigenous peoples will be undertaken during detailed design and detailed measurement survey;
- (vi) Consultation will be organized with vulnerable households to assess their livelihood need;
- (vii) ADB's clearance of the updated/revised RIPP will be submitted. A 100% census and socioeconomic survey will be undertaken to register and document the status of the affected people and landowners within the project area. Detailed measurement survey will be jointly conducted by the DSC, PIU and supervised by the PCO prior to the start of civil works;
- (viii) Disclosure of cut-off dates for affected persons following DMS and same to be updated in the RIPP;
- (ix) Land records and/or road right-of way declaration of the existing main road alignment will be included in the updated RIPP;
- (x) Permission to use the lands will be obtained from the five government and/or semi-government institutions and will be included in the updated RIPP;
- (xi) ROW declaration of the Damdame- Kudbi-Sidane-Bhanjyang road will be included;
- (xii) Public consultations will be undertaken through the entire project phase. Project Information Disclosure will be continually done. A project information brochures/leaflets will be shared to the local people, affected persons, and other project stakeholders.

## Appendix 1: ROW Declaration (Pokhara)

क्र.सं.	सडकको नाम/बाटोको नाम	महानगर	सडकको चौडाई		सडकको गहिराई		सडक विस्तार देखि सम्म
			सडकको चौडाई	सडकको गहिराई	सडकको चौडाई	सडकको गहिराई	
१	फेवा चारु सेक्टर २	७	१० फिट	१२.२२ मि.	१० फिट	१२.२२ मि.	बुधनाचोक देखि जुम्ली
२	बनौटिग मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	एयरपोर्ट(महेनचोक) रालचोक हुँदै देखि मिलन चोक
३	मिर्चौली मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	मुस्ताङ्ग चोक देखि मिलन अटलत मुगु फिक्केभोला
४	माहापुष्पे मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	थोक्ला गोनर देखि लोक सेवा आयोग
५	मुन्दर मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	एयरपोर्ट गेटदेखि टाढा हुँदै देखि प्रसाद चोक
६	अनूपन मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	अनूपन स्क्वायर देखि बाबोदर पोखरीको घर
७	राष्ट्र बैंक मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	राष्ट्र बैंक चोक देखि बुद्ध चोक
८	विमान मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	मास्पाटन चोकदेखि खैरुन चोक
९	मुचुन मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विरो कि.मी. देखि धरम चोक
१०	थोक्ला मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	थोक्ला प्रा.वि. मासुमार देखि जुम्ली खोलासम्म
११	गिबुन मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	धरम चोक देखि बुद्ध चोक
१२	अनूपन पथ	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	एयरपोर्ट देखि अटलत फिक्के भवन
१३	पुष्पक मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	मार्.टि.को. सडक चोकदेखि एयरपोर्ट हुँदै देखि थोक्ला
१४	हरिचौली मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	डिउलास बटानको चोकदेखि सेक्टर २ हुँदै देखि चोक
१५	फेवा चारु मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	बानुवाटन अटलतको घर देखि खोलासम्म बटान
१६	विमान मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	हरिकोटी बस्ती अटलत पठाउँदै चोकदेखि चोक
१७	मार्.टि.को. रोड	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विमान चोक देखि बुद्ध चोक देखि विमानस्थल बाटोदेखि
१८	बानुवाट मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विमान चोक देखि खोलासम्म चोक
१९	खोलासम्म मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विमान चोकदेखि चोक देखि खोलासम्म चोक
२०	बानुवाट मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विमान चोकदेखि चोक देखि खोलासम्म चोक
२१	बानुवाट मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विमान चोकदेखि चोक देखि खोलासम्म चोक
२२	बानुवाट मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विमान चोकदेखि चोक देखि खोलासम्म चोक
२३	बानुवाट मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विमान चोकदेखि चोक देखि खोलासम्म चोक
२४	बानुवाट मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विमान चोकदेखि चोक देखि खोलासम्म चोक
२५	बानुवाट मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विमान चोकदेखि चोक देखि खोलासम्म चोक
२६	बानुवाट मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विमान चोकदेखि चोक देखि खोलासम्म चोक
२७	बानुवाट मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विमान चोकदेखि चोक देखि खोलासम्म चोक
२८	बानुवाट मार्ग	७	१० फिट	१२.२० मि.	१० फिट	१२.२० मि.	विमान चोकदेखि चोक देखि खोलासम्म चोक



क्र.सं.	सडकको नाम/बाटोको नाम	वडा नं.	सडकको		भूमिक	सडकको मापदण्ड	
			लम्बाई	चौडाई		हाल भएको	प्रस्तावित
१	माछापुच्छ्रे मार्ग	१५			पिच	३० फिट	९.२० मि.
२	मिलन मार्ग	१५			पिच	१५ फिट	४.६ मि.
३	अन्नपूर्ण मार्ग	१५			पिच	३० फिट	९.२० मि.
४	अन्नपूर्ण मार्ग	१५			पिच	३० फिट	९.२० मि.
५	अन्नपूर्ण मार्ग	१५			पिच	१३ फिट ३"	४ मि.
६	अन्नपूर्ण मार्ग	१५			पिच	१३ फिट ३"	४ मि.
७	अन्नपूर्ण मार्ग	१५			पिच	१३ फिट ३"	४ मि.
८	लक्ष्मी टोल (श्रीस मार्ग)	१५			पिच	१३ फिट ३"	४ मि.
९	लक्ष्मी टोल (लक्ष्मी मार्ग)	१५			पिच	१३ फिट ३"	४ मि.
१०	आर्दश मार्ग (मुख्य सडक)	१५			पिच	२० फिट	६ मि.
११	आर्दश मार्ग (भिवी सडक)	१५			पिच	१५ फिट	४.६ मि.
१२	इन्द्रेणी मार्ग	१५			पिच	१३ फिट ३"	४ मि.
१३	सेन्टगेवियज मार्ग	१५			पिच	१५ फिट	४.६ मि.
१४	राम मार्ग	१५			पिच	१५ फिट	४.६ मि.
१५	जाल्पा मार्ग	१५			पिच	१५ फिट	४.६ मि.
१६	सूनगाभा मार्ग	१५			पिच	१५ फिट	४.६ मि.
१७	कान्तिपुर मार्ग	१५			पिच	१५ फिट	४.६ मि.
१८	प्रतिभा मार्ग	१५			पिच	१५ फिट	४.६ मि.
१९	नारायणी मार्ग	१५			पिच	१५ फिट	४.६ मि.
२०	अर्जुन मार्ग	१५			पिच	१५ फिट	४.६ मि.
२१	सृजना मार्ग	१५			पिच	१५ फिट	४.६ मि.
२२	अक्षि मार्ग	१५			पिच	१५ फिट	४.६ मि.
२३	जनशक्ति मार्ग	१५			पिच	१५ फिट	४.६ मि.
२४	गोकूल मार्ग	१५			पिच	१५ फिट	४.६ मि.
२५	सरस्वती मार्ग	१५			पिच	१३ फिट ३"	४ मि.

सिन्धुपाल्चोक जिल्ला विकास समितिको कार्यालय  
सिन्धुपाल्चोक जिल्ला विकास समितिको कार्यालय  
सिन्धुपाल्चोक जिल्ला विकास समितिको कार्यालय



S. No.	Name of Road	Ward No	Type of road	Existing	Proposed
38	कृष्णा मार्ग	15	पिच	40 फिट	12 मी.
39	शापा मार्ग	15	पिच	40 फिट	12 मी.
40	अष्टमि मार्ग लेन 3	15	पिच	40 फिट	12 मी.
41	कृलेश्वर मार्ग	15	पिच	40 फिट	12 मी.
42	कालिका मार्ग	15	पिच	40 फिट	12 मी.
43	अम्बर मार्ग	15	पिच	40 फिट	12 मी.
44	ज्ञानज्योति मार्ग	15	पिच	40 फिट	12 मी.
45	सिद्धार्थ मार्ग	15	पिच	40 फिट	12 मी.
46	हरियाली मार्ग	15	पिच	40 फिट 3"	12 मी.
47	आश्रित मार्ग	15	पिच	40 फिट	12 मी.
48	ज्ञान मार्ग	15	पिच	40 फिट 3"	12 मी.
49	पूष्पाञ्जली मार्ग	15	पिच	40 फिट 3"	12 मी.
50	श्रीसिद्ध मार्ग	15	पिच	40 फिट	12 मी.
51	संगम मार्ग	15	पिच	40 फिट	12 मी.
52	फूलबारी मार्ग	15	पिच	40 फिट 3"	12 मी.
53	चौतारी मार्ग	15	पिच	40 फिट 3"	12 मी.
54	गजूवा मार्ग	15	पिच	40 फिट	12 मी.
55	सुवेक्षा मार्ग	15	पिच	40 फिट	12 मी.
56	सिमलबोट मार्ग	15	पिच	30 फिट	9.20 मी.
57	गलेश्वर मार्ग	15	पिच	40 फिट	12 मी.
58	परोपकार मार्ग	15	पिच	40 फिट	12 मी.
59	विकास मार्ग	15	पिच	40 फिट	12 मी.
60	विकास मार्ग	15	पिच	40 फिट	12 मी.
61	परोपकार मार्ग लेन 1	15	पिच	40 फिट	12 मी.
62	फूलबारी मार्ग लेन 1	15	पिच	40 फिट	12 मी.
63	इन्द्रेणी मार्ग लक्ष्मीटोल	15	पिच	40 फिट	12 मी.
64	चौतारी मार्ग लेन 1	15	पिच	40 फिट	12 मी.
65	जनशक्ति मार्ग लेन 1	15	पिच	40 फिट	12 मी.

(Unofficial translation)

ROW Declaration

S. No	Name of Road	Ward No	Type of road	Existing	Proposed
1.	Radhakrishna Road	7	Mettled	40 feet	12 meters
2.	Road transport office (RTO) Road	7	Mettled	40 feet	12 meters
3.	Annapurna Road	15		30 feet	9.2 meters
4.	Shree siddhi Marg	15			

### Appendix 2: Socio-economic Information of Surveyed Households

S. N o.	Name	Sex	Age	Marital status	Number of family member	Education	Occupation	Gender of HH head	Social Category	Vulnerability	Religion	Land ownership	Impact on land	Impact on Structure	Income	Per capita income
<b>A. Airport-Fewa</b>																
1	Tirthamya Gurung	Male	37	Married	4	Can Read and Write	Trade Business	Male	janajati	IP+WHH	Hindu	Titled	<10 %	SS/Minor	240,000.00	60,000.0
2	Santumaya Ranabhat	Male	59	Married	2	Illiterate	Trade Business	Female	Brahmin/Kshetri	WHH	Hindu	Titled	<10 %	SS/Minor	120,000.00	60,000.0
3	Jung bahadur rai	Female	61	Married	4	Primary	Trade Business	Female	janajati	BPL+IP+WHH	Buddhist	Titled	<10 %	SS/Minor	144,000.00	36,000.0
4	Dipak Tiwari	Female	58	Married	5	Primary	Housewife	Male	Brahmin/Kshetri	None	Hindu	Titled	<10 %	SS/Minor	560,000.00	112,000.0
5	Sukra Sherchan	Male	51	Married	5	Secondary	Trade Business	Male	janajati	BPL+IP	Hindu	Titled	<10 %	SS/Minor	180,000.00	36,000.0
6	Khem Bohora	Female	56	Married	4	SLC	Trade Business	Female	Brahmin/Kshetri	BPL+WHH	Hindu	Titled	<10 %	SS/Minor	300,000.00	75,000.0
7	Raju Shrestha	Female	47	Married	5	SLC	Trade Business	Male	janajati	BPL+IP	Buddhist	Titled	<10 %	SS/Minor	120,000.00	24,000.0
8	Kumari Gurung	Female	49	Widow	3	Primary	Trade Business	Female	janajati	IP+WHH	Hindu	Titled	<10 %	SS/Minor	600,000.00	200,000.0
9	Sharmila Gurung	Female	51	Married	4	SLC	Trade Business	Female	Brahmin/Kshetri	WHH	Hindu	Titled	<10 %	SS/Minor	360,000.00	90,000.0
10	Rambhakta Ranjit	Male	60	Married	2	Secondary	Trade Business	Male	janajati	IP	Hindu	Titled	<10 %	SS/Minor	600,000.00	300,000.0
11	Mohan Gurung	Female	50	Married	4	College	Trade Business	Female	janajati	IP+WHH	Buddhist	Titled	<10 %	SS/Minor	1,800,000.00	450,000.0



S. N. o.	Name	Sex	Age	Marital status	Number of family member	Education	Occupation	Gender of HH head	Social Category	Vulnerability	Religion	Land ownership	Impact on land	Impact on Structure	Income	Per capita income
12	Aaita Bahadur BK	Female	60	Married	4	Illiterate	Trade Business	Male	Dalit	BPL+Dalit	Buddhist	Titled	<10 %	SS/Menor	100,000.00	25,000.0
13	Dal kumari Khatri	Male	52	Married	7	Primary	Remittance/ Foreign Employment	Female	Brahmin/ Kshetri	WHH	Hindu	Titled	<10 %	SS/Menor	300,000.00	42,857.1
14	Man kumari Gurung	Male	59	Divorced	4	Illiterate	Housewife	Female	janajati	IP+WHH	Buddhist	Titled	<10 %	SS/Menor	240,000.00	60,000.0
15	Yam Narayan Aryal	Female	80	Married	3	Illiterate	Agriculture	Male	Brahmin/ Kshetri	BPL	Hindu	Titled	<10 %	SS/Menor	72,000.00	24,000.0
16	Mekh Lal Shrestha	Male	50	Married	5	Illiterate	Housewife	Female	janajati	IP+WHH	Hindu	Titled	<10 %	SS/Menor	-	-
17	Badri Manandhar	Female	50	Married	4	Graduate	Trade Business	Male	janajati	IP	Hindu	Titled	<10 %	SS/Menor	360,000.00	90,000.0
18	Deepak roka magar	Male	38	Married	6	SLC	Foreign Employment	Male	janajati	IP	Hindu	Titled	<10 %	SS/Menor	720,000.00	120,000.0
19	Khem Gurung	Male	69	Married	9	Primary	Foreign Employment	Male	janajati	IP	Buddhist	Titled	<10 %	SS/Menor	480000	53,333.3
20	Goma Devi Baniya	Female	70	Ummarried	1	Can Read and Write	Not Available	Female	Brahmin/ Kshetri	WHH	Hindu	Titled	<10 %	RS/minor	0	-
21	kamal bahadur baniya	Male	40	Married	5	SLC	Foreign Employment	Male	Brahmin/ Kshetri	None	Hindu	Titled	<10 %	SS/Menor	300000	60,000.0
22	Krishna Prasad Gautam	Male	73	Married	6	Can Read and Write	Trade Business	Male	Brahmin/ Kshetri	None	Hindu	Titled	<10 %	SS/Menor	960000	160,000.0
23	Bishnu Prasad bhandhari	Male	52	Married	5	SLC	Not available	Male	Brahmin/ Kshetri	None	Hindu	Titled	<10 %	SS/Menor	0	-

S. N. o.	Name	Sex	Age	Marital status	Number of family member	Education	Occupation	Gender of HH head	Social Category	Vulnerability	Religion	Land ownership	Impact on land	Impact on Structure	Income	Per capita income
24	Anita grg shrestha	Female	48	Married	7	Can Read and Write	Foreign Employment	Female	janajati	IP+WHH	Hindu	Titled	<10 %	SS/Minor	300000	42,857.1
25	Shova Baniya	Female	42	Married	3	Graduate	House wife	Female	Brahmin/Kshetri	WHH	Hindu	Titled	<10 %	SS/Minor	0	-
26	Surendra baniya	Male	35	Unmarried	3	Can Read and Write	Rent/Interest	Male	Brahmin/Kshetri	None	Hindu	Titled	<10 %	SS/Minor	120000	40,000.0
27	Shanta bahadur Gurung	Male	59	Married	4	Secondary	Rent/Interest	Male	janajati	IP	Buddhist	Titled	<10 %	SS/Minor	180000	45,000.0
28	Shanti Pariyar	Female	57	Widow	5	Can Read and Write	Service	Female	Dalit	WHH+Dalit	Hindu	Titled	<10 %	SS/Minor	480000	96,000.0
29	Junumaya Pariyar	Female	30	Married	2	SLC	Rent/Interest	Female	Dalit	WHH+Dalit	Hindu	Titled	<10 %	SS/Minor	480000	240,000.0
30	Bishnu baniya	Female	45	Married	1	Can Read and Write	Service	Female	Brahmin/Kshetri	WHH	Hindu	Titled	<10 %	SS/Minor	0	-
31	Ganesh baniya	Male	56	Married	5	SLC	Foreign Employment	Male	Brahmin/Kshetri	None	Hindu	Titled	<10 %	Both Minor	420000	84,000.0
<b>B. Panchase</b>																
32	Chandra bahadur Gurung	Male	63	Married	8	Can Read and Write	Foreign Employment	Male	janajati	IP	Buddhist	Titled	<10 %	SS/Minor	360,000.00	45,000.0
33	Ram pyari Gurung	Female	84	Widow	12	Illiterate	Foreign Employment	Female	janajati	IP+WHH	Buddhist	Titled	<10 %	SS/Minor	500,000.00	41,666.7
34	Dhan Bahadur Gurung	Male	51	Married	3	SLC	Foreign Employment	Male	janajati	IP	Buddhist	Titled	<10 %	No Impact	360,000.00	120,000.0

Source: Sample Socioeconomic Survey, June 2023

### Appendix 3: Photographs of the Project Locations

#### A. Road and Drainage Components

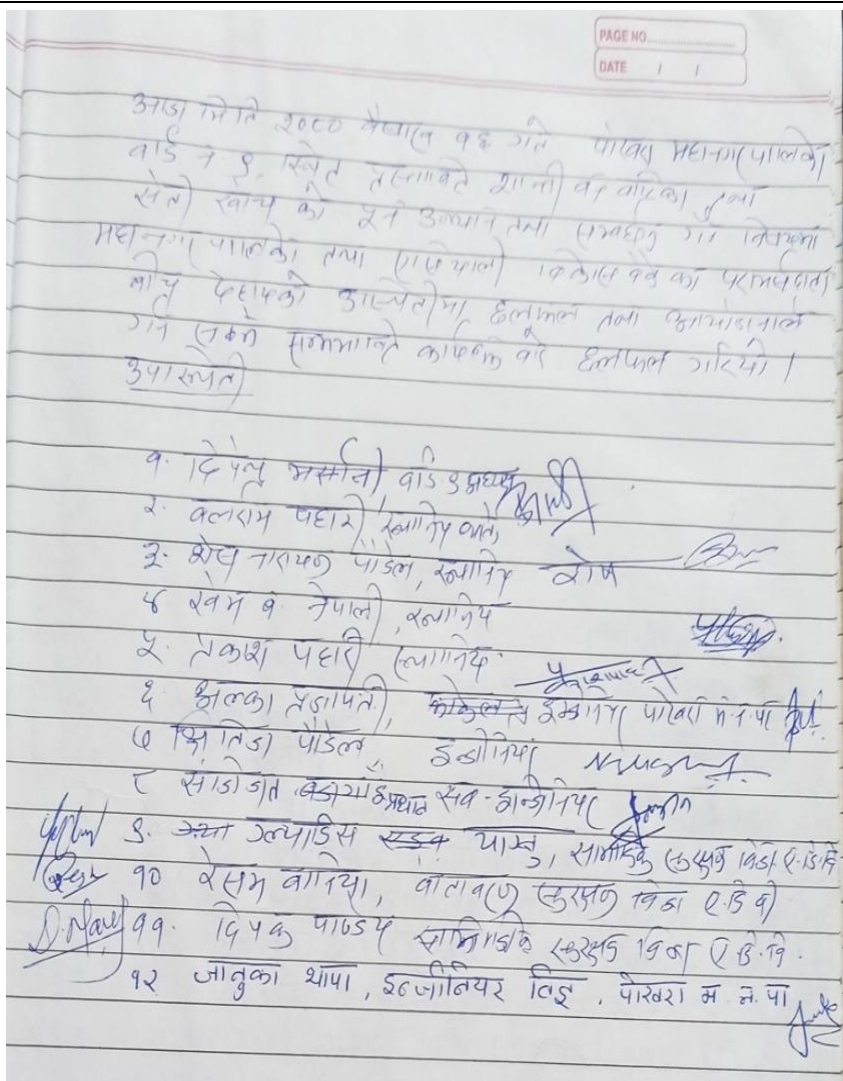
##### 1. International airport to Lakeside (8.8 km.)



##### 2. Damdame- Kudbi-Sidane-Bhanjyang road (13 km.)



## Appendix 4: Meeting Minutes and Consultation Photographs

Copy of the Minutes of the Meeting	Details of the Meetings/Consultation
	<p><b>Details of the Meetings/Consultation</b></p> <p><u>Date:</u> 29 April 2023</p> <p><u>Place:</u> Santi ban batika</p> <p><u>Attendance:</u> 12 (3 female)</p> <ul style="list-style-type: none"> <li>- Local people</li> <li>- Metropolitan staff</li> <li>- Pokhara metropolitan personnel</li> </ul> <p><u>Key discussion/observation:</u></p> <ul style="list-style-type: none"> <li>- Discussion of the project background, project components</li> <li>- Discussion of the project requirements</li> </ul>











Copy of the Minutes of the Meeting	Details of the Meetings/Consultation
<p style="text-align: right;">PAGE NO DATE / /</p> <p style="text-align: center;">"वडा नं. १५ कोलपार" "</p> <p>१. प्रेम बहादुर शर्मा</p> <p>४. प्रकाश पौडेल</p> <p>५. मोहन बहादुर शर्मा</p> <p>६. गणेश शर्मा</p> <p>७. गोविन्द शर्मा</p> <p>८. अनिल शर्मा</p> <p>९. प्रदीप थापा</p> <p>१०. वडा नक्षेत्रीय समिति</p> <p>११. प्रदीप शर्मा</p> <p>१२. राजेश्वर शर्मा</p> <p>१३. लालबहादुर थापा</p> <p>१४. शोभा कान्त शर्मा</p> <p>१५. पुष्पा ज्ञान पुराजली</p> <p>१६. दीपक शर्मा</p> <p>१७. सीता शर्मा</p> <p>१८. लक्ष्मी शर्मा</p> <p>१९. शोभा कान्त</p> <p>२०. सविता शर्मा</p> <p>२१. रमा शर्मा</p> <p>२२. कल्पना शर्मा (बानिया)</p> <p>२३. सुष्मा शर्मा</p> <p>२४. सुष्मा शर्मा</p> <p>२५. सुष्मा शर्मा</p> <p>२६. लक्ष्मी शर्मा</p> <p>२७. रेशम शर्मा - वडा नक्षेत्रीय विडा (ADB)</p> <p>२८. प्रकाश शर्मा - सामाजिक सुरक्षा विडा (ADB)</p> <p>२९. गणेश थापा - वडा नक्षेत्रीय विडा (ADB)</p> <p>३०. लक्ष्मी शर्मा - वडा नक्षेत्रीय विडा (ADB)</p> <p>३१. लक्ष्मी शर्मा - वडा नक्षेत्रीय विडा (ADB)</p> <p>३२. लक्ष्मी शर्मा - वडा नक्षेत्रीय विडा (ADB)</p>	<p><b>Date:</b> 29 April 2023</p> <p><b>Place:</b> Middle section of proposed road</p> <p><b>Attendance:</b> 32 (12 Female)</p> <ul style="list-style-type: none"> <li>- Ward Chair</li> <li>- Local people</li> </ul> <p><b>Key discussion/observation</b></p> <ul style="list-style-type: none"> <li>- Observation of proposed site</li> <li>- Shared project safeguard requirements</li> <li>- Discussion with the local people likely to be affected by the road project</li> </ul>



## Copy of the Minutes of the Meeting

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33. अर्जुन व पाजा - मानप्रतिनिधि-6 - 9856022599

34. प्रकाश दात - टी. डि. र. का. 9856044814

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## Details of the Meetings/Consultation

Date: 29 April 2023

Place: Tail section of the road

Attendance: 17 (7 Female)

- Ward Chair
- Local people

## Key discussion/observation

- Observation of proposed site
- Shared ADB safeguard requirements
- Discussion with the local people likely to be affected by the road project

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PAGE NO. \_\_\_\_\_  
DATE: / /

का/सा मिति २०८० बैशाख १० गते पुराना मेलाप  
पालिका बाई न. २२ बुद्ध वडा मा वडा समिति बैठकमा,  
लक्ष्मी शर्माले जिम्मेवारी भएर पुराना मेलाप, लक्ष्मी  
मेलाप (का) पुराना मेलाप (का) पुराना मेलाप (का)  
पुनरावस्थापना समिति (का) पुराना मेलाप (का)  
पुराना मेलाप (का) पुराना मेलाप (का) पुराना मेलाप (का)

**उपस्थित:**

- १) राममान गुरुङ ९८०५२६३५५ २५५५
- २) वडा अध्यक्ष श्री चन्द्र शर्म ९८५११९३५०
- ३) श्री चेतन शर्म ९८५६०३६८३९
- ४) काजी शर्म ९८५६०३०८३५
- ५) सुलभा शर्म ९८२७१५३१८
- ६) राम शर्म ९८५६०२७५८
- ७) मधुशान्ता शर्म ९८५६०१७१६
- ८) जगत प्रसाद गुरुङ
- ९) लक्ष्मी गुरुङ
- १०) साद्वी गुरुङ
- ११) लक्ष्मी शर्म गुरुङ
- १२) चिन कुमारी गुरुङ
- १३) राधा गुरुङ
- १४) विमल गुरुङ
- १५) रामा प्रसाद गुरुङ
- १६) मीन गुरुङ
- १७) सरोज गुरुङ
- १८) लक्ष्मी शर्म
- १९) विमल शर्म ९८१०५१६२५
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- २३) लक्ष्मी शर्म ९८
- २४) लक्ष्मी शर्म ९८०३६७३६३७
- २५) लक्ष्मी शर्म ९८१५१८५९६३

## Details of the Meetings/Consultation

Date: 30 April 2023

2 meetings

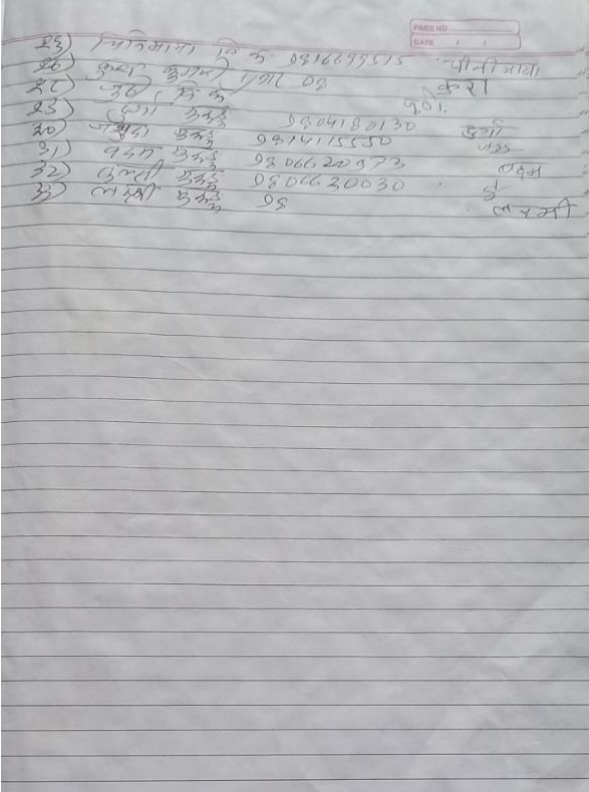
Place: Khudbi Dana &amp; Sidane

Attendance: 33 ( 10 Female)

- Local people
- Ward Chair
- Chair of road management committee
- Leader of mother group

## Key discussion/observation

- Observation of proposed road alignment
- Shared project safeguard requirements
- Discussion on the likely impacts to local people potentially affected by the road project
- Mother group member highlighted access road in their priority

Copy of the Minutes of the Meeting	Details of the Meetings/Consultation
	<p>Date: 30 April 2023  Date: 30 April 2023  <u>2 meetings</u></p> <p><u>Place:</u> Khudbi Dana &amp; Sidane</p> <p><u>Attendance:</u> 33 (10 Female)</p> <ul style="list-style-type: none"> <li>- Local people</li> <li>- Ward Chair</li> <li>- Chair of road managemetrn committee</li> <li>- Leader of mother group</li> </ul> <p><u>Key discission/observation</u></p> <ul style="list-style-type: none"> <li>- Observation of proposed road alignment</li> <li>- Shared project safeguard requirements</li> <li>- Discussion on the likely impacts to local people potentially affected by the road project</li> <li>- Mother group member highlighted access road in their priority</li> </ul>



### Photographs of the Meetings and Field Visits





**Appendix 5: Indigenous Peoples' Specific Action Plan**

<b>Specific Activities</b>	<b>MOVs</b>	<b>Timeframe</b>	<b>Timeline</b>	<b>Remarks/ Status</b>
1. Identify and include indigenous peoples households in the project coverage area	Data will be obtained from the census survey and primary data analysis	Contractor PIU with the support of the DSC	Year 1	
<b>A. Beneficial Measures/Inclusion of Indigenous Peoples</b>				
2. Proposed benefits to indigenous peoples households:	Project Documents	Contractor PIU with the support of the DSC PCO	Year 2 onwards (ii) Year 1-3 (ii) Year 5 onwards	IEC materials, information disclosure, consultations and other activities stated in the CAPP will be culturally sensitive and appropriate when implemented.  A project information disclosure will be prepared, translated into language understandable to the indigenous peoples.
(i) Participation of indigenous peoples in awareness campaigns ensuring that their issues and concerns are taken into account				
(ii) Preferential employment during construction works, offer equal benefits/pay  (ii) Local construction materials (e.g., rock, gravel) and local service (eatery, lodging, transport, daily provisions etc.) purchased by contractors with priorities.				
3. Participation of eligible/targeted/interested indigenous peoples in training programs through social development and/or hospitality business from the national government program/s. The sub-activities will include: (i) assessment of training/capacity needs for indigenous peoples who are interested start hotel and other business having potential in Damdame-Kudbi-Sidane-Bhanjyang road area (ii) Member of the mother group will be provided with the agricultural extension programs				

Specific Activities	MOVs	Timeframe	Timeline	Remarks/ Status
particularly for organic vegetable production to be utilized in their home stay				
4. Number of indigenous peoples using the improved roads				
5. Type of consultations planned with indigenous peoples (i) Pre-construction (ii) Construction (iii) Post-construction	Detailed report on consultation in the QPR/SSMR with signed attended sheets and photographs	Contractor PIU with the support of the DSC	Year 1 onwards	Consultations with indigenous peoples households will be conducted in all project stages which shall help in identifying any culture-specific requirements and traditions like avoidance of any specific festival days, and/or other activities with cultural significance to the IP communities during civil work; and any other IP- related issues and concerns that may be of importance to the community. Opinions and views of the indigenous peoples shall be taken into account.
5. Grievance Redress Mechanism	Project GRM includes representation of IP and VAPs (women-headed households in the GRC. Government order/notice/specifying inclusion IP representation in GRC as described in the project GRM.	PIU/PCO	Year 1	

Specific Activities	MOVs	Timeframe	Timeline	Remarks/ Status
	Report related to project grievance reflected in the monitoring reports of the Project.			
<b>B. Mitigation Measures for the Indigenous Peoples</b>				
6. Indigenous Peoples with involuntary resettlement impacts are fully compensated and assisted as per agreed entitlement matrix.	Compensation receipts/acknowledgements  Monitoring reports	PIU/PCO	Year 1	
7. Indigenous peoples cultures and customs respected by contractors and external workers through awareness raising activities. <sup>21</sup> Culture awareness and other IEC-related activities on the indigenous peoples groups' cultures and customs provided to tourists by various means, e.g., SMS, brochure, poster and short video	Monitoring reports	PIU/PCO/DCS/ISCPC/Contractors	Year 1	
<b>C. Monitoring Activities</b>				
8. Monitoring survey including assessment of coverage and satisfaction levels of indigenous peoples with the project intended benefit vs. actual benefits to the indigenous peoples community.	Monitoring survey report and project completion report	PI/PCO	Year 6-7	

DSC = design and supervision consultant, GRC = grievance redress committee, IP = indigenous peoples, VAPs = vulnerable affected persons, POIU = project implementation unit, PCO = project coordinating office

<sup>21</sup> The PIU with the support of the DSC and PMCDC/ISCPC social safeguards specialist will ensure provisions of awareness-raising to the contractors and development of IEC materials, in consultation with the Indigenous peoples (Gurung people).



### Appendix 6: Sample Monitoring Template

A semi-annual monitoring report shall be prepared on Resettlement and Indigenous Peoples Plan (RIPP) implementation and submitted to ADB by the SDC. It will include: (1) the list of affected persons, with compensation, if any due to each and details of compensation paid with signed receipts annexed to the report, socio-economic status and satisfaction levels of affected persons with the RIPP implementation process, compensation and mitigation measures; (2) the list of vulnerable affected persons and additional compensation / special protection measures planned/implemented for them (e.g. assistance to obtain project construction related jobs); socio-economic status and satisfaction levels of affected persons with the RIPP implementation process, compensation and mitigation measures; (3) list of roads for closure and actions planned / taken to minimize disturbance; (4) details of consultations held with affected persons (with number of participants by gender, issues raised, conclusion / agreement reached, actions required/taken; (5) details of grievances registered, redressed, outstanding complaints, minutes of GRM meetings held; (6) details of information disclosure and awareness generation activities, levels of awareness among target population, if any; and (7) any other relevant information showing RIPP implementation progress. The following checklist may be used for overall monitoring of Resettlement and Indigenous Peoples Plan (RIPP) implementation.

	<b>Resettlement and Indigenous Peoples Plan (RIPP) Activities</b>	<b>Completed Y/N</b>	<b>Remarks</b>
<b>A. Pre-Construction Activities and RIPP Activities</b>			
1.	Approval of final RIPP by ADB prior to contract award		
2.	Disclosure of final RIPP on ADB and EA websites		
3.	Circulation of summary RIPP in local languages to all stakeholders		
<b>B. Resettlement and Indigenous Peoples Plan (RIPP) Implementation</b>			
4.	Grievance Redress Mechanism established at different levels		
5.	Entitlements and grievance redress procedure disclosed		
6.	Finalization of list of affected persons, vulnerable affected persons and compensation due		
7.	Finalization of list of roads for full or partial closure; mitigation measures proposed and implemented (with photographic documentation)		
8.	Affected persons received entitlements as per entitlement matrix in the RIPP		
9.	Payment of compensation, allowances and assistance (No. of affected persons)		
10.	Additional assistance (project-related construction jobs, if willing and able) for vulnerable households given (No. of vulnerable affected persons assisted)		
11.	Grievances No. of grievances registered No. of grievances redressed Outstanding complaints Disclosure of grievance redress statistics		

	<b>Resettlement and Indigenous Peoples Plan (RIPP) Activities</b>	<b>Completed Y/N</b>	<b>Remarks</b>
12.	Consultation, participation and disclosure as per Plan		
C. Monitoring			
13.	Survey on satisfaction levels of affected persons with Resettlement and Indigenous Peoples Plan (RIPP) implementation completed		
D. Labour			
14.	Implementation of all statutory provisions on labour like health, safety, welfare, sanitation, and working conditions by Contractors. Ensuring no child labour used		
15.	Equal pay for equal work for men and women		

NOTE: Where applicable, the information provided in the table should be supported by detailed explanatory report, receipts and other details.

## **Appendix 7: Terms of Reference for Independent Third Party for Voluntary Land Donation/Negotiated Settlement**

1. For any voluntary donation of land, an external independent entity will supervise and document the consultation process and validate the negotiated purchase/ land donation process as per legal requirement.

### **Terms of Reference for Independent Third-Party Witness**

2. An independent third party is sought to be appointed to oversee and certify the process of negotiated purchase/ land donation. The third party shall be briefed about his/her expected role and deliverables by the /PIU/PMCDC (safeguard officer/assistant safeguard officer/SSS).

3. **Eligibility.** The third party shall be a representative of the community (for example, a leader of the community with formal/legal standing, a representative of a local NGO/CBO with formal and legal standing) or an institution, without any direct interest in the negotiation process or - activity, who is acceptable to each of the concerned parties (/PIU and concerned landowner/donor).

4. **Scope of Work.** The role of the third party shall be to ensure a fair and transparent process of negotiation/donation. The envisaged scope: of work shall entail the following:

- (i) witness and keep a record of meetings held with the concerned parties;
- (ii) ensure there is no coercion involved in the process of negotiated purchase/land
- (iii) donation;
- (iv) ensure that the donor(s) are not coming from vulnerable groups/poor families;
- (v) ensure that the preferences and concerns of the land owner/donor related to
- (vi) access, selection of site within lands held, etc. are recorded and any stipulated
- (vii) conditions met;
- (viii) ensure that the negotiated purchase/land donation agreement is drafted in a
- (ix) fair and transparent manner;
- (x) confirm that the offered/agreed price is fair and meet the market price of the
- (xi) land with similar value and condition in the area;
- (xii) ensure the negotiated purchase/donation does not result any negative impacts
- (xiii) to the third party associated with the purchase/donation activity;
- (xiv) identify and recommend mitigation measures to land owner/donor/affected
- (xv) third party, if required;
- (xvi) ensure that taxes, stamp duties and registration fees for purchased/donated
- (xvii) land are borne by government; and
- (xviii) submit a report and signed certificate as witness to the purchase/ donation
- (xix) and transfer process.

5. **Deliverables:** The details of the meetings, socioeconomic background of the land/assets owner(s) and a certificate/reports as witness to the purchase/donation process and mitigation measures to owner/donor, if any, shall be submitted by the third party to PMU/PIU and owner/donor in the local language and share with ADB for review.

### Appendix 8: Sample Third-Party Certification Formats

*This is to certify that Mr./Miss \_\_\_\_\_ (profession, designation, address) is appointed as independent third party to certify the process of negotiated purchase/land donation of plot no. \_\_\_\_\_ area \_\_\_\_\_ owned/donated by \_\_\_\_\_ (name of the owner), who is a signatory to this certificate. It also placed on record that none of the signatories to this certificate have any objection to appointment of \_\_\_\_\_ as a third-party witness.*

Date: \_\_\_\_\_

Officers (PIU or representative) and land donor

1. \_\_\_\_\_

2. \_\_\_\_\_

I, \_\_\_\_\_ of \_\_\_\_\_ (address) certify that I was a witness to the process of negotiated purchase / land donation (details of plot \_\_\_\_\_ from \_\_\_\_\_ (landowners' names). I certify that:

1. The process of purchase / donation of the said land was transparent; the landowner(s) was/were happy to sell/donate the land for the welfare of the community.
2. No coercion was used in the purchase/donation process.
3. Land transfer costs (registration fee and stamp duty) were borne by the government and not by the owner/donor.
4. All concerns expressed by the owner/donor as agreed, were addressed and no pending issues remain.
5. The following mitigation measures were identified and implemented /provided to the landowner/donor.
6. Attached are the minutes of meetings held between project proponents and the landowner/donor, which I was witness to.

Signed/ Name

Date: \_\_\_\_\_ Place: \_\_\_\_\_

Enclosed: Minutes of meetings held between landowner/donor and project proponents

**Appendix 9: Sample Consent Form of Voluntary Land Donation from the Landowners<sup>22</sup>**

I, \_\_\_\_\_, (name of land donor) am a permanent resident of Ward No. \_\_\_\_\_, \_\_\_\_\_ (name of the municipality), Province of \_\_\_\_\_, Nepal, do hereby solemnly affirm and declare that I own the land comprising of \_\_\_\_\_ (land details such as plot no.). I hereby give my consent to donate \_\_\_\_\_m<sup>2</sup> of land to the \_\_\_\_\_ (name of concerned project authorities) for the construction of \_\_\_\_\_ under the \_\_\_\_\_ (name/title of the project component).

Signature of Landowner:

1. \_\_\_\_\_ (sign/stamp)
2. \_\_\_\_\_ (sign/stamp)

Project Authorities representative:

\_\_\_\_\_  
Sign/stamp

<sup>22</sup> This consent form will be followed by a legal agreement between the landowner and project proponents on no land compensation and/or formal transfer of land own/Deed of Donation and formal transfer of ownership reflected in the land records will be involved. In addition, a third-party certificate will be obtained.

### Appendix 10: Sample Grievance Registration Form

(To be made available both in English and *Nepali*)

The \_\_\_\_\_ Project welcomes complaints, suggestions, queries and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback. Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing *\*(CONFIDENTIAL)\** above your name. Thank you.

<b>Date</b>		<b>Place of registration</b>			
<b>Contact Information/Personal Details</b>					
<b>Name</b>		<b>Gender</b>	Female Male	<b>Age</b>	
<b>Address</b>					
<b>Place</b>					
<b>Contact No.</b>					
<b>E-mail</b>					
<b>Complaint/Suggestion/Comment/Question</b> <i>Please provide the details (who, what, where and how) of your grievance below:</i>					
If included as attachment/note/letter, please tick here:					
<b>How do you want us to reach you for feedback or update on your comment/grievance?</b>					

#### FOR OFFICE USE ONLY

<b>Registered by:</b> (Name of Official registering grievance)				
<b>Mode of communication:</b>	Application/letter	E-mail	Verbal/Telephonic	WhatsApp
<b>Reviewed by:</b> (Names/Positions of Official(s) reviewing grievance)				
<b>Action Taken:</b>				
<b>Whether Action Taken is Disclosed:</b>		Yes	No	
<b>Means of Disclosure:</b>				

## Appendix 11: Census and Baseline Socio-Economic Survey Guidelines

### Urban Resilience and Livability Improvement Project (URLIP)

#### A. Census Requirements

1. The cut-off date for titleholders will be the date of notification under the Land Acquisition Act. For the non-titleholders, census survey date in each locality will be considered as the cut-off date. People moving into the project area after the cut-off date will not be entitled to support. Persons, who were not enumerated during the census but can show documentation or evidence that he/she is rightfully an affected persons will be included. The PIU with the support of the Supervision and Design Consultant is responsible for such verification. Only those affected persons within the project impact area will be considered eligible for support under the URLIP.

#### B. Census Requirement and Contents

2. A census of households and individuals located within the project has to be undertaken to register and document the status of potentially affected population within the project impact area. It will provide a demographic overview of the population covered by the resettlement plan/RIPP and profiles of household assets and main sources of livelihood. It will cover 100% of the potentially affected population within the project impact area.

- (i) **Resource Base** – The resource base including land, water, and forest, etc., with an assessment of its development and ecological potential in the pre-project conditions. During the conduct of the census, legal boundaries of affected properties and the right of way (ROW) are to be verified. Structures, trees and other assets are to be recorded.
- (ii) **Economy Base** – The economy base of the affected people including the modes and magnitude of production, consumption pattern, related economic institutions.
- (iii) **Household Census** – Household census covering immovable property owned by the affected persons and other resources in their possession/use. These surveys would be carried out in association with local and host communities as well as with the local representatives.
- (iv) **Social Structures** – The social structure, norms, customs, cultural centers, traditions, patterns of leadership and institutions of social network.
- (v) **Affected Persons** – The census will identify the affected population including tenants, leaseholders, sharecroppers, encroachers, employees and agricultural workers. During such census, those affected persons dependent on the existing infrastructure link for their livelihood, shall also be identified and listed along with their identified income. The census will also identify affected persons falling in the vulnerable category. The vulnerable groups include households falling below poverty line, households with persons with disability, female-headed households, households having elderly (JesthaNagarik) and children, *Dalits*, indigenous people, landless households and households without legal title to land.

#### C. Census Procedures

3. The following procedure is to be adopted in carrying out the census:
  - (i) Preliminary screening to provide initial information on social impacts;
  - (ii) Verification of legal boundaries and ownership of the project area, to document existing structures, land plots, and others physical assets. This involves:
    - (a) All encroachments, private land holdings and others assets in the project area is to be documented;
    - (b) Identification of suitable resettlement sites, in close proximity to the affected area if required;
    - (c) Assets, structures, land holdings, trees, etc. to be recorded;
    - (d) All information is to be computerized; photography to be used to document existing structures; and
  - (iii) The baseline socio-economic survey shall cover information on the various categories of losses and other adverse impacts likely under the project;
  - (iv) The census will identify potentially affected populations with special attention to vulnerable groups; and
  - (v) Assessment on the value of various assets to be made.

#### **D. Database Management**

4. **Data Sources.** As a pre-requisite for conducting the primary household surveys, relevant information is to be collected from secondary sources. These include:

- (i) Revenue records maintained, with regard to land particulars for facilitating acquisition of properties and resettlement of displaced;
- (ii) Census records for demographic information;
- (iii) Development agencies to get information on various development programs for special sections of population like those living below poverty line, indigenous peoples, etc.; and
- (iv) Local organizations including non-government organizations (NGOs) in order to involve them and integrate their activities in the economic development programs of the displaced population.

5. **Data Collection.** Household level contacts and interviews with each affected family for completing the household socio-economic profile. Each of the households surveyed and the structure/land likely to be affected by the project has to be numbered, documented and photographed. Public consultation exercises in different project areas to be conducted with the involvement of affected persons. In these exercises, women among the affected persons are to be involved to elicit their views and options on the overall planning of resettlement activities. Discussions with a cross-section of affected population will help towards understanding the problems and preference of the affected persons.

6. **Data Analysis.** The analysis would cover the following: population, population density, age, sex ratio, literacy rates/education, gender issues, tribal issues, religious groups, income, occupation and poverty line.

7. **Data Update.** The PIU responsible for implementation of resettlement plan/RIPP, should conduct a rapid appraisal to continuously update information.



## Appendix 12: Census and Socioeconomic Survey Questionnaire

### Part I: Socio-economic Information

#### 1. General Information

S .No	Question	Answer
1.1.	Questionnaire No. (Code)	
1.2	Date of Interview	
1.3	District	
1.4	Name of Municipality	
1.5	Ward Number	
1.6	Name of the Village/tole	
1.7	Name of the Respondent	
1.8	Gender of Respondent	Male ..... 1 Female ..... 2
1.9	Contact number of respondent	
1.10	Relation with Household Head (if HHH is other than respondent)	
1.11	Gender of Household Head	Male ..... 1 Female ..... 2
1.12	If Women-headed household, what positioned her to such situation?	Out Migration of Spouse----- ---- -1 Widow----- ----2 Separated----- ----3 Male members provided such role----- ----4 Cultural region----- ---- -5 Other ( Specify)----- ----6
1.13	Caste/Ethnicity of Household: (Please circle the correct one) <b>[ see attached sheet for classification of Janajatis in Nepal]</b>	Brahmin /Chhetri/Thakuri----- -- -- 1 Janajati (Advantaged- Newar&Thakali)- 2 Janajati (Disadvantaged)----- ----- 3

S .No	Question	Answer
		Janajati (Endangered/Marginalized)--. - -4 Dalit (Kami/Dama/Sarki/Badi/Gaine) --5 Religious Minority (Muslim/Churaute)--6 Madhesi----- -----7 Other ( Specify) ..... 8
1.14	Religion: (Please circle the correct one)	Hindu ..... 1 Buddhist ..... 2 Muslim ..... .....3 Kirat ..... .....4 Christian ..... 5 Prakriti----- -----6 Other ( Specify) ..... 7
1.15	Type of Family: (Please circle only one)	Nuclear .....1 Joint .....2 Extended .....3

Vulnerability Status of household - Tick if any of the following is true for the household

S. No.	Vulnerability Parameters	Tick '√' if applicable for family	If applicable, mention no. of members
1.	Person with disability* in the family, with or without disability certificate (indicate if medical certificate is available or not)		
2.	Widow in the family		
3.	Women headed household with dependents		
4.	Elderly* over 65 years with no immediate family members to support		
5.	Household belongs to an indigenous peoples group (if yes, indicate the IP classification and the specific region/IP group from Table 1)		

6.	Household is 'Below Poverty Line' or BPL* family or in abject poverty or having no income source		
7.	Household is landless (not having land with or without title)		
8.	Household does not have legal title for any land parcel		
9.	Any other (please mention).....		
*Disability, Elderly, BPL, ethnic minority, indigenous or tribal as defined by the government			

**Table 1: Classification of Adivasi Janajatis (Indigenous) Group in Nepal**

Region	Classification of Adivasi Janajatis				
	Endangered (10)	Highly Marginalized (12)	Marginalized (20)	Disadvantaged (15)	Advantaged (2)
Mountain (18)		Shiyar, Shingsawa (Lhomi), and Thudam	Bote, Dolpo, Larke, Lhopa, Mugali, Tokpegola, and Walung	Bara Gaule, Byansi (Sauka), Chhaintan, Maparphali Thakali, Sherpa, Tangbe, and Tingaunle Thakali	Thakali
Hill (24)	Bankariya, Hayu, Kusbadiya, Kusunda, Lepcha, and Surel	Baramu, Thami (Thangmi), and Chepang	Bhujel, Dura, Pahari, Phree, Sunuwar, and Tamang	Chhantyal, Gurung (Tamu), Jirel, Limbu (Yakthumba), Magar, Rai, Yakkha, and Hyolmo	Newar
Inner Terai (7)	Raji, and Raute	Bote, Danuwar, and Majhi	Darai, and Kumal		
Terai (10)	Kisan, and Meche (Bodo)	Dhanuk (Rajbansi), Jhangad, and Santhal (Satar)	Dhimal, Gangai, Rajbansi (Koch), Tajpuriya, and Tharu		

**1.2. Demographic Information****Household Profile**

S.No.	Family Members (Start with HH Head and other members in relations): Code-1	Sex (Circle)		Age (Completed Years)	Marital status-Code -2	Education (>5 Yrs age) Code-3	Occupation (>14 Yrs age) Code- 4	Currently at home or not (Circle)	
		M	F					Yes	No
1		1	2					1	2
2		1	2					1	2
3		1	2					1	2
4		1	2					1	2
5		1	2					1	2
6		1	2					1	2
7		1	2					1	2
8		1	2					1	2
9		1	2					1	2
10		1	2					1	2
11		1	2					1	2

Codes: HH head-1, Spouse -2, Daughter-3, Son-4, Daughter in Law-5, Father-6, Mother-7, Grandson-8, Grand Daughter-9, Sister-10, Elder Brother-11, Elder Brother's wife -12, Younger Brother-13, Younger Brother's Wife-14, Cousin male -15, Cousin Female-16, others- 17

2. Marital Status: Married-1, Unmarried -2, Divorce-3, Widow

3. Education: Illiterate-1, Can read and write-2, Primary/ lower secondary-3, Secondary-4, SLC/ Higher Secondary-5, College Dropout-6, Graduate-7, Postgraduate-8, Professional (doctor, engineer, lawyer and so on)-10, others-11

4. Occupation: Agriculture-1, Service-2, Trade/Business-3, Labor (agriculture / non agriculture)-4, Foreign Employment-5, Student-6, House Wife-7, Disable-8, Pension-8, others (specify)-9

### 3.1 Land Ownership

S. No.	Name of landowner	Type of ownership <sup>1</sup>	Number of parcels	Total Area			Unregistered land cultivated				
				B	K	D	Sq. ft	B	K	D	Sq. ft
1											
2											
3											
4											
	<b>Total</b>										

B=Bigha, K=Kattha, D=Dhur (1 Bigha = 20 Kattha = 6772.63 m<sup>2</sup>: 1 Katha 20 Dhur = 338.63 m<sup>2</sup> : 1 Dhur = 16.93 m<sup>2</sup> )

<sup>1</sup>Titleholder. 1; Nontitle holder 2; Right to use granted by Local Authority. 4; Encroacher 5, Squatter 6

### 1.4 Annual Income:

Please provide the household income from all (different) sources as follows (Provide last one year figure. Enumerators will require calculating the income from household's own production as well as from rented in and rented out lands)

S.No.	Sources of Income	Total Income (Rs)
1.	Cereal Crops	
2.	Vegetable and Cash Crops	
3.	Fruits	
4	Non-Timber Forest products/Herbs	
5.	Livestock and Poultry	
7.	Service /Remittances/ Foreign employment/ Pension	
8.	Trade / business/ cottage industry	
9.	Wages/paid labor	
10.	Rent/ Interest	
11.	Others (Specify)	
Total gross income		

## Part II. Impact Assessment

### 2. Assets affected by the proposed project

2.1. Impact on Land				
<b>2.1.1</b> Ownership of affected land	Private ... ..1	<b>2.1.2</b> Status of ownership  _____ _____ _____	<b>Project Affected Persons Type/Category:</b>  Titleholder .....1 Non-titleholder.....2 Right to use granted by Local Authority.....4 Encroacher.....5 Squatter.....5	
	GoN.....2			
	Religious.....3			
	Community ....4			
	Other specify...5			
<b>2.1.3</b> Number of affected parcels No:	<b>2.1.4</b> Area of affected parcels Kattha: Dhur:	<b>2.1.5</b> % loss of affected parcels Less than 10% ....1 Above 10%.....2	<b>2.1.6</b> Present use of affected land  _____ _____ _____	Cultivation.....1
				Residential.....2
				Commercial.....3
				Barren.....4
	Other .....5			
2.1.7: Location of affected land parcel: left.....1: Right :.....2				
2.1. 8: Is remaining part of land viable to continue cultivation/use Yes.....1; No.....2				

2.2. Impacts on Structure and other Assets				
<b>2.2.2</b> Present use of affected structure	<b>2.2.3:</b> Type of construction material used in affected structures.	<b>2.4.4</b> Type of the affected utilities and number		
Residential .....1 Commercial .....2 Residential + commercial ....3 Toilet.....4 kitchen..... 5 store room .....6 cattle shed.....7 compound wall .....8 Other specify .....9	Permanent .....1 Semi permanent .....2 Temporary.....3 Dismantlable Projection / Extension .....4	Handpumps.....2 Open well .....3 Bore well .....4 Water tap.....5 Other .....6		
<b>2.2.5 Scale of impacts on affected structure</b>	<b>Affected structures</b>	Total area of structure sqm	Affected area sqm.	Scale of impact (Circle 1 for less than 10% and 2 for above 10%)

	1			1	2
	2			1	2
	3			1	2
	4			1	2

**2.4.6:** Is the remaining part of the Structure sufficient to continue to use /live or enough area available to shift the structure.  
Yes:.....1  
No.....2:

**2.3. Impacts on Business**

<b>2.3.1:</b> Name of the owner	<b>2.3.2</b> Affected business run in Rental property .....1 Own property.....2	<b>2.3.3:</b> Year of establishment
<b>2.3.4. Level of Impacts</b> Permanent .....1 Temporary .....2		
<b>2.3.5</b> Nature of business (name of affected shop)	Grocery .....1 Fresh house .....2 Furniture.....4 Dairy.....5 Kiosk .....6 Canteen.....7 Other specify .....8	<b>2.3.6:</b> Number of employees/family Employee Man: Women: Family worker: Man: Women:
<b>2.3.7:</b> Total family member Men: Women:	<b>2.3.8:</b> Initial investment in business NPR.	<b>2.3.9:</b> Monthly net income NPR:

**2.3.10 Temporary impacts:** In order to lay the storm water drain, a part of the road stretch would be dug-up. The work on this road section will take about 2/3 weeks to complete. This could cause difficulty to pedestrians and vehicles using this road. In view of the above, please answer the following:

Will it affect customers coming to your shop? Yes .....1: No.....2

If yes , will there be the loss of income ? Yes .....1: No.....2

If yes .. what is your estimated income loss for said period: NRs. \_\_\_\_\_

Daily Income/Earnings from the business: \_\_\_\_\_

2.4 Employment loss						
Name of employees	Man	Women	Number of working year(s)	Monthly salary	Family member	Number of earning member in family

<b>2.5 Agriculture</b>						
<b>2.5.1 . Is there likelihood of the loss of standing crops.</b> Yes .....1 No.....2			Name of Crop Area covered by crops. Ha. Productivity in KG Net income from the crop NPR.			
<b>2.5.2: Impacts on tree /vegetation/crops</b>						
Name of tree (species)	Type of Trees (1. Fruit Bearing, 2 Non-Fruit Bearing, 3. Timber 4. Fodder)	Age of tree	Number of trees	Estimated market price		

#### 4.0 Standard of Living (Physical Facilities and Services)

4.1 What type of residential house do you have?

Grocery

S.No.	Types of House	No.	Area occupied (sq.ft)	Remarks
<b>A.</b>	<b>Residential</b>			
1.2	Kuchha (Jhupro with straw/ thatched roof)			
1.2	Semi Pukka			
1.3	Pukka			
<b>B.</b>	<b>Other structures (cow shed/ warehouse)</b>			
2.1	Kuchha (Jhupro with thatched roof)			
2.2	Semi Pukka			
2.3	Pukka			

#### Code of House Categories:

Kuchha: 1-Bamboo/ wood/ stone wall with mud mortar with thatch/ straw roof  
 Semi Pukka: 2-Stone wall with cement mortar/ plaster and GI sheet roof  
 Pukka: 3-Cement mortar wall/ pillar with RCC/RBC roof

4.2 Sanitation facilities



Question	Answer	Skip
Do you have toilet facility in your current residence?	Yes ..... 1 No ..... 2	7.7
If yes, what type of toilet facility is available?	Open ..... 1 Pit Toilet (Khalte) ..... 2 Kuchha Toilet ..... 3 Pukka Toilet ..... 4 Others ..... 5	

#### 4.3 What types of facilities you have for drinking water? Please circle all sources used.

S. No.	Sources	Used the Source		Order the sources starting from most frequently used
		Yes	No	
1.	Pipe water (Private tap)	1	2	
2	Ground water	1	2	
3	Both			
8.	Others (Specify).....	1	2	

### 5.0 Social Participation

SN	Question	Answer
1	Does your family have membership (s) in the local social organizations?	Yes ..... 1 No ..... 2

*If yes, mention the organization,*

- 1.
- 2.
- 3

#### 5.1 Skill requirements:

10.3	If skill enhancement is required, what kind of training do you prefer? Specify 3 trainings in order of importance	1.		
		2.		
		3.		
10.4	What kind of livelihood measure you suggest for households? Please mark the relevant responses		Yes	No
		1. Employment	1	2
		2. Skill training	1	2
		3. Soft loan	1	2
		4. other	1	2

**6.1 What is your opinion on the positive and negative impacts of URLIP project?  
(Tick the appropriate answers)**

6.2. Do you have any other concern to share with us which is not covered in the questionnaire?

Name of enumerator: \_\_\_\_\_

Date: \_\_\_\_\_

Enumerator's Observations: Please note key observations.

**Thank You!**

**Appendix 13: Sample Template of Project Information Disclosure Leaflet**

<b>Project Information</b>	<b>Description/Details</b>
About the Project	
Name of the Executing Agency/Implementing Agency	
Proposed Project technical details and Project Benefit	
Summary of Project Impacts	
Compensation and Entitlement	
Resettlement Plan Budget	
Resettlement Plan Implementation Schedule	
GRM Information	
Contact Number of PIU, PCO and contractor	

Note: List of affected persons and entitlement matrix to be attached with this leaflet.

## Appendix 14: Outline of Social Safeguard Monitoring Report

Following requirements of the ADB Safeguard Policy Statement (2009) and the *Operations Manual* section on safeguard policy (OM F1), borrowers/clients are required to establish and maintain procedures to monitor the status of implementation of safeguard plans and ensure progress is made toward the desired outcomes. For projects categorized as A or B in Involuntary Resettlement and/or Indigenous People, the Borrowers/clients are required to submit semiannual monitoring reports for ADB review. The level of detail and comprehensiveness of a monitoring report is commensurate with the complexity and significance of social safeguards impacts (involuntary resettlement and indigenous peoples) and with the current status of project implementation phase.

This outline can be used for periodic monitoring report (semiannual) and Resettlement and Indigenous Peoples Plan completion report to start the civil works in the impacted areas. A safeguard monitoring report may include the following elements:

### A. Executive Summary

This section provides a concise statement of project scope and impacts, key findings and recommended actions.

### B. Background of the Report and Project Description

This section provides a general description of the project, including:

- Background/context of the monitoring report which includes the information on the project, project components, safeguards categorizations and general scope of the social safeguards impacts.
- Information on the implementation progress of the project activities, scope of monitoring report and requirements, reporting period, including frequency of submission and changes in project scope and adjusted safeguard measures, if applicable
- Summary table of identified impacts and the mitigation actions.

### C. Scope of Impacts

- This section outlines the detail of scale and scopes of the project's safeguards impacts,
- Vulnerability status of the affected people/communities,
- Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final RIPP.

### D. Compensation and Rehabilitation<sup>23</sup>

This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan. This includes:

- Payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons;

---

<sup>23</sup> Depending on the status of the final detail design during the submission of the report this activity might not yet started. Provide the information on the expected date the activity to be conducted instead.

- Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan.
- Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

#### **E. Public Participation and Consultation**

This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with affected persons during RIPP finalization after the completion of detail design; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, implementing NGOs, project supervision consultants, contractors, etc.

#### **F. Grievance Redress Mechanism**

This section described the implementation of project GRM as design in the approved Resettlement and Indigenous Peoples Plan. This includes evaluations of its effectiveness, procedures, complaints receive, timeliness to resolve issues/ complaints and resources provided to solve the complaints. Special attentions should be given if there are complaints received from the affected people or communities.

#### **G. Institutional Arrangement**

This section describes the actual implementation, or any adjustment made to the institutional arrangement for managing the social safeguards issues in the projects. This includes the establishment of safeguards unit/ team and appointment of staff in the executing agency/implementing agency; implementation of the GRM and its committee; supervision and coordination between institutions involved in the management and monitoring of safeguards issues, the roles of NGO and women's groups in the monitoring and implementation of the plan, if any.

#### **H. Monitoring Results - Findings**

This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of compensation rates and timeliness of payments, adequacy and timeliness of rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing EMP, RIPP, timeliness and adequacy of capacity building, etc.). It also compared against the objectives of safeguards or desired outcomes documented (e.g., involuntary resettlement impacts avoided or minimized; livelihood restored or enhanced; indigenous peoples' identity, human right, livelihood systems and cultural uniqueness fully respected; indigenous peoples do not suffer adverse impacts, environmental impacts avoided or minimized, etc.). For FI projects this includes the effectiveness of the Environmental and Social Management System (ESMS) managed by the FI and its participating institutions.<sup>24</sup> If noncompliance or any major gaps identified, include the recommendation of corrective action plan.

#### **I. Compliance Status**

---

<sup>24</sup> Specific for the FI projects, external agency may be required to conduct an audit of the project ESMS.

This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) on SR 2 and the approved final RIPP.

#### **J. Follow up Actions, Recommendation and Disclosure**

This section describes recommendations and further actions or items to focus on for the remaining monitoring period. It also includes lesson learned for improvement for future safeguards monitoring activities. Disclosure dates of the monitoring report to the affected communities should also be included. A time-bound summary table for required actions should be included.

#### **Appendices:**

- List of affected persons and entitlements
- Summary of RIPP with entitlement matrix
- Copies of affected persons's certification of payment (signed by the affected persons)
- Summary of minutes of meetings and consultation photographs
- Summary of complaints received and solution status
- Implementation progress of the specific action plan