

Resettlement Framework

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NEP: Prevention and Control of COVID-19 through WASH and Health initiatives in Secondary and Small Towns of Nepal Project – Funded by Japan Fund for Poverty Reduction

Prepared by the Ministry of Water Supply, Government of Nepal for the Asian Development Bank.

CURRENCY EQUIVALENTS

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Currency unit - Nepalese rupee (NRe)

NRe1.00 = \$0.0086

\$1.00 = NRs115.89

ABBREVIATIONS

ADB	-	Asian Development Bank
BPL	-	below poverty line
CBO	-	Community-based organization
CDC	-	Compensation determination committee DDR
DDR	-	due diligence report
DMS	-	Detail measurement survey
DWSSM	-	Department of Water Supply and Sewerage Management
ESO	-	Environmental safeguard officer
GESI	-	Gender equality and social inclusion
GRC	-	Grievance Redress Committee
GRM	-	Grievance Redress Mechanism
LAA	-	Land Acquisition Act
LAR	-	Land Acquisition and Resettlement
LRO	-	Land Revenue Office
MOWS	-	Ministry of Water Supply
NGO	-	Non-Government Organization
NOC	-	No Objection Certificate
NWSSTC	-	National water Supply and Sanitation Training Center
PCCWHSST	-	Prevention and Control of COVID-19 through WASH and Health initiatives in Secondary and Small Towns
PISU	-	Project Implementation Support Unit
PMO	-	Project Management Office
RPMO	-	Regional Project Management Office
SDO	-	Social Development Officer
SSO	-	Social Safeguards Officer
SPS	-	Safeguard Policy Statement
SSS	-	Social Safeguard Specialist
TOR	-	terms of reference
UWSSP	-	Urban Water Supply and Sanitation (Sector) Project
WUSC	-	Water Users and Sanitation Committee

WEIGHTS AND MEASURES

	-	kilometer
km		
m ²	-	square meter
mm	-	millimeter
µg/m ³	-	microgram per cubic meter

GLOSSARY OF NEPALI TERMS

<i>ropani</i>	-	Size of land parcel; 1 ropani= 16 anna (0.0509 ha)-508.72 m ²
<i>Anna</i>	-	Size of land parcel; 1/16 ropani (0.0032 ha)
<i>paisa</i>	-	Size of land parcel; 1 paisa= 7.96 m ²
<i>Dam</i>	-	Size of land parcel; 1 dam=1.99 m ²
<i>bigha</i>	-	size of land parcel; 1 bigha = 20 katha (0.678 ha)
<i>Dhur</i>	-	size of land parcel; 1 dhur=0.0017 ha
<i>katha</i>	-	size of land parcel; 1 katha = 0.0339 ha
<i>kucchi</i>	-	temporary structure e.g., a rural hut made of wood, bamboo or stone with mud mortar and a thatched roof.
<i>pakki</i>	-	structure (house/building) with permanent roofing made of RCC/RBC.
<i>semi-pakki-</i>		house or building made of stone with mud mortar and clay, timber, slate or corrugated iron roofing
<i>Crone</i>	-	10 million (= 100 lakh)
<i>lakh, lac-</i>		100,000

NOTE

In this report “\$” refers to United States dollars.

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GLOSSARY OF TERMS

Land Acquisition means the process whereby land and properties are acquired for the purpose of the project construction. For the purpose of involuntary resettlement, it refers to use of eminent domain power of the sovereign state.

Baseline Socio-economic Sample Survey. The purpose of the baseline socioeconomic sample survey is to establish monitoring and evaluation parameters, it will be used as a benchmark for monitoring the socio-economic status of project affected people. The survey will cover 20% affected people. The survey will also collect gender-disaggregated data to address gender issues in resettlement. The survey will carry out the following: (i) preparation of accurate maps of the sub-project area; and (ii) analysis of social structures and income resources of the population.

Census. The purpose of the census is to register and document the status of potentially affected persons within the sub-project impact area. The census will cover 100% of affected persons. The census will provide a demographic overview of the population and will cover people's assets and main sources of livelihood.

Compensation means payment in cash or in kind of the replacement value of the acquired property.

Displaced Persons means those who are physically displaced (relocation, loss of residential land, or loss of shelter) and / or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods).

Economic Displacement means those who loss 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. Economic displacement may be either permanent (full/partial loss of livelihood) or temporary.

Compensation Determination Committee (CDC) means the committee established under the chair of Chief District Officer as per Land Acquisition Act 2034 (1977) for the determination of amount of compensation.

Significant Impact includes loss of 10 percent or more of total productive assets, or physical displacement from housing.

Replacement Cost means the method of valuing assets to replace the loss at market value before the project or dispossession, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration, and titling costs.

Relocation means physical displacement from the pre-project place of residence.

Rehabilitation assistance means the measures, assistances and allowances provided under the resettlement plan other than payment of compensation of acquired property.

Vulnerable Groups include those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land (ADB, SPS 2009; page-17, policy principle- 2)

CONTENTS

	Pages
I. PROJECT DESCRIPTION	1
II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENT	2
A. Objectives	2
B. Policy Framework: Land Acquisition and Resettlement	2
C. Resettlement Framework	10
D. Obtaining Land for Project Purposes	11
E. Negotiated Settlement Process	12
F. Land Donation	13
G. Eligibility and Entitlements	14
H. Resettlement Plan Preparation	23
III. SOCIOECONOMIC INFORMATION AND IMPACT ASSESSMENT	24
IV. CONSULTATION, PARTICIPATION AND DISCLOSURE	25
A. Consultation and Participation	25
B. Project Initiation Stage	26
C. Resettlement Plan Preparation Stage	26
D. Resettlement Plan Implementation Stage	27
E. Consultation for Income Restoration Program	27
F. Disclosure	28
V. COMPENSATION, INCOME RESTORATION AND RELOCATION	28
A. Compensation	29
B. Replacement Value for Immovable Property	30
C. Valuation of Other Assets	30
D. Income Restoration	31
E. Relocation	31
VI. GRIEVANCE REDRESS MECHANISM	32
VII. IMPLEMENTATION ARRANGEMENTS	35
A. Implementation Arrangements	35
B. Institutional Capacity Development Program	39
C. Implementation Schedule	40
VIII. BUDGET AND FINANCING	41
IX. MONITORING AND REPORTING	42

APPENDICES

1. Involuntary Resettlement Impacts Categorization
2. Outline of a Resettlement Plan
3. Outline of Land acquisition and Involuntary Resettlement Due Diligence Report
4. Sample Form for Inventory of Loss Surveys
5. Checklist for Survey of Affected Businesses
6. Sample Form for Market Survey
7. Procedures and Eligibility of Land/Assets Donation Procedures
8. Draft Project Information Disclosure Leaflet
9. Sample Grievance Redress Form and Sample Monitoring Format

10. Sample Monitoring Template
11. Outline of Social Safeguards Monitoring Section of Quarterly Progress Report during Project Implementation
12. Terms of Reference for Independent Third Party for Negotiated Purchase or Voluntary Land Donation

I. PROJECT DESCRIPTION

1. Prevention and Control of COVID-19 through WASH and Health initiatives in Secondary and Small Towns project (PCCWHSST) is funded by Japan Fund for Poverty Reduction Project will support the Government of Nepal (the government) to improve selected local governments' capacity to better response to coronavirus diseases (COVID-19) pandemic through community-level interventions. The grant will have the following outputs: (a) Output I- essential public services and Water Sanitation and Hygiene (WASH) supplies to block interpersonal transmission of COVID-19 in public spaces, (b) Output II- behavior-centered community mitigation measures or campaigns to contain the pandemic and manage panic and misinformation, and (c) Output III- strengthened capacity of Department of Water Supply and Sewage Management (DWSSM), five (5) municipalities, and 10 small towns to timely respond to COVID-19 and other public health emergencies.¹ The grant project area will be linked to ADB's ongoing small towns projects and pipeline project on Integrated Water Supply and Sewage Management²

2. The executing agency will be Ministry of Water Supply (MWS). DWSSM (under MWS) will be the executing and implementing agency. Municipalities will be responsible for implementation of civil works and capacity building/training activities with support from the DWSSM.³ A Project Implementation Support Unit (PISU) will be established in social development section of the grant municipality and selected small towns.

3. Subprojects involving civil works will be assessed for involuntary resettlement impacts covering components including multipurpose shelter, mobile public toilets and hand washing stations. The scope of land acquisition and resettlement will be assessed for the subprojects and social safeguards document (resettlement plan or due diligence report) will be prepared after the approval of the grant. The draft documents will be updated based on detailed measurement surveys and ADB approval obtained prior to start of construction.

4. The proposed PCCWHSST project is not anticipated to involve any significant resettlement impacts and is classified as Category B. This Resettlement Framework provides guidance for the assessment of involuntary resettlement impacts and for the preparation of resettlement plans/land acquisition and involuntary resettlement due diligence reports for components that are identified or subprojects that are assessed or any changes in design made after Board approval. Any proposed future subproject involving significant impacts will not be allowed.

¹ 5 municipalities are Bharatpur, Butwal, Dhangadhi, Nepalgunj and Birgunj. 10 small towns are Bidur, Charali, Nirmalpokhari, Lalbandhi, Tikapur, Mahandanaga, Siddhanath Baijnath, Pragatinagar, Subaghat, and Dadhikot.

² ADB. 2014. Report and Recommendation of the President to the Board of Directors: Proposed Loan to Nepal for the Third Small Towns Water Supply and Sanitation Sector Project. Manila; ADB. 2018. Report and Recommendation of the President to the Board of Directors: Proposed Loan to Nepal for the Urban Water Supply and Sanitation Sector Project. Manila. The pipeline is included in ADB's Nepal Country Operation Business Plan (2020-2022).

³ In line with the Nepal constitution, local government can make decisions that are more representative of their localized health needs and management of health posts are devolved to the local government.

II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENT

A. Objectives

5. This resettlement framework is prepared to provide guidance to the Department of Water Supply and Sewerage Management (DWSSM), participating WUSCs/PISU and project consultants who will be carrying out the proposed PPCWHSST project and will need to follow ADB's safeguard policy when preparing, assessing and planning land acquisition and resettlement related aspects of subprojects during project implementation period or other project activities identified after project approval and in the event of unanticipated involuntary resettlement impact during project implementation. This resettlement framework provides steps to be taken in order to comply with ADB's Safeguard Policy Statement (SPS) 2009 requirement.

6. ADB SPS (2009) does not apply to negotiated settlements where both the acquiring agency and the affected people agree to a fair price for land and other assets, unless expropriation would result upon failure of negotiations.⁴ This resettlement framework provides steps that need to be followed when negotiated land acquisition is used by concerned entities (municipalities in 5 towns and water user and sanitation committees (WUSCs) in 10 small towns) to acquire land for project activities.

7. This resettlement framework for the project, has been endorsed by the government and will be disclosed by the executing agency in the project website. It reflects the borrower's policies as well as ADB's Safeguard Policy Statement (SPS), 2009 and other social safeguard guidelines. A detailed description of compensation measures and assistance is provided in the entitlement matrix. An entitlement matrix, consistent with the existing norms and guidelines of the country and the ADB SPS, has been prepared to cover potential losses identified in this project. The matrix recognizes that the lack of title/customary rights recognized under law will not be a bar to entitlement and has special provisions for non-titled persons. The eligibility for compensation will be determined through a cut-off date. People moving into the sub-project area after the cut-off date will not be entitled to compensation or other assistance.

8. This resettlement framework also applies to all affected persons with land status affected permanently or temporarily due to any project activities, including purchase and temporary use during construction. It also applies to people who use state land, whether sanctioned or not, and land use changes as a result of the investment. The resettlement framework does not apply to government land transferred from one authority to another or used for reconstruction, unless third parties are adversely affected by the transfer or use.

B. Policy Framework: Land Acquisition and Resettlement

9. This framework is prepared based on applicable legal frameworks of the government and ADB's Safeguards Policy Statement (SPS), 2009. In case of any discrepancy between the policies of ADB and the government, ADB policy will prevail.

10. The three important elements of ADB's SPS are (i) compensation to replace lost assets, livelihood, and income (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. In addition, the absence of legal title to land should not be a bar to compensation.

⁴ See ADB SPS (2009), Appendix 2, paragraph 25.

11. **Government of Nepal Laws for Land Acquisition.** There is no national resettlement policy in Nepal to deal with involuntary resettlement issues. However, there are many acts, rules and regulations governing land acquisition and involuntary resettlement. The Constitution of Nepal, land acquisition act, land reform act, land revenue act, road act and *guthi sansthan* act are the major acts relevant to land acquisition and compensation.

12. **The Constitution of Nepal (2015)**, Article 25 (I) guarantees the fundamental right of a citizen to acquire, own, sell, obtain commercial benefit and other transactions of property. Article 25 (II) describes that the state cannot acquire the property of any person except in case of public interest. Article 25 (III) also states that acquiring any person's property by state for public interest shall be according to basis of compensation and work system act.

13. **The Land Reform Act (1964)** is also relevant. As per the Act, a landowner may not be compensated for more land than he is entitled to under the law. This Act also establishes the tiller's right on the land which he is tilling. The land reform act additionally specifies the compensation entitlements of registered tenants on land sold by the owner or acquired for the development purposes. The Act amendment most recently in 2001 has established a rule that when state acquires land under tenancy, the tenant and the landlord will each be entitled to 50% of the total compensation amount. Tenants are verified through a record of tenancy at the Land Revenue Office.

14. **The Land Revenue Act (1977)** is also applicable, as the land acquisition involves change of ownership of land. Article 8 of the Act states that registration, change in ownership, termination of ownership right and maintenance of land records are done by Land Revenue Office (LRO). Similarly, Article 16 says, if land revenue is not paid by the concerned owner for long period of time, the revenue can be collected through auction of the parcel of the land for which revenue has been due.

15. **The Malpot Aien or Land Revenue (Land Administration and Revenue) Act, 2034 (1977)** This is the main Act to carry out land administration including maintenance and updating records, collection of land revenue and settlement of the disputes after completion of survey and handing over of the records to LRO by the Survey Parties. It authorizes the LRO to registration, ownership transfer and deed transfer of land. This Act also authorizes the LRO to transfer ownership and deeds of individual land, if any person applied for the ownership transfer of his/or land with mutual understanding for public use with recommendation of relevant committee.

16. Land acquisition must also comply with the provisions set out in the **Guthi Corporation Act 1976**. The Section 42 of the Act states that *Guthi* (religious/trust) land acquired for a development must be replaced with other land.

17. **Land Acquisition Act, 1977 (BS 2034)**. The Land Acquisition Act (LAA), 1977 and its amendment in 1993 is the core legal document to guide tasks related to land acquisition in Nepal. The LAA specifies procedures for land acquisition and compensation.

- (i) The Act empowers Government of Nepal to acquire any land, on the payment of compensation, for public purposes and works.
- (ii) The acquisition and compensation of privately-owned assets are undertaken according to a formal procedure, consisting of (i) initial procedures, (ii) a preliminary investigation process, (iii) acquisition notification, (iv) compensation notification, and (v) appeal procedures.

- (iii) Compensation Determination Committees are established (at district level) to ascertain compensation rates for land and other assets.
- (iv) Compensation must be paid (a) for damages caused as a result of investigations during the preliminary investigation process, and (b) for land and assets permanently acquired by the project (including, standing crops, trees and houses).
- (v) Compensation must be in cash (lump sum), although titleholders who have lost all of their landholdings may be given replacement land, if available.
- (vi) Titleholders are required to submit compensation claims or complaints within a specified period after the land acquisition notice had been issued by the Local Authority (Chief District Officer). There is provision for a Compensation Determination Committee (CDC) under the chairmanship of Chief District Officer (CDO) to fix the rate of compensation for the affected property. The other members in the committee are the Chief of Land Revenue Office, representative from District Coordination Committee (DCC), concerned Project Director/Manager. The committee can also invite representatives of the affected persons, and representatives from affected municipality/rural municipality.

18. **Clause 27 of the LAA** provides for land acquisition through negotiation/mutual agreement with the plot owners, where the process of land acquisition as per Act is not required. The Act grants the plot owner the right to choose between a mutual agreement process, and the formal process for land acquisition. Where Clause 27 is enacted, and the plot owner is not satisfied with the compensation agreement offered, Clause 18 (sub-clause 2) states that the owner can file a complaint with the Ministry of Home.

19. **Local Government Operation Act, 2017.** The new act promulgated in 2017 for the operation of local government have superseded all previous acts regarding of 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 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.

20. **Forest Act, 2019.** The Forest Act, 2019 recognizes the importance of forests in maintaining a healthy environment. Article 12 of Forest Act 2019, states that Province Government or Local Government can request Government to provide forest land to operate any project in forest area, given that there are no alternatives and establish that no significant impact is anticipated on operating such project through Environmental Examination"

21. **Water Resources Act, 1993.** The main objective of the Water Resources Act is to make legal arrangements for determining beneficial uses of water resources, preventing social, environmental and other hazardous effects thereof and also for keeping water resources free from pollution. Section 16 has a provision for land acquisition from government or public for the construction of a water resource project. If the project has been performed by Government of Nepal or a licensee, Government of Nepal may prohibit to use the premises of a house or land located in the area where such construction work is performed, or the premises of a house or land located in the prescribed distance from such place of construction by any other person for any specified purpose. Government of Nepal or the licensee shall pay compensation, as prescribed under Land Acquisition Act, 1977, (BS 2034) to the concerned person for such damage or loss

caused due to such prohibition.

22. **ADB Safeguards Policy Statement (2009).** The objectives of ADB's SPS with regard to involuntary resettlement are: (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iii) to improve the standards of living of the displaced poor and other vulnerable groups. ADB's SPS covers 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.

23. For any ADB operation requiring land through involuntary land acquisition, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following basic principles:

- (i) 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.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations (NGOs). 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 decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (a) land-based resettlement strategies when affected livelihoods are land replacement of assets with access to assets of equal or higher value, (c) prompt compensation at full replacement cost for assets that cannot be restored, and (d) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including: (a) 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; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) civic infrastructure and community services, as required.
- (v) 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.
- (vi) 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.
 - (vii) 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 non- land assets.
 - (viii) 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.
 - (ix) 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.
 - (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full 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.
 - (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
 - (xii) 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.

24. Government of Nepal laws have no provision for compensation to non-titleholders (i.e., those who do not possess land ownership certificates e.g., informal leaseholders, encroachers), whereas ADB policy provides for compensation against loss of land irrespective of legal ownership. Similarly, squatters, informal tenants etc. are not entitled to compensation for structures in Nepal, in contrast with ADB policy which recognizes affected squatters/encroachers as displaced persons with entitlement to compensation for affected structures/assets. ADB policy provides for compensation to non-titleholders provided they cultivated/occupied the affected land/structure before the eligibility cutoff date. ADB policy also has special provisions and assistance for vulnerable affected persons and groups, including those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land; on the other hand, national laws do not have any provisions for vulnerability. National laws do not provide for livelihood restoration in the event of economic impacts; they also do not provide for resettlement in the event of physical displacement. Temporary economic impacts are not provided for, under national law.

25. There are certain key differences between ADB policy and the government's legal frameworks which are summarized below in Table 1. In order to address gaps identified between national law and ADB's SPS, bridging measures are included in the entitlement matrix for the project. ADB's SPS applies to all ADB-financed and/or ADB-administered sovereign projects and their components, regardless of the source of financing, including investment projects funded by a loan, a grant, or other means. The resettlement framework represents a single, uniform document agreed upon by both the Government of Nepal and ADB to ensure compliance with

respective rules and policies.

Table 1: Comparison between Government of Nepal Law and ADB Safeguard Policy on Land Acquisition and Resettlement

S.N.	ADB Safeguard Policy Statement (2009)	Land Acquisition Act, 1977 and Land Reform Act, 1964	Gaps Between LAA and ADB's Policies and Action Taken to Bridge the Gap
1	Involuntary resettlement should be avoided wherever possible	Not defined in the Land Acquisition Act (LAA) and Land Acquisition and Resettlement (LAR)	The approach of avoiding involuntary resettlement has already been taken care of while preparing this project. This will be further practiced during Design and Implementation.
2	Minimize involuntary resettlement by exploring project and design alternatives	Not defined in the LAA and LAR	The resettlement Framework clearly define the procedures on how to minimize the involuntary resettlement through proper alternate engineering design and adequate consultations with stakeholders.
3	Conducting census of displaced persons and resettlement planning	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 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.	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.
4	Carry out meaningful consultation with displaced persons and ensure their participation in planning, implementation, and monitoring of resettlement program	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.	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.

S.N.	ADB Safeguard Policy Statement (2009)	Land Acquisition Act, 1977 and Land Reform Act, 1964	Gaps Between LAA and ADB's Policies and Action Taken to Bridge the Gap
			But, it 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
5	Establish grievance redress mechanism	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.	The resettlement framework includes an appropriate grievance redress mechanism to resolve complaints at project level. This includes formation of a grievance redress committee at municipality level, and publication of the notice of hearings and the scope of proceedings.
6	Improve or at least restore the livelihoods of all displaced persons	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.	The resettlement framework for this project keeps 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.
7	Land-based resettlement strategy	The LAA Section 14 provides for land for land compensation (if available), if the landowner loses his total land. In case of religious trust/ <i>Guthi</i> lands acquired, Section 42 of the Land Reform Act states that <i>Guthi</i> land required for development work must be replaced with another land (rather than compensated in cash).	Though this option may be a difficult proposition, given the lack of government land and the difficulties associated with the acquisition of private lands, the resettlement plans propose land-for-land compensation as its priority, if feasible. Attempt will be made to find alternate land for the loss of land, in case it is available and if it is feasible, looking at the concurrence of host community and land value.
8	All compensation should be based on the principle of replacement cost.	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.	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 entitlement matrix in this resettlement framework

S.N.	ADB Safeguard Policy Statement (2009)	Land Acquisition Act, 1977 and Land Reform Act, 1964	Gaps Between LAA and ADB's Policies and Action Taken to Bridge the Gap
		Section 20 of the LAA states that in case the land to be acquired under this Act is a tenancy holding: fiftypercent of the amount of compensation payable for such land shall be obtained by the tenant with legal rights. In case a house constructed by the tenant with the consent of the landowner is also acquired, the tenant is eligible for the entire amount of compensation paid for such house.	provides for compensation at replacement cost.
9	Provide relocation assistance to displaced persons.	No mention of relocation assistance to affected persons in 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 intoaccount for computation of compensation.	The resettlement framework 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.
10	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 no land assets	The LAA does not have this provision.	The LAA only takes into consideration the legal titleholders and ignores the non-titleholders.
11	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.	The ordinance only ensures the initial notification or the acquisition of a particular property.	The LAA does not comply with ADB's SPS-2009 as there is no mention of disclosure of resettlement plan. The SPS ensures that the resettlement planning documents, 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.

S.N.	ADB Safeguard Policy Statement (2009)	Land Acquisition Act, 1977 and Land Reform Act, 1964	Gaps Between LAA and ADB's Policies and Action Taken to Bridge the Gap
12	Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits.	The LAA has a provision to include all the costs related to land acquisition and compensation of legal property and assets for legal titleholders. However, it does not take into account the cost related to other assistance and involuntary resettlement.	The LAA partially meets the requirement of ADB, as it only deals with the cost pertaining to land acquisition. The resettlement framework provides eligibility to both titleholders 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.
13	Pay compensation and provide other resettlement entitlements before physical or economic displacement. ^a	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.	It will be specified in the resettlement planning documents of the PCCWHSST that all compensation and other entitlements are to be paid prior to physical and economic displacement and prior to contract award
14	Monitor and assess resettlement outcomes, and their impacts on the standards of living of displaced persons.	This is not defined in the LAA	The LAA does not comply with ADB safeguards policies. The RF of the PCCWHSST has a detailed provision for a monitoring system within the executing agency. The executing agency will be responsible for proper monitoring of resettlement plan implementation, if any prepared.

^a Displaced Persons means those who are physically displaced (relocation, loss of residential land, or loss of shelter) and / or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods). ADB's SPS recognizes eligibility of non-titleholders to receive compensation and assistances against all losses other than for land.

C. Resettlement Framework

26. The resettlement framework prepared for the PCCWHSST project is based on applicable legal and policy frameworks of the government, namely the Land Acquisition Act, 1997 and its amendment in 1993, and ADB's Safeguards Policy Statement (SPS), 2009:

- (i) Resettlement impacts of each subproject will be avoided or minimized, exploring all viable alternative sub-project designs;
- (ii) Where the resettlement impacts are unavoidable, the displaced persons should be assisted in improving or at least regaining their standard of living;
- (iii) The displaced persons will be involved in the sub-project preparation planning and implementation and resettlement information will be disclosed to all of them;
- (iv) Vulnerable groups including households headed by women, the elderly or disabled, indigenous groups, women and children, the landless and those without legal title to land and property and those living below poverty line (BPL) will be

- given special assistance to facilitate them improve their socio-economic status;⁵
- (v) The absence of formal title to land is not a bar to policy entitlements provided such affected persons are present prior to the cut-off date.
 - (vi) Compensation for all lost assets acquired or affected is based on the principle of replacement cost;
 - (vii) Restoration of livelihoods and residences of the displaced persons will be assisted with adequate resources with time bound action plan in coordination with Civil works;
 - (viii) Displaced persons are to be assisted to integrate economically and socially into host communities where physical displacement takes place, so that adverse impacts on the host communities are minimized and social harmony are promoted.
 - (ix) Opportunities for negotiated land purchase will be explored. In such cases of negotiated settlement and land donation participating municipality/WUSC clients will engage an Independent third party for supervising and validating these procedures as per ADB policy of Safeguard requirement 2 of SPS, paragraph 25.
 - (x) All payments including compensation for loss of land, assets, structures, trees, income common properties will be made prior to physical or economic displacement and commencement of civil construction work.

27. Subprojects to which the resettlement framework will be applied would broadly have four types of resettlement impacts requiring mitigation measures. The types of impacts are (i) loss of assets, including land, houses/shelters and other assets attached to it; (ii) loss of standing crops and trees; (iii) loss of livelihood or future income opportunities; and (iv) loss of common property resources and loss of access or limited access to such resources.

28. Every effort would be made during sub-project design and preparation to minimize acquisition of land and other assets and to reduce adverse resettlement impacts. The structures/assets falling outside the project working zone would be left undisturbed as far as possible.

D. Obtaining Land for Project Purposes

29. Land acquisition, if required, will follow the LAA 1977 process. The process of negotiated purchase and land donation is discussed in detail in subsequent paragraphs in this section of the resettlement framework. Table 2 describes the process to be followed in obtaining land for project purposes.

⁵ As per Nepal Living Standards Survey 2010/2011, below poverty line income is NRs 19,262 person/year. On adjusting for inflation, this is estimated at NRs 34,367 per year in 2019-2020.

Table 2: Process to be followed to Obtain Land for Project Purpose

Type	Process, Clearances and Approvals
Private Land (parcel/strip)^a	<p>(1) Acquisition under Land Acquisition Act (LAA) 1977 or donation or negotiated purchase; For any Land donation or negotiated purchase, overseeing of process by third party mandatory, as per steps given in this resettlement framework.</p> <p>(2) Once acquisition/donation/purchase completed, ownership transfer to Municipality/WUSC clients should be in effect. Record of ownership to be obtained from the Land Records Office of concerned Municipality; survey map of site prepared by Land Survey Office, endorsed by Land Records Office of Municipality.</p> <p>(3) Where the national law does not meet the replacement cost, this will be supplemented as necessary by Municipality/WUSC. Replacement cost is based on market value before the project or dispossession, whichever is higher. The Municipality/WUSC will ensure that funds are delivered on time to the affected persons. In cases, where compensation is set by the CDC (when land is acquired) and the replacement value is lower than the prevailing market price, Senior Engineer/Social Development Specialist will verify the replacement value, and Municipality/WUSC will pay the difference.</p>
Community Land (e.g., Community Temple/ Community Forest Land)	<p>(1) Municipality/WUSC clients to obtain No Objection Commitment (NOC) from community members/users of the temple/ /other community land; and from concerned ministry for forest land.</p> <p>(2) In case land was donated by a private owner to the temple, WUSC clients to obtain NOC from original owner/descendants;</p> <p>(3) In case land donated/transferred by any government department to temple, WUSC/Municipality clients to obtain NOC from the donor government department (e.g., Municipality/ Rural Municipality/ Department of Forests etc.);</p> <p>(4) Social Development Specialist to conduct due diligence and confirm whether restriction of use/access will be caused at proposed sites for any titleholders/tenants/users/non-titleholders; update resettlement plan and/or Due Diligence Report; obtain Project management office (PMO) and ADB approval on updated resettlement plan/due diligence report (DDR).</p> <p>(5) Compensation to be given by Municipality/WUSC clients as per entitlement matrix to community and any other affected persons identified, before giving clearance to Contractor for construction.</p>
Government Land	NOC from concerned government department

E. Negotiated Settlement Process

30. In line with ADB SPS, 2009, Safeguards Requirements 2 does not apply to negotiated settlements. The policy encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without title to assets. SPS requires that the land take process to be eligible as negotiated settlement must ensure that 'failure of negotiation must not be followed by use of eminent domain to acquire land.' The process requires to address any asymmetry of bargaining power and information. A negotiated settlement will offer 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 resettlement framework 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.⁶ 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.

31. The steps to be followed and measures to be taken by the Municipality/WUSC clients for negotiated settlement, in keeping with the basic principles in negotiated purchase clause in LAA of Government of Nepal and as per ADB's SPS (2009), Safeguard Requirement 2, are as follows:

- (i) **Step 1:** Municipality/WUSC client will start identifying required land parcels/plots/strips for proposed infrastructure, preferably a suitable government-owned plot. If such land is not available, identification of private land owned by individuals, families, or organizations willing to sell that piece of land will be carried out, and preliminary negotiation started with the legal titleholders. Municipality/WUSC client 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, 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 Municipality/WUSC, Senior Engineer and Social Development Officer. 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, irrigation infrastructure, structures 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 Municipality/WUSC client to arrive at a consensus. During negotiation, the requirements, the purpose for which the land is sought, provisions under Government of Nepal LAA 1977 and ADB policy will be explained to the landowner.
- (v) **Step 5:** If negotiated price for sale of land is not accepted by the land owner(s) or fails to lead to an agreement, the Municipality/WUSC client will seek alternative plot(s) of land.

F. Land Donation

32. The steps to be followed and measures to be taken by the Municipality/WUSC client for land donation are as follows:

- (i) **Step 1:** The Municipality/WUSC clients will be open to the possibility of land

⁶ The WUSC/Municipality will engage an Independent third party (a party from the locality, with no direct interest in the negotiation process, who could be senior official of the local government, School Management Committee, a leader of the community, NGO/CBO) in consultation with RPMO. The independent third party will keep a record of meetings, prepare minutes of meetings and be prepared to submit those if required. The minutes of the meetings will be recorded to maintain transparency and will be sent with a note on negotiated land price to PMO. The independent third party should ensure that balanced information is provided to both parties on the value of the affected 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 (i) bring any significant impact/impooverishment to the donor(s) and/or displace tenants/laborers; (ii) the donation does not come from the land owner categorized as poor or vulnerable family; (iii) the donation will not cause any economical or physical displacement (legal or illegal); (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 (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 under the section above on 'negotiated purchase' (footnote 4). Detailed land donation procedures are in the Appendix 6 of this resettlement framework.

- (ii) **Step 2:** After donation of land is decided by the donor(s) Municipality/WUSC client 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 Municipality/WUSC client 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 Municipality/WUSC client and all necessary fees, stamp duties will be borne by the Municipality/WUSC client. Henceforth the land ownership will be transferred to Municipality/WUSC client and the land record will be revised / amended with Record of Rights showing the changed ownership.

33. Preparation of resettlement plan as per ADB policy will be required and this Resettlement Framework will be followed for preparation of resettlement plan. PCCWHSST Project Management Office (PMO) will instruct Social Development Specialist to start the process of resettlement plan preparation once detailed measurement survey is complete. A land acquisition process will be initiated by once land requirement is finalized in consultation with the concerned regional project management office (RPMO) engineer and the potential affected persons are properly intimated and consulted.

G. Eligibility and Entitlements

34. **Eligibility.** According to ADB's safeguard requirement described in SPS, displaced persons are eligible for compensation, assistance and benefits. They include:

- (i) Persons who lost land/assets in entirety or in part having formal legal title over land;
- (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws (such as customary right over land by tribal people);
- (iii) Persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law;
- (iv) Vulnerable households defined as poor households BPL as determined by the state, female headed households, indigenous people, as determined by the Government of Nepal, the landless, the elderly, women and children, and those

without legal title to land.

35. ADB's involuntary resettlement policy applies to all types of displaced persons mentioned above. Adequate and appropriate compensation for land and structures at replacement cost will be provided to (i) the persons having legal title over land and (ii) those without legal title but with claims recognized under national laws, (iii) those occupying land without legal title or claim recognized under national laws, who will be compensated for loss of structures/other assets except land. The displaced people under category (iii) are eligible for compensation and assistance only if they occupy land/project-impacted areas prior to project cut-off-date.⁷ All displaced persons as defined above will be entitled to compensation for their affected assets and loss of income and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.

36. **Entitlements.** The entitlement matrix in Table 3 summarizes the main types of losses envisaged and the corresponding nature and scope of entitlements in accordance with government and ADB policies. The Entitlement Matrix provides guidance for compensation, resettlement, and rehabilitation assistance planning. Standards described will not be lowered but can be enhanced in the subproject resettlement plans as required.

Table 3: Entitlement Matrix

Type of Loss	Specification	Eligibility	Entitlements
1. Land			
Loss of land Agricultural (Including crop land, pastures, wasteland, ponds, etc.)	Partial loss of plot (<50%)	Owner (titleholder, legible users)	<ul style="list-style-type: none"> • Cash compensation at replacement cost based on fair market value, including all transaction costs, such as applicable fees and taxes • Provision of title for remaining land to legible user • Subsistence cash allowance based on income from lost plot: (a) for a period of 6 months if residual land unviable; (b) for a period of 3 months if residual land viable.
		Lessee	<ul style="list-style-type: none"> • Cash refund of the lease money for the lessee for duration of remaining lease period to be deducted from the owner • Assistance to find alternative land • Subsistence cash allowance based on 3 months' income from lost plot, for a period of 3 months
		Sharecropper/ informal tenant	<ul style="list-style-type: none"> • 30 days advance notice to harvest standing seasonal crops; if not possible, compensation for share of standing crops at market price. • Assistance to find alternative land or sharecropping agreements. • Subsistence cash allowance based on 3 months' income from lost plot, for a period of 3 months.

⁷ The cut-off date for titleholders is as per the Land Acquisition Act 1977, while for non-titleholders, it is the date of the detailed measurement survey. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance.

Type of Loss	Specification	Eligibility	Entitlements
		Tenants (registered)	<ul style="list-style-type: none"> Registered tenants will be entitled to 50 % of the total compensation amount as per Land Reform Act. They will be verified through a record of tenancy at the Land Revenue Office
		Non-titled user (squatter/ informal land users)	<ul style="list-style-type: none"> No compensation for land loss. They will be provided compensation for any development they would have made on the land. Provision to use the remaining land as titled or rental/lease land Subsistence cash allowance based on 3 months' income from lost plot.
	Full loss of plot ($\geq 50\%$)	Owner (titleholder, legible user)	<ul style="list-style-type: none"> Land-for-land compensation through provision of fully titled and registered replacement plot of comparable value and location as lost plot, including payment of all transaction costs, such as applicable fees and taxes Cash compensation at replacement cost based on fair market value, including all transaction costs, such as applicable fees and taxes Unaffected portions of a plot that become unviable as a result of impact will also be compensated Subsistence cash allowance based on income from lost plot: (a) for a period of 6 months if residual land unviable; (b) for a period of 3 months if residual land viable.
		Lessee	<ul style="list-style-type: none"> Cash refund at rate of rental fee proportionate to size of lost plot for 6 months Cash refund of the lease money for the lessee for duration of remaining lease period, to be deducted from the owner assistance to find alternative land for rent/lease
		Sharecropper/informal tenant	<ul style="list-style-type: none"> Cash compensation equal to current market value of share of 1 year of harvests for entire lost plot Assistance to find alternative land
		Tenant (registered)	<ul style="list-style-type: none"> Registered tenants will be entitled to 50 % of the total compensation amount as per Land Reform Act. They will be verified through a record of tenancy at the Land Revenue Office

Type of Loss	Specification	Eligibility	Entitlements
		Non-titled user (squatters/informal land users)	<ul style="list-style-type: none"> No compensation for land loss Assistance for finding alternative land as titled or rental/lease land Subsistence cash allowance based on 3 months' income from lost plot, for a period of 3 months
Residential, commercial, community	Partial loss of plot (<50 %) As above.	Owner (titleholder, legible)	<ul style="list-style-type: none"> Cash compensation at fair market value including all transaction costs, such as applicable fees and taxes Provision of title for remaining land to legible user
		Lessee, tenant	<ul style="list-style-type: none"> Cash refund of the lease money for the lessee for duration of remaining lease period to be deducted from the owner Provision of cash compensation for 6 months rental value of similar level of structure
		Non-titled user (squatter, encroacher)	<ul style="list-style-type: none"> No compensation for land loss Provision to use the remaining land or alternative land as titled or rental/lease land
	Full loss of plot (=>50 %)	Owner (titleholder, legible user)	<p>The affected person may choose between the following alternatives:</p> <ul style="list-style-type: none"> Land-for-land compensation through provision of fully titled and registered replacement plot of comparable value and location as lost plot (possibly at relocation site for displaced community), including payment of all transaction costs, such as applicable fees and taxes OR; Cash compensation at fair market value, including all transaction costs, such as applicable fees and taxes
		Lessee, tenant	<ul style="list-style-type: none"> Cash refund of the lease money for the lessee for duration of remaining lease period to be deducted from the owner Assistance to find alternative place for lease/rent
		Non-titled user (squatter, encroacher)	<ul style="list-style-type: none"> No compensation for land loss Assistance to find alternative land as titled or rental/lease land Allowed to construct temporary structure on land identified through some lease/rent system
Temporary land acquisition	Land temporarily required during civil works	Owner, lessee, tenant	<ul style="list-style-type: none"> Rental fee payment for period of occupation of land Restoration of land to original state Guarantee of access to land and structures located on remaining land

Type of Loss	Specification	Eligibility	Entitlements
		Non-titled user	<ul style="list-style-type: none"> • Restoration of land to original state • Guarantee of access to land and structures located on remaining land
2. Structures			
Residential, agricultural, commercial, community	Partial loss (<30 %) and alteration of structure. Structure loss should be assessed on viability of structure and in consultation with the affected household/owner.	Owner (including non-titled land user)	<ul style="list-style-type: none"> • Cash compensation for lost parts of structure at replacement cost and repair of remaining structure at market rate for materials, labor, transport, and other incidental costs, without deduction of depreciation for age • Right to salvage materials from lost structure • Allowed to construct temporary structure on unused part of project land after completion of civil work, through some lease/rent system • In case of loss of toilet rendering structure are not appropriate to use, replacement with safe sanitation facilities at adjacent or nearby location, • or, compensation for the entire structure at the discretion of the owner.
		Lessee, tenant	<ul style="list-style-type: none"> • Cash refund of the lease money for the lessee for duration of remaining lease period (to be deducted from the owner)
	Full loss of structure (=>30 %) and relocation as above	Owner (including non-titled land user)	<p>The affected person may choose between the following alternatives:</p> <ul style="list-style-type: none"> • Compensation through provision of fully titled and registered replacement structure of comparable quality and value, including payment of all transaction costs, such as applicable fees and taxes, at a relocation site or a location agreeable to the affected person or; • Cash compensation for the affected structure at replacement cost, including all transaction costs, such as applicable fees and taxes, without deduction of depreciation for age • In case of the remaining structure become not appropriate to use the compensation will be calculated for the entire structure without deduction of depreciation and self-relocation in either case; • Right to salvage materials from lost structure

Type of Loss	Specification	Eligibility	Entitlements
		Lessee, tenant	<ul style="list-style-type: none"> • Cash refund at rate of rental fee proportionate to size of lost plot for 6 months • The lease money for the lessee for duration of remaining lease period will be deducted from the owner
	Moving of minor structures (fences, sheds, kitchens, latrines, etc.)	Owner, lessee, tenant	<p>The affected person may choose between the following alternatives:</p> <ul style="list-style-type: none"> • Cash compensation for self-reconstruction of structure at market rate (labor, materials, transport, and other incidental costs) or; • Relocation/reconstruction of the structure by the project in either case; • Access to the affected facility should be to be restored
	Stalls, kiosks	Vendors (including titled and non-titled land users)	<ul style="list-style-type: none"> • Assistance for finding alternative land to continue business • Allowed to construct temporary structure/continue business through some lease/rent system as vendor, at alternative location comparable to lost location and; <p>Cash compensation for self-relocation of stall/kiosk at market rate (labor, materials, transport, and other incidental costs)</p>
	Fixed assets attached to affected structures (water supply, telephone lines)	Owner, lessee, tenant	<ul style="list-style-type: none"> • Cash compensation for reinstallation and connection charges
3. Income Restoration			
Crops	Affected crops	Cultivator	<ul style="list-style-type: none"> • Cash compensation at current market rate proportionate to size of lost plot for 1 year's future harvests, based on crop/fish stocks type and highest average yield over past 3 years • Residual harvest can be taken away without any deduction
		Parties to sharecrop arrangement	<ul style="list-style-type: none"> • Same as above and distributed between land owner and tenant according to legally stipulated or • traditionally/informally agreed share
Trees	Affected trees	Cultivator	<ul style="list-style-type: none"> • Cash compensation for perennial crop trees at current market rate of crop type and average yield (i) multiplied, for immature non-bearing trees, by the years required to grow tree to productivity, or (ii) multiplied, for mature

Type of Loss	Specification	Eligibility	Entitlements
			<ul style="list-style-type: none"> • crop-bearing trees, by 5 years average crops (the grafted/tissue cultured plant usually starts fruiting within 2-3 years), plus cost of purchase of grafted/tissue cultured plant and required inputs to replace trees • Cash compensation for timber trees at current market rate of timber value of species at current volume, plus cost of purchase of seedlings/sapling and required inputs to replace trees
		Parties to sharecrop arrangement	<ul style="list-style-type: none"> • Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share
Permanent loss of agriculture-based livelihood	Partial loss of agricultural land with viable land remaining	Owner, lessee, sharecrop tenant, non-titled land user	<ul style="list-style-type: none"> • Provision of support for investments in productivity enhancing inputs, such as land leveling, terracing, erosion control, and agricultural extension, as feasible and applicable • Additional financial supports/grants if land/crop compensation is insufficient for additional income-generating investments to maintain livelihood at NRs30,000/ HH^a
	Full loss of viable agricultural land without availability of alternative land	Owner, lessee, sharecrop tenant, non-titled land user	<ul style="list-style-type: none"> • Provision of retraining, job placement • Included in the project livelihood restoration and rehabilitation program • Financial grants and/or microcredit access for livelihood investment as well as organizational/logistical support to establish an alternative income generation activity at NRs42,000/household^a
			<ul style="list-style-type: none"> •
Maintenance of access to means of livelihood	obstruction by subproject facilities	All affected persons	<ul style="list-style-type: none"> • Accessibility of agricultural fields, community/social facilities, business premises, and residences of persons in the project area ensured • Accessibility to the original/alternative fishing ground
Businesses (CBE)	Temporary business loss due to land acquisition and resettlement (LAR) or construction activities of project	Owner of business (registered, informal)	<ul style="list-style-type: none"> • Cash compensation equal to lost income during period of business interruption based on tax record or, in its absence, comparable rates from registered businesses of the same type • with tax records
	Permanent business loss due to LAR without	Owner of business (registered, informal)	<ul style="list-style-type: none"> • Cash compensation equal to lost income for 1 year, based on tax record or, in its absence, comparable rates

Type of Loss	Specification	Eligibility	Entitlements
	possibility of establishing alternative business		<p>from registered businesses of the same type with tax records and;</p> <ul style="list-style-type: none"> • Provision of retraining, job placement, additional financial grants and microcredit for equipment and buildings, as well as organizational/logistical support to establish affected person in alternative income generation activity • Included in the project livelihood restoration and rehabilitation program
Employment	Temporary employment loss due to LAR or construction activities	All laid-off employees of affected businesses	<ul style="list-style-type: none"> • Cash compensation equal to lost wages during period of employment interruption up to 6 months, based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type • As applicable by labor code, compensation will be paid to the employer to enable him/her to fulfill legal obligations to provide compensation payments to laid-off employees, to be verified by • government labor inspector
	Permanent employment loss due to LAR without possibility of re-employment in similar sector and position in or near area of lost employment/ daily wage	All laid-off employees of affected businesses	<ul style="list-style-type: none"> • Cash compensation equal to lost wages for 6 months, based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type • If required by the applicable labor code, compensation will be paid to employer to enable him/her to fulfill legal obligations to provide severance payments to laid-off employees, to be verified by government labor inspector and; • Provision of retraining, job placement, additional financial grants, and microcredit for equipment and buildings, as well as organizational/logistical support to establish affected person in alternative income generation activity • Included in the project livelihood restoration and rehabilitation program
4. Common Resources, Public Services and Facilities			
Loss of common resources, public services and facilities	Footbridges, roads, footpaths, culverts, places of worship, educational institutions,	Service provider	<ul style="list-style-type: none"> • Full restoration at original site or reestablishment at relocation site of lost common resources, public services and facilities, including replacement of related land and relocation of structures according to provisions under Sections

Type of Loss	Specification	Eligibility	Entitlements
	common water points/connections, public/community toilets, community spaces, playgrounds etc.		1 and 2 of this entitlement matrix; and one-time grant fund for the Common Property Resource (CPR) committee and management or; <ul style="list-style-type: none"> • Construction of additional community facilities and restoration of existing facilities in the original site/remaining part of site.
5. Special Provisions			
Vulnerable affected persons Entitlement Matrix:	Loss of land, structure, and/or employment	All vulnerable affected persons are entitled for additional entitlements (in all project locations)	<ul style="list-style-type: none"> • Assistance in identification and purchase or rental of new plot/structure through microcredit scheme • Assistance with administrative process of land transfer, property title, cadastral mapping, and preparation of compensation agreements • Provision of livelihood training, job placement • Included in the project livelihood restoration and rehabilitation program • Financial grants and/or microcredit access for livelihood investment as well as organizational/logistical support to establish an alternative income generation activity • Subsistence allowance of minimum of 12 months of official minimum wage • Preferential selection for project-related employment
Women, social/religious minorities, elderly-headed household, poor households	Loss of land and structures	Titled or recognized owners of land and structures	<ul style="list-style-type: none"> • Titling of replacement land and structures in female owner's/minority/elderlyHH head's name (as applicable) • Cash compensation paid directly to female owners and head of minority HHs
Tribal people affected, if any	Loss of land, community assets and structures	Affected tribal people/ community	<ul style="list-style-type: none"> • Compensation packages as determined by the valuation committee and consultation with the affected community • Full restoration and renovation of affected assets • Special assistance for livelihood restoration as required • In case of major impacts, specific assistance and benefits will be specify under Indigenous People Development Plan
Other impacts	Unanticipated impacts and negotiated changes to	All affected persons	<ul style="list-style-type: none"> • To be determined in accordance with the involuntary resettlementsafeguards requirements of the ADB SPS and project resettlement framework

Type of Loss	Specification	Eligibility	Entitlements
	entitlements		<ul style="list-style-type: none"> • Project resettlement plan to be updated and disclosed on ADB website • Standards of the entitlement matrix of the resettlement plan not to be lowered

^a Additional grants for livelihood support/income generating activities is computed on the basis of similar support being provided for starting income generating activities by NGOs, self-help groups (SHGs) and other multi-lateral aided projects in Nepal. All entitlements in NPR will be adjusted for inflation till the year of compensation payment.

The entitlement matrix does not really look proportionate to the project description. Please try and modify the EM to the potential impacts of the project.

H. Resettlement Plan Preparation

37. As part of project preparation, a screening exercise will be undertaken by Social Development Specialist using ADB's Screening and Categorization forms for Involuntary Resettlement to assess the potential involuntary and resettlement impacts to the affected population (Appendix 1).

38. Based on the ADB's Operational Manual Section F1/Operational Procedures⁸ the following criteria for screening and categorization of subprojects will be followed:

- (i) **Category A.** A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts.⁹ A resettlement plan, including assessment of social impacts, is required.
- (ii) **Category B.** A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.
- (iii) **Category C.** A proposed project is classified as category C if it has no involuntary resettlement impacts. No further action is required.

39. Category A project will not be eligible for funding under PCCWHSST. For projects categorized as B, resettlement plan will have to be prepared by the implementing agencies for review and approval by ADB. For the Category C project, this Resettlement Framework recommends preparation of land acquisition and resettlement due diligence report.

40. Based on the assessment of proposed investments for sample subprojects, the project is not anticipated to involve significant land acquisition or resettlement impacts at this stage and is classified as Category B. Involuntary resettlement categorization will need to be confirmed for each subproject during detailed design following finalization of land requirements for proposed facilities, obtaining of no objection certificates and finalization of alignments. All efforts shall be made to minimize adverse impacts and maximize project benefits. The required resettlement plan or due diligence report will be prepared for each subproject/component guided by this Resettlement framework and cleared by the Implementing Agency (DWSSM) and ADB prior to bidding of civil works.

41. Resettlement plans will be prepared for different components, if required, based on the

⁸ Issued on 1 October 2013.

⁹ The involuntary resettlement impacts of an ADB supported project are considered significant if 200 or more persons will experience major impacts which defines as (i) being physically displaced from housing or (ii) losing 10% or more their productive assets (income generating).

results of initial survey following preliminary/detailed design. Appendix 2 provides an outline of a resettlement plan. If resettlement impacts are unavoidable, preparation of a resettlement plan is required and will be prepared by a Social Development Specialist with support from RPMO/WUSC/PISU. The resettlement plan will be prepared according to the following procedures:

- (i) Undertake a detailed census and replacement cost survey of all affected persons including titled and non-titled persons (land ownership and tenancy will be identified from District Land Revenue Office and District Survey Office records);¹⁰
- (ii) Conduct a socio-economic survey of least 20% of all affected persons;
- (iii) At the same time of surveys closely consult with affected persons about the subproject likely impacts, and principles, and preferred entitlements using resettlement framework;
- (iv) Prepare the draft resettlement plan as per ADB SPS 2009 requirements and project resettlement framework with time-bound implementation schedule, procedures for grievance mechanism and monitoring and evaluation, and a budget;
- (v) Draft resettlement plan made available to affected persons;
- (vi) Finalize the subproject resettlement plan and submit to Project Management Office (PMO) and ADB for approval; and
- (vii) The final resettlement plan will be translated and disclosed to affected persons and posted on ADB's website.

III. SOCIOECONOMIC INFORMATION AND IMPACT ASSESSMENT

42. For resettlement plan preparation, social, economic and gender information must be provided. These must be based on data collected through the following methods.

- (i) **Socio-economic Survey.** 20-25% sample of affected persons using a household questionnaire with the purpose of preparing a profile of affected persons, assessing incomes, identifying productive activities of all affected persons and preparing a plan for income restoration, relocation options, and special measures for vulnerable groups. All data is to be disaggregated by gender.
- (ii) **Census of Affected Persons.** Complete enumeration of all affected households to prepare a complete list of 100% of affected persons, to identify entitled and non-entitled persons, and vulnerable households.
- (iii) Review of Land Records and Ownership Deeds of 100% of affected persons to prepare land compensation award papers in consultation with affected persons.
- (iv) **Inventory of Land and Non-Land Assets.** Inventory and detailed measurement of all affected assets (land and non-land) and remaining fixed assets of 100% of affected persons.
- (v) **Independent assessment of Market Value of Affected Assets.** This activity should be done by independent valuation experts.

¹⁰ A market survey for various types of affected assets will be a basis for determining compensation rates at replacement cost and will be used to help the owner in valuing his/her land and negotiating deal with Municipality/WUSC who will pay for land acquisition.

43. The inventory of assets to be acquired and the census of affected people and their households serve several purposes: (a) to identify who is eligible for compensation and resettlement entitlements; (b) to establish a cut-off date for eligibility; (c) determine categories of entitlements; (d) to provide a basis for valuation and compensation; and (e) to supply an important part of the land acquisition and resettlement database to be used for project monitoring. The census and inventory of assets can be done separately. However, since each requires visits to all affected households, doing them together is more practical.

44. Aside from the permanent impacts to the affected person, temporary impacts to vendors and hawkers during the construction of civil works may occur. To record data on the nature and extent of resettlement impacts among likely affected persons on the impacts the form below can be used. This information should be collected through a census of all businesses to be affected by the project activities in terms of possible loss of income/livelihood. Information to be collected includes:

- (i) businesses: number and type of businesses; type of ownership; average monthly income;
- (ii) number of persons in the affected households;
- (iii) affected structures;
- (iv) affected trees;
- (v) affected employees;
- (vi) affected number of hawkers, vendors, shops; including type of merchandise; average monthly income; and
- (vii) any other social and economic impacts (both permanent and temporary) including its nature and size of the impact.

45. During the social impact assessment for the subprojects resettlement plan preparation possible negative impact on gender aspects, i.e. woman headed households, will be carefully reviewed and specific assistance will be provided to these households. The prepared resettlement plan will ensure impacts on gender are adequately addressed and will not disadvantage women. Women's focus group discussion will be held to address women specific issues and their needs and preferences. During process of compensation payment and other assistance, the affected female headed households will be prioritized.

46. Similarly, in the event that Indigenous People issues are identified as either the affected people in land acquisition and resettlement or affected in any other way, in any of the subprojects, specific attention will be given to them and careful impact assessment will be done as per provisions of the Indigenous Peoples Planning Framework (IPPF) for the PCCWHSST. Depending on the nature of the impacts, the IPP can be integrated into the subproject resettlement plan or to be prepared as stand-alone document for the subproject.

IV. CONSULTATION, PARTICIPATION AND DISCLOSURE

A. Consultation and Participation

47. Consultation with the primary and secondary stakeholders is an important tool for the successful preparation and implementation of resettlement plan. The primary stakeholders include displaced persons, project beneficiaries, WUSC and Municipality. The secondary stakeholders are other individuals or groups with interest in the Project, and include elected representatives, local or national government, policy makers, advocacy groups, and NGOs, if any.

48. The participatory consultation process will adopt a range of formal and informal consultative methods including in-depth interviews with key informants, focus group discussions, meetings, and workshops apart from interaction with individual displaced persons. The consultation activities will be undertaken at various stages of project: (i) project initiation, (ii) resettlement plan preparation, and (iii) resettlement plan implementation. Consultation process will also vary according to requirement at various levels of project.

B. Project Initiation Stage

49. At this stage, only a tentative project proposal and its consequences will be discussed. Project components, potential benefits and risks that are likely to be involved are the main topics of discussion at this stage. Hence community leaders, associations, local NGOs/community-based organizations (CBOs) will be the targeted audiences whom project proponent will approach and discuss about basic plan and designs. The Municipality/WUSC clients will take the initiative to divulge the proposal and start the consultation process. The consultation will be more of dissemination of project information for the community to understand the overall issues of the project. PMO social safeguard officer and regional project management office (RPMO) social development officer will ensure that records of these consultations are maintained by Municipality/WUSC client and minutes of the meetings kept, with the assistance of social mobilizers, as necessary. Response of the community - verbal and written, if any, will also be recorded for future discussion/evaluation of design option etc.

50. After draft design for technical components is prepared and when potential involuntary resettlement impacts can be assessed tentatively, consultation will include the potential displaced persons, apart from the community leaders. At this stage impact on the vulnerable people and others will be possible to identify. Hence, consultation process will be more of focus group discussion method with each potentially affected group separately. Particular emphasis will be on the vulnerable people and the discussion mode will be informal and in a comprehensible manner to the participants. Small groups of each category will be invited according to their convenience and the project design including the risks and benefits will be explained to them. The details of the consultations and their responses will be recorded.

C. Resettlement Planning Document Preparation Stage

51. As part of resettlement planning documents preparation social impact assessment will commence with census and socioeconomic survey of the potentially affected families. If resettlement plan is required, upon the completion of final detailed engineering design, a DMS will be undertaken to identify the scale and final nature of the involuntary resettlement impacts to be experienced by the affected population. This will set off the finalization of the resettlement plan for potentially displaced families, mitigation actions, funding requirements and institutional preparedness. The implementing agency will also be required to publicly disclose the project census cut-off date to determine the eligibility of the affected people on compensation and other entitlements.

52. Consultations with the heads of the households/members of the potentially displaced families, voluntary organizations, CBOs; major state level stakeholders including Government agencies; and vulnerable groups. Consultation method will be more focused on individual interviews with the displaced persons, Focus Group Discussions (FGD) with small groups including the vulnerable families and interviews with key stakeholders at Government and community levels. The detailed information of the project impact, particularly the adverse impact

and the entitlement will be explained to the displaced persons in a transparent and easily understandable manner and their response regarding project impact will be recorded. The purpose of consultation at this level will be to get views from well informed stakeholders about the project and its involuntary resettlement impact which will help in finding alternate design options to minimize resettlement impact.

53. All consultations will be organized by Municipality/WUSC with assistance from RPMO Social Development Officer and Social Mobilizers. The RPMO Social Development Officer (SDO) will prepare a detailed consultation and disclosure plan and carry out consultation and disclosure of the entitlement package accordingly. He/she will be responsible for conducting/arranging participatory consultation and disclosure meetings in such a manner that the displaced persons and the stakeholders at community level will feel free to express their views without coercion, fear or hesitation. If there is any change in project design in sites or alignment depending on inputs of the consultation process, these will be made known to the displaced persons. Participatory consultation with the displaced persons will be documented and an appendix will be provided to the resettlement plan containing consultation meeting details, minutes of the meetings, list of participants.

54. If there are no involuntary resettlement impact (for example in case of negotiated settlement, land donation or use of government land without any incumbrance), a due diligence report will be prepared. Meaningful consultation will be conducted by RPMO for due diligence report preparation.

D. Resettlement Plan Implementation Stage

55. During resettlement plan implementation stage, consultation with the displaced persons should be part of the regular resettlement plan activities for successful implementation with minimum hurdles. The nature of consultation will be to enquire about progress of resettlement plan activities and constraints, if any faced by the affected persons. In case of land acquisition, more intense and frequent consultation with the displaced persons will be made and their entitlement will be disclosed to them. Emphasis will be on regular consultation with the vulnerable affected persons to make them prepared for the physical or economic displacement, if any and provide necessary help and assistance if any displacement is involved.

E. Consultation for Income Restoration Program

56. Some vulnerable persons are likely to be affected either temporarily during construction or permanently due to land acquisition or loss of livelihood. Income restoration program for these vulnerable affected persons is required. For that purpose, more intense and frequent consultation with the individuals will be made in order to identify individuals for the program, assess their need, and capability and willingness and identify and select skill development training institutes for the purpose.

57. The process of public consultation will be as follows.

- (i) The stakeholders' consultation will be in the form of local/neighborhood level meetings - in case there are localities with a number of affected persons identified for income restoration, as well as individual meetings with such affected persons, organized by Municipality/WUSC;
- (ii) During census and socio-economic survey, the vulnerable affected families will be identified and their preferred vocations, acquired skill, preference for skill

training recorded. This will help plan for the income restoration program, training institute identification and budget assessment.

- (iii) Market survey will be carried out by the Social Development Specialist for product viability and skill employability in case of new skill development trainings and enterprises and the feedback of the survey will be disclosed to the displaced persons identified for the program. The mode of consultation will be at individual level with each of the individuals selected for livelihood restoration program.

F. Disclosure

58. The level of disclosure will be commensurate with progress of resettlement plan preparation and implementation. At resettlement plan preparation phase, the displaced persons and particularly the indigenous peoples and *dalit* community should be taken into confidence. As mentioned in previous paragraphs, disclosure is a critical activity along stages of resettlement plan preparation and implementation.

59. At resettlement plan preparation phase, project impact on involuntary resettlement will be disclosed during SIA and feedback from potential displaced persons and the community will be further investigated for identifying design options. After careful examination of all possible ways and means to minimize resettlement impact, project component design will be finalized, which will be disclosed to the people and community for their understanding. Resettlement plan will be prepared based on the ultimate involuntary resettlement impact due to final project design.

60. To provide for more transparency in planning and for further active involvement of displaced persons and other stakeholders, the project information will be informed through disclosure of resettlement planning documents. The final resettlement plan, approved by the PMO and ADB, will be disclosed through the RPMO Social Development Officer (SDO) and Municipality/WUSC to the affected persons, community leaders, people's representatives, government agencies at district level and also will be published in local language to be published in the regional newspapers for its endorsement by the people for whom this has been prepared. For effective disclosure of the resettlement plan, a brief resettlement plan containing project impact and entitlement options, will be printed in local language other than English. A copy of the brief resettlement plan prepared for disclosure will be sent to ADB. The same will be printed in pamphlets and posted on prominent Government offices, ward office and Municipality/WUSC offices and distributed among the affected persons.

61. During resettlement plan implementation phase, detailed procedural formalities for access to the entitlement benefits will be disclosed to affected persons. If physical displacement occurs, the relocation sites along with all infrastructural facilities will be disclosed to the affected persons. In case of income restoration, disclosure on skill development training programs and feedback on market survey of the products will be made. These disclosure activities will be the responsibility of Municipality/WUSC, supported by Social Safeguards Officer of PMO and SDO of RPMO.

62. The Regional Project Implementation Office (RPMO) and PMO will extend and expand the consultation and disclosure process during the detailed design and project implementation stage. A Draft Project Information Disclosure (PID) leaflet is attached as Appendix 7. This pamphlet will be finalized and adjusted as relevant to the project site activities. It will be distributed to the affected communities during public consultations and posted publicly in various strategic places.

V.

COMPENSATION, INCOME RESTORATION AND

RELOCATION

A. Compensation

63. It is envisaged that land requirement for subprojects will be minimal and wherever land is required effort will be made to identify Government owned land as much as possible. In absence of these lands, subject Municipality/WUSC will search for landowners willing to sell land to Government, which will be directly purchased through negotiated settlement. This mechanism of direct purchase will provide the land owners an opportunity to negotiate directly with the government for a better price. Negotiated settlement will follow ADB SPS requirements.

64. The project will ensure that the properties (land, structure and non-structure assets) to be displaced for the project will be compensated at their full replacement cost. The principle for determining valuation and compensation for assets, incomes, and livelihoods is replacing the loss of affected assets and restoring the loss of income and workdays experienced by the displaced households. Livelihood rehabilitation assistance will target poor and vulnerable households.

65. This resettlement framework ensures compensation at replacement cost for all the displaced people/affected people of the project. Temporary loss of incomes of affected persons will be compensated based on replacement value of income losses. Preferential employment in project-related work will be offered to local people, with priority to vulnerable persons. Affected persons will be provided 7 days' advance notice, followed by a reminder 2-days before construction to ensure none or minimal disruption in livelihood. If required, they will also be assisted to temporarily shift for continued economic activity; for example, they will be assisted to shift to the other side of the road where there is no construction and then assisted to shift back, post-construction. Ensuring there is no income or access loss during subproject construction is the responsibility of contractors.

66. Consistent with the Environmental Management Plan, contractors will ensure access is maintained by making sure that space is left for access between mounds of soil, walkways and metal sheets provided to maintain access for people and vehicles where required, increased workforce is available to finish work in areas with impacts on access, timing of works is such that it reduces disruption during business hours and periods of peak business activities e.g. festivals and phased construction schedule is followed. Compensation and assistance to affected persons must be provided prior to start of civil works.

67. The resettlement plan preparation/implementation costs, including compensation and all other entitlements, and administration costs, will be considered an integral part of project budgets. The resettlement plans will include sections detailing (i) all affected items/allowances compensation rates, (ii) valuation methodology so that compensation for all assets will be at current market value in the year of compensation and will be sufficient to replace the lost asset, and (iii) a budget for all expenses including compensation, administration costs and contingencies. All costs of land acquisition, compensation, resettlement, rehabilitation and monitoring will be borne by the Government.

68. In order to ensure that sufficient funds are available for land acquisition and resettlement tasks, the local governments will have to allocate 100% of the cost of compensation at replacement cost and expected allowances estimated in each resettlement plan plus contingencies before resettlement plan implementation. The executing agency will be responsible to ensure timely allocation of funds by Municipality/WUSC to implement the resettlement

plans.¹¹

B. Replacement Value for Immovable Property

69. Valuation measures to be taken by the Senior Engineer and Social Development Specialist in consultation with relevant government offices, WUSC and Municipalities are as follows:

- (i) **Land.** The replacement cost of land is to be determined through structured consultations with local landowners (and if available, local real estate agents);¹² Valuation of land to be undertaken by valuation committee based on current market rates/replacement cost in the project area in consultation with Land Revenue Department at Municipality level and RPMO chief, who will represent RPMO.
- (ii) **Houses and Buildings.** The value of the houses, buildings and other immovable properties of the displaced persons will be at the market price and will include the cost of labor and transfer of the construction materials. Depreciation value of the affected assets will not be taken into account.
- (iii) **Other Assets.** Compensation for the assets attached with land such as wells, tube-wells, pumps, tanks, etc.) will be based on replacement value. This will be estimated through detailed market surveys.
- (iv) **Seasonal Crops.** If notice for harvest of standing seasonal crops cannot be given then valuation of lost standing crop at market value will be made. In addition to that one more year of loss crop at net income will be made. Compensation of loss crops will be paid for both permanent and temporary loss.
- (v) **Perennial Crops.** Valuation for perennial crops to be calculated as annual net product value multiplied by number of productive years remaining. Department of Agriculture at Municipality/District level will determine the valuation of crops.
- (vi) **Timber Bearing Trees.** Value will be based on the market price of timber and will be determined by the Forest Department (Municipality level office).
- (vii) **Fruit Bearing Trees.** Market value of products multiplied by the number of productive years remaining will be the basis of the valuation of fruit bearing trees. If the trees are yet to reach age of maturity for calculating economic value, cost of seedlings, saplings, agricultural inputs will be added to the compensation valuation. Valuation of fruit trees will be done by Department of Agriculture at Municipality/District level.

C. Valuation of Other Assets

Compensation for the assets attached with land such as (wells, irrigation units, etc.) will be based on replacement cost, estimated through detailed market surveys. Appendix 5 provides a sample format for market survey. Affected Persons will be given right to take all movable assets attached with land, such as irrigation pump sets, etc.

70. Apart from compensation for land, trees, crops, structures and other assets, assistance

¹¹ The same process of fund allocation will apply to any IPPs prepared in accordance with the indigenous peoples planning framework for PCCWHSST, which must be read along with this resettlement framework.

¹² Market price for land is calculated as an average of (i) government rate recorded in Land Revenue Office and (ii) rate determined by local real estate agent/land owner.

for loss of income and livelihood, will also be paid to the displaced persons as per Entitlement Matrix. All compensation and resettlement assistances will be paid to the entitled displaced persons prior to commencement of civil works. If any loan taken on such land/properties remains unadjusted the balance amount of loan will be deducted from the total compensation.

D. Income Restoration

71. The objective of income restoration activities is to ensure that no affected person shall become worse off compared to pre-project status due to project. Accordingly, the Entitlement Matrix has the following provisions:

- (i) Business owner/tenants including farmers earning livelihood from crops and experiencing loss of income are entitled to one-time lump sum grant of two-month income based on the nature and type of losses assessed on a case-to case basis.
- (ii) Employees losing income are entitled to one-time financial assistance equivalent to 60 days minimum wage rates in Nepal for respective categories.
- (iii) For vulnerable groups, additional subsistence allowance for restoring or enhancing their livelihood. Vulnerable households will be prioritized in any project employment.

72. Those eligible for medium-term income restoration activities which include skill development training based on need include instances where no replacement land is available to continue livelihood activity (including sharecroppers, tenant farmers), those losing main source of livelihood, and vulnerable people. Where necessary, training may include capacity building, enterprise training, and facilitating economic activities and training for self-employment. Training would be given by identified training institute/agency/local resource persons for skill development and candidates assisted with finding jobs or setting up. Training will be imparted to any willing and able member of the household.

73. During the construction stage the affected persons, especially vulnerable affected persons, will be given preference over others for employment in project-related activities commensurate with their skills. In order to make the affected persons employable in project-related work, Social Development Specialist will identify the required skills for construction and operation and maintenance (O&M) activities and provide the required training to the affected persons. The contract document for the project shall include a provision for employment under the social requirements. Accordingly, the list of affected person names, especially the significantly affected persons and vulnerable groups will be provided to the contractor, for consideration in the project. Vulnerable households will need to be provided assistance to ensure that their standards of living are improved at least to the minimum national level. (please indicate this in the EM).

E. Relocation

74. The project will ensure the affected persons facing relocation if any will be fully consulted for their relocation options and will receive all the assistance as detailed in the entitlement matrix of this resettlement framework. No demolition of affected assets will be permitted before the relocation sites are ready for occupation. The PMO and RPMO social safeguards officer will assist the relocation process and monitor the relocated displaced persons in their new relocation areas to ensure their livelihood condition will not be worse off.

VI.**GRIEVANCE REDRESS MECHANISM**

75. 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. Grievances may be channeled through letters, emails, text messages (SMS), verbal narration, grievance box and registers. The GRM will aim to provide a time-bound and transparent mechanism to resolve such concerns.

76. A common GRM will be in place for social, environmental or any other grievances related to the project. The GRM will provide an accessible forum for receiving and facilitating resolution of affected persons' grievances related to the project. Project will publish the sample grievance registration form on its website, and publish it in local language and/or indigenous peoples dialect, at the hoarding board of each of the participating Municipality/WUSC office. Every grievance shall be registered with careful documentation of process adopted for each of the grievance handled, as explained below. The environmental and social safeguards officer (ESO/SSO) at the project management office (PMO) will have the overall responsibility for timely grievance redress on environmental and social safeguards issues. The Social Safeguards Officer at the Regional Project Management Office (RPMO) will be the focal person for facilitating the grievance redress at the local level.

77. A municipal-level public awareness campaign will be conducted on a regular basis as per the communication strategy of the project to ensure awareness on the project and its GRM. Social Development Specialist will support the Municipality/WUSCs in conducting municipality-wide awareness campaigns, which will ensure that all stakeholders including poor and vulnerable are aware of the GRM and project's entitlements.

78. A grievance redress committee (GRC) will be formed at the Municipality level, comprising the Mayor as Chairperson of GRC, and Regional Project Manager RPMO as Secretary. The GRC members will comprise of (1) WUSC Secretary; (2) RPMO Engineer; (3) RPMO social/environmental (as relevant) officer, (4) representative of affected persons, (5) Senior Engineer/Social Development Specialist (as relevant), (6) a representative of reputable and relevant CBO/SHG/organization working in the project area as invitee¹³ and (7) contractor's representative. The secretary of the GRC will be responsible for convening timely meetings and maintaining minutes of meetings. The Social Development Specialist will support the RPMO safeguard's officer and Project Manager of RPMO to ensure that grievances, including those of the poor and vulnerable are addressed. All GRCs shall have at least two women committee members. Along with representatives of the APs, civil society and eminent citizens can be invited as observers in GRC meetings. In case of any indigenous people impacts and in areas where Indigenous Peoples are present, the GRC must have representation of the affected indigenous people community, including at least one female indigenous person, leaders of the tribe(s) or a member of the tribal council as traditional arbitrator (to ensure that traditional grievance redress systems are integrated) and an NGO working with indigenous people groups. A representative of the District Coordination Committee will be invited to attend any GRC meetings where coordination between government departments is required, particularly to address indigenous peoples' issues.

¹³ If the complaints are related with IP/Dalits/other vulnerable groups, specific NGO/CBO that actively involved in development of these communities should be involved.

79. The functions of the local GRC are as follows: (i) provide support to affected persons on problems arising from environmental or social disruption; asset acquisition (if necessary); and eligibility for entitlements, compensation and assistance; (ii) record grievances of APs, categorize and prioritize them and provide solutions within 15 days of receipt of complaint; and (iii) ensure feedback to the aggrieved parties about developments regarding their grievances and decisions of the GRC. The GRM procedure is depicted in Figure 1, and is outlined below in detail, with each step having time-bound schedules and responsible persons to address grievances and indicating appropriate persons whose advice is to be sought at each stage, as required:

- (i) **First Level of GRM** (WUA level): The first-level, which is also the most accessible and immediate venue for quick resolution of grievances will be the contractors, RDSMC field engineers and RPMO supervision personnel, who will immediately inform the WUA. Any person with a grievance related to the project works can contact the Project to file a complaint. The municipal-level field office of the RPMO, in WUA's building, will document the complaint within 24 hours of receipt of complaint in the field, and WUA or local bodies will immediately address and resolve the issue at field-level with the contractor, supervision personnel of RPMO and RDSMC field engineers within 5 days of receipt of a complaint/grievance. The assigned RDSMC's Social Mobilizer will be responsible to fully document: (i) name of the person, (ii) date of complaint received, (iii) nature of complaint, (iv) location and (v) how the complaint was resolved as well as to provide feedback to the complainant. If the complaint remains unresolved at the local level within 5 days, the WUA will forward the complaint to the municipality level GRM.
- (ii) **Second Level of GRM** (Municipality level): The complainant will be notified by the WUA that the grievance is forwarded to the Municipality-level GRC. The M level GRC will be called for a meeting, called and chaired by the Mayor. The GRC will recommend corrective measures at the field level and assign clear responsibilities for implementing its decision within 10 days of receipt of complaint by WUA. If the grievance remains unresolved within 10 days of receipt of complaint by WUA, the matter will be referred to the third level. The RPMO Engineer will be responsible for processing and placing all papers before the GRC, recording decisions, issuing minutes of the meetings, providing feedback to complainants and taking follow up actions so that formal orders are issued and decisions are carried out.
- (iii) **Third Level of GRM** (PMO Level): Any unresolved or major issues at Municipality level will be referred to the PMO for final solution. The PMO's Project Director (PD) will have special meeting to find solutions. A representative of the Nepal Federation of Indigenous Nationalities (NEFIN) will be invited to attend any meetings related to resolution of Indigenous Peoples grievances. Decision has to be made within 15 days of receipt of complaint by WUA. The PD will sign off on all grievances received by the PMO. The concerned Deputy Project Director (DPD) and environmental and social safeguards officers (ESO and SSO) of PMO will be involved with support from the Social Development Specialist. The SSO will be responsible to convey the final decision to the complainant.

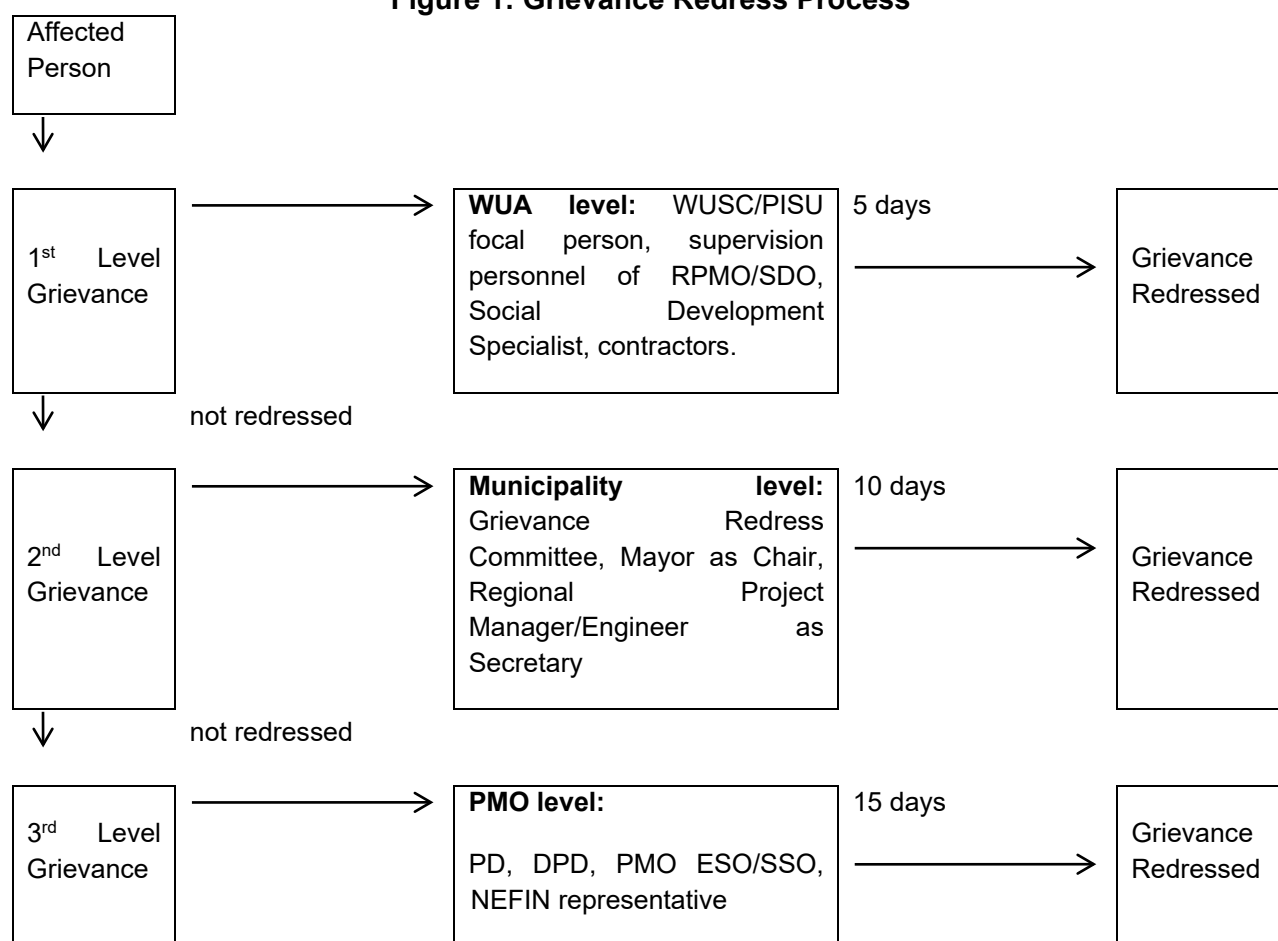
80. All paperwork (details of grievances) needs to be completed by the WUSC member secretary and circulated to the WUSC Chairperson and members. At Municipality level, the Municipality SDO will be responsible for circulation of grievances to the Regional Project Manager, DWSSM and other GRC members, prior to the scheduled meetings. The RPMO's Engineer will be responsible for follow-through of all escalated grievances. All decisions taken by

the GRC will be communicated to the affected persons by the PMO's SSO.

81. 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.

82. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use ADB's Accountability Mechanism (AM) through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB Nepal Resident Mission. The complaint can be submitted in any of the official languages of ADB's developing member countries (DMCs). The ADB's AM information will be included in the Project Information Datasheet (PID), to be published in web and distributed to the affected communities, as part of the project GRM.

Figure 1: Grievance Redress Process



ESO=environmental safeguards officer, SDO=social development officer, SSO=social safeguards officer, GRC = grievance redress committee; PD = project director; DPD = Deputy Project Director, PMO = project management office, NEFIN = Nepal Federation of Indigenous Nationalities.

83. **Record keeping and disclosure.** Records at the municipal-level will be kept by the concerned WUSC or/and PISU/Municipality of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date of the incident and final outcome. The number of grievances recorded and

resolved and the outcomes will be displayed/disclosed in the PMO office, WUSC office, Municipality office and on the web, as well as reported in the quarterly progress reports submitted to ADB. For any grievance escalated to RPMO/ Municipality level, the RPMO's Engineer assigned as GRM focal person will be responsible for record-keeping, calling of GRC meetings and timely sharing of information with WUSC or municipalities. For grievances escalated to PMO and above, the PMO's SSO will be responsible for maintenance of records, sending copies to RPMO and Municipality/WUSC/PISU for timely sharing of information with the person filing complaint.

84. Periodic Review and Documentation of Lessons Learned. The PMO's SSO will periodically review the functioning of the GRM at municipality or WUSC level and field level and record information on the effectiveness of the mechanism, especially on the project's ability to prevent and address grievances. Indicators pertaining to grievance redress (no. of grievances received, no. redressed/resolved to be reported by PISU/Municipality and Member Secretary, WUSC to RPMO SDO, and by RPMO to PMO SSO) in monthly and quarterly progress reports.

85. Costs. All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) at local (field/ward/municipal) level will be borne by the concerned focal organizations at each level: Municipality/WUSC/PISU at local level, and municipality at municipal level; and PMO at central level. Cost estimates for grievance redress are included in resettlement cost estimates.

VII.

IMPLEMENTATION ARRANGEMENTS

A. Implementation Arrangements

86. The executing agency will be the Ministry of Water Supply (MWS). The DWSSM (under MWS) will be the implementing agency. Project Director of Third Small Towns Water Supply and Sanitation Sector Project and Urban Water Supply and Sanitation (Sector) Project will be given responsibility as Project Director for the JFPR project.¹⁴ Two full time dedicated engineers will be appointed or deployed for managing day to day implementation of the grant. For the overall project management, four individual consultants will be engaged using individual consultant selection method.¹⁵ DWSSM confirmed to engage additional individual consultants, if required, from their own sources. The PMO under the UWSSP also has focal persons dedicated each for GESI, environmental and social safeguards. Municipalities in secondary towns and WUSCs in small towns will be responsible for the implementation of civil works and capacity building/training activities with support from the DWSSM.¹⁶ A Project Implementation Support Unit (PISU) will be established in social development section of the grant municipality and WUSCs of the selected small towns. Since the start of the COVID-19 pandemic, the DWSSM has been working with development partners and nongovernment organization (national and international) to ensure continuity of WASH services across the country. The DWSSM will coordinate with Department of Health services, implementing agency of the grant tapped from APDRF, to ensure synergy and avoid duplication of ADB's support. National Water Supply and Sanitation Training Center in collaboration and coordination with Department of Health Services,

¹⁴ DWSSM will continue the existing PMO established and operational for the Third Small Towns Water Supply and Sanitation Sector project and Urban water Supply and Sanitation Sector Project.

¹⁵ JFPR Grant Coordinator, Public Health Specialist, Senior Engineer and Social Development Specialist.

¹⁶ In line with the Nepal constitution, local government can make decisions that are more representative of their localized health needs and management of health posts are devolved to the local government.

UNICEF and WHO will support DWSSM to implement institutional strengthening and capacity development activities of the grant.

87. The PMO will be responsible for overall project planning, management, implementation, monitoring and reporting for the project. The PMO will also be responsible for screening the proposed subprojects in accordance with the subproject selection criteria for the project,¹⁷ assisting the municipalities in conducting feasibility studies, reporting to and being point of liaison with ADB on the project; quality control of detailed design and construction supervision; procurement of civil works contractors; support for capacity building; and overseeing safeguard compliance. The PMO will liaise with WUSCs or municipalities to sign the management agreement prior to the award of contract for each subproject. The PMO will also engage all consultants under the project.

88. The RPMOs established under UWSSP in (i) Itahari, Sunsari, for the eastern region, (ii) in Nepalgunj, Banke, for the western region, and (iii) PMO (Kathmandu) will act as RPMO for central region projects. The RPMOs will report to the PMO and be supported and monitored by PMO to implement the projects in the field and manage contractors and consultants. The RPMOs will manage the detailed design and construction supervision with support from DSMC that PMO would engage for each subproject; a dedicated implementation core group¹⁸ will be established in the field, at each Municipality/PISU/WUSC's office headed by a qualified engineer from the RPMO to conduct day-to-day project management, planning and construction supervision.

89. The WUSC or the municipality will be responsible for operation and maintenance (O&M) of the multipurpose shelter, mobile public toilets and sanitation facilities (public toilets) rehabilitated/ constructed, operating under a management agreement with DWSSM. WUSCs consist of nine executive members, at least three of whom are women.

90. **Project Management Office.** The PMO is staffed with a social development officer as involuntary resettlement safeguards officer (IRSO) who will receive support from Social Development Specialist. Key tasks and responsibilities of the PMO IRSO on Involuntary Resettlement safeguards are as follows:

- (i) ensure that the resettlement framework provisions are adhered to and the resettlement plans are updated based on detailed designs, and that new resettlement plans or due diligence reports (DDRs), as required, are prepared in accordance with the resettlement framework and government policies;
- (ii) review, approve, resettlement plans or DD Rs for new subprojects with support from the social Development Specialist;
- (iii) provide oversight on social safeguards policy compliance of subprojects and ensure timely implementation of resettlement plans by regional project management offices (Eastern, Central, and Western RPMO) prior to the start of civil works;

¹⁷ Subproject selection criteria (covering all aspects of a proposed subproject other than the specific subproject selection criteria for environment as discussed in this EARF) is attached as Appendix 1 of the PAM.

¹⁸ The implementation core group, as a minimum, comprises of (i) an Engineer, a Social mobilizer, and an EMP monitor, RPMO; (ii) an Administration Staff, or a Finance Staff, or Engineer or Junior Engineer of Municipality/WUSC/PISU as grant coordinator

- (iv) supervise and provide guidance to the RPMOs to properly carry out the monitoring and assessments as per the resettlement framework;
- (v) consolidate quarterly social monitoring reports from RPMOs and submit semi-annual monitoring reports to ADB. The monitoring reports should record the progress of resettlement activities and any compliance issues, grievances, corrective actions taken, follow-up actions required and status of compliance with relevant loan covenants.
- (vi) ensure timely disclosure of final resettlement plans in project locations and in a form accessible to the public; and
- (vii) ensure any grievances brought about through the GRM are addressed in a timely manner.

91. **Regional Project Management Office (3).** Three Regional Offices of DWSSM (East, West and Centre, of which the RPMO-Centre located within the PMO) will be the regional Project offices, which will carry out procurement and contract management with support from PMO. The RPMOs will depute required supervision personnel in the municipalities, who will be supported by the social safeguards specialist in resettlement, gender, poverty targeting and inclusion activities and awareness generation. The social and Indigenous Peoples development officer appointed and deputed by DWSSM to the RPMOs will receive support from; (i) the PMO social safeguards officer; and (ii) the social development specialist to carry out the following:

- (i) review, update prepared draft resettlement plans/IPPs upon completion of detail design;
- (ii) screen impacts and prepare new resettlement plans and IPPs in accordance with resettlement framework/IPPF and government rules;
- (iii) engage in ongoing meaningful consultations with stakeholders and affected persons particularly through implementation of the consultation and participation;
- (iv) ensure provision of timely payments to the affected persons by the Municipality/PISU/WUSCs before displacement/impact occurs in project sites ready for construction;
- (v) oversee implementation of resettlement plans and/or IPPs by Municipality/PISU/WUSCs;
- (vi) advise and take corrective actions when necessary to minimize/avoid social safeguards impacts;
- (vii) submit monthly social safeguards monitoring reports to PMO;
- (viii) assist in establishment of Grievance Redress Committee (GRC) at Municipality level and assist in redressal of grievances brought about through the GRM in a timely manner.

92. **Social Safeguards Specialist:** The Social Safeguards Specialist will provide support to the PMO in the following areas. The detailed TORs are in the PAM:

- (i) Support DWSSM/PMO in undertaking social safeguards for the project and formulating due diligence reports for different components of the project in line with ADB requirements;
- (ii) Develop appropriate safeguards implementation arrangement;
- (iii) Coordinate with National Water Supply and Sanitation Training Center (NWSSTC) of DWSSM and project municipalities in providing trainings to municipality staff on health and safety protocol considering COVID-19 and similar pandemics in the future;
- (iv) Conduct consultation meetings and focus group discussions with poverty clusters

- of the project municipalities and small towns;
- (v) Coordinate and work together with NWSSTC and PMO developing standard operating procedures for municipal governments to manage contaminated solid waste;
 - (vi) Prepare training plans and modules (in consultation with NWSSTC) on (i) home based soap and disinfectants making, (ii) health and safety protocols, and (iii) promotion of municipal wide good hand hygiene practices and awareness raising on COVID-19;
 - (vii) Facilitate NWSSTC/municipalities in conducting trainings on home-based soap and disinfectants making;
 - (viii) Work closely with social development sections of the project municipalities and water users and sanitation committees (WUSCs) of the participating small towns in conducting capacity building and training as detailed under output 2 and 3 of the grant assistance report;
 - (ix) Monitor implementation of GESI related activities outlined in the project's design and monitoring framework;
 - (x) Conduct consultations with project stakeholders including direct beneficiaries and surrounding landowners and document consultations as part of the safeguard documents;
 - (xi) Consolidate information and data as required by the DMF of the project;
 - (xii) Prepare the relevant sections of the quarterly progress report;
 - (xiii) Update as required, the relevant sections of the project administration manual (PAM) on social safeguards, GESI and capacity building/training activities;
 - (xiv) Prepare relevant sections of the Project Completion Report;
 - (xv) Work closely with the JFPR Grant Coordinator and PMO to ensure that the envisaged social, GESI and capacity building activities are performed, and the corresponding project targets are achieved.

93. **Implementing Agencies.** The participating municipalities (PISU) and WUSCs will be supported by social safeguards officer of PMO. At the local level, Municipality/PISU/WUSCs will work closely with Senior Engineer and Social Development Specialist during design/resettlement plan preparation or updating stage, in identifying affected persons and alternative sites and reviewing the ownership status of such sites. Municipality/PISU/WUSC will be responsible for procurement of suitable land for project-related works and will be supported by the municipality to obtain land. When plot owners decide to negotiate directly with Municipality/PISU/WUSC, Municipality/PISU/WUSC will come to mutual agreement for land compensation and deliver all payments and assistance/allowances to affected persons (titled, non-titled, and vulnerable) as per the resettlement plan prior to award of civil works contract. Municipality/PISU/WUSC will be responsible for resettlement plan implementation at local level. In case of land donation or negotiated purchase, PMO/RPMO will be responsible for appointing the third independent party, as per resettlement framework.¹⁹ Municipality/WUSC/PISU will take corrective actions when necessary to ensure avoidance/minimization of involuntary resettlement impacts. Municipality/WUSC/PISU will implement the local level project awareness campaign with the

¹⁹ The PMO/RPMO will engage an Independent third party (a party from the locality, with no direct interest in the negotiation process, who could be a member of Public/Community school management committee, a leader of the community, NGO/CBO) in consultation with Municipality/WUSC. The independent third party will keep a record of meetings, prepare minutes of meetings and be prepared to submit those if required. The minutes of the meetings will be recorded to maintain transparency and will be sent with a note on negotiated land price to PMO. The independent third party should ensure that balanced information is provided to both parties on the value of the affected land sent with a note on negotiated land price to PMO. The independent third party should ensure that balanced information is provided to both parties on the value of the affected land.

assistance of Social Development Specialist. It will disclose the GRM to the affected communities; and address any grievances brought about through the project's Grievance Redress Mechanism in a timely manner.

94. Municipality/WUSC/PISU will involve the concerned urban and rural municipalities-the local level authorized bodies, in the dissemination of resettlement framework and resettlement plans to the public and seek any necessary support from them during resettlement plan implementation.

95. **Civil Works Contractors.** The contractor will be required to designate a resettlement supervisor to (i) ensure compliance with resettlement plan and resettlement framework during civil works, to (ii) carry out all mitigation and monitoring measures such as rebuilding of damaged structures/private property outlined in their contract, (iii) to register all grievances received by the contractor's field personnel and notify RPMO social mobiliser about the same; (iii) resolve minor grievances and complaints received from people in consultation with the Municipality/WUSC/PISU or RPMO SDO and social mobiliser.

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

B. Institutional Capacity Development Program

97. The safeguards personnel of project consultants (Social Development Specialist; PMO SSO, RPMO SDO), contractor's safeguards personnel and other key project related staff of PMO and RPMOs, will be oriented and trained by ADB on ADB safeguards policy and the approved project resettlement framework; resettlement plan preparation and updating process; monitoring, reporting and disclosure requirements, roles of different stakeholders in safeguards implementation and GRM, envisaged consultation and participation process, reporting and monitoring requirements, core labor standards for contractors, typical implementation issues, and lessons learnt in safeguards implementation in the first, second and third small towns water supply and sanitation projects. The key focus area of the training program will be ADB resettlement policy and principles and the training will focus on the differences between the provisions of the ADB policy and Government of Nepal laws, as the awareness of these differences and the need to follow the provisions of the ADB policy are critical for successful implementation of resettlement plans.²⁰

98. The Social Development Specialist will be responsible for development of a training program based on a capacity assessment of target participants (RPMO community mobilisers, contractor(s), Municipality/PISU/WUSC members), and for implementation of the training program to build capabilities on resettlement policy, planning, mitigation measures and safeguards. These will be jointly conducted by the Social Development Specialist and the RPMO SDO. Basic principles of resettlement planning, avoidance of involuntary resettlement impacts and minimization measures with an emphasis on protection of the poor and vulnerable, access to project information and benefits by affected persons, grievance redress process and

²⁰ See the gaps identified between the Government of Nepal laws and ADB SPS in the Table 1.

its importance, and monitoring shall be covered in the training.

99. Typical modules will be (i) sensitization to social safeguards, gender and vulnerability issues, (ii) resettlement planning and typical issues in implementation, (iii) introduction to social safeguards policy, including ADB policy, GRM, entitlements, compensation and social safeguards monitoring requirements and mitigation measures; (iv) monitoring and reporting on resettlement plan implementation, including monitoring methods and tools; and (v) core labor standards, including equal pay for equal work, etc.

C. Implementation Schedule

100. All land acquisition, donation, negotiated purchase, resettlement, and compensation for each subproject will be completed before relocation. All land required will be provided free of encumbrances to the contractor prior to handing over of project site and start of civil works. Resettlement plan implementation for each subproject will involve the following key steps: (i) identification of cut-off date and notification,²¹ (ii) verification of losses and extent of impacts;²² (iii) finalization of entitlements and distribution of identity cards; (iv) consultation with affected persons on their needs and priorities; and (v) resettlement, provision of compensation and assistance, and income restoration for affected persons. A typical schedule of activities for resettlement plan implementation following detailed design is given in Table 4.

Table 4: Typical Resettlement Plan Implementation Schedule

Activity No.	Typical Activities in resettlement plan Implementation	Envisaged Schedule
0	Detailed design	
1	Safeguard training and capacity building	Over a period of 3-4 months, after appointment of contractor.
2	Conduct Detailed Measurement Surveys/ Business Surveys/Inventory of Loss Surveys	1-2 months; Depending on Scope/ Scale of Project
3	Identification of Vulnerable affected persons for Involvement/ Inventory of Loss Surveys	1-2 months; Simultaneous to Activity 2
4	Update Draft resettlement plan with Results of detailed measurement survey (DMS)	Within 1 month of Completion of DMS/Inventory of Loss Surveys (Activity 1 and 2)
5	Consultations and Disclosure	Continuous activity; Throughout resettlement planning, updating and implementation period
6	Review and approval of resettlement plan (project management office and ADB)	Within 1 month of resettlement plan updating (Activity 4)
7	Issuance of ID cards, as required	Within 1 month of resettlement plan approval (Activity 6)
8	Issuance of notice to affected persons, as required	Within 2-3 months of resettlement plan approval
9	Compensation prior to start of construction and assistance as required, including to the vulnerable affected persons	Compensation will be given prior to start of construction. Assistance will be continuous
10	Start of civil works	

²¹ The date of DMS/Census Survey will be the cut-off date for non-titled affected persons. For titled affected persons, the cut-off is the date of notification.

²² Extent of losses will be determined through the 'Inventory of Loss' survey

Activity No.	Typical Activities in resettlement plan Implementation	Envisaged Schedule
11	Internal monitoring, including surveys of affected persons on entitlements, satisfaction surveys	Continuous, through the period of resettlement plan implementation
12	External monitoring, in case of significant impacts	Formulation, disclosure and approval of corrective action plan(s) prior to project implementation/start of civil works. Periodic monitoring, through the period of resettlement plan implementation.
13	Repair/reconstruction of affected facilities, structures, connections, utilities if any	Immediately (after damage), in coordination with other departments, as required

Note: The Schedule is indicative and will be finalized for each resettlement plan. The resettlement plan for each project will be updated based on final detailed design and DMS/business surveys. Disclosure of final resettlement plan will be undertaken.

VIII.

BUDGET AND FINANCING

101. The resettlement cost estimate will include all costs related to resettlement including compensation, relocation, deed transfer costs, resettlement plan updating (including survey, DMS, census), consultation communication grievances redress, rehabilitation costs, cultivation disruption allowances, special assistance for vulnerable households, consultation, and costs of monitoring and evaluation. All compensation will be paid to affected persons by the municipality/WUSC/PISU, supported by RPMO and Social Development Specialist. Affected persons will be compensated for all losses as per the resettlement plan before the award of civil contracts and PMO will verify whether compensation was paid and assistances provided as per the agreed entitlement matrix. The budget in each resettlement plan will include a contingency of 15% of the total cost in order to adjust any deviation in the project implementation. Detailed budget estimates for involuntary resettlement will be prepared by Social Development Specialist for each resettlement plan. Details in the budget will include the full costs of each item.

102. Where the national law does not meet the replacement cost, this will be supplemented as necessary by Municipality/WUSC/PISU. Replacement cost is based on market value of an asset before the project or dispossession, whichever is higher, and any other costs including transaction costs; interest accrued, transitional and restoration costs; and other applicable payments, if any. The Municipality/WUSC/PISU will ensure that funds are delivered on time to the affected persons. Civil works contracts will not be awarded unless required compensation payment has been completed. However, income rehabilitation measures may continue and be completed even after civil works has begun. All land acquisition and resettlement assistance will be considered as an integral component of project costs. In cases, where compensation is set by the CDC (when land is acquired) and the replacement value is lower than the prevailing market price, Social Development Specialist will verify the replacement value, and WUSC/PISU will pay the difference. Table 4 shows the estimated budget for resettlement implementation for sub-projects identified in the proposed PCCWHSST project.

IX. MONITORING AND REPORTING

103. Resettlement plan implementation will be closely monitored for effectiveness assessment of resettlement progress and identifying potential difficulties and problems. Monitoring will be undertaken by Social Development Specialist, RPMO and PMO. Monitoring of resettlement and safeguard measures will provide an efficient way forward to PMO for effective implementation of all project components. Administrative monitoring will be to ensure scheduled implementation and dealing of problems timely. Socio-economic monitoring will be periodically during and after implementation of project activities to assess any resettlement impact utilizing baseline information established through the detailed measurement survey of affected persons undertaken during project sub-preparation phase.

104. For subprojects activities under the proposed PCCWHSST project, no significant involuntary resettlement impacts are identified, and no subprojects/components with significant impacts will be selected.

105. Internal monitoring will be carried out by the PMO with the assistance of Social Development Specialist. Internal monitoring indicators will relate to process outputs and results, will be collected directly from the field, and will be reported monthly to the PMO to assess the resettlement plan implementation progress and adjust the work plan if necessary. PMO will report social safeguards implementation status in quarterly progress report and submit to ADB. Suggested internal monitoring benchmarks include, but are not limited to:

- (i) Information campaign and consultation with affected persons;
- (ii) Status of land acquisition and payments on land compensation;
- (iii) Compensation for affected structures and other assets;
- (iv) Restoration of common property resources;
- (v) Payments for loss of income (if any);
- (vi) Selection and distribution of replacement land areas (if required);
- (vii) Income restoration activities (if required); and
- (viii) Ensure the gender mitigation measures are adhered to during the internal monitoring and reporting process.

106. PMO will collect the above said information and monitor day-to-day resettlement activities of the project through the following instruments:

- (i) review of census information for all affected persons;
- (ii) consultation and informal interviews with affected persons;
- (iii) key informant interviews; and
- (iv) community public meetings.

Appendix 1: INVOLUNTARY RESETTLEMENT IMPACTS CATEGORIZATION

Date: _

A. Instructions	
<p>(i) The project team completes and submits the form to the Environment and Safeguards Division (RSES) for endorsement by RSES Director, and for approval by the Chief Compliance Officer (CCO).</p> <p>(ii) The classification of a project is a continuing process. If there is a change in the project components or/and site that may result in category change, the Sector Division submits a new form and requests for re-categorization, and endorsement by RSES Director and by the CCO. The old form is attached for reference.</p> <p>(iii) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by the CCO. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts.</p>	
B. Project Data	
Country/Project No./Project Title :	_____
Department/ Division :	_____
Processing Stage :	_____
Modality :	_____
<input type="checkbox"/> Project Loan <input type="checkbox"/> Program Loan <input type="checkbox"/> Financial Intermediary <input type="checkbox"/> General Corporate Finance <input type="checkbox"/> Sector Loan <input type="checkbox"/> MFF <input type="checkbox"/> Emergency Assistance <input type="checkbox"/> Grant <input type="checkbox"/> Other financing modalities:	
C. Involuntary Resettlement Category	
<input type="checkbox"/> New <input type="checkbox"/> Recategorization — Previous Category []	
<input type="checkbox"/> Category A	<input type="checkbox"/> Category B
<input type="checkbox"/> Category C	<input type="checkbox"/> Category FI
D. Comments	
Project Team Comments:	RSES Comments:
E. Approval	
Proposed by:	Reviewed by:
Project Team Leader, {Department/Division}	Social Safeguard Specialist, RSDD/RSES
Date:	Date:

Endorsed by:		
Social Development Specialist, {Department/Division}	Director, RSES	
Date:	Date:	
Endorsed by:	Approved by:	<input type="checkbox"/> Highly Complex and Sensitive Project
Director, {Division}	Chief Compliance Officer	
Date:	Date:	

Involuntary Resettlement Impact Categorization Checklist

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing right-of-way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project? [] No [] Yes If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? [] No [] Yes				
Are any displaced persons from indigenous or ethnic minority groups? [] No [] Yes				

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

Appendix 2: OUTLINE OF A RESETTLEMENT PLAN

1. This outline is part of the ADB SPS Safeguard Requirements 2. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

A. Executive Summary

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

B. Project Description

3. This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both, and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. It includes a table with quantified data and provides a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

4. This section:

- (i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- (ii) describes the scope of land acquisition (provides maps) and explains why it is necessary for the main investment project;
- (iii) summarizes the key effects in terms of assets acquired and displaced persons; and
- (iv) provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

5. This section outlines the results of the social impact assessment, the census survey, and other studies, with information and data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) defining, identifying, and enumerating the people and communities to be affected;
- (ii) describing the likely impacts of land and asset acquisition on the people and communities affected, taking social, cultural, and economic parameters into account;
- (iii) discussing the project's impacts on the poor, indigenous, and/or ethnic minorities, and other vulnerable groups; and
- (iv) identifying gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

6. This section:

- (i) identifies project stakeholders, especially primary stakeholders;
- (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (iv) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- (v) confirms disclosure of the draft resettlement plan to affected persons, and includes arrangements to disclose any subsequent plans; and
- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

F. Grievance Redress Mechanisms

7. This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

G. Legal Framework

8. This section:

- (i) describes national and local laws and regulations that apply to the project, identifies gaps between local laws and ADB's policy requirements, and discusses how any gaps will be addressed;
- (ii) describes the legal and policy commitments of the executing agency for all types of displaced persons;
- (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods, and sets out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided; and
- (iv) describes the land acquisition process, and prepares a schedule for meeting key procedural requirements.

H. Entitlements, Assistance, and Benefits

9. This section:

- (i) defines entitlements and eligibility of displaced persons, and describes all resettlement assistance measures (includes an entitlement matrix);
- (ii) specifies all assistance to vulnerable groups, including women and other special groups; and
- (iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements

10. This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensuring that gender concerns and support to vulnerable groups are identified);
- (ii) describes alternative relocation sites considered, community consultations conducted, and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vi) explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

11. This section:

- (i) identifies livelihood risks and prepares disaggregated tables based on demographic data and livelihood sources;
- (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (e.g. project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, while discussing sustainability and safety nets);
- (iii) outlines measures to provide a social safety net through social insurance and/or project special funds;
- (iv) describes special measures to support vulnerable groups;
- (v) explains gender considerations; and
- (vi) describes training programs.

K. Resettlement Budget and Financing Plan

12. This section:

- (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation;
- (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items);
- (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs; and
- (iv) includes information on the source of funding for the resettlement plan budget.

L. Institutional Arrangements

13. This section:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building programs, including technical assistance, if required;
- (iii) describes the role of NGOs, if involved, and organizations of affected

- (v) persons in resettlement planning and management; and
- (v) describes how women's groups will be involved in resettlement planning and management.

M. Implementation Schedule

14. This section includes a detailed, time-bound implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

N. Monitoring and Reporting

15. This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

Appendix 3: OUTLINE OF A LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT DUE DILIGENCE REPORT

Following requirements of the ADB Safeguard Policy Statement (2009) and the *Operations Manual* section on safeguard policy (OM F1, 2013), ADB assumes the responsibility for conducting due diligence and for reviewing, monitoring, and supervising projects throughout the ADB's project cycle in conformity with the principles and requirements embodied in the SPS.

To ensure appropriate categorization of involuntary resettlement (IR) safeguards during project preparation, careful screening activities are recommended to be done by the project team (or consultants) and the result is reported to ADB. This report is important as the supporting document, as well as for the baseline information/data, for a subproject categorized as C ("no impacts") on involuntary resettlement and for projects involving facilities and/or business activities that already exist or are under construction before ADB's involvement. The comprehensiveness of the report is commensurate with the complexity of the proposed project activities. IR due diligence report (DDR) to include the following elements:

A. Executive summary

This section provides a concise statement of project scope and activities, key findings and proposed safeguards categorization and summary recommended actions, if any.

B. Background of the Report and Project Description

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

1. Background/context of the due diligence report which includes the information on the proposed project and its components,
2. Information on the scope of the due diligence activity and requirements

C. Legal and Policy Background

This section provides information on country regulations and laws related to land acquisition and involuntary resettlements relevant to the project activities. ADB SPS (2009) is also included as another policy reference of the assessment.

D. Methodology

This section describes the methodology used in conducting the due diligence activities for involuntary resettlement impacts. This includes schedule of the assessment activities, consultation meetings with projects affected communities and institutions involved. The involuntary resettlement due diligence checklist as prepared by ADB can be used to conduct the assessment.

E. Findings

This section describes the results of the assessment. This includes:

1. Detailed account of possible involuntary resettlement impacts due to the proposed project activities (each component/ sub project). The assessment of impacts should include permanent and temporary impacts for both land

- and non-land assets (i.e., immobile assets, crops/trees, income, access to land or resources, etc.)
2. A chronology of past land acquisition and resettlement activities, if any. This includes assessment of adequacy of the previous land acquisition and resettlement activity against ADB policy on involuntary resettlement and whether there are pending issues related to the past activities. For any negotiated land acquisition or land donation conducted in anticipation of ADB funding, third independent party validation report has to be prepared and attached to the DDR.
 3. Other social issues observed during the field visits (i.e., opposition/resentment from the communities in the project sites, social conflicts, etc.) that could affect the implementation of the project.

F. Recommendations

107. This section describes the summary findings of the assessment and recommendation for the appropriate involuntary resettlement categorization of the project. A time-bound action plan for preparing the required resettlement plan and/or corrective action plan (CAP), if any, maybe proposed.

Appendixes

1. Completed involuntary resettlement screening checklist with signatures from the responsible agencies/institutions
2. Pictures and (non-sensitive) maps depicting the project sites and major alignments
3. List of existing assets observed/recorded during the assessment
4. Copy of land/assets ownership records for all proposed sites (owned by government or by private owner – proposed for donation or negotiated settlement)
5. Copy of No objection certificates for use of government land
6. Socio-economic profile and photographs of land donors/land sellers, if applicable (to assess vulnerability status, significance of impact etc.)
7. Copy of minutes of stakeholder consultation meetings including issues discussed and consensus reached, with signature sheets of attendees and photographs of consultation.
8. Copy of independent third-party validation report for any land donation or negotiated settlement.
9. Copy of gift deed in case of land donation and copy of land transfer record in case of negotiated settlement/land donation.
10. Copy of the formal establishment of project GRC (if already established).

Appendix 4: SAMPLE FORM FOR INVENTORY OF LOSS SURVEYS

1. Questionnaire No.:

2. Date:

Name of the Subproject:

Name of the Place (s)/Ward / settlement(s):

Municipality/ Rural Municipality.....

6. District:

7. Province:

8. Parcel No/Plot N^o:.....

Type of loss: 1. Structure Only 2. Land only 3. Land and structure

4. Orchard/Tree 5. Other's assets (please specify)

9. Ownership of the Land

Private 2. Government 3. Religious 4. Community 5. Others

10. Type and Use of Land

1. Paddy Field	2. Millet/Maize Field	3. High Land Cultivation	<input type="checkbox"/>
4. Plantation	5. No current Plantation	6. Barren Land	
7. Residential	8. Commercial	9. No use	

11. Irrigation Facilities of Land

1. Irrigated 2. Un irrigated

12. Area to be Acquired / Affected Land (Ropani/Bigha)

13. Total Area of the Land/ Plot (In case a portion of the land/ plot to be acquired/ affected) (Ropani/Bigha)

14. Total Land Holding (affected + unaffected) in Ropani

1. Irrigated: 2. Un-irrigated:

3. Other: 4. Total.....

15. Status of Ownership

1. Titleholder 2. Customary Right 3. Trust/Guthi land

4. Encroacher 5. Squatter 6. Other (specify):

16. Type of Private Ownership

Individual/Single 2. Joint/ Shareholders 3. Other (specify):

17. Name of the Owner/Occupier (s):

18. Father's Name:

19. Rate of the Land (Rs./Per Acre)

Market Rate: 2. Government Rate:.....

20. Any of the following people associated with the Land

Agricultural Laborer 1. Yes 2. No

Total Numbers (If Yes):.....

Names (If Yes):

(i).....

(ii)

Tenant/Lessee 1. Yes 2. No Total Numbers (If Yes):.....

Names (If Yes):

(i).....

(ii)

Sharecropper 1. Yes 2. No Total Numbers (If Yes):.....

Names (If Yes):

(i).....

(ii)

Agricultural Squatters 1. Yes 2. No Total Numbers (If Yes):.....

Names (If Yes):

(i).....

(ii)

(iii)

21. Number of trees within the affected area

1. Fruit Bearing..... 2. Non-fruit Bearing..... 3. Timber.....

4. Fodder..... Total.....

Details of Trees:

S. No.	Name of Trees	Type of Trees (1. Fruit Bearing, 2 Non-Fruit Bearing, 3. Timber 4. Fodder)	Age of the Trees	Number of Trees	Market price (Rupees)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

22. Which crop do you cultivate in the affected land (start with ascending order as major crop)?

Type of Crops	Total Affected Area under Crop (Ropani/Bigha)	Total Yielding per Crop(kg) in the Affected Area

23. How many seasons in a year you cultivate in the affected land

1. One season 2. Two seasons 3. Three Seasons

24. Any structure in the Affected Land 1. Yes..... 2. No.....

Area of the affected structure (in Square Meter).....

Measurement of Affected Structure a) Length

b) Width

c) Height

d. Number of Storey

Area of the boundary wall only (in Meter): a) Lengthb) Height

Area of the Total structure (in Square Meter).....

Measurement of Total Structure a) Length

b) Width

c) Height

Scale of Impact on structure

a) 25% b) 50% c) 75% d) 100%

Type of Construction of the Structure:

S. No.	Particulars	Type of Construction: (1). Simple (thatch/sack/bamboo/slats, (2) Earth/clay/sand, (3) Wood, (4) Brick, (5), Concrete, (6) Corrugated iron sheet, (7) Tile, and (8) Other, specify
1	Roof	
2	Floor	
3	Wall	

Age of the Structure (in years):

Market Value of the Structure (in Rs.):

Use of the Structure (select appropriate code from below)

Residential Category

1. House 2. Hut 3. Other (specify).....

Commercial Category

4. Shops 5. Hotel 6. Small Eatery
7. Kiosk 8. Farm House 9. Petrol Pump
10. Clinic 11. STD Booth 12. Workshop
13. Vendors 14. Com. Complex 15. Industry
16. Pvt. Office 17. Other (specify).....

Mixed Category

Residential-cum-Commercial Structure

Community Type

Community Center 20. Club 21. Trust
22. Memorials 23 Other (specify).....

Religious Structure

24. Temple 25. Church 26. Mosque 27. Gurudwara
28. Shrines 29. Sacred Grove 30. Other (specify).....

Government Structure

31. Government Office 32. Hospital/Health Post 33. School
34. College 35. Bus Stop 36. Other(specify).....

Other Structure

37. Boundary Wall 38. Foundation 39. Cattle Shed 40. Other
(specify).....

Status of the ownership of Structure

1. Legal Titleholder 2. Customary Right 3. License from Local Authority
4. Encroacher 5. Squatter

Any of the following people associated with the Structure?

1. Yes 2. No

People associated	Yes/ No	If, yes Please give the number and names	Lease / rent paid, if yes monthly rent	Employee, if Yes; Monthly salary/ daily wage rate (NRs)	Remarks
Tenants					
Employee in residential					

People associated	Yes/ No	If, yes Please give the number and names	Lease / rent paid, if yes monthly rent	Employee, if Yes; Monthly salary/ daily wage rate (NRs)	Remarks
structure					
Employee in business structure					

Social Category:

1. General 2. Ethnic Minority 3. IP/Janajati; 4. Others;

Number of family members: Men..... Women..... Total.....

Number of family members with following criteria

1. Unmarried Son > 35 years... 2. Unmarried Daughter/Sister > 35 years.....

3. Divorcee/Widow..... 4. Physically/Mentally Challenged Person
5. Minor Orphan.....

Vulnerability Status of the Household:

Is it a woman headed household with dependent? 1. Yes 2. No

Is it headed by physically/mentally challenged person? 1. Yes 2. No

Is it a household Below Poverty Line (BPL) 1. Yes 2. No

Is it landless? 1. Yes 2. No

Is it Elderly people without income source? 1. Yes 2. No

Is it Ethnic Minority Group? 1. Yes 2. No

Main Occupation of the Head of the Household (Main Source of Income)

1. Agriculture; 2. Commercial /business; 3. Service Holder;
4. Others (Specify).....

Total Annual income of the family from all sources Rs.....

Annual income (total turnover) per unit (ropani/bigha) from affected land in NRs __

Annual income (total turnover) from affected commercial structure, if applicable in NRs __

Annual cost of operation of the total landholding/business/commercial enterprise in NRs__(please include labour cost and operating cost including fertilizer, pesticide, water, electricity, any other cost.)

If displaced, do you have additional land to shift? 1. Yes 2. No

If yes, how far from the present location (km).....

Resettlement/ Relocation Option:

1. Self-Relocation 2. Project Assisted Relocation

Compensation Option for Land loser

1. Land for land loss 2. Cash for Land loss

Compensation Options for Structure loser

1. Structure for structure loss 2. Cash for Structure loss

Income Restoration Assistance (fill codes in preferred order)

1. Shifting Allowance; 2. Employment Opportunities in Construction work; Assistance/ Loan from other ongoing development scheme; Training for Vocational activities;

5- Assistance to re-establish lost/affected business, 6. Others (specify)

Details of the Affected Persons (Family/Households):

Family Details

S.N.	Name of Family Member	Relation to the Head of Household*	Age of (Years)	Sex **	Occupation***	Marital Status <input type="checkbox"/>	Education <input type="checkbox"/>
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							

Code: *1. Self 2. Father 3. Mother 4. Husband 5. Wife 6. Son 7. Son in law 8. Daughter in law 9. Grandfather 10. Grandmother 11. Daughter 12. Brother 13. Sister 14. Grandson 15. Granddaughter 16. Uncle 17. Aunty 18. Cousins

** 1. Men 2. Women

*** 1. Service 2. Business 3. Agriculture 4. Study 5. Housewife 6. Labour 7. Unemployed 8. Professional 9. Pensioner 10. Government Employee 11. Private Employee 12 Fisheries 13 Infant 14 Other

1. Married 2. Unmarried 3. Widow 4. Widower 5. Others

1. Illiterate 2. Literate 3. Up to primary 4. Secondary 5. Graduate 6. Post Graduate

NOTE FOR ENUMERATOR: All affected persons to be surveyed. If details of tenants/employees are obtained from the owners, such persons will also have to be located and surveyed using applicable fields in the above questionnaire.

Appendix 5: CHECKLIST FOR SURVEY OF AFFECTED BUSINESSES

Date of Survey				Serial No:
Name of affected person				
Father's/mother's name				
Address /location				
Type of the affected business	Permanent	Semi-permanent	Hawker/movable	
Type of merchandise	Fruits and vegetables	Food	Books/stationery	
	Clothes	Shoe repair	Others (Specify)_____	
Status of ownership	Owner		Tenant	
Since when has the person operated in that location?				
Frequency of operating in a week	Every day	Most days	1-2 days per week	
	Less than 1 day per week	Seasonal (Specify)_____	Others (Specify)_____	
Person/s employed, if any	No:			
Rent per month, if any	Rs.			
Average profit per day	Rs.			
Will the person be affected?	Yes		No	
Type of vulnerability/distress	None	BPL	Disabled	
	WHH	Minority/child worker	Others (Specify)_____	
Date when work will start on road				
Permanent structure/s present?	Yes		None	
Use of permanent structure	Boundary wall/s	Residential	Commercial/business	
If structure is present, type of ownership	Owner		Rental How much per month? _____ Rs.	
Document prepared by:	Supervised by:		Document checked by:	

BPL=below poverty line, WHH=woman-headed household/woman as chief wage earner.

Appendix 6: SAMPLE FORM FOR MARKET SURVEY

Area Code					
Form No.					

Government of Nepal
Ministry of Water Supply and Sanitation

Note: Market surveys will be conducted using this questionnaire, which will be administered on local people (minimum of 20 people for each item) living in and around project sites where impacts are anticipated.

Land valuation Survey Form

Only for land affected Rural Municipality/ Municipality

1. Identity of Respondent

Name _____ Name of Father/Husband _____ Occupation _____
Municipality/ Rural Municipality _____

Ward No.

2. Have you purchased land during last one year? If answer is yes:

 No

a) Date _____

b) Location of land (Rural Municipality/Municipality, Plot No.) and Category _____

c) Amount of land (ropani/bigha/katha/dhur specify) _____

d) Purchase value of land (except stamp duty and other expenditure) NPR: _____

3 Have you sold any land during last one year? If answer is yes:

 No

a) Date _____

b) Location of land (Rural Municipality/Municipality, Plot No.) and Category _____

c) Amount of land () _____

d) Sale value of land (except stamp duty and other expenditure) NPR: _____

What is the market price of different categories of land mentioned below according to your knowledge?

S.N.	Description of Categories	Location of Land (Rural Municipality/ Municipality)	Current Market Price (Per Ropani/Bigha/ Kattha)	Comments
1	Homestead			

2	High land			
3	Low Land			
4	Single Crop/ Un-irrigated			
5	Double Crop, specify rates for irrigated or un-irrigated			
6	Multi crop			
7	Orchard			
8	Fallow land			
9	Others (please specify type)			

Name and Signature of Respondent:

Area Code				
Form No.				

Tree Valuation Survey Form

What are the present market prices of the following trees according to your knowledge?

S. No.	Name of Tree	Market Price of Tree (as per age)				Comments
		Big	Medium	Small	Sapling	
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						

Name and Signature of Respondent:

Area Code					
Form No.					

Structure Survey Form

S.N.	Particular of Structure			Measurement of Structure		Replacement value	Comments
	Roof	Wall	Floor	Quantity	Unit specify (e.g. sft/cft/no.)		
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							

Name and Signature of Respondent:

Appendix 7: PROCEDURES AND ELIGIBILITY OF LAND/ASSETS DONATION PROCEDURES

A. Background

1. Given Nepal's tradition and that a number of local people may be willing to voluntarily donate part of their land for water supply facilities and small-scale infrastructure that provide direct benefits to the community, the Project will also continue to some extent the land donation tradition within the community. However, adequate process and safeguards will be built into subproject resettlement plans to ensure that the voluntary land donation is not forced and it doesn't lead to impoverishment of land donors.

B. Procedures and Eligibility

- (i) Full consultation with displaced persons and communities on selection of sites and appropriate design to avoid/minimize additional land take and resettlement effects;
 - (ii) As a first principle, displaced persons will be informed of their right to entitle compensation for any loss of their property (house, land, and trees) that might be caused by the project construction, and the land donation might be accepted only as a last option;
 - (iii) Full recognition of, and respect of, community choice between compensation and donation through community consultation meetings reported in the walkthrough Survey Reports;
 - (iv) No one will be forced to donate their land and displaced persons will have the right to refuse land donation proposal from EA;
 - (v) In case displaced persons are directly linked to project benefits and thus are willing to voluntarily donate their land after they are fully informed about their entitlement, the project will assess their socio-economic status and potential impact of land donation and accept land donation only from those displaced persons who do not fall below the poverty line after the land donation (Note: the land donation will be limited to 10% of total land holding);
 - (vi) Any voluntary land donation (after the process as mentioned above) will be confirmed through a written record, including a "no coercion" clause verified by an independent external party;
 - (vii) The donation will be limited to only land and minor assets (houses and major assets will be excluded from donation);
 - (viii) No displaced person categorized as poor and vulnerable households are eligible to give donation for their affected assets;
 - (ix) The donation activities will not cause any physical and/or economic displacement of the (formal/informal) land users; and
 - (x) A Grievance Redress Committee (GRC) will be set up; and displaced persons who are not satisfied with the land donation can file their complaint with the GRC.
2. In addition to the above, the steps outlined for land donation in Section II F of this resettlement framework shall be adhered to.

Appendix 8: DRAFT PROJECT INFORMATION DISCLOSURE LEAFLET

A. Background

1. The Prevention and Control of COVID-19 through WASH and Health initiatives in Secondary and Small Towns project aims support the Government of Nepal (the government) to improve selected local governments' capacity to better response to coronavirus diseases (COVID-19) pandemic through community-level interventions. The grant will have the following outputs: (a) Output I- essential public services and Water Sanitation and Hygiene (WASH) supplies to block interpersonal transmission of COVID-19 in public spaces, (b) Output II- behavior-centered community mitigation measures or campaigns to contain the pandemic and manage panic and misinformation, and (c) Output III- strengthened capacity of Department of Water Supply and Sewage Management (DWSSM), five (5) municipalities, and 10 small towns to timely respond to COVID-19 and other public health emergencies . The grant project area will be linked to ADB's ongoing small towns projects and pipeline project on Integrated Water Supply and Sewage Management

B. Subproject Description

2. Include a comprehensive list of subproject components.

C. Policy and Principles

3. The project's involuntary resettlement policy is defined in its Resettlement Framework, which has details on steps to be followed in resettlement implementation, entitlements, compensation, grievance redress procedures etc.

D. Involuntary Resettlement impact

4. Minor involuntary resettlement impacts are envisaged under the proposed subproject components of sample towns of UWSSP. The scope of land acquisition and resettlement is identified based on field visits to each identified site and/or alignment; to be updated when the remaining sites/alignments are identified. Larger parcels of land required for the subprojects have either been already purchased through negotiation and transferred in the WUSC's name or belong to government. No private land acquisition is anticipated. There are no non-titleholders present at any of the government sites. Loss of a common property resource (a cement concrete platform with asbestos roof constructed and used for prayer meetings by a temple committee and trees planted at the site by the temple committee) is assessed in Siddhanath Baijanath and is proposed to be rebuilt/restored and trees planted to replace the loss of trees.

E. Entitlement

5. The project provides for compensation of all potential losses including potential income losses for the affected persons at replacement value. All economically displaced households and persons will be entitled to a combination of compensation packages and resettlement assistance, depending on the nature of ownership rights on lost assets, scope of the impacts including socioeconomic vulnerability of the displaced persons, and measures to support livelihood restoration if livelihood impacts are envisaged. The displaced persons will be entitled to (i) compensation for loss of crops at the replacement value; (ii) compensation for loss of income from the agricultural production; (iii) livelihood vocational training for each head of the affected family. A budgetary provision for resettlement implementation is made. Both titleholders and non- titleholders among displaced persons are eligible for compensation and/or assistance.

¹ The Draft PMO Leaflet is prepared for sample towns and will need to be prepared/ updated for other towns

on similar lines as and when they are taken up.

F. Institutional Arrangement

6. The executing agency will be the Ministry of Water Supply (MWS). The DWSSM (under MWS) will be the implementing agency. Project Director of Third Small Towns Water Supply and Sanitation Sector Project and Urban Water Supply and Sanitation (Sector) Project will be given responsibility as Project Director for the JFPR project. Two full time dedicated engineers will be appointed or deployed for managing day to day implementation of the grant. For the overall project management, four individual consultants will be engaged using individual consultant selection method. DWSSM confirmed to engage additional individual consultants, if required, from their own sources. The PMO under the UWSSP also has focal persons dedicated each for GESI, environmental and social safeguards. Municipalities in secondary towns and WUSCs in small towns will be responsible for the implementation of civil works and capacity building/training activities with support from the DWSSM. A Project Implementation Support Unit (PISU) will be established in social development section of the grant municipality and WUSCs of the selected small towns. Since the start of the COVID-19 pandemic, the DWSSM has been working with development partners and nongovernment organization (national and international) to ensure continuity of WASH services across the country. The DWSSM will coordinate with Department of Health services, implementing agency of the grant tapped from APDRF, to ensure synergy and avoid duplication of ADB's support. National Water Supply and Sanitation Training Center in collaboration and coordination with Department of Health Services, UNICEF and WHO will support DWSSM to implement institutional strengthening and capacity development activities of the grant.

G. Grievance Redress Mechanism (GRM)

To resolve all project related grievances and complaints a common social and environmental grievance redress mechanism will be in place. Common and simple grievances will be sorted out at project site level by the Contractor's Resettlement Supervisor, supervision and Social Safeguards Specialist within 5 days, with the involvement of the Municipality/WUSC as required. Any unresolved grievances will be forwarded to the town-level Grievance Redress Committee GRC which will have affected persons and civil society/eminent citizens as members. Complaints and grievances which are not addressed by Grievance Redress committee (GRC) at municipality level within 10 days will be sent to the PMO for resolution within 15 days. Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage.

Contact Details

Organization	Name	Position	Address and Phone Numbers
Contractor		Safeguard Supervisor	
Consultant		Social Development Specialist	
PMO		Social Safeguard Officer	
RPMO		Social Development Officer	

Appendix 9: SAMPLE GRIEVANCE REGISTRATION FORM AND MONITORING FORMAT

(To be available in Nepali and English)

GRIEVANCE REGISTRATION FORM

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.

Date		Place of Registration				
Contact Information/ Personal Details						
Name			Gender	• Men • Women	Age	
Home Address						
Place						
Phone no.						
Email						
Complaint/Suggestion/Comment/Question: Please provide the details (who, what, where and how) of your grievance below:						
If included as attachment/note/letter, please tick here:						
How do you want us to reach you for feedback or update on your comment/grievance?						

FOR OFFICIAL USE ONLY

Registered by: (Name of Official registering grievance)	
Mode of communication: Note/Letter Email Verbal/Telephone	
Reviewed by: (Names/Positions of Official(s) reviewing grievance)	
Action Taken:	
Whether Action Taken Disclosed:	Yes No
Means of Disclosure:	

Suggested Format for Record Keeping of Grievances

S. No.	Date of receipt of grievance	Name and contact details of complainant	Description of complaint	Nature of complaint	Decisions taken	Response given to complainant and date	Whether closed

Appendix 10: SAMPLE MONITORING TEMPLATE

A social safeguard monitoring section in quarterly progress report shall be prepared on Resettlement Plan implementation and submitted to ADB by the PMO. 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, socioeconomic status and satisfaction levels of affected persons with the resettlement plan implementation process, compensation and mitigation measures; (2) **the list of vulnerable affected persons** and additional compensation / special protection measures planned/implemented for them; socio-economic status and satisfaction levels of vulnerable affected persons with the resettlement plan implementation process, compensation and mitigation measures; (3) **list of affected common facilities** affected, plan to restore access and/or actions taken to restore access to the same or facilities of equal quality elsewhere; (4) **list of roads for closure** and actions planned / taken to minimize disturbance; (5) **details of consultations held with affected persons** (with number of participants by gender, issues raised, conclusion / agreement reached, actions required/taken; (6) **details of grievances** registered, redressed, outstanding complaints, minutes of GRM meetings held; (7) **details of information disclosure** and awareness generation activities, levels of awareness among target population and behavior change, if any; and (8) **any other relevant information** showing resettlement plan implementation progress. The following checklist may be used for overall monitoring of resettlement plan implementation.

S.N	Resettlement Plan Activities	Completed Y/N	Remarks
A. Pre-construction Activities and Resettlement Plan Activities			
1	Approval of final Resettlement Plan by ADB prior to contract award		
2	Disclosure of Final Resettlement Plan on ADB and executing agency websites		
3	Circulation of summary resettlement plan in two local languages to all stakeholders		
B. Resettlement Plan Implementation			
1	Grievance Redress Committee and telephone hotlines established		
2	Entitlements and grievance redress procedure disclosed		
3	Finalization of list of affected persons, vulnerable affected persons and compensation/ assistance/ allowances due		
4	Finalization of list of affected common facilities and roads for closure; mitigation measures proposed		
5	Affected persons received entitlements as per amounts and program specified in resettlement plan		
6	Payment of compensation, allowances and assistance (No. of affected persons)		
7	Additional assistance for vulnerable households given (No. of vulnerable affected persons)		
8	Livelihood arrangements provided to vulnerable affected persons		
9	Reinstallation of affected common facilities		

S.N	Resettlement Plan Activities	Completed Y/N	Remarks
10	Grievances No. of grievances registered No. of grievances redressed Outstanding complaints Disclosure of grievance redress statistics		
11	Consultation, participation and disclosure as per Plan		
C. Monitoring			
1	Survey on socio-economic status of affected persons (including vulnerable APs) completed and compared with baseline survey results		
2	Survey on satisfaction levels of affected persons with resettlement plan implementation completed		
D. Labor			
1	Implementation of all statutory provisions on labor like health, safety, welfare, sanitation, and working conditions by Contractors		
2	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 11: OUTLINE OF SOCIAL SAFEGUARDS MONITORING SECTION OF QUARTERLY PROGRESS REPORT DURING PROJECT IMPLEMENTATION

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 the PCCWHSST project categorized as B for Involuntary Resettlement, the client is required to submit quarterly monitoring updates for ADB review. This outline can be used for quarterly monitoring updates and resettlement plan/DDR completion report to start the civil works in the impacted areas. A safeguard monitoring report may include the following elements:

A. Background:

- i) 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
- ii) Summary table of identified impacts and the mitigation actions.

B. Scope of Impacts: This section outlines the detail of:

- i) Scale and scope of the project's safeguards impacts,
- ii) Vulnerability status of the affected people/communities.

C. Compensation and Rehabilitation:

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 compensation, livelihood restoration activities and assistances.

D. Public participation and consultation

This section describes the numbers of activities conducted; minutes of meetings, photographs, signature sheets, issues raised during consultations and responses provided by the project team, project consultants, contractors, etc.

E. Grievance Redress Mechanism

This section described the implementation of project grievance redress mechanism (GRM) as design in the approved resettlement plan/DDR. This includes evaluations of its effectiveness, procedures, complaints received, and timeliness to resolve issues /complaints and resources provided to solve the complaints.

F. 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.

G. Monitoring Results - Findings

This section describes the summary and key findings of the monitoring activities.

H. Compliance Status

This section will summarize the compliance status of the project activities with the grant covenants, ADB SPS (2009) on Safeguard Requirements 2 and the approved final resettlement plan/s.

I. Follow up Actions, Recommendation and Disclosure

This section describes recommendations and further actions or items to focus on for the remaining monitoring period. A time-bound summary table for required actions if any to be included.

Appendix 12: TERMS OF REFERENCE FOR INDEPENDENT THIRD PARTY FOR NEGOTIATED PURCHASE OR VOLUNTARY LAND DONATION

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.

TOR 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 PCCWHSST PMO.

3. **Eligibility:** The third party shall be a representative of the community (for example, a senior government officer, School Management Committee and a representative of a local NGO/CBO, without any direct interest in the negotiation process, who is acceptable to each of the concerned parties (Municipality/WUSC and concerned land owner/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 including threat of involuntary land acquisition involved in the process of negotiated purchase / land donation,
- (iii) ensure that the preferences and concerns of the land owner / donor related to access, selection of site within lands held, etc. are recorded and any stipulated conditions met,
- (iv) ensure that the negotiated purchase/land donation agreement is drafted in a fair and transparent manner,
- (v) identify and recommend mitigation measures to land owner / donor, if required,
- (vi) ensure that taxes, stamp duties and registration fees for purchased / donated land are borne by the project, and
- (vii) submit a certificate as witness to the purchase /donation and transfer process.

5. **Deliverables:** The details of the meetings, and a certificate as witness to the purchase / donation process and mitigation measures to owner donor, if any, shall be submitted by the third party to PMO and owner/donor in the local language.