



**Government of Nepal**  
**Ministry of Industry, Commerce and Supply (MoICS),**  
**Ministry of Agriculture and Livestock Development (MoALD)**

**Strategic Road Connectivity and Trade Improvement  
Project (SRCTIP)-Trade Facilitation Component**

**RESETTLEMENT POLICY FRAMEWORK  
(RPF)**

**September, 2020**

## **Acronyms and Abbreviations**

CBO	Community Based Organization
CBS	Central Bureau of Statistics
CDC	Compensation Determination Committee
CDO	Chief District Officer
CDR	Central Development Region
CSC	Construction Supervision Consultant
DAO	District Administration Office
DCC	District Coordination Committee
DIA	Direct Impact Area
DLRO	District Land Revenue Office
EDR	Eastern Development Region
EIA	Environmental Impact Assessment
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESS	Environmental and Social Standard
MoALD	Ministry of Agriculture and Livestock Development
MoICS	Ministry of Industry Commerce and Supplies
RPF	Resettlement Planning Framework
RAP	Resettlement Action Plan

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## **Executive Summary**

### **1. Introduction:**

This Resettlement Policy Framework (RPF) provides policy, strategy, process and procedures to understand the resettlement principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project activities of the Strategic Road Connectivity and Trade Improvement Project (SRCTIP)-Trade Facilitation Component. The Trade Facilitation Component of SRCTIP will be implemented by the Ministry of the Industry Commerce and Supply (MoICS) and Ministry of the Agriculture and Livestock Development (MoALD), and funded by the World Bank. This RPF has prepared the relevant strategies in full compliance with Government of Nepal (GON) Acts and policies, and Environmental and Social Standard (ESS) 5 Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement of the World Bank's Environmental and Social Framework (ESF).

### **2. Project Description and: SRCTIP-Trade Facilitation Component**

The SRCTIP-Trade Component's Sub-Project broadly covers the construction and improvement of the boarder infrastructure and laboratories at various locations of the Inland Container Depot viz; Biratnagar, Birjung and Bhairawaha. Selected access road improvements and parking yard developments will be carried out in corresponding locations. Land acquisition is not expected under the Trade component as sub project activities will take place within land already acquired by the GoN, however, physical and/or economic displacement may be required.

The RPF has been developed at this stage of the project given that the scale and exact locations of project activities to be implemented under this component have not yet been determined. A Resettlement Action Plan (RAP) will be developed when the relevant feasibility studies as well as environmental and social studies are conducted during the detail design phase and resettlement impacts are known.

### **3. Objectives**

Whilst the SRCTIP-Trade Facilitation Component is not expected to require land acquisition, and other displacement impacts have not yet been determined, the RPF has been prepared to control or minimize any adverse impacts in the case that any physical or economic displacement arises. The RPF makes comprehensive reference to the policies and guidelines which guide these processes under the subproject.

### **4. Potential Issues and Impacts**

The component will support the augmentation of physical infrastructure, equipment, inspection and related border transit management systems that are required to absorb increasing traffic and trade volumes at key border crossing points at Birgunj, Bhairahawa and Biratnagar. It will also support the construction and/or renovation of lab buildings at key border locations. Birgunj is a metropolitan city in Parsa District in Province 2 of southern Nepal, which is known as the "Gateway of Nepal". According to 2011 census data, the city has the population of 205,000. Bhairahawa is a

municipality of Rupandehi District on the outer Terai plains of Nepal. According to 2011 census data, the city has the population of 63,500. Biratnagar is the fifth largest city in Nepal, and according to 2011 census data, it has a population of 242,600. As the exact locations of project intervention are yet to be finalized, the detailed project impacts on land taking if any cannot be determined. However, based on the current primary screening of the SRCTIP-Trade Facilitation component, sub project activities are not expected to require:

- Land acquisition
- Relocation of any IP communities or groups
- Impacts to any cultural heritage or practices

However, based on the preliminary screening the possible potential involuntary resettlement impacts could be summarized as followed:

- Squatters, encroachers and street markets may exist within the project influence area. The displacement of these people will be necessary for the purpose of project construction.
- Whilst land acquisition of land is not anticipated, it is likely that some land may be temporarily required, such as for the establishment of labor camps, and for stockpiling of construction materials.
- Construction-induced impacts (causing loss of or damage to structures and crops) may occur during the construction phase, which will be mitigated as per procedures specified in the environmental and social impact assessment (ESIA) and RAP for the sub project.

## **5. Impact Mitigation Approach**

The eligibility for entitlements has been defined and based on that, evaluation criteria have been proposed for valuation of the losses. A detailed entitlement Matrix has been developed during preparation of the RPF outlining the compensation for affected property. Whilst preparing the entitlement matrix, due care has been given the livelihoods of the affected families will be enhance of at least will be the same of pre-project stage.

## **6. Legal Framework**

The Constitution of Nepal 2015 guarantees property rights to every citizen of Nepal. The Land Acquisition, Rehabilitation and Resettlement Policy 2015 and Land Acquisition Act 1977 are also taken into considered during the preparation of this RPF. ESS5 has been reviewed and key gaps between GoN law and World Bank standards have been identified and recommendations to fulfill identified gaps proposed.

## **7. Public Participation, Consultation and Grievance Mechanism**

A stakeholder's consultation and disclosure workshop was conducted on March 2, 2020. The main objectives of the workshop were to create awareness about the project

and benefits through disclosing the information about potential impact of the project and corresponding mitigation measures. The feedbacks and suggestion received during the consultation was incorporated in the main report.

This RPF recommends continue meaningful public consultation activities and information dissemination to affected people (APs) throughout project cycle, as also outlined under the sub project's Stakeholder Engagement Plan (SEP). APs will be regularly provided with information on the project and the resettlement process.

Discussions will be held with the directly affected families, institutions and the representatives of the directly affected rural municipalities (RM) / municipalities (M) prior to and during the preparation of the RAP and the concerns and feedbacks of the APs will be considered while finalizing the RAP.

The draft RPF has already been disclosed in MoICS website (<https://moics.gov.np/sources/10/>) on 24 March, 2020. The final RPF will be disclosed on the website of MoICS and made available to the likely affected PAPs and other communities. Information dissemination and consultation will continue throughout project execution. Project related information dissemination will be undertaken through electronic and print media, during public consultation/local consultative forum (LCF) meetings, and through direct discussion with the affected families and institutions. Executive Summaries (ES) of RPF will be translated into the Nepali language and paper copies and will be made available to the PAPs of the project area through the concerned offices of local governments and offices of government line agencies. As per Clauses 3, 7 and 8 of Right to Information Act, 2064 (2007), copies of these documents will be provided to any requester, who pay the cost of the photocopy. Besides key highlight of final RPF will also be disseminated through appropriate means of communication like Social Media, FM radio broadcasts through local radio stations, community meetings, focus group discussions, participatory appraisal techniques, household interviews and social mobilization techniques. A project-level grievance redress mechanism will be established which will allow affected persons and other related stakeholders to appeal any disagreeable decisions, practices and activities arising from compensation for land, assets settlements, and technical and general project-related disputes. The APs will be made fully aware of their rights and the procedures for doing so verbally and in writing during consultation, DPR survey, and time of compensation.

## **8. Monitoring and Evaluation**

Any displacement and involuntary resettlement will be monitored both internally and externally with the objective of providing feedback to management on implementation and to identify problems and successes as early as possible to facilitate timely adjustment of implementation arrangements.

## **9. Institutional Responsibilities and Implementation Arrangements for RAP**

At the central level, MoICS and MoALD will be the Executing Agency (EA) and for all sub-projects under SRCTIP-Trade Facilitation Component, and a Project Coordination Unit (PCU) will be established. The PCU will be responsible for the

overall planning, budgeting, approval and implementation of the RPF and RAP of the sub-project. All aspects relating to displacement and resettlement will be addressed in close consultation and collaboration of the PCU environmental and social team.

Whilst the SRCTIP-Trade Facilitation Component is not expected to require land acquisition and resettlement, any associated costs of land acquisition and resettlement will be itemized and included in the overall project costs under the budget for 'Environmental and Social Management Costs'.

# पूर्णवास नीति ढांचा

## कार्यकारी सारांश

### १। परिचय

यस पूर्णवास नीति ढांचाले रणनीतिक सडक कनेक्टिभिटी तथा व्यापारिक सूधार पुर्वाधार आयोजना (एस.आर.सि.टि.आई.पि.) परियोजनाको गतिविधीहरूबाट प्रभावित हुनसक्ने घरपरिवार, जिविकोपार्जन तथा व्यवसाय साथै अधिक श्रोतमा पर्ने प्रभावको पहिचान गर्न, प्रतिकूल प्रभावहरू सकेसम्म निषेध गर्न वा न्युनिकरण गर्न तथा सो सम्भव नभए उचित क्षतिपूर्तिका लागि उपयुक्त संगठनात्मक व्यवस्थाहरू र डिजाइन मापदण्ड लागु गर्न र आवश्यक पूर्णवास योजना निर्माण गर्न नीति, रणनीति, प्रक्रिया र कार्यविधीहरू प्रदान गर्दछ। एस.आर.सि.टि.आई.पि.को व्यापार सहजिकरण कम्पोनेन्ट विश्व बैंकको आर्थिक सहयोगमा उद्योग, वाणिज्य तथा आपूर्ति मन्त्रालय र कृषि तथा पशुपन्छी विकास मन्त्रालयले कार्यान्वयन गर्दछ। यस पूर्णवास रूपरेखा नेपाल सरकारको प्रचलित कानून जग्गा प्राप्ती ऐन २०३४ र विश्व बैंकको वातावरणीय तथा समाजिक ढांचाल (ई.एस.एफ.) को स्टयाण्डर्ड ई.एस.एस-५ (जग्गा अधिकरण भूमि उपयोगमा बन्देज र अस्वेच्छिक पूर्णवास) अनुसार तयार गरिएको छ।

### २। परियोजना विवरण तथा एस.आर.सि.टि.आई.पि. व्यापार सहजिकरण कम्पोनेन्ट

एस.आर.सि.टि.आई.पि.को व्यापार सहजिकरण कम्पोनेन्टको उप आयोजनामा मोटामोटी रूपमा विराटनगर, बीरगञ्ज तथा भैरहवाका इनल्याण्ड कन्टेनर डिपोमा सीमा पुर्वाधार र प्रयोगशालाहरूको निर्माण तथा सूधार कार्यहरू हुनेछ। सम्बन्धीत स्थानहरूमा चयन गरिएका पहुँच सडक सूधार तथा पार्किङ्ग यार्डहरूको विकास गरिनेछ। व्यापार सहजिकरण कम्पोनेन्टका गतिविधीहरू पहिलेनै सरकारद्वारा अधिग्रहण गरिएको जग्गा भित्र हुने भएकोले यस अन्तर्गतका उप आयोजनाका गतिविधीहरूका लागि भुमी अधिग्रहणको अपेक्षा गरिएको छैन, तथापी, भौतिक एवं आर्थिक विस्थापन भने हुनसक्ने छन्।

यस कम्पोनेन्ट अन्तर्गत कार्यान्वयन हुने परियोजनाहरूको स्केल र स्थान अझै यकिन नभएको चरणमा यस पूर्णवास नीति ढांचाको विकाश गरिएकोछ। पूर्णवासका प्रभावहरू यकिन नभएकोले सम्भाव्यता अध्ययन तथा विस्तृत डिजाइनको चरणमा पूर्णवास कार्ययोजना तयार परिनेछ।

### ३। उद्देश्य

एस.आर.सि.टि.आई.पि. को व्यापार सहजिकरण कम्पोनेन्ट अन्तर्गत भुमी अधिग्रहणको अपेक्षा नगरिएको सन्दर्भमा यस पूर्णवास नीति ढांचा भौतिक तथा आर्थिक विस्थापनका कारण उत्पन्न हुने प्रतिकूल प्रभावहरूलाई नियन्त्रण वा न्युनिकरण गर्ने सन्दर्भमा तयार गरिएको छ। यस पूर्णवास नीति ढांचाले नेपाल सरकारको प्रचलित कानून जग्गा प्राप्ती ऐन २०३४ र विश्व बैंकको वातावरणीय तथा समाजिक रूपरेखा ई.एस.एफ. को स्टयाण्डर्ड ई.एस.एस ६ (जग्गा अधिकरण भूमि उपयोगमा बन्देज र अस्वेच्छिक पूर्णवास) तथा अन्य निर्देशनहरूको विस्तृत अध्ययन गरी उप आयोजना अन्तर्गतका प्रक्रियाहरूलाई निर्देशित गर्नेछ।



#### ४। सम्भावित मूद्दाहरु र प्रभावहरु

एस.आर.सि.टि.आई.पि. को व्यापार सहजिकरण कम्पोनेन्टको वर्तमान प्रारम्भिक रिक्निंगका आधारमा उप आयोजनाहरुमा देहाय बमोजिमका क्रियाकलापहरु अपेक्षित छैनन्:

- का. भुमी अधिग्रहण
- ख. कूनैपनि आदिवासी समुदाय वा समुहको पूर्णवास
- ग. कूनैपनि सांस्कृतिक सम्पदा वा अभ्यासमा असर

तथापि, प्रारम्भिक रिक्निंग तथा विगतका परियोजनाका अनुभवका आधारमा देहाय बमोजिमका सम्भावित अस्वएच्छक पूर्णवास प्रभावहरु हुन सक्नेछन्:

- का. परियोजना प्रभाव क्षेत्र भित्र अनाधिकृत अतिक्रमण तथा साना व्यवसायहरु जस्तो होटल, तरकारी पसल, फलफुल पसल हुनसक्नेछन् । परियोजनामा निर्माणका लागि यी व्यक्तिहरु र व्यवसायहरुको विस्थापन आवश्यक हुनसक्ने छ ।
- ख। भुमी अधिग्रहणको अपेक्षा नगरिए तापनि आयोजना कार्यान्वयनको दौरानमा कामदार बस्ने गृह, लगायत निर्माण सामग्री भण्डारणका लागि केहि भुमी अस्थायी रूपमा आवश्यक हुनसक्ने छ ।
- ग। निर्माण चरणमा हुनसक्ने निर्माण कारक प्रभावहरुको (संरचना तथा फसल क्षति/नोक्सानी) उचित व्यवस्थापन उप आयोजनाका लागि तयार परिएको वातावरणीय र सामाजिक प्रभाव मुल्यांकन तथा आर.पी.एफ. अन्तर्गतको निर्दिष्ट प्रक्रिया बमोजिम हुनेछ ।

#### ५। प्रभाव व्यवस्थापन दृष्टिकोण

यस पूर्णवास नीतिमा आयोजनाको कारणले पार्ने क्षति तथा क्षतिपूर्तिको लागी सोहि सापेक्ष हकअधिकारको तालिका समावेश गरिनेछ । उक्त तालिकामा हकदारको योग्यता स्पष्ट रूपमा उल्लेख गरिएको हुन्छ र यसैका आधारमा क्षती मुल्यांकनका लागि मुल्यांकन मापदण्ड प्रस्तावित गरिएको छ । हकअधिकारको तालिका तयार गर्दा नेपाल सरकार र विश्व बैंकको नीति अनुरूप प्रभावित परिवारको जिवनयापनमा उन्नती वा पुर्व परियोजना चरण समानान्तर हुनेगरि उचित ध्यान दिईएको छ ।

#### ६। कानुनी रूपरेखा

नेपालको सम्बिधान २०१५ ले प्रत्येक नेपाली नागरिकलाई सम्पतिको अधिकार सुनिश्चित गरेको छ । आर.पी.एफ. तयार गर्ने क्रममा भुमी अधिग्रहण, पूर्णवास तथा पूर्णवास नीति २०१५ र भुमी अधिग्रहण ऐन १९७७ लाई ध्यानमा राखिएको छ । विश्व बैंकको वातावरणीय तथा सामाजिक रूपरेखा ई.एस.एफ. को स्ट्याण्डर्ड ई.एस.एस ६ को सभिधा गरी नेपाल सरकारको कानुन र विश्व बैंकको मापदण्ड विचको मुख्य अन्तरहरु पहिचान गरि ती अन्तरका परिपुरक सिफारिसहरु प्रस्ताव गरिएको छ ।

#### अ सार्वजनिक सहभागिता, परामर्श र गुनासो संयन्त्र

मार्च २, २०२० मा सरोकारवालाहरू संग परामर्श तथा सार्वजनिकरण कार्यशाला गोष्ठिको आयोजना गरिएको थियो । यस कार्यशाला गोष्ठिको मुख्य उद्देश्य परियोजनाका बारे जानकारी प्रस्तुत गरी परियोजनाको सम्भावित प्रभाव तथा तिनको निदानका उपाय बारे जागरुकता सिर्जना गर्नु थियो । कार्यशाला गोष्ठिमा परामर्शको क्रममा प्राप्त सूझावहरू मुख्य प्रतिवेदनमा समावेश गरिएको छ ।

यस आर.पी.एफ. ले उप परियोजनाको सरोकारवाला सहभागि योजनामा विस्तृत गरिए बमोजिम परियोजना चक्र भरी अर्थपूर्ण सार्वजनिक परामर्श गतिविधीहरू तथा प्रभावित व्यक्तिहरूलाई सुचना प्रसार गर्न सिफारिस गर्दछ । प्रभावित व्यक्तिहरूलाई नियमित रूपमा परियोजना र पूर्णवास प्रक्रियाको जानकारी प्रदान गरिने छ ।

आर.पी.एफ. तयार गर्नु अघि तथा तयारिको क्रममा प्रत्यक्ष प्रभावित परिवार, संघ संस्था तथा प्रत्यक्ष प्रभावित नगरपालिकाका प्रतिनिधीहरू संग छलफल गरिने छ भने आर.पी.एफ. लाई अन्तिम रूप दिने क्रममा प्रभावित व्यक्तिहरूको प्रतिक्रियाहरूलाई पुर्ण विचार गरिने छ ।

ड्राफ्ट आर.पी.एफ. उद्योग, वाणिज्य तथा आपुर्ती मंत्रालयको वेब साईट (<https://moics.gov.np/sources/10/>) मा मार्च २४, २०२० मा प्रकाशीत गरिसकिएको छ । अन्तिम आर.पी.एफ. उद्योग, वाणिज्य तथा आपुर्ती मंत्रालयको वेब साईटमा प्रकाशित गरिने छ र सम्भावित परियोजना प्रभावित व्यक्तिहरू तथा अन्य समुदायहरूलाई उपलब्ध गराईने छ । परियोजना कार्यान्वयन अवधी भरी सुचना प्रशारण तथा परामर्श जारी रहने छ । परियोजना सम्बन्धी सुचनाहरू छापा तथा विधुतिय माध्यमबाट, सार्वजनिक परामर्श/स्थानिय परामर्श फोरम बैठकहरूको दौरान तथा प्रभावित परिवारहरू र संस्था संग प्रत्यक्ष छलफलका दौरान प्रशारण र सार्वजनिकरण गरिने छ । नेपालीमा अनुवादित आर.पी.एफ.को कार्यकारी सारांशका छापा प्रतिलिपिहरू स्थानिय सरकारको सम्बन्धीत कार्यालयहरू र सरकारी लाईन एजेन्सीहरूका कार्यालय मार्फत परियोजना क्षेत्रका परियोजना प्रभावित व्यक्तिहरूई उपलब्ध गराईने छ । सुचनाको हक सम्बन्धी ऐन २०६४ (२००७) को दफा ३, ७ र ८ बमोजिम यस प्रतिवेदनको प्रतिलिपि फोटोकपीको लागत तिर्ने कुनैपनि अनुरोधकर्तालाई उपलब्ध गराईने छ । साथै, आर.पी.एफ. का मुख्य बुँदाहरू सोसल मिडिया, स्थानिय एफ.एम प्रशारण, फोकस ग्रुप छलफल, सहभागितामुलक मुल्यांकन प्रविधी, घरधूरी अन्तर्वार्ता, सामाजिक परिचालनका प्रविधिहरू जस्ता संचारका उपयुक्त माध्यम मार्फत वितरण गरिने छ । परियोजना स्तरको गुनासो समाधान संयन्त्रको स्थापना गरिने छ र सो मार्फत परियोजना प्रभावित व्यक्तिहरू लगायत सम्बन्धित सरोकारवालाहरूले भुमीको क्षतिपुर्ती, सम्पति समायोजन तथा परियोजना सम्बन्धित प्राविधीक र सामान्य विवादहरूबाट उत्पन्न कुनै पनि विवादित निर्णय, अभ्यास र गतिविधिहरू अपील गर्न सक्नेछ । प्रभावित व्यक्तिहरूलाई परामर्श, डि.पि.आर. सर्वेक्षण र क्षतिपुर्तीको समयमा उनीहरूको अधिकार बारे पुर्ण जानकारी गराउनुका साथै अधिकारका मौखिक र लिखित प्रक्रियाहरू पनि अवगत गराईने छ ।

#### ८। अनुगमन तथा मुल्यांकन

कार्यान्वयन व्यवस्थापनमा प्रतिक्रिया प्रदान गर्ने र समस्या तथा सफलताहरू सकेसम्म चाँडै पहिचान गर्ने र कार्यान्वयनको व्यवस्थापन समयमै समायोजन गर्न सहयोग पुर्याउने उद्देश्यका साथ सबै विस्थापन र अस्वच्छिक पूर्नवासको आन्तरिक तथा बाह्य अनुगमन गरिने छ ।

#### ९। आर.ए.पी. का लागि संस्थागतन जिम्मेवारी र कार्यान्वयनको व्यवस्था

केन्द्रिय स्तरमा उद्योग, बाणिज्य तथा आपूर्ती मन्त्रालय र कृषि तथा पशुपंछी विकास मन्त्रालयले कार्यान्वयन गर्नेछु भने एस.आर.सि.टि.आई.पि. को व्यापार सहजिकरण कम्पोनेन्ट अन्तर्गतका उप परियोजनाहरू कार्यान्वयनका लागि परियोजना समन्वय एकाईको स्थापना गरिने छ । उप परियोजनाको समग्र योजना, बजेट, आर.एफ.पी र आर.ए.पी. को स्वीकृती एवं कार्यान्वयनका लागि परियोजना समन्वय एकाई जिम्मेवार हुनेछ । विस्थापन तथा पूर्नवास सम्बन्धी सम्पूर्ण पक्षहरू परियोजना समन्वय एकाईको वातावरणीय र सामाजिक टोली संग विस्तृत परामर्श र समन्वयमा सम्बोधन गरिने छ ।

एस.आर.सि.टि.आई.पि. को व्यापार सहजिकरण कम्पोनेन्ट अन्तर्गत भुमी अधिग्रहण तथा पूर्नवास अपेक्षा नगरिए तापनि भुमी अधिग्रहण तथा पूनर्वास सम्बन्धी कूनैपनि लागत समग्र परियोजना लागत अन्तर्गत वातावरण तथा सामाजिक व्यवस्थापन लागतमा समावेश गरिने छ ।

## 1. Introduction

This Resettlement Policy Framework (RPF) provides policy, strategy, process and procedures to understand the resettlement principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project activities resulting due to land acquisition, loss of shelter, assets or livelihoods, business and/or loss of access to economic resources. This RPF has prepared relevant strategies in full compliance with Government of Nepal (GON) and World Bank's Environmental and Social Framework, specific objectives of Environmental and Social Standard 5.

This RPF will be applicable for Strategic Road Connectivity and Trade Improvement Project (SRCTIP) – Trade Facilitation Component implemented by the Ministry of the Industry Commerce and Supply (MoICS) and Ministry of the Agriculture and Livestock Development (MoALD) and funded by the World Bank.

The Resettlement Policy Framework (RPF) is developed at this stage of the project given that the scale and exact locations of project activities to be implemented under this component are not yet determined. Details of the investments will be determined when the relevant feasibility studies as well as Environmental and Social Studies are conducted during the detail design phase. Adhering to this framework the project/sub project should develop Resettlement Action Plan (RAP).

**COVID-19 considerations:** The COVID-19 pandemic brings additional health and safety risks and challenges to the project due to the risk of COVID-19 transmission amongst workers and with the host community. State-imposed COVID control measures including movement restrictions, physical and social distancing can derail stakeholder engagement and consultations. It is imperative to assess and mitigate the risks of COVID transmission among workers and to provide a safe environment for project workers and local communities. As a first step, contractors and workers on this project will (i) adhere to all COVID control protocols imposed by the Government of Nepal and provincial authorities; (ii) where necessary, prepare and implement site-specific measures (as part of the project OHS plan) to mitigate the risks of COVID transmission among workers; (iii) promote measures for preventing the spread of COVID among host communities. As part of E&S screening, contractors will assess the risks of COVID transmission before undertaking project activities: site access, construction of labour camps, consultations with project stakeholders, and based on the assessment, ensure that basic COVID-19 protocols are observed such as maintaining social distancing and practicing safe hygiene. The OH&S Specialist will perform additional roles as the focal point for COVID-19 and coordinate site specific measures with local health authorities and community leaders. The World Bank's Technical notes and draft protocols may be referenced for further guidance on the assessment and management of COVID-19 risks at construction sites.

## **2. Project Description: SRCTIP-Trade Facilitation Component**

The objective of proposed SRCTIP is to improve the efficiency and safety of select transport infrastructure, improve the efficiency of cross-border trade, and strengthen capacity of strategic road network management in Nepal

The objective of the SRCTIP-Trade Facilitation component is three-fold: (i) reduce the time taken for goods transit at selected border crossing points; (ii) improve capacity and efficiency for sanitary and phyto-sanitary (SPS) management at selected locations and for targeted products; and (iii) enhance capacity for managing trade. The support will consist of three sub-components:

- (a) Augmentation of physical infrastructure, equipment, inspection and related border transit management systems that are required to absorb increasing traffic and trade volumes at key border crossing points at Birgunj, Bhairahawa and Biratnagar;
- (b) Augmentation of equipment and training, and construction and/or renovation of lab buildings at key border locations; and
- (c) Knowledge and capacity building for: continuous improvement of the trade policy environment; monitoring of trade performance; and development and implementation, and monitoring and evaluation, of targeted trade promotion measures.

### **3. Objective of RPF**

The purpose of the RPF is to provide resettlement principles, organizational arrangement, and design criteria to be applied to the subprojects or project components to be prepared during project implementation of SRCTIP \_Trade Facilitation Component. Whilst the Trade Facilitation component is not expected to require land acquisition, and other displacement impacts have not yet been determined, the RPF has been prepared to control or minimize any adverse impacts in the case that any physical or economic displacement arises. Once the exact activities and locations of the Trade Facilitation component are defined and the necessary information is available, in the case where displacement impacts are identified a resettlement action plan will be developed in line with this RPF, with the plan proportionate to potential risks and impacts. Project activities that cause physical and/or economic displacement will not commence until such specific plan have been finalized by MoICS and approved by the World Bank.

### **4. Potential Issues and Impacts**

The potential involuntary resettlement risk and impacts of the Sub-Project of SRCTIP-Trade Facilitation Component have been primarily assessed based on available information. However, since the feasibility study and detailed design of the project did not start, the detailed involuntary resettlement impact has to be assessed during ESIA exercise. The SRCTIP-Trade Component Sub Project will support the augmentation of physical infrastructure, equipment, inspection and related border transit management systems that are required to absorb increasing traffic and trade volumes at key border crossing points at Birgunj, Bhairahawa and Biratnagar. It will also support the construction and/or renovation of lab buildings at key border locations.

Likewise, the selected access road improvement and parking yard development will be carried out in corresponding location where land has been already acquired by the GoN for those structures. Birgunj is a metropolitan city in Parsa District in Province 2 of southern Nepal, which is known as the “Gateway of Nepal”. According to 2011 census data, the city has the population of 205,000. Bhairahawa is a municipality of Rupandehi District on the Outer Terai plains of Nepal. According to 2011 census data, the city has the population of 63,500. Biratnagar is the fifth largest city in Nepal. According to 2011 census data, it has a population of 242,600. As the exact locations of project intervention are yet to be finalized, the detailed project impacts on land taking if any cannot be determined. However, based on current primary screening SRCTIP-Trade Facilitation component is not expected to require:

- land acquisition
- Relocate any communities or groups

Impact on the cultural heritage and practice o

However, as based on a brief summary of the available information, the possible potential involuntary resettlement impact could be summarized as followed:

- The squatters, encroachers and street markets might exist within the project influence area. The displacement of these people will be necessary for the purpose of project construction.
- As land acquisition of land will not be anticipated, it is likely that some land may be required temporarily for establishment of labor camps, stockpiling of construction materials etc.
- Construction Induce Impact (loss of structures and crops) may occur during construction phase which will be mitigated as per procedures specified as per ESMF/ESIA/RAP

## **5. Legal Framework**

This section provides a brief understanding of the requirements influencing the process of land acquisition so that a policy guideline for preparation of Resettlement Action Plan (RAP) can be developed in terms of the national rules and regulations as well as the applicable requirements of the World Bank's Environment and Social Standards (ESS).

### **i. Laws and Regulations of the Government of Nepal**

#### **The Constitution of Nepal, 2072 BS (2015)**

The present Constitution of Nepal came into effect on 20th September 2015. Key reference of this Constitution in the context of this RAP document are summarized below;

- Article 25(1) establishes the right to property for every citizen of Nepal, whereby every citizen is entitled to earn, use, sell and exercise their right to property under existing laws;
- Article 25(2) states that except for public interest, the state will not requisition, acquire or otherwise create any encumbrances on property of a person;
- Article 25(3) states that when the state acquires or establishes its right over private property, the state will compensate for loss of property and the basis and procedure for such compensation will be specified under relevant laws.

#### **Land Acquisition Act, 2034BS (1977)**

Land Acquisition Act, 2034 (1,977) is a key law which has provisions related to land acquisition and resettlement in Nepal. The Act empowers Government to acquire land for development purpose by paying compensation to the landowners. Some of the key features of the Act are as follows:

- The Act empowers the government to acquire any land required for public purpose or for operation of any government institution-initiated development project by giving compensation pursuant to the Act (Section 3 and 4).
- As per the prevailing government rules, the compensation to be provided for land acquisition should generally be in cash as per current market value.

However, there is also a provision under Clause 14 of the Land Acquisition Act 2034 (1977) to compensate land for land provided government land is available in the area;

- The process of acquisition and compensation includes;
  - Initial procedures,
  - Preliminary investigation process,
  - Acquisition notification,
  - Compensation notification, and
  - Appeal procedures.
- The public notification process is undertaken by the Executing Agency (EA). The notification includes information dissemination pertaining to land and structures that will be affected by the project;
- For the purpose of determining the compensation amount, a Compensation Determination Committee (CDC) is formed under the chairmanship of the Chief District Officer (CDO) of the District. The CDC is formed to undertake the actual verification of land to be acquired, review and fix compensation rate, identify actual owners, disburse compensation, provide necessary administrative support for addressing associated issues. However, formally the implementation process of CDC begins once Government of Nepal (GON) grants approval for the land acquisition;
- In determining the compensation, the Committee must consider the loss incurred by persons due to land acquisition process, shifting of residence or place of business to another place etc. If the land has to be acquired for institutions other than the municipality and institutions fully owned by the government, the Committee has to consider the following while fixing the compensation amount:
  - Price of land prevailing at the time of notification of land acquisition;
  - Price of standing crops and structures, and
  - Damage incurred by being compelled to shift the APs residence or place of business in consequence of the acquisition of land.
- Compensation to be paid for (a) damages caused as a result of land investigations during the preliminary process, (b) land and property permanently acquired (including standing crops, trees and houses); and
- Compensation to be paid in-cash (lump sum), although landowners who have lost their entire landholdings may require in-kind land replacement rather than in-cash compensation, depending upon joint decision of PAP and project proponent as well as availability of replacement land in nearby areas.
- However, under Section 14 of the Act it is stated that, the Government may allot replacement land to those people whose land has been acquired, from land it possesses such as ainali, or other Government-owned land if they prefer in-kind land for land compensation. Further project proponent will do provision for improvement of replaced land in order to improve the productivity to at least the same level as the land that was acquired by the project.



## **Land Acquisition, Resettlement and Rehabilitation Policy for Infrastructure Development Projects, 2071 BS (2015 AD):**

In September 2015, the Government of Nepal formulated the Land Acquisition, Resettlement and Rehabilitation Policy for Infrastructure Development Projects, 2071 BS. The main objective of the policy is to make the process of land acquisition for development projects smooth. Key provisions of the policy (relevant to the RAP) are as follows:

- Social mobilization income restoration and life skill program: Project affected persons should be given necessary training for development of life skills, income -generating schemes, savings and credit schemes so that PAFs can take up self-employment projects at the resettlement zone. Preference should be given to women;
- Vulnerable groups such as Janajati/ Adivasi, Dalits, landless, women, especially women-headed households, differently-abled, poverty groups and senior citizens are entitled to special benefit and assistance packages in addition to compensation and resettlement;

### ***Land Reform Act (1964)***

The *Land Reform Act 1964* is also relevant as it establishes the rights of tillers and tenants over the land. As per the Act, a landowner may not be compensated for more land than he is entitled to under the law. The Act additionally specifies the compensation entitlements of registered tenants on land sold by the owner or acquired for the development purposes. The Act amendment 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.

### ***Land Revenue (land administration and revenue) Act 2034***

This Act 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 the records to LRO by the Survey Parties. It authorizes the LRO to undertake 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 and deeds of individual land, if any person applied for the ownership transfer of his/her land with mutual understanding for public use with recommendation of relevant committee.

### ***Land Use Policy 2015***

The *Land Use Policy 2015* is a policy document of the GoN relating to limits and protection of land and land resources (LLRs), optimum use and effective management thereto. This policy shall bring about benefits of using lands and land resources by creating a situation of distributing land in a just manner.

## **ii. Applicable World Bank's Environment and Social Standards (ESS)**

Apart from the national regulations, following international standards requirements will apply in preparation and implementation of this RAP document.

**ESS 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement**

This ESS 5 puts in place various processes and systems to avoid/minimise the social and economic impacts related to land acquisition and resettlement. In cases where avoidance of such impacts is not possible, the ESS 5 requires the mitigation of the impact through compensation at replacement cost (which is defined as current market price plus transaction cost) for the losses suffered and improvement of the living conditions of the affected communities in the form of comprehensive compensation packages.

**iii. Comparison of National and WB ESS-5 Requirement**

This section presents gap assessment of Land Acquisition Act 1977 of Nepal vis-à-vis requirements of WBG ESS 5 and gap fulfilment strategies to be taken the Project in relation to key aspects of RAP preparation and implementation.

**Table 5.1: Comparison of GoN and World Bank Policies on Entitlement for Land Acquisition, Gaps and Recommendations**

Theme	Provision within the Land Acquisition Act (LAA), 1977	Requirements under WBG ESS 5	Gaps and How it is to be addressed
Avoidance or impact minimization	The LAA allows land acquisition for “public purposes”. It does not specify avoiding or minimizing resettlement	ESS 5 requires avoidance/minimizing of involuntary resettlement by exploring project design alternatives	The Project will avoid and minimize impacts associated with land acquisition and resettlement wherever possible  An alternative analysis will be carried out as a part of ESIA/IEE or project’s social assessment to minimize involuntary resettlement exploring all viable alternative project designs
Impact Mitigation	The LAA provides for compensation of land and assets and in certain cases of landlessness, for provision of replacement land. The CDC chaired by the Chief District Officer (CDO) determines criteria.	Provision of compensation at replacement cost along with rehabilitation assistance and commitment to improve and/or restore livelihoods to pre-project levels.	A negotiation process with affected PAPs will take place in a group under the supervision of CDC to reach at a mutually acceptable compensation. If it fails, an independent assessment of replacement cost will be conducted and provided this Report for the CDC’s consideration
Timing of Compensation	Executing agency may acquire land by depositing money with	Possession of acquired land and related assets will be taken up by the project only	Land access will be initiated only after payment of full compensation

Theme	Provision within the <i>Land Acquisition Act (LAA), 1977</i>	Requirements under WBG ESS 5	Gaps and How it is to be addressed
	the competent authority for compensation determination.	after compensation has been made available and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons in addition to compensation	(except in case of legally disputed cases, if any). Forced evictions will not be carried out. PAFs will be given reasonable time (up to 12 months) to identify temporary accommodation within project area until they are able to build their new replacement houses.
Eligibility	Legally, provisions are made for land owners and registered tenants under the Constitution and the LAA. However, there are no provisions for informal rights holders, unregistered land owners, squatters, undocumented tenants, other family members or landless.	Includes: those with formal legal rights to the land/assets; those with no legal rights but with a claim to land recognized under national or customary law; or those with no recognizable legal right to land or assets	This RPF considers all PAPs including those without any recognizable legal titles (for compensation of affected structures and livelihood restoration support).
Informed Consultation and Participation	During the LA process, the CDO is the appellate authority. Otherwise, the LAA does not require ongoing consultations with affected persons and other stakeholders.	Disclosure of relevant information; meaningful consultations with affected persons communities, and other stakeholders; consultations must be ongoing and inclusive	PAPs will be informed about the intended acquisition of their land and consulted multiple times in the process of preparation of RAP. Their preferences for resettlement and rehabilitation options will be incorporated in RAP.
Livelihood Restoration	The legal frameworks for resettlement provide for rehabilitation of displaced settlements and compensation to affected persons through land-based resettlement strategies. However, land-based livelihood is not used as a criterion for application of such land-based resettlement strategies wherever possible.	Provision of compensation at replacement cost along with rehabilitation assistance and commitment to improve and/or restore livelihoods and standard of living to pre-project levels.	Both nonland and land-based livelihood restoration strategies will be considered during the preparation of RAP.
Grievance Redress Mechanism	The affected entities may approach the CDO and/or the Ministry of Home Affairs within a defined period for	The project is required to establish a grievance redress mechanism, which should seek to resolve concerns promptly, using an	The project has established a GRM which will be used for this purpose as well. The GRM also includes

Theme	Provision within the <i>Land Acquisition Act (LAA), 1977</i>	Requirements under WBG ESS 5	Gaps and How it is to be addressed
	compulsory expropriation. Under Clause 25.7, appeal against the compensation may be directly filed with the Ministry of Home Affairs. However, entities other than legally registered land owners and tenants are not considered.	understandable and transparent consultative process that is culturally appropriate and readily accessible.	access to legal redress at any stage in the process.
Special assistance for vulnerable households	The landless families with legal ownership can get additional compensation at the discretion of the CDC.	Particular attention will be paid to the needs of the poor and the vulnerable as a part of the resettlement process, however no specific package or entitlement for vulnerable groups.	Guidelines to identify vulnerable PAFs and specific benefits to be included in the RAP are considered
Support during transition	No such provision in the LAA.	Transitional support should be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.	The RPF makes provisions for transitional support for all PAFs who are physically displaced.

#### iv. Eligibility, Entitlement and Valuation

##### *Eligibility*

The World Bank Policy on Involuntary Resettlement requires compensation for the lost assets at replacement costs to both titled and non-title holders ( i.e. squatters, encroachers and tenants) and resettlement assistance for lost income and livelihoods. In the proposed project, the absence of formal titles will not be a bar to resettlement assistance and rehabilitation. Further, the principles adopted herein contain special measures and assistance for any vulnerable affected person (AP). Persons affected by land acquisition, and relocation and/or rehabilitation of structures/assets (businesses, houses, etc.) are entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons. Thus, the affected persons in the project will be entitled to various types of compensation and resettlement assistance that will help in the restoration of their livelihoods, at least, to the pre-project standards.

The cut-off date of eligibility for entitlement is when the census survey is completed and when publicly announced. Persons who has encroached the area after the given cut-off-date are not entitled to compensation or any other form of resettlement assistance.

During planning and design phase of road construction, efforts will made to minimize impacts on land, people and property and access to resources due to expansion, rehabilitation or construction of road facilities. However, in case where land acquisition will cause adverse impact on people and property or people's access to land or property, the resettlement and cash compensation payment shall be made in accordance to the World Bank ESS-5 and GoN's Land Acquisition Act, 2034 (1977) and Road Act 2031 (1975).

### ***Entitlement Framework***

The project will affect property owners and occupants, their dependents and community groups through acquisition of private and community assets. The Entitlement Policy accordingly specifies compensation and/or rehabilitation measures for two units of entitlement; individuals (i.e. affected individuals and their households) and groups. Entitlements for each type of APs are based on the types and levels of losses. Details on the entitlement framework by type of loss and entitlement unit are shown in Table 5. 2

Those who have formal legal rights to land (including tenancy, customary and traditional rights recognized under the Land Related Act, 2021 (1964) will receive:

- In case of tenancy land, 50 percent of the evaluated amount (value of the affected land) will go to the owner and 50 percent is paid to the tenant.
- Those who do not have formal legal rights to land at the time of the census begins but have a recognizable legal right or claim to such land or assets. They are the persons waiting for the Land Certificate (“Lal Purja”) to be approved by the District authority but who have documents to prove as such. They are all entitled to full compensation at replacement cost.
- Those who occupy land temporarily or on a leased-basis allocated to them by the individual, community and any private or public organization with the written permission or signed contract. Entitlement will be provided according to the lease arrangement.
- Those who have no recognizable legal rights or claim to the land they are occupying i.e. squatters, ownerships under dispute etc. GoN laws and regulations do not provide any compensation to this category. However, with an assumption that people of this category are poor and vulnerable, the Project will compensate for the loss of crops at market prices and structures at full

replacement cost. For poor and vulnerable affected persons who have no other land, the Project will suggest to allocate land and provide temporary or lease land rights to them as well as relocation allowances and rehabilitation measures. Landless PAP will not be displaced until the project provides land or alternatives for the poor and vulnerable.

- Guthi, Public or Community Land Area can also be subject to loss of land due to the Project. If the recovered land belongs to the Guthi it will be treated according to the Guthi Corporation Act, 2033 (see Ch.3). On public and community land, the Project will relocate the land or pay cash compensation on consensus basis.

Table 5. 2: Entitlement Matrix

Type of Loss	Entitlement Unit	Description of Entitlements	Compensation Policy	Implementation issues/procedures
<b>1. Agricultural, Residential, Commercial, Pasture and Forestry Land</b>				
1.1 Loss of Private Land under any form of tenure	<ul style="list-style-type: none"> <li>❖ Titleholder</li> <li>❖ Encroacher/ Squatter on public land</li> </ul>	<ul style="list-style-type: none"> <li>❖ Provide cash compensation for affected assets</li> <li>❖ Land for land compensation</li> <li>❖ Resettlement assistance in lieu of compensation for land occupied (land, other assets, employment) at least restore their livelihoods and standards of living to pre-displacement levels.</li> <li>❖ In the case of farmland, the AP will be entitled the cultivation disruption allowance equal to one-year production.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Compensation at Replacement cost (market price plus necessary transaction costs associated with asset replacement)</li> <li>❖ Provide full title to land of equal area and productivity acceptable to owner in the vicinity.</li> <li>❖ In case of vulnerable groups preference should be given to replace land for land</li> <li>❖ Squatter/encroacher cultivating the effected land for at least three years prior to the cut-off date will be entitled to allocation of land if ailani or other government land is available. However illegal occupants after the cut-off date do not qualify for compensation for land losses.</li> <li>❖</li> </ul>	<ul style="list-style-type: none"> <li>❖ A List of available <i>ailani</i> land in each affected wards is required</li> <li>❖ A list of affected and entitled persons and the area of land loss is required</li> <li>❖ Notice to vacate will be served at least 35 days prior to acquisition date.</li> <li>❖ If any owner having significant impact receives cash compensation for farmland and purchases replacement farmland within 1 year from the date of receiving compensation, all related land registration fees, taxes and duties will be borne by the project.</li> <li>❖ Case-wise compensation will be either by cash or cheque, depending on the owner's preferences.</li> <li>❖ To ensure fair compensation, determination of rates will be established not more than one year prior to property acquisition.</li> </ul>

Type of Loss	Entitlement Unit	Description of Entitlements	Compensation Policy	Implementation issues/procedures
				❖ If the compensation payment is delayed, the compensation rate will be adjusted as per the price inflation rate
1.2 Loss of Tenancy Land	<ul style="list-style-type: none"> <li>❖ Landlord and Tenant by a written agreement (That is yet in practice and to be processed as per 2058 B.S. Amendment in Land Reform Act).</li> <li>❖ Renter/lease holder</li> </ul>	<ul style="list-style-type: none"> <li>❖ Both the landlord &amp; the tenant will be entitled for 50 percent of land compensation amount each (As per 2058 B.S. amendment in Land Reform Act).</li> <li>❖ Non-registered tenant/renter/lease holder does not qualify for compensation for land losses; however, they will be entitled to compensation for crops.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Compensation at Replacement cost (market price plus necessary transaction costs associated with asset replacement)</li> <li>❖</li> </ul>	<ul style="list-style-type: none"> <li>❖ Where a renter/leaseholder has a sharecropping arrangement, the compensation payable should be apportioned according to the arrangement.</li> <li>❖ If the compensation payment is delayed, the compensation rate will be adjusted as per the price inflation rate</li> </ul>
1.3 Loss of Guthi(Trust) Land)	<ul style="list-style-type: none"> <li>❖ Entitled Person/institutions and tenant in accordance with the Guthi Corporation Act 2033.</li> </ul>	<ul style="list-style-type: none"> <li>❖ As per Guthi Corporation Act, 2033</li> </ul>		Guthi (religious trust land) acquired for a development must be replaced with other land.
1.4 Temporary Loss of Private Land	<ul style="list-style-type: none"> <li>❖ Titleholder</li> <li>❖ Tenants and landlord (As both are the owner of equal (i.e. 50 %) share, hence treated as private land holder.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Compensation for crop, land productivity and other property losses for the duration of temporary occupation.</li> <li>❖ Compensation for other disturbances &amp; damages caused to property.</li> <li>❖ Or, Contractor to negotiate a contract agreement on the rental rate with the owner for temporary acquisition of land.</li> <li>❖ Project and the Contractor to ensure that persons other than the owner affected as a result of temporary acquisition are compensated for the temporary period.</li> <li>❖ Land should be returned to the owner at the end of temporary acquisition period, restored to its original condition or improved as agreed with owner.</li> </ul>	<ul style="list-style-type: none"> <li>❖</li> </ul>	<ul style="list-style-type: none"> <li>❖ The owner/entitled party will sign a temporary occupation contract specifying: <ul style="list-style-type: none"> <li>➤ Period of occupancy,</li> <li>➤ The terms and conditions for calculation of production losses,</li> <li>➤ The frequency of compensation payment, and</li> <li>➤ Land protection and rehabilitation measures.</li> </ul> </li> </ul>



Type of Loss	Entitlement Unit	Description of Entitlements	Compensation Policy	Implementation issues/procedures
				❖ The land will be returned to the owner at the end of temporary acquisition, restored to its original condition.
<b>2. Crops and Trees</b>				
2.1 Loss of Trees & Perennial Crops	<ul style="list-style-type: none"> <li>❖ Titleholder</li> <li>❖ Lessee/cultivators having agreement with the owner</li> <li>❖ Landless squatter/encroachers on public land</li> </ul>	<ul style="list-style-type: none"> <li>❖ Advance notice to harvest crops</li> <li>❖ Net value of existing crops where harvesting is not possible.</li> <li>❖ The crops, which live, in short time will be paid in accordance with one-year output value. The crops which have lived for several years will be compensated at market value on the basis of loss of future production, based on 5 years annual net production for fruit &amp; fodder trees &amp; 3 years annual net production for timber/ fuel wood trees &amp; other perennial crops.</li> </ul>	❖	<ul style="list-style-type: none"> <li>❖ Inventory of the tree and plant species list</li> <li>❖ List of owner, non-perennial crops and the area (if applicable) of cultivation should be prepared</li> </ul>
2.2 Loss of Non-perennial crops				<ul style="list-style-type: none"> <li>❖ The APs will get notice 3-6 months in advance regarding crop harvesting. Crops grown after the issue of the notice will not be compensated.</li> <li>❖ The work schedule has to be adjusted considering the crop</li> </ul>

Type of Loss	Entitlement Unit	Description of Entitlements	Compensation Policy	Implementation issues/procedures
2.3 Additional loss(construction induced impact)				seasons so that for avoiding crop damage. ❖ Crop/trees/bamboo market values will be determined by the CFCs in consultation with District agriculture and forestry office. ❖ Where a tenant/renter/lessee & landowner have a sharecropping arrangement, the compensation payable should be apportioned according to the arrangement. ❖ Materials may be salvaged with no deduction from compensation ❖ If the compensation payment is delayed, the compensation rate will be adjusted as per the price inflation rate
		<b>3. Houses, Structures and Other basic facilities</b>		

Type of Loss	Entitlement Unit	Description of Entitlements	Compensation Policy	Implementation issues/procedures
3.1 Loss of own house & Privately owned other structures	<ul style="list-style-type: none"> <li>❖ Full Titleholder</li> <li>❖ Landless squatter/encroachers on public land</li> </ul>	<ul style="list-style-type: none"> <li>❖ Cash Compensation for all affected structures .</li> <li>❖ Every displaced household is entitled to a housing displacement allowance, based on the established rates per HH, capita, capita income and/or minimum wage rate.</li> <li>❖ Every household will receive transportation allowance on actual cost basis.</li> <li>❖ However, loss of structures other than household and commercial establishments does not entail payment of a displacement allowance</li> <li>❖ Resettlement assistance to those most vulnerable households to restore pre-displacement livelihoods. Every displaced household with business affected will be entitled to receive one time lump sum grant; minimum one month's income based on the nature of business and type of losses assessed on a case to case basis. Daily minimum wage rate may be used as compensation for business loss as basis for calculation when and as applicable.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Compensation for full or partial loss of house and other structures at full replacement cost of materials and labor according to house/structure type, with no deduction for depreciation.</li> <li>❖</li> </ul>	<ul style="list-style-type: none"> <li>❖ The affected structures and assets will be valued by using the Replacement Cost approach (using a method of valuation yielding compensation as per market price of the assets, plus necessary transaction costs associated with asset replacement)</li> <li>❖ Replacement cost of house and structures will be determined by the CDC in consultation with local experts and compensation prices will be finalized with participation of LCF/AP representatives.</li> <li>❖ Formal resettlement planning will be undertaken where more than 10 households from one settlement/residential area are displaced, if the households having significant impacts opt for group resettlement site.</li> <li>❖ Other structures include: toilet, sheds, walls, fences, water mills, workshop etc.</li> <li>❖ Materials may be salvaged with no deduction from compensation</li> <li>❖ Non-titleholder (squatters, encroachers) will not be entitled</li> </ul>
3.2 Loss of commercial establishment	<ul style="list-style-type: none"> <li>❖ Tenant/Renter/Lease holder (own accommodation)</li> <li>❖</li> </ul>	<ul style="list-style-type: none"> <li>❖ Every displaced household with business affected will be entitled to receive one-time lump sum grant; minimum one month's income based on the nature of business and type of losses assessed on a case to case basis. Daily minimum wage rate may be used as compensation for business loss as basis for calculation when and as applicable.</li> <li>❖</li> </ul>	<ul style="list-style-type: none"> <li>❖</li> </ul>	<ul style="list-style-type: none"> <li>❖</li> <li>❖</li> <li>❖</li> </ul>

Type of Loss	Entitlement Unit	Description of Entitlements	Compensation Policy	Implementation issues/procedures
3.3 Loss of rented accommodation	❖ Renter/Lessee holder	<ul style="list-style-type: none"> <li>❖ One time cash assistance (displacement allowance) equivalent to one months' rent for moving to alternative premises for commercial establishment</li> <li>❖ The household will be entitled to a rental stipend for loss of rented accommodation</li> <li>❖ Cash compensation for damages to structures resulting from temporary occupation of land at replacement cost.</li> </ul>	❖	<p>to any compensation for their affected unauthorized/illegal extensions over public land.</p> <ul style="list-style-type: none"> <li>❖ Any structure constructed or investment made by affected peoples will be compensated using replacement cost approach irrespective of the title of the land</li> <li>❖ Vulnerable encroachers with economic losses may be entitled to assistance as a vulnerable group, at established rates determined by the CDC.</li> <li>❖ Renter/ lessee holder will not be entitled for compensation of structures. However if the structures are made by them, they will be entitled to compensation or will be according to the lessee agreement</li> <li>❖ If the compensation payment is delayed, the compensation rate will be adjusted as per the price inflation rate</li> </ul>
3.4 Other basic household facilities	<ul style="list-style-type: none"> <li>❖ Titleholder</li> <li>❖ Tenant/lessee holder/renter</li> <li>❖ Landless squatter / encroacher on public land.</li> </ul>	❖ Payment of installation charge or compensation for relocation of electricity, telephone line, TV cable drinking water and other infrastructure to the installer, if these exists.	❖	❖ The concerned authority will be requested to assist the households to reinstall or permit the facilities in their new location if applicable/required.

Type of Loss	Entitlement Unit	Description of Entitlements	Compensation Policy	Implementation issues/procedures
<b>4. Community and Cultural Assets/ Facilities</b>				
4.1 Loss of community buildings/ structures, cultural assets	❖ Local community/ User's group	<ul style="list-style-type: none"> <li>❖ Cash compensation for restoring affected community and cultural resources.</li> <li>❖ Restoration of affected community buildings and structures to at least previous condition, or replacement in areas identified in consultation with affected communities and relevant authorities.</li> <li>❖ Restoration before commencement of the project where necessary, or to be determined in consultation with the community.</li> </ul>	❖	❖ Community resources/facilities include: schools, temples/monastery, religious tree, graveyards, ghats, waiting sheds, including the community hall etc. established by the local community/ CBOs.
4.2 Loss of land	❖ Local community user's group	❖ Restoration of access to community resources	❖	❖ The land revenue office in the district and concerned RM/M/municipality will be requested to assist communities for land replacement identifying the area nearby.
4.3 Loss of community forests and other natural resources due to construction	❖ Forest user's group/Other Groups Concerned	<ul style="list-style-type: none"> <li>❖ Mitigation measures should be initiated to control erosion caused by tree cutting, and to stabilize and rehabilitate the slopes with suitable bioengineering works and vegetation.</li> <li>❖ Community forestland lost due to road construction should be replaced and reforested according to DoF regulations including others concerned.</li> <li>❖ Advance notice to harvest resources from affected community forest areas.</li> <li>❖ Compensation for trees to the FUG</li> </ul>	❖	<ul style="list-style-type: none"> <li>❖ List of plant and tree species lost and an assessment for maintaining that kind of vegetation</li> <li>❖ Compensation for trees calculated on the basis of type, age, and productive value of affected trees in consultation of concerned forestry office and FUG.</li> <li>❖ To minimize damage the department of Forestry will be requested for necessary action.</li> </ul>
<b>5. Displacement Allowances</b>				

Type of Loss	Entitlement Unit	Description of Entitlements	Compensation Policy	Implementation issues/procedures
5.1 Displacement of households	<ul style="list-style-type: none"> <li>❖ Titleholder</li> <li>❖ Tenant /Lessee holder, Renter</li> <li>❖ Landless squatter / Encroachers on public land.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Every households displaced will be entitled to a housing displacement allowance.</li> <li>❖ Each displaced renter, lessee holder household will be entitled to a rental stipend for loss of rented accommodation.</li> <li>❖ The households affected by partial loss of structures that can be repaired will be entitled to repair allowance for mitigating the loss, not displacement allowance.</li> </ul>	❖	<ul style="list-style-type: none"> <li>❖ Each displaced household will receive housing displacement allowance equivalent to two months poverty line income (PLI).</li> <li>❖ Displaced households living on rent will receive 35 days notice or rental stipend equivalent to 0.5 month PLI plus transportation assistance by the project.</li> <li>❖ Allowances will be paid prior to displacement.</li> <li>❖ Partial loss to be calculated as per the cost of replacement material and labour cost.</li> </ul>
5.2 Displacement of commercial enterprise		<ul style="list-style-type: none"> <li>❖ Every household of displaced businesses will be entitled to a business displacement allowance for loss of commercial establishment.</li> </ul>		
5.3Transportation allowance		<ul style="list-style-type: none"> <li>❖ Each displaced household will be entitled to transportation assistance to move their belongings.</li> <li>❖ Cultivation disruption allowance for severe disruption to household cultivation levels.</li> </ul>		

Type of Loss	Entitlement Unit	Description of Entitlements	Compensation Policy	Implementation issues/procedures
5.4 Severe disruption to cultivation				<ul style="list-style-type: none"> <li>❖ The following cultivation disruption allowances will apply to</li> <li>❖ households with total landholdings of 0.25 ha and smaller who loose more than 10 % of their landholdings;</li> <li>❖ households with total landholdings above 0.25 ha who loose more than 25 % of their landholdings;</li> <li>❖ If the compensation payment is delayed, the compensation rate will be adjusted as per the inflation rate</li> <li>❖ households, whose production levels are severely affected through participatory assessment with LCFs.</li> <li>❖ The cultivation disruption allowance will be equal to one season's production on the area of land lost, based on published District/RM/M production figures, land type and crop market prices for the year of acquisition.</li> </ul>
		<b>6. Group Losses, Vulnerability and Rehabilitation Measures</b>		
6.1	❖ Persons in the vicinity of the road who may be adversely affected by	❖ Rehabilitation assistance such as information dissemination regarding project impacts, compensation alternatives and risks.		List of SPAF with potential impact should be prepare in consultation

Type of Loss	Entitlement Unit	Description of Entitlements	Compensation Policy	Implementation issues/procedures
Loss of income indirectly due to the project (employment for porters and other laborers)	<p>the project although they do not lose assets.</p> <ul style="list-style-type: none"> <li>❖ Female community living near construction section</li> </ul>	<ul style="list-style-type: none"> <li>❖ Preferential access to project construction employment opportunities, to the extent possible.</li> <li>❖ Assessment of current economic activities and potential for improvement to these activities, as well as alternative income earning opportunities.</li> <li>❖ Counselling/information dissemination/ skill development training for job upgrading/diversification and other possible support services.</li> <li>❖ Employment opportunity for unskilled labor to female should make compulsory at established rate of at least 33 % female participation.</li> </ul>		<p>with LCF &amp; Civil Society and may include:</p> <ul style="list-style-type: none"> <li>❖ Ethnic, occupational cast people</li> <li>❖ Having aged people as household head and having disabled family members in the households</li> <li>❖ Women headed poor households</li> <li>❖ Poorest of the poor landless households &amp; squatters</li> <li>❖ Provide clauses in Work Contracts that will require specific employment quota for local female residents, taking into special account vulnerable groups.</li> <li>❖ If the compensation payment is delayed, the compensation rate will be adjusted as per the inflation rate</li> </ul>



Type of Loss	Entitlement Unit	Description of Entitlements	Compensation Policy	Implementation issues/procedures
6.2 Severe loss of assets directly due to the project, and severe impact indirectly caused by the project.	<ul style="list-style-type: none"> <li>❖ Households/ APs having significant impacts</li> <li>❖ Households of the Vulnerable categories</li> <li>❖ APs family members over 16 years of age</li> </ul>	<ul style="list-style-type: none"> <li>❖ Information dissemination regarding project impacts, compensation alternatives and risks, and resettlement options (where required).</li> <li>❖ Technical support on saving schemes and cash management.</li> <li>❖ Preferential access to road construction employment opportunities, to the extent possible.</li> <li>❖ Assessment of current economic activities and potential for improvement to these activities, as well as alternative income earning opportunities.</li> <li>❖ Assistance with training in life skills that would help in obtaining employment and/or earning livelihood.</li> <li>❖ The project will investigate training programs and institutions. In such a case, Funds will be paid directly to the relevant institutions. Or, project by itself will arrange suitable program for its mitigation.</li> <li>❖ Assistance through the implementation of Vulnerable Community Development Plan.</li> </ul>	❖	<ul style="list-style-type: none"> <li>❖ The rehabilitation measures will be targeted to APs having significant adverse impact and to vulnerable groups in the vicinity of the project area, even though they do not lose assets.</li> <li>❖ Training on construction and hiring workers will be included in Contractors' contracts.</li> <li>❖ APs having significant impact who opt for training assistance will be entitled to a training subsistence allowance equal to a maximum of one three month's minimum wage as established at the national or local level, whichever amount is higher, for the duration of the training course.</li> <li>❖ The respective Agriculture and forestry related Institutions will be requested to assist in implementing the forestry and agriculture program if required. Any costs required for this will be borne by the project.</li> </ul>
		<b>7. Damages Caused during Construction</b>		
7.1 any kind of Private	❖ All categories of entitled persons	<ul style="list-style-type: none"> <li>❖ Extreme care should be taken by Contractors to avoid damaging public and private property unnecessarily.</li> <li>❖ Where damages do occur to public or private property as a result of construction works, the affected parties shall be compensated</li> </ul>	❖	❖ The same entitlement policies will apply as for other land acquisition.

Type of Loss	Entitlement Unit	Description of Entitlements	Compensation Policy	Implementation issues/procedures
and Public Properties		immediately for damages to crops and trees, damaged land, structure and infrastructure shall be restored immediately to their former conditions.		
<b>8. Government Property</b>				
8.1 Loss of infrastructure and facilities	❖ Relevant agency	❖ Facilities will be repaired or replaced.	❖	❖ To be undertaken in consultation with the relevant department or ministry
8.2 Loss of forest areas	❖ Department of Forest	❖ Mitigation by means of afforestation.	❖	❖ An assessment for maintaining that kind of vegetation ❖ To be undertaken in consultation with Department of Forestry

### *Carrying Out the Valuation of Affected Assets*

All assets that will be affected, as identified by the survey teams, will be properly recorded and verified in the presence of the concerned persons. The detailed survey asset information will be computerized to monitor the reestablishment of PAPs. The valuation of affected assets will be undertaken by the District-level Compensation Fixation Committees (CFCs). It is also recommendable to geo-reference the said assets (land, structures) with the help of a Global Positioning System (GPS) to facilitate monitoring and to be used in case of later claims.

Each asset will be enumerated and inscribed on a register. Values for each types of asset will be pre-printed, shown to the affected person, and set against the type and number of such losses that the individual will sustain. The total compensation for that category of loss will be explained to the AP, and the total of all losses shown as well. The valuers must ensure that the AP will fully understand the compensation calculation, and that the entire process is explained in local dialect, as applicable. The inventory and evaluation sheet will then be signed, and a copy given on the spot to the affected person. The form will also state, and the affected person will be notified, that the inventory will not be official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At that time, a copy of the grievance procedure described below (explaining the rights of the AP to forward claims) will also be given to the affected person.

When valuing affected assets, the CFCs will take account of rates in the open local market and information gathered during RAP preparation to ensure that compensation is at replacement value. Compensation rate for all types of losses will be prepared. The established price list for land and other assets will be used for compensation of property acquisition. During the course of project implementation, the rate will be continuously reviewed and updated on an annual basis by the CFC.

The methods of valuation for verifying the replacement for each type of losses, which will be carried out by the CFC and resettlement committee, are, but not limited to, the following:

#### **Land:**

- Recent land use rights transfer on land
- Determine whether the established rates are sufficient or not to purchase the same quality and quantity of land in the similar location.

#### **Structures:**

- Evaluate whether the compensation for the structures will enable APs to rebuild their affected structures by consulting landowners, based in an inventory of
  - i. types of structures, size, stories, rooms, land areasimilar location and nature of structure, materials used and the cost of various materials
  - ii. Who built the structures (AP or Contractor) and whether will be used or not...

- Obtain cost estimates by consulting at least three local/regional contractors and suppliers in order to:
  - i. Identify local/typical cost of materials and labor transportation cost
  - ii. Identify cost of different types of houses according to Categories,
  - iii. Compare prices with those prevailing in the District.

**Crops and Production Trees:**

- Information will be collected to establish the average market price for these items. Current market prices will be determined in the same and adjoining districts for different types of crops and plants in consultation with District Agriculture Office and the Division Forests Office.

The final valuation shall be based on the principle that the project-affected families shall be compensated in a way to guarantee that their living standard is at least the same as before, if not better. Accordingly, the assessment of compensation for affected assets will be based on the principle of current market price at replacement value. The prices per square meter for different category of structures will be based on the total affected area of a structure, and not the usable area. As matter of principle, all compensation should be equivalent or higher than the prevailing market price.

## **6. Public Participation, Consultation and Grievance Mechanism**

Public participation as part of citizen engagement i.e. directly and indirectly affected groups including other interested party and meaningful consultation are the basic the principles in arranging for proper resettlement and compensation mechanisms in all forthcoming sub-projects in line with ESS 10. Public consultation includes comprehensive and timely dissemination to the project-affected people, while involving at the same time all agencies who will implement and monitor the process. Care will be taken to maintain transparency of the Project, reduce potential conflicts, minimize the risk of project delays, and enable the Project to design the resettlement and the rehabilitation program as a comprehensive development program to suit the needs and priorities of the APs.

### **6.1 Mechanisms of Consultation and Participation of PAPs**

This framework recommends meaningful public consultation activities and information dissemination to affected people through Stakeholder Engagement Plan (SEP). Public consultation will include both local governments, local communities, project affected families, vulnerable and disadvantage group, women groups, differently able groups, medias, politicians, transport groups and civil society ,where the APs would be regularly provided with information on the project and

the resettlement process prior to and during the preparation for resettlement actions. Mechanisms of consultation and participation will include:

1. Public meetings in the project area
2. Information/ awareness campaigns through engaged NGOs
3. Interviews/surveys in project affected households
4. Assess the restriction of accesses of common and community resources
5. Focus group discussions (separate focus group discussion if required),
6. Formation of committees and/or groups including stakeholders during project preparation and implementation.
7. Development of grievance redresses mechanism in line with SEP of the Project.

At early stage of initiating the resettlement process a Local Consultative Forum (LCF) will be formed at RM/M level to ensure PAP's participation in the decision-making process of the RAP implementation. The LCF will play a key role in GRM facilitation.

During the process of preparing RAP, discussions will be held with the directly affected families, institutions and the representatives of the directly affected RM/M. PAP as well as other stakeholders will be requested to participate in meetings of the RAP processes and express their concerns about various aspects of the project.

The information dissemination will be effective through electronic and print media, during public consultation/LCF's meetings, and direct discussion with the affected families and institutions.

PAPs' participation should also be ensured during final assessment of compensation, resettlement and monitoring.

Details of these consultations including dates, names of participants, issues raised and how these have been addressed will be documented in the subproject RAPs.

## **6.2 Consultation during the Preparation of RPF**

The Ministry of Industry Commerce and Supplies (MoICS) and Ministry of Agriculture and Livestock Developmet (MoALD) has jointly organized a consultation and disclosure workshop on 2nd March, 2020 at Nepal India Regional Trade and Transport Project's Project Coordination Office meeting hall, Bhadrakali, Kathmandu. The main objectives of the Workshop were:

- Create awareness about the project, location, and benefits
- Disclose information about potential impacts of the project;
- Solicit feedback from stakeholders
- Meet regulatory requirements: GoN and World Bank
- Draw suggestions to enhance project design and impact mitigation

The invited stakeholders from respective ministries and departments have actively participated and shared their views and feedback. The main feedbacks received regarding IPPF are

- Provision for the encroaches, squatters and economically displaced people due to the implementation of the project needs to be address clearly
- During the construction and Operation of the project there will be impact on the agriculture nearby the construction site due to project activities how this issue will be managed?

The detail proceedings of the stakeholders consultation is included in Annex 1

### **6.3 Disclosure and Dissemination Strategies**

The draft RPF has already been disclosed in MoICS website (<https://moics.gov.np/sources/10/>) on 24 March, 2020. The final RPF will be disclosed on the website of MoICS and made available to the likely affected PAPs and other communities. information dissemination and consultation will continue throughout project execution. Project related information dissemination will be undertaken through electronic and print media, during public consultation/local consultative forum (LCF) meetings, and through direct discussion with the affected families and institutions. Executive Summaries (ES) of RPF will be translated into the Nepali language and paper copies and will be made available to the PAPs of the project area through the concerned offices of local governments and offices of government line agencies. As per Clauses 3, 7 and 8 of Right to Information Act, 2064 (2007), copies of these documents will be provided to any requester, who pay the cost of the photocopy. Besides key highlight of final RPF will also be disseminated through appropriate means of communication like Social Media, FM radio broadcasts through local radio stations, community meetings, focus group discussions, participatory appraisal techniques, household interviews and social mobilization techniques.

All the plans prepared under this framework will be disclosure and disseminated following above mentioned strategies.

### **6. 4 Establishment of Grievance Redress Mechanisms**

For SRCTIP-Trade Facilitation Component a grievance redress mechanism will be established to allow affected persons and other related stakeholders to appeal any disagreeable decisions, practices and Activities arising from compensation for land, assets settlements, and technical and general project-related disputes. The APs will be made fully aware of their rights and the procedures for doing so verbally and in writing during consultation, survey, and time of compensation.

The APs will have access to both locally constructed grievances redress committees specified under existing government mechanism i.e. LCF and formal courts of appeal system. Under the latter system every AP can appeal to the court if they feel that they are not compensated appropriately. They may appeal to appellate court within 35 days of the public notice given to them.

Special project grievance mechanisms such as on-site provision of complain hearings allows project affected persons to get fair treatment on time. The LCF will be established in each road affected M/RM to handle initial grievances of the project-affected people. The Project will handle issues regarding the compensation damages done during construction. The APs will have unhindered access to the Grievance Office to forward and file their complains without being intimidated or being deterred by excessive bureaucratic hurdles. The provisions of Social Mobilizer (SM) in the project implementation are good practices in this regard. SM can be mobilised in order to help APs to file the complaints and concerns to the concerned agency. APs will be exempt from all administrative fees incurred, pursuant to the grievance redressed procedures except for cases filed in court. A three-stage procedure for redress of grievances is proposed for the forthcoming sub-projects (see Box 1)

Box 1	
<b>Proposed Mechanisms for Grievance Resolution</b>	
Stage 1:	Complaints of APs on any aspect of compensation, relocation, or unaddressed losses shall in first instance be settled verbally or in written form in field based project office (PO). The complaint can be discussed in an informal meeting with the AP by the concerned personnel to settle the issues at the RM/M level. The community consultation, involvement of social and resettlement experts and NGOs will be helpful in this regard. It will be the responsibility of the LCF and project manager to resolve the issue within 15 days from the date of the complaint received.
Stage 2:	If no understanding or amicable solution reached or no response from the PO, the AP can appeal to the CDC. While lodging the complaint, the AP must produce documents to support his/her claim. The CDC will provide the decision within 15 days of registering the appeal.
Stage 3:	If the AP is not satisfied with the decision of CDC or in the absence of any response of its representatives, within 35 days of the complaint, the AP, in his/her last resort, may submit its case to the District Court.

## 7. Livelihood Support Plan

Livelihood support schemes will be designed in consultation with PAPs in commensurate with level of impact on income sources and livelihood strategy. Besides payment cash compensations for the acquired land, assets and structures including shifting and dismantling assistances, all the physically and economically displaced households as well as vulnerable households will get alternative livelihood restoration support in the form of preferential employment opportunities (project construction works) to all members of the family who would like to work.

Similarly, as a part of income restoration program for rehabilitation of the physically/economically displaced and vulnerable households, livelihood support training will be conducted on the basis of need assessment during project implementation. The basic objective of income restoration activities is to ensure that each PAP will at least have the same or improved income and livelihood after the sub-project. Towards this, it is proposed that one member for each of the affected households losing their livelihood, and who has the capacity and willingness to acquire a new set of skills would be eligible for this plan. Different types of livelihood support skill trainings could be some options for livelihood restoration schemes. The livelihood support trainings may include vegetable cultivation, livestock farming, bee keeping, poultry farming, goat farming, beauty parlor, sewing and cutting, driving, mobile repairing, and basic computer course etc.



Before the implementation of livelihood support training program, training need assessment will be carried out and finalization the training along with training modules, time frame and place. The training program will be conducted close coordination with district level training providing institutions by the project at the 1st year of project implementation.

Training allowances will be provided to all trainees from vulnerable category to ensure that the training provided is useful to generate their daily income that could have been lost while attending the training.

## **8. Monitoring and Evaluation**

The land acquisition and resettlement and vulnerable communities' components will be monitored both internally and externally with the objective of providing feedback to management on implementation and identifying problems and successes as early as possible to facilitate timely adjustment of implementation arrangements.

### **Monitoring Social Aspects Pertaining to RAP**

The objectives of the monitoring program are:

- to ensure that the standard of living of APs are restored or improved;
- to monitor whether the time lines for resettlement and compensation are met;
- to assess if compensation, rehabilitation measures and social development support program are sufficient;
- to identify problems or potential social, ethnic or other conflicts; and
- to identify methods of responding immediately to mitigate problems.

The monitoring and evaluation of project-related activities with regard to the social implications will be carried out at two stages: First during the mid-term and a second yet to be determined by the PCU, most likely just before the project completion. The mid-term evaluation will focus more on the process part and will examine if the project is in the right track in implementation in terms of its project design/planning and right processes are being followed. It will also assess the type of adjustments/adaptations being made during the course of implementation as a result of the monitoring.

### **Types of Monitoring Applied**

For sub-projects where resettlement and land acquisition will be required, specific monitoring and evaluation program will be implemented to (i) record and assess project inputs and the number of persons affected and compensated, and (ii) confirm that former subsistence levels and living standards are being re-established. The range of activities and issues that would therefore have to be recorded and checked, include:

- land acquisition and transfer procedures;
- compensation payments;
- construction of replacement houses by displaced households;
- re-establishment of displaced households and business enterprise
- reaction of severely affected households, in particular, to resettlement and compensation packages; and
- re-establishment of income levels.

Two main monitoring mechanisms will be applied:

### **Internal Monitoring**

This type of monitoring studies the ongoing process and the respective outputs, compared against established social indicators. The projects will be responsible for internal monitoring of RAP implementation. The PCU will supervise the land acquisition components of the RAP. The Social Division of PCU gives guidance on the monitoring and prepare quarterly reports on the findings of the monitoring reports received from the sub-projects. The funding agency (World Bank) will receive copies of these monitoring reports.

### **External Monitoring**

Thus, type of monitoring, carried out by an independent monitoring agency, will assess the extent to which resettlement and rehabilitation objectives have been met. The Project Coordination Units (with approval from World Bank as to ToR and qualifications and experience of monitoring agency) will recruit, for the entire project, an independent external monitoring agency/consultant for independent bi-annual review of RAP implementation to determine whether intended goals are being achieved, and if not, what corrective actions are needed. The independent monitoring agency shall carry out a replacement cost survey to verify and update the district compensation rates in each and ensure that the current market rates are applied and are acceptable as replacement values to both APs and PCU. The independent agency will carry out field visits and consultation with the vulnerable and endogenous communities. The findings of the external monitoring reports will be subject to public disclosure through a public consultation a meeting. External monitoring reports will be submitted to PCU with copies to the funding agency (World Bank).

### ***Social Indicators to Monitor the Effectiveness of the Proposed RAPs***

The following table presents the basic indicators that are recommended under this framework for monitoring the success/failure of the resettlement activities and the development programs for vulnerable groups.

**Table 7.1: Framework for Monitoring Social Issues Related to Resettlement and Vulnerable Groups**

Resettlement Policy Framework: SRCTIP-Trade Facilitation Component

Type	Indicator	Variables
Process monitoring indicators	<ul style="list-style-type: none"> <li>❖ PAP involvement in ongoing project works,</li> <li>❖ Consultation,</li> <li>❖ Participation,</li> <li>❖ Grievance Resolution</li> </ul>	<ul style="list-style-type: none"> <li>❖ Number of LCFs formed</li> <li>❖ Number of local workers employed through NGO/CBO mobilization and facilitation initiatives</li> <li>❖ Number of persons belong to vulnerable groups being employed</li> <li>❖ Number of women being employed</li> <li>❖ Number of consultation / participation programs involving stakeholders</li> <li>❖ Grievances by type and resolution</li> <li>❖ Number of field visits by PCU/GESU staff</li> <li>❖ Number of CBOs (Users' Committee) and labour groups participating</li> <li>❖ Number of PAPs who know their entitlements</li> <li>❖ Number of PAPs receiving compensation</li> <li>❖ Number of vulnerable people's household supported</li> </ul>
	<ul style="list-style-type: none"> <li>❖ Procedures inOperation</li> </ul>	<ul style="list-style-type: none"> <li>❖ Census and CFC asset verification/quantification procedures in place</li> <li>❖ Effectiveness of compensation delivery system</li> <li>❖ Number of land transfers effected</li> <li>❖ Coordination between Project Implementation Unit and line agencies</li> <li>❖ Number of households/PAPs to be resettled because of displacement.</li> <li>❖ Status of livelihood restoration activities.</li> <li>❖ Number of targeted beneficiaries provided support with employment, micro-credit disbursed, number of income generating activities etc.)</li> </ul>
Output Indicator-monitoring indicators	<ul style="list-style-type: none"> <li>❖ Acquisition of Land</li> </ul>	<ul style="list-style-type: none"> <li>❖ Area of cultivation land acquired by road section</li> <li>❖ Area of other private land acquired</li> <li>❖ Area of communal/government land acquired</li> <li>❖ Compliance of established norms in land acquisition</li> <li>❖ Number of disputes resolved related to land acquisition</li> </ul>
	<ul style="list-style-type: none"> <li>❖ Structures</li> </ul>	<ul style="list-style-type: none"> <li>❖ Number, type and size of private structures acquired</li> <li>❖ Number, type and size of community structures acquired</li> <li>❖ Number, type and size of government structures acquired</li> </ul>
	<ul style="list-style-type: none"> <li>❖ Trees and Crops</li> </ul>	<ul style="list-style-type: none"> <li>❖ Number and type of private crops and trees acquired</li> <li>❖ Number and type of government/community crops and trees acquired</li> <li>❖ Crops destroyed by area, type and number of owners</li> </ul>

Resettlement Policy Framework: SRCTIP-Trade Facilitation Component

Type	Indicator	Variables
	❖ Compensation and Rehabilitation	<ul style="list-style-type: none"> <li>❖ Number of households affected (land, buildings, trees, crops)</li> <li>❖ Number of owners compensated by type of loss</li> <li>❖ Amount compensated by type and owner</li> <li>❖ Number and amount of allowances paid</li> <li>❖ Number of replacement houses constructed by concerned owners</li> <li>❖ Number of replacement businesses constructed by owners</li> <li>❖ Number of owners requesting assistance for purchase of replacement land</li> <li>❖ Number of replacement land purchases effected</li> <li>❖ Number of delivery of entitlements</li> <li>❖ Number of use of entitlements by APs</li> <li>❖ Suitability of entitlements to APs as per RAP objectives</li> <li>❖ Number of poor and vulnerable APs requesting assistance to allocate land and provide lease/temporary rights</li> <li>❖ Number of assistance made related to poor and vulnerable APs</li> </ul>
	❖ Construction induce impact	<ul style="list-style-type: none"> <li>❖ Number of households affected (land, buildings, trees, crops)</li> </ul>
	❖ Reestablishment of community resources	<ul style="list-style-type: none"> <li>❖ Number of community buildings/facilities repaired/ replaced</li> <li>❖ Number of saplings supplied by type</li> <li>❖ Number of trees planted by government agency</li> </ul>
Outcome/ Impact Indication-	<ul style="list-style-type: none"> <li>❖ Household Earning</li> <li>❖ Capacity</li> </ul>	<ul style="list-style-type: none"> <li>❖ Employment status of economically active members</li> <li>❖ Landholding area cultivated, production volume by crop</li> <li>❖ Types and value of livestock raised</li> <li>❖ Selling of cultivation land</li> <li>❖ Changes to agricultural income-earning activities – pre- and post disturbance</li> <li>❖ Changes to off-farm income-earning activities – pre- and post disturbance</li> <li>❖ Amount and balance of income and expenditure</li> <li>❖ Numbers of vulnerable groups received livelihood opportunities</li> <li>❖ Number of APs received employment opportunities to restore pre-project income levels and maintain their original living standards.</li> </ul>
	❖ Changes to Status of Women	<ul style="list-style-type: none"> <li>❖ Participation in users’ committees, disaggregated by subject</li> <li>❖ Participation in training programs, disaggregated by subject</li> <li>❖ Participation and types of saving/ credit facilities</li> <li>❖ Participation in road construction employment contracts and payment</li> <li>❖ Participation in commercial enterprises</li> <li>❖ Change in ownership over assets</li> <li>❖ Change in status in decision making</li> <li>❖ Change in the mobility and participation in public affairs and user groups (if formed).</li> </ul>
	<ul style="list-style-type: none"> <li>❖ Changes to Status of Children</li> </ul>	<ul style="list-style-type: none"> <li>❖ School attendance rates (male/female)</li> <li>❖ (illegal) participation in road construction</li> <li>❖ Incidences of trafficking</li> </ul>
	<ul style="list-style-type: none"> <li>❖ Settlement and Population</li> </ul>	<ul style="list-style-type: none"> <li>❖ Growth in number and size of settlements, inside and outside RoW</li> <li>❖ Growth in market areas along the road alignment</li> <li>❖ Influx of illegal settlers/encroachers on the road performance</li> <li>❖ Increase in public facilities</li> </ul>

Type	Indicator	Variables
evaluation indicators	❖ Multiplier effect	<ul style="list-style-type: none"> <li>❖ Changes in the economic activities, enterprises and functions of the market</li> <li>❖ Changes in the employment status of the population</li> <li>❖ Changes in the economic and social infrastructures</li> <li>❖ Changes in the pattern of consumption and provision of electricity</li> </ul>

**Table 7.2: Phase-wise Social Monitoring & Evaluation Indicators for SRCTIP**

Issue	Verification	Schedule	Responsibility
<b>A. Construction Period</b>			
Employment of local labour including women and children and wage rates	Site observation regarding illegal child works; attendance record, interaction with Project & contractors.	Weekly	PCU, Consultant, Contractor, NGO/CBO
Employment of local economically weak section of population (unemployed youths)	Job lists, job opportunities by gender; amount of work awarded. Site observation, attendance record, interaction with Project & contractors.	Weekly	PCU, Consultant, Contractor, NGO/CBO
<b>B. Operation Period</b>			
Encroachment into public land/open space/common property (grazing land, open market, temples, etc)	Visit the identified public land/ open space, interact with local people, photographic documentation, geo-referencing	Half Yearly	PCU, Consultant, Contractor, NGO/CBO, DCC
Development of new or expansion of old settlements/ business establishments / squatter development along roadside	Observation, recording of sites, photographic documentation, geo-referencing objects; status of affected families	Half Yearly	PCU, NGO/CBO, DCC
Migration to the road side/ displacement of local people	Review of land holding records, discussion with local people/groups. Photographs	Annually	PCU, NGO/CBO, DCC
Road accidents	Discuss with local people, Consult hospitals/health posts records.	Annually	Traffic Police District Road Office/PCU, NGO/CBO,
Incidence of communicable diseases e.g. respiratory diseases, HIV/AIDS, TB etc.	Discuss with local people, health workers/ health post/ records.	Annually	PCU, NGO/CBO, Health Unit, DCC

Issue	Verification	Schedule	Responsibility
Upgrading of old and establishment of new schools/colleges along the road and vicinity.	Discuss with local people, political leaders and local groups/CBOs.	Annually	PCU, Dist. Education Office, DCC, NGO/CBO
Student's enrolment for higher studies in near by towns (girls, boys).	Discuss with local people, school teachers and local groups	Annually	PCU, Dist. Education Office
Changes in the land price, land use, agricultural practices, productivity and crop export	Discuss with farmers and extension workers, agricultural statistics of District Agr. Office, Agric.-Input Corp., District Food Corp. Office, land use maps, photographic documentation	Annually	PCU, District Agriculture Office, Local Authority
State of social harmony and social security (e.g. alcoholism, drug abuse, prostitution, violence)	Police records, discussion with local residents.	Annually	PCU, Local Authority, Police Office
Changes in the living standard of people	Interview with families, RM/Mrecords, discussion with local leaders, CBOs.	Periodically	PCU, Local Authority, NGO/CBO
Displacement of traditional employment (porters, traditional mode of transportation, such as mules, carts)	Discuss with local residents, DCCDCC, community	Annually	PCU/PCU
Condition of cultural and historical areas and aesthetic qualities.	Visit the area; discuss with people, observation and photographs.	Annually	PCU, NGO/CBO

## 9. Institutional Responsibilities and Implementation Arrangements for RAP

### Key Agencies at Different Level

At central level, the Ministry of Industry Commerce and Supplies (MoICS) and Ministry of Agriculture and Livestock Development (MoALD) will be the Executing Agency (EA) and For all sub-projects forthcoming under SRCTIP-Trade Facilitation Component a Project Coordination Unit (PCU) will be established by the Project Director (PD). This PCU will be responsible for the overall planning, budgeting, approval and implementation of RAP of the sub-projects. All aspects relating to resettlement and land acquisition activities will be addressed in close consultation and collaboration of the PCU E &S team.

At Municipality and wards level, offices of various line ministries such as Home, Finance, Agriculture and Co-operatives, Forest, Health, Education and Sports and others will be consulted during RAP implementation. Similarly, CBOs, NGOs and Civil Society of the concerned project area will equally be considered during the preparation and the implementation of the RAP.

### **Project Coordination Unit (PCU) E&S Team**

The SRCTIP-Trade facilitation components PCU plays a key role in management and implementation of the RAP and other safeguard issues of the project. The PCU will have a Social Development Specialist (SDS). The SDS will monitor of land acquisition and resettlement operations and vulnerable/indigenous people's issues. S/he will report to the Project Director at PCU. S/he will work in close coordination with field-based consultants' offices and Project NGO/s on the day-to-day activities of the resettlement plan implementation. A Social Development/Resettlement Specialist from the Construction Supervision Consultants will support the SDS updating the subproject RAPs based on detailed design. S/he will also be responsible in supervision and coordination of all activities related to resettlement implementation for the sub-projects.

In this context, the responsibilities of the SDS:

- Provide guidance and assistance to the project-engaged NGOs/CBOs in the implementation of public information dissemination, consultation and participation process among various stakeholders;
- Guide and assist all support units operating in the district, including the Consultants and the NGOs in the implementation of RAPs;
- Review and suggestions on the RAPs prepared by the consultant during the sub-project's detailed design phases
- Review and propose necessary RAP budget;
- Monitor RAP implementation and progress;
- Supervise the compensation payment process;
- Assist in redressing grievances concerning RAP activities;
- Coordinate with concerned government agencies and other ministries; and
- Consolidate all RAPs submitted by consultant and submit them to the funding donor(s) for review.

### **Implementing NGOs**

NGOs experienced in resettlement, rehabilitation and livelihood restoration will be engaged as partner organization with PSC to provide facilitation services for implementation of resettlement plan and Activities.

The IA may establish at village Local Consultative Forums (LCFs). These LCFs will assist the Project, the Consultants' survey teams and the Compensation Fixation Committees (CFC) in informing people about the likely resettlement impact and solicit views of the affected people regarding compensation and relocation options.

The Resettlement Expert from the Consultants, with support from the LCFs and CFCs of the respective districts and partner NGO will execute and monitor the progress of the work. S/He will ensure coordination between the relevant departments, NGO, the Grievance Redress Committee and the affected persons. Close coordination will be ensured between District authorities and sub-projects on a day to day basis. If delays are experienced in land acquisition and compensation, SRCTIP-Trade Components PCU will engage special revenue officials for this purpose. Delays at District level will be minimized through close coordination and with the assistance of Chief District Officers.

The concerned NGO staff will undergo a week-long orientation and training in resettlement policy and management prior to the implementation of resettlement Activities. Refresher training will also provide to them after 1-2 months of program implementation for verifying and updating their knowledge on concerned issues.

A summary of Resettlement Action Plans in Nepali language will be made available to the local level NGOs and public offices in the sub-project sites.

### **Implementation Schedule for the Resettlement Action Plan**

The Project Proponent will ensure that funds are delivered on time to the CFC and the implementing Consultants and partner NGOs for timely preparation and implementation of the RAP, as applicable. Civil works contracts will not be awarded unless required compensation payment has been completed. However, construction induced impact procedure will be followed by same resettlement policy framework. The procedure is as follows: inventory, assessment, measurement, CDC meeting with notification and asset valuation, Similarly, social preparation initiatives including income rehabilitation measures may continue and be completed even after civil works has begun.

At present, the program foresees only one sub-project where a full RAP needs to be prepared, while the other sub-projects will make provisions for (minor) resettlement actions as provided in the respective management plans in the ESIA

Civil works contracts for each sub-project road will only be awarded after completion of all compensation payments and title transfer activities of both voluntary and involuntary contribution of land and,

For SRCTIP-Trade Facilitation Component an indicative schedule for implementing the RAP is shown in the following table, assuming a sequential order of proposed activities. Some of these steps will overlap in their timing and some will be repeated throughout the project cycle.



**Table 8.1: Milestones for RAP Implementation Schedule**

<b>Activities</b>	<b>Schedule</b>
Deploy and Project office /PCU and NGOs	First year
Mobilize Resettlement/Social Development Specialist from the CSC	First year
Continue implementing consultation, information dissemination and participation programs and grievance resolutions Consultation with local officials, APs and concerned groups/ departments	First year
Prepare and distribute copies of RAP, entitlement framework to affected APs/communities	First year
Verify inventory of losses	First year
Finalize list of entitled persons, establish compensation rates, effect compensation payments, ensure appropriate advance evacuation notification and implement land transfer procedures	First year
Provide rehabilitation support and other social preparation/ social mobilization programs	First Year
Construction induced impact procedure	During construction
Contract and mobilize independent Monitoring agency	Second year
Implement internal and external monitoring programs	Second year

### **Cost Estimate and Financing for the RAP**

SRCTIP-Trade Facilitation Component generally not expected to have resettlement but associated costs of land acquisition and resettlement, if any, will be itemized and included in the overall project costs under the budget for 'Environmental and Social Management Costs'. The detailed cost estimates for the will be finalized after the completion of Feasibility study Report and ESIA study which will be finalized in near future .

The cost estimates will include measures for (i) planning and budgeting for land acquisition and resettlement costs, annual budget, and sources of funding; (II) arrangements for approval of resettlement plan cost estimates; and (III) the flow of funds to reach people affected.

## **Procedures for the Resettlement Action Plan**

The main recommendation is to implement, to the extent possible, all mitigation and monitoring measures as outlined in this framework, and as indicated in Chapter 6 of this document. Other suggestions would include:

- (i) The project will consider alternative-engineering designs to minimize adverse social impacts resulted from land acquisition. Where the social impact assessment indicates that land acquisition and/ or loss of assets is unavoidable, and in cases where a full ESIA is applicable (see Ch. 3), a sub-project RAP needs to be prepared. Generally, GoN requirements specify the undertaking of a RAP if the land acquisition in the project site affects more than 200 people, takes more than 10 percent of any holding, and involves physical relocation of population.
- (ii) An abbreviated RAP is generally acceptable if fewer than 200 people are displaced even if more than 200 people are affected, and land acquisition is less than 10 percent and no physical relocation is involved. In case of most sub-projects of the SRCTIP Program, however, the number of affected HHs that need physically to be relocated due to road upgrading works is expected not to exceed 20. The respective provisions are therefore subject to be included in the Environmental and Social Management Plan which are the core of the IEEs to be prepared for such project types.
- (iii) In case of road upgrading works (as is the case in the forthcoming SRCTIP sub-project, the preparation of the RAP will require data from house-to-house and plot-to-plot socio-economic baseline survey and income restoration measures. The individual RAP documents will be prepared in close consultation with APs, along with active participation of secondary stakeholders, such as local or national government, policy makers, advocacy groups, elected officials and NGOs and the RM/M Chairperson and will be disclosed to the APs. Further consultation and participation program will be conducted to ensure that information on the project objectives, implementation schedule, resettlement and land acquisition; eligibility and compensation issues are properly understood and accepted by the affected communities.
- (iv) During project implementation, resettlement process will be coordinated with the timing of the civil works. The project will provide adequate notification and assistance to affected people so that they will be able to move without undue hardship before the commencement of civil works.
- (v) In the case of land acquisition, the procedures will follow the provisions of the Land Acquisition Act, and the RPF. The subproject RAP after its approval by GoN and the World Bank, will be translated into the local language and made available in a public place accessible to affected people and other stakeholders. The project will ensure that civil works are not started on any subproject sites before compensation and assistance

to the affected population have been provided in accordance with the Resettlement Policy Framework.

**Annex 1: The proceeding of the Stakeholders Consultation and Disclosure Workshop**



**Government of Nepal**  
**Ministry of Industry Commerce and Supplies (MoICS)**  
**Ministry of Agriculture and Livestock Development (MoALD)**

## **Nepal Strategic Road Connectivity and Trade Improvement Project (SRCTIP)- Trade Facilitation Component**



### **Stakeholder Consultation and Disclosure Workshop**

**March, 2020**

## **ACRONYMS AND ABBREVIATIONS**

BoQ	Bill of Quantities
DFTQC	Deptment of Food Technology and Quality Control
DoFSC	Department of Forest and Soil Conservation
DoA	Department of Agriculture
DoL	Department of Livestock
ESF	Environment and Social Framework
ESMF	Environment and Social Management Framework
ESMP	Environment and Social Management Plan
ESS	Environment and Social Standards
GBV	Gender Based Voilence
GoN	Government of Nepal
IPs	Indigenous Peoples
IPPF	Indigenous People Planning Framework
IPDP	Indigenous People Development Plam
LMP	Labor Management Procedure
MoICS	Ministry of Industry Commerce and Supplies
MoALD	Ministry of Agriculture and Livestock Development
NFDIN	National Foundation for Development of Indigenous Nationalities
NITDB	Nepal Intermodal Transportation Board
PQPMC	Plant Quarantine and Pesticide Management Centre
RPF	Resettlement Policy Framework
SEP	Stakeholder Engagment Plan
SRCTIP	Strategic Road Connectivity and Trade Improvements Project
WB	World Bank

## **Background**

The Government of Nepal (GoN) has requested the World Bank (WB) for the loan support for the improvements and maintenance of existing roads that are of vital importance to the country's economy and regional connectivity through the proposed Strategic Road Connectivity and Trade Improvement Project (SRCTIP). The project has three components: (1) Trade facilitation (2) Regional Connectivity Improvement and (3) Institutional Strengthening.

The Trade Facilitation Component covers the improvement of the existing infrastructure facilities and equipment at major border crossing points; improvements in sanitary-phyto-sanitary management (SPS), knowledge and capacity building support for improving capacity for managing trade. Trade Facilitation component will be implemented at existing selected ICD sites: Biratnagar, Birgunj and Bhairahawa. Following activities will be conducted under this component

1. The level and quality of border infrastructure will be improved in select locations
2. Selected labs will be enhanced with equipment and/or accreditation to enhance market access for agricultural commodities
3. Access roads sections will be improved for better linkage to transport and the trade (Biratnagar ICD/ICP)
4. The parking yards around ICDs will be further expanded and improved to enhance the connectivity and trade, and
5. Capacity will be enhanced through training and facilitation.

Under the Trade Facilitation Component, stakeholder engagement and consultation is essential to engage people of the project vicinity as well as concerned groups and collect and incorporate their feedback and also to ensure their engagement throughout the entire project period.

The Ministry of Industry Commerce and Supplies (MoCIS) and Ministry of Agriculture and Livestock Department (MoALD) are the primary implementing agency for the project and is responsible for ensuring constructive and meaningful dialogue with the project's stakeholders as per the prevailing law of Nepal as well as Environmental and Social Standard (ESS) 10 on Stakeholder Engagement and Information Disclosure, of the World Bank's Environmental and Social Framework (ESF).

### **The objective of the Consultation Workshop was:**

- Create awareness about the project, location, and benefits
- Disclose information about potential impacts of the project;
- Solicit feedback from stakeholders
- Meet regulatory requirements: GoN and World Bank
- Draw suggestions to enhance project design and impact mitigation

The Consultation Program was jointly organized by Ministry of Industry Commerce and Supplies (MoICS) and Ministry of Agriculture and Livestock Development (MoALD) on 2nd March, 2020 at Nepal India Regional Trade and Transport Project's Project Coordination Office meeting hall, Bhadrakali, Kathmandu. The program was chaired by Mr. Mahesh Acharya; Joint Secretary;

Ministry of Industry Commerce and Supplies. The major participants were focal persons from ministries and respective departments and 30 participants have actively participated in the consultation workshop.

Mr. Yubak Dongol, Director of NITDB welcomed all the guests and participant and thanked them for attending the program. He briefly gave an introduction about the program before leaving the floor to Mr. Prakash Poudel, Social Safeguard Specialist.

Mr. Prakash Poudel has talked about the objectives of the consultation and briefly presented the provision on Environmental and Social Management Framework (ESMF), Resettlement Policy Framework (RPF), Indigeneous People Planning Framework (IPPF) and Stakeholders Engagement Plan (SEP) prepared for the Trade Facilitation Component of SRCTIP. Thenafter, the floor was opened for the participant for their queries, feedbacks and suggestion.

### Issue Raised and Response

The invited stakeholders from respective ministries and departments have actively participated and shared their views and feedback. The summary of the issue raised/feedback and corresponding responses are as tabulated below in Table-1.

**Table-1 Issue Raised and Response during Stakeholder Consultation**

SN	Issue Raised	Name/Organization	Response	Responsibility
1.	<p>What are the provisions/ mechanisms incorporated for Establishment of fumigation center at ICD to fumigate goods being export from Nepal such as carpet, wooden carved items etc.</p> <p>Proper management of solid waste and effluent, it should not be like in Birgung ICD</p> <p>What about provision of the Plantation hence to maintain the sufficient greenery at project site</p>	Mr. Rajan Sharma, Chairman Nepal Freight Forwarders Association (NEFFA)	<ul style="list-style-type: none"> <li>The general provision has been included in the ESMF of the Trade Component; the detail will be incorporated during the detailed design stage.</li> <li>The guideline will be reviewed and followed and incorporated the measures as appropriate.</li> <li>The provision has been included in ESMP and further detailed in ESMP during the Execution of the project</li> </ul>	MoICS, MoALD-PCU
2.	Laboratory waste should be managed properly. Good laboratory practices shall be established	Dr. Modnath Gautam, Senior Veterinary Officer, Department of Livestock, MoALD	<ul style="list-style-type: none"> <li>The general provision has been included in the ESMF of the Trade Component.</li> <li>The detail will be incorporated in the ESMP</li> </ul>	MoICS, MoALD-PCU



Resettlement Policy Framework: SRCTIP-Trade Facilitation Component

	Proper management of carcasses and ill livestock and birds especially during export		during the execution of the project .	
3.	During the construction and Operation of the project there will be impact on the agriculture nearby the construction site due to project activities how this issue will be managed?  Dust management during construction works	Dr. Mahadev Prasad Poudel, Sr. Agro-Economist; Department of Agriculture; MoALD	The general provision has been included in the ESMF of the Trade Component. This issue will be brought forward during the detailed design phase and to the level extent suggestion will be incorporated.	MoICS, MoALD-PCU
4.	What are the provision for the encroches, squatters and economically displaced people due to the implementation of the project  Conservation of the local indigenous cultural values and norms	Mr. Maahesh Acharya, Senior Plant Protection Officer; Plant Quarentine and Pesticide Management Centre, MoALD	The project doesnot required acquisition of the land. In addition most of the work will be confined in the closed boundary of existing ICD and ICP however, HHs that are migrated and settled along the roadside for day to day earning from the small tea shops, vegetable/fruit stalls, etc.which will be covered by RPF and IPDP  Generally the project do not expected to harm IPs. However meaningful consultation will be done with IP communities during detailed design and implementation of the project .	MoICS, MoALD-PCU
5.	a. The issues related on GBV and equal wages for Male/Female will be ensured?	Mr. Dendra Kafle, Secretary, National Women Commission (NWC)	<ul style="list-style-type: none"> <li>The GBV risk mitigation plan will be prepared. The GBV issues will be minimized and mitigatedbased on the GBV risk mitigation plan.</li> <li>The Labor Mannagement Procedure (LMP) ensure the equail wage for man and women.</li> </ul>	MoICS, MoALD-PCU

**Concluding Remarks**

Mr. Mahesh Acharya; Joint-Secretary of Ministry of Industry Commerce and Supplies; explained that the trade component activities will be confined in existing sites of ICD/ICP hence there is no any major impact on land and structures as well as indigenous culture and values, national and international best practices will be adopted during the detailed design and implementation phase of the project. Moreover he request for any additional feedbacks and suggestion from the stakeholders that will be incorporated in the site-specific ESMP and will be part of BoQ item during the execution of the works.

## Annex 1.2 PP Slides



Government of Nepal  
Ministry of Industry, Commerce and Supplies (MoICS)  
Ministry of Agriculture and Livestock Development (MoALD)  
Strategic Road Connectivity and Trade Improvement Project  
(SRCTIP)-Trade Facilitation Component

### “Stakeholders Consultation and Disclosure Workshop”

March 2, 2020

Presented By:

Prakash Poudel, Social Safeguard Specialist

Arjun Aryal, Environmental Safeguard Specialist

### Presentation Outline

- ❖ Workshop Objectives
- ❖ Project Description
- ❖ Key Highlights of Social and Environmental Impacts
- ❖ Regulatory Requirements and other Considerations
- ❖ Specific Impact Mitigation Plans
  - Environment and Social management Framework (ESMF)
  - Resettlement Policy Framework (RPF)
  - Indigenous People Planning Framework (IPPF)
  - Stakeholder Engagement Plan (SEP)
- ❖ Questions and Answer session
- ❖ Key take-aways/Next Steps

### Workshop Objectives

- ✓ Create awareness about the project, location, and benefits
- ✓ Disclose information about potential impacts of the project;
- ✓ Solicit feedback from stakeholders
- ✓ Meet regulatory requirements: GoN and World Bank
- ✓ Draw suggestions to enhance project design and impact mitigation

### Project Description

### SRCTIP-Components

- Enhancing trade competitiveness is one of six priorities of the Government of Nepal's 14<sup>th</sup> development plan and The Nepal Trade Integration Strategy (NTIS) 2016.
- NTIS 2016, recognizes inadequate transport connectivity, supply chain and regulatory bottlenecks as major hindrances.
- Towards meeting these priorities, The World Bank is currently supporting Government of Nepal to implement “**Strategic Road Connectivity and Trade Improvement Project (SRCTIP)**” to enhance the government's capacity.
- Improve transport efficiency on selected project corridors and strengthen infrastructure and institutional capacity to improve connectivity and facilitate trade is the main objectives of SRCTIP
- The SRCTIP has three Sub Component

#### Component 1: Trade Facilitation

- infrastructure facilities and equipment at major border crossing points;
- improvements in sanitary-phyto-sanitary management (SPS),
- knowledge and capacity building support for improving capacity for managing trade.

#### Component 2: Regional Connectivity Improvement

- improvement of Nagdhunga-Naubise-Mugling road to a 2-lane standard
- upgrading of the Kamala-Dhalkebar-Pathlaiya road from 2-lane to 4-lane,
- implementation of a safety corridor demonstration program

#### Component 3: Institutional Strengthening

- periodic maintenance program covering 5,000 lane-km of roads with high traffic within the Strategic Road Network.

## Trade Facilitation Component

The Trade Facilitation Component is designed to enhance the government's capacity to for trade facilitation by providing technical assistance to the key trade-related institutions,

- Ministry of Industry, Commerce and Supply (MoICS)
- Ministry of Agriculture and Livestock Development (MoALD)

### Objectives

- Improve transport efficiency on selected project corridors and strengthen infrastructure and institutional capacity
- Reduce time and costs of transport and trade facilitation, increase safety and resilience of road improvements and enhance market access,
- Improve Nepal's transport and trade connectivity with its neighbors India and China and also Bangladesh and Bhutan

## Contd.....

Trade Facilitation component will be developed at existing selected ICD sites: Biratnagar, Birgunj and Bhairahawa.

1. The level and quality of border infrastructure will be improved in select locations
2. Selected labs will be enhanced with equipment and/or accreditation to enhance market access for agricultural commodities
3. Access roads sections will be improved for better linkage to transport and the trade (Biratnagar ICD/ICP)
4. The parking yards around ICDs will be further expanded and improved to enhance the connectivity and trade, and
5. Capacity will be enhanced through training and facilitation.

## Key highlights of Environmental and Social Impacts

### Environmental Impacts

#### Sub-component

- Improvement of the level and quality of border at select locations
- Enhancement and Improvement of Selected labs with equipment and/or accreditation to enhance market access for agricultural commodities
- Improvement of the access roads for better linkage to transport and the trade (Biratnagar ICD/ICP)
- Expansion and Improvement of parking yards around ICDs

#### Potential Environmental Impacts

- Temporary Noise and air pollution during construction/demolition
- Potential noise pollution during operation
- Accidental pollution of air, soil and/or water from imported and exported products that are contaminated
- Improper disposal of chemical re-agents used in laboratory analysis and other solid waste from the laboratory affecting surface/groundwater
- Potential increase in local flooding and/or water logging from hard built surfaces with reduced percolation of floodwater
- Occupational Health and Safety Issues during construction and operation of trade facilities/infrastructure
- Improper disposal of construction wastes affecting land and/or water resources
- Change in land use from initial uses as agricultural or other subsistence activities.

### Social Impacts ....

#### Sub-component

- Improvement of the level and quality of border at select locations
- Enhancement and Improvement of Selected labs with equipment and/or accreditation to enhance market access for agricultural commodities
- Improvement of the access roads for better linkage to transport and the trade (Biratnagar ICD/ICP)
- Expansion and Improvement of parking yards around ICDs

#### Potential Social Impacts

- Economic Displacement of households
- Loss of private immovable assets
- Loss of source of livelihood
- Loss of common property resources
- Potential increase in labor influx
- Pressure in Civic amenities
- Community health and safety impacts
- potential increase in gender-based violence (GBV)
- Trafficking
- Child Labor/Force Labor

## Regulatory Requirements and other Considerations

### Regulatory Contd...

#### GoN Existing Environmental Acts, Policies and Regulations

- Environmental Policy (NEP) 2076(2019) and Action Plans, The Environment Protection Act (EPA), 2019, Environmental Protection Regulations, 2054 BS (1997; Amendment, 2017), Forest Act, 2049 BS (1993), National Parks and Wildlife Conservation Act, 2029 BS (1973) etc.

#### GoN Applicable National Social Laws and Regulations

- Local Government Operation Act, 2017, 14<sup>th</sup> Plan (2016-2019) & 15<sup>th</sup> Development Plan and Action Plans, Labour Act, BS 2074 (2017), Labour Regulations (2019), Land Acquisition, Resettlement and Rehabilitation Policy, 2015, Land Acquisition Act, 2034 (1977 AD) with amendment in 2018 (2075 BS), National Foundation for Development of Indigenous Nationalities Act, 2058 BS (2002 AD) etc.

#### Key international Conventions where GoN is Signatory

- Convention on Biological Diversity (CBD), 1992, ILO Convention on Indigenous and Tribal Peoples, 1989 (No.169), Ramsar Convention on Wetlands, Basel Convention, 1989

#### The World Bank's Environmental and Social Framework (ESF)

- 9 out of 10 (except 9<sup>th</sup> Financial Intermediaries) Environmental and Social Standards (ESS) of the World Bank are relevant in context of this Project

## Specific Impact Management Plans

- Environment and Social management Framework (ESMF)
- Resettlement Policy Framework (RPF)
- Indigenous People Planning Framework (IPPF)
- Stakeholder Engagement Plan (SEP)

### Environment and Social management Framework (ESMF)

- The ESMF serves as a guideline and sets out principals, rules and procedures to screen, assess, manage and monitor the mitigation measures of environmental and social impacts.
- The environmental and social impacts refer to:
  - any change, potential or actual, to the physical, natural or cultural environment,
  - impact on people (including social aspects of labor, health, safety, IPs disadvantaged and vulnerable groups, equity and security) resulting from the project implementation.
- This ESMF forms part of the comprehensive environmental and social management approach that is adopted for addressing potential environmental and social impacts. In line with ES Requirements of GoN and applicable 9 out of 10 Environmental and Social Standards (ESS) of WB the ESMF defines:
  - The approach for identifying the environmental and social issues associated with the SRCTIP-trade component activities,
  - The requirements for conducting environmental and social screening and environment and social assessment studies, and
  - Measures to avoid, minimize, mitigate and manage adverse impacts and enhance positive ones.

### ESMF Contd.....

- The ESMF has included a gap analysis between the GoN requirements vis-à-vis ESF. The analysis indicated that each World Bank ESS has counterpart country legislations except that some of these legislations are not formally covered in the EIA scope and process.
- These gaps are addressed in this ESMF to meet the requirements of the ESF, including the preparation, adoption and implementation by MoICS and MoALD of the RPF, IPPF, Stakeholder Engagement Plan, Labor Management Procedures and the Environmental and Social Commitment Plan.
- A Project Coordination Unit (PCU) will be established within MoICS/MoALD.
- The PCU will be responsible for the day-to-day implementation of the component and for coordinating with the Department of Roads and other the relevant implementing ministries/agencies.
- The PCU will have Project Director, a full-time Project Coordinator and a Finance Specialist. The PCU will also recruit Specialists/Consultants for procurement, environmental and social safeguards, OHS and engineers.
- The PCU will also hire Construction Supervision Consultant to oversee and supervise civil works.

### ESMF Contd.....

The Environment and Social Management Framework is structured along the lines:

- Chapter 1: Introduction
- Chapter 2: Over-view of the Project Area
- Chapter 3: Regulatory and Legal Framework
- Chapter 4: Potential Environmental and Social Impacts
- Chapter 5: Environmental and Social Management Process for the SRCTIP
- Chapter 6: Generic Environment Management Measures / Codes of Practice
- Chapter 7: Stakeholder Engagement Framework
- Chapter 8: Institutional Arrangements (including monitoring and reporting).
- Annexure

## Resettlement Policy Framework (RPF)

- This RPF has prepared relevant strategies in full compliance with Government of Nepal (GON) Acts and policies, and The World Bank Environmental and Social Standard (ESS) 5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement
- Land acquisition is not expected under the Trade component as land already acquired by the GoN, however, physical and/or economic displacement may be required.
- The RPF has been developed at this stage of the project provides policy, strategy, process and procedures to be applied to meet the needs of the people who may be affected by the project
- Resettlement Action Plan (RAP) will be developed when the relevant feasibility studies as well as environmental and social studies are conducted during the detail design phase and resettlement impacts are known

## RPF Contd....

- SRCTIP-Trade Facilitation component, sub project activities are not expected to require Land acquisition, Relocation of any communities or groups ,Impacts to any cultural heritage or practices
- However, Squatters, encroachers and street markets may exist within the project influence area, some land may be temporarily required, such as for labor camps, and for stockpiling of construction materials.
- Construction-induced impacts may occur during the construction phase, which will be mitigated
- This RPF recommends meaningful public consultation activities and information dissemination to affected people (APs)
- A project-level grievance redress mechanism will be established which will allow affected persons and other related stakeholders to appeal any disagreeable decisions
- A PCU will be established within MoICS/MoALD. The PCU will be responsible for the overall planning, budgeting, approval and implementation of the RAP of the sub-project

## Indigenous People Planning Framework (IPPF)

- This IPPF has prepared relevant strategies in full compliance with Government of Nepal (GON) policies and with Environmental and Social Standard (ESS) 7: Indigenous People
- This IPPF provides policy, strategy, process and procedures to understand project impacts on Indigenous Peoples (IPs) under the SRCTIP-Trade Facilitation Component,
- Adhering to this framework the project/sub project should develop Indigenous People Development Plan (IPDP). This will be identified during the project screening and ESA (if any)
- The SRCTIP-Trade Facilitation Component is not expected to:
  - Require the acquisition of any land of IP communities
  - Relocate any IP communities from their location
  - Have any significant impact on the cultural practices of IP communities
- No FPIC required however, this IPPF recommends meaningful public consultation activities and information dissemination to Indigenous People
- Specific sites and subprojects have not been selected yet some of the construction-related impacts might expected on Indigenous Peoples (IPs) and IP communities although the scale is expected to be manageable

## IPPF Contd.....

- Also, based on experience in Nepal, occupational and community health and safety, labor influx, gender-based violence, child and forced labor and poor labor and working conditions of workers are the some of the anticipated impacts that equally impact on the IP communities if any.
- The PCU will prepare an Indigenous People Development Plan (IPDP) if it is determined that the sub project will have significant impacts on IPs.
- Specific implementation measures for indigenous peoples cover the development and implementation of various strategies such as inclusion, program planning and capacity development etc.
- Regular monitoring of IPDP implementation will be conducted by the PCU E&S Team
- A project-level grievance redress mechanism will be established which will allow affected persons and other related stakeholders to appeal any disagreeable decisions
- A PCU will be established within MoICS/MoALD. The PCU will be responsible for the overall planning, budgeting, approval and implementation of the RAP of the sub-project

## Stakeholder Engagement Plan(SEP)

- SEP has been developed to ensure the process of continuous interaction with the project stakeholders in the course of preparation and implementation of the SRCTIP-Trade Facilitation Component .
- This process is essential for the Project's successful planning, implementation, the effectiveness of the Project
- Through this SEP MoICS and MoALD, demonstrates its openness, responsiveness and willingness to embark on the constructive dialogue with its stakeholders as per the prevailing law of Nepal as well as the World Bank Environmental and Social Standard (ESS) 10: Stakeholder Engagement and Information Disclosure.
- SRCTIP-Trade Facilitation Component emphasizes the significance of close involvement of the communities and their representatives in the Project Area of Influence via the process of informed consultation, participation and good faith negotiation throughout the Project lifecycle.
- To achieve this, the SEP is intended as a public document that is open for discussion with the stakeholders and will be subject to regular revision to remain up-to-date and to reflect outcomes of the continued engagement

## SEP Contd....

- The SEP consists of the following elements:
  - Outline of the potential environmental and social issues associated with the Project and stakeholder need
  - Identification of the SRCTIP-Trade Component Stakeholders and their analysis
  - Stakeholders mapping and stakeholder engagement plan summary proposed stakeholder engagement activities and methods for future engagement
  - Strategies for information disclosure communication and consultations methods vulnerable groups, indigenous people and resettlement planning process
  - Stakeholders engagement management system
  - Grievance Mechanism enabling the lodging and addressing of complaints from the stakeholders
  - Indicators for monitoring and reporting
  - Roles responsibilities and resources to ensure effective implementation of the SEP at various phase
- PCU established within MoICS/MoALD invites its stakeholders to take part in ensuring that this SEP functions as a live interactive document and welcomes feedback on the proposed process of engagement.

<p>Questions and Answer Session</p>	<p>Key-messages/Next Steps</p>
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**Annex 1.3- Photographs**



**Picture 1: Glimpse of Stakeholder Consultation**



**Annex 1.4- List of Participants**

Government of Nepal  
 Ministry of Industry, Commerce and Supplies  
 Nepal Intermodal Transport Development Board  
 Kapatol, Lalitpur

**Title: Strategic Road Connectivity and Trade Improvement Project (SRCTIP)- Trade Facilitation Component  
 Stakeholders Consultation and Disclosure Workshop**

**ON**  
 Environment and Social Management Framework (ESMF), Resettlement Policy Framework (RPF), Indigenous People Planning Framework (IPPF) and  
 Stakeholder Engagement Plan (SEP)

Date: 2 March 2020 (19 Falgun 2078) Time: 13:00 HRS  
 Venue: Meeting Hall, NIRTTP (PCO)

**ATTENDANCE SHEET**

S.N.	Name	Designation	Office/Firm	Contact No./Email	Signature
1	Mahesh Acharya	Joint Secretary	MOICS	974222672	[Signature]
2	Yubak Dangol	Director	NITDB	9841809649	[Signature]
3	Mahesh Chandra Acharya	SPPD	PQPMC, NAWA	9853066222	[Signature]
4	Aman Chitrakar	Senior Divisional Engineer	DOAW	9841539233	[Signature]
5	Dr. Nid Nath Gautam	Senior veterinary officer	DLS	9851227205	[Signature]
6	ISHWAR B. GURUNG	ECM	NEPAL FREIGHT FORWARDER ASSOCIATION (NEFFA)	9851027020	[Signature]
7	Rajendra Prasad Choudhary	Director	Department of Customs	9843661844	[Signature]
8	Prakash Poudel	GIS	NIRTTP/NITDB	9851109548	[Signature]
9	Dr. Mahesh Prasad Poudel	Sr. Agr. Economist	Department of Agriculture	9845684896	[Signature]
10	Tulsi Pokhrel	Joint Manager	NTWCL	9841754751	[Signature]
11	Deependra Kalle	Secretary	NWC	9851247748	[Signature]

Resettlement Policy Framework: SRCTIP-Trade Facilitation Component

12	Yubraj Satyal	Env. Expert	DOR-DCID	984135202	
13	Rama Suresh	Sociologist	DOR-DCID	9841292143	By: S
14	Prabhat Anand	Env. Engineer	WB	985705332	
15	Hari Bhatnagar	Social Scientist	WB	9841897851	
16	Arjun Aryal	Env. Safe Consultant	NRAB	9851030787	
17	Rajni Sharma	NGPPA IPI		9851020211	
18	Mohan Kr. Malanjan	S.E.R.O.	DPAC	981196333	
19	Bhupendra Sharma	DoEnv.	Department of Environment	984174519	
20	Aishya Shrestha	C.O.	NETDB		
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**Annex 1.5 Outline of RAP**

Chapter No.	Chapter Title	Sections
1	Project Description	
2	Summary of Project Impacts	2.1 Project Components and Activities Causing Displacement 2.2 Sphere of Impact (temporal and spatial) of Components/Activities Causing Displacement 2.3. Considerations for Avoidance and Alternatives Considered 2.4 Minimization of Impacts 2.5 Project imposed restrictions on use of or access to land and natural resources
3	Objectives of Resettlement Program	3.1 The main objectives of the resettlement program. 3.2 Eligibility Criteria for compensation and resettlement/livelihood assistance
4	Socio-Economic Baseline of Project Affected Households	4.1 Demographic Features 4.2 Livelihood patterns and practices 4.3 Land Tenure and access to natural resources 4.4 Labor and production systems 4.5 Standard of Living 4.6 Health Status 4.7 Income and Expenditure pattern 4.8 Institutional Linkages 4.9 Cultural Characteristics 4.10 Social networks 4.11 Vulnerable Groups
5	Legal Framework	5.1 Applicable legal and administrative procedures of GoN and WB for RP 5.2 Valuation Methodology and timing of payment 5.3 Gaps between local laws and ESS-5 5.4 Mechanism to Bridge the Gap
6	Institutional Framework	6.1 Organization Structure and agencies responsible 6.2 Institutional Capacity Analysis 6.3 Capacity Building and Training Requirements
7	Community Participation	7.1 Description of Consultation Strategy 7.2 Summary of views expressed 7.3 Resettlement alternatives presented and choices made by displaced persons 7. 4 Institutional arrangements for continuing participation
8	Resettlement Activities	8.1 Site-selection and Relocation 8.2 Compensation disbursement 8.3 Transitional assistance. 8.4. Integration with host populations 8.5 Support for alternative livelihoods 8.6 Consideration of economic development opportunities
8	Implementation Schedule	Provide schedule considering overall construction schedule of the project.
9	Costs and Budget	Propose item wise budget and cost estimation
10	Grievance Redress Mechanism	Propose suitable mechanism for GRM

Resettlement Policy Framework: SRCTIP-Trade Facilitation Component

11	Monitoring and Evaluation and Adaptive Management	11.1 Monitoring Mechanism 11.2 Monitoring Indicators 11.3 Monitoring Reports 11.4. Key Indicators for Evaluation 11.5 Evaluation Schedule and Reporting 11.6 Arrangements for adaptive management 11.7 Completion Audit and Closure
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