

Resettlement Planning Document

Resettlement Plan for Phidim – Taplejung Subproject

Document Stage: Final Project

Project Number: 37266 November 2008

Road Connectivity Sector I Project

Prepared by Ministry of Physical Planning and Works, Department of Roads

The resettlement plan is a document of the recipient. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

TABLE OF CONTENTS

Executive Summary	1
A. Description of the Project	1
B. Project Area and Impacts	1
C. Resettlement Principles and Policy Framework	2
D. Stakeholders' Participation and Disclosure of RP	3
E. Implementation Framework and Budget	3
F. Monitoring & Evaluation	4
1. THE PROJECT BACKGROUND	5
1.1. PROJECT DESCRIPTION	5
1.2. PROJECT BENEFITS AND IMPACTS	7
1.3. MEASURES TO MINIMIZE IMPACT	9
1.4. OBJECTIVE OF THE RESETTLEMENT PLAN	9
2. THE PROJECT AREA: SOCIO-ECONOMIC PROFILE AND SURVEY	10
2.1 THE PROJECT AREA.....	10
2.2 SOCIO-DEMOGRAPHIC PROFILE	10
2.3 ECONOMIC PROFILE	11
2.4 POVERTY STATUS.....	11
2.5 AFFECTED PERSONS SURVEY	11
2.6 SOCIAL PROFILE OF THE AFFECTED HOUSEHOLDS	12
2.6.1 <i>Literacy and Education</i>	12
2.6.2 <i>Average Age Group</i>	14
2.7 ECONOMIC PROFILE	14
2.7.1 <i>Occupational Background of the Households</i>	14
2.7.2 <i>Average Annual Income and Poverty Status</i>	15
2.7.3 <i>Main Income Earners</i>	16
2.8 GENDER IMPACTS OF THE SUBPROJECT	16
2.8.1 <i>Gender Status</i>	17
2.8.2 <i>Education Status of Women</i>	17
2.8.3 <i>Ownership of Property</i>	17
2.8.4 <i>Women's Work Participation</i>	18
2.8.5 <i>Mobility Pattern</i>	18
2.8.6 <i>Decision Making Status</i>	18
2.8.7 <i>Subproject's Impact on Women</i>	19
2.9 TYPES OF PROJECT IMPACTS AND APS	19
2.9.1 <i>Impact on Socially Vulnerable Groups</i>	20
2.10 IMPACT ON RESIDENTIAL STRUCTURES	21
2.10.1 <i>Construction Type of Affected Residential Structure</i>	21
2.10.2 <i>Extent of Loss</i>	21
2.10.3 <i>Extent of Loss of Residential Structures by Vulnerable Households</i>	21
2.10.4 <i>Legal Ownership of the Residential Structures</i>	21
2.10.5 <i>Relocation and Rehabilitation Measures for Residential Structures</i>	22
2.11 RESIDENTIAL CUM COMMERCIAL STRUCTURES	22
2.11.1 <i>Construction Type of Affected Residential cum Commercial Structures</i>	22
2.11.2 <i>Extent of Loss</i>	22
2.11.3 <i>Extent of Loss by Vulnerable Households</i>	22
2.11.4 <i>Legal Ownership of the Affected Residential cum Commercial Structures</i>	22
2.11.5 <i>Relocation and Rehabilitation Measures</i>	23
2.11.6 <i>Loss of Land</i>	23
2.12 COMMON PROPERTY RESOURCES	24
3 RESETTLEMENT POLICY FRAMEWORK AND ENTITLEMENT MATRIX	25
3.1 INTRODUCTION.....	25
3.2 POLICY FRAMEWORK: REVIEW OF NATIONAL POLICY AND ADB REQUIREMENTS	25
3.2.1 <i>Legal Framework</i>	25

3.2.2	<i>Current Resettlement Practice in Nepal</i>	26
3.2.3	<i>ADB Resettlement Policy</i>	26
3.3	DIFFERENCE BETWEEN ADB POLICY ON RESETTLEMENT AND GON LEGAL FRAMEWORK	27
3.4	RESETTLEMENT PRINCIPLES & ASSISTANCE	28
3.5	ACQUISITION OF LAND/PROPERTIES AND VALUATION.....	28
3.5.1	<i>Disposal of Acquired Properties</i>	28
3.6	THE ENTITLEMENT MATRIX.....	29
3.6.1	<i>Compensation for Loss of Land</i>	29
3.6.2	<i>Compensation for Structures (residential/ residential-cum-commercial) and Other Immovable Assets</i>	30
3.6.3	<i>Assistance for Tenants</i>	30
3.6.4	<i>Income Restoration Assistance</i>	31
3.6.5	<i>Re-building / Restoration of Community Resources/Facilities</i>	31
4	CONSULTATION AND STAKEHOLDER PARTICIPATION	35
4.1	INTRODUCTION.....	35
4.2	METHODS OF PUBLIC CONSULTATION	35
4.3	CONSULTATION – SCOPE AND ISSUES	36
4.3.1	<i>Scope of Consultation</i>	36
4.3.2	<i>Feedback from the Consultations</i>	36
4.4	DISCLOSURE OF RP	37
4.5	PLANS FOR FUTURE CONSULTATION & COMMUNITY PARTICIPATION DURING PROJECT IMPLEMENTATION	38
5	IMPLEMENTATION FRAMEWORK AND BUDGET.....	39
5.1	INSTITUTIONAL SETUP	39
5.2	PROJECT IMPLEMENTATION UNIT (PIU)	39
5.2.1	<i>Roles and Responsibilities</i>	39
5.3	NON-GOVERNMENT ORGANIZATIONS (NGOs)	41
5.3.1	<i>Role and Responsibilities</i>	41
5.4	GRIEVANCE REDRESS COMMITTEE (GRC)	41
5.4.1	<i>Role and Responsibilities</i>	41
5.5	DESIGN SUPERVISION CONSULTANT (DSC)	42
5.6	RESETTLEMENT IMPLEMENTATION SCHEDULE.....	42
5.7	STAFF TRAINING IN RESETTLEMENT IMPLEMENTATION.....	43
5.8	RESETTLEMENT DATABANK	43
5.9	COST ESTIMATE AND BUDGET	43
5.9.1	<i>Basis Taken for Estimating Land Cost</i>	44
5.9.2	<i>Basis Taken for Estimating Structure Cost</i>	44
5.10	COST CALCULATION	44
6	MONITORING AND EVALUATION	46
6.1	NEED FOR MONITORING	46
6.2	TYPES OF MONITORING.....	46
6.2.1	<i>Internal Monitoring</i>	46
6.2.2	<i>Second Tier Monitoring: External or Independent Monitoring</i>	47
6.3	STAGES OF MONITORING	48
6.4	REPORTING REQUIREMENTS	48

List of Tables

Table 1 Construction Details of the Subproject.....	1
Table 2 Affected Households and APs in Phidim-Taplejung Subproject	2
Table 1.1 Construction Details of the Subproject.....	7
Table 1.2 Number of Affected Land Parcels	8
Table 1.3 Affected Households, AP's and Type of Affected Assets	8
Table 2.1 Social-Demographic Profile of the Project Area Districts	11
Table 2.2 Development Indicators of the Subproject Area Districts.....	11
Table 2.3 Summary of the Affected Households and Affected Families	12
Table 2.4 Affected Households by Ethnic and Caste Group Categories	12
Table 2.5 Educational Status of Affected Respondents.....	13
Table 2.6 Literacy Status of the Respondents by Caste and Ethnic Groups Affected	13
Table 2.7 Literacy Status of Affected Households Respondents	13
Table 2.8 Average Age Group in the Subproject Area.....	14
Table 2.9 Main Sources of Income of Interviewed Households Sources of Income	14
Table 2.10 Breakdown of Economically Active Population by Sex	15
Table 2.11 Average Annual Income of the Affected Households (in NRs.)	15
Table 2.12 Poverty Status by Ethnic/Indigenous and Other Caste Groups	16
Table 2.13 Main Income Earners	16
Table 2.14 Gender Development Index (GDI) in Project Area Districts	17
Table 2.15 Illiteracy Rate in the Subproject Districts	17
Table 2.16 Households with Women's Ownership of Various Property Types	18
Table 2.17 Affected Households and AP's by Type of Loss	19
Table 2.18 Vulnerability Status of the Affected Households Vulnerability Category	20
Table 2.19 Construction Type of Affected Residential Structures	21
Table 2.20 Ownership Status of Affected Residential cum Business Structures	23
Table 2.21 List of Affected Land	23
Table 3.1 Some Difference between ADB Policy and GON Legal Framework.....	27
Table 3.2 Entitlement Matrix	32
Table 4.1 Methods Employed During the Course of Consultations	35
Table 4.2 Consultation Matrix	37
Table 5.1 Resettlement Budget and Cost Estimate	45

List of Maps and Figures

Figure 1.1 Location Map	6
Figure 5.1 Institutional Framework for Resettlement Activities	40

List of Annexes

Annex 1	Typical Cross Sections
Annex 2	Indigenous Population in Nepal
Annex 3	ToR for NGO and External Monitor
Annex 4	Schedule for Land Acquisition

Glossary of Terms

Chief District Officer	Chief Administrative of the District having overall responsibilities of looking after the District administration and law and security.
<i>Dalit</i> (Schedule Caste Group)	Dalit is commonly known as untouchable in Nepalese society. They are from the so called lowest caste in the Hindu caste hierarchy. Basically, they belong to occupational and artisan group. Dalit Commission has defined dalit as, "the community discriminated on the basis of caste and marginalized in terms of social, economic, educational, political and religious sectors." The Dalit caste has further been divided into different groupings in accordance with the type of work the groups are limited to. For example, communities engaged in tailoring, or playing musical instruments, or communities involved in washing clothes, or in making clay pots, or working with metal will be given different family names in accordance to the type of work they do.
District Development Committee	District level development unit to be chaired by District level elected leader
Feeder Road	Feeder roads are secondary nature in the hierarchy of the road networks in Nepal.
<i>Janajati</i> (Ethnic/Indigenous People)	In Nepal, nationalities/tribal people are also called ethnic groups or indigenous ethnic groups because these groups are outside of the hierarchical caste structure. Basically, Nepal's indigenous population consists of two major groups, the Indo-Nepalese, whose ancestors migrated into the country from the south and the Tibeto-Nepalese, whose ancestors entered Nepal from the north. Although intermingling between the two groups has occurred, cultural, linguistic, and religious differences exist both between and within the two groups. Differences within the Indo-Nepalese grouped are marked more by caste (a system of social hierarchy) than by ethnicity. The Tibeto- Nepalese group comprises several different ethnic groups including Bhutia,

	<p>Sherpa, Gurung, Magar, Tamang, Rai, and Limbu people. Basically, the Tibeto-Nepalese are concentrated in the hill and mountain areas and the Indo-Nepalese are concentrated in the Terai plain and inner Terai. As defined by the Nepal Federation for Nationalities, those people having their own mother tongue, distinct traditional values, cultural identities, social structure and written/non-written lineage history are Indigenous and nationalities population and come under the caste of tribal group defined as indigenous and nationalities population.</p>
Land Acquisition and Compensation Fixation Committee	<p>The Committee to be formed under the chairmanship of CDO for acquiring and compensating land and properties based on Land Acquisition Act of Nepal (2034) 1977.</p>
Public Road Directives	<p>The Public Work Directives (PWD), 2002 is prepared by the Ministry of Physical Planning and Works under the Asian Development Bank Technical Assistance No. 3306-NEP Strengthening of Project Implementation Practices. The PWD are intended for use of GON agencies in the implementation of central-level projects and district-level projects carried out by the regional/divisional/district offices of GON. The PWD also incorporate procedures and procurement documents for implementing small projects. Thus local bodies may benefit from adopting many of the contents of the PWD.</p>
Vikram Sambat (V.S.)	<p>Name of year followed as national year in Nepal. VS is approximately 57 years ahead.</p>
Village Development Committee	<p>Local level administrative unit represented by locally elected politicians.</p>

LIST OF ABBREVIATIONS

ADB	Asian Development Bank
AP	Affected Person
BPL	Below Poverty Level
CCV	Community Consensus Valuation
CDO	Chief District Officer
CFC	Compensation Fixation Committee
CPR	Common Property Resource
CRO	Chief Resettlement Officer
DDC	District Development Committees
DHQ	District Headquarters
DoR	Department of Road
DSC	Design Supervision Consultants
EA	Executing Agency
GDI	Gender Development Index
GESU	Geo-environment Social Unit
GoN	Government of Nepal
GRC	Grievance Redress Committee
HDI	Human Development Index
HHs	Households
HPI	Human Poverty Index
IA	Implementing Agency
Km	Kilometers
LACFC	Land Acquisition and Compensation Fixation Committee
IR	Involuntary Resettlement
MRM	Midterm Review Meeting
NGO	Non Government Organizations
NRs	Nepalese Rupees
PD	Project Director
PIU	Project Implementation Unit
PM	Project Managers
PPTA	Project Preparation Technical Assistance
PWD	Public Works Directives
Qty	Quantity
RBC	Reinforced Brick Concrete
RCC	Reinforced Cement Concrete
RCSP1	Road Connectivity Sector I Project
RNDP	Road Network Development Project
RP	Resettlement Plan
SLC	School Leaving Certificate
SLCs	Subproject Level Committees
Sq.m.	Square Meters
SRN	Strategic Road Networks
SRS	Social / Resettlement Specialist
ToR	Terms of Reference
VDC	Village Development Committee
Yrs	Years

Executive Summary of the Resettlement Plan

A. DESCRIPTION OF THE PROJECT

1. The Government of Nepal (GoN) has formulated a 20 Year Road Plan. One of the main objectives of the Plan is development of Strategic Road Networks (SRN). The implementing strategies of the Plan include all weather road connection to the District Headquarters (DHQ) and provision of road linkages from the DHQ to the adjacent road network of the neighboring counties. The strategy adopted by the 20 Year Road Plan is aligned with the priorities set out in the Tenth Five Year Plan (2002-2007) as that plan also gives priority to construct feeder roads and strategic roads connecting north to south.

2. The proposed Project to be funded by ADB under 'sector Grant' envisages construction/up gradation of about 600-700 km of roads in all regions of Nepal. Out of this, a total of three roads have been identified as 'Sample' Subprojects under the RCSP1 Project Preparation Technical Assistance (PPTA) which will be used as 'model' for project preparation for the remainder of the alignments. These three sample Subproject roads comprise of namely (i) Galchhi –Trishuli -Syaphrubesi (ii) Tamakoshi-Manthali-Khurkot and (iii) Phidim -Taplejung. The Department of Roads (DoR) will be the primary agency responsible for Project implementation. In addition, the DoR will also be responsible for preparing Resettlement Plans (RP) for the subsequent Subprojects under the loan. This RP has been prepared for Phidim-Taplejung Subproject under the RCSP1. The brief description of the sample road is given in Table 1.

Table 1 Construction Details of the Subproject

Districts Covered	Length (kms)	Construction Details
Phidim and Taplejung	83.024	Additional roadside structures, slope protection works, bioengineering works, drainage / cross drainage works, pavement construction with DBST sealing

Source: Preliminary Technical Design - June, 2008

B. PROJECT AREA AND IMPACTS

3. The Subproject road passes through the two Districts; namely Panchthar and Taplejung. It will link Kakarbhitta in the East and Mahendranagar in the Far West. One of the direct impacts of the Subproject is the increase in mobility between these areas leading to greater prospects for trade, business and employment. It is anticipated that the implementation of the subproject may bring several positive impacts on the socio-economic scenario of the project districts thereby contributing towards poverty reduction in the area.

4. Based on the Affected Persons Survey data, it is estimated that a total of 68 households with a population of 456 persons will be affected as a result of the Project construction. Altogether 3031.28 sq.m. of land will be acquired for the Subproject. Table 2 provides information on the affected households in the Sub-project area. As envisaged by detailed design drawings and survey, the nature of resettlement impacts in the subproject include (i) Residential Structures (ii) Residential cum Commercial Structures (iii) other temporary impacts like loss of tenancy and loss of business.

Table 2 Affected Households and APs in Phidim-Taplejung Subproject

Type of Affected Assets	Total Number of Affected Households		Total Number of Affected Persons	
	PPTA	Detailed Design	PPTA	Detailed Design
Land only	-	45	-	301
Residential Structures	17	1	90	7
Residential cum Commercial Structures	15	1	90	7
Temporary Movable Commercial Kiosks	9	0	54	-
Tenants of Residential Structures	6	0	36	-
Tenants of Residential cum Commercial Structures (absentee)	1	2	6	14
Absentee's Land	-	19	-	127
Total	48	68	276	456

Source: Affected Persons Survey, May-June 2008

5. The structures affected as a result of the project will mainly suffer loss of frontage and house extensions. Discussions were undertaken with these affected households, wherein they expressed the willingness to adjust and restore their structures on their own, in most cases in their remaining land if they are given fair and adequate compensation for their loss.

6. The Affected Persons Survey identified affected households that will undergo insignificant loss of their productive assets or will lose their income source as a result of the project construction. All the income related losses arising out of the project are temporary in nature and will be compensated for under the RP as per the Entitlement Matrix.

7. The updated RP is based on detailed design. This updated RP is prepared for implementation purposes by the Implementing Agency (IA). The ADB will need to approve this report prior to award the contract.

C. RESETTLEMENT PRINCIPLES AND POLICY FRAMEWORK

8. The resettlement principles adopted for this Project recognize the Land Acquisition Act, 2034 (1977) and the requirements of the Asian Development Bank (ADB) policy on Involuntary Resettlement. In addition to the Land Acquisition Act, 2034 (1977) there are also other relevant acts, like Public Road Act, 2031 (1974) and other guidelines, policies and plans related to land acquisition and resettlement for roads which were also reviewed while preparing this RP.

9. The primary objective of the RP is to identify impacts and to plan measures to mitigate various losses of the Subproject. The RP is based on the general findings of the Affected Persons Survey, Baseline Social Survey, field visits, and meetings with various project-affected persons in the Subproject area. The resettlement principles were adopted to establish eligibility and provisions for all types of project losses (land, structures, business/employment, and work days wages). Taking into account the various losses, the Entitlement Matrix provides for compensation and resettlement assistance to all affected persons and businesses, including the informal dwellers/squatters in the project corridor of impact.

10. Under the RP, compensation for lost assets will be paid at full replacement costs based upon the GON norms and in compliance with ADB guidelines. In addition to payments from the Chief District Officer (CDO), the APs will receive other cash grants and resettlement

assistance such as shifting allowance, compensation for loss of workdays / income due to dislocation and income restoration assistance. Female-headed households and other vulnerable groups will be eligible for additional assistance.

D. STAKEHOLDERS' PARTICIPATION AND DISCLOSURE OF RP

11. Local level stakeholders were consulted at different sections of the sample Subproject road while conducting social and poverty assessment and social impact assessment. Similarly, due consideration was also given to stakeholder consultations and community participation at different levels in the process of preparing this Resettlement Plan. Interactions with the local people were carried out during field reconnaissance surveys and Baseline Social Survey in different sections of the Subproject. Local people's awareness about the project, their perceptions as to the advantages and disadvantages of the project as well as their suggestions for successful implementation of the project were some of the major themes of discussion in the consultations. Likewise, consultations were also carried out within the Affected Households about the project's activities and likely resettlement impact

12. A summary Resettlement Plan (RP) has been translated into Nepali and made available to the affected people by Department of Roads (DoR) through respective District Development Committees (DDCs). The Implementing Agency (IA) will further conduct public consultation during the implementation of RP throughout the project implementation period. The approved RP will also be disclosed on the ADB website.

E. IMPLEMENTATION FRAMEWORK AND BUDGET

13. The Ministry of Physical Planning and Work (MoPPW) will be the Executing Agency (EA) and Department of Roads (DoR) will be the Implementing Agency (IA) for this project. A Project Implementation Unit (PIU) headed by the Project Director (PD) will be established, which will be responsible for the overall execution of the Project. The PD will engage local NGO/s for implementation of the Resettlement Plan and activities. The IA will depute an officer as the Social / Resettlement Specialist (SRS) in charge of the land acquisition and resettlement operations, who will report to the Project Director. He/she will work in close coordination with the respective Divisional Offices under DoR, Subproject offices/ field-based offices and Project NGO/s on the day-to-day activities of the Resettlement Plan implementation. A Social Development/Resettlement Specialist from the Design Supervision Consultants (DSC) will support the SRS in further minimizing the resettlement impacts based on detailed design and assist in supervision and coordination of all activities related to resettlement implementation. It may not be possible to recruit an Officer in Charge of Land Operations because there is a severe shortage of competent qualified staff in Nepal for these positions.

14. Therefore it may be necessary to entrust these responsibilities to the DoR (ADB) Project Manager for the Subproject who has the rank of Senior Divisional Engineer.

15. The IA will establish subproject level offices for the sample roads headed by officers with the rank of Senior Divisional Engineer. At the Subproject level, Subproject Level Committees (SLCs) will also be established with representations from APs, political parties, vulnerable groups, business community and local NGOs. These SLCs will assist the Subproject Office and NGOs in informing people about the likely resettlement impact and solicit views of the affected people regarding compensation and relocation options.

16. The SRS, through the Subproject Office/field offices, Subproject level committees, Chief District Officers (CDO) of the respective districts and Project NGO will execute and monitor the progress of the work. He will ensure coordination between the relevant departments, NGO, the Grievance Redress Committee (GRC) and the Affected Persons (APs). The concerned staff at the Headquarters and in the Subproject Office / field offices related to the Project's resettlement activities, including CRO, Land Revenue Department officials and NGO staff will undergo a week-long orientation and training in resettlement policy and management prior to the implementation of resettlement activities.

17. The Grievance Redress Committee (GRC) will be constituted as per the legislative provision made in Clause 11 and 13 under Land Acquisition Act of Nepal, 2034 (1977). The Act assigns CDO as the solely responsible person to chair land acquisition activities and to address the grievances related to the RP implementation activities. The other member of the committee are VDC Chairpersons, two representatives from APs (one man and one woman), local representatives, NGOs and representatives from DoR with the rank of Divisional Engineer. The Social / Resettlement Specialist (SRS) or his nominee, a field-based Engineer, will be the member-secretary of the committee and shall act as the Project's Grievance Officer. Normally, all the efforts are made to address the grievances at the local level in close consultation with the APs.

18. The estimated resettlement budget for the implementation of this RP is NRs 2,892,328 (US\$ 41,608 @ NRs 68). This includes all costs related to compensation for structures, land and other benefits as per the entitlement benefits, plus RP administration costs, and training/capacity buildings.

F. MONITORING & EVALUATION

19. The RP will have both internal and external monitoring. Internal Monitoring will be a regular activity for PIU who will oversee the timely implementation of Resettlement and Relocation activities through their Subproject Office /field offices and NGOs. The Department of Roads will establish a quarterly monitoring system and prepare progress reports on all aspects of land acquisition and resettlement activities. Quarterly reports on RP implementation will be submitted by DoR to ADB. The RP implementation activities will be monitored internally by DoR, and evaluated externally once in six months through an independently appointed agency, which will provide feedback on RP implementation to both EA/IA and to ADB. External monitors will be hired by the DoR with ADB concurrence within three months after loan approval. A set of monitoring indicators and terms of reference for the external evaluation agency has been developed and included in the RP.

1. THE PROJECT BACKGROUND

1.1. Project Description

20. The Government of Nepal (GON) has formulated a 20 Year Road Plan with the main objective of developing Strategic Road Networks (SRN). Some of the specific objectives of the 20 Year Road Plan include (i) strengthening political and administrative linkages (ii) poverty alleviation (iii) development and utilization of social, economic and cultural potentials (iv) minimization of total transportation cost and (v) minimization of adverse effects on the environment. The implementing strategies of the Plan also include connecting district headquarters and providing road linkages between district headquarters and the adjunct road network of neighboring countries. The strategy adopted by the 20 Year Road Plan aligns with the priority set forth by the Tenth Five Year Plan (2002-2007) and gives attention to the construction of low cost feeder roads and strategic roads connecting north to south.

21. The objective of the Road Connectivity Sector I Project - Nepal (RCSP1) is to provide assistance to GON in the improvement of feeder roads connectivity to rural areas and to increase the capacity and efficiency of the road networks in the country. The proposed Project to be funded by ADB under 'sector Grant' envisages construction / improvement of about 600-700 km in all regions of Nepal. Out of this, a total of three roads have been identified as 'sample' Subprojects under the RCSP 1 Project Preparation Technical Assistance (PPTA) which will be used as "model" for project preparation for the remainder of the alignments. These three sample Subproject roads are (i) Galchhi – Trishuli -Syaphrubesi (ii) Tamakoshi –Manthali -Khurkot and (iii) Phidim -Taplejung. The Department of Roads (DoR) will be the primary agency responsible for Project implementation. In addition, the DoR will also be responsible for preparing Resettlement Plans (RP) for the subsequent Subprojects under the loan. Figure 1.1 provides a map of the Subproject road.

Figure 1.1 Location Map

22. This Resettlement Plan (RP) has been prepared for the improvement of Phidim - Taplejung Subproject road, with a total length of 83.024 km.. The major activities to be carried out under RCSP1 include (i) drainage improvement, (ii) minor realignment of the Subproject road and (iii) pavement improvement and minor widening. A description of the selected sample road Subproject is provided in Table 1.1. The existing road centerline has been generally maintained in the detailed design, which minimizes resettlement while still meeting the minimum geometric standards of the feeder roads. The need to shift the road centerline to minimize resettlement, particularly at locations where the affected structures fall along only one side has been considered. Further reduction in the corridor of impact may be possible through modification of wall and drain sections by adopting types that require least width in plan.

Table 1.1 Construction Details of the Subproject

Districts Covered	Length (kms)	Construction Details
Panchthar and Taplejung	83.024	Additional roadside structures, slope protection works, bioengineering works, drainage / cross drainage works, pavement construction with DBST sealing

Source: Detailed Design - June, 2008

1.2. Project Benefits and Impacts

23. The Subproject road passes through the two Districts; namely Panchthar and Taplejung. It will link Kakarbhitta in the East and Mahendranagar in the Far West. The 0+000 chainage of the Subproject is located approximately 145 km north from Chaaraali on the East-West Highway. A direct impact due to connecting the Subproject Districts with Kathmandu and the Indian border would be an increase in mobility between these areas leading to greater prospects for trade, business and employment. It is anticipated that the implementation of the Subproject may bring positive impacts to the socioeconomic scenario of the project districts thereby contributing to poverty reduction. The project will also create employment opportunities during construction period and enhance the scope of economic development in the area by the development of market centers. This will facilitate the sale and transfer of local products such as Cardamom, broom grass, milk products, herbal products, handmade paper and woolen products to different parts of the country. Easier transportation will enable increased import/export of goods to the project Districts. In addition, it is envisaged that the project will contribute towards an increase in land prices along the road as well as enabling other infrastructure development and economic diversification activities.

24. The road is aligned along the existing road. An average available width of existing road is 5.5 meters. The detailed design requires a footprint width of 6 – 12 meters in different sections of the road. The acquisition of 3031.28 sq.m will be required for widening the existing road to design width in different sections of the alignment. However, the Subproject construction necessitates minor acquisition, where the existing alignment is insufficient to meet the requirement of new design. Specifically the land will be affected in Nagi, Amarpur, Phidim, Panchami and Bharpa VDCs of Panchthar District and Nangkholyang, Dokhu and Phungling VDC of Rasuwa District. Based on the PPTA Report, none of the households' agricultural land was impacted. The detailed design RP survey measured the land acquisition requirement in different sections along the alignment. A total of 74 land parcels (with and without structures) will be affected. The number of structures has been accordingly substantially decreased in comparison to PPTA. However, the technical design requires strips of land along most of the alignment to widen the road to feeder road standard.

Hence the number of land parcels has increased.

25. Of the total 74 affected land parcels, the number of parcels without structures is 72 and with structures 2. The total number of affected households is 68. Interviewed households were 47 and absentees 21, including 2 tenants.

Table 1.2 Number of Affected Land Parcels

Types of Assets Affected	Land Parcels		Land Area to be acquired (sq.m.)	
	Detailed Design, 2008	PPTA, 2005	Detailed Design, 2008	PPTA, 2005
Land only	72	-	3031.28	647.14
Land with Structures	2	41*		
Total Land Parcels	74	41		

Note: *This figure is reported as number of households in PPTA resettlement report and not as number of parcels.

26. The total population in the 47 interviewed households was 315. The household size was 6.7. The population of absentee land owners is estimated as 141, given an assumed household size of 6.7. The total affected people therefore in the 68 households are 456.

27. The RCSP1 has the objective of avoiding involuntary resettlement wherever possible, by means of adopting an appropriate technical design, which leads to minimization of the resettlement impact. In keeping with this objective. This is achieved by optimizing the utilization of the available space and by avoiding private and public structures and land acquisition as far as possible. However, based on the detailed design, the number of affected structures is decreased and the number of affected land parcels is increased in comparison to PPTA report. Land would be acquired only where the existing alignment is insufficient. Hence, the resettlement impacts for this Subproject are insignificant even though the number of land parcels has increased from the PPTA. The Subproject is likely to entail some resettlement impacts on the structures located in some sections along the corridor. Based on the preliminary technical design and the Affected Persons surveys, the nature of resettlement impacts identified in the Subproject include impacts on; (i) residential structures (ii) residential cum commercial structure and (iii) temporary impacts on business, employment and tenancy. The Subproject will not adversely affect any Common Property Resource (CPR).

28. Based on the Affected Persons survey data, it is estimated that a total of 68 households with a population of 456 persons will be affected as a result of the Subproject construction. Table 1.3 provides information on the affected families in the subproject area.

Table 1.3 Affected Households, AP's and Type of Affected Assets

Type of Affected Assets	Total Number of Affected Households		Total Number of Affected Persons	
	PPTA	Detailed Design	PPTA	Detailed Design
Land only	-	45	-	301
Residential Structures	17	1	90	7
Residential cum Commercial Structures	15	1	90	7
Temporary Movable Commercial Kiosks	9	0	54	-
Tenants of Residential Structures	6	0	36	-
Tenants of Residential cum Commercial	1	2	6	14
Absentee's Land	-	19	-	127
Total	48	68	276	456

Source: Affected Persons Survey, May-June 2008

1.3. Measures to Minimize Impact

29. To reduce the resettlement impact, the detailed design has attempted to minimize the width for the single lane carriageway including hard shoulders and side drains within a 6.5 meter width when ever possible. The detailed design width ranged from 6 - 12 meters in different sections of the road alignment as per the technical requirements. The Design Standards for Feeder Roads (Third Revision, GoN, DOR, 1997) has been followed as the basis for the technical design of this Subproject. Based on these design standards, an average width of 8 m for formation, carriageway and shoulders was estimated in the 2005 PPTA for low trafficked Feeder Roads. However, the number of plots (74) affected as per the new detailed design has increased against the 41 plots estimated by the PPTA, 2005.

30. The other resettlement impacts identified in the Subproject consist of impacts on land with residential structures, residential cum commercial structures and loss of businesses. The detailed design minimized the resettlement impact to 2 structures against the 41 identified by the PPTA, 2005. The impacts on the tenants of the structures are also accordingly reduced. Two tenants were identified at the time of survey.

1.4. Objective of the Resettlement Plan

31. The Resettlement Plan (RP) is guided by the ADB Policy on Involuntary Resettlement, Land Acquisition Act of Nepal, 2034 (1977) and other relevant policies and guidelines related to feeder roads. The main objective of the Plan is to identify impacts and to plan measures to mitigate various losses of the Subproject. The plan also aims to provide an effective guideline to GON and RCSP1 Implementation Management, to address the identified resettlement impact as per the Plan and to ensure that the people and households affected due to resettlement are compensated under the prevailing legal norms of GON in compliance with the ADB guidelines. The RP has been prepared taking into account the general findings of the field reconnaissance survey, hundred percent survey of project affected households and socio-economic baseline survey of 20 percent of the population in the sample road area, field supervision, meetings with line agencies and consultation with various stakeholders in the project area. The RP identifies:

- Type and extent of losses;
- Principles and legal framework applicable for mitigation of losses;
- Entitlement matrix, based on the inventory of loss, Provisions for relocation assistance and restoration of businesses/income;
- Budget and institutional framework for the implementation of the plan; and
- Responsibilities for monitoring of the RP measures.

2. THE PROJECT AREA: SOCIO-ECONOMIC PROFILE AND SURVEY

32. This chapter presents an overview of the project area and an analysis of the impacts based on the Affected Persons Survey conducted in the Subproject area. The main objective of the analysis is to develop the profiles of APs and communities affected by the project along with identification of the nature and types of losses to prepare an inventory of the affected assets.

2.1 The Project Area

33. The proposed Subproject road passes through the two districts of Panchthar and Taplejung. Located approximately 145 km north of the East-West Highway (Chaarali in Jhapa district), the Subproject includes improvement and upgrading of 83 kms of road connecting Phidim and Taplejung districts of eastern Nepal. While the road meets the Phidim-Illam road to the south, it links the two districts of Eastern Development Regions namely, Phidim and Taplejung, to the north. The alignment begins from Damaidhara located at Phidim Bazaar of Panchthar district.

34. Due to its strategic geographical location, passing through hilly areas with several steep grades, the present road stretch leaves no scope for widening of the earthen and poorly graveled road. However, the present alignment and carriageway width are suitable for the anticipated traffic; as a result, no major land acquisition is required in these areas. Yet along certain stretches of the alignment some structural loss is anticipated during construction of the pavements.

35. As shown by the preliminary technical design VDCs/Municipalities being covered under this Subproject are :

<u>VDCs & Municipalities in Phidim-Taplejung Subproject</u>	
a. Panchthar District :	Phidim, Bharpa, Subhang, Panchami, Nagi, & Amarpur VDCs
b. Taplejung District:	Nangkholyang, Dokhu, & Phungling VDCs

Source: Preliminary Technical Design - June, 2008

36. As per the technical design drawings of the road:

- (i) improvement of carriageway of 3.5 m. width
- (ii) upgrading the hard shoulders to 0.5 m. on each side
- (iii) construction of drains with an average 1 m. width as required and construction of retaining walls in some sections to prevent landslides.

37. In some locations, a further 2.5 meters is required for passing bays.

2.2 Socio-Demographic Profile

38. The average family size of the project districts is 5.44 members per family (Survey 2001), which is similar to the national average. Specifically, the average family size in Taplejung is 5.44 whereas it is 5.42 in Panchthar District. However the family size of the interviewed households is found to 6.7 which are higher than both the national and the district figures. A brief social profile of the Subproject districts is given in Table 2.1.

Table 2.1 Social-Demographic Profile of the Project Area Districts

	Population in Number			Percent Total	No. of HHs	Average HH Size	Area in Sq. Km.	Population Density Person/Sq. Km.
	Total	Male	Female					
All-Nepal	23,151,423	11,563,921	11,587,502	-	4,253,220	5.44	147,181	157
Taplejung	134,698	66,205	68,493	0.58	24,764	5.44	3,646	37
Panchthar	202,056	99,042	103,014	0.87	37,260	5.42	1,241	163

Source: National Census, 2001

2.3 Economic Profile

39. The economy of the Subproject districts is primarily based on subsistence agriculture in which agriculture meets the food requirements of the family. There are some commercial enterprises to earn small cash income. Both the project districts lie in hilly topography resulting in large-scale production of maize and millet. In addition, income is generated from cash crops such as cardamom, *Amliso* (broom grass) and ginger (*Aduwa*) that are generally supplied across the border to India. A limited production of paddy is also seen in some parts of the river valley. Dairy products are supplied through co-operatives to the district headquarters and adjoining districts. The districts also witness migration of population to India and the Gulf States in search of employment. Establishment of small-scale enterprises for the production and sale of handmade paper, which is a specialty of the region, also accounts for a sizeable source of income for residents, which are marketed by individual entrepreneurs and cooperatives

2.4 Poverty Status

40. Based on the National Survey, 2001 and Human Development Indicators of Nepal - 2004, poverty status of the Subproject districts is lower than the national level. Among the two districts Human Poverty Index (HPI) in Taplejung is ranked 23rd whereas it is 36 in the case of Panchthar. Table 2.2 provides a synopsis of the development indicators, including poverty index.

Table 2.2 Development Indicators of the Subproject Area Districts

	HDI (Rank)	HPI (Rank)	GDI (Rank)
All-Nepal	0.471	39.6	0.452
Taplejung	0.467 (36)	38.4 (23)	0.451 (36)
Panchthar	0.484 (24)	42.1 (36)	0.472 (24)

Sources: National Survey (2001) report; Nepal Human Development Report 2004 by UNDP: 141-170.

2.5 Affected Persons Survey

41. A survey of the all project-affected households was conducted along the road of sample Subproject stretches in the months of May and June 2008. The main objective was to prepare an inventory of all the affected assets and affected households. Another objective was to estimate the extent of resettlement impacts due to the project implementation and to prepare a Resettlement Plan accordingly for compensating and providing necessary assistance to the eligible affected people based on ADB guidelines and the prevailing law of Nepal. The survey was carried out based upon the detail design drawings. All the structures and assets – both community owned and private falling within design width were classified

as 'affected'. The impact on these affected assets and families was assessed by means of a structured questionnaire and discussions with the APs and other local people during the course of the survey.

42. The survey identified that a total of 68 affected households thereby affecting a total of 456 persons. Impacts will be on residential structures, residential cum commercial structures and loss of tenancy as a result of the Subproject construction. Except for 21 absentee families, consisting of 19 land owners and 2 tenants of Residential cum Business Structure, the remaining 47 households were interviewed. The Summary of the total affected households and affected persons in the Subproject is presented in Table 2.3.

Table 2.3 Summary of the Affected Households and Affected Families

Subproject	Total Affected Households	Total Affected Persons
Phidim – Taplejung Road	68	456

Source: Survey, May – June 2008

43. Of the 68 project affected households in the sub-project area, 18 were identified to be ethnic/Indigenous (*Janajati*) and occupational caste groups (*Dalit*) households and remaining 50 households were of other caste groups. Based on the Affected Persons Survey and field observation the households belonging to *Janajati* and *Dalit* will not be significantly impacted as a result of the subproject. These minority groups are assimilated with other caste groups sharing common social values, norms and culture. Table 2.4 provides a distribution of affected households by ethnic and caste group categories.

Table 2.4 Affected Households by Ethnic and Caste Group Categories

Affected Households by Ethnicity	No. of Affected HHs	Percentage
Ethnic/Endogenous (<i>Janajati</i>) and occupational caste group (<i>Dalit</i>)	18	26
Other Caste Group	50	74
Total	68	100

Source: Affected Person Survey, May-June 2008

2.6 Social Profile of the Affected Households

2.6.1 Literacy and Education

44. Out of the total 68 affected households, the respondents of 40 percent of the households are functionally literate (can read and write). 19 percent of respondents are illiterate. The remaining 41 percent consisted of a mixed group of those with primary, lower secondary, secondary and School Leaving Certificate levels of education. Table 2.5 provides information on the literacy and educational status of the affected households.

Table 2.5 Educational Status of Affected Respondents

Educational Status	Number of Affected Respondents	
	Number	Percentage
Illiterate	9	19
Literate (can read and write)	20	42
Primary	2	4
Lower Secondary	3	6
Secondary	4	9
SLC	0	0
Above SLC	9	19
Total Reported	47 *	100

Source: Affected Persons Survey, May-June 2008

* 19 land owners and 2 tenants of residential cum commercial structures were absent during the survey.

45. In the Subproject area the proportion of *Janajati* and *Dalit* literate respondents is 23.% whereas about 57 percent from other caste groups. Table 2.6 provides breakdown on the literacy status of the affected households by caste and ethnic groups.

Table 2.6 Literacy Status of the Respondents by Caste and Ethnic Groups Affected

Households Type	Literate		Illiterate		Total	
	No.	Percent	No.	Percent	No.	Percent
Ethnic/Indigenous/Occupational Caste Groups	11	23	8	17	19	41
Other Caste Groups	27	57	1	2	28	59
Total	38	81	9	19	47*	100

Source: Affected Persons Survey, May-June 2005

* 19 land owners and 2 tenants of residential cum commercial structures were absent during the survey.

46. In terms of male-female literacy, it was noted that male respondents had better level of education vis-à-vis their female counterparts. The male literacy rate was 57% whereas it was reported to be 43% in case of female respondents. Table 2.7 provides distribution of male female literacy status of the Subproject areas.

Table 2.7 Literacy Status of Affected Households Respondents

No. of Reported HHs	No. of Not Reported HHs	Total Literate Family Members	Male Literates		Female Literates	
			No.	Percent	No.	Percent
47	21*	265	150	57	115	43

Source: Affected Persons Survey, May – June 2008

* * 19 land owners and 2 tenants of residential cum commercial structures were absent during the survey.

2.6.2 Average Age Group

47. With regard to the average distribution of households by age group, more than sixty percent (63 %) of the population fall within the category of 15-60 years whereas 25% were those below 15 years of age.

Table 2.8 Average Age Group in the Subproject Area

Total No. of Reported HHs	Total Family Members	HH Population by Age Group					
		Below 15 Yrs.		15-60 Yrs.		Above 60Yrs	
		No.	%	No.	%	No.	%
47*	315	79	25	198	63	38	12

Source: Affected Persons Survey, May – June 2008

* 19 land owners and 2 tenants of residential cum commercial structures were absent during the survey.

2.7 Economic Profile

2.7.1 Occupational Background of the Households

48. The Affected Persons Survey revealed that the majority of the affected households are by and large dependent on more than one source of income for the fulfillment of their livelihood needs. Agriculture, livestock and wage labour were identified as the main source of livelihood and the major occupations amongst the project affected households. 32 % of the households derive their livelihoods by means of Service/Pension and agriculture business. About 14% are dependent upon agriculture and live stock. Agriculture, including livestock, cottage industry and small business were reported to be the main sources of income of all the affected households. In this sense, there is a clear overlapping with respect to main sources of income amongst the affected households. The distribution of interviewed household in terms of main sources of household income is given in Table 2.9.

Table 2.9 Main Sources of Income of Interviewed Households Sources of Income

Main Source of Income	Affected Households	
	No	Percentage
Agriculture	1	2
Agriculture & Livestock	5	11
Agriculture, Livestock, Service/ Pension & Wage Labor	5	11
Agriculture & Cash Crops	1	2
Agriculture & Business	1	2
Agriculture, Service/ Pension	15	32
Agriculture & Rental of Commercial Structures	1	2
Agriculture & Agriculture Labor	4	9
Cottage Industry	1	2
Cottage Industry and Service	2	4
Business	2	4
Business and Service/Pension	6	13
Wage Labor/ Service/Pension	1	2
Business and Other	2	4
Total HHs Reporting Sources of Income	47	100
Not Reporting	*21	
Total Affected Households	68	

Source: Affected Persons Survey, May – June 2008

* 19 land owners and 2 tenants of residential cum commercial structures were absent during the survey.

49. Out of the total 315 interviewed APs in the Subproject area, 182 or 58% of people consisted of those actively engaged in the above-mentioned income generating activities. Among the total economically engaged population, the number of females actively engaged was 26% in comparison to the 32 % involvement by males. Table 2.10 provides breakdown of the economically active population of the Subproject by sex.

Table 2.10 Breakdown of Economically Active Population by Sex

Total Number of Females involved in Income generation		Total Number of Males involved in Income generation		Total number of APs involved in income generation	
No.	Percent	No.	Percent	No.	Percent
81	26	101	32	182	58

Source: Affected Persons Survey, May – June 2008

2.7.2 Average Annual Income and Poverty Status

50. As an approach to assess the poverty status of the interviewed households, the respondents were asked about the average annual income of their family from different sources. As per the government poverty Assessment Paper, the minimum per capita income required to be above the poverty level in the Subproject districts is NRs. 8069.60. On this basis, the minimum household income to be above poverty level was determined by dividing the average household income by the average family size of the interviewed respondents (6.7) Based on this calculation, the minimum household income to be above the poverty level in the Subproject area was fixed to be NRs. 54,066.

51. Only 6 percent of the interviewed households in the Subproject area were identified to be Below Poverty Level (BPL) in terms of their average annual household income. Table 2.11 provides breakdown of the affected households as per the average annual income range.

Table 2.11 Average Annual Income of the Affected Households (in NRs.)

Income Range	No.	Percent
BPL < NRs. 54,066	6	13
BPL upto 100,000	10	21
> 100,000 – 150,000	16	34
>150,000 – 200,000	11	23
> 200,000	4	9
Total HHs Reporting Sources of Income	47	100
Not Reporting	21	
Total Affected Households	68	

Source: Affected Persons Survey, May – June 2008

* 19 land owners and 2 tenants of residential cum commercial structures were absent during the survey.

52. In the subproject area, only 2 Janajati and Dalit households have been reported as falling under the Below Poverty Level (BPL) Table 2.12 provides breakdown on poverty status of the affected households by ethnic/indigenous/occupational and other caste groups.

Table 2.12 Poverty Status by Ethnic/Indigenous and Other Caste Groups

Poverty Level	Ethnic/Indigenous/ Occupational Caste Groups		Other Caste Groups		Total	
	No.	Percent	No.	Percent	No.	Percent
BPL HHS	2	5	4	8	6	13
Above BPL HHs	16	34	25	53	41	87
Reported HHs	18	39	29	61	47	100
Not Reported					21*	-
Total					68	

Source: Affected Persons Survey, May-June 2008

* 19 land owners and 2 tenants of residential cum commercial structures were absent during the survey.

53. Assistance and appropriate measures have been taken under the RP to ensure adequate compensation and additional assistance to such households.

2.7.3 Main Income Earners

54. In the affected households, both males and females were reported to be active earners. Of the total affected households, about 44 households (94 %) reported that there was equal involvement of males and females in income generating activities. In terms of comparative distribution of male-female involvement in such activities, the involvement of males was reported to be higher than females. This can be primarily attributed to higher proportion of female involvement in the agriculture sector. Table 2.13 presents the distribution of main income earners according to sex.

Table 2.13 Main Income Earners

Income earner				Equal Involvement of Both Male & Female		Not Known		Total	
Male		Female							
No.	Percent	No.	Percent	No.	Percent	No.	Percent	No.	Percent
2	4	1	2	44	94	-	-	47*	100

Source: Affected Persons Survey, May – June 2008

* 19 land owners and 2 tenants of residential cum commercial structures were absent during the survey.

2.8 Gender Impacts of the Subproject

55. Illiteracy, lack of ownership of property, lack of decision-making authority, and extensive involvement in household activities are some of the basic features of female socio-economic status in the Subproject area. With a view to assess different gender related issues and impacts associated with the Subproject, special focus was made during the social impact analysis to look into gender status. Based on a literature review and the findings of focus group discussions during the Social Impact Assessment, some of the key gender indicators and status are discussed below:

2.8.1 Gender Status

56. Gender Development Index (GDI) is calculated based on life expectancy, educational attainment and income in accordance with the disparity in achievement between women and men, and gives an indication of status of women in the society. GDI of both the Subproject area districts is close or slightly higher than the national GDI level of 0.452. The GDI of Taplejung is 0.451 and in Panchthar district is found to be 0.472. The overall GDI of the country is lower indicating gender related discrimination in development achievements. Table 2.14 shows the position of the different Subproject districts in terms of GDI.

Table 2.14 Gender Development Index (GDI) in Project Area Districts

	GDI (Rank)
All-Nepal	0.452
Taplejung	0.451 (36)
Panchthar	0.472 (24)

Source: National Survey (2001) report; Nepal Human Development Report 2004 by UNDP

2.8.2 Education Status of Women

57. Female illiteracy is higher in both of the Subproject districts than the national rate. There is a marginal difference among the female literacy rates among the two Subproject districts.

Table 2.15 Illiteracy Rate in the Subproject Districts

	Total	Male	Female
All Nepal	39.75	28.36	51.06
Taplejung	38.19	27.17	48.73
Panchthar	37.36	26.23	47.94

Source: National Survey (2001) report; Nepal Human Development Report 2004 by UNDP

2.8.3 Ownership of Property

58. Nepal is a patriarchal society, wherein household property is mainly owned by male members of the family. However, there exists some variation within the country, mainly due to cultural reasons. For instance, the empowerment of women within the family is considered high among the indigenous people as compared to other caste groups.

59. Table 2.16 indicates the ownership pattern of various types of assets by women. It is clear that very few women have ownership of household property. For example, at the national level, in only 5% of households do women have ownership of some land and in an equal number of households women have ownership of some livestock. Women's ownership of other properties like houses, and a combination of these assets is extremely low reflecting their weak socio-economic status in the society. However, in the Subproject area women's ownership of land and livestock seems to be higher compared to the national data. This is due to the fact that the area is populated by ethnic communities.

Table 2.16 Households with Women's Ownership of Various Property Types

Women's Ownership	Nepal	Taplejung	Panchthar
Houses only	0.78	0.29	0.48
Land only	5.25	8.06	6.32
Livestock only	5.42	10.04	10.18
House and land only	3.86	5.63	2.88
House and livestock only	0.09	0.16	0.13
Land and livestock only	0.94	2.29	2.21
House, land and livestock	0.78	2.29	1.46

Source: National Survey, CBS, Nepal 2001

2.8.4 Women's Work Participation

60. Women in the Subproject area are extensively involved in farming, cattle rearing and household activities. Women were also reported to be engaged in activities such as vegetable farming and dairy products, mobile traders and settled traders, operating tea and other small shops, thereby playing a key economic role in the households. This can be largely attributed to the large-scale out-migration of the male population to join the Indian and British Army and to other neighboring countries in search of work.

2.8.5 Mobility Pattern

61. In Nepalese society, especially in the rural area, women's mobility is limited to household work, agricultural activities and visiting relatives. However, the mobility of ethnic (Janajati) and indigenous group's women is freer primarily due to their open cultural systems. But the recent trend has been that, irrespective of caste and ethnic group, women in the Subproject districts have reported visiting District Headquarters and nearby markets to process grain in the mills and to sell fruits, vegetables, dairy products and to buy things required in the household. In addition their involvement in several development and social service related activities, such as involvement as Female Community Health Volunteers for the health centers and for the formation and mobilization of women's user committees like Community Forest Users' Group. The Subproject construction is being seen as a factor that will further enhance the mobility pattern of women in the region.

2.8.6 Decision Making Status

62. The interactions and discussions held in the Subproject area brought forth that women are given responsibility to make some decisions in farming, trade and household affairs. Especially among these districts where male out-migration in search of employment is high in comparison to other districts, women are given more authority and power to make decisions in the family. Some changes are also seen as a result of the social organizations of women. With increasing number of women groups being formed, women are slowly gaining a say in community level decision making. The presence of a number of Savings and Credit groups and self-help groups was noticed in the Subproject area, which is providing a collective decision-making strength to women.

2.8.7 Subproject's Impact on Women

63. A major benefit of the Subproject is that the improvement of the road will provide easy access to reach health facilities particularly during child-bearing. Discussions with the women revealed that the improved transport facilities will greatly benefit their mobility by reducing travel time. Similarly, improvement of the road has been considered as an opportunity by women engaged in small trade for selling and purchasing goods. They were also of the opinion that commencement of the Subproject may provide them with employment opportunities during the construction phase.

64. Some of the possible negative impacts of the Subproject as voiced by women speeding vehicles might lead traffic accidents and women's mobility may be disturbed due to visits by outsiders to the villages during the construction phase. The Affected Persons Survey brought forth that a total of four Female Headed Households (FHH) will be affected as a result of the construction, thereby necessitating provision of additional assistance and measures to restore their lives. The RP provides for adequate measures to compensate as well as provide additional assistance to such households on account of their socio-economic vulnerabilities.

2.9 Types of Project Impacts and APs

65. A total of 68 households were identified to be affected as a result of the Subproject. Out of the total affected households, 64 households, including absentees, will receive an impact on their agricultural land, 1 household will suffer loss of residential property and 1 household will incur an impact on a residential cum commercial structure. In addition, 2 tenants will suffer loss of residential commercial structure. Table 2.17 below presents the details of the types of losses and the numbers of households and persons affected by them.

Table 2.17 Affected Households and AP's by Type of Loss

Type of Affected Assets	Total Number of Affected Households		Total Number of Affected Persons	
	PPTA	Detail Design	PPTA	Detail Design
Land only	-	45	-	301
Residential Structures	17	1	90	7
Residential cum Commercial Structures	15	1	90	7
Temporary Movable Commercial Kiosks	9	0	54	-
Tenants of Residential Structures	6	0	36	-
Tenants of Residential cum Commercial Structures	1	2	6	14
Absentee's Land	-	19	-	127
Total	48	68	276	456

Source: Survey, May-June 2008

66. Of the 68 affected families, interviews were carried out amongst 47 affected households. 19 land owners and 2 tenants of residential cum commercial structures were absent during the survey. General information concerning these households was taken from the neighbors and local people.

67. Based on the detailed design, the Subproject will improve the existing alignment for a single lane traffic scheme, (within the existing road corridor), which does not entail any new alignments. As per the detailed drawings prepared by the technical team, there is only 1

residential structure and 1 residential cum commercial structure likely to receive a significant impact on the main structure. In such conditions, the Government may acquire either the structure or land as per the need in accordance to the provision of Land Acquisition Act, 2034 (1977). As stipulated in Clause 29 of Land Acquisition Act, 2034 (1977), there is a provision for partial acquisition as the Act mentions that unless the Affected Persons make request to the Government to acquire both structures as well as land, the Government can undertake partial acquisition of either land or structure as per actual requirements.

2.9.1 Impact on Socially Vulnerable Groups

68. The majority of the Affected Households were identified as vulnerable. The major vulnerability indicator was due to dominance of households having elderly members and households below poverty level. Table 2.18 presents details on vulnerability categories.

Table 2.18 Vulnerability Status of the Affected Households Vulnerability Category

Vulnerability Status	Affected Households	
	No.	Percent
Female Headed Households	5	11
Having Disabled Members	-	-
Having Elderly Members	18	38
Below Poverty Level	6	13
Schedule Caste/ <i>Dalit</i> (Occupational caste groups)	1	2
Ethnic Group (endangered and highly marginalized)	0	0
Total Vulnerable Affected Households	30	64
Non Vulnerable House	17	36
Total Reported HHS	47	100
Not known	21*	-

Affect Household Survey, May – June 2008

* 19 land owners and 2 tenants of residential cum commercial structures were absent during the survey. Families fall in more than one vulnerable category

69. There are 6 BPL households amongst the Affected Households. None of the structure owners falls within the BPL category. However, 1 residential cum commercial structure and 1 residential household will have an impact on the main structure. Moreover, out of these 2 households, 1 residential household falls within the ethnic category. It is pertinent to note that most of the ethnic group along the road in the Subproject area share common social norms and are integrated into the mainstream.

70. Based on government policy and focus by the ADB guidelines in considering the ethnic/indigenous groups in development projects, the RP has made provision of additional financial assistance to the vulnerable APs such as female headed households, elderly headed households, ethnic households, households having disabled family members and below poverty level. NRs. 2000 per family is allocated for the period of three months as a transitional allowance to manage from the likely affect due to the Subproject. The amount was estimated based on consultations with APs and local NGOs.

2.10 Impact on Residential Structures

71. As revealed by survey data, a total of 1 residential structure is likely to be affected by the Subproject construction. The owner of the residential structure falls within the ethnic group category. The following sub-sections provide details about the extent of loss, the construction type of the structure and the ownership pattern of the affected residential structure.

2.10.1 Construction Type of Affected Residential Structure

72. Only one residential structure is likely to be affected; it is stone built with a tinned roof.

Table 2.19 Construction Type of Affected Residential Structures

Construction Type	Affected Households	
	No.	Remove
Frame Structure/Tinned	-	
Stone Built with tinned roof	1	
Wooden	-	
Thatched	-	
Total	1	

Source: Survey, May – June 2005

2.10.2 Extent of Loss

73. One residential structure has to be demolished. However there is sufficient land left to build a replacement building.

74. Taking into account the extent of loss, the RP has made adequate provision for compensating as well as assisting the affected household in overcoming their loss. Detailed discussions were also undertaken with the affected during the resettlement surveys on the various options of resettlement and rehabilitation based on which appropriate entitlements and provisions have been worked out in the entitlement matrix.

2.10.3 Extent of Loss of Residential Structures by Vulnerable Households

75. One residential structure occupied by an ethnic minority households has to be demolished. However, there is sufficient land for a replacement building. This household expressed their need for adequate compensation for the affected assets and opted to shift their structures on their remaining land. Based on the consultations with AP's, the Resettlement Plan has made provision to provide a transitional allowance for enhancing livelihood of NRs 10,000 per family providing additional financial assistance for the period of three months to such vulnerable households. It is to be noted that there is only one residential household who would lose their main structure. Nevertheless, appropriate measures have been integrated into the Resettlement Plan to compensate for this loss.

2.10.4 Legal Ownership of the Residential Structures

76. One affected residential structures identified during the Affected Persons Survey is legally owned.

2.10.5 Relocation and Rehabilitation Measures for Residential Structures

77. During the Affected Persons Survey, discussions were also held with the affected persons regarding the options of relocating affected structures, if required. It is to be noted that there is only one affected residential structure and it will need relocation as it will mainly undergo loss of main structure. As per RP measures, additional cash assistance of NRs, 10,000 for livelihood enhancement per AP will be provided to the households having major effect on their residential structures. As per the provision made in the RP, the titleholders will be compensated for the loss of land and structures as well as the expenses of shifting and relocation. In addition, the tenants will be granted shifting allowance under the RP (if required).

2.11 Residential cum Commercial Structures

78. The Survey identified structures in the Subproject area, wherein the households operate shops in the front or ground floor and stay at the back or upper floors of the same structure. These structures have been classified as 'residential cum commercial structures'. A total of 1 such structure will be adversely affected as a result of the road construction. The details of this structure are provided below:

2.11.1 Construction Type of Affected Residential cum Commercial Structures

79. Only one residential cum commercial structure is likely to be impacted in sub project; it is stone built with tinned roofing.

2.11.2 Extent of Loss

80. A total of 1 structure is likely to undergo the loss of the main structure.

2.11.3 Extent of Loss by Vulnerable Households

81. Only 1 household will lose a residential cum commercial structure and the household is not reported to be Below Poverty Level or an ethnic minority groups.

82. Based on the survey data, only one residential cum commercial structure will undergo significant impact on the main structure. Discussions with the affected household reflected a clear need for a fair and timely compensation. The RP has made provision of providing a transitional allowance for enhancing livelihood to the APs at the rate of NRs, 10,000 per family who have been impacted on their main structures. In addition, the vulnerable households are also entitled to receive three months additional allowances as per the provision made in the Entitlement Matrix. However, the Affected Household can opt to relocate the affected structures by themselves on their own remaining land or purchase land if replacement land is available within 1 km.

2.11.4 Legal Ownership of the Affected Residential cum Commercial Structures

83. There is 1 affected residential cum-commercial structure, which is legally owned. There are however 2 tenant households. Table 2.20 below provides details on the ownership status of affected residential cum business structures.

Table 2.20 Ownership Status of Affected Residential cum Business Structures

Ownership Type	No.
Titleholders	1
Tenants	*2
Total	3

Source: Affected Persons Survey, May-June 2008

84. The residential cum commercial structure which contains tenants will receive a significant impact on their structures. Therefore the RP has made provision for assistance including a shifting allowance to the affected APs residing in such structures.

2.11.5 Relocation and Rehabilitation Measures

85. Based on the survey data there is only 1 residential cum-commercial structure undergoing significant impact and thereby needing relocation. Discussions with the household brought forth the need for adequate compensation. The household opted to shift to their structure either on their remaining land or to purchase land in the same community as adequate land is available within a distance of 1 km. As per the provisions made in the RP, the affected titleholders will be compensated for the loss of all assets as well as the expenses of shifting and relocation. The tenants will be granted shifting allowances and the encroachers will be assisted to rehabilitate the structures based on the vulnerability status of the affected family (like; in terms of poverty status).

2.11.6 Loss of Land

86. Based upon the detailed design, the Subproject will acquire 3,031 sq.m of land. The designed road will utilize the existing road footprint. Only small strips of private land along the alignment will be acquired. The loss of land will not have any impact on the income of any of the affected households. Based on discussions with the affected plot owners, they are willing to give up their land in exchange for compensation at replacement value. Table 2.26 provides details of the affected land plots in the Subproject.

Table 2.21 List of Affected Land

SN	VDC	District	Number of Plots	Total Land Area of Affected Plots (sq.m)	Land Area to be Acquired (sq.m)	% of Loss
1	Phidim	Panchthar	2	15967.58	47.68	0.29
2	Bharpa	Panchthar	7	118246.71	333.82	0.28
3	Panchami	Panchthar	2	34991.57	7.94	0.022
4	Nagi	Panchthar	16	112551.23	372.73	0.33
5	Amarpur	Panchthar	26	284866.67	1120.6	0.39
6	Nangkholang	Taplejung	8	87567.67	824.66	0.94
7	Dokhu	Taplejung	12	342121.93	313.92	0.09
8	Phungling	Taplejung	1	207.68	9.93	4.78
	Total		74	996521.21	3,031.28	0.30

Source: Affected Persons Survey, May – June 2008

*19 Absentee land owners

87. As indicated in the table above, the loss of land is only 0.30%. The area to be acquired comprises both cultivable and uncultivable land. It will not have any major impact on the income or livelihood of the particular Affected Households.

88. There are 53 private trees (timber and fodder) which need to be removed. The owners will be paid an agreed compensation for these trees.

2.12 Common Property Resources

89. The survey did not identify any community structures affected as a result of Subproject construction. No temples, shrines, utility poles, irrigation canals etc will need shifting or reconstruction as a result of Subproject activities.

3 RESETTLEMENT POLICY FRAMEWORK AND ENTITLEMENT MATRIX

3.1 Introduction

90. The objective of this chapter is to discuss the key national, state and project-specific resettlement policies and legal issues involved in land acquisition and compensation. This chapter describes the principles and approach to be followed in minimizing and mitigating negative social and economic impacts by the projects. The guidelines are prepared for addressing the issues limited to the RCSPN for resettlement and rehabilitation of the APs. The Resettlement Plan has been developed based on guidelines of Asian Development Bank on Involuntary Resettlement, Land Acquisition Act, 2034 (1977) and other relevant policies and guidelines related to feeder roads.

91. The RP has been prepared based on the general findings of the survey/social survey, field visits, and meetings with various project-affected persons in the Subproject area. The principles adopted establish eligibility and provisions for all types of losses (land, crops, structures, employment, tenancy etc). In addition to this the RP identifies the broad scope of the project and outlines the policy, procedures and institutional requirements for preparing future sub-projects.

3.2 Policy Framework: Review of National Policy and ADB Requirements

3.2.1 Legal Framework

92. The Interim constitution of Nepal 2063 (2007) guarantees various socio-economic and political rights to its citizens. Article 17 (1) of the Constitution provides property rights to every citizen whereby they are entitled to earn, use, sell and exercise their right of property under existing rules and regulations. In addition, Article 17 (2) states that except for public interest the state will not acquire, obtain or exercise authority over individual property. Furthermore, Article 17 (3) illustrates that the State will compensate for the loss of property, if the states acquires or establishes its right over individual property for public interest.

93. Apart from the constitutional safeguards, the Land Acquisition Act, 2034 (1977) is the core legal document to guide tasks related to land acquisition and resettlement activities in Nepal. There is provision in Clause 3 of the Act to acquire land for any public purpose, subject to the award of compensation. Besides, any institutions seeking land acquisition may also request GON to acquire the land under the regularity provisions subject to be compensated by such institutions' resources. 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. As per the regulatory provision, while acquiring land, GON forms a Compensation Fixation Committee (CFC) under the chairmanship of Chief District Officer (CDO) of the restrictive districts. The other members to be included in the Committee comprise of - Chief of Land Revenue Office, an Officer assigned by CDO, representative from District Development Committee (DDC) and concerned Project Manager. While determining the compensation, the Committee has to consider relevant acts and periodic guidelines of GoN in compliance with ADB Policy and Guidelines.

94. The Act also envisages the possibility of two separate rates of compensation, distinguishing between families who lose all their land and those who lose only some part of their landholdings. In determining the compensation, the Committee must consider the loss incurred by persons due to acquisition of land, shifting of residence or place of business to another place. If the land has to be acquired for institutions other than the VDCs 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 the AP or by being compelled to shift his or her residence or place of business in consequence of the acquisition of land.

95. In other words, CFC under the Act is formed for actual verification of land to be acquired, reviewing and fixing compensation rate, identification of proper owner(s), distribution of compensation, providing necessary administrative support addressing associated issues. However, formally the implementation process of CFC begins once GON grants formal approval for the land acquisition. After the approval from government side, the Officer concerned of Implementing Agency (IA) is entrusted with the task to initiate the process through public notification. The public notification also includes the activities of disseminating details of the land area, structure affected in municipality/VDC coming under the Project.

3.2.2 Current Resettlement Practice in Nepal

96. While determining the compensation, the Committee has to consider the relevant acts and periodic guidelines of GoN. The recent trend is the practice of fixing compensation through Community Consensus Valuation (CCV). During the implementation process of the RP, after the submission of the report to the Chief District Officer (CDO) with the details of the land plots and other assets to be acquired by the concerned Officer-in-Charge of the Project, the acquisition process is undertaken. The valuation of affected assets is as per the existing legal framework and guidelines. As specified in the LA Act Clause 13, a four-member committee headed by CDO of the concerned district is constituted for fixing up the compensation for lost assets. The other members include Project Chief or his/her representative, and a representative from the DDC and Chief of District Land Revenue Office. In this process, the Committee issues circular or conducts extensive consultation with representatives of the project affected population, political party's local representatives and relevant district level chiefs of line agencies to finalize and fix the rate of compensation. This integrated approach is in line with ADB Policy Guidelines. After finalization of the agreements, formal notification is placed in public places, local and national newspapers identifying the amount of land, owner and ownership related matters of the affected assets. The compensation amount will be paid to the AP before the commencement of construction works.

3.2.3 ADB Resettlement Policy

97. It is mandatory for all ADB assisted Projects to follow specific ADB safeguard guidelines on environmental and social issues. ADB's Policy on Involuntary Resettlement (1995) and the Handbook on Resettlement: A Guide to Good Practice (1998) is followed to address the resettlement impacts of the Subproject. The ADB Policy recognizes & addresses the R&R impacts of all the affected persons irrespective of their titles and requires for the preparation of an appropriate Resettlement Plan. These ADB policies are the guiding policies to identify impacts and to plan measures to mitigate various losses due to the Subproject. ADB's main Policy Guidelines are:

- Involuntary Resettlement (IR) should be avoided or reduced as much as possible by reviewing alternative alignments for the Subproject;
- Where IR is unavoidable, APs should be assisted to re-establish themselves and improve their quality of life;
- Gender equality and equity should be ensured and adhered to throughout the project cycle;
- Affected people should be fully involved in the selection of relocation sites, livelihood compensation and development options at the earliest opportunity. RPs should also be prepared in full consultation with APs, including disclosure of RP and project related information;
- Replacement of land must be explored as an option for compensation in the case of loss of land. However, in the absence of land for replacement, adequate cash compensation should be provided for to all APs;
- Compensation for loss of land, structures, other assets and income should be based on full replacement cost and be paid promptly. This should include transaction costs such as administrative charges and taxes;
- All compensation payments and related activities must be completed prior to the commencement of civil works;
- The RP to be planned and implemented with full participation of local authorities;
- Assistance to APs to become economically and socially integrated into the host communities by means of design and implementation of participatory measures;
- Provision for and replacement of Common Property Resources and community/public services to the APs;
- Resettlement to be planned as a development opportunity for the APs;
- Lack of legal titles will not be a bar to resettlement assistance;
- Special attention to vulnerable people/groups, namely households below the recognized poverty line, Indigenous People, disabled, elderly persons and female headed households

3.3 Difference between ADB Policy on Resettlement and GON Legal Framework

98. Both the GON legal frameworks and ADB guidelines related to resettlement aim at achieving the following overall goals:

- Involuntary resettlement shall be avoided to the extent possible or minimized where feasible, exploring all viable alternative project designs.
- Where displacement is unavoidable, people losing assets, livelihood or other resources shall be assisted in improving or at a minimum regaining their former status of living at no cost to themselves.

99. However, there exist certain key differences between ADB guidelines and GON legal frameworks which are summarized below in Table 3.1.

Table 3.1 Some Difference between ADB Policy and GON Legal Framework

ADB Policy	GON Legal Framework
③ Encroachers will be compensated for structures (but not for land) at replacement cost to the vulnerable person only	③ Encroachers are not entitled for Compensation.
③ Compensation for affected assets as per prevailing market rate.	③ To be determined by Compensation Fixation Committee (CFC) to be formed under the CDO.

3.4 Resettlement Principles & Assistance

100. Although there are differences between ADB guidelines and GON legal frameworks mentioned in Table 3.1, the resettlement principles adopted in this Subproject will provide compensation and resettlement assistance to all affected persons and businesses, irrespective of titles, in accordance with ADB's Policy on Involuntary Resettlement. Based on the above policy features, the broad principles of R&R for this Subproject will entail the following:

- The negative impact on persons affected by the Subproject would be avoided or minimized as much as possible;
- Where the negative impacts are unavoidable, the Subproject-affected persons will be assisted in improving or regaining their standard of living. Vulnerable groups will be identified and assisted to improve their standard of living;
- Replacement land/or cash compensation at replacement costs to households affected by the loss of land.
- Cash compensation will be paid for structures (residential/commercial/residential-cum-commercial) affected by the Subproject at replacement cost
- Provision of relocation on the edge of the available ROW (if possible for temporary structures), to avoid severe social distress to the AP.
- Provision of multiple options for resettlement of the affected residential structures, including non-titleholders.
- Assistance should be provided to owners of residential structures and non-titleholders, who may incur loss of ability to maintain livelihood during relocation and resettlement
- Rehabilitation assistance i.e., compensation for lost business and workdays (including employees) due to relocation and disruption of business enterprise.
- Before taking possession of the acquired land and properties, compensation and R&R assistance will be made in accordance with this policy.
- Appropriate grievance redress mechanism will be established at the district level to ensure speedy resolution of disputes.
- All activities related to resettlement planning, implementation, and monitoring would ensure involvement of women. Efforts will also be made to ensure that vulnerable groups are included.

3.5 Acquisition of Land/Properties and Valuation

3.5.1 Disposal of Acquired Properties

101. As stipulated in the Clause 10 of Land Acquisition Act 2034 (1977) there is a provision for the affected households to take the crops, trees and plants from the land and salvageable from the structures. Clause 39 of Land Acquisition Act 2034 (1977) indicates options to allow the affected households to take all salvageable without deduction of any

costs from the affected households. However, in cases wherein the affected households are reluctant to or do not take such items within the time frame it will be responsibility of the Project to dispose off such items.

102. However, there exist certain key differences between ADB guidelines and GON legal frameworks which are summarized below in Table 3.1.

3.6 The Entitlement Matrix

103. For this project, the entitlements are derived from the Land Acquisition Act, 2034 (1977) and ADB Policy on Involuntary Resettlement (1995). The principles adopted established eligibility and provisions for all types of losses (land, structures, business / employment, and work day wages). All affected persons will be compensated at full replacement costs. In addition to the payments from the Chief District Officer (CDO), the APs will receive other cash grants and resettlement assistance such as shifting allowance, compensation for loss of workdays / income due to dislocation and income restoration assistance. The Resettlement principles adopted in this project will provide compensation and resettlement assistance to all affected persons based upon the GON norms and ADB guidelines. Cut-off date for titleholders will be the date of notification under the land acquisition act and for the non-titleholders will be the survey date i.e. June 2005.

104. The compensation and assistance have been designed to cover compensation for lost assets and restore or enhance the livelihoods of all categories of affected people. Table 3.2 (Entitlement Matrix) provides further details regarding application of the principles, definition of entitled persons, entitlements and indicates results of actions. As revealed in Clause 9 sub-section 3 of the LA Act, the duration of compensation days will be determined by Land Acquisition and Compensation Fixation Committee (LACFC). Furthermore, Clause 37 of the Act illustrates that the Committee may extend the period of additional three months, if compensation are not collected by those affected. After termination of extended three months period the amount will be deposited to the Government account. Any grievances and objections will be referred to the Grievances Redress Committee (GRC). A detailed description of each compensation measure is provided below.

3.6.1 Compensation for Loss of Land

105. Following provisions are made for compensating loss of land -

- Cash compensation for land based on current market rate/replacement value or government rate, whichever is higher to the titleholders. In case of current market rate / replacement value is higher than the government value assessed by the CDO; the difference will be paid by DOR.
- In case of presence of agricultural crops, cash compensation for loss of crops at current market value of mature crops based on average production.
- Compensation for loss of fruit trees, if any for an average fruit production for the next 15 years to be computed at the current market value, in cases wherein such trees are getting affected.
- Compensation for loss of wood trees current market value of wood (timber of firewood, as the case may be) if such trees are getting affected.
- Advance notice of 1 month to be provided to APs to harvest their crops.

106. In cases of disputes such as where land records are not updated or where the APs are unable to produce the desired documents, then the compensation amount will be deposited with the competent authority till the case is disposed. All fees, taxes and other charges, as applicable under the relevant laws, incurred in the relocation and resource establishment will be borne by the DOR.

107. In addition, under the Land Acquisition Act 2034 (1977) the requiring body (DOR) will need to bear all the land acquisition and resettlement related cost and pay to the acquiring body (district government).

3.6.2 Compensation for Structures (residential/ residential-cum-commercial) and Other Immovable Assets

108. The RP has made following provisions for compensating residential and residential cum commercial structures:

- Cash compensation for loss of built-up structures at full replacement costs to titleholders. Transfer/shifting allowance to cover the cost of moving structures (transport plus loading and unloading) and materials will be paid on actual cost basis or on current market rates.
- The squatters/encroachers, if vulnerable, will be eligible for assistance for the loss of structures/assets at full replacement costs, and entitled to transfer/shifting allowance/s, but are not eligible for compensation for loss of land.
- Owners of affected structures will be allowed to take/reuse all the salvageable materials for rebuilding/rehabilitation of the structures without any deduction from the compensation amount

3.6.3 Assistance for Tenants

109. In addition, there will also be provision of assistance for housing/business tenants, one time cash assistance equivalent to two month rent to the tenants for moving to alternatives premise for re-establishing house/businesses.

3.6.4 Income Restoration Assistance

110. The RP has made provision of providing income restoration assistance to the affected families.

- One-time lump sum grant to owner of business/business tenants; minimum one month's income based on the nature of business and type of losses assessed on a case-to-case basis.
- One time financial assistance to hired employees equivalent to 30 days wage to be computed on the basis of local wage for respective district for respective categories.
- One time lump-sum grant to movable temporary kiosks for minimum one months income based on the nature of business and type of losses assessed on a case-to-case basis, plus shifting allowance on actual basis.
- APs, who are eligible for semi-skilled labor, will be given preference in employment opportunities in the Project's implementation work.
- Special assistance of NRs. 2,000 for a period of three months to vulnerable affected households, such as female-headed households, disabled or elderly persons and the poor, for re-establishing and /or enhancing livelihood.
- Non-titled squatter households will be entitled to shifting assistance at actual costs and move their belongings if they decide to "self-relocate" away from the Corridor of Impact; those who prefer to move back and re-establish their structures will be allowed to do so until they find permanent alternative sites.
- Temporary movable kiosks requiring relocation will be provided with a one time financial assistance for shifting and loss of business on a case to case basis.

3.6.5 Re-building / Restoration of Community Resources/Facilities

111. The Project will provide complete restoration work or cash compensation for rehabilitation/re-building of affected common property resources and cultural/community structures/installations (if required).

Table 3.2 Entitlement Matrix

Nature of Loss	Application	Definition of AP	Entitlements	Result of Action	Responsibility
A. Land Acquisition					
Loss of agricultural /residential /commercial land by landowners	Additional land and other assets acquired for construction and improvement works beyond the existing road and land temporarily acquired by contractors	Person(s) with land records verifying ownership	Cash compensation based on current market rate/ replacement value. In case the replacement value is higher than the value assessed by CFC, the difference will be borne by DOR. All fees, taxes and other charges, as applicable under the relevant laws, incurred in the relocation and resource establishment, are to be borne by the Subproject.	Compensation for lost assets.	DoR and CDO
Loss of land temporarily for the use of contractors during construction		Person(s) with land records verifying ownership	Contractor to negotiate a contract agreement on the rental rate with the owner for temporary acquisition of land. Subproject and the contractor to ensure that persons other than the owner affected as a result of temporary acquisition are compensated for the temporary period. Land should be returned to the owner at the end of temporary acquisition period, returned to its original condition or improved as agreed with the APs.	Compensation for temporary loss of assets.	DoR and Contractor
B. Loss of Income Generating Assets					
Loss of income by structure owner / tenants for conducting business	Business affected by road construction	Owner of business / business tenants	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.	Short-term compensation for loss of income.	DoR , CDO and NGO
Loss of business premise by owners / renters	Structure on acquired land and/or legally confirmed ownership rights	Owner /renter of business	One-time cash assistance equivalent to 2-month rent for moving to alternative premise for re-establishing the businesses. Shifting allowance (transport plus loading/unloading charges) will be paid to affected businessmen (if applicable), on actual cost basis. The amount of deposit or advance payment paid by the business tenant to the landlord will be deducted from the payment to the landlord.	Removal /relocation assistance.	DoR , CDO and NGO
Loss of wages by employees	Income reduced during period of readjustment	Employees of business	One-time financial assistance to hired employees equivalent to 30 days wages. APs who are eligible for semi-skilled and unskilled labor will be given priority in employment opportunities in the Subproject's implementation works.	Short-term compensation for loss of income.	DoR , CDO and NGO
Loss of income by temporary movable kiosks	Business affected temporarily during road construction.	Movable business structures on footpaths/roadside	One-time cash assistance; minimum one-month's income based on the nature of business and type of losses assessed on a case-to-case basis . Shifting allowance will be paid to the affected (if applicable), on actual cost basis.	Short-term compensation for loss of income.	DoR , CDO and NGO

Nature of Loss	Application	Definition of AP	Entitlements	Result of Action	Responsibility
Additional assistance to vulnerable groups	Household income affected as a result of road construction	Female-headed households; disabled or elderly persons; ethnic/occupational caste people; APs who live under official poverty line	Special assistance of NRs. 2,000 for a period of three months to the affected vulnerable persons for restoring their livelihoods.	Income restoration assistance.	DoR , CDO and NGO
Livelihood enhancement assistance to the family having complete loss of property and income sources	Severely affected families	Family having more than 10 percent loss of total land or income holding affected by the Subproject and having complete loss of structures; absentee landlords will not eligible for this provision	One time livelihood up-liftment grant per family for any productive activity at the rate of NRs 10,000.	Livelihood enhancement assistance.	DoR , CDO and NGO
C. Loss of Residential/Commercial Property					
Loss of residential structures and commercial structures by owners (including squatters)	Land on which property stands purchased or reclaimed for road purposes	Owners of the structure	Cash compensation for loss of built-up structures at full replacement costs. Owners of affected structures will be allowed to take/reuse their salvageable materials for rebuilding/rehabilitation of structure without deducting any costs. In case of relocation, transfer allowance to cover cost of shifting (transport plus loading/unloading) the effects and materials will be paid on actual cost basis or on current market rates.	Restoration of residence / shop.	DoR and CDO
Loss of residential structures and commercial structures by encroachers		Owners of the structure	Compensation for structure (but not for land) at replacement cost to the vulnerable person only. Encroachers will be notified a time in which to remove their assets to be affected.	Restoration of residence / shop.	DoR , CDO and NGO
Loss of residential structures by tenants (Renters)		Renters of house	One time cash assistance <u>equivalent to 2 months</u> rent moving to alternate premise. Any rental advance paid by the renters to the owner will be deducted from the owner's compensation and refunded to the renters, if the renter has to relocate. Transfer allowance to cover cost of shifting (transport plus loading/unloading) personal effects paid on actual cost basis or on current market rates.	Assistance to make alternative arrangements	DoR , CDO and NGO

Nature of Loss	Application	Definition of AP	Entitlements	Result of Action	Responsibility
Loss of rental income by owners of residential and residential cum commercial structures		Owners of residential and residential cum commercial structures having tenants	One time cash assistance equivalent to 2 months income that can be earned by renting the affected residential and residential cum commercial structures	Short term compensation for the loss of income	DoR , CDO and NGO
Unanticipated adverse impact due to Subproject intervention or associated activity	The EA and project implementation authorities will deal with any unanticipated consequence of the Subproject during and after implementation in the light and spirit of the principles of the entitlement matrix.				

4 CONSULTATION AND STAKEHOLDER PARTICIPATION

4.1 Introduction

112. This Resettlement Plan has been prepared in close consultation with stakeholders at different levels including the local people and project affected households represented by head of the households, family members, neighbors of affected families, local level social workers, representatives of political parties, business men, representatives of vulnerable group and other resource persons. The primary objectives of such consultation comprises:

- Assessment of socio-economic information required for the study Information dissemination to the people about the project in terms of project activities and scope of work;
- Understanding the perceptions of the local people ;
- Generate idea regarding the expected demand of the affected people ;
- Assess the local people's willingness to get involved with the project and enumerate the measures to be taken during the implementation of the Project.

4.2 Methods of Public Consultation

113. The task of public consultation was carried out in different stages during the project preparation. In fact, since the beginning of the field reconnaissance survey to the period of Survey, the process of consultation remained continuous varying over different time periods. Table 4.1 gives a description of the type of stakeholders consulted and methods adopted for consultation.

Table 4.1 Methods Employed During the Course of Consultations

Stakeholders	Purpose	Method
Department of Roads at central level	To collect government's policy, guidelines priorities on the Subproject, and to seek advise for initiating work.	Frequent individual meetings with the officials of DoR and Project Directorate.
Local Community in different locations of the sub-project areas (Phidim, Kabeli, Bharpha, Sesambu, Gophetar, Bhaluchwok, Putalichwok, Sinhapur, Ghodechaur, and Phungling)	To assess overall social perception about the importance of project road and local peoples felt need for improvement	Consultation and discussion with local people at different project locations during reconnaissance survey, social survey and Survey.
District level line agencies (Divisional Roads Office, RNDP project Office at Phidim, DDC.)	To assess the existing operational status of roads, to verify the land likely to be acquired based on design drawings, to collect cadastral maps and to collect land price fixed by district land revenue office.	Individual meetings with the officials of respective offices.

Stakeholders	Purpose	Method
Project affected people based on the design drawing	To prepare inventory of the affected assets and get measurement and conduct interview with the affected families about the affected assets and on the household matters	Individual interview of the affected households by means of a structured questionnaire
NGOs and other stakeholders at the local level	Assess the level of social willingness to be involved in the project activities	Representatives of local NGOs and other stakeholders including community members were consulted at different sections of the road during field supervision by the domestic and international team members in order to assess the overall social perception about the road project and also to assess the level of their willingness to cooperate the study team.

Source: Survey Survey, May – June 2005

4.3 Consultation – Scope and Issues

4.3.1 Scope of Consultation

114. The scope of consultation, especially with the local people and project affected population was focused to inform them about the nature of project and its activities. During the consultation information was also shared about the possibilities of acquisition of private assets by the project at replacement/compensation cost. Options of relocating, shifting, and loss of employment cost as per need and provision of livelihood support to the vulnerable group were some of the other issues discussed during consultation. In addition, along with information dissemination the consultations also aimed at taking people's opinion and suggestions on the project and its impacts.

4.3.2 Feedback from the Consultations

115. The main findings of the consultations undertaken with the affected people and community are enumerated below:

- Involvement of local people in project design finalization:
- Being the major stakeholders and the population directly affected by the project, the local people voiced that they must be kept informed and consulted with regard to the Project design.
- Employment opportunity for local people should be ensured during Project construction by hiring of locals as skilled and unskilled labors.
- Fair and timely Compensation rate: There was complete willingness on the part of the population to cooperate in all matters related to the project. The community was agricultural, residential or commercial.
- Special consideration should be made either by changing the technical design or through supplementary compensation for the vulnerable households affected by the

- Project and lack alternative options;
- Regular monitoring of the Project during implementation by the project office to ensure the technical quality of work and environmental conservation (land slides); and Need for setting up a Grievance Redressal body at the Subproject level which the affected people can access in case they have any grievances pertaining to the Project and their entitlements.

116. The detailed consultation matrix is provided in Table 4.2.

Table 4.2 Consultation Matrix

Consultation	Issues	How was it addressed?
Chainage 1+000 Location: Jorsal No. of Discussions:2 Women: 8 Men:18	Project's provision to compensate affected people - Scope of widening the road and land acquisition	The RP has made provisions to compensate project affected people losing their assets as well as tenancy, employment and loss of income.
Chainage 28+000 Location: Jorpokhari No. of Discussion:2 Women: 13 Men:18	Scope of employment opportunities to the local people during project implementation - Compensation for affected assets	As per the provision made in Entitlement matrix APs, who are eligible for semi-skilled labor, will be given preference in employment opportunities in the Project's implementation work. The RP has made provisions of compensating the families having loss on their assets.
Chainage 33+000 Location: Gophetar No. of Discussion: 3 Women: 6 Men : 8 Chainage 82+000 Location: Phungling No. of Discussion: 2 Women: 4 Men: 7	Local peoples participation during project design Compensation for affected structures Options of compensations for the affected residential structures and loss of businesses Chances for local NGOs to be involved in the project	The RP has recommended to involve local people during the detailed design to minimize resettlement impact of the project In the RP there are provisions of compensating all residential and residential cum commercial structures to be affected by the project and assistance for loss of business In RP, there is provision of involving NGOs while implementing local resettlement plan

Source: Survey Survey, May – June 2008

4.4 Disclosure of RP

117. Disclosure of RP is expected to be helpful to the local people to be aware about the subproject and provisions of compensations and other assistance. A summary Resettlement Plan (RP) will be translated into Nepali and made accessible to the affected people through respective DDCs after finalizing the RP. The translated summary of the Plan will also include the Entitlement Matrix to assure the Subproject affected households about the nature of compensation as per the nature and extent of loss.

4.5 Plans for Future Consultation & Community Participation During Project Implementation

118. In order to ensure the effective implementation of the RP, several additional rounds of consultative meetings with the APs need to be carried out during the project implementation. Such consultation should be carried out in collaboration with the NGOs to be hired by the Project to implement the RP. Some of the appropriate plans to be considered while conducting further consultation are as follows:

- Together with the NGO, the EA-PIU will conduct information dissemination sessions in the project area and seek the help of local community/leaders as well as to encourage the participation of APs;
- Focus Group Discussions will be held with the vulnerable groups such as women, Schedule Casts, ethnic community and so on in order to help them develop a holistic understanding regarding the project as well as the benefits and special consideration that will be given to them throughout the project;
- The NGO will organize public meetings to inform the community about the payment and assistance paid to the community. Regular update of the program and resettlement component of the project will be placed for public display at the Project offices.

119. The participation of AP's will be further enhanced through their active involvement in the Sub-project level office's Grievance Redress Committee (GRC). In addition PIU's and implementing NGOs will maintain an ongoing interaction with AP's to identify problems and undertake appropriate remedial measures.

5 IMPLEMENTATION FRAMEWORK AND BUDGET

5.1 Institutional Setup

120. This chapter describes the implementation framework, and the organizations involved – their roles and responsibilities – in the implementation of the plan. It is to be noted that the resettlement implementation framework under the Project has been guided by the regulatory provision of Land Acquisition Act 2034 (1977). Broadly, the institutional set-up for implementing RP will be at two levels - (i) central level and (ii) Subproject level. The Executing Agency (EA) and the Project Implementation Unit (PIU) will be stationed at central level whereas there will be Subproject Office at implementation level. Ministry of Physical Planning and Works (MoPPW) will be the Executing Agency (EA) for the Project and Department of Roads (DOR) will be the implementing agency (IA).

5.2 Project Implementation Unit (PIU)

121. The Subproject under the RCSPN will be implemented through Project Directorate, ADB, which will be the Implementation Unit (PIU). The PIU will be stationed at central level and will provide all the policy and administrative support on implementing resettlement activities at Subproject level.

5.2.1 Roles and Responsibilities

122. A Project Implementation Unit (PIU) headed by the Project Director (PD) will be established, which will be responsible for the overall execution of the Project. The PD will engage local NGO/s for implementation of resettlement plan and activities. The IA will depute an officer as the Social / Resettlement Specialist (SRS) in charge of the land acquisition and resettlement operations, who will report to the Project Director. He/she will work in close coordination with the respective Divisional Offices under DoR, Sub-project offices/ field-based offices and Project NGO/s on the day-to-day activities of the resettlement plan implementation. The social / resettlement specialist can be deputed from Geo-environment Unit (GEU) of DOR to the PIU or any other officer in the rank of divisional engineer or any professional can be engaged on a contractual basis. A Social Development/Resettlement Specialist from the Design Supervision Consultants (DSC) will support the SRS in further minimizing the resettlement impacts and updating the RPs based on detailed design and assist in supervision and coordination of all activities related to resettlement implementation. The Social/Resettlement Specialist (SRS) can be deputed from the Geo-environment Unit (GEU) of DOR to the PIU or any other officer in the rank of divisional engineer or any professional can be engaged on a contractual basis. It may not be possible to recruit an officer as the Social/Resettlement Specialist (SRS) because there is a severe shortage of competent qualified staff in Nepal to fill these positions.

123. Therefore, it may be necessary to entrust these responsibilities to the DoR (ADB) Ptoject Manager for the Subproject who has the rant of Senior Divisional Engineer.

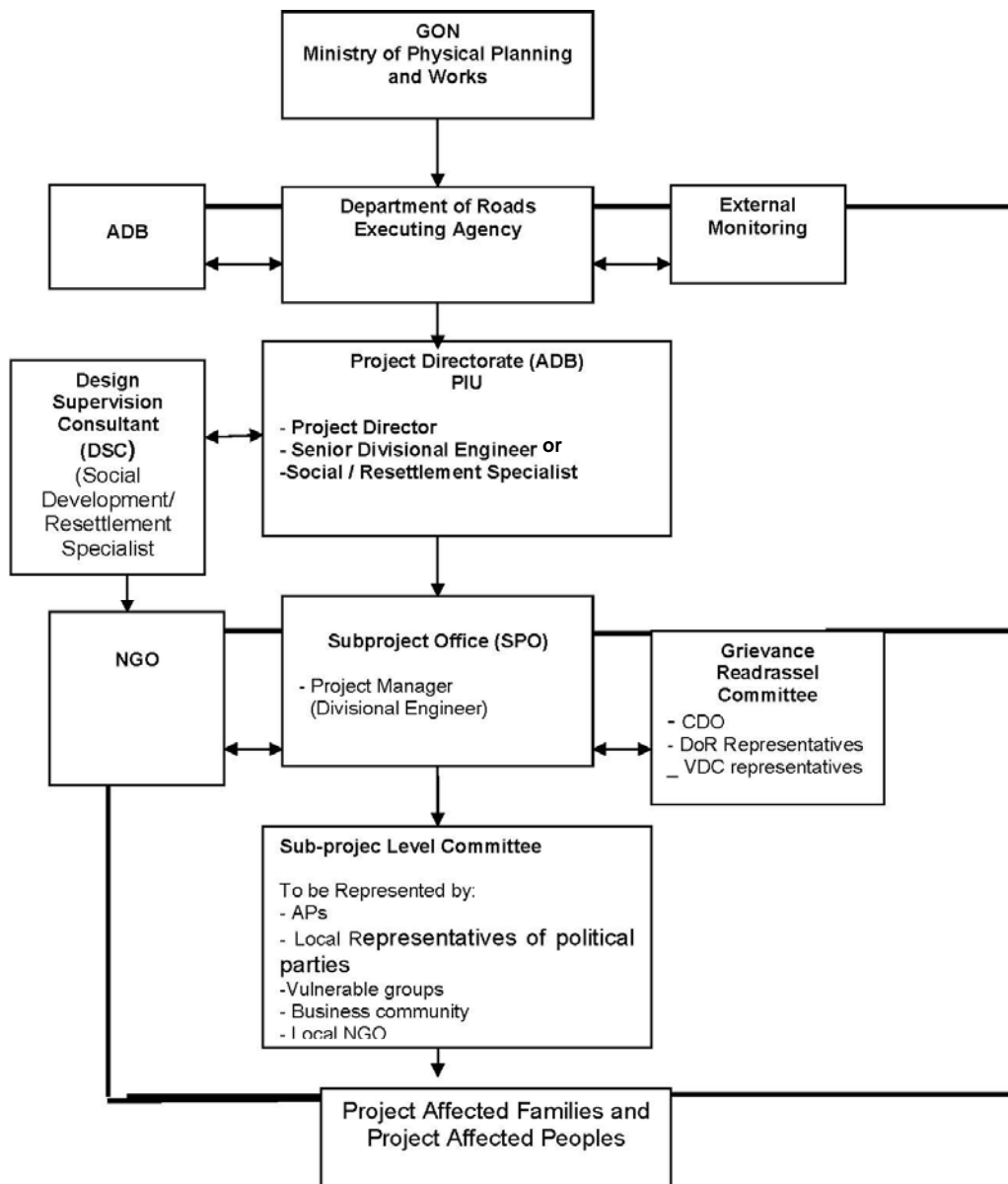
124. A social Development / Resettlement Specialist from the Design Supervision Consultants (DSC) will support the SRS in further minimizing the resettlement impacts and updating the ROs based on detailed design and assist in supervision and coordination of all activities related to resettlement implementation.

125. The IA will establish sub-project offices/ field offices for the sub-project headed by Project Managers (PM) with officers in the rank of Senior Divisional Engineer. At the Subproject level, Subproject Level Committees (SLCs) will also be established with

representations from APs, political parties, vulnerable groups, business community and local NGOs. These SLCs will assist the Subproject offices and NGOs in informing people about the likely resettlement impact and solicit views of the affected people regarding compensation and relocation options.

126. The SRS through the sub-project offices / field offices, SLC, Chief District Officers of the respective districts and Project NGO will execute and monitor the progress of the work. He will ensure coordination between the relevant departments, NGO, the Grievance Redress Committee (GRC) and the Affected Persons (APs). The concerned staff at the headquarters and in the sub-project offices / field offices related to the Project's resettlement activities, including SRS, Revenue Department officials and NGO staff will undergo a week-long orientation and training in resettlement policy and management prior to the implementation of resettlement activities. The institutional framework for resettlement plan is illustrated as Figure 5.1 below:

Figure 5.1 Institutional Framework for Resettlement Activities



127. The PM would be responsible for coordinating with the Chief District Officers (CDOs) of the Subproject districts with regard to formation and implementation of Land Acquisition and Compensation Fixation Committee (LACFC) by providing necessary documents and assisting the valuation of the assets to be affected. In this regard, the PM will also coordinate with the NGO which will be selected at the Subproject level for the implementation of the RP. In addition, the PM will play a key role in establishment of a Grievance Redressal Committee (GRC) with representation of VDC/Municipality representatives, APs and NGO. As stipulated in Clause 11 of Land Acquisition Act 2034 (1977), the CDO will chair the GRC. Lastly, the PM will regularly update the PIU on the implementation of the resettlement activities at sub-project level.

5.3 Non-Government Organizations (NGOs)

128. Non Government Organizations (NGOs) will be recruited and appointed by the PD, at the Subproject level, to implement and undertake the resettlement activities.

5.3.1 Role and Responsibilities

129. NGOs will assist the Project at sub-project level in informing people about the likely resettlement impact of the Project and solicit views of those affected regarding compensation and relocation options and negotiate with the Compensation Fixation Committee (CFC). The NGOs will be responsible for execution and monitoring the progress of the work related to implementation of RP. In addition, the NGOs will assist the sub-project office of DoR on the other regular activities of resettlement. The Terms of Reference (ToR) of the NGO are enclosed in Annex-3.

5.4 Grievance Redress Committee (GRC)

130. There are provisions under the Land Acquisition Act of Nepal 2034 (1977) to allow interested persons (i.e. APs) during land acquisition process to file or represent their cases to the CDO and raise objection against acquisition by a notice to Ministry of Home and get redressal under the LA Act Clause 11 Section 1,2 and 3.

131. In order to address such project related grievances, as per Clause 11 of Land Acquisition Act 2034 (1977) a Grievance Redressal Committee shall be established with CDO responsible to play the role of its Chairperson. The other members of the committee will include VDC Chairpersons, two representatives from APs and representatives from DoR.

5.4.1 Role and Responsibilities

132. 105. As enumerated above, the constitutional basis of GRC for RP activities is Land Acquisition Act of Nepal 2034 (1977). The Act has assigned CDO as the sole responsibility to chair land acquisition activities and to address the grievances related to the RP implementation activities.

133. In case of any grievances while implementing RP there are provisions made in the LA Act 2034 (1977). Some of the major steps that are supposed to be taken for addressing the grievances are stipulated in the Act (Clause 11 sub-clause a,b,c). In keeping with the legal provision mentioned in the Act, the basic process of grievances redressal to be undertaken under the Project will be as follows:

- i. Normally decisions should be given within fifteen days after receiving the grievances.
- ii. Further processing of the grievances or any decision should be taken only after the consultation with the CDO concerned and also the Project Officer, if deemed necessary;

iii. Ministry of Home Affairs can exercise any sort of legal authority as of District Court while investigating in the matter of such grievances; and

134. The various queries, complaints and problems that are likely to be generated among the APs and that might require mitigation, include the following:

- APs not enlisted;
- Losses not identified correctly;
- Compensation/assistance inadequate or not as per entitlement matrix;
- Dispute about ownership;
- Delay in disbursement of compensation/assistance; and
- Improper distribution of compensation/ assistance in case of joint ownership.

135. Through public consultations, the APs will be informed that they have a right to grievance redress. The APs can call upon the support of the NGO to assist them in presenting their grievances or queries to the GRC.

5.5 Design Supervision Consultant (DSC)

136. In addition, the Social/ Resettlement specialist from the Design Supervision Consultant will be responsible for assisting the SRS or Senior Divisional Engineer at the central level for coordinating land acquisition and resettlement activities through the sub-project level offices. S/he will also assist Social/ Resettlement specialist or Senior Divisional Engineer in updating resettlement data for implementation and keeping record in an efficient manner.

5.6 Resettlement Implementation Schedule

137. The RP is expected to be implemented from the last quarter 2007 to second quarter of 2009. Advance action will be taken by DoR to initiate RP implementation such as; establishment of the Project Implementation Unit (PIU), Sub-project Office, initiatives for formation of Land Acquisition and Compensation Fixation Committee (LACFC) under the CDOs and hiring of NGO for resettlement implementation following loan negotiations. The Project will provide adequate advance notification to the APs and will pay their due resettlement benefits, including relocation and income restoration/assistance prior at least three months prior to start of construction work. The major activities to be carried out during the period include; i) payment of compensation and other assistances and (ii) handing over of site to the contractor and (iii) Income restoration assistance. All activities related to land acquisition and resettlement will be completed prior to award of civil works contract.

138. Department of Roads will initiate the process of land acquisition for upgrading the proposed sample roads. Generally, land acquisition is a lengthy process in Nepal. Need of verification of the land /property record from different sources (filed, cadastral map and land revenue office), conventional practice of land measurement, lack of uniformity on the map scale, old record keeping systems, lack of accurate prevailing official record on land value, fragmented land ownership, difficulties on negotiations etc are some of the reasons behind the issue.

139. Public Works Directives (PWD) has been developed by the DoR under the technical assistance of ADB and has also been approved through cabinet decision to use as a procedural manual while implementing development projects. Public Works Directives is based on the prevailing laws of Nepal in order to ensure the compliance of such laws while implementing development works. As per the prevailing practices, there is a mandatory provision of adopting PWD while implementing development works.

140. In addition to several project guidelines, PWD has also mentioned about the time frame in accordance to each step of land acquisition and resettlement process. The time frame as stipulated in the PWD seems helpful on supplementing the regulatory provision of land acquisition and resettlement activities mentioned in the Land Acquisition Act 2034 (1977). The detailed schedule of RP has been prepared based on the timeframe as given in the PWD. The overall land acquisition and resettlement implementation schedule and the stepwise land acquisition process according to Land Acquisition Act 2034 (1977) included as Annex- 4.

5.7 Staff Training in Resettlement Implementation

141. All the staff at PIU, GEU and in the field offices involved in land acquisition and resettlement activities, including the SRS, land revenue department officials and NGO staff will undergo a week-long orientation and training in ADB's resettlement policy and management. The training sessions will be repeated in field offices, DDCs and VDCs either by grouping the adjacent districts or individually as per convenience of the field staff. The training session will focus on the following:

- (a) Principles and procedures of land acquisition;
- (b) Public consultation and participation;
- (c) Entitlements and compensation & assistance disbursement mechanisms;
- (d) Grievance redressal;
- (e) Resettlement data-base management; and
- (f) Monitoring of resettlement operations.

5.8 Resettlement Databank

142. During detailed design, a detailed measurement survey will be carried out and to prepare a detailed inventory of losses of affected persons. All this information concerning resettlement issues related to land acquisition, socio-economic information of the acquired land and affected structures, inventory of losses by individual APs, compensation and entitlements, payments and relocation will be collected by the respective sub-project offices / field offices and NGOs through their concerned field offices and computerized by the PIU office. This databank will form the basis of information for implementation, monitoring and reporting purposes and facilitate efficient resettlement management.

5.9 Cost Estimate and Budget

143. A preliminary cost for assets likely to be affected by the Project and cost for other financial assistance/support for APs including other associated costs has been estimated to implement this resettlement plan. This cost estimate has to be revised and updated in case of any change during the detailed design. The overall amount of compensation that will be paid to the AP must be equivalent to the costs of replacing the affected assets. Replacement cost means the method of valuing assets to replace the loss at market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration and titling costs.

144. Where the national law does not meet this standard the replacement cost will be supplemented as necessary. Replacement cost is based on market value before the project or dispossession, whichever is higher.

145. The Government will bear all the costs of land acquisition and resettlement for RCSPN. MoPPW and DoR are committed to set aside and provide the respective amounts of funds for RP implementation in an efficient and timely manner during the course of the Project. MoPPW and DOR will guarantee to meet unforeseen obligations in excess budget estimates.

5.9.1 Basis Taken for Estimating Land Cost

As per the preliminary design, the area of land to be acquired is minimal due to the availability of the adequate width in almost all sections of the Subproject road. In order to estimate land cost, consultations were undertaken with both APs and District Land Revenue office. However, while calculating the R&R budget, the compensation rate mentioned by APs and local people has been used as the rate quoted by the District Land Revenue Office is generally low in most of the districts comparison to the market value of the asset. In fact, as clearly stipulated in the land cost evaluation document of District Land Revenue Office, basically the rate is aimed only to assure the minimum revenue from the land owners.

5.9.2 Basis Taken for Estimating Structure Cost

146. With regard to structures' cost, the rate determined by Department of Urban Planning and Housing was taken as a basis for estimation. The Department is the sole authorized government body to estimate the compensation costs for structures through the government Gazette (Nepal Rajpatra, Section IV, number 50, Date 2045/12/6 (1988)). The Department annually updates the rate based on current market value.

5.10 Cost Calculation

147. Based on the Land Acquisition Act of Nepal, fixation of compensation rate is the responsibility of Compensation Fixation Committee (CFC) to be formed under the Act. As per the prevailing practices, CFC to be formed by the CDO under the Land Acquisition Act of Nepal is responsible for determining the land cost. It is in the sense, that in practice the Committee makes extensive consultation with representatives of the affected populations, local representatives of political party and relevant district level chiefs of line agencies to fix the compensation rate as per the prevailing market price. Representatives of the affected households, the local government representatives, the project personnel and other local level representatives of line agencies are brought together to fix the price of land, structures and other asset. The Methods of Community Consensus Valuation (CCV) for fixing compensation is a commendable approach applied in recent projects. Based on the same process, the DOR will assist the CFC in conducting market survey to evaluate local market rate of structures and land which will be helpful on reducing disparity in the valuation based on prevailing market rate.

148. To come up with a fair judgment on the cost estimates, the study has adopted several strategies while estimating the cost of land, structure and other resettlement costs. The process adopted include

- Query on prevalent land price in the affected areas during survey–survey,
- Collection of recent updated rate from the Department of Urban Development and Housing to determine compensation for structures.

149. While estimating compensation rate for the affected buildings and structures, all affected structures/buildings were categorized according to the type of structures. The major category comprised of;

- Frame structure
- Cement mortar RCC/RBC structure
- Mud mortar RCC/RBC structure/ Cement mortar with CGI roofed
- Mud mortar with CGI roofed
- Temporary structure

150. The extent of loss of the buildings/structures were measured and calculated by the technical team. Thereafter the cost of structures and buildings were calculated at current market rates based on recent rate of the Department of Urban Development & Housing as in earlier projects.

151. Besides, other resettlement assistance in terms of relocation cost, shifting cost, transitional allowance etc. were estimated based on social consultation, and past project experiences taking into account the local market rate. Table 5.1 provides the breakdown of the resettlement and rehabilitation cost estimate for the sub-project.

Table 5.1 Resettlement Budget and Cost Estimate

S.N	Descriptions	Unit Cost (NRs)	Qty.(No./ Sq.m)	Amount NRs.
1	Compensation for agricultural land	3031.28		14,72,660
2	Compensation for residential structures		2	7,50,000
3	Compensation for private trees to be removed	-	53	14,625
4	Compensation for income loss from residential cum commercial structures	1,000	1	1,000
5	Assistance to Alternative premises to business having major effect	2,000	1	2,000
6	Compensation for loss of employment	-	-	-
7	Shifting cost for 1 residential and 1 residential cum commercial structures likely to have major impact	2,000	2	4,000
8	Shifting and accommodation allowances to tenants of residential structures	2000 (2 months)	2	8,000
9	Compensation to the owners of residential cum commercial structures having tenants	2000 (2 months)	2	8,000
10	Livelihood enhancement allowances to the families losing more than 10 % of land	-	-	-
11	Economic rehabilitation grant for the owners of 1 residential and 1 residential cum commercial structures likely to have major impacts	10,000	2	20,000
12	Additional assistance to vulnerable APs including women headed HHs	2000 (3 months)	30	180,000
13			Total	2,460,258
14			Contingency 15 %	369,043
15			Total Compensation Cost	2,829,328
16			US\$ @ 68	41,608

6 MONITORING AND EVALUATION

6.1 Need for Monitoring

152. The Implementation of RP is a crucial part of any development project. In the projects having resettlement impacts, NGOs have to play a catalytic role while implementing the plan. Community mobilization is a long-term process of capacity building. In this sense they may not be able to tackle the issues in line with the technical requirement and administrative process. On the other hand, it is also quite natural that more powerful individuals may dominate the organization and decision-making process and so on. Therefore, monitoring is required as the back-up support for implementing the RP. Monitoring is a major part of the resettlement management system. Thus, RP implementation will be monitored both internally and externally.

6.2 Types of Monitoring

153. 126. Broadly, two types of monitoring are practiced in the development projects. They are internal and external monitoring. Generally, internal monitoring is conducted by PIU and independent consultants undertake the task of external monitoring.

6.2.1 Internal Monitoring

154. The Project Implementation Unit (PIU) and NGO will be responsible for internal monitoring. The SRS and Social/Resettlement Specialist of Design Supervision Consultants (DSC) will provide necessary technical assistance and monitor the RP implementation and will prepare monthly reports on the progress of RP implementation. Reporting is mandatory on a quarterly basis to DoR and ADB on the progress of resettlement activities.

155. The PIU will maintain a record of all transactions in their resettlement database, followed by entitlement records signed by AP and survey based monitoring of resettlement / land acquisition progress on a monthly basis. Monitoring will ensure:

- i. Verification that there are no outstanding or unresolved land acquisition issues with respect to the project and that property valuation and economic rehabilitation has been carried out in accordance with the provisions of the plan;
- ii. Information campaign and consultation has been carried out with APs;
- iii. Status of land acquisition and payments on land compensation;
- iv. Value of entitlement received is equal to that of original structure or land acquired;
- v. Use of entitlement and check its misuse.
- vi. Compensation for affected structures and other assets;
- vii. Relocation of APs; if applicable
- viii. Payments for loss of income and
- ix. That all economic rehabilitation measures are implemented, as approved;
- x. Effective operation of both the Grievance Committees and Sub-project level Committees
- xi. Funds for implementing land acquisition and economic rehabilitation activities are available in a timely manner, are sufficient for the purposes, and are spent in accordance with the plan.

156. The SRS through its resettlement team will be required to submit reports on a monthly basis documenting the progress of resettlement implementation.

157. Subproject offices / field offices will be responsible for monitoring the day-to-day resettlement activities of the project. Baseline, socio-economic, survey and land acquisition data provide the necessary benchmark for field level monitoring. Field level monitoring will be carried out through:

- Review of survey information for all APs;
- Consultation and informal interviews with APs;
- In-depth case studies;
- Informal sample survey of APs;
- Key informant interviews; and
- Community public meetings.

158. A performance data sheet will be developed to monitor the project at the field level. Quarterly reports will be received from the field offices and SRS will be responsible for overall project level monitoring. SRS and DSC Social/Resettlement specialist will monitor the RP implementation and will report on a quarterly basis to PIU / DoR, and ADB on the progress of all aspects of resettlement activities.

6.2.2 Second Tier Monitoring: External or Independent Monitoring

159. An external monitoring agency will be engaged by DoR who will carry out independent biannual review of resettlement implementation as well as post project evaluation. An external monitor will be assigned to carry out external monitoring and evaluation works. External evaluation can be done by an outside researcher or consulting agency, university department or development NGOs. The external monitoring will be focused on:

- Evaluating the social and economic impact of land acquisition and economic rehabilitation of the APs;
- Verifying the objective of enhancement or at least restoration of income levels and standard of living of the APs have been met;
- Suggesting modifications in land acquisition and economic rehabilitation, where necessary, to achieve the principles and objectives as set before; and
- Making final ex-post evaluation to ensure all resettlement and Land acquisition activities have been completed; any problem issues identified are followed-up (including recommendation of mitigation measures for the budget); and learning lesson for such projects must be recorded.

160. More specifically the following activities will be required to be performed by the External Monitoring Agency:

- **Verification of internal monitoring** – to ensure the appropriateness of activities being carried out by PIU and the field offices;
- **Demographic Baseline and Biannual Household Surveys** – to monitor progress from a pre-Project, pre-resettlement benchmark.
- **Evaluation of Delivery and Impacts of Entitlements** – to determine if they are as per the approved Resettlement Plan.
- **Evaluation of Consultation and Grievance Procedures** - especially levels of public awareness of grievance procedures, access by AP's and households to information and rapid conflict resolution.
- **Evaluation of actual operations of Grievance Committee** - assisting APs as required and acting as observers.

- **Declaration of successful implementation** – summing up the outcome of activities on completion of all entitlements distribution and resettlement activities.
- **Recommend Follow-up Actions for the EA** - relating to outstanding actions required to complete achievement of objectives of the RP and resettlement policies, additional mitigation measures for APs, if required, and timing and budget of these additional measures.
- **Describe Lessons Learned** for future projects.

161. Such external monitoring will be carried out on a biannual basis throughout the Project period. The external agency will directly report their findings both to DOR and ADB. The ToR of External Monitoring is included in Annex- 3.

6.3 Stages of Monitoring

162. Based on the different project units involved in the RP activities responsibility of monitoring is given at different stages. They are:

- The SRS and Resettlement Specialist of Design Supervision Consultants (PSC) will provide supervision support throughout the project period as per requirement.
- The external monitoring support will be carried out on a biannual basis throughout the project cycle on the quarterly basis

6.4 Reporting Requirements

163. The SRS responsible for supervision and implementation of RP will prepare monthly progress reports on resettlement activities and submit to the IA. DSC will also monitor RP implementation and submit quarterly reports to PIU and ADB. The external monitoring agency will submit bi-annual reviews directly to ADB and determine whether or not resettlement goals have been achieved, more importantly analysis of whether livelihoods and living standards have been restored/enhanced is mandatory and suggestion of suitable recommendations for improvement must be made. The external monitoring agency will also carry out a final ex-post evaluation to ensure that all resettlement and Land acquisition activities have been completed. Any problems or issues identified are followed-up (including recommendation of mitigation measures and supplementary budget); and learning from such issues must be recorded which would help to deal with issues such as these more effectively.