

Social Monitoring Report

Semi-Annual Report No. 3
Reporting Period: January 2022 - June 2022
Report date: November 2022
Project Number: 52195-001

Nepal: Priority River Basins Flood Risk Management Project

Prepared by the Department of Water Resources and Irrigation, and the Department of Hydrology and Meteorology, Ministry of Energy, Water Resources and Irrigation for the Asian Development Bank.

This semi-annual social monitoring report is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

ABBREVIATIONS

ADB	- Asian Development Bank
CBDRM	- Community-Based Disaster Risk Management
CBS	- Central Bureau of Statistics
CDMC	- Community Disaster Management Committee
DWRI	- Department of Water Resources and Irrigation
FFEW	- Flood Forecasting and Early Warning
GIS	- Geographic Information System
GoN	- Government of Nepal
GRC	- Grievance Redress Committee
MoU	- Memorandum of Understanding
NGO	- non-governmental organization
PIU	- Project Implementation Unit
OHS	- Occupational Health and Safety
PMU	- Project Management Unit
PRBFRMP	- Priority River Basins Flood Risk Management Project
PRTW	- Proposed River Training Works
SPS	- ADB's Safeguard Policy Statement
VDC	- Village Development Council
VDLUR	- Voluntary Donation of Land Use Rights

WEIGHTS AND MEASURES

1ha (hectare)	-	Is equivalent to 29.58 katthas
Km	-	Kilometer

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
I. BACKGROUND OF REPORT AND PROJECT DESCRIPTION.....	4
A. Overview.....	4
B. Proposed Project	4
C. Purpose of SMR	7
II. SCOPE OF IMPACTS.....	7
A. Social Due Diligence and Project Categorization	7
B. Key Outcomes of SDDR	8
C. Third-Party Verification and Confirmation of Impacts	10
D. Implementation of Social Safeguards.....	15
III. COMPENSATION AND REHABILITATION.....	15
A. Assistance to Project Affected People/Beneficiaries	15
IV. CONSULTATION, PARTICIPATION AND DISCLOSURE	16
V. GRIEVANCE REDRESSAL MECHANISM	17
VI. INSTITUTIONAL ARRANGEMENTS.....	19
VII. MONITORING RESULTS/FINDINGS.....	20
VIII. COMPLIANCE WITH SOCIAL SAFEGUARDS LOAN COVENANTS.....	21
IX. FOLLOW-UP, ACTION, RECOMMENDATIONS AND DISCLOSURE.....	27

List of Tables

Table 1: Summary of Proposed River Training Works (PRTWs) under Output 1	6
Table 2: Status of Civil Works Packages under Output 1 and Output 3.....	6
Table 3: Construction Status of CW-01 Mohana Khutiya River Basin.....	7
Table 4: Construction Status of CW-02 Mawa Ratuwa River Basin.....	7
Table 5: Summary of Involuntary Resettlement Impacts of PRTWs	9
Table 6: Vulnerability Status of Affected Households in PRTWs	10
Table 7: Additional PRTWs for Mawa-Ratuwa.....	10
Table 8: Details of Additional PRTWs of Mawa-Ratuwa River Basin	11
Table 9: Details of Community Consultation Meetings and Participants	11
Table 10: PRTW wise Details of Affected Landowners and Area	11
Table 11: Distribution of Affected Landowners by Gender and Ethnicity and Ownership- Additional PRTWs of Mawa Ratuwa.....	14
Table 12: GRC Formation Consultation Meetings	18
Table 13: Status of 2 nd tier of GRC Formation	18
Table 14: Summary of Submitted Grievances and Resolved Status till date	19
Table 15: Deployment Status of Social Safeguards Officials during Reporting Period.....	19
Table 16: Status of Compliance with Social Safeguards Covenants.....	22

List of Figures

Figure 1: Location of Six Priority River Basins in Terai Region.....	5
--	---

Annexures

Annexure 1: Third-Party Verification of Additional PRTWs of Mawa Ratuwa	
Annexure 2: GRC 2nd Tier Formation	
Annexure 3: Details of Consultations Meetings	
Annexure 4: Photos of Sites	
Annexure 5: Monitoring Formats	

GLOSSARY

Affected Person. Affected persons are people (households) who may lose their land use right or source of livelihood due to the project. It may be all or part of their physical and non-physical assets, irrespective of legal or ownership titles. The term has been used in this report to broadly indicate people (households) willing to voluntarily donate land use right for the project.

Ailani Land. All the land not registered as private land in the government record – people informally own and transact this land – i.e., sell occupied govt land use rights to other informal people [de facto land use rights].

Economic Displacement. Loss of land, assets, access to assets, income sources, or means of livelihood as a result of (i) involuntary acquisition of land, or (ii) involuntary restriction on land use or on access to legally designated parks and protected areas.

Project Beneficiaries. People who stand to benefit from the project

Physical Displacement. Relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restriction on land use or access to legally designated parks and protected areas.

Lalpurja. Title of Land Ownership Certificate which literally means "Red Certificate". Land ownership certificates are officially distributed by the Land Revenue Office; also known as the land title deeds in the international context.

Terai. Lowland region in southern Nepal that lies south of the outer foothills of the Himalayas, the Siwalik Hills and the north of Indo-Gangetic Plains.

EXECUTIVE SUMMARY

Project Description: The Priority River Basins Flood Risk Management Project (the project, PRBFRMP) aims to reduce the incidence and severity of flooding in the six priority river basins in the Terai region: (i) West Rapti; (ii) Mawa Ratuwa; (iii) Lakhandei; (iv) Mohana Khutiya; (v) East Rapti; and (vi) Bakraha. The project will contribute to a reduction in potential loss of life, and economic and natural resource degradation. The Ministry of Energy, Water Resources and Irrigation is the Executing Agency for the Project. The Department of Water Resources and Irrigation (DWRI) is the Implementing Agency for Output 1 and 3 while for Output 2 Implementing Agency will be the Department of Hydrology and Meteorology (DHM). The main project components include: (i) Output 1-Provision of flood control through bio-engineering and river training infrastructure; (ii) Output 2-Enhancement of flood forecasting and early warning systems (FFEWS); and (iii) Output 3-Enhancement of emergency preparedness and response readiness, including investing in community-based disaster risk management (CBDRM) and capacity building of project implementation agencies and beneficiaries in the best practice for flood risk management. The subproject civil works components include construction of: (i) 36.06 km. of priority river training works/embankments (PRTWs); (ii) 4.64 km. of additional revetments; (iii) 439 nos. of spurs; (iv) 48 community flood shelters; and (v) 40 rain gauge and 30 hydrometeorological stations. Advanced contracting of two civil works packages for which detailed designs are ready, PRTWs under Mawa Khutiya and Mawa Ratuwa River basins, has been completed

Scope of Impacts: Social Safeguards Due Diligence Report (SDDR) prepared during project preparation for construction of PRTWs classified the project as 'Category C' for Involuntary Resettlement and 'Category B' for Indigenous Peoples. The total land requirement was roughly estimated at around 57.72 ha. that belonged to 432 affected households (182 private landowners and 250 Ailani/non-titled landowners. Lands identified are either government lands, Ailani lands or private lands and will be obtained through voluntarily donation by direct project beneficiaries who meets the eligibility criteria set in the Project Administration Manual (PAM). The SDDR identified 66 percent of the affected households as indigenous people. However, no physical or economic displacement envisaged, and only positive beneficial impacts are envisaged on indigenous peoples. All land donations will be verified through an independent third-party verification agency and additional due diligences will be conducted for subproject components other than PRTWs to confirm the project involuntary resettlement and indigenous peoples categorization.

As of reporting date, independent third-party verification has been completed for Mawa Ratuwa (CW-02) and Mohana Khutiya (CW-01) PRTWs. Mawa Ratuwa third-party verification outcomes are included in SMR-1 while for Mohana Khutiya in SMR-2 mainly. Third-party verification for three PRTWs of Mawa Ratuwa was remaining. This has been completed and outcomes are included in this SMR-3. For TVP of additional three PRTWs of Mawa Ratuwa one community meeting for each proposed PRTW was organized. These were attended by around 64 people from the project area. Total land requirement for construction of PRTWs is re-estimated at 0.176 ha. and belongs to private and Ailani landowners (total affected landowners-30). The verification confirms that construction of additional three PRTWs of Mawa Ratuwa envisage no involuntary resettlement impacts, or economic or physical displacement of people and will have only beneficial impacts on indigenous peoples. A total of three MoUs were signed during third-party verification. Together for all PRTWs of Mawa Ratuwa and Mohana Khutiya, 22.40 ha. of land will be required for construction of embankments which belong to 525 affected landowners.

Compensation and Rehabilitation: The SDDR and TVPs finds that none of the affected households envisage livelihood impacts and become economically vulnerable due to construction of PRTWs. However, the Project recognizes that landowners/users living in flood

affected areas are majorly poor and marginalized. Considering this, the Project has an economic assistance program and provide employment as unskilled labor during construction. The project will also provide livelihood enhancement training for all affected landowners and users that have contributed to the Project. Number of affected landowners employed and trained will be included in the successive SMRs. Similarly, CBDRMP related activities are not yet started and will be included in the successive SMRs.

Consultation, Participation and Disclosure: Information dissemination and community participatory consultation is a continuous process and will be complied at every stage of the project. Consultations and participatory processes followed during third-party verification of Mawa Ratuwa and Mohana Khutiya were meaningful, culturally and gender sensitive and ensured timely disclosure of information. It ensured participation of women and indigenous peoples/ethnic groups, other vulnerable households and provided platform for open, fair and transparent dialogue and communication. All consultations and meetings are well documented. Local language-Nepali was widely used during all consultations and even all necessary documents including MoUs etc. were read out loudly in Nepali for easy understanding. Similar processes will be followed for all third-party verifications and for preparation of additional due diligence reports. A communication strategy has been developed for conducting meaningful information dissemination and disclosure activities with all project stakeholders. The periodic SMRs and safeguard documents will be disclosed on ADB and PMU website while the content/summary will be disclosed with project beneficiaries through field offices. A short description of GESI activities undertaken are included in this report while the details are included in quarterly progress reports.

Grievance Redressal Mechanism: A project specific three-tier GRM will be established to receive and facilitate the resolution of affected people's concerns, complaints, and grievances if any about the social and environmental performance at the project level. The Environmental Liaison Officer in PMU will distribute the project booklets designed to inform general public about their rights as per the EMP by following the provision of GRM, and also complaint forms to the chiefs of all local bodies. Draft booklet and complaint forms developed for packages under implementation will be attached in next SMRs. The complainant, if not satisfied with the resolution through the GRM, can always have legal recourse to judicial processes at any stage of grievance redressal or can approach ADB Accountability Mechanism System. GRM is yet to be established at various levels. The first two tiers of GRC has already been established in Mohana Khutiya and Mawa Ratuwa river basins prior to the start of civil works. The government sociologist Shabnam Samal has also been appointed as the central level focal person in PMU to oversee all the issues related to social and environment safeguards. At the field level Safeguard Desk is yet to be formed. As of reporting period, no grievances have been filed.

Institutional Arrangements: The PMU has established a "Central Safeguard Desk" (CSD) and appointed Safeguard Liaison Officer (SLO) to oversee all safeguards related activities. The Safeguard Desk at each PIU (total 6 nos.) will be established before the start of civil works. Safeguard Desk will be headed by Safeguard Focal Person (SFO). The PIC has appointed Senior Social Consultant (SSC) to support PMU SLO and will mobilize field monitors prior to the start of civil works at PIU level to support SFOs. Next SMRs will include the information on designated social safeguards staff at PIU level and details of safeguards staff at all levels on mobilization date, days of inputs incurred, field visits undertaken etc. PMU and PIC need to expediate deployed of designated field staff as civil works has begun under both the contract packages.

Monitoring Results/Findings: Voluntary land donation shall be overseen by an independent third-party. Third-party verification of Mawa Ratuwa and Mohana Khutiya are completed.

Social safeguards implementation and gender related indicators in line with the project's Design and Monitoring Framework (DME) will be monitored throughout the project cycle with the help of structured formats. An indicative format is attached in this SMR-3 which will be tested in the field and finalized. This will be used for social safeguards monitoring on a monthly basis and outcomes will be consolidated in the SMRs.

Compliance with Social Safeguards Loan Covenants: Being complied with. Additionally, mobilization of all proposed safeguards staff, GRM structure, necessary third-party verifications need to be completed prior to the start of civil works.

Follow-up, Action, Recommendations and Disclosure: Lessons learned during third-party verification of Mawa Ratuwa and Mohana Khutiya are documented and will be used to improve the procedures further. Next SMR will include status of safeguards implementation including verified list of affected landowners, updated MoUs, due diligence for additional sites used for construction purpose, grievances recorded, consultations and disclosure.

I. BACKGROUND OF REPORT AND PROJECT DESCRIPTION

A. Overview

1. Nepal is considered one of the most disaster-prone countries in the world. The Terai region, also known as the sub-Himalayan hills, at low altitude is severely affected by recurrent annual flooding that cause damage to infrastructure and crops, and erodes agricultural land affecting the lives and livelihood of the population living in the area, public infrastructure and communities annually.

2. Communities vulnerable to floods in the Terai region have been increasing due to migration of people from the mountains and hilly regions in search of better livelihood options and settling in the flood prone areas. The farmers and communities are not fully prepared for flooding due to limited precautionary measures like absence or limited river training works and preparedness to manage the issues associated with flood (e.g., skill of rescuing the flood victims and their rehabilitation, handling and rescuing of vulnerable persons like women, children, and senior citizens, lack of flood shelter house and warnings of imminent flood events). Inadequate investment in the region in disaster risk management including flood protection affects the poor and the marginalized who occupy the most hazard exposed areas along the river embankments.

3. To improve the resilience of communities to flooding in the six river basins in the Terai region, the Government of Nepal (GoN) has requested the Asian Development Bank (ADB) for financial support. The Priority River Basins Flood Risk Management Project (PRBFRMP) for six river basins in Terai region was approved by the ADB on 28 September 2020 with a total project cost of USD 63 million, of which USD 50 million is financed by ADB and USD 13 million is contributed by Government of Nepal (GoN). The Project financing agreement was signed between the ADB and the Ministry of Finance, GoN (MoF, GoN) on 22 December 2020 and the Project was declared effective on 8 January 2021. The PRBFRMP will be implemented over a period of seven years till 2027.

B. Proposed Project

4. The PRBFRMP aims to reduce the incidence and severity of flooding in the six priority river basins in the Terai region: (i) West Rapti; (ii) Mawa Ratuwa; (iii) Lakhandei; (iv) Mohana Khutiya; (v) East Rapti; and (vi) Bakraha. (**Error! Reference source not found.**). The Project will contribute to a reduction in potential loss of life, and economic and natural resource degradation. The Ministry of Energy, Water Resources and Irrigation is the Executing Agency for the Project. The Department of Water Resources and Irrigation (DWRI) is the Implementing Agency for Output 1 and 3 while for Output 2 Implementing Agency will be the Department of Hydrology and Meteorology (DHM). The main components of PRBFRMP include:

- (i) **Output 1: Flood protection infrastructure improved.** The project will reduce direct impacts from flooding through (i) construction of flood control infrastructure (embankments, spurs, and outlet structures); (ii) planning and implementation of bioengineering of river embankments for enhanced flood risk management, using suitable vegetative methods to prevent soil erosion; and (iii) development of maintenance manuals and an asset management system for flood protection infrastructure. Flood control infrastructure is proposed in five river basins except for East Rapti and will include: (i) 36.06 kms. of embankments; (ii) 4.64 kms. of additional revetments; and (ii) 439 nos. of spurs (**Table 1**). The construction works are expected to generate employment for at least 10% of the affected households, including indigenous peoples, Dalits and women. **Error! Reference source not found.** shows the embankment projects to be funded by ADB based on Social Due Diligence Report (SDDR).

- (ii) **Output 2: Flood forecasting and response systems enhanced.** The project will support the government and communities in flood-prone areas in the six river basins to improve early flood warning systems through (i) installing about 40 rain gauge and 30 hydrometeorological stations, (ii) developing about 5 Flood Forecasting and Early Warning System (FFEWS), and (iii) improving maintenance of FFEWS.
- (iii) **Output 3: Flood prevention and preparedness capacity improved.** This will be delivered by (i) undertaking an organizational capacity building program on flood risk management and infrastructure planning for the DWRI and local governments (municipalities, village municipalities and provincial governments); (ii) developing the capacity of local communities on disaster preparedness; (iii) constructing about 48 flood shelters with gender-responsive features; and (iv) developing community-based disaster risk management (CBDRM) plans, in consultation with community stakeholders (including women) and in line with local development plans and budgets that integrate disaster risk information.

Figure 1: Location of Six Priority River Basins in Terai Region



Table 1: Summary of Proposed River Training Works (PRTWs) under Output 1¹

River Basin	No. of PRTWs	Embankment No.	Embankment Length (m) ²	Additional Revetments (m)	Spurs	Outlets
Mawa Ratuwa	18	01, 02, 03, 04, 5A, 5B3, 7, 8, 09a, 09b, 09c & 09d, 10, 11, 12LB, 12RB, 13LB, 13RB	11,815	1,330	188	19
Mohana Khutiya	12	01, 02, 03, 06, 07, 08, 09, 10, 11a, 11b, 12, 13	9,500	2,150	146	16
West Rapti	5	03, 04, 05, 06, 08	8,135	-	36	-
Lakhandei	2	01, 08	2,744	1,160	27	-
Bakraha	3	04, 06, 07A	3,865	-	42	-
Total	40		36,059	4,640	439	35

Source: Social Safeguards Due Diligence Report (SDDR) for PRBFRMP, June 2020, ADB project progress reports. PRTWs dropped from ADB funding are not considered in this table.

5. The scope of PRTWs for Mohana Khutiya and Mawa Ratuwa basins are based on the detailed embankment design. For West Rapti, Lakhandei and Bakraha basins scope of PRTWs is based on the feasibility embankment design which will be finalized by Project Implementation Consultants (PIC) during project implementation. PRBFRMP civil works will comprise: (i) five open competitive bidding (OCB) packages for PRTWs, one for each river basin except for East Rapti; and (ii) OCB packages for flood shelters. As per the procurement plan outlined in the PAM, advanced contracting of two civil works packages for Mawa Khutiya and Mawa Ratuwa has been completed (Error! Reference source not found.). Works proposed under Output 2-F FEWS will be procured through a turnkey contract (using Goods and related services single stage two envelope procedure of ADB).

Table 2: Status of Civil Works Packages under Output 1 and Output 3

Package	Details	Contract Value (NPR)	Date of Award	Date Contract Signed	Completion Date	Name of the Contractor	Physical Progress
CW-01	Flood Control Works at Mohana Khutiya	NPR 51,58,72,566.30	24 June 2021	29 June 2021	18 July 2024	TEAMS-Rajendra-Kumar JV	0.48%
CW-02	Flood Control Works at Mawa Ratuwa	NPR 70,46,05,320.89	28 April 2021	25 May 2021	13 June 2024	HZMC-Mainachuli-Roshan JV	1.89%

Source: Project Implementation Unit (PMU).

6. In this SMR-3 reporting period, construction of the civil works, in both CW-01 and CW-02 contract packages, has started after the finalization/approval of the pre-requisite documents. In Mohana Khutiya (CW-01) construction of gabion revetment along with launching apron is

¹ PMU will confirm all PRTWs listed here are proposed under ADB funding in the next SMR. The table will be updated in successive SMRs based on change in project scope/design.

² Length was calculated based on individual tables presented in SDDR for each river basin.

³ PRTWS 04, 5A and 5B are not included under Third-party verification (TPV) of Mawa Ratuwa. In next SMR, PMU will confirm if these PRTWs are part of ADB funding and if yes, plan and timeline for conducting TPV. TPV report for these three PRTWs will be approved by the ADB prior to the start of civil works.

⁴ PRTW 07 is not included under SDDR assessment though part of ADB funding.

ongoing in PRTW-01 while river diversion works have just started in PRTW-11b and 12. In Mawa Ratuwa (CW-02) construction of embankment is ongoing in PRTW-04, 12LB and 12RB.

Table 3: Construction Status of CW-01 Mohana Khutiya River Basin

PRTW No.	Items	Progress (In meters)	Remarks
PRTW-01	Levelling and sloping riverbank for revetment	300	-
	Revetment	30	Completed
	Launching apron	300	-
PRTW-11B	River diversion works	-	Just started
PRTW-12	River diversion works	-	Just started

Table 4: Construction Status of CW-02 Mawa Ratuwa River Basin

PRTW No.	Items	Progress (In meters)	Remarks
PRTW-04	Embankment	540	Ongoing
PRTW-12LB	Embankment	380	Ongoing
	Launching apron	318	-
	Revetment	318	Ongoing
PRTW-12RB	Embankment	500	Ongoing

Note: Mention in both tables remarks as ongoing/completed, or work stopped/delayed and reasons for the same. Technical details are not required.

C. Purpose of SMR

7. This semi-annual Social Monitoring Report (SMR) aims to provide periodic review of social safeguards implementation under PRBFRMP and ensure compliance with the Loan Agreement and ADB SPS 2009. This is the third SMR for the period January 2022 to June 2022 and mainly covers: (i) scope of involuntary resettlement and indigenous peoples impacts identified during project preparation (as a part of social due diligence report-SDDR); (ii) results of third party verification conducted for additional three PRTWs of Mawa Ratuwa; (iii) institutional readiness for implementation of social safeguards such as establishment of required project offices and mobilization of staff/ project consultants; (iv) field monitoring of social safeguards implementation; and (v) assistance extended to project affected persons through consultations and grievances redressal.

II. SCOPE OF IMPACTS

A. Social Due Diligence and Project Categorization

8. The Project is classified as 'Category C' for Involuntary Resettlement and 'Category B' for Indigenous Peoples as per the Social Safeguards Due Diligence Report (SDDR) prepared during loan preparation in accordance with the ADB SPS 2009. The SDDR was approved by the ADB on June 2020 and is disclosed ADB website⁵.

⁵ PMU website if under development. Once it is developed, SDDR will be disclosed on PMU website. <https://www.adb.org/sites/default/files/project-documents/52195/52195-001-sddr-en.pdf>

9. It was roughly estimated during the loan preparation that proposed subprojects under PRBFRMP will require: (i) 57.72 hectares (ha.) of land for construction of embankments (9m-12m width) across five river basins except for East Rapti; (ii) 1.60 ha. of land for construction of 48 community flood shelters (approximately 340 square meter per flood shelter); and (iii) 0.02 ha. of land for 40 rain gauge stations (approximately 5 square meter for each) at various locations. The SDDR was prepared for proposed PRTWs/embankments under Output-1 and was based on GIS overlaying of proposed designs on cadastral/village maps without any detailed measurement surveys and ground verification. Considering this, during implementation, impacts identified under SDDR are likely to change in terms of number of affected people and land requirement. In Nepal, river course changes post monsoon and erode land already earmarked for the embankment. This will also result in design changes and associated social impacts.

10. Third-party verification, to be conducted based on detailed design prior to the start of civil works, will confirm impacts identified during SDDR. The third-party verification outcomes will be further updated during implementation based on detailed measurement surveys and ground verification of land records. All third-party verification reports will be submitted to the ADB for approval prior to the start of civil works and disclosed on ADB and PMU websites. If there is any change in social safeguards categorization, appropriate safeguard documents will be prepared in line with the ADB SPS 2009.

11. Social screening of subprojects proposed under Output 2 (FEWS) and Output 3 (flood shelters) was not covered in SDDR as these components were proposed to be designed during the implementation phase in collaboration with the affected people. In line with the implementation schedule, a separate social screening and due diligence of these subprojects will be conducted to ensure the Project social safeguards categorization for involuntary resettlement and indigenous peoples remains the same. In principle, the Project will identify government lands to construct the shelters, or if preferred, local people will have the option to donate lands for the flood shelter where eligibility criteria is met. All appropriate safeguards documents prepared during the implementation phase will be submitted to the ADB for review and approval; prior to the start of civil works and will be disclosed on PMU and ADB websites.

B. Key Outcomes of SDDR

12. The SDDR prepared during loan preparation for PRTWs for five river basins was based on: (i) desk review of technical plans; (ii) review of social assessment reports prepared by the technical assistance consultants; (iii) review of relevant secondary data; and (iv) assessment of primary data collected through community meetings, household surveys, and focus groups discussions with local community and affected persons. Primary surveys during SDDR included about 48 community consultations and survey of 432 affected households.

13. **Involuntary Resettlement:** Estimated 57.72 ha. of land required for PRTWs will be obtained through a combination of government land, Ailani land and private land⁶. Construction of PRTWs envisage no involuntary land acquisition, and any economic or physical displacement. PRTWs works will be accommodated within the government lands and/or land voluntarily donated by direct project beneficiaries who meets the eligibility criteria set in the PAM⁷. Identified lands for PRTWs belong to a total of 432 affected households (2,289 people).

⁶ During the draft SDDR preparation the team could not collect complete information of all affected households having/using land within the project area mainly because: (i) some of the landowners/users were absent; and (ii) identified land parcels were not matching with the GIS overlay on cadastral maps that are not updated for land ownership. In such cases, information regarding land parcels of affected households were collected from local government representatives and the local community.

⁷ Landowners and users are deemed eligible to contribute land or land use to the project when: (i) the donation is verified as voluntary and not resulting from coercion or force, (ii) the donation is verified to not negatively impact or impoverished the land owner or user, (iii) the project benefit will realistically offset the affected party's land or

Of these, 182 households were private landowners while an additional 250 households were non-titled holders/encroachers (Ailani landowners) occupying the government land. All private landowners are eligible to donate the land and have signed the memorandum of understanding (MoU) for voluntary donation of land use rights (VDLURs). In case of Ailani landowners, consent for VDLUR was obtained through signing of community meeting minutes. A total of 179 MOUs were signed with private landowners out of 182 as three private landowners were absent. Additionally, one VDLUR was signed for each PRTW for Ailani landowners (40 comprising a total of 250 Ailani landowners) (Error! Reference source not found.). No negotiated settlement was required due to the project nature and willingness to donate shown by the beneficiaries during social safeguards due diligence screening⁸. There are also no structures or common property resources present in the corridor of impact and crop losses will be avoided as the local people unanimously agreed to avoid planting seasonal crops in the project corridor ahead of the construction season. A total of 16 trees will be required to be cut and affected households have agreed for the same. All MOUs/VDLURs will be verified during third-party verification prior to the start of construction works.

Table 5: Summary of Involuntary Resettlement Impacts of PRTWs

River Basin	Land Requirement in Ha.	Total Affected Households/Landowners		
	<i>In Ha.</i>	<i>Private</i>	<i>Ailani</i>	<i>Total</i>
Mawa Ratuwa	11.85	43	42	85
Mohana Khutiya	12.29	13	60	73
West Rapti	20.35	89	81	170
Lakhandei	0.13	14	37	51
Bakraha	13.10	23	30	53
Total	57.72	182	250	432

Source: SDDR, June 2020.

The table includes affected land area for PRTWs that were excluded from ADB funding since separate information is not available.

14. **Indigenous Peoples:** The SDDR identifies targeted beneficiary population as majority indigenous as per the ADB definition; ethnically distinct and vulnerable. A total of 66 percent of the total participants interacted during SDDR belong to Chaudhari/Tharu, Rajbansi, Rai, Limbu, Magar, Dhimal, and Newar ethnic groups. These groups are defined as indigenous groups by Nepal Federation of Indigenous Nationalities. Consultations with these ethnic groups revealed that they maintain their own languages, customs and rituals. However, detailed discussions revealed that they also interact and participate in the broader community activities and are following the same socio-economic practices that are followed by other local community members. The SDDR finds that the project is unlikely to impact indigenous people's identity, dignity, human rights, livelihood systems, or cultural uniqueness. PRTWs will not affect any traditional lands owned by ethnic households or groups. The Project however will provide direct positive benefits to indigenous peoples living within the project area and no adverse impacts are envisaged.

15. **Vulnerability:** ADB SPS 2009 defines vulnerable people as those living below the poverty line (BPL), the elderly—above 60 years of age, women headed households, children, physically handicapped, indigenous people, scheduled castes and scheduled tribes (Dalits),

land use donation, and (iv) the donation is verified in verbal and written records as confirmed and witnessed by an independent third party. Donations resulting in a loss of more than 10% of the household annual income OR a loss of more than 10% of the household total land holding cannot be contributed on a voluntary basis to the project, irrespective of the affected party's willingness to do so. Furthermore, no structures including residential, business, animal or food storage can be donated to the project on a voluntary basis.

⁸ Where landowners or users of land are ineligible or do not wish to donate land, the project has the option to enter into a negotiated settlement.

households with disabled persons, landless, transgender and those without legal title. The vulnerability status in the project areas is presented in Error! Reference source not found..

Table 6: Vulnerability Status of Affected Households in PRTWs

PRTWs	Vulnerability 1/					
	BPL9 Hhs	Ethnic group Hhs	Dalit Hhs	Hhs head senior citizen	Women headed Hhs	Hhs with disabled person
Mohana-Khutiya	1	54	1	12	3	1
West -Rapti	5	166	-	27	18	4
Bakraha	-	32	4	13	7	5
Lakhandehi	-	44	2	9	5	2
Mawa-Ratuwa	-	31	6	22	9	4
Total	6	327	13	83	42	16

^{1/} In West Rapti 52 households; in Bakraha 8 households; and in Lakhandehi 11 households have expressed more than one vulnerability. The total exceeds 432 affected households as some households have expressed multiple vulnerability.

Source: Draft SDDR, June 2020

C. Third-Party Verification and Confirmation of Impacts

16. As of reporting date, independent third-party verification (TPV) has been completed for Mawa Ratuwa PRTWs and Mohana Khutiya PRTWs. Third-party verification of three PRTWs (Bakraha-04, West Rapti-5A and Lakhandehi-5B) from Mawa Ratuwa was remaining and it is completed in this SMR-3 reporting period¹⁰. Both the TVPs were conducted in the presence of ADB consultant, DWRI representative and local government representatives. Third-party verifications have been carried out as per the guidelines set out in the PAM/SDDR and detailed terms of reference (ToR) provided by the PMU. Standard operation procedures in the light of COVID-19 were followed during all consultations, surveys and meetings for verification of impacts and signing of new MoUs/VDLURs. Outcomes of TPV for Mawa Ratuwa are included in the SMR-1 while for TVP Mohana Khutiya in SMR-2. This section mainly describes the outcomes of TPV for the remaining three PRTWs of Mawa Ratuwa.

17. A total of 18 PRTWs are proposed under Mawa Ratuwa River basin. Third-party verification of 15 PRTWs (excluding PRTWs 04, 5A and 5B) was completed in March 2021. A separate TVP is hence conducted for the additional PRTWs of 04, 5A and 5B. This supplemental TVP for additional three PRTWs is prepared by an independent non-governmental organization (NGO): Birat Community Learning Centre and is based on field verification conducted between 10-20 March 2022.

Table 7: Additional PRTWs for Mawa-Ratuwa

River Basin	Distri ct	Number of PRTWs/ Embankments	Embankmen t Length (m)	Additional Revetment s (m)	Spurs (No)	Outlets
Mawa-Ratuwa	Morang	3	1,505	20.90	32	1

Source: Social Safeguards Due Diligence Report (SDDR) for PRBFRMP, June 2020

⁹ In Nepal, the standard method of calculating BPL income has been determined by Central Bureau of Statistics (CBS) under the National Planning Commission (NPC). As per NPC/CBS9 2011 an individual in Nepal is considered poor if his/her per-capita total annual consumption is below NPR 19,261.

¹⁰ The TPV for Mawa Ratuwa PRTWs is conducted by an independent non-government organization (NGO): Birat Community Learning Centre from January-March 2021. The TVP of Mohana Khutiya PRTWs is conducted by an independent NGO: Clear Vision Nepal from 12-26 September 2021. ADB approved TVP of Mawa Ratuwa PRTWs in June 2021, TVP of Mohana Khutiya PRTWs in May 2022 and TVP of remaining three PRTWs of Mawa Ratuwa in June 2022.

Table 8: Details of Additional PRTWs of Mawa-Ratuwa River Basin

PRTW	Site Name	Municipality	Ward No	Embankment Length (m)
04	Shanti tole	Urlabari Municipality	7	785
05A	Tappu	UrlabariMunicipality	6	470
05B	Tapuu	Urlabari Municipality	1	250
	Total			1,505

Source: Social Safeguards Due Diligence Report (SDDR) for PRBFRMP, June 2020

18. One community meeting for each proposed PRTW was organized. These were attended by around 64 people from the project area. Some of the affected households were also contacted through door-to-door meetings who could not attend the community meetings. A total of 30 landowners¹¹ were identified whose lands will be required partially for the construction of PRTWs (Error! Reference source not found.). Total land requirement for construction of additional three PRTWs is re-estimated at 0.176 ha. and belongs to private and Ailani landowners. The land requirement and affected people were found on higher side than that estimated during SDDR. The variation in land requirement can be attributed to changes in river course or morphology post monsoons.

Table 9: Details of Community Consultation Meetings and Participants

Sl. No.	PRTW Name and No.	No. of Participants	Number of Landowners	Affected during SDDR
1	Shanti tole-04	16	15	5
2	Tappu-05A	27	2	4
3	Tappu-05B	21	13	5
	Total	64	30	14

Source: Third-party verification for additional PRTWs, March 2022

Table 10: PRTW wise Details of Affected Landowners and Area

Sl. No.	PRTW Name and No.	Municipal Area and Ward Number	Number of Landowners	Total Affected Area (sqm)
1	Shanti tole-04	Urlabari Municipality-7	15	1062.50
2	Tappu-05A	Urlabari Municipality-6	2	182.18
3	Tappu-05B	Urlabari Municipality-1	13	520.90
	Total		30	1765.58 (0.176 ha)

Source: Third-party verification for additional PRTWs, March 2022

19. The main findings of TVP for three additional PRTWs of Mawa Ratuwa are:

- The landowners and local government representative expressed that they are eagerly waiting for the project as this project will not only save their assets but also secure their life and environment.
- No involuntary land acquisition, economic or physical displacement is envisaged due to proposed subproject components.
- A total of 64 participants from 04, 5A and 5B PRTWs participated in verification meetings. Meaningful consultations were conducted with all participants, and they have shown full commitment to support the project. Women, ethnic groups and other vulnerable groups participated equally during the meetings. There are two major ethnic groups in the project district (Morang): (i) Rai and Limbu- also known as Janajatis, and (ii) Pahadiya-broadly known as hill community including Brahmins, Chhetris, and other schedule caste population.

¹¹ Out of the 30 affected landholders, 15 are titleholders and 15 are non-titleholders and no institutions are affected.

- A total of 30 landowners were identified as affected whose lands will be voluntarily taken for the construction of PRTWs. All 30 landowners were found eligible to donate land as per criteria specified in the PAM and need of any negotiated settlement is not envisaged.
- A total of 11 Women landowners were also found happy and expressed their full support.
- All affected landowners highly willing to contribute their lands for the Project as it will secure their lands from future flooding and minimize losses.
- All these 30 landowners have willingly signed MoU during verification meetings. One MoU for each PRTW was signed. Out of total 30 landowners, 15 are titleholders and the remaining 15 are non-titleholders. The total land requirement from affected landowners was estimated at 1765.58 Sqm (0.176 ha).
- The SDDR prepared during project preparation phase identified a total 8512 affected landowners for all 18 PRTWs. Among these 14¹³ were from PRTWs 04, 5A and 5B. Only three¹⁴ out of the 14 affected landowners were found affected during third-party verification (Annexure 1). The remaining 11 landowners are not affected, and PIU will inform them through official notification that the MOUs/VDLURs signed by them during feasibility study are no more valid.
- Project benefits were well communicated with all participants including affected landowners which were well received by them. The affected landowners were also informed that they will be entitled for skills training, work opportunities in construction as unskilled labour etc.
- The affected households understand they will get the opportunity to work as unskilled labor during construction and also to get involved as maintenance workers.
- The verification team observed that all local governments of proposed PRTWs are very much positive and ready to support the project.
- The Janajati, Dalit and other caste groups are equally benefitted by the project
- Verification followed the SOP (Standard operation Procedure) to protect from COVID 19 pandemic disease. During verification face mask, sanitizer have been used and distance has been maintained.
- All participants requested to complete the work on time without compromising on quality.
- People perceived benefits are: (i) affected landowners and Ailani occupants will benefit from short-term income derived as workers/labourers during construction¹⁵; (ii) project works will increase utility and value of their remaining protected lands; (iii) landowners or users will be able to plant year-round crops on the protected land and will have increased security.

20. The verification confirms that construction of additional PRTWs of Mawa Ratuwa envisage no involuntary resettlement impacts, or economic or physical displacement of people. No structures are present along the proposed alignment and within the lands required for embankment construction. Crop losses will be avoided as local people unanimously agree to avoid planting seasonal crops in the project corridor ahead of the construction period. Third-party verification also confirms that construction of additional PRTWs will have only beneficial impacts on indigenous peoples. Of the total 30 landowners, 50 percent belong to ethnic groups (Janjaati and Dalits) (Error! Reference source not found.). Social safeguards categorization hence remains unchanged after the third-party verification of additional PRTWs of Mawa Ratuwa.

21. The MoU was signed between the landowners and DWRI district/site engineer and is witnessed by the local government representative. After the signing, the ward (local government) issued the letter of certification to each PRTW, which is certified by the third-party

¹² Based on SDDR Table 22 and Table 23 (Page 25), affected persons include: 43 private, 21 Ailani, and 21 both private and Ailani landowners. SDDR covered PRTWs 01, 02, 03, 04, 5A,5B, 07, 08, 9A - 9B, 9C, 9D, 10, 12LB, and 13.

¹³ Based on SDDR Appendix 5 (Pages 99 - 101), 14 affected persons (6 private landowners, 3 Ailani and private landowners, and 5 Ailani landowners) were identified in PRTWs 04, 5A and 5B.

¹⁴ A tentative assessment based on names of affected landowners. This will be verified based on land records data during implementation.

¹⁵ Hiring of locals as labourers during construction is specified in the contractor's contract.

NGO. A total of three MoUs were signed during third-party verification. Key findings of third-party verification with attendance lists, photographs, MoUs/VDLURs, third-party verification certificate and other documents are attached in Annexure 1.

22. A detailed report for all TVPs are prepared which are available at PMU office. Additionally, summaries of all TVPs conducted under PRBFRMP are available at PMU/PIC/PIU offices for reference.

Table 11: Distribution of Affected Landowners by Gender and Ethnicity and Ownership-Additional PRTWs of Mawa Ratuwa

PRTW Name & No.	Total Affected Land owners	Distribution by Gender		Distribution by Ethnicity			Distribution by Land ownership	
		Male	Female	Brahmin/ Chhetri	Janajati	Dalit	Titleholders	Non-titleholders
Shanti Tole PRTW 4	15	10	5	15	-	-	13	2
Tappu PRTW 5A	2	-	2	-	2	-	2	-
Tappu PRTW 5B	13	9	4	-	13	-	-	13
Total	30	19	11	15	15	-	15	15
Percentage (%)	100	63	37	50	50	-	50	50

Source: Third-party verification consultations, September 2021

D. Implementation of Social Safeguards

23. Most of the rivers in the Terai are braided and prone to frequent change of the river course. Due to this, affected people identified during SDDR and TVP are likely to change during the actual construction. As the construction progresses affected people identified during TVPs needs to be verified and confirmed. A field monitoring format has been developed which needs to be tested in the field and finalized. Based on it, regular verification of affected people and other social safeguards monitoring will be undertaken on the monthly basis and included in the successive SMRs.

III. COMPENSATION AND REHABILITATION

24. The Project is classified as Category C for involuntary resettlement and no adverse permanent or temporary impacts are envisaged. Based on PAM arrangements, the land for PRTWs will be contributed on a voluntary basis by the eligible project beneficiaries. Thus, compensation and rehabilitation of affected persons is not envisaged. Keeping in view of ADB SPS, third-party verifications will be undertaken. New MoUS/VDLURs will be signed in the presence of independent third-party, and landowners will not be obliged to transfer their land title deeds to the government. During third-party verification, if identified that a landowner /user is not eligible or do not wish to voluntarily donate the land, the Project has the option to enter a negotiated settlement to acquire the land. Compensation and rehabilitation under negotiated settlement will be carried out as per the procedures outlined in the PAM and ADB SPS 2009. The Project is classified as Category B for indigenous peoples impacts but only beneficial impacts are envisaged on various ethnic groups residing within the project area.

A. Assistance to Project Affected People/Beneficiaries

25. The SDDR finds that none of the affected households envisage livelihood impacts and become economically vulnerable due to construction of PRTWs. However, the Project recognizes that landowners/users living in flood affected areas are majorly poor and marginalized. Considering this, the Project has an economic assistance program integrated with the project construction and maintenance to ensure that the affected people especially the vulnerable get employment as unskilled labor during construction. The project will also provide livelihood enhancement training for all affected landowners and users that have contributed to the Project. Number of affected landowners employed and trained will be included in the successive SMRs.

26. The project also envisages to train and organize embankment neighbors having their land in the area into maintenance groups for the sustainability of embankment and effective/productive utilization of land along the embankment corridor. DWRI will examine options to facilitate the local community on forming maintenance groups, get training associated to embankment protection and utilization of land along the embankment side and, help to coordinate with relevant agencies at the district levels. There could be several options to implement the program during construction and post-construction phase: either (i) under the regular program of DWRI or (ii) in collaboration with relevant district level relevant stakeholder agencies (e.g., district agricultural office, forest office, etc.) or with the assistance of interested external sources. Some of the potential activities that can be carried out by the CBDRRM NGO that will be hired by the government may also include; (i) formation of embankment location and length specific Embankment Maintenance Groups, (ii) train local people on regular maintenance of embankments, commercial utilization of the land along the corridor of embankment through agro-farming, agro-forestry, desert cultivation (watermelon, sugarcane, peanuts, pumpkins, ladies' fingers, gourds) fish farming, etc. for income

generation. CBDRPM related activities are not yet started and will be included in the successive SMRs.

IV. CONSULTATION, PARTICIPATION AND DISCLOSURE

27. Information dissemination and community participatory consultation is a continuous process and will be complied at every stage of the project. Consultation with stakeholders and affected people were carried out during project preparation and will be continued during implementation following ADB's Access to Information Policy. Project design ensures participation of all project affected people and beneficiaries of the project at every stage. Regular consultations conducted, ahead of civil works or during construction work, for information sharing and recording concerns from the project beneficiaries will be well documented and included in the respective SMRs.

28. Consultations and participatory processes followed during third-party verification of additional PRTWs of Mawa Ratuwa were meaningful, culturally and gender sensitive and ensured timely disclosure of information. It ensured participation of women and indigenous peoples/ethnic groups, other vulnerable households and provided platform for open, fair and transparent dialogue and communication. All consultations and meetings are well documented. Local language-Nepali was widely used during all consultations and even all necessary documents including MoUs etc. were read out loudly in Nepali for easy understanding. Similar processes will be followed for all third-party verifications and preparation of other necessary documents. The periodic SMRs will be disclosed on ADB and PMU website while the content/summary will be disclosed with project beneficiaries through field offices.

29. Consultative meetings have been organized by PMU/PIU/PIC for contractor to expedite the work progress prior to start off and during the actual construction phase in both river basins. Prior to the construction, an introductory pre-construction meeting was organized for each contract package. Interactive Workshop on PRBFRMP for Mawa-Ratuwa River Basin was conducted on 15th Baisakh, 2079 (28th April, 2022) in Damak for all project staff and stakeholders. At the end of this workshop, the participants had a clear understanding of the project and also about their roles and responsibilities (Annexure 3).

30. The project is categorized as 'Effective Gender Mainstreaming' and a Gender Equality and Social Inclusion (GESI) Action Plan has been prepared for the project. Series of activities planned in GESI in consultative and participatory manner with women, vulnerable and excluded groups are started and outlined in detail in quarterly progress reports (QPRs). The GESI action plan comprises of 10 activities and 17 quantitative and qualitative targets aimed at mainstreaming gender sensitive and socially inclusive approach in all project activities. The GESI action plan implementation has been slow, but some significant progress has been made since the last review mission in October 2021. GESI assessment were conducted in Mohana Khutia and Mawa Ratuwa and baseline data disaggregated with sex, caste, ethnicity has been collected. GESI guidelines to orient the project staff have been developed. Likewise, formats to collect disaggregated data from the field for GESI monitoring and reporting have been developed and shared with the field offices. Adequate budget is also allocated for the implementation of GESI action plan. Designated staff from ADB/PMU has conducted sessions on GESI, labor standards, equal wages, occupational health and safety (OHS), awareness on sexually transmitted disease (STI) prevention, human trafficking, sexual harassment exploitation and abuse etc. to orient PIC/PIU field staff and contractor's team in Mohana Khutiya and Mawa Ratuwa.

V. GRIEVANCE REDRESSAL MECHANISM

31. Under safeguards implementation, a project specific GRM will be established to receive and facilitate the resolution of affected people's concerns, complaints, and grievances if any about the social and environmental performance at the project level. The GRM will aim to provide a time bound and transparent mechanism to voice and resolve social and environmental concerns linked with the project. A GRM shall be established to ensure:

32. The basic rights and interests of every person affected by poor environmental or social performance of the project are protected; and Concerns arising from the poor environmental or social performance of the project during the conduct of pre-construction, construction and operation activities are effectively and timely addressed. GRM is proposed to be simple, transparent, and responsive. GRM will address only the concerns arising due to the project implementation activities. It will be a four-tier mechanism with scope for availing Nepal's legal system which can be availed at any time irrespective of lodging any concerns in the first and second tier of GRM. The Environmental Liaison Officer in PMU will distribute the project booklets designed to inform general public about their rights as per the EMP by following the provision of GRM, and also complaints forms to the chiefs of all local bodies. Draft booklet and complaint forms developed for packages under implementation will be attached in next SMRs. The grievance redress process shall include the following stages:

- (i) **Level 1:** Aggrieved person/household shall file the complaint at subproject level. The receiving agent/project or government staff will be obliged to provide immediate written confirmation of receiving the complaint, and document that in GRM register. Safeguard Desk at field office/PIUs The grievance will be discussed with the affected person(s) and Safeguard Desk in the field office supported by the environment monitors to reach an agreement to settle the issue locally. If after 7 days the aggrieved person does not agree with grievance redress proposal, the complaint may be forwarded to PMU/PIU DHM seeking appropriate resolution.
- (ii) **Level 2:** PMU/PIU DHM in consultation with aggrieved person and support from Local Body will try to solve the problem within 15 days of receipt of the complaint received in their office. If no amicable solution is reached at PMU/PIU DHM level within 15 days, the grievance shall be forwarded to GRC chaired by Chief District Officer.
- (iii) **Level 3:** Project will form a GRC at district level chaired by the Chief District Officer, and representatives from the field office/PIU/PMU, concerned municipality chief, and the ward chair will be the member, and the field office chief will be the member secretary. The PIU chief supported by safeguard monitors will function the role of member secretary. The GRC will consult with the complainant and propose to resolve the issue. The GRC may invite concerned line agencies, and community group for discussion to find an amicable solution.

33. **Other dispute redress mechanisms.** The complainant, if not satisfied with the resolution through the GRM, can always have legal recourse to judicial processes at any stage of grievance redressal. In the ADB Accountability Mechanism, people adversely affected by ADB-financed projects can express their grievances; seek solutions; and report alleged violations of ADB's operational policies and procedures, including safeguards. This is a separate resolution mechanism from the GRM described above.

34. Within the reporting period of SMR-2, 1st tier of GRC is established for Mohana Khutiya and Mawa Ratuwa PRTWs. Additionally, the government sociologist Sabnam Samal has been appointed as the central level focal person in PMU to oversee all the issues related to social and environment safeguards. Further consultation meetings were arranged to form second tier of GRC which was attended by total 86 people from Mohan Khutiya (29) and Mawa Ratuwa

(57) PRTWs. The consultations were focused on principles of establishing GRC and its operational procedure (Annexure 2).

Table 12: GRC Formation Consultation Meetings

S N	Location	PRTW No.	Male	Female	Total
	Mohana Khutiya				
1	Dhangadhi Sub-Metro-3,13,15,17	03, 08, 09, 12	12	0	12
2	Krishnapur Municipality-7,8,9	01, 02, 10, 11a, 11b	8	2	10
3	Godawari Municipality-9	06, 07, 13	6	1	7
	Sub-Total Mohana Khutiya		26	3	29
	Mawa Ratuwa PRTWs				
1	Gauradaha – 5	01a, 01b	9	0	9
2	Ratuwa Mai Rural Muni -3,4,10	02, 08	9	1	10
3	Miklajung Rural Muni- 9	11	10	0	10
4	Urlabari Municipality-1,7,9	04, 05A, 05B, 07, 13 RB	8	1	9
5	Damak Municipality-1, 2, 3, 4, 7, 10	03, 09a, 09b, 09c, 09d, 10, 12RB, 13LB	7	3	10
6	Kamal Rural Muni- 6	12LB	8	1	9
	Sub-Total Mohana Khutiya		51	6	57
	Total		77	9	86

Source: Field consultation logbook, 2022

Table 13: Status of 2nd tier of GRC Formation

SN	PRTW No.	Municipality	No. of GRC Members	Gender	
				Male	Female
	Mohana Khutiya PRTWs				
1	01,02,10,11a,11b	Krishnapur	5	4	1
2	06, 07,13	Godawari	5	4	1
3	03, 08, 09,12	Dhangadhi Sub-Metro	6	5	1
	Mawa Ratuwa PRTWs				
1	01a, 01b	Gauradaha	6	5	1
2	02, 08	Ratuwamai	6	5	1
3	03, 09a, 09b, 09c, 09d, 10, 12RB, 13LB	Damak	6	5	1
4	04, 05A, 05B, 07, 13RB	Urlabari	6	5	1
5	11	Miklajung Rural	6	5	1
6	12LB	Kamal Rural	7	5	2

Source: Field consultation logbook, 2022

35. As of reporting period, no grievances have been filed. Updates will be provided in the next SMR.

Table 14: Summary of Submitted Grievances and Resolved Status till date

Type of Grievance	Total No. of Grievances (as of ___)	No. of Grievances Received during Reporting Period	Status of Grievances (Resolved, Ongoing Resolution, Unresolved)

To be filled package wise from next SMR

VI. INSTITUTIONAL ARRANGEMENTS

36. The project has two implementing agencies: (i) Project Management Unit (PMU) headed by project director under the Department of Water Resources and Irrigation (DWRI), and (ii) Project Implementing Unit (PIU) headed by Project Manager under the Department of Hydrology and Metrology. The PMU has overall responsibility of project implementation and management. Project Director will serve as focal contact of ADB. The PIU is responsible for Output 2 (Flood Forecasting and Early Warning System (FFEWS)). PMU and PIU is supported by Project Implementation Consultant (PIC).

37. **Safeguard Implementation Arrangements.** The PMU will establish a “Central Safeguard Desk” (CSD) and comprise Safeguard Liaison Officer (SLO). SLO will be supported by Senior Social Consultant (SSC) of PIC for social safeguards implementation. Each field office/PIU will establish a Safeguard Desk, which will be chaired by safeguard focal person (SFO), who will be supported by safeguards field monitors under overall guidance of SSC.

Table 15: Deployment Status of Social Safeguards Officials during Reporting Period

Sl. No.	Name of Institution	Designation	No. of Staff	Position Filled In	Remarks
1	PMU (DWRI)	Safeguard Liaison Officer (SLO) at Central Safeguard Desk (CSD)	1	1	Appointed Shabnam Samal as SLO
2	PIU (Six Field Office under PMU-DWRI At Jhapa, Morang, Sarlahi, Makwanpur, Dang and Kailali)	Safeguard Focal Person (SFO) at Safeguard Desk	6	-	Not appointed (Names to be added here when appointed)
3	PIU (DHM)	Not proposed	-	-	-
4	PIC	Senior Social Consultant (SSC)	1	1 (September 2021)	Appointed Shiva Pd Dhakal as SSC
5	PIC	Field Monitors	6	-	Not appointed (Names to be added here when appointed)

Source: Update as provided by PMU and PIC

Successive SMRs will also include the mobilization date, days of inputs incurred by the designated staff and details of field visits undertaken

38. The PMU has established a “Central Safeguard Desk” (CSD) and appointed Safeguard Liaison Officer (SLO) to oversee all safeguards related activities. PMU to expedite the mobilization of PIU field level staff as construction work has begun under both the contract packages.

39. Civil works has recently begun under both CW-01 and CW-02 contract packages. Safeguard Desks at PIUs will soon be established. Next SMRs will include the information on designated social safeguards staff (SFOs) at PIU level. SFOs at PIU level will ensure the following: (i) the bidding document and contract agreement documents includes specific safeguard provisions, and ensure that EMP/OHS costs are sufficiently costed; (ii) ensure contractor submits site-specific EMP and OHS plan (integrated SEMP) before field mobilization; (iii) implement SEMP and document using standard checklists; (iv) involuntary resettlement and indigenous peoples screening and preparation of due diligence reports, as needed, to verify land use arrangements (including land donations and/or negotiated settlement), avoidance of involuntary resettlement impacts and meaningful consultation and information sharing with indigenous people; (v) comply with prohibition of child labor; (vi) ensure equal wage rate for similar work irrespective of gender; (vii) implement activities for prevention of sexually transmitted diseases and HIV/AIDS for workers and community; (viii) implement agreed rehabilitation and construction targets for indigenous people, women and other vulnerable groups; (ix) take timely corrective actions to ensure full compliance with social and environmental safeguards and OHS; (x) submit monthly environmental monitoring report to the senior environmental/OHS specialist at PMU and monthly social monitoring reports on the indigenous people and involuntary resettlement implementation progress to the Social Safeguard Focal in the CSD; (xi) assist field offices and PIU field team to conduct meaningful, culturally and gender sensitive consultation in the field; and (xii) establish a culturally sensitive GRM at field offices and address grievances in a timely manner for both field office and PIU work.

40. PIC has appointed Senior Social Consultant (SSC) however he needs to be mobilized on the regular intervals to undertake social safeguards implementation and compliance reporting. Field monitors were supposed to be mobilized prior to the start of civil works and PIC will expedite the mobilization of all required field staff. The PIC SSC will: (i) provide support to PMU/field offices and PIU/DHM in ensuring the project’s full compliance with overall environmental and social safeguards and occupational safety and health requirements; (ii) prepare an e-MIS, and (iii) guide the safeguard field monitors. The field monitors will coordinate with the PIU/DHM field team implementing FFEWS and ensure safeguards in their work. They will support field offices and PIU field team in overall safeguards assurance monitoring, undertake corrective actions, and report to the senior environment/OHS specialist at PMU.

VII. MONITORING RESULTS/FINDINGS

41. Based on Para. 61 of the PAM, voluntary land donation shall be overseen by an independent third-party¹⁶. The third-party will also verify voluntary land use donation permission (MoU) provided by the landowners during the preparation of the due diligence report and a new Memorandum of Understanding (MoU) will be signed in the presence of independent third-party during third-party verification.

42. The independent third-party mainly verify: (i) land donation complied with the eligibility criteria indicated in the PAM, (ii) MoU prepared for voluntary land use donation/permission for

¹⁶ An independent third-party is a designated non-governmental organization, government or legal authority who does not serve to benefit from the project and is impartial to the donation outcome.

land use for construction of embankment during preparation of due diligence report; (iii) whether the voluntary land use donation has been taken in a transparent, consistent and equitable manner so that people entering into agreements (MoU) maintain the same or better income and livelihood status; (iv) All voluntary land and land use donations are documented, overseen and acquired without any force; and (v) in cases where the land donation is limited to less than 10% of total land holding, and if land owners are ineligible or do not wish to donate land, the project opted to enter into negotiated settlements, or avoided the affected asset by changing project design in case of failed negotiations. Based on PAM, negotiated or compensated settlement will be provided in the form of replacements of assets (land for land) or cash compensation. Third-party verification for all PRTWs under CW-01 and CW-02 contract packages are successfully completed in compliance with PAM and ADB SPS requirements. Social safeguards implementation and gender related indicators in line with the project's Design and Monitoring Framework (DME) will be monitored throughout the project cycle with the help of structured formats. A format (Annexure 5) has been developed for the field monitoring of social safeguards. This will be tested in the field and finalized. All successive SMRs will monitor the social safeguards implementation on monthly basis based on this format.

VIII. COMPLIANCE WITH SOCIAL SAFEGUARDS LOAN COVENANTS

43. The project is in the process of complying with the social safeguards covenants. Table 16 summarizes the status of compliance with social safeguards covenants as of December 2021.

Table 16: Status of Compliance with Social Safeguards Covenants

SI. No.	Covenants	Reference in loan agreement	Status of compliance
1	Institutional Arrangement	Schedule-4	
	The Borrower shall ensure that 9a) all positions identified as key personnel within the PMU, PIU and FOs are filled for the full duration of the project by individual with key adequate skills and expertise relevant to each position; and (b) vacancies in such positions, should they occur, are filled within 3 months	Schedule 4, para-2	Being complied with. Most of key staff at PMU level have been hired. The following key positions are vacant: one Deputy Project Director, Environment officer and field-based safeguard team is also vacant. PIC Safeguard team (Environment, Social, Gender and CBDRM) team is onboard.
2	Land Acquisition and Involuntary Resettlement	Schedule-4	
	The Borrower shall ensure that the Project does not have any involuntary resettlement impacts, within the meaning of the Safeguard Policy Statement. In the event that the Project does have any such impact, the Borrower shall take all steps required to ensure that the Project complies with the applicable laws and regulations of the Borrower and with the Safeguard Policy Statement.	Schedule-4, Para -6	Being Complied with. No involuntary land acquisition, economic and physical displacement is required for construction of Mawa Ratuwa and Mohana Khutiya PRTWs as confirmed through Third-party verification. For other river basin PRTWs it will be confirmed based on the respective Third-party verifications. Third-party verification of all PRTWs of Mawa Ratuwa and Mohana Khutiya has been completed and approved by the ADB, prior to the civil works, and affected landowners who have voluntarily donated the lands have signed MoUs/VDLURs. For other river basin PRTWs Third-party verifications to be undertaken when detailed deigns are ready. Due diligence for other impacts (construction waste dumping sites, access roads, field offices, labour

SI. No.	Covenants	Reference in loan agreement	Status of compliance
			camps etc.) will be conducted and includes in the next SMR-4.
3	Indigenous Peoples	Schedule-4	
	The Borrower shall ensure that the Project does not have any negative indigenous people's impacts, within the meaning of the Safeguard Policy Statement. In the event that the Project does have any such impact, the Borrower shall take all steps required to ensure that the Project complies with the applicable laws and regulations of the Borrower and with the SPS, including preparation by the Borrower of an IPP, for submission to and clearance by ADB, and compliance with the measures and requirements set forth in such IPP.	Schedule-4, Para-7	Being complied with. Third-party verification of Mawa Ratuwa and Mohana Khutiya confirms no adverse impacts on indigenous peoples. Only beneficial impacts are envisaged. Meaningful consultations were conducted with indigenous people/ethnic group households during verification and all affected indigenous households have signed MOUs/VDLURs.
4	Human and Financial Resources to Implement Safeguards Requirements	Schedule-4	
	The Borrower shall make available necessary budgetary and human resources to fully implement the EMP and, if applicable, the IPP.	Schedule-4, Para-8	Being Complied with. Sufficient budget is available for implementation of EMP. Since no IPP is prepared, budget is not necessary. Vacancy at PMU level include one Deputy Project Director, and one Environment officer. PIC is currently awaiting PMU evaluation of replacement for following posts: Environment Safeguard, Financial Management, CBDRM, few staff is yet to be recruited.
5	Safeguards – Related Provisions in Bidding Documents and Works Contracts	Schedule-4	

SI. No.	Covenants	Reference in loan agreement	Status of compliance
	The Borrower shall ensure that all bidding documents and contracts for Works contain provisions that require contractors to:	Schedule-4, Para-9	Being Complied with. Bidding documents indicate that contractors are required to adhere to the project's gender and safeguards requirements and processes.
5.a	Comply with the measures relevant to the contractor set forth in the IEE, the EMP and, if applicable, the IPP (to the extent they concern impacts on affected people during construction), and any corrective or preventative actions set forth in a Safeguards Monitoring Report		-
5.b	Make available a budget for all such environmental and social measures		-
5.c	Provide the Borrower with a written notice of any unanticipated environmental, resettlement or indigenous peoples risks or impacts that were not considered in the IEE, the EMP and, if applicable, the IPP		-
5.d	Adequately record the condition of roads, agricultural land and other infrastructure prior to starting to transport materials and construction; and (e) reinstate pathways, other local infrastructure		-
5.e	Reinstate pathways, other local infrastructure, and agricultural land to at least their pre-project condition upon the completion of construction		-
6	Safeguards Monitoring and Reporting	Schedule-4	
	The Borrower shall do the following: (a) submit semi-annual Safeguards Monitoring Reports to ADB and disclose relevant information from such reports to affected persons promptly upon submission;	Schedule-4, Para-10	Being complied with. Submission of SMRs are delayed for various reasons (unavailability of field staff and experts to develop monitoring formats and conduct field monitoring) and the process will be streamlined from SMR-4. ADB will support the PMU for field

SI. No.	Covenants	Reference in loan agreement	Status of compliance
			monitoring of social safeguards and in field training of staff for SMR-4.
	(b) if any unanticipated environmental and/or social risks and impacts arise during construction, implementation or operation of the Project that were not considered in the IEE, the EMP and, if applicable, the IPP, promptly inform ADB of the occurrence of such risks or impacts, with detailed description of the event and proposed corrective action plan; and		-
	(c) report any actual or potential breach of compliance with the measures and requirements set forth in the EMP or, if applicable, the IPP promptly after becoming aware of the breach		-
7	Gender and Development	Schedule-4	
	The Borrower shall ensure that (a) the GAP is implemented in accordance with its terms; (b) the bidding documents and contracts include relevant provisions for contractors to comply with the measures set forth in the GAP; (c) adequate resources are allocated for implementation of the GAP; and (d) progress on implementation of the GAP, including progress toward achieving key gender outcome and output targets, are regularly monitored and reported to ADB.	Schedule-4, Para-14	Being complied with. The project is categorized as effective gender mainstreaming. The project submits quarterly progress reports on the implementation of GESI Action Plan.
8	Grievance Redress Mechanism	Schedule-4	

Sl. No.	Covenants	Reference in loan agreement	Status of compliance
	<p>Within 3 months after the Effective Date, the Borrower shall prepare a grievance redress mechanism acceptable to ADB, and establish a special committee to receive and resolve complaints/grievances or act upon reports from stakeholders on misuse of funds and other irregularities, including grievances due to resettlement. The special committee shall (a) make public the existence of the grievance redress mechanism; (b) review and address grievances of stakeholders of the Project, in relation to the Project, any of the service providers, or any person responsible for carrying out any aspect of the Project; and (c) proactively and constructively respond to such grievances.</p>	<p>Schedule-4, Para-16</p>	<p>Being complied with.</p> <p>First two tiers (ward/village and municipality level) of GRC have been established in both CW-01 and CW-02 contract packages.</p> <p>A central level "Safeguard Desk" has been established at PMU level. At present the project government sociologist Sabnam Samal has been appointed as central level Focal person to look after all social safeguard Issues. So far, no grievances are recorded.</p>

IX. FOLLOW-UP, ACTION, RECOMMENDATIONS AND DISCLOSURE

44. The project faced several issues and challenges during the reporting period. Lessons drawn from such issues may be used to improve safeguards implementation. The issues/challenges faced by the project during the reporting period are as follows:

45. **Ground verification of affected people.** Most of the rivers in the Terai are braided and prone to frequent change of the river course. As such, the technical design prepared before monsoon does not match with ground reality. This has also resulted in new/additional affected persons during verification. The cadastral survey has not been updated for several years so the official land certificate does not match with current situation. Thus, identification of actual landowner is very challenging and calculation of percentage of loss, actual areas and remaining land is difficult. The involvement of local leaders and local government in all project activities helped in addressing the challenges. Affected people identified during Third-party verifications are again likely change during actual implementation as the civil work progresses. This has not been administered during the SMR-3 period due to lack of proper monitoring formats and non-deployment of adequate field monitoring staff. This is required to be streamlined from the SMR-4.

46. **Third-party verification and Mobilization of NGO.** The third-party NGO certification is mandatory before mobilization of the contractor in all five river basin subprojects. There were some delays in mobilizing NGOs for third-party verifications in COVID-19 restricted environment. PMU will ensure that such delays are avoided for the remaining river basins and are completed on time. Learnings from TPV of Mawa Khutiya and Mawa Ratuwa will be incorporated while conducting TVP of other river basins to avoid time delays.

47. **Establishment of GRM and streamlining the procedures.** The project has established first two tiers of GRM however process of recording grievances through field registers needs to be streamlined.

48. **Delay in construction work.** Majority of affected people have shown dissatisfaction over delay in construction of embankment arising from lengthy process. Delayed third-party verifications and ground verification of affected people during construction can add to further disappointment which needs to be dealt with properly through regular consultations and information sharing. With the anticipated development, the market value of affected land may increase. This may result in selling of affected land. This will mean securing land donation from new owners during the construction phase.

49. The next semi-annual report will focus on the progress of implementation of social safeguard activities along the following:

- Establishment of GRM/Formation of GRCs at all levels, details of grievances if reported, and how they have been resolved (maintain registers at field offices to record grievances)
- Summaries of third-party verification reports and social safeguards monitoring formats are developed and attached in this report. These will be made available at PMU/PIC and field offices.
- Ground verification of impacts, updated list of affected landowners, updated MoUs (in line with the third-party verification reports) – for the PRTWs stretches for which construction has begun. Assigning unique ID number for the affected landowners
- Due diligence for sites (dumping sites, labour camps, field offices, access roads etc.)
- Details of staff mobilization and field movement
- Maintain sex-disaggregated, ethnicity/IP, vulnerability wise data of affected people
- Details of consultation meetings and training programmes (Adequately documented)

with signed list of participants, photos, summary of points discussed and issues resolved)

- Third-party verification for remaining three river basins
- SMR will include all GESI related activities and monitoring as a separate section