



Technical Assistance Consultant's Report

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TA 7566-REG: Strengthening and Use of Country Safeguard Systems

Subproject: Strengthening Involuntary
Resettlement Safeguard Systems (Nepal)

CAPACITY ENHANCEMENT TRAINING ON SOCIAL SAFEGUARDS SYSTEM POKHARA, 12–14 FEBRUARY 2014

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Asian Development Bank



Training Report

Capacity Enhancement Training On Social Safeguards System.

12-14 Feb.2014

Pokhara

TA 7566 REG: Strengthening and Use of Country Safeguards System.
NEP Subproject: Strengthening Involuntary Resettlement Safeguard Systems in Nepal

Abbreviation:

ADB	Asian Development Bank
APs	Affected person, people
CDC	Compensation Determination Committees
CRP	Compliance Review Panel
DDC	District Development Committee
DoR	Department of Roads
NGO	Non-Governmental Organization
GoN	Government of Nepal
IR	Involuntarily Resettlement
RP	Resettlement Plan
SPF	Special Project Facilitator
TA	Technical Assistance
TOT	Training of Trainer
VDC	Village Development Committee
VWRC	Village Working Committee
WB	World Bank
WG	Working Group
PAP	Project Affected People

1. Background: The present sub-project (TA 7566) aims to make Nepal's involuntary resettlement safeguard system more effective so that it addresses the gap between the best international practices and the current practices of the country. It will assist the Government of Nepal to conduct a diagnostic study of the existing regulatory frameworks and policies with the best international practices, including the assessment of financial implications of the draft policy and the specific practices that have been adopted by the government to address the gap between international best practices and hence develop technical guidelines. It will also assist in identifying institutional and capacity development requirements in line with the proposed policy and the legal reforms. The subproject envisages strengthening the effectiveness of the public delivery system and mainstreaming of social safeguards in the government system in line with the Country Partnership Strategy 2010-2012.

The main outcomes of this subproject can be summarized as: i) Diagnostic study of the legal and regulatory framework, ii) Institutional strengthening through Institutional and Capacity Development Plan, iii) Developing guideline for land acquisition and involuntary resettlement for procedural clarity and iv) **Taking capacity building measures for IR implementation.** These outcomes are the priority needs of GoN for enhancing its involuntary resettlement system and practice (details in Inception Report, June 2013).

Capacity Building measures to implement Involuntarily resettlement is one of the major aim of the TA7566, The capacity building measures has been undertaken with the first training program organized in Pokhara. The training was designed for three days session.

Experience sharing, the concept and process of the IR and planning and management, ADB's main areas of safeguard policies and importance of automated system of monitoring and status of the project were main high lights of the training program.

1.1. Objectives of the training: The objectives of the training are i) experience sharing in compliance of social safeguard system .ii) providing skill and knowledge to make the social safeguard system being implemented properly in the field. iii) Plan and implement the livelihood/ life skill training properly in the field and identify the roles and responsibilities of line agencies to complete the projects successfully.

1.2. Proceedings of the Training:

Day 1

1.3. Inauguration of the training: The training was Inaugurated by lighting the candle from two participants male and female, these participants were volunteered themselves. They found it more interesting since there were no formalities to start the training. It made us possible to start the training as planned.

1.4. Introduction: this session was made unforgettable sine they have to choose one of the picture pasted on the board and by associating with the picture they have introduced themselves. The purpose of such introduction was made clear to the participants, decision making power and selecting the best choice what we have? Effect of resource depletion was also made clear, towards the end few pictures were remained to choose, they were limited to expand their vision and ability if the resources are depleted.

1.5. Expectation collection: Each participants were given a meta card to write their expectations to learn from the training and some of their expectations are given below as sampled.

- What are the requirements of social safeguards?
- To identify the sector, limitations and challenges of social safeguards.
- Understanding the ADB's social safeguards issues.
- What are environmental and social safeguards?
- Linkage with infrastructure development. Different modalities and system.
- Process of social safe guards.
- Capacity enhancement.
- Community motivation skill
- Environment protection technique.
- Correlation between development activity and social activity.
- Impact in development activity due to social safeguards.
- During working process the problems arises in the community and how to solve the problems.
- Theoretical background of social safeguards and its components.
- The policy level management on safeguards in Nepal
- Exercise of safeguards in Nepal and major challenges and possibilities.



1.6. Objectives of the training: The objectives of the training was presented in the power point and the people have associated to the objectives with the it's expectation.

1.7. Need of safeguards policy and its Impact in development: The Impact of social safeguards policy and its implication was discussed with the power point. The Gist of the discussion is as below:

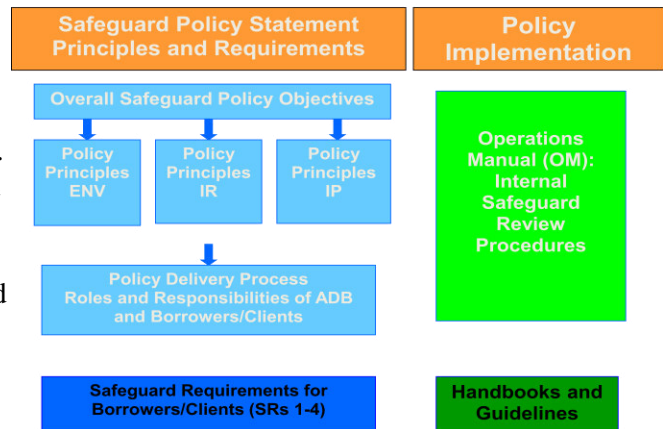
Every year, approximately 15 million people around the world are forcibly evicted from their homes and lands in the name of development. The majority of this “development-induced displacement and resettlement” occurs in Asia—with severe human rights impacts for the families and entire communities that are displaced. Frequently, violence or threats and intimidation are used to force people off their land. After families have been displaced, they often find that the promises made by the government or company to rebuild their homes, communities and livelihoods are not upheld. As a result, the majority of people who are displaced by development projects become impoverished in the process .Some of the main drivers of displacement (and associated impoverishment) include: hydropower dams; large infrastructure; mines; oil & gas development; agri-business plantations; urban “renewal” schemes; and other large-scale projects. Because of the severe risks of impoverishment and human rights violations associated with

involuntary resettlement, there is a need for specific safeguard policies to try to prevent these impacts. While these policies have created some new protections and opportunities for affected communities, there continue to be weakness in the policy standards and large gaps in implementation—including with the IFC’s Performance Standard. As a result, displacement and the poverty it causes continue to be a major injustice of so-called development projects in Asia.’ (Ref. *www. PS 5- resettlement info sheet*)

1.8.Over View of the ADB’s Social safeguards policy: It was presented as planned by Mr. Laxmi Subedi (Senior Social Safeguards Officer of NRM. The overview of the policy was explained and discussed with the participants. The power point presentation is in annex-II.

Project cycle: Afternoon session was planned to present **Safeguard Policy Structure** ADB and IR Project cycle and Implementation of resettlement plan. Likewise the implementation of the Resettlement plan was also discussed as planned. After break there were lively refreshment sessions for 3 minutes. The participants were enthusiastic to entertain the people.

1.8. Wrap up: The first day session was wrapped up with the major learning notes at 5 PM.



1.9. Output of day- I

- The participants felt there is a responsibility of their own in proper handling and dealing with the APS.
- The concept of the Safeguards policy is clear and it is as important as technical side of the project.
- The participants were not so conversant with the issue of the social safeguard policy and its important, they were much clear on the issue of safeguards policy and its compliance.
- Participants were clear on to prepare loss inventory and differentiated census and SIA.

The session worked as diagnostic yard and found the participants found the training useful.

Day: 2

Proceeding of the Day: The training starts at 8:30 AM.

2.1. Reporting: The activities of the previous day were reported by Anjan Neupane on behalf of the team. He has reported as the activities progressed of the day. Living condition, food and arrangement was also observed and reported. The cold was increasing and the arrangement of the heater made them comfortable. The team was satisfied with the overall arrangement and delivery of the content.

2. 2. Grouping: There were two groups one was working in the Small town and other one was working in the DRILIP-AF , Those were made two groups and DRILIP-AF was asked to be in four groups

since There was only one from Maygdi district. With Small town, they were grouped together to share their experiences of the field.

2.3. Document Distribution: They were given respective document to view accordingly to reflect their experiences in order. The distributed documents are the project document of social safe guards sector/ The document is in attached in annex: III.

- **Material Distribution:** Markers, pen, brown paper and Meta card where required is distributed to the groups.
- **Group discussion:** It was facilitated by the resource persons by moving group to group.
- **Output:** The output of the group is as below:

2.4. Output from DRILIP-AF:

2.4.1 Baglung and Myagdi :

Problems	Solution	Status
-Cadastral Survey	Used holidays, evening and Morning time	Completed
-Identification of affected people: manpower at LRO	Used holidays, evening and Morning time	Completed
-Absent of Owners during Household survey and Loss inventory taking.	With cooperation of VDC Secretary, several time people arranged for the survey of absentees.	Completed.
-Analysis of Socio Economic Data	Cooperation received from CISC	Completed.
-Valuation and compensation	LRD's Minimum rate applied with APs in Concurrence	Completed
-Decision Making at CDC	Requested to High authority. (Problem solved by the decision of the ministry)	Completed
-Lack of Social Staff	Hiring in local level	To be authorized from higher authority
- Resettlement of Indigenous people		

DRILIP-AF

District: Lamjung:

2.4.2. Project status: B

- Continuation of first Phase road (16.5 +8.3 KM) SKD Road

- ◆ Project Screening: TMGD road.
 - Walk over survey: Completed
 - Draft Report: Received.
 - Cadastral Survey: Not yet carried out.
 - Baseline Survey: DDC Social Mobilize team

- ◆ Others.
 - Land Ownership transformation : Not completed
 - RP disclosure through VDC and VWRCC in Ist phase
 - Grievance Redress mechanism: Planning officer

2. Problems:

- There was absence of DPO and Consultant for Long period of time, so it delayed to move the work forward.
- Land Revenue Office (*Malpot*) and Land Survey Office (*Napi*) of the district have not given time for cadastral survey and to register the acquired land.
- Difficult to identify the real land owner.
- In additional passing Zone, there might be more land required than right of Way. There is a problem to compensate the land if it is required more than the right of way land.
- - There is no norms to pay while mobilizing the Land Revenue (Malpot) and Napi (land revenue
- There is a problem to acquire land of trust.
- How to manage the cost to prepare the cadastral survey map of each plot?
- -There is a problem to manage the cost occurred while demarcating the land of the people.

DRILIP-AF

District: Gorkha

2.4.3 Sub project Screening:

- Walk through survey ,Loss of land, Loss of structure, Loss of livelihoods, Willingness of the community for land donation and The Project screened and identified the project category is **B**

Impact Assessment: Cadastral Survey, Loss of land and structure Identified, Disclosure of information and Census Survey of APs.

Problems:

- Sub project Selection; political Influence.
- Cadastral Survey: Agreement and Coordination.
- Difficulties on census survey and Ownership transfer
 - Migration of people
 - Multiple of a person, survey identify plots other than road way.
- Structure built in on public land /road way.

DRILIP-AF

District: Ramechhap

2.4.4. Project: Pakarbas-Galba Road Sub project: 12 KMs.

Status of Involuntary Resettlement Plan Implementation.

- i. **Land Acquisition:** 205 HH . Some private structures.

- CDC Decided for compensation.
- ,Notice published for compensation claim
- Deed transfer and Compensation distribution: 50 completed
- Construction work going on through 42 BG and Contractors.
- GRSC, GRC, DRCC, DLRCC, VWRCC: Safeguards dwsk established and functional.
- Public Complaints are collecting through GRSC and VWRCC.
- No IPDP : It is not addressed by RP,

ii Issues:

- Ownership of land not transferred to the projects in many cases.
- Land record is not maintained scientifically
- Cutoff date and its compliance.
- Big gap between government rate of land and with the rate of the market.
- Absentee, Mortgage
- Eligibility for Skill training: Not interested to go far for the training.

2.4.5. Group .2. Drinking Water and Sanitation Project for Small Towns.

i. Implementation Process and Progress of Resettlement Plan social safeguards.

• Steps:

- ◊ Review of Reports, Survey and documentation, Consultation and information disclosure, Grievances reduce mechanisms, Decision Made by Management

• Information obtained from local Authority.

- ◊ Land acquisition and documentation, Loss of structure, Loss of Livelihood/ Income. Loss of livelihood/property of vulnerable groups, Loss of culture and community; Conclusion and Recommendation and Corrective action Plan.

• Progress and Reporting:

There are 24 projects and 21 are in construction phase; among 21, Baited, Duhabi, and Naryan Nagar Khadbari have not submitted the report. The report was presented by Tapta Bahdur Rawal.

Wrap up of the day: The learning one another were highlighted. Projects are working hard to comply the RP as much as possible. In some project they do not need RP. Even though they in some cases they have to pay compensation. The program was closed at 5 PM.

Out put of day: 2

- Project cycle and the social safeguards status understood and the problem highlighted one another, the way of solving the problem learnt with the experience of others.
- Progress in the project and its importance to keep the set deadlines, since this is dealt with the community.
- The session made them aware on the problems and worked as counseling to solve the problems. They knew the problems is not only theirs, others have also the same problems. They learnt on how to tackle with the problems.

Day 3:

3. Training Start at 8:30 AM.

3.1. Reporting: Report of the 2nd day's activities presented by the team leader, Tara Nath. He has expressed the view on learning also. One another they have shared their experiences to comply the social safeguards system.

Program of the day was distributed and explained the objectives of the day as well and the program moved on as scheduled in the program.

3.2.Roles and responsibility of central Team: The central team has presented as discussion form as planned in the training program. The discussion was conducted as form of presentation. Some of the responsibilities of the central team were presented as follow.

- **Organizational Direction:** The Central team, board is responsible to determine its goals, mission and policies to establish its general direction of operation.
- **Financial Responsibility:** The Central team (board)is responsible to determine its fiscal policies and boundaries and organizing the financial requirements from the share holders and other sources where what is needed.
- **Executive selection:** The Central team (board) is responsible for selecting, nurturing and supporting the chief executive officer of the organization as well as assessing his/her performance.
- **Creating Environment to execute the projects:** The projects are in the district, the central team has to create environment to execute the project as required in time.
- **Representation and Communication:** The central Team (board) needs to maintain the relationship with the community..
- **Compliance with Regulatory Provisions:** The Board must ensure that the provisions of the organization's responsibilities and the law are being followed.
- **Monitoring and Evaluation:** Monitoring and evaluation of the projects run by the organization and finding the proper way to comply the rules and regulation in the project site.
- **Staff development:** This is a core area of central team to develop and enhance the capacity of the central team. The staff working in the field should have enhanced capacity to deal with the changing situation and context.
- **Self Assessment and development:** The Central team (board) need to self assessed with its performance and setting the targets accordingly.

3.3.Roles and responsibility of ADB: It was also presented to the team as planned to comply the social safeguards , the reporting and monitoring has been carried out frequently to identify any breach of social safeguards system and capacity enhancing is also carried out of the project based staff and line agencies.

3.4. Roles and responsibility of Project /district team: The roles and responsibilities of the team were discussed. The team who were working in the field was very enthusiastic to discuss their role to execute the different sector of the project in time properly.

3.5. Report writing: Types of reports were discussed; the discussion on the report is presented below.

i. Due diligence report writing: It was discussed with the definition of due diligence report. It was discovered the people confused to produce the due diligence report, they were asked to audit their part properly, especially on the part of the social safeguards. The RP, Indigenous people and their settlement, Rehabilitation plan, Livelihood and life skill plans and so on.

ii. Progress report: It was discussed on how to write the progress report. A frame was presented and discussed. Research before writing the progress report is important; it was discussed. A frame for writing the progress report is discussed as 1.Introduction: ,2.Project Schedule, 3.Project Scope:, 4: Project progress: (Project schedule vs. Progress), 4.Resource Requirements / Capacity, 5.Project Documents (Depending on Phase and complexity, may include documents such as: SoR, Feasibility Report, Project Plan, IAR, Design, Drawings, Change Orders, etc) 6.Project Issues /challenges, 7. Conclusion and Appendix:

iii. Half Yearly Report: This was a requirement of some of the donor agency. ADB also need half yearly report. It should be produced on the line of the progress report so that the situation/condition of the project will be visualized; it will help to intervene where needed.

iv. Annual Report: It was discussed to be prepared before writing the annual report. All progress reports, tasks that are completed, under completion, new area to begin, cost involved throughout the year, inflation and its effect on the financial situation. Financially whether it is in track or gone beyond the targets should be analyzed in relation with the tasks completion. A frame to write the annual report was also produced.

3.5. Design and formalizing of Life skill training: How to design a life skill training was discussed in a form of preparation prior the training, during training and after training. How to prepare a curriculum as per the required to the community was discussed in detail and basic life skill training course was also presented. It was discovered that some of them were confused in between life skill and livelihood training.

3.6. Automated Monitoring system: It was demonstrated how the projects are in traffic light signals. Green, Orange and Red. The meaning of the light in terms of the project rating and support was explained. How the project are rated was also explained. The importance of social safeguards is clearly visible in the automated monitoring system.

Output of Day -3

- The participants felt, they have greater responsibility to handle the project properly.
- There are responsibilities of each hierarchical order, the roles are different but they are directed to execute the projects.
- Preparation of RP and implementation: The participants learnt the importance of RP implementation to the success of the project. It is linked directly with the involuntarily displaced people.
- The participants were clearer to prepare Due diligence report, progress report, half yearly report, annual report. They learnt the differences of all these reports and importance of report writing.

- Livelihood creation and TNA conduct is important to produce enthusiastic participants in the process as well as for the development of the trainees.
- The participants learnt automated monitoring system and its value in project categorization.

4. Wrap up of the training:

The content delivery was ended at 4:10 and the wrap up session begins.

4.1. Training Evaluation Form: The trainees were given an evaluation form to evaluate the training part. The form was filled up by the trainees and returned back to the team.

5. Wrap up of the training: The training was wrapped up by given the chances to the participants to speak on their part. The speaker has clearly mentioned the usefulness of the training. They were satisfied with the training contents. Mr. Laxmi subedi addressed the trainees to encouraging them to follow the process of social safeguards system and refer to the publications and ask to the office if any confusion occurs during the implementation period. Dr. Bhim Subedi addressed the trainees to implement the learning in real field.

6. Evaluation form Analysis: The form is attached in the Annex-IV. They have suggested organizing the training in different stages; even some of them have suggested to organizing the training to the LDOs only. Some of them suggested to visualize key learning points in the power points and the selection of the contents was good. Field visit should be arranged to visualize the implementation. All of them have rated the delivery of the contents was good to very good.

7. Conclusion: The training was conducted as scheduled and the participants were enthusiastic. The training was found useful and timely. Social safeguards system should be strengthening in implementation areas so that a harmony would be created in between projects and the affected people. During experience sharing the people who are involved in resettlement, they expressed the problems in valuation. The government valuation and the market value has huge gap. The value should be made properly so that the people will not obstruct to provide land in the development activities. The training has given insight in solving the problems and managing the training. They will implement the training as per the training need assessment.

The end.

Annexes:

- I. Attendance of the Participants:
- II. Presentation of ADB's SPS
- III. Project Documents: DRILIP-AF and Small Town.
- IV. Evaluation Form.
- V. Handouts of Day 3 Presentations.
- VI. Glimpses of the training.
- VII: Pre-training Exercise:

