Due Diligence Report

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Nepal: Urban Resilience and Livability Improvement Project

Construction of Municipal Building in Lumbini Sanskritik Municipality

Package No.: LUM/CW-05

Prepared by the Department of Urban Development and Building Construction, Government of Nepal for the Asian Development Bank (ADB).

CURRENCY EQUIVALENTS

(as of 10 September 2024)

Currency Unit = Nepalese Rupee (NPR)

NRp1.00 = \$0.00937

\$1.00 = NPR 106.75000

ABBREVIATIONS

ADB - Asian Development Bank
CPR - community property resource

DOR - Department of Roads

DSC - design and supervision consultant

DUDBC - Department of Urban Development and Building

Construction

GON - Government of Nepal

GRM Grievance redress mechanism GRC - grievance redress committee

MOPPW - Ministry of Physical Planning and Works

NGO - non-government organizations
PCO - project coordination office
PIU - project implementation unit
PCO - project coordination office

PMSC - project management and support consultant URLIP Urban Resilience and Livability Improvement

Project

WEIGHTS AND MEASURES

sq.m - square meter cum - cubic meter km - kilometer mm - millimeter

Ropani - Size of land parcel; 1 ropani= 16 anna (0.509ha)-508.72 sq.m

Anna - Size of land parcle; 1 anna= 4 paisa (0.0509ha)

Paisa - Size of land parcle; 1 paisa= 4 dam = 31.80 sq.m

Dam - Size of land parcle; 1 dam= 1.99 sq.m

Bigha - Size of land parcle; 1 bigha= 20 katha (0.678ha)

Crore - 10 million (= 100lakh)

Dhur - Size of land parcle; 1dhur= 0.0017ha

Katha - Size of land parcle; 1 katha= 20 paisa (0.0339ha)

Kucchi - Temporary structure e.g. a rural hut made of wood, bamboo or

stone with mud mortat and a thatched roof

Lakh, lac 100,000

Pukka - Structure (house/ building) with permanent roofing made of

RCC/ RBC

Semi-pukka House or building made of stone with mud mortar and clay,

timber, slate or corrugated iron roofing

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CONTENTS

| | | rages |
|------|--|----------|
| I. | INTRODUCTION | 1 |
| | A. Introduction | 1 |
| | B. Project Description | 1 |
| | C. Scope of Due Diligence Report | 2 |
| II. | PROJECT DESCRIPTION | 3 |
| | A. Project Area Information | 3 |
| | B. Project Components | 3 |
| III. | LAND AVAILABILITY AND RESETTLEMENT IMPACTS | 11 |
| | A. Scope and Objectives of the Due Diligence ReportB. Land Acquisition and Involuntary Resettlement | 11 12 |
| | C. Indigenous Peoples | 13 |
| IV. | SITE OBSERVATION AND CONSULTATIONS | 14 |
| | A. Outline of Field Work | 14 |
| | B. Public Consultation | 14 |
| V. | GRIEVANCE REDRESS MECHANISM | 18 |
| | A. Common Grievance Redress Mechanism | 18 |
| VI. | CONCLUSION | 22 |
| | A. Summary | 22 |
| | B. Next Step | 22 |
| | | |
| TAB | BLES | |
| Tabl | le 1: Summary of the Design and Project Details | 3 |
| Tabl | le 2: Summary of Public Consultation | 15 |
| FIGI | URES | |
| | | 4 |
| _ | re 1: Location Map of Lumbini Sanskritik Municipality re 2: Design of Entry Mandala Landscape | 4 |
| | ire 3: Master Plan Concept | 5 |
| _ | re 4: 3D View of Master Plan | 5 |
| _ | re 5: Ground Floor Plan | 6 |
| _ | re 6: First Floor Plan re 7: Second Floor Plan | 7 7 |
| _ | re 8: Entrance View – Fusion of Mayadevi Temple and Lumbini Museum | 8 |
| _ | re 9: Aerial View from Main Entry Area | 8 |
| _ | re 10: Main Entry to Municipality | 9 |
| | re 11: Multipurpose Hall Block re 12: Building from Western Side | 9 |
| _ | re 13: Building from South-Western Side | 10 |
| Figu | re 14: Photographs of the Site and Around the Site | 11 |
| Figu | re 15: Grievance Redress Procedures (URLIP) | 20 |

APPENDICES

| Appendix 1: Letter Requesting Government Land for Municipal Building Project and other | |
|--|----|
| Documents of decision | 23 |
| Appendix 2: Involuntary Resettlement Impact Screening Checklist | 24 |
| Appendix 3: Indigenous People Impact Screening Checklist | 26 |
| Appendix 4: Meeting/Consultation Minutes and Signed Attendance Sheets | 28 |
| Appendix 5: Template o of Project Information Disclosure Leaflet | 32 |
| Appendix 6: Sample Grievance Registration Form | 34 |

I. INTRODUCTION

A. Introduction

1. The Urban Resilience and Livability Improvement Project (URLIP), hereafter referred to as the 'project,' aims to improve livability and sustainability of urban services by project municipalities. The project is aligned with the following impact: improved living standards achieved.¹ The project will have the following outcome: improved resilience, livability and sustainability of urban service delivery by project municipalities.² The project will develop municipal infrastructures aligned with the priorities set in the municipalities' investment plans. The project supports seven municipalities: Devdaha, Janakpur, Pokhara, Lumbini Sanskrit, Sainamaina, Siddharthnagar, and Tilottama. Five out of seven municipalities are from the western urbanizing corridor. The Department of Urban Development and Building Construction (DUDBC) on behalf of the Ministry of Urban Development will be the executing agency and the project municipalities are the implementing agencies.

B. Project Description

- 2. The project will support the following three outputs.
- 3. Output 1: Municipal infrastructure for resilience improved. Investments will use an integrated approach by ensuring a well-coordinated urban infrastructure system and, where feasible, employing green solutions to reduce inundation, improve mobility, and promote nonmotorized transport through cycle lanes and footpaths. Together, these investments aim to improve the livability of residents, support the sustainable growth of tourism, and enhance local economies. The project will (a) construct 150 kilometers (km) of stormwater drains; (b) reconstruct 100 km of urban roads with at least 45 km of footpaths with old age, women, children, and people with disabilities responsive features and cycle lane to promote nonmotorized transport.
- 4. Output 2: Tourism assets revitalized, and management improved. The project will improve historical, natural, and cultural heritage-based tourism by enacting protective zoning and promoting visitors' experiences.³ Output 2 includes (i) approving seven gender equality and social inclusion (GESI)-responsive historical, natural, and cultural heritage management plans;⁴ (ii) improving at least any one of the historical, cultural, and natural heritage sites per project municipality with GESI-responsive tourism infrastructure such as Pokhara cycle routes connecting the seven lakes, Bindabasini area street, the Phewa organic trail, Pokhara Santi Ban Batika (urban forest), Janakpur Ratnasagar area, Lumbini global park, and Panchase eco-development area; (iii) improving 150,000 square meters of green public spaces including improvement of the Siddharthanagar Dandha river corridor and greening of public spaces in all municipalities—with gender-inclusive and climate-resilient design features for improved quality of life;⁵ and (iv) ensuring project municipalities spend at least 30% of their socioeconomic development program fund on socioeconomic infrastructure and activities related to tourism and improved livability. The output will also support the installation of at least seven GESI-friendly public toilets at cultural and natural heritage sites and support biodiversity conservation, including sarus crane conservation in Lumbini Province and related awareness-

³ The project supports improvement of cultural, natural, and heritage assets under the municipalities' jurisdiction.

¹ Government of Nepal, National Planning Commission. 2020. Fifteenth-Year. Kathmandu.

² The design and monitoring framework is in Appendix 4.

⁴ The approved plans will integrate climate and disaster resilience features and include a GESI section that describes affirmative action for women and disadvantaged groups to participate in implementing the plans.

Involves planting of trees, including mature trees; nature-based eco-drainage solutions; cycle lanes and sidewalks; covered and seating areas; fencing for protected areas; and sculptures, murals, and other forms of public art that connect residents with nature and the environment. Features that enhance women's safety and feelings of safety will include improved lighting and visibility; sidewalks; improved ease of access; seating for women, including those with babies and children; and signage displaying helpline numbers.

raising initiatives.6

Output 3: Capacity of communities, municipalities, province, and Department of Urban Development and Building Construction strengthened. The project will implement municipal reforms, including digital transformation, institutional strengthening, and capacitybuilding of project municipalities, to improve service delivery and quality of life. Output 3 will support updating and implementation of a comprehensive financial management improvement plan (CFMIP)—an institutional reform measure designed for revenue enhancement (through broadening own-source revenue coverage, implementing digital tax billing and collection, improving tax administration, installing an electronic building permit system that factors in climate and disaster risk zoning and application of building codes and bylaws); streamline efficient budgeting and expenditure management; strengthen internal and external audit, procurement; and maintain a robust database of public assets, including infrastructure, utilities, cultural and natural heritage sites, and public, and financial management systems. Second, output 3 will promote a safer tourism environment and address carbon emissions and climate- and disaster-related risks by (i) preparing decarbonization and risk-sensitive urban development plans and enforcing the plans to control urban sprawl;⁷ (ii) preparing seven heat action plans to ensure well-coordinated response actions during extreme heat events, tailored to disadvantaged groups; and (iii) establishing a municipal emergency operation center in Pokhara. Third, output 3 will strengthen institutions and develop capacity by (i) establishing and equipping O&M units in each municipality; (ii) constructing an energy-efficient and disaster-resilient municipal office building for Lumbini Sanskritik municipality; (iii) conducting training and workshops for staff (including eligible women staff and elected female representatives) of municipalities, provinces, and the DUDBC in municipal finance, natural ecosystems, decarbonization, and urban resilience planning; and (iv) supporting internship and skills improvement programs for women and disadvantaged groups.8

C. Scope of Due Diligence Report

6. This due diligence report (DDR) has been prepared for the construction of municipal building project in Lumbini Sanskritik Municipality to assess the involuntary resettlement impacts of the project as per the applicable government policies/procedures and ADB Safeguard Policy Statement (2009). This due diligence is based on the assessment during site visits, desk review of land documents and consultation with the community, desk review and site visits. This due diligence report describes the findings and provides copies of the relevant documents, site photographs, minutes of the meetings and photographs.⁹

⁶ Public toilets will have male and female toilets at a ratio 1:2, all-gender toilets with adequate wash facilities, and accessible toilet designs for the elderly and people with reduced mobility.

⁸ Gender Equality and Social Inclusion Action Plan (accessible from the list of linked documents in <u>Appendix 2</u>). The DUDBC will coordinate with the Council for Technical Education and Vocational Training to link project municipalities with private institutions approved by the Council for Technical Education and Vocational Training for certified skills and tourist guide training.

Including multi-hazard disaster risk assessment and seismic microzoning of Pokhara.

⁹ During project processing, a draft combined resettlement and indigenous peoples report was prepared to cover the proposed components in the Lumbini municipality which include the following: urban roads and drainage improvement (Package URLIP/LUM/CW02), bus terminal (Package URLIP/LUM/CW02) and the municipal building (Package URLIP/LUM/CW05). As these components were packaged separately in the procurement plan (ver. December 2023) and the municipal building will not lead to any involuntary resettlement, a separate Due Diligence Report (DDR) was prepared for this component.

II. PROJECT DESCRIPTION

A. Project Area Information

- 7. Lumbini Sanskritik is one of the fastest growing and newly formed municipalities located in Rupandehi district under Lumbini province. It is approximately 84.8 km South-East away from Kathmandu and 19.4 km from Bhairahawa. Geographically, the municipality lies between the latitude 27°40'45.1164" North and longitudes 83°30'25.272" East and the altitude varies from 25m to 60m from sea level. Lumbini Sanskritik Municipality developed across highway lines NH05 and NH52 around Lumbini Complex. Project site is located in southern side of the Lumbini Complex, ward-3 of Lumbini Sanskritik Municipality, about 750m from NH05 and bank of Telar Khola. It covers an area of 112.21 square kilometers. According to recently published national census 2021, the total population residing in Lumbini Sanskritik Municipality is 87,383 with average household size of 6.42 with sex ration of 97.61 male per 100 female.
- 8. Lumbini is the Buddhist pilgrimage site and is inscribed on UNESCO's World Heritage List. The Lumbini complex lies in the center of Lumbini Cultural Municipality. Hence, the main design concept of the municipality building is to represent the identity of Lumbini.

B. Project Components

9. The following are the scope of work for the proposed municipal building:

Table 1: Summary of the Design and Project Details

| Component | Description/Provisions | Total Area/ Usable Area Capacity |
|--------------|--|-------------------------------------|
| Ground Floor | Service oriented Offices and multipurpose hall | 1,400m ² |
| First Floor | D.mayor, services-oriented office etc. | 1156.55m ² |
| Second Floor | Mayor's, CEO and other admin related offices | 814.67m ² |
| Third Floor | Store | 143.85 m ² |

Source: Detailed Project Design, September 2024

10. During the planning of master plan, the entry area was designed to include designated parking spaces for the visitors, along with the reserved parking of emergency vehicles such as ambulance and fire brigade/trucks. The entryway is enhanced with replica of Mandala Garden, symbolizing the Lumbini Garden, and is proposed to be surrounded with water features to create a serene and inviting atmosphere. Figure 1 provides the location map.







Figure 2: Design of Entry Mandala Landscape



12. The municipality building is designed with road entry to south side underway the building. Southern part land is planned for staff quarter and the parking for staff's use. Eastern part of the site along the stream is proposed for river front development, is also act as river training. See Figures 2 and 3 for the entry design and the master plan concept.

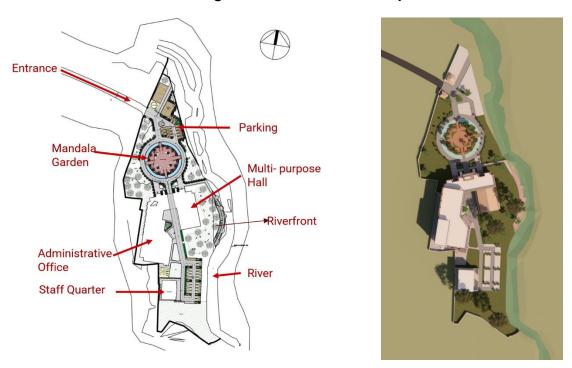


Figure 3: Master Plan Concept





- 13. The ground floor of main building is divided into two parts, with vehicular access at located at the central portion. The eastern part is designated for a multipurpose hall with a capacity of 200 people. The hall features an entry from northern part leading to the main lobby, while the spill over space from the hall is planned to connect to the internal court and eastern part. Additionally, the block also has public toilet facilities and a disaster management storage section.
- 14. Western part of block comprises grandeur official entrance. For general public, the entrance is proposed from northern part making balance to the entry of multipurpose hall. The

ground floor is used for public flow departments such as Revenue Section, Building Section etc. The southern part of block is proposed for canteen facilities which also has the outdoor seating area. Refer to Figure 4 for the 3D view of the master plan.

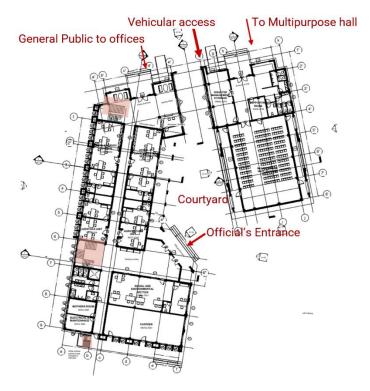


Figure 5: Ground Floor Plan

- 15. The first floor plan is dedicated entirely for official use, accommodating various sections including Environment Disaster Management Unit, Education Unit, Building and City Development Section, Physical Planning and Development Section, Health Unit and Coordination Unit. This floor also features a library, lawyers' office and courtrooms
- 16. The second floor plan is designed to include the official offices of the, Deputy Mayor and Administration Chief. This floor will include a Board Meeting Room, an Account Section and a Pantry Space. Refer to Figure 5-7 for the ground floor, first floor and the second-floor plans.

Figure 6: First Floor Plan



Figure 7: Second Floor Plan



17. The design of the main building proposes a fusion of Lumbini Museum and Maya Devi Temple. The main entry reflects the architectural façade of Maya Devi Temple with stucco plaster and cornice. The entry is designed with symmetry, following an Arch-Axis Hierarchy.

Figure 8: Entrance View – Fusion of Mayadevi Temple and Lumbini Museum

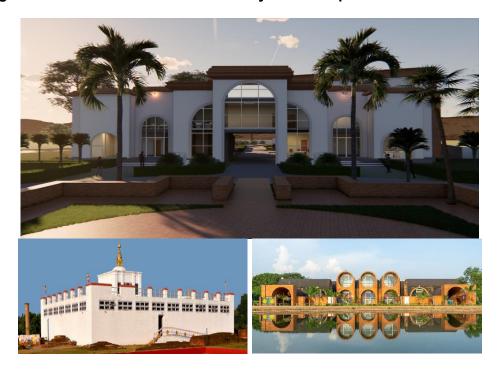


Figure 9: Aerial View from Main Entry Area



Figure 10: Main Entry to Municipality



Figure 11: Multipurpose Hall Block



Figure 12: Building from Western Side



Figure 13: Building from South-Western Side



III. LAND AVAILABILITY AND RESETTLEMENT IMPACTS

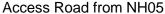
A. Scope and Objectives of the Due Diligence Report

- 18. The main objective of the DDR is to assess the land acquisition Involuntary resettlement impacts associated with the proposed project. This includes assessment of land acquisition, potential physical and/or economic displacement and impacts on common properties (if any).
- 19. During the due diligence process, the likely involuntary resettlement and indigenous people impacts were assessed based on the information and documents and other officials and/or personnel of the municipality of Lumbini Sanskritik and site visits. Interviews and discussions with municipal officials and community stakeholders were carried out along with site verifications and observations. Figure 14 provides photographs of the site.

Figure 14: Photographs of the Site and Around the Site









Eastern Side of Project Site



Northen Side of Project Site



Southern Side of Project Site

B. Land Acquisition and Involuntary Resettlement

- 20. The findings of the impact assessment with respect to physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas for the proposed sites are presented below.
- The land for the proposed construction of a new municipal building is vacant, nonagricultural land (barren) with area of 23,890 square meters (2.389 ha). No private land acquisition is required for the construction of municipal building as the land is owned by Government of Nepal. During site visit, it was confirmed that there are no residences in the vicinity. The area is surrounded by rice fields; however, the PIU and ward representatives confirmed that none of these rice fields will be affected due to the proposed components. To ensure that construction does not impact nearby farmers, measures will be implemented that avoid/minimize disruption. Measures include proper scheduling construction activities will be communicated to avoid and/or minimize disruption to farmers particularly during harvest season, reduce noise and dust, establishing buffer zones between the construction site and agricultural areas, and providing advance notice to local farmers about construction schedules. The telar stream which lies in the west of the site is not located within the project boundary, and the proposed municipal building will not restrict access to the stream. Furthermore, the stream would not have any adverse effect due to the new building construction. No settlement will be affected neither physical displacement nor economic displacement occurs. Appendix 1 provides the letter request from the municipality on the use of land parcel to the Ministry of Federal Affairs and Local Development.

22. The municipal buildings and other small interventions are expected to improve service delivery of the municipality, and will not have involuntary resettlement impacts. Consultation with municipal officials and local people revealed that use of the lands for the municipal building will not result any loss of residential land, or loss of shelter and loss of assets, access to assets, income sources, or means of livelihoods of the local people.

C. Indigenous Peoples

- 23. According to the ADB's safeguard policy, the indigenous people's safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories or natural or cultural resources that indigenous peoples own, use, occupy, or claim as an ancestral domain or asset. The term indigenous peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the characteristics such as self-identification as members of distinct indigenous cultural group, geographically distinct habitats or ancestral territories; distinct customary cultural, economic, social, or political institutions and a distinct language. In Lumbini Sanskritik Municipality, the household totals 1,472, making up approximately 1.68% of the total inhabitants. Among the indigenous population, about 83% belong to marginalized ethnic groups, 10% to disadvantaged groups, and 1% to the highly marginalized category. The majority of the Indigenous Peoples (IPs) practice Hinduism and speak their native dialects within their communities, though they also understand and speak Nepali.
- 24. The indigenous people in the project municipality share the similar economic and political system with the mainstream society. The indigenous people are not significantly different from the non-indigenous households and other local families living in the project areas in terms of livelihood patterns, and access to economic, health and educational opportunities. The indigenous people in general do not display any significant social or economic traits that would distinguish them from non-indigenous people communities, except in their cultural identity and national identification as indigenous people or Janajati/Adhibasi (in Nepali language). The project site is barren and unused land with no residences within or around its vicinity. The municipal building will primarily use and serve municipal officials and personnel, while residents are expected to benefit indirectly due to improved municipal service delivery. No direct or indirect impacts to the dignity, human rights, livelihood systems, or natural or cultural resources or territories of indigenous peoples are anticipated.

IV. SITE OBSERVATION AND CONSULTATIONS

A. Outline of Field Work

25. Field visit and transect walk was carried out in the project component location. No person or community will be affected due to the project implementation. The citizens of Lumbini Cultural Municipality area will be benefited due to the construction of administrative municipality building. Prior to consultation meetings with local stakeholders, advance notification was circulated, and coordination was established with stakeholders. The project social safeguard requirements related to land and other essential documents presented /shared with project stakeholders. Additionally, the project design, road standards, policies and procedures were discussed by the project consultants and PCO representatives. Similarly, the outline of GRM and its procedure to handle the grievances were explained during the meetings. All participating municipal governments are committed to support the project. Consultation meetings were conducted with local community, key informants of municipality board member to collect information and conduct a due diligence for the project.

B. Public Consultation

26. There has been multiple consultation between project municipalities, consultants and public regarding the site and design developments. The local people were supportive towards the design development. A total of two consultation have been done particularly regarding this building design, project information and safeguards requirements. Informal discussions were undertaken during transect walk among residents/project beneficiaries to obtain their opinions and views about the project. The consultation minutes and signed attendance sheets are attached in the Appendix 4.

Table 2: Summary of Public Consultation

| Date | Location/Details of the Consultations and Meetings/Issues and Concerns Raised | Topics | ts | Female Attendees /Participan ts |
|-----------------|--|---|----|--|
| 6 April 2024 | Participants: Consultation was attended by the following Mayor, Deputy mayor, municipality advisers, engineers, public representatives, PIU officials from municipality, Project director, deputy project director, engineers from PCO and WUC consultants Discussion points: The conceptual design is presented to the municipality officials and locals of the area. Municipality requested for a few interventions/inputs in the design programs. | Municipal Building Design- Conceptua I Presentati on and discussion | 32 | 6 |
| 29 July 2024 | Lumbini Buddha Garden, Lumbini Consultation was attended by Municipality mayor, | Municipal Building Design- DPR presentatio n | 16 | 4 |

| Date | Location/Details of the Consultations and Meetings/Issues and Concerns Raised | Topics | Total No. of Participan ts | Female Attendees /Participan ts |
|-------|--|--|-------------------------------------|--|
| | technical team: engineers and architects from municipality, advisors, consultant team, representatives from PCO, PIU officials, | | | |
| | Discussion points: | | | |
| | The final detailed design and cost estimation was presented to the municipality officials, design is accepted and approved by the municipality and have requested to expedite the further process. | | | |
| Octob | Meeting with Board members of municipality Meeting was chaired by the chief administrative officer with the presence of the municipal board and personnel. The following topics were discussed during the meeting: | Municipal Building Design- | 23 | 2 |
| | (i) Project information and progress of DPR preparation (ii) Social safeguards requirements including GRM establishment and GRC formation at the | Safeguard review with board members | | |
| | municipal and field level; and nomination of social safeguards focal (iii) Social safeguards requirements for the project | Cultural | | |
| | Risk Annual Control of the Control o | | | |
| | Consultation at the Proposed Site, Lumbini with the local people | | | |
| | | Municipal Building Design- Safeguard review and public consultatio | | |

| Date | Location/Details of the Consultations and Meetings/Issues and Concerns Raised | Topics | Total No. of Participan ts | Female Attendees /Participan ts |
|------|---|--------|-------------------------------------|--|
| | | | | |
| | ADB SPS and policy principles of involuntary resettlement safeguards were shared. The community local people mentioned that they are very much aware of the project and do not have objection. The local people expressed support and hopeful that project will start construction works very soon. | | | |
| | TOTAL | | 71 | 12 (16.90%) |

V. GRIEVANCE REDRESS MECHANISM

A. Common Grievance Redress Mechanism

- 27. A project-specific grievance redress mechanism (GRM) has been established to receive, evaluate, and facilitate resolution of affected persons' concerns, complaints, and grievances related to social, environmental, and other concerns on the project. The GRM will ensure greater accountability of the project authorities towards affected persons. The project adopts a three- tier GRM. Grievances may be routed through letters, emails, text messages (SMS), verbal narration, grievance box and registers. The GRM is not intended to bypass the government's own legal process, but to provide a time-bound and transparent mechanism to resolve such concerns that is readily accessible to all segments of the affected persons and community. All costs involved in resolving the complaints (meetings, consultations, communications, and reporting/information dissemination) will be borne by the project.
- 28. PIU will ensure local community meetings are held to notify users and affected persons about grievance redress mechanism of the project. Awareness of grievance redress procedures will be created through the public awareness campaign, with the help of print and electronic media and radio. The key functions of the GRC are to (i) provide support for affected persons or any aggrieved party to lodge their complaints; (ii) record the complaints; (iii) facilitate grievance resolution in consultation with affected persons and concerned authorities; (iv) report to the aggrieved parties about the decision/solution; and (v) forward the unresolved cases to higher levels.
- 29. Grievance redress committees (GRCs) will be formed at three levels viz. project level, PIU level and field level as discussed below:
- 30. **First Level GRC (Field/Ward-Level):** The contractors, PIU safeguards personnel can immediately resolve issues on-site in consultation with each other with the support the designated municipal ward chairperson and will be required to do so within seven days of receipt of a complaint/grievance. In addition, contractors will place complaint boxes at prominent places viz. public places, contractor camp site etc. where local community members can put their complaints/grievances and contractor's personnel should be in charge to collect and process the complaints/grievances as necessary. The PIU safeguards personnel, SDC safeguards consultants and contractor can immediately resolve the complaint on site. If the grievance remains unresolved within the stipulated time, the matter will be referred to the next GRC level.
- 31. The field/ward-level GRC will comprise of the following:
 - (i) Ward Chairperson (Committee Chairperson)
 - (ii) PIU Engineer
 - (iii) Ward Member representing vulnerable community (one women and one *janjanati* representative, if required)
 - (iv) Contractor's Representative
 - (v) SDC Safeguards Specialist
 - (vi) Ward Chairperson's secretary will act as complaint receiving office and provide secretarial services to GRC.
- 32. The ward-level GRC shall have at least one women member. For project-related grievances, representatives of affected persons, and community-based organizations will be invited as observers during GRC meetings. In case of impact on indigenous peoples, the grievance team must have representation of the affected indigenous peoples, and or CSOs/NGOs working with the indigenous peoples' groups.

- 33. **Second Level GRC (Municipality/PIU-Level):** Any unresolved issues at ward level will be referred to the second level GRC chaired by Mayor/Deputy Mayor. The complainant will be notified by the ward-level GRC that the grievance is forwarded to the municipality (PIU) level. All evidence submitted while lodging the complaint by the affected will also be forwarded. After proper examination and verification of the grievances, the committee will facilitate affected persons, and concerned parties to agree on a time-bound action plan to resolve the grievance if found to be valid. The GRC at this level will have to respond to its decision within 14 days of receipt of complaint from first level. The second level GRC will comprise the following:
 - (i) Mayor/Deputy Mayor (Committee Chairperson)
 - (ii) PIU safeguard personnel
 - (iii) SDC social/environment specialist
 - (iv) Contractor's representative
 - (v) Ward member representing vulnerable community (one women and one *janjanati* representative, if required)
 - (vi) Project manager of the PIU will act as a secretariat.
- 34. **Third Level GRC (PCO-Level**): If the grievance remains unresolved within the stipulated time, the matter will be referred to the PCO level. The PIU safeguards team will refer any unresolved or major issues to the PCO-level GRC. The PCO-level will comprise the following:
 - (i) Project Director (Committee Chairperson)
 - (ii) Deputy Project Directors
 - (iii) PCO Safeguards Personnel
 - (iv) Safeguards Specialist
 - (v) Contractor's Representative
 - (vi) Project Manager/Deputy Project Manager from concerned PIU/municipality
 - (vii) PCO-designated personnel who will act as secretariat.
- 35. The grievance redress process is represented in Figure 15.

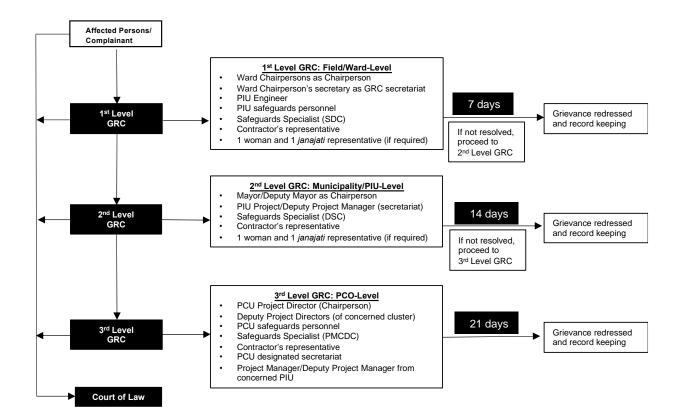


Figure 15: Grievance Redress Procedures (URLIP)

- 36. **Record-keeping.** The PIU/PCO/DSC will keep records of grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were affected and final outcome. All complaints should be signed with complete information on name, contact address, phone number if any so that the person can be contacted when required. A sample template is provided in Appendix 10. An acknowledgement to the effect that the complaint has been received by the coordinator's office should be promptly sent to the complaints. All complaints received should be first registered, categorized and prioritized. They should be analyzed and assessed the concerns raised by the affected parties and have discussion and consultation with them. Records of all such proceedings should be maintained, for future reference, and the attendance of all participants with their signature, in particular the complaints and affected groups should be recorded. The number of grievances recorded and resolved, and the outcomes will be displayed/disclosed in the PCO, PIU offices, and on the web, as well as reported in monitoring reports submitted to ADB on a semi-annual basis.
- 37. **Periodic review and documentation of lessons learned.** The PCO safeguards personnel will periodically review the functioning of the GRM in each municipality and record information on the effectiveness of the mechanism, especially on the project's ability to prevent and address grievances.
- 38. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the concerned PIU.
- 39. **Country Legal System and ADB's Accountability Mechanism.** Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage and

accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer at ADB headquarters or the ADB Nepal Resident Mission (NRM). ¹⁰ Before submitting a complaint to the Accountability Mechanism, it is necessary that an affected person makes a good faith effort to solve the problem by working with the concerned ADB operations department and/or NRM. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

¹⁰ ADB. Accountability Mechanism. https://www.adb.org/who-we-are/accountability-mechanism/main

VI. CONCLUSION

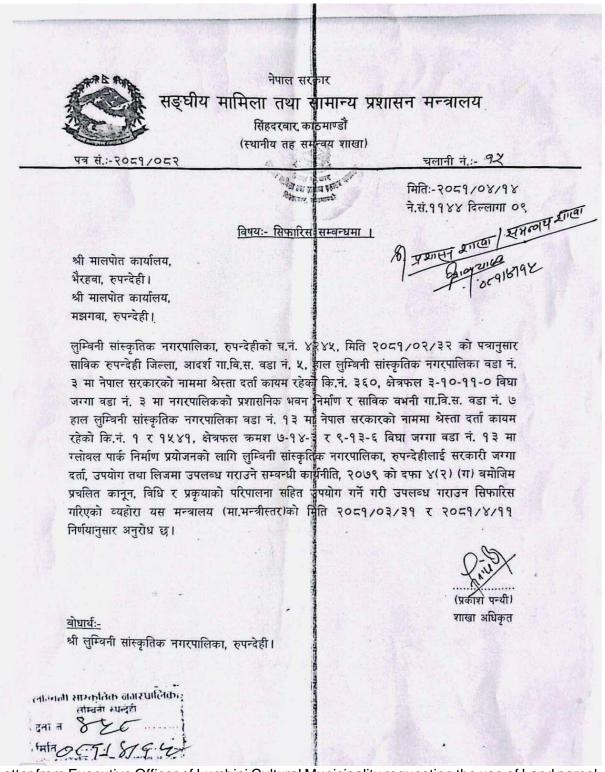
A. Summary

40. Based on the documentation provided in this DDR, the project will have no involuntary resettlement impacts (both permanent and temporary). The land designated for the proposed Lumbini Sanskritik municipal building is owned by the Government of Nepal. As it is barren, vacant, and not in use, no land acquisition or involuntary resettlement impacts are anticipated. Site visits and consultation with municipal officials and local people revealed that use of the lands for municipal building will not result in any loss of residential land, or loss of shelter and loss of assets, access to assets, income sources, or means of livelihoods of the local people. Thus, the project will not trigger any involuntary resettlement and indigenous peoples impacts.

B. Next Step

- 41. The municipality/PIU, and PCO should extend and expand the community consultation and disclosure process to ensure that the local communities, at all stages of construction are informed. The surrounding communities and neighborhood (tole) groups should be consulted and made aware of proposed civil works and project activities prior to construction. It is also proposed that such community meetings and discussions should be documented and continued in the coming phases of project execution.
- 42. Furthermore, Municipality will take further required action to speed up the process for acquiring land transfer from central government (Ministry of federal Affairs and local development). The municipality through the executive officer of the municipality has sent an official letter to Ministry of Federal Affairs and Local Development, awaiting for official response. Updates regarding this land transfer process will be reported in the semi-annual monitoring report (SSMR).

Appendix 1: Letter Requesting Government Land for Municipal Building Project and other Documents of decision



Letter from Executive Officer of Lumbini Cultural Municipality requesting the use of Land parcel no, 369 in Ward 3 of 3-10-11-0 bigha land for the use of Municipality Administrative building to Ministry of Federal Affairs and Local Development.

Appendix 2: Involuntary Resettlement Impact Screening Checklist

| Probable Involuntary Resettlement Effects | Yes | No | Not Known | Remarks |
|---|----------|-------|--------------|---|
| Involuntary Acquisition of Land | | | | |
| 1. Will there be land acquisition? | | Х | | No private land acquisition is required for this project as all the required lands is 3-10-11-0 bigha land. (23,890.44 s.qm.) |
| 2. Is the site for land acquisition known? | | | | Not applicable. Project components will not require land acquisition. The site is located in land under ownership of government of Nepal. The land is barren, and unused lands. |
| 3. Is the ownership status and current usage of land to be acquired known? | | | | Not applicable. Project components will not require land acquisition as the land ownership rests with the federal government and land is non-agricultural barren land. |
| 4. Will easement be utilized within an existing Right of Way (ROW)? | | | | Not applicable. |
| 5. Will there be loss of shelter and residential land due to land acquisition? | | | | Not applicable. |
| 6. Will there be loss of agricultural and other productive assets due to land acquisition? | | | | Not applicable. |
| 7. Will there be losses of crops, trees, and fixed assets due to land acquisition? | | | | Not applicable. |
| 8. Will there be loss of businesses or enterprises due to land acquisition? | | | | Not applicable. |
| 9. Will there be loss of income sources and means of livelihoods due to land acquisition? | | | | Not applicable. |
| Involuntary restrictions on land use or on acce | ss to le | gally | designate | d parks and protected areas |
| Probable Involuntary Resettlement Effects | Yes | No | Not Known | Remarks |
| 10. Will people lose access to natural resources, communal facilities and services? | | Х | | |
| 11. If land use is changed, will it have an adverse impact on social and economic activities? | | х | | |
| 12. Will access to land and resources owned communally or by the state be restricted? | | х | | |
| Information on Displaced Persons: | | | | |

| Any estimate of the likely number of persons that will be displaced by the Project? | | | | | |
|---|--|--|--|--|--|
| [x] No | [] Yes | | | | |
| If yes, appro | oximately how many? | | | | |
| Are any of | them poor, female-heads of households, or vulnerable to poverty risks? | | | | |
| [x] No | [] Yes | | | | |
| Are any dis | placed persons from indigenous or ethnic minority groups? | | | | |
| [x] No | [] Yes | | | | |

Appendix 3: Indigenous People Impact Screening Checklist

| Appendix 3: Indigenous People Im | paot O | CICCIIII | ig Officer | (II) |
|--|--------|-----------|------------|-----------------------|
| KEY CONCENS | | | | |
| (Please provide | YES | NO | NOT | |
| elaborations on the | | | KNOW | Remarks |
| Remarks column) | | | N | |
| A. Indigenous Peoples Identification | | | | |
| Are there socio-cultural groups present in or use | | V | | The project site is |
| the project area who may be considered as "tribes" | | | | barren and unused |
| (hill tribes, schedules tribes, tribal peoples), | | | | land with no |
| "minorities" (ethnic or national minorities) or | | | | residences within |
| "indigenous communities" in the project area? | | | | or around its |
| maigonodo communico in the project area. | | | | vicinity. The |
| | | | | municipal building |
| | | | | will primarily serve |
| | | | | municipal officials |
| | | | | and personnel, |
| | | | | while residents are |
| | | | | |
| | | | | expected to benefit |
| | | | | indirectly through |
| | | | | improved municipal |
| | | | | service delivery. |
| | | | | No direct or indirect |
| | | | | impacts to the |
| | | | | dignity, human |
| | | | | rights, livelihood |
| | | | | systems, or natural |
| | | | | or cultural |
| | | | | resources or |
| | | | | territories of |
| | | | | indigenous peoples |
| | | | | are anticipated. |
| 2. Are there national or local laws or policies as | | | | Not applicable. |
| well as anthropological researches/studies that | | | | |
| consider these groups present in or using the | | | | |
| project area as belonging to "ethnic | | | | |
| minorities", scheduled tribes, tribal peoples, | | | | |
| national minorities, or cultural communities? | | | | |
| 3. Do such groups self-identify as being part of a | | | | Not applicable. |
| distinct social and cultural group? | | | | |
| 4. Do such groups maintain collective attachments to | | | | Not applicable. |
| distinct habitats or ancestral territories and/or to the | | | | |
| natural resources in these habitats and territories? | | | | |
| 5. Do such groups maintain cultural, economic, | | | | Not applicable. |
| social, and political institutions distinct from the | | | | Trot applicable. |
| dominant society and culture? | | | | |
| 6. Do such groups speak a distinct language or | | | | Not applicable. |
| dialect? | | | | Tiot applicable. |
| 7. Has such groups been historically, socially | | | | Not applicable. |
| | | | | тиот аррисавие. |
| and economically marginalized, disempowered, excluded, and/or discriminated against? | | | | |
| | | | | Not appliable |
| 8. Are such groups represented as "Indigenous | | | | Not applicable. |
| Peoples" or as "ethnic minorities" or "scheduled | | | | |
| tribes" or "tribal populations" in | | | | |
| any formal decision-making bodies at the national | | | | |
| or local levels? | | | | |
| B. Identification of Potential Impacts | | , | | |
| Will the project directly or indirectly benefit or | | $\sqrt{}$ | | |
| target Indigenous Peoples? | | | | |

| KEY CONCENS | | | | |
|--|-----|-----------|------|---------|
| (Please provide | YES | NO | NOT | |
| elaborations on the | | | KNOW | Remarks |
| Remarks column) | | | N | |
| 10. Will the project directly or indirectly affect | | | | |
| Indigenous | | | | |
| Peoples' traditional socio-cultural and belief | | | | |
| practices? (e.g. child-rearing, health, | | | | |
| education, arts, and governance) | | | | |
| 11. Will the project affect the livelihood systems of | | $\sqrt{}$ | | |
| Indigenous Peoples? (e.g., food production system, | | | | |
| natural resource management, crafts and trade, | | | | |
| employment status) | | | | |
| 12. Will the project be in an area (land or territory) | | $\sqrt{}$ | | |
| occupied, owned, or used by Indigenous Peoples, | | | | |
| and/or claimed as | | | | |
| ancestral domain? | | | | |
| C. Identification of Special Requirements | | | | |
| Will the project activities include: | | | | |
| 13. Commercial development of the cultural | | $\sqrt{}$ | | |
| resources and knowledge of Indigenous Peoples? | | | | |
| 14. Physical displacement from traditional or | | $\sqrt{}$ | | |
| customary lands? | | | | |
| 15. Commercial development of natural resources | | $\sqrt{}$ | | |
| (such as | | | | |
| minerals, hydrocarbons, forests, water, hunting or | | | | |
| fishing grounds) within customary lands under use | | | | |
| that would impact the livelihoods or the cultural, | | | | |
| ceremonial, spiritual uses that define the identity | | | | |
| and community of Indigenous Peoples? | | | | |
| 16. Establishing legal recognition of rights to lands | | $\sqrt{}$ | | |
| and territories that are traditionally owned or | | | | |
| customarily | | | | |
| used, occupied or claimed by indigenous peoples? | | | | |
| 17. Acquisition of lands that are traditionally owned or | | $\sqrt{}$ | | |
| customarily used, occupied or claimed by indigenous | | | | |
| peoples? | | | | |

Appendix 4: Meeting/Consultation Minutes and Signed Attendance Sheets

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| 26 Lee Parg Jos - Team Leader - WUC 0 4823 |
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Fig. Minute of Public Consultation in the presence of Mayor Mr. Sajruddin Muslim, Deputy Mayor Ms. Kalpana Harijan, municipality officials, PCO office and public representatives at the municipality office building on 6 April 2024.

आप मिर्नि १०८9/08/03 मेरे विशेवारका दिन ल्या-खर्मी ट्रॉट क्तिक माधालिकाकी नागर प्रमुख भी वज्यानीन महालान ज्याका अध्यक्षामा ज्योन्वनी जोल्क-रिन नाट्यालिकाकी प्रशासिक अवन निर्भाण का लागी विच्या कमल कन्यवेरेन्दी पा. लि. काउमडी द्वारा मणार मारिल्को विहत्तम परिमोजना अभिवेदन (Defailed Project इस्मास्ट Report - DPR) प्रस्तुतीकरण लपसिल ब्योगीनमकी उपरिश्रातमा मत-ई पितपबर असल 9 Bung कार्यक्रम अञ्चन अमे । HA-E (Achitect 43 TATE THE ਰਧਾਇਦਾ: मियात्र विश्वतर्रा 26-3 PLIP PCO 14 प्रशंना पेरिकेल 90.ci. पर 2131633 नाम 98 3401T NOGENT आकितेवर भी खजरूरीन मुनन्मान नगर उम्रख 9. श्री आदीष कुमार्याव हरिजीन्यर 2. रावन काली द्रावननिया URUA 3. 000 भी बद्द मेहम्मद्रमा ATTERMEDIE 126110 र जनीश पार्छ अ 31117 Rafar भी-जाने एडाका रवाप रनक द्वातिस्थिएर Al willing ossic समन्त्रम् शार्वा 6 अधुख 3i Surice 2/2 SIENTHALL 5. 175 Begen fin 21/-142-1817 31.19.5 99 जॉमता आबी अ स र ई

Fig. Minute of a meeting held during the presentation of DPR in the presence of Mayor Mr. Sajruddin Musalman, municipality officials, PCO office representatives at the Lumbini Buddha Garden on 18 July, 2024.

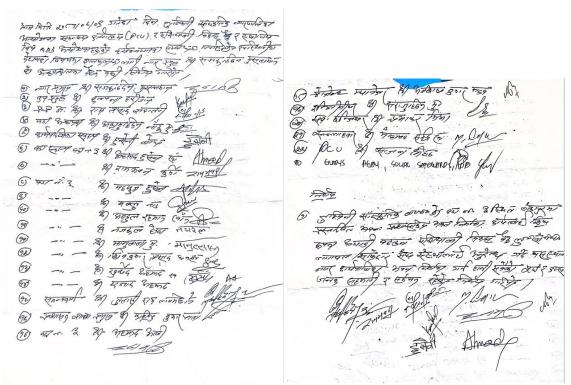


Fig. Minute of a meeting held during field mission of Social safeguard from ADB in the presence of Mayor Mr. Sajruddin Muslim, Deputy Mayor Ms. Kalpana Harijan, municipality officials, PCO office and public representatives at the proposed site on 25 October, 2024.

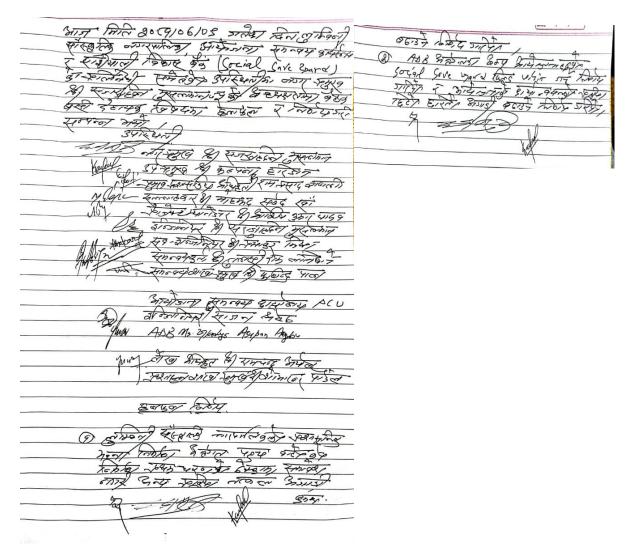
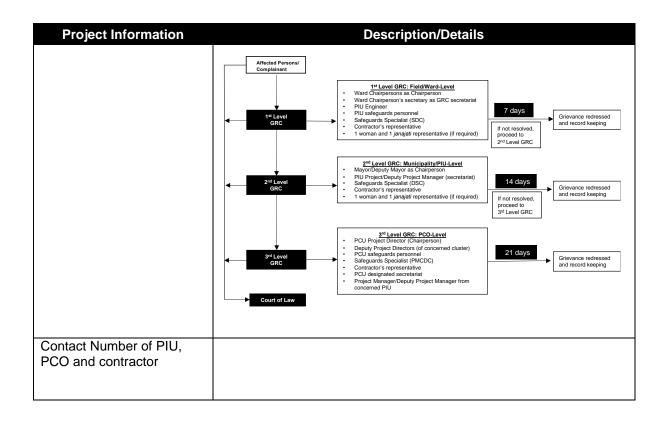


Fig. Minute of a meeting held during field mission of social safeguard from ADB in the presence of Mayor Mr. Sajruddin Musalman, Deputy Mayor Ms. Kalpana Harijan, municipality officials, PCO at the municipality office building, Lumbini on 25 October, 2024.

Appendix 5: Template o of Project Information Disclosure Leaflet (will be available in English and the local language)

| Project Information About the Project | Description/Details The Urban Resilience and Livability Improvement Project (URLIP), hereafter referred to as the 'project,' aims to improve livability and sustainability of urban services by project municipalities. The project is aligned with the following impact: improved living standards achieved. The project will have the following outcome: improved resilience, livability and sustainability of urban service delivery by project municipalities. The project will develop municipal infrastructures aligned with the priorities set in the municipalities' investment plans. The project supports seven municipalities: Devdaha, Janakpur, Pokhara, Lumbini Sanskrit, Sainamaina, Siddharthnagar, and Tilottama. Five out of seven municipalities are from the western urbanizing corridor. The Department of Urban Development and Building Construction (DUDBC) on behalf of the Ministry of Urban Development will be the executing agency and the project municipalities are the implementing agencies. | | | | | | |
|--|--|--|--|--|--|--|--|
| Name of the Executing Agency/Implementing Agency | Department of Urban Development and Building Construction Lumbini Municipality (implementing agency) | | | | | | |
| Proposed Project technical details and Project Benefit | Component | Description/Provisions | Total Area/ Usable Area Capacity | | | | |
| | Ground Floor | Service oriented Offices and multipurpose hall | 1,400m ² | | | | |
| | First Floor | D.mayor, services oriented office etc. | 1156.55m ² | | | | |
| | Second Floor | Mayor's, CEO and other admin related offices | 814.67m ² | | | | |
| | Third Floor | Store | 143.85 m ² | | | | |
| Summary of Project Impacts | The land for the proposed construction of a new municipal building is vacant, non-agricultural land (barren) with area of 23,890 square meters (2.389 ha) is owned by the Government of Nepal. No land acquisition and involuntary resettlement impact is anticipated. | | | | | | |
| GRM Information | A project-specific grievance redress mechanism (GRM) has been established to receive, evaluate, and facilitate resolution of affected persons' concerns, complaints, and grievances related to social, environmental, and other concerns on the project. The project adopts a three- tier GRM. Grievances may be routed through letters, emails, text messages (SMS), verbal narration, grievance box and registers. The diagram below provides the grievance redress procedures for URLIP. | | | | | | |

¹¹ Government of Nepal, National Planning Commission. 2020. Fifteenth-Year. Kathmandu.



Appendix 6: Sample Grievance Registration Form (To be made available both in English and *Nepali*)

| The | | | Project weld | comes co | mplaints. | | | |
|---|--|-----------|--------------|----------------|-----------|------|--|--|
| suggestions, queries a | nd comments regar | | | | | age | | |
| persons with grievance | | | | | | | | |
| touch with you for clari | | | | | | | | |
| details but want that in | | | | | | | | |
| *(CONFIDENTIAL)* ab | | | , I | | , , | 71 0 | | |
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| Date | Place of registration | | | | | | | |
| Contact Information/P | ersonal Details | | | | | • | | |
| Name | | | Gender | Female Male | Age | | | |
| Address | | | | | | | | |
| Place | | | | | | | | |
| Contact No. | | | | | | | | |
| E-mail Complaint/Suggestion | | | | | | | | |
| If included as attachmed How do you want us to FOR OFFICE USE ON Registered by: (Name | o reach you for feed ILY of Official registering | grievance |) | | | | | |
| Mode of communication: | Application/letter | E-mail | Verbal/Tele | phonic | WhatsApp | | | |
| Reviewed by: (Names/Positions of Official(s) reviewing grievance) | | | | | | | | |
| Action Taken: | to Brooks at | 1.7 | | 1 | 1 - | | | |
| Whether Action Taken | IS DISCIOSED: | Yes | | N | lo | | | |
| Means of Disclosure: | | | | | | | | |