Government of Nepal
Ministry of Forests and Environment

Advanced Draft Environmental and Social Management Framework for the Proposed Emission Reductions Program Interventions in the Terai Arc Landscape

6/19/18

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National REDD Centre

Advanced Draft

**Environmental and Social Management Framework
for the Proposed Emissions Reduction Program
Interventions in the Terai Arc Landscape**

June 2018

Study Team

This study report was prepared for the Government of Nepal, Ministry of Forests and Environment, National REDD Centre by a team of experts with generous support from the International Centre for Integrated Mountain Development (ICIMOD) under the overall supervision and guidance of Dr. Sindhu Dhungana, Joint Secretary and chief of the National REDD Centre. The study team includes:

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Disclaimer

Although this document is the cumulative result of multiple years of analytical work and consultations around the implementation of REDD+ in the Terai Arc Landscape, the environmental and social dimensions of proposed interventions, and the application of the World Bank's current safeguard policies to those interventions, it is still a draft. It is subject to further revision following internal review by the World Bank and by the Government of Nepal, after which time it will be made publicly available again.

Acknowledgements

Executive Summary

As a signatory to various multilateral environmental agreements including UNFCCC and other key international instruments, Nepal has been active in the REDD+ process since 2008. Nepal has also been recognized as one of the pioneer countries participating in Forest Carbon Partner Facility (FCPF) and has achieved good progress on many milestones of the REDD+ readiness process. Endorsement of the REDD+ Strategy, submission of the national Forest Reference Level to the UNFCCC, development of the REDD+ MRV system, and development of the ER program for the TAL area are some milestone achievements of the REDD+ readiness process in Nepal.

In 2014, Nepal developed an emission reduction program idea note (ER-PIN) to the World Bank's Forest Carbon Partnership Facility (FCPF) proposing 12 districts of the Terai Arc Landscape (TAL) as the project area. The letter of intent between the Government of Nepal (GoN) and the World Bank was signed in June 2015 for potential purchase of emissions reduction. In 2017, Nepal developed the emission reduction program document (ER-PD) and submitted it to the FCPF for its technical assessment. The ER-PD has recently been revised addressing comments provided by review experts and submitted back to the FCPF requesting to put it into the carbon fund portfolio.

The ER-PD aims to generate multiple benefits, both carbon and non-carbon, by implementing seven interventions including (i) Improve management practices on existing community and collaborative forests building on traditional and customary practices; (ii) Localize forest governance through transfer of national forests to community and collaborative forest user groups; (iii) Expand private sector forestry operations through improved access to extension services and finance; (iv) Expand access to alternative energy with biogas and improved cookstoves; (v) Scale up pro-poor leasehold forestry; (vi) Improve integrated land use planning to reduce forest conversion associated with infrastructure development; and (vii) Strengthen capacity for management of protected areas.

However, some unintended negative outcomes are also likely to emerge while implementing the proposed interventions. The social and environmental assessment (SEA) report (Section 2 of this

document) assesses and identifies potential social and environmental impacts, both positive and negative, of the proposed seven interventions. The SEA report was prepared following different methodological steps including detail review of the ER-PD and related other documents and guidelines available at national and international levels followed by local-level stakeholder consultations.

Potential positive social impacts identified include capacity building of local stakeholders income generation; easy access to forest resources; good governance; equity in benefit sharing; inclusive decision making; and improved local economy mainly because of forest-based enterprises, ecotourism, and integrated planning. Positive health impacts will also be experienced as a result of smoke-free kitchens at the households using biogas and improved cookstoves. Women may not need to spend hours collecting firewood once they start using biogas for cooking. Most important, money generated from reduced emissions from sources and enhanced removals by sinks will have a significant support for community development, focusing on forest-dependent people in particular.

Potential positive environmental impact is sustainable management of forests (SMF). All of the interventions are expected to contribute to SMF (interventions 1, 2, 4, and 6 directly andinterventions 3, 5, and 7 indirectly). Other positive environmental impacts include enhanced carbon sequestration; maintained ecosystem services; reduced deforestation and forest degradation; biodiversity conservation; promotion of natural regeneration; landscape restoration; and protection of vulnerable species (flora and fauna), greenery (intervention 3 in particular), and maintained ecological integrity of the project area.

Potential social risks include risks to cultural and traditional practices of access and use of resources; frustration among stakeholders in case of failure to meet expectations; safety hazards associated with harvesting operation; conflicts between communities and ER programprogram authority; rights of indigenous peoples, women, and marginalized communities; property loss; risks to burial grounds and historic sites; risks of elite capture; risks of exclusion; marginalization; corruption; and human-wildlife conflicts.

Potential environmental risks include changes in species composition, loss of biodiversity in harvesting sites, water pollution, risk of monoculture, loss of species of cultural values but not

economic, loss of resilience to pest and pathogens, risk of encroachment in harvesting sites, flooding, loss of underground water level, forest fire, and risks to unique habitats.

Section 3 of the report analyses national policy frameworks and international safeguard principles relevant to the proposed ER programprogram interventions including the World Bank and the UNFCCC safeguards in particular. Various policies and measures are already in place to address social and environmental risks of forest management and REDD+ related interventions. These includethe Constitution of Nepal 2015, Forestry Sector Policy 2015 and Strategy 2016-25, REDD+ strategy 2018, Forest Act 1993, and Forest Policy 1994. In addition, the National Biodiversity Strategy and Action Plan 2014-20, Gender and Social Inclusion Strategies, National Parks and Wildlife Conservation Act 1973, Environment Protection Act 1997, Good Governance Act 2008, National Foundation for the Development of Indigenous Nationalities Act 2002, and Right to Information Act 2007 are also relevant for the ER programprogram interventions. Relevant international policies include the World Bank's safeguard policies, UNFCCC REDD+ safeguard principles, UN-REDD safeguard principles, ILO 169, United Nations Declaration on Rights of Indigenous Peoples (UNDRIP), UN Convention on Biodiversity, and RAMSAR convention. Most of the World Bank safeguard policies appear to be triggered by the proposed interventions.

The following table shows the World Bank's safeguard policies triggered by the proposed interventions.

World Bank's safeguard policies	Trigger?		Interventions that could trigger policies
	Yes	No	
Environmental assessment (OP/BP4.01)	X		1, 2, 3, 4, 5, 6
Natural habitats (OP/BP4.04)	X		1, 2, 7
Forests (OP/BP 4.36)	X		1,2,3,5, 6
Pest management (OP/BP 4.09)	X		3, 5
Physical cultural resources (OP/BP4.11)	X		6
Indigenous peoples (OP/BP4.10)	X		1,2,4,5, 6, 7
Involuntary resettlement (OP/BP 4.12)	X		1, 5, 7
Safety dams (OP/BP4.37)		X	
Projects on international waterways (OP/BP 7.50)		X	
Projects on disputed areas (OP/BP7.60)		X	

Based on the risk analysis of the proposed interventions, existing policy frameworks and the World Bank's safeguard requirements, some policy, procedures, institutions, and capacity-related gaps are identified in Section 3.4. Key gaps are related to grievanceredress mechanism (GRM); customary and cultural rights to access resources use; equity and inclusive rights of forest dependent poor, marginalized, indigenous peoples, and women; and equitable benefit-sharing mechanism.

The environmental and social management framework (ESMF) in Section 3 (Table 17) sets out principles, rules, and procedures to screen, assess, manage and monitor the mitigation measures of identified environmental and social risks of the proposed ER programprogram interventions. ESMF has been prepared considering the World Bank Safeguard Policies and GON regulatory requirements.The ESMF contains the environmental and social screening criteria for interventions (subprojects) based on formats established herein. This is followed by the procedure of social impact assessment (SIA) for each of the activities that will be undertaken before they are implemented. SIA will provide details of the potential effects of each of the activities such as population size and other attributes of vulnerable communities.

The guidance for developing different frameworks and plans including the environmental and social management plan (ESMP); gender mainstreaming plan; environmental and social management plan (ESMP); institutional arrangement, indigenous and vulnerable communities development framework (IVCDF);decent work planning framework; resettlement policy framework; resettlement policy framework (RPF); process framework, stakeholder engagement plan, capacity building and monitoring, and evaluation framework are provided in the ESMF in Section 3 of this report.

The institutional framework provides different tiers of the government's intuitional arrangement for managing, implementing, and monitoring not only the ER programprogram but also most of the REDD+ related interventions. The four-tier institutional arrangement includes the community level at the bottom, local government and state governments in the middle, and the federal level at the top. The process is coordinated by the National REDD Centre (NRC) at the federal level, REDD Desk at both state and local government levels, and executive committee at CFUG level.

The indigenous and vulnerable communities' development framework (IVCDF) provides a framework for addressing issues and concerns related to vulnerable communities and indigenous

peoples in the ER ProgramProgram Area. It highlights the needs for culturally appropriate benefit sharing and the application of free, prior, and informed consent (FPIC) of indigenous peoples and vulnerable communities before development and implementation of land-based forestry projects like the ER programprogram.

The gender mainstreaming plan proposes a strategic approach for achieving the goal of gender equality in line with the Beijing Platform of the UN and the core 2030 Agenda Principle "leave no one behind". The Decent Work Planning Framework (DWPF) also complements the gender mainstreaming process. In addition, it promotes productive work for forest workers in conditions of freedom, equity, security, and human dignity.

Although the ER programprogram does not intend to acquire land or property from local communities involuntarily, a resettlement policy framework (RPF) has been included on a precautionary basis to mitigate any unintended impacts of involuntary resettlement that may occur. The framework establishes involuntary resettlement and compensation principles and suggests organizational arrangements and design criteria to be applied to meet the needs of the project affected people/communities.

Section 4.11 of this ESMF provides the process framework, which is also a safeguard instrument for the implementation of the proposed ER programprogram. The framework is developed for reviewing the ER-P interventions that could lead to new or more stringent restrictions on forest resources use by local communities. This is followed by some positive and negative impacts of access restrictions. The process framework outlines procedures and processes for minimizing access restrictions to the forest resources, protected area systems in particular. Also, it explains the participatory process that will be followed to determine eligibility criteria and measure for assistance, which include different steps starting from identifying ER programprogram components likely to limit resource access; identifying vulnerable groups; eligibility criteria; assistance to affected communities; and a grievance redress mechanism.

The ESMF contains a stakeholder engagement plan (SEP), which provides guidelines for effective implementation and monitoring of the ER programprogram so that all the stakeholders and affected people and communities in the area are informed, consulted, and mobilized. This will help get them more benefits and protect against any potential adverse impacts. The SEP identifies, assesses, and maps stakeholders likely to be influenced by each of the interventions.

The grievance redress mechanism (GRM) proposed in Section 4.13 will be applied to redress grievances that may arise during the implementation of the ER programprograms in a timely and effective manner. The GRM provides a framework for how an individual with grievances can access the related authority (i.e., ER programprogram authority, forest authority, and judiciary) accountable for resolving conflicts and grievance. Consistent with the institutional arrangements for ER programprogram implementation, the GRM features a four-tier structure that ranges from communities at the local level to MoFE at the federal level. The GRM not only explains tier-based grievance reporting arrangements but also provides steps to be followed, timeframe required, and responsible persons for redressing the grievances reported. The GRM starts from registration followed by investigation at community, state and federal levels, followed by implementation and monitoring.

The ESMF also contains training and a capacity-building framework for effective implementation of the ERPD and the ESMF (Section 4.14). The capacity-building framework identifies key areas (i.e., stakeholder's types and thematic areas) where capacity building may be required, followed by type of capacity and means of delivery (training, workshops, or other). This is followed by a tentative cost estimation for the implementation of the ESMF (Section 4.15).

The concluding chapter provides a monitoring and evaluation framework for implementation of the ESMF. The framework follows a very similar institutional approach to the GRM and implementation arrangements. The monitoring framework explains processes and steps to be followed from community- to national-level monitoring systems. Periodic monitoring will be performed at each level and forwarded to higher levels for necessary feedback. The framework also provides a two-way (bottom-up and top-down) feedback mechanism.

Table of Contents

List of Tables

List of Figures

Acronyms and Abbreviations

ACOFUN	Association of Collaborative Forest Users, Nepal
CBFM	community-based forest management
CFUG	community forest user group
DANAR	Dalit Alliance for Natural Resources, Nepal
DFRS	Department of Forest Research and Survey
DNPWC	Department of National Park and Wildlife Conservation
DoF	Department of Forests
EA	environmental assessment
ECOSOC	Economic and Social Council of the United Nations
EIA	environmental impact assessment
ER	emission reduction
ERPA	emission reduction payment agreement
ER-PD	emission reduction program document
ER-PIN	emission reduction program idea notes
ESA	environmental and social assessment
ESIA	environmental and social assessment impact assessment
ESMF	environmental and social management framework
ESMP	environmental and social management plan
ESS	environmental and social standard
FAO	Food and Agricultural Organization of the United Nations
FCPF	Forest Carbon Partnership Facility
FECOFUN	Federation of Community Forestry Users, Nepal
FGRM	feedback and grievance redress mechanism
FPIC	free, prior, and informed consent
FSS	forestry sector strategy
FUG	forest user group
GAD	gender and development
GESI	gender and social inclusion
GoN	Government of Nepal

GRM	grievance redress mechanism
IEE	initial environmental examination
ILO	International Labour Organization
IPLC	indigenous peoples and local community
IPVC	indigenous peoples and vulnerable community
IVCDF	indigenous and vulnerable community development framework
IVCDP	indigenous and vulnerable community development plan
LRMP	land resource management project
MFSC	Ministry of Forests and Soil Conservation
MoFE	Ministry of Forests and Environment
MRV	measurement, reporting, and verification
NBSAP	National Biodiversity Strategy and Action Plan
NEFIN	Nepal Federation of Indigenous Nationalities
NGO	non-governmental organization
NRC	National REDD Centre
RAP	resettlement action plan
REDD IC	REDD Implementation Centre
REDD+	Reducing Emission from Deforestation and Forest Degradation, conservation of forest carbon stocks, sustainable management of forests and enhancement of forest carbon stocks
RPF	resettlement policy framework
R-PIN	readiness proposal idea notes
R-PP	readiness project proposal
SEA	social and environmental assessment
SEIA	social and environmental impact assessment
SESA	strategic environmental and social assessment
SIA	social impact assessment
TAL	Terai Arc Landscape
UNDP	United Nations Development Program
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD	United Nations Collaborative Program on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries

1. Introduction

1.1 Background

Nepal has been one of the first countries to implement the readiness programs for REDD+ (Reducing Emission from Deforestation and Forest Degradation, conservation of forest carbon stocks, sustainable management of forests and enhancement of forest carbon stocks)soon after the United Nations Framework Convention on Climate Change (UNFCCC) adopted decisions on REDD+ at the 13th meeting of the Conference of Parties (COP 13) in Bali, Indonesia, in December 2007. Nepal prepared its readiness plan idea notes (R-PIN) and submitted them to the World Bank's Forest Carbon Partnership Facility (FCPF) in April 2008 requesting financial and technical support. Based on the R-PIN, the FCPF selected Nepal to access a grant of USD 200,000 to prepare a readiness preparation proposal (R-PP). The Participants Committee of the FCPF endorsed Nepal's R-PP and allocated a grant of USD 3.4 million to implement the R-PP in its 6th meeting in June 2010.This was followed by the readiness grant agreement with the World Bank in March 2011.

The first phase of the REDD+ readiness project was completed in 2015.Nepal's request for an additional readiness grant was approved by the 21st Participants Committee meeting of the FCPF in 2015.Nepal and the World Bank signed the grant agreement for additional readiness funding of USD 5.2 million in January 2017. This second phase of the readiness project will be completed in December 2019.Furthermore, as one of the partner countries of the United Nations Collaborative Program on REDD+ (UN-REDD), Nepal has received some support for REDD+ readiness under the targeted support of the program.

The readiness activities enabled Nepal to move ahead with a pilot of a results-based emission reduction program. The level of understanding of REDD+ among stakeholders has increased. The consultative and participatory processes adopted, and the technical assessments conducted during the readiness process, are the basis for improved land use, natural resource management, and forest governance. Nepal has completed several critical analytical studies, conducted institutional and capacity-building activities, and identified measures to strengthen forest management and governance. These include a recently approved national REDD+ strategy

(2018); a national reference level; a monitoring, reporting, and verification (MRV) system; strategic environmental and social assessment (SESA); environmental and social management framework (ESMF); REDD+ implementation framework; feedback and grievance redress mechanism (FGRM); REDD+ cost-benefit sharing mechanism; and a national forest database system. Most of these studies were prepared through extensive consultations with key stakeholders.

Nepal prepared an ER-PIN (emission reduction program idea notes) for the 12 jurisdictional districts of the Terai Arc Landscape (TAL) and submitted it for approval to the Carbon Fund of the FCPF in March 2014. Nepal's ER-PIN was approved and included in the Carbon Fund pipeline for the results-based payments by the Carbon Fund participants at the 9th meeting of the Carbon Fund in Brussels in April 2014. In June 2015, Nepal and the World Bank signed the letter of intent for potential purchase/sale of emissions that would be reduced from the implementation of the emission reduction(ER)programs. Nepal was then able to access the World Bank-managed grant of USD 650,000 allocated to develop the emission reduction program document (ER-PD) for the proposed ER program area.

Nepal carried out a self-assessment of progress with the implementation of its R-PP and submitted its readiness package (R-package) to the FCPF (MFSC 2016a), which was approved by the 22nd Participants Committee meeting of the FCPF in 2016.This opened the door to submit the ER-PD prepared for the proposed ER program area (12 districts of the TAL) to the Carbon Fund for its approval, since Nepal has achieved some milestones of the REDD+ readiness (Figure 1).

The Government of Nepal (GoN) has submitted the revised ER-PD to the FCPF. If Nepal's ER-PD is approved by the Carbon Fund participants and included in the Carbon Fund portfolio, the GoN and the World Bank can enter into negotiations for an emission reduction payment agreement (ERPA), which will specify the emission reductions volume to be purchased by the World Bank and the unit price of such emissions reductions. Once the ERPA is signed by both GoN and the World Bank, Nepal can start implementing the ER program interventions described in the ER-PD.

The proposed ERprogram area now consists of 13 districts (Nawalparasi, one of the previous 12 ER program districts, has been split into two districts because of restructuring of the country into

the federal system). For the purpose of designing the ER program, however, Nawalparasi is considered one district for analysis and description of the various aspects of the ER program including the ESMF in this report.
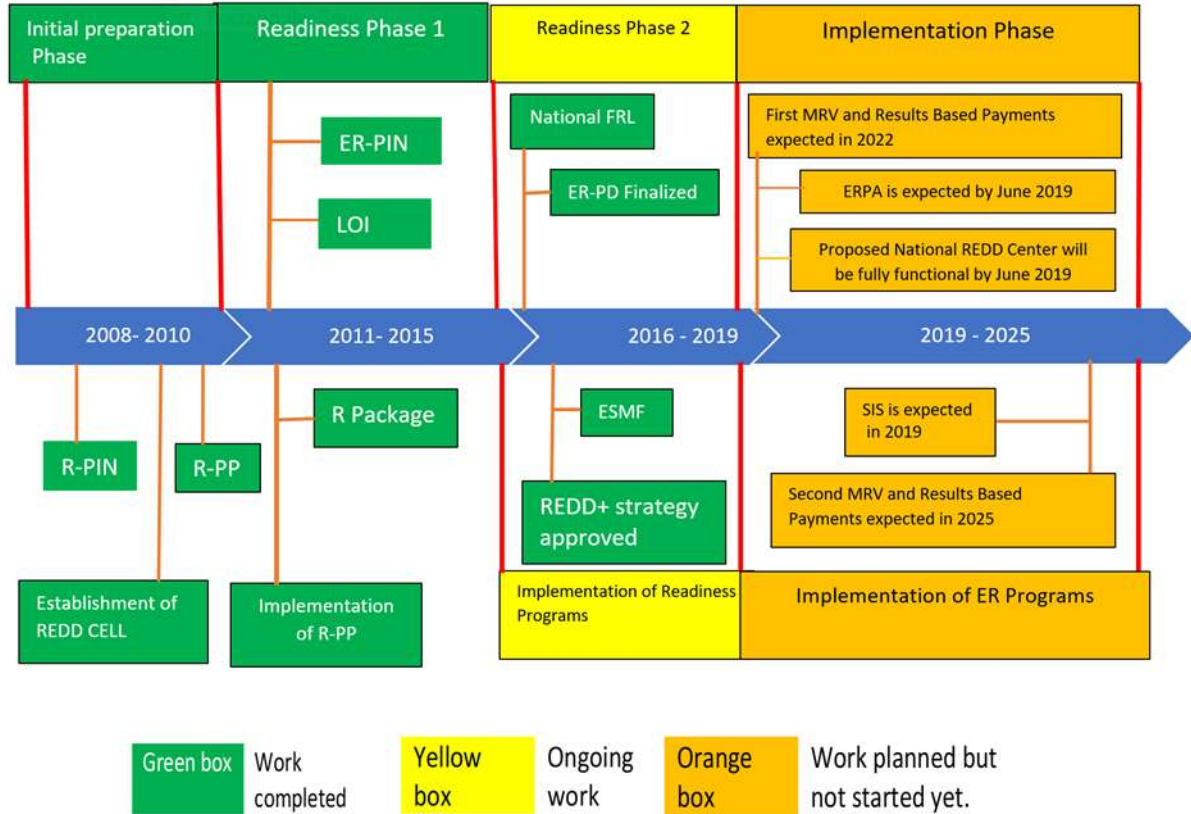
Figure 1: Milestones achieved in the REDD+ readiness process

This ESMF has been prepared to contribute to the smooth implementation of the ER program by providing guidelines to mitigate all anticipated adverse impacts during the implementation of the proposed interventions. It was developed following a social and environmental assessment (SEA) of the proposed seven interventions.

1.2 Objectives of the ESMF

The main objective of the environmental and social management framework (ESMF) is to provide a framework for effective management of the environmental and social issues and

impacts that are likely to emerge while implementing the proposed ER program interventions in the 12 TAL districts.This ESMF has the following specific objectives:

(i)   Examine potential environmental and social impacts of the proposed seven strategic interventions to be implemented in the ER program area;

(ii)   Identify policy-related, measures-related, and governance-related gaps in mitigating identified potential social and environmental impacts;

(iii)   Link identified impacts with Environmental and Social Standards of the World Bank and the UNFCCC safeguard principles;

(iv)   Propose an appropriate framework to mitigate and manage identified potential environmental and social impacts of the proposed ER program; and;

(v)   Provide a basic guideline and procedure for the effective management of the social and environmental aspects of the ERprogram interventions in general.

1.3 Approaches applied to prepare this ESMF

This ESMF was prepared following two steps. First, possible environmental and social impacts of the proposed seven ER program interventions, both positive and negative, were identified and assessed through the SEA of the proposed ER program interventions. This was followed by discussions and critical analysis on how likely negative impacts could be mitigated during the implementation of the proposed interventions. This ESMF also includes a gender mainstreaming framework, indigenous peoples plan, feedback and grievance redress mechanism, process framework, resettlement planning framework, decent work planning framework, monitoring and evaluation plan, and capacity building development plan. The assessments and framework development process followed three basic approaches: desk review, stakeholder consultation, and synthesizing ESMF.

1.3.1 Desk review

The process began with review of the advanced draft of the ER-PD submitted to the FCPF for its technical assessment along with the technical assessment report by the technical advisory panel commissioned by the FCPF and comments from the Carbon Fund participants. The SESA report and ESMF prepared by the Government of Nepal in 2014 for R-PP implementation at a national

scale were reviewed as the key guiding documents. Forest- and climate change-related other national policies and measures functional at a national scale, including the REDD+ strategy (2018) and FGRM report (2015), were also reviewed. Other documents reviewed, specifically related to the proposed ER program area, include SESA and ESMF working papers for the ER program (2017), gender integration action plan in REDD+ and the ER program in the Terai Arc Landscape (TAL) (2017), and the land and natural resources tenure assessment for the proposed ER program in TAL (2016).

International policy documents reviewed as the key guiding documents include: (i)Current Safeguard Policies and new Environmental and Social Framework (2017) of the World Bank, (ii) Carbon Fund Methodological Framework (2016) of the FCPF, (iii) FCPF guidelines and generic TOR for SESA and ESMF (2012), (iv) Cancun safeguard principles of the UNFCCC (2010), and (v) guidelines on stakeholder engagement in REDD+ readiness prepared by the FCPF and the UN-REDD (2012).Other relevant sources include the REDD+ Social and Environmental Standards (REDD+ SES) framework, joint FCPF/UN-REDD program guidance note for establishing and strengthening grievance redress mechanisms, and disclosure of information. Further, SESA and ESMF developed by Vietnam, Costa Rica, Ghana, and Mozambique, the social and environmental screening process of the United Nations Development Program (UNDP) (2014), and interim guidance for using safeguard frameworks in the World Bank (2013) were also reviewed to develop deeper understanding of the process and contents of the ESMF.

1.3.2 Stakeholder consultation

In line with the country approach to REDD+ in Nepal, consultation with the relevant stakeholders ranging from the community to national levels was the main approach to examine possible impacts followed by ESMF preparation. The main purpose of the consultations was to discuss the proposed seven ER program interventions with the relevant stakeholders and identify potential social and environmental impacts in the area and review and determine the mitigation measures to address the environmental and social risks associated with the proposed interventions.

Six field-level consultation workshops were conducted specifically for development of this ESMF. All the stakeholders -government authorities; civil society organizations like the

Federation of Community Forestry Users, Nepal (FECOFUN), Association of Collaborative Forest Users, Nepal (ACOFUN), Nepal Federation of Indigenous Nationalities (NEFIN), Dalit Alliance for Natural Resources (DANAR), Nepal; Madhesi communities; and women's groups (functional in the area) participated and were actively involved in the discussion (Appendix 1). In addition, inputs and concerns raised during the seven consultations for the ER-PIN[1] and 43 consultations for the ER-PD development process[2]as well as seven consultations for the FFCPF-supported study on "gender integration in REDD+"[3]were also considered in development of this ESMF report.

1.3.3 Synthesizing ESMF

Collected information and inputs from the review and the consultations were assessed, analysed and used to develop this framework in three interconnected steps:

1. The proposed ER program interventions were assessed for potential negative impacts to the communities and the environments in and around the program area following the World Bank's social and environmental screening process. As per the World Bank umbrella policy environmental assessment (OP/BP 4.01), the program is a Category B project.
2. Identified potential impacts were carefully analysed and categorized based on their level of risks following the World Bank's safeguard policies.
3. Appropriate mitigation plans for each of the interventions with social and environmental risks were proposed, verified with some related key experts (local and national), and finalized.

This report is composed of five sections: Introduction; Social and Environmental Assessment (ESA);Legal and Institutional Framework; Environmental and Social Management Framework (ESMF); and ESMF monitoring framework. supporting information is provided in the Appendixes.

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[1]http://forestcarbonpartnership.org/sites/fcp/files/2014/ MArch/Nepal%20ER-PIN%20CF9.pdf
[2]http://MFSC-redd.gov.np/resource-center/
[3]http://forestcarbonpartnership.org/sites/fcp/files/2014/ MArch/Nepal%20ER-PIN%20CF9.pdf

2. Social and Environmental Assessment of the ER Program

2.1 ER program area

2.1.1 Geographic location and land use classification

The proposed ER program area consists of 12 districts of the Terai Arc Landscape (TAL) (Figure 1).Tenof the 12districts are mainly in the Terai physiographic region but also extend to the Churia region. Dang and Chitawan Districts do not extend to Terai but hold productive land at the base of Churia hills. Four districts-Kailali, Dang, Nawalparasi, and Chitawan-extend up to the Middle Mountain region of the country.Total land area covered by the ER program is about 2.3 million hectares, about 15.5% of the total land area of the country. About 52.4% (1.2 million ha) of the total land area covered by the ER program is forest land (forest area and other wooded land; Table 1). Distribution of forest land and other land in the ER program districts is shown in Figure 2.
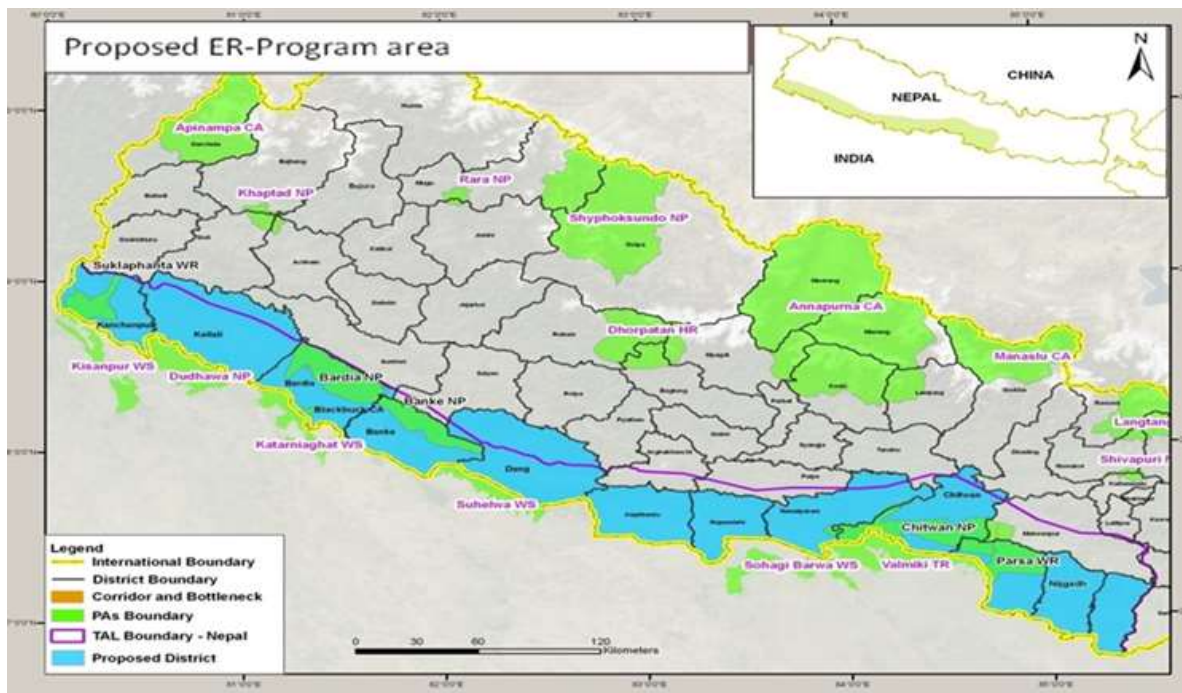
Figure 2:Map of Nepal showing the ER program area (Source: ER-PIN 2014)

Table 1: Landcover area (ha) in ER program districts

ER program district	Forest	Other wooded land (OWL)			Total forest land	Total other land	Total land area
		Tree cover (5-10% crown)	Shrubs	Total OWL			
Kanchanpur	76612	745	422	1167	77779	82942	160721
Kailali	197902	2093	241	2334	200236	128143	328379
Bardiya	110756	1696	441	2137	112893	86378	199271
Banke	114906	663	886	1549	116455	70137	186592
Dang	192682	7143	900	8043	200725	105261	305986
Kapilbastu	57128	1778	166	1944	59072	104167	163239
Rupandehi	24818	372	31	403	25221	105013	130234
Nawalparasi	103370	1100	713	1813	105183	109849	215032
Chitwan	141668	5762	59	5821	147489	76481	223970
Parsa	75592	374	12	386	75978	64453	140431
Bara	45549	596	51	647	46196	80639	126835
Rautahat	25548	322	92	414	25962	77528	103490
Total	**1166531**	**22644**	**4014**	**26658**	**1193189**	**1090991**	**2284180**

Out of the total land area (2.3 million ha), 49.80% (1.14 million ha) falls in the Terai followed by 44.24% (1.01 million ha) in Churia and 5.95% (0.14 million ha)in the Middle Mountain region. Similarly, out of the total forest area of 1.19 million ha, 64.37% falls inthe Churia region followed by 28.01% in the Terai and 7.62% in the Middle Mountain (Table 2).

Table 2:Distribution of land in physiographic regions of ER programarea

Physiographic region	Forest		Other land		Total land area	
	Area (ha)	Percent	Area (ha)	Percent	Area (ha)	Percent
Terai	334200	28.01	806877	73.49	1141077	49.80
Churia	768066	64.37	245619	22.37	1013685	44.25
Middle Mountain	90923	7.62	45515	4.15	136438	5.95
Total	**1193189**	**100.00**	**1098011**	**100.00**	**2291200**	**100.00**
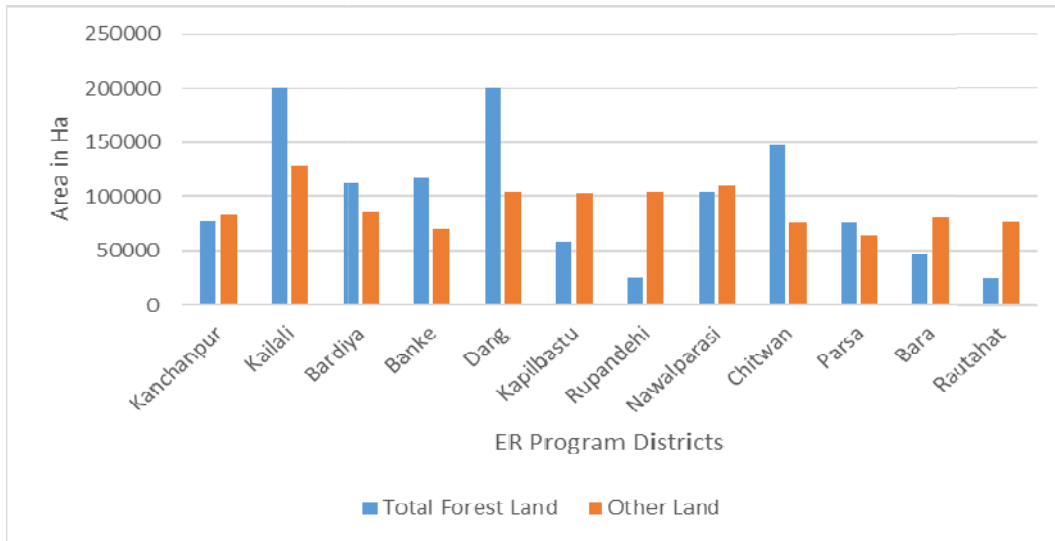
Figure 3: Land area cover in the ER program area

2.1.2 Environmental condition

The ER program area extends across the Terai, Churia, and some part of the Middle Mountain physiographic regions of the country. This has resulted in diverse climatic and environmental conditions.

Climatic and other environmental conditions in Terai: The Teraiis in the southern lowland part of the country occupying 2,016,998 ha. Forty-nine percent of the ER program area falls in the Terai, covering 1.14 million ha of 10 districts:Kanchanpur, Kailali, Bardia, Banke, Kapilbastu, Rupandehi, Nawalparasi, Parsa, Bara, and Rautahat. The Terai lies in a subtropical climate zone characterized by hot and humid summers, intense monsoon rain, and dry winters. The annual rainfall decreases gradually from the eastern to western Terai. The annual total rainfall in this region varies from 1,138 mm to 2,680 mm, and the mean monthly precipitation ranges from 8 mm to 535 mm (DFRS/FRA 2014).

The Terai is drained by numerous rivers and rivulets. The largest among them are Koshi in the east, Gandaki in the centre, and Karnali and Mahakali in the west. Gandaki, Karnali, and Mahakali rivers run through the ER program area.These rivers originate from the Himalaya. As the rivers cross the hills and Churia, they start depositing huge sediments along their banks in the

Terai. The deposition process creates multiple channels of the rivers. Every year during monsoon season, most of the rivers are swollen and cause flash floods in the Terai due to their shallow beds. One of the biggest concerns is the tendency of minor and major rivers to change their courses due to flooding events (Carson et al. 1986, as cited in FRA/DFRS 2014).

Climatic and other environmental conditions in Churia: Churia, which is also known as Siwalik,[4]refers to the terrain between the main frontal thrust situated at the northern boundary of the Terai region and the main boundary thrust situated at the southern boundary of the Mahabharat Range. The Churia region representing 44.25% of the ER program area has distinct geographical and bio-physical specificities lying on the foothill of Himalaya. Geologically, Churiais considered one of the youngest regions (DFRS 2015), which is unstable and vulnerable because of mass erosion, landslides, and other environmental externalities. Resource depletion due to natural and human-induced factors including deforestation and forest degradation, degrading watersheds, extraction of aggregates and sand, lowering the underground water table, and disturbed ecological niche are some of the characteristics of the region. The ecological, geographical, and bio-physical conditions of the Churia have rapidly degradedas a result of increased landslides, flooding, and human interventions, making the area more sensitive and fragile environmentally (Pokheral 2012).

The elevation of the Churia varies from 93 to 1,955 meters above sea level and has stretches of 10 to 50 km in width.General features of the region include steep, broken terrain; shallow, droughty soils with low surface infiltration and percolation rates; high intensity rainfall during the monsoon and tremendous overflow torrents regardless of the degree and nature of vegetation cover, high insulation, and air temperatures during the dry season; lack of irrigation and drinking water; andstreams with high rates of discharge during the rainy season and negligible rates of discharge at other times(LRMP 1986, as cited in DFRS 2015).

Climatic and other environmental conditions in Middle Mountains: Thephysiographic region of the Middle Mountains, is also known as the Middle Hills, lies north of Churia along the southern flanks of the High Mountain physiographic region. The elevation of the Middle Mountains region varies from 110 min the lower river valleys to 3,300 m above mean sea level in the hills of Mahabharat Range. The region is characterized by rugged landscape and steep

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[4]Churia and Siwalik are used synonymously.

slopes terraced for cultivation. Middle Mountains has the greatest ecosystems and species biodiversity (MFSC 2002).

The climate in Middle Mountains ranges from subtropical in river valleys to warm-temperate in valleys to cool-temperate in the high hills. The average annual maximum temperature is about 23.5°C (ranging from 5°C to above 40°C), and the average annual minimumis12.7°C (ranging from -3°C to 30°C). Annual precipitation varies from east to west with the highest in the western part of the country (1,898 mm), followed by far western (1,410 mm), mid-western (1,389 mm), eastern (1,260 mm), and central (1,091 mm) (DFRS 2015).

Middle Mountains are the first great barrier to monsoon clouds, and high precipitation occurs on the southern slopes of the mountains. The conditions support lush vegetation with plenty of climbers and epiphytes. The warm-temperate monsoon climate occurs in the lower part of the Middle Mountains, from approximately 1,000 to 2,000 m above sea level, while the upper part, between 2,000 to 3,000 m above sea level, has cool-temperate monsoon climate conditions (Acharya 2003).

2.1.3 Socioeconomic condition

The socioeconomic condition of the ER program area is discussed briefly in this section. More detailed information is provided in Annex 3 of the ER-PD (MoFE 2018b).

High population growth is one of the critical socioeconomic trends of the area. The population of Nepal has increased rapidly, from 12 million in 1970 to around 30 million in 2011 (CBS 2012). Of the total population of the country, 50.3% (26, 491,504) were living in the Terai with high population density of 392 persons per square kilometre in 2011 (CBS 2012). It is expected that population growth will continue but at slower rate and will reach 34 million by 2031, more than half of which (18 million) will be in the Terai region (CBS 2014). This growth will certainly increase demand of land use and agricultural expansion for food production and natural resources and pressure will significantly increase on the forest land.

According to the 2011 census (CBS 2012), the total population of the ER program area was 7,348,500 people who were living in 1,345,706 households. The ER program area has highest rate (2%) of population growth compared with other parts of the country. One of the main

reasons for the high rate of population growth in the Terai districts is internal migration from the hills and mountains to escape the severe climate and challenging agricultural conditions and to more easily access job opportunities and health and education services. This has resulted in growing pressure on forest resources.

Most of the people in the area are engaged in agricultural practice for their livelihood. Livestock is also an integral part of the agriculture practice in the area. Forests are the main source of livestock feeding, including forest grazing. Forests contribute more than 75% of the total energy consumption and fuelwood is the main source of energy. The ER program area is a cultural assortment that is currently inhabited by the following broad groups:

- Hindus and Adhibasi/Janajatis[5] (indigenous peoples) of hill origin who migrated to and settled in the area, particularly after 1950;
- People who have been living in the region for centuries and prefer to be recognized as Adhibasi/Janajatis of the Nepal Terai,including the Tharus, Dhimals, Tajpuriya, Rajbanshis, Gangai, Majhis, Kumal, Darai,and Danuwar;
- People of the Terai also known as Madhesi[6] with a social structure including the Brahmins (Maithili) and untouchables (Dom, Halkhor);
- Muslims; and;
- Others (e.g., merchant groups of Indian origin such as Marwaris, Bengalis, and Sikhs).

Indigenous peoples in both the hills and the Terai of the ER program area represent the largest segment of the population (31%). High caste hill groups composed of Brahmin, Thakurs, Chhetri, and Sanyasi constitute nearly one-fourth (24.37%), whereas Madhesisare about23%. Dalits[7]and Muslims account for 12% and 9%, respectively, of the population of the ER program area(ER-PD, MoEF 2018b).

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[5] Aadibasi/Janjati means a tribe or community as mentioned in the Schedule of the National Foundation for Upliftment of Aadibasi/Janjati Act 2002, having its own mother language and traditional rites and customs, distinct cultural identity, distinct social structure, and written or unwritten history.

[6] Madhesi comprise various cultural groups such as Hindu caste groups, Muslims, merchants, and indigenous people of the Terai.

[7] Dalits is a designation for a group of people belonging to the lower castes, many of whom are traditionally regarded as "untouchable" and are also divided into two groups.

The Madhesis, who comprise nearly 23% of the total population (excluding Terai Dalits) of the ER program area, are the Hindu caste groups of Terai origin. The Yadavs followed by Kurmis are the numerically dominant groups. The Yadavs are more or less distributed in all ER program districts with higher concentrations in Rautahat and Bara Districts. Similarly, the Kurmis are in higher numbers in Parsa District. The complex social structure of the caste-origin of the Terai reflects four Varna groups with distinct hierarchical structures: Brahman (Maithil), Rajput (Chhetri), Vaisya, and Sudra (low caste groups) within them. The three caste groups-Brahman, Rajput, and Kayastha-are the most powerful groups even today in terms of literacy andeconomic and political status, not only in Terai but also in Nepal as a whole (MoFE 2018b). Distribution of various ethnic groups in the ER program districts is shown in Table 3.

According to CBS (2012) around two-thirds(65%) of households in the ER program area used fuelwood for cooking purposes. More than 82% of households in Bardiya, Kailali, and Kanchanpur Districts use fuelwood, which is significantly higher compared to the rest of the districts, including Chitwan, where only 49% of households use fuelwood for cooking. See Table 4 for an overview of the 12 ER program districts from the Human Development index.

Table 3:Distribution of ethnic groups in ER program districts
(% of total population of the ethnic groups in the ER program area)

ER program district	High caste hill group	Medhesis	Dalit	Adibasi/ Janjatis	Muslims	Others
Rautahat	1.7	21.5	9.7	2.8	21.4	17.2
Bara	3	18.7	9	6.4	14.2	4.7
Parsa	2.2	17.7	8.4	4.1	13.7	25.7
Chitwan	13.3	0.7	5.5	11.8	1.1	4
Nawalparasi	9.2	5.8	9.6	11.7	3.8	2.3
Rupandehi	11.9	14.9	12.1	9.9	11.4	16
Kapilbastu	4.4	12.6	8.2	4.3	16.4	12.5
Dang	11.9	0.7	7.2	11.1	0.8	1
Banke	7.1	5	6.8	5.2	14.7	9.9
Bardiya	5.5	1.5	4.7	10.8	1.7	1.6
Kailali	16.5	0.6	11.1	15.8	0.8	3.2
Kanchanpur	13.1	0.3	7.7	6.1	0.1	1.7
Total	99.9	99.9	100	99.9	99.9	100

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Table 4:Overview of the Human Development Index in ER program districts
(Source: Human Development Report, Nepal, 2014)

ER programdistrict	Population	Population growth rate (%)	GNI (PPP$)	Agriculture/ forestry GNI (%)	Life expectancy	Adult literacy rate (%)
Rautahat	686,722	2.3	757	45	71.0	34
Bara	687,708	2.1	1,480	34	70.5	43
Parsa	601,017	1.9	1,223	29	70.3	49
Chitwan	579,984	2.1	1,537	31	69.8	72
Nawalparasi	643,508	1.3	1,157	39	67.8	64
Rupandehi	880,196	2.2	1,123	34	68.3	64
Kapilbastu	571,936	1.7	990	53	67.6	47
Dang	552,583	1.8	1,127	50	67.3	62
Banke	491,313	2.4	1133	40	68.4	56
Bardiya	426,576	1.1	1,086	59	67.3	57
Kailali	775,709	2.3	942	50	66.5	59
Kanchanpur	451,248	1.8	938	52	67.1	63
Total/Average	7,348,500	2.0	757	41	68.5	56

2.1.4 Drivers of deforestation and forest degradation in the ER program area

Conversion of forests to agricultural and other land uses and associated fragmentation are major drivers of deforestation while many forms of unsustainable use such as overharvesting and illegal harvesting, forest fire, and overgrazing are some of the major drivers of forest degradation in Nepal (MFSC 2010, 2014; Hagan 2014). Nine drivers of deforestation and forest degradation were identified in the R-PP[8] (MFSC 2010). Nepal's ER-PIN[9]identified four major drivers in the ER program area (MFSC 2014). However, based on different studies and wider consultations with the stakeholders, the ER-PD has identified six major drivers, and a number of underlying causes of deforestation and forest degradation are taken from the National REDD+ strategy (MoFE 2018a), which apply to the proposed ER program area as well(Figure 2). The ER-PD has not differentiated the drivers of deforestation and forest degradation. Differentiated drivers are shown Figure 4.

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[8]http://MFSC-redd.gov.np/119-2/
[9]http://MFSC-redd.gov.np/379/

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Major drivers of

Forest degradation

1. Unsustainable and illegal harvest of timber and fuelwood

2. Overgrazing
3. Forest fires

4. Encro...
5. Resett...
6. Infrast...

1. Disproportionate population distribution and migrati...
2. Policy gaps and poor implementation, as well as poli... different sectors or jurisdictions
3. Poverty and limited livelihood opportunities
4. High dependency on forest products and gap in dema...

Figure 4:Major drivers of deforestation and forest degradation in ER program area

Underlying causes of deforestation and forest degradation are complex and vary in different contexts. First and foremost, an underlying cause of encroachment is weak law enforcement, weak governance, poverty, and political unwillingness to solve the landlessness of some of the ultra-poor families. A land-grabbing attitude of some land mafia using the unstable socio-

political situation of the country is also playing a key role in encroachment. Also, some environmental and social causes lead people to migrate from their original place especially to the Terai area and encroach the forest land.

Nepal is prone to a different kind of natural and anthropogenic hazards such as floods, droughts, landslides, hailstorms, disease epidemics, forest fires, and earthquakes. Rapid population growth, improper land use, slow economic development, and civil conflict (in the past) have increased the population's vulnerability to such disaster hazards (UNDP 2004). Floods and landslides are responsible for significant loss of lives and property in the country (Ministry of Agriculture and Cooperatives 2004; UNDP 2004). The ER program area is no exception to these environmental and socioeconomic trends.

The Terai region of the ER program districts seems to be experiencing more extreme weather events including more frequent, devastating floods. Soil erosion and landslides in the Churia region of the ER program area have become regular and frequent events because of more intense rainfall, coupled with denuded and deforested watersheds and rugged topography. Furthermore, poorly managed extraction of sand, gravel, and boulders from streams and rivers in the Churia of the ER program districts is changing river profiles and flow regimes resulting in increased sedimentation in the flat lands.

Migration to the Terai from mountains and hills triggered by various economic push factors, including low productivity of land in the hills, unemployment, and lack of other essential services as well as displacement of people (forced migration) due to environmental disasters such as floods, landslides, and drought (NPC 2013), are also some of the underlying causes which lead to the encroachment of the forest lands. Water-induced disasters are considered major hazards to all sectors including forestry. Floods as well as landslides, drought, and fire hazards are now considered serious problems related to climate-related environmental problems in the country including the proposed ER program area (MFSC 2010). Terai plains are the most vulnerable to floods, which contribute directly or indirectly to deforestation and forest degradation in the Terai.

2.2 Description of the proposed ER program interventions

Seven interventions are proposed for the REDD+ programs in the ER-PD developed for the TAL. The proposed interventions, their rationales, and how they will address different drivers of deforestation and forest degradation are provided in detail in the ER-PD (MoFE 2018b). This section highlights the key seven interventions.

Intervention 1: Improve management practices on existing community and collaborative forests building on traditional and customary practices

Intervention 1 aims to improve management practices of existing community and collaborative forests following the scientific principles of sustainable management of forests (SMF). Management plans of community and collaborative forests that were not prepared taking SMF into account will be revised under this intervention. A revised management plan will incorporate all activities required for SMF in close collaboration with user groups and other related stakeholders including the private sector. Some major activities proposed under this intervention are identification of community/collaborative forests to be considered for updating management plans, discussion with relevant stakeholders, detailed survey of the forests, dividing the forest area into compartments and sub-compartments, and selection of appropriate silvicultural systems to be applied in the forests. Key silvicultural activities prescribed to be included in the revised management plan are regeneration felling, thinning, pruning, fire line construction, management of grazing, and transporting harvested forest products (timber and fuelwood) outside the forest area for selling in the market. Management plans of 336,069 ha of community and collaborative forests of the ER program area will be revised under this program. Table 5 shows district-wise forest area that would be covered by this intervention.

Table 5: Forest area to be covered in different program districts under intervention 1

District	Proposed forest area (ha)	District	Proposed forest area (ha)
Rautahat	16,800	Kapilbastu	30,483
Bara	15,771	Dang	103,151
Parsa	11,647	Banke	27,760
Chitawan	18,055	Bardia	18,812
Nawalparasi	17,485	Kailali	47,036
Rupandehi	12,772	Kanchanpur	16,352

Intervention 2: Localize forest governance through transfer of national forests to community and collaborative forest user groups

Intervention 2 aims to transfer government-managed national forests of the ER program area to local communities under either the community or collaborative forests so that communities can manage the forests following the scientific principles of SMF. Identifying and forming community and/or collaborative forest user groups for specific forest area is a critical step to implement this intervention. When forest user groups are formed, preparing management plans and implementing the plans includes different activities, which are the same as for intervention 1. Under this program, 200,937 ha of national forests of the ER program area will be handed over to the communities for management as community or collaborative forests(Table 6).

Table 6:Forest area to be handed over to local communities in ER programdistricts

District	Proposed forest area for transfer (ha)	District	Proposed forest area for transfer (ha)
Rautahat	3,630	Kapilbastu	4,933
Bara	12,106	Dang	35,812
Parsa	198	Banke	13,440
Chitawan	12,165	Bardia	0
Nawalparasi	34,443	Kailali	60,481
Rupandehi	11,417	Kanchanpur	12,311

Intervention 3: Expand private sector forestry operations through improved access to extension services and finance

The ER-PD has acknowledged the private sector's involvement as critical to the success of this program and hence proposed private forests expansion as one of the key interventions. Intervention 3 aims to provide policy-level support and financial incentives, and capacity building of the private sector is encouraged to grow forests in private land. Some of the proposed incentives include free seedling distribution, training on technical aspects of farm forestry, and nursery management. This intervention aims to develop 30,141 ha forests in private land during the ER program period in the area(Table 7).

Table 7:Private forest area proposed for development in ER program districts

District	Private forest proposed for development (ha)	District	Private forest proposed for development (ha)
Rautahat	544	Kapilbastu	740
Bara	1,816	Dang	5,372
Parsa	30	Banke	2,016
Chitawan	1,826	Bardia	0
Nawalparasi	5,166	Kailali	9,072
Rupandehi	1,713	Kanchanpur	1,847

Intervention 4: Expand access to alternative energy with biogas and improved cookstoves

Intervention 4 aims to expand access to alternative energy through 88,629 biogas plants and 16,962 improved cookstoves in the ER program area (Table 8). Key activities under this intervention include identification of beneficiary households and installation/distributionof biogas plants/improved cookstoves.

Table 8:Number of biogas/improved cookstoves to be installed/distributed in ER program districts

District	Biogas	Improved cookstoves	District	Biogas	Improved cookstoves
Rautahat	5,952	4,046	Kapilbastu	5,065	2,989
Bara	7,406	2,484	Dang	8,937	447
Parsa	6,387	1,499	Banke	6,850	396
Chitawan	6,593	21	Bardia	7,324	84
Nawalparasi	9,202	687	Kailali	12,302	31
Rupandehi	5,827	4,252	Kanchanpur	6,784	26

Intervention 5: Scale up pro-poor leasehold forestry

Intervention 5 aims to scale up the pro-poor leasehold forestry program in the ER program area and proposes 12,056 ha of degraded forests to be leased to the group of ultra-poor families, so they can practice agroforestry activities for 40 years (Table 9). Some of the activities of this program include identifying degraded forests suitable for the program and poor families to form the leasehold groups, preparing management plans, handing over the forests to the groups, and supporting the group in implementation of the management plan.

Table 9:Forest area to be handed over as pro-poor leasehold forests in ERprogram districts

District	Proposed area of leasehold forests (ha)	District	Proposed area of leasehold forests (ha)
Rautahat	218	Kapilbastu	296
Bara	726	Dang	2,149
Parsa	12	Banke	806
Chitawan	730	Bardia	0
Nawalparasi	2,067	Kailali	3,629
Rupandehi	685	Kanchanpur	739

Intervention 6: Improve integrated land-use planning to reduce forest conversion associated with infrastructure development

Land-use planning refers to the process by which a society, through its institutions, decides where different socioeconomic activities (e.g., agriculture, housing, industry, recreation, commerce) should take place within its territory. This includes protecting well-defined areas from development due to environmental, cultural, historical, or similar reasons, and establishing provisions that control the nature of development activities. Intervention 6 proposes improving integrated land-use planning for development programs and projects including infrastructure development to reduce forest conversion (deforestation). By applying integrated land-use planning, the ER program aims to save 11,736 ha of forests from being converted to other land use (deforestation) within 10 years of the ER program implementation (Table 10).

Table 10:Forest area to be saved applying land-use planning in ER program districts

District	Proposed forest area to save from deforestation (ha)	District	Proposed forest area to save from deforestation (ha)
Rautahat	259	Kapilbastu	251
Bara	460	Dang	1,927
Parsa	758	Banke	1,164
Chitawan/	1,417	Bardia	1,116
Nawalparasi	1,036	Kailali	1,982
Rupandehi	590	Kanchanpur	776

Intervention 7: Improve management of existing protected areas

Intervention 7 aims to improve the management of the protected areas within the ER program area. Management of about 0.34 million haof forests in the five national parks (Parsa, Chitawan,

Banke, Bardia, and Suklaphanta) will be covered under this intervention in dealing with ER program-related issues and addressing and respecting safeguard principles. To improve the management capacity of these national parks, hundreds of parks staff and thousands of local communities living around the parks will be trained and capacitated under this intervention, so they can support ER program interventions while respecting the rights and interests of local communities.

2.3. Environmental and social impacts of proposed ER program

The environmental and social impacts of any program depend on numerous factors including climate conditions, geography of the area, soil types, and forest types and their condition, as well as the socioeconomic condition of the people living in and around the program area. The proposed ER program for the TAL area proposes seven interventions and explains the scope and scale of each intervention in each of the program districts. However, specific sites within the districts for implementing specific activities under the proposed interventions are not explained in this document.

Various likely social and environmental impacts (positive and negative) of the proposed interventions were identified based on the activity details provided in the ER-PD. Further information on likely impacts was collected from review of relevant literature. Field-level stakeholder consultations not only verified likely impacts identified from the document review but also added some key and context specific impacts likely to emerge as a result of the ER program intervention.

2.3.1 Most likely positive impacts of the proposed ER program interventions

Generic environmental and social impacts of the proposed interventions, timber harvesting, are widespread and well known. However, not all such impacts appear significant when placed in social and environmental contexts of the proposed ER program area. After identifying all possible impacts (see Section 1.3), they were presented and discussed in consultation workshops with the participants. Participants were encouraged to add or remove the impacts from the list based on their experience and knowledge. Impacts that were verified as significant by local communities and other stakeholders were taken largely into account while proposing the

management framework. Most likely positive environmental and social impacts of the ER program interventions are provided in Table 11. Most likely negative and social risks of the proposed ER program interventions and suggested mitigation measures to address them are provided in Section 4.2.

Table 11:Most likely positive impacts of proposed ER program interventions

Intervention 1: Improve management practice on existing community and collaborative forests building on traditional and customary practice(for SMF)	
Positive environmental impacts	**Positive social impacts**
1.1 Sustainable forest management (SMF) ensures a sustainable supply of different forest products (and therefore reduces illegal and unsustainable harvesting)which leadsto a healthy and productive forest capable of more carbon sequestration.	1.1 Involving local communities in the management and protection of forests holds much potential for alleviating poverty and creating employment in the area.
1.2 Increasing the timber supply encourages people to use timber instead of more emission-intensive aluminium in construction, especially housing, leading to carbon storage in harvested timber, leading to long-term climate change benefits.	1.2 SMF will generate income to the user through employment opportunities, raw material to the forest industry and more fuelwood to the local population.
1.3 SMF helps to achieve other Sustainable Development Goals such as reducing poverty and generating employment which will ultimately help environmental conservation and climate change mitigation.	1.3 Provides a substantial amount of non-commercial fuelwood during harvesting operations, even if they are mainly aimed at producing raw material for industrial use.
1.4 Reduces deforestation and forest degradation.	1.4 Improves the living standards of residents through direct and indirect employment
1.5 Removal of over-mature and defective trees may help grow other trees thereby increasing the health and productivity of the forest.	1.5 Increases demand for goods and public services resulting in improved facilities such as new or better roads, medical facilities, schools, veterinary services, etc.
1.6 Conserves and maintains most of the ecosystem services forests	1.6 Provides well-planned forest roads for tourists and other amenity uses as well as for enforcing conservation laws.
	1.7 Regeneration and reforestation can add to the amenity value of the region, either through improved aesthetics or by the provision of recreational spaces.

provide (biodiversity, soil and water resources). 1.7 Carbon sequestration could be improved. 1.8 Implementing SMF is more likely in collaborative forest management system.	

Intervention 2: Localize forest governance through transfer of national forests to community and collaborative forest user groups(for SMF)

Positive environmental impacts	Positive social impacts
2.1 The same impacts for intervention 1 apply since forests handed over to the community-based forest management model will be managed sustainably according to the approved management plans as in the intervention 1.	2.1 Most of the positive social impacts of intervention 1 apply, since forests handed over to the communities will be managed sustainably with sustainable forest management plans. 2.2 Improves in forest governance. 2.3 Easy, efficient, and continued supply of forest products to the community. 2.4 Rights of local people to access and control forest resources. 2.5 Leadership development, social inclusion, and women's empowerment. 2.6 Uses traditional and local knowledge. 2.7 Improves ownership of local people in forestry activities. 2.8 REDD+ program benefits local community. 2.9 People can exercise their democratic rights in choosing CBFU committee. 2.10 Local people are informed of various decisions made on forest resource management. 2.11 Increases social harmony and peace through CBFMS.

Intervention 3: Expand private sector forestry operations through improved access to extension services and finance

Positive environmental impacts	Positive social impacts
3.1 Provides various ecosystem services. 3.2 Helps conserve biodiversity and reduce deforestation and forest degradation by reducing pressure on natural forests. 3.3 Attracts private investment in the forestry sector.	3.1 Generates employment opportunities. 3.2 Helps sustainable supply of forest products. 3.3 Supports agroforestry. 3.4 Promotes forest-based entrepreneurship. 3.5 Helps economic development of the country.

Intervention 4: Expand access to alternative energy with biogas and improved cookstoves

Positive environmental impacts	**Positive social impacts**
4.1 Significantly lowers greenhouse effects due to the methane as biogas(methane) is burnt as fuel. 4.2 Reduces the firewood use and therefore carbon emissions. 4.3 Helps reduce deforestation and forest degradation through the reduced fuelwoodcollection and use.	4.1 Saves women and children from drudgery of collecting and carrying fuelwood, lessens exposure to indoor smoke, and saves time spent cooking and cleaning. 4.2 Produces enriched organic manure, which can supplement or even replace chemical fertilizers. 4.3 Leads to improvement in the environment, and sanitation and hygiene.

Intervention 5: Scale up pro-poor leasehold forestry program

Positive environmental impacts	**Positive social impacts**
5.1 Enhances natural regeneration, increases vegetation cover and biodiversity in leasehold forest sites. 5.2 Helps in rehabilitation of multi-layered natural forest.	5.1 Helps to increase household food self-sufficiency. 5.2 Helps diversify household income sources through sale of goats, milk, and fodder. 5.3 Provides more fodder, animal bedding material (foliage and leaf litter), and fuelwood. 5.4 Helps increase household cash income. 5.5 Increased fodder availability makes it easier to convert from free grazing to stall feeding which in turn provides more manure, which helps maintain or improve soil fertility in private land, leading to increased food production and food security. 5.6 Saves time that women must spend collecting fodder and forest products.

| **Intervention 6: Improve integrated land use planning to reduce forest conversion associated with infrastructure development** ||
Positive environmental impacts	**Positive social impacts**
6.1 Helps reduce deforestation from unplanned infrastructure development. 6.2 Helps towards environmental friendly infrastructure development. 6.3 Helps control further encroachment of forests, increase farm productivity, and reduce disaster risks.	6.1 Delivers positive message to community through integrated planning and sustainable land use policy. 6.2 Helps government and other institutions/organizations provide more efficient social and other services. 6.3 Generates jobs and income to local people while implementing integrated plans and activities.
Intervention 7: Improve management of existing protected areas	
Positive environmental impacts	**Positive social impacts**
7.1 Protects forest and ecosystem services through regulation. 7.2 Enhances biodiversity conservation. 7.3 Protects and guards selected natural environment in a protected area through ecotourism.	7.1 Creates additional employment opportunities (e.g., home stay and tourist guide)to local people residing around the protected areas. 7.2 Provides support for protected area system from local communities. 7.3 Minimizes migration of local population, as increased income levels motivate local. communities to stay in their traditional lands 7.4 Creates self-income generating opportunities by promoting traditional culture, handicrafts, and other ritual systems that attract tourists.

3. Legal and Institutional Frameworks

3.1 Introduction

There are several national and international regulatory frameworks for environmental and social safeguards. This section reviews and analyses existing legal and institutional frameworks (i.e., policies and measures) for governance including the forest governance and identifies gaps in addressing and respecting safeguards related to the proposed seven ER program interventions, planned to be implemented in the 12 districts of the TAL. The firstpart of the section focuses on Nepal and analyses existing legal and institutional framework (i.e., policy and measures) for their relevance in mitigating potential negative impacts of the ER program interventions. The secondpart reviews social and environmental standards of the World Bank and other international agencies including the UNFCCC and assesses whether the existing legal and institutional arrangement in Nepal meets those standards.

3.2 National legal provisions for environmental and social safeguards

Constitution of Nepal: The recently promulgated Constitution of Federal Republic of Nepal (2015) acknowledges environmental and social rights of its citizens and commits to safeguard them by applying social equity and inclusive governance and ending any kind of discriminations relating to class, caste, region, language, religion, and gender. Clauses 17, 18, 27, 30, 38, 39, and 40 of the Constitution have specific provisions related to right to freedom, equality, information, clean environment, women, and Dalit respectively (see Appendix 3 for more details). Clause 51 of the Constitution has special provisions for managing and using natural resources sustainably and safeguarding the environment and society.

- ✓ The State shall pursue a policy of making a sustainable use of biodiversity through the conservation and management of forests, fauna and flora, and by minimizing the negative impacts of industrialization and physical development by promoting public awareness on environmental cleanliness and protection.

- ✓ The State shall pursue a policy of adopting appropriate ways of minimizing or stopping negative impacts on environment if it is there, or if there is a possibility of such an impact on nature, environment, or biodiversity.
- ✓ The State shall formulate policies and enact laws based on the principle of sustainable environment development based on pre-warning and pre-informed agreements regarding environmental protection. Those people who pollute the environment shall have to be responsible for their action.
- ✓ Creating a condition to ensure employment for all and employment opportunities in the country itself by making the labour power, which is the main social and economic force, competent and professional.
- ✓ Making special arrangements to ensure the rights of *Adivasi/Janjatis*(indigenous ethnic groups) to lead a dignified life with their respective identities and making them participate in decision making processes that concern them, and preserving and maintaining the traditional knowledge, skill, experience, culture and social practices of *Adivasi*/*Janjatis*and local communities.
- ✓ Making special arrangements for minority communities to exercise their social and cultural rights by maintaining their identity.
- ✓ Making special arrangements for the *Madhesi* community to have equal distribution of benefits of economic, social and cultural opportunities, and also for the protection, progress, empowerment and development of the very poor and backward classes within the *Madhesi* community.

Forestry Sector Policy (2015): Nepal adopted a new Forestry Sector Policy in 2015 with the vision to contribute local and national prosperity through sustainable management of forests, biodiversity, and watershed. To achieve this vision, the following policies have been formulated.

- ✓ Increase forest productivity and production of forest products through sustainable forest management.
- ✓ Increase the benefits from ecosystem services including biodiversity and resource conservations and ensure equitable distributions.
- ✓ Increase productivity of land through integrated conservation and management of watersheds.

- ✓ Strengthen (i.e., ecologically, economically and socially) community-based forest management systems such as community forests, leasehold forests, collaborative forests, buffer zone community forests, protection forests and religious forests, and adopt justifiable benefit sharing.
- ✓ Through involvement of private sector in forest development and enhancement, enhance values of products and generate green employment by diversifying and commercializing forest-based enterprises and products.
- ✓ To reduce the impact of climate change, adopt options for mitigation and adaptation.
- ✓ Strengthen management to promote good governance, inclusiveness, and social justice in Forest Sector.

Forestry Sector Strategy (2016-2025): The Forestry Sector Strategy (FSS) is a guiding document to implement the Forest Policy (2015) for 10 years (i.e., 2016 to 2025). The FSS aims to deliver five major outcomes: sustainable production and supply of forest products; improvements of biodiversity; watersheds and ecosystem services; increased contribution to national economic development; and inclusive and accountable forestry sector institutions and organizations to develop a climate-resilient society and forest ecosystems. The strategy has eight strategic pillars and seven key thematic areas (Table 12).

Table 12:Strategic pillars and key thematic areas of the Forestry Sector Strategy (2016-2025)

Strategic pillars of the FSS (2016-2025)	Key thematic areas of the FSS (2016-2025)
1. Sustainably managed resources and the ecosystem.	1.Managing Nepal's forests.
2. Conducive policy process and operational environment.	2.Managing ecosystem and conserving biodiversity.
3. Responsive and transparent organizations and partnerships.	3. Responding to climate change.
4. Improved governance and effective service delivery.	4. Managing watersheds.
5. Security of resource use by the community.	5.Promoting enterprise and economic development.
6. Private sector engagement and economic development.	6.Enhancing capacities, institutions, and partnerships.
7. Gender equality, social inclusion, and poverty reduction.	7.Managing and using forestry sector information.
8. Climate change mitigation and resilience.	

Forest Act 1993 and Forest Regulation 1995: Forest Act 1993 recognizes the importance of forests in maintaining a healthy environment. Section 49 of the act prohibits reclaiming lands; setting fires; grazing, removing, or damaging forest products; felling trees or plants; hunting wildlife; and extracting boulders, sand, and soil from the national forest without prior approval. Regarding the non-forestry use of forest land, Clause 68 (1) of the Forest Act 2049 (1993) states that the government may permit the use of any part of government-managed forest, leasehold forest, or community forest if there is no alternative for the implementation of a plan or project of national priority without significantly affecting the environment. According to Clause 68 (2), if any loss to persons or community is involved while permitting use of such land, the government is required to compensate the loss.

The Forest Act (1993) and its revision in 2016, and forest regulation 1994 have given a bundle of rights to local communities for protection, development, management, and use of forest products under different institutional management modalities including community forests, collaborative forests, leasehold forests, and religious forests. The act and regulations define community forest user groups (CFUGs) as self-sustained, perpetual entities and have given absolute rights to them in managing their forests.

The regulatory provisions authorize CFUGs to formulate their own rules and enforce and sanction as appropriate. The CFUG constitution is a key regulatory document that defines decision making and benefit sharing mechanisms within the groupas well as rights and responsibilities of different user members and forums. Within the legal framework defined by the rules, the CFUGs hold regular meetings, prepare and amend rules, and allocate an annual budget for overall forest development including different local development initiatives. See Table 13 for social safeguard-related provisions of the Forest Act 1993 and Forest Rules 1995.

Table 13: Highlights of safeguard-related provisions in Forest Act 1993 and Forest Regulations 1995

Forest Act 1993	Forest Regulation1995
• Land ownership remains with the state, while the land use rights belong to the CFUGs; • User groups are recognized as independent, self-governing, autonomous, and corporate bodieswith perpetual succession. • All management decisions (land management and forest management) are taken by the CFUGs; • Each household is recognized as a unit for the membership and every member has equal rights over the resources. • Equitable distribution of benefits; • CFUGs can accumulate their fund from grants received from GoN and other local institutions, sale of CF products, and amount received by other sources such as fines, etc; and; • CFUGs can use their funds in any kind of community development works.	• User groups are allowed to plant short-term cash crops like NTFPs such as medicinal herbs; • User groups can fix prices of forestry products for their own use; • CFUGs can transport forest products under their jurisdiction anywhere in the county; and; • In case of forest offences, CFUGs can punish their members according to their constitution and operational plan.

As per the provision of the second revision of community forest guidelines, well-being ranking of community forest users is mandatory. Poorest households are identified through wellbeing ranking which is done based on the locally developed criteria. Implementing poverty reduction and activities for marginalized groups is required. The guidelines prescribe for certain provisions in the benefits of disadvantaged, Dalit ,indigenous peoples, and women. They include subsidies/free distribution of forest products, and 35% of the total fund to be used for their livelihood improving activities. The guideline also suggests for a thorough discussion at thetole(hamlet) level to encompass the needs and interests of the poor, women, and destitute sections of the community while preparing or revising forest management plans.

REDD+ strategy 2018: Nepal's REDD+ strategy envisions that REDD+ implementation will assist in advancing sustainable forest management, integrating various sectoral policies that optimize cross-sectoral synergies thatwill ultimately lead to an improvement of forest law enforcement and governance at large, with necessary amendment of act and regulations by accommodating the concerns of stakeholders complying with relevant international standards,

agreements, and decisions. REDD+ architecture will also contribute to global low-carbon economic development pathways and the global sustainable development agenda. Table 14 shows the vision, mission, and objectives of the REDD+ strategy.

Table 14: Vision, mission, and objectives of REDD+ strategy 2018

Vision	Enhanced carbon and non-carbon benefits of forest ecosystems contribute to the prosperity of the people of Nepal
Mission	To strengthen the resilience of forest ecosystems for emission reductions and increased environmental, social, and economic benefits through improved policy, measures, and institutions with enhanced stakeholders' capacity, capability, and inclusiveness.
Objectives	1. To reduce carbon emission, enhance carbon stocks and ecosystem resilience through mitigation and adaptation approaches by minimizing the causes and effects of drivers of deforestation and forest degradation, and promoting sustainable forest management across the ecological regions (Strategy 1,2,3,4). 2. To improve resource tenure and ensure fair and equitable sharing of carbon and non-carbon benefits of forests among rights holders, women, indigenous peoples, Madhesis, Dalits, and forest-dependent local communities with effective implementation of safeguard measures (Strategy 5, 11). 3. To increase livelihood assets and diversify employment opportunities of women, indigenous peoples, Madhesis, Dalits, local communities, and forest-dependent poor (Strategy 6,7,8). 4. To improve and harmonize policy and legal framework, in line with national and international requirements and standards, to harness carbon and non-carbon benefits; increase institutional capability and coordination, and strengthen governance, gender equality, and social inclusion of forestry sector (Strategy 5,9,10,11). 5. To establish and maintain a national forest monitoring system with a robust measurement, monitoring, reporting, and verification mechanisms (Strategy 12).

Each of the objectives have different strategies with total of 12 strategies. Action plans to implement these strategies have also been developed in a separate document; a total of 70 actions are proposed for the 12 strategies.[10]

Interpretation of UNFCCC safeguards for REDD+ in Nepalese context: Nepal has interpreted the UNFCCC safeguard principles for REDD+ in a Nepalese context considering its social, environmental, and policy contexts. The interpretation will serve as the foundation for Nepal's country safeguard approach and development of a safeguard information system.[11]

Social and Environmental Standard (SES) for REDD+: To comply with UNFCCC safeguard principles (i.e., Cancun safeguards), REDD+ SES for Nepal has been developed jointly by REDD IC and the FECOFUN. It can be used by governments, NGOs, financing agencies, and other stakeholders to support the design and implementation of REDD+ programs that respect the customary and cultural rights of indigenous people and local communities (IPLCs) and generate significant social and environmental benefits. These standards are particularly designed for government-led programs, policies, and measures implemented at national, state, or other levels and are relevant for all forms of fund-based or market-based financing entities which must be distinguished from safeguards (ESMF and ESMPs) as the latter are binding conditionality that must be met as part of the regulatory regime or in order to qualify for financing for a project or programs whereas the former are additional qualitative characteristics of a project that are reported in exchange for obtaining a certification. The REDD+ SES framework[12] encompasses seven principles and 28 criteria and 64 indicators.

National Biodiversity Strategy and Action Plan (NBSAP) (2014-2020): The Government of Nepal has developed a comprehensive strategy and action plan for biodiversity conservations for 2014 to 2020. The overall goal of the NBSAP is to significantly enhance the integrity of Nepal's ecological systems by 2020, thereby contributing to human wellbeing and sustainable development of the country. The objective of developing the NBSAP is to provide a strategic planning framework for conservation and sustainable use of biodiversity and biological resources of Nepal for enhancing local livelihoods and eco-friendly national development, and equitable

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[10]http://MFSC-redd.gov.np/resource-center/
[11] http://MFSC-redd.gov.np/resource-center/
[12]http://MFSC-redd.gov.np/resource-center/

sharing of the benefits accrued from the use of biological resources across all sections of society. The strategy includes eight underpinning principles and 13 approaches to address and respect traditional and cultural practices of IPLC.

Gender and social inclusion strategies: Since the early 1990s, Nepal has significantly increased commitments to gender equity, equality, and the empowerment of women in its policies, plans, and programs. In 1990 it introduced a gender approach to development, known as gender and development (GAD), to enable women and men to participate equally in public and private life and realize their full potential in development. Since its 10th development plan (2002-2007), gender mainstreaming has been one of the main strategies for reducing poverty. Gender- and caste-related issues are the key cross-cutting issues for poverty reduction and sustainable development. The forestry sector gender and social inclusion strategy (2006) has also aimed at guiding all the forestry sector stakeholders to promote the inclusion of poor and socially excluded groups of people in community forests. Furthermore, Ministry of Forests and Soil Conservation (MFSC) has declared its gender, poverty, and social equity (GPSE) vision for 2020 which clearly states and commits that the Ministry is a gender and social equity sensitive and socially inclusive organization, practicing good governance to ensure equitable access to, benefits from, and decision-making power over forest resources and benefits of all forestry sector stakeholders.

National Parks and Wildlife Conservation Act 1973: Although this act restricts entry in national park areas without prior permission in the core areas declared as national park and wildlife reserve, it allows government (4th amendment in 1993) to declare peripheral areas as the buffer zone and considers local communities as an integral part of it.

Buffer Zone Regulation 1996: This regulation allows park authority and local users to design programs for the buffer zone that are compatible with the national park management. It allows investing 30-50% of the park-generated revenues for community development activities in buffer zone and promotes activities that meet the basic needs of local people for fuelwood, fodder, timber, and grazing. However, the regulation prohibits occupying any land without legal ownership or cutting trees, clear forest and any other activities damaging forest resources, habitats, and wildlife.

Environment Protection Act 1997: Environment includes all natural, cultural, and social systems, economic and human activities and their constituent parts, and the interaction and interrelationship among the constituent parts. This one of the most progressive definitions of the term 'environment' as it includes economic, human, and social dimensions (Belbase 1998).

The Environment Protection Act 1997 requires the proponents to prepare an initial environmental examination (IEE) and/or environmental impact assessment (EIA) report in relation to prescribed plans, programs, or projects which may cause changes in existing environmental conditions by physical activity, development activity, or change in land use. Thus, the word 'proposal' has been progressively defined to include plan. The general interpretation is that 'proposal' is limited to projects and therefore the act only requires EIA at the project level and does not cover plans, policies, and legislation (Belbase 1998). Another interpretation is that 'proposal' has been so comprehensively defined by this law that it includes plans, policies, and legislation thus requiring preparation of strategic environmental assessment in relation to any plan, policy, or legislation.

After having prepared the IEE or EIA, the proponent is required to apply to the relevant government agency with the report for approval. Schedule 1 of the Environment Protection Regulations 1997 lists the proposals that require an IEE, and Schedule 2 lists the proposals in relation to which EIA must be conducted. Forestry sector proposals that require IEE and EIA are presented in Appendixes 3 and 4, respectively.

In addition to the policies and measures discussed above, some additional policies and measures are also in place that address cross-cutting issues of forests and their stakeholders and provide an enabling environment for ER program implementation: Local Self Governance Act 1999; Land Acquisition Act 2034 (1977); Land Act 1964; Labour Act 1992; Water Resources Act, 1993; National Foundation for the Development of Indigenous Nationalities (NFDIN) Act 2002; Right to Information Act, 2007; Good Governance Act, 2008; and National Dalit Commission (NDC), 2002.

3.3 International policies applicable to ER program

This section reviews international policies and legal frameworks likely be triggered while implementing the proposed ER program and activities.

3.3.1 World Bank safeguard policies

The current environmental and social policies of the World Bank are known as the safeguard policies, the mechanism for addressing environmental and social issues in designing, implementing, and operating any World Bank supported projects or programs. These include 10 policies. In August 2016, the World Bank adopted a new set of environment and social policies called the environmental and social framework (ESF),which should be up and running in2018. The ESF will incrementally replace the safeguard policies; the two will operate in parallel for about seven years to govern projects approved before and after the date ESF starts to be applied.

Implementation of the proposed ER program will trigger seven of the 10 World Bank operational safeguard policies. Table 15 shows linkage between the proposed seven interventions and the World Bank's safeguard policies followed by further discussion how proposed ER interventions will trigger the seven World Bank's operational policies.

Table 15:Linking ER program interventions with World Bank safeguard policies

World Banks' afeguard policy	Trigger?		Interventions
	Yes	No	
Environmental assessment (OP/BP4.01)	X		1, 2, 3, 4, 5,6
Natural habitats (OP/BP4.04)	X		1, 2,7
Forests (OP/BP 4.36)	X		1,2,3,5,6
Pest management (OP/BP 4.09)	X		3,5
Physical cultural resources (OP/BP4.11)	X		6
Indigenous peoples (OP/BP4.10)	X		1,2, 4,5, 6,7
Involuntary resettlement (OP/BP 4.12)	X		1, 5,7
Safety dams (OP/BP4.37)		X	
Projects on international waterways (OP/BP 7.50)		X	
Projects on disputed areas (OP/BP7.60)		X	

Environmental assessment (OP/BP4.01): The World Bank's environmental assessment operational policy requires all proposed bank-funded programs/projects, no matter the source of funding, be screened for potential environmental and social impacts. The policy is triggered if an

intervention is likely to have adverse environmental and social risks and impacts in its area of influence. In order to qualify for funding, each of the proposed interventions and activities must undergo social and environmental screening. World Bank's OP/BP 4.01 classifies proposed interventions into one of four categories[13]depending on the type, location, sensitivity, and scale of the project and the nature and magnitude of their potential environmental and social impacts.

Category A: Programs/projects likely to have significant adverse environmental and social impacts that are sensitive, diverse, or unprecedented. This category requires asocial and environmental assessment (SEA) that (i) examines the project's potential negative and positive environmental and social impacts, (ii) compares them with those of feasible alternatives (including the "without project" situation), and (iii) recommends any measures needed to prevent, minimize, mitigate, or compensate for adverse impacts and improve environmental and social performance.

Category B: Programs/projects with potential adverse environmental and social impacts on human populations or environmentally and socially important areas, including wetlands, forests, grasslands, and other natural habitats. Category B impacts are less adverse than Category A projects. These impacts are site specific and easier to deal with; few if any of them are irreversible and in most cases, appropriate mitigation measures can be readily designed. SEA examines possible impacts and recommends any measures needed to prevent, minimize, mitigate, or compensate for adverse impacts while improving the project environmental and social performance.

Category C: Programs/projects likely to have minimal or no adverse environmental and social impacts. Beyond screening, no further SEA/ESMF processes are required.

Category FI: Project involves investment of bank funds through a financial intermediary; in subprojects that may result in adverse environmental impacts. This category does not apply to the ER program.

The ER program is Category Bas the proposed seven interventions will focus mainly on small- and medium-size operations including those carried out by the communities and individual

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[13]https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=1565&ver=current

households in rural areas. Moreover, it is intrinsic to the project approach that it should not embrace initiatives with sizable implications on the receiving natural and social environment. Most of the impacts from these interventions (subprojects) are site specific and can be mitigated.

Indigenous peoples (OP/BP 4.10): This policy requires projects to be designed and implemented to foster full respect for indigenous people, their human rights, and cultural uniqueness so they (1) receive culturally compatible social and economic benefits, and (2) do not suffer adverse effects during the development process. The proposed ER program involves thousands of local communities and indigenous communities as the key stakeholders and actors for effective implementation. They are also recognized as the most vulnerable groups facing unintended outcomes of the ER program interventions. All interventions (except 3, which focuses on the private sector) are found to be relevant to indigenous peoples and local communities, customary practices, cultural rights, and land tenure issues.

Natural habitats (OP/BP 4.04): This policy applies to activities which could have a potential impact on important natural habitats outside and inside protected areas. Significant conversion of natural habitats is allowed under this policy if there are no viable alternatives, but the affected natural habitat needs to be compensated by an ecologically similar area of the same or larger size and the area needs to be better managed and protected. Activities involving the significant conversion of critical natural habitats (i.e., protected areas or critical natural habitat areas outside protected areas where endemic or endangered species mentioned on the International Union for Conservation of Nature (IUCN)Red List species are living and which could be severely affected or made extinct) cannot be financed. Not only nationally protected areas, habitats, and species but also internationally recognized sites such as under Ramsar Convention or under Important Bird and Biodiversity Areas from Birdlife International are also taken into consideration on assessing each investment proposal. Since 29% of the total forest area (0.33 million ha) in the proposed ER program area is under protected area system (Parsa, Chitwan, Banke, Bardia, and Suklaphanta National Parks), this safeguard policy is triggered. As shown in Table 14, proposed interventions 1, 2, and 7 are likely to impact natural habitats in the program area.

Forests (OP/BP 4.36): This policy is aimed at reducing deforestation, enhancing the environmental contribution of forested areas, promoting afforestation, reducing poverty, and encouraging economic development. This policy is applicable when the project or program has

impacts on the health and quality of forests, affects the rights and welfare of people and their level of dependence upon or interaction with forests, and aims to bring change in the management, protection, or utilization of natural forests or plantations whether they are publicly, privately, or communally owned. These are not only at the heart of the proposed ER program but also for national forest management systems such as community-based forest management (CBFM) system. In fact, OP/BP 4.36 has been in force in the ER program area since the CBFM system including community forestry, leasehold forestry, and collaborative forestry were started. Supporting CBFM by implementing sustainable harvesting and management practices taking local and traditional practices into consideration is the main objective of most of the proposed interventions (1,2,3, and 5 in particular). The SEA has identified OP/BP 4.36 as one of the influential policies with larger scale and scope.

Pest management (OP 4.09): Any World Bank-financed project that stimulates the use of pesticides must first submit a pest management plan (PMP)that meets the following criteria:

   a) Negligible adverse human health effects;
   b) Effectiveness against the target species;
   c) Minimal effect on non-target species and the natural environment, so methods, timing, and frequency of pesticide application are aimed at minimizing damage to natural enemies; and;
   d) Prevent the development of resistance insects.

Although most of the ER program interventions do not trigger OP 4.09, interventions related to private forests (intervention 3) and leasehold forests (intervention 5),which include seedling production, plantation, and cultivation of non-timber forest products, may require some pesticides. The program will also support agroforestry and livestock-keeping practices that may require pest control.

Physical cultural resources (OP/BP 4.11): Physical cultural resources are movable or immovable objects, sites, structures, groups of structures, natural features, and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Their cultural interest may be at the local, provincial, or national level, or within the international community. The bank assists countries to avoid or mitigate adverse impacts on physical cultural resources from development projects it finances. The borrower

addresses the impacts on physical cultural resources in projects proposed for bank financing as an integral part of the environmental assessment process. Generally, none of the proposed interventions are expected to negatively impact physical and cultural resources within and around the ER program area. However, intervention related to integrated land use planning (intervention 6) may pose some risks. The SEA shows that some cultural and religious sites and physical resources in the proposed ER program area may be at risk due to ignorance while implementing the ER program.

Involuntary resettlement (OP 4.12): The TAL ER program does not envisage any involuntary land acquisition or resettlement. However, OP 4.12 is triggered because local people may still be forcefully displaced, or their sources of livelihood may still be jeopardized, as a result of land acquisition on a small scale. This policy emphasizes that absence of legal title to land should not be a bar for compensation, resettlement, and rehabilitation assistance. Both physically and economically displaced persons should be meaningfully consulted, given opportunities to participate in planning and implementing resettlement programs, and assisted in their efforts to improve their livelihoods and standards of living. Vulnerable groups such as indigenous peoples, women-headed households, and the elderly should be entitled to a special benefit package in addition to compensation and resettlement. Since the ER program aims to implement integrated land-use planning and protect unique ecological areas and habitats, access to forest resources in protected areas and ecologically important critical habitats may be restricted.

3.3.2 UNFCCC safeguard principles for REDD+

Being a member country of the UNFCCC and UN-REDD, Nepal should comply with UNFCCC safeguard principles for REDD+, which are also known as Cancun REDD+ safeguard principles (Appendix 4). Decisions of the COP to the UNFCC on its 16th and 17th session (Decisions 1/CP.16 and 2/CP.17) require developing countries participating in the REDD+ initiative under the UNFCCC to meet three fundamental safeguard-related requirements to be eligible for the result-based payments (UNFCCC 2011, 2012):

(i) **Cancun REDD+ safeguards:** Countries should address and respect the seven Cancun Safeguard Principles throughout the REDD+ process;

(ii) **Safeguard information system (SIS):** Countries should develop a system for providing information on how the Cancun Safeguards are being addressed and respected; and;

(iii) **Summary of information:** Countries should provide a summary of information on how all the Cancun Safeguards are being addressed and respected throughout the implementation of the REDD+ programs.

UNFCC has not provided any guidelines on how the broad seven principles should be respected and addressed. However, seven principles and 20 criteria developed by the UN-REDD program on REDD+ safeguards, known as the Social and Environmental Principles and Criteria (SEPC)[14]could help to comply with the UNFCCC safeguards as well as World Bank safeguard polices and standards when ER program interventions are implemented in the field. REDD+ safeguard- related decisions of the COP to the UNFCCC are provided in Appendix 5.

3.3.3 Other international safeguard policies

Nepal is also a signatory of the International Labour Organization (ILO) Convention 169, United Nations Declaration on the Rights of Indigenous People (UNDRIP), and UN Convention on Biological Diversity and is committed to comply with respective safeguard policies while developing and implementing development policies and programs to the extent relevant to the country context. The proposed ER program and its interventions invoke these international policies, hence the ESMF should respect and address them to the extent possible.

International Labour Organization (ILO) Convention 169:ILO Convention 169[15] is another international policy relevant to the proposed ER program because Nepal has signed the ILO convention and committed to apply its policies. The ILO Convention commits governments of signatory countries to adopt special measures as appropriate for safeguarding the persons, institutions, property, labour, cultures, and environment of indigenous peoples. ILO 169 requires assessment of likely impacts of any development interventions on indigenous peoples and states that governments shall ensure that, whenever appropriate, studies are carried out, in cooperation with the peoples concerned, to assess the social, spiritual, cultural, and environmental impacts on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.

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[14]http://www.redd-standards.org/redd-ses/process-for-using-redd-ses
[15]http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_171810/lang--en/index.htm

UN Declaration on the Rights of Indigenous People (UNDRIP):UNDRIP2007[16] is another international policy safeguarding rights of indigenous peoples. It encourages member countries to work alongside indigenous peoples to solve global issues, like development, multicultural democracy, and decentralization. UNDRIP sets out the individual and collective rights of indigenous peoples, as well as their rights to culture, identity, language, employment, health, education, and other issues. Being a member country, Nepal is committed to address and respect the UNDRIP and it also applies to the ER program.

UN Convention on Biological Diversity: The UN Convention on Biological Diversity and Ramsar convention on wetlands of international importance are also triggered by the proposed ER program interventions. Important protected areas and unique habitats of Asian elephant, Bengal tiger, and some rare antelope are found in the program area. Wetlands around Lumbini Kapilbastu and Gohdaghodi Kailali are also of special significance. The ER-PD has acknowledged the significance of these biodiversity hot sites and wetlands and proposed interventions to conserve them.

3.4 Gap analysis between national framework and World Bank safeguard policy requirements

This section analyses potential legal, procedural and capacity gaps to comply with the triggered World Bank safeguard policies (OP/BPs) for effective implementation of the proposed ER program interventions.

Regulatory mechanism in the forestry sector, particularly in the area of environment and social management, has not been robust enough despite existing policy provisions. Assessment of the present situation shows weak enforcement of laws which resulted in large-scale noncompliance of legal and policy provisions. There have been shortfalls and delays in decision making when it comes to the compliance of environmental and social actions. Overall capacity of the regulatory framework in the context of pest management is weak and inadequate to address the health hazard issues related to use and storage of chemical pesticides. Table 16 summarizes major safeguard-related issues and gaps in addressing and respecting the World Bank's safeguard

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[16]https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html

policy (OP/BP) based on the review of the national policy framework against the OP/BPs that are triggered.

Table 16: Gaps between the World Bank's safeguard policy and national policy framework

S No	Proposed intervention	World Bank OP/BP	Key issues	Existing provisions	Gaps
1	Improve existing CBFM practices	4.01 4.04 4.36 4.10 4.12	Rights of IPs, LCs, and women; benefit sharing; FGRM; traditional knowledge and customary practices; conservation of natural habitats and reduction of D and FD; and IEE and EIA	Existing policies and legal provisions, like REDD Strategy (draft) Forest Act 1993, NPWC Act 1973, NBSAP (2014-2020), Environment Protection Act 1996, NFDIN Act 2002, NDC 2002, meet most of the OP/BP requirements.	Benefit sharing mechanism; FGRM plan, IP and LC integration plan, functional RWG; participatory monitoring protocol and local actors' capacity to address and respect safeguards
2	Transfer of national forests to CBFM	4.01 4.04 4.36 4.10	Issues described above apply for this intervention also. In addition, identification of users and stakeholders, FPIC and hotspot identification will also be key issues.	All of the existing provisions described above are relevant to this intervention. In addition, community forest guideline, collaborative guideline, buffer zone and pro-poor leasehold forestry guidelines will be the guiding framework for this intervention.	In addition to the gaps mentioned above, lack of delineated feasible area and corresponding users seems additional gap. IEE and EIA may be required.
3	Expand private sector forestry	4.01 4.36 4.09	Potential areas mapping, insurance, and subsidy for tree planting, hurdles related to harvesting and transportation, quality seedlings, technical inputs, financial support for forest entrepreneurs	Forest Act 1993, Forest Regulation 1995, Private Forest Guideline 2011, draft REDD+ Strategy, Forest Policy 2015,andForestry Strategy 2016 are key PAMs to address these issues. These PAMs are very much in line with what related OP/BPs requires.	Despite required policy provisions in place, some gaps related to limited capacity and procedural hurdles exist. Reliable market, stable price, insurance, andsubsidy provision are also lacking.

S No	Proposed intervention	World Bank OP/BP	Key issues	Existing provisions	Gaps
4	Expand access to alternative energy	4.01 4.10	No prevailing issues. However, collaborative plan with AEPC, identifying genuine beneficiaries and their capacity to efficiently use biogas and ICS are some issues to be considered.	Forest Act 1993, Forest Regulation 1995, draft REDD+ Strategy, Forest Policy 2015, Forestry Strategy 2016 and CC policy have enough provisions to address these issues. These policies are very much in line with related OP/BPs requirements.	A collaborative mechanism (for planning, implementing, repairing, and monitoring) between NRC and AEPC is required. Poor HH should be capacitated for productive livestock farming.
5	Leasehold forestry	4.01 4.36 4.10 4.12	Identification of potential forest areas and users. FPIC from broader communities may be required while selecting forest areas to be handed over to some very poor and marginalized users.	Forest Regulation 1995 provides steps for pro-poor leasehold forestry program including proposed area mapping, user identification, community consensus, constitutions, and operational plan preparation considering livelihood improvement framework.	Existing approach of getting community consensus may need to be revised taking OP/BP 4.01, 4.36, and 4.20.
6	Integrated land use planning	4.36 4.11 4.10 4.12	Feasible area mapping, IEE/EIA, resettlement, physical properties of historical, cultural, and religious significance, conflicts of interest	Land Acquisition Act 1977, NFDIN Act 2002, Environment Protection Act 1996, NPWC Act 1997,andForest Act 1993 have policy provisions for land use planning and largely address the issues highlighted.	Existing policy provisions may need to be implemented effectively. Some adjustment/ amendment keeping OP/BP 4.36, 4.11, 4.12, and 4.20 in mind may be needed.
7	Improve capacity of management of existing protected areas	4.04 4.10 4.12	Lack of capacity to effectively implement ERPD including institution, technology, governance, and other regularity mechanism are acknowledged as the key issues.	Most of the PAMs acknowledged as relevant have capacity building provisions.	The ER-PD has identified capacity building of ER program actors as one of the key interventions. Detail plans of capacity building addressing safeguards issues appears as the gap.

4. Environmental and Social Management Framework

4.1 Introduction

The World Bank has long been one of the largest development partners in Nepal. It has supported development projects of different scales and scope on diverse sectors like road, irrigation, energy sector, education, food security, forestry, and environment. Considering the World Bank requirement, the Government of Nepal has assessed potential social and environmental effects of the projects and developed the relevant safeguards frameworks for each of them. This has suggested that Nepal has a deeper understanding and experiences in preparing ESMF, addressing not only the requirements of the World Bank but also the government and local communities. A national-level ESMF for addressing potential negative impacts of REDD+ strategy implementation in Nepal was developed in 2014. This ESMF is specifically prepared following an impacts-oriented environmental and social assessment of the proposed ER program interventions in the TAL, to provide possible mitigation measures to address potential negative environmental and social impacts in the ER program area.

This ESMF is a live document enabling updates and revision, when and where necessary. Unexpected circumstances or changes likely to emerge while designing subprojects will be assessed and appropriate management/mitigation measures will be incorporated by updating the ESMF. Such updates will also incorporate any changes that might have happened in the legal system in future.

4.2 Mitigation measures for adverse social and environmental impacts

According to the World Bank safeguard policy (OP/BP 4.01), REDD+ is a Category B project and its program activities in most cases do not require a full-scale social and environmental assessment (SEA). However, such an assessment is always desirable not only for preparing appropriate prevention, minimization, mitigation instrument(s) for adverse impacts and maximizing beneficial impacts on a sustainable basis, but also for developing appropriate compensating mechanisms. The SEA has identified likely environmental and social impacts of proposed ER program interventions in the ER program area. Based on the SEA outcomes, a

number of mitigation measures are suggested to address the potential negative environmental and social risks of the proposed ER program interventions (Table 17).

SEA outcomes (results) were the basis for the ESMF. This section analyses policy, institutions, governance, and capacity-related gaps in minimizing/mitigating/addressing the identified potential negative impacts of the ER program interventions. This section provides different frameworks and plans to be applied and followed to address the identified potential negative social and environmental impacts of the proposed interventions.

Table 17: Most likely environmental and social risks of ER program interventions and suggested mitigation measures

Intervention 1: Improve management practices onexisting community and collaborative forests building on traditional and customary practices (for SMF)			
Environmental		**Social**	
Risks	**Mitigation measures**	**Risks**	**Mitigation measures**
1.1 Mixed salforests may change to pure salforests	• Maintain mixed forests to the extent possible while implementing harvesting operations following principles of SFM. • Pre-harvesting species composition will be recorded for future reference.	1.1 The transition from a protection-focused CBFM approach to harvest focused may not comply with traditional and customary practices. This may raise safeguard issues, particularly with Tharu communities.	• Appropriate safeguards will be applied to ensure local and customary practices are not neglected.
1.2 Some forest may not regenerate naturally after felling and thereby entire endemic species or substantial portions of the gene pool can be eliminated, resulting loss of biodiversity.	• Biodiversity-rich and wildlife hotspot will be protected excluding such areas from harvesting sites. • Harvesting will be carried out ensuring natural regrowth and biodiversity protection. • Law enforcement will be applied to control encroachment effectively.	1.2 Field-level consultations verified that local people are expecting higher economic benefits from this program. If such expectations are not met, they may be frustrated, and conflict may arise between program authorities and local communities.	• Awareness of campaign on theory, principles and possible outcomes of ER program will be conducted regularly.
1.3 Natural regeneration of sal and other major species may be jeopardized because of many undesired species like Lagerstroemia, and invasive species like Eupatorium may potentially occupy the felled	• Cleaning and weeding operations will be carried out to avoid invasion of unintended species.	1.3 The introduction of new technology and tools may cause safety hazards if adequate training and protective equipment are not provided.	• Workers' safety protocol will be prepared and implemented complying with human rights and

areas	• Mitigation measures prescribed for 1.2 will be applied. • Biological pests and pathogens control mechanism will be applied in case of pest/insect outbreaks.		other safeguard principles.
1.4 Simplification of forest through selective felling may reduce the overall resilience of the forest to pest and pathogens	• Mitigation measures prescribed for 1.2 will be applied. • Biological pests and pathogens control mechanism will be applied in case of pest/insect outbreaks.	1.4 Since commercial timber harvesting requires skilled labour, local labourers with limited or no skills may be replaced. This may result in conflicts between local people and harvesting personnel (i.e., outsiders).	• Local people will be trained and capacitated, so they can compete with outsiders and find jobs.
1.5 Selective logging may cause genetic erosion. It may also damage the residual vegetation and the seed trees may not survive the "isolation shock" or mechanical damage.	• Selection and shelter-wood system will be applied for harvesting taking into account species isolation and genetic erosion. • Harvesting protocol will be applied to minimize harvesting damages.	1.5 Commercial harvesting may overlook other values of forests like traditional/cultural values and customary uses of forests. Tharu communities reported during consultation meetings that commercial harvesting may not respect their cultural values of worshiping some tree species.[17] This may lead to "culture shock" and related social disintegration.	• Updated management plans for each CFUG will clearly identify specific sites that are culturally sensitive and important. • The sensitive and important sites will be protected from harvesting and other activities.
1.6 The improved access may also lead to spread of unplanned settlements thereby expanding deforestation; Bara, Rautahat, Chitwan, Dang, and Kailali districts appear	• Strict law enforcement will be ensured to protect the SFM sites. • A community-level anti-encroachment team will be formed to monitor the	1.6 The operation can inadvertently or otherwise damage or destroy trees, sites, or other landscape elements that have religious or other heritage value.	• Measures prescribed for risk 1.5 will be applied. • In addition, harvesting crews will be informed about

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[17] Tharu communities reportedly believe their ancestors live in Lagerstroemia trees (Bot Dhainro), thus they respect and worship one of the largest trees in the forest near to their village.

most vulnerable	SMF sites.		culturally important sites, species and other landscape elements so they can apply necessary safeguards. • Updated management plans provide spatial maps and describe specific values of such trees and sites
1.7 If the area doesn't regenerate, it may be prone to encroachment, affecting almost all of the districts	• Harvesting activities will not be carried out during the monsoon season or near river banks and erosion-prone areas.	1.7 Burial grounds and historic or archaeological sites can be disturbed	• Measures prescribed for risk 1.6 will be applied to address this issue.
1.8 Flooding may increase due to intensive harvesting	• Harvesting activates will not be carried out during the monsoon seasons in potential flood sites.	1.8 Side effects of commercial timber harvesting such as road traffic, noise, and dust may decrease the amenity value of the area.	• Unnecessary vehicle movement and horn blow will be controlled applying appropriate protocol. • Such a protocol will be clearly described in updated management plans.
1.9 Debris and slash (fuel) may cause forest fires.	• Debris and slash will be managed to prevent forest fire. • CFUGs will prepare and maintain fire lines regularly. • An effective participatory	1.9 Livelihoods of forest-dependent people who collect edible forest products such as mushrooms, fruits, herbs, and other NTFPs may be affected.	• Updated management plans for each CFUG will clearly identify specific sites that have been producing foods and NTFPs for local communities.

	monitoring system will be applied.		• Plans will also involve schemes for sustainable management of those sites.
1.10 Riverbanks and shores may become unstable and prone to undercutting or long-shore erosion and deposition	• Apply measures prescribed for risk number 1.7. • Prone areas will be regularly monitored, and deposition will be promptly removed.	1.10 Removing minor species during the SMF could impact local culture and traditions. For example: ▪ *BotDhainro* (used for worship by Tharu community) ▪ *Gaineri*(used to startfire) ▪ *Briyasar*(used as poison) ▪ *Gundh*(used for making Gundri, Takiya, and handmade products, Kasauna)	• Updated management plans for each CFUG will clearly identify specific sites that are culturally sensitive and important. • The sensitive and important sites will be protected from harvesting and other activities.
1.11 Low water infiltrates the ground when heavy soil-compacting machines are used. Surface water is further accelerated increasing the rate of erosion;	• Movement of heavy vehicles will be minimized to the extent possible. • Trampling by overgrazing will be minimized by applying grazing control.	1.11 Livelihood of IPLCs may be affected as restrictions on access to forest resources increase.	1.11 Mitigation measures will be applied, and assistance will be provided to the affected people as specified in the process framework
1.12 Harvesting may damage or destroy key habitats such as nesting sites, including old hollow trees, feeding, and	• Apply prescribed measures for risk 1.2.		

breeding grounds;			
1.13 The elimination of some herbivorous birds or insects through logging can interfere with the regeneration of tree and other plant species that depend on these animals for pollination or seed dispersal.	• Seed trees will be retained following silviculture science. • Measure prescribed for 1.2 will also be applied.		

Intervention 2: Localize forest governance through transfer of national forests to community and collaborative forest user groups			
Environmental		Social	
Risks	Mitigation measures	Risks	Mitigation measures
2.1 Most of the negative environmental impacts will be very similar to those with intervention 1	• Mitigation measures prescribed for intervention 1 will be applied to address identified potential environmental impacts of this intervention	2.1 Social risks most likely to arise are similar to intervention 1.	• Mitigation measures prescribed to address social risks/impacts of intervention 1 will also be applied to address risks/impacts of most of this intervention.
		2.2 Risk of elite capture: some participants during consultation meetings, particularly in Rupendehi, Kapilbastu, and Nawalparasi, indicated likelihood of elite capture in most of the CFUGs to be formulated	• Equitable involvement of women, indigenous peoples, and marginalized groups particularly in decision-making key positions will be ensured in CFUG constitution. • CFUG guidelines, gender inclusion plan, and indigenous peoples plan will be effectively

			implemented.
		2.3 Risk of exclusion of distance users: participants from Madhesi communities were worried thatdistant users will be excluded if community forests are created in the Terai	• Forest areas that distant users rely on for daily requirements (fuelwood, timber, fodder, etc.) will be handed over as collaborative forests.[18]
		2.4 Risk of misuse of funds(i.e., corruption), both for new CFUGs and existing CFUGs once they start generating money from timber harvesting and selling	• Participatory monitoring, public auditing, annual auditing, and GRM will be effectively implemented following community forest monitoring guideline. • Any necessary legal action will be done following GRM provisions.
		2.5 Risk of control of some use rights such as grazing and open access for fuelwood collection. This will create social conflicts among users.	• Appropriate safeguard measures will be applied to avoid limiting customary use rights of local communities. • Existence of such local use practices will be explicitly explained in the community forest

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[18] Collaborative forestry was developed to address needs and interests of distant users.

			management plan along with corresponding safeguard measures.
		2.6 Risk of some unhealthy competition between/among CFUGs. In particular, competition to harvest more timber and increase CFUGs' income was reported in most of the consultation meetings.	• Management and harvesting plan will be developed based on prescribed silvicultural systems which does not allow CFUGs to harvest forests competitively. • The ER program authority will monitor and supervise harvesting operations and provide necessary feedback regularly.
		2.7 Conflict may arise between community and collaborative forest user groups with each claiming the remaining forests. For example, both ACOFUN participants and FECOFUN participants in Parsa consultation workshop suggested that all the remaining government forests must be handed over to them.	• SEA report anticipates conflicts between community forest and CMF while handing over remaining national forests to local communities. • A set of criteria based on existing community forest and CMF user identification guidelines will be developed to avoid such conflicts. • Such criteria will be jointly discussed,

			agreed, and applied.
		2.8 Handing over remaining forests to communities could affect livelihoods of some indigenous groups who rely on forests for their livelihoods and cultural requirements. These groups include Chepang (in Chitwan), Bote and Tharu (most of ER program area), and Raute (some part of Kailali and Kanchanpur districts).	• Mitigation measures prescribed for risk 2.5 will be applied.

Intervention 3: Expand private sector forestry operations through improved access to extension services and finance

Environmental		Social	
Risks	**Mitigation measures**	**Risks**	**Mitigation measures**
3.1 Monoculture plantation- private forest owners usually prefer fast growing single species	• Private forest owners will be encouraged to grow mixed forests with native species as far as possible.	3.1 Involvement of private sector in forest management could lead to conflict between community and private sector. Conflicts could be related to property damage from forest fires and wildlife, productivity loss, and other effects related to the forest plantation and harvesting.	• FPIC and safeguard principles will be applied to ensure issues are properly addressed. • A private forest management guideline will be developed building on existing legal provisions in consultation and agreement with all stakeholders. Private forest owners will be informed of the guideline and must agree to it before they

53

			seek any support from the ER program. The guideline will address all the identified risks of this intervention.
			• An agreement between forest authority and private forest owners will be reached to avoid any conflict between them including harvesting, transportation, and compensation-related issues.
3.2 Air, water, and noise pollution due to heavy machines used in harvesting;	• Use of heavy machines while planting and harvesting trees particularly in agroforestry sites will be discouraged to the extent possible. • A regulating guideline will be developed and implemented	3.2 Some agricultural land might be converted to forest land leading to risk of food security and increase of market price of agricultural products;	• Measures prescribed for 3.1 will be applied.
3.3 Fast growing species planted by private forest owners may affect the underground water system	• Mechanism prescribed for 3.1 will be applied. • Appropriate species will be prescribed to avoid any negative impacts on groundwater system.	3.3 Plantation in a large area of the land from a landlord having big land could affect the nearby small farmers who grow agricultural products for their livelihood. This issue was reported from Rupandehi and Kapilbastu consultation meeting;	• Measures prescribed for 3.1 will be applied.

3.4 Heavy logging could have some other negative impact such as noise pollution, soil compacting as well as water pollution nearby;	• Mechanisms prescribed for 3.1, 3.2, and 3.3 will be appliedto minimize this risk.	3.4 Private forest owners may prefer fast growing species such as eucalyptus, which could affect underground water system and therefore nearby farmland;	• Measures prescribed for 3.1 will be applied.
3.5 Tree planting in small and fragmented farmland may reduce crop production in neighbouring farm lands, affecting small land holders relying on cash crops.	• Private forest owners will be required to apply mitigation measures to minimize the likely impacts.	3.5 Conflict may be raised between forest authority and private forest owners if timber harvesting and transportation procedures from private forest are not revised to make it easy.	• Measures prescribed for 3.1 will be applied.
3.6 Risk of property damage by fire will likely increase	• Strict guidelines will be developed and implemented on fire management of private forests.	3.6 Human wildlife conflicts may increase	• Measures prescribed for 3.1 will be applied.

Intervention 4. Expand access to alternative energy with biogas and improved cookstoves			
Environmental		**Social**	
Risks	**Mitigation measures**	**Risks**	**Mitigation measures**
4.1 Cow dung is one of the means of seed dispersal as cows are grazed in forests. With no free grazing, seed dispersal mechanism will be disturbed resulting in reduced regeneration of many plant species, reducing species diversity in the forests;	• Species, scale,and scope of grazing control in reducing natural regeneration will be identified. • Appropriate action will be taken only if regeneration was found significantly reduced. For example,	4.1 The process is not very attractive economically. Poor households may not be able to install and operationalize not only because of high installation cost but also because of requiring capacity to hold a couple of big cattle regularly.	• Subsidy will be provided in installing biogas plants. • In particular, poor households will get more subsidy compared with well-off households.

		seedling production of affected tree species followed by plantation.		
4.2 Number of cattle may be increased to meet increased demand of dung to feed the digester. This may push poor people towards forests to meet increased feed demand, green feed from forest in particular. Excessive fodder collection will result into forest degradation.	• Stall feeding of livestock will be encouraged by providing necessary supports to plant fodder species in their land. • Seedlings of fodder tree species will be provided freely.	4.2 It is very difficult to enhance the efficiency of biogas systems. Maintenance cost is also high for poor households. Several cases related to unused biogas plants, mainly because of high maintenance cost and less efficiency, were reported in the consultation meetings.	• Mechanisms for regular monitoring and free maintenance will be put in place.	
		4.3 Use of biogas causes some damage on tin roof and cement plaster at home. This issue was raised by participants in Chitwan consultation meeting. Identification of the households for biogas plant installation could be challenging.	• This issue will be confirmed through a study. If confirmed, an appropriate solution will be identified and applied.	
		4.4 There could be conflicts when households are selected for installing and/or distributing improved cookstoves.	• Basic criteria will be developed together with CFUGs and applied while selecting beneficiaries.	
		4.5 There is a question of long-term operationality of the biogas plants in changing social dynamics. For example, participants in	• Appropriate mechanism will be developed, to the extent possible, to motivate local	

		Nepalgunj and Dang meetings reported that many biogas plants in their village are not functional because people prefer LP gas to biogas.	peoples to use biogas for a longer time.

<table>
<tr><td colspan="4" align="center">Intervention 5. Scale up pro-poor leasehold forestry</td></tr>
<tr><td colspan="2" align="center">Environmental</td><td colspan="2" align="center">Social</td></tr>
<tr><td align="center">Risks</td><td align="center">Mitigation measures</td><td align="center">Risks</td><td align="center">Mitigation measures</td></tr>
<tr>
<td>5.1 Given the long lease period (40 years), ultra-poor families might convert forests to agricultural land to support their livelihoods with agricultural products.</td>
<td>Lease agreements will be strictly and fully implemented.
Monitoring protocol will be developed and implemented involving multi-stakeholder team.</td>
<td>5.1 The majority of households in the area may object to just a few poor households receiving management and use rights of public land and forests. Getting consent from all committee members seems difficult given existing legal provisions.[19]</td>
<td>A multi-stakeholder team involving representatives from local government, related communities, and forest authority will be involved in selecting households.
Specific criteria will be applied for selection process.</td>
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<td>5.2 With so many families living under the poverty line, the selection process couldbe contentious.</td>
<td>A multi-stakeholder team involving representatives from local government, related communities, and forest authority will be involved in household selection.
Specific criteria will be applied for selection</td>
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[19] Forest Act 1993 and its regulation 1994

			process.
		5.3 Poor households involved in a leasehold forestry program may be further marginalized if they don't have the capacity and necessary support for income-generating activities.	• Families involved in the program will be provided trainings and other support for income-generating activities.
		5.4 If access to forest resources is restricted even further, the livelihood of IPLCs may be affected.	• Mitigation measures will be applied, and assistance will be provided to the affected people as specified in the process framework.

Intervention 6. Improve integrated land use planning to reduce forest conversion associated with infrastructure development			
Environmental		**Social**	
Risks	**Mitigation measures**	**Risks**	**Mitigation measures**
6.1 When national land use policy is implemented, some forest land could be categorized as suitable for other purposes such as industry and infrastructure development.	• Allocation of forest area for other uses will be discouraged while implementing integrated plan. • If government take decisions according to national priorities, forest area will be compensated through afforestation somewhere else.	6.1 Squatter settlements in some districts (Chitwan, Dang, Banke, and Kailali, for example) may be relocated, despite the ER program's no harm policy.	• The no harm policy described in the ERPD will be strictly followed. However, if government take decisions according to national priorities, appropriate alternative lands (other than forest areas) will be used for their resettlement.

	• Awareness package highlighting the importance of existing forests for sustainable futureuse will be delivered to local government officials and political leaders regularly. • Further, advocacy groups will be mobilized to ensure that land use planning is used to protect forests and reduce deforestation.		
		6.2 Social unrest could be expected for some time as people will be restricted to use their land as they wanted.	• Measures prescribed for 6.1 will be applied. • Further, skills and equipment will be provided to the smallholders, so they can adapt the newly prescribed use of the land they have been relying on.
		6.3 Market price of the land may be affected leading to some disruption in economic activities.	• Appropriate safeguard policy will be applied.
		6.4 Small farmers can be affected if the land use plan restricts some activities in their land because of land use policy.	• Appropriate safeguard policy will be applied.

Intervention 7. Improve management of existing protected areas			
Environmental		**Social**	
Risk	**Mitigation measures**	**Risks**	**Mitigation measures**
7.1 Risk of forest fire may increase as ecotourism grows. Park officers from Bardia, Suklaphanta, and Parsa protected areas reported that forest fires could be started due to negligence of smoking tourists.	• ER program will strengthen fire fighting capacity of protected areas. • Fire risk can be mitigated by controlled burning, development and regular maintenance of fire roads, fire monitoring, and providing necessary fire fighting tools and techniques.	7.1 Strengthened protected area systems may further restrict local communities' access to forest resources.	• Safeguards will be applied to ensure local communities' customary access is not further restricted. • Mitigation measures will be applied, and assistance will be provided to the affected people as specified in the process framework.
7.2 Tourism activities can alter ecosystems and introduce exotic species of animals and plants.	• Restrictions against bringing any kind of seeds, seedlings, and animals from outside will be effectively applied. • Other appropriate safeguards will also be implemented.	7.2 Human-wildlife conflicts, which are already very serious, may intensify due to improvement in the management of protected areas.	• Appropriate safeguards will be applied such as warnings, physical barriers around villages, and compensation mechanism.
7.3 Tourism activities, especially mass tourism, can disrupt the breeding cycles and natural behaviour of wildlife.	• Ecotourism will be limited to the defined areas so any possible disruptions of mass movement to nesting and breeding behaviour can be avoided.	7.3 There are many tourism-related negative impacts of protected areas. These include: ➢ The rising of consumption of ground (space), water, energy ➢ Destruction of landscapes with the creation of new infrastructures	• Appropriate safeguards will be applied such as promotion and protection of cultural and ritual practices. • Visitors will not be allowed to dispose litter out of designated areas.

		➤ Increase in the production of disposals (wastes) ➤ Negative impacts on traditional lifestyle of local people and culture	
7.4 Development of tourist routes, hotels, and other infrastructures in protected area can change migratory routes of wildlife, for example the wildebeests. Such an issue was reported from Chitwan and Parsa NP.	• Guidelines of infrastructure development inside the protected area will be followed strictly when such development activities are necessary.	7.4 Diseases may spread from wildlife to domestic animals. This issue was raised by participants from buffer zone in Chitwan.	• Appropriate safeguards will be applied.

4.3 Environmental and social screening of ER program interventions

Environmental and social screening is a critical and main step in the assessment of environmental and social risks and impacts of any programs/projects and subprojects. Proposed programs/projects are assigned environmental and social risk categories based on the results of the screening. This also helps determine the extent and depth of environmental and social due diligence. The process of screening identifies the key aspects that may need to be further examined and managed.

The objectives of environmental and social screening are to (a) evaluate the environmental and social risks associated with a proposed activity; (b) establish the likely environmental and social risk category of the activities; (c) identify opportunities to improve the environmental and social outcomes of the activities; (d) determine the extent and depth of environmental and social due diligence that will be undertaken (e) identify the national legal environmental requirements and the appropriate environmental and social safeguard instruments and requirements that will be prepared, disclosed, and submitted to the relevant national (concerned organization looking environmental and social safeguards)and international agencies, especially funding agency, such as the World Bank.

4.3.1 Legal requirements for environmental and social screening of projects

The Environment Protection Act, 1997 has defined *environment* as "the interaction and inter-relationship among the components of natural, cultural and social systems, economic and human activities and their components". According to the rules, "Initial Environmental Examination" means a report on analytical study or evaluation to be prepared to ascertain whether, in implementing a proposal, the proposal has significant adverse impacts on the environment and whether such impacts could be avoided or mitigated. Similarly, "Environmental Impact Assessment" is a report on detailed study and evaluation to be prepared to determine whether, in implementing a proposal, the proposal does have significant adverse impacts on the environment and whether such impacts could be avoided or mitigated.

Environmental Protection Regulations 1997 require either Initial Environmental Examination (IEE) or Environmental Impact Assessment (EIA) of programs/projects as per the Environment

Protection Act, 1997. Programs/projects that require IEE and EIA are provided in Schedule 1 and 2 of the Regulations. Forestry programs or projects that require IEE and EIA are provided in Appendixes 2 and 3 of his report, respectively.

The Environment Protection Act 1997 and Environment Protection Regulations 1997 do not have specific provisions that require the environmental and social screening of any programs/projects. However, this screening is essential to categorize potential risks (high, medium, or low) to determine whether the proposed programs/projects need to conduct IEE, EIA, or another social and environmental assessment.

Furthermore, the Constitution of Nepal has many provisions related to the environmental and social safeguards that need to be considered when designing and implementing any programs/projects. Similarly, Forest Policy and Forestry Sector Strategy as well as recently approved National REDD+ Strategy have many provisions related to the environmental and social safeguards that need to be considered when designing and implementing programs/projects. Environmental and social screening is one of the important steps to categorize the social and environmental risks of the proposed programs/projects.

In addition, there are number of international policies, legal instruments, and safeguard policies and standards that require environmental and social screening of any proposed programs/projects. For Nepal, it is mandatory to fulfil its obligations under various international conventions and agreements that have been ratified by the country as per the Nepal Treaty Act, 1990. "Treaty" is defined in the act as "an agreement concluded in writing between two or more states, or between any state and any inter-governmental organization and this term also includes any document of this nature, irrespective of how it is designated".

Article 9 of the Act says: "***Treaty Provisions Enforceable as good as Laws:*** *(1) In case of the provisions of a treaty, to which Nepal or Government of Nepal is a party upon its ratification accession, acceptance or approval by the Parliament, inconsistent with the provisions of prevailing laws, the inconsistent provision of the law shall be void for the purpose of that treaty, and the provisions of the treaty shall be enforceable as good as Nepalese laws. (2) Any treaty which has not been ratified, accede to, accepted or approved by the Parliament, though to which Nepal or Government of Nepal is a party, imposes any additional obligation or burden upon*

Nepal, or Government of Nepal, and in case legal arrangements need to be made for its enforcement, Government of Nepal shall initiate action as soon as possible to enact laws for its enforcement".

4.3.2 Screening exercise for ER program implementation sites

Every proposed site for any ER program intervention will be subjected to a social screening process before it is selected for implementation. The social screening process will be undertaken in the area to determine the magnitude of adverse impact and prospective losses, identify vulnerable groups, and ascertain losses related to land acquisition. Details on the acquired or restricted land (if any) will be collected and their asset verification survey needs to be done to assess the loss of land and land-based assets.

Environmental and social screening of each of the ER program interventions will be done by the concerned local government (rural municipality/municipality) with the help of all the stakeholders especially consulting with IPLCs of the ER program area where the interventions will be implemented.

When specific sites for implementation of specific ER programs are identified and decided, social field surveys will be carried out to identify all areas and sites to assess and verify (i) whether indigenous peoples inhabit the proposed ER programs area (s) and, if so, include disaggregated data by indigenous group and geographical location; and (ii) whether project activities may impact (even indirectly) indigenous peoples living outside the project area.

The World Bank has provided Category B status for the ER programs of REDD+ countries under the FCPF, and therefore full EA (EIA or ESIA) of the ER programs may not be required. However, it depends on scale and scope of different activities of the ER program interventions as well as national legal requirements of the country. Environmental and social screening checklist that is used to determine the risk category of any proposed ER program intervention and which safeguard policy of the World Bank is triggered is provided in Table 18.

Table 18: Checklist for screening of subprojects

Name of the Subproject:.......

Screening questions	Answer	
	Yes	No
Are the proposed interventions likely to have significant adverse environmental impacts that are sensitive, diverse or unprecedented?		
Do the impacts affect an area broader than the sites or facilities subject to physical works and are the significant adverse environmental impacts irreversible?		
Is the proposed intervention likely to have minimum or no adverse environmental impacts?		
Is the proposed intervention neither a Category A nor Category C as defined above?		
Will the intervention be supporting reconstruction or preservation of physical cultural resources? Will it adversely impact physical cultural resources?		
Will the proposed intervention involve the significant conversion or degradation of critical or non-critical natural habitats?		
Does the proposed intervention involve involuntary land acquisition or prior acquisition of land or demolition of existing structures?		
Are there any ethnic minority/indigenous people/communities present in the program area and are likely to be affected by the proposed intervention?		

4.3.3 Social impact assessment

If the social screening of the proposed sites for ER program implementation findings show adverse social impacts, the project will undertake a socioeconomic survey for identifying affected persons and their families and or communities likely to be affected by the program intervention. The survey will contain the following municipality/rural municipality or ward-wise information of affected families/communities:

(i) Detail information on socioeconomic and cultural situation in the project area;

(ii) Detail of project-affected families/communities who are likely to lose their land (agricultural and non-agricultural), house, structures, and employment;

(iii) Members of families/communities who are residing or practicing any trade and occupation in the project affected area;

(iv) Details of losing access to private property or common property resources or natural resources;

(v) People's/community's interest and expectation including their attitude towards the project; and;

(vi) Impact minimization and mitigation measures based on community consultation.

4.3.4 Exclusion list of projects that are not supported by the World Bank

As previously described in Section 3, the World Bank's safeguard policies (OPs/BPs) are applicable when environmental and social screening of any proposed projects takes place. The screening exercise is conducted to find out the scale and scope of the potential negative impacts of the interventions. This process also categorizes the projects and provides guidelines regarding what kind of SEA report needs to be developed for the proposed projects.

The World Bank, however, does not support projects that result in specified adverse environmental or social impacts. The **"Exclusion List"** of sub-projects that are not supported under this project include:

- Sub-projects that contravene country's obligations under international agreements;
- Any sub-projects that will convert or degrade 'critical natural habitats';
- Any sub-projects involving larger-scale displacement and resettlement;
- Any sub-projects that require involuntary land acquisition without specified pre-conditions;
- Any sub-projects for production or activities that impinge on the lands owned, or claimed under adjudication, by indigenous people, without full documented consent of such peoples;
- Any sub-projects for production or activities involving harmful or exploitative forms of forced labour and/or harmful child labour; and;
- Any sub-projects for production or trade in wood or other forestry products other than from sustainably managed forests.

4.4 Environmental and social management plan

The environmental and social management plan (ESMP) is an instrument that details (a) the measures to be taken during the implementation and operation of a project to eliminate or offset adverse environmental and social impacts, or to reduce them to acceptable levels; and (b) the

actions needed to implement these measures. ESMP is one of the types of SEA reports required by the World Bank safeguarded polices (OP/BP 4.01). Generally, full ESIA is required for the Category A projects in which ESMPs are essential elements of the SEA report (ESIA). Only ESMP may be sufficient and required for most of Category B projects.

ESMP for each of the ER program interventions will be developed before implementation of the proposed activities. Each of the seven interventions are planned to be implemented in all ER program districts. Since environmental and socioeconomic conditions of all districts are different, the social and environmental impacts of the program interventions will differ from district to district and different strategies and activities might be necessary to mitigate the potential negative impacts. Therefore, a separate site-specific ESMP of each subproject (ER program interventions) will be developed by the concerned local government (rural municipality, municipality or metropolitan) with the help of all the stakeholders especially consulting with IPLCs of the ER program area where the interventions will be implemented. The ESMPs developed by the local government will be sent to the concerned department of the state governments for their review. ESMPs will be approved by the NRC on the recommendation of the concerned Ministry of the State governments.

The ESMPs identify feasible and cost-effective measures that may reduce potentially significant adverse environmental and social impacts adequately. The plans also include compensatory measures if mitigation measures are not feasible, cost-effective, or sufficient.

The ESMPs will:

- Identify and summarize all anticipated significant adverse environmental and social impacts, including those involving indigenous people or involuntary resettlement;
- Describe with technical details each mitigation measure, including the type of impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate;
- Estimate any potential environmental impacts of these measures;
- Provide linkage with any other mitigation plans (e.g., for involuntary resettlement, indigenous peoples, or cultural property) required for the project;

- Determine the monitoring objectives and specifythe type of monitoring, with linkages to the impacts identified in the SEA part of this report and the mitigation measures described in the plans. The monitoring section of the EMPwill provide (i) a specific description, and technical details, of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions, and (ii) monitoring and reporting procedures to ensure early detection of conditions that necessitate particular mitigation measures and provide information on the progress and results of mitigation;

- Provide a specific description of institutional arrangements; who is responsible for carrying out the mitigatory and monitoring measures (e.g., for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training) and capacity development needed for timely and effective implementation of the ESMPs; and;

- Provide (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans, and (b) the capital and recurrent cost estimates and sources of funds for implementing the ESMP for all three aspects of the program: mitigation, monitoring, and capacity development.

The ESMPs will be integrated into the ER program's overall planning, design, budget, and implementation by establishing them within the program so that the plans will receive funding and supervision along with the other components. ESMPs for each of the ER program intervention implementation sites will be developed by the concerned ER program staff at the local government. The plans will be reviewed by the concerned ER program staff at the relevant ministry (or) departments of the State governments. Finally, the plans will be approved by the chief of the NRC at the central level.

4.5 Institutional arrangement for implementation of the ESMF

REDD+ strategy (2018) states that REDD+ related programs and activities will be implemented through a multi-stakeholder institutional mechanism building on government's institutional arrangement for forestry sector. In the context of ongoing country restructuring process, the

ESMF implementation will apply newly proposed institutional arrangements for federal, state, and local governments. Institutions responsible for implementing the ER programs in the area will also be responsible for implementing the ESMF. It is expected that the new institutional arrangement will be fully functional by the end of 2018 (i.e., before ERPA is signed).

4.5.1 The principles of ESMF implementation

Good governance, devolution/decentralization to appropriate levels, inclusiveness, cost effectiveness, and accountability in all ER program implementation activities are the basic principles on which institutional arrangement for REDD+ and ESMF will be based. The following issues are critical for the successful implementation of the ESMF in the ER program area:

- Adequate capacity needs to be built at all levels (federal, state, local and community) in terms of human resources and materials to implement the ESMF;
- The ER programs implemented comply with the issues stipulated in the ESMF;
- Potential adverse environmental impacts arising from the ER programs must be scrutinized; and;
- Adequacy and feasibility of the proposed safeguard mitigation measures and monitoring plans, including the social development plan as part of the SEIA or Process Framework for restrictions of access to resources.

4.5.2 Federal, state and local level institutions for ESMF implementation

The country has now transformed to the federal structure with three tiers of government including federal, state, and local. These governments have already been formed after elections were successfully held for local government bodies and state and federal parliaments. Federal constitution of Nepal has provided distinct roles, responsibilities, and authorities for federal, state, and local governments in all aspects of governance. Therefore, implementation of any developmental programs including REDD+ and ER programs as well as implementation of this ESMF will take place in all levels of governance with distinct roles and responsibilities. Furthermore, local people and other stakeholders will also be involved in implementation of the programs including the ESMF.

National REDD Centre: The present REDD Implementation Centre will be upgraded to the National REDD Centre (NRC) as stipulated by the national REDD+ strategy 2018. NRC, a specialized body of the Ministry of Forests and Environment (MoFE), will be the REDD+ management entity of the country. Its main function is to coordinate with all stakeholders, including government agencies, civil society, academia, and practitioners for the development and implementation of REDD+ in Nepal. NRC will coordinate the implementation of the proposed ER program interventions. The ER-PD (MoFE 2018) has provided the following proposed terms of reference:

- Explore and access national and international funds including result-based payments;
- Coordination among sectors and actors for REDD+ related policy decisions;
- Coordinate regulation of greenhouse gas emissions from forests;
- Coordinate REDD+ related benefit sharing;
- Coordinate safeguards implementation and monitoring;
- Establish and operate national safeguards information system;
- Coordinate implementation of ER program and National REDD+ Strategy
- Carry out and publish research and studies;
- Coordinate with DFRS for implementation of MRV, the National Forest Information System and Carbon Registry; and;
- Establish contractual arrangements for private forestry owners interested to opt-in in ER program private forestry incentives.

The NRC through the MoFE will coordinate with the sectoral ministries at federal and state levels to update information and documentation as needed to meet the objectives of the ESMF. It can also be assumed that several international and national organizations/agencies, included in the ER-PD as partner organizations/agencies for the ER program, will also be involved in implementation of the ER-PD and this ESMF in one way or other. Specific roles and responsibilities of all agencies/organizations in implementation of ESMF will be finalized before implementation of the ER programs commences.

The proposed Social and Environmental Safeguard Section of the NRC will be responsible for effective implementation of this ESMF. Institutional setup at federal, state, and local government levels for implementing the ER program and ESMF has been proposed (Figure 5). This proposal

is expected to be approved by the end of May 2018. Until then, existing governance with REDD IC, regional directorate (RD) of forests, and district forest offices will remain functional. Institutions responsible to implement all the REDD+ process and ER programs will also be responsible for implementing the ESMF.
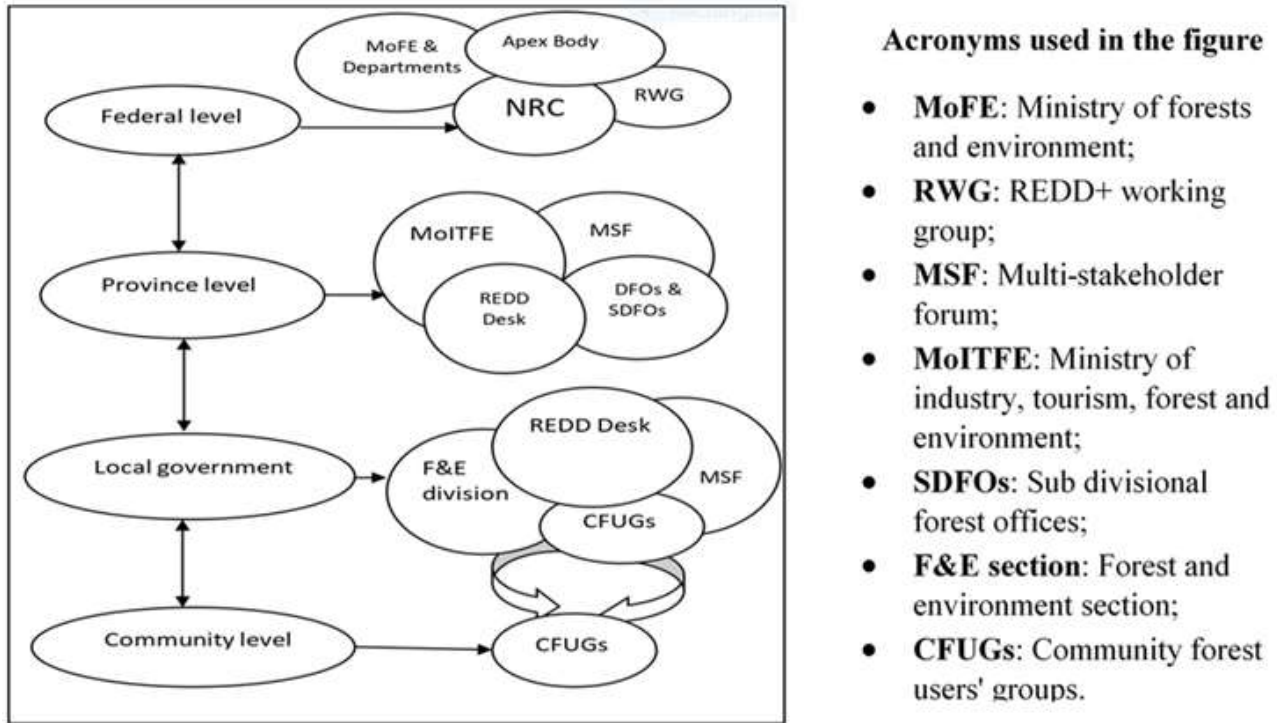
Figure 5:Institutional arrangements for ERPD and ESMF implementation

State level governments will have REDD desk in the ministry of industry, tourism, forest, and environment (MoITFE) for coordinating and monitoring ESMF implementation. The divisional forest offices and sub-divisional forest offices will execute ESMF implementation within their jurisdictional boundary and report to the provincial REDD desk in the MoITFE. REDD desk in the forest and environment division in each local government will monitor ESMF implementation at the local level. CFUGs and local forest authority (subdivision) will execute the ESMF at the local level. There will be a multi-stakeholder forum to guide, monitor, and provide feedback at each governance tier. Indigenous people, local communities, and other stakeholders will also have major roles in implementing the ER programs and ESMF.

4.6 Biodiversity Protection and Conservation Planning Framework

REDD+ efforts could have both positive and negative impacts on biodiversity and ecosystem services. Biodiversity, on the other hand, plays a key role for effective and long-term carbon storage in forests, depending on species composition and resting on the importance of key functional relationships (SCBD 2011).[20] It is therefore crucial that biodiversity is appropriately considered in the development and implementation of REDD+. Poorly designed and implemented ER programs under the REDD+ efforts could damage forest biodiversity, and in the process threaten the continued provision of ecosystem services for human wellbeing.

The nature and extent of the impacts of REDD + on forest biodiversity is determined by the design of the REDD+ programs and the implementation of the programs at national and local levels (SCBD 2009; Harvey and Dickson 2010). Outcomes of the global expert workshop on biodiversity benefits of reducing emissions from deforestation and forest degradation in developing countries (UNEP/CBD/ WS-REDD/1/3) [21] identified four potential risks for biodiversity of poorly designed and implemented ER programs under the REDD+ efforts:

  i. The conversion of natural forests to plantations and other land uses of low biodiversity value, and the introduction of growing biofuel crops;
 ii. The displacement of deforestation and forest degradation to areas of lower carbon value and high biodiversity value;
iii. Increased pressure on non-forest ecosystems with high biodiversity value; and;
 iv. Afforestation in areas of high biodiversity value.

This biodiversity protection and conservation planning framework has been prepared to ensure that the proposed ER program interventions are implemented in such a way that they will not cause any negative impacts on protection and conservation of biodiversity in the ER program area.

4.6.1 Biodiversity Monitoring Protocol for REDD+

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[20]https://www.cbd.int/doc/publications/cbd-ts-59-en.pdf
[21]https://www.cbd.int/doc/meetings/for/ewredd-01/official/ewredd-01-03-en.pdf

Biodiversity Monitoring Protocol for REDD+, developed in collaboration with the Department of National Parks and Wildlife Conservation (DNPWC), National Trust for Nature Conservation (NTNC), and ICIMOD, will be used for monitoring biodiversity in the ER program area during the implementation of the proposed ER program interventions. Although there are various methods for monitoring biodiversity, a participatory monitoring approach will be applied, which is considered as the most effective, practical, and simplest method in different and diverse socio-cultural and ecological settings of Nepal.

Periodic monitoring of biodiversity: Periodic monitoring of biodiversity will be applied as regular monitoring might not be possible since assessment of biodiversity requires adequate time and resources. Monitoring can be done once every year, every alternate year, or at a fixed time like every three or four years. Monitoring of biodiversity in the ER program area will be aligned with the measurement and reporting plans of the ER programs for the purpose of external verification required for the results-based payments.

4.6.2 Criteria and indicators for monitoring of biodiversity

Criteria and indicators developed for the biodiversity monitoring protocol will be used for biodiversity monitoring in the ER program area. These criteria and indicators will be revised and updated with broader consultations with the stakeholders including the IPLC of the ER program area. The criteria and indicators include:

Criteria 1. Ecosystem health and vitality: The preservation of biodiversity is possible in a healthy ecosystem that can retain its structure, capacity to cope with threats, and perform functions effectively. The group of indicators such as species richness, number of rare and endangered species, vegetation types, crown cover, old growth trees, looping intensity, coarse woody debris (CWD), regeneration and growing stock, growth, and yield can be used assess the health and vitality of an ecosystem. Information on the rare plant species, species specific to certain wildlife (e.g., preferred food-plant of wildlife, dead standing trees with tree holes), and number of pollinator species can also be used as indicators.

Criteria 2. Threats to biodiversity: Many species of flora and fauna are seriously threatened primarily due to human-induced pressures such as removal of vegetation, uncontrolled fire,

hunting, grazing, and encroachment. The scale, intensity, and risk (SIR) of threats may be different depending on management regime and location. REDD+ project manager/proponent should list the major threats and prioritize them based on their SIR. The number and extent of distribution of the invasive species, trends of changes in forest area, species composition, and management regime/ownership pattern can be considered while monitoring threats.

Criteria 3. Biodiversity enhancing factors: Enhancing factors encompass monitoring of organizational and individual behaviour forest-related stakeholders. Law enforcement and management interventions like silvicultural operations, practices and actions related to promotion of regeneration, protection of wildlife, harvesting resources, access, and ownership are important enhancing factors. Changes in knowledge, attitudes, skills, conservation behaviours, and organizations are key indicators for monitoring biodiversity-enhancing factors.

Indicators of healthy forest: A healthy forest is one in which the ecosystem functions, such as water retention, nutrient cycling, and photosynthesis, are being maintained and sustainably provides ecosystem services. A healthy forest supports the biodiversity protection and conservation. Key indicators of forest health include:

- The presence of tree regeneration;
- Species regeneration;
- Richness and abundance of wildlife species;
- Sign of cutting and lopping;
- Density of grazing;
- Prevalence of invasive species and vines; and;
- Diameter/height ratio of sapling.

4.7 Indigenous and Vulnerable Communities' Development Framework

This section provides a framework for indigenous and vulnerable communities' development (IVCDF) as part of the implementation of the proposed ER program. The SEA has revealed concerns that the customary tenure and cultural rights of some of the indigenous and vulnerable communities in the ER Program area, like Chepang and Tharu,could be neglected in the course of implementation of proposed interventions focusing on carbon sequestration. This indigenous and vulnerable community development framework aims at minimizing possible risks of the ER

program interventions to the indigenous and vulnerable communities, while maximizing benefits for them. This framework addresses safeguard requirements for REDD+ process including the World Bank's safeguards (i.e. OP/BP 4.10) and the Cancun safeguards (i.e. principles 3 and 4).

4.7.1 Identification of IPVCs

When specific sites for implementation of specific ER programs are identified and decided, social field surveys will be carried out to identify all areas and sites to assess and verify whether indigenous peoples and vulnerable communities inhabit the proposed ER programs area, and if so, include disaggregated data by indigenous group and geographical location, and whether project activities may impact (even indirectly) indigenous peoples living outside the project area. IVCDF will then be developed to address the particular needs of such indigenous and vulnerable people to achieve the following objectives:

- Ensure that the UN Declaration on the Rights of Indigenous Peoples is respected during the implementation of ER programs;
- Promote the right to development with identity of indigenous peoples (right to decide the kind of development that takes place among their people and on their lands and territories, in accordance with their own priorities and conceptions of wellbeing);
- Guarantee the application of the principle of free, prior, and informed consent of indigenous peoples affected by the programs; and;
- Ensure that customary rights are recognized, respected, and preserved, such as tenure, access to natural resources, territories, livelihood strategies, knowledge, social fabric, traditions, and traditional systems of local communities.

4.7.2 Rights over land, territories, and natural resources

According to Article 26(1) of the UNDRIP, indigenous peoples are entitled to own, use, develop, and control the lands, territories, and resources they possess by reason of traditional ownership or other traditional occupation or use, as well as those they have otherwise acquired. The ER program implementation will fully respect indigenous peoples' rights over the land they have been managing traditionally within the scope of governments' legal provision.

Communities managing their land under community forestry policy, leasehold forestry policy, collaborative forestry and religious forestry will have full rights to manage, use and trade forest resources as depicted by the Forest Act 1993 and Regulation 1995. For example, Forest Regulation 1995 allows local poor and forest dependent ethnic minorities to own their customary land under leasehold forestry for up to 80 years. They must prepare management plan and ask forest authority to hand over such forest lands to them for 80 years period under certain contractual agreement. Indigenous communities can also safeguard their customary and or religious rights under religious forestry. The Forest Act 1993 and its regulation have a provision to secure land and tenure rights of indigenous communities under religious forestry program. The success of community forestry in engaging local communities in managing forests with explicit tenure rights of managing, utilizing and trading resources (not the land itself) reveals that traditional and customary land tenure rights of local and or indigenous communities in the ER program area will be effectively respected while implementing the proposed interventions.

4.7.3 Free, prior, and informed consent

Before implementing ER programs that may affect indigenous peoples and vulnerable communities, the principles of free, prior, and informed consent (FPIC) will fully comply. The FPIC principles and other requirements that will be followed are provided in detail in Section 4.8 (stakeholder engagement plan).

4.7.4 IPVC development plan

Since indigenous people as well as other vulnerable communities are present and have collective attachment to the proposed ER program area, the World Bank policy (OP 4.10) requires that before the individual program or subprojects (ER program intervention programs and activities) are implemented, a social assessment must be carried out and IPVC plan developed to ensure that (a) indigenous peoples and vulnerable communities affected by the project receive culturally appropriate social and economic benefits; and (b) when potential adverse effects are identified, those adverse effects are avoided, minimized, mitigated, or compensated for.

The IPVC plan should be prepared in a flexible and pragmatic manner and will:

- Promote continued consultations during project implementation, grievance procedures, and monitoring and evaluation arrangements;
- Avoid, minimize, mitigate, or compensate for any adverse effects; and;
- Ensure that indigenous people receive culturally appropriate benefits.

The plan will include:

- Measures to ensure affected populations receive benefits that are culturally appropriate and gender and inter-generationally inclusive;
- Measures to mitigate the impacts that may result from high-risk activities, as identified during the free, prior, and informed consent process;
- Measures to include representatives of the affected indigenous communities in the decision-making bodies of the ER programs and decision-making processes during implementation; and
- Budgetary allocations from within the project budget to ensure the full implementation of the plan.

The IPVCD Framework will apply to all ER program activities and will take the following categories of people into account:

- Indigenous peoples;
- Poorest of the poor, irrespective of class, caste, gender, and ethnicity (based on the local wealth ranking);
- Female-headed poor households;
- Marginal land holders; and;
- All vulnerable Dalit and ethnic minorities/indigenous groups, as categorized by GoN.

4.8 Gender Mainstreaming Plan

Various international safeguard policies as well as national development policies including forest policy 2015 and forestry sector strategy 2016 recognize gender equality is a major factor of sustainability for interventions in any development plans, programs, and projects.

Gender mainstreaming, as a strategic approach for achieving the goal of gender equality, has been mandated in the UN system since the Beijing Platform for Action (1995) and the 1997/2 agreed conclusions of the Economic and Social Council (ECOSOC 1997/2), and subsequently

across all of the major areas of work of the UN system. The ECOSOC defined gender mainstreaming as a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, and societal spheres so that women and men benefit equally, and inequality is not perpetrated so that ultimate goal of gender equality is achieved (resource book for mainstreaming gender in uncommon programming at the country level)[22].

In this sense, gender is a social construction with effects on how both women and men think and behave. These intersect with different socioeconomic determinants and multiple variables such as age, geographic location, ethnic group, socioeconomic status, disability, sexual orientation, and gender identity. There is an ongoing agenda around masculinities and engaging men as partners in work to address gender inequality. These issues need to be addressed within ongoing efforts to achieve gender equality and women's empowerment, and in line with the core 2030 Agenda principle of "leave no one behind".

To help achieve this 2030 Agenda principle, Nepal has a policy of gender mainstreaming in all its development programs. In line with this policy, a comprehensive study has been completed on gender integration in REDD+ and the ERPD in Nepal in 2017.[23] The report has provided a comprehensive assessment of gender-related issues linked to ER program activities and recommended various measures from a gendered perspective. All the recommendations for gender integration in the REDD+ process and ER-PD provided in the study report will be considered during the implementation of the ER programs. For this purpose, a gender action plan will be developed, before implementation of the ER program which will focus on:

- Capacity-building activities for women's leadership;
- Training to improve technical skills on forest management including MRV-related inventory;

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[22]https://undg.org/wp-content/uploads/2018/03/Resource-Book-Mainstreaming-Gender-UN-Common-Programming-Country-Level-web.pdf
[23]https://www.forestcarbonpartnership.org/sites/fcp/files/2017/Sep/Final%20Report%20and%20Gender%20Action%20Plan_FCPF.pdf

- Awareness program on community-based forest management and its benefits so that they can be involved in the process to take part in decision making;
- Training on bioenergy production and link to the market;
- Providing business literacy classes for women;
- Developing and conducting outreach program with women's groups about the accessing incentives and using biogas/ICS;
- Providing training for women to become renewal energy technical service providers and entrepreneurs hired by AEPCs private suppliers to construct and service (biogas plants, ICS, bio-briquettes, etc.);
- Ensuring that women, particularly women of marginalized groups, are actively engaged in all planning, monitoring, and benefit-sharing activities related to land use planning. Extension activities must inform women of their rights in relation to land use and benefits, as per the government policies;
- Engaging women's agriculture and water user groups and cooperatives in planning andimplementation of the ER program intervention; and;
- Developing practical GESI operational guidelines and tools using participatory methods to integrate GESI in REDD+ and ER program cycle and monitoring and evaluation system.

4.9 Decent Work Planning Framework

ILO defines 'decent work' as "productive work for women and men in conditions of freedom, equity, security and human dignity." The concept has now included in social and environmental safeguard polices of many international organizations such as UNDP and FAO and many multinational donor agencies and financial institutions such as the World Bank. The World Bank's new Environmental and Social Framework (ESF, 2017) sets out its commitment to sustainable development through a Bank Policy and a set of 10 environmental and social standards, one of which is **Labour and Working Conditions**. Although, formally speaking, the ESF will not apply to this ER-P, the Program's interventions are still expected to abide by the provisions relating to decent work that follow.

The new federal constitution of Nepalhas recognized "Right to live with dignity" as one of the fundamental rights and says, "*Every person shall have the right to live with dignity*" (Article 16

(1)). Similarly, directive principles of the state set out in the constitution include "*The social and cultural objective of the State shall be to build a civilized and egalitarian society by eliminating all forms of discrimination, exploitation and injustice on the grounds of religion, culture, tradition, usage, practice or on any other similar grounds, to develop social, cultural values founded on national pride, democracy, pro-people, **respect of labour**, entrepreneurship, discipline, dignity and harmony, and to consolidate the national unity by maintaining social cohesion, solidarity and harmony, while recognizing cultural diversity*" *(Article 50 (2)).*

In this context, recognizing the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth, the ER program will be implemented in such a way that it:

- Promotes safety and health at work;
- Promotes the fair treatment, non-discrimination, and equal opportunity of project workers;
- Protects project workers, including vulnerable workers such as women, persons with disabilities, children (of working age)and migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
- Discourages the use of all forms of forced labour and child labour;
- Supports the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law; and
- Provides project workers with accessible means to raise workplace concerns.

To achieve the above-mentioned objectives, the following requirements will be fulfilled:

- Written labour management procedures applicable to the ER program will be developed, which will set out the way in which project workers will be managed, in accordance with the requirements of national law;
- Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labour and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation, and benefits, as well as those arising from the requirements for the decent work principles;

- Where required by national law or the labour management procedures, project workers will be given written notice of termination of employment and details of severance payments in a timely manner. All wages that have been earned, social security benefits, pension contributions, and any other entitlements will be paid on or before termination of the working relationship;

- Decisions relating to the employment or treatment of project workers will not be made based on personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practice. The labour management procedures will set out measures to prevent and address harassment, intimidation, and exploitation;

- Appropriate measures of protection and assistance will be provided to address the vulnerabilities of project workers, including specific groups of workers, such as women, people with disabilities, migrant workers, and children of working age. Such measures may be necessary only for specific periods of time, depending on the circumstances of the project worker and the nature of the vulnerability;

- Workers' rights to form and to join workers' organizations of their choosing and to bargain collectively without interference will be respected in accordance with national law;

- Labour management procedures will specify the minimum age for employment or engagement in connection with the ER program in accordance with the national law.A child under the minimum age will not be employed or engaged in connection with the ER program interventions;

- Forced labour, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty, will not be used in connection with the ER program implementation. This prohibition covers any kind of involuntary or compulsory labour, such as indenturedlabour, bonded labour, or similar labour-contracting arrangements. No trafficked persons will be employed in connection with the program; and;

- All the measures relating to occupational health and safety will be applied to the program.

4.10 Resettlement Policy Framework

4.10.1 Introduction

Proposed ER programs and activities do not envision any kind of land or/and property acquisition from the people/communities living in the proposed ER program area involuntarily. The ER program nevertheless will not allow further encroachment and new settlement in the area by improving law enforcement. Effective implementation of National Resettlement Policy and the Master Plan for Churia, may however, force for involuntary resettlement. For example, illegal settlements by encroaching some of the biodiversity hot spots like "Barandhabhar Chitwan, Blackbuck conservation site Bardia" could be evacuated under national resettlement policy. If such situation emerges, the ER program will first offer acceptable alternatives to the affected households. World Bank's operational policy on involuntary resettlement (OP 4.12) will be triggered, only if the affected households disagree with the proposal offered by the ER program authority. This Resettlement Policy Framework (RPF) is prepared as a precautionary measure of such unintended but possible worst-case scenario. The RPF consists involuntary resettlement and compensation principles, organizational arrangements and design criteria aiming at addressing and respecting safeguard principles, particularly OP 4.12 of the World Bank. All the affected people/families due to land acquisition, loss of shelter, assets or livelihoods, and/or loss of access to economic resources will get necessary support under this framework.

4.10.2 Objective

The objective of the RPF is to implement the proposed ER programs efficiently to control or minimize any adverse effect due to land taking or private assets on the project-affected people and communities if any so that customary rights of local people regarding land use and settlements, and livelihood are addressed and respected. The RPF reflects the principles and procedures formulated in the national legislation and policies in Nepal related to social safeguards and the World Bank policies and guidelines as discussed in Section 3 of this ESMF. It

guides the process of land acquisition (if any) and resettlement on REDD+ projects and indigenous people and vulnerable community development initiatives within the proposed ER program area.

4.10.3 Scope of land acquisition

Under the proposed ER program, there is no scope for land acquisition from private landowners as the proposed activities will mostly be implemented in the national forests. Development of private forests (on private land) will be encouraged through providing various policy-level incentives and some support. But it will be on a completely volunteer basis. Biogas plants will be installed in selected households (which needs private land to be available). This will also be on a volunteer basis and no one will be compelled to install the biogas plants. As part of the ER intervention areas that involve the preparation of plans for the more sustainable management of forest resources, especially for conservation and enhancement of forest carbon stocks, there may be some restrictions to use the land but land will not be acquired in one way or other. Therefore, the proposed ER activities are not expected to have any major resettlement-related impacts.

However, land acquisition under broader national resettlement policy, Churia Master Plan as well as policy on national pride projects cannot be ruled out completely, particularly in biodiversity hot spot as discussed previously in section 4.10.1. If such incidence happens during this project period, that will be handled carefully addressing safeguards requirements, World Bank's OP 4.12 and Cancun safeguards principle 3 and 4 in particular. Households to be relocated will be supported for their resettlement. 15% of the total estimated cost of implementation of this ESMF has been allocated for supporting resettlement of the affected people/families in the ER program area (Table 20, section 4. 15). The estimation only covers compensation for relocation, construction of new shelters and other basic facilities like drinking water, electricity, primary health care etc. It does not cover land value. It is anticipated that non-forest public land will be allocated for this purpose applying integrated land use planning as proposed in the intervention 6 of the ER program.

4.10.4 Common principles on resettlement

The following basic principles are adopted by the policy of GoN and the World Bank:

- Involuntary resettlement shall be avoided or minimized to the extent possible, through the incorporation of social consideration into design options and subproject site selections; and;
- Where displacement is unavoidable, people losing assets, livelihood, and other resources shall be assisted in improving or at a minimum regaining their former status of living at no cost to themselves.

There are some areas, however, where additional measures or further specifications for the entitlements under national guidelines and laws are necessary to meet the standards of the World Bank (OP 4.12). These additional measures are essential for ensuring that the principles mentioned above will be achieved.

4.10.5 Resettlement action plan

A resettlement action plan (RAP) will be prepared proving detail of the proceduresto be followed and actions to be applied for mitigating adverse effects, compensate losses, and provide development benefits to persons and communities affected by the program interventions. Two types of RAPs as described below can be developed considering local contexts.

The abbreviated resettlement action plan covers the following minimum elements:

- A census survey of displaced persons and valuation of assets;
- Description of compensation and any other resettlement assistance to be provided;
- Consultation with displaced people about acceptable alternatives;
- Institutional responsibility for implementation and procedures for grievance redress;
- Arrangements for monitoring and implementation; and;
- A timetable and budget.

On the other hand, the detailed RAP will contain the following specifics:

- Extent of area to be required for the project and approaches followed in acquiring the land;

- Ward-wise list of project-affected families and likely number of displaced persons;
- Family-wise and the extent and nature of land and immovable property in their possession;
- Details of socioeconomic survey of affected people;
- List of persons who have lost or are likely to lose their employment or livelihood or who have been alienated wholly and substantially from their main sources of occupation or vocation consequent to the acquisition of land and structure for the project;
- Information on vulnerable groups/persons for whom special provision may have to be made;
- A list of community amenities and government buildings likely to be affected;
- A comprehensive list of benefits and packages to be provided to affected families;
- Details of basic amenities and infrastructure facilities which are to be provided for resettlement;
- Entitlement matrix;
- Time schedule for shifting and resettling the displaced families in resettlement areas
- List of occupiers (if any);
- Details of land required for resettlement propose;
- Grievance redressal mechanism;
- Institutional mechanism for RAP implementation;
- Monitoring and evaluation indicators and mechanism; and;
- Budget required for the resettlement and other related activities.

4.10.6 RAP implementation

The following key principles will be followed in RAP preparation and implementation:

- Acquisition of land will be minimized to avoid any direct impact on homestead land, residential structure that may lead to temporary or permanent physical displacement;
- Minimize the use of productive land with a preference to purchase lower productive land;
- When possible, resettlement plans should be conceived as development opportunities, so that those affected benefit from project activities;
- Lack of legal rights does not bar displaced persons in peaceful possession from compensation or alternative forms of assistance;

- Compensation rates refer to amounts to be paid in full to the individual or collective owner of the lost asset, without deduction for any purpose;
- Compensation of the affected homestead and associated structures will be provided at current market price;
- When cultivated land is acquired, it often is preferable to arrange for land-for-land replacement. In some cases, as when only small proportions of income are earned through agriculture, alternative measures such as payment of cash or provision of employment are acceptable if preferred by the persons losing agricultural land;
- Replacement house plots, sites for relocating businesses, or redistributed agricultural land should be of equivalent use value to the land that was lost;
- Transition periods should be minimized. Compensation should be paid prior to the time of impact, so that new houses can be constructed, fixed assets can be removed or replaced, and other necessary measures can be undertaken before displacement begins;
- Displaced persons are consulted during the planning process, so their preferences regarding resettlement arrangements are considered; resettlement plans are disclosed in a publicly accessible manner;
- The previous level of community infrastructure and services and access to resources will be maintained or improved after resettlement;
- Physical works will not commence on any portion of land before compensation and assistance to the affected population have been provided in accordance with the policy framework;
- Resettlement plans include adequate institutional arrangements to ensure effective implementation of resettlement measures;
- Resettlement plans include arrangements for internal and external monitoring of resettlement implementation; and;
- Resettlement plans include procedures by which displaced persons can pursue grievance.

4.11 Process Framework

4.11.1 Introduction

In Nepal, forest and other wooded land together represent 44.74% of the total area of the country. Out of the total forest area, 82.68% (4.93 million ha) lies outside protected areas and

17.32% (1.03 million ha) inside protected areas. Within the protected areas, core areas and buffer zone contain 0.79 and 0.24 million ha of forest, respectively (DFRS 2015). Establishment and management of protected areas have provoked access restriction to the local people into the forest resources. Even in the government-managed forests outside the protected areas, access of people to the forest products is restricted. Community-based forest management regimes (community and collaborative forests) also have restriction of access to the forest resources. When ER programs are implemented, there may be more restriction of access to forest resources.

This process framework is developed to outline the procedures and process for the ER program implementation in the TAL to avoid, minimize, or mitigate potentially adverse effects of restrictions of access to forest resources as per the World Bank safeguard policy requirements. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in the design of ER program components, determination of measures necessary to achieve resettlement policy objectives (if any), and implementation and monitoring of relevant ER program intervention.

4.11.2 Impacts of access restrictions on forest resources

There are some positive as well as negative effects/impacts of access restriction on forest resources, which need to be taken into account in implementation of ER programs to mitigate the negative effects/impacts.

Positive environmental impacts include:
- Increase in carbon sequestration;
- Prevention and/or mitigation ofnatural disasters; and;
- Biodiversity conservation, ecosystem service, habitat for wildlife, climate stabilization.

Positive social impacts include:
- Cultural and spiritual values;
- Medicinal sources;
- Education and research; and;
- Recreation including nature-based tourism.

Negative environmental impacts include:

- Degradation of ecosystem due to no management; and;
- Expansion of alien invasive species.

Negative social impacts include:
- Protected areas: source of conflict; and;
- Livelihood of forest-dependent people affected.

4.11.3 Participatory process to determine eligibility criteria and measure for assistance

The process framework describes participatory processes by which the following activities will be accomplished:

- **Identify the ER program components:** Identify the ER program interventions and activities that may involve new or more access restrictions on forest resource use. The process by which potentially displaced persons participate in the design and implementation of the programs is also described.
- **Criteria for eligibility:** Determines that potentially affected communities will be involved in identifying any adverse impacts, assessing the significance of impacts, and establishing the criteria for eligibility for any mitigating or compensating measures necessary.
- **Assistance to affected persons/communities:** Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the forest areas (protected areas and other forests). It describes methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.
- **Conflicts and grievance redress:** It describes the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievance that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

A participatory approach will be followed for determining preliminary eligibility criteria for the people to be assisted and to determine the measures to assist affected persons and/or communities. The process includes the following steps:

- Find the stakeholders who are eligible to participate in the process. There are several stakeholders who are actively involved in the REDD+ process of the country. ER-PD has provided a substantive list of stakeholders. If necessary, stakeholder mapping will be conducted following the steps described in Section 4.12.1 below. It will be ensured that project-affected people and/or communities and other IPLCs as well as women can participate actively in the process.
- Engagement with the stakeholders will be conducted following the principles and mechanism to stakeholder engagement described in Section 4.12below.
- Through a participatory process, eligible criteria will be developed using site specific considerations and meetings with the affected persons and/or communities to identify adverse impacts, establish mitigation measures, eligibility criteria and choose eligible mitigation measures, and procedures for specific activities and their phasing for establishment of particular protected areas or other forest sites.
- The discussions on livelihoods impacts and possible mitigation activities may include:
  - ✓ Identification and ranking of site-specific impacts;
  - ✓ Criteria and eligibility for livelihood assistance;
  - ✓ The rights of persons who have been legally using forest resources or the associated land to be respected; and;
  - ✓ Brief description and identification of available mitigation measures alternatives, considering the provisions of applicable legal provisions, and the available measures for mitigation actively promoted via ER program activities and considering any additional sound alternatives, if proposed by the affected persons.
- The profile of affected persons in the forest fringe communities will include such groups as farmers, forest dependent people, and IPLCs using forest traditionally.
- Assets affected could be such as physical and non-physical ones including productive lands, farm lands, communal resources, income earning opportunities, and social and cultural networks and activities.

- Livelihood restoration measures may include agricultural inputs and extension to improve productivity of legally held lands/non-encroachment areas, assistance with land preparation, alternative livelihood schemes and assistance to access alternative resources as well as restoration of livelihood/ alternative livelihood schemes.
- The livelihood restoration measures will consider issues such as:
  - ✓ Income levels of affected communities/persons;
  - ✓ Other non-monetary sources of livelihood;
  - ✓ Constraints and opportunities for income generation;
  - ✓ Number of persons not able to revert to previous occupation; and;
  - ✓ Existing skills and project preferences of affected persons.

Institutional arrangement for implementation of process framework, grievance redress mechanism, and monitoring and evaluation mechanism will be the same as described in other sections of this ESMF.

4.12 Stakeholder Engagement Plan

Stakeholder engagement planning framework has been prepared for effective implementation and monitoring of the ER programs so that all the stakeholders/affected people and communities in the area are informed, consulted, and mobilized to participate in the ER program implementation and monitoring. This will help them to get more benefits and to protect them from any potential adverse impacts of the ER program activities. It involves stakeholders, including affected people and concerned non-government organizations, early in the project preparation process and ensures that their views and concerns are made known to and understood by decision makers and considered. It is necessary to have a continuous consultation with stakeholders to address various issues related to ER programs. It will be ensured to maintain transparency of the programs/projects, reduce potential conflicts, minimize the risk of delays in program/activity implementation. This framework recommends a set of stakeholders' engagement activities and information dissemination to local people/communities. Stakeholders' engagement will include both local governments and civil society where the affected people/communities would be regularly provided with information on the ER programs and their implementation.

4.12.1 Stakeholder analysis and mapping

It is important to engage stakeholders in meaningful and productive ways for which stakeholder analysis and mapping is critical. Stakeholder analysis and mapping of stakeholders will be conducted for each of the ER program implementation sites. ER-PD has provided a comprehensive list of stakeholders, who will be involved in implementation of the ER program activities in diverse ways. Stakeholders of the ER program include (but are not limited to):

- Affected local individuals, communities, or households;
- Government agencies and their representatives at various levels (centre, district, local), from concerned ministries and departments;
- Community-based forest management groups
- CSOs such as NEFIN, FECOFUN, ACOFUN, HIMAWANTI, Nepal, WOCAN, DANAR, and others;
- Private forest owners and forest-based industries;
- Elected officials of concerned rural municipalities and municipalities or constituencies;
- Concerned business people and entrepreneurs;
- Concerned CBOs and user groups;
- Political party representatives and local parliamentarians;
- Local influential women and men from the affected areas, such as informal or traditional community heads, school teachers, healers, and social and religious leaders;
- Health workers, social workers, and marginal group workers (such associations or organizations dedicated to the uplifting of the poor, the landless, women, children, and other vulnerable groups);
- Private sector entities who are involved or interested in the ER programs; and;
- Media.

4.12.2 Mechanisms for stakeholder engagement

Mechanisms for stakeholder engagement will include:

- Public meetings in the ER program area;
- Information/awareness campaigns through engaged community-based forest management; groups, civil society organizations, and NGOs;
- Interviews/surveys in project-affected households;

- Focus group discussions;
- Formation of committees and/or groups including stakeholders at various stages of the ER program implementation;
- Application of grievance redress mechanism in the ER program area; and;
- Disclosure of how the grievance of affected people and communities were addressed.

4.12.3 Information disclosure

Most often a development project, including its socioeconomic and environmental setting, fails due to lack of information or misinformation. For the success of a given program the management must share all relevant information available about the proposed activities and their expected results with the affected and interested public before the consultation and engagement is planned. In collaboration with different local authority, community/collaborative forest user groups, CBOs, NGOs and other groups, NRC and state and local-level ER program offices will disclose all the relevant information for the public including ER program-affected peoples/communities (if any) in various stages of program implementation. Agencies working for environmental and social aspects will also be informed at both local and national levels about the ongoing and planned activities, to identify jointly appropriate protective or corrective measures.

- **Mass media:** Local media like newspapers, radio, and TV will be used to broadcast information about the ER programs, implementation status, and other relevant information relating to project.
- **Meetings/Workshops:** Meetings and workshops with all stakeholders will be held regularly to disseminate the information.
- **Distribution of project documents:** ER program-related information materials in Nepali and other local languages (as appropriate) will be developed and distributed during the implementation of the ER programs in the field. An information centre will be established during the implementation stage to disseminate all the documents related to the ER program activities. Based on the policy on public information disclosure, NRC and other relevant stakeholders will unveil the information through their websites.

4.12.4 Process for meaningful consultation

Consultation is a two-way process of dialogue between the project authority and its stakeholders. The project-affected communities should be continually consulted by the project management to identify upcoming needs, constraints, priorities, and what kind of social and environmental corrective measures need to be pursued during the distinct phases of the program/project. The processes of meaningful consultation will include the following:

- Consultation will be continued throughout the project life;
- Inclusive targeting and social mapping;
- Free, prior, and informed consultation with indigenous peoples;
- Public meetings in subproject area;
- Appropriate timing and venue of consultation for diverse groups;
- Use of local language, sign languages, and local facilitators including women;
- Information dissemination in collaboration with local NGOs and CBOs;
- Focused group discussions; and;
- Formation of committees and groups including stakeholders at various stages of the project.

Consultations will be conducted following the Guidelines on Stakeholder Engagement in REDD+ Readiness with a Focus on the Participation of Indigenous Peoples and Other Forest-Dependent Communities developed by theUN-REDD Program and the FCPF. These include:

1. Define the desired outcomes of the consultation;
2. Identify stakeholders;
3. Identify the issues to consult on;
4. Define the terms of the consultation;
5. Select the consultation and outreach methods;
6. Ensure that stakeholders have sufficient capacity to engage fully and effectively in consultations;
7. Conduct the consultation; and;
8. Analyse and disseminate results.

4.12.5 Free, prior, and informed consent

Free, prior, and informed consent (FPIC) is essential for any REDD+ program design and implementation in the context of indigenous peoples. FPIC serves as a safeguard to ensure that potential impacts on indigenous peoples will be considered in the decision-making process of those programs or projects affecting them. To achieve this, FPIC shall be considered as a mechanism, as a process, where not only the qualitative parts are extremely important but also considering that there is a series of key elements that are interconnected:

- **Free:** Independent process of decision making;
- **Prior:** Right for indigenous peoples to undertake their own decision-making process regarding any project that concerns them before its implementation;
- **Informed:** Right to be provided and to have sufficient information on matters for decision making; and;
- **Consent:** Collective and independent decision of impacted communities after undergoing their own process of decision making.

4.12.6 Core elements of FPIC

The core elements of common understanding of FPIC include:

1. The absence of intimidation, manipulation, or similar duress of indigenous peoples in the FPIC process;
2. Consultation and the seeking of consent well in advance of any project activities, and with due respect for the time required by indigenous peoples to conduct their customary decision-making processes for the scoping and all subsequent phases of a project;
3. The dissemination of information in understandable languages and accessible formats (written and oral) about all aspects of a proposed project, including:
   - Its purpose and duration;
   - The geographical areas it will affect;
   - A preliminary assessment of its likely environmental, social, cultural, and economic impacts, including potential risks;
   - Fair, equitable, and culturally appropriate benefits sharing mechanism;

- The personnel from various sectors (including indigenous peoples, intergovernmental agencies, research institutions, and others) who are likely to participate in the project; and;

- Procedures that the project may entail.

4. A consent process preceded by full and effective consultation, both of which:
   - ✓ Are conducted in good faith;
   - ✓ Use an appropriate communication system;
   - ✓ Allow indigenous peoples to participate broadly and through their own, freely chosen representatives and customary or other institutions;
   - ✓ Ensure gender balance;
   - ✓ Take into account the viewpoints of children and youth; and;
   - ✓ Include the option of withholding consent.

5. The establishment of specific mechanisms and procedures to ensure:
   - ✓ The indigenous peoples' equal access to human, financial, and other material resources to enable them to fully and effectively participate in the FPIC process; and;
   - ✓ Oversight, independent review, and redress of the FPIC process, noting that the determination of failure to respect elements of FPIC could lead to the revocation of given consent.

A checklist for FPIC is in Appendix 6.

4.13 Grievance Redress Mechanism

A grievance redress mechanism (GRM) will be put in place wherein all REDD+ stakeholders and/or affected people are given opportunity to lodge complaints they might have in relation to the way the ER program is implemented. Some of the causes of grievance include restriction of access to the forest resources; damage of lives and properties from wildlife; mishandling from the security personnel in the protected areas (especially to women, who go for collection of forest products inside the protected areas); not getting full information about the project from the forestry officials; not getting opportunities to be involved in the project designing phase; and corruption. GRM will provide easy access to local communities and stakeholders to lodge their complaints. Special project-level grievance mechanisms such as on-site provision of complaints hearings will be established so they are addressed promptly and effectively. In fact, the proposed

GRM for the ER program will start at the community level. Communities will handle grievance arising from the implementation of project activities within their boundary to the extent possible. People affected by the program implementation will be exempt from all administrative fees incurred, pursuant to the grievance redressal procedures except for cases filed in court.

4.13.1 Understanding GRM

A GRM plan is prepared to provide a formal avenue for affected groups or stakeholders to engage with the project implementers or owners on issues of concern or unaddressed impacts. Feedback and grievance are any suggestions or complaints about the way a project is being implemented. They may take the form of specific complaints for damages/injury, concerns about routine project activities, or perceived incidents or impacts or feedback on the way the project is being implemented. Identifying and responding to grievance supports the development of positive relationships between project and affected groups/communities, and other stakeholders. The management of grievance is therefore a vital component of stakeholder management and an important aspect of risk management for this ER program. This GRM plan is designed to promptly and effectively address stakeholders' grievance that are likely to emerge during the implementation of the ER program.

4.13.2 Highlights of the forestry sector GRM arrangements in Nepal

GRM has longbeen an important part of forestry governance in Nepal. An existing GRM in the forestry sector has adopteda quasi-judicial approach that applies both judicial and pragmatic approaches to address grievance. The forestry sector policy, laws, bylaws and guidelines have a clear provision for reporting and redressing grievance related to forest governance. Related policy documents such as Constitution 2015, Forest Policy 2015, Forestry Sector Strategy 2016-2025, Forest Act 1993, and Forest Regulation 1995 have not only encouraged citizens to report their forest governances-related grievance to the concern authority but also instruct the authority to redress them promptly and effectively. Compulsory provision for citizen charter, complaint box, information officer, and gender focal officer in every government office are some examples indicating that government is serious about GRM. The district-level forestry authority, also known as quasi-judicial body, has defined procedures and powers in resembling those in a court

of law and is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action.

The District Forest Office (DFO) has been responsible for coordinating three important tasks for grievance handling: uptake, investigation, and decision making. Forest officers are assigned to help forest users in preparing grievance for uptake and registration. In particular, a forest officer assigned as the case officer leads a necessary fact-finding mission. He/she with some other supporting staff or representative from local communities submits an investigation report to the concerned district forest officers for necessary decisions. Other agencies like police and local administration also provide necessary supports to handle GRM. In case of disagreement with the decision made by the district forest officer, there is a provision for appeal at higher court. Recently, Nepal entered into federal system with three tiers of governments (i.e.local, provincial, and federal) adopting more decentralized governance. This has provided semi-judicial authority to local governments to resolve grievance of local people. According to Article 217 of the Constitution [24] and related Local Governance Act 2017, Deputy Mayor/Vice Chair of Municipalities holds legal rights to resolve most of the issues, conflicts, and petitions (other than criminal cases) reported. As community-based management regimes are under the local government, citizens can easily report their grievance and seek resolution from those they have voted into office.

4.13.3 GRM arrangements for the ER program

The existing GRM arrangement highlighted in the previous paragraph is found to be incapable in handling potential social and environmental impacts of the ER program and meeting related safeguard requirements. It is not only because of the proposed interventions aiming to reduce emissions, but also because of safeguard requirements. Globally, donors and development partners are more concerned on social and environmental impacts of the developmental programs. Nationally, people are more aware of negative social and environmental impacts as well as potential risks of affecting their livelihood because of developmental activities. Furthermore, there are several international and national laws that require more robust social and environmental safeguard instruments including the GRM.

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[24]http://www.lawcommission.gov.np/

To fill the capacity gaps and enhance effectiveness, a separate GRM is proposed for the ER program building on the provisions and practices of the existing GRM, particularly taking consideration of existing community forestry practices in resolving conflicts. The proposed mechanism does not demand additional resources (i.e., financial and human) but rather uses existing resources and develops local capacity in dealing with grievance and complieswith all national and international safeguard requirements.

Individuals and groups can report a grievance about the ER program implementation in several ways: verbally (in person or by phone), in writing (delivering a written complaint to designated authorities, dropping it in a complaint box),or electronically (sending an email[25], submitting information on the project website[26]) at their convenience.

GRM arrangements for the ER program have four basic steps:

1. **Registration:** Individuals and or groups having feedbacks and or grievance in relation to the ER program implementation can report their grievance using different means such as verbal (face to face, phone), written (delivery of written complaints at designated authorities, complaint boxes, post offices), and electronically (i.e., emails, [27] websites [28]) at their convenience. Grievance can be reported at different levels ranging from local (CBFM offices, municipalities, district court and local forest officials/offices), province (Ministry of Industries, Tourism, Forest, and Environment), and centre, NRC, Department of Forests, Ministry of Forests and Environment, and Prime Ministry's Office (PMO) through Hello Government scheme. There is no specific reporting format, unless reports are to be registered at court.

2. **Investigation:** The investigation begins immediately after the grievance/complaints reported or registered. Since this mechanism is not new but a modification of the existing practice, a quasi-judicial system following both legal and/or customary approaches shall be applied. As identified in the SEA report, most of the likely impacts of the proposed ER program

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[25]info@MFSC-redd.gov.np; email addresses of related provincial ministries (i.e., 2,3,4,5 and 7); email addresses of 140 local governments in the TAL
[26]http://www.mfsc.gov.np/;http://www.dof.gov.nphttp://MFSC-redd.gov.np/; websites of related provincial ministries (i.e., 2,3,4,5, and 7); websites of 140 local governments in the TAL
[27]info@MFSC-redd.gov.np; email addresses of related provincial ministries (i.e., 2,3,4,5 and 7); email addresses of 140 local governments in the TAL
[28]http://www.mfsc.gov.np/;http://www.dof.gov.np/; http://MFSC-redd.gov.np/; websites of related provincial ministries (i.e., 2,3,4,5, and 7); websites of 140 local governments in the TAL

interventions trigger diverse social and environmental issues requiring pragmatic approaches first to deal with. Taking into account where grievance was reported and what the issue is, investigation can begin at three levels:(i) local, (ii) provincial, and (iii) national. In most cases, however, investigation shall reach to the area (e.g., communities, municipalities, local forest authorities) where grievance emerged.

(i) Local investigation: It is anticipated that most of the grievance related to the ER program interventions will be at the local level requiring mostly pragmatic approaches to handle them (pragmatic approach largely follows informal but participatory methods). In order to investigate such a local-level grievance, an investigating team of three to five members from key stakeholders shall be formed in each of the municipalities. A forest officer designated as the ER program focal officer will lead the team. Municipality-level FECOFUN (ACOFUN in case of the grievance being investigated is related to collaborative forestry) and NEFIN will nominate a representative (each) from their behalf. The remaining two out of the five team members will be nominated as per requirements. For example, if the case is related to gender discrimination, one-woman member from the ER program-related women's group functioning in the area will be nominated. The investigating team's primary purpose is to resolve conflicts (i.e., address grievance) using a participatory approach. If an agreement is not reached (between conflicting parties if they exist), the team can make a decision and forward the investigation to higher authority (e.g., head of the Forest and Environment Division of the Municipality). The team's decision will also be a basis for any legal action required by the local government and/or the judicial body (district court, for example) where the case was registered. The concerned ER program authority (such as a local forest and environment officer) will ensure that the decision made by the investigating team is implemented within given time with due respect of the laws and regulations triggered.

(ii) Provincial investigation: A provincial-level investigation will be undertaken if the grievance and/or conflict triggers the forest laws of the provincial government .At this level, GRM will largely follow a quasi-judicial approach (i.e., formal process). The related divisional forest office will investigate and make necessary decisions as guided by the triggered law and regulation within a given time frame (see Table 19). If an issue requires a pragmatic approach(which is not expected at provincial level as much as at the local

level), the provincial ER program coordinating division will assign a forest officer, preferably one experienced in the ER program, to address the issue in collaboration with related stakeholders and conflicting parties if exist.

(iii) National investigation: Ministry of Forests and Environment (MoFE) is responsible for managing the grievance emerging from ER program implementation. At the national level, the Department of Forests (DoF), Department of Forest Research and Survey (DFRS), and/or Department of National Park and Wildlife Conservation (DNPWC) will redress all grievance arising from ER program implementation within their respective areas. GRM at this level largely follows a quasi-judicial approach. Each of the departments will have a REDD+ focal person with all necessary roles and responsibilities provided to address all feedbacks and grievance. NRC will serve as a coordinating and facilitating body in resolving grievance by supporting respective departments, provincial governments, and local governments in resolving issues and grievance emerging from ER program implementation. NRC will assign a grievance coordinator (GC) who will have overall responsibility in coordinating, facilitating, and providing other necessary supports for handling GRM effectively. It is imperative that this person has received training in conflict resolution, for example. The GC can be a senior forest officer who has received training in conflict resolution or a related field. The GC will be responsible for central registration of all grievance reported from all levels and monitoring and evaluating the functionality of the GRM.

3. **Implementation:** This step of the GRM will implement decisions that come out of investigation process. Authorities responsible for implementing the ER program at local, provincial, and national levels will make a final decision addressing the issues as recommended by the investigating team in their respective jurisdiction. A clear instruction (with resources if required) will also be provided (i.e., process, place, and time) to be followed while redressing grievance.

4. **Monitoring and feedback:** To further make sure that decisions are properly implemented, and unintended outcomes are not emerging, the responsible ER program authority (forest and environment section of the related rural municipality, for example) will follow the guidelines

and established protocol of monitoring and evaluation. Feedback from conflicting parties (or stakeholders who were having grievance) will also be anticipated on a regular basis.

Overall, the proposed GRM will have different tiers starting from communities. Forest authority at local governments can be considered as second tier followed by province level as the third tier. Forests and REDD+ authorities at the federal level will be the highest tier addressing grievance. The formal GRM process will be started from the local governments, which have now a judicial committee under the chairmanship of the vice chairperson in rural municipality and deputy mayor in municipalities. The case goes to the next level (province level) if it is not resolved at the local level and finally goes to the central level if it is not resolved in the province level. Finally, it can go to the court system. However, it does not mean that affected people cannot go to the court system from the beginning. Affected people are always free to go through the judicial court system from the very beginning, which has its own procedure. The court can refer the case to the mediation process as well. Furthermore, as mentioned in the ER-PD, about 85% of grievance or conflicting cases are resolved by the local communities themselves because the procedures are easier and simpler. Therefore, actual grievance redress mechanism starts informally at the community level. In this case, there is a five-level grievance redress mechanism (including the court system) as shown in Figure6. Table 19 summarizes key steps, processes, and timeline of formal GRM proposed for the ER program.
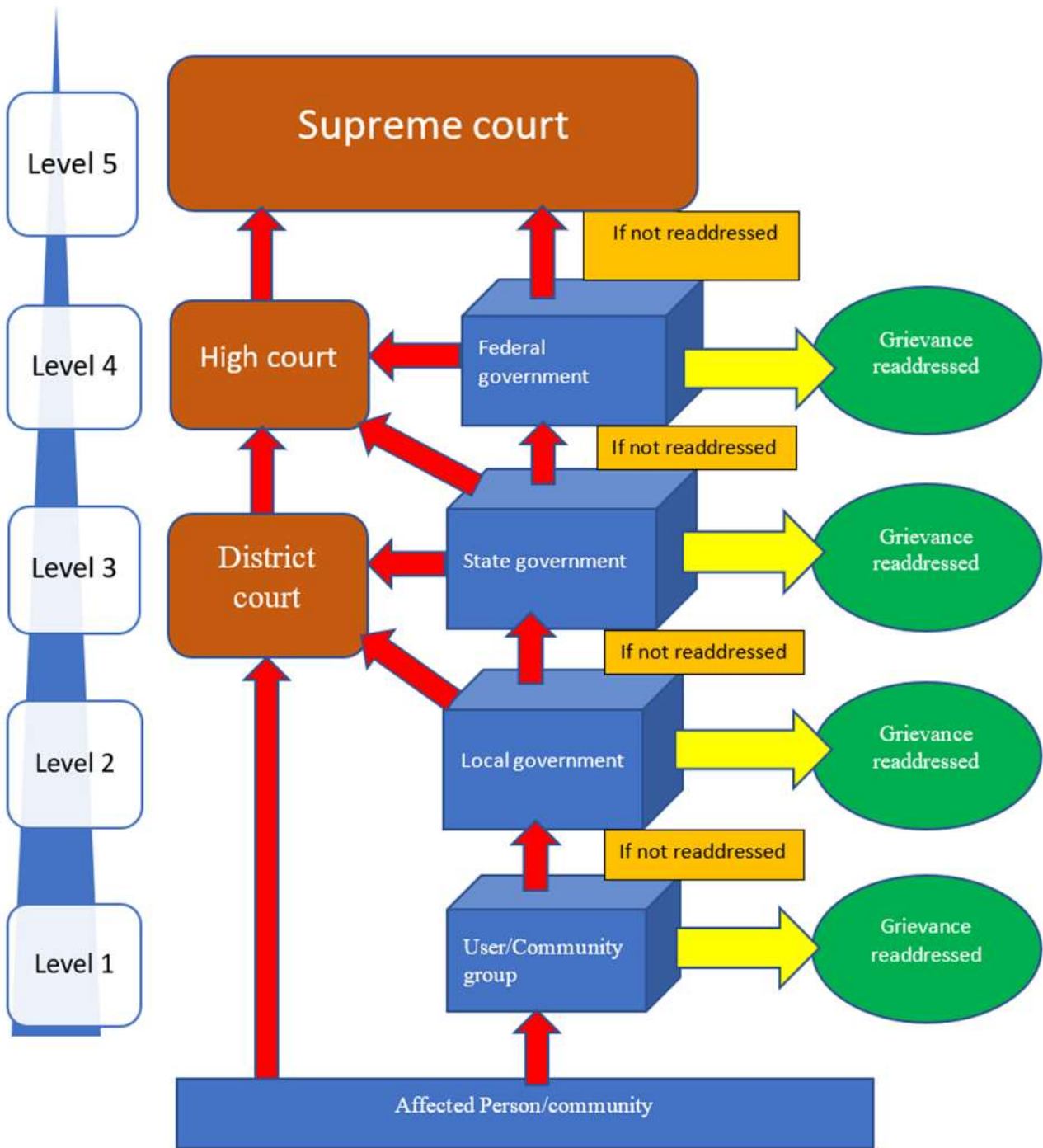
Figure 6:Diagram of proposed grievance redress mechanism for ER program

Table 19:Summary of proposed GRM for ER program

Step	Stage	Process description	Time frame	Other arrangements required
1	**Registration**	**Uptake or register grievance/complaints:** How: (i) verbally: face to face, phone (ii) written: complaint box, post office (iii) electronic media (email) Where: -related forest offices, departments, ministries -ER program service centres at local, provincial and national level	1 day	- Email ID, phone number, PO box number, complaint box - Grievance expressed in public forum should also be considered - No specific format required unless grievance are to be registered at court - Grievance expressed in public forum, media, and newspaper must also be considered
2	**Investigation: Respond to grievance/complaints**			
2.1	-screening	- assess reliability, validity, significance and sensitivity (scale and scope) of the grievance - identify of related group(s) and sector(s)	7 days	- Cross-check with related stakeholders and available other information - Grievance related to local level but registered at provincial and national level should be transferred
2.2	-confirmation	- inform concerned individuals/groups that the grievance/complaints are verified - inform investigation plan and process to the related parties/stakeholders	1 day	- A notice informing screening outcome should be delivered to the individuals/ groups reporting grievance
2.3	-investigation	-formulate investigating team and assign task -undertake investigation following defined protocol	15 days	- Three members including forest officer, representative from FECOFUN/ACOFUN, and NEFIN - Two additional members can be added according to context, scale, and sensitivity of grievance being investigated - Pragmatic (informal) and judiciary (formal and guided by triggered laws and bylaws)
2.4	-decision	-conclude investigation and provide decision to the designated higher authority	6 days	- The investigating team must submit its report within sixdays after field investigation completed.
3	**Implementation: Grievance redress/conflict management**			
3.1	-decisions and instructions	-higher authority should endorse the decision made by investigating team	6 days	- Decisions along with clear instructions for implementation should be provided to the implementing section (field office)
3.2	-redressing grievance	-start implementation of the decision(s) made	Within 7 days	- Implementation plan should be developed and shared with related parties/stakeholders
4	**Monitoring and feedback: Monitor progress and outcomes**		Regularly	- Monthly report will be required

Note: Process and timeframe were defined taking pragmatic approach into account. In case of conflict with legal provisions, the latter will be applied.

4.14 Training and Capacity Building for ESMF Implementation

For the management of environmental and social safeguard issues, capacities need to be built in two aspects. First, capacities should be built considering the overall institutional development of national entity for the implementation of REDD+ in the country in addressing environmental and social issues related to the REDD+ process. Second, capacity should be enhanced to address specific environmental and social safeguard issues related to the activities under the proposed ER program interventions and implementation of this ESMF. Only effective implementation of the ESMF can ensure that the social and environmental standards of the World Bank, other international organizations, and national standards are met. Capacity for implementing the ESMF effectively is therefore critical for successful implementation of the ER program interventions.

The key issues to be addressed: limited resources (technical and financial), and lack of experts to address environmental and social issues at central, state, and local level. Lack of capacity of indigenous people, women, Dalit and other marginalized groups, and other stakeholders and local communities in understanding different and complex issues including social and environmental concerns related to the REDD+ process is also critical and therefore needs to be addressed before and/or during the implementation of the ER programs. REDD+ process has emphasized the FPIC process, but most of the indigenous people and local communities (IPLC) do not have the capacity to effectively participate in the process for a number of reasons:

- Education level of the IPLC is not very high and therefore they do not understand subject matter properly which makes them very hard to discuss about the subject.
- Language barrier is another reason why they cannot properly communicate. Most of the documents are prepared in English, which is not the language of communication for most of the Nepalese including IPLC. Some IPLC do not even understand the Nepali language as they have their own language. In most cases, IPLC do not get chance to be involved in designing phase of the projects and therefore they will not have any idea about the project and their potential impacts on their lives.

The proposed national entity for the REDD+ process shall appoint environmental and social safeguard experts in its federal and state level offices and there should be a clear plan of capacitating the IPLCs in various aspects of managing environmental and social issues during

the designing and implementation of the REDD+ programs. The responsible ER program implementing agencies in the field (e.g., community-based forest user group, forest and environment section of related rural municipality) need to develop environmental and social management plans (ESMPs) of each ER program intervention (subprojects) separately before the implementation of the programs. The plan also should have clear plan to capacity building of stakeholders in various aspects of the ER programs. The environmental and social expert within the NRC will be responsible for advising, supervising, overseeing, and monitoring the implementation of the ESMPs.

Many governmental and non-governmental institutions (community/user groups, local government, state government, federal government) have critical roles to implement environmental and social safeguard principles during the implementation of any ER programs.The institutions as well as IPLCs need to be capacitated for this and therefore there should be a plan for capacity building including various kinds of training. They should be well versed on GoN and international organizations including the World Bank's environmental and social safeguard obligations, their significance, and benefits. Training programs should be focused on improving knowledge and ability to deliver environmental and social support across the ER programs at all implementation levels.

Capacity building actions are needed to all REDD+ implementers and stakeholders involved in the implementation of the ESMF. The range of stakeholders who will be involved in the implementation of the ESMF for the ER programs is diverse and include forest-dependent communities, the private sector (project consultants/contractors), government staff, and many other stakeholders interested in the REDD+ processes. The capacity building requirements will mostly be in the form of training which includes workshops, seminars, and long-, medium- and short-term trainings on various aspects of environmental and social issues, REDD+ project implementation, ESMF, ESMP, and PF. It will be ensured that well-designed learning objectives as part of the capacity building will be SMART, i.e.,

- Specific: precisely describe what learners should achieve;
- Measurable: can be assessed whether the objective is achieved;
- Achievable: can be accomplished in the time allocated;
- Result oriented: should lead to a concrete result; and;

- Time bound: can be achieved in a predetermined duration.

For all parties that will be involved in the implementation of the ER programs and the ESMF, the following major training areas are identified to be given at distinct phases of the REDD+ (program designing, implementation, and monitoring and evaluation phases):

- Role of forests in emission reduction and the science of climate change;
- REDD+ related international and national legal frameworks;
- Participation and consultation plans developed for REDD+ implementation;
- National safeguard instruments particularly ESIA regulations, relevant sectoral ESIA guidelines, how to review and monitor ESIA reports;
- Social and environmental implication (risks and opportunities) of REDD+/ER programs
- Grievance redress mechanism and benefit-sharing mechanism of REDD+;
- Stakeholder engagement in the implementation of ESMF and REDD+ activities;
- Scale of REDD+ implementation at different levels (national, state, jurisdiction and projects) and nested approaches;
- Elements and perspectives on free, prior, and informed consent(FPIC) in the context of REDD+;
- REDD+ social and environmental safeguards;
- Project screening; and;
- Environmental and social impact assessments (ESIA) of REDD+ projects.

4.15 Cost Estimation for ESMF Implementation

The ER-PD has provided a financial plan for implementation of the proposed ER programs. This plan includes a heading "safeguard costs" and provides an estimated yearly cost for safeguard (Appendix 1 of the ER-PD). The total estimated cost for safeguards during the 10-year period is US$ 8.65 million, which is five percent of the total cost of the ER program implementation excluding the estimated cost of MRV. Out of this budget, 15% is allocated for supporting resettlement of affected people/families in the ER program area (Table 20).

Table 20:Cost estimation for implementation of the ESMF

Safeguard related activities	Yearly cost estimation of implementation of the ESMF (US$)										
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Total
Institutional Development and Community Entities formalization (3%)	19378	29454	31867	31268	31170	30636	23438	20953	20636	20641	**259441**
Training and Capacity Building (10%)	64593	98180	106224	104227	103900	102119	78126	69842	68787	68802	**864800**
Technical Assistance (23%)	148565	225813	244315	239722	238969	234874	179690	160636	158210	158244	**1989038**
Preparedness and Implementation of ESIAs, ESMPs (12%)	77512	117815	127469	125073	124680	122543	93751	83810	82544	82562	**1037759**
Grievance Redress Mechanism (10%)	64593	98180	106224	104227	103900	102119	78126	69842	68787	68802	**864800**
Communication and Public Consultation (13%)	83971	127633	138091	135495	135070	132755	101564	90794	89423	89442	**1124238**
Monitoring and Evaluation (5%)	32297	49090	53112	52114	51950	51060	39063	34921	34393	34401	**432401**
Audit and Annual Reviews (6%)	38756	58908	63734	62536	62340	61271	46876	41905	41272	41281	**518879**
Other Studies and Plans (3%)	19378	29454	31867	31268	31170	30636	23438	20953	20636	20641	**259441**
Support for Resettlement (15%)	96890	147269	159336	156341	155849	153179	117189	104763	103180	103203	**1297199**
Total Safeguard costs	**645934**	**981796**	**1062239**	**1042271**	**1038996**	**1021190**	**781261**	**698418**	**687868**	**688018**	**8647991**

5. Monitoring and Evaluation of ESMF Implementation

The NRC as the management entity of the ER programs at the federal level will have the overall responsibility for coordinating and monitoring the implementation of the ESMF. Sensitization programs to inform stakeholders about the framework, how it works, and what will be expected of them will be one of the major activities under the monitoring plan. Monitoring of ESMF implementation including compliance monitoring and evaluation will be a continuous process to ensure that:

- All ER program-affected people including IPLCs at all levels have the necessary knowledge and skills to perform their duties and were needed identify and carry out remedial actions;
- All project activities are implemented per the environmental and social management requirements of this ESMF;
- Problems arising during implementation are being addressed early enough to avoid any spill-over that could subsequently hinder the outcomes of the project (e.g., issues of grievance redress mechanism and other); and;
- Environmental and social mitigation or enhancement measures, designed as per this ESMF or additional environmental and social mitigation measures identified during project implementation and/or ESIA/ESMP preparation, are reflected within specific ESMPs (if any) and monitoring plans.

To ensure effective implementation of measures in the ESMF as well as ESMP (which will be prepared before the implementation of ER programs commence), the NRC will put in place the following monitoring and evaluation system which includes both internal monitoring and reporting and external monitoring and evaluation of implementation of the ESMF. A set of monitoring indicators will be developed during the development of ESMP for each of the ER program interventions. Appropriate monitoring formats will be prepared for monitoring and reporting requirements. IPLCs and other stakeholders will be capacitated and involved in monitoring and evaluation.

5.1 Monitoring, Evaluation, and Reporting Arrangement

The process of monitoring, evaluation, and reporting will be effectively executed by separate but complementing bodies that are involved in implementation of the ER programs at national, state, and local levels.

National level: Environmental and social safeguards section of the NRC will be responsible for overall coordination and guidance for the monitoring, evaluation, and reporting of the ER program and ESMF implementation. The section will develop a guideline for the general process of the monitoring and evaluation process, template for the monitoring report, and criteria and indicators for monitoring in wider consultation with the stakeholders, state and local level governments, and IPLCs. NRC will review and approve the monitoring and evaluation report. It will also be responsible for preparing the final emission reduction monitoring report (ER-MR) for reporting to the World Bank, which also includes the information on the implementation of the safeguards.

State level: A REDD+ Focal Desk of the state Ministry of Industry, Tourism, Forests, and Environment/state Forest Department will be responsible for coordinating the ER program implementation and therefore for the monitoring and evaluation of the implementation of the ER program and this ESMF. The REDD Desk will provide advice and guidance to districts/divisions and to the ER program management units at the local level on various aspects of the ER program implementation including the monitoring, evaluation, and reporting of implementation of the ER program and ESMF. The desk will also liaise with NRC for technical guidance and advice as necessary. It will prepare the monitoring and evaluation report of the ER and ESMF implementation and send it to the NRC. Safeguard specialists of the concerned state Ministry/department will monitor the effective, efficient, and timely implementation of the safeguard instruments. They will be responsible for organizing local-level monitoring reports and reporting to the NRC.

Local level: REDD+ unit in the forest and environment division (FandE division) in each local government will monitor ESMF implementation at the local level. CFUGs and local forest authority (subdivision) will execute the ESMF at the local level. The unit will be responsible for the day-to-day monitoring and reporting feedback throughout the entire process of ER program and ESMF implementation. The unit will also supervise and review environmental and social

safeguard documents and issues during implementation, monitor the environmental and social assessment processes (screening and ESMP preparation), and implementation of the mitigation measures designed. Environmental and social issues during the implementation of the proposed interventions will also be monitored.Furthermore, the unit will organize a community-level monitoring report and prepare and finalize the report to submit it to the state level.The unit is also responsible to develop the environmental and social screening reports and ESMPs in coordination with the state level REDD+ unit and communities who will be implementing the ER programs.

Community level: Community-based forest management groups (where the ER program interventions will be implemented) will be involved in ER program implementation as well as monitoring and evaluation of implementation of the ER program and the ESMF. They will also be involved during the planning phase of the different subprojects (ER program interventions). In the planning stage of the subproject, community-based forest user groups will participate in development of indicators for monitoring the mitigating measures, and when the subproject starts they will monitor the implementation of the tasks with respect to environmental and social aspects. They will also be involved in monitoring emerging environmental and social risks in relation to the implementation of the ER program interventions. CFUF will be provided necessary trainings so that they can be effectively involved in designing, implementation, and monitoring of the ER program interventions and this ESMF.

5.2Internal monitoring and reporting

Proper monitoring starts with the ER program implementation unit, which will monitor the program implementation to ensure that all environmental and social issues related to each ER program intervention and related activities are well addressed and comply with the requirements mentioned in ESMF. At the local level, designated safeguards officers within the Forestry and Environment section of the concerned local governments (rural municipality, municipality or metropolitan governments) will be responsible for monitoring the implementation of this ESMF. Relevant practical indicators to enable effective monitoring will be identified by safeguards staff in close liaison with representatives from IPLCs.

Monitoring information together with other information collected from various stakeholders together with observations of project activities will be reported monthly to safeguards staff atthe provincial level using standard reporting forms. Monthly monitoring reports from community/municipal level safeguards staff of the local governments, informed by reports from other stakeholders, will include:

- List of consultations held, including locations and dates, names of participants, and occupations;
- Main points arising from consultations including any agreements reached;
- A record of grievance applications and grievance redress;
- Monitoring data on environmental and social measures detailed in ESMPs; and;
- Number of trainings of community groups in environmental and social issues.

Safeguards staff at the state level within the REDDD desk of the concerned ministry and departments will prepare consolidated quarterly monitoring reports on all ER programs, which will be submitted to the NRC. The report in addition to the above data will include:

- Number of provincial staff trained on ESMF compliance;
- Number of consultations and groups consulted;
- Progress on environmental and social assessments of any specific project activities (if any);
- Number of cleared ESMPs for specific project activities (if any); and;
- Update on grievance including pending cases.

NRC will prepare annual monitoring reports for submission to the World Bank and other relevant donors, and these reports will be made available to all the stakeholders via the information centre established in the ER program area.

5.3 External monitoring

A third-party monitoring consultant will be appointed to assess implementation of the ESMF which will include assessment of safeguards compliance as per the ESMF using site specific ESMPs (if any), gender action plans, IPVC planning framework, and RAPs. This will be aligned

with the periodic monitoring and verification of the ERs as per the World Bank and FCPF arrangements. The safeguards assessment will assess whether:

I. The ESMF process is being correctly adhered to, (i) relevant mitigation measures have been identified and implemented effectively,(ii) whether these need to be adjusted to reflect changing circumstances; and;
II. The extent to which all stakeholder groups are involved in the implementation of ER programs and activities.

The consultant's reports and recommendations will be prepared based on field observation visits and discussions with community representatives and various members of the ER program team at national, state, and local levels and will be submitted to the NRC and the World Bank. Safeguards staff from the NRC, REDD Desk of the concerned ministry of the state governments and departments, local governments, and communities who are implementing ER programs in the field will meet regularly with the third-party monitoring consultant/s to review their safeguards findings and recommendations. Third-party monitoring and evaluation of implementation of the ESMF will be conducted yearly.

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Appendix 1. Summary of field level consultations organized for the ESMF development.

1. Introduction

Social and Environmental Impact Assessment and developing Environmental and Social Management Framework of the Proposed Emission Reduction Program Interventions for the 12 districts of the TAL was started in the second week of February 2018 after signing the contract with the ICIMOD. Six district level consultation workshops were organized as proposed for discussion and receiving inputs from different stakeholders on potential environmental and social impacts of the proposed ER program interventions from February 20 to 25 2018 covering all the 12 ER program districts as shown in the following table.

Date	Place of the consultation workshop	ER Program districts covered
Tuesday, Falgun 8, 2074 (Feb 20, 2018)	Dhangadi,	Kanchanpur, Kailali
Wednesday, Falgun 9, 2074 (Feb 21, 2018)	Nepalgunj	Bardia, Banke
Thursday, Falgun 10, 2074 (Feb 22, 2018)	Ghorahi, Dang	Dang
Friday, Falgun 11, 2074 (Feb 23, 2018)	Butwal	Kapilbastu, Rupandehi
Saturday, Falgun 12, 2074 (Feb 24, 2018)	Chitawan	Nawalparasi, Chitawan
Sunday, Falgun 13, 2074 (Feb 25, 2018)	Simra	Rautahat, Bara, Parsa

2. Program of the workshops

Six one-day workshops were organized where representatives from different stakeholders discussed in detail about the potential social and environmental impacts of the proposed interventions. During the discussion both likely positive and negative impacts of the proposed interventions were discussed. However, the participants were asked to be focused on negative impacts and their mitigation measures that should be applied during the implementation. The program of the workshops was scheduled as:

Time	Program /Activities
8.30 – 9.30	Breakfast
9.30 – 10.30	Inaugural session • Welcome to the participant – Dr Yadav Kandel • Introduction of the participants • Background and objectives of the workshop – Dr Mohan Poudel, REDD IC • Remarks from DFO/State officials/REDD IC/Chief guest
10.30 – 11.0	Tea
11.0 – 12.0	Presentation and discussion about the proposed ER programs, concept of SEIA, ESMF and some example of potential negative impacts of the proposed ER program – Dr Yadav Kandel
12.0 – 13.0	Lunch
13.0 – 14.30	Group work -Discussion about the likely negative impacts of the proposed ER program interventions and potential mitigation measures to address them - Participants
14.30 – 15.0	Tea
15.0 – 16.0	Presentation from the groups, discussion and closing

In the program:

- A summary of proposed ER Programs and their potential environmental and social impacts in Nepali was provided for the participants.

- Dr Mohan Poudel, undersecretary of the REDD IC presented (PowerPoint presentation) about the background and objective of the workshops.

- Dr Yadav Kandel, presented (PowerPoint presentation) about the proposed ER Programs, potential social and environmental impacts.

- Participants were divided into two groups (district wise) to discuss the potential negative impacts of the proposed ER Program and their mitigation measures in detail.

- After the group work, presentation was made from each group on their findings

2.1 Workshop at Dhangadi

- First workshop was organized at Dhangadi on 20 the February 2018 (Phalgun 8, 2074).
- Total 22 participants from Kanchanpur and Kailali districts attended the workshop.
- Minister for Industry, Tourism, Forest and Environment of State 7, Ms. Maya Bhatta inaugurated the workshop.
- Secretary of Ministry of Industry, Tourism, Forest and Environment of State 7, Sudhir Koirala was also present at the workshop

2.2 Workshop at Nepalgunj

- Second workshop was organized at Nepalgunj on 21 the February 2018 (Phalgun 9, 2074).
- Total 17 participants including representatives from different stakeholders of Bardia and Banke districts attended the workshop.

2.3 Workshop at Dang

- Third workshop was organized at Ghorahi, of the ER program district Dang on 22 February 2018 (Phalgun 10, 2074)
- District Forest Officer of the district inaugurated the workshop.
- Total 14 participants from different stakeholders including Community Forest Users groups, NEFIN and Dalits from the district participated at the workshop.

2.4 Workshop at Butwal

- Fourth workshop was organized at Butwal on 23 February 2018 (Phalgun 11 ,2074)
- Total 14 participants including representatives from different stakeholders from Kapibastu and Rupandehi district attended the workshop.

2.5 Workshop at Chitawan

- Fifth workshop was organized at Chitawan on 24 the February 2018 (Phalgun 12, 2074).
- Total 28 participants including representatives from different stakeholders of Nawalparasi and Chitawan districts attended the workshop.
- Dr Sindhu Dhungana, chief REDD IC and Dr Radha Wagle, Chief Central Training center also participated and provided brief remarks at the workshop.

2.6 Workshop at Simra

- Last and sixth workshop was organized at Simra on 25 February 2018 (Phalgun 13, 2074).
- Total 22 participants including representatives from different stakeholders of Parsa, Bara and Rautahat districts attended the workshop.
- Dr Sindhu Dhungana and Dr Radha Wagle also participated and provided brief remarks at the workshop.

3. Lists of participants of the workshops

रेड प्लस अन्तर्गत उत्सर्जन कम गर्नेकालागि प्रस्ताव गरिएका कार्यक्रमहरूको वातावरणीय तथा सामाजिक प्रभावहरूको पहिचान गरी वातावरणीय तथा सामाजिक व्यवस्थापन प्रारूप तयार गर्ने सन्दर्भमा आयोजना गरिएको सरोकारवालाहरू संगको अन्तर्क्रिया कार्यक्रम
फागुन ९, २०७४
प्रदेश नं. ५, नेपालगन्ज
उपस्थिति

क्रम संख्या	नाम	संस्था	फोन नं.	हस्ताक्षर
१	पूर्णराज वैरोला	जिल्ला वन कार्यालय	९८५८०२६६२८	
२	अनन्त भण्डारी	WWF-Nepal	९८१०१२१६००	
३	प्रकाश लोचन	जि.व.का, बर्दिया	९८४४०६०५८८	
४	मोहन प्रसाद रिजाल	जी नितीवन शका बर्दे	९८४८२२८४३१	
५	प्रदीप कुमार वर्मा	चिसो वनसंरक्षणसमिति बर्दिया	९८४८४६४१६२१	
६	महिला कृषी सोपेटी (२०५६)	आहेलादी भैरभ भरतपुर	९८४०१४६५३	
७	तुलसी गुप्ते	फेडरेशन बर्दे	९८५८०८१०६६	
८	श्यामे बीरेन्द्र विश्वकर्मा	जि व का बर्दे	९८४६३९८६४१	
९	उषा कुमारी पोखेल	फेडरेशन बर्दिया	९८४२५४४२२२	
१०	अम्बर न्यौली	हेमन्ती बर्दिया	९८४८०४४४३४	
११	राम प्रसाद थरुण	जेष्ठी वन संरक्षण	९८५८०४४४५४	
१२	मोहन पोख्रेल	वन कार्य केन्द्र	९८५९८३३३३२	
१३	माधव कडेल	वन कार्य केन्द्र	९८४९३४२२४६	
१४	राम थापा	नितीवन	९८४५०३६५९४	
१५	ईश्वर गिरी	नितीवन धरे	९८४८०२३१२२	
१६	करण बहादुर मि.द	दलित विकास मंच	१९४०१८३४८	
१७	किशोर थपा	जि.व.का बर्दिया	९८४८०५१८३३	
१८				
१९				

रेड प्लस अन्तर्गत उत्सर्जन कम गर्नेकालागि प्रस्ताव गरिएका कार्यक्रमहरूको वातावरणीय तथा सामाजिक प्रभावहरूको पहिचान गरी वातावरणीय तथा सामाजिक व्यवस्थापन प्रारूप तयार गर्ने सन्दर्भमा आयोजना गरिएको सरोकारवालाहरू संगको अन्तर्क्रिया कार्यक्रम
फागुन १०, २०७४
प्रदेश नं. ५, दाङ
उपस्थिति

क्रम संख्या	नाम	संस्था	फोन नं	हस्ताक्षर
१	जगदिश प्र गुप्ता	जिल्ला वन कार्यालय	९८५२२८४१५४३	
२	सुधा अधिकारी	हिमवन्ती नेपाल, दाङ	९८५८८२१०८६	
३	गोविन्द बस्नेत	कमलन, दाङ	९८५५८३९१८	
४	भुप बहादुर के सी	सामुदायिक वन महासंघ दाङ	९८४८८६४१६३	
५	धारा प्रसाद चौधरी	नेफिन दाङ	९८५८८२४३८०	
६	नट सिंह चौ	नितीवन बलरामपुर दाङ	९८५८८३५५९८	
७	युक्तप्रसाद अधिकारी	वन डिभिजन कार्यालय दाङ	९८५११६०४४८	
८	हरि प्रसाद चौधरी	जिल्ला वन कार्यालय दाङ	९८४८८४४६४३	
९	टिका बहादुर के सी	जिल्ला वन कार्यालय दाङ	९८	
१०	मोहन प्र पोख्रेल	वन कार्यालय केन्द्र	९८५९८३३३३२	
११	विष्णु चन्द्र आचार्य	पार्कवे वनकृषि दाङ	९८४८८६२३५०	
१२	माधव प्र कडेल	वन कार्यालय केन्द्र	९८४९२४२२४६	
१३	तेज मान चौधरी	साप्रे क.क.स अच्छाम	९८४६८८४३८	
१४	लक्ष्मी चौधरी	... कोहलपुर	९८४०१४४२४०	
१५				

122

रेड जाम अन्तर्गत उत्सर्जन कम गर्नलगाई प्रस्ताव गरिएका कार्यक्रमहरुको वातावरणीय तथा सामाजिक प्रभावहरुको पहिचान गरी वातावरणीय तथा सामाजिक व्यवस्थापन प्रारुप तयार गर्ने सन्दर्भमा आयोजना गरिएको सरोकारवालाहरु सगको अन्तरक्रिया कार्यक्रम

फागुन ११, २०७४
प्रदेश न. ५, बुटवल
उपस्थिति

क्रम संख्या	नाम	संस्था	फोन न.	हस्ताक्षर
१	यतहरि रनन	विकेट कफेरो	९८२६०८५५०	
२	अक्तोलेरको	देनदह साम्रीवारी वन	५८६०७०६८	
३	जगन्नाथ प्रधर्मी	निलिफा रत्नाल प्रेषी	९८१५४७६८६५	
४	रञ्जीतकु दलकुटु	कुर्की मर्मेकारी वन	८५८९९८०२९	
५	डेजलार्ड गार्ड	स्व.ब.इ.स्वासि क्षेत्र	६२८६०२०५४३	
६	रविलबहादुर लामा	मि. व वट अजिलनाई	९८५११४९८८०	
७	जिम्दारु प्रोलि नर्बिर्टी	मेल्वाहर मेनरि वन को	९८१४४५०१५१	
८	गोल्ल्या लिन्बे	ग.सी.ज्व.छ समैदक्षेब	९८४७५४३८६४	
९	जय प्रकाश पाण्डेय	ACoFUN	९८४-७०३२४३७	
१०	सीमा रावाली	कपिलेही फेकोफुत वि.	९५ ८६०७००३४४	
११	" " "	रुद्धा	८५८६०३८०७	
१२	फुल लामा इक मान	Nefin कपलही	९८८६०२८९८१	
१३	विशन राउ भण्डार	Nefin अवलठकजिल्ला	८८३०८९४४४८	
१४	लर्मी शामी	कास्र ।र.एकर्सन	८८८५०९५र८	
१५	प्रोल्ल वेडल	—	९५८१८२३९३२	
१६	आन्दा पुरुजा	—	८८९३४२२६	
१७				
१८				

रेड्ड प्लस अन्तर्गत उत्सर्जन कम गर्नकालागि प्रस्ताव गरीएका कार्यक्रमहरुको वातावरणीय तथा सामाजिक प्रभावहरुको परिक्षण गरी वातावरणीय तथा सामाजिक व्यवस्थापन प्रारुप तयार गर्ने सन्दर्भमा आयोजना गरीएको सरोकारवालाहरु सगको अन्तरक्रिया कार्यक्रम
फागुन १२, २०७४
प्रदेश नं. ३, चितवन
उपस्थिति

क्रम संख्या	नाम	संस्था	फोन नं.	हस्ताक्षर
१	ठाकुर प्रसाद जोशी	FECOFUN रवलपरासी	९८४७१४१००८	
२	दिपक अधिकारी	जिला नगरपालि	९८३२२५५८१	
३	धनुहि चलवादी	गाउ नि शाकिय नि नगल	९८६०२८८०८१	
४	उगो तिलुसद कोयराता	जि. व.का. रवलपरासी	९८४४०८२९३६	
५	छेट वेठ थापा	ले. क्याम्प. माहारंग	९८८१९२२६३२	
६	दुर्गा विष्ट	कि सावली नेपाल	९८५७०४१८१७	
७	सीता गुरुंग	नोकिपानी	९८४६०५६२८६	
८	यसोदा सुनेश	आदिवासी ज. न	९८८६०५१९१	
९	इश्नाय जोडी	पारिवरेड किन क नं	९८४६०४०६८	
१०	नगा राणा	FECOFUN चितवन	९८४१०१४२१८	
११	कार्तिक राज कोइराला	कम्पुयत के आ अध्यक्षा	९८२६०८२१८	
१२	पारेटी	Dalit Dhanar १९८४०२२		
१३	शान्ति मी	,, ,, ,,		
१४	स्नेमिका परिया	Dhanar Dalit महिला	९८१९९८२२४४	
१५	स्मीधेय परिया	Dhanar Dalit नकुल	९८०६८०६८०७	
१६	स्वाहिरका परियार	दलित महिला नगल	९८४५२०८९६६	
१७	सीताधेवी जोडे	सामुदायिक प्र. व्यवस्थापन कि समिति प्रतिनिधि	९८८५१३८६१६	
१८				
१९	सुरेश गोनेल	FECOFUN चितवन	९८५५०५५४७४	
२०	गणेश थापा	जि.व.का चित्वन	९८८४१३६६०८	
२१	सन्तोष गुरुंग	वरहठार मे.प.	९८४४०४६४७०	
२२	राम लाल	ग.न्यायरक्षेता नगल	९८६३८०३५०२	
२३	सिद्धु प्र. हुंगना	REDD I C	९८६०३३०२१७	
२४	केशाई माया परियार	जिल्ला दलित नगल	९८५५०५७२१५	
२५	गोवन प्रसाद पोडेल	रेड का बोर्ड	९८५४५५३३३२	
२६	कुशम पन्त	रामिज स्नेगोपक चि. न्याय	९८५५०८४४५९	
२७				
26	आनन्द प्रसाद गडेर	Consultant	९८८९३८२२८६	
28	भोला महरई	Consultant	९८२९०६०६००	

124

रेड प्लस अन्तर्गत उत्सर्जन कम गर्नेकालागि प्रस्ताव गरीएका कार्यक्रमहरुको बातावरणीय तथा सामाजिक प्रभावहरुको पहिचान गरी बातावरणीय तथा सामाजिक व्यवस्थापन प्रारुप तयार गर्ने सन्दर्भमा आयोजना गरीएको सरोकारवालाहरु संगको अन्तरक्रिया कार्यक्रम

फागुन १३, २०७४

प्रदेश नं. २, सिमरा

उपस्थिति

क्रम संख्या	नाम	संस्था	फोन नं.	हस्ताक्षर
१	टिका के अग्रवार्य	प्र. व. उ. महानंद्य रौतह	८८४४०६९०५६	
२	अमा के वि. क.	चोरसीकिर्षी सिलघर्षा सं	८५८४०३५२६९.	
३	धिरज कुमा पत्तिनप	दलित प्रबृह	९८५५०३३०१८	
४	रगाम प. पट्टन	सा व उ महासंघ पर्सा	९८५५०२८१८२	
५	लखनलाल साह	स्नेहा लाम्वाडे नलखंवा	९८४५०५८६०३	
६	शिवदत्त साह	सिंवकी पत्ता	९८४८५८३९२७	
७	दामोदर प्र. गदल	तराई मिलिज्या प्रकल्प	९८४६२६८८१८	
८	प्रार्थना तिवारी	साह्वागिक वन उ प्रोक्ता	९८४३२३०८०२	
९	जितेंद्र कुमा देवरी	रेड (प्रदेश) गोरुगं घ रस	९८५५०४१४१५	
१०	राधेश प्र साह	रा बे साइ धाम्खरी	८७८५०३५५८१	
११	राधा बाला	कम्यर २ प्रसर नगाम	८२६३८०३८०२	
१२	अंजला अहुराई	-	८८४९०६८२०६०	
१३	बंयाल्यागं	जंडे२लागंग	८८२१०९२४३८	
१४	क धिरज प्र धुगाना	REDD १ C	९८६०३३०२१७	
१५	दुर्गा कुर्कान	कि.वे.को रौतद	९८४५७८३३६३	
१६	राधे प्रसाद दौलख	प्रोग्रा सु फा ०४ उयोजना	९८४२९४३५५५	
१७	रामजी मूहाद कुशवाह	फेकोफन वारा	८७८४०५६०८९	
१८	अनुला निमाल्खिना	ढेकीलन बारा	८७८१८४५८८८	
१९	बौपिला तिमालसिना	शि. व. व. पत्तागंछा रौतह	९८८४८५१०६४	
२०	मोल प्र पंडित	३१ फा. केंद्र	८१८९४३३३३०	
२१	यादव इ कुमार	Consultant	९८८९३४२२९६	
२२	इन्द्र साह	निजी वन पर्सा	८१८०५०५८९	
२३				
२४				

Appendix 2. Forestry sector proposals requiring initial environmental examination

1. Plantation of indigenous plants of a single species in a single block of 50 to 100 hectares in the Terai and 25 to 50 hectares in the Hills.

2. Plantation of such imported species of plants as are deemed suit for the purpose, following their test in the concerned place, on a single block of 10to 50 hectares in the Terai and 5 to25 hectares in the Hills.

3. Handover of forests with an area ranging between 25 to 100 hectares in the Terai and 5 to 25 hectares in the Hills as leasehold forests.

4. Clear feeling or rehabilitation of national forests with an area of not more than 5 hectares.

5. Establishment of saw-mills which could process 5000 to 50,000 cubic feet of timber per year.

6. Collection of 5 to 50 tons of forest products other than timer per year.

7. Establishment or expansion of national parks, wildlife sanctuaries and conservation areas or environmental conservation Zones.

8. Formulation of watershed management plans.

9. Construction of new botanical gardens or zoos outside the forest areas by the public or private Sector.

10. Recruitment of import different species.

11. Preparation of management plans of national parks, wild life sanctuaries, conservation Ares and their buffer zones or launching of development and construction activities specified in such plans.

12. Establishment of medicinal herbs centers for the commercial production of medicinal herbs and aromatic plants in public scrublands.

13. Commercial collection or industrial processing of non-polluting medicinal herbs and aromatic plants.

14. Construction of forest paths up to Five-Kilometer-long and of fire protection lines up to Ten Kilometers long.

15. Collection of boulders, gravel and sand and extraction of coal and other minerals from forest areas

Appendix 3. Forestry sector proposals requiring environmental impact assessment

1. Plantation of indigenous plants of a single species in a single block covering an area of more than One Hundred hectare in the Terai and Fifty hectors in the Hills.
2. Plantation of such imported species of plants as are deemed suitable for the purposes, following their test, in the concerned place, in an area of more than Fifty hectares in the Terai and twenty-five hectares in the Hills
3. Handover of forests with as area of more than One Hundred hectares in the Terai and twenty-five hectares in the hill ass leasehold forests.
4. Clear felling or rehabilitation of forests with an area of more than Five hectares.
5. Establishment of saw-mills processing more than Fifty cft. of timber per year.
6. Collection of forest related products except more than Fifty ton of woods.
7. Formulation and implementation of forest management plans.
8. Clearing of publics' forests and establishment of new medical herbs center for commercial production.
9. Rosin and turpentine, rubber, plywood and veneer, catechu, and timber-based matches, pulp and paper industries to be established within one Km. inside the forest area which depend on forests for their raw material and use processing techniques and cardamom and medium and large tea industries which use large quantities of firewood.
10. Commercial and industrial processing of medicinal herbs and aromatic plants which emit garbage and pollution.
11. Establishment of saw-mills, bricks and tiles factories and tobacco processing industries within Five Km. from the forest boundaries.
12. Establishment of hotels, resorts, safaris, educational institution, hospital and industries of other construction activities inside forest areas, national parks, sanctuaries, conservation areas, buffer zones and environment conservation Zones.

Appendix 4. UNFCCC safeguard principles for REDD+

The REDD+ text agreed in Cancun is part of the "Outcome of the work of the Ad Hoc Working Group on long-term Cooperative Action under the Convention (AWG-LCA)". Paragraph 70 of the text refers to REDD+ (including conservation of forest carbon stocks, sustainable management of forest and enhancement of forest carbon stocks, the plus part of REDD+). The safeguards are described in paragraph 2 of Appendix I of the AWG-LCA text (UNFCCC, 2011) as follows:

> *2. When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:*
>
> *(a) That actions complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements;*
>
> *(b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;*
>
> *(c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;*
>
> *(d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;*
>
> *(e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;*
>
> *(f) Actions to address the risks of reversals; and;*
>
> *(g) Actions to reduce displacement of emissions.*

Appendix 5. Key UNFCCC decisions on the REDD+ safeguards

Decision No	Decision contents
1/CP.16	The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (Appendix 1 Paragraph 2): "*Countries should promote and support the Cancun safeguards while implementing REDD+ activities*"
2/CP.17	Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (Paragraph 63 and 64) **….** "*that, regardless of the source or type of financing, the activities referred to in decision 1/CP.16, paragraph 70, should be consistent with the relevant provisions included in decision 1/CP.16, including the safeguards in its appendix I, in accordance with relevant decisions of the Conference of the Parties*"; …. "*that for developing country Parties undertaking the results-based actions referred to in decision 1/CP.16, paragraphs 73 and 77, to obtain and receive results-based finance, these actions should be fully measured, reported and verified, and developing country Parties should have the elements referred to in decision 1/CP.16, paragraph 71, in accordance with any decisions taken by the Conference of the Parties on this matter*";
12/CP.17	Guidance on systems for providing information on how safeguards are addressed and respected and modalities relating to forest reference emission levels and forest reference levels as referred to in decision 1/CP.16. (Paragraphs 1-4) 1. *Notes that the implementation of the safeguards referred to in appendix I to decision 1/CP.16, and information on how these safeguards are being addressed and respected, should support national strategies or action plans and be included in, where appropriate, all phases of implementation referred to in decision 1/CP.16, paragraph 73, of the activities referred to in paragraph 70 of the same decision;* 2. *Agrees that systems for providing information on how the safeguards referred to in appendix I to decision 1/CP.16 are addressed and respected should, taking into account national circumstances and respective capabilities, and recognizing national sovereignty and legislation, and relevant international obligations and agreements, and respecting gender considerations:* *(a) Be consistent with the guidance identified in decision 1/CP.16, appendix I, paragraph 1;* *(b) Provide transparent and consistent information that is accessible by all relevant stakeholders and updated on a regular basis;* *(c) Be transparent and flexible to allow for improvements over time;* *(d) Provide information on how all of the safeguards referred to in*

	appendix I to decision 1/CP.16 are being addressed and respected; *(e) Be country-driven and implemented at the national level;* *(f) Build upon existing systems, as appropriate;* *3. Agrees also that developing country Parties undertaking the activities referred to in decision 1/CP.16, paragraph 70, should provide a summary of information on how all of the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected throughout the implementation of the activities;* *4. Decides that the summary of information referred to in paragraph 3 above should be provided periodically and be included in national communications, consistent with relevant decisions of the Conference of theParties on guidelines on national communications from Parties not included in Appendix I to the Convention, or communication channels agreed by the Conference of the Parties;* *Countries should develop a system for providing information on how the safeguards are being addressed and respected throughout the implementation of REDD+ activities, consistent with UNFCCC guidance"*
9/CP.19	Work program on results-based finance to progress the full implementation of the activities referred to in decision1/CP.16, paragraph 70 (Paragraph 4): *4. Agrees that developing countries seeking to obtain and receive results-based payments in accordance with decision 2/CP.17, paragraph 64, should provide the most recent summary of information on how all of the safeguards referred to in decision 1/CP.16, appendix I, paragraph 2, have been addressed and respected before they can receive results based Payments.*
12/CP.19	The timing and the frequency of presentations of the summary of information on how all the safeguards referred to in decision1/CP.16, appendix I, are being addressed and respected. (Paragraphs 1- 5): 1. *"Reiterates that according to decision 12/CP.17, paragraph 3, developing country Parties undertaking the activities referred to in decision 1/CP.16, paragraph 70, should provide a summary of information on how all of the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected throughout the implementation of the activities;* *2. Also reiterates that according to decision 12/CP.17, paragraph 4, the summary of information referred to in paragraph 1 above should be provided periodically and be included in national communications, or communication channels agreed by the Conference of the Parties;* *3. Agrees that the summary of information referred to in paragraph 1 above could also be provided, on a voluntary basis, via the web platform on the UNFCCC website;1* *4. Decides that developing country Parties should start providing the summary of information referred to in paragraph 1 above in their national communication or communication channel, including via the web platform of the UNFCCC, taking into account paragraph 3 above, after the start of*

	the implementation of activities referred to in decision 1/CP.16, paragraph 70; *5. Also decides that the frequency of subsequent presentations of the summary of information as referred to in paragraph 2 above should be consistent with the provisions for submissions of national communications from Parties not included in Appendix I to the Convention and, on a voluntary basis, via the web platform on the UNFCCC website.*
17/CP.21	Further guidance on ensuring transparency, consistency, comprehensiveness and effectiveness when informing on how all the safeguards referred to in decision1/CP.16, appendix I, are being addressed and respected. (Paragraphs 4-5) *4. Decides that developing country Parties should provide information on which activity or activities referred to in decision 1/CP.16, paragraph 70, are included in the summary of information referred to in paragraph 1 above, taking into account decision 12/CP.17, paragraphs 1 and 3, and decision 9/CP.19, paragraph 4;* *5. Strongly encourages developing country Parties, when providing the summary of information referred to in paragraph 1 above, to include the following elements, where appropriate:* *(a) on national circumstances relevant to addressing and respecting the safeguards;* *(b) A description of each safeguard in accordance with national circumstances;* *(c) A description of existing systems and processes relevant to addressing and respecting safeguards, including the information systems referred to in decision 12/CP.17, in accordance with national circumstances;* *FCCC/CP/2015/10/Add.3* *(d) Information on how each of the safeguards has been addressed and respected, in accordance with national circumstances;*

Appendix 6. Free, prior, Informed Consent Checklist

Checklist criteria	Yes	No	Unknown	N/A
1. Does the project staff have the knowledge and competence to work with indigenous peoples in a culturally appropriate manner? / Has the project staff been trained on how to interact with IPs?				
2. Has a detailed communication strategy for the dissemination of information been developed considering indigenous peoples' own mechanisms, language and locations?				
3. Have the individuals identified as legitimate leaders of the indigenous communities involved been met and consulted?				
4. Have the involved communities had sufficient time to get expert advice on the project?				
5. Have adequate mechanism and procedures for effective participation in the FPIC process been established?				
6. Has a Participatory mapping analysis with relevant information been carried out?				
7. Have timely consultations (well prior to project design) been carried out?				
8. Have the indigenous communities involved been enabled to participate fully and effectively in project scoping, design, implementation, M&E, mitigation and determination of the need for further review and management of the project?				
9. Has project information (including environmental and social assessment document, environmental social management plan, evaluation) been disseminated early and through appropriate means?				
10. Has the proper understanding of the information provided to the indigenous communities involved been verified				
11. Is the consultation process documented?				
12. Has the documentation of the consultation process been disclosed in a timely matter and using appropriate languages, formats and locations?				
13. Has the consent been provided explicitly and recorded and affirmed in the format preferred by the community?				
14. Do the participatory monitoring and evaluation of the project include indicators that indigenous peoples determine to be relevant?				
15. Has the community been engaged in an adequate negotiation process on land and resources agreements, governance arrangements, legal and financial arrangements, employment and contracting opportunities, culturally appropriate benefits sharing, processes and mechanisms for monitoring, grievances and dispute resolutions, among other items?				