

Environment and Social Management Framework (ESMF)

Sunaula Hazar Din – Community Action for Nutrition Project

Ministry of Local Development

Government of Nepal

17 April 2012

1. Project Background

The project development objective of the “Sunaula Hazar Din: Community Action for Nutrition” project is to improve attitudes and practices known to improve nutritional outcomes of women of reproductive age and children under the age of 2. There are two project components. *Component 1:* At the ward level, key nutrition challenges using the rapid results approach of the community will be discussed and a Rapid Results (RR) team would be selected. The RR team will set an appropriate and realistic target for meeting the goal and pledge to achieve the goal within a 100-day period by mobilizing the community and finding the best approach to achieving the target in their particular context. The Work Plan developed to achieve the nutritional outcome will be submitted for review to the Nutrition and Food Security Steering Committees (NFSSC) at the VDC level if the total value is below US\$1,000 equivalent and to the NFSSC at the district level if the total value is between US\$1,000 and the maximum of US\$3,000 equivalent. Once the inputs are provided to the RR team at the ward level, the 100-day initiative would begin. *Component 2:* Project Management, Capacity Building, Monitoring and Evaluation to provide support for the implementation of first component.

2. Objective(s) of the Environment and Social Management Framework

The objective(s) of the ESMF is to ensure that activities under the proposed operations will address the following issues:

- Minimize potential negative environmental and social impacts as a result of either individual sub-projects or their cumulative effects;
- Enhance positive environmental and social outcomes;
- Provide a mechanism for consultation and disclosure of information;
- Ensure that environmental and related social issues are thoroughly evaluated and necessary interventions are incorporated in the planning, decision making, and implementation of project activities;
- Protect environmentally sensitive areas from additional disturbance from project interventions;
- Protect human health and rights of people if affected; and
- Ensure compliance and due diligence with World Bank environmental and social safeguard policies as well as with related Government policies, regulation, guidelines and procedures as applicable to the type of project activities financed by the project.

3. Policies, Regulations and Guidelines

Government of Nepal:

The Government of Nepal has enacted a number of social and environmental policies relevant for this project. With the formulation of Environmental Protection Act 1997 and Environmental Protection Rules 1997, a system for Initial Environmental Examination (IEE)/Environmental Impact Assessment (EIA) is established for developmental projects that require environmental assessment study as per the nature of the projects. Socially, the Land Acquisition Act 1977 and Land Acquisition Rules of 1969 provide direction to guarantee the right to property of Nepalese citizens. While Nepal does not have a standalone

policy on Indigenous Peoples (IPs), also known as the 'Janajatis,' the government has adopted several instruments and passed various laws to benefit the Janajatis and other vulnerable groups like Dalits, Madhesis, women, etc. Some of these include the Interim Constitution 2007, Three Year Plan Approach Paper 2010/11 - 2012/13, Local Self Governance Act, 1999, and a number of international instruments have been endorsed to support these vulnerable communities especially through inclusive development and participation.

World Bank Policies:

The World Bank's policies and procedures pertaining to environmental and social safeguards that may require consideration under this project include: OP/BP 4.01 Environmental Assessment and OP/BP 4.10 Indigenous Peoples. Under the World Bank's specifications, this project is classified as Category B because it is likely to have minimal or no adverse social and environmental impacts.

Principles followed in the ESMF:

Potential adverse environmental impacts on human populations or environmentally important areas, if any, will be prevented, minimized, mitigated. To the extent possible, the project will seek to improve environmental performance.

On the issue of IPs, while the whole project has been designed to benefit vulnerable groups, the project will seek to ensure that any adverse effects of the project are avoided or minimized, and these groups are able to access project benefits which are also culturally appropriate social and economic beneficial.

As far as practicable, the project will avoid land acquisition, but under no circumstances, will there be involuntary acquisition of land and direct purchase of land will also be avoided. If acquisition is necessary, the project will continue with Nepal's tradition where people voluntarily donate part of their land in building community level facilities that provide direct benefits to local communities.

4. Identification of Possible Environmental and Social Impacts

Project interventions will be supported in 15 districts, selected on the basis of: (a) stunting levels; (b) population size; (c) poverty levels; and (d) the absence of interventions by other partners that focus on social mobilization. The project districts are in the central Terai: Parsa, Bara, Rautahat, Sarlahi, Mahottari, and Dhanusa; in the Central Hills: Dhading, Nuwakot, Makwanpur, Sindhuli and Ramechhap; in the Eastern Terai: Siraha, Saptari, and Sunsari; in the Eastern Hills: Udayapur.

These districts, selected on the basis of poverty and health indicators, are spread throughout the country and do not possess any physical characteristics that would be particularly relevant for safeguard analysis. There might be occasions when small-scale infrastructure projects such as construction or rehabilitation of latrines in schools, start fisheries, small-scale drinking water supply, construction of improved stoves, etc., are considered as specific project activities to improve nutritional outcomes. However, these are envisaged to be limited in number, of very small scale, localized, and few, if any of them, are expected to have irreversible environmental impacts. Therefore, the project is expected to be Category B.

In general, the construction-related activities will be limited mostly to existing school buildings, health posts, etc., thus additional land for the project is not envisaged. If in the case, additional land is required, it will be obtained voluntarily only, and not through direct purchase of land.

Further, while the whole project has been designed to benefit vulnerable groups, including the IPs, it is not ex-ante known whether the wards where the program will be implemented coincide with those where there is a significant presence of IP groups.

5. Environmental and Social Risk Screening and Management

The main environmental and social safeguards policies to be triggered under this project are OP/BP 4.01 on Environmental Assessment and OP/BP 4.10 on Indigenous Peoples. The ‘Environmental and Social Risk Screening and Management Guidelines’ are prepared for each of the sub-projects envisaged under the project to ensure compliance with the World Bank and Government of Nepal’s social and environmental policy framework. The guidelines include parameters for environmental assessment as well as voluntary land acquisition and measures to enhance project benefits to vulnerable communities and women. Together, these guidelines provide the methods to identify the environmental and social problems associated with the implementation of sub-projects and include measures to mitigate such problems as well as enhance environmental performance and project benefits to vulnerable groups and women.

6. Planning and Implementation of the ESMF

This ‘Environmental and Social Management Framework,’ and the accompanying ‘Environmental and Social Risk Screening and Management Guidelines’ will be shared by the Ministry of Local Development with all concerned institutions, government agencies, and civil society organizations at the national, regional and local levels. In addition, the Operational Manual prepared for the project will also include parameters for environmental and social management based on this framework.

During the period of sub-project preparations, the RR team and the coach will first check if any of the guidelines for the sub-projects selected applies. In cases where it is ascertained that the guidelines are applicable for the activities selected by the community, consultations will be held at the Ward Citizen Forum, and the Rapid Results (RR) team at the ward level will incorporate relevant elements/aspects from the guidelines while setting up targets and preparing a work plan for attaining the nutritional outcomes, mobilizing the community, and monitoring and evaluating results.

With regards to land donation, the land required for sub-projects such as latrines in schools, fisheries, small-scale drinking water supply, etc., is envisaged to be minimal without economic or physical loss and displacement, and hence of minimal impacts, if any. It is expected that almost all lands will be acquired through voluntary donation where the following principles will be applied:

- The impacts from land donation are marginal (based on a loss of up to 10% of productive assets.)
- Impacts do not result in displacement of households or cause loss of household’s incomes and livelihoods.
- Remaining assets of the donor households are not rendered economically unviable after the donation.

- The households making voluntary donations are direct beneficiaries of the project.
- Land donated is free from any dispute on ownership or any other encumbrances.
- Consultations with the affected households are conducted in a free and transparent manner.
- There will be a mechanism in place to document the consultations, grievances and actions taken to address such grievances.
- A memorandum of agreement will be established as a means of recording the location and size of land being donated as well as the written consent and names of local witnesses for those community members donating lands voluntarily. It will contain specific provisions to record that the land being donated is free of squatters, encroachers or other claims or encumbrances.
- A verification mechanism will be in place to monitor (and report) any violation of commitment to only use voluntary land donation.

7. Monitoring of the ‘Environmental and Social Risk Screening and Management Guideline

The monitoring of the ‘Environmental and Social Risk Screening and Management Guidelines’ will be done at multiple levels. The coaches will ensure that the guidelines have been taken into consideration while preparing the work plan. Further, the work plan submitted for review to the Nutrition and Food Security Steering Committees (NFSSC) at the VDC level and the district level, depending on the size of the project, will be responsible to ensure compliance of the parameters set up in the guidelines.

Under the second component of the project set aside for monitoring and evaluation, a third party monitoring activity will be initiated under the project which will include verification of the results claimed to have been achieved, including the ones for vulnerable communities and women, and also monitor the compliance with the Environmental and Social Risk Screening and Management Guidelines.

8. Grievance Redress Mechanism

The project affected persons have formal recourse to the CDO and Ministry of Home Affairs in case of grievance under regulations specified under the Land Acquisition Act 2034 (1997). Further, project-specific Grievance Redress mechanisms will also be set up by involving the NFSSC at the district level to hear complaints and resolve them. To the extent possible, the NFSSC at the district level will help arbitrate local problems.

In terms of the steps involved, each NFSSC at the district level will form a Grievance Redress Sub-Committee (GRSC) in each of the districts where the project will be implemented. The goal of the NFSSC-GRSC would be to hear complaints and address grievances at the community levels. The GRSC will be constituted by 5-members after consultation, and will require the representation of the affected persons. A community member or a group can approach the district level NFSSC-GRSC with their problem(s) which will then be discussed locally with the aim of brokering a settlement.

The presence of social mobilizers and coach acting as intermediaries will assist in resolving smaller disputes locally and hence preventing the need to approach the local administration. Such intervention

supports existing cultural practices, though not challenging or duplicating local systems and processes, but enabling them to work more effectively and more equitably. The nature of the grievances, the proceedings, and the settlement reached will be recorded in writing and attested copies thereof will be provided to the parties.

If the matter/problem cannot be resolved at the local level, complaints will be referred to the Project Director, who will head a Grievance Resolution Committee (GRC) that includes the Social Specialist from the MoLD, the respective 'affected person' and members of well-known national level NGO/Community-based organizations, and representatives from the NFSSC-GRSC. All expenses incurred in arranging grievance negotiations and meetings of the GRC as well as logistics required will be arranged by the project-executing agency. These will be part of the project's administrative expenses.

The aggrieved person(s), if not satisfied with the decision of the GRC, will have the right to refer his/her petition to court.

9. Public Consultation and Participation

Public consultation is the cornerstone of this project. The project team will be responsible to carry out periodic free, prior and informed consultations with and information dissemination to key stakeholders. The consultations will include:

- Relevant details of the project
- The relevant parameters in the 'Environmental and Social Risk Screening and Management Guidelines' once the work plan has been decided upon by the RR teams
- Detailed explanation of the grievance process
- Special attention to vulnerable groups, including women, IPs, Dalits, etc., to ensure that they understand the process and their needs are specifically taken into consideration.

All the public consultations will be appropriately documented.

7. Costs

The costs associated with the implementation of this ESMF, including the 'Environmental and Social Risk Screening and Management Guidelines,' will be included in the total costs for each of the sub-projects.