



Environmental Assessment and Review Framework

August 2022

Nepal: Strengthening Systems to Protect and Uplift Women Project

Prepared by Ministry of Women, Children and Senior Citizens for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 23 June 2022)

Currency unit	–	Nepalese rupee/s (NRe/NRs)
NRe1.00	=	\$0.0080
\$1.00	=	NRs125.41

ABBREVIATIONS

ADB	–	Asian Development Bank
APO	–	Area Police Office
BES	–	Brief Environmental Study
DDR	–	Due Diligence Report
DUDBC	–	Department of Urban Development and Building Construction
EARF	–	Environmental Assessment and Review Framework
EIA	–	Environmental Impact Assessment
EMP	–	Environmental Management Plan
EPA	–	Environment Protection Act
EPR	–	Environment Protection Rules
GBV	–	gender-based violence
GRM	–	grievance redress mechanism
GRC	–	grievance redress committee
IEE	–	initial environmental examination
MOWCSC	–	Ministry of Women, Children and Senior Citizen
OHS	–	Occupational Health and Safety
PIU	–	project implementation unit
PMU	–	project management unit
REA	–	Rapid environmental assessment
SEMP	–	site-specific environmental management plan
SPS	–	Safeguard Policy Statement
TOR	–	terms of reference
UNOPS	–	United Nations Office for Project Services
WCSCSC	–	Women, Children, and Senior Citizen Service Centers

WEIGHT AND MEASURES

cm	–	centimeter
cm/sec	–	centimeter per second
dbA	–	decibels
Ha	–	hectare
km	–	kilometer
m	–	meter
mm	–	millimeter

NOTE{S}

- (i) The fiscal year (FY) of the Government of Nepal and its agencies ends on 15 July. "FY" before a calendar year denotes the year in which the fiscal year ends, e.g., FY2022 ends on 15 July 2022.
- (ii) In this report, "\$" refers to United States dollars.

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I. INTRODUCTION

A. Background

1. Women and girls in Nepal have made significant strides in human development over the past two decades; however, gender disparities and gender-based violence (GBV) prevail. Women and girls continue to face discrimination that manifest in poor social and economic outcomes. Although women comprise 33% of parliament, this has not translated to transformative changes in women's lives in general.¹ Furthermore, women continue to face violence in various forms which not only violates their fundamental human rights but further undermines their physical and mental health and hinders progress towards gender equality.

2. GBV remains a persistent problem in Nepal. Data from the National Demographic and Health Survey 2016 reveal that 22% of women aged 15–49 years experienced physical violence since age 15—a rate that has remained unchanged since 2011.² Despite legal provisions that criminalize various forms of GBV,³ reporting of cases is low which perpetuates violence. Of the women who reportedly experienced violence, 66% did not seek any help.⁴ Low reporting is attributed to multiple factors ranging from social tolerance of GBV, limited agency of women and girls, low awareness of existing legal provisions and services, and lack of adequate and accessible services for survivors. Stigmatization of GBV and victim-blaming attitudes further dissuade survivors from reporting violence.

3. Lack of accessible and survivor-centric services⁵ abets low reporting and leads to increased vulnerability. The police operate a total of 233 Women, Children and Senior Citizen Service Centers (WCSCSCs) at the central, district, area,⁶ and ward levels for reporting and investigation of GBV cases.⁷ However, most existing WCSCSCs lack the facilities and gender-sensitive infrastructure to ensure a safe, confidential, and respectful environment for reporting or providing protection to survivors and witnesses. WCSCSCs also lack sufficient female police personnel. The Asian Development Bank (ADB) supported Establishing Women and Children Service Centers Project, 2009–2018 highlighted the critical need for long-term shelter and rehabilitation services for survivors.⁸ However, the few existing long-term rehabilitation centers either operate in limited areas or lack the required infrastructure to provide effective services. Capacity and skills of service providers need strengthening to respond to the needs of GBV survivors from diverse backgrounds, and to existing and emerging GBV issues.

4. Against this backdrop, the Strengthening Systems to Protect and Uplift Women Project (hereinafter referred as the “SSPUWP” or “the project”) aims to strengthen services for GBV survivors in Nepal and reduce GBV incidence. The project will (i) provide long-term rehabilitation services for GBV survivors; (ii) fill gaps in availability of survivor-centric and gender-sensitive infrastructure within the Nepal Police to ensure safe, confidential, and respectful environment for reporting cases; (iii) build service providers' capacity; and (iv) increased awareness on GBV

¹ United Nations Development Programme. [Human Development Report 2020](#). Kathmandu.

² Government of Nepal, Ministry of Health. 2017. [Nepal Demographic and Health Survey 2016](#). Kathmandu.

³ For example, the Domestic Violence Act 2009, Sexual Harassment at the Workplace (Elimination) Act 2015, and National Penal Code 2017.

⁴ United Nations Development Programme. [Human Development Report 2020](#). Kathmandu.

⁵ Survivor-centric service refers to an approach that seeks to empower the survivor by prioritizing their rights, needs, and wishes by ensuring access to appropriate, accessible, and quality services.

⁶ “Area” is an administrative unit within the police that is below district level but above ward level.

⁷ Consultation with the Women, Children and Senior Citizen Service Directorate. Kathmandu.

⁸ Long-term rehabilitation centers are those that can provide shelter and other services to survivors for up to 2 years.

prevention and available services. The project will focus on three provinces: (i) Madhesh Pradesh, (ii) Lumbini province, and (iii) Sudurpaschim province. In addition, the project will build a new national level rehabilitation center in the Kathmandu Valley.

B. Impact and Outcome

5. The project is aligned with the following impact: GBV reduced and GBV survivors reintegrated in society. The project will have the following outcome: access to and quality of GBV services in project areas improved. This is expected to be achieved through four outputs: (i) WCSCSC services strengthened; (ii) rehabilitation services for GBV survivors strengthened; (iii) community awareness on GBV services and prevention increased; and (iv) institutional capacity for providing effective GBV services developed.

6. The project was screened for environmental impacts by using ADB's Rapid Environmental Assessment Checklist (REA) and was categorized as B for environment as per ADB's Safeguard Policy Statement 2009 (SPS). The project was also screened as per the Environment Protection Act 2019 and Regulation 2020 of Nepal. Government environmental provisions do not demand environmental assessment, whereas ADB's SPS provision requires an initial environmental examination (IEE). Accordingly, IEE with Environmental Management Plan (EMP) of the project was prepared based on 12 sample subprojects.

C. Potential Elements of the Project

7. The project includes physical infrastructure components. Under Output 1, the project will establish separate WCSCSC facilities in 15 selected district and area police offices (APOs) within the three identified provinces. Expansion of adequate WCSCSC facilities to APOs is expected to improve accessibility of quality police services. Moreover, the selection of APOs considers factors such as GBV caseload and proximity to police offices with proper WCSCSCs. The design of the new WCSCSC buildings will be gender-sensitive, disability-friendly, and will incorporate features to ensure survivors' privacy. Under Output 2, the project will establish four long-term rehabilitation centers—three centers at the province level and a national level rehabilitation center. The centers will offer a proper space for survivors to recover and facilitate integrated services such as shelter, psychosocial counselling, life skills training,⁹ health services, legal services, and therapeutic activities. To empower survivors economically, the centers will provide livelihood and skills training, financial literacy training, and grants for continuing education in partnerships with civil society organizations and training providers. The design of all WCSCSC and rehabilitation center buildings will integrate climate and disaster-resilient features.

D. Purpose of the EARF

8. The EARF is prepared to inform the selection, design and implementation of future subprojects identified for construction under Strengthening Systems to Protect and Uplift Women Project. It outlines the procedures that will be followed in the environmental assessment and review of the WCSCSC subprojects and rehabilitation centers to be prepared after ADB Board approval¹⁰ in order to comply with the safeguards provisions of the ADB's SPS 2009 and

⁹ Life-skills training includes but is not limited to counseling, safety planning, managing personal health and wellbeing.

¹⁰ Three IEEs for the initial 12 sample subprojects comprising 10 WCSCSCs and two rehabilitation centers were prepared along with identification of typical mitigation and monitoring measures to avoid, minimize or compensate the impacts during construction and post-project maintenance stages. All these findings were considered while preparing this EARF.

Environment Protection Act 2019 (EPA) and Environment Protection Rules 2020 (EPR) of Nepal. The EARF has been shared and agreed with the government—Ministry of Women, Children and Senior Citizen (MOWCSC).

9. This EARF guides the key institution on the process of selection, screening, and categorization of WCSCSC and rehabilitation center subprojects, and environmental assessment, monitoring of implementation of the EMP and reporting as per the requirements of ADB's SPS, and EPA and EPR of the Government of Nepal. This EARF (i) provides an overview of the project and its components; (ii) explains the generally anticipated environmental impacts and mitigation measures for the subprojects selected during project implementation; (iii) specifies the requirements that will be followed in relation to environmental screening and categorization, assessment, and arrangements for meaningful consultation with affected people and relevant stakeholders, and information disclosure requirements; (iv) specifies the safeguards criteria that are to be used in selecting and excluding subsequent subprojects; (v) assesses the adequacy of the Borrower's capacity to implement national laws and ADB's requirements, and identifies needs for capacity building; (vi) specifies EARF implementation procedures, including the budget and institutional arrangements; and (vii) describes the responsibilities of the Borrower and/or the executing agency and of ADB in relation to the preparation, implementation, and progress review of safeguard documents of the subprojects.

10. In preparing this EARF, relevant environmental safeguard practices, compliance, and past experience in the sector were reviewed. The review also included central level consultations, qualitative and quantitative assessments of environmental safeguard compliance processes and capacity assessment of the executing and implementing agencies.

11. This EARF was endorsed by the government, disclosed in ADB website, and will be translated and disclosed in the websites of MOWCSC, the Department of Urban Development and Building Construction (DUDBC) under the federal Ministry of Urban Development, Ministry of Social Development in Sudurpaschim Province, Ministry of Law, Women, Children and Senior Citizens in Lumbini Province, and Ministry of Women, Children, Youth and Sports in Madhesh Pradesh.

12. There are 19 subprojects to be covered by the project. Of the 19, the executing and implementing agencies are yet to identify the remaining five WCSCSC and two long-term rehabilitation centers. These subprojects will be identified during project implementation necessitating the need for this EARF.

II. ASSESSMENT OF LEGAL FRAMEWORK AND INSTITUTIONAL CAPACITY

A. Legal Framework

1. National Legislation

13. **The Constitution of Nepal 2015.** This defines the right to live in clean environment as one of the fundamental rights of its citizens (Article 30). The Article 30 (3) confirms for a proper balance between environment and development in the development works of the nation. Article 51 f (2) calls for development of environment friendly and sustainable infrastructure. Article 51 g (1) states to protect, promote and make sustainable use of natural resources. Also, Article 51 g (7) stresses to adopt appropriate measures to abolish or mitigate existing or possible adverse environmental impacts on nature, environment, or biological diversity. Proceeding from and conformable to the Constitution, the Government of Nepal has passed a series of environmental

laws and policies and implementing regulations and standards. These legislations that provide the framework within which the environmental assessment is carried out in Nepal are presented in the following Table 2.1. The subprojects (individual WCSCSCs and rehabilitation centers) selected for implementation under the Project shall comply with these environmental laws, rules, standards, and guidelines while preparing, monitoring, and reporting environmental safeguards of the project.

Table 2.1: The Relevant National Environmental Policies and Legal Provisions of the Government of Nepal

SN	Environmental Policies and Legal Provisions	Description of Requirements
1	The Fifteenth Plan Fiscal Year 2019/2020–2023/2024 Five Years, National Planning Commission, Government of Nepal	Requires all projects to be formulated and constructed based on methods that optimally utilize local skills and resources and generate employment opportunities. Attention is paid towards minimizing the impacts of climate change and protecting environment. It aims to minimize adverse impacts on human, property, culture, environment, and economy by disasters. The policy aims to integrate disaster risk management in all development activities in order to reduce loss of human and properties.
2	National Environmental Impact Assessment Guidelines, 1993, Government of Nepal	Provides guidance to project proponent on integrating environmental mitigation measures, particularly on the management of quarries, borrow pits, stockpiling of materials and spoil disposal, operation of the work camps, earthworks and slope stabilization, location of stone crushing plants, etc.
3	Climate Change Policy, 2011, Government of Nepal	The policy includes climate adaptation and disaster risk reduction; low carbon development and climate resilience; access to financial resources and utilization; capacity building, peoples' participation and empowerment; study, research, technology transfer, climate friendly natural resources management and institutional set up with legal provisions and monitoring and evaluation.
4	National Water Supply and Sanitation Policy 1993	Water quality shall be monitored that is supplied to APO/DPOs and labor camps.
5	Wastewater Management Policy, 2006	<p>Government of Nepal is currently drafting a policy on wastewater management (Draft Wastewater Management Policy 2006) to develop policy guidelines for planning, development, operation and management, and financing and delineation of roles and responsibilities of different stakeholders in wastewater management.</p> <p>The proposed primary objectives of the policy are: i) improving sanitary condition by ensuring compliance with the wastewater standards; ii) reducing morbidity and mortality rates with appropriate wastewater management; iii) facilitating construction and management of storm and sanitary sewerage systems; iv) improving sanitary condition of local streams, rivers, lakes and ponds and other water bodies; v) establishing coordination and integrated approach among the stakeholders for planning, construction, operation, maintenance and management of sewerage system; vi) establishing partnership between the government and private sector for promotion of appropriate technologies for wastewater disposal and management and financing; and vii) developing mechanism for knowledge dissemination and awareness building among the stakeholders and beneficiaries. The Policy restricts disposal of</p>

SN	Environmental Policies and Legal Provisions	Description of Requirements
		wastewater into nature or open space without treatment to a safer level.
6	Environment Protection Act, 2019,	<p>Any development project, before implementation, shall pass through environmental assessment, which may be either IEE or an EIA depending upon the location, type, and size of the projects. The act includes provisions for dealing with pollution control, and conservation of national heritage. The IEE/EIA shall be approved by the government. The EPA (i) sets out the review and approval process of IEE and EIA; (ii) stipulates that no one is to create pollution that would cause significant adverse impacts on the environment of harm to public life and health, or to generate pollution beyond the prescribed standards; (iii) specifies Ministry of Environment being in charge to conduct inspection of approved projects to ensure that pollution prevention, control or mitigation is carried out according to the approved IEE or EIA; (iv) provides the protection of objects and places of national heritage and places with rare plants, wildlife, and biological diversity; and (v) states that any person/party affected by pollution or adverse environmental impact caused by anybody may apply to the prescribed authority for compensation to be recovered from the polluter/pollution generator.</p> <p>The updated act in 2019 emphasizes new aspects like provisions of Brief Environmental Study, IEE, and EIA under the jurisdiction of local authority, provincial government, and central government. Need of Strategic Environmental Assessment for policies/plans/programs, and considerations of climate change for projects are among the newly enforced aspects of this act.</p>
7	Environment Protection Rule 2020 (1st amendment)	<p>The EPR and its schedules clearly provide various stepwise requirements to be followed while conducting the EIA/IEE study. It also obliges the Proponent to timely consult and inform the public on the contents of the proposal. Provision for dealing with pollution control, and conservation of national heritage is also present. Schedule 1 listed projects require IEE and Schedule 2 listed projects require EIA study. The criteria are based on size of projects and cost. It also lists environmentally sensitive areas where any proposal regardless of size and cost will require an EIA.</p> <p>Environment Protection Rules (EPR), 2020 has defined thresholds for environmental assessment under 3 categories; (i) Brief Environmental Study, (ii) IEE, and (iii) EIA. It has defined the roles of the provincial government and the local government as well in the process of environmental assessment of development projects.</p>
8	Solid Waste Management Act, 2068-2011	<p>Article 4 rests the responsibility of the solid waste management under the prescribed standards with the persons or institution that has generated the waste; Article 5 mandates reduction of the waste at source and making arrangements to dispose the disposable (i.e. biodegradable, organic) solid waste within their own area or making arrangement for the reuse thereof and discharging the remaining solid waste thereafter; Article 9 make the institution responsible to transport the solid waste to the waste disposal facility; Article 18 includes provisions for the service for the solid waste management; Article 21 indicates the local body responsible for the monitoring of solid waste management; Article 38 stipulates discharge of solid waste without the consent of the local body as an offence and Article 39 provides for the punishment /penalty in case of offense.</p>

SN	Environmental Policies and Legal Provisions	Description of Requirements
9	Solid Waste (Management and Resources Mobilization) Rules, 2013	Solid Waste Management Rules has provided authority to local bodies for the segregation, transportation, and disposal of solid waste as well as operation of sanitary landfill site. Local bodies may also empower the company, organization, and agency, producing solid wastes, for segregating, reducing the solid wastes at its source, reuse and recycling use solid wastes and mobilize community and non-governmental organization for creating awareness for the management of the solid waste. Local bodies have also the authority to determine service charge for solid waste management.
10	Lands Reform Act 2021–1964	The Act maintaining inventories of the lands, landowners and tenants in a modern fashion and making timely improvements in the provisions pertaining to current cultivation of the lands subject to land revenue; Article 4 provides for the registration of land parcels and maintain and inventory of the landowners. It spells for provisions of recovering land revenue; and prohibits cultivation on public lands and registration of such land.
11	Land Acquisition Act, 1977 and Land Acquisition Rules, 1969, Government of Nepal	Specifies procedural details on land acquisition and compensation with an aim to minimize hardships on project affected persons and/or families.
12	Land Acquisition, Resettlement and Rehabilitation Policy, 2015 A.D.	The policy is based on the principles that the assessment of land requirements needs to be carried out based on the alternatives having minimum impacts of land loss, and also the need of resettlement and rehabilitation works to ensure livelihoods of the affected persons and family is improved or at least restored at pre-project level. It also indicates the need to conduct social impact assessment to identify impacts on affected people, community, and vulnerable groups. In case of land acquisition and ownership transfer, land can be acquired also through voluntary donation which will be accepted only if the land provider has agreed without any pressure, and in presence of local authorities to donate land for the purpose. On the humanitarian ground, the policy also bases on the value that for revenue generating project, the project should create a conducive situation in which the benefits generated by the project can be drawn-out to affected people.
13	Labor Act, 2017	<p>Labor Act, 2074 is applicable to entity, which has been defined to include company, private firm, partnership firm, cooperatives, association, or other organization ("entity") in operation, or established, incorporated, registered or formed under prevailing laws to undertake industry or business or provide service with or without profit motive.</p> <ul style="list-style-type: none"> • Labor Act has provided flexibility in hiring providing different modes of hiring as per the requirement of the entity: • The entity should formulate the safety and health policy as per the Regulation or Directive. Such policy should be registered with Labor Office. • Labor Act has set out the duties of employer towards workers which include making appropriate safety and health arrangement, arrangements ensuring no adverse effect on workers from use, operation, storage, or transport of chemical, physical or biological liquids, disseminating necessary notice, information and training related to safety and health arrangements, etc. It also sets out the general obligation of employer towards non-workers such as putting the signs to

SN	Environmental Policies and Legal Provisions	Description of Requirements
		indicate the safety or health hazards, to manage the gas, chemicals waste of the entity so as not to cause adverse effect on local animals, people or environment, etc.
14	Labor Rule 1993	Labor Rule 1993 advises the working hour for women and minor (14–16 year old). The Regulation guides the circumstances in which non-Nepali citizen could be employed. The regulation also describes salary, benefits, and welfare provisions. These are fixed by remuneration fixation committee. The Regulation also guides on compensation upon injury or death and categorize type of disability with compensation. It also details leave and medical leave for workers.
15	Child Labor (Prohibition and Regularization) Act, 2001	It prohibits engaging children in factories, mines, or similar risky activities and to make necessary provisions with regard to their health, security, services and facilities while engaging them in other activities. Children having not attained the age of 14 years is strictly prohibited to be engaged in works as a laborer. Engagement of a child in works as a laborer against his/her will by way of persuasion, misrepresentation or by subjecting his/her to any influence or fear or threat or coercion or by any other means is prohibited.
16	Building Act, 2055 BS	Building Act, 2055 BS (1999) has the necessary provisions for the regulation of building construction works in order to protect building against earthquake, fire and other natural calamities, to the extent possible. It has the provisions relating to design and approval of design/map of building, and states that the building shall be built under the supervision of a designer.
17	Forest Act, 1993 (amendment, 2007), Government of Nepal	Requires decision makers to take account of all forest values, including environmental services and biodiversity, not just the production of timber and other commodities. It includes several provisions to ensure development, conservation, management, and sustainable use of forest resources based on appropriate planning.
18	Ancient Monument Prevention Act 1956	Digging of ground for building, water supply pipes or sewerage in an area declared as preserved monument areas shall have prior approval/permit from the Department of Archaeology (Clause 5, Article 3).
19	National Park and Wildlife Conservation Act, 1973, Government of Nepal	Addresses the conservation of ecologically valuable areas and indigenous wildlife. The Act prohibits trespassing in park areas, prohibits wildlife hunting, construction works in park area, damage to plant and animal, construction of huts and house in park area without permission of authorized persons. It lists 26 species of mammals, 9 species of birds, and 3 species of reptile as protected wildlife.
20	Soil and Watershed Conservation Act, 1982, Government of Nepal	Article 10 prohibits the following on land within a protected watershed area prescribed as those on which floods may occur, without the prior permission of the concerned Watershed Conservation Officer: (i) block, store or divert in anyway water from any stream, rivulet, waterfall or underground water for any purpose; (ii) cut or destroy natural vegetation and other forest products; (iii) cause accumulation and sedimentation of accumulated boulders, rocks, sand, soil, mud etc.; (iv) extraction of natural aggregates; and (v) dumping of solid waste.
21	Explosive Material Act, 1962, Government of Nepal	It requires prior approval of Chief District Officer to purchase and use explosives.

SN	Environmental Policies and Legal Provisions	Description of Requirements
22	Local Government Operation Act, 2017	Local Government Operation Act, 2074, formulated in accordance with the spirit of Constitution of Nepal, grants the local level units legislative, executive, and judicial rights. Local governments now have authority to manage teachers, staff, and education up to the basic level—Grade 8—and oversee basic medical care. The local legislature has the power to formulate local laws in line with the Act drafts provided by the Center, while the local judiciary can decide cases related to irrigation, daily wages, and pastures, among others. The smallest units among three tiers of the government can set up their own city police force, issue land ownership certificates and collect revenue on property, besides registering births, deaths, and marriages. They are also allowed to levy the taxes on house rent, entertainment, property, tourism, among others, in compliance with the tax laws of the Central and Provincial governments.
23	Solid Waste (Management and Resources Mobilization) rules, 2013	Solid Waste Management Rules has provided authority to local bodies for the segregation, transportation, and disposal of solid waste as well as operation of sanitary landfill site. Local bodies may also empower the company, organization, and agency, producing solid wastes, for segregating, reducing the solid wastes at its source, reuse and recycling use solid wastes and mobilize community and non-governmental organization for creating awareness for the management of the solid waste. Local bodies have also the authority to determine service charge for solid waste management.
24	Water Resources Rules, 1993	The Regulation sets out the procedure to register a WUA and to obtain a license and sets out the rights and obligations of WUA and license holders. Rule 12 to 21 stipulates the provision and procedures of licensing for the water resource utilization; Rule 32 to 35 stipulates provisions, procedures, and responsibilities for the acquisition of land and property for the development of water resources.
25	Forest Rules, 1995, Government of Nepal	Elaborates legal measures for the conservation of forests and wildlife. Tree cutting clearance is required from Department of Forest. Expenses incurred for cutting trees and transportation shall be borne by the infrastructure developer.
26	Nepal National Building Code, 2060	The national Building Code of Nepal was endorsed in 2060/4/12 BS (July 2003). It deals with the strength of buildings, consideration safety and fire hazards, construction materials etc.
27	National Drinking Water Supply Standard, 2006	The Nepal Drinking Water Quality Standards and Guidelines (including standard limits, guidelines for the required frequency for water quality monitoring, and the process and schedule for measuring the standards in active use in the country).
28	Nepal Ambient Air Quality Standards 2012 (2069B.S)	Limits of the ambient air quality parameters around the construction sites.
29	Nepal Noise Standards 2012 (2069 B.S.)	Noise levels for different land use categories and noise generating equipment.

APO = area police office, DPO = district police office, EIA = environmental impact assessment, EPA = Environment Protection Act, IEE= initial environmental examination, EPR = Environment Protection Rules, WUA = Water User Association

Source: Asian Development Bank

2. International Environmental Agreements

14. Nepal is party to the following international environmental agreements that have broad relevance to works and environmental assessment of works under the project: (i) World Heritage Convention, 1978- for parties to ensure the protection and conservation of the cultural and natural heritage situated on territory of, and primarily belonging to, the State; (ii) Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention), 1987- conserve and wisely use wetlands (i.e. maintaining their ecological character) as a contribution towards achieving sustainable development locally and throughout the world; (iii) Convention on Biodiversity, 1992- require the environmental assessment for projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects; (iv) UN Framework Convention on Climate Change, 1992 and subsequent protocols- take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects; and (v) Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 1996- minimize the amount of toxicity of hazardous waste generated, manage the hazardous and other wastes they generate in an environmentally sound manner and as close as possible to the source of generation. The project shall also refer to the World Bank's Environment, Health and Safety Guidelines to follow the pollution prevention and control technologies consistent with international good practices. When host country regulations differ from these levels and measures, the project will achieve whichever is more stringent.

15. The relevance of the aforementioned environmental agreements to the project are on their emphasis for human activities (such as development projects) to: (i) take on/institute measures to protect the local, as well as global, natural resources and/or environment; (ii) prevent and/or reduce the causes of climate change, and (iii) anticipate and mitigate the adverse impacts of climate change.

B. National Environmental Assessment and Review Procedure

16. The EPA and EPR are the key legal provisions governing the environmental safeguards in Nepal. Section 3 of the EPA mandates project developers to carry out environmental assessment of projects at the level of Brief Environmental Study (BES) or IEE or environmental impact assessment (EIA). It prohibits implementation of any project without receiving environmental clearance from the government in the form of approved EIA or IEE or BES. Rule 2 and 3 of the EPR requires a project developer to carry out BES or IEE or EIA for the type and size of projects as listed in the Schedule 1 or 2 or 3, respectively. List of building infrastructures requiring BES or IEE or EIA study, as per the EPR, are listed in the Table 2.2 below.

17. **Project Proponent (MOWCSC)** is responsible for (i) preparing Terms of Reference (TOR) to prepare the IEE and seeking government approval; (ii) conducting the appropriate environmental assessment following the approved schedule of work and TOR; (iii) conducting the required public consultations; (iv) preparing the corresponding report following the outline prescribed in the EPR or the outline in the approved TOR; (v) submitting or applying to the appropriate government body for approval; and (vi) implementing the IEE along with the terms and conditions of the approval.

18. **Concerned Sector Agencies** are responsible for the: (i) review of applications for approval of IEE schedules of work and TORs; (ii) review of submitted IEE reports; (iii) approval of IEE Reports; and (iv) monitoring and evaluation of project implementation impacts.

19. **Clearances.** The required federal and provincial government clearances need to be obtained by the project prior to initiating construction.

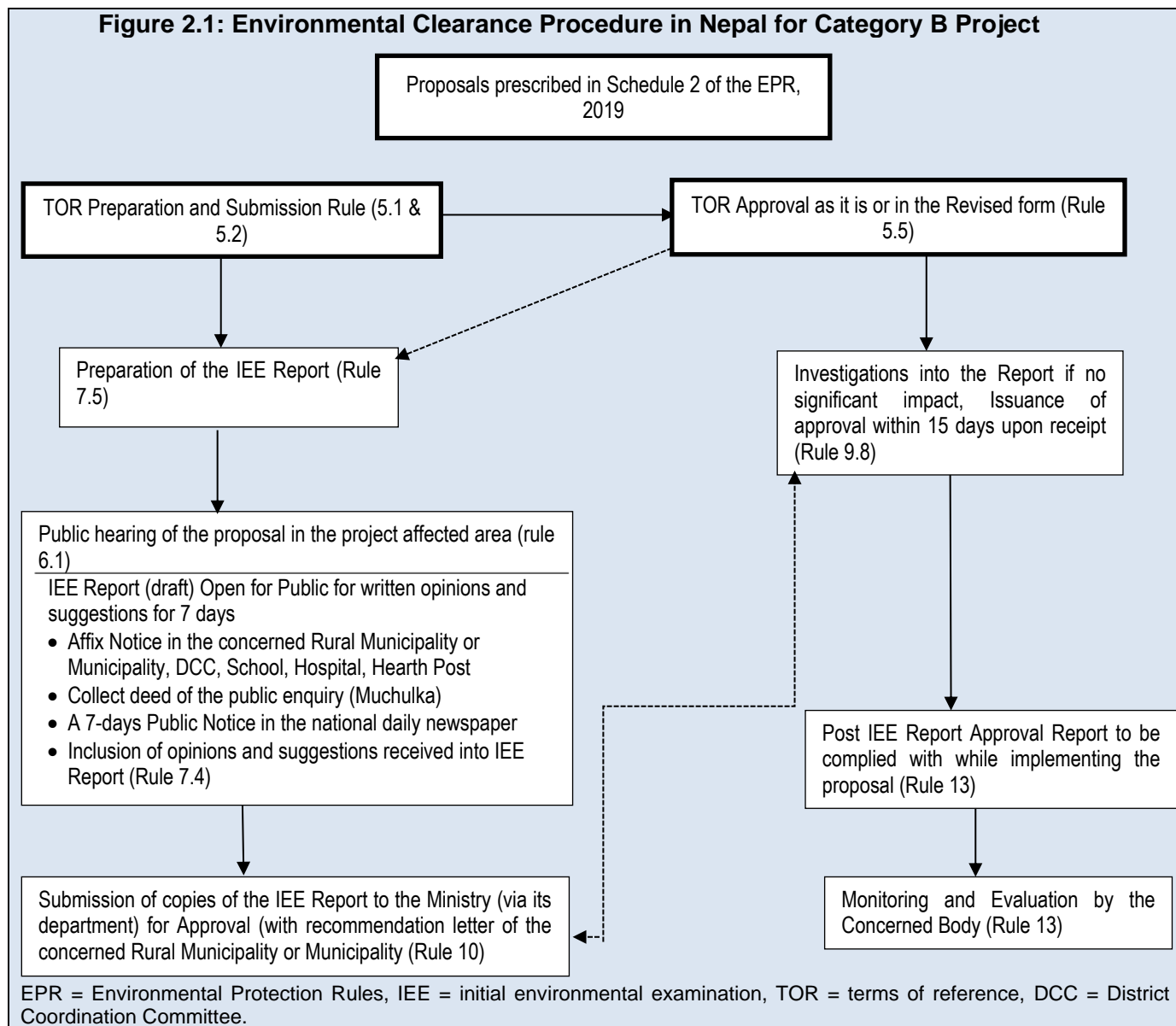


Table 2.2: Buildings requiring IEE or EIA level study according to EPR

Described in the EPR, 2020 (1st amendment 2021) Schedule 1, H for Brief Environmental Study	Described in the EPR, 2020, (1st amendment 2021) Schedule 2, H for Requiring IEE	Described in the EPR, 2020 (1st amendment 2021) Schedule 3, H for Requiring EIA	Assessment Requirement in this Project
<ul style="list-style-type: none"> Construction of building having 20–30-meter height. Construction of residential or commercial or both nature of buildings having 3000-5000 square meter built up/surface area 	<ul style="list-style-type: none"> Construction of building of more than 30 and up to 45 meter height. Construction of residential or commercial or both nature of buildings of more than 5000 and up to 10000 square meter built up/surface area 	<ul style="list-style-type: none"> Construction of building of more than 45 meter height. Construction of residential or commercial or both nature of buildings of more than 10000 square meter built up/surface area 	Average height of subsequent subprojects is expected to be within 20 meter and less than 3000 square meter coverage

Described in the EPR, 2020 (1st amendment 2021) Schedule 1, H for Brief Environmental Study	Described in the EPR, 2020, (1st amendment 2021) Schedule 2, H for Requiring IEE	Described in the EPR, 2020 (1st amendment 2021) Schedule 3, H for Requiring EIA	Assessment Requirement in this Project
			EIA or IEE is not applicable

IEE = initial environmental examination, EIA = environmental impact assessment, EPR = Environment Protection Act. Source: Environment Protection Act 2019 and Rules 2020.

20. While national environmental clearance is not required, all other local permits and clearances will be secured prior to any works. Table 2.3 presents government permits and clearances required.

Table 2.3: Local clearance and permits required

SN	Clearance	Act/Rule/Notification/Guideline	Concerned Agency	Responsibility
A. Pre-construction Stage				
1	Forestry clearance for clearing of Trees	Forest Act, 2019, Forest Rule, 1995, Forest Products Collection and Sales Distribution Guidelines, 2001 and Local Government Operation Act, 2017	Ministry of Forest and Soil Conservation	PMU
B. Implementation Stage				
2	Permission for construction material quarrying (stone, cobble, sand, gravel, soil etc.)	Local Government Operation Act, 2017 and Soil and Watershed Conservation Act, 1982 and Watershed Conservation Rule, 1985, EPA 2019 and EPR 2020 (with amendment 2021)	Concerned Project and Concerned Rural Municipality, Municipality, DCC	Contractor

DCC = District Coordination Committee, EPA = EPR = Environment Protection Act, PMU = project management unit. Source: Asian Development Bank

21. **ADB Safeguard Policy Statement 2009 (SPS).** The ADB's SPS guides environmental screening, categorization, assessment and monitoring of projects, and preparation and use of EARF. ADB uses a project classification system for environment to reflect the significance of a project's potential environmental impacts. Projects are categorized based on the significance of impacts, including type of impact (direct or indirect); level (high, medium, low); extent (local, regional, or trans-boundary), reversibility (reversible or irreversible); inter-related results of on-going activities (cumulative); and induced impacts in the project's area of influence. The SPS has classified projects in the following four environment categories (Table 2.4).

Table 2.4: Environment Category

Category	Impact	Requirement
Environment Category A	Likely to have significant adverse environmental impacts that are irreversible, diverse, or unprecedented, and covers wider than project area.	EIA is required
Environment Category B	Potential environmental impacts are less adverse than those of category A projects. They are site-specific, few are irreversible and can be mitigated readily than Category A projects.	IEE is required
Environment Category C	Likely to have minimal or no adverse environmental impacts	Environmental assessment not required, but environmental implications need to be assessed.
Environment Category FI	Involves investment of ADB funds to or through a financial intermediary.	Environmental and Social Management System (ESMS) is to be prepared for Environment Category A and B projects.

EIA = environmental impact assessment, IEE = initial environmental examination. Source: Asian Development Bank.

22. The executing and implementing agencies shall observe full compliance with the provisions of the EARF, which covers the environmental laws and regulations of the Government of Nepal and the environmental policy requirements of ADB.

23. All subprojects will be screened using the REA of ADB. Environmental implications of subprojects falling under category C and hence not requiring IEE shall be assessed for any residual impacts and an environmental due diligence report shall be prepared. Any subproject which is categorized as A for environment within the meaning of ADB SPS (2009) will not be considered for project financing.

C. Assessment of Institutional Capacity

24. The Ministry of Forest and Environment is the lead agency for environmental management in Nepal. It is primarily responsible for the implementation of the country's environmental policy. However, since subprojects do not require any EIA or IEE per EPA and EPR requirements, the role of Ministry of Forest and Environment will be limited to periodic monitoring.

25. The MOWCSC is the executing agency of the project. There will be four implementing agencies; (i) the DUDBC under the federal Ministry of Urban Development; (ii) Ministry of Social Development in Sudurpaschim Province; (iii) Ministry of Law, Women, Children and Senior Citizens in Lumbini Province; and (iv) Ministry of Women, Children, Youth and Sports in Madhesh Pradesh. DUDBC will be responsible for the construction of all police WCSCSC buildings under Output 1 and the national rehabilitation center under Output 2. The province-level implementing agencies will implement construction of rehabilitation centers and selected awareness activities in their respective province with support from MOWCSC. A central project management unit (PMU) at MOWCSC will be responsible for overall project implementation, monitoring, and reporting. Project implementation units (PIUs) will be formed in each of the three provincial implementing agencies. In the case of DUDBC, the Project Coordination Office established for ADB's Regional Urban Development Project will function as a PIU for this project. To provide design, supervision and procurement support to the executing and implementing agencies, the United Nations Office for Project Services (UNOPS) shall be engaged under a separate technical assistance administered by ADB. The following Table 2.5 presents capacity analysis of the proposed executing and implementing agencies.

Table 2.5: Capacity of EA and IA in Environmental Management

SN	Agency	Existing Capacity		Existing Resources		
		Knowledge & Experience in Environment Management	Staffing	Environmental Section/Unit/Desk	Annual Plan, Program and Budget to Safeguard Section/Unit/Desk	Logistics and Facilities
1	MOWCSC	X [√]	Safeguard focal person will be assigned and will be supported by an environment specialist to address environmental safeguards. However, the consultant's inputs shall be intermittent and for limited period.	Yes	Yes	limited
2	MOSD	X	No institutional setup or staffing to address environmental safeguards.	No	No	No

SN	Agency	Existing Capacity		Existing Resources		
		Knowledge & Experience in Environment Management	Staffing	Environmental Section/Unit/Desk	Annual Plan, Program and Budget to Safeguard Section/Unit/Desk	Logistics and Facilities
3	MOLWCS	X√	No dedicated unit is established. Social development division is working necessary activities regarding safeguards	No	No	No
5	MOWCYS	X√	No institutional setup or staffing to address environmental safeguards.	No	No	No
6	DUDBC	X√	Environment section under urban development division led by an engineer. The section needs more human resource, capacity and resources. Project management consultant of on-going projects support in ensuring environmental compliance monitoring and reporting.	Yes	Limited	Limited

Note: X: Lack of capacity; X√: Basic Knowledge; √: Adequate capacity

26. To date, the executing agency has only basic knowledge of environmental safeguards. MOWCSC has limited experience of implementing ADB, World Bank and other donor funded projects. MOWCSC has implemented ADB's Gender Equality and Empowerment of Women Project; however, the project closed in 2013. This presents opportunities for capacity building of the executing and implementing agencies.

D. General Safeguards Principles to be Considered

27. The executing and implementing agencies shall follow a set of environmental protection approach in implementing the works to ensure environmental sustainability. The general principles for environmental management shall incorporate the following, among others:

- The executing agency shall be responsible for undertaking overall environmental compliance in the project activities following the relevant EMP.
- Environmental Focal Person in the province-level implementing agency shall be responsible for undertaking overall environmental compliance in the subproject activities in the province. A qualified person (program coordinator or his/her assigned official, preferably site engineer with environment/social experience) shall be designated to lead as Safeguard Focal Person and s/he shall be assisted by the environmental monitor of UNOPS assigned in each province for site-specific EMP (SEMP) and occupational health and safety (OHS) plan compliance monitoring and reporting.
- All the future subprojects to be considered under the project shall be subject to environmental screening and/or assessment as suggested in this EARF.
- Gender and disabled-friendly (well lighted and well ventilated), earthquake resistant, aesthetically pleasing structures with Nepali architectural look (not match box type design) shall be promoted following the model designs developed by the government.
- Design of infrastructures shall harmonize with local surroundings, manage disaster risks and adapted with the risks of extreme climatic events.

- Priority shall be given on the use of locally available construction materials.
- Avoid sensitive ecological areas and encourage planting trees for vegetative barrier and promoting green development.
- Building at vulnerable areas with risks of slide, erosion or flood shall consider the risks in design.
- The buildings shall be resilient to the impacts of extreme climatic variations (raising plinth level to protect from flood, keeping buildings above highest flood level on struts, increase strength of building to resist storm, avoid riverbank erosion area, avoid or stabilize landslide areas and retrofit to reduce risks of earthquake).
- Provision for emergency preparedness and response, including fire safety shall be provided.
- Water supply in the structure shall be ensured and integrated in the design. Promote rainwater harvesting where possible.
- Annual water quality monitoring shall be carried out on all the installed tube-wells or other water supply source to ensure safe drinking water to the users of the building.
- Keep provision for adequate sanitation facilities. The toilets for male and female shall be separate to ensure privacy.
- Environment friendly and energy-efficient options (sunlight and solar power) shall be promoted.

III. ANTICIPATED ENVIRONMENTAL IMPACTS

A. Potential Impacts and Mitigation Measures

28. The subprojects to be prepared may cause environmental impacts during implementation due to their location, design, construction, and operation and maintenance activities. These impacts need to be considered while conducting environmental assessment of the subprojects and addressed in their EMPs. Some of the anticipated common beneficial and adverse environmental impacts at different stages of the subprojects (design, construction, and operation and maintenance) are presented in the Table 3.1 and 3.2 respectively.

Table 3.1: Likely Beneficial Impacts and Proposed Enhancement Measures

Impacts from the Subproject	Benefit Enhancement Measure
Increase in employment opportunity for local beneficiaries	Maximize manual work and provide employment to local poor, vulnerable, and women. 70% will be unskilled labor which can be used from local area. Assist them to invest the amount earned from wages in small enterprise. Ensure equity in provision of wages to both male as well as female labors.
Increase in skill of stakeholders.	The construction of WCSCSCs and rehabilitation centers at different 19 locations (19 WCSCSC and 4 rehabilitation centers) is likely to enhance the skills of the locals in mason and other construction works. Priority of employment to the people of disadvantaged community, as appropriate.
Enterprise Development and Business Promotion.	Additional commercial operations will occur during the construction phase in order to meet the demand and requirements of workers. Recommend contractor to give priority to the local products.
Improvement in awareness in GBV and other gender issues	Enhance awareness among men and boys from diverse socio-economic groups as advocates against GBV and women's rights to create a safe community. Strengthen coordination among the different stakeholders and service providers such as WCSCSC units, relevant ministries in provinces, and municipalities etc.
Women Empowerment and opportunity	Largely benefits women, as they are the ones who are target beneficiary of constructing WCSCSCs and rehabilitation centers and other facilities.

Table 3.2: Likely Adverse Impacts and Proposed Mitigation Measures

Category	Potential Impact	Mitigation Measures
Slope stability	<ul style="list-style-type: none"> • Surface cutting and excavation and dismantling works may cause slope failure and erosions. • Landslide or gully erosion on slopes may cause risk to the infrastructure. 	<ul style="list-style-type: none"> • Avoid or maintain adequate distance from landslide or erosion areas. • Adopt right angle of cut on slopes. • Stabilize slopes by engineering and bio-engineering measures including check-dams. • Measures taken to avoid undercutting of hill toes that may cause slide. • Do not exert excess load on slopes by disposing spoil.
Spoil disposal/ construction waste and Asbestos	<ul style="list-style-type: none"> • Damage of surrounding agriculture and forest land. • Drainage blockage causing erosion • Spoil/construction waste generated from dismantling of old structures tipped over slope may cause slide. • Health hazard due to presence of asbestos 	<ul style="list-style-type: none"> • Minimize spoil by balancing cut and fill wherever possible through proper landscaping within the police or rehabilitation center premises • Restrict disposal of spoil on surrounding open space, agriculture land or forest area without proper planning and engineer's approval • Manage spoil to reclaim land with landscaping and vegetation • Do not dispose spoil blocking natural drainage path • Dispose spoils in government-approved disposal areas if there are no takers within the community. • Prepare a checklist to survey presence of asbestos in the old structures during demolition • survey/assessment and record if presence of asbestos or asbestos-containing materials (ACM) prior to any demolition • Follow appropriate mitigation measures following international guidelines and ADB Good Practice Guidance for the Management and Control of Asbestos.
Drainage Management	<ul style="list-style-type: none"> • Drainage congestion • Water logging • Vector proliferation 	<ul style="list-style-type: none"> • Design adequate drainage passage following natural path. • Fill ditches in and around APO/DPO and public institutions premises. • Arrange for smooth drainage flow with proper downstream protection. • Cover bigger size drainage channels. • Drainages shall be with required sand traps, generally at 20 m intervals.
Water Availability and Quality	<ul style="list-style-type: none"> • Lack of water supply. • Sub-standard or inadequate drinking water provided to workers and students. • Students fall sick due to waterborne disease. 	<ul style="list-style-type: none"> • Ensure availability of adequate drinking water supply in the buildings. • Regular testing of drinking water at least once a year. • Adequate water for sanitation is available. • Promote efficient and rational use of water, incorporation of rainwater harvesting system in WCSCSC and rehabilitation center. • Assess alternatives if existing source of water is drying up due to climate variations.
Sedimentation of water bodies	<ul style="list-style-type: none"> • Contamination of water sources due to waste disposal from worksites and/or construction camps (if any) • Water body pollution and sedimentation 	<ul style="list-style-type: none"> • Avoid disposal of spoil or waste onto water bodies. • Restrict washing by workers in local water bodies. • Restrict leakage & disposal of oil and grease from construction equipment on open ground. Use sump pit to collect them and dispose safely.

Category	Potential Impact	Mitigation Measures
Loss of land	<ul style="list-style-type: none"> No additional land will be required for WCSCSC as all construction work will be done within the existing premises and the rehabilitation center will be constructed only in government land. Any new area required will be through buying in the market through direct negotiation. 	<ul style="list-style-type: none"> Resettlement and or land acquisition problems are not anticipated in the project. The project will not carry-out any involuntary land acquisition. All purchases, if any, will be through direct negotiation. Such buying shall not involve physical displacement or any significant adverse impacts upon the seller household.
Location of buildings in protected areas, buffer zones, and critical habitats.	<ul style="list-style-type: none"> Encroachment in protected areas^{SEP} Impact on biodiversity Disturbance to wildlife habitat 	<ul style="list-style-type: none"> Avoid national parks, conservation areas, wetland and other ecologically sensitive areas Restrict disturbance and harassment to wildlife. Restrict use of wild animal meat by workers Do not work at night near high biodiversity areas Plant trees around the infrastructure.
Clearing of trees	<ul style="list-style-type: none"> Trees removed for construction of infrastructure. Loss of habitat. Loss of green cover around the premises 	<ul style="list-style-type: none"> Design need to avoid loss of trees Felled trees are replaced by compensatory plantation at minimum 1:10 ratio. Plant trees at periphery of the area to serve as dust and noise barrier, and greening of the area. Be careful not to block air flow, natural light and sun light reaching the rooms.
Quarries and borrow pits	<ul style="list-style-type: none"> Pollution, disturbance and damages (slope failure, bank cutting) from quarry operations Safety risks from abandoned quarries or borrow pits 	<ul style="list-style-type: none"> Quarry and borrow pits, if used, shall be approved by local authorities. Quarries safely closed by re-grading slopes, protected by structures, and vegetation, as necessary.
Air and noise pollution	<ul style="list-style-type: none"> Dust nuisance from construction works and transportation of construction material Dust and noise generated by vehicles passing by WCSCSC and rehabilitation center construction area 	<ul style="list-style-type: none"> Dust generating type of work is done during off-office hours. Workers use mask and safety gears. Water sprinkled on road surface and exposed work areas. Cover construction material during transportation. Plant trees to act as dust barrier. All construction vehicles shall be well-maintained with exhaust pollution test regularly done. Restrict burning of waste in the campsites.
	<ul style="list-style-type: none"> Noise during construction and the transportation of materials 	<ul style="list-style-type: none"> Use soft horns in vehicles used in construction. Restrict noise producing work during off-office hours
Separate toilets for male and female	<ul style="list-style-type: none"> Separate gender friendly toilet is needed 	<ul style="list-style-type: none"> Provide separate toilets at adequate distance for male and female. Ensure water supply is available in the toilets.
Ensure safe drinking water	<ul style="list-style-type: none"> Arsenic and pollution contained drinking water hazardous for health Lack of sufficient water for drinking and sanitation 	<ul style="list-style-type: none"> Arrange water supply facility as the first priority. Adopt rainwater harvesting for non-drinking purpose Annually test water quality Practice conservation of water and educate residents to not to waste water Protect and keep source of water clean, if applicable.

Category	Potential Impact	Mitigation Measures
Occupational health and safety	<ul style="list-style-type: none"> Lack of minimum required facilities of space, ventilation, sanitation, light and safe drinking water in camps Lack of safety tools Lack of safe construction practices Vector disease 	<ul style="list-style-type: none"> Mandatory insurance of all workers for health and safety. Contractor shall submit OHS plan and approved by employer. Provide training to all workers on OHS plan Provide adequate space with ventilation, clean toilets, solid waste management, light, and safe drinking water in camps. Provide mosquito net at labor camps. Keep camp and work area clean and without water logging. Highest priority to safe construction practices. Provide safety gears to workers working in hazardous areas. Keep first aid box ready at work areas and camps Prepare labor camp standards and keep in BOQ and Contract
Solid waste management Hazardous waste	<ul style="list-style-type: none"> Spreading of waste, pungent smell, deterioration of aesthetics Use batteries, laboratory chemicals disposed haphazardly. 	<ul style="list-style-type: none"> Proper solid waste management system shall be introduced with segregation of waste, and its proper disposal. Plan waste management and disposal system. Waste like excess grease, lubricants will be collected in plastic containers and will be sold to scrap dealer. Solid waste and other construction waste will be temporarily deposited in a safe designated area near by the labour camp and will be cleared and disposed of in a government-approved final disposal site. Construction spoil waste will be disposed at designated sites only. Awareness raising on solid waste management with waste minimization, recovery, and recycling. Encourage composting to use in garden. Safe disposal of hazardous waste.
Community infrastructures	<ul style="list-style-type: none"> Damage of community infrastructure or disrupting service 	<ul style="list-style-type: none"> Timely and proper relocation of such structures. Consult with community, although has minimal chance since the structure will be within fenced premises
Social Harmony	<ul style="list-style-type: none"> Poor sanitation practices by workforce Bad behaviour; alcoholism and disrespect to local of 	<ul style="list-style-type: none"> Include in workers training adherence to proper housekeeping practices at worksites. Local people should be given priority to work Proper communication with local people regarding the construction schedule
Community health and safety	<ul style="list-style-type: none"> Project related hazards to communities 	<ul style="list-style-type: none"> Identify and assess risks to potential impacts during all stages of project Establish preventive and protective measures. Conduct education program to workers for critical diseases like COVID-19, STDs and HIV/AIDS. Fencing and posting warning signs at work areas. Restrict workers going out of camp after 7pm and guard camp site.
Orientation of building	<ul style="list-style-type: none"> Impact on comfort of occupants. Impact on energy efficiency. 	<ul style="list-style-type: none"> Design and construct climate friendly buildings. Orientation determines magnitude of natural heating and lighting available inside the building. Orientations shall be based on the climate type of the place where the facilities are planned. Natural lighting and orientation of building shall be integral part of design. Use of renewable energy like natural sunshine, solar shall be promoted. Use of energy efficient bulbs and equipment in the building. Awareness generation of users to bring a change in culture of environment-friendly behaviours.

Category	Potential Impact	Mitigation Measures
Use of wood, and firewood in camps	<ul style="list-style-type: none"> Deforestation Carbon emission 	<ul style="list-style-type: none"> Minimize use of wood for construction. Use local materials as much as possible Innovations shall be integrated in design for making building environment friendly. Contractor shall supply kerosene or LPG at camps and restrict cooking and heating in firewood
Chance finds	<ul style="list-style-type: none"> Damage to physical cultural resources, 	<ul style="list-style-type: none"> Develop and implement chance find procedures Report all chance finds to the appropriate authorities
Emergency situation such as flood, earthquake etc.	Inundation of building.	<ul style="list-style-type: none"> All buildings shall prepare emergency plan and conduct regular drill Establish emergency contact and communication system. Ensure emergency equipment and facilities like fire extinguisher/water hose, first aid boxes, whistles, torch lights etc. Establish evacuation route, exit point and meeting points Canalize the surface run off with proper drainage outlet Maintain civil structures' height (3ft) above inundation level Gabion protection and Sedimentation filter or proper drainage to the downstream source is to be constructed for preventing downstream contamination <p>In addition, following shall be followed:</p> <ul style="list-style-type: none"> Building design shall be seismic resistant (NBC) Install fire alarm system and firefighting system as appropriate Establish disaster management committee and draft site-specific disaster risk manual and for disaster risk reduction guidance Keep ready disaster preparedness/survival kits in the building

APO = area police office, COVID-19 = coronavirus disease, DPO = district police office, WCSCSC = Women, Children, and Senior Citizen Service Center.

B. Climate Change Impacts

29. Climate Change has become an inevitable fact. Hilly and mountainous areas of Nepal are more vulnerable to the effects of environmental and climate variability, such as change in precipitation patterns, higher rainfall intensity causing accelerated soil erosion and landslides, drought, pronounced warming in high altitude regions resulting in snow and glacial melt, among others. The lower terai plain is vulnerable to water induced disasters like flood, sedimentation, riverbank erosion, and waterlogging.

30. The design of specific subprojects shall consider the following climate change adaptation measures:

- Examine the possible short- and long-term impacts of climate change on building infrastructure;
- Avoid unstable slopes, high risk soil erosion prone and landslide areas, and waterlogged areas;
- Make provisions and arrangements for required climate resilient infrastructure and timely maintenance of the system;
- Consider plans to protect watershed of water sources by controlling deforestation and re-plantation in participation with local communities;

- Use climate change and disaster risk screening tool developed by ADB for climate screening of projects.

IV. ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL MANAGEMENT PLAN

A. Environmental Criteria for Subproject Selection

31. Following environmental criteria shall be adopted, in general, for the selection of subprojects:

- Subproject shall avoid areas prone to instability, frequent landslides or flooding;
- The subproject area shall not lead to drainage congestion, salinization, and water logging;
- The subproject shall avoid environmentally critical habitat areas and shall not incur any measurable adverse impacts or likelihood of such. The environmentally critical area includes national parks, wildlife reserves, conservation areas, wetland areas, world heritage sites, and other areas such as known religious and archeological sites (EPR 1997) and those defined by the SPS of ADB;
- Avoid land acquisition and involuntary resettlement and have no impacts on tribes, minor races, ethnic sects and communities;
- Subprojects with activities described in ADB's Prohibited Investment Activities List (Appendix 5) will also be excluded from the project; and
- Any building subproject classified as environment Category A requiring EIA study will not qualify under the Project.

B. Environmental Screening and Categorization of Subprojects

32. An environmental screening using REA checklist and climate impact screening matrix of ADB shall be used to ascertain environmental category of each subproject and level of climate change assessment and mitigation measures (Appendix 1 Findings of the environmental screening shall conclude if an IEE is required or a brief DDR will be adequate for the future subprojects). IEE shall be carried out for environment Category B subprojects. IEE will not be required for Category C subprojects, but a Due Diligence Report (DDR) shall be prepared. The REA checklist shall be filled prior to detailed project design preparation of the proposed subprojects.

C. Environmental Assessment Procedure

33. The procedure discussed below was formulated within the expectation that subsequent subprojects will be: (i) Category B or C activities under ADB classification; and (ii) within the thresholds prescribed in Schedule 1, 2 and 3 of the Government of Nepal's EPR 2020. The environmental assessment procedure for each subproject shall be as follows:

1. Environmental Screening

34. The environmental screening of the subprojects shall be done by using the REA checklist (included as Appendix 1). The REA checklist with attached climate change screening matrix shall be filled prior to detailed design of the proposed investment. Environmental guidelines for subproject selection provides guidance to avoid or minimize adverse impacts during the identification and finalization of subprojects.

2. Categorization

35. The project will adopt ADB's classification system to reflect the significance of a subproject's potential environmental impacts. A subproject's category is determined by the category of its most environmentally sensitive component, including direct, indirect, cumulative, and induced impacts in the subproject's area of influence. Each proposed subproject will be scrutinized as to its type, location, scale, and sensitivity and the magnitude of its potential environmental impacts. Projects are assigned to one of the following three categories:

- (i) **Category A.** A proposed subproject is classified as category A if it is likely to have significant adverse environmental impacts that are irreversible, diverse, or unprecedented. These impacts may affect an area larger than the sites or facilities subject to physical works.
- (ii) **Category B.** A proposed subproject is classified as category B if its potential adverse environmental impacts are less adverse than those of category A projects. These impacts are site-specific, few if any of them are irreversible, and in most cases mitigation measures can be designed more readily than for category A projects.
- (iii) **Category C.** A proposed subproject is classified as category C if it is likely to have minimal or no adverse environmental impacts.

36. Findings of the environmental screening and categorization shall conclude if a subproject requires an IEE (for category B subprojects) or if subproject will require a desk review of environmental implications (for category C subprojects).

3. IEE Preparation

37. In preparing IEEs, all available primary and secondary data will be collected for subproject sites in the form of reports and maps; (i) topographic maps, (ii) land use maps, and (iii) aerial photographs. Current feasibility studies of the subproject, municipal profile shall be reviewed to determine the nature and scope of activities of the subproject that influences the environmental conditions of the proposal area. Similarly, published and unpublished reports pertaining to environmental standards, acts, regulations etc. shall be collected and reviewed. Published and unpublished literatures of the subproject area pertaining to biological, social, chemical, physical, and cultural environments shall be collected from various sources and reviewed to get information on the coverage of the studies and fulfilled the data requirements.

38. The environmental implications of different alternatives shall be assessed, particularly focusing on no action alternative, project alternative, construction method, construction materials and their source, and schedule of construction. Selected alternatives shall be supported by sufficient justifications.

39. In case of subprojects located within buffer zone of protected areas, a review of management plans and consultation with concerned management staff of the protected area, local communities, and key stakeholders will be undertaken and reflected in the IEE report. Pollution prevention for conservation of resources particularly technology for management of process wastes will be addressed in the IEE report. Occupational health safety and community health and safety will be properly addressed in the EMP section of the IEE report. In case subprojects are likely to have adverse impacts on physical cultural resources, appropriate mitigation measures will to be planned and reflected in the IEE. The IEE will also reflect how meaningful consultations will be undertaken and disclosure procedures with a provision of

grievance redress mechanism (GRM). Focus group discussion meetings shall be conducted to obtain information on socio-economic and cultural environment. Consultation with village elites and key person interviews shall be conducted to assess the current situation of these facilities and the general water/sanitation status of the communities of the subproject area. Local stakeholders shall be consulted during documentation of the information.

40. Each IEE will identify its impact areas which refers to the area that would be covered by the assessment, the geographical boundary of the influence area. The impact areas will be delineated as “direct impact area” which is about 50m from the boundaries of the proposed WCSCSC and rehabilitation center location; and beyond the core project area up to 100 m distance is considered as the indirect impact area.

41. Each IEE will include an EMP. EMPs describe the environmental management measures that will be carried out to mitigate negative impacts or enhance the environment during implementation of a subproject, and the environmental monitoring to be conducted to ensure that mitigation measures are implemented and effective in reducing impacts, or to determine the long-term impacts of a subproject. EMPs will outline the subproject activities, specific mitigation measures, environmental monitoring requirements, and related institutional arrangements, including budget requirements for implementation. Where impacts and risks cannot be avoided or prevented, mitigation measures and actions will be identified so that the subproject is designed, constructed, and operated in compliance with applicable laws and regulations and meets the requirements specified in this document. The level of detail and complexity of the environmental planning documents and the priority of the identified measures and actions will be commensurate with the subproject’s impacts and risks. Key considerations include mitigation of potential adverse impacts to the level of “no significant harm to third parties,” the polluter pays principle, the precautionary approach, and adaptive management.

42. With desk reviews, consultations and field observations, environmental impacts should be identified both beneficial and adverse, for both construction and operational stages. Each impact identified, predicted, and evaluated by using standard methods and techniques on physical, biological, socio-economic, and cultural aspects. The impacts shall be studied in terms of their nature, magnitude, extent, and duration and scored as follows¹¹:

- **Nature of Impact:** D = Direct; IN = Indirect; Magnitude, H = High (60); M = Medium/Moderate (20) ; and L = Low (10),
- **Extent:** R = Regional (60), L = Local (20); and S = Site-specific (10),
- **Duration:** LT = Long-term (20), MT = Medium-term (10); and ST = Short-term (5)
- **Significance of Impact:** More than 75- Very Significant, 45–75- Significant, Below 45- Minor.

43. **Consultation and participation, grievance redress mechanism, and information dissemination.** Carry out meaningful consultation with affected people and facilitate their informed participation. The subproject preparation team shall disseminate information about the project and subproject to the general public affected communities, civil society and other related stakeholders beginning early in the subproject cycle and continue throughout the subproject. Received suggestions shall be considered in the subproject preparation and included in the IEE. Draft IEE shall be kept open for public review and comments in the project office. Softcopy of the

¹¹ Source: National Environmental Impact Assessment Guidelines Nepal, 1993.

final IEE will be submitted to ADB for disclosure on ADB's website. A GRM shall also be proposed in the IEE report.

44. In preparing the IEE, coordination shall be maintained with the environmental specialist of UNOPS along with environmental and social development specialist of PMU, and technical team for documenting site-specific environmental concerns. Appendix 2 presents an outline prescribed in preparing an IEE. The environmental specialist of UNOPS shall submit the draft IEE to the PMU, who will review, finalize and forward the draft IEE to ADB for review. Upon incorporating comments from ADB, PMU shall resubmit the IEE to ADB for disclosure.

45. All IEEs and EMPs will be prepared prior to the award of construction contracts. The bid documents will include the requirement to incorporate necessary resources to implement the EMP. The EMP will form part of the contract document, and if required, will need to be further updated during the construction phase of a subproject.

46. Any changes or updates on the IEE will be subject to ADB's review and disclosure.

V. CONSULTATION, DISCLOSURE AND GRIEVANCE REDRESS MECHANISM

A. Consultation

47. The ADB SPS guides, as one of the principles of its environmental safeguard, to carry-out meaningful consultation with affected people and facilitate their informed participation. The Policy clarifies "meaningful consultation" as a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

48. Stakeholders (beneficiaries, local agencies, NGOs, CBOs) shall be consulted starting from environmental screening and categorization, and TOR preparation for the environmental assessments. Nepal's EPR specifies that the opinion and suggestions on the potential environmental impacts of the proposed subproject shall be sought from the public by the proponent during the conduct of IEE. According to this, the concerned stakeholders are consulted through a 15-day public notice published in national newspaper during preparation of TOR. The stakeholder communities, beneficiaries, and affected people shall be consulted during baseline data survey and informed about the likely potential impacts of the subproject and proposed mitigation measures. Response and suggestions of the stakeholders shall be documented in the IEE report and shall be taken into account during subproject design.

49. To comply with the requirements of both the ADB and the government, public consultation during environmental assessment shall be conducted (i) at least once, following procedure of the government; (ii) in the early stages of the environmental assessment process to allow the affected communities and other interested parties to share their views on the proposed activity, environmental issues and concerns without and with the proposed activity, and (iii) ensure to address the issues and concerns, and their willingness to participate in the continuing consultation process throughout activity implementation and in environmental monitoring activities. Additional

consultations include key informant interviews and random interviews with affected persons/households, if any.

50. Public consultation shall ensure the participation of a fair representation of stakeholders (i) those who will benefit from, and will be affected by, the proposed works; (ii) the vulnerable groups- the poor (those within the poverty threshold), ethnic minorities, informal settlers, people with disabilities, youth, migrants, women (especially women that are heads of households), and seniors; and (iii) other interested groups, e.g. NGOs, religious groups, business associates, civil society, academe, etc. The Consultation process shall be well documented. All relevant views and concerns raised during the consultation shall be: (i) incorporated in the IEE, and (ii) considered in the design of the proposed activity. Attendance sheets and notes of informal and formal consultations shall be included in the IEE as proof that consultations had been held. The PMU shall be open to contact for consultation by the public on environmental assessment matters during the conduct of IEE or review of environmental implications.

51. In the context of the coronavirus disease pandemic, all consultations will be carried out following latest national coronavirus disease requirements and World Health Organization social distancing and hygiene guidelines. If physical meetings are not possible, virtual consultations will be conducted.

B. Information Disclosure

52. The PMU shall be responsible for ensuring that all environmental assessment, environmental monitoring, and grievance redress documents are properly kept as part of the project and subproject records. These documents shall be made available in the national and English language and at locations where these can be easily accessed by stakeholders including affected people. Information on the subprojects shall be disclosed in a form and at a location easily accessed by local stakeholders. Where possible, information shall be disseminated also in local language.

53. In compliance with SPS requirements and Access to Information Policy, for subprojects identified after Board approval, the following documents should be uploaded on ADB website: i) final IEE after ADB's review and endorsement by the Borrower; ii) updated IEE and corrective action plans, if any; and iii) semi-annual environmental monitoring reports for category B subprojects during construction phase and annual environmental monitoring reports during the operations phase.

54. The executing and/or implementing agencies will send a written endorsement to ADB for disclosing these documents on the ADB website. The PIUs will provide relevant safeguards information in a timely manner, in an accessible place and in a form and language understandable to affected people and other stakeholders. For illiterate people, other suitable communication methods will be used.

55. The IEE and EMP will also be locally disclosed. Hard copies of the IEE will be made available for perusal at the ADB Office in Nepal, PMU office, at PIU offices, and at other locations accessible to stakeholders (to be determined by the PMU/PIU).

C. Grievance Redress Mechanism

56. During the course of the Project, people may have concerns with the project's environmental performance. Issues may occur during construction and again during operation,

which will be addressed by the project by establishing a GRM. The project will establish three tiers of grievance redress committees (GRC).

57. **First level of GRC.** A GRC will be formed at field level comprising 5 members. The GRC will be chaired by designated senior staff of concerned provincial ministry (for rehabilitation centers), and PIU Chief, UNOPS safeguard monitor, representative of local ward office, and social safeguard consultant of UNOPS will be the members of the committee. The UNOPS environmental monitor will work as member secretary of the committee. The member secretary of the committee will maintain grievance registry and document records of grievances and resolution status. The UNOPS environmental monitor will document the following information: (i) name of the person; (ii) date complaint was received; (iii) nature of complaint; (iv) location, (v) means of communication, and (vi) status of the complaint (in process, resolved, forwarded to next level). Any person may also file a complaint and remain anonymous. Any person with a grievance related to the project works, safeguards and other issues can register their grievance to this GRC through any means of communication. The committee will meet the second day of grievance registration and send acknowledgement to the complainant regarding registration of the complaint and next action to be taken within 3 working days of registration. The PMU and PIU phone number and GRC nodal officer's contact address will be posted in public areas within the sub-project areas and construction sites. The committee shall complete its process by 7 days to resolve the grievance. If the grievance is not resolved in this committee, the grievance will be forwarded to the second level GRC within 10 working days and inform complainant accordingly.

58. **Second level of GRC.** The second-level GRC will be formed at PMU comprising 3 members to hear the unresolved grievances forwarded by the rehabilitation center/WCSCSC level GRC. The GRC will be chaired by PMU project coordinator, and PIU safeguard focal point, and environmental and social safeguard experts from UNOPS. The safeguard expert will work as member secretary of the committee. The member secretary of the committee will maintain grievance registry and document records of grievances and resolution status. The committee will meet the third day of grievance registration and take decision within 7 working days of registration. If the committee resolved the grievance, it shall inform the complainant in written about the decision copy to WCSCSC/rehabilitation center level GRC to close the case, if the grievance is not resolved in this committee and not in jurisdiction of this level forward it to third level GRC within 10 working days and notify first level GRC to inform complainant accordingly.

59. Each GRC will maintain a grievance registry containing following information: (i) name of the person; (ii) date complaint was received; (iii) nature of complaint; (iv) location, (v) means of communication, and (vi) status of the complaint (in process, resolved, forwarded to next level).

60. **Third level of GRC.** The third-level GRC will be formed comprising 3 members to hear the unresolved grievances. The Chief District Officer will chair the committee. Members will be ward representative, PMU project manager, and PIU safeguard focal point, environmental and social safeguard experts from UNOPS. Chief District Officer may wish to invite representative members from other agency and community. The safeguards expert from UNOPS will work as member secretary of the committee. The member secretary of the committee will maintain grievance registry and document records of grievances and resolution status. The committee will meet the third day of grievance registration and take decision within 7 working days of registration. After resolution of grievances the committee will notify the PIU to implement the decisions and actions agreed. The field level GRC will be responsible to implement actions and close the case once all actions are completed.

61. The PMU project manager will activate the third level of the GRM by referring the issue (with written documentation) forwarded by lower level GRCs, which will, based on review of the grievances, address them in consultation with PMU, PIU, and complainant. The member secretary of the GRC will be responsible for processing and placing all papers before the GRC, recording decisions, issuing minutes of the meetings and taking follow up action to see that formal orders are issued, and the decisions carried out. Decision has to be made within 15 days of receipt of complaint at this level. Complaints can be registered at GRC of PMU.

62. Safeguard monitoring reports will include the following aspects pertaining to progress on grievances: (i) number of cases registered with the GRC, level of jurisdiction (first, second, and third levels), number of hearings held, decisions made, and the status of pending cases; and (ii) lists of cases in process and already decided upon may be prepared with details such as affected person, date of notice, date of application, date of hearing, decisions, remarks, actions taken to resolve issues, and status of grievance (i.e. open, closed, pending).

63. All costs involved in resolving the complaints (meetings, consultations, communication, reporting and/or information dissemination) will be borne by the executing and implementing agencies.

64. Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM.

65. If the established GRM is not able to resolve the issue, the affected person should make good faith efforts to resolve issues working with the South Asia Regional Department through ADB's Nepal Resident Mission. As a last resort, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the complaint receiving officer at ADB Headquarters or the resident mission. The complaint can be submitted in any of the official languages of ADB's developing member countries. Project will print flyers on the GRM of the project and distribute to all stakeholders to inform them of the system.

VI. INSTITUTIONAL ARRANGEMENT AND RESPONSIBILITIES

A. Institutional Arrangement of the Project

1. Executing Agency and PMU

66. The MOWCSC will be the executing agency. DUDBC under the federal Ministry of Urban Development will be responsible for the construction of all police WCSCSC buildings in close coordination with Nepal Police and the national rehabilitation center. The province-level implementing agencies will implement construction of rehabilitation centers and selected awareness activities in their respective province with support from MOWCSC. There will be a PMU for the project at MOWCSC headed by a Project Director supported by a full-time project manager.

67. The PMU will be responsible for overall project planning, management, implementation, monitoring, and reporting for the project. The PMU will also be responsible for screening the proposed subprojects in accordance with the EARF which includes subproject selection criteria for the project, coordinating the provincial ministry in case of rehabilitation centers and Nepal Police Office for construction of WCSCSC service centers in conducting feasibility studies, reporting to and being point of liaison with ADB on the project; quality control of detailed design

and construction supervision; procurement of civil works contractor; support for capacity building; and overseeing safeguard compliance. The PMU will also procure design and supervision consultants under the project.

68. The APOs and/or district police officers on behalf of Nepal Police office will be responsible for operation and maintenance of the service center facilities constructed, operating under a management agreement with the ministry. In case of rehabilitation centers, there could be a special service center management committee for respective subprojects with representation from diverse stakeholders where fund will be provision for staffing and other resource requirement based on management agreement with the committee for sustainable operations of the system during the project period. The committee shall work on behalf of the MOWCSC and provincial ministry. The safeguards implementation arrangement of the respective subprojects shall be as follows.

69. One Environment Specialist under UNOPS will support PMU at MOWCSC on all environment related matters on intermittent basis with 6 months input for the first 2 year and 3 months inputs in each subsequent years. The environment specialist shall be supported by two environment monitors who will conduct continued field monitoring and documentation of compliance information.

70. Key tasks and responsibilities of the PMU relating to safeguard (environment) are as follows:

- (i) ensure that environmental screening of each subproject is conducted by using the REA checklist;
- (ii) confirm environment category and prepare environmental assessment in prescribed format (mostly expected to be due diligence report);
- (iii) update EMP during implementation of the project, as required;
- (iv) confirm whether EMP requirements are included in bidding documents and civil works contract;
- (v) establish a system to monitor environmental safeguards of the project, including monitoring the indicators set out in the monitoring plan of the EMP;
- (vi) prepare standard environmental monitoring checklist;
- (vii) organize training on safeguards through environment specialist for the project related stakeholders, environment monitors, and staff of contractors on EMP implementation, environmental monitoring mechanism; and taking immediate corrective actions to remedy adverse impacts or ineffective mitigation measure;
- (viii) provide oversight on environmental management aspects of subprojects and ensure EMPs are implemented by contractors;
- (ix) facilitate and confirm overall compliance with the government rules and regulations regarding environmental clearances;
- (x) supervise and provide guidance to PIUs to properly carry out the environmental monitoring and assessments following the provisions of EARF;
- (xi) review, monitor, and evaluate the effectiveness with which the EMPs are implemented, and recommend necessary corrective actions to be taken as necessary;
- (xii) consolidate monthly environmental monitoring reports from PMU and provincial offices and prepare semi-annual monitoring report;
- (xiii) ensure timely disclosure of final IEEs/EMPs in locations and form accessible to the public; and
- (xiv) address any grievances brought about through the GRM in a timely manner.

2. Project Implementation Unit at Province Level Implementing Agencies

71. The design and implementation of each subproject in each district will be overseen by the PIU within the province level implementing agencies. Each PIU shall appoint a safeguard focal point, who will be supported by safeguard specialists at PMU. The PIUs will be responsible for the following:

- (i) conduct environmental screening by using REA checklist and climate change matrix, categorize environment category and conduct environmental assessment (most of them expected to be category C requiring due diligence report) for each subproject by following the provisions of the EARF;
- (ii) include IEE/EMP/DDR in bidding documents and civil works contracts;
- (iii) comply with all government rules and regulations and ADB's safeguards policy;
- (iv) oversee implementation of EMPs, including environmental monitoring by contractors by using the standard environmental monitoring checklist provided by environment specialist and environmental monitors;
- (v) take necessary corrective actions when necessary and follow-up to ensure they are implemented;
- (vi) submit monthly environmental monitoring reports to PMU;
- (vii) organize routine public consultation and awareness programs; and
- (viii) address any grievances through the Grievance Redress Mechanism in a timely manner.

3. Environment Specialist from UNOPS

72. Generally, the environment specialist shall support in implementing the following, in addition to others, by taking support of safeguard monitors:

- (i) organize orientation on environmental safeguards mechanism to the staff of PMU and PIU, safeguard field monitors, and staff of contractors. The orientation shall cover use of EMP, and EARF guiding for environmental categorization, environmental assessment (IEE/DDR), EMP preparation, documentation, and implementation. The environment specialist shall prepare environmental monitoring mechanism, standard monitoring checklists, corrective actions, and reporting templates;
- (ii) assist safeguard focal points to establish a Safeguard mechanism in the project;
- (iii) support field offices (PIUs) in conducting internal safeguard information sharing meetings with agenda, recording agreed actions, share them with technical team with an understanding to implement them, and follow-up to ensure compliance;
- (iv) support PIUs on environmental screening of each subproject by using the REA checklist;
- (v) confirm environment category and prepare environmental assessment document in prescribed format (mostly expected to be due diligence report);
- (vi) support PIUs to include EMP in bidding documents and civil works contract;
- (vii) ensure EMPs are implemented by contractors by routinely monitoring EMP compliance through the safeguard monitors;
- (viii) ensure overall compliance with the government rules and regulations regarding environmental clearances;

- (ix) review, monitor, and evaluate the effectiveness with which the EMPs are implemented, and recommend necessary corrective actions to be taken as necessary;
- (x) orient environment field monitors;
- (xi) consolidate monthly environmental monitoring reports received from PIUs and submit semi-annual monitoring report to PIU/PMU and ADB;
- (xii) organize routine public consultation and awareness programs;
- (xiii) address any grievances through the GRM in a timely manner; and
- (xiv) ensure timely disclosure of final IEEs/DDR/EMPs/reports.

4. Safeguard Monitors at PIUs

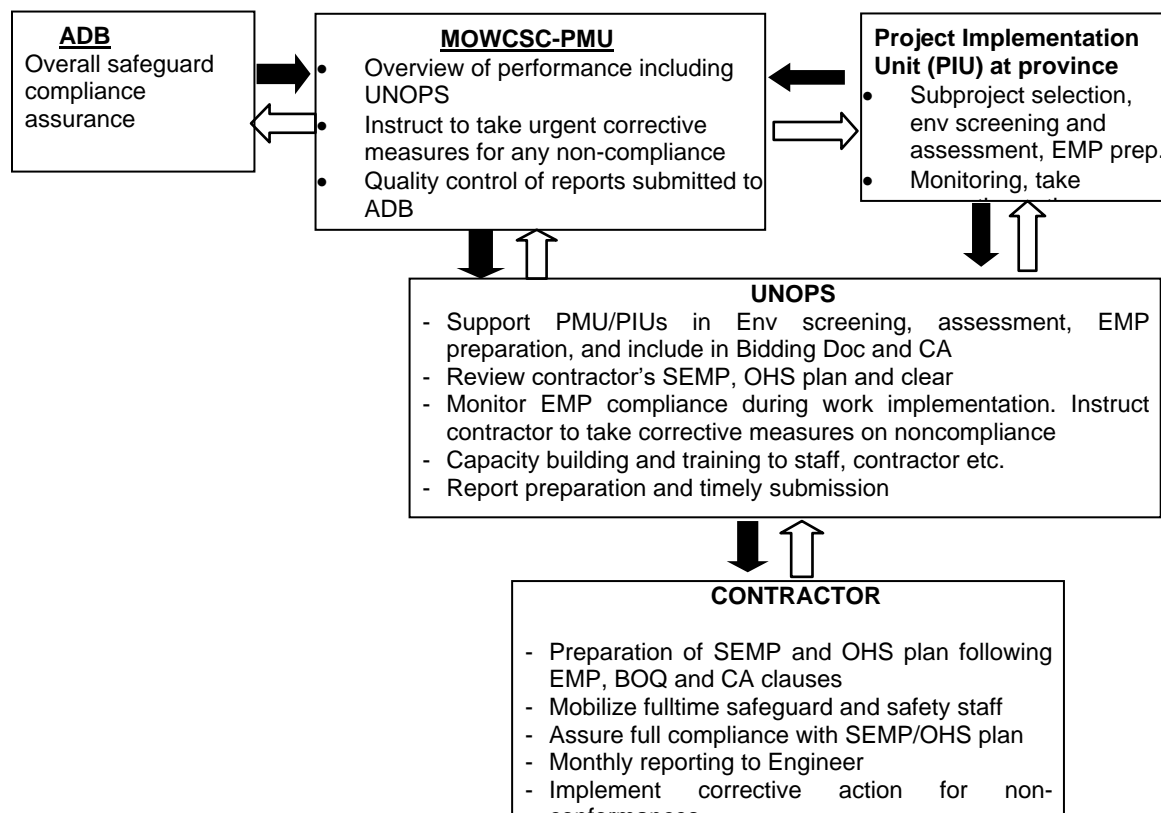
73. UNOPS shall mobilize one safeguard monitor in each PIU to support them in the environmental safeguards compliance assurance activities. They shall be graduate in environment related science with at least 1 year experience and shall be responsible for undertaking the following activities under the supervision and guidance of the environment and social specialists:

- (i) conduct environmental screening of subproject by using REA checklist;
- (ii) suggest environment category to environment specialist and support environment specialist to prepare environmental assessment document with EMP;
- (iii) participate in the safeguard orientation session organized by PIU;
- (iv) support PIU Safeguard process as suggested by the safeguard focal point of PIU;
- (v) use standard environmental monitoring checklist and liaise with safeguard and safety officer of contractor to ensure works are in full compliance with the EMP requirements;
- (vi) support environment specialist in overall compliance monitoring;
- (vii) document the compliance performance and suggest corrective measures;
- (viii) support PIU in organizing stakeholder consultation program;
- (ix) support PIU in registering grievances, and follow-up for their timely resolution;
- (x) update PIU chief and environment specialist on subproject safeguards performance;
- (xi) submit monthly environmental compliance monitoring checklist with a brief report to the environment specialist and copy all communications to PIU; and
- (xii) follow the guidance given by PIU focal person and environment specialist of UNOPS.

5. Civil Works Contracts and Contractors

74. The contractor shall appoint a fulltime environment & safety officer with graduation in environment related science and minimum 2 years of work experience and shall be a mandatory provision in contract. The curriculum vitae of the proposed officer shall be submitted to PMU/PIU for approval prior to mobilizing the staff. The responsibility of the officer shall be to (i) draft a site-specific EMP (SEMP) based on EMP, detailed project design, and site-specific situation, (ii) draft contractors OHS plan and submit for PMU approval; and (iii) ensure all EMP and safety requirements are implemented during the work. Contractors shall carry out all environmental mitigation and monitoring measures outlined in their contract. Copy of EMP shall be included in the bidding and contract documents.

Figure 6.1: Project Organizational Structure Safeguard Implementation Arrangement



B. Institutional Capacity Development Program

75. The environmental specialist of UNOPS supporting PMU and PIUs will be responsible for organizing awareness program, training and orientation on environmental compliance measures and management in accordance with both ADB and the government requirements. Specific modules customized for the available skill set will be devised after assessing the capabilities of the target participants and the requirements of the project (also refer to Table 2.4). Typical modules would be as follows: (i) sensitization; (ii) introduction to environment and environmental considerations in buildings and other associated project activities; (iii) review of IEEs and integration into the project detailed design; (iv) improved coordination within nodal departments; and (v) monitoring and reporting system. The contractors will be required to conduct environmental and safety awareness for their staff and workers prior to deployment to work sites. The proposed training project along with the frequency of sessions is presented in Figure 6.1.

C. EARF Implementation Cost

76. The cost for implementing the EARF shall cover the following activities:

- **Preparation of IEE;**
- **Implementing EMP and OHS plan;**
- **Public consultations;**
- **Environmental clearances; and**
- **Conduct environmental monitoring with logistical facilities.**

77. Preparation of IEE may require approximately 1–6 weeks, depending on the IEE, respectively, by the environment specialist with the support of field monitors, which may include the following activities: (i) site visit to assess environmental conditions and potential impacts of the scheme using REA checklist; (ii) liaison with PIU and others to obtain physical, biological and socio-economic data (e.g. demographic figures, socio-economy and culture, biodiversity of flora and fauna, etc.); (iii) consultation with the local community to inform them about the subproject and identify their views and concerns, if any and record them; (iv) assessment of impacts and development of mitigation measures; and (v) EMP preparation to attach with Bidding Document.

78. The infrastructure involved in the project is generally straightforward. Environmental monitoring during construction will also be straightforward and will involve regular site observations plus checks of reports and other documents. This will be conducted by the environment specialist from UNOPS with support of field environmental monitors.

79. The cost of mitigation measures and surveys during construction stage will be incorporated into the contractor's costs, which will be binding on him for implementation. Contractor shall mobilize a safeguard and safety supervisor with a site safety monitor at each work site.

80. The operation phase mitigation measures are of good operating practices, which will be the responsibility of the concerned district police office (for WCSCSC), Provinces (for province level rehabilitation centers), and MOWCSC (for the national rehabilitation centers). The cost for assessing capacity of EA /IA and training and exposer as its measures for managing E7S issues is required for operation stage of the project. All monitoring during the operation and maintenance phase will be conducted by them; therefore, there will be no additional cost.

81. The indicative costs for EARF implementation are shown in Table 6.1.

Table 6.1: Indicative Cost of EARF Implementation

Particulars	Stages	Unit	Total No.	Rate (NRs)	Cost (NRs)	Source
1. Construction phase						
Land and property acquisition	pre-construction			Rate agreed by CDC	As per resettlement plan	Govt. budget
Tree plantation, landscaping by using recovered topsoil and improvement in greenery of surrounding environment	Construction	LS per Center	In DPR and BOQ	100,000	100,000	Civil works contract
Signboard on safety and community awareness	Construction	LS per center	In DPR and BOQ	50,000	50,000	
Bioengineering for slope protection	Construction	LS	In DPR and BOQ	1,000,000	1,000,000	Contractor's BOQ
Insurance of workers	Construction	LS per center	In DPR and BOQ	100,000	100,000	650,000
Occupational Health and Safety measures	Construction	LS per center	In DPR and BOQ	To be added	To be added	Contractor's BOQ

Particulars	Stages	Unit	Total No.	Rate (NRs)	Cost (NRs)	Source
Emergency safety measures	Construction	LS per center	In DPR and BOQ	100,000	100,000	
Skill development training	Construction	LS per center	In DPR and BOQ	100,000	100,000	
Orientation for awareness raising training to stakeholders on environmental safeguards and safety management	Construction	LS per center	In DPR and BOQ	100,000	100,000	
Miscellaneous environment protection measure (sanitation and cleanliness, provision of dust bin, waste disposal pit etc.)	Construction	LS per center	In DPR and BOQ	200,000	200,000	Civil works contract
Water quality monitoring	Construction	LS per center	In DPR and BOQ	50,000	50,000	Civil works contract
Air and noise quality monitoring	Construction	LS per center	In DPR and BOQ	100,000	100,000	Civil works contract
C. Capacity Building						
1. Orientation workshop for officials involved in the project implementation on ADB Safeguards Policy Statement, Government of Nepal environmental laws and regulations, and environmental assessment process;	Module 1 – immediately upon engagement of the environmental specialist from UNOPS	1 time		Module 1	250,000	Covered under agreement with UNOPS
2. Induction course contractors, preparing EMP implementation and environmental monitoring; and taking immediate action to remedy unexpected adverse impacts; and	Module 2 – prior to award of civil works contracts	3 times		Module 2	300,000	
3. Lessons learned information sharing	Module 3 – Best practices, monitoring, and reporting	3 times		Module 3	250,000	
D. Administrative Costs						
1. Legislation, permits, and agreements	Permit for excavation, tree-cutting permits etc.	Lump sum				Contractor at his own expense
E. Other Costs						

Particulars	Stages	Unit	Total No.	Rate (NRs)	Cost (NRs)	Source
1. Public consultations and information disclosure	Information disclosure and consultations during preconstruction and construction phase, including public awareness campaign through media	As per requirement	Lump sum	500,000	500,000	Covered under agreement with UNOPS
2. GRM implementation	Costs involved in resolving complaints (meetings, consultations, communication, and reporting/information dissemination)		Lump sum	500,000	500,000	Covered under agreement with UNOPS

ADB = Asian Development Bank, BOQ = Bill of Quantity, CDC = compensation determination committee, DPR = detailed project design, EMP = environmental management plan, UNOPS = United Nations Office for Project Services. Source:

VII. MONITORING AND REPORTING

D. Monitoring

82. PMU, with the PIU, will monitor and measure the progress of EMP implementation. The monitoring activities will be corresponding with the project's risks and impacts and will be identified in the IEEs. Appendix 4 provides a content outline for monitoring report. In addition to recording information of the work, deviation of work components from original scope, the PMU with PIU will undertake site inspections and document review to verify compliance with the EMP and progress toward the final outcome.

83. Three types of monitoring will also be carried out:

6. Baseline Monitoring

84. It is conducted before project work begins to know the pre-project baseline condition of the environmental parameters. This is carried out just before the construction of the project while preparing IEE/DDR.

7. Compliance Monitoring

85. This monitoring is carried out to know the EMP compliance status as documented in IEE/DDR and they should be compiled with during pre-construction, construction and operational stages of the subproject as appropriate. It is carried out by preparing standard environmental compliance monitoring checklist and tools; and follows contractor's SEMP and OHS plan.

8. Impact Monitoring

86. Impact monitoring is performed to know the effectiveness of the EMP/SEMP and OHS plan prepared for the subproject. These monitoring assesses the effectiveness of the mitigation measures or enhancement measures proposed in the EMP.

E. Reporting

87. UNOPS will submit monthly monitoring and implementation reports to PIU, who will take follow-up actions, if necessary and report to PMU. PIU will submit quarterly monitoring and implementation reports to the PMU. The PMU will review those reports and consolidate into semi-annual monitoring reports and submit them to ADB during the construction phase. During operations phase, annual monitoring reports will be submitted to ADB until a project completion report is issued. Monitoring reports will be submitted to ADB within 30 days from the end of each of the monitoring period. Project budgets will reflect the costs of monitoring and reporting requirements. Monitoring reports will also be posted in a location accessible to the public.

88. PIU and PMU will document monitoring results, identify the necessary corrective actions, and reflect them in a corrective action plan. PMU/PIU, in each quarter, will study the compliance with the action plan developed in the previous quarter. Compliance with loan covenants will be also monitored.

89. The extent of ADB's monitoring and supervision activities will be commensurate with the project's risks and impacts. Monitoring and supervising of social and environmental safeguards will be integrated into the project performance management system. ADB will monitor projects on an ongoing basis until a project completion report is issued. ADB will carry out the following monitoring actions to supervise project implementation:

- (i) conduct periodic site visits for projects with adverse environmental or social impacts;
- (ii) conduct supervision missions with detailed review by ADB's safeguard specialists/officers or consultants for projects with significant adverse social or environmental impacts;
- (iii) review the periodic monitoring reports submitted by EAs to ensure that adverse impacts and risks are mitigated, as planned and as agreed with ADB;
- (iv) work with EAs to rectify to the extent possible any failures to comply with their safeguard commitments, as covenanted in the legal agreements, and exercise remedies to re-establish compliance as appropriate; and
- (v) prepare a project completion report that assesses whether the objective and desired outcomes of the safeguard plans have been achieved, taking into account the baseline conditions and the results of monitoring.

APPENDICES

Rapid Environmental Assessment (REA) Checklist (SSPUWP)

Instructions:

Answer the questions assuming the “without mitigation” case. The purpose is to identify potential impacts. Use the “remarks” section to discuss any anticipated mitigation measures.

Subproject Title: _____

Screening Questions	Yes	No	Remarks
A. Project Siting Is the project area adjacent to or within any of the following environmentally sensitive areas?			
▪ Cultural heritage site			
▪ Protected Area			
▪ Wetland			
▪ Buffer zone of protected area			
▪ Special area for protecting biodiversity			
B. Potential Environmental Impacts Will the Project cause...			
▪ encroachment on historical/cultural areas; disfiguration of landscape by cuts, fills, and quarries?			
▪ encroachment on precious ecology (e.g. sensitive or protected areas)?			
▪ alteration of surface water hydrology of waterways crossed by roads, resulting in increased sediment in streams affected by increased soil erosion at construction site?			
▪ deterioration of surface water quality due to silt runoff and sanitary wastes from worker-based camps and chemicals used in construction?			
▪ increased local air pollution due to crushing, cutting and filling works?			
▪ risks and vulnerabilities related to occupational health and safety due to physical, chemical, and biological hazards during project construction and operation?			
▪ noise and vibration due to civil works?			
▪ dislocation or involuntary resettlement of people?			
▪ disproportionate impacts on the poor, women and children, Indigenous Peoples or other vulnerable groups, such as access to labor work, or child labor?			
▪ other social concerns relating to inconveniences in living conditions in the project areas?			
▪ accident risks associated with increased vehicular traffic while transporting material to site or disposal of spoil?			
▪ poor sanitation and solid waste disposal in construction camps and work sites?			

Screening Questions	Yes	No	Remarks
<ul style="list-style-type: none"> ▪ possible transmission of communicable diseases (such as STI's and HIV/AIDS) from workers to local populations? 			
<ul style="list-style-type: none"> ▪ creation of water pools those may become breeding ground for mosquitoes and rodents? 			
<ul style="list-style-type: none"> ▪ increased noise and air pollution resulting from construction work and material transport? 			
<ul style="list-style-type: none"> ▪ social conflicts if workers from other regions or countries are hired? 			
<ul style="list-style-type: none"> ▪ large population influx during project construction and operation that causes increased burden on social infrastructure and services (such as water supply and sanitation systems)? 			
<ul style="list-style-type: none"> ▪ risks to community health and safety due to the transport, storage, and use and/or disposal of materials such as fuel and other chemicals during construction and operation? 			
<ul style="list-style-type: none"> ▪ community safety risks due to both accidental and natural causes, especially where the structural elements or components of the project are accessible to members of the affected community or where their failure could result in injury to the community throughout project construction, operation and decommissioning. 			

A Checklist for Preliminary Climate Risk Screening (Nepal/SSPUWP)

Screening Questions		Score	Remarks ¹
Location and Design of project	Is siting of the project (or its components) likely to be affected by climate conditions including extreme weather related events such as floods, droughts, storms, landslides?		
	Would the project design need to consider any hydro-meteorological parameters (e.g., sea-level, peak river flow, reliable water level, peak wind speed etc.)?		
Materials and Maintenance	Would weather, current and likely future climate conditions (e.g. prevailing humidity level, temperature contrast between hot summer days and cold winter days, exposure to wind and humidity -meteorological parameters likely affect the selection of project inputs over the life of project outputs (e.g. construction material)?		
	Would weather, current and likely future climate conditions, and related extreme events likely affect the maintenance (scheduling and cost) of project output(s)?		
Performance of project outputs	Would weather/climate conditions, and related extreme events likely affect the performance of project output(s) throughout their design lifetime?		

Options for answers and corresponding score are provided below:

Response	Score
Not Likely	0
Likely	1
Very Likely	2

Responses when added that provide a score of 0 will be considered low risk project. If adding all responses will result to a score of 1–4 and that no score of 2 was given to any single response, the project will be assigned a medium risk category. A total score of 5 or more (which include providing a score of 1 in all responses) or a 2 in any single response, will be categorized as high risk project.

Result of Initial Screening (Low, Medium, High): _____

Other Comments: _____

Prepared by: _____

Designation: _____

Date: _____

¹ If possible, provide details on the sensitivity of project components to climate conditions, such as how climate parameters are considered in design standards for infrastructure components, how changes in key climate parameters and sea level might affect the siting/routing of project, the selection of construction material and/or scheduling, performances and/or the maintenance cost/scheduling of project outputs.

OUTLINE OF INITIAL ENVIRONMENTAL EXAMINATION

This outline is part of the safeguard requirements. An IEE is required for all environment category B subprojects. Its level of detail and comprehensiveness will be commensurate to the significance of potential environmental impacts and risks. The substantive aspects of this outline will guide the preparation of IEE reports, although not necessarily in the order shown.

A. Introduction

B. Policy, Legal, and Administrative Framework. Discusses the national, local legal, and institutional frameworks within which the environmental assessment is carried out. It also identifies project-relevant international environmental agreements to which the country is a party.

C. Description of the Project. Describes (i) the proposed project, (ii) its major components, and (iii) its geographic, ecological, social, and temporal context, including any associated facility required by and for the project (for example, access roads, power plants, water supply, quarries and borrow pits, and spoil disposal). It normally includes drawings and maps showing the project's layout and components, the project site, and the projects area of influence.

D. Description of the Environment (Baseline Data). Describes relevant physical, biological, and socio-economic conditions within the study area. It also looks at current and proposed development activities within the project's area of influence, including those not directly connected to the project. It indicates the accuracy, reliability, and sources of the data.

E. Anticipated Environmental Impacts and Mitigation Measures: (i) predicts and assesses the project's likely positive and negative direct and indirect impacts to physical, biological, socioeconomic (including occupational health and safety, community health and safety, vulnerable groups and gender issues, and impacts on livelihoods through environmental media), and physical cultural resources in the project's area of influence, in quantitative terms and to extent possible; (ii) identifies mitigation measures and any residual negative impacts that cannot be mitigated; (iii) explores opportunities for enhancement; (iv) identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions and specifies topics that do not require further attention; and (v) examines global, trans-boundary, and cumulative impacts as appropriate.

F. Information Disclosure, Consultation, and Participation: (i) describes the process undertaken during project design and preparation for engaging stakeholders, including information disclosure and consultation with affected people and other stakeholders; (ii) summarizes comments and concerns received from affected people and other stakeholders, and how these comments have been addressed in project design and mitigation measures, with special attention paid to the needs and concerns of vulnerable groups, including women, the poor, and indigenous peoples; and (iii) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination), and the process for carrying out consultation with affected people and facilitating their participation during project implementation.

G. Grievance Redress Mechanism. Describes the grievance redress framework (both informal and formal channels), setting out the time frame and mechanisms for resolving complaints about environmental performance.

H. Environmental Management Plan and Monitoring. Deals with the set of mitigation and management measures to be taken during project implementation to avoid, reduce, mitigate, or compensate for adverse environmental impacts (in that order of priority), It may include multiple management plans and actions. It includes the following key components (with the level of detail commensurate to the project's impacts and risks):

(i) Mitigation

- (a) identifies and summarizes anticipated significant adverse environmental impacts and risks;
- (b) describes each mitigation measure with technical details, including the type of impact to which it relates and the conditions under which it is required (for instance, continuously or in the event of contingencies), together with designs, equipment descriptions, and operation procedures, as appropriate; and
- (c) provides links to any other mitigation plans (for example, for involuntary resettlement, indigenous people, or emergency response) required for the project.

(ii) Monitoring

- (a) describes monitoring measures with technical detail, including parameters to be measured, methods to be used, sampling location, frequency of measurements, detection limits, and definition of threshold that will signal the need for corrective actions; and
- (b) describes monitoring and reporting procedures to ensure early detection of conditions that necessitate mitigation measures, and documents the progress and results of mitigation.
- (c) assesses monitoring and reporting cost and source of fund.

(iii) Implementation arrangements

- (a) specifies the implementation schedule, showing phasing and coordination with overall project implementation;
- (b) describes institutional or organizational arrangements, namely, who is responsible for carrying out the mitigation and monitoring measures, which may include one or more of the following additional topics to strengthen environmental management capability: technical assistance programs, training programs, procurement of equipment and supplies related to environmental management and monitoring, and organizational changes; and
- (c) estimates capita and recurrent costs and describes sources of funds for implementing the environmental management plan.

(iv) Performance indicators. Describes the desired outcomes as measurable events to the extent possible, such as performance indicators, targets, or acceptance criteria that can be tracked over defined time periods.

I. Conclusion and Recommendation – provides the conclusions drawn from the assessment and provides recommendations.

Outline of Environmental Due Diligence Report (DDR)

- Subproject title:
- General Information

A. Sub Project Description

- Introduction
- Existing Environmental Baseline Condition:

Table of Salient Environmental and Socio-economic features of the subproject area

Indicator	Description
Climate	
Rainfall	
Relative Humidity	
Wind Speed	
Ambient Air Temperature	
Air Quality	
Ambient Noise Level	
Soils and elevations	
Flora	
Fauna	
Birds	
Land use	
Demography	
Socio-economic state of the area	
Cultural details	

- A sketch showing environmental features of the WCSC Rehabilitation center and its surrounding
- Environmental categorization: (REA Checklist)
- Impact assessment and EMP measures
- Budget for EMP and safeguard compliance monitoring
- Emergency preparedness and response plan
- Conclusion and Recommendation
- Photographs, required templates etc.

Format for Preparing Environmental Management Plan

SN	Work Activity	Impacts	Proposed Mitigation Measures	Cost Estimate (and the item number in BOQ in which the cost is provisioned)	Schedule of Implementation	Implementing and supervising responsibility

ENVIRONMENTAL MONITORING REPORT FORMAT

Environmental Monitoring will include:

- Implementation Status of mitigation measures as listed in the Environmental Management Plan (EMP). Please report if the EMP measures are complied / being complied / not complied. If not complied, give reasons and recommend corrective measures with implementing agency.
- Impact Monitoring: Impact monitoring will focus on key indicators of the impacts predicted in the EMP. Report on impacts occurred due to implementation of the project and mitigation measures adopted. Assess whether the identified impacts were accurate and the mitigation measure designed and implemented were sufficient / adequate / effective. Suggest corrective measures. The corrective measures will be monitored for its compliance and re-evaluated next time again.

Environmental Monitoring Format

Detail of Infrastructure:

Location:

Date:

Reported by:

SN	Activity	Potential Impact	Mitigation Measure as in S/EMP and OHS Plan	Current Status (with supporting data*)	Follow-up Required/ Remarks

Note: The monitoring format shall be attached to the monthly progress report.

* Data could be nos. and % of female in work group; Nos. of training with nos. of participants (M/F); nos. of trees removed and replanted, volume of spoil managed, number of injuries, number of grievances. etc.

A safeguard monitoring report may include the following elements:

- Background/context of the monitoring report (adequate information on the project, including physical progress of project activities, scope of monitoring report, reporting period);
- Changes in project scope and adjusted safeguard measures, if applicable;
- Qualitative and quantitative monitoring data;
- Monitoring parameters/indicators and methods used;
- Monitoring results compared against previously established benchmarks and compliance status (e.g., national environmental emission and ambient standards and/or standards set out in the WB's EHS guidelines; timeliness and adequacy of environmental mitigation measures; IR compensation rates and timeliness of payments, adequacy and timeliness of IR rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing EMP, RP, or IPP, adequacy of capacity building, etc.);

- Monitoring results compared against the objectives of safeguards or desired outcomes as suggested in EMP/SEMP/OHS plan;
- If noncompliance or any major gaps identified, include a corrective action plan;
- Records on disclosure of monitoring information to affected communities;
- Identification of key issues, or complaints, or recommendations for improvement and action taken;
- Monitoring adjustment measures recommended based on monitoring experience/trends and stakeholders response;
- Information about actual institutional arrangement for implementing the monitoring program/plan provided or adjusted, as may be required;
- Proposed items of focus for the next report and due date.

ADB Prohibited Investment Activities List

The following do not qualify for Asian Development Bank financing:

- (i) production or activities involving harmful or exploitative forms of forced labor¹ or child labor;²
- (ii) production of or trade in any product or activity deemed illegal under host country laws or regulations or international conventions and agreements or subject to international phaseouts or bans, such as (a) pharmaceuticals,³ pesticides, and herbicides,⁴ (b) ozone-depleting substances,⁵ (c) polychlorinated biphenyls⁶ and other hazardous chemicals,⁷ (d) wildlife or wildlife products regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora,⁸ and (e) transboundary trade in waste or waste products;⁹
- (iii) production of or trade in weapons and munitions, including paramilitary materials;
- (iv) production of or trade in alcoholic beverages, excluding beer and wine;¹⁰
- (v) production of or trade in tobacco;¹⁰
- (vi) gambling, casinos, and equivalent enterprises;¹⁰
- (vii) production of or trade in radioactive materials,¹¹ including nuclear reactors and components thereof;
- (viii) production of, trade in, or use of unbonded asbestos fibers;¹²
- (ix) commercial logging operations or the purchase of logging equipment for use in primary tropical moist forests or old-growth forests; and
- (x) marine and coastal fishing practices, such as large-scale pelagic drift net fishing and fine mesh net fishing, harmful to vulnerable and protected species in large numbers and damaging to marine biodiversity and habitats.

¹ Forced labor means all work or services not voluntarily performed, that is, extracted from individuals under threat of force or penalty.

² Child labor means the employment of children whose age is below the host country's statutory minimum age of employment or employment of children in contravention of International Labor Organization Convention No. 138 "Minimum Age Convention" (www.ilo.org).

³ A list of pharmaceutical products subject to phaseouts or bans is available at <http://www.who.int>.

⁴ A list of pesticides and herbicides subject to phaseouts or bans is available at <http://www.pic.int>.

⁵ A list of the chemical compounds that react with and deplete stratospheric ozone resulting in the widely publicized ozone holes is listed in the Montreal Protocol, together with target reduction and phaseout dates. Information is available at <http://www.unep.org/ozone/montreal.shtml>.

⁶ A group of highly toxic chemicals, polychlorinated biphenyls are likely to be found in oil-filled electrical transformers, capacitors, and switchgear dating from 1950 to 1985.

⁷ A list of hazardous chemicals is available at <http://www.pic.int>.

⁸ A list is available at <http://www.cites.org>.

⁹ As defined by the Basel Convention; see <http://www.basel.int>.

¹⁰ This does not apply to project sponsors who are not substantially involved in these activities. Not substantially involved means that the activity concerned is ancillary to a project sponsor's primary operations.

¹¹ This does not apply to the purchase of medical equipment, quality control (measurement) equipment, and any equipment for which ADB considers the radioactive source to be trivial and adequately shielded.

¹² This does not apply to the purchase and use of bonded asbestos cement sheeting where the asbestos content is less than 20%.