

# Summary Environment and Social Safeguards System Assessment

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September 2022

## Nepal: Supporting School Education Sector Plan

## SUMMARY ENVIRONMENT AND SOCIAL SAFEGUARDS SYSTEM ASSESSMENT

1. In line with Nepal's long-term vision and commitment to Sustainable Development Goal 2030, the Ministry of Education, Science, and Technology (MOEST) approved the School Education Sector Plan (SESP) for 2021-2030.<sup>1</sup> MOEST developed a costed program for the first five years (FY2023-FY2028) of SESP to be implemented through a sector wide approach (SWAP) by building on the lessons learned from the previous programs.<sup>2</sup> The SESP's outputs are (i) equitable access for all, (ii) quality and relevance of education, (iii) life-long education for all citizens, and (iv) good governance and management. The SESP's outputs for the first five years are being financed by the development partners using joint and non-joint financing approach in the SWAP. The joint financing approach is operationalized among the eight joint financing partners (JFPs) including the ADB.<sup>3</sup>

2. ADB through the RBL program will leverage with other seven JFPs to jointly address the remaining inequities and the constraints leading to low learning by prioritizing and sequencing the SESP's results. The program is aligned with ADB's Strategy 2030 operational priorities: (i) addressing remaining poverty and reducing inequalities, (ii) accelerating progress in gender equality, (iii) tackling climate change, building climate and disaster resilience, and enhancing environmental sustainability, and (iv) strengthening governance and institutional capacity. It contributes to pillar 2 (Improved access to devolved services) of ADB's Country Partnership Strategy for Nepal 2020–2024 and to Sustainable Development Goals 4, 5, and 10.<sup>4</sup> The program will benefit 7.1 million students, 252,210 teachers, and more than 27,000 schools with the following outputs:

3. **Output 1: Learning provisions for Basic and Secondary Schools Enhanced.** This output focuses on three areas: (i) providing high quality inclusive learning facilities to improve equitable participation in science subjects in grades 11–12 based on the local government needs assessment. The existing secondary schools across the country will be mapped and prioritized for science teaching and learning in grades 11–12 and the school facilities will be upgraded incorporating gender and social inclusion (GESI) friendly, and disaster and climate resilient design standards and improved construction management. The design standards and construction management guidelines will be updated for local governments using best practices in school construction from the pilot model school program of SSDP and reconstruction of school buildings after 2015 earthquake (DLI-4); (ii) revision of the pro-poor scholarship scheme to ensure equal opportunity to students and revised schemes implemented in grades 6-12. The revision of the pro-poor scholarship is expected to rationalize variety of existing scholarship schemes (DLI-5); and (iii) support improving in enrolment of students with disabilities through increased provisions of inclusive-disability teacher training.

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<sup>1</sup> Ministry of Education, Science, and Technology, Government of Nepal. 2022. School Education Sector Plan 2021-2030. Kathmandu. The plan was prepared in 2021, endorsed in 2022 and implementation starts in FY2023.

<sup>2</sup> ADB. 2017. [School Sector Program Completion Report](#). Manila; ADB. 2019. [Performance Evaluation Report School Sector Program \(Nepal\)](#). Manila; and ADB. 2016. [Report and Recommendation of the President to the Board of Director: Proposed Results Based Loan and Technical Assistance Grant to Nepal for Supporting School Sector Development Plan](#). Manila.

<sup>3</sup> The eight JFPs are ADB, Finland, Global Partnership for Education, European Union, Norway, United Nations Children Education Fund (UNICEF), United States Agency for International Development, and the World Bank.

<sup>4</sup> ADB. 2018. [Strategy 2030: Achieving a Prosperous, Inclusive, Resilient, and Sustainable Asia and the Pacific](#). Manila; and ADB. 2020, [Nepal: Country Strategy 2020-2024](#). Manila; and United Nations. 2015. [Sustainable Development Goals](#). New York.

**4. Output 2: Teaching and Learning in Basic and Secondary Schools Strengthened.**

This output will focus in four areas: (i) placement of qualified science, mathematics, and English teachers in schools for grades 6-10 to ensure adequate number of teachers are available (DLI-6); (ii) effective implementation of integrated approach of curriculum for grades 1-3 to improve foundational competencies in reading and numeracy by providing supplemental resource materials, teacher guide and teacher training (DLI-7); (iii) pilot new school based teacher professional support through mentorship in 200 local governments (DLI-8); and (iv) continue strengthening the examination system in grade 8, and 12 as started in SSDP by introducing test items for external public examination requiring right mix of higher order thinking skills (DLI-9). As teachers teach to the test, changing the examination approach is also expected to improve teaching and learning practices.

**5. Output 3: Learning Recovery Accelerated.** This output will focus on mitigation of learning loss due to COVID-19 pandemic and improvement on access to e-resources for teaching and learning through (i) implementation of learning loss recovery activities based on the ReAL plan (DLI-10); and (ii) improvement on accessibility, relevancy, and quality of e-resources in the online learning portal established during the pandemic, while the government continues to invest in expansion of the ICT infrastructure and connectivity in schools (DLI-11).

**6. Output 4: Local Government Education Planning, Monitoring, and Reporting Improved.** The output will improve the education service delivery in the federal system. The focus areas will be (i) strengthening local government capacity in developing periodic education plan (DLI-12); (ii) improvement in financial and physical reporting system of the local governments, (PAP), (iii) coordination with relevant federal ministry and development partners to operationalize internal control system of local governments (PAP); (iv) improvement in social audit of schools using school report card and reduction of audit observations of SESP expenditures (DLI-12); and (iv) revision of the federal conditional education grant for flexibility and need based as per the local government and school needs with incentives for local governments to allocate additional resources to education (PAP).

7. As the program involves several financing partners, a joint financing agreement has been drafted which adopts a single social and environmental assessment and planning process and unified safeguard documentation, consultation, and disclosure requirements to satisfy the safeguard principles and requirements of ADB and the joint financing partners. The World Bank led the preparation of an Environmental and Social Safeguards System Assessment (ESSA), which incorporates the elements of ADB's Program Safeguards System Assessment (PSSA) in compliance with the requirements of ADB Staff Instructions for Results-Based Lending. The ESSA which is equivalent to ADB's PSSA, examines the applicable laws, regulations, rules, and procedures for managing and mitigating environmental and social impacts of the program. This Summary ESSA is an abridged version of the full ESSA report.<sup>5</sup> The ESSA report is disclosed by the Government of Nepal as well as by the World Bank. The summary ESSA will be disclosed on ADB website.

**A. Program Environmental and Social Impacts and Risks**

**8. Environment.** The program is classified as category B for environment. Output 1 will involve expansion of secondary schools with improved physical facilities and reconstruction of school buildings affected by the 2015 earthquake. Disaster risk resilient and climate-adapted physical facilities, adequate water and sanitation facilities, library, ICT facilities with internet

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<sup>5</sup> Program Implementation Document (accessible through linked document in appendix 2 to the RRP).

connectivity, science laboratory will be included in the design of schools. The likely environmental issues and risks as identified in the ESSA relate to the following: i) disaster-related risks; ii) debris and solid waste management; iv) reduction in green areas due to felling of trees; v) water and sanitation; vi) inefficient wastewater discharge facilities; vii) occupational health and safety; viii) air pollution/emission; ix) exclusion of facilities such as drainage, ramps, proper lighting and ventilation, and damp proofing; and x) non-implementation of environmental management procedures. On the other hand, the anticipated environmental benefits include: i) strengthening of the government's environmental management systems; ii) construction of green and climate-resilient classrooms; and iii) further integration of climate change related topics in the school curriculum.

9. CEHRD in collaboration with different donor agencies in the past have developed several guidelines and working documents to manage the environmental and social safeguards issues related to teaching and learning activities. The guidelines have been updated to adapt with the virtual learning environment needed during the period of COVID-19 when the schools were shut down for an extended duration. The safeguards documents were aligned with the core provisions of school safety as well as environmental and social safeguard requirements including access, equity, quality, and sustainability of education services for indigenous and vulnerable groups, ensuring that these groups were in no way adversely affected due to program interventions. With the support of the NEP: Supporting School Sector Development Plan technical assistance by ADB, a standalone Safeguard Resource Book (Nepali version), aligned with EMF and SMF, was developed and implemented by CEHRD in 2020.<sup>6</sup> CEHRD's Safeguard Resource Book, 2020 (Nepali) provides an elaborate environmental and social safeguards management framework with clear policy principles regarding various safeguards issues and concerns. These include principles to be followed during the construction works in the school including environmental screening checklists and preparation Environmental and Social Management Plan, Initial Environmental Examination, and Due Diligence Report. The principles also outline grievance redress mechanisms in the schools, regular consultation, communication and dissemination, information recording and monitoring of safeguards compliance.

10. **Involuntary Resettlement.** The program is classified as category C for involuntary resettlement (IR) as there will be no involuntary resettlement impact since minor civil works will be within the existing school premises. Impacts for both permanent and temporary impacts will be assessed. Program activities will be screened for the IR impacts. If any additional land will be required, it will be based either on negotiated settlement in compliance with para 25 of Safeguards Requirements 2 or through voluntary donation following the best practices and will establish that donation is actually voluntary, and not under any coercion including that from the community.

11. **Indigenous Peoples.** The program is classified as category B for Indigenous Peoples (IP) safeguard. Positive impacts are expected on the IPs due to affirmative actions of the program, which will increase participation and enhance learning of the IP children and youth. Negative impacts on IPs are not expected. An IP safeguards screening checklist has been developed that will screen the program activities and any activity with negative impacts will either be avoided, or adequate measures will be implemented to address negative impacts. The program activities will exclude activities that adversely affect the dignity, human rights, livelihood systems, or culture of indigenous peoples, or affect the territories or natural or cultural resources that indigenous

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<sup>6</sup> ADB. 2016. [Technical Assistance to the Government of Nepal for the Supporting School Sector Development Plan](#). Manila.

peoples own, use, occupy, or claim as ancestral domain or an asset. Details on the social benefits of the program is in paras 88-92 of the full ESSA report.

12. A Social Management Framework (SMF) was also developed for the School Sector Development Plan (SSDP) in 2017 which is now updated and harmonized with EMF to reflect safeguards management in the new federal context including the environmental, IR and IP safeguards impacts. The Environmental and Social Management Framework (ESMF) sets out procedures, guidelines and standards related to screening of activities.

## B. Safeguard Policy Principles Triggered

13. Upon review of relevant government of Nepal policies, implementation practices and ADB's SPS (2009), and considering the activities and potential impacts that may be associated with proposed support to SSEP, the ESSA finds the following ADB SPS policy principles to be triggered:

Table 1. Safeguard Policy Principles Triggered	
Principles	Remarks
<b>Environment</b>	
<b>Principle 1.</b> Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that adequate studies are undertaken to commensurate with the significance of potential impacts and risks.	<p>The EMF for the school sector includes procedures, guidelines and standards for school physical infrastructure related to screening and preparation of simple environmental management and mitigation plan. The EMF seeks to ensure environmentally and climate-friendly design and construction of school facilities and other educational infrastructure within the regulations of the GON. The program will strengthen the effective use of agreed policies and standards such as the National Environmental Guidelines for School Improvement and Facility Management (2004) in Nepal and the Comprehensive School Safety Implementation Guidelines 2075 approved by MOEST in February 2019. At the school level, the EMF is considered to include environmental and social issues in the planning, designing and construction of education buildings. The requirement for environmental management plan for the construction of schools will be incorporated into contract documents for construction. The EMP will include at least the proposed mitigation measures, environmental monitoring and reporting requirements, institutional or organizational arrangements, implementation schedule, indicative budget, capacity development and training measures, and performance indicators. The monitoring of compliance will be undertaken by School Management Committees and LGs.</p> <p>Per EMF, screening and ESMP preparation involve a consultation process with the affected stakeholders, households and communities.</p> <p>The principles in CEHRD's resource book outline grievance redress mechanism in the schools as well as regular consultations and monitoring of safeguards</p>
<b>Principle 2.</b> Conduct an environmental assessment for each proposed project	
<b>Principle 4.</b> Prepare an EMP that includes the mitigation measures, environmental monitoring, capacity development and reporting requirements.	
<b>Principle 5.</b> Carry out meaningful consultation with stakeholders and facilitate their informed participation. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.	

<b>Table 1. Safeguard Policy Principles Triggered</b>	
<b>Principles</b>	<b>Remarks</b>
	compliance. CEHRD developed a working procedure "Grievance Redress Procedure 2074" (further revised in 2020) for speedy and transparent redress/management of grievances without retribution to the affected person or student.
<b>Principle 3.</b> Examine project alternatives, design, technology and components and their potential and social impacts.	The expected construction activities are small in scale and do not require elaborate measures to mitigate impacts. However, alternatives in terms of type of materials and technology will be explored (i.e. solar panels, non-asbestos containing materials, etc.). Materials included in ADB's Prohibited Investment Activities List will not be used.
<b>Principle 6.</b> Disclosure of Draft Environmental Assessment (including EMP) in a timely manner before project appraisal in, and appropriate public website and in a form and language understandable to affected people and other stakeholders. Disclose the final environmental assessment and its updates, if any, to affected people and other stakeholders.	<p>The EMF of the CEHRD requires the incorporation of EMP in the contract documents for the construction of schools. However, in practice this is yet to be implemented by LGs. Final environmental assessments are not done by LGs. With the SSEP, CEHRD and MOEST at the local levels will be responsible for the environmental assessments. The JFP technical assistance aims to strengthen the capacity of the LGs.</p> <p>The EMF requires that hard copies of the framework and plans should be disclosed at unit offices and project offices as well as in the communities as relevant. Soft copies of the plans will be disclosed in the websites of the implementing agencies. The annual environmental monitoring report to be submitted to the JFPs will reflect if the relevant safeguards documents (IEE/EMP) ave been disclosed as per the ESMF. Compliance is the responsibility of the local government, and with the annual monitoring at federal level, additional follow-up is provided to the local governments. The technical assistance provided under the TA framework by either UNICEF or World Bank will support CEHRD (federal level coordinating agency) will include spot checks on implementation of ESMF, and have capacity development of local governments included, especially if not disclosed.</p>
<b>Principle 7.</b> Implement EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.	The implementation of EMP is a requirement stipulated in the EMF. However, this is yet to be practiced by LGs. Currently, LGs lack awareness and capacity to implement EMPs.
<b>Principle 9.</b> Apply pollution prevention and control technologies and practice consistent with international good practices as reflected in internationally recognized standards such as World Bank Group's Environmental, Health and Safety Guideline. Avoid use of hazardous materials subject to internationally banned or phased out.	The EMF is linked with national environmental laws and regulations and has detailed guidelines for good environment management practices and environment-friendly materials. However, asbestos ban is not covered in the EMF. The legal framework section of the EMF needs to be revisited and updated to include such provision, and any other recently approved legislations, if any. The implementation of EMPs during construction will address impacts related to soil, water, air, noise, human health and safety.

<b>Table 1. Safeguard Policy Principles Triggered</b>	
<b>Principles</b>	<b>Remarks</b>
<b>Principle 10.</b> Provide workers with safe and healthy working environment to prevent accidents, injuries and disease. Establish preventive, emergency preparedness and response measures to avoid and where avoidance is not possible to minimize adverse impacts and risks to health and safety for each school.	Construction activities may generate solid waste, dust, noise and wastewater which should be reduced and disposed appropriately. It may also result in injuries to workers. Contractors will be required to strictly observe construction health and safety requirements. The EMF has identified such potential impacts and the corresponding mitigating measures.
<b>Principle 8.</b> Do not implement project in critical habitats.	<b>These policy principles are not triggered.</b> Anticipated construction will be within existing school premises owned by the government. Construction activities are required to comply with the EMF which is in line with the National Building Code (NBC) 105 (2020) and National Environmental Assessment Guidelines for School Improvement and Facility Management (2004). Any activity in critical habitat will be excluded, and no damage to physical and cultural resources will be allowed.
<b>Principle 11.</b> Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment.	
<b>Involuntary Resettlement</b>	
<b>Principle 1.</b> Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	This involuntary resettlement (IR) policy principle is not triggered. No involuntary resettlement impacts under the program since minor civil works will be within the existing school premises. Impacts for both permanent and temporary IR impacts will be assessed. Program activities will be screened for the IR impacts.
<b>Principle 2.</b> Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations.	This IR policy principle is not triggered.
<b>Principle 3.</b> Improve, or at least restore, the livelihoods of all displaced persons with needed assistance	This IR policy principle is not triggered.
<b>Principle 4.</b> Provide physically and economically displaced persons with needed assistance.	This IR policy principle is not triggered.
<b>Principle 5.</b> Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.	This IR policy principle is not triggered.
<b>Principle 6.</b> Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter negotiated settlements will maintain the same or better income and livelihood status.	

<b>Table 1. Safeguard Policy Principles Triggered</b>	
<b>Principles</b>	<b>Remarks</b>
<b>Principle 7.</b> Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	This IR policy principle is not triggered.
<b>Principle 8.</b> Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	This IR policy principle is not triggered.
<b>Principle 9.</b> Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders	This IR policy principle is not triggered.
<b>Principle 10.</b> Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits	This IR policy principle is not triggered.
<b>Principle 11.</b> Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	This IR policy principle is not triggered.
<b>Principle 12.</b> Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring.	This IR policy principle is not triggered.
<b>Indigenous Peoples</b>	
<b>Principle 1.</b> Screen early on to determine: (i) whether IPs are present in, or have collective attachment to, the project area; and, (ii) whether project impacts on IPs are likely.	Positive impacts are expected on the IPs due to affirmative actions of the program, which will increase participation and enhance learning of the IP children and youth. Negative impacts on IPs are not expected.
<b>Principle 2.</b> Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on IPs. Give full consideration to options the affected IPs prefer in relation to the provision of project benefits and the design of mitigation measures.	An IP safeguards screening checklist has been developed that will screen the program activities and any activity with negative impacts will either be avoided, or adequate measures will be implemented to address negative impacts. The program activities will exclude activities that adversely affect the dignity, human rights, livelihood systems, or culture of indigenous peoples, or affect the territories or natural or cultural resources that indigenous peoples own, use, occupy, or claim as ancestral domain or an asset.

<b>Table 1. Safeguard Policy Principles Triggered</b>	
<b>Principles</b>	<b>Remarks</b>
<b>Principle 3.</b> Undertake meaningful consultations with affected IPs communities and concerned Indigenous Peoples organizations to solicit their participation.	<p>The social inclusion policies of the government of Nepal incorporate consultation with IP communities. The consultations are carried out in the dialects understood by the IP communities.</p> <p>Consultations have been carried out through NGOs and IPOs while designing the program and the consultative process will continue during implementation of SESP to ensure that IPs will receive a culturally appropriate education benefits and can actively participate in the program activities.</p>
<b>Principle 4.</b> Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and, (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community.	This IP policy principle is not triggered.
<b>Principle 5.</b> Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected IPs communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and their benefits are equitably shared.	This IP policy principle is not triggered.
<b>Principle 6.</b> Prepare an IPP that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities.	<p>This IP policy principle is not triggered.</p> <p>No negative impact on IPs is expected. A separate IPP is not required because actions for IPs are already integrated into the program. Instead, an ESMF was prepared as a guide.</p>
<b>Principle 7.</b> Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner.	The ESMF has been discussed with the government and the joint financing partners and will be disclosed on ADB and EA's websites.
<b>Principle 8.</b> Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that IPs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.	This IP policy principle is not triggered.

<b>Principles</b>	<b>Remarks</b>
<b>Principle 9.</b> Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever feasible; and assess whether the IPP’s objective and desired outcome have been achieved.	This IP policy principle is not triggered.

**C. Diagnostic Assessment**

**1. Assessment Methodology and Resources**

The World Bank, as a joint financing partner, led the preparation of the ESSA. A combination of desk reviews and field investigations were adopted for the assessment. Primary and secondary data were reviewed and verified. Field visits were undertaken by the World Bank consultant in June 2022 in Madesh Province, Karnali Province and Kavre district of Bagmati Province for group consultations and key informant interviews with provincial and local stakeholders. Five schools, three municipalities and education related offices in two provinces were covered during these field visits. While the scope of the program is nationwide, only a sample of representative sites where activities will be undertaken were selected for the field visits. The selection of sample sites was based on the following criteria: i) combination of urban and rural areas; ii) combination of accessible and remote areas; and iii) areas with model and non-model schools. ADB reviewed and provided comments on the draft ESSA to align with the PSSA elements as required by ADB.

14. The steps taken to conduct the assessment include: i) scoping the SSTP activities, anticipated risks, and impacts; ii) assessment of environmental and social management systems; iii) assessment of capacity and performance of implementing agencies; iv) assessment of borrower systems relative to the program principles; v) formulation of an action plan to enhance environmental and social management capacity and performance; vi) performance monitoring and implementation support; vii) and disclosure and consultation on ESSA report.

**2. Environment**

15. The likely environmental impacts from construction activities are categorized as B in accordance with ADB’s SPS as they will be site-specific and temporary during construction and will vary from minimal to moderate based on the specific type, location and scope. None of the activities will be located in environmentally-sensitive areas. While the potential environmental impacts and risks can be readily managed through the existing EMF which has been developed from previous ADB-supported RBL and PBL, key gaps have been identified in the assessment which generally relate to effectiveness of implementation of the framework at the provincial and local levels.<sup>7</sup> The significance of managing environmental and social safeguards at the provincial and local levels need to be internalized fully, clarifying the requirements, reporting lines, and timelines. To be able to achieve this, the EMF needs to be updated based on recent laws and regulations and simplified to increase its adaptability and useability. Human resource at the provincial and local levels need to be budgeted and filled to improve capacity for effective implementation and monitoring of environmental and social safeguard requirements.

<sup>7</sup> ADB. 2016. [Report and Recommendation of the President to the Board of Directors: Results-Based Loan and Technical Assistance Grant to the Government of Nepal for the Supporting School Sector Development Plan](#). Manila and ADB. 2011. [Report and Recommendation of the President to the Board of Directors: Policy-Based Grant and technical Assistance Grant to the Government Nepal for the School Sector Program](#). Manila.

### 3. Involuntary Resettlement

16. MOEST has confirmed that any school requiring involuntary land acquisition will be excluded from the program scope. Civil works will be mainly confined to the existing school premises without any requirement for additional land. In exceptional cases where minor additional land is required, land will be acquired through negotiated settlement and voluntary land donation only. ADB SPS Requirement 2 will not be triggered. MOEST and the development partners have used an agreed land acquisition framework for the School Sector Reform Plan (SSRP), prepared in 2009 and updated in 2011 and 2015 for land acquisition through voluntary donations and willing seller, willing buyer approach.<sup>8</sup> This document may be updated as required to further strengthen provisions for implementation of the Program in consultation with other development partners, in particular the World Bank. Capacity building on social safeguards will be provided to MOEST, CEHRD, the local government units and the schools to ensure compliance to social safeguards policies.

### 4. Indigenous Peoples

17. The IPs children and youth will benefit from the affirmative actions under the program which will increase their participation and improve their learning outcomes. The provision of pro-poor scholarship scheme in basic and secondary education will ensure participation. Mother tongue teaching in early grade learning program to facilitate better learning and smooth transition to upper grades. The program will ensure affirmative actions are relevant and culturally appropriate and inclusive.

18. CEHRD has prepared the vulnerable community development framework (VCDF) as part of the SMF for School Sector Development Plan (SSDP) in 2017. This framework has outlined the details on required interventions for IPs and the vulnerable groups including its implementation and monitoring mechanism. CEHRD has integrated the Environment and Social Screening Checklist in the Program Implementation Manual (PIM).

### 5. Assessment of Other Risks

19. **Institutional.** Both MOEST and CEHRD at the federal level have a regulatory framework and a strong institutional capacity in terms of managing environmental and social issues. However, the implementation of these existing legal and regulatory provisions, at the provincial and local levels, faces challenges due to regulatory deficiencies, shortage of human resources, inadequate institutional capacity and low priority and budget allocation. The institutional capacity of MOEST and CEHRD at the provincial and local levels (implementing agencies) in identifying and managing environmental and social issues varies at different levels. While it is observed to be strong at the federal level, it is weak at the provincial and local levels, hence, needing additional support. This institutional risk will be managed by forming a committee with environmental and social safeguards responsibilities at the local level. Training will be provided through capacity building support through technical assistance from the JFPs.

20. CEHRD developed a GRM called the "Grievance Redress Procedure 2074" for speedy and transparent redress of grievances without retribution to the affected person or student. This provides a mechanism for school students to report grievances related to environmental and

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<sup>8</sup> Government of Nepal, Department of Education. 2015. *Land Acquisition Framework – Revised*. Bhaktapur. <http://www.doe.gov.np/allcontent/Detail/279>

social issues such as inadequacy of WASH facilities, sexual harassment, gender and caste discriminations, bullying and any other problem which directly or indirectly impact their mental and physical conditions and their learning environment. The Grievance Desk has been established at the CEHRD to monitor whether GRM system in schools is functioning as per the procedure laid out in the Grievance Redress Procedure. For details, see paras 129-140 of the full ESSA report.

21. **Contextual.** The program will not support activities with significant environmental and social impacts (category A) that may pose reputational risks to ADB. There have been no known unresolved safeguards issues nor complaints in the past ADB-assisted education programs.

22. **Programmatic.** Programmatic risks are assessed not to be significant. However, climate change impacts and disaster risks may affect outcomes of the program. The program incorporates climate changes risk and disaster risk considerations in finalizing building designs. Both the MOEST and CEHRD have been involved in the E&S implementation at the federal level in the past ADB-supported RBLs. With the involvement of local governments for implementation of the proposed RBL program, there is an opportunity to improve capacity building and strengthen institutional arrangements which are needed for effective management of safeguards implementation.

**6. Overall Assessment**

23. The overall safeguard risk is moderate because (i) there is a moderate likelihood of program activities leading to some adverse impacts on environment and affected people; (ii) the adverse impacts tend not to be in environmentally or socially sensitive areas; (iii) the program operation is unlikely to have significant adverse impacts and would not be at risk of natural disasters; (iv) program activities are small scale, well known and manageable with existing processes/procedures; (v) there is limited likelihood of adverse social impacts on IPs, gender, the poor and other vulnerable groups; (vi) the institutional, contextual and programmatic risks are well understood and limited in impact; (vii) MOEST and CEHRD along with local governments have experience in managing risks and capacity building/training measures may be needed; and (viii) risk management measures are more predictable and readily available.

**D. Safeguard Program Actions**

24. The assessment identifies the following safeguard-related program actions which are mostly related to institutional strengthening:

**Table 2: Safeguards Program Action Plan**

Action Description	Responsibility	Timing		Completion Measurement
1. Approval of ESMF, including translated in Nepali, endorsed by MoEST, and made readily adaptable and useable by provincial and local governments	MoEST/CEHRD	Due Date	March 1, 2023	The existing Environmental Management Framework (EMF) & Social Management Framework (SMF) are to be consolidated and harmonized as a one document (i.e., Environmental and Social Management Framework [ESMF]). The ESMF will reflect the safeguard requirements of ADB, WB and other JFPs. Upon completion, the ESMF should be summarized in Nepali, endorsed by MoEST, and made readily adaptable and useable by provincial and local governments.
2. Committee formed at LG level for environment and social risk	MoEST/CEHRD/ LGs	Other	March 1, 2023	A committee with representation from the planning and infrastructure (environment) unit, social development division and education unit of the LGs will be formed which will be responsible and accountable for environment & social risk

Action Description	Responsibility	Timing		Completion Measurement
management of the program				management of SSEP. The activities of the committee and cost of environmental and social mitigation plans of the activities should be covered by the budget allocated for the education activities of LGs.
3.Enhance the existing GRM mechanism to make it more systemic and digitized including management of SEA/SH and VAC related grievances and develop referral mechanism with service providers	MoEST/ CEHRD/ LGs	Other	March 1, 2023	Monitoring and supervision of the established mechanism at all levels.

25. In addition to the action plans, the government and the Joint Financing Partners (including ADB and WB) will provide capacity building support through technical assistance. The JFP TA will help strengthen E&S framework implementation including documentation, monitoring and reporting, and provide training to MOEST and CEHRD staff at the provincial and local levels.