

Program Safeguard Systems Assessment (Draft)

July 2018

Bangladesh: Supporting Fourth Primary Education
Development Program

PROGRAM SAFEGUARD SYSTEMS ASSESSMENT

A. Program Environmental and Social Impacts and Risks

1. **Environment.** Supporting Fourth Primary Education Development Program (FY2019–2023) is likely to have limited environmental impacts. Similar to the Third Primary Education Development Project (FY2012–2018), most civil construction will be extension (horizontal or vertical) and refurbishment of school buildings, construction of sanitary facilities, sinking of moderate depth tube wells for drinking water, and their maintenance within existing school premises. The associated environmental impacts and risks may be linked to (i) site clearance and preparation; (ii) noise and dust generation; (iii) occupational hazards to construction workers and students; (iv) lack of drainage leading to soil erosion, sedimentation, and health hazards; (v) contamination of groundwater and surface water; (vi) resource extraction; (vii) waste generation; (viii) stressed sanitary conditions; (ix) lack of maintenance, including poor conditions for school water, sanitation, and hygiene (WASH) block; (x) arsenic and other contaminants to drinking water; (xi) disaster and extreme climate events; and (xii) inadequate classroom lighting and ventilation. The environmental impacts of the program would be minor and site specific. Mitigation measures will be good housekeeping practices and engineering measures which can be built into the environmental management plan (EMP) of subprojects to address the impacts satisfactorily. These will be included in the updated environmental and social management framework (ESMF) for the program. The rapid environmental assessment checklist of Asian Development Bank (ADB) can be used for determining the subprojects' environmental category. Accordingly, a short initial environmental examination or due diligence report shall be prepared to record the potential impact and their mitigation measures.

2. Environmentally sensitive locations will be avoided in implementing the program.¹ However, the construction in coastal area with salinity or cyclone cannot be avoided. Hilly region will have problem with land slide or unstable foundation. Civil construction in those areas will be mitigated through resilient structure to withstand disaster. The Local Government Engineering Department (LGED), partner implementing agency for school buildings, is updating the Infrastructure Planning Guidelines for Primary Education Sub-Sector, which will incorporate the requirements on disaster resilience with priority given to disaster-resilient planning and designing. Abidance with the Bangladesh National Building Code and existing standards is expected to ensure an environmentally sound program implementation with minimized risks. The program is also expected to ensure all safeguards compliance incurring minimal risks while following the ADB's Safeguard Policy Statement (SPS) (2009) and Staff Guidance for Piloting Results-Based Lending for Programs (2013), and the Government of Bangladesh's environmental regulation. Based on these findings, the assessment confirms category B for environmental impacts.

3. **Involuntary resettlement.** Involuntary resettlement safeguards did not trigger for the previous project, as all civil works were undertaken within the school premises and did not cause any displacement or adverse impact on livelihoods. It is envisaged that there will also be no involuntary resettlement under the proposed program since infrastructure construction will be of small-scale and within school premises. The Primary Education Properties Management Information System (PEPMIS) will continue to be used for infrastructure planning in the program, with which a list of schools can be clearly drawn confirming that the existing school premises allow for intended constructions. In case of any additional land that may be required to extend school facilities (such as for river-eroded areas) beyond existing premises, these kinds of constructions will not be covered under the program but arranged from the other projects of the Ministry of

¹ A list of environmentally sensitive areas has been provided in the ESMF.

Primary and Mass Education (MOPME). The assessment confirms category C for involuntary resettlement.

4. **Small ethnic communities.**² The previous project has been giving special attention to schools of those areas where small ethnic communities (SECs) are largely prevalent, or SEC students are studying in large percentage. The Directorate of Primary Education (DPE) is the implementing agency. Through its district and upazila offices, it has carried out awareness raising and regular consultation with SECs and other local people and designed proposed infrastructures in a participatory manner. The proposed program is likely to have limited social impacts and risks by the limited construction of infrastructure within existing school premises. The category B for SEC is based on the positive impacts expected on the SEC due to affirmative actions. In addition to infrastructures, other incentive schemes are there such as free textbooks in mother tongues and special arrangement to appoint teachers from SEC groups in these areas. A separate SEC plan is not prepared as the program is embedded with measures to ensure SEC participation through bottom up planning. However, framework for SEC plan as part of the ESMF prepared for the previous project will be followed for the proposed program and will be agreed with the government and joint financing development partners to ensure that there is no adverse impact of the program activities at school level for SECs during implementation.

5. The program will bring additional benefits to the communities where the schools are located. The program-initiated infrastructure facilities will benefit students and generate more income sources such as job opportunities, catering food, and transportation for local communities. The upgrade of schools will increase land values and would generate demand for accommodation and other facilities such as bookshops and food centers. The program will increase cohesion among different ethnic groups as the program will enroll more students from different parts of the country to follow courses.

B. Safeguard Policy Principles Triggered

6. Upon review of the relevant government policies and ADB's SPS (2009), and in light of activities and impacts that may be associated with the proposed support to the program, the assessment finds the following safeguards principles to be triggered:

Table 1: Safeguard Policy Principles Triggered

Principles ^a	Description
Environment	
Principle 1: Use a screening process for each proposed subproject, as soon 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 environmental impacts and risks.	Any construction activity could cause negative as well as positive environmental impact to the surrounding environment, the significance of which could vary depending on the locational ecological setting. A commonly agreed ESMF will guide the DPE, LGED, DPHE, and SMCs. It should incorporate a procedure for environment screening, conduct of environmental screening, preparation of IEE for category B and a brief environment due diligence report for category C subprojects, EMP, meaningful consultation, and a grievance redress mechanism to handle environment-related complaints.
Principle 2: Conduct an environment assessment for each proposed subproject.	
Principle 4: Prepare an EMP that includes the mitigation measures, environmental monitoring, capacity development, and reporting requirements.	
Principle 5: Carry out meaningful consultation with stakeholders and facilitate their informed participation.	

² The Government of Bangladesh does not endorse the term "indigenous peoples" officially and prefer to use the term "small ethnic community" for the same group of people. This document will use the single term SEC to mean all indigenous peoples/SEC peoples of Bangladesh.

Principles ^a	Description
Principle 7: Implement EMP and monitor its effectiveness.	The IEE and EMP provide important guidance to contractors, parents, students, and other stakeholders at the school level. It should be disclosed on the DPE and ADB websites, and provided at LGED and DPHE for guidance and to facilitate monitoring. The requirement for environmental assessment will be done in compliance with government rules and regulations together with the compliance with ADB's SPS (2009). Majority of the school construction is expected to be category C for environment, which will require a simple environmental due diligence report to assess and recommend, if any, particular mitigation measures are required for the environmental impacts such as drainage congestion, surface/ground water pollution, disruption of natural ecosystem, dust and air pollution, noise pollution, occupational health and safety, arsenic and other contaminants to water, disaster and extreme climate events (including flood control and others), poor school sanitation and WASH block, and classroom lighting and ventilation.
Principle 6: Disclose of draft environmental assessment (including EMP) in a timely manner before project appraisal and appropriate public website 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.	
Principle 9: Apply pollution prevention and control technologies and practice consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health, and Safety Guidelines. Avoid use of hazardous materials subject to internationally-banned or phased out.	
Principle 3: Examine subproject alternative, design, technology, and components and their potential environmental and social impacts.	School classroom construction will be determined later, but most will be in the existing school premises and/or public land or donated private land. The Bangladesh National Building Code and environmental regulations will provide guidance on site selection and construction facilities. Any activity in critical habitat will be avoided, and no damage to physical and cultural resources shall be ensured. The continuous use of PEPMIS will ensure the construction plan under the program only for schools with existing premises for intended constructions.
Principle 8: Do not implement subproject in critical habitats unless there is no measurable adverse impact on critical habitat that could impair its ability to function, there is no reduction in the population on any recognized endangered or critically endangered species, and any lesser impacts are mitigated.	
Principle 11: Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment.	
Involuntary Resettlement	
Principle 1: Screen the subproject early on to identify past, present, and future IR 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.	No IR impact is envisaged from program activities as the construction of infrastructures will be limited within the existing school premises. The criteria to approve the plan for construction of infrastructure include the confirmation that land within school premises is sufficient. In case of IR, the construction of infrastructure will not be approved.
Principle 2: Carry out meaningful consultations with affected persons, host communities, and concerned NGOs.	SMCs in coordination with DPEOs/UEOs carry out meaningful consultation with stakeholders including teachers for construction of infrastructures. SMC has representation of parents of school children and beneficiaries of program activities.
Principle 3: Improve, or at least restore, the livelihoods of all displaced persons with needed assistance.	There will be no displacement and IR impacts.
Principle 4: Provide physically and economically displaced persons with needed assistance.	There will be no physical or economic displacement.
Principle 5: 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.	No IR impacts.
Principle 6: Develop procedures in a transparent, consistent, and equitable manner if land acquisition is	The impact of program activities is not likely to affect the income and livelihood status of the people entering into

Principles ^a	Description
through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	negotiated settlement.
Principle 7: 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.	There will be no displacement and no IR.
Principle 8: 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.	There will be no IR and thus no resettlement plan is required.
Principle 9: 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.	
Principle 10: Conceive and execute IR as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits.	No IR envisaged.
Principle 11: Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	No IR envisaged.
Principle 12: 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.	No IR envisaged.
Indigenous Peoples	
Principle 1: Screen early on to determine whether (i) SEC are present in, or have collective attachment to, the project area; and, (ii) project impacts on SEC are likely.	The SMC and DPEO/UEO screen presence of SECs and propose appropriate actions and appropriate assistance to encourage them for school enrollment and participation. An ESMF including a framework for SECP, practiced for PEDP3, is updated for PEDP4 to guide the screening and planning process.
Principle 2: Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on SEC. Consider options for the affected SECs prefer in relation to the provision of project benefits and the design of mitigation measures.	The program envisaged affirmative action for SECs. DPEOs/UEOs and SMCs will include measures and activities for social inclusion targeting to SECs. In addition, reservations in staff and teacher appointment are in practice.
Principle 3: Undertake meaningful consultations with affected SECs and concerned SEC organizations to solicit their participation.	The social inclusion policies of GOB incorporate consultation with SECs. The consultations are carried out in the language appropriate to SECs using social mobilizers or resource persons. Consultations have been carried out through NGOs, SEC organizations, and local public/community representatives while designing the program. The consultative process will continue during implementation of PEDP4 to ensure that PEDP4 benefits are accessible to SECs in a culturally appropriate manner.
Principle 4: Ascertain the consent of affected SEC to the following project activities: (i) commercial	The principle is not applicable to the program.

Principles ^a	Description
development of the cultural resources and knowledge of SEC; (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, and spiritual uses that define the identity of SECs.	
Principle 5: 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 SECs participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and their benefits are equitably shared.	The program will exclude any such activities.
Principle 6: Prepare an SECP 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 SECs.	No negative impact on SECs is expected. The program will lead to positive impact on SECs through appropriate actions to ensure the benefits are equitably shared by SECs. A separate SECP is not needed as action for SECs are already integrated into the program scope. Instead, a framework for SECP as part of ESMF for the program has been prepared to act as a guide.
Principle 7. Disclose a draft SECP, including documentation of the consultation process and the results of the social impact assessment in a timely manner.	The framework for SECP, part of the program's ESMF, will be disclosed in the DPE website.
Principle 8. 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 SECs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.	The principle is not applicable to the program.
Principle 9. Monitor implementation of the SECP using qualified and experienced experts; adopt a participatory monitoring approach, wherever feasible; and assess whether the SECP's objective and desired outcome have been achieved.	There is no separate SECP but a framework for SECP as part of ESMF has been prepared. However, the program will include reporting on the benefits accrued to vulnerable and disadvantaged communities, including SEC. Progress in SEC activities will be reviewed in the joint review mission by development partners and GOB.

ADB = Asian Development Bank, DPE = Directorate of Primary Education, DPEO = district primary education office, DPHE = Department of Public Health Engineering, EMP = environmental management plan, ESMF = environmental and social management framework, GOB = Government of Bangladesh, IEE = initial environmental examination, IR = involuntary resettlement, LGED = Local Government Engineering Department, PEDP3 = Third Primary Education Development Project, PEDP4 = Fourth Primary Education Development Program, PEPMIS = Primary Education Properties Management Information System, SMC = school management committee, SPS = Safeguard Policy Statement, SEC = small ethnic community, SECP = small ethnic community plan, UEO = upazila education office, WASH = water, sanitation, and hygiene.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila.

C. Diagnostic Assessment

1. Assessment Methodology and Resources

7. The assessment is prepared following ADB's Staff Guidance for Piloting Results-Based Lending for Programs (2013) and based on findings of (i) review of existing national safeguards-related legal provisions and regulatory frameworks; (ii) consultation with central, district, upazila

officers of DPE, and local (school) level stakeholders (including school management committee [SMC], teachers, parents, and relevant field level stakeholders); (iii) consultation with safeguard specialists of ADB, the World Bank, and other agencies; (iv) consultation with the infrastructure implementing agencies including at the central and local levels; (v) joint pre-appraisal of the proposed program; and (vi) lessons learned and gaps identified from the implementation of safeguards in the previous project.

2. Environment

8. **Policy and legal frameworks.** A wide range of policies, laws, and regulations related to environmental issues are in place in Bangladesh. Many of these are cross-sectoral and several of them are directly related to environmental issues. The main provisions for environmental protection and pollution control in Bangladesh are contained in the Environmental Conservation Act (1995) and Environmental Conservation Rules (1997). In addition, there are a series of policies, plans, and strategies which deal with the water sector, natural resource management, coastal area, protected area, disaster management, and climate change. The Bangladesh National Building Code (2006) and Bangladesh Labor Act (2006) are also important with regards to the occupational health and safety of workers and laborers to be involved in the program's infrastructure development activities. Aside from these, the cabinet has approved the Environment Court Bill (2010).

9. **Current practices, identified gaps, and mitigation measures.** LGED and the Department of Public Health Engineering (DPHE) are entrusted with need-based civil construction, water points, and sanitation of schools. LGED's civil works include construction of additional classrooms which are either extensions (horizontal or vertical) or construction/reconstruction of school and office buildings. LGED is also constructing school cum cyclone shelters in the cyclone-prone areas and school cum flood shelters in the flood-prone areas. LGED prepares (i) training materials; (ii) conduct staff training; (iii) prepare screening, initial environmental examination report, and site-specific EMP on sample basis; and (iv) review a certain percentage of the EMP and prepare the semiannual environmental monitoring reports under the program. The assistant engineer at district office acts as the environmental focal point and is responsible for coordinating environmental activities at field level. The upazila assistant engineer/sub-assistant engineers are responsible for carrying out the screening and preparing subproject specific EMP.

10. DPHE conducts initial screening of existing water supply and sanitation facilities of schools and, after installation of these facilities, conducts post-construction evaluation before handing the facilities to the schools. Source of drinking water in the form of shallow tube wells, deep tube wells, and other alternatives sources are all covered in the program. WASH blocks are introduced to include the toilets and hand washing facilities. All the tube wells installed under the program are tested for drinking water parameters mainly including arsenic (As), pH, iron (Fe), manganese (Mn), fecal coliform (Fc), and salinity (only for coastal areas). If arsenic and other parameters as mentioned here are found, alternative sources are considered in those cases. The superintending engineer in DPHE divisional head quarter, executive engineer in every DPHE district office supported by assistant engineers, sub-assistant engineers execute the program works of installation of water sources and WASH blocks.

11. ESMF and EMP are prepared by the DPE, which are implemented in close collaboration with LGED and DPHE. The Division of Planning at DPE, through an assigned official (in the previous project the assistant director of planning), is responsible for overall environmental compliance while the program coordinators (superintending engineers) of LGED and DPHE are

responsible for subproject-specific, environmental compliance, and relevant reporting. DPE is also informed by the PEPMIS on the school facilities' status and presence of arsenic contamination in tube wells.

12. The assessment identified that the constrained institutional capacity at DPE, LGED, DPHE, and schools poses a risk that screening and categorizing procedures are not consistently applied. There was lack of oversight from the DPE headquarters over the sub-project activities and safeguard compliance. Procedurally, the infrastructure implementing agencies did not follow exactly the screening format developed in the ESMF. Moreover, the upazila engineers have generally been found to be less concerned about safeguards and the contractors carried out their activities without active supervision. Given that EMPs are currently seldom parts of the contract documents with local constructors, the probability that contractors follow good safeguard practices is low. The PEPMIS only mentions whether the tube well water is arsenic contaminated or not, but no information is available regarding the arsenic concentration or when it was measured.

13. In terms of civil works, proper environmental screening/assessment lacks in many sub-projects. Noise and dust pollution induced by construction activities are the major environmental risks for the construction of school buildings. Moreover, it was found that construction materials are not properly stacked in the school premises which posed safety concern to children as well as occupational health hazard to workers. In terms of water and sanitation, the regular operational monitoring of drinking water quality for the main parameters such as As, Fe, pH, Mn, Fc, and salinity needs to be done by DPHE and the water quality database needs to be updated regularly. However, the test of water quality was done only during the commissioning of water points while annual water quality testing has been ignored. Tube wells that were screened as As, pH, Fe, Mn, and Fc-safe at an earlier time during installation may become unsafe and that is why periodic monitoring is needed (at least biannual/annually). Similarly, WASH blocks installed at an earlier time may deteriorate due to lack of periodic maintenance or faulty operations. There is no blanket annual monitoring of the facilities and water sources established during the previous phases of primary education development program, for which the defect liability periods are over. Coordination between LGED and DPHE needs to be strengthened especially when the classrooms and WASH blocks are to be constructed on the same school campus.

14. To address these issues and gaps, the following mitigation measures are proposed: (i) Capacity building in applying safeguards at the national, district, and upzila levels, including providing necessary awareness raising and training on safeguards compliance for contractors, needs to be strengthened through the support of the program to implement the ESMF successfully. (ii) Measures are needed to (a) incorporate environmental codes of practices in the tender documents of the contractors which will make observance of safeguard protocols mandatory for the contractors as required by ESMF; (b) carry out a more intensive monitoring by LGED and DPHE at the field level to ensure the ESMF implementation; and (c) engage the SMCs more regularly to make them aware of hazards related to the program implementation. (iii) A need-based maintenance plan is required for the WASH blocks after the defect liability period. A budget provision for routine maintenance of WASH blocks and water source needs to be kept in favor of SMC. And (iv) an environmental management system needs to be established at DPE and functional as part of the overall program's monitoring and evaluation system.

3. Involuntary Resettlement

15. **Policy and legal frameworks.** The key legal instrument for land acquisition in Bangladesh is the Acquisition and Requisition of Immovable Property Ordinance (1982) and its subsequent amendments in 1993, 1994, and 2017 provide the current legal framework in

Bangladesh for public purposes. The ordinance empowers the government to cover all cases of acquisition and requisition of immovable property (i.e., land, crops, built structures) for any public purpose or in the public interest. This ordinance does not cover project-affected persons without title or ownership records, such as *Uthulies* (informal settlers/squatters/encroachers), or *khas* land cultivators. Further, in most of the cases, the compensation paid does not constitute market or replacement value of the property acquired. In the proposed program, the need-based infrastructure construction is expected to take place within the school premises, which is planned through the PEPMIS. There will be no land acquisition for the program through eminent domain.

16. On the other hand, ADB's SPS (2009) and other development partners' policy require that affected persons and affected communities be compensated and assisted through replacement of acquired land, property, housing, infrastructure, resources, income sources, and services, in cash or kind, so that their economic and social circumstances will be at least restored to the pre-project level. All compensation is based on the principle of replacement cost as guided by ADB's SPS. In the continued absence of a National Resettlement Policy in Bangladesh, the SPS has formed the basis for the program's ESMF.

17. **Current practices, gaps identified, and mitigation measures.** In Bangladesh, land owners and government institutions have a long tradition to donate land for public welfare including schools. Voluntary donation of land usually involves the contribution by individuals for a project that has community benefits. Most of the schools are initially established by the community and later apply for government support to operate the school. In general, the donations process and agreement are being documented to ensure donation was free of coercion and does not lead to impoverishment of the donor. In the previous project, all the need-based infrastructures have been constructed within the school premises and no land was acquired or required for the purpose and thus it has not triggered any involuntary resettlement. No land acquisition and resettlement are also required for the proposed program, and thus no negative impact on the community people including women, vulnerable, and ethnic groups/communities will occur due to the land usage. In case additional land may be required to extend school facilities (specially for river eroded areas) beyond existing premises, this construction will not be covered under the program, but arranged from other projects under MOPME's management.

18. The proposed program will conduct vertical or horizontal extensions of school buildings within the existing land and boundary of school premises. Special requirement of school children and optimum utilization of resources like land have been followed and practiced in selecting the location in case of horizontal extension. According to the previous project's semiannual Social Safeguard Management Reports, DPE along with LGED, has consulted local community at all stages of all activities jointly with the SMCs and other relevant stakeholders. All relevant information (i.e. type of civil works, duration, etc.) have been displayed for community's prior knowledge and information on the information boards in front of schools and construction sites.

19. Criteria for need-based infrastructure in the proposed program are further improved from the previous project. The predesigned social safeguard screening formats have been used in selecting the schools. The primary schools located in remote or physically challenged area like hilly, coastal area, chars, haors, or contributing to the regional disparity received higher preference. Although majority of schools (83%) are in plain land where population density is very high, special attention was given to physically challenged area like hill (8%), haor (4%), and coastal areas (5%). Under the previous project, numbers of school cum cyclone shelters in the cyclone-prone areas and school cum flood shelters in the flood-prone areas have been constructed. In such cases, the ground floor of the school is kept open and the classrooms are

built at the first floor. The ground floors of such buildings are used for various community activities during the normal time.

20. Infrastructure facilities including water points and WASH blocks for quality water supply and sanitation in the primary schools of Bangladesh under the previous project had initially been provided by LGED but later these services were fully provided by DPHE. As all these infrastructures are built within the existing school premise and DPHE follows its intervention after LGED, it is assumed that all social screenings are also done. The ESMF is being used as a guiding principle to mitigate any arising social issues.

21. In all the steps including planning, design, and implementation of all the subprojects of the previous project, various social safeguard measures were taken to achieve the targeted objective and have positive impacts on the target population, community, as well as the society as a whole. However, in some location lack of coordination with school authority and between LGED and DPHE is observed. On the other hand, shortage of manpower in the field level makes it difficult to supervise or monitor the contractors' work.

4. Small Ethnic Communities

22. **Policy and legal frameworks.** Bangladesh do not have a stand-alone safeguard policy on SECs. However, provisions for promoting SECs' cultural practices, tradition, and knowledge are included in various legal plan and program documents. Government provides special privilege for development of the SECs and merges with the mainstream population like to enroll students in public educational institutions, recruit employees in public job sector, and others.

23. The development partners endorse the safeguard policies of ADB and the World Bank to foster full respect for indigenous peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the indigenous peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them. The framework of the small ethnic community plan (SECP) has been designed as part of the ESMF of this program by incorporating all these principles. The SECP ensures that the program activities in general, and the physical works, do not adversely affect SECs, and that they receive culturally compatible social and economic benefits and appropriate mitigation measures are taken for any unavoidable adverse impact for this program.

24. **Current practices, gaps identified, and mitigation measures.** In compliance with the safeguard policy of ADB (SPS 3), World Bank (OP 4.10), and other development partners, the previous project has given special attention to those schools where children of the SECs are studying in large percentage. These areas are in different parts of Bangladesh including Chittagong Hill Tracts. There is a dedicated database for the program with disaggregated data for SECs and gender. In selecting the schools for need-based infrastructure development, social safeguard screening formats (pre-designed) have been used to identify the schools with majority of SEC students and assured to give special attention to those schools to facilitate the SEC students in receiving education. It is remarkable that about 18.0% of schools have received the infrastructure facilities through the previous project with majority of students from SECs even though only 1.1% population of the country belongs to SECs. The district council of all three hill districts have constructed hostels adjacent to the school buildings. On top of that, in the remote area like Rowangchari community, people are establishing hostels by taking initiative through church or other institutions. Special arrangement is taken to appoint teachers from SEC groups

in these areas. For example, Chakma teachers are outnumbered and in reality, total Chakma population is also highest among all the SEC population of Bangladesh. With special attention, enrollment of SEC children has been increasing gradually and document is maintained for evaluation by major SEC groups.

25. The proposed program, by strengthening the school level improvement plan (SLIP) with enrollment-indexed fund allocation, and the upazila primary education plan with need- and performance-based allocation, will aim to better allocate resources to improve equity in education by reducing disparities in access and participation. Such strengthened interventions will also benefit SECs. The program will exclude activities that adversely affect the dignity, human rights, livelihood systems, or culture of SECs, or affect the territories or natural or cultural resources that SECs own, use, occupy, or claim as ancestral domain or an asset. The findings of the assessment indicate that the program may trigger SECs' safeguard requirements according to ADB's SPS (2009). The program is likely to have limited social impacts and risks by the limited civil works within existing school premises. The program outputs are expected to lead to positive impacts on the SECs.

26. Although the DPE, through its district/upazila offices, carries out regular consultation with local people and designs school-related civil works in a participatory manner, sub-project level SECP may need to be developed in terms of documentation and reporting based on the level of impact on SECs. Awareness raising and community level consultations with SECs are carried out regularly, but the documentation is weak with regard to this. Separate SECP is not prepared as the program is embedded with measures to ensure SEC participation through bottom up planning. However, a SECP framework prepared for the previous project will be followed for the proposed program to ensure that there is no adverse impact of the program activities at school level for SECs during implementation.

5. Grievance Redress Mechanism

27. It is expected that this program will not trigger any involuntary resettlement. However, it provisions a grievance redress committee (GRC), same as the previous project, to address grievances (if arises) on environmental and SEC issues. DPE will constitute the GRC at the upazila level, with memberships to ensure impartial hearings and transparent decisions. For membership of GRCs in Chittagong Hill Tracts and others heavily populated by SECs, any traditional conflict resolutions arrangements that are in practice will be considered. The GRC are proposed to have the following memberships: (i) upazila education officer (convener); (ii) union parishad member (or ward commissioner) from complainant's ward (member); (iii) headman/leader of the local SEC (member); (iv) representative of a local or national nongovernmental organization (member); (v) headmaster of the high school of the complainant's ward/area (member); (vi) headmaster of the primary school of the complainant's ward/area (member); (vii) a professor of college in the upazila headquarters (nominated by principal) (member); and (viii) a representative of the program consultant (member secretary).

28. The key functions of the GRC is to (i) record the complaints, (ii) settle the grievances in a consultative fashion, (iii) report to the aggrieved parties about the decision/solution, and (iv) forward the unresolved cases to higher authorities. The grievances should be resolved at the DPE level with decision agreed with the aggrieved person. However, the public grievance redress system has not been fully functional due to lack of awareness and capacity. The program envisages strengthening the grievance redress mechanism with capacity building at the upazila level and stronger supervision by the district primary education officer.

D. Safeguard Program Actions

29. The following key actions are proposed across all three safeguard areas (environment, indigenous peoples, and involuntary resettlement): (i) implement the updated ESMF for safeguards compliance; (ii) designate a safeguards team in DPE with an assigned social and environment officer or safeguards focal person; and (iii) build the capacity of relevant field personnel at the division level, including the ability to conduct impact assessment, continue meaningful consultations with affected households (including indigenous people), and disclose safeguards plans and reports. There is a safeguard planning and implementation risk arising from the low level of awareness and capacity among DPE, LGED and DPHE personnel, teachers, and SMCs regarding safeguard principles and their application. It poses a risk that screening and categorizing procedures are not consistently applied. Capacity building at different levels is necessary to implement the ESMF in the program successfully. The suggested capacity building measures include providing (i) environmental competency/human resources; (ii) training, orientation, and awareness-raising activities on environmental planning and management of school and school facilities; and (iii) mechanisms for coordination and for accessing specific environmental services such as water-quality test and disaster-resilient school building. The program shall enable the upazila-wise training need assessment on environmental and social risk identification.

30. The DPE will engage qualified and experienced safeguard specialist who will act as the focal person for leading the coordination and monitoring of safeguard aspects of the program. The safeguard focal person will coordinate with the safeguard personnel appointed by LGED and DPHE. DPE will mainstream safeguard requirements for all activities of the program and make critical interventions to facilitate safeguard compliance of all program activities. The safeguard focal person will formulate outlines of safeguard planning instruments which will be followed by all subprojects, that is, schools and local education-related agencies, in applying and approving building permits and implementing enhancement of existing buildings or construction of new buildings in the program.

31. Screening for environmental and social safeguard impacts and the formulation of appropriate safeguard planning instruments will be the responsibility of field level officials of LGED and DPHE. However, the safeguard focal person at DPE will remain responsible for their quality, implementation, and monitoring. The database at DPE should hold all important safeguard data which are easily assessable for planning and monitoring of safeguard compliance. The safeguard data shall be used to (i) establish the environmental baseline in the study area and identify any significant environmental issue; (ii) assess these impacts and advise on how to address the adverse impacts by provision of the requisite avoidance, mitigation, and compensation measures; (iii) integrate the environmental issues in the construction planning and design; and (iv) develop appropriate management plans for implementing, monitoring, and reporting the environmental mitigation and enhancement measures, as suggested.

32. A tentative budget for implementation of the ESMF and EMP will be prepared for the program. Part of this program includes quality, child- and disabled-friendly infrastructure. The DPE is coordinating these infrastructure activities, in close collaboration with LGED and DPHE, who directly engage and manage contractors. As part of the component on improving data systems, the annual primary school census and the PEPMIS will be reviewed and updated to ensure the generation of WASH-related information, which will also be incorporated into the program's education management information system's dashboards. Effective running of the ESMF will provide ongoing environmental and social benefits, cost savings, and contribute to building a safe and attractive work place culture. Budgeting and implementing the SLIP and upazila primary

education plan in the program for the school-level, small-scale maintenance of facilities such as cleaning WASH blocks will help improve the compliance.

33. Knowledge-sharing and training programs will be the key vehicle of increasing awareness of safeguards among DPE, LGED, DPHE, local governments, and schools. Training programs will be prepared by the safeguard focal person at DPE, in consultation with LGED and DPHE, and other participating agencies in the program. As part of training, handbooks, manuals, checklists, and safeguard plan templates will be prepared in Bangla by DPE for its affiliated institutions, local government offices, and schools. Safeguard handbooks with checklists for monitoring the construction sites, water resource/water blocks will be distributed by DPE to its affiliated institutions, and LGED/DPHE and their affiliated institutions. Specification of the requirement on routine screening of water quality by the DPHE shall be included in the memorandum of understanding (MOU) to be signed between MOPME and DPHE, with allocation of relevant budget. Meanwhile, in the MOU to be signed between MOPME and LGED, the requirement on safeguard compliance will continue, and the specification of safeguard relevant requirements will be included in the bidding documents and further in the contracts with local constructors as mentioned in the updated ESMF.

34. Key safeguard-related program actions have been incorporated in the program action plan (PAP), including (i) safeguard focal person/specialist assigned at DPE to strengthen the coordination of environmental and social safeguard (PAP 3.4); (ii) harmonized ESMF developed under the Third Primary Education Development Project updated, adopted, and operationalized for the proposed program (PAP 3.1); (iii) provision of requirement on disaster resilience of schools included in the infrastructure planning guidelines developed by LGED and monitored on its compliance during planning and implementation of constructions (PAP 1.7); (iv) WASH block maintenance manual adopted by DPE and hygiene promotion manual developed by DPHE (PAP 3.2); and (v) water quality test requirement included in the MOU signed between DPE and DPHE with sufficient budget allocated annually (PAP 3.3). Each action's detailed indicator(s), responsible institute(s), and timeframe are specified in the PAP. Meanwhile, the proposed program also plans certain activities that will contribute to improving safeguard compliance during program implementation. For example, the small-scale maintenance at schools will be supported by the updated SLIP, which will help improve the practice of cleaning WASH blocks on a regular basis. In addition, the orientation and capacity building training for relevant officials at DPE, district primary education offices, upazila education offices, and school level (including SMCs) will also help expand capacity and knowledge on good practices and procedures for safeguards compliance.